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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTIETH CONGRESS, FIRST SESSION.

VOLUME XLII.

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VOLUME XLII, PART V.

CONGRESSIONAL RECORD,

SIXTIETH CONGRESS, FIRST SESSION.

I know the gentleman so well that I know if the President were thumping at the gentleman the gentleman would thump back. [Laughter.] Nor am I charging for one moment that the President either did or could have prevented the gentleman from debating his own case. The gentleman is not afraid of the President nor of anybody else. But, in the President's argument concerning the matter, did he emphasize his point by thumping on the desk?

Mr. DIEKEMA. In answer to that, Mr. Chairman, I am glad to say that the President did not thump on the desk, but that the President, in his usual vigorous style, used gestures. [Laughter.]

Mr. WILLIAMS. Now, I would ask the gentleman this question. This report says that the President called him to account. Now, would the gentleman mind—if he objects to it, of course, I have no right to cross-examine him—would the gentleman mind giving to the House, to the best of his recollection, just the conversation that took place between him and the President upon this subject? Because if it be true that the President questioned or argued or debated with a Member of this House concerning his right to cast a vote, to make a speech, or to make a report in this House, he committed a breach of the privileges of the House. Would the gentleman mind answering the question?

Mr. DIEKEMA. I am very happy to answer that question. Mr. Chairman, the President did not agree with the result of the findings of this committee, and expressed his fear that the great work which Judge Wilfley had been doing in China in cleaning up corruption, in removing from there American corruptionists, in purifying the adminstration of the law in that distant land, might be hampered as the result of a misconstruction on the part of the Americans and the Chinese residing there of the meaning as expressed in our report, and felt that the committee might have been happier in expressing their conclusions in a different manner, such as in his opinion would not injure the American court and the administration of American justice in China, which, as he expressed to me as his opinion, had been raised to a wonderful height during the administration of Judge Wilfley, and had commanded the praise, not only of Americans, but of Chinese and of foreigners in Shanghai.

Mr. WILLIAMS. One more question and I am through. Did the President say that the subcommittee had no right to go on and make these reflections upon Judge Wilfley; that all they had the right to do was to say whether or not he was guilty of an impeachable offense?

Mr. DIEKEMA. He did not, nor did he intimate in the remotest sense that the committee had not a complete right to investigate and report on the whole subject. [Applause on the Republican side.]

Mr. WEBB. May I ask the gentleman a question? How long did the discussion last?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WEBB. I ask that he have five minutes more.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the gentleman from Michigan have five minutes more. Is there objection?

There was no objection.

Mr. DIEKEMA. About ten minutes, I should say. It is difficult to time oneself when engaged in a discussion.

Mr. WEBB. Tell us who first broached the subject, the gentleman or the President?

Mr. DIEKEMA. The President did.

Mr. WEBB. Was it in the public reception room?

Mr. DIEKEMA. It was.

Mr. WEBB. How many people were there?

Mr. DIEKEMA. I can not tell the gentleman.

The Clerk, proceeding with the reading of the bill, read as follows:

HOUSE OF REPRESENTATIVES.

For furniture, and materials for repairs of the same, $4,000.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $20,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment by direction of the committee, to go in as an independent paragraph.

The Clerk read as follows:

Line 11, page 2, insert:

"Public printing and binding: Printing and binding for the Department of the Interior, $85,000."

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that the bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that pension bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. CAPRON took the chair as Speaker pro tempore.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR.

The first pension business was the bill (H. R. 19463) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Jacob Ham, late of Company G, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Nugent, widow of Thomas Nugent, late second lieutenant Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of Jesse M. Taylor, late of Company G, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Hastings, late of Company A, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Lear, late of Company F, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willard I. Cowan, late of Company A, McLaughlin's squadron, Ohio Volunteer Cavalry, and Company C, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hughes, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Omer E. Huffmann, late of U. S. S. Reindeer and Abeona, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Bailey, late of Company I, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Dunn, late of Company H, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Hart, alias Edward Hart, late of U. S. S. Ohio and Ino, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary U. Robinson, widow of Thomas F. Robinson, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William N. Robinson, helpless and dependent son of said Thomas F. Robinson, this pension shall be reduced to $12 per month from and after the date of death of said William N. Robinson: *And provided further*, That in the event of the death of Mary U. Robinson the name of said William N. Robinson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary U. Robinson.

The name of George Brookins, late of Company I, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Recob, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Lange, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Wells, dependent mother of Francis Downs, late of First Independent Battery, Wisconsin Volunteer Light Artillery, and first lieutenant Company C, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Edmonson, late of Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Gillin, late of Company D, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Parker, late of Company K, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh Thompson, late of Company C, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Shaw, late of Company E, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Plymouth Davis, late of Company F, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert W. Pyle, late of Company G, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvester Gavett, late of Company I, Seventy-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas M. Montgomery, late of Company A, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Hartley, late second lieutenant Company E, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mansfield J. Cook, late of Battery A, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Smith, late of Company K, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Scharfe, late of Company F, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard C. Weir, late of Company K, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John L. Smith, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Hickey, late of Company E, Seventy-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Don A. Winchell, late of Company G, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry J. Hainey, late of Company A, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas L. Barkley, late of Company E, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin L. Calkins, late of Company I, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mitchell, late of Company G, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Minnie M. Andrews, helpless and dependent child of Homer J. Andrews, late of Company K, Twelfth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Aurelius J. Adams, late of Company K, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Winter, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David E. Homan, late of Company F, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Dupler, late of Twenty-second Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Blair, late of Company H, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice Morgan, helpless and dependent child of Pleasant A. Morgan, late of Company K, Second Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel F. Lowe, late of Company B, Fifth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jilson Blanton, late of Company B, Battalion, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noah Brown, late of Company K, Eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Sullenger, late of Company D, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram H. Lewis, late of Company F, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Skidmore, late captain Company B, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bridget Hayes, former widow of John Hayes, late of Company F, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jonathan C. Oylear, late of Company A, Sixth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Stone, late of Company F, Sixtieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Angeline Wilkerson, widow of Frank Wilkerson, late of Company B, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James L. C. Rouse, late of Company G, One hundred and sixty-seventh Regiment Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David B. Withrow, late of Company B, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonidas Cunningham, late of Company H, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Peter Mastaglio, late of Company G, First Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Icybinda Spaulding, widow of Charles S. Spaulding, late of Company C, Twenty-fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry Cox, late of Company H, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan U. Ballard, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua W. Howell, late captain Company K, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Briant, late of Company H, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Powell, late of Company H, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Merchant, late of Company K, One hundred and forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horace H. Johnson, late of Company C, Thirteenth Regiment New York State Militia Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Irvine, late of Company B, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph P. Dalton, helpless and dependent child of John J. Dalton, late of Second Independent Battery of Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The name of Adelbert M. Calkins, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and Forty-eighth Regiment, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha J. Long, widow of Robert H. Long, late major Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Oren M. Harlan, late of Company A, Fourteenth Regiment, and Company E, Sixth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin D. Childs, late second lieutenant Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Jackson, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and Company D, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wilson W. Brown, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi Ely, late of Company K, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Van Buren Crain, late of Company D, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David C. McMillen, late assistant surgeon, One hundred and sixty-third Regiment Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Penquite, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis H. Little, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph A. Ober, late unassigned, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harison F. Sperry, late of Company C, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Olivia E. Caswell, widow of John S. Caswell, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of Julius B. Work, late of Company G, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius Bell, late of Company D, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Crowder, late of Company F, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam B. Shepherd, late of Company G, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carlos Dart, late unassigned, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Adam J. Stahler, late of Company K, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan S. Page, late of Company I, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert D. Shaw, late of Company C, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mida W. Shepard, widow of Allen M. Shepard, late of Company C, One hundred and twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jerome B. Thomas, late of Company F, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Larue, late of Company K, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter W. Donahue, helpless and dependent child of James Donahue, late of Company E, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Andrew J. Peters, late of Company L, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet Mosely, widow of Bob Mosely, alias Bob Herndon, late of Company F, One hundred and twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Webb, late assistant surgeon, Forty-ninth Regiment Pennsylvania Militia Infantry, and acting assistant surgeon, United States Army, and pay him a pension at the rate of $12 per month.

The name of Conrad Ditmore, late first lieutenant Company H, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hair, late of Company B, and principal musician, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Omstead Larue, late of Company H, Thirty-second Regiment, and Company D, Sixteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia E. Young, helpless and dependent child of John Young, late of Company G, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Pierce, late of Company B, Twelfth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carrol J. Harrelson, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Minkler, late of Company C, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles K. Davis, late of Company A, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Magill, late of Company H, First Regiment Indiana Volunteer Cavarly, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry T. Howell, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Duncan, late of Company I, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Minor H. Greene, late first lieutenant, Company D, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Duckett, late of Company E, Ninth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noah Gross, late of Company C, Third Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Philogene M. Nichols, late of Company H, and second lieutenant Company I, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Hilliker, late captain Company I, Sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin P. Mitchell, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rachel E. Pool, widow of John P. Pool, late of Company F, Second Regiment Wisconsin Volunteer Cavalry, and Company H, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Richard Hudson, late of Captain Degg's company, Fifth Battalion, District of Columbia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William H. Spanburgh, late of Company C, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Lovell, late of Company I, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Penry, late of Company D, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Chapel, late of Company C, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The name of Edgar M. Quick, late of Company G, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edson Newbury, late of Company F, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Mills, late of Company C, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Chatfield, late of Company A, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clara C. Dillingham, widow of John Dillingham, late acting master commanding U. S. S. Morning Light, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James A. McVicker, late of Company F, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elon J. Tyler, late of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa D. Farnam, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and Company D, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Van Fleet, late of Company I, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moses Hays, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. McGowan, late of Company F, One hundred and thirty-sixth Regiment, and Company G, Forty-ninth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Hopper, helpless and dependent child of Samuel M. Hopper, late of Company I, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Thomas C. McGrath, late of Company K, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Erdman, late of Company C, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton E. McClure, late of Company E, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie R. Schott, widow of William P. Schott, alias Jacob Schott, late of Company F, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Jonathan H. Sykes, late of Company F, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Camp, late of Battery C, First Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles J. Burget, late of Company C, First Battalion Mississippi Marine Brigade, Volunteer Cavalry, and Company E, Marine Regiment, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sanford Morse, late of Company B, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Eddy, late of Company D, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel W. Read, late of Company D, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Loughlin, late captain Company C, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pleasant Umphrey, widow of Enoch Umphrey, late of Company C, Fifty-third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Day Wheeler, late of Companies D and B, Eighth Regiment Missouri Volunteer Infantry, and second lieutenant Company G, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next pension business was the bill (H. R. 19475) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Elizabeth Moody, widow of John B. Moody, late of Captain Roberts's company, Florida Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Kizzie Gill, widow of Jeremiah Gill, late of Captain Johnson's company, First Regiment (Bailey's) Florida Mounted Militia, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Robert J. Whitehurst, late of Captain Lesley's company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Carl F. Schultz, late of Company G, Second Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas J. Long, late of Captain Snell's independent company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Alfred Johnson, late of Troop F, Ninth Regiment United States Cavalry.

The name of William Firth, late of Company A, Sixth Regiment United States Infantry, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Evelyn G. Regan, widow of James Regan, late colonel Ninth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George W. Tucker, late of Captain Bailey's Company A, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Francis Marion Harrison, late of Capt. J. J. Grumble's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Alice K. F. Martin, widow of John T. Martin, late captain, Artillery Corps, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said John T. Martin until she reaches the age of 16 years.

The name of Flemon Bole, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Andrew J. Arendell, late of Company C, First Regiment Tennessee Volunteer Infantry, war with Spain.

The name of Rebecca Van Walraven, dependent mother of Lee A. Van Walraven, late of Company C, Second Regiment New Jersey Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Isapheney Hardin, widow of William R. Hardin, late of Company G (Captain Turner's), First Regiment Georgia Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Priscilla A. Nicolson, widow of John O. Nicolson, late lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Hiram A. McLeod, late of Captain McLeod's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George R. Wolf, late of Company A, Fourth Regiment Wisconsin Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Emily C. Cooper, widow of Hillary Cooper, late of Company D, Palmetto Regiment South Carolina Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Nannie E. Lenderman, widow of John K. Lenderman, late of Company H, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Mary Fowler, widow of Richard Fowler, late of Company A, Twelfth Regiment United States Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Harry A. Bishop, late of Company K, Seventh Regiment Ohio Volunteer Infantry, war with Spain.

The name of James N. Skiff, dependent father of James N. Skiff, late of Company H, Sixty-ninth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Genevieve P. Hosley, widow of Harry H. Hosley, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jesse Johnson, late of Company D, First Regiment United States Infantry, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

Mr. LOUDENSLAGER. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 3, line 19, add the letter "s" to the word "Bole."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR.

The next pension business was the bill (H. R. 19737) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James A. Brown, late of Company D, Eleventh Regiment, and Company K, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William K. Turner, late of Company G, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert McKee, late of Company A, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Ure, late of Company H, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Satory, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Grapen, late of Company F, First Regiment Missouri State Militia Volunteer Infantry, and Company F, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Volney B. St. John, late of Company A, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Morse, late of Company B, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Orson N. Coon, late of Company H, Third Regiment Wisconsin Volunteer Cavalry, and Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melvin P. Giles, late acting third assistant engineer, ranking with midshipman, U. S. S. Naumkeag and Alexandria, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hock, late of Company C, One hundred and eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abel E. Titus, late of Company B, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Osborne, late of Company H, Eighty-eighth Regiment Indiana Volunteer Infantry, and Company A, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Burnes, late captain Company L, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Carney, late of Company F, Thirteenth Regiment Connecticut Volunteer Infantry, and Company A Battalion, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Webster, late of Company B, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Criswell, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam Curry, late of Company B, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose S. Wildey, late of Company B, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Richardson, late of Company F, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Percy H. Dunkin, late of Company E, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Hill, late of Company A, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas M. Abers, late of Company E, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John F. Hanson, late of Company K, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Beman Follett, late of Company B, First Regiment United States Volunteer Sharpshooters, and Company I, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lindsay Roop, late of Company A, One hundred and fortieth Regiment, and Company H, Fifty-third Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Jenkins, late of Company D, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Brown, late of U. S. S. Ohio, North Carolina, and Wyoming, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Carter, late of Company G, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Hoofer, late of Company D, Second Regiment, Eastern Shore, Maryland Volunteer Infantry, and Company I, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Plummer, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theresa B. Hanson, widow of Other P. Hanson, late of Company D, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William S. Warner, late of Company I, Thirty-eighth Regiment Ohio Volunteer Infantry and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank H. Cotteral, late of Company H, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. McClintock, late of Company K, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Achor, late of Company D, and band, Forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles B. Peet, late of Company B, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Southworth, late second lieutenant Company H, Eighth Regiment Illinois Volunteer Cavalry, and captain Company C, Sixteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Wright, late of Companies H and A, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Kirby, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen A. Signor, late of Company C, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Morris, late of Company M, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stephen Townsend, late of Company M, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert K. Robinson, late surgeon, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles S. Bottomly, late of Company C, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albino Vigil, late second lieutenant Company B, First Regiment New Mexico Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of Garret Jones, late of Company K, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Dewitt, late principal musician, band, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Gibson, late of Company A, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Smiley, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Urick, late of Company B, Twenty-second Regiment Kentucky Volunteer Infantry, and Company A, Seventh Regiment Kentucky Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Rowe, late of Company B, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Coleman, late of Company G, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Townsend, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Lee, late of Company M, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lyman Blowers, late of Company E, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bennager Odell, late of Company E, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Tyler, late of Company C, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas M. Phibbs, late of Company K, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Brittain, late of Company K, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Smith, late of Company H, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Clifford, late of Company H, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ambrose Pratt Stone, alias Pratt Stone, late of Company A, first lieutenant Company D, and captain Company F, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel B. Hendricks, helpless and dependent child of Henry C. Hendricks, late of Company E, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Frances E. Kennedy, widow of Orlando Kennedy, late of Company A, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Zelotus L. Place, late of Company D, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melvin A. Cary, late of Company E, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O. Tuell, late of Company F, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Walker, late first lieutenant Company D, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Clement, late of Company A, Sixteenth Regiment Maine Volunteer Infantry, and Company B, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David L. Bush, late of Company A, Third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Hall, late of Company K, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan R. Wright, late of Eighth Independent Company Ohio Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Martin, late of Company B, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Morgan, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Colby, late quartermaster-sergeant, Eighteenth Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Mothersbaugh, helpless and dependent child of James M. Mothersbaugh, late of Company E, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $12 per month.

The name of Peter Lunsford, late of Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Miller, late of Companies H and B, Ninetieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Nelson, late of Companies E and I, Seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Smith, 2d, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Turner, late of Company K, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore B. Brannan, late of Battery F, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Durr, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Conklin, late of Company L, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Lyon, late of Company C, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William G. Otis, late of Company K, Thirty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Madison, late of Company E, Forty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Umstead, widow of Peter Umstead, late of Company G, Forty-fifth Regiment Pennsylvania Emergency Militia, and pay her a pension at the rate of $8 per month.

The name of Henry C. Gosling, late of Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Tobias, late of Company F, Thirty-seventh Regiment Pennsylvania Volunteer Reserve Infantry, and Company I, First Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Crouch, late of Company A, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Almeda Clark, widow of Moses P. Clark, late captain, Sixth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of George G. Sherlock, late of Company I, Fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Wrangham, late of Company E, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles Van Horn, late of Twelfth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Jackson, late of Company F, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James L. Wheeler, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Veach, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza Calver, widow of George W. H. Calver, late assistant surgeon, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Martha G. Calver, helpless and dependent daughter of said George W. H. Calver, this pension shall be reduced to $12 per month from and after the date of death of said Martha G. Calver: *And provided further*, That in the event of the death of Eliza Calver the name of said Martha G. Calver shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Eliza Calver.

The name of Napoleon B. Beaulieu, late of Company E, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel S. Boyer, late of Company I, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M. Walrath, late of Company C, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ferdinand Spies, late second lieutenant Company E, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward A. True late captain Company H, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bowzer, late of Company C, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Taylor, widow of Boles Taylor, late of Second Battery New Jersey Volunteer Light Artillery, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Thomas J. De Bolt, late of Company C, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Albright, late of Company I, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elmadorus P. Cochran, late of Company C, Second Regiment United States Volunteer Sharpshooters, and Company C, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Hyson, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Boldt, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Bausum, late of Company K, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel M. Ruch, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Eggleston, late captain Company D, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darius Heath, late of Company D, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of William P. Ray, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and Company E, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Stephens, late of Company B, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and Company B, Twenty-second Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Hibner, late of Company F, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Trowbridge Suwarrow, late of detachment of cavalry, United States Military Academy, West Point, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Given, late of Company B, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, and Company D, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rollin R. Hotchkiss, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin W. Braman, late of Company D, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zalmon B. Allee, late of Company B, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Watson, late of Company H, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Carroll, late of Company C, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Martin, late of Company B, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Magee, late of Company F, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eugenius Jenkins, late of Company C, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas Corson, late second lieutenant Company G, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. McCrady, late of Company I, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira B. Timmons, late of Company G, Twenty-fifth Regiment, and Company K, Seventeenth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Crugom, late drum major First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Bentley, late of Company K, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and Company D, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Radford, late of U. S. S. Ohio, Vincennes, and North Carolina, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Terwillegar, late of Company B, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Harman, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gilbert S. Main, late of Company E, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas P. McCracken, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna E. Webb, helpless and dependent child of James Webb, late of Company C, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Josiah F. Kirk, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and Company F, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Osgood, late captain Company E, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Davis, widow of Daniel Davis, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Charles Walley, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Willis G. Craddock, late of Company A, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orrin Nason, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Mendenhall, late of Company F, First Regiment Ohio Volunteer Infantry, and late of U. S. S. Grampus, Ouachita, and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bela L. Burr, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SULLOWAY. Mr. Speaker, I offer the following amendment, which I send to the desk. The beneficiary named is dead.

The Clerk read as follows:

Page 3, strike out lines 8, 9, 10, 11, and 12.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR.

The next pension business was the bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary L. Chase, widow of Washington I. Chase, late captain Company H, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary C. Nason, widow of Christopher C. Nason, late of Company B, Fourth Regiment California Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Orrin V. S. Van Denburg, late of Company L, Twelfth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert T. Sedam, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Peabody, late captain Company A, Ninety-first Regiment, and Company A, Seventy-fourth Regiment, United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Russell, late of Company L, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hezekiah Coe, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay to him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Winfield S. Delenger, late of Company G, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Bell, late of Company D, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Arthur H. Parsons, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel M. Graham, late of Company K, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Millie Lepard, widow of Andrew J. Lepard, late of Company A, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles A. Hunter, late of Company E, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Carpenter, late hospital steward, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Snyder, late of Company H, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Owen Jones, late of U. S. S. North Carolina, Pembina, and Minnesota, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emanuel Schamp, alias Emanuel Benton, late of Company E, Twenty-first Regiment Ohio Volunteer Infantry and Twenty-first Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel S. Dotson, late of Company L, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilalmous McCarty, late of Company I, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Sargent, late of Company E, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George G. Sargent, late of Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of R. M. Musser, late first lieutenant Company D, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Tristrim Glidden, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Cooper, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Gile, late captain Company D, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin Dye, late of Company E, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cordelia A. Young, widow of Spencer W. Young, late second lieutenant Company B, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of William H. Robinson, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gabriel Sams, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles Gunter, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Johnson, late of Company A, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin L. Hartley, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Watkins, late of Company D, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah P. Brannigan, widow of Felix Brannigan, late first lieutenant and adjutant, One hundred and third Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of Edmund W. Flynn, late of Companies I and B, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucius A. Lovelace, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wellington K. Moore, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac V. Du Bois, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Heminger, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Detwiler, late of Company H, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Hughes, late of Company B, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel W. Brown, late of Company G, Eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel H. Fairchild, late of Company F, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander L. Morton, late of Captain Stufft's independent company, Indian Scouts, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Warner, late of First Company, Massachusetts Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Powell, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Atwood, late of Company K, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Schwendener, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enoch S. Eastman, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George L. Freeman, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth S. Hensley, widow of Thomas S. Hensley, late of Company K, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel A. Kimball, late of Company M, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura E. Pritchard, widow of Charles O. Pritchard, late of Companies B and A, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Frank N. Burdick, late assistant surgeon, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William Cody, late of Company G, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Irvin Allen, late of Company A, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph N. Foster, late of Companies B and D, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Lyons, late of Company A, First Regiment, and unassigned Ninth Regiment, Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. Eastman, late of Company B, and captain Company E, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha W. Hatch, widow of Moses W. Hatch, late of Company E, Fourth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Daniel Snell, late of Company A, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Lewis, late of Seventh Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leonard Davis, late of Company M, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy Bresnahan, late of Company I, Second and Twentieth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Nathaniel Davis, late of U. S. S. Galatea, Powhatan, and Ino, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Eastman, late captain Company B, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Wood, late of Company D, First Regiment Wisconsin Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Maggie Greenly, widow of Jesse H. Greenly, late of Company D, Third Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Daniel Manning, late of Company I, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria A. Edie, widow of Christopher Edie, late of Company C, Twelfth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Jincy Powell, widow of Ansil D. Powell, late captain Company B, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary B. Worley, dependent mother of John W. Worley, late of Company F, Ninth Regiment Kentucky Volunteer Infantry, and Company F, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment recommended by the committee was read, as follows:

On page 9 strike out lines 1, 2, 3, and 4, inclusive.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY.

The next pension business was the bill (H. R. 19863) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Susan Wigley, dependent mother of Charles V. Wigley, late of Company C, Forty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $18 per month in lieu of that she is now receiving.

The name of Charles M. S. Ronsholdt, late of Company C, First Regiment Illinois Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Sarah N. Clark, widow of William R. Clark, late of Captain Stephen's company, First Regiment Florida Mounted Volunteers, Florida Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of James T. Roberts, late of Troop F, Seventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Lucy Tucker Catlett, widow of John Catlett, late of Company A, Captain McGowan's Second Regiment Tennessee Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Charles J. Tribble, late of Troop D, Seventh Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $8 per month.

The name of Ellen J. Johnson, widow of Isaac Johnson, late of Captain Battle's company, Second Regiment Tennessee Mounted Volunteers, Florida Indian war, and pay her a pension at the rate of $8 per month.

The name of Martha Ann Pruett, widow of George W. Pruett, late of Captain Dickerson's company, Third Regiment North Carolina Volunteers, Cherokee Indian disturbances, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of John E. Fillmon, late of Captains Curry and Fitzgerald's companies, Florida Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Amelia M. Salmon, widow of Jefferson D. Salmon, late of Company B, First Regiment Georgia Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Lina V. Dietz, widow of Ernst P. Dietz, late captain Company B, First Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month, and $2 per month additional on account of the minor child of the said Ernst P. Dietz until she reaches the age of 16 years.

The name of Anna S. Patrick, widow of Benjamin F. Patrick, jr., late captain, Forty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of William F. Mead, late of Troop H, Second Regiment United States Cavalry, and pay him a pension at the rate $46 per month.

The name of John W. Lannier, late of Captain Sparkman's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Katherine Collins, dependent mother of John J. Kehoe, late of Company G, Second Regiment Oregon Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Olinda A. Darby, widow of John W. Darby, late of Captain Bradley's independent company, Florida Foot Volunteers, Seminole Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Arthur A. Piens, late of Astor Battery, United States Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $8 per month.

The name of Levi Castle, late first lieutenant Company E, First Regiment Idaho Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Renwald, late of Company G, Fifth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth H. Shannon, widow of Thomas E. Shannon, late of Captain Chesnut's company, South Carolina Volunteers, Florida Indian war, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Rufus W. Cobb, late of Captain Long's company, Hay's Regiment Texas Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $20 per month.

The name of George W. Mason, late of Company A, First Regiment Kentucky Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah J. Paynter, widow of Christian Paynter, late second lieutenant Company D, Second Regiment Indiana Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Carl Roepke, late of Company A, Fifth Regiment United States Cavalry, war with Spain.

The name of Andrew A. Boyet, late of Capt. H. V. Snell's independent company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Charles W. Freund, late of Company C, Sixty-ninth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $8 per month.

The name of Benjamin Brown, late of Companies C and H, Twenty-fourth Regiment United States Infantry, and pay him a pension at the rate of $25 per month.

The name of Andrew J. Baldwin, late of Capt. Oliver Shead's company, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Joseph R. Ralston, late of Company C, First Regiment Oregon Riflemen, Cayuse Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Margaret L. Campbell, widow of Thomas M. Campbell, late of Company E, Third Regiment Kentucky Infantry, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Susan T. Day, widow of Joel A. Day, late of Company G, Third Regiment Kentucky Volunteers, war with Mexico, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be engrossed for a third reading, and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. LOUDENSLAGER, a motion to reconsider votes by which the several foregoing pension bills were passed was laid on the table.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, with Mr. CAPRON in the chair.

Mr. GILHAMS. Mr. Chairman, I desire unanimous consent to return to pages 6 and 7 of the bill under consideration, and offer the following amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 22, after the word "dollars," insert "for the acquisition of sites and the erection of buildings for the use of the Weather Bureau, and for all necessary labor, materials, and expenses, plans and specifications to be prepared by the Secretary of Agriculture, and the work done under the supervision of the Chief of the Weather Bureau, not to exceed $45,000.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF ANIMAL INDUSTRY.

Salaries, Bureau of Animal Industry: One chief of Bureau, $5,000; one chief clerk, $2,000; one editor and compiler, $2,000; four clerks of class 4; five clerks of class 3; thirteen clerks of class 2; thirteen clerks of class 1; eight clerks, at $1,000 each; three clerks, at $900 each; two clerks, at $840 each; three clerks, at $720 each; one mechanic, $1,200; one messenger and custodian, $1,000; one carpenter, $1,100; one messenger, $840; three messengers, at $720 each; one skilled laborer, $840; one skilled laborer, $720; two skilled laborers, at $600 each; one skilled laborer, $660; one illustrator, $1,400; in all, $83,660.

Mr. LEVER. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I wish to reserve the point of order on some language in line 8.

Mr. LEVER. Mr. Chairman, we witnessed the amazing spectacle this morning of a Representative on the floor of this House expressing his gratification and his pleasure at the fact that he had been permitted to discuss a proposition with the President of the United States. His statement of the fact seemed to bring a smile of joy to the faces of our friends across the aisle, because, I presume, it is the first indication from the White House that these gentlemen are to be permitted to discuss great problems with the President of the United States. In the past Members of his House have not been so fortunate as the gentleman from Michigan was. There was a time when the President called one of the Members of this House to a very severe accounting, to such an accounting as lost him his seat on the floor of this House. Members of the Committee on Agriculture and Members of this House will recall the discussion relating to the meat-inspection bill that passed Congress in the Fifty-ninth Congress. They will recall, too, a series of remarkable letters passing between the President of the United States and the then chairman of the Committee on Agriculture, Mr. Wadsworth. They will recall, too, that this stanch Republican, this strong partisan, but withal this good man and patriot, the then chairman of that committee, does not hold a seat on the floor of this House at present, for the reason that the big stick of the White House was used against him in his district and drove him from public life. On June 14, 1906, the President of the United States wrote to Mr. Wadsworth a letter relative to the meat-inspection bill. In this letter we find the following language:

Perhaps the amendment as you have now drafted it is not quite as bad as it was when you submitted it to me in the first instance, but it is very, very bad. There seems to be one point in which it is possible that the amendment is even worse than the original amendment if, as seems likely, there is no provision making plants accessible at all hours to the inspectors. In any event I am sorry to have to say that this strikes me as an amendment which, no matter how unintentional, is framed so as to minimize a chance of rooting out the evil in the packing business.

Further on he says:

Doubtless it suits the packers.

Further on he says:

It would hamper in the most grossly improper fashion the Secretary of Agriculture doing the work which you have appointed him to do.

And further on he says:

It seems to me that the surest way to keep our foreign trade from us, and, indeed, our interstate trade likewise, in a thoroughly unsatisfactory condition, and to prevent its resuming a position which it formerly had, is to enact the law in the shape of the proposed amendment submitted to me by you.

To this Mr. Wadsworth replied, and he calls attention to the mistake of the President in this language:

If you will turn to page 4 of the bill (copy inclosed), line 2, you will find the following words: "And for the purposes of such examination and inspection said inspectors shall have access at all times to every part of said establishment."—

Although the President, in his letter to Mr. Wadsworth, called attention to the alleged fact that this provision was not in the bill. Further on Mr. Wadsworth called attention to the fact that—

The Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purpose of interstate or foreign commerce, to be made during the nighttime, as well as during the daytime.

That is the provision of the bill which was submitted to the President, and yet in the face of that provision the President writes to Mr. Wadsworth, as the chairman of the great Committee on Agriculture, and points out, or attempts to point out, the fact that one of the weaknesses of the bill was the fact that no provision was made for night inspection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman can not make that motion——

Mr. MANN. There is a point of order pending.

Mr. LEVER. Then, Mr. Chairman, I ask unanimous consent to continue my remarks for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to continue his remarks for five minutes. Is there objection? (After a pause.) The Chair hears none.

Mr. LEVER. Now, Mr. Chairman, the President in this letter has made the statement that this bill framed by the Committee on Agriculture, if enacted into law, would be ruinous to the foreign trade of America in meat products. Let us see what the workings of this bill have been. Let us see how they tally with the judgment of the President. I wish to read from the hearings of last year the testimony for the benefit of the House for the purpose of showing that the Chief Executive does not hold within himself all wisdom, all virtue, and all patriotism; that there are left in this country at least a few men who have a little sense, a little patriotism, and a little virtue. I will read from page 228 of the hearing, as follows:

Doctor MELVIN. The general action of the bill has been found to be very effective, and there is no doubt that it has resulted in a great deal of good, and I would not like to endanger it by suggesting changes.

Now, on page 243, Mr. LEVER asks the question:

If you will pardon me a moment, Mr. Chairman, I want to get this clear. We will take Doctor Melvin back a little bit. We had a severe agitation last year about this meat business—the packing business. I want to ask the Doctor whether or not in his opinion that agitation hurt seriously the export trade in meat and meat products.

And understand, gentlemen, Doctor Melvin is the man commissioned by the Secretary of Agriculture to enforce this meat-inspection law, and has more knowledge concerning it than any man, perhaps, in the country. To that question Doctor Melvin answered:

There is no doubt but what it did for a time.

Referring to the agitation:

Mr. LEVER. For a time. Now, I want to ask you this—if this bill prepared by this committee has had any effect whatever in restoring the confidence of our foreign buyers of meat and meat products, and are we beginning to get back on a normal basis in the export of these products?

Doctor MELVIN. Yes; I think we are, quite rapidly.

Mr. LEVER. Is it your opinion that it is the result of this bill?

Doctor MELVIN. Yes.

Mr. LEVER. Prepared by this committee?

Doctor MELVIN. Yes.

But let us go a little further. The bill had been in operation only about seven months when Doctor Melvin made that statement, which is an absolute demonstration of the fact that the President spoke without information in his letter to Mr. Wadsworth, and not only that, but his judgment was bad as to the effect of this bill.

In the hearing before the Committee on Agriculture on the estimates of appropriations for the fiscal year ending June 30, 1909, this same question came up. Let us see what the statement of Doctor Melvin is now after the bill has been in operation nearly two years:

Mr. COLE. Mr. Chairman, I was not here yesterday and I would like to ask one question. How is the meat inspection coming on; is it satisfactory?

Doctor MELVIN. Very satisfactory.

Mr. COLE. Are you asking for any amendments of the law?

Doctor MELVIN. No, sir; we have not asked for any this year. We considered it advisable to work under the present law for two or more years and ascertain very definitely whether any essential changes were necessary before suggesting any. There have been several of minor importance that have occurred to me, and probably next year we may come in with a recommendation for these minor changes.

So that, after this bill has been in operation for eighteen months, it is found by the man charged with the enforcement of the law that he can make no recommendation for any change, that he can suggest nothing but minor changes that might be of any value. But, Mr. Chairman, the President of the United States drove from power and from office the chairman of this committee because he had the nerve and patriotism to stand up for his rights and stand up for truth as he saw it. [Applause.]

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] desire to be heard on the point of order?

Mr. SCOTT. Mr. Chairman, I understand the gentleman reserves the point of order.

Mr. FORNES. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, in relation to this bill it is a fact that the Department has accomplished, by its energy and through the great help of the committee which has just made such an excellent report, splendid results in the country. But, however productive our fields, our mines, or our forests, the value thereof depends largely upon the facility of transporting those products, and that facility, as a rule, cheapens the cost thereof. I therefore think that at this time it is quite proper for me to refer to the House resolution introduced by me in the early part of this session, and the amendment thereof introduced last month, namely, the bill H. R. 17417, and I desire to submit and to have inserted in the RECORD a statement thereon which has a bearing upon the Agricultural Department of our Government. I desire that privilege, and I hope the House will grant it.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. FORNES. The bill is as follows:

A bill (H. R. 17417) providing for the survey of a ship canal from Benton Harbor, on Lake Michigan, to Toledo, on Lake Erie.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made under the supervision of the Chief of Engineer Corps, United States Army, and report to Congress, in detail, the cost of the project for the establishment of a ship canal from the most available southerly point on the eastern shore of Lake Michigan, at or near Benton Harbor, in the State of Michigan, to the most available westerly point of Lake Erie, terminating in the vicinity of the city of Toledo, in the State of Ohio, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

Mr. Chairman, respectfully referring to the bill introduced by me (H. R. 17417) providing for the survey of a ship canal from Benton Harbor or vicinity, on Lake Michigan, to Toledo, on Lake Erie, I beg to submit the following statement in favor of same:

The cost of transportation is paid by the producer or the consumer. The amount of such cost has a fixed basis, calculated upon distance, time, and safety; hence if these principal elements which establish the rate of transportation can be reduced the producer has the trade advantage, both domestic and foreign, the purchaser the benefit of the lower prices.

The construction of a ship canal of ample dimensions connecting the lower easterly shore of Lake Michigan with Lake Erie at or near Toledo, Ohio, would lessen the shipping distance more than 500 miles between the great and constantly increasing commercial ports of Chicago, Milwaukee, and other shipping points on Lake Michigan and Lake Erie. This route, being in a more temperate climate, would lengthen the annual navigation period by fully a month. It would largely decrease the loss through shipwreck in the dangerous early spring and autumn storms, so prevalent in the zone of upper Lake Michigan and Lake Huron. It would avoid the shallow waters of the St. Clair River and Lake St. Clair, also the Detroit River, which are all serious obstacles to navigation. There would be no perceptible current in the canal, the altitude between Lake Michigan and Lake Erie being 14 feet only, or about half an inch a mile. The construction of this proposed canal seems to me most imperative, in order that the vast and constantly increasing commerce between the Middle and Northwestern fertile sections of our country and the Atlantic ports will not be diverted through the Canadian channels. If not already a settled fact, it is safe to assume that the Dominion of Canada will connect the Georgian Bay with the St. Lawrence River or Lake Ontario by a ship canal. Such a line would attract a large amount of freight from our lakes on account of the shortness of the route. A report made by the underwriters at Chicago January 11, 1908, states:

During the season of navigation on the Lakes, just closed, 38 vessels, with a total tonnage of 27,010, passed out of existence. With the exception of one steamship, all the boats lost were freighters. The aggregate loss in value was $1,692,000. This does not of course include large amounts which were paid out by the underwriters for partial losses. This latter amount doubtless exceeds the aforesaid amount. The season was remarkable for the number of disastrous collisions on the route between Lake Huron and Lake Erie, being 129 out of a total of 534.

Assuming that the ship canal would lessen this loss by but one-third, equivalent to at least $1,000,000 a season, not mentioning even the far more valuable loss of human life, this saving alone would more than pay the interest on the capital invested.

During the year 1907, 23,721 vessels passed through the Detroit River with a tonnage of 48,958,328, as compared with 24,077 with a tonnage of 46,072,618, showing that the vessels are growing larger, as well as the business. The merchandise traffic of 1907, through the Detroit River, amounted to 67,292,504 net tons, as compared with 60,578,155 net tons in 1906. Of the western shipments of 20,326,311 tons, 18,427,121 tons were coal from the mines in Pennsylvania, Ohio, and West Virginia. The total lake commerce for 1907 was 10 per cent greater than 1906 and 20 per cent greater than 1905.

The approximate grain shipments yearly from Lake Michigan ports to Buffalo is reported as 80,000,000 bushels, the average

freight charges and insurance being 3 cents a bushel. The ship canal would, owing to the shorter distance, lower the insurance rate, decrease the freight and insurance charges at least one-third, or $800,000. Again, a longer navigation season would increase the total shipments, hence increase materially the amount saved. Shipments from Lake Erie ports to Lake Michigan ports are reported at about 17,000,000 tons. Applying the same economy on account of the distance and length of season, an additional saving of about $700,000 is obtained, or a million and a half annually on these two items of freight, or a return of 6 per cent on an outlay of twenty-five million, which in my judgment, is an amount far in excess of the cost of a canal of ample dimensions. It is admitted that the commerce of our country, both domestic and foreign, urgently demands increased shipping facilities and at a reduced cost. The millions of people of the Middle and Northwestern States will obtain their coal, farm implements, and household goods cheaper; and, likewise, at least 15,000,000 people of the Atlantic coast States will obtain the necessaries of life at less cost, saving the poor breadwinner on the indispensable article, flour, at least 10 cents a barrel, saved because freight is lower and the time in transit lessened.

The Empire State, New York, fully realizing the urgent demand for improved and cheaper freight-carrying methods, appropriated recently over $100,000,000 for the improvement and enlargement of the Erie Canal. In other words, less than one-eighth of the population of the United States assumed a debt of over one hundred million for the benefit of the nation's commerce in the matter of more extensive exports of our farm and mineral products on account of lowering freight charges against them and improving shipping facilities.

To illustrate the wisdom of these expenditures by the State and the nation, the wonderful increase in lake commerce should clearly suffice, viz., the total shipments by lake in net tons in 1906 were 73,600,648; in 1907, 83,387,319. Coal shipments in 1906 were 17,575,917 tons, and 19,388,414 tons in 1907. Contemplate, if possible, the extent of the lake and canal commerce twenty-five or fifty years hence, when more than the outlay has been liquidated by the economy it established, the property and life saved, and as time goes on, its usefulness and benefits increase, for the more numerous the time-saving methods adopted the greater the ability to meet competition in trade with other nations. The canal toll should not exceed the cost of maintenance and interest on the United States Government bonds, running fifty years, with 2 per cent per annum for the sinking fund, to liquidate the bonds.

I herewith submit various committee reports of former endeavors in behalf of this undertaking, namely:

Report of the Committee on Railways and Canals dated June 19, 1878, House Report 1010, Forty-fifth Congress, second session, to accompany House bill 3660, recommending an appropriation of $15,000 for the survey.

Report of the Committee on Railways and Canals dated January 23, 1880, House Report 155, Forty-sixth Congress, second session, to accompany House bill 994, recommending an appropriation for the survey.

Report of the Committee on Railways and Canals dated May 6, 1886, House Report 2294, Forty-ninth Congress, first session, to accompany House bill 4971, recommending an appropriation of $30,000 for the survey.

I ask that these reports be annexed to my statement and be printed in the RECORD in connection therewith; also I desire to have inserted that portion of the President's message to Congress on March 25, 1908, in reference to waterways, to wit:

Ample provision should be made for a permanent waterways commission, with whatever power is required to make it effective. The reasonable expectation of the people will not be met unless the Congress provides at this session for the beginning and prosecution of the actual work of waterway improvement and control. The Congress should recognize in fullest fashion the fact that the subject of the conservation of our natural resources, with which this commission deals, is literally vital for the future of the nation.

[House Report No. 1010, Forty-fifth Congress, second session.]

WATER TRANSPORTATION BETWEEN LAKES MICHIGAN AND ERIE.

June 19, 1878, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Hazleton, from the Committee on Railways and Canals, submitted the following report (to accompany bill H. R. 3660):

The Committee on Railways and Canals, to whom was referred the bill (H. R. 3660) to provide for a water route to facilitate transportation between Lake Michigan and Lake Erie, having considered the same, report:

That on behalf of 6,500 citizens of Michigan, who have presented a petition asking that a survey be made for a canal to connect Lake Michigan and Lake Erie, the following statement has been presented to the committee:

"The annual commerce of the States tributary to the lakes is over $500,000,000.

"The annual loss of property on the lakes, between Chicago and Detroit, is not less than $1,500,000.

"The saving of distance between Chicago and Detroit by this proposed canal is over 500 miles.

"It is estimated that a saving of 1 cent a bushel on the grain exported from Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Missouri would pay a very large interest on the cost of the proposed canal.

"From two to three days in time of transit between Lake Michigan and Lake Erie would be saved by the proposed canal and from eight to ten weeks of navigation gained in the spring and autumn.

"It is estimated that a toll of 5 cents per ton would pay the entire cost of the canal and expenses of operating it in twenty years."

Without expressing any opinion on the representations made, the committee are of the opinion that the project is of sufficient importance to warrant a survey by the Government to determine whether there is a practicable route for a canal to connect Lake Michigan with Lake Erie and what would be the probable cost of constructing the same.

We reccommend that the bill be amended by striking out the words "thirty-five," in the eighth line, and inserting in lieu thereof the word "fifteen," and that the bill be passed with that amendment.

[House Report No. 155, Forty-sixth Congress, second session.]

WATER ROUTE BETWEEN LAKES MICHIGAN AND ERIE.

January 23, 1880, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Wise, from the Committee on Railways and Canals, submitted the following report (to accompany bill H. R. 994):

The Committee on Railroads and Canals, having under consideration the bill (H. R. 994) to provide for a water route to facilitate transportation between Lake Michigan and Lake Erie, beg leave to make the following report:

First. That the aspect of the country through which the route of the projected canal would pass is of a level and even character, abundantly supplied with running water in shallow streams, and would offer but little opposition to the construction anywhere, and most of the way is peculiarly adapted to the water feeding of canals.

Second. Taking into consideration the great distance and high latitude of the channel through Lakes Michigan, Huron, and St. Clair to Lake Erie, we find that by this route we have to pass around four-fifths of an irregular circle, a distance of 1,000 miles, the northern part of the circuit in a frigid climate, with streams ice locked two months of the year longer than on the southern fifth of the circle, the proposed route, which is but 200 miles long and 4 degrees south of the northern part of the circle, and should it prove practicable to use the channels of the St. Joseph and Maumee rivers, which lie nearly in the direction of the proposed route most of the way across this peninsula, the distance and cost of actual canal cutting would be still further reduced nearly in that proportion, as comparatively little work on these two rivers would make them navigable to points less than 50 miles apart. This cutting off of 800 miles in distance and adding two months yearly to the navigation season would certainly be a master stroke in benefiting the large and increasing commerce from the West to the East, to say nothing of the local benefit conferred upon the proposed route.

Third. So long as the Dominion of Canada is an appendage of Great Britain, the necessity of the bill before us is apparent as a military route. Its inland character, and the saving of time and distance in the transportation of gunboats, men-of-war, and heavy ordnance that can not be transported by railroad, would seem to make it a military necessity in case of war with Great Britain.

Fourth. Your committee would also call the attention of the House to the vast agricultural area beyond the western terminus of said canal; also the large and rapidly improving territory in western Canada, which must seek a more southern latitude for ingress and egress, which will soon become as celebrated for cereal productions as Russia, lying under nearly the same latitude as it and in as favorable a climate.

Fifth. It seems to be an acknowledged fact that the present railway facilities are insufficient to move the vast quantities of produce from the Northwest to Eastern markets in due season, unaided by water communication, as is well shown by the vast accumulation of grain in Chicago and other points at the present moment awaiting transportation east. Further, such stagnation in movement, or the impossibility of movement, of such products, not only makes it impossible for, but invites, capitalists to interpose their power to monopolize and form "pools" and "corners" to the serious detriment of both producer and consumer. And, again, while the railroad companies are gradually enlarging and extending their facilities, the ratio of increase in produce is much greater than this, so that evidently these difficulties will become greater and greater year after year without the aid of enlarged, better, and safer water communication for the movement of these heavy products.

Sixth. It is a matter of vital consequence to our commerce to establish this route, or some equivalent thereof, in order to hold our own trade and to draw that from western Canada over our routes, instead of waiting until after they have constructed similar cut-offs, which they propose, across their own territory, and have drawn all their commerce and a part of ours from us.

[House Report No. 2294, Forty-ninth Congress, first session.]

WATER ROUTE TO CONNECT LAKE MICHIGAN WITH DETROIT RIVER.

May 6, 1886, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Atkinson, from the Committee on Railways and Canals, submitted the following report (to accompany bill H. R. 4971):

The Committee on Railways and Canals, to whom was referred the bill (H. R. 4971) to provide for the survey of a water route to connect the waters of Lake Michigan with Detroit River, have considered the matter, and beg leave to report:

That a bill of similar import was introduced into the Forty-seventh and Forty-eighth Congresses and referred to the Committee on Railways and Canals, which considered the same and reported favorably thereon; that the Committee on Railways and Canals now report the bill favorably and adopt the report presented to the Forty-seventh Congress, as follows:

"The Committee on Railways and Canals, to whom was referred the bill (H. R. 3693) to provide for the survey of a water route to connect the waters of Lake Michigan with Detroit River, have considered the matter, and beg leave to report:

"The length of the canal, for which the bill before the committee proposes to authorize and direct an appropriation of $30,000, to be expended under the direction of the Secretary of War for a preliminary survey, would be about 178 miles. The canal would shorten the voyage,

for all such vessels as could navigate it, between the lower lake ports and Chicago or Milwaukee, about 550 miles; or, as between Chicago and Buffalo, by one-half the distance.

"It is believed that the season of navigation on the lakes would also be prolonged, as between the upper and lower lakes, by at least thirty days, a portion of which gain would be in the spring and a portion in the autumn or early winter months, and would be a gain of at least 15 per cent on the open period of navigation.

"It would further appear that as to steam vessels an average of two days' time would be saved on the voyage each way, making a saving of four days on the round trip, which, on the season's work of, say, fifteen round trips, would amount to sixty days. As to sailing vessels, the difference in their favor would be much greater; but confining the comparison to steam vessels and their tows, the advantages of the ship canal which is contemplated in this bill would be in the two ways indicated equivalent to an addition of ninety days to the time of open navigation, or an addition of nearly or quite 50 per cent, and increase the number of voyages or trips in that proportion. The value of this can not be even approximately estimated, but if the ship canal were to be of sufficient capacity to float vessels freighted with 50,000 bushels of wheat or corn, the added value to commerce would be immensely in excess of the expenditure, which, it is believed, would not exceed $5,000,000.

"The late navigation of the upper lakes is always hazardous, and it is estimated that loss by storm and wreck between Chicago and Detroit rivers has for twenty-five years past been more than $1,000,000 annually. The operation of the canal would undoubtedly diminish this by at least one-half, which would of itself be equivalent to the interest on the cost of the canal and the expense of its conduct and administration.

"There has never been an official or governmental survey of the proposed route, but it has been carefully examined by private parties of experience in railway and canal engineering, and your committee are informed and believe that the aspect of the country through which the projected route would pass is of a comparatively level and even character, abundantly supplied with water in running streams, and bordered along a large part of the way with deep, never-failing little lakes of from 2 to 10 miles in circumference, and to the number of 300 and more. A considerable portion of these lie above the summit level of the proposed canal, and an abundant water supply for a ship canal of largest capacity is therefore undoubted.

"It is proper to say, however, that the bill under consideration but proposes an appropriation for a survey, leaving it to a future Congress to appropriate for the work itself, if it be determined to enter upon it. The question of water supply, the depth of cut, and general engineering problems and ascertained conditions will then be available for accurate information.

"So long as the Dominion of Canada is an appendage of Great Britain the necessity of the bill before us is apparent as a military route. Its inland character and the saving of time and distance in the transportation of gunboats, men-of-war, and heavy ordnance that can not be transported by railroad, would seem to make it a military necessity in case of war with Great Britain.

"There are five States in the Northwest whose products would be tributary to the proposed canal, whose united crop of cereals is now materially in excess of the whole crop of the United States twenty-five years ago, and the rapidly increasing productions of provisions, live stock for transportation, and other heavy freights to move are in still greater proportion. While this is all true, it is also true that less than one-twentieth part of even the most productive portions of our Northwestern States and Territories are yet under cultivation, and our vast mining interests only in the first stages of development.

"The increased necessities for almost unlimited transportation increase faster than those facilities are furnished, and invite the attention of the Government to all feasible improvements and the opening of new water courses such as that under consideration. While the railroad companies are gradually enlarging and extending their facilities, the ratio of increase in produce is much greater than this, so that evidently difficulties will become greater and greater year after year without the aid of enlarged, better, and safer water communication for the movement of these heavy products.

"There is, in the opinion of your committee, no means of affording protection to American industry in a manner more direct and so free from question as to multiply the methods of cheap transportation, and there is no method of diminishing its cost so promising as to increase the waterways, which not only afford the cheapest of all, but should remain in the control of the Government, be exempt from all questions of discrimination, rates, and other distracting questions of carriage that agitate the public mind.

"Taking into consideration the little opposition of nature, the shortening of distance, the more favorable climate, and the lengthened navigation season and the lessening of its perils, the inadequacy of present routes, the prospective increase of these difficulties, and, independent of the difference in the length of time of navigation in the two routes, the great disparity in the increase is so important that the committee respectfully report in favor of an appropriation for a survey for a water route, such as described in the bill under consideration, and recommend that it do pass."

Mr. MANN. I make the point of order on page 9, line 21, commencing with the word "and."

Mr. SCOTT. We have not read that paragraph. The gentleman from New York [Mr. FITZGERALD] reserved a point of order on the paragraph that has just been read. I do not see him in the Chamber now, but I believe the gentleman from Illinois desires to reserve the same point of order. I presume it is aimed at an increase in one salary and the introduction of another place.

The CHAIRMAN. The Chair desires to state that the reading of the bill has not proceeded as far as indicated by the gentleman from Illinois.

Mr. MANN. The other gentleman from Illinois he refers to.

Mr. SCOTT. I am not talking about the point the gentleman from Illinois [Mr. MANN] has raised, but the point that the gentleman from Illinois [Mr. MADDEN] has raised to the first paragraph of the bill. I was saying I presumed that point was leveled at an increase of salary and the introduction of another place. The estimates for this salary roll included an increase of $250 for the chief clerk and $100 for the editor, both of which were denied. Increases were asked also on the roll of clerks; but all these were denied except one clerk of class 4, which was granted, and a clerk at $900. Speaking, first, as to the $900 clerk, I wish to say that this place was inserted in order to eliminate two clerks at $600.

Mr. MADDEN. Just to assure the gentleman the only interest I have in the point of order is as to the words "and compiler."

Mr. SCOTT. I respectfully suggest, Mr. Chairman, that the point of order will not lie against that item, for the reason that the title given is the same as in the current law.

Mr. MADDEN. The current law reads "one editor," and the words "and compiler" are added.

Mr. SCOTT. The gentleman is right; I see, on looking closer, that the words "and compiler" are added. They were added at the suggestion of the Chief of the Bureau, because, in his opinion, it would more accurately describe the work which the man occupying that position was intended to do. He not only edits the manuscripts which come to him, fitting them to go to the printer, but he compiles matter that is brought into the Bureau from different sources in such a way as to prepare it for bulletins and other forms of publications.

Mr. MADDEN. I insist on the point of order.

Mr. SCOTT. As I understand it, the gentleman's point of order only goes to the words "and compiler."

Mr. BURLESON. This does not create an additional office?

Mr. SCOTT. Oh, no.

Mr. BURLESON. It is just the one office.

Mr. SCOTT. It is a matter of indifference as to whether the change is made or not.

Mr. MADDEN. This creates a new office, if I understand the English language. It creates new duties, and in the nature of things it will create a new office, and it may be that it will create several new places. I object to it because of the doubt it serves to make.

Mr. SCOTT. The apprehensions of the gentleman are entirely unfounded, but I concede the point of order, and it makes no difference.

The CHAIRMAN (Mr. FOSTER of Vermont). The point of order is sustained.

Mr. OLMSTED. I move to strike out the last word.

I offer this important amendment for the purpose of making an important inquiry upon a very important subject. The gentleman from Illinois [Mr. MANN], having listened recently to a scientific lecture, worked off a considerable portion of it upon us last evening. We listened with great interest and greater incredulity when he attempted to have us believe that scientific research has now reached to such a dizzy height that the scientists, without any appropriation by Congress, can tell four years in advance what the weather is going to be on the planet Mars, but that on this terrestrial ball it is an impossibility to regulate our weather properly without an appropriation to pay the expense of observing the vapors that rise from the Salton Sea, formed by the overflow of the Colorado River into the empty bed of a dried-up old lake; so we have left in this bill an appropriation sufficient to send a corps of Government employees to sit around the rim and watch the vapors rising from that dead and vanishing lake. We were told that we could not properly construct even the Panama Canal unless those experts had an opportunity to watch those Salton Sea waters evaporate. That it would not do as a test to watch merely the evaporation of water from a bucket. We were told that it must be done now. That the lake will soon be gone; that this is our last chance; that there is no other lake in the world like this; and that such observations at any other place would serve no useful purpose.

How would an estimate of the vapors arising from that lake serve as any guide to the vapors which might arise from a living body of water, fed by living streams and its temperature and evaporations constantly changing as a result thereof? In my judgment the Government observers might as well sit in this gallery, hang their legs over the railing, and observe the vaporings which arise from this floor from time to time. [Laughter.] The gentleman from Louisiana [Mr. WATKINS] offered a much more valuable amendment whereby, had it become effective, people living along rural free-delivery routes would have been enabled to tell in the afternoon whether or not it had rained in the morning. [Laughter.] But that amendment failed. However, we have passed beyond the provision in this bill relating to the Weather Bureau and now approach the question of animal industry. Every Member of this House finds his daily mail flooded with inquiries from his constituents. After some years of experience I thought I had become able to answer offhand any possible question relating to the affairs of

this Government or the welfare of the nation, but recently there have been propounded several that staggered and one that completely overpowered me. A short time ago a constituent desired to know the exact value of the gold in a gold dollar. [Laughter.] Knowing that there was some alloy in it, I took up the question with apprehension, but by the assistance of the Secretary of the Treasury and Director of the Mint I was able to answer with exactness. Another desired to know whether it was true, as had been asserted, that since the Spanish war we could truly say, with the King of England, that the sun never sets on our possessions. With the aid of a globe and all the data at the command of the Committee on Insular Affairs, of which I have the honor to be a member, I wrestled with that problem for several days and then turned it over to the Government Observatory, just outside the city. After two weeks they were able to inform me that there is a short period within the twenty-four hours when the sun, hanging out over some point in the Pacific Ocean, does not shine upon any people or possessions within the jurisdiction of the United States. I submit to the gentleman from Illinois that that would be a far more important place to take these observations of evaporation. [Laughter.] For when the sun gets there I have no doubt that it accelerates its speed in order to again get where its rays may fall upon the glorious folds of the American flag. [Laughter.]

But to return to the question of animal industry. All kinds of questions are propounded to us. Why, I have been told that some time ago a Member from Missouri had a letter from a constituent asking what price he could obtain for a carload of mules in this city. He replied that the street cars were run by electricity and the Government was run by jackasses. [Laughter.] That was during the last Democratic Administration. [Laughter.] So he said there was no use for mules in Washington.

But to return to the question of animal industry. The latest conundrum was propounded to me by an intelligent lady. That is the important inquiry which I am about to bring to the attention of the House and the country. She wrote me in all seriousness, stating that she understood that the Government made numerous publications upon all subjects, and assuming that I as a Member of Congress must be familiar with their contents. Therefore she desired me to answer this question: "What does it cost to keep a hen a year?" [Laughter.] Compared with that question the evaporation of the Salton Sea sinks into utter insignificance. Mr. Chairman, we are upon the subject of animal industry. What animal is more industrious than the hen? Whose activity is more useful to the human race? The nightingale, the lark, and the linnet have all had their praises told in story and in song, but the hen, more valuable to the human race than all other birds, is compelled to sing her own lay. [Laughter.] I do not wish to consume unnecessarily the time of the House. My constituent went further into detail and said that if there were any differences, depending upon the different breeds of hens, she would like to know the respective costs of keeping hens of the different breeds. I will not go so far into detail as that, but now ask the gentleman from Kansas [Mr. SCOTT] the distinguished and capable chairman of the Committee on Agriculture, in charge of this bill, and ex-officio custodian of all information relating to such subjects, to inform me, my constituent, the House, and the country what answer ought to be made to that question of such transcendent importance and vast significance, "What does it cost to keep a hen a year?"

The Clerk read as follows:

General expenses, Bureau of Animal Industry: For carrying out the provisions of the act approved May 29, 1884, establishing the Bureau of Animal Industry, and the provisions of the act approved March 3, 1891, providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes; and the provisions of the act approved February 2, 1903, to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes; and also the provisions of the act approved March 3, 1905, to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes: *Provided*, That live horses be entitled to the same inspection as other animals herein named; to enable the Secretary of Agriculture to collect evidence and secure the enforcement of the act of June 29, 1906, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation," and so forth, and particularly to inquire into the condition of pens and yards into which live stock are unloaded, and the manner of unloading, in order that live stock in interstate commerce may secure humane treatment, including the services of such persons as may be necessary in the city of Washington and elsewhere.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I suggest to the gentleman in charge of the bill, in reference to the latter part of the paragraph, why not make that portion of the paragraph relating to the enforcement of the humane treatment in the transit law read in the same form of language as the rest of the paragraph—"for carrying out the provisions of the act of June 29, 1906, entitled," and so forth—instead of the form that it is now in?

Mr. SCOTT. I think the suggestion of the gentleman from Illinois is a very proper one. I have no objection to it whatever.

Mr. MANN. I will make a point of order on the paragraph, after line 16 to the end of the paragraph.

Mr. SCOTT. I think the point of order will hardly lie. It seems to me that the bill is justified in carrying a provision for the enforcement of an act, which act by its own terms places the enforcement thereof in this Department.

Mr. MANN. The gentleman is perfectly correct about that, and an item for carrying out the provisions of that act would not be subject to a point of order; but if this goes out on a point of order, if the gentleman does not offer an amendment, I will. This provision goes away beyond that and provides for securing evidence about the enforcement of the act, "and so forth."

Mr. SCOTT. That is a misprint. I remember striking it out of the first proof sheets that came from the office, but I did not follow it up to see if it was out.

Mr. MANN. The whole paragraph goes away beyond the enforcement of the law, and is a matter, so far as the jurisdiction of committees are concerned, that comes within the jurisdiction of the Committee on Interstate and Foreign Commerce, and not under the jurisdiction of the Committee on Agriculture.

Mr. SCOTT. I would like to ask why it would not be possible to shape the amendment to strike out certain language and insert, instead of letting it go out on a point of order, which I do not wish to concede.

Mr. MANN. The point of order is perfectly clear.

Mr. SCOTT. I thought the gentleman said that it was not clear.

Mr. MANN. Oh, no; it is perfectly clear. This says:

To enable the Secretary of Agriculture to collect evidence and secure the enforcement of the act of June 29, 1906, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation," etc., and particularly to inquire into the condition of pens and yards into which live stock are unloaded and the manner of unloading.

Now, the act of Congress provides what shall be done by the Secretary of Agriculture, and the appropriation gives him the means to carry out the provisions of the act. But this provision changes the law.

Mr. SCOTT. There was no intention to change the law. The language carried in the bill is simply that submitted in the estimates.

Mr. MANN. I suppose that is true.

Mr. SCOTT. I am perfectly willing to have it go out, and I think the bill would be improved.

Mr. CRUMPACKER. What change does the gentleman from Illinois suggest?

Mr. MANN. To insert in place of what is in the bill this provision, which is in conformity with the other provisions in the bill:

For carrying out the provisions of the act of June 29, 1906, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation."

Mr. CRUMPACKER. It changes the phraseology, but not the significance. I suppose all the work specified here can be done under the provisions of the general act. What I do not always understand is why it is necessary, whenever the Federal Government enacts a law with a penal provision, that a battalion, or a host in many instances, of special agents shall be appointed to go about to look up evidence to see if anybody is violating the law. We have penal laws in every State, and it is rarely necessary to create an army of spies to travel around over the State to see if they can secure evidence that some citizen is violating the law.

Mr. MANN. I will say to the gentleman from Indiana on that point that I had charge of the bill creating the act referred to and gave the matter a great deal of attention. We had long hearings on the subject. It is perfectly self-evident, I think, that an act requiring that live stock shall be unloaded at least once every thirty-six hours and fed and watered in proper pens will not enforce itself where both shipper and the railroad company for some reason desire to run over the time, and that it is necessary for the Secretary of Agriculture to have some means of employing inspectors where they suspect railroads are violating the law to watch at certain yards and see that railroads do not run over the time.

Mr. CRUMPACKER. Now, the Federal legislation is predicated upon the theory that there is no virtue nor sentiment of humanity in the people. The States depend upon citizens for information in the proper enforcement of local penal laws.

Mr. MANN. In my city we depend largely upon 4,000 policemen, and in the gentleman's own city they have a number of policemen, and in this city they have 750 policemen.

Mr. CRUMPACKER. That is true of all large cities, and true, more or less, of all communities and municipalities, but the penal laws generally enacted by the States do not carry with them authority to appoint a lot of State agents to go about throughout the country to find out whether the laws are being observed. It may be, and possibly is true in this particular case, that the law would be violated and that there is no such sentiment against its violation in the various States throughout the country as would result in necessary information to the Federal grand juries and proper prosecutions. It may be that this is necessary, but it is one of the instances I wanted to call to the attention of the committee.

We have now four or five thousand special agents, Government spies, traveling about over the country looking for violations of the penal laws of the United States—a great army of them, a system of espionage that we ought not to tolerate unless it is necessary for the proper enforcement of the law. This is a good law and I think it ought to be enforced, and it may be that conditions are such that in this case there ought to be granted to the Secretary of Agriculture public funds to use in collecting evidence and securing the prosecution of offenders.

Mr. MANN. I do not understand there is any very large amount estimated for in reference to this. It has required only a few prosecutions to make the railroads wake up, and they have already collected, I may say to the gentleman, so far as this law is concerned, from the railroads in penalties and fines for neglect to obey this law more than the total cost will be to enforce it for another year.

Mr. SCOTT. Mr. Chairman, I think the gentleman from Illinois [Mr. MANN] and perhaps other Members of the House will be interested in knowing that this particular language to which the gentleman objects was included in a letter which the Secretary of Agriculture addressed to the Secretary of the Treasury asking for a supplemental estimate to the amount of $25,000. The letter read, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 1, 1908.

SIR: I beg to request that you will transmit to Congress, as a supplemental estimate from this Department, the following item of $25,000 to cover necessary expenses for collecting evidence and securing the enforcement of the act of June 29, 1906:

"To enable the Secretary of Agriculture to collect evidence and secure the enforcement of the act of June 29, 1906, entitled 'An act to prevent cruelty to animals while in transit by railroad or other means of transportation,' etc., and particularly to inquire into the condition of pens and yards into which live stock are unloaded, and the manner of unloading, in order that live stock in interstate commerce may secure humane treatment, including the services of such persons as may be necessary in the city of Washington and elsewhere, $25,000."

Since August, 1906, the inspectors of the Bureau of Animal Industry of the Department of Agriculture have reported over 1,200 violations of this law. These cases have been transmitted to the Attorney-General for prosecution. Over 250 cases have been tried and penalties fixed. In all, under the law, $24,306 in penalties have been collected up to the present time. This is exclusive of costs, which will probably amount to between $7,000 and $8,000 in addition. There are now between 900 and 1,000 cases pending in the courts.

The principle upon which this law rests is sound—the principle that dumb brutes in a civilized and humane nation should receive due care from common carriers in the course of transportation.

The collection of evidence in cases under the law involves the expenditure of a considerable amount of money, which subsequently is returned to the Treasury in the shape of fines and costs. Violations are reported in the first instance by inspectors of the Bureau of Animal Industry, who make the reports incidentally in connection with their other duties. The matter of procuring evidence, consulting records, interviewing witnesses, and the incidental work connected with the preparation of the cases for the United States attorneys involves considerable outlay. The examination by Government inspectors of the pens and yards along the lines of the different railroads into which cattle are unloaded for rest and water involves a considerable expenditure. This examination is necessary in order to determine whether such pens and yards are properly equipped so that the live stock may feed and rest while confined therein.

There is no specific appropriation to cover these expenses. In my opinion it is advisable that a specific appropriation shall be made for this purpose.

Very respectfully,

JAMES WILSON, *Secretary.*

From which it would appear, Mr. Chairman, that in the opinion of the Secretary of Agriculture it is necessary to insert the language which he included in his letter in order that the expense which is involved in the collection of evidence to enforce this act may be met, and I submit that to the gentleman for his consideration.

Mr. MANN. Mr. Chairman, the gentleman from Kansas knows the high regard that I have for the Secretary of Agriculture. Yet it has been a long time since this House has been honored with the presence of the Secretary of Agriculture as one of its Members, and I really believe that while the Secretary could give everybody in the House points on the subject of agriculture, the House itself is a better judge of the language of an appropriation bill than the Secretary of Agriculture. Merely furnishing him the means with which to carry out the law is all he desires, but the gentleman changes the law in this bill.

Mr. SCOTT. He changes the law.

Mr. MANN. I mean the bill proposes to change the law. That law was framed after a great deal of consideration. I do not know, but that this would change it in behalf of more humane treatment; perhaps it would change it in behalf of less humane treatment. I do not want to have that law changed upon an appropriation bill. I do want, however, to furnish the means to carry out the law.

Mr. SCOTT. I have no doubt that the gentleman is in hearty sympathy with the purposes of the law, and if in his judgment the language which he proposes to substitute for that which is in the bill will carry forward effectively the enforcement of the law, I have no objection to the change.

Mr. POLLARD. I would like to inquire of the gentleman from Illinois whether these words that the Secretary uses in his draft do not cover matter that is included in the bill, to which the gentleman refers, in the law—is not the ground all covered?

Mr. MANN. If they do there is no necessity of repeating the language in this bill.

Mr. POLLARD. That is what I was going to inquire into in this case. If that is the case all that is necessary here is to repeat the title of the act and give complete authority to do what is asked for.

Mr. MANN. The first part of the paragraph reads:

For carrying out the provisions of the act approved May 29, 1884, establishing the Bureau of Animal Industry, and the provisions of the act approved March 3, 1891, providing for the safe transport and humane treatment of export cattle from the United States to foreign countries, and for other purposes.

That is a similar law relating to export cattle—that is, cattle that are carried by boats.

Mr. POLLARD. As I understand the gentleman, all he desires to do is to substitute for this language the two titles of those two acts, giving the Secretary——

Mr. MANN. Full authority——

Mr. POLLARD. I do not see any objection to that.

Mr. MANN. But this changes the law.

The CHAIRMAN. Will the gentleman from Illinois state his point of order?

Mr. MANN. The point of order is that the latter part of the provision, that part of the paragraph commencing with line 17 to the end of the paragraph, is a change of existing law.

The CHAIRMAN. Does the gentleman from Illinois mean by that it embodies new legislation?

Mr. MANN. It embodies new legislation, Mr. Chairman.

The CHAIRMAN. Is that conceded by the gentleman from Kansas?

Mr. SCOTT. Well, Mr. Chairman, I do not concede it embodies new legislation, but I have no objection to the language going out and the language suggested by the gentleman from Illinois being inserted.

The CHAIRMAN. Of course the Chair not having the original law is not able to state——

Mr. MANN. Mr. Chairman, it is very clear, I take it, that unless it repeats the exact language of existing law it is a change of law, even though it should endeavor to incorporate the substance of the present law. Now, this reads "in order that live stock in interstate commerce may secure humane treatment"——

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Now, Mr. Chairman, I move to insert in lieu of the matter stricken out on the point of order this amendment, after line 16.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, after line 16, "for carrying out the provisions of the act of June 29, 1906, entitled 'An act to prevent cruelty to animals in transit by railroad or other means of transportation.'"

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I desire to reserve a point of order on that part of the paragraph commencing on line 4, after the word "one," to and including the word "purposes," in line 6, and I will ask the chairman of the committee if he will be kind enough to tell us why this language is used?

Mr. SCOTT. Mr. Chairman, I suggest the point of order comes too late.

Mr. MADDEN. No; the point of order was reserved on the whole paragraph and it has not been withdrawn.

The CHAIRMAN. The Chair thinks the point raised by the gentleman from Kansas is well taken.

Mr. MADDEN. Mr. Chairman, I desire to ask the gentleman from Illinois, my colleague, whether or not he did not reserve the point of order on the whole paragraph?

The CHAIRMAN. The Chair understood that, but the committee has adopted an amendment since that time.

Mr. MADDEN. But the point of order, Mr. Chairman, was not yielded up by any Member on this floor, and I submit that the point of order, as long as it was reserved on the whole paragraph, applied to every part of the paragraph, and the fact that one special part of the paragraph was modified——

The CHAIRMAN. The Chair understands, however, that the adoption of an amendment is a waiver, and the Chair so holds.

Mr. SCOTT. Mr. Chairman, I am very willing to give the gentleman information in regard to this language.

Mr. MADDEN. I am not saying that I would insist upon the point of order, but I simply wanted to know from the chairman of the committee the purpose of the language that is used in this connection.

Mr. SCOTT. Mr. Chairman, this language was used in every appropriation bill for the Department of Agriculture from the passage of the act referred to up until the passage of the meat-inspection law. Members of the House will remember that the meat-inspection law came into the appropriation bill the second year after it was passed, and was stricken out on the ground that it was not necessary to repeat it, and the Clerk in striking out the "meat-inspection amendment," as it was called, inadvertently took out the language providing for the enforcement of this act of 1891, and this bill simply restores that language.

The Clerk read as follows:

To enable the Secretary of Agriculture to collect and disseminate information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuro-pneumonia, black leg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons in the city of Washington or elsewhere as he may deem necessary, and to purchase and destroy diseased or exposed animals or quarantine the same whenever, in his judgment, it is essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another; to improve and maintain the Bureau experiment station at Bethesda, Md., and to construct and alter buildings thereon as may be necessary from time to time in his discretion; to establish, improve, and maintain quarantine stations, to construct and alter buildings thereon as may be necessary from time to time, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported, at such ports as may be deemed necessary; to prepare and publish reports relating to animal industry; to rent suitable buildings in the District of Columbia, to be used for office, laboratory, and storage purposes for said Bureau of Animal Industry for purposes other than meat inspection: *Provided*, That the act of March 3, 1891, as amended March 2, 1895, for the inspection of live cattle and products thereof, shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified: *Provided also*, That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to publish the results of said tests in such manner as he may deem best: *Provided also*, That the Secretary of Agriculture is authorized to investigate, in cooperation with municipal and State authorities, or in such other ways as he may deem best, and to report to Congress upon the prevalence and extent of tuberculosis among dairy cattle in the United States, $947,200.

Mr. MADDEN. Mr. Chairman, I desire to reserve a point of order on the paragraph, and will ask the chairman of the committee if he will not be kind enough to explain that part of the paragraph beginning with the word "also," on page 11, line 22, and ending on page 12, line 2?

Mr. PERKINS. Mr. Chairman, I desire to reserve specially a point of order to a portion of the paragraph beginning at the word "provided," line 25, page 10, and extending to and including line 14, page 11.

Mr. SCOTT. Taking these points of order in the order in which they come in the bill, and referring first to the one raised by the gentleman from New York [Mr. PERKINS], I would like to inquire what his objection is? Exactly identical language has been carried in the bill for many years.

Mr. PERKINS. Of course, the law of 1895 is an existing statute, but I did not understand—perhaps I am wrong in my understanding—that that authorized the Secretary of Agriculture to practically establish tests of all dairy products, and to stamp upon all dairy products that may be sent from this country to any other country—cheese, butter, whatever it might be—stamps that should indicate or guarantee their purity. I do not understand that is the law. I may be wrong in my understanding. The gentleman is more familiar with the statutes than I am.

Mr. SCOTT. The current act, as I have just stated, contains exactly this language.

Mr. PERKINS. You mean that the last appropriation bill may have contained a similar provision?

Mr. SCOTT. It is true, as the gentleman suggests, that the language to which he has referred has no legal existence except as it is carried from year to year in this appropriation bill. The House adopted it several years ago because a situation had grown up in Europe which seemed to threaten our trade in dairy products unless something could be done to give them a better standing than they then had. The Secretary of Agriculture was of the opinion that by the expenditure of a very small sum of money each year he would be able to issue the certificates provided for in this language, and he has been doing that work with very beneficial results to our commerce.

Mr. PERKINS. Now, exactly, what has the Secretary of Agriculture done? What does he do? For instance, cheese or butter is sent to Europe. Is that all inspected by the Government and certified?

Mr. SCOTT. My understanding of the conduct of the inspection is that whenever certificates are asked for they are given. I confess that it has been so many years since this matter was discussed before the committee that I am not able to give the gentleman the details of the work.

Mr. PERKINS. The gentleman in charge of the bill must concede that under the wording of the bill, as he reports it, the Secretary of Agriculture would be authorized to ascertain the purity and quality, and cause to be marked and stamped and labeled every pound of butter and every pound of cheese and every pound of the enormous amount of dairy products sent from this country to Europe—a power, certainly, which would involve the expense of hundreds of thousands of dollars and would cause the Government of the United States, if this power was exercised, to take entire charge of an industry, examine it, guarantee it, and certify it before the goods could be sold.

Mr. SCOTT. Evidently some limitation is put upon the discretion of the Secretary by the act of 1895, which is referred to here, because the gentleman will notice that the language is as follows:

To include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply under rules and regulations to be prescribed by him the provisions of said act.

This simply authorizes him to prescribe the regulations that may be necessary in order to put into practical effect the provisions of the act of 1895.

Mr. PERKINS. Let me ask the gentleman, who has drawn this bill doubtless with care, if the act of 1895 does include dairy products, if there is any necessity for saying it may be deemed to include dairy products? A provision in a bill in which some act is referred to that Congress has passed, and which then provides this shall be deemed to contain some other power, I think we always view with just distrust.

If the law the gentleman refers to when it was made contained the words "to be deemed," and so forth, then it would be right; but if it does not contain that, I do not think that on a general appropriation bill it should be changed so that it will have that effect.

Mr. SCOTT. The gentleman is undoubtedly correct in the construction of the words "to be deemed" contained in the act of 1895. It obviously provided for the inspection of live stock and products thereof going into our export trade, and the language of this bill simply extends that to dairy products, and that carries with it the limitation put upon the Secretary's discretion in the original act.

Mr. PERKINS. But this bill says that products of the dairy "shall be deemed," and so forth, a construction which perhaps is not authorized.

Mr. DRISCOLL. What in the world do the products of live stock mean unless they include dairy products?

Mr. PERKINS. That would depend upon the way the law of 1895 is drawn.

Mr. DRISCOLL. They would include dairy products.

Mr. OLMSTED. Would it include oleomargarine?

Mr. PERKINS. Would it include oleomargarine?

Mr. DRISCOLL. We might call it a dairy product; it has milk and butter in it.

Mr. SCOTT. We are to assume that a reasonable limitation and restriction as a safeguard and restraint would be made in the regulations under this law by the proper authority, and under the language of this bill all these limitations and restrictions and regulations were extended also to the provisions

in regard to dairy products; so that I am sure the gentleman's apprehension in regard to extravagant expenditures in the carrying out of this law are unfounded.

Mr. PERKINS. How much is spent under it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent that the gentleman may be allowed five minutes more.

There was no objection.

Mr. PERKINS. How much is expended under this clause? What is done under it? This is a very broad clause. I do not want to interfere with something that is being interpreted in a reasonable and proper way.

Mr. MANN. Will the gentleman allow me? I think this clause was inserted here at the particular instance of the gentleman from New York [Mr. SHERMAN]. A few years ago he introduced, and we passed, first, in the Interstate Commerce Committee, a provision which subsequently became law in reference to the branding and marking of dairy products in interstate commerce for the purpose of preventing butter and cheese being wrongly labeled as to the point of origin. The gentleman's own State produces a very high quality of cheese, and a great deal of cheese from other States was shipped and sold as certain brands of New York cheese. The same was true of butter. That provision went into law as to interstate commerce, and the same people who were anxious to have that law enacted were also anxious to have their cheese and butter that was exported so labeled that it might be known abroad whether it was butter and cheese that came from New York or the Elgin district in Illinois, or Wisconsin, or less favored districts.

Mr. PERKINS. But the gentleman would not regard it as advisable to have the Government undertake the inspection and the certification of any great article of produce like butter and cheese. If it is going to do that, sooner or later the law will be extended to every branch of business. I am sure my friend from Illinois would not be in favor of that.

Mr. MANN. Well, I see no reason why it should not be done to the extent it is done in the case of butter, by undertaking to say that these dairy products shall not be wrongfully branded as to their point of origin; and that is practically all that is done in this matter.

Mr. SCOTT. I am now able to answer the gentleman's inquiry as to the cost of this work. The Chief of the Bureau of Animal Industry submits the following statement:

This work covers general investigations in dairy subjects; special lines of work relating to dairy organizations, laws, and development of foreign markets; investigations in the manufacture of dairy products, inspection of dairy exports and of factories and markets for renovated butter. The cost was $58,777.18 for salaries, $23,278.79 for traveling expenses, $11,878.22 for miscellaneous items; a total of $93,934.19.

And that was spent on all the dairy investigations which included inspection of creameries and violations of the law relating to renovated butter.

Mr. PERKINS. Has the gentleman such knowledge of the results of this appropriation that he thinks it really of sufficient value to the business of the country that these appropriations for these various investigations should be continued? Of course, that means they will become permanent, or has he no knowledge on the subject?

Mr. SCOTT. Yes; I have some knowledge on the subject. I remember, when the question came before the committee some years ago, that grievous complaint was made on the part of foreign purchasers of our dairy products that the foreign markets were being stocked with renovated butter. It was sent over from the United States without any inspection, put on the market there as pure creamery butter, and as a result the dairy products of the United States were brought into disrepute and we were liable to lose our foreign markets for those products. Since this provision has been carried in the law that has been corrected, and the small amount of money that has been spent has had very good results.

Mr. PERKINS. I am not very clear, but I will withdraw the point of order.

Mr. MADDEN. There is a point of order pending.

Mr. SCOTT. Referring now to the point of order——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SCOTT. I will ask for another extension.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. CRUMPACKER. Will the gentleman from Illinois specify his point of order?

Mr. MADDEN. I will specify it. Beginning at "Provided," in line 21, on page 11, there is the following language:

Provided also, That the Secretary of Agriculture is authorized to investigate, in connection with municipal and State authorities or in such other ways as he may deem best, and to report to Congress upon the prevalence and extent of tuberculosis among dairy cattle in the United States, $947,200.

That is the language against which I make the point of order.

Mr. SCOTT. Mr. Chairman, the committee regards the language against which the point of order has just been raised as of very great importance, and hopes it will not be eliminated from this bill. The Bureau of Animal Industry has already done a good deal of work in studying tuberculosis and the extent thereof among the dairy herds of the United States. As a result of its studies, disclosures have been made which certainly show the pressing importance of further investigation. It has been shown, for example, that dairy cows apparently in perfect condition, so slightly affected by tuberculosis that the presence of the malady can only be disclosed by the application of the tuberculin test, were actively giving out the germs of the disease. The sediment from separators in the public creameries has been examined, and tubercle bacilli have been found in 25 per cent of the samples. I think likely the dairy herds which supply the city of Washington are in as healthy condition as those which supply other cities of our land, and yet a recent examination showed that 18 per cent of the cows included within those herds were suffering from tuberculosis.

Now, when it is remembered that practically all dairy products are consumed in a raw state, that the tubercle bacilli thrive and multiply in milk, that they live for a hundred days or more in butter, it certainly is hard to overestimate the importance, both from the standpoint of economy and for the protection of the public health, of taking some steps to eradicate this evil. There has been a very insistent demand from many quarters that the Federal Government should enter upon the inspection of dairy products entering into interstate commerce, as we now inspect meat food products. It is the opinion of your committee, however, that this matter can be safely left to local regulation, provided the need of such regulation can be made apparent, and it is in the belief that such an investigation as authorized here would make that need apparent that the language referred to has been inserted. We believe that if the Secretary can be permitted to take a tuberculosis census of the dairy herds of the country the results will be so startling that local sentiment everywhere will compel measures to be taken to eradicate or at least to minimize the danger. I hope, therefore, the gentleman from Illinois will feel warranted in withdrawing his point of order.

Mr. MADDEN. It is a well-known fact, Mr. Chairman, that every State in the Union and every great municipality in every State makes provision for the investigation which is proposed to be made here. The District of Columbia, through its Commissioners, only a few days ago appeared before the Appropriations Committee, or the subcommittee having charge of the bill carrying appropriations for the District of Columbia. In that bill provision is made for the very character of investigation sought to be made in the bill now before the House.

The great cities of New York and Buffalo and Chicago, and every other city in the Union, make provision for this very kind of investigation. Inspectors are appointed under the control of the health departments of all the great cities of the Union. These inspectors go to the farms adjoining the cities. They examine the herds from which the milk is procured for consumption in those cities. They almost dictate the character of the food to be consumed by the cattle furnishing the milk for the people in those cities.

We have the information upon which to base the prohibition of food products of this character by the people in the community represented by them. This is a legal function, in my judgment. There is no reason why the Federal Government should appropriate a million dollars to tabulate the information already in possession of the municipalities of the country.

Mr. NORRIS. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. NORRIS. I think the gentleman is entirely mistaken in assuming that a million dollars is appropriated for that purpose.

Mr. MADDEN. It is $947,000.

Mr. NORRIS. That $947,000 covers all the items.

Mr. MADDEN. Then, if the $947,000 is intended to cover all these several hundred items, I have a complaint to make about the manner in which the committee has performed its duty, for I believe that the committee should furnish the information to this House upon which this House can base an intelligent judgment as to how much money is to be used for each specific purpose.

Mr. POLLARD. Will the gentleman allow me a suggestion?

Mr. MADDEN. I will yield to the gentleman.

Mr. POLLARD. I can say for the information of the gentleman that the Secretary only estimated that he would need $25,000 for this purpose.

Mr. MADDEN. Then there ought to be some information upon which Members who are not so fortunate as to be associated with the Committee on Agriculture can base their action on these matters.

Mr. BURLESON. The gentleman can find it in the hearings.

Mr. MADDEN. No one has a copy of the hearings until the bill is before the House, and then no opportunity is given to Members to read the hearings.

Mr. SCOTT. Does not the gentleman from Illinois realize that it is absolutely impossible for a great scientific Department, such as the Department of Agriculture, to forecast in detail every dollar of expenditure during the entire year? Does he not realize that the appropriation in a lump sum is absolutely essential for carrying on the work of the Department?

Mr. MADDEN. If it is so impossible for a scientific department to tell what it will cost to do a scientific work, how much more difficult must it be for men on the floor of the House, who make no pretense whatever to being scientific, to tell what amount is necessary by the scientific language used in the bill. We have here one more item that would puzzle the most scientific gentleman on the floor to tell how much the expense will be under it. On page 10, lines 15 and 16, "to construct and alter buildings thereon as may be necessary from time to time in his discretion." Who can tell how much money is to be expended for this purpose? Who can tell how far the discretion of the Secretary of Agriculture is to go? Why not spend the whole of the $947,000 for the repair and maintenance of buildings and changing buildings? What evidence have we from the language in the bill to show us that any part of the $947,000 is going to be spent for investigating tuberculosis in cattle? What assurance can the chairman or the members of the Committee on Agriculture give to the House that the whole of the $947,000 will not be spent for any one of these purposes? Mr. Chairman, I insist on the point of order.

Mr. SCOTT. Mr. Chairman, speaking to the point of order, I wish to respectfully submit that it is not obnoxious to the rule, for the reason that the language objected to is solely to provide for carrying into effect the existing law. The act of May 29, 1884, which established the Bureau of Animal Industry, made it the duty of the Chief of that Bureau to investigate and report on the condition of diseased animals in the United States, and also to inquire into and report the causes of contagious and communicable diseases among them and the means of prevention and cure of the same; and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

He is also to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases.

It is the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authority to cooperate in the execution and enforcement of this act.

And it further provides that whenever the governor of a State or other properly constituted authority signify their readiness to cooperate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is authorized to expend so much of the money appropriated by this act as may be necessary in such investigation, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another.

It seems to me, Mr. Chairman, that the language of the act fully covers the language carried in this bill.

The CHAIRMAN. The Chair would like to ask the chairman of the committee, if this language is all that is desired, what more is necessary than the appropriation?

Mr. SCOTT. This language is inserted for this reason, Mr. Chairman: The Comptroller of the Treasury, as I understand it, in passing upon bills or vouchers from the Department of Agriculture insists that they shall be drawn in compliance with the specific language in the appropriation act, and shall not merely hark back to some general statute.

Mr. MANN. Mr. Chairman, on the point of order, if I may be heard for a moment, the question asked by the chairman of the gentleman from Kansas [Mr. SCOTT] is very pertinent, Why is it necessary to carry this item in an appropriation act that is already authorized by law? I do not quite agree myself with the position of the gentleman from Kansas that it is necessary in order to make use of the appropriation for this purpose, if the authority be granted in the act to carry out the provisions of the act of May 29, 1884; but here is the point: The act of 1884 creating the Bureau of Animal Industry authorized the Secretary of Agriculture, then the Commissioner of Agriculture, to cooperate with the authorities of different States as to all contagious, infectious, and communicable diseases among cattle or live stock. Under that provision, if an appropriation be made to carry out the provisions of the act of May 29, 1884, the Secretary of Agriculture has authority not merely to expend money upon the subject of investigating tuberculosis, but any other communicable disease. But Congress, in making the appropriations, has the power to liimt that authority given to the Secretary of Agriculture and say that this money shall be expended for the investigation of tuberculosis, pleuro-pneumonia, or such other diseases as he may name, provided they are inserted in the general language of the original act; so that the provision here is a mere limitation made by Congress upon the original act, which gave authority to have cooperation upon all communicable, infectious, and contagious diseases.

Mr. BURLESON. And it is clearly within the scope of the original act.

Mr. MANN. Undoubtedly within the scope of the original act.

Mr. OLMSTED. Mr. Chairman, as I understand, the point of order is made to the proviso on the bottom of page 11. It does not seem to me to be a limitation upon any appropriation. It simply says the Secretary of Agriculture is authorized to investigate. There is nothing negative about it, nothing restrictive about it. It appears on its face to be giving him an authority which he does not now possess. It may be a very desirable authority, but we are discussing now simply a point of order. It seems to me that upon its face it is plainly legislation—certainly it is not a limitation upon any appropriation.

Mr. MANN. No; not a limitation upon the appropriation, but by the appropriation a limitation upon the existing authority of the Secretary of Agriculture.

Mr. OLMSTED. Then it changes existing law.

Mr. MANN. Oh, not at all.

Mr. OLMSTED. And a thing that limits existing authority changes existing law.

Mr. MANN. It does not limit his authority except in the way of money to carry out the authority. The authority that he has is not changed. His duty is not changed, but the means to execute the authority is changed. Has the chairman before him the act of 1884?

The CHAIRMAN. Yes. The Chair would like to say to the gentleman from Illinois right in that connection that it seems to the Chair the language is rather unfortunate in order to accomplish the purpose which the gentleman sets forth, or which the Chair takes to be the purpose of the proviso. The Chair would ask whether the gentleman from Illinois could not modify that language so as to take out that word "authorize."

Mr. MANN. I think it would be easy enough to say "for the investigation and cooperation with municipal and State authorities," and so forth.

Mr. OLMSTED. "As provided by such act." That would be all right.

Mr. MANN. I do not think there is any trouble about that.

Mr. SCOTT rose.

The CHAIRMAN. The Chair indicated to the gentleman from Illinois that it seemed desirable to change that phraseology.

Mr. SCOTT. In view of that suggestion, I should like to offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The Chair, then, will sustain the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, before the Chair does that, I would like to be heard on the point of order I do not think it ought to be sustained.

The CHAIRMAN. The Chair is ready to rule on that. The gentleman from Kansas now offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert in line 21, page 11, after the colon, the following:

"To enable the Secretary of Agriculture to investigate the prevalence and extent of tuberculosis among dairy cattle in the United States."

Mr. MADDEN. Mr. Chairman, I submit that is subject to a point of order, and I want to reserve a point of order upon it.

The CHAIRMAN. The gentleman from Illinois reserves the point of order upon the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, this act creating the Bureau of Animal Industry is not only very broad, but very elastic. I want to call the Chair's attention, while I discuss as well as I can the point of order, to this language: "That the Commissioner of Agriculture shall organize in his Department a Bureau of Animal Industry." That is one thing he must do. "And shall appoint a chief thereof, who shall be a competent veterinary surgeon." That is another thing. "And whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States." It does not say how he shall investigate, it does not say he shall or shall not cooperate with States or counties. On the contrary, the whole proposition is left wide open to his discretion, plus the discretion of the Secretary of Agriculture, who is in charge of this Bureau.

Now go a little further, "and also inquire into and report the cause of contagious, infectious, and communicable diseases among them." It does not say how or with whom he shall inquire. Now, let us go back. How shall the Bureau of Animal Industry operate? "Shall appoint surgeons," and so forth, "whose duty it shall be to investigate," and so forth. What else? "And also"—that is to say, the Bureau of Animal Industry, now either directly, the Secretary himself, or through his agent—"shall inquire into and report the causes of contagious, infectious, and communicable diseases among them and the needs for the prevention and the cure for the same." What else? "And to collect such information on the subjects as shall be valuable to the agricultural and commercial interests of the country." It does not say how he shall collect. Now, all on earth, Mr. Chairman, that this provision does is to say what is already the law. This law is so broad, gives so much discretion to the Department, that they can go down and work, as they have done, Mr. Chairman, right in the State of Tennessee, and they did not go straight to the seat of the trouble, not at all.

The milk sickness—by the way, Mr. Chairman, that was called to my attention by wire from home when I happened to be here and I went to the Department and what did they do? They sent an agent down there and what did he do? He went to Nashville, the State capital, and sought and found and cooperated with the head of the animal industry for that State and the two went together and investigated that dreadful sickness—milk sickness—which, by the way, caused the death of Abraham Lincoln's mother. The cause or cure for it never has been known. Now, Mr. Chairman, it is very clear, the language I quote, that even if this language is not put into the bill here the Department has discretion, and it is merely declaratory of the discretion it has and a writing out of the powers that the Secretary of Agriculture already has. It is not a change of existing law nor is it making new law. It is simply writing down in black and white what is already the law.

Mr. BURLESON. Mr. Chairman, just one moment on the point of order. As I understand it the gentleman from Kansas had consented to a modification of this item by offering a new item with a view of eliminating the words, "in cooperation with municipal and State authorities." From my viewpoint it was unnecessary for him to have done that, because clearly under the law, as I believe it can be shown, the item as originally carried in the bill was in order. Let us look to the act of 1862 establishing the Department of Agriculture. It provided that "the duties of which"—that is, the duties of the Department of Agriculture—"shall be to acquire"—it does not say how; it does not say whether through its head individually or whether in cooperation with scientists or in cooperation with State authorties or county authorities or with municipal authorities—but "to acquire"—using the word in its broadest sense—"and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of the word."

Could the scope of this law be made broader? Consider further, in connection with this law, that under the act of 1889, creating this Department of Agriculture, it provides that "all laws relating to the Department of Agriculture in existence as far as applicable to the new Department are continued in full force and effect." I can not see how it can for a moment be contended that the item as originally drawn and carried in the bill is not authorized by law. And, of course, if the original item was not subject to the point of order, the item as amended would not be.

Now, if that is the law, why is it that the item as it was originally carried in this bill is not authorized by the law? It undoubtedly is.

Mr. MADDEN. I do not desire to make the point of order on the amendment offered by the gentleman from Kansas.

The CHAIRMAN. The Chair wishes simply to say to the gentleman from Texas [Mr. BURLESON] that the only embarrassing word in the original language was the word "authorized." The Chair considered that if the law did authorize it, some other language would be more suitable.

Mr. GAINES of Tennessee. The gentleman from Illinois [Mr. MADDEN], I understand, has withdrawn the point of order.

Mr. POLLARD rose.

Mr. STAFFORD. I would like to suggest, before having the motion put on the amendment——

The CHAIRMAN. The gentleman from Nebraska [Mr. POLLARD] is recognized.

Mr. POLLARD. I yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Is it not rather out of place to have the amendment follow the proviso in line 21, as it has not much continuity to that subject-matter?

Mr. SCOTT. The whole proviso went out.

Mr. STAFFORD. I would suggest it would be more relevant after the word "another," line 13, page 10. It does not seem to connect very well with the previous proviso as found on line 15, page 11.

Mr. SCOTT. I would like to say that the place just suggested by the gentleman from Wisconsin as the best place for the insertion of this amendment is the place at which I intended to have it put. It was a mistake in making the notation on the amendment, and I would be glad if consent could be given to have it changed.

The CHAIRMAN. The Clerk will report the change in the amendment.

The Clerk read as follows:

Page 13, line 10, after the word "another."

Mr. POLLARD. Mr. Chairman, last night my colleague [Mr. HINSHAW] was called to Indiana on account of the serious illness of his wife's father. He desired to submit some remarks upon this bill, and he requested me to ask unanimous consent that the House grant him permission to insert in the RECORD some remarks on the bill when he returns.

The CHAIRMAN. The gentleman from Nebraska [Mr. POLLARD] asks unanimous consent that his colleague [Mr. HINSHAW] may extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Kansas [Mr. SCOTT] that the appropriation went out of this.

Mr. SCOTT. I understood the gentleman from Illinois [Mr. MADDEN] withdrew the point of order against the appropriation.

Mr. MANN. He made a point of order to the end of the paragraph, and the point of order was sustained, and the gentleman from Kansas can offer a motion to put in the amount, $947,200, at the end of the paragraph.

Mr. SCOTT. Mr. Chairman, if that is the case I move that the appropriation be restored.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. My purpose in making this pro forma amendment is to obtain some information as to the policy of the committee in combining various and diverse subjects in one appropriation carrying in the aggregate $947,000. I notice here on page 10, beginning with line 13, an item, "To improve and maintain the Bureau Experiment Station, at Bethesda, Md.," and beginning on line 16, "To establish, improve, and maintain quarantine stations, to construct and alter buildings thereon as may be necessary from time to time, and to provide proper shelter and equipment for the care of neat cattle, domestic and other animals imported," and so forth. The purpose of my inquiry is to ascertain whether the committee has any figures of the estimates that were furnished by the Department as to what would be needed in these respective items during the coming fiscal year.

Mr. SCOTT. Mr. Chairman, speaking to the gentleman's general inquiry, I wish to say that prior to this year the estimates as they came from the Department were not uniform as to the location in a lump-sum paragraph of the total amount of appropriation. In some of the paragraphs the total amount of appropriation carried to provide for all the subjects in that paragraph would appear close to the beginning of it, and in some other paragraphs they would appear close to the end, so that looking through a printed copy of the law one would have to read it practically word by word in order to find the appropriation for each particular paragraph. Your committee believed that it would be better to make the bill consistent in this re-

spect, and hence it has carried the appropriation for each paragraph to the end of that paragraph, so that anyone looking at the law hereafter may by glancing at the end of a paragraph catch the amount appropriated for that purpose.

Mr. STAFFORD. Oh, yes; you can catch the total amount that is appropriated, but we have nothing to determine how much is going to be expended in these respective items. The Secretary of Agriculture, under the phraseology here stated, would have the right to expend $947,000 for the establishment and maintenance of quarantine stations. There is no limitation whatsoever on the Secretary as to the amount to be expended. In some appropriation bills that are reported we are particularly careful to place limitations as to the amount that the Department head may expend, and I wish to inquire, and that is the purpose of my making this query, as to the policy of the committee in combining various items and leaving it entirely to the haphazard judgment and will of the Secretary of Agriculture.

Mr. SCOTT. The query of the gentleman is a very pertinent one, and I am entirely willing to answer it. In the first place, it would not be possible, as the gentleman suggests, for the Secretary of Agriculture to expend this entire $900,000 for the purpose of maintaining the quarantine stations. If he did that he would not have enough left to pay the expenses of carrying forward the other work.

Mr. STAFFORD. He could neglect the other work, and the Comptroller of the Treasury would sustain his position. He could expend the $900,000 for any one of these respective items. I am not saying that it is a probable case, but we have nothing here to show how much of the expenditures out of the total is for buildings and quarantine stations. That subject is entirely different from the investigation of tubercular troubles.

Mr. SCOTT. If the gentleman will allow me, I stated a moment ago that in providing for the expenditures of a great scientific Department like this it would be absolutely impossible to make specific appropriations. For example——

Mr. STAFFORD. Then do I understand the gentleman to convey the idea that when the committee arrived at the total of $947,000 for all these items it had not before it any segregated estimates of the expenditures needed for the various items to be expended during the coming year?

Mr. SCOTT. The committee had before it this volume [indicating].

Mr. STAFFORD. Very voluminous. I would like to ask if the gentleman, in preparing the bill, preferred to take lump sums rather than go through the tremendous details, as other committees do, and segregate and limit the appropriations?

Mr. SCOTT. This volume contains the detailed estimates of the various Department officials or people making them, and the work they expected to carry forward in all their different lines during the next fiscal year. The committee, in arriving at its conclusions, questioned the chiefs of these bureaus in regard to each item of expenditure submitted in their estimates, and exercised its own judgment then as to whether the amount which they asked should be allowed. It did not put a limit upon each specific item, because that would not be possible, but it considered every specific item in reaching its conclusion.

Mr. STAFFORD. Will the gentleman state the amount——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that my time may be extended five minutes.

There was no objection.

Mr. STAFFORD. Will the gentleman state the amount that would be needed for this item, which is separate and distinct from the others, "to improve and maintain the Bureau experiment station at Bethesda, Md., and to construct and alter the buildings thereon as may be necessary from time to time in his discretion." Is that something in the maze of difficulty beyond the point of limitation?

Mr. SCOTT. It would be absolutely impossible to place a limitation upon that appropriation. The language authorizes the Department to construct and repair buildings. The buildings at Bethesda, with the exception of the residence of the man in charge of the station, are cheap, temporary structures, sheds and pens, that are used for the care of animals that are under inspection there. It sometimes happens when a severe case of contagious disease is under investigation it may be necessary to burn the shed in which the animal afflicted with the disease was stabled. A windstorm may come along and topple over some of these buildings, and this provision is necessary to cover such a contingency.

Mr. STAFFORD. Perhaps that prevents the committee from arriving at a certain estimate, because a windstorm may come along and topple over the buildings, and so it might be beyond the range of human ingenuity to arrive at an estimate; but I can not see the reason why an estimate can not be furnished as to the amount that would be needed for repairs at Bethesda upon the property that was likely to exist at this particular station.

Mr. SCOTT. The gentleman asked for a concrete illustration. I gave him one and now he jeers at it. Let me suggest a little better one, perhaps. The law authorizes the Secretary to stamp out contagious diseases among domestic animals wherever they may occur in any part of the United States.

Now, there may be in the gentleman's own State or in my State a particularly virulent outbreak of some very contagious or infectious disease, which would do incalculable damage if it were not quickly stamped out. But we could not possibly foresee such a contingency, and if we had divided our appropriation up into specific items, the entire amount of it, how would you take care of a contingency of that kind?

Mr. STAFFORD. Just in the way we take care of it in the postal service, which is a much greater service than this agricultural service, and where the needs of the service are far more difficult to calculate than in providing for the contingencies suggested by the chairman of the committee. I do not claim that they should designate the places where these quarantine stations should be established; but I do maintain, and I do not believe the gentleman has advanced anything to show to the contrary, that it is not possible for the committee to limit the amount to be expended in these respective items. Yea, more, his very contention is that the total amount has been based upon some estimates, and if in the judgment of the committee it were thought better to so segregate the items, I believe he could readily take those figures as the basis of his calculation.

Mr. LAMB. Will the gentleman allow me to state it in a nutshell?

Mr. SCOTT. I shall be most happy to have it done.

Mr. LAMB. In the first place you can not possibly have a bill of particulars for each one of these accounts, and for all the operations of such a Department as that of Agriculture. In the next place there must be authority lodged somewhere, and responsibility, and trust. We can trust the Secretary of Agriculture in this matter. Then, again, you have there in the division of accounts a regular system of bookkeeping that shows accurately the expenditure for each bureau and division, and is admirably managed. The hearings before our committee show this.

[The time of Mr. STAFFORD having expired, by unanimous consent it was extended two minutes.]

Mr. STAFFORD. I do not question but what the money to be expended must be upon vouchers submitted, but I do contend and emphasize the fact that there is no limitation whatsoever upon the Secretary of Agriculture in expending any amount that he may see fit for any of these respective items.

Mr. CRUMPACKER. If the gentleman will permit me, six or eight years ago I went through this same discussion myself on the floor of the House and criticised the agricultural appropriation bill because it carried a lump-sum appropriation. I finally reached the conclusion that the whole agricultural service is discretionary in the main, and of a scientific and even of an emergency character, and that the system of administration can not be intelligently compared with the administration of the Post-Office Department, or any other of the great Departments of the Government, and that the only practical way is to make lump-sum appropriations, in view of the fact of the broad discretion that the whole law vests in the Secretary of Agriculture to do this or that thing or not to do it, as he deems best.

Mr. STAFFORD. I shall certainly be influenced by the gentleman's judgment after investigation of this subject, and am very glad to hear that he gave it consideration, though I can not conclude, even with all deference to his decision, that some of these items are not capable of separation and segregation.

Mr. POLLARD. I want to remind the gentleman from Wisconsin of his inconsistency. I can not help feeling that in these discussions he has become somewhat captious. Yesterday he took the floor here and argued repeatedly that the committee had gone entirely wrong in inserting in the bill the places where the committee thought the observation stations should be erected. Now, to-day, he comes in and criticises the committee because we are liberal and lodge that authority in the hands of the Secretary of Agriculture.

Mr. STAFFORD. Will the gentleman permit me?

Mr. POLLARD. Gladly.

Mr. STAFFORD. If the gentleman had followed the remarks I just made, he would have learned that I stated very definitely, or tried to state definitely, that I had no objection whatsoever to voting a lump-sum appropriation for any of these respective purposes, and that my objection was leveled yesterday at a policy that might grow into an abuse; and when the amendment was offered this morning vesting in a subordinate

head the establishment of these weather stations I made no objection to it, because it vested in him the discretion to locate those stations, but it limited the amount. My purpose in making the objection is to the fact that you limit in nowise at all the expenditure of nearly a million dollars to any one of these items when they are capable of segregation. Notwithstanding the gentleman's criticism, I am still consistent.

Mr. POLLARD. I insist that the gentleman is not consistent. I do not care to argue the point, but I want to call his attention to the fact that yesterday he took the ground that we ought not to insert in the bill the places where the buildings were to be constructed, and to satisfy his whim it was changed; and now to-day, when the bill gives the Secretary discretion where the appropriation is to be expended, he objects.

Mr. STAFFORD. In the one case you limited the expenditure and in the other there is no limitation whatever.

Mr. POLLARD. There is a limitation here.

Mr. STAFFORD. Where is the limitation as to the amount?

Mr. POLLARD. If the gentleman will read the paragraph he will find there is a limit put upon the appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken and the amendment was agreed to.

Mr. CAULFIELD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "tuberculosis," in line 6, page 10, insert the words "of animal and human beings."

Mr. MANN. Mr. Chairman, I make a point of order to that.

Mr. CAULFIELD. I hope the gentleman will reserve it.

Mr. MANN. I will reserve it, although I do not believe that we ought to enter into any argument on tuberculosis of human beings.

Mr. CAULFIELD. Mr. Chairman, I wish to call the attention of the House to the fact that while in this bill we are appropriating nearly a million dollars that may be available for the prevention of tuberculosis among animals, it seems impossible to get any appropriation passed for the purpose of preventing tuberculosis among human beings. I have here a paragraph from a pamphlet written by Doctor Knopf, an eminent specialist on tuberculosis. He says:

It is now universally admitted that tuberculosis is the most frequent cause of death. According to some statistics every seventh, according to others every sixth, death is due to tuberculosis in one form or other. According to Dr. George F. Keene, of Rhode Island, who is a very close observer, the annual tribute of the United States to this scourge is over 100,000 of its inhabitants. Each year the world yields up 1,095,000, each day 3,000, each minute 2 of its people as a sacrifice to this plague.

Now, I wish to call the attention of this committee to the fact that there is a bill to create a tuberculosis commission now pending before the Committee on Interstate and Foreign Commerce which apparently has been given no attention, and I certainly wish to compliment this Committee on Agriculture for its care for the preservation of the lives of animals to the extent of appropriating a million dollars, without desiring to cast any aspersion on the Committee on Interstate and Foreign Commerce for its failure to act on that bill, in the face of the fact that every year 100,000 people in this country are dying from tuberculosis.

I wish to say that this amendment does not lack germaneness so much as one would imagine. I wish to call attention to the fact that this same eminent specialist says that "by the careless expectorating of consumptives in meadows, fields, or stables animals may become infected with the disease." In other words, it becomes important to ascertain to what extent tuberculosis prevails among human beings in order that animals may not be contaminated and catch the disease from human beings. So that I insist that the amendment is at least germane. [Laughter and applause.]

Mr. MANN. Mr. Chairman, while I might be willing, under some circumstances, to favor an appropriation for an investigation of tuberculosis among human beings, I doubt whether I would want to turn that investigation over to veterinary surgeons. [Laughter.] I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DRISCOLL. Mr. Chairman, I have listened for the past hour to the discussion upon this subject, and have not been able to glean the information that I wanted. I would like to know whether or not the Department of Agriculture does go out in its fight against tuberculosis in cattle and buy herds of cattle and kill them in order to destroy tuberculosis?

Mr. SCOTT. There is no intention, of course, under the present language to authorize such action as that. The only thing that the Department will do under this is to take a census of cattle infected with tuberculosis.

Mr. DRISCOLL. This bill says "to purchase and destroy diseased or exposed animals, or quarantine the same, whenever in his judgment it is essential to prevent the spread of pleuropneumonia, tuberculosis, or other diseases."

Mr. SCOTT. That is in accordance with the law that we passed some years ago, and was intended merely to guard against extreme contingencies, such an occasion as arose in New England three years ago when we had an outbreak of the foot-and-mouth disease, for which Congress passed an emergency appropriation of $500,000, $250,000 of which was spent, and a part of it in paying for herds that it was thought might have been exposed, but had not then shown any evidence of disease.

Mr. DRISCOLL. Has the Department, so far as the gentleman knows, ever gone out and examined cattle and bought and killed them in order to prevent the spread of tuberculosis?

Mr. SCOTT. Not to prevent the spread of tuberculosis, to my knowledge.

Mr. DRISCOLL. Or any other disease except the foot-and-mouth disease which the gentleman has mentioned?

Mr. SCOTT. No; I have mentioned the only instance within my personal knowledge.

Mr. DRISCOLL. What does the Department do in the States in the way of fighting tuberculosis?

Mr. SCOTT. The Department has done nothing, but it proposes to go out and take a census in the hope that local sentiment will appeal to the local authorities to take the necessary steps to eradicate the disease.

I might say to the gentleman that in combating other diseases the Department has been engaged for many years in quarantine work of similar character.

Mr. DRISCOLL. Suppose they find in the country—in Illinois, let us say—some disease prevalent there, do they apply the quarantine there, or do they move the cattle to the Washington quarantine?

Mr. SCOTT. Oh, no.

Mr. DRISCOLL. What do they do?

Mr. SCOTT. In a case of that kind the farm on which the diseased cattle are located is quarantined.

Mr. DRISCOLL. Have they ever done that?

Mr. SCOTT. Many times, and the cattle are not allowed to be shipped from that farm until the quarantine is removed. Under the act I have just quoted, the act creating the Bureau of Animal Industry, very great authority was given to the Department in these directions.

Mr. DAVIS of Minnesota. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting on page 10, after the word "necessary," in line 21, the following:

"*Provided also*, That the Secretary of Agriculture is authorized to expend $5,000 of the amount hereby appropriated to especially investigate hemorrhagic septicæmia, infectious cerebro-spinal meningitis, malignant catarrh prevalent among domestic animals in the State of Minnesota and adjoining States, to work out, if possible, in cooperation with the Minnesota experiment station, the problem of prevention by developing antitoxin or preventive vaccines, and to secure and diffuse information along these lines."

Mr. DRISCOLL. Mr. Chairman, I raise the point of order against that.

Mr. DAVIS of Minnesota. Does the gentleman make a point of order, or does he reserve it.

Mr. DRISCOLL. I make it and I reserve it.

Mr. DAVIS of Minnesota. Mr. Chairman, I am very sorry that the gentleman sees fit to reserve or make a point of order in a matter of this kind. I will state to the gentleman that for two years past—during the Fifty-ninth Congress—this item has been in the bill. It was put in there at the earnest solicitation of the Secretary of Agriculture for the purpose of cooperating with the Minnesota experiment station in endeavoring to stamp out the diseases mentioned in the amendment. These diseases were becoming quite common among horses and cattle, and extended through a great portion of northern Minnesota, down into Iowa, a portion of Wisconsin, up through the two Dakotas, and from there on west. Minnesota has an experiment station that is particularly and peculiarly adapted to investigating matters of this kind, and the Secretary of Agriculture was solicitous that the officers of this station should take up the investigation of the causes contributing to these diseases. Accordingly an agreement of cooperation was entered into as soon as the appropriation for the fiscal year 1906 was made.

The State furnishing the laboratories, barns, and animals for experimentation, and all expense incident thereto, and the Government furnishing the experts to cooperate with the resident

scientists. Now, it is true that this amount probably will be expended by Doctor Melvin even if this amendment is defeated, but segregating this sum from the lump appropriation can do no harm.

Mr. DRISCOLL. If the Secretary of Agriculture favored it, why did it not get into the bill?

Mr. DAVIS of Minnesota. I was going to explain that to the committee.

Mr. DRISCOLL. And the gentleman says that he favors it?

Mr. DAVIS of Minnesota. He does favor it.

Mr. DRISCOLL. Then I withdraw the point of order.

Mr. PERKINS. Mr. Chairman, we are asked here to adopt the report of the committee, which we are willing to do, and this is a matter that the committee, as I understand it, has declined to report, and in the absence of some further information I shall reserve the point of order.

Mr. DAVIS of Minnesota. I wish to state that the chairman of the committee has no objection to this. He so stated to me a few moments ago.

Mr. PERKINS. Then, why did he not report it?

Mr. SCOTT. Mr. Chairman, as the gentleman from Minnesota [Mr. DAVIS] has stated, the language in which he now offers his amendment has been carried in this bill for the past two years. In preparing the bill this year the committee desired to eliminate as far as possible special provisions of this kind, and the provision under consideration was one of those which was thus eliminated. The committee did inquire of the Chief of the Bureau, however, whether he expected to continue this work, and he stated that he did. It is a matter of very great interest, however, to the gentleman from Minnesota, and the committee has no objection to the amendment if it can be worded in such a way as to provide that $5,000, or so much thereof as may be necessary, shall be expended.

Mr. DAVIS of Minnesota. I am willing to accept that.

Mr. SCOTT. If that alteration can be made, the committee will have no objection to the amendment.

Mr. PERKINS. As I understand, an appropriation similar to this has been made for two consecutive years?

Mr. DAVIS of Minnesota. Identical with this.

Mr. PERKINS. What results have come? Is this to be a perpetual appropriation?

Mr. DAVIS of Minnesota. Probably not, though I would like to have it become such, because of the great importance to this section of the country in stock raising and because of the fact that the Minnesota experiment station is a central point, as it were, in the heart of this region, and they have greater facilities for doing the work there, as the Secretary of Agriculture will inform the gentleman, than in any other locality.

Mr. PERKINS. But why does the gentleman suggest that this work should be done by the Government instead of being done by the State of Minnesota, which is a rich State?

Mr. DAVIS of Minnesota. Because the results of this work extend into two or three States of the Northwest contiguous to Minnesota.

Mr. PERKINS. Why, if these investigations are valuable, do they not secure results in order to determine whether it can be exterminated and checked?

Mr. DAVIS of Minnesota. They have secured results.

Mr. PERKINS. The gentleman says he would like to have this investigation perpetual.

Mr. DAVIS of Minnesota. I said I would personally, and it would no doubt produce great results, but I do not wish to run counter to what the Secretary of Agriculture deems proper. Now the Secretary of Agriculture is very insistent upon this work going on. It is only a question as to the form in which this appropriation be made.

Doctor Melvin says he is very desirous of this work going on, and he can do it under the lump-sum appropriation, and probably will do it. He no doubt will do it, because, as I am informed, there is an agreement to that effect between the Department of Agriculture and the proper authorities of the experiment station of Minnesota. They have animals now in barns being investigated under the previous appropriation.

Mr. PERKINS. Does the gentleman think that if this appropriation is allowed this year it will be an end of the matter, or that next year there will be another $5,000 wanted, and this would go on for years and years?

Mr. DAVIS of Minnesota. I will state to the gentleman that in case this investigation continues to prove beneficial, which it has thus far, and so acknowledged by the Department of Agriculture, and results in suppressing and extinguishing one or more of those diseases, and scientific information is given to the country of methods used, also should another year find this work unfinished and the Department anxious to proceed further along this line and deem it important to do so, would the gentleman say that it ought to be stopped for lack of this paltry sum? I am perfectly willing it should be ended just as soon as the Secretary of Agriculture says so.

Mr. PERKINS. But it seems to me if you are going to make discoveries in reference to disease, to prevent a cattle disease, you ought to make the discovery and have an end of it and know how to treat that disease.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. I would like to have a couple of minutes more time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to extend his time for two minutes? [After a pause.] The Chair hears none.

Mr. SCOTT. In answer to the inquiry of the gentleman from New York I read from the hearings to show Doctor Melvin's reply to the specific question as to how he was getting along with this disease. He stated:

Results have been very satisfactory, and we have been able to determine that it is a communicable disease and transferable from one horse to another.

He stated also that the work would be completed in a year or two.

Mr. PERKINS. Has he found any means of checking the disease which he finds is contagious?

Mr. SCOTT. He says, "we are now studying the methods of treatment, and are endeavoring to determine in what way it is communicated ordinarily from animal to animal." The work has not been completed, but satisfactory progress is reported.

Mr. DAVIS of Minnesota. They have animals in quarantine in their barns now under investigation, horses and cattle both.

Mr. SCOTT. I would suggest to the gentleman from Minnesota after the word "expend," in his amendment, he insert the words "not to exceed."

Mr. DAVIS of Minnesota. I will accept that amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

After the word "expend" insert "not to exceed," so as it will read, "not to exceed $5,000."

Mr. DAVIS of Minnesota. That is perfectly satisfactory.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Now the question is upon the amendment of the gentleman from Minnesota.

The question was taken, and the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill if he has information as to what extent the Agricultural Department has been able to reduce the percentage of tuberculosis in cows?

Mr. SCOTT. The Department has been making no effort to stamp out tuberculosis in cattle. To the present time its endeavors have been directed wholly to investigating the extent and prevalence of the disease and the manner in which it is communicated from one animal to another. It has not attempted to stamp out the disease.

Mr. GAINES of Tennessee. Has not the Department been investigating some way to try to prevent the extension of it and cure it? They have been working at it a long time.

Mr. SCOTT. There have been investigations along that line conducted at Bethesda, Md., but no results have been published as yet.

Mr. GAINES of Tennessee. I will state for the information of the House that I was talking to one of our leading lawyers last summer at Nashville, who has a fine Jersey farm out in the country about 4 miles. He took out one evening with him one of the leading veterinary surgeons. He went out and looked at one of his finest and most valuable cows. The veterinarian said: "That cow is affected with tuberculosis." The statement alarmed my friend very much, because he was using the milk of that cow for his family, from the least child up. He immediately had the cow killed, and, sure enough, both the lungs of that splendid-looking animal were seriously and dangerously affected with tuberculosis.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. GAINES of Tennessee. With pleasure.

Mr. CRUMPACKER. I do not know very much about tuberculosis especially, but I have understood from scientific people that if every living being on earth was destroyed, every being that had germ diseases within it, the earth would be absolutely depopulated; that there is no animal on earth in which you could not find germs of disease of some kind or other, not excluding man.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate,

by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico; and

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For experiments in animal feeding and breeding, in cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, $50,000; in all, $997,200.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against the paragraph commencing after the word "stations," line 4, page 12, and ending with the word "experiments," line 6.

I submit, Mr. Chairman, that, although it may be of the utmost importance for the Federal Government to cooperate with the State governments and agricultural colleges of the States on the question of feeding and breeding of cattle, it ought not, under any circumstances, to become a function of the National Government either to build or to maintain buildings erected by the States and owned by the States. One of the members of the committee suggests that these buildings are owned by the National Government. But I see no reason why they should be owned by the National Government if we are cooperating with the States. Under the phraseology of this paragraph I do not see where the Federal Government could be considered to own anything except the right to expend the $50,000 it seeks to appropriate.

Mr. SCOTT. Mr. Chairman, the language to which the gentleman raises the point of order is new language and was inserted in this paragraph for this reason: In Vermont, where experiments in animal breeding are being conducted in cooperation with the State experiment station, a farm of some 400 acres has been donated to the Government of the United States for the promotion of these experiments. The farm lies near the experiment station, and the experiments are carried on in connection with the officials of that station, but they are conducted upon land owned by the United States, and the only purpose of this language is to authorize the Secretary to erect the cheap buildings that may be necessary from time to time upon that farm.

Mr. MADDEN. Now, do I understand that some philanthropic person donated 400 acres of land to the Federal Government with the proviso that it should continue the experiments provided in this paragraph of the bill, and that it should expend a certain amount of money in the erection of buildings and in the maintenance of these buildings, while, as a matter of fact, the experiments are under the control and jurisdiction of the State?

Mr. SCOTT. Part of the gentleman's understanding is right and part of it is wrong. He is right in his understanding that some benevolent gentleman has donated 400 acres of land to the United States Government. He is wrong in assuming that that donation was made with certain provisos. It was an unqualified gift without any string of any kind tied to it, and does not involve the necessity on the part of the Government of continuing the experiments now being carried on there a single day.

Mr. MADDEN. Will the chairman of the Committee on Agriculture be kind enough to tell the House why it is that the language which is sought to be stricken from the bill on the point of order is placed in the paragraph in connection with this language:

For experiments in animal feeding and breeding, in cooperation with the State agricultural experiment stations.

A fair assumption is that this language is intended to convey to the House the information that the State has control over the experiments which are to be made or are being made, and that the Federal Government is only to spend a certain amount of money in cooperating with the State. If that be true, there is no reason why there should be any language in the bill to provide for the construction of buildings or maintenance of buildings at the expense of the nation.

Mr. SCOTT. I wish to say to the gentleman that this language which is sought to be struck from the bill was inserted at the request of the late Senator Proctor of Vermont, until his death chairman of the Committee on Agriculture and Forestry; and in submitting it he gave the statement which I repeated at the beginning of my remarks this morning, that this land was immediately adjacent to the farm that had been donated, and which included this experiment station, and it was necessary to make certain small buildings.

Mr. DRISCOLL. I would like to know how much this 400 acres of land is worth in the market?

Mr. SCOTT. The gentleman from Vermont can answer that question, and I yield to him.

Mr. HASKINS. Mr. Chairman, this is a farm of 400 acres containing 100 acres of heavily wooded land, and within the last year was conveyed by deed, title in fee to the United States of America without any conditions whatever by Mr. Joseph Battell, a resident of Vermont.

Mr. DRISCOLL. I wanted to know what it is worth.

Mr. HASKINS. It is a farm that cut last year 150 tons of good hay. There is upon the farm, now owned by the United States, "General Gates," a Morgan stallion of the Justin Morgan breed. It has eleven brood mares; it will have four others this very year, besides a large number of fillies and colts.

Mr. DRISCOLL. You are taking all my time.

Mr. HASKINS. You shall have all the time you want. I can not say what the value of the farm is. It runs along the banks of Otter Creek and is a valuable farm. And not only this, but this generous gentleman, Mr. Battell, is ready to convey to the United States a hundred acres lying adjacent to this farm. He is a man who has plenty of money and is interested in the rearing of the Morgan horse in this country.

Mr. DRISCOLL. We have some abandoned farms in our State, and there are a great many abandoned farms in New England. What I would like to know is not whether it grew a certain number of tons of hay, but whether it is one of those abandoned farms worth practically nothing in the market and is still to cost the Government $54,000 a year to keep up? I have not always approved of the Carnegie libraries, because of the cost of keeping them up; and I wanted to know if this was a white elephant of the same kind being given to the Government, that would cost $54,000 a year to maintain. I do not know whether it is the kind of charity that we ought to accept if it is to cost $54,000 a year to keep it up.

Mr. HASKINS. This is not an abandoned farm. It is a highly cultivated farm. It has a dwelling house, two stories high, finely finished inside with cypress; a barn 51 feet by 90 feet, three stories high, costing some $15,000. They have got to have another barn and it is necessary that it be authorized in this bill.

Mr. DRISCOLL. You are taking all my time.

The CHAIRMAN. The time of the gentleman from New York has expired. The Chair will recognize the gentleman from Vermont in his own right.

Mr. HASKINS. It is necessary, Mr. Chairman, that this language should be included in the bill in order to justify the erection of another barn to accommodate the number of horses that are being bred on that place.

Mr. DRISCOLL. Mr. Chairman, I would like to ask the gentleman if this is not the way that this agricultural bill has been growing from year to year—from a thousand dollars up to $15,000,000 a year? It strikes me that this particular appropriation of $54,000, whether subject to the point of order or not, ought to be stricken out on the merits.

Mr. SCOTT. Mr. Chairman, I do not care to protract the discussion on this paragraph, and will ask the Chair to rule on the point of order if the gentleman insists.

Mr. MADDEN. I insist upon the point of order.

The CHAIRMAN. The Chair thinks this is a continuation of a public work, and overrules the point of order.

Mr. MADDEN. Mr. Chairman, do I understand the Chair to overrule the point of order?

The CHAIRMAN. The Chair overrules the point of order.

Mr. MADDEN. Does the Chair maintain that this is not new legislation?

Mr. MANN. The Chair has ruled.

Mr. MADDEN. I move to amend the paragraph by striking out.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 12, lines 4, 5, and 6, strike out the words "including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments."

Mr. MADDEN. Mr. Chairman, I do not believe that the ruling of the Chair is good, although I presume we will have to submit to it. I do not care to take an appeal from the decision of the Chair, but I do believe that the language in this paragraph is subject to a point of order. I believe there is no question whatever about the impropriety of making an appropriation calling upon the National Government to expend money for strictly State purposes. I believe that the States of the Union are qualified to erect such buildings as may be needed for the purposes indicated in this paragraph of the bill. This is the only case which has ever come to the attention of the House

calling for an expenditure from the Federal Treasury for the erection or maintenance of buildings controlled, owned, and operated by any State of the Union. If this Committee of the Whole sustains the right of the committee recommending this language, it will have established a precedent which will be against the best interests of the Government.

I do not believe that this House is justified in appropriating money out of the Public Treasury to be expended in any State for any such purpose. It is true that when the House does vote to do this it is the action of the people of the United States, but I do not think that any State is asking the cooperation of the Federal Government in any such enterprise. There may be private interests in some States that care to get this money out of the Treasury of the United States to carry on their enterprises, but I believe there is no State in this country that, as such, will ask the Federal Government to pay for the construction of the buildings which it erects and in which it proposes to experiment on the question of the breeding and feeding of cattle. There can be no doubt that such legislation as this is unwise. I believe that if this is allowed to be enacted into law, every State in the Union will be justified in coming here and demanding like legislation, and I doubt not that many of the States of the Union will come if we but give them notice that they can get the legislation.

Mr. SCOTT. Will the gentleman allow a question?

Mr. MADDEN. Certainly.

Mr. SCOTT. I am no more inclined than the gentleman is to include language in an appropriation bill which would authorize or require the Government of the United States to erect buildings on State experiment stations, and I wish to ask the gentleman whether this would be satisfactory to him, if after the word "experiment" the words were inserted, "upon land owned by the United States," so as to limit the authority to the construction of buildings upon lands of the United States.

Mr. MADDEN. I do not believe that would be a satisfactory compromise. I would rather be defeated on the merits of the question than to compromise with what I think is unfair. I think the position I have taken is the only fair position that a person can take who is disinterested and who seeks to legislate for the best interests of the country only, and any compromise such as is suggested by the chairman of the Agricultural Committee would simply mean that I was willing to accept a crumb of comfort rather than to meet defeat in advocacy of a proposition in which I believe.

Mr. HASKINS. Mr. Chairman, I can not suffer some of the statements of the distinguished gentleman from Illinois to go into the RECORD without meeting a challenge. First, the State of Vermont has not a single dollar's worth of interest in the farm. It is owned in fee by the United States of America. Neither the State of Vermont nor any citizen in the State has a dollar's worth of interest in any of the stock upon the farm, but it is owned wholly, entirely, and absolutely by the Government of the United States.

Mr. MADDEN. I do not doubt that.

Mr. SCOTT. I have only this to say in opposing the amendment: That the gentleman from Illinois is an able and conscientious legislator we all concede, and yet he is not the sole custodian of the legislative ability and carefulness and conscientiousness of the House. The Committee on Agriculture has considered this matter very carefully and has recommended the language in question because the committee believes it to be in the interest of economical administration in the Department of Agriculture. I trust that the amendment will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. LEVER. Mr. Chairman, I move to strike out the last word, and will ask unanimous consent to extend my remarks in the RECORD, by printing some remarks of W. D. Byrd before the South Carolina Live Stock Association.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

STATEMENT FROM THE REPORT OF THE SECRETARY OF AGRICULTURE.

Considerable effort has been expended toward improving the dairy conditions of the South under a special appropriation made by Congress for this purpose. Nine men have been engaged in the work in seven States. The work has enlisted the attention and good will of the farmers. Assistance has been rendered in the remodeling of old barns and the building of new ones, the construction of silos, the selection and breeding of herds, and the keeping of records of feeds and of the products of the dairy herds. Local market conditions and the sources of the supplies that are brought into the South from outside territory have been investigated.

Many farmers have been induced to keep records of their herds, so as to show the cost of feed and the amount realized from the products both before and while carrying out the suggestions made for improved methods. Such records have been kept for seventy herds, comprising 1,606 cows. The results from sixteen herds have been compiled for illustration and show an average increase of $3.75 in the monthly production of each cow. This is a striking example of the practical results to be obtained by the adoption of better dairy methods in the South.

The work has met with uniform favor. So encouraging have been the results of the Department's work that similar work is being taken up by some of the States. It is believed that after this special educational work has been well started the Department should withdraw and the States should continue it.

REMARKS OF W. D. BYRD BEFORE THE SOUTH CAROLINA LIVE STOCK ASSOCIATION.

It affords me great pleasure to have this opportunity of telling the results I have received from the dairy division of the Government, when I have been benefited, as I have in this case. I am only too glad to give the ones credit to whom credit is due.

Six years ago, when cotton was selling at 7 cents per pound and our lands were decreasing in fertility, caused from a one-crop system, I realized that to make farming pay I had to make a change; so I decided on a three-year rotation of crops, along with a small dairy.

Having no experience in the dairy business, I at once subscribed for Hoard's Dairyman, devoting as much of my time as I could to reading that and other literature on the subject. I knocked along in a way, until last winter I became very much discouraged. Picking up The State one day I saw where the Government would assist a man in my condition, signed John Michels, Clemson College, South Carolina. I at once wrote to Professor Michels, he forwarding my letter to the proper authorities, and in reply was assured that Mr. Dorman, of the dairy division, would be at my place as early as possible. He came on March 8 and found a herd of fourteen cows which were giving very unsatisfactory results, for the reason that the owner knew nothing of the work of the individual cow. During the month of March I shipped 160 pounds of butter from ten cows. On March 8 they produced 92 pounds of milk, 9.2 pounds per cow.

I was allowing the calves to suck until they were 6 to 8 weeks old. I was not feeding properly, and churning whole milk. He showed me clearly where I was losing, and having seen unquestionable results of the manure on my farm, I was anxious to continue the dairy, so was glad to get his help and take his advice. I have always found his advice profitable to me. He gave me a daily milk-record sheet to enable me to keep a record of each cow; placed me on a balanced ration as near as he could with the feed available; tested the milk from each cow, also tested the buttermilk; found I was losing 1 pound of butter per day, requiring 20 pounds of milk to make 1 pound of butter. Through his advice and convincing evidence I made the suggested changes, and my cows at once began to improve.

Those that were on March 8 giving 15 pounds of milk increased to 23 pounds by the end of the month, and the others in proportion; or, instead of getting 92 pounds per day, by March 30 I was getting 160 pounds daily. This showed a very satisfactory increase in milk production, but by testing the buttermilk I found that there was still a great loss of butter fat, so I decided to buy a separator. By its use, and by more careful attention to the churning temperature, I still further increased the amount of butter produced. On January 25 last, out of 279 pounds of milk, I made 17½ pounds of butter, requiring only 16 pounds of milk for 1 pound of butter. By stopping these leaks and by better methods we have increased the butter from 160 pounds from ten cows in March to 342 pounds from thirteen cows in January, or from an average of 16 pounds of butter per cow per month to 26 pounds per cow per month. These figures do not include the milk, cream, and butter used in my family. We are also raising the calves from birth on the skim milk, which I find is less trouble and more profitable. Mr. Dorman, testing my cows from time to time as to the butter fat, along with the milk record, I now know the work of each individual cow, which enables me to weed out all the unprofitable ones. I also hope to see my way clear to build a silo at an early day. It is very gratifying to state that Mr. Dorman has brought my herd from a losing to a paying business.

Now, gentlemen of the association, I only wish I could express myself more forcibly as to the advantage Mr. Dorman's visits may be to you:

1. He can see your exact condition and prescribe to suit your individual case.

2. You see the actual work done, which is the best way to learn how it is done.

3. You are anxious to show good results on his return, therefore you will exert every effort to make a better record. And there are numerous other reasons I might mention.

Reading dairy literature is a good thing, and I would advise every one in the business to take several good dairy papers. But personal visits by a dairy expert can advise you more accurately than one who has never seen your place can do by writing.

Now, I would like to say in conclusion that as dairying is becoming an absolute necessity to maintain the fertility of our farms, we want to make a success of the business at the same time. Anyone here wishing to get such assistance as I have had can do so, and I know if Mr. Dorman had not come to my rescue I certainly would have sold my cows for beef.

The Clerk read as follows:

General expenses, Bureau of Plant Industry: To investigate fruits, fruit trees, grain, cotton, tobacco, vegetables, grasses, forage, drug, medicinal, poisonous, fiber, and other plants and plant industries, in cooperation with other branches of the Department, the State experiment stations, and practical farmers; to continue the study and demonstration of the best methods to combat the cotton boll weevil; to study plant and orchard diseases and demonstrate the treatment of same; to study plant physiology in relation to crop production; to originate and improve crops by breeding and selection; to investigate and encourage the adoption of improved methods of farm management and farm practice; to investigate the feeding value of farm crops and the use of fertilizers; to investigate the causes of decay in forest timber and timber used for construction purposes, and to devise means for preventing the decay of the same; to investigate the practical application in agriculture of the fixation of atmospheric nitrogen by bacteria and other micro-organisms in soils and in the root tubercles of leguminous and other plants; to cultivate and distribute these nitrogen fixers; to study and find methods for preventing algal and other contaminations of water supplies; to carry on special investigations of the conditions of grain production, handling, grading, and transit, and of the means of improving the same; to model fruits, vegetables, and other plants, and furnish duplicate models to the experiment stations

of the several States, as far as found practicable; to investigate the methods of harvesting, packing, storing, and shipping fruits and vegetables, and for experimental shipments of fruits and vegetables within the United States and to foreign countries; to cultivate and care for experimental gardens and grounds, manage and maintain conservatories, greenhouses, and plant and fruit propagating houses; to enable the Secretary of Agriculture to continue the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the act of Congress approved April 18, 1900; to investigate and report on the cost of growing and curing tea and the best method of cultivating and preparing the same for market; to investigate and develop the domestic production of sugar-beet seed and the best methods of increasing the tonnage of sugar beets; to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum and other sugar-producing plants; to collect, purchase, propagate, test, and experiment with rare new seeds, bulbs, trees, shrubs, vines, cuttings, and plants; for the employment of investigators, local and special agents, agricultural explorers, experts, clerks, illustrators, assistants, student or scientific aids, foremen, gardeners, mechanics, and all other labor and scientific assistance required in conducting investigations and experiments in the city of Washington and elsewhere.

Mr. SMALL. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman of the committee. In the paragraph on page 14, under the title of "General expenses of the Bureau of Plant Industry," there occurs this language: "to continue the study and demonstration of the best method to combat the cotton boll weevil;"

That language includes also what is known as the farmers' cooperative demonstration work under the supervision of Dr. S. A. Knapp. Now, there is nothing in the entire paragraph indicating the amount of appropriation which will be available in the prosecution of that work. I understand informally that it was the intention of the committee that as much as $100,000 should be available for that work, but in reality it is a matter for the administration in the Department.

Mr. SCOTT. Will the gentleman from North Carolina speak louder, I do not hear just what he is saying.

Mr. SMALL. There is nothing in the language which indicates how much of the gross appropriation is to be available for the farmers' cooperative demonstration work. I say I further understand that the chairman of the committee, or perhaps the entire committee, have informally agreed that as much as $100,000 should be available. Speaking for myself, I would not be content to allow the paragraph to pass unless I knew from the chairman of the committee, speaking for the committee, or some expression of opinion from the committee, as to how much was available.

Mr. SCOTT. As the gentleman from North Carolina very well knows, the provision for combating the boll weevil has been carried heretofore as an emergency appropriation. As I stated in my opening remarks, it was the opinion of the committee that it ought not any longer to be carried as an emergency appropriation, for the reason that the boll weevil has been added to the insect pests which we have to fight against all the time.

There was appropriated last year $190,000, of which $150,000 was used by the Bureau of Plant Industry and the balance by the Bureau of Entomology. In making the appropriation for the two bureaus it was the understanding of the committee that $170,000 should be expended by the Bureau of Plant Industry and $20,000 by the Bureau of Entomology, that arrangement being made because it has been clearly demonstrated that most of the work will be carried on by the Bureau of Plant Industry for the reason that the work of the Bureau of Entomology, with reference to the boll weevil, has, in a large measure, been concluded. Acting upon the advice and understanding of the committee, I addressed a letter, as chairman of the committee, to Doctor Galloway, who will have charge of the work, stating what the wishes of the committee were in that respect, and informing him that the bill was drawn in the expectation that $170,000, or so much thereof as might be necessary, should be devoted by him to the continuation of this work. I trust that will be satisfactory to the gentleman from North Carolina.

Mr. SMALL. With an additional explanation. I am not mistaken, I believe, in stating that what is known as the farmers' cooperative demonstration work is carried on under that appropriation.

Mr. SCOTT. It has been.

Mr. SMALL. And will be?

Mr. SCOTT. As long as in the judgment of the Secretary it is advisable to continue it.

Mr. SMALL. What proportion will be available for the demonstration work?

Mr. SCOTT. I have a letter from Doctor Galloway in reply to mine, accepting the suggestion of the committee as equivalent to a direction on the part of Congress, but he did not indicate how much of that money would be expended in the different branches of the work. I feel sure the gentleman from North Carolina and all others interested in this work may trust to his discretion in the matter.

Mr. SMALL. So the cooperative demonstration work will be amply provided for?

Mr. SCOTT. It will be amply provided for.

Mr. SMALL And out of this appropriation?

Mr. SCOTT. That is as I understand it.

Mr. SMALL. Mr. Chairman, I withdraw the pro forma amendment.

Mr. NORRIS. Mr. Chairman, I renew the motion to strike out the last word. I do this for two purposes. First, I would like to call the attention of the chairman of the Committee on Agriculture, as well as other members of the committee, to the fact that it must be apparent, it seems to me, that they have grouped in this bill too many items under one lump-sum appropriation. I have listened with a good deal of interest to the discussion that took place on a prior paragraph, and it seems to me that some of the criticisms were just. My suggestions are, I want to say, made in the best of faith, because I have almost absolute confidence in the Secretary of Agriculture, who has charge of these expenditures, and I have equally as great faith in the chairman of the Committee on Agriculture and the different members of the committee. So that I am offering no criticism in any fault-finding spirit. But now I will submit to the chairman that on each one of these items I presume it is intended to expend some money.

Mr. SCOTT. Yes, sir.

Mr. NORRIS. On page 14, commencing with line 4, there commences a list of items that runs over to page 18 before there is any appropriation made. All of these items included between these two places in the bill are covered by this one lump-sum appropriation. I am not finding fault with any of the items.

I believe they ought to all be there. They are all right and proper, but it does seem to me that we could more intelligently legislate if there were at least not so many items grouped together. I have just counted them roughly and find, if my count is correct, that there are very nearly 200 items included between those two points in the bill. The chairman of the committee said a while ago that you could not well place different amounts after the different items for the reason that there might be some unforeseen contingencies arise that would make it necessary to expend more than had been anticipated for any particular item. I would like to call the chairman's attention to this fact. He has answered me and said it is the intention to expend some of this money for each one of these items. If some unforeseen circumstance should happen so that it would make it necessary to expend more than is anticipated for any one or for several of these items, would it not logically follow that there must be some other item or items equally, perhaps, as meritorious for which the appropriation must be cut down, if not cut out entirely? I submit that to the chairman for his consideration and the consideration of the committee, because I believe that we could more intelligently legislate without danger of leaving out of this appropriation some items that Congress might have particular reason for putting in. For instance, on page 15 of the bill, down commencing after the semicolon on line 18:

To investigate and develop the domestic production of sugar-beet seed, and the best methods of increasing the tonnage of sugar beets.

This is a very important item. As far as the seed is concerned, we have been dependent for several years upon that which has been shipped from Germany, at least, to a great extent. If we could improve the methods of producing the seed it would greatly increase the value of the sugar-beet lands, and at the same time increase the yield and decrease the price that would be necessary to pay for it, and therefore decrease the price of sugar. The Secretary of Agriculture may not particularly know just exactly the idea of Congress in putting this item in, and if it is necessary to cut something out he may cut out that item and use the money that was really intended for that item for some other item upon which there may be some unforeseen contingency happen, as the gentleman from Kansas [Mr. SCOTT] has suggested. All of which, it seems to me, is not good legislation. This item is only an illustration. The same could be said about any other item included between those two places in the bill.

Mr. KEIFER. Mr. Chairman, I want to call the attention of the gentleman from Nebraska [Mr. NORRIS] to a provision of the statute in the original deficiency act of February 27, 1906, which requires appropriations made for contingent expenses or other general purposes to be allotted before the beginning of each fiscal year to the different purposes for which they are appropriated, and I want to ask him whether or not that would not obviate all his objections, leaving to the Secretary or head of the bureau having charge of this the power, to be executed by him, in making these allotments before the beginning of the fiscal year.

Mr. NORRIS. I understand the gentleman's question, Mr. Chairman, and in reply will say that if his idea is correct, then it absolutely does away with the excuse given by the chairman of the committee for not itemizing it in the bill, because he said it was desirable to let the Secretary of Agriculture have a discretionary power to use more than might be deemed at the beginning advisable for any particular item. If the law were enforced as the gentleman from Ohio suggests, then that discretion would be taken away from the Secretary.

Mr. KEIFER. But the law is enforced, if the gentleman will allow me to say, subject to an emergency that would arise that would require an alteration of the allotments, and the law is intended to have the allotments made to carry out the purposes of the appropriation.

Mr. NORRIS. Suppose, then, for instance, that the Secretary of Agriculture, on account of some unforeseen circumstances, would deem it necessary to greatly increase what he intended to use for the boll-weevil proposition. In order to do that some other item included in this bill would have to be cut out, or the amount used for it in this bill would have to be lessened. This method of legislation leaves too great a discretionary power with the Department. It does more. It makes it absolutely impossible for the Secretary to determine how Congress intended to have the money distributed between the two hundred items included in the lump sum appropriated. It also establishes a bad precedent, and some time it may be taken advantage of to the detriment and injury of the country.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SCOTT. Mr. Chairman, I answered hastily, replying to the gentleman, when I said that it was the expectation that the Department should do something under every one of the lines included in this paragraph for general expenses. I should have said that it is the intent of that language to give the Department authority to do work along any of these lines. As a matter of fact, the Department does work along nearly all of these lines nearly every year. The Bureau of Plant Industry now has something like 700 projects for which estimates are submitted in a general way to the committee. It would be, in the judgment of the committee, impracticable and unwise for this Congress to make specific appropriations for each of these projects. It is not only the judgment of your present committee, Mr. Chairman, but it has been the judgment of every Committee on Agriculture that has had a place in this House since it became the duty of the Committee on Agriculture to prepare the appropriation bill for the support of this Department.

Mr. BONYNGE. Will the gentleman permit a question? Does the Secretary, in making estimates, make estimates as to the cost of each project, or does he make estimates not by projects, but in one item?

Mr. SCOTT. The Secretary makes an estimate for each project.

Mr. BONYNGE. Then why should not the committee, in making appropriations, make appropriations based upon his estimate for each project instead of lumping a large number of estimates together and making a general appropriation?

Mr. SCOTT. Because if the committee did that and some conditions should arise which would make it wise in the judgment of the Secretary to put more work on one project than he had intended to do he would not be able to get money enough to do it.

Mr. BONYNGE. But if the gentleman stops to think for a moment the logical conclusion of his argument would be to give him authority to carry on these various investigations and at the conclusion of the bill put in one general appropriation covering everything in the bill.

Mr. SCOTT. Oh, that is not the logic of my position, with all deference to the gentleman.

Mr. BONYNGE. It would seem to apply as much to all items in the bill as to four or five pages of the bill.

Mr. SCOTT. It seems to me there is a very clear distinction between making a lump-sum appropriation to carry on various projects in a certain bureau which are necessarily of a similar character and putting into a lump sum the work of a dozen bureaus and divisions carrying on very different kinds of work.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. NORRIS. If that be the object of the gentleman, then on page 18 why do you put in the appropriation for the items there? Why not go on, for that is in the same bureau as that beginning with line 7?

Mr. SCOTT. Because the committee recognizes the advisability of making the appropriations just as nearly specific as can be wisely done.

Mr. NORRIS. I agree with the gentleman entirely.

Mr. SCOTT. I intended to say before closing that I think there is a great deal of force in the suggestion made by the gentleman from Nebraska, that where a bureau increases and expands as the Bureau of Plant Industry has, to cover such an enormous number of projects, it would be wise, so far as possible, to group those projects and make your lump-sum appropriation cover just as many different groups as can be wisely done.

Mr. NORRIS. I think so.

Mr. SCOTT. I appreciate the suggestion of the gentleman.

Mr. NORRIS. Will the gentleman answer this question: What assurance could the gentleman give to the House that this item of investigation and development of sugar-beet seed—what assurance could the gentleman give the House that any investigation will be made or that the money that was intended to be used for that investigation will not be diverted to some other item in the bill on account of some unforeseen emergency?

Mr. SCOTT. The only assurance I can give is my faith in the discretion and judgment of the Secretary of Agriculture.

Mr. NORRIS. I have the greatest faith also in him, but if there is an emergency somewhere, and he uses more than was intended for that purpose, he must necessarily take it away from some item. Some item must suffer.

Mr. PAYNE. May I ask the gentleman from Kansas a question?

Mr. SCOTT. With great pleasure.

Mr. PAYNE. Is not the present Secretary of Agriculture more apt to divert a larger sum to the development of the seed of the sugar beet than he is to anything else in this whole paragraph?

Mr. NORRIS. Admitting that to be true, it still bears out my contention.

Mr. PAYNE. From your knowledge of his interest in that subject?

Mr. SCOTT. I think the gentleman need have no apprehension whatever that sugar beets will be neglected by the present administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask that it may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. I wanted to ask the gentleman further in regard to this item for the extermination of the boll weevil. In the estimates that have been submitted by the Secretary of Agriculture is any statement made of the amount that will be used in this demonstration work at all? The reason I ask is this: This work is being done not only by the Government but by the general education board, as the chairman understands. That board takes care of the States that have not yet been reached by the boll weevil, but that will in all human probability be affected hereafter, and as soon as the boll weevil arrives in a State then the work of the general education board ceases and it is turned over to the Government.

Now, during the last year the States of Oklahoma and Mississippi have been added to the territory that is exclusively now to be provided for by appropriations from the Department of Agriculture, and necessarily the expense will be considerably larger than it was last year. Last year, as I understand it, it was $80,000. Now, the understanding, as I am informed, is that there will be $100,000 of that money set apart for this demonstration work.

Mr. SCOTT. If the gentleman will pardon me for interrupting him, I covered this question a few moments ago quite in extenso in reply to a query from the gentleman from North Carolina [Mr. SMALL], and I hardly like to go all over it again. Very briefly let me say to the gentleman that there will be at the disposal of the Bureau of Plant Industry this year $170,000 for the continuation of this boll-weevil work. The judgment of the Secretary and the Chief of the Bureau is so strongly to the effect that the best results are gotten through the farm demonstration and cooperative work, I have no doubt a very large proportion of that sum will be expended in that way.

Mr. HUMPHREYS of Mississippi. I understand that. I heard the gentleman's answer to the question of the gentleman from North Carolina, but I was in hopes that there was something in the estimate of the Secretary that would indicate that at least $100,000 would be had for this demonstration work, and I was very anxious that it should go in the RECORD.

Mr. SCOTT. There is more than that. There is a letter on file with the Committee on Agriculture from the Chief of this Bureau, stating that he will expend $170,000 this year on that work.

Mr. HUMPHREYS of Mississippi. Not on the general demonstration work.

Mr. SCOTT. I think the gentleman ought to be willing to leave that to the Chief of the Bureau and the Secretary. That is the way it has been carried before. There has never been any specific appropriation for any particular line of work, and I do not think the gentleman is justified in his present apprehension in regard to the matter.

Mr. HUMPHREYS of Mississippi. I wanted to make it as certain as I could that this appropriation would be expended in that way.

Mr. CANDLER. Last year in the appropriation bill the amount that was intended to be expended for this purpose, according to my recollection, was $90,000. The chairman is sure there will be that much or more expended this year?

Mr. SCOTT. Oh, yes; quite sure.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. JONES of Washington. Mr. Chairman, I desire to renew the motion in order to ask the chairman of the committee a question. On page 14 there is an appropriation for the investigation of farm management and farm practice. Can the gentleman give me any idea how much the Department expects to expend in respect to that work?

Mr. SCOTT. I have the figures here, but it would take some time to find them. I can give the gentleman an estimate. In a general way, I may say more money will be expended in the work than has heretofore been expended.

Mr. JONES of Washington. Then on page 15 I find, "for experimental shipments of fruits and vegetables within the United States and to foreign countries." I would like to know what is the scope of the work of the Department in that regard.

Mr. SCOTT. Under that provision the Department, to give a concrete illustration, has been shipping oranges and lemons from California to the Eastern markets, for the purpose of observing the reasons why the fruit deteriorates in transit. It has reached some very interesting results, so interesting and valuable, indeed, that the fruit growers of California believe that the annual value of the fruits saved by the application of the methods advised by the Department will reach the very handsome sum of $25,000,000. The Department has demonstrated, for example, that if the fruit can be put in cold storage before it starts and cooled to the temperature of the refrigerator cars, it reaches the market in a very much better condition.

Mr. JONES of Washington. I am very glad the gentleman has made that statement, and I wish to say that it has been ascertained that we can ship our peaches for seventeen days, or a longer period, and they get to New York or Liverpool in excellent condition.

Mr. SCOTT. It is a very interesting and valuable work the Department has done under this section.

Mr. GAINES of Tennessee. I move to strike out the last word, for the purpose of asking the gentleman from Kansas a question. I see that you include in this bill "investigation of fruit, fruit trees, grain, cotton, tobacco, vegetables," and so forth. Is there a specific appropriation for the investigation of insects, and so forth, that destroy tobacco?

Mr. SCOTT. There is no specific appropriation for that purpose. It is just like the former appropriation.

Mr. GAINES of Tennessee. Is the appropriation for this particular branch of the Department's work increased?

Mr. SCOTT. The general expenses are increased in this bill over last year $311,486. That, however, is only an apparent increase, because there should be deducted from it $170,000, which was carried in another item last year, and which is covered over into this item this year.

Mr. GAINES of Tennessee. Then there is no increase this year?

Mr. SCOTT. There is an increase of about $80,000 in this particular paragraph in the bill.

Mr. GAINES of Tennessee. Is there any provision in this bill giving the Secretary of Agriculture, you may say, a lump sum to carry on the different branches of his work if the appropriations fall short?

Mr. SCOTT. The Secretary has taken care that the appropriations shall not fall short.

Mr. GAINES of Tennessee. But suppose they do fall short. Suppose you appropriate $500,000 to do the entire work of a Department and it falls short of the work by $100,000. Have you given him any money to cover that or will that come up in the shape of a deficiency?

Mr. SCOTT. The committee has drawn the bill very carefully this year, and has left no large margin for unforeseen contingencies.

Mr. GAINES of Tennessee. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. SCOTT. I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HINSHAW for two weeks, on account of very serious illness of his father.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9079. An act to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise;

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 16471. An act for the relief of George H. Penrose;

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia;

H. R. 13875. An act for the relief of John V. Johnson;

H. R. 17511. An act to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark.;

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr.;

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland; and

H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

AMENDMENT OF STATEHOOD ACT.

Mr. WEBB. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 17050) to amend section 18 of an act entitled "An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 16, 1906, and for other purposes.

Mr. PAYNE. I call for the regular order.

ADJOURNMENT.

Mr. SCOTT. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 59 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the secretary of the Interstate Commerce Commission submitting an estimate of reappropriation for block signal investigations—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an amended estimate of appropriation for the Coast and Geodetic Survey—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for repairs to steamer *Albatross*—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting a report on Camp John Hay, Benguet, P. I., giving data as to treatment of certain tropical diseases—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for filing appliances in the Post-Office Department and revising the estimate for printing and binding for the Treasury Department—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19470) permitting the building of a dam across the Savannah River at Calhoun Falls, reported the same without amendment, accompanied by a report (No. 1330), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19471) authorizing the building of a dam across the Savannah River at Trotters Shoals, reported the same without amendment, accompanied by a report (No. 1331), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19472) permitting the building of a dam across the Tugaloo River at Hattons Ford, reported the same without amendment, accompanied by a report (No. 1332), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5133) to amend an act entitled "An act to authorize the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," reported the same without amendment, accompanied by a report (No. 1333), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 1214) to give pensionable status to Benjamin C. Welch—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5488) granting an increase of pension to Margaret T. Everly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19945) granting a pension to Thomas F. Prendergast—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY, from the Committee on Appropriations: A bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908—to the Union Calendar.

By Mr. DALZELL: A bill (H. R. 19956) to prevent the manufacture, sale, or transportation of improperly labeled or misbranded paint, turpentine, and linseed oil—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: A bill (H. R. 19957) to change the name and jurisdiction of the inferior court of justice of the peace in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NELSON: A bill (H. R. 19958) for the erection of a public building at Watertown, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 19959) authorizing the women's executive committee of the Board of Domestic Missions of the Reformed Church in America to purchase certain lands set apart to it for missionary purposes among the Kiowa, Comanche, and Apache Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. EDWARDS of Georgia: A bill (H. R. 19960) to appropriate $55,000 to extend the sea wall at Fort Screven, on Tybee Island, Georgia—to the Committee on Appropriations.

By Mr. McMORRAN: A bill (H. R. 19961) to prohibit the maintaining of a bucket shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stock or bonds of any corporation, or petroleum, cotton, grain, provisions, or other produce, either on margins or otherwise, without any intention of receiving or paying for the property so bought, or of delivering the property so sold, and defining a bucket shop, in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 19962) appropriating $5,000 for the improvement of that portion of National avenue, village of West Milwaukee, Milwaukee County, Wis., abutting the grounds of the Northwestern Branch National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations.

By Mr. FOULKROD: A bill (H. R. 19963) authorizing the President to place on the retired list certain enlisted men, with pay and allowances as such—to the Committee on Military Affairs.

By Mr. ELLIS of Oregon: A bill (H. R. 19964) to authorize the Iron Dyke Copper Company, a corporation of the State of Pennsylvania, to construct a bridge across the Snake River, between Oregon and Idaho, at or near Homestead, Oreg.—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 19965) for the proper observance of Sunday as a day of rest—to the Committee on the District of Columbia.

By Mr. SULZER (by request): A bill (H. R. 19966) relative to the perforation of postage stamps as a safeguard against robbery—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Texas: A bill (H. R. 19967) providing for the construction of a canal from the canal in front of the city of Port Arthur, Tex., to the deep waters of Sabine Lake—to the Committee on Rivers and Harbors.

By Mr. HEPBURN: A bill (H. R. 19968) to further amend "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February 15, 1893—to the Committee on Interstate and Foreign Commerce.

By Mr. HELM: A bill (H. R. 19969) to authorize the extension and enlargement of the proposed public building in the city of Danville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: Joint resolution (H. J. Res. 158) providing for the erection of a monument to the memory of Robert E. Lee in the National Capital at Washington, D. C.—to the Committee on the Library.

By Mr. MONDELL: Joint resolution (H. J. Res. 159) to prevent settlement upon and speculation in certain lands affected by contemplated suits on behalf of the United States—to the Committee on the Public Lands.

By Mr. BROUSSARD: Resolution (H. Res. 315) to appoint a committee to investigate the condition of sugar, rice, tobacco industries, etc., in the Philippine Islands, and for other purposes—to the Committee on Rules.

By Mr. WILSON of Illinois: Resolution (H. Res. 316) for the appointment of an additional clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 19970) granting an increase of pension to Isaac Thuston—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19971) granting an increase of pension to David J. Jones—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 19972) granting a pension to Thomas A. Dobbins—to the Committee on Pensions.

By Mr. BOYD: A bill (H. R. 19973) granting an increase of pension to David McDuffie—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 19974) for the relief of John M. Kelly—to the Committee on Claims.

By Mr. CARY: A bill (H. R. 19975) granting an increase of pension to John Phelan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19976) granting an increase of pension to Henry Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19977) granting a pension to Robert King—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida; A bill (H. R. 19978) for the relief of David Johns—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 19979) authorizing C. G. Boles to bring suit in the Court of Claims to recover for property seized by the Federal soldiers subsequent to the close of the civil war—to the Committee on War Claims.

By Mr. DE ARMOND: A bill (H. R. 19980) granting an increase of pension to William L. Ward—to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 19981) granting an increase of pension to John M. Scoville—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 19982) granting an increase of pension to Thomas E. Kellogg—to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 19983) granting an increase of pension to Mansfield Burris—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 19984) granting an increase of pension to Philip Honsinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19985) granting an increase of pension to Edward D. Shader—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 19986) for the relief of the estate of Willis Ramsey—to the Committee on War Claims.

By Mr. HELM: A bill (H. R. 19987) granting an increase of pension to Allen Demarer—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 19988) to authorize the appointment of A. C. Hidalgo a midshipman at the United States Naval Academy—to the Committee on Naval Affairs.

By Mr. HUFF: A bill (H. R. 19989) granting an honorable discharge to Milton Vandevort—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 19990) for the relief of J. W. Tate—to the Committee on War Claims.

Also, a bill (H. R. 19991) for the relief of the legal representatives of Z. Tate & Son—to the Committee on War Claims.

Also, a bill (H. R. 19992) for the relief of the legal representatives of John W. Franklin—to the Committee on War Claims.

Also, a bill (H. R. 19993) for the relief of the legal representatives of William A. Prewitt—to the Committee on War Claims.

Also, a bill (H. R. 19994) granting a pension to W. H. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19995) granting an increase of pension to Leonard W. Massey—to the Committee on Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 19996) granting an incerase of pension to Richard P. Bristow—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 19997) granting a pension to Elizabeth Sanderson—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 19998) granting a pension to Harriet H. Hardwick—to the Committee on Pensions.

By Mr. LIVINGSTON: A bill (H. R. 19999) granting a pension to Rachel E. Bean—to the Committee on Pensions.

Also, a bill (H. R. 20000) granting a pension to John J. Sanders—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 20001) granting an increase of pension to John A. Goodwin—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 20002) granting an increase of pension to Patrick Gillooly—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 20003) for the relief of Christopher Mabbott—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 20004) granting a pension to Robert E. Rawls, alias Robert E. Russell—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 20005) for the relief of the heirs of W. M. Stevenson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20006) for the relief of the heirs or estate of Mrs. Eunice Hurdle, deceased—to the Committee on War Claims.

By Mr. TALBOTT: A bill (H. R. 20007) granting an increase of pension to James M. Reynolds—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 20008) for the relief of the heirs of William Civiels, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Trades and Labor Assembly, of New Castle, Pa., relative to H. R. 10556, providing for a tax of 1 cent per ton upon all coal produced in United States and Territories—to the Committee on Mines and Mining.

By Mr. ALEXANDER of Missouri: Petition of R. P. Duncan and others, of Stanberry, Mo., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany bills for relief of Catherine J. Thomas and Elcania McClure—to the Committee on Invalid Pensions.

Also, petition of voters of Clinton County, Mo., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. ANTHONY: Petition of Sunshine Grange, No. 1443, of Tonganoxie, Kans., for a national highways commission—to the Committee on Agriculture.

By Mr. BURKE: Petition of J. C. Grogan Company and others, retail jewelers, of Pittsburg, against the Vreeland bill (H. R. 18446), a measure to regulate making of watch cases—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Robinson Brothers, bankers; Franklin Savings and Trust Company of Pittsburg, and the Mellon National Bank, of Pittsburg, for H. R. 6091, to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Petition of citizens of North Anson, Me., in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of North Anson, Me., for a national highways commission—to the Committee on Agriculture.

By Mr. CALDER: Petition of C. B. J. Snyder, of New York, for development of Washington on lines of the L'Enfant plan—to the Committee on the Library.

By Mr. COOK of Pennsylvania: Petition of North American Fish and Game Protective Association, for a treaty with Canada for control and propagation of the fisheries interests in the Great Lakes—to the Committee on Foreign Affairs.

Also, petition of Junior Order of United American Mechanics, of Philadelphia, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalizaton.

By Mr. CRUMPACKER: Petition of Harold H. Wheeler and others, of Crown Point, Ind., for a national registration law for automobiles—to the Committee on Interstate and Foreign Commerce.

By Mr. DARRAGH: Petition of Edward H. Green and 24 other members of Baxter Post, No. 119, Grand Army of the Republic, of Charlevoix, Mich.—to the Committee on Invalid Pensions.

Also, memorial of William H. Howe and 13 other residents of Le Roy, Osceola County, Mich., favoring a national highways commission—to the Committee on Agriculture.

Also, petitions of D. B. Oviatt and 77 other residents of Antrim County; John J. Brezina and 29 other residents of Traverse City, Grand Traverse County, and Petrolyna Kroupa and 21 other residents of Traverse City, all in the State of Michigan, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DAWSON: Petition of 12 citizens of Stockton, Iowa, for a national highways commission—to the Committee on Agriculture.

By Mr. DRISCOLL: Petition of George W. Childs, of South Onondaga, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of National Association of Manufacturers, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of William Wells Bosworth, of New York, for carrying out of original plan of L'Enfant relative to beautifying the city of Washington—to the Committee on the Library.

By Mr. DUREY: Petition of Mapleton Grange, of Canajoharie, N. Y., for Federal aid in building highways—to the Committee on Agriculture.

Also, petition of residents of the Twenty-fifth Congressional District of New York, favoring prohibition legislation—to the Committee on the Judiciary.

By Mr. ENGLEBRIGHT: Petitions of Los Angeles-Nevada Mining Stock Exchange; Trans-Mississippi Congress, Bureau of Mines; Henry Mace Payne, West Virginia University; Montana Mining Association; American Mining Congress; Erasmus Haworth, University of Kansas; Colorado Mine Operators' Association; West Virginia coal operators; San Diego Chamber of Commerce; Los Angeles Chamber of Commerce; Los Angeles Stock Exchange; Los Angeles Chamber of Mines, and Goldfield Chamber of Commerce, for a Department of Mines and Mining—to the Committee on Mines and Mining.

By Mr. FOSTER of Vermont: Petition of Mountainville Grange, Patrons of Husbandry, of Orange County, for creation of national highways commission—to the Committee on Agriculture.

By Mr. FOSTER of Illinois: Petitions of Clara Shaw and 31 other citizens of Rutland, Ill., and C. A. Schnell and 36 other citizens of Noble, Ill., against S. 1519 (Sunday banking in post-offices)—to the Committee on the Post-Office and Post-Roads.

By Mr. FOULKROD: Petition of Junior Order United Amer-

ican Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of C. B. J. Snyder, of New York City, for beautification of Washington on line of L'Enfant's plan—to the Committee on the Library.

By Mr. GRAHAM: Petition of A. M. Schoyer, against H. R. 17978, for securing information by private agencies—to the Committee on Labor.

Also, petition of Robinson Brothers, bankers, for H. R. 6091—to the Committee on Banking and Currency.

Also, petitions of Dorsey F. Seville and John C. Goldthrop, for H. R. 15372—to the Committee on Claims.

By Mr. GRANGER: Petition of Mrs. J. S. Miller and other residents of Providence, R. I., and Robert B. Thoney and other citizens of North Kingston, R. I., against H. R. 4897 and 4929 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of Fall Mountain Grange, No. 297, of Bellows Falls, Vt., for H. R. 15837 (creation of a national highways commission)—to the Committee on Agriculture.

By Mr. HAYES: Petition of Bruce L. Burlingame and 75 others, of San Jose, Cal., for an oriental-exclusion act—to the Committee on Foreign Affairs.

By Mr. HUFF: Petition of Philadelphia Credit Men's Association, against Aldrich bill—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. KNAPP: Petitions of South Rutland Valley and Barnes Corners granges, of New York, for Federal assistance in construction of highways—to the Committee on Agriculture.

Also, petition of Sarsfield Club, of Oswego, N. Y., against ratification of a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. MALBY: Petition of residents of the Twenty-fifth New York Congressional District, for prohibition legislation—to the Committee on the Judiciary.

Also, petition of Hermon (N. Y.) Grange, for Federal aid in building highways—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Credit Men's Association, favoring the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. PATTERSON: Paper to accompany bill for relief of heirs of J. G. Thorp—to the Committee on War Claims.

By Mr. PAYNE: Petitions of citizens of Walworth, N. Y., and North Rose Grange, No. 1051, of North Rose, N. Y., for the national highways commission—to the Committee on Agriculture.

By Mr. REEDER: Petition of Polish-American citizens of Thomas County, Kans., for the Bates resolution of sympathy—to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of New England Hardware Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of Henry Grattan Club, of New Haven, and citizens of Ansonia, Conn., against a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Woman's Club of Willimantic, Conn., for the civil-service system for employees taking Thirteenth Census—to the Committee on the Census.

By Mr. SPIGHT: Papers to accompany bills for relief of estate of Mrs. Eunice Hurdle and estate of W. M. Stevenson—to the Committee on War Claims.

By Mr. STEVENS of Minnesota: Petition of Trades and Labor Council of Red Wing, Minn., against the Penrose postal bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of North Dakota and Northwestern Implement Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Paul Lodge of Brit Abrahan, against amendment to immigration law—to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Ohio: Protest of the committee on arbitration of the Board of Trade of Columbus, Ohio, against increasing the United States Navy—to the Committee on Naval Affairs.

By Mr. TIRRELL: Petition of F. W. Derby and others, for a national highways commission—to the Committee on Agriculture.

By Mr. WANGER: Petition of Philadelphia Credit Men's Association, against the Aldrich currency bill and indorsing the plan of national-bank guaranteed credit notes as formulated in the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Local Union No. 270 of Norristown, Pa., of the Amalgamated Sheet Metal Workers' International Alliance, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WILLIAMS: Paper to accompany bill for relief of Frank Roberts and the heirs of Ida Roberts McNeil, of Yazoo County, Miss.—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 28, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, and the Clerk will read.

The Clerk read as follows:

For collating, mapping, illustrating, digesting, printing, reporting, publishing, and disseminating information on the results of these investigations and experiments. And the Secretary of Agriculture is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (Poa compressa) are obtained under any other name than Canada blue grass or Poa compressa, to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order against the paragraph just read. I do not know but that I would be in sympathy with a proper law to prevent the adulteration of grass and other kinds of farm seeds. The distinguished gentleman from Illinois [Mr. MANN] has a bill on the Calendar safeguarding garden seeds and all kinds of farm seeds substantially in the same manner as foods are now guarded and protected under the pure-food bill. The objection I have to the paragraph is that it authorizes the Secretary of Agriculture to go into the markets and buy seeds from dealers promiscuously, making an examination of the seeds to determine whether they are adulterated or misbranded.

I do not understand that Congress has yet determined what seeds shall be designated as misbranded or adulterated. In the pure-food law the term "adulteration or misbranding of food" is specifically defined. In the bill reported by the gentleman from Illinois he defines what shall be regarded as adulteration or misbranding. Who is to determine in cases and under the provisions of this bill when seeds are adulterated and when they are misbranded? Of course the Secretary of Agriculture. Has there been any legislative definition of what shall be an adulteration of seeds or a misbranding of a package of seeds? None at all. It gives the broad and absolute discretion to the Secretary of Agriculture, who will make for himself such standards as he chooses, change them every day in the year if he sees fit, and the consequences are that if he shall find any seeds to have been adulterated or misbranded he is authorized to make public the result of the test, together with the names of persons by whom the seeds are offered for sale.

What will be the operation of that kind of a law? I confess it has been on the statute book for some time, but that fact does not in any degree qualify the dangerous character of the provision. A special Government agent may buy seeds of a dealer, make report to the Secretary of Agriculture that from his standpoint, in his judgment, the seeds are adulterated or that the package is misbranded. There is no opportunity provided in this bill for the man whose business may be affected to appear and protect himself. He is entitled to no sort of notice, but the Government inspector may buy the seed and make the inspection and report to the Secretary of Agriculture that the seed is adulterated, according to his official judgment, and the Secretary of Agriculture then publishes in the public press the fact that Mr. So-and-so or a certain company in the State of Virginia, New York, Illinois, or any other State in the Union is selling adulterated seed. The result may be the practical destruction of the business and the business reputation of the individual or firm without any opportunity to be

heard on their part to make any defense or attempt to protect themselves in any way whatever.

Mr. DOUGLAS. Will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. DOUGLAS. I think if the gentleman will attempt to define "adulteration" his objection will disappear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DOUGLAS. I would say to the gentleman that I did not mean to be captious, but I have seen in my own experience the enormous value of this provision and I sincerely hope it will stay here.

Mr. CRUMPACKER. Mr. Chairman, I agree with the gentleman that it is proper to enact reasonable and wise legislation to prevent frauds and protect the people against impositions. In my judgment these laws ought to be made by the several State legislatures, but in the enactment of a law to prohibit wrongful or immoral trade practices let us be careful that we do not inflict an infinitely greater harm upon the business public than there may be in the wrong that we are seeking to remedy. Here is the situation. I explained a few moments ago where any Government agent authorized by the Secretary of Agriculture may go into anybody's establishment, buy a package of seed, examine it himself, and decide himself that it is adulterated. The seller, the producer, has no opportunity to be heard, has no opportunity to explain. He reports the result to the Secretary of Agriculture, and the result is published broadcast throughout the land to the practical destruction of the business reputation and the business, even, of the seller. I insist that that is a very broad and a dangerous power to confer upon any particular officer, the head of any Department.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. STEPHENS of Texas. As I understand, the gentleman's objection begins at line 6 and ends at line 16.

Mr. CRUMPACKER. My objection is to the paragraph.

Mr. STEPHENS of Texas. There are two sentences there, and they are disconnected. The first sentence is this:

For collating, mapping, illustrating, digesting, printing, reporting, publishing, and disseminating information on the results of these investigations and experiments.

Mr. CRUMPACKER. I have no personal objection to that. I want to get on because I have some views that I want to express to the committee.

Mr. STEPHENS of Texas. I did not think that the gentleman wanted to strike out that, because it is very essential to the bill.

Mr. CRUMPACKER. No; I have no objection to that. I want to say now that I have no sort of sympathy with a producer or a wholesale or retail dealer who imposes upon the public by selling adulterated or misbranded seeds or other commodities, and I represent no seed institution. There are no seed producers except farmers and gardeners in the State that I have the honor to represent. It is a general principle that I am contending for. In the bill, as I said a moment ago, reported by the gentleman from Illinois [Mr. MANN], the term "adulteration" is carefully defined and the term "misbranding" is carefully defined—defined so there is no uncertainty about it. Every producer and every dealer in the land ought to know when he is putting up his seeds, when he is offering them for sale, what may be considered as adulterated and what may be decided to be misbranded. That is a proper, a wise provision. Men engaged in the seed business would have the opportunity to protect themselves against criminal prosecutions under it, but who on earth knows when he is safe under the provisions of this bill? There is no definition of adulteration. What dealer can determine whether seeds can be considered adulterated by a special agent of the Agricultural Department?

Mr. COCKS of New York. Would not the gentleman consider, for instance, if some other seeds were added to clover seed, that that would be adulterated?

Mr. CRUMPACKER. I do not know.

Mr. COCKS of New York. Certainly anybody would say that.

Mr. CRUMPACKER. There is no definition.

Mr. COCKS of New York. Is it not obvious?

Mr. CRUMPACKER. I say no; because when we enact laws fixing and determining that it shall be a crime to adulterate seeds we should define the term "adulteration" so that citizens of the country may know what they can safely do.

Mr. COCKS of New York. It seems to me to be self-evident.

Mr. CRUMPACKER. This law covers everything, and it vests in the Department officer a discretion to determine for himself what may be adulterated. He might decide that the mixing of some other seed with clover seed would not be an adulteration. He might, on the other hand, decide it would. What I am contending for is that legislation ought to be of such a character that every intelligent man in the country may know what his rights are, so that he may know when he is obeying the law and when he is violating the law. It is unfair to a citizen, and I think my point of order is well taken.

Mr. MANN. I hope the gentleman will reserve his point of order.

Mr. CRUMPACKER. I reserve it.

Mr. MANN. Mr. Chairman, I would like to be heard on this proposition. I do not desire to address myself to the point of order, because, in my judgment, the paragraph is subject to the point of order, but I wonder whether the distinguished gentleman from Indiana [Mr. CRUMPACKER] has ever given himself the opportunity to examine the results of what has been done by the Department of Agriculture under this provision. Is the gentleman from Indiana talking purely from an academic standpoint or is he talking from information? Has the gentleman from Indiana ever seen any of the bulletins published by the Department of Agriculture resulting from this provision of the bill? I ask for personal information whether the gentleman is familiar with the work done by the Department. If he is, I can not hope to sway his judgment now, but if he be not familiar with the Department's work, I hope I can persuade him to withdraw the point of order.

Mr. CRUMPACKER. Will the gentleman allow a suggestion?

Mr. MANN. Certainly.

Mr. CRUMPACKER. I confess I have not as thorough familiarity with the work of the Department of Agriculture on this subject as the gentleman from Illinois, but I have read carefully his bill and the report thereon, prohibiting the adulteration and misbranding of seeds, and I obtained a number of valuable suggestions in reference to the method of wisely legislating upon this subject. If this provision is adequate, what is the object of enacting the Mann bill defining what adulteration is and what misbranding is?

Mr. MANN. Well, Mr. Chairman, this provision of the bill is not adequate. It is not criminal legislation. There is nothing prohibitive in the provision of this bill whatever. It is purely a matter of obtaining information and furnishing it to the public. The bill which I had the honor to report from the Committee on Interstate and Foreign Commerce is a bill which defines the adulteration of seed as a misdemeanor, and prohibits and punishes that misdemeanor. Now, that is not the bill before the House, and I beg to call the gentleman's attention and the attention of the House to some information which has been gathered by the Department of Agriculture under this provision of the bill, which relates only to forage-crop seed, grass, clover, and alfalfa, and it does not refer to other kinds or character of seed. What has the Department of Agriculture discovered in their investigations under this provision? That a large share of the pure, choice Kentucky blue grass, the finest grass that grows, sold throughout the country for seeding purposes, is composed of Canada blue grass of cheap quality and cheap price. For instance, let me call the attention of the gentleman to this investigation. In the course of the last year in their investigation the Department of Agriculture discovered that strictly fancy Kentucky blue-grass seed, so labeled, was composed entirely of Canada blue-grass seed. Choice blue grass was Canada blue grass, fancy blue grass was 98.8 per cent Canada blue grass, fancy Kentucky blue grass was 42.6 per cent Canada blue grass, pure Kentucky blue grass was 32 per cent Canada blue grass, fancy Kentucky blue grass was 39 per cent Canada blue grass. Another sample of fancy Kentucky blue grass was 52 per cent Canada blue grass. Strictly high-grade Government-test Kentucky blue grass, so labeled, was 55 per cent Canada blue grass. Double X Kentucky blue grass contained 5 per cent of Kentucky blue grass. Does not the gentleman think it is desirable that the people and the Congress should know these facts, the results of these investigations?

Now, the result of these investigations is published as a bulletin from the Department. Nobody in the seed business is complaining about it. Many of them have reformed their methods. Canada blue grass in the market sells for $8 per 100 pounds. Kentucky blue grass sells for $17 per 100 pounds. Does the gentleman think that an honest seedsman should be placed in competition with a dishonest seedsman who, by mixing 50 per cent of $8 blue-grass seed with 50 per cent of $17 blue-grass seed, sells the whole at the price of $17 seed? The last year there was imported in this country 673,802 pounds of Canada blue grass, every pound of which was used for the purpose of adulteration, because nobody sows or plants Canada blue-grass

seed by itself, and it is not extensively used for lawn mixtures. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to continue his remarks for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Now, Mr. Chairman, every person in the country interested in the development of agriculture knows that one of the most important things in connection with the development of agriculture to-day is the planting of the leguminous crops, the most prominent of which is red clover, next to the alfalfa, probably. The Department of Agriculture under this authority has ascertained by examination of samples that a large share of the red clover which is brought into this country for sale will not grow because the power of germination has not been developed, or largely of weed seed. Good red clover has about 250,000 seed to the pound, less than that when it comes from England, and still less when it comes from South America. Some red-clover seed which has been sold in this country has 450,000 to the pound, showing the small size of the seed and the undeveloped character of the seed.

But that is not all. In one sample of red-clover seed examined by the Department of Agriculture there were 144,450 weed seed to the pound and 95,580 black plantain seed. In another sample there were 71,558 weed seed to the pound, and it runs through a large share of the samples examined by the Department, showing the enormous quantity of weed seed being sold at high prices, and the man who bought the seed and planted it could well have afforded to pay ten times what he paid for the seed in order to never have allowed it to go on his farm. We have all over the country these weed seeds being introduced through the adulteration of these forage-crop seeds.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. MANN. Certainly.

Mr. CRUMPACKER. Does the gentleman remember—I do not—in the definition of adulteration of seeds contained in his bill how large a percentage of weed seed per pound is allowed? The gentleman knows that it is almost impossible to produce a forage seed, clover seed, and that kind without getting some weed seed in it. How much does the gentleman allow in his bill, if he remembers?

Mr. MANN. Two per cent.

Mr. CRUMPACKER. Two per cent. Now, under the provision we are considering, any officer would have authority to fix the standard. I think the standard of the gentleman from New York [Mr. COCKS] is that if there is any weed seed in clover seed at all it is adulterated, and therefore it emphasizes, if the gentleman please, the necessity of a legislative definition of adulteration and misbranding. Now, I confess, so far as I am personally concerned, I agree to almost everything the gentleman says. I believe with him. I think there ought to be protection against fraud and imposition, but I think the honest seed grower ought to have protection likewise. If he can allow 2 per cent of weed seed in his clover, he ought not to be subject to be held up and the seller of his seed to be published over the country as a perpetrator of fraud, as he might be.

Mr. MANN. If the gentleman will pardon me, he is not published in that way.

Mr. CRUMPACKER. He may be.

Mr. MANN. Oh, I suppose he might be under this. What the Agricultural Department, in fact, does, is to make a test of the seed in the most careful and scientific manner now known, and their methods of making tests are acquiesced in and acknowledged to be proper by all seedsmen. They do not publish that a man has adulterated the seed. They publish the results of the tests only. The seedsmen themselves have been anxious to receive this, because the majority of seedsmen do not raise their own seed. There are very few seedsmen who raise large quantities of seed, and no seedsman who raises 50 per cent or even 25 per cent of the seed which he sells. He is anxious to be guarded against the adulteration of seeds by some one else, and we all know that as a general rule it is the man who does not wish to put his name to a thing that is most willing to adulterate it or misbrand it.

Mr. CRUMPACKER. Will the gentleman allow another question?

Mr. MANN. Certainly.

Mr. CRUMPACKER. If this is proper legislation, why did not the gentleman in his bill declare that whoever adulterates or misbrands seeds for the purpose of interstate commerce or interstate transportation shall be guilty of a crime? Why did the gentleman go to the trouble of carefully defining adulteration and misbranding?

Mr. MANN. Well, Mr. Chairman, I appreciate the point that the gentleman makes. There is force in it; but this bill is a bill simply to obtain information which, as it has been obtained and published, no one has complained about. The bill which I have reported into the House does a great deal more than that. It proposes to punish people who deliberately add weed seed or dead seed or other seed for the purpose of adulterating seed, or who deliberately misbrand seed, as some people do. The gentleman understands that seed raised in different portions of the country, of the same kind, have very different values. Now, that is a criminal statute to that extent. The gentleman from Indiana [Mr. CRUMPACKER] and myself would both agree that in enacting any statute creating a misdemeanor we should be exceedingly careful in defining what the crime consists of, or what the act forbidden consists of, and that we attempt to do in the bill which has been reported into the House. But this bill simply obtains information. Under this provision of the bill, I say to the gentleman frankly, I asked the Department of Agriculture last year to collect throughout the country samples of vegetable and flower seeds which were being offered for sale at the corner groceries. We have been told in this body repeatedly that the seeds which the Government sent out were of poor quality, but the seeds which the seedsmen worked off on the people were of excellent and fine quality.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. RICHARDSON. I move to strike out the last word.

I do not make this motion for the purpose of discussing any provision of this agricultural bill. I listened yesterday with a good deal of interest to the enumeration of measures recommended in the last message of the President of the United States by our very worthy and distinguished minority leader [Mr. WILLIAMS], whose leadership I have always followed without hesitancy and with confidence; but I am compelled, Mr. Chairman, by reason of the convictions that I have to enter my earnest protest and most respectfully dissent to one of the measures that he pointed out that is advocated by the President and about which the gentleman from Mississippi [Mr. WILLIAMS] spoke as follows: "One more clause in the President's message meets with my unqualified approval. It is this:"

> Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted, in spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President or of the Secretary concerned to fix and collect such a charge as he may find to be just and reasonable in each case.

This is one of the measures that our minority leader pointed out that he cordially and unqualifiedly indorsed and "applauded," and it is to that measure that I shall address my remarks in the few minutes allowed me under the rules of the House governing debate at this time. It is but natural that the indorsement given this measure by our minority leader carries great weight with it.

I do not believe there is any question of authority or power between the Federal Government and the State governments on which the lines of demarkation are more thoroughly established and recognized than that in reference to the navigable streams of our country. I do not believe that the measure suggested by the President and indorsed by the gentleman from Mississippi [Mr. WILLIAMS] falls within the delegated powers of the Federal Government. I contend, Mr. Chairman, that at this particular time, when an impulse is pervading this whole country in reference to the improvement of our waterways and the development of water power as the only relief that can be given to the people of this country in the matter of transportation, because the capacities and the facilities of the railroads of the country are insufficient, that at this particular time of all other times in the history of our Government, this great movement for the improvement of our waterways and the development of the water powers should be inaugurated and prosecuted with a full recognition of the broad and constitutional limitations of the rights of the States and the Federal Government. The President has contributed his full share to this desirable movement, and I was glad to hear the gentleman from Mississippi [Mr. WILLIAMS] say that we ought to have for this purpose an appropriation of $50,000,000 per annum.

In my humble opinion, the suggestion made by the President of the United States to require a common carrier or other corporation engaged in interstate commerce to be licensed in Washington is not near so far-reaching in its evil effects as for the Federal Government to undertake to assume control of the navigable waterways of this country contrary to the limitations of the Constitution. I know, and I will refer to them if I have

the time in these short remarks, that there may be certain conditions or collaboration of work between the Government and individuals, where the improvement of navigation is in view, that a different rule would apply or may prevail; but the pronouncement of the President is sweeping against all conditions and asserts the unqualified power of the Government to impose, as a right, a rental charge on water powers. If the Government has a right and power to demand and collect a rental charge for the use of a water power—where the Government has never expended a cent to create that power—then it necessarily follows that the Government has a greater interest in our navigable waterways than that only of navigation. The unbroken line of decisions, from the establishment of our Government down to the present day, must be admitted to be this: That each State has the exclusive jurisdiction over the navigation of the waters lying within its territorial limits, and may therefore pass such laws regulating their use as it may deem wise, subject only to the supreme power of Congress to interfere for the purpose of preventing any obstruction or hindrance to navigation.

The State owns the fee to the bed of the navigable stream and the properties of such streams, and the State surrendered or delegated to the Federal Government the supreme right to use and control the navigation of these navigable streams. All other interests, functions, and properties in a navigable stream, whatever they may be, such as water power, water supply for domestic uses, and so forth, are held and exercised by the State, subordinate to the right that the Government has in navigation and navigation only. Therefore I say that any improvement made by a State or under the authority of the State must be in harmony with this principle. If such an improvement be made by the State, the Federal Government has the right to say what effect such improvement has on the navigation of the stream, and for this reason the consent of the Government ought to be secured. Neither can an improvement or other building be placed on that navigable stream without the consent of the State.

It will be recalled that the great trouble in successfully operating our Government under the Articles of Confederation was the inability to control and regulate commerce between the colonies. When our Constitution was framed, and this trouble was provided for under Article I, paragraph 8, clause 3 of the Constitution, called the "commerce clause," from which the authority comes for the Government's supreme control over the question of navigation in our navigable streams, the wisdom of our fathers must be apparent when they caused the several States to vest in the Federal Government the regulation of commerce over the navigable rivers of the country. We ought to hesitate before adopting any policy that tends even to contravene this wholesome and wise principle.

In Pollard *v.* Hagan, 44 United States, page 229, the relative rights of the United States and the State in the matter of navigable waterways is clearly declared:

> This report of eminent domain over the shores and soils under the navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it. To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty and deprive the States of a power to exercise a numerous and important class of police powers, but in the hands of the States can never be used so as to affect the exercise of any natural right of eminent domain or jurisdiction with which the United States have been vested by the Constitution.

In this connection I will refer to only a few of the large number of United States Supreme Court decisions sanctioning the views I express in these remarks:

Kaukauna Water Power Company *v.* Green Bay and Mississippi Canal Company (142 U. S., 254); St. Anthony Falls Water Power Company *v.* Water Commissioners of St. Paul (168 U. S., 360); Wilson *v.* Blackbird Creek Marsh Company (2 Pet. U. S., 245); Lake Shore Railroad Company *v.* Ohio (165 U. S., 365); United States *v.* Billingham Bay Boom Company (176 U. S., 211); Levy *v.* United States (177 U. S., 621); Kansas *v.* Colorado (206 U. S., 46–87).

Mr. WILLIAMS. May I be permitted to interrupt?

Mr. RICHARDSON. Certainly.

Mr. WILLIAMS. Does the gentleman, or does the gentleman not, admit that in order that one of these bills furnishing water power to a private corporation shall be placed in a navigable stream it is a prerequisite that the authority of the United States shall be granted?

Mr. RICHARDSON. Undoubtedly.

Mr. WILLIAMS. Now, the gentleman consents it is a prerequisite that authority of the United States shall be granted. Then does he not think that that authority ought to be so exercised as not to give to an industrial corporation, free of charge, and without any compensation, a very valuable right?

Mr. RICHARDSON. My answer to that clearly and positively is this: Where natural waterfalls exist in a navigable stream—and they exist in many places in our country—where the Government has not expended one dollar to create one ounce of water power, you contend and I deny that the Government has the right to demand or charge any citizen or corporation a rental for that water power after the citizen or private corporation has expended all needful money to utilize the natural, unharnessed electric energies of that natural fall.

I submit in this connection the opinion of General Mackenzie, Chief Engineer of the United States Army, prepared in discussing this subject on February 23, 1906, daily CONGRESSIONAL RECORD, first session Fifty-ninth Congress, pages 2891 and 2892:

> In connection with legislation of this kind, careful consideration should be given to the question of limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessive title to the water flowing in navigable streams nor to the lands comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders and the shores and beds thereof is plenary, subject only to such action as Congress may take in the exercise of its powers under the Constitution to regulate commerce among the several States.

And, in this connection, I take the liberty of referring to an extract from a letter written by Secretary of War W. H. Taft to the President, of the same date of the letter of General Mackenzie, in which he says:

> It is, of course, in the interest of the public that improvements of this kind should be encouraged, and in streams in which there has been no expenditure of money to create water power it does not seem to me necessary to extend the policy of demanding compensation for such a slight use of Government lands as this privilege.

I deny that where the Government has never spent a dollar to create a water power that it has any right to go in and fix charges, and the references above made clearly sustain my position.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BARTLETT. I ask unanimous consent, Mr. Chairman, that the gentleman's time be extended ten minutes.

Mr. SCOTT. Reserving the right to object, I would like to ask the gentleman from Alabama if five minutes would not suffice? I am very anxious to get along with the bill.

Mr. RICHARDSON. Perhaps I could, but ten minutes is a very limited time to discuss this important question.

The CHAIRMAN. The Chair hears no objection.

Mr. WILLIAMS. The gentleman from Alabama says the Federal Government "goes in there" in order to grant these rights. Isn't the gentleman a little bit inaccurate in that statement? Does not the Constitution of the United States send the Government in there by the fact that it gives the Federal Government jurisdiction over navigable streams? The gentleman from Alabama will note that the President's message refers to nothing but navigable streams.

Mr. RICHARDSON. It does not say that.

Mr. WILLIAMS. I do not contend that the rate should necessarily be paid to the Federal Government. The Secretary of War, in fixing the conditions, and Congress in fixing them, might very well, if it saw fit, prescribe that the pay should go to the State. To that I should have no objection.

Mr. RICHARDSON. If the gentleman will notice the phraseology of the President's message—and it means a great deal, because he knows how to use the English language to express his meaning as well as any man I have ever read—"any water-power bill"——

Mr. WILLIAMS. On a navigable stream.

Mr. RICHARDSON. On a navigable stream—for the reason, I contend, that nobody has a right to charge for that water power except the State. The State owns the fee of all of the bed of the river, it controls other properties connected with the riparian rights, and it is absolutely supreme, and the wisdom of our fathers in framing the Constitution is shown by putting in this paragraph of the commerce clause of the Constitution; the wisdom is demonstrated more particularly in the control given over navigable streams than in any other feature that I know of. While the commerce clause gives to the Government the right "among" the States to regulate commerce, that is all that it gives the Government. The State does not surrender its control of the bed of the river; it does not surrender

other properties connected with the riparian interests; it only surrenders to the Government the navigation and the right to control navigation and the right to prevent it from being obstructed—it grants an easement—nothing more or less.

I say it is an important matter in this country to-day when this great movement is being inaugurated, and I regret to hear our minority leader say that he applauds and cordially indorses this proposition which I believe is as complete an invasion of the reserved rights of the State as any that ever was suggested on the floor of this House, and utterly undemocratic.

Mr. TOWNSEND. Will the gentleman from Alabama yield?

Mr. RICHARDSON. I will.

Mr. TOWNSEND. The gentleman from Alabama being on the committee which reports out dam bills, I would like to ask him if he knows whether that committee has reported a dam bill during the present Congress, or during the last part of the last Congress, that did not contain the provision which the President asked for, namely, allowing the Government to fix such regulations as it saw fit? I refer to the general dam bill.

Mr. RICHARDSON. I will answer the gentleman by asking another question. Has the gentleman known of any bill to come from that committee that offered to provide for any charges?

Mr. TOWNSEND. No; no definite charges have been fixed, but the right has been reserved for the Government to impose charges if it saw fit.

Mr. RICHARDSON. I think not. I will say to the gentleman from Michigan [Mr. TOWNSEND] that where there is a collaboration of work, where the Government comes in and says to the individual, "I will cooperate with you; I am looking to the navigation and you are looking to the development of water power; you are contributing by building the dam, and I will contribute so much in another way"—I do not pretend to say that under those circumstances the Government has not a right to enter into terms. But that is collaborative work, I contend, and it is applicable especially throughout the South. I know it is so in my own State. As the President says, it is worth all of the coal mined, and if it is so valuable as that we ought to enter into the great movement so auspiciously inaugurated by the President for the use of our waterways with a great deal of care. Why, how easy it is get a stream declared to be navigable.

I recall now in my experience on the bench that a man was indicted for gambling on Sunday in a ferryboat in the middle of the river while the river was up and very high. They put in a plea, which was the truth, that when the river went down there was no water there at all for at least six months in the year, yet it was a navigable stream. We all understand that. There may be a navigable stream under those circumstances, and then, when these natural falls occur, does any man say that when their power may be used in promotion of enterprise and industry and thrift to advance our prosperity, to run our cotton mills and electric cars, that the President and the Federal Government has a right—the State never having surrendered its reserve right over that stream—to make a charge, to place a tax burden upon that power? And for what? To reap where it had not sown—never a dollar. What right has the Government to do it? Not certainly on the basis of sovereignty, because that is with the State. Upon what basis does our minority leader contend that such right is given to the Government under such circumstances to burden enterprise with such a charge and make the people pay for it?

It behooves us to look at this matter practically and make a practical application. It is useless to hold up the ordinary "scarecrow"—a monopoly. I assert without hesitancy that the "monopoly" will follow when you break down the constitutional limitations that safeguard these great tributaries that God dedicated to the use of the people who have the good fortune to occupy the lands through which they flow. The people, I tell you, Mr. Chairman, are not alarmed at this cry of greedy monopolies seizing and appropriating these great energies that have laid dormant and run to waste for unnumbered years of the past. We know, especially in the States of the South, what these water powers mean as allies of our future growth and prosperity. We have seen these great electric energies running to waste for years, while we well know if they were utilized, which they could be under a liberal policy, they would run all the spindles of all the cotton mills of the South now and that would come to us in the future—they would run every wheel of industry in our State.

Electric railway lines propelled by this power would traverse our States, giving impulse to prosperity and wealth. Knowing these things and with such an experience we are not passive upon the suggestion of a policy that will fetter, hamper, and prevent the development of our water powers. The States reserved these rights for the individual benefit, comfort, and convenience of the people of the States. These rights that belong to the people of the States in navigable rivers are of the class of "police rights," and to encroach or infringe upon them by the Federal Government is as much a violation of the Constitution as to deny the State the right to pass criminal laws and provide penalties for the violation of the same. It would be equally excusable to deny, invade, or circumscribe the right of the State to provide for and protect the health of its people.

Under the contention of our minority leader [Mr. WILLIAMS] the Federal Government can, with equal right and propriety, require a rental charge of the sawmill that is located on the banks of a navigable stream. With same complacency a charge could be placed on the fish trap placed by the enterprising owner of the banks on one of the navigable rivers. It could demand that a water meter be used by all water companies that use water for domestic purposes from these navigable streams, so as to graduate or determine the amount the Federal Government is entitled to for using the water of these navigable streams that belong to and are owned by the Government. We have heard of vast coal beds that have been developed under the beds or bottoms of navigable rivers.

Of course, under the theory advanced by the President, the United States would have a right to collect a toll or rent charge or royalty off the coal mined, notwithstanding the fact that the fee of the bed of the stream belongs absolutely to the State—a property and a right that the State never delegated to the Federal Government. These are simply a few of the many practical wrongs that the people would be subjected to. And in the meantime our water powers would remain as they are now and just as they were when they fell from the plastic hand of nature—untouched, undeveloped, with millions of dollars daily running to waste.

The chiefest and most willing policy of the Federal Government should be to stimulate and encourage these water-power developments, not hinder them, for they mean increased prosperity. They mean the employment of thousands of unemployed laborers, who, if they remain unemployed, will soon become violators and disturbers of the peace. They mean larger population. I said in the beginning of my remarks that if the Government saw proper, in the interests of navigation, to enter into a collaboration or cooperation with individuals or private corporations for construction of dams or other works, where the Government and the corporation each contributed money for the building of the work, and the resultant benefits, then the question of what return in the way of charges the Government might be fairly entitled to is entirely a different matter from that announced by the President.

I read now, Mr. Chairman, from remarks of that great man whose death is more to be deplored as having occurred at this time than any other period of our history, because he stood earnestly for all the limitations of the Federal Constitution and for the true rights of the States. I refer to our own grand and distinguished deceased Senator, John T. Morgan. He wrote in the last years of his life one of the grandest pamphlets on this very question relative to the watershed of the Mississippi River and the rights that the people have, in the tributaries that belong to them, and to nobody else, and that they control. I read from him this paragraph:

> If the taxation of the people for this purpose is doubled or quadrupled by such expenditures, they will get the benefit, and they never refuse the burden when the expenditure is necessary to their general welfare and is secured against the greed of monopoly. Not only is it true that free navigation of the water courses is secured to the people individually and collectively beyond the power of opposing monopolies and combinations to deprive them of these natural rights, but they are the only efficient rights and powers vested in the people that enable them to resist and control the monopolistic power that is now in the hands of the railroad companies to fix the cost of all transportation. Such considerations, which will be more especially pointed out, not only justify, but they require Congress to take up the great subject of improving the navigation of the water courses that are parts of the grand system of commercial intercourse included in the watershed of the Mississippi River.

Mr. Chairman, I fully realize that this is a question of vital importance. We know that the President in furtherance of this momentous movement for the improvement of our waterways—the President of the United States has invited the governors of all the States and other leading public men and citizens to meet him with the Inland Waterways Commission at an early date in this city to consider the most practicable and useful plans for the improvement of the waterways of our country. Of course, we all realize that the development of water power will be an important factor in that assemblage of able and patriotic men.

The President, I think, is entitled to commendation for bringing these gentlemen together to confer with him and the Waterways Commission. The people, I confidently believe, are in hearty sympathy with every movement looking to the improve-

ment of our waterways, for it is directly from such improvements and the building of good roads that the masses of the people realize and appreciate direct benefit. We should strongly rebuke any trend of public opinion that benefits and rights belonging to the States in connection with our national resources should be appropriated and used for the purpose of getting all we can out of them for the Republic as a whole. This theory is utterly repugnant to the theory and spirit of our representative form of government.

If our rivers and waters can be so used, then the coal and the mountains and other properties will soon follow. Such theories promote and insure a consolidated Government. I refer here again to an extract from the pamphlet written by the deceased senior Senator from Alabama, John Tyler Morgan, where he says:

We are at the beginning of the improvement of our great internal system of navigation, and the greatest care is needed to establish its proper adjustment, so that its usefulness shall keep pace with the growth of the country, and its results shall be one of the chief glories of the Republic.

Mr. WILLIAMS rose.

Mr. SCOTT. How much time does the gentleman from Mississippi desire?

Mr. WILLIAMS. About five minutes.

Mr. SCOTT. Mr. Chairman, I shall not object to the gentleman having five minutes, but I wish to serve notice at this time that at the conclusion of the remarks of the gentleman from Mississippi I shall be obliged to object to any discussion that does not bear directly upon the bill.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. WILLIAMS. Mr. Chairman, there can be no doubt in the mind of any man seeking merely the public good and public right, independently of any desire for local legislation, of this general proposition, that whenever any sovereignty, State or Federal, is required to issue a charter or a license or a consent, in order to confer powers upon individuals or corporations, it is the duty of that sovereignty in the interests of the people so to condition the grant of that power as that it shall redound to the interest of all the people, and that utilities of vast value should not be gratuitously granted to individuals or corporations and perpetually alienated from the people or the States or the Government.

Now, it is admitted—and of course I regret very much that in laying down any general law or any rule of conduct I should be compelled to come athwart any desire for legislation in the gentleman's district or anywhere else—but it is admitted that this power to erect dams in navigable streams can not be exercised by anybody except by an act of Congress. Now, then, if it require an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: Congress should so exercise the power in making that grant as, first, to prevent any harm to the navigability of the stream itself, and, secondly, so as to prevent any individual or any private corporation from securing through the act of Congress any uncompensated advantage or private profit.

Mr. RICHARDSON. Will the gentleman allow me, Mr. Chairman?

Mr. WILLIAMS. Yes.

Mr. RICHARDSON. You contend that the Congress has a right to put a tax upon a dam or require a rent?

Mr. WILLIAMS. The gentleman admits himself, Mr. Chairman, that nobody can put a dam in a navigable stream without the consent of the United States.

Mr. RICHARDSON. Of course, I admit that.

Mr. WILLIAMS. And that act flows not from the act of Congress, but from the very conditions of the Constitution itself. I can not put a spade in the Mississippi River, I can not do a thing to interfere with that river, I can not even put a bridge across it without the consent of the United States Government. Now, if Congress has a right, if Congress alone has a right to charter these people to do this thing, then Congress has a right to condition that permission in such a way that in the opinion of Congress the grant of the right shall redound to the interest of the public.

Mr. RICHARDSON. If you put a tax on a dam, have you not the same right to put a tax upon a bridge?

Mr. WILLIAMS. Congress has, if it chooses to exercise it and if it were in the interest of the general public to do so. It is not to the interest of the general public to do that and Congress never does grant the right even to put a bridge across a navigable stream without doing it under such conditions prescribed by general law or by a particular act as, in the opinion of Congress, will redound to the general benefit, and shall not constitute solely a private advantage.

Mr. LITTLEFIELD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the time of the gentleman from Mississippi may be extended.

Mr. POLLARD. How long?

Mr. LITTLEFIELD. Ten minutes.

Mr. WILLIAMS. Oh, no.

Mr. LITTLEFIELD. Five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. Will the gentleman yield?

Mr. WILLIAMS. Just one moment on that. Now, Mr. Chairman, I was saying here yesterday that this part of the President's message met my individual approval and I contradistinguished it from many other things which I designated as things that I knew met with general Democratic approval, but I will go further now and say that I can imagine nothing more undemocratic, whether in a city or a State or the Federal Government, than granting public utilities without any compensation to the public. In my opinion in every city of this land and every State and in the Federal Government, wherever any right redounds in profit to the grantee by reason of the license of the Government, the people ought also to get some profit out of the granted right. [Applause on the Democratic side.] Now I yield to the gentleman.

Mr. RICHARDSON. Will the gentleman allow me to ask one question?

Mr. WILLIAMS. I will yield to the gentleman from Alabama first.

Mr. RICHARDSON. Could a corporation go there and do anything on that navigable stream without the consent of the State?

Mr. WILLIAMS. Not without the consent of Congress either.

Mr. RICHARDSON. Well, the State.

Mr. WILLIAMS. Well, I am not talking about what the State ought to do. If I were speaking of a State legislature, I would also say that the State ought not to grant any such right as that without compensation, or at least time limit or conditions.

Mr. RICHARDSON. That is the question.

Mr. WILLIAMS. But I am talking now of the Congress of the United States, about liberties and emoluments and profits granted by the National Legislature.

Mr. TOWNSEND. I do not think there are very many Members of this House who will disagree with the gentleman as to what ought to be done, providing the right is conceded. I do not agree with the gentleman from Alabama [Mr. RICHARDSON] in his answer to your question when he said that the Government had the absolute right to consent to the building of a dam or other so-called "obstructions" when the building of them interferes with the navigability of the stream. It gets the power under the commerce clause of the Constitution to control that. Now, does the gentleman contend that if something should be constructed, such as a dam, or a mill, or any other site that does not interfere with interstate commerce, or the navigability, rather, of that stream, the Federal Government would still have power in the matter?

Mr. WILLIAMS. I contend that no man has a right to interfere by any sort of constructive work in a navigable stream without first getting the consent of Congress. That much the gentleman admits. I remember that in my own State when the Gulf and Ship Island Railroad, in order to make a fresh-water harbor at the terminus of that railroad, when it would have been admittedly of great value to everybody as well as to that railroad, was prevented by the Federal authorities from proceeding without first getting Federal consent.

Mr. TOWNSEND. They were prevented because there was an interference with the navigability of the stream.

Mr. WILLIAMS. Wait a minute. No; it would have been a benefit to navigation. Wherever consent is predicated as a prerequisite, then the right to accompany that consent with conditions goes as a necessary incident.

The CHAIRMAN. The time of the gentleman has again expired. Unless objection is heard, the pro forma amendment of the gentleman from Alabama will be considered as withdrawn.

Mr. GAINES of West Virginia rose.

The CHAIRMAN. Will the gentleman from Kansas [Mr. SCOTT] yield to the gentleman from West Virginia [Mr. GAINES]?

Mr. SCOTT. For the purpose of making a request.

Mr. GAINES of West Virginia. It seems to me that the general bridge bill shows that Congress has already protected

the interests of the Government in the matter recently under discussion, and I ask unanimous consent to put in the RECORD that act.

The CHAIRMAN. Is there objection?

There was no objection.

The act is as follows:

An act to regulate the construction of dams across navigable waters.

Be it enacted, etc., That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dams shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

SEC. 3. That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

SEC. 8. That the word "persons" as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations.

Approved, June 21, 1906.

Mr. SCOTT. Mr. Chairman, I gave notice a few moments ago that I should be obliged hereafter to object to discussion pending the consideration of this bill which was not directed to the bill. In connection with that notice I should like now to ask unanimous consent for general leave to print upon the bill for five legislative days following the conclusion of the consideration of it.

Mr. MANN. The committee has no jurisdiction to give that consent. You will have to ask that in the House.

Mr. SCOTT. I recall now that that request can not be made in the committee, but I shall make it when the House sits this evening. As to the point of order, Mr. Chairman, which has been reserved against the paragraph by the gentleman from Indiana [Mr. CRUMPACKER]——

The CHAIRMAN. If the gentleman from Indiana [Mr. CRUMPACKER] stated his point of order the Chair did not catch it. The Chair thinks the gentleman from Indiana might state his point of order.

Mr. CRUMPACKER. The point of order, Mr. Chairman, is that the paragraph contains new legislation. It is broader than any general act of Congress. It authorizes the Secretary of Agriculture to use a portion of the appropriation that is carried in the bill for purposes not authorized by law. That is a general statement of the point of order.

Mr. SCOTT. Mr. Chairman, I do not believe the point of order will apply against this paragraph, and in support of that view I wish to read to the House an opinion given on the 12th day of January, 1906, by the then Attorney-General of the United States, Mr. William H. Moody, bearing directly upon this point. I wish to read this communication for another reason also. A great many of the attacks—not this attack, but a great many of the attacks—which have been made upon this bill during the last three days have displayed such profound and abysmal and apparently invincible ignorance of the law governing the Department of Agriculture, that I believe the House may well take a few minutes to listen to an exposition of that law by one whose position at the time this opinion was rendered, and since, gives that opinion very great weight. The letter is addressed to the Secretary of Agriculture, and reads as follows:

OPINION OF ATTORNEY-GENERAL.

DEPARTMENT OF JUSTICE,
Washington, January 12, 1906.

The SECRETARY OF AGRICULTURE.

SIR: The agricultural appropriation act of March 3, 1905, under the subhead "Botanical investigations and experiments," provides (33 Stats., 861, 869):

"The Secretary is hereby directed to obtain in the open market samples of seeds of grass, clover, or alfalfa, test the same, and if any such seeds are found to be adulterated or misbranded, or any seeds of Canada blue grass (*Poa compressa*) are obtained under any other name than Canada blue grass, or *Poa compressa*, to publish the results of the tests, together with the name of the persons by whom the seeds were offered for sale."

Which is the language under consideration.

In your letter of December 2, 1905, you say that in pursuance of the above provision you have purchased samples of the various seeds mentioned, tested the same, found a number of the samples to be adulterated, and intend—subject to my opinion as to the legality thereof—to publish the results of the tests, together with the names of the persons by whom the seeds were offered for sale.

You say, however, that "it has been suggested that the Congress did not have the power to authorize the Secretary of Agriculture to go into the open market and purchase samples of seeds, to test the same, and to publish the names of the persons by whom the seeds were offered for sale, regardless of the fact that the seeds may have been sold in the State in which they were raised, and were never at any time shipped from one State or Territory to another."

If the provision in question were a regulation of commerce or police, there would be some force in this suggestion. But the statute can not, I think, properly be regarded as a commercial or police regulation. It does not prohibit or restrict the sale of misbranded or adulterated seeds. It simply provides for the dissemination of information in regard to those matters. It is true the effect of the information so imparted may be to lessen the sale of misbranded or adulterated seeds; but that is not sufficient to transform a measure intended for the education and enlightenment of the public into a regulation of commerce or police. Such a view would prevent the Government from publishing any information whatever upon the subjects of agriculture, manufacture, and commerce, because the tendency of all such information is to promote or restrict those pursuits.

So far as the statute in question is concerned, the sale, shipment, and transportation of the seeds mentioned remains entirely untrammeled. It is yet for Congress, in the exercise of its power over interstate and foreign commerce, and for the States, in the exercise of their police powers, to regulate and control this matter within their respective jurisdictions. A bill was introduced at the second session of the Fifty-eighth Congress (H. R. 9669) and reintroduced at the present session of the Fifty-ninth Congress (H. R. 4480), which in terms prohibits the introduction into this country and the interstate shipment of adulterated and misbranded seeds, and their sale in the District of Columbia and the Territories of the United States, and makes a violation of the act a misdemeanor, punishable by fine and imprisonment. Here, of course, is regulation, and for that reason it is confined to subjects within the jurisdiction of Congress. But the provision in question in nowise regulates, it simply educates and enlightens the general public as to the fraud that is being practiced upon them.

It is to this part of the opinion I request the attention of certain gentlemen who are not upon the floor of the House.

The Department of Agriculture was established "to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that

word, and to procure, propagate, and distribute among the people new and valuable seeds and plants." (Act May 15, 1862, ch. 72, sec. 1, 12 Stat., 387; sec. 520 Rev. Stat.) In pursuance of the general policy thus indicated, Congress has, from time to time, authorized the Secretary of Agriculture to make investigations and experiments and publish information in regard to the various branches of agriculture, to purchase and distribute valuable seeds, to publish statistics concerning the cotton crop, to investigate the various diseases of animals and report as to the means for their prevention and cure, to investigate meteorological conditions, and distribute weather forecasts, to investigate the adulteration and false labeling of foods, drugs, beverages, and condiments, and report the result in bulletins of the Department, etc.

It is now too late to question the authority of Congress to establish the Department of Agriculture and authorize such investigations, experiments, and publications. If not expressly granted, it must be taken to be an implied power—one inherent in the sovereignty of the nation. Its exercise in no way conflicts with the reserved powers of the States, but tends to facilitate their action upon such matters, and is necessary to the due execution of the powers expressly granted to the General Government. It would be a narrow view that would prohibit Congress from disseminating useful information.

The investigations, experiments, and publications so authorized are not limited to the domain of interstate and foreign commerce; but, it will be observed, when Congress proceeds to regulate and control the sale, shipment, or transportation of any such articles, it confines its legislation to the interstate or foreign field, or to places under its exclusive jurisdiction.

In the present case, Congress has not, as already pointed out, attempted to regulate the sale, shipment, or transportation of adulterated or misbranded seeds. It has simply directed the Secretary of Agriculture to do what any individual may do. A leading magazine is at the present time engaged in exposing the fraud and deception practiced upon the people in the sale of certain patent medicines. No one would think of suggesting that such exposure amounts to a regulation of commerce or police by the magazine, because it does not possess governmental powers; but the fact that Congress does possess governmental powers and may make regulations of commerce or police in regard to matters within its jurisdiction, can not transform a measure for the dissemination of knowledge into such a regulation.

Doubtless but for the fact that Congress has directed the name of the seller of the misbranded or adulterated articles to be published, no question would have arisen in respect to this legislation; but that fact in no way alters the character of the legislation. It still remains a measure for the dissemination of useful information in regard to seeds, the publication of the name of the seller being only an incidental matter. It is true the seller may in some cases be innocent of any intentional deception. Still he has sold misbranded seed, and the publication goes no further than to state that mere fact. Besides, the question as to what information shall be published about these investigations and experiments is entirely for the determination of Congress.

I see no constitutional objection, therefore, to your carrying out the mandate of the law.

Respectfully,

WILLIAM H. MOODY,
Attorney-General.

I submit, Mr. Chairman, that in view of the opinion that has been expressed, the point of order will not lie against this paragraph.

Mr. CRUMPACKER. Mr. Chairman, I confess that I am not as familiar with the organic act creating the Department of Agriculture and acts supplementary thereto as I might be, but I am enough of a lawyer and parliamentarian to know the difference between the power of Congress under the Constitution and the authority of the Committee on Agriculture under the rules of the House. The Attorney-General held that an act in form like the provision now under consideration was within the constitutional power of Congress. I have no disposition to take issue with the Attorney-General upon that question now or at any other time, but the question for the Chair to determine is whether there is any statute authorizing the Committee on Agriculture to report a bill which the Attorney-General says Congress has the power to enact. Now, that is the proposition, and I think I can dispose of the question of order satisfactorily.

Mr. MANN. There is no question about its being subject to the point of order.

Mr. CRUMPACKER. I think there is no doubt that it is subject to the point of order, but I can dispose of the point of order satisfactorily. The committee will realize that when an item of legislation is proposed, one of peculiarly beneficent character, and a Member of the House suggests that the legislation ought to be put in proper form and ought to contain limitations to prevent abuse in its execution, he is met with the argument that it is a good piece of legislation, that its purposes are beneficent, but I do not admit the validity of that kind of an argument in this matter. I believe all laws ought to be put in proper form. The ordinary and usual limitations ought to be placed on all kinds of legislation to prevent abuse in the administration of laws. I do not like to see such irresponsible and unlimited discretion vested in a Department officer as is carried in this provision. It is admitted now in relation to forage seed, particularly clover, that it is impracticable for any man on a farm to raise seed absolutely free from weed seed. The farmers of Indiana produce a good deal of clover seed.

The gentleman from Illinois [Mr. MANN], who made such an able argument in favor of this provision, admitted that the bill he reported prohibiting the adulteration of seed confesses that the commercial standard of purity should not be above 98 per cent. This bill does not provide even that. The Department of Agriculture has the right to say that if one-tenth of 1 per cent is weed seed the whole bulk can be declared to be adulterated; that it may be denounced as misbranded, and that the Secretary may publish to the world that an individual or dealer that sells that kind of seed is guilty of fraud. That illustrates the force of my objection. I want Congress to say that in the law. I want Congress to fix the standard, and to make it a practical standard. I am not charging the Department of Agriculture with having abused this power. It may have been beneficently and wisely exercised, but I submit, Mr. Chairman, that it is the duty of a legislative body to surround all laws with reasonable limitations and safeguards, so as to prevent their abuse in the hands of an unwise administrator—a corrupt administrator, if you please. If there should be an improper administration of this law and criticism should arise, against whom would it be directed? First, perhaps, against the Department of Agriculture, and then against Congress for not having surrounded the power with such safeguards as might have prevented the abuse. That is the point I am undertaking to impress upon the House in the enactment of this legislation. I believe the States most generally do have laws preventing fraud. I believe they ought all to have laws preventing adulteration and misbranding. I am not defending frauds in the seed business or any other kind of business, but I am to some extent not exactly the champion, but the advocate of intelligent and safe methods in enacting legislation that affects the rights and the property of the people of the country.

Mr. CAULFIELD. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. CAULFIELD. I want to ask if under this provision a man's name might not be published and his business ruined, even though he had acted innocently and without knowledge that the seeds he sold were adulterated or misbranded?

Mr. CRUMPACKER. Most certainly, and there is a great amount of discretionary power contained in every agricultural appropriation bill, and I think necessarily; but where it affects the reputation and the business standing and the property and the liberty of the citizen, then reasonable safeguards ought to be adopted.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. Considering the circumstances and the value of this provision, which has been generally admitted throughout the country in the past, will not the gentleman be willing to withdraw his point of order and then help me soon to get up my bill in the House, where the matter will be settled, and this provision can then go out of the bill hereafter?

Mr. CRUMPACKER. The gentleman is perhaps not exactly a mind reader; he may be under the influence of that mental force that is called telepathy. I was intending to conclude my brief remarks with that kind of a statement, Mr. Chairman.

Mr. MANN. The radiations from the gentleman's mind permeate everywhere. They even got through my thick skull. [Laughter.]

Mr. CRUMPACKER. I thank the gentleman for the implied compliment. Mr. Chairman, I think this discussion is not useless if it serves to call the attention of the Department of Agriculture, and I hope it will, to the criticisms made of the bill, so as to secure a more careful administration of it. I hope, in the course of the years, that legislation of this character will be better safeguarded; and in the hope that we will have a more rational and intelligent and comprehensive law upon this general subject within a short time, I now withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton, and, using the same as a basis, establishing a standard of nine different grades, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications. And the Secretary of Agriculture is authorized and directed to prepare in practical form the standard of said grades and furnish the same upon request to any person, the cost thereof to be paid, when delivered, by the person requesting the same, and certified under the signature of the said Secretary and the seal of his Department.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. BURLESON. Mr. Chairman, I am thoroughly familiar with this item in the bill. Just before the adjournment of the last session of the Fifty-ninth Congress I introduced a bill providing for the standardization of cotton classification. I did so

for the purpose of provoking during the recess of Congress a discussion of the merits of the proposition by all parties at interest—the consumer, the producer, and others interested in the cotton trade. At the beginning of this session of Congress, on December 5, 1907, I reintroduced substantially the same measure (H. R. 65), and subsequently, on the 6th day of January, 1908, I introduced H. R. 11839, being the same as H. R. 65, with six lines added thereto, and with the exception of these lines last added the item in this bill conforms substantially to the provisions of the bill as introduced by me on December 5 of last year. This is the last bill introduced:

A bill directing the fixing of a standard of cotton classification.

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, directed to fix a standard for the different grades of cotton (calling to his assistance for that purpose three expert cotton classifiers), and in doing so he shall first fix a standard of middling cotton and, using same as the basis, shall proceed to fix a standard for four grades of cotton above said basis and four grades of cotton below said basis, giving careful consideration alike to the interests of the producers and spinners of cotton. When said standard has been fixed by said Secretary of Agriculture of the nine different grades of cotton as herein provided, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, same shall be, and is hereby, declared the official standard of cotton classification. The Secretary of Agriculture is hereby authorized and directed to prepare, in the most practical form, said standard of cotton, and on request shall furnish same to any farmer's institute, union, or association, or to any cotton spinners' association, or to any agricultural school or college, or to any cotton exchange dealing in bona fide sales of cotton for future delivery, in each instance the cost for furnishing said standard to be paid by the institute, union, association, or exchange requesting same, when delivered by said Secretary, certified under his signature and the seal of his Department. The Secretary of Agriculture, after said standard of cotton has been prepared, shall, upon request of cotton producers at any cotton market center, appoint an expert cotton classifier, who shall class any lot of cotton submitted for that purpose, and shall receive therefor a fee of 5 cents per bale, to be paid by the party requesting said classification.

Since the introduction of the bill the first time, I have received hundreds of letters from men in all lines of the cotton trade about the bill and yet I beg to assure the gentleman from New York [Mr. FITZGERALD] that I have heard no opposition to the purpose sought to be accomplished by the bill from any person, regardless of the line of cotton industry in which he might be engaged. Mr. Chairman, the end sought to be accomplished by my bill, the provisions of this paragraph being excerpts therefrom, has long been desired by the thoughtful men engaged in the cotton trade.

The advantages of uniformity of cotton standards has been recognized, and how it was to be brought about has engaged the attention and thought of interested parties for many years.

It needs no argument to prove that it would be beneficial to the trade, both consumers and producers of cotton, if cotton which classes as "middling" cotton at one market center in the United States should mean the same thing, should be of the same character, and should be so recognized and accepted at every other market center in our country.

It is an historic fact that nearly thirty years ago at a convention held at St. Louis, Mo., where representatives of the cotton interests had assembled, it was decided that it *was very important* and *desirable* that the standards of cotton of all the markets should agree. Subsequently experts were appointed for the purpose of carrying into effect this determination. These experts assembled in New York for the purpose of preparing a standard of the different grades of cotton. Standards were made, and types of same were furnished to the various parties at interest, but for some unknown reason the standards so determined upon and prepared were not adopted by the trade. Why, no one has ever known. This information I state upon the authority of Mr. Henry G. Hester, the very capable superintendent of the New Orleans Cotton Exchange.

In a letter to the chairman of the Committee on Agriculture, speaking of the desirability of a uniform standard of cotton classification, Mr. Hester, who is one of the world's greatest cotton experts, used this emphatic language:

This I do know: Every fair and impartial man interested in or connected with the cotton trade—planter, merchant, broker, exporter, spinner, or mill man—agrees that uniform classification of American cotton the world over is desirable and would result to the advantage of all concerned.

Again, speaking on the same line, he says:

We need uniform classification all the world over, and why it has not been secured is one of the existing anomalies.

In a letter to Chairman Scott, the president of the New Orleans Exchange, Mr. W. B. Thompson had this to say on the subject:

I am in receipt of your favor of the 10th instant inclosing H. R. 11839, a bill by Mr. BURLESON of Texas, providing for an official standard of cotton classification, requesting my opinion thereof and inviting any suggestion I might wish to make. I beg to thank you for your consideration and to say in reply that I am of the opinion that an official standard will be beneficial, and I commend the bill. The provisions of the bill seem to cover the subject thoroughly, and I have therefore no suggestions to offer. The proposed standard will simplify the problem of classification in so far as the markets of the United States are concerned, and to that extent will be beneficial. An international standard would solve the problem entirely. This conclusion, however, can not be reached except by agreement, but I believe if properly urged such an agreement is possible.

Mr. Chairman, I am confident, and I base my opinion upon statements made to me by leading cotton experts in this country, that if we can intelligently provide a standard of cotton classification which is accepted by the trade throughout America that other countries interested in American cotton will be forced to its adoption.

As bearing on the same subject the chairman of the Committee on Agriculture received the following letter from the secretary of the New York Exchange:

NEW YORK COTTON EXCHANGE,
New York, January 22, 1908.

Mr. CHARLES F. SCOTT,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to call to your attention the following resolution adopted to-day by the board of managers of the New York Cotton Exchange:

Resolved, That the board of managers of the New York Cotton Exchange approve of the principle of bill 65 as presented to them on December 5.

Resolved also, That the board disapprove of the addition to bill No. 65 as presented in bill 11839, consisting of the last six lines, as follows:

" * * * The Secretary of Agriculture, after said standard of cotton has been prepared, shall, upon request of cotton producers at any cotton market center, appoint an expert cotton classifier, who shall class any lot of cotton submitted for that purpose, and shall receive therefor a fee of 5 cents per bale, to be paid by the party requesting said classification,"

for the reason that no one would be responsible for the grade as given by the classer having a Government certificate or for any loss arising from any error he might make in classing. At the present time each shipper is financially responsible for any error, and in addition in New York the New York Cotton Exchange has a fund which guarantees against and pays for any error which may be made by its classification committee.

Yours, respectfully, A. B. GWATHMEY, Jr., *Secretary.*

The last six lines, to which reference is made in this letter, are not embraced in the paragraph in this bill, but in connection therewith I desire to say that I believe it would be a distinct advantage if they could have been added. But, Mr. Chairman, in order that all objections might be removed against the taking of this very desirable step forward in the promotion of the interest of the cotton trade I have acquiesced in their elimination.

Mr. J. R. MacColl, the president of the Conference of Growers and Manufacturers of Cotton, held at Atlanta, Ga., last October, has this to say in response to a letter from Chairman SCOTT:

Replying to your favor of the 10th inst., I believe it would be advantageous to the cotton industry to have the Government establish nine grades of cotton, as suggested in Mr. Burleson's bill, provided the use of them is left entirely optional.

Mr. MacColl was recently the president of the New England Cotton Manufacturers' Association and is one of the largest and most intelligent cotton manufacturers in our country. On the same subject Mr. S. B. Tanner, one of the most progressive cotton spinners in the world, who is at present the president of the American Cotton Manufacturers' Association, had this to say by way of reply to the chairman of the Committee on Agriculture:

THE AMERICAN COTTON MANUFACTURERS' ASSOCIATION, N. C.,
January 16, 1908.

Hon. CHARLES F. SCOTT,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your favor of the 10th, I beg to say that I believe an official standard of cotton classification would be welcomed by the cotton manufacturers and the entire cotton trade, as it would afford a perfectly satisfactory means of settling disputes in regard to shipments or deliveries of cotton.

Yours, truly, S. B. TANNER, *President.*

The producers of cotton in their organizations, and to me by letter in numerous individual cases, have given their cordial approval of the bill, expressing the earnest hope that it might become law. Thus you see, Mr. Chairman, the farmers who grow cotton, the manufacturers who consume cotton, and even the speculating element have all considered this proposition, and, marvelous to say, for once are all in accord and all join in giving it thorough approval.

Now let us consider for a moment what good will result from the adoption of a uniform standard of cotton classification. In the first place, it will do away with the difference which now undoubtedly exists in the grades of cotton at the different cotton market centers in the South. To-day "middling cotton" may mean one thing in Atlanta and an entirely different thing at Savannah, only a few miles removed. As a matter of fact, the different buyers of cotton have different standards for the different grades of cotton.

In fact these differences in the grades of cotton are so marked, or I should say the difference is so material, that frequently

market quotations are seven-eighths of a cent or 1 cent different for the same grade of cotton in places only a few miles removed from each other. If we can have an item of this kind continued in this bill and effect an intelligent standardization of cotton, there will be uniformity brought about, and not alone uniformity of grade but also uniformity in price for the same grade of cotton throughout the cotton region, allowing always, of course, for cost of transportation. It will tend to simplify the situation. It will enable the manufacturer to understand, when he sees a quotation of "middling" cotton, spot, at Atlanta, that substantially, allowance for freight carriage being made, the same quotation will exist at Galveston or Savannah, whereas now he is frequently confused by reason of the fact that at one point middling cotton may be quoted at 10¼ cents and only a hundred miles away from there so-called middling cotton may be quoted at 10⅞ or 11 cents a pound. Furthermore, there may be, and in fact is, one standard of cotton used in the New York Cotton Exchange, where cotton is speculated in, and an entirely different standard for the same grades of cotton used in the New Orleans Cotton Exchange.

Mr. Chairman, I have had extensive correspondence with a large number of persons about the bill from which the provisions of this item were taken. I have corresponded, and the chairman of the Committee on Agriculture has corresponded with the presidents and superintendents of the different cotton exchanges; with the presidents of the cotton manufacturing establishments North and South, and again I assure the gentleman from New York [Mr. FITZGERALD] that there has been a uniform expression of approval from all these sources for a reform of the character which this paragraph provides. Now, for the information of my distinguished friend from New York, I want to read a letter from the superintendent of the New York Cotton Exchange, a gentleman who has been connected with that exchange for nearly forty years, a man thoroughly familiar with every line of the cotton industry.

I have read from other letters which the chairman has received, but I select this letter and emphasize it because it clearly and succinctly states the good ends we seek to accomplish by the embodiment of the item in the bill to which the gentleman objects. The letter is addressed to the chairman of the Committee on Agriculture:

NEW YORK COTTON EXCHANGE,
New York, January 14, 1908.

Hon. CHARLES F. SCOTT,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of the 10th instant is received, inclosing H. R. 11839, a bill introduced by Hon. A. S. Burleson, of Texas, providing for an official standard of cotton classification and asking my opinion thereon.

I am very strongly in favor of a uniform standard of classification for cotton throughout the United States. At present there is a woeful lack of uniformity, owing to the variety of standards in use at the several port and interior markets of the South. This lack of uniformity is confusing in that it produces irregularity in the prices prevailing at these markets, the same grade being quoted frequently as much as one cent per pound lower at some markets than at others. This irregularity is a source of annoyance to sellers and to buyers alike and is the occasion for frequent arbitrations to determine the exact classification. It is also a fact that buyers for both foreign and domestic account have their own standards, which standards are used as a basis for their purchases.

In connection with that statement about "frequent arbitrations" I desire to state that I have every assurance from those interested as consumers of cotton that they are heartily in favor of this step in order to escape these contentions which are constantly arising. When I first drew this bill it was submitted to the gentleman from Massachusetts [Mr. LOVERING], who joined with me in its introduction. His name was signed to the bill which was introduced and about which this letter was written, but for some reason the parliamentary clerk struck off the name of Mr. Lovering and it was not continued on the bill. If this bill can go through, these frequent arbitrations to settle differences, these various recurring frictions, these controversies which are now constantly arising between the buyer and the seller will, in a large measure, be prevented or eliminated. The buyer will then be buying by the same standard the seller is using when he makes his sale and no room for difference will arise.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. CRUMPACKER. I am not familiar with the cotton grades, but are there nine grades of commercial cotton?

Mr. BURLESON. There are eleven grades of cotton, and have been on one of the exchanges about nineteen or twenty so-called half or quarter grades. I provide for nine here, because the highest grade of cotton is "fair," and I will here state that I never saw a bale of "fair" cotton in my life and it would be a totally useless expense to standardize it. The lowest grade of cotton is "Ordinary," a nonspinable grade, and for this reason was not embraced within the bill.

Mr. CRUMPACKER. The designation of the various grades in the bill are the commercial designation of those grades, are they?

Mr. BURLESON. It is the same designation that has long been in use by all persons engaged in the cotton trade throughout the world. Now, Mr. Chairman, if we can have a provision of this kind continued in the bill it is confidently believed that many of these controversies that arise between the buyers of cotton and the sellers of cotton can be avoided. Now I read further from Mr. King's letter:

As a confirmation of the variety of prices resulting from a lack of uniformity in grades, I give you the official price for the grade of middling cotton yesterday at the several markets:

Ports—	
Galveston	11⅜
New Orleans	11⅜
Mobile	11⅛
Savannah	10¾
Charleston	10⅞
Norfolk	11⅛
Interiors—	
Houston	11⅛
Little Rock	11⅜
Memphis	11⅜
Augusta	11⅜
St. Louis	11⅜

This shows a variation of ⅝ cent per pound between the lowest and the highest markets, or $437.50 per hundred bales. Of course, the grades not being uniform, this money difference does not exist.

Mr. Chairman, of course it does not exist—but by market quotations it apparently does—and this creates great confusion. If the same standard for middling cotton was used at all points it would undoubtedly bring the price at the different markets for the same grade of cotton into unison—the one with the other. In fact, then the market quotation for a given grade of spot cotton would be uniform throughout all the market centers, due allowance being made, of course, for cost of transportation from each market point.

He further says in his letter:

The effect of the adoption of this measure will be helpful to the entire cotton trade of this country.

It will do away with the irregularity between the grades at present existing.

Will put all cotton markets in unison with each other.

Will largely do away with the existing difference between the price of contracts and the price of middling cotton.

Mr. Chairman, I do not agree with the superintendent of the New York Exchange that the standardization of the different grades of cotton will do away with the existing differences between the price for futures fixed in New York and the market price of spot cotton. I think these marked differences are occasioned by certain arbitrary rules fixed by the exchange, but this I will discuss at some future time. The adoption of a standard under the provisions of this item might result in forcing the disposal of a lot of very low-grade cotton, now undoubtedly held in the warehouses in New York for the purposes of tender on future contracts. If so, it would remove one of the causes which in my opinion contributes to the depression of the price of futures below spot cotton, but one very potent factor of depression, the arbitrary fixing of difference in value between the different grades, to remain regardless of the commercial value thereof, will not be effected by any action that could be taken under this paragraph. This, in my opinion, is the source from which this difference principally arises.

Mr. King then, in conclusion, says:

Will enable growers to familiarize themselves with the standard grades and obtain the market value for their cotton.

Will result in a uniform contract on all cotton exchanges.

Yours, truly,

WM. V. KING.

Mr. Chairman, I hope it may result in a uniform contract on the two exchanges. This the members of these two institutions could accomplish by agreement now whether this item is retained or not. They will enter into such agreement if it is to their mutual benefit, otherwise not.

Undoubtedly if the uniform standard can be brought about it will be to the great benefit of the cotton grower. It will, as Mr. King says, enable the farmer to familiarize himself with the grade of his cotton before he offers it for sale.

As it now is the producer of cotton in nine cases out of ten is in absolute ignorance of the particular grade of cotton that he carries to market, and frequently he is victimized by the deception practiced by the cotton buyer who offering him a particular price for his cotton upon a middling basis and having bought it, when he comes to pay for it classes it a grade lower than it actually is.

The farmer can not protect himself from imposition now, but it will be a simple matter, easy to do, when he has provided himself with the means of classing his own cotton. When the standard has been fixed, the Secretary of Agriculture, for three or four dollars, will furnish the types of the nine grades of cotton to anyone who will pay the price thereof. The farmer

may not be able to carry in his memory the characteristics of a particular grade of cotton and the difference between the characteristics of the different grades, but he undoubtedly can, when he has the different types in hand, take them and by placing them beside samples of his own cotton determine exactly the grade of each bale. This I confidently believe will be worth hundreds of thousands of dollars to the cotton producer each year.

With this paragraph continued in this bill, for a mere trifle, the Secretary of Agriculture can furnish to any cotton farmer who will pay its cost the official standard of the different grades of cotton, and as was suggested on the floor the other day, any farmer who brings his cotton to the market can take his standard, and find it easier to determine the particular grade of each bale of cotton than it would be to match a piece of ribbon.

This standard of grades of cotton can be secured and kept at the farmers' warehouse, where he stores his cotton, and every farmer can know exactly what his cotton is, whether it is "middling"—above or below—he can see for himself, by comparing the sample of his own cotton with the various types making up the standard, just what grade his own cotton is, and thus arming himself with the information as to its true value, can protect himself against imposition when he offers to make sale of it.

Now, Mr. Chairman, I feel that the importance of the benefits that come from this provision is such that the point of order ought not to be insisted upon, especially when every interest connected with cotton, in fact all the diverse interests in cotton, are united in its support. The manufacturer, the consumer of cotton, is for it; the producer, the grower of cotton, is for it, and the speculative element is in favor of it. There is no difference of opinion anywhere as to the merit of the proposition. This is the one matter of legislation relating to cotton upon which the gentleman from Massachusetts, Mr. Lovering, and I are in thorough accord. The cost to the Government is to be insignificant because the cost of the standard is to be paid by those asking for it. The paragraph was embodied in this bill without any increase of the aggregate appropriation provided for under this particular bureau. It is going to add but little to future appropriation bills, because under the terms of the item every standard which is provided must be paid for by the person securing it at its actual cost to the Government. I do earnestly hope, in view of the reasons I have now stated, that the gentleman from New York will not insist on his point of order.

Mr. Chairman, one word further. I notice that after the superintendent of the cotton exchange had written the letter which I have read, he attached to it a memorandum addressed to the chairman of the Committee on Agriculture, in which he said:

NEW YORK, *January 14, 1908.*

DEAR SIR: If necessary, I will appear before your committee and supply any further information required on behalf of this excellent bill. Only give me a few days' notice in advance.

Yours, etc., WM. V. KING.

Hon. C. F. SCOTT, *Chairman, etc.*

Now, Mr. Chairman, as I have fully explained the item in the bill against which the point of order has been raised is in substantial conformity with the provisions of that bill as introduced by me, I hope that the gentleman from New York will not make the point of order.

Mr. LEVER. Mr. Chairman, in addition to what the gentleman from Texas [Mr. BURLESON] has said with respect to this very important provision in the bill, I think it not out of place for me to submit a few statements for the further information of the House, for I violate no committee secret when I call attention to the fact that the provision is in the bill upon my motion and at my insistence in the committee. The amendment is the gist of a bill introduced by the gentleman from Texas [Mr. BURLESON] looking to the standardizing of cotton grading. The provision does not go quite as far as might be wished, but it is all that it was thought the committee would allow at this time. It is the first step in the right direction, and if its operation proves satisfactory and beneficial, as I have every reason to believe it will, I am confident further legislation will be had which, in effect, will compel the adoption of the official standard, both by the cotton trade and the two great cotton exchanges, and which will provide suitable penalties for the violation of the provisions of this amendment. The proposition as it now stands carries no penalty for the violation of its provisions, but it is my belief that in a measure it will be self-enforcing. For example, if in a market there are several cotton buyers catering to the cotton trade, the fact that one buyer grades according to the official standard made by the Department of Agriculture will so strongly appeal to the farmer—the seller—that other buyers will be forced in self-defense to use the standard, and to this extent the provision will be self-enforcing, in the smaller markets at least.

As the trade now stands nearly every firm doing a cotton business has its individual definition and idea of grades. The New York Cotton Exchange is now using some thirty-odd different grades for delivery on contract, though after April 1 eighteen grades will be effective upon this exchange, and it has often happened that the market has been broken and prices of cotton forced down through the difference in definition of grades. The adoption of a national standard would go far in the direction of assuring a fair deal to both buyer and seller at the hands of the cotton exchange, and if the exchanges and big cotton firms refuse to adopt such a standard as is provided in this amendment compulsory legislation will become necessary.

In the cotton-growing States it is a common thing to find in little towns only a half dozen miles apart a difference in price for cotton, ranging from one-eighth to one-fourth a cent per pound, due to the difference in grading. Such a condition works to the great injury of the cotton producer, and the small buyer suffers a like injury when he comes to sell to the larger firms. This causes an endless confusion, which will be obviated to a great extent by the establishing of uniformity of grades throughout the country, so that the cotton buyer in Galveston, Tex., as well as the buyer in Columbia, S. C., may have an exact idea of what is meant by "strict middling," "good ordinary," "ordinary," and that the terms in the one place have a like meaning in the other, and, of course, this applies with more force to the smaller towns and dealers. But this is not the greatest benefit that is to accrue. The provision is educational in its character. It is intended to teach the farmer himself, the cotton grower, to know the meaning of the various grades, so that when he brings his bale of cotton into the market he may take the sample of it, compare it to the standard promulgated by the Department of Agriculture, and protect himself against any disposition on the part of a buyer to gouge him in the trade.

Mr. JONES of Washington. Mr. Chairman, I would like to ask the gentleman how this standard is to be prepared.

Mr. LEVER. I shall be very glad to give that information to the gentleman, and I happen to have a statement prepared for me by the Department of Agriculture as to how this provision will work, and I take pleasure in reading it:

The Department now has in its employ a man who is thoroughly familiar with cotton grades and cotton marketing conditions. This man, with two others, selected to represent the cotton interests, will be employed for a period of about thirty days at the proper time of the year in examining the cotton at the principal markets, and selecting bales representing the different grades required by law. These bales will then be forwarded to some central point, probably Washington, where the committee above named will select proper samples representing the various grades and prepare a set of official standards which shall be approved and sealed under the seal of the Department. These will then be duplicated, as the demands require.

Mr. JONES of Washington. That is, these standards will be made up of cotton?

Mr. LEVER. Yes; of the actual cotton.

Mr. JONES of Washington. Something like a sample?

Mr. LEVER. Yes; representing the different grades of cotton as they come into the markets; and then any individual, any farmer, any farmers' union or association, any agricultural college, any buyer, has the privilege of asking of the Department these samples, and the Department, upon the individual paying the small cost of making up the samples, will furnish him with them.

Mr. JONES of Washington. I would like to ask another question. Are these bales of cotton uniform in character—that is, the cotton in the bale?

Mr. LEVER. Usually so; yes, almost uniformly so.

Mr. JONES of Washington. Well, suppose that the cotton does not correspond, that is, that one part of the bale will not correspond with some of these standards and the other part will.

Mr. LEVER. Of course the Department of Agriculture would get such bales as represent the different types, and the gentleman will find that there are very few bales of cotton where there is a difference in grades in the bale. That kind of cotton comes upon the market only in very small quantities in the close of the cotton season.

Mr. JONES of Washington. So no trouble would be anticipated from that source?

Mr. LEVER. No; I have no fears as to that.

Mr. HUMPHREYS of Mississippi. They do have these samples in a good many parts of the country, as the gentleman states, and they come in and classify the cotton by the grades; but that is not official.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. Now, Mr. Chairman, the whole intent of this provision is to bring the cotton producer and the cotton buyer—the cotton trade—to a recognition of the same standard of grading as a guide to all. The farmer may know from his own eyes by seeing the official standard whether he is getting a price for his cotton warranted by its grade. This he can not do at present. He is not familiar with the grade. He does not know whether his cotton is an "ordinary" or "good ordinary." He must take the word of the cotton buyer as to that, and to that extent he is at the mercy of the buyer, whose experience in grading gives him a great advantage in the trade. But when the farmer takes his own sample and matches it with the official standard in the office of the buyer, he will have little difficulty in reaching a conclusion as to whether he has "ordinary," which may be selling at one-half a cent a pound less, or "strict middling."

In other words, the adoption of this provision puts the farmer on terms of something like equality with the buyer when a trade is to be made, and if he does not get the prevailing price for his cotton, it will not be due to the fact that he is at a very great disadvantage with the buyer. By giving him these standards by which to compare his own cotton, I confidently believe that millions of dollars will be saved to the Southern cotton grower each year, and in addition to this I believe it will make him more careful in the types of cotton he plants, the manner in which he gathers it, gins it, and markets it, and thus work a great benefit to him in a collateral way.

It is fortunate for this proposition that everyone interested in the cotton trade is favorable to it—the manufacturer, the cotton exchanges, the buyers, and the farmers themselves, through their organizations, have spoken in no uncertain terms. I have here letters from the Farmers' Union of the South, which is perhaps the most thoroughly representative organization of the farmers, and also a number of letters from the officials of the Southern Cotton Association, and all expressing themselves in hearty accord with the end sought by this amendment.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. LEVER. Yes; with pleasure.

Mr. CRUMPACKER. Does the gentleman not believe that this proposition will involve or lead to a General Government inspection of cotton?

Mr. LEVER. I most emphatically think not; and I doubt if the Representatives of the cotton States in Congress would agree to a proposition looking to a general Federal inspection of cotton.

Mr. BURLESON. There will be no occasion for it.

Mr. LEVER. As the gentleman suggests, there will be no occasion for it.

Mr. CRUMPACKER. Let me suggest this to the gentleman. There may be disputes respecting the grades to which cotton belongs, because I assume that it takes an expert to determine. There are qualities that will classify grades, length of fiber, or color, or something else—I do not know what—and samples will be sent continually to the Department at Washington for information until it will be found convenient to locate a Government expert with a cotton laboratory in every commercial cotton center in the United States, and it seems to me that that is a necessary result of this kind of legislation.

Mr. LEVER. With all deference to the judgment of the gentleman from Indiana, I do not anticipate any trouble along that line. Disputes may arise, but would adjust themselves without having to be referred to Washington.

Mr. MADDEN. There is a movement and provision in this bill seeking to establish an official standard of grains, and this official standard is proposed to be established in the various inspection ports of the States throughout the Union. Does the gentleman think that the establishment of that official standard of cotton grades as proposed in this bill will result in the creation of State inspection boards to grade the cotton up in accordance with the official standard created under this bill?

Mr. LEVER. That would be a mere matter of opinion; but, as a matter of fact, I do not think that the States would have anything to do with it at all.

Mr. BURLESON. In reply to that I will state that the States will have nothing to do with this proposition at all. It can not possibly have that effect.

Mr. LEVER. Not at all. I do not know whether there would be any objection to it, in fact it might be a most excellent idea to have the States create such boards as are suggested by the gentleman from Illinois, but this proposition does not anticipate that. Now, Mr. Chairman, this is a most important proposition. It vitally affects one of the world's greatest crops. It is the confident belief of its friends that it will work a great benefit to the cotton trade. It establishes uniformity in grades. It brings about uniformity in prices throughout the country. It puts all cotton markets in unison as to grade and price, freight charges being considered; it makes a uniform contract for all cotton exchanges, and it will drive from the warehouses all low-grade cotton now used to depress prices and to aid speculation; it will help the manufacturer of raw cotton; it will aid the cotton buyers, small and large; but above all, it brings to the farmer, the cotton grower, the means by which he can get a just price for his product. It places him on more of an equality with the buyer, who at present has every advantage; it gives him a guide in the sale of his crop; it assures him a fair trade; it gives him the means of knowing the exact grade of his cotton, and to that extent puts him in position to demand the price corresponding to that grade. It means an undoubted benefit to the cotton farmer and will work a general good to mankind wherever this great product of the South is used. [Applause on the Democratic side.]

Mr. SCOTT. Mr. Chairman, I will ask for a ruling. Mr. Chairman, I withdraw the request, as I understand the gentleman from Massachusetts [Mr. LOVERING] wishes to be recognized.

The CHAIRMAN. The Chairman will recognize the gentleman from Massachusetts [Mr. LOVERING] for five minutes.

Mr. LOVERING. Mr. Chairman, I can not imagine anything but a good result will come from the passage of this measure. For a long time both the producer and the consumer have been at war with each other just on this very subject of standards, and for the Government to fix a standard for the grades of cotton will solve many perplexing questions. The gentleman from Indiana [Mr. CRUMPACKER] seemed to think that it would involve Government inspection. I think not. The basis of this classification will be simply this: Every broker or cotton merchant who buys or sells cotton will have a set of these samples, and the buyer and seller will decide all controversies by these samples. It never will be put up to the Department to decide a single question. All that is asked is that they shall furnish standards of the different grades of cotton. For a good many years individuals have sought to fix upon the cotton market a grading or classification of their own, some using letters and some using numbers, but they have always fallen back upon the old designation of "middling" standard, and starting with that and going above and below, usually from "fair" above to "low ordinary" below.

Now, that is all they will be asked to fix. Being a manufacturer, I should at once buy a set of those samples. Every broker would buy them, and I am under the impression that the ginners and the producers in the South would have them. It would have the effect to do away with a considerable amount of friction and to bring the consumer and the producer more nearly together in settling their disputes. I sincerely hope that this measure will be allowed to go through.

Mr. FITZGERALD. Mr. Chairman, I doubt very much whether this provision will accomplish all that those who advocate it proclaim. There has been so much misunderstanding of the functions of exchanges in general, and of the Cotton Exchange in New York in particular, shown on this floor during this session, that when I found this provision in this bill it excited my suspicion at once. Careful examination of the provision, however, discloses that it will merely provide for a standardization of cotton through a governmental agency. If the producers of cotton in the country believe that a classification by the Government will be of benefit to them, while I have some doubt as to the propriety of the Government entering upon work of this character, I shall not interpose an objection that would prevent it. That it will, however, in any way harmonize or make uniform the prices of cotton in the various cotton markets is too preposterous to discuss. I need only call attention to the fact that various railroad and industrial stocks that are listed upon the various stock exchanges of the country vary in prices on the same day in different parts of the country.

The grade of the cotton is not the only thing that enters into the determination of the price of cotton in one part of the country or another. The question of supply in a locality, of the demand at that particular place, of special reports that may be available at one point more quickly than at another, and a thousand other elements all combine to make the price of cotton in the New York market vary from the price in the New Orleans or the Galveston or some other market.

Mr. LOVERING. Mr. Chairman, do I understand the gentleman to say that it would have no good effect at all?

Mr. FITZGERALD. No; I did not say that.

Mr. LOVERING. I would say to the gentleman that it is not expected that it would correct all prices and put them all on a

level at all places. There are so many things that enter into the price of cotton—the carriage and wear of it, and all sorts of things.

Mr. FITZGERALD. I was speaking particularly in reference to the claim made by the gentleman from Texas [Mr. BURLESON] that these variations of price in the different markets of the country would be eliminated if this standardization were adopted, and that prices would be uniform in the different markets. I say that is too preposterous to discuss.

Mr. LOVERING. The chief value attached to it is to enable them to settle disputes between buyers and sellers.

Mr. FITZGERALD. I am coming to that in a moment.

Mr. MANN. Will the gentleman yield to one question? Are the nine different grades in this paragraph all of the grades now used in the cotton markets and on the cotton exchanges?

Mr. FITZGERALD. They are not. But there is nothing in this provision that will prevent those who desire to buy and sell cotton to buy and sell upon any terms or under any contract upon which they may agree.

Mr. MANN. I understand, but still nearly all of the cotton is sold in cotton markets of some sort. Does the gentleman know what grades are omitted from this bill that are in use?

Mr. FITZGERALD. There were prior to the 1st of January of this year on the New York Exchange, if I am informed correctly, thirty-one grades.

Mr. BURLESON. The gentleman is mistaken. There are eleven grades of cotton, and the New York Exchange seeks to make more by providing for quarter and half grades.

Mr. FITZGERALD. I was going to explain the half and quarter grades. But in all there were thirty-one.

Mr. BURLESON. Thirty, as I understand it.

Mr. FITZGERALD. Thirty. On the 1st of January of this year the exchange eliminated what were known as "fully" and "barely" grades, so as to reduce the number of grades to about twenty.

Mr. MANN. A year ago, or such a matter, the Committee on Interstate and Foreign Commerce reported into this House a resolution for investigation by the Bureau of Corporations in reference to dealing on cotton exchanges.

That investigation has not yet progressed to the point of final report, and we are not informed—at least I am not, and the public are not—of the results of that investigation. I suppose the President has been informed orally by the Commissioner of Corporations. Does anybody know whether the investigation which has been made goes to the point of doing away with all but nine grades of cotton?

Mr. FITZGERALD. I am informed that the investigation, so far as it affected exchanges, is practically complete; so far as it contemplated cotton growers and ginners and persons engaged on the other side of the controversy to the exchanges, it has not been begun.

Mr. MANN. Of course it is very important.

Mr. FITZGERALD. What the result of the investigation is I have not been informed.

Mr. BURLESON. With the permission of the gentleman from New York, I can answer the inquiry of the gentleman from Illinois. Since the introduction of the resolution to investigate the New York Cotton Exchange——

Mr. FITZGERALD. I think the gentleman gives too much credit to the New York Cotton Exchange. I say it ordered that investigation, and the investigation was not confined to the New York Exchange.

Mr. BURLESON. The authorities in control of that institution have, for reasons satisfactory to them, taken steps to eliminate all save eighteen of their so-called "grades," by taking out a portion of the half grades and quarter grades, thereby reducing the number of such grades by twelve. There were thirty grades, I think, at the time the resolution of investigation was introduced by me. As a matter of fact, there are only eleven grades of cotton. The bill introduced by me and this item provides for all the grades of cotton that are dealt in by manufacturers of cotton. The two grades that I have left out and not mentioned in this item are "fair" and "ordinary." "Fair" is the highest grade of cotton; and whereas I was born in a cotton country and have been engaged in growing cotton all my life, I never saw a bale of "fair" cotton, and I doubt whether the gentleman from Massachusetts [Mr. LOVERING], one of our largest consumers of cotton, ever saw a dozen bales of "fair" cotton during his long career as a manufacturer. It would be useless to provide for that grade under this item, as there is practically none of it. "Ordinary" cotton also is eliminated. "Ordinary" is an unspinnable grade of cotton. The grades that I mention, which I seek to standardize, are the grades in general use that have been generally bought by the trade by those names for many years, and those designations we retain in this bill. It would be a useless expense to provide for a standardization of the other two grades.

Mr. HARDY. Will the gentleman permit this suggestion. It is not the purpose of this bill to fix or affect the price of cotton, but it is just like establishing weights and measures by the Government, to get a standard, so that everywhere when "good, ordinary" is spoken of, or "middling" cotton is spoken of, there will be a standard of comparison, and everybody will know what is meant. It will not mean one thing in one place and another thing in another place. The Government has established a standard of weights and measures. Until that was done there were different yardsticks. The Government has not said what was a bucket, and we do not know what a bucket is, but we have established the half bushel, the gallon, the quart. This simply gives the Government standard, so that in New Orleans, Savannah, Atlanta, New York, all will have the same standard, and while a certain article sells at 11½ for "middling," the Galveston price, say that it shall be 11½ at Houston, when a man goes to Houston he will find this "middling" does not mean the same there as it did at Galveston. I think the measure will certainly be a benefit to the spinner and the producer.

Mr. FITZGERALD. The gentleman from Texas [Mr. HARDY], of course, misapprehends what I was saying. I did not contend that this provision will affect the price. I said that the statement of his colleague, that it would make the price uniform in the different markets, with due respect to him, was a preposterous proposition. I think also that the gentleman drew upon his imagination——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask that I may have some more time for myself.

There was no objection.

Mr. FITZGERALD. I think the gentleman drew to a considerable extent upon his imagination when he said that it was as easy to match cotton as pieces of ribbon. If he meant it is easy to match cotton, that was a good simile. If he meant that it was not easy to match cotton, that it is difficult to match cotton, the gentleman has stated what is accurate. I have no doubt the gentleman has had the same experience that I have had. I have been given samples of ribbon at times to match, and my success has been so poor that I would not attempt to match cotton.

The fact is that these quarter and half grades were established upon the exchanges because the classifiers, men against whose integrity there has never been any complaint, have differed so radically as to whether cotton should be in one grade or in another grade, after elaborate discussion and investigations these various divisions were made to avoid contentions between parties to transactions. I do not wish to engage at this time in a discussion either as to the benefits or proper functions of exchanges, either cotton exchanges or grain exchanges, or other exchanges. I know that it is common in this House to hold up men engaged in business on the exchanges in the great commercial cities of the country as a class detrimental to the welfare of the country.

Anybody who has given any consideration at all to these exchanges and to their proper functions is well aware that if the cotton exchanges were abolished and the grain exchanges were abolished there would be complete disaster to the cotton and grain producers of the country. At some other time, after some more of the gentlemen interested on the "producing" side of these commodities have given expression to their views, I hope to take a little time to give an elementary course of instruction as to the purpose, value, necessity, and advantages of exchanges, particularly of the New York Cotton Exchange. I am sure that my friends from the Southern States will be so completely astonished to be informed of the good that the people in New York are doing and have been doing for the benefit of their States that they will keep silent hereafter upon this question.

Mr. Chairman, I have made some inquiries about this provision. Among the men engaged in the business of buying and selling cotton upon the exchanges there are what might be termed different factions. All do not agree as to just what the exchanges should do or the manner in which they should be conducted. But after inquiry of all the various interests that transact their business upon these exchanges, I have been unable to find that there is any serious opposition to this provision. So, in order to show our friends in the cotton-producing sections of the country that I am not hostile to the interests of the producer and in order to convince them that those who are marketing their crops year after year at an advantage to them desire to promote their interests, I shall not insist on the point of order

to this provision. I shall be glad to do what I can to have it enacted into law, in the hope that it will allay the fears and silence the unreasonable criticisms that have been indulged in here from time to time about men whom I, with others from my State, have the distinguished honor to represent on this floor. [Applause.]

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, such grades when so fixed to become the official standards for the grading of grains, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order against a portion of lines 16 and 17 of the paragraph, the words against which I reserve the point of order being the following:

Such grades when so fixed to become the official standards for the grading of grains.

I reserve the point of order at the suggestion of a member of the Committee on Agriculture. This language is new; it never was contained even in the agricultural appropriation bill before. There is no law authorizing the Secretary of Agriculture to fix official standards for the grading of grain. It is new legislation. In my judgment, the authority contained in this paragraph to fix the official standards of grain will inevitably lead to Federal inspection of all grains produced for the markets. I do not see how it can be otherwise. It may be that Federal inspection would be a wise policy. I am not here to say that it would not. It may be that if a proper bill should be reported to the House providing for Federal inspection of grain under proper safeguards that it would receive my support. But this is an appropriation bill, and this phrase that I object to, which confers authority upon the Secretary of Agriculture to fix an official standard, contains no kind of limitation, no safeguards. It is a dangerous provision in the form in which it is now offered, and it ought not to be enacted without most thorough and careful consideration.

Now, the Secretary of Agriculture is authorized to grade grains and fix the official standards. Who is to determine whether a particular quantity of grains measures up to a particular standard? How can it be determined? It requires the services of an expert. I understand the Agricultural Department makes a chemical analysis of the grain. It determines, from the chemical contents, respecting the amount of moisture, and one thing and another, what particular grade a certain quantity of grain belongs to. In any dispute between the producer, the seller, and the buyer, respecting the matter of grade, resort must be had to an expert. A sample of the grain might be sent to Washington to be investigated or analyzed by a Government expert, and a report might be sent out to determine the particular dispute. In the course of time it would be found, much to the convenience of the country, to establish laboratories and Government experts in all the grain markets in the United States. I say I think this legislation must, of necessity, lead to General Government inspection if this provision remains in the bill. Inside of ten years, and probably inside of five years, in every city of any size in the grain-raising areas there will be Government experts, with Government laboratories, to inspect all grains that are brought to market.

Mr. BARTLETT of Georgia. I apprehend that the gentleman is aware that a very strenuous effort is being made in this Congress now to have the United States Government establish the inspection of grains. Hearings have been had in the Senate before the Committee on Interstate and Foreign Commerce and before the same committee of the House; both sides have been presented, and it appears from these hearings that the great States from which grain is mainly exported, like Minnesota and Illinois, have very elaborate State inspection laws. This would be but a duplication of what is done by various States in the inspection and grading of grains.

Mr. CRUMPACKER. That may be true, and it may be true that Federal inspection would be the best in the end.

Mr. BARTLETT. I do not agree to that.

Mr. CRUMPACKER. But I will not argue that question now. The legislation, when this comes up, ought to go before the proper committee, be thoroughly investigated, and when it comes up for consideration in Congress there ought to be time and opportunity for its thorough and complete discussion.

Mr. BARTLETT. I merely made the suggestion to the gentleman as one reason why he should insist on his point of order.

Mr. CRUMPACKER. I thank the gentleman from Georgia for the suggestion, but I certainly feel that this provision can not safely be allowed to remain in the paragraph.

Mr. COCKS of New York. What is the proper committee, in the gentleman's judgment, to consider a subject of this kind?

Mr. CRUMPACKER. I think the Agricultural Committee is a proper committee. I hope I did not, in the course of my remarks, reflect on the ability or the competency of the great Committee on Agriculture. I meant when I said "the proper committee" the proper committee under the rules of the House. This may be an interstate question, and the Speaker, who assigns the bills, would assign anything relating to interstate commerce to that committee.

Mr. BARTLETT. If the gentleman will permit me a correction, the Speaker does not assign all bills to the proper committee, because there is a contention that one bill has gone to the Judiciary Committee when it ought to have gone to the Committee on Interstate and Foreign Commerce. [Laughter.]

Mr. POLLARD. Mr. Chairman, I do not agree with my friend from Indiana [Mr. CRUMPACKER] altogether, although I confess I do partially. The gentleman, in the first place, was in error when he says that the Secretary of Agriculture or his experts make a chemical analysis of the grains. That is not true. They make a physical analysis of the sample of grain which comprises the moisture contents of the grain, the amount of damaged kernels there is in the sample, the amount of dirt and foreign matter, and its weight per 100 kernels or per bushel. That is the only analysis the Department makes.

Now, Mr. Chairman, my friend from Indiana also says that if this clause is left in the paragraph it will be sure to lead to Federal inspection of grain. I am frank to say that if I really thought that was the case I would join him in an effort to cut it out. But I do not believe it is true.

Mr. Chairman, the truth is that throughout the United States in the grain-growing sections there is no uniformity of method of inspecting and grading our grain. Every grain terminal has its own standard and its own methods for grading the grain. There is no such thing as uniformity. Not only that, but there is a great deal of fraud being perpetrated by some of these terminals in their dealing with the producer.

To illustrate, I will take the State of Minnesota. It is not confined to Minnesota, but I mention this State because I have some data here which comes from the State inspector of grain. In that State they have a State inspection of grain, and these figures are submitted by the secretary of this grain association.

According to this report they find that the great elevator terminals have a habit of buying grain at a certain grade. Take corn as an illustration. Corn is graded at No. 2, No. 3, and No. 4, or as rejected or condemned.

Mr. HACKNEY. Will the gentleman yield?

Mr. POLLARD. I will yield to the gentleman from Missouri.

Mr. HACKNEY. I would like to ask the gentleman if he has any doubt about this provision being subject to a point of order?

Mr. POLLARD. I have doubt.

Mr. HACKNEY. I want to say that if the gentleman from Indiana does not make the point of order I will make it. We have wasted two hours to-day on points of order that amounted to nothing.

Mr. POLLARD. I hope the gentleman will not do that. The gentleman is not any more interested in this bill than I am. I yielded to the gentleman from Missouri for a question, and not to make a point of order.

Mr. HACKNEY. I will ask the gentleman to discuss not the merits of the matter, but whether or not it is subject to a point of order.

Mr. POLLARD. Mr. Chairman, have I the floor?

The CHAIRMAN. The gentleman from Nebraska has the floor.

Mr. POLLARD. The gentleman from Indiana [Mr. CRUMPACKER] reserved the point of order, and I will address myself to the merits of the proposition. I do not care to take up the time of the House. I am a member of the committee; I was a member of the subcommittee that drafted the bill, and I do not believe I have used five minutes of the time of the House since we took up this bill. I think I am entitled to be heard on a proposition for which I was responsible for its coming into the bill, on its merits.

I want to continue, Mr. Chairman, along the lines I have begun. As I say, corn is graded as No. 2, No. 3, No. 4, or it is rejected. At certain of these grain terminals the elevator men sometimes have the habit of running the grain into their

elevators, putting it into different bins—No. 2 into one bin, No. 3 into another, No. 4 into another, and so on. When that grain goes out into the cars, a car is placed at the foot of the elevator and two spouts are run into the car. One spout comes from a bin that has No. 2 corn in it and another spout comes from the bin having No. 3 corn. The corn is blended, and the result is when that corn is sold it is sold as No. 2 corn, and the farmer who sold his corn gets paid only for the No. 3 corn.

Mr. MADDEN. Will the gentleman yield?

Mr. POLLARD. Yes; but I have very little time.

Mr. MADDEN. Oh, we will get the gentleman more time. This is a very important subject. There are a great many people interested in this subject, and it ought to be fairly treated. Does the gentleman wish to convey to the House the information that corn inspected into an elevator as No. 2 is inspected out or loaded out in the shape of Nos. 2 and 4 and sold as No. 2?

Mr. POLLARD. That is sometimes done.

Mr. MADDEN. Has the gentleman any specific instance that he can cite.

Mr. POLLARD. I have some figures here which I will be glad to read to the gentleman which I think will answer his question. The article reads as follows——

Mr. MADDEN. Who was it written by?

Mr. POLLARD. It was written by H. S. Bolley, of the North Dakota State Agricultural College. Discussing the subject under consideration, and quoting from the State grain inspector, he says:

That such abuses exist is a matter of almost universal knowledge among our farmers, who have been systematically robbed, but in addition to the facts presented by our farmers and in corroboration thereof, I call to your attention the official report of the chief inspector of grain of the State of Minnesota, showing the total receipts and shipments of grain for the year ending August 31, 1901, from which I quote:

"No. 1 hard—receipts, 341,567 bushels; shipments, 1,000,434 bushels. More than three times as much No. 1 hard wheat was shipped out in those three years than was taken in.

"No. 1 northern—that is a very good grade of grain—receipts, 10,070,414 bushels; shipments, 16,900,917 bushels.

"No. 2 northern—receipts, 7,341,594; shipments, 3,978,000.

"No. 3 spring—receipts, 1,355,000 bushels; shipments, 444,000."

Then he carries it on down further, and it goes to show that in this instance there was a great quantity of grain received which was graded when it went into the elevator as No. 1 and No. 2, and when it was shipped out three times as much was shipped out as No. 1 as was received in. Now, what conclusion can the gentleman draw?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Where were these elevators located in which the grain was inspected and out of which it was shipped?

Mr. POLLARD. Minneapolis.

Mr. MADDEN. The gentleman has reference now to the shipments made by farmers into the elevators at Minneapolis?

Mr. POLLARD. Yes.

Mr. MADDEN. Or into the elevators at the stations on the railroads?

Mr. POLLARD. These are the elevators at the grain terminal at Minneapolis. I could continue this to some extent——

Mr. McMORRAN. I assume in making this statement that the gentleman intends to be fair.

Mr. POLLARD. I certainly do.

Mr. McMORRAN. In making the statement of the amount of grain received and shipped out of these elevators, has the gentleman any record showing the amount of grain on hand when they commenced to receive the grain?

Mr. POLLARD. The statement here is complete for the grain handled in those three years.

Mr. McMORRAN. There is no elevator that I know of in the western country but what has more or less grain on hand at the opening of the season.

Mr. POLLARD. That is true. This statement is complete. It covers all the grain handled by these elevators during the period named.

Mr. MURDOCK. Will the gentleman put these figures into his remarks?

Mr. POLLARD. I will.

Mr. SCOTT. Will the gentleman yield to me and allow me to make this statement, that from the Duluth elevators, for three months in 1906 there were received 201,267 bushels of No. 4 grade and none shipped of that grade. There was received 116,021 bushels of "no grade," and none were shipped of that grade. There were received 50,742 "rejected," and none was shipped of that grade.

Mr. POLLARD. I would rather the gentleman would get recognition——

Mr. McMORRAN. I want to say it is evident an attempt has been made here to show there is fraud practiced upon the farmers by the elevators at the terminals. You attempt to show that grades received as No. 4 and rejected never went out of the elevator as No. 4.

Mr. SCOTT. As such grades.

Mr. McMORRAN. What reason was there in your mind why it should go out as No. 4?

Mr. SCOTT. I have always supposed and the report from which I gathered it said it went out as a better grade.

Mr. McMORRAN. But if you are familiar with the grain business you must understand that when grain is graded as No. 4 it is inferior. Now, there is a possibility of improving that grade by spending a certain amount of labor upon it and making it a higher grade.

Mr. SCOTT. I do not mean to dispute with the gentleman if he states that is the fact.

Mr. McMORRAN. Would that be illegitimate?

Mr. SCOTT. Not at all.

Mr. McMORRAN. If the grade could be changed by cleaning the wheat, I can not see why that can not be legitimately done.

Mr. SCOTT. If that was done, but if they change it by mixing poorer with the better wheat I should think that would hardly be fair.

Mr. McMORRAN. If the gentleman is at all familiar with elevators, he knows—in every elevator in the country I am familiar with—when grain is received, by putting a certain amount of labor and machinery upon the grain it may be improved to a higher grade.

Mr. MURDOCK. Is that true of rejected wheat?

Mr. McMORRAN. I have seen rejected wheat graded No. 2. There was a lot of dirt and seed in it, and when the dirt and seed is cleaned out it can grade to a higher grade and——

Mr. POLLARD. Mr. Chairman, I can not yield to the gentleman to make a speech.

Mr. Chairman, I might continue the discussion along that line, but I think I have said enough to indicate clearly the point I had in my mind. Now, it shows one side of the question. Now, Mr. Chairman, I desire to discuss the question from another point of view. I have here a letter written by Mr. Robert A. Patterson, chairman of the European International Committee on American Grain Certificates. This letter was addressed to the President of the United States and it covers a very important matter and gives a very decided statement of this whole question. It says:

YOUR EXCELLENCY: I am instructed by the European International Committee on American Grain Certificates to communicate to you the following facts:

There has been for some years past a general consensus of opinion among European buyers of grain that the operation of the present system of certificating grain for export is increasingly unsatisfactory, and that whatever may be its merits for the purposes of domestic trading, it no longer gives to European buyers the confidence and protection which is necessary in a trade where the only guaranty for reliable quality and condition in exchange for buyers' money is a paper certificate. Formerly buyers, in buying from the United States of America, were able, as they still are in their dealings in grain with other exporting countries, to recover from shippers any damage they sustained owing to defects in quality or condition; but since the introduction of the certificating system this is no longer possible. Even after its introduction, indeed until comparatively recent times, it was seldom found that any serious abuses arose, and trusting to their belief in the reliability of the grading system, buyers were willing to continue trading with America on less favorable terms than they demanded elsewhere; but whether from the increase of individual competition, or, what is probably more important, the rivalry between the other ports, and their smaller and more recently established competitors, there seems little doubt but that the standard of grading has been lowered, either temporarily, or in some cases permanently, in order to attract business from interior points, and we in Europe feel that the burden of such departure from the more reliable and stricter method in force formerly, has been borne chiefly by European importers, who, being far away, have no power of protecting themselves against errors, or worse, in the grading methods of recent years. The result is that American grain suffers as regards price when in competition with grain from other countries.

* * * * * * *

ROBERT A. PATTERSON,
Chairman European International Committee on American Grain Certificates.

The whole article is an elaboration of the poor condition of grain which reaches the foreign market, and it suggests that unless there is improvement in the quality of American grain that goes to the foreign ports there will result a discrimination to the extent of a boycott against American grain. Now, when the President had his attention called to this matter he sent one of the experts to Europe to investigate these conditions. He was over there for a long time. This report covers a period from November, 1906, to June, 1907, and is prepared by Mr. E. E. Boerner, special agent plant industry, grain standardization.

Now, this gentleman was sent over there, and he says that he inspected the corn in 88 steamers, from which 216 samples were taken and analyzed, and 66 other cargoes were reported upon by reliable persons and 54 samples submitted, making a total of 154 cargoes personally seen and reported upon and 270 samples analyzed. Now, there is a great deal of this report, all of which I should like to read, but the lack of time prevents me from doing that and I should——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. POLLARD. I should like to ask unanimous consent to continue my remarks for five minutes longer.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. POLLARD. I should like to ask unanimous consent, also, Mr. Chairman, to insert this whole matter in my remarks. I will only read a very small portion of it to bring it before the committee and the ideas I desire to get before them.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The report is as follows:

In order to continue the work done by the Bureau of Plant Industry last year of making a study and reporting on the condition of American export grain arriving at European ports, the writer spent from November 1, 1906, to June 6, 1907, in Great Britain, Ireland, and Continental Europe. Twenty-five of the principal ports were visited from one to sixteen times each. The corn in eighty-eight steamers was inspected, from which 216 samples were taken and analyzed. Sixty-six other cargoes were reported upon by reliable persons and 54 samples were submitted, making a total of 154 cargoes personally seen and reported upon, and 270 samples analyzed. The work was confined chiefly to corn, and especially those cargoes from Baltimore and New Orleans, samples of which had previously been examined for moisture weight per bushel, percentage of sound and broken grains, shriveled corn, damaged kernels, and the percentage of the various colors present. Samples of the cargoes were taken and a careful study was made of the condition of the grain in the various holds, as to the odor and the amount that was heating and hot, if any, and the cause of the damage ascertained as nearly as possible. Of the 1,434,432 bushels of the heating and hot corn which was seen and reported upon, only 708 bushels were thought to have been caused by sea water, all the rest was the result of the corn not being in proper condition at time of loading—that is, not dry enough or not clean enough to stand the voyage. One or more samples were taken from each hold of the boat. The samples were always taken from the best corn, or the least damaged corn in the hold. Sometimes when a sample of the cool corn was taken for the analysis, another sample of the hot corn, when present, was also taken for a moisture test. The samples taken were analyzed for damaged kernels, and the amount of dirt and foreign material and the percentage of moisture was determined.

In the table it will be seen that in nearly all cases the amount of dirt and foreign material found in the samples personally taken in Europe is much greater than in the samples of the same grain analyzed at Baltimore and New Orleans.

As to the damaged kernels the percentage also runs higher in the European analysis, because of the increased amount of heat-burned kernels in some cases, and in many cases, where the corn was cold, the increase in Europe was due to the moldy kernels which had become affected on the way over. This was particularly true of the Baltimore shipments when the corn contained over 18 per cent of moisture.

In comparing the moisture content of the corn coming from New Orleans it will be seen that the percentage of moisture found in Europe compares very favorably with that found in New Orleans.

I would say, in connection with that, that this particular sample of grain was inspected before it left New Orleans by an expert from the Department of Agriculture. When it reached the other side of the water the same grain was inspected again, showing that the moisture content of the grain in the two inspections was practically the same.

Very often the European test was a little lower, but the difference was so small that in many cases it may have been because the sample was not of exactly the same portion, and in others, where the grain was heating, the difference can undoubtedly be attributed to the loss of moisture of the hot corn, it being given off as steam. That hot corn does give off its moisture the writer has had ample evidence. During the discharge of some of the cargoes of hot corn the steam from the corn was escaping from the hatches in such volume as to obscure from vision the objects behind it.

It was also indicated by the number of complaints of the importers in every port visited, that they were losing money on the hot corn because of its short weight as well as the lower price they had to accept for it. It will also be noticed that the tabulated sheets show a larger proportion of heating, hot, and damaged corn in the New Orleans shipments examined than in those from Baltimore. While this was true, my observations were that the New Orleans corn, generally speaking, was not so seriously damaged when in a heating or hot condition as that from Baltimore or other Atlantic ports. The reason for this, I think, was that the New Orleans corn generally contained considerably less moisture.

Besides the corn included in the tabulated list many thousands of bushels were seen in storage at different points that was hot and damaged. Much of this was said to have been in fair condition at time of discharge, but began to heat soon after being landed. Besides these lots seen many more thousands of bushels were reported as landing in good condition, but on being transshipped became badly damaged before arriving at its destination, and as most of the corn arriving at the principal ports is transshipped, this is the basis of many serious complaints.

That the present method of dealing with the foreigner is having a detrimental effect upon the quantity of American grain consumed in Europe there can be no doubt. During the many talks the writer had with the importers in the twenty-five ports visited he was everywhere told that if the importers could have any assurance of the grain being what it is purported to be by the inspection certificates they could deal much more extensively in it than they do now; one order for a full cargo was reported to the writer as being canceled because of the damaged condition of two other cargoes which had arrived just previously. Most of the corn is imported to be used for animal feeding, much of it for distilling purposes, a considerable quantity for starch making, and some for human food, for all of which purposes, when dry and sound, the American corn is preferred to the harder corn of South America, southern Europe, and Asia.

During the past season considerable American corn was imported into northern France for seeding purposes, but when it arrived there the importers had germination tests made and found it to contain from 4 to 40 and 60 per cent sound and healthy kernels, and this was certified as "sail grade" corn. To give an idea of what effect grain arriving in Europe in a damaged condition is having upon the grain trade there, I quote part of the speech of Mr. O. Friedeberg, of Hamburg, which was made before the assembled representatives of the various corn trade and miller associations of Great Britain and continental Europe in London last November. Mr. Friedeberg, in part, said:

"The present inspection in the United States is very bad, and is getting worse and worse every year. Enormous losses have been made by German traders almost persistently, and this can not be permitted any longer."

Colonel Montgomery, of Liverpool, at the same meeting said, in part:

"I think at the very outset of the proceedings of this conference I may assume that there are two points upon which we are unanimously agreed: First, that the conditions under which business in grain has been conducted between Europe and the United States and Canada has been unsatisfactory—sometimes very unsatisfactory; and, second, that the present system is illogical in the extreme. The 'certificate final' terms are entirely one-sided. The buyer in Europe agrees to pay cash for the grain he buys and to raise no question as to the quality of it, provided an individual in America known as an inspector certifies it to be what the seller represents it to be. The inspector is thus constituted the arbitrator between the seller in the States and the receiver in Europe. He may or may not be competent; nevertheless he is constituted the sole judge of quality, and his decision is binding upon the buyer, without any recourse whatever."

That the American grain is arriving badly and the present system of dealing with the European grain trade is unsatisfactory is further evidenced by the numerous consular reports on the subject, and, from my own experience I feel that I can safely say that the consuls are very conservative in their reports. My experience has been that the European importer does not offer any serious objection to the grain unless it is quite badly out of condition, and much of the grain classified as sound in the tabulated statement would be classified as "No. 3," "No. 4," and "no grade" if it were to be reinspected in America, in consequence of the dampness, softness, or heating of the grain, or the odor present. The writer remembers some cases where the importers said that the corn in certain ships was in good condition and that they were satisfied with it, and upon going to the ship immediately afterwards the corn was heating throughout; it was not discolored, but it had a decided musty smell and did not run without being shoveled when it was being discharged.

In many other cases the importers reported the corn as not being damaged, but when examined by the writer it was found to be damp and soft and more or less affected with fresh green mold.

In Europe a board of trade certificate as to grade, age, and quality of grain is considered absolute and admits of no equivocation or misstatement of facts, and this is particularly true of American grain certificates, since some of them have printed on them the words "Official grain certificate," which conveys to their minds that the American inspection of grain is controlled by the Federal Government. A few cases of bad inspection within the past year, however, have shaken their faith in this belief. Take one case in point. On April 9, 1907, Mr. Shanahan wrote me that he had had a report that some corn had been loaded into the steamship *Glenarm Head*, at Port Arthur, Tex., in a heating condition. When the steamer arrived at Belfast the writer went there and saw it. All the corn which was loaded at Port Arthur was very badly damaged. The importers, however, had had advice of its condition at time of loading and refused to accept the draft, thus leaving the corn on the hands of the exporters. This shipment was widely discussed throughout Europe and had a strong tendency to create a feeling among the European dealers that all American exporters and inspectors were dishonest and unfair.

Besides corn, much wheat, barley, and oats are also arriving in Europe in an unsatisfactory condition, but for lack of time no analyses were made of any of the samples in Europe. A few steamships containing wheat were inspected, however, and samples obtained and forwarded to Washington for analysis.

A sample of the wheat in the Steamship *Aldgate*, which arrived at Hamburg January 5, 1907, contained 27.40 per cent of sound wheat, 35.10 per cent of defective wheat, and 37.50 per cent of actually damaged wheat. It had a very musty odor, also traces of rye, oats, weevil-cut grains, and dead weevil. There was said to have been 72,000 bushels in the cargo; all of it was hot. This was certified "No. 2 hard winter wheat, new crop." Galveston inspection, November 12, 1906.

A sample from the Steamship *Inchkeith* at Leith, Scotland, January 18, 1907, showed 33.58 per cent of sound wheat, 26.62 per cent of defective wheat, and 42.80 per cent of damaged wheat. This wheat was very musty and contained traces of durum wheat, hard spring wheat, white winter wheat, oats, and rye. There were said to have been 88,000 bushels in this cargo. This wheat was certified "No. 2 hard winter wheat, new crop." Galveston inspection dated November 28, 1906.

The wheat in the steamship *Mascocoma* was seen discharging in Rotterdam, May 18, 1907. There were 120,000 bushels in this cargo, and all of it was hot and damaged. A sample of this wheat was taken by Mr. Shanahan April 15, 1907, as it was being loaded at Port Arthur, Tex. This sample tested 9 per cent of sound wheat, 58.50 per cent of defective wheat, and 32 per cent of damaged wheat. This sample had a musty and heat-burned odor. There was 2 per cent of rye and a trace of corn, and it was very smutty. This was certified as "No. 2 hard winter wheat," Port Arthur inspection.

Detailed analyses of samples secured from cargoes arriving in Europe from the Gulf and Atlantic ports are given in the tables below; also reports on the condition at the time of discharge of the corn of some of the cargoes, samples of which had previously been analyzed at Baltimore and New Orleans, but which cargoes were not personally

seen by the writer. The reports of the samples of the corn coming from Baltimore and New Orleans are each separated under their respective headings, while those from the other ports will be found under the heading "Miscellaneous shipments." The tables are further divided so as to group all the samples of each grade separately. Under the heading "Sample No." are the sample numbers of European reports.

This is from E. G. Boerner, a special agent of the Department of Agriculture, who was sent abroad to investigate the condition of American grain when it reaches its destination in foreign ports.

Mr. MADDEN. Is there anybody who can guarantee grain sent across the ocean aboard a ship to any port——

Mr. POLLARD. That is the meat of the whole cocoanut——

Mr. MADDEN. I simply wanted to know if there is anybody who could guarantee that grain leaving an American port would be found to be absolutely perfect in any port, and whether the inspection standard fixed by the Federal Government under this proposed law would guarantee the perfection of the grain when it reached Liverpool or London?

Mr. POLLARD. Mr. Chairman, I am very glad the gentleman asked that question, because it brings the real point at issue directly before the committee. The facts are, Mr. Chairman, if grain, no matter whether it is wheat or corn or rye or oats or any other kind of grain, if it has no more moisture contents than it should have when it goes into the hold of a steamer, will reach the port of destination in prime condition, as has been demonstrated from time to time where the grain has been analyzed for moisture contents.

Mr. MADDEN. Will the gentleman yield for one moment?

Mr. POLLARD. Just for a question.

Mr. MADDEN. Is there any way by which the gentleman can guarantee that the moisture will be taken out of the grain if this standard of grain is to be fixed by the Government?

Mr. POLLARD. No, sir; there is not. Now, Mr. Chairman, that is unquestionably true. The object of this clause in this bill is to do this. There is no uniform method for grading grain to-day, and it is also true that the grain exchanges of the country, the grain exchange of the State of Indiana, the grain exchange in Kansas City, and the exchanges of various other large commercial centers, are writing to the Department of Agriculture, asking them to fix a standard so that there will be a uniformity, and that they will know when they start a shipment of grain abroad it will not have too much moisture in it.

Mr. MADDEN. The gentleman says there is nothing the Government could do to take the water out of the grain?

Mr. POLLARD. I did not understand the gentleman's question if I said that.

Mr. MADDEN. That is what he said.

Mr. POLLARD. There certainly are devices now on the market and in use by all the large grain terminals, where they can eliminate from grain the excessive moisture that is in it, and they can reduce that moisture content to a proper figure where it can be safely sent across the sea and arrive there in good condition.

Mr. MANN. Is the gentleman able to furnish to the committee any of these letters from grain exchanges, asking the General Government to fix the standards of grain?

Mr. POLLARD. Fixing the standards? Yes. My friend from Illinois [Mr. MANN] must understand that I am not advocating a Government inspection of grain. That is a different proposition entirely. I am advocating the creation of a standard.

Mr. MANN. The gentleman's statement was that the Department of Agriculture had letters from grain exchanges wanting the Government to make a standard for grain.

Mr. POLLARD. Here is a letter written to the Secretary of Agriculture by Mr. Henry L. ——

Mr. MANN. I do not want letters from individuals.

Mr. POLLARD. Who for several years has been director of the Grain Dealers' National Association and served a recent term as president.

Mr. MANN. The gentleman has a letter from an individual. Of course he has the right to read it.

Mr. POLLARD. How can you get a communication from a grain exchange unless it comes from an individual? The exchange can not write a letter.

Mr. MANN. Gentlemen have different notions about that. The exchange can write a letter.

Mr. POLLARD. Through an individual.

Mr. MANN. Through an officer.

Mr. POLLARD. That is what I am reading.

Mr. MANN. Through an officer. The gentleman is not reading such a letter. He is reading an individual opinion of somebody who at some time has been an officer of something.

Mr. POLLARD. I can satisfy the gentleman on that point. The letter is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PLANT INDUSTRY,
Washington, D. C., March 28, 1908.

Hon. E. M. POLLARD, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. POLLARD: In accordance with your request for information relating to the desire on the part of the grain interests of the country for more definite and uniform standards for grain grades, I submit herewith a copy of the "Grades of grain adopted by the Uniform Grade Congress held in Chicago, Ill., December 11, 12, and 13, 1906, under the auspices of the Grain Dealers' National Association." While the subject has been covered fully in this pamphlet for all classes of grain, I beg to call your attention especially to the grades for corn, beginning on page 7, for the reason that corn is the cereal with which most work has been done along this line. Corn has also shown a greater need of uniform usage and treatment in inspection and grading than any other class of grain. I also beg to call your attention to the resolutions adopted by that congress beginning on page 11. On pages 13 and 14 you will find a list of the delegates to this congress and the commercial bodies and grain inspection departments, both State and commercial, that were represented.

This congress was the result of an agitation covering a period of several previous years among the grain interests for more definite specifications for grain grades and the recognized need of such grades throughout the whole country. These delegates were representative grain men. The grades as promulgated by this congress were urged for adoption in all grain markets of the country east of the Rocky Mountains. Sufficient influence was brought to bear against their general use by those who profited most by the elasticity in the present system to nullify the work of the congress for the time being.

The influence of the work being carried on in the Department of Agriculture through the grain standardization investigations is beginning to be felt, and is tending toward a better understanding of the values in grains and a more honest and intelligent grading of them, and the possibility of smoothing out misunderstandings and trade jealousies, so far as they have a bearing on the grading of grain, looms large. Inquiries are being made of different grain markets by the producer and small shipper of grain in the country as to the proportion of the factors of value that should enter into the different grades, and while in most markets there is a tentative agreement among the members thereof as to what these factors and proportions should be, yet confidence has not yet advanced to the point where the authorities in any one market or group of markets feel that they can afford to fix definite grades, mainly from lack of confidence in competing markets. Such inquiries are also coming to this office, and I quote below some parts of letters that come from men high in the councils of the grain business, and which show the general trend of thought along this line.

Mr. Henry L. Goemann, who for several years has been a director of the Grain Dealers' National Association, and served a recent term as president, under date of December 13, 1907, writes as follows:

"I predict that it will be only a few years until the corn business is done on the basis of moisture percentage, and prices made accordingly. I do not think that any market can afford to ignore the grading of corn by moisture percentage, the point being what will be the proper per cent for the various grades. I will appreciate it very much if you will give me your views as to what you think the percentage ought to be for the grades of 2, 3, and 4 corn."

Under date of March 18, Mr. C. B. Murray, superintendent of the Cincinnati Chamber of Commerce and Merchants' Exchange, writes as follows:

"In our grain-inspection service we are introducing one of the moisture testers. Our inspectors desire to know what has been accepted or adopted in recognition of the percentage of moisture for different grades of grain, as, for instance, taking corn for No. 1, No. 2, No. 3, No. 4, the percentage for these distinctive grades, also what percentage is recognized as standard with reference to dirt and broken grains. Any information that you can furnish on these lines which will serve as a guide in our inspection work will be greatly appreciated."

Under date of March 27, 1907, the following was received from Kansas City, Mo.:

"We would like to have your advice in reference to kiln-dried corn for export. What should be the maximum per cent of moisture in kiln-dried corn to carry safely? We desire to dry some corn, and want it to be absolutely safe in its carrying qualities, and yet we do not want to dry it to a point where it would meal readily. Have you any experience in drying? Awaiting your early reply, we remain,

"Yours, very truly,

"HALL-BAKER GRAIN COMPANY."

These letters and the work of the Uniform Grade Congress show, I believe, that the grain interests generally are groping for and working toward something of a tangible nature in the shape of fixed and definite factors and percentages of factors upon which to base the grades of grain, and that if some central competent authority should fix those grades upon a rational and practicable basis they would be adopted without much question and serve to better conditions relating to grain inspection and grading in this country, to encourage the farmer to produce better grain and to take better care of it when it has been produced, and thereby raise the standard of our grain crops, while conditions as they exist to-day undoubtedly militate against such a desirable condition.

In this connection I also quote below extracts from a letter addressed to the honorable Secretary of Agriculture, under date of January 18, 1908, by Mr. J. M. Brafford, secretary of the Indiana Grain Dealers' Association, and which letter I can say without much fear of contradiction voices the sentiment of the majority of producers and country shippers of grain throughout a large part of the United States, in so far as they show a desire to bring about logical, stable, and uniform grades of grain in all markets.

"*Resolved*, That we, the members of the Indiana Grain Dealers' Association, now renew our devotion to the cause of uniform phraseology of rules and impartial inspection of grain, with the necessary legislation to accomplish the same.

"We further commend the action of the Grain Dealers' National Association in moving in the right direction in December, 1906, when it organized what was known as the 'Uniform Grades Congress.' We appreciate fully the splendid work of Secretary Courcier in compiling

the information showing that over 300 different grades and classifications of grain were in force in twenty-four leading markets of the country, thus forcibly demonstrating the necessity for such revision of existing conditions as will bring about logical, stable, and uniform grades in all the markets of the country.

"Therefore, in view of the manifest disposition of many of our great markets to perpetuate existing conditions, thus depriving the producer and shippers of a voice in the determination of their rights and interests, and the service of an impartial arbiter, we appeal to the national association to continue its labors with Congress for such legislation as will put the supervision of grain inspection under the control of the Secretary of Agriculture and accomplish this important purpose."

The points at which grain-testing laboratories are at present established are Baltimore, New Orleans, St. Louis, Minneapolis, Duluth, and New York, and were so located in order to give the Department opportunity for study of the subject upon a basis of the greatest range in climatic and general conditions, and were established at those points upon application in each case from the commercial bodies by which the grain business is carried on. In order to carry out further the work that has been begun it is desired to establish additional grain-testing laboratories at Chicago, Kansas City, Omaha, Buffalo, and Philadelphia. This will give the greatest range in general and varying conditions in which to study this important question. The commercial institutions in each of these markets have asked that laboratories be established at those points.

Very respectfully, JOHN D. SHANAHAN,
Crop Technologist, in Charge Grain Standardization.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MADDEN. I want to be heard on the point of order.

Mr. BURLESON. I ask that the time of the gentleman from Nebraska may be extended for five minutes.

Mr. MANN. Well, Mr. Chairman, I will say that I will have no objection to the gentleman continuing, unless it is the purpose of the gentleman from Kansas immediately after he stops to move to close debate on this proposition.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Nebraska be extended for five minutes. Is there objection? [After a pause.] The Chair hears none. In this connection the gentleman from Nebraska asks unanimous consent to incorporate in the RECORD certain documents. Is there objection? [After a pause.] The Chair hears none.

Mr. POLLARD. If the gentleman is going to insist upon the point of order, I do not care to take up the time of the House discussing the merits of the question further than to say this: All in the world this clause will do if it remains in the bill—and I was in hopes the gentleman would not insist upon his point of order—all it will do will simply be to authorize the Secretary to create a standard, fix a standard for the grading of corn, wheat, and other grains. It does not empower him to enforce it. There is nothing in the law that makes it mandatory to obey it.

Mr. MANN. The gentleman from Nebraska is aware of the fact that under the existing law the Secretary of Agriculture does not have power to fix the standard—that all the report the gentleman read was to urge this House to give the Secretary that power?

Mr. POLLARD. I have not read to show that he had.

Mr. MANN. The report the gentleman read was not the law and does not give him the power.

Mr. POLLARD. I will agree that the Secretary has no power without Congress gives it to him.

Mr. MANN. But the existing law is not according to this paragraph of the bill. The gentleman talks of the paragraph as if it were in the law: "Such grades, when so fixed, to become official standards for the grading of grains." That is not the current law.

Mr. POLLARD. I understand that.

Mr. MANN. That is a very important distinction, I should say.

Mr. POLLARD. I want it understood that this is new matter.

Mr. CRUMPACKER. Will the gentleman allow me to call his attention to the fact that, eliminating the provision to the paragraph to which the point of order is directed, there is abundant authority in the Secretary to procure samples of grain, make his investigation and analyses, and report the results. These results shall be used as a basis for fixing a standard. He has already got that authority. What I object to is making the standard and fixing the official grain standard of the country.

Mr. MANN. Would not the gentleman from Indiana be satisfied to make the law as it now reads?

Mr. HARDY. Will the gentleman allow me to make a suggestion?

The CHAIRMAN. Does the gentleman yield to the gentleman from Texas?

Mr. POLLARD. I can not yield to my friend; I want to make one observation, and then I shall close. I shall not ask the committee to indulge me further. My proposition is this: If this clause is permitted to remain in the bill, the Secretary of Agriculture will publish a standard, but there will be no authority lodged in his hands to enforce that standard and compel anybody to grade by that standard; and the result will be that the grain exchanges all over the country will come under it. Why? Simply because the moment a standard is created every grain exchange will want to have the reputation of grading its grain according to the official standard. They are all wanting that the Department shall indicate to them what basis they shall use in creating a standard, how much moisture contents there shall be in No. 2 or 3 wheat or corn. Now, my proposition is this: That if we put this into the bill the result will follow exactly as it is to-day in other commodities. No merchant will pretend to sell 34 inches of cloth for a yard. Thirty-six inches constitute the yard. I believe the result will be the same in this respect. You will have a standard, the same as your yardstick, and no grain dealer could afford to have his grain graded on any other basis except that recognized as the official; and if this measure is passed it will do more than anything else to prevent Federal inspection of grain.

And I am free to say that unless something of this kind is done, it will be only a very short time until there will be put through this House a law providing for Federal inspection of grains.

Mr. CRUMPACKER. Believing that this provision will necessarily result in Federal inspection and believing that when the question of Federal inspection is taken up for consideration it ought to be accompanied and surrounded with such safeguards as will secure accuracy and trustworthiness, I intend to insist on the point of order.

Mr. MANN. Will the gentleman reserve his point of order for a minute?

Mr. CRUMPACKER. How much time does the gentleman from Illinois want?

Mr. MANN. I do not want to make terms with the gentleman after he has been given so much time, but I only want a minute.

Mr. CRUMPACKER. I will yield a moment to the gentleman.

Mr. MANN. The gentleman has not that power. The gentleman has the power to make his point of order, and I have the power to move to strike out the last word.

Mr. CRUMPACKER. I insist on the point of order.

Mr. MANN. This same matter was ruled out on a point of order last year.

The CHAIRMAN. Does the gentleman from Kansas, chairman of the committee, desire to be heard on the point of order?

Mr. SCOTT. I do not care to be heard.

The CHAIRMAN. The point of order is sustained.

Mr. SCOTT. I move that all debate on this paragraph and all amendments thereto be closed in fifteen minutes.

The CHAIRMAN. The gentleman from Kansas [Mr. SCOTT] moves that all debate on the paragraph and amendments thereto be closed in fifteen minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, last year I raised a point of order upon the same language that has just been stricken out of the bill. The striking out of that language has in nowise affected the Department in making the investigation which it desires to make and which the country desires to have made. The only effect that I know of that it had anywhere was that when the Chicago Board of Trade, which believes in the investigation, asked to have one of these grain laboratories established at Chicago, they were told by some of the impudent and impertinent officials of that Department that there could be no laboratory established at Chicago because Mr. MANN had opposed the provision on the floor of the House. Of course that did not meet the approval of the Secretary of Agriculture; it did not meet the approval of Doctor Galloway, the Chief of the Bureau of Plant Industry; nor was it true. It was an impudent, impertinent, and false statement made by some man who ought to know better and who ought to be disciplined, though I have never followed up the matter any further than to call the attention of the Secretary of Agriculture to the matter and ask him if that was the view of the Department of Agriculture, and even if it had been the fact that I had opposed a certain measure, if it was the policy of the Department of Agriculture to attempt to discipline the Members of the House for expressing their views in the House. I received a very prompt response from the Department, stating that, in the first place, that was not the attitude of the Department, and, in the second place, that the criticism was entirely unjust, because the debate which was carried on on the floor, in which I took part, was not directed at all to the question which the Department was investigating.

Mr. SCOTT. It is hardly necessary, and yet I desire to say to the gentleman from Illinois and to the House that the statement he has just made is information which comes to members of the Agricultural Committee for the first time, and there is no member of the committee who would not fully agree with him in his condemnation of such action.

Mr. MANN. Without question the Department of Agriculture fully agrees with me. The Secretary of Agriculture fully agrees with me; the head of the Bureau of Plant Industry fully agrees with the proposition. Undoubtedly, if they had been able to locate the exact individual who made the statement, he would have been disciplined. Each one of them denied making the statement, although the officials of the Board of Trade of Chicago informed me that the statement had been made to them. That is neither here nor there.

That caused me to look up another subject, which we are now investigating in the Committee on Interstate and Foreign Commerce, and I venture to say that the appropriation which is made for this purpose and the work which is now being carried on by the Bureau of Plant Industry in determining the moisture content of grain, and thereby helping to fix the standard of grain, is of inestimable value to the country.

There is a great controversy going on in the country as to whether the National Government or the local government shall fix the standard for grain. The local governments, the grain commissions, wherever located, the boards of trade, and the grain exchanges everywhere are extremely anxious that the Government shall proceed with its investigation and furnish the information which it is furnishing. But they do not desire the General Government at this time to undertake to fix the standards of grain, because it may be news to my agricultural friend from Nebraska that the standards of grain vary from year to year.

The standard of wheat this year may not be the standard two years from now, or a year from now. The wheat in different years, the corn in different years is of itself of different grades, and No. 2 wheat this year may not be No. 2 next year.

It is usual, in Minnesota for instance, to fix the standards of wheat at the beginning of the wheat season. In the fall of the year, when the wheat begins to come in, they fix the standard for the ensuing year, basing it on the actual conditions of wheat, and standard No. 2 wheat of one year may not be precisely the same as No. 2 wheat of the next year. It would be impracticable for the Government to fix these standards in this way. It is not impracticable to furnish information of great value to the country on the subject.

Mr. MADDEN. Mr. Chairman, I think it is only fair for some one to reply briefly to some of the statements that have been made by both the gentleman from Nebraska [Mr. POLLARD] and the gentleman from Kansas [Mr. SCOTT]. The gentleman from Nebraska states that the elevators at Minneapolis grade No. 2 and No. 4 corn into the elevator and grade the two combined out as No. 2 corn. He says that the farmers of South Dakota justly feel aggrieved at being, as they call it, swindled. I do not know what the character of the inspection is at Minneapolis, and therefore I can not deny the truth of the gentleman's statement, but I do know that the State from which I come has an inspection system that would not allow that character of inspection. The inspection system in Illinois provides that every particle of grain coming into the State, of every kind, shall be inspected by men of long years of wide experience. Each one of these inspectors becomes such after a number of years' service in minor capacities. Each one of the men acting as an inspector of grain can tell beyond question the grade of every kind of grain that comes into the market. Each inspector is required to give a bond of $100,000, and if he makes a mistake of grading the corn into an elevator and grading it out differently, the difference in the grade between going out and coming in is charged against the bond of the inspector. I know of no case where any such robbery as the gentleman from Nebraska has indicated ever occurred in the inspection of grain in Illinois. I believe that the standard of grain as inspected through the board of inspection in the State of Illinois has never been questioned anywhere.

I have no objection to some such law as this item provides for, for I believe that it would be infinitely better to have a standard fixed by the Federal Government upon which to base the inspection of a uniform kind than to have a haphazard inspection; but I do not wish the gentleman from Nebraska to leave the impression on the membership of this House that the inspection conducted in the State which I have, in part, the honor to represent is of the character and description given by him.

Mr. POLLARD. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. POLLARD. I want to state that this statement I made ought to be considered as a general statement, and that I would not confine it to Minnesota. The statement is made as a simple illustration of what is done all over the country.

Mr. MADDEN. I take exception to the gentleman's statement.

Mr. POLLARD. That is the fact in the case.

Mr. MADDEN. I take exception to the statement so far as it relates to Illinois. I do not admit that the general statement made by the gentleman from Nebraska applies in any sense whatever to Illinois or to the men who are dealers in grain in that great State. The gentleman from Kansas said that a large quantity of grains of various grades were inspected into the various elevators in Duluth, and that none of those grades were shipped out. He left the impression that while there may have been other grades shipped out, none of these were shipped out. So it is fair to assume that the grain that was graded into the elevators still remains in the elevators.

Mr. SCOTT. Will the gentleman permit me to make a brief statement there?

Mr. MADDEN. Yes.

Mr. SCOTT. I did not make the statement which the gentleman has quoted on my own authority. It is part of a report of a committee of the North Dakota Bankers' Association, made by John L. Cabel, chairman, and published in the Fargo, N. Dak., Forum on Friday, November 23, 1906, and gives the receipts of all grades and shipments of all grades of wheat at Duluth. I read only the receipts and the shipments of the three lower grades, of which large quantities were received and none shipped out, merely to supplement the statement made by the gentleman from Nebraska [Mr. POLLARD].

Mr. MANN. That matter was very fully explained before our committee, and I think very satisfactorily explained, to the utter discomfiture of the gentleman who made the statement.

Mr. SCOTT. I made it not on my own responsibility, because I do not know anything about it.

Mr. MADDEN. But the gentleman did not make the statement when he first made it as he now makes it. He simply made a bald statement that so many bushels of grain of various grades were shipped into the elevators and that no grain of these grades were shipped out, leaving the impression that other grades were shipped out, but he did not say so. Therefore the fair assumption must be that no grain of any grade was shipped out from the elevators referred to.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEDE. Mr. Chairman, I was not on the floor when the statement was made by the gentleman from Kansas, and I know nothing about it, but I do know something about the published statement in reference to the elevators at Duluth. In that statement no reference was made to the grain consumed by the flour mills at the head of the Lakes. Therefore the statement is false. In many instances the grain comes in in a dirty condition and is cleaned, and perhaps it does go out by a little different grade, but if the farmers would get the dirt out of their grain they would be paid for the same grade as that which goes out. Making due allowance for the consumption of wheat in the flour mills, just as much wheat goes out of the elevators at Duluth of similar grade as comes in, and all statements to the contrary are false, I care not who may make the statement.

The Clerk read as follows:

For official traveling expenses; for telegraph and telephone service; for gas and electric current; for forage, ice, postage, and washing towels; for express and freight charges; for the purchase of chemicals, materials, office, field, and laboratory supplies, fertilizers, office fixtures, fuel, apparatus, machinery, tools, and other implements, and repairs to same, horses, vehicles, horseshoeing, and harness; for rent and repairs in the District of Columbia and elsewhere; and for all other necessary expenses, $896,266.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by making the total $901,566.

Mr. LEVER. Mr. Chairman, this amendment increasing the total appropriation for the general expenses of this bill $5,300 is made for the purpose of enabling the Department of Agriculture to investigate the diseases affecting rice in Southern States, and not only that, but to enable the Department of Agriculture to make investigations with a view of finding a rice resistant to certain diseases affecting that crop, and also to enable the Department of Agriculture to make investigation of the different varieties of rice grown in this country with a view of getting the best type, a type of rice that will produce a larger yield and be more suited for consumption. Mr. Chairman, ordinarily I would not offer this amendment, because the bill comes to the House with a unanimous report of the committee, but this matter has been called to my attention through

a petition of the rice growers of South Carolina since the bill was reported to the House and after there was no opportunity given me to call this matter to the attention of the committee when the bill was in the committee. The amendment, if adopted by the House, will mean a great deal to the rice growers of South Carolina in enabling them to combat the great disease which threatens the rice industry of that State. Not only that, but it will enable the Department to carry on experiments in Louisiana and in Texas, and from the statement of the official in charge of this work it will enable the Department to carry on investigations with a view of introducing rice growing into the State of California and even into the State of Washington, where already the industry is beginning to take hold. It is a very small amount of money compared to the enormous magnitude of this great industry, for rice with us is one of our staple food crops. We have it on the table morning, noon, and night, at breakfast and at dinner, three hundred and sixty-five days in the year, and I sincerely trust that although the chairman of the committee is against me on this proposition—naturally so—the membership of the House will permit the proposition to go through in order that these investigations may be undertaken.

Mr. STAFFORD. Will the gentleman designate the phraseology in the item that would permit of the investigation he suggests in his amendment?

Mr. LEVER. I will state to the gentleman from Wisconsin that the general authority carried in this Bureau for general expenses would cover that. I do not put my finger on it now. I think the language, "to investigate fruit, fruit trees, grain, tobacco, cotton," and so forth, gives full authority to do this work.

Mr. STAFFORD. There is nothing in the item under consideration that suggests any such work as that carried by the amendment.

Mr. LEVER. That is very true, and I recognized the force of the criticism of the gentleman yesterday in respect to this weakness of the bill.

Mr. STAFFORD. I am very glad to hear a compliment from some member of the committee that my position was well taken.

Mr. LEVER. I do not say it was well taken, but I see some reason therefor.

Mr. STAFFORD. Well, even the modified qualification I am willing to accept.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the gentleman a question. He suggests an increase of this appropriation will enable them to make experiments in rice culture in California, Washington, and in Texas. There is nothing in the paragraph, as I understand it, limiting the experiments that are to be made in those three States.

Mr. LEVER. I will say to my friend from Mississippi that the Department of Agriculture will make investigations wherever they find it necessary, even in Mississippi.

Mr. HUMPHREYS of Mississippi. I just want to suggest to the gentleman that I have been endeavoring to have the Department make these experiments in the State of Mississippi, and I do not want the RECORD to show to the Secretary that it was the intention of the House that these investigations should be limited to the three States named.

Mr. LEVER. I presume, Mr. Chairman, if the chairman will permit me a second, that the gentleman from Mississippi has found the Department can not make these investigations because of a lack of funds.

Mr. HUMPHREYS of Mississippi. I am sorry to say I have found that to be the fact.

Mr. SCOTT. Mr. Chairman, I regret very much to differ with my colleague on the committee, but the committee considered very carefully the amount of the fund that is to be placed at the disposal of the Department for the purposes designated under the Bureau of Plant Industry, and I am quite sure the amount carried in the bill is sufficient to meet all reasonable demands on that Bureau.

Mr. STAFFORD. Will the gentleman permit? Can the gentleman designate what is the occasion for this increase in this item of some $300,000 over the amount appropriated last year for this Bureau's service? Last year, I believe, the amount carried was $584,780, and this year the item carries $896,266. It seems to me to be a tremendous increase in one year's appropriation.

Mr. SCOTT. That is very easily explained, and I did explain it, as a matter of fact, in my opening statement in bringing the bill upon the floor. Previous to this year we have carried a provision for continuing the boll-weevil work as an emergency item and have appropriated under that item $190,000 each year. A greater part of the work has been done under the Bureau of Plant Industry, that Bureau having expended last year $150,000. This year we believe that still more ought to be done under that Bureau, and so we have taken $20,000 from the amount of the boll-weevil fund which was last year expended by the Bureau of Entomology and added that to the amount available this year for the use of the Bureau of Plant Industry. That accounts for an increase of $170,000 in the first paragraph, only an apparent increase, as the gentleman will see. Another increase is of $10,000 for additional funds for the introduction of foreign seed and forage plants; so that the actual increase in this Bureau is about $80,000 instead of some $300,000, as it appears on the face of the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. LEVER) there were—ayes 35, noes 53.

So the amendment was rejected.

Mr. BONYNGE. Mr. Chairman, I move to strike out the last word, and I do this for the purpose of asking the chairman of the committee how much the Secretary of Agriculture estimates would be necessary for the items included in this particular paragraph for official traveling expenses, and so forth?

Mr. SCOTT. There was no separate estimate submitted for that paragraph, or rather for the items included in that paragraph.

Mr. BONYNGE. What amount had the committee in mind in making this appropriation to be used for these purposes?

Mr. SCOTT. The committee made no specific appropriation, and could not have done so, as the gentleman I think very well understands, for these different items of expenditure.

Mr. BONYNGE. No; I understood the gentleman to say yesterday that the Secretary did make specific estimates for different projects, and if that be true and there have been some specific estimates for all these different projects, you must have added to these estimates, it seems to me, some special amount to cover these items included in this paragraph before you were able to make your appropriation for the grand total for these different subjects covered in the four preceding pages.

Mr. SCOTT. I will say in reply to the gentleman from Colorado that the estimates were sent down to the committee with a lump-sum appropriation covering all general expenses of the Bureau, exactly after the fashion shown in this bill.

There was an estimate, which is now on the desk before me, from the Bureau of the amounts the Bureau expects to expend in all the various projects, and in the committee room every item of these estimates was carefully scrutinized and examined into. The committee did not make a list of all those various items.

Mr. BONYNGE. How did you arrive at the total, then?

Mr. SCOTT. We arrived at the total by taking the total which the Secretary had submitted, and taking such action upon it as our judgment dictated, after having considered all the different items in the bill based upon previous expenditure.

Mr. BONYNGE. Now, Mr. Chairman, I do not desire to be in the attitude of criticising the gentleman's committee as to the manner in which the bill has been prepared. I have never had any experience in the preparation of a general appropriation bill, but it does seem to me that if Congress is to retain control of these appropriations we ought to have specific information as to the amount appropriated for specific purposes, and with any items such as are covered in the particular paragraph under discussion it would have been easy to ascertain, judging from what the expenses have been in the past, how much will be required for the next year for these specific purposes, and that amount could be stated in this bill. That, I understand, to be the rule followed by the other committees in making their appropriations.

Mr. STAFFORD. Does he consider this a highly scientific service?

Mr. MANN. I think the gentleman is mistaken in thinking that other committees report specific sums for items like this.

Mr. SCOTT. It is obviously impossible to do it.

Mr. BONYNGE. Perhaps not for this specific purpose.

Mr. MANN. For this character of expenses.

Mr. BONYNGE. If the gentleman will permit me for one moment. We have four pages, commencing back at page 14, covering some 200 projects, and from page 14 down to page 18 there is no appropriation until you get to the end of the first paragraph on page 18. In all there are some 200 projects covered by the appropriation of $896,266. Now, it does seems to me that without unnecessary limitation, upon proper discretion on the part of the Secretary, that we could have more specific information as to how much of this large sum of $896,266 is to be used for some of these 200 different projects. As the

matter stands, of course, it is not to be expected that the Secretary of Agriculture would, but he could, without violating any provision of this bill, appropriate all of the $896,266 for official traveling expenses, for telegraphing and telephone service, and so forth. That is not to be anticipated, but we ought not to pass legislation the language of which is capable of such a construction.

Mr. LAMB. May I just have a word right there?

Mr. SCOTT. Yes; I yield.

Mr. LAMB. Mr. Chairman, please let the oldest man in experience on this committee and the youngest in years just say this: There are seven hundred projects in this very Bureau we are now considering. To estimate by detail for each one of these projects would fill a book as large nearly as that one you have lying on your desk there.

It is impossible to do what you seem to think, my friend, ought to be done, and it is not done in any other committee that gets appropriations in this House. It is too large a matter to consider in a committee and put in this bill. We considered, as the chairman very well stated, each item carefully in making up these estimates. We have the estimates sent us by the head of this Department, Secretary Wilson, and we have gone over them carefully. It does seem to me it is hypercritical for these gentlemen here to take this time, for three or four days, criticising the action of this committee, when I tell you frankly and candidly, my friend, that it is the best considered and most conservative bill that has been presented to this Congress in the ten years that I have been on the committee. [Applause.]

Mr. MANN. And it ought to be able to stand criticism.

Mr. SCOTT. We have no objection in the world to criticism.

Mr. MANN. Mr. Chairman, the point suggested by the gentleman from Colorado [Mr. BONYNGE] undoubtedly has a great deal of force to it. It would be far better if it were possible to differentiate more particularly the different items of appropriation in this and other bills. But as to the last appropriation in this paragraph immediately preceding the total sum of appropriation, those are incidental expenses, and there is no appropriation bill brought into this House that attempts to segregate incidental expenses from the main expenses connected with the same use of the money.

Mr. STAFFORD. I beg to challenge the statement of the gentleman.

Mr. MANN. I will take care of you in one moment.

Mr. STAFFORD. I hope you do.

Mr. NORRIS. Following the gentleman's suggestion, I would like to ask him in respect to the paragraph beginning with line 21, on page 7, and ending at the top of page 18—does not the gentleman think that the items included in that paragraph ought to be followed by the amount that is appropriated for the items in that paragraph?

Mr. MANN. I do not.

Mr. NORRIS. Does the gentleman from Colorado contend that in each one of these separate items, either in the paragraph or in any other paragraph, it is necessary to have the amount stated, either at the end of the paragraph or some other place? The amount should be stated without going through four or five hundred others before you secure the total.

Mr. MANN. There is not an appropriation bill that passes this House—not one, including the appropriation bill reported from the Committee on the Post-Office—that makes this specific appropriation for traveling expenses. There is not a single appropriation bill reported into this House—not one, including the appropriation bill reported from the Committee on the Post-Office and Post-Roads—that covers the cost of telephone and telegraph purposes, and for the cost of gas and electric current. What does the post-office appropriation bill provide? "For traveling expenses," including certain other things, "not to exceed $4 a day," including the service and the general compensation, I state to my distinguished friend.

Mr. NORRIS. Nobody contends——

Mr. STAFFORD. I challenge that statement, if the gentleman will permit me——

Mr. MANN (continuing). Or for telegraph or telephone expenses.

Mr. STAFFORD. The gentleman has made a statement——

Mr. MANN. If the gentleman will yield for a second, I will give him an opportunity to be heard. It is not possible to make these appropriations otherwise. The amount paid for traveling expenses and the amount paid for telegraph service and gas and electric current—all these depend upon what is done. It would be possible to make a separate appropriation for these different services to be rendered if it were not a fact, which is the fact, that the same officials in the Bureau of Plant Industry, through their service in connection with these different services, are provided for in this paragraph. They are not segregated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that my time may be extended.

There was no objection.

Mr. STAFFORD. In view of the statement of the gentleman that I have challenged—that the post-office act did not segregate the traveling expenses apart by themselves, but included in that item salaries as well—I desire to direct his attention to a copy of the act and to the item for traveling expenses of post-office inspectors without per diem, which reads:

For traveling expenses of inspectors without per diem, and of inspectors in charge, expenses incurred by inspectors not covered by per diem allowance, and traveling expenses of the chief post-office inspector, $70,000.

There is an item that limits the appropriation to a specific amount. I will read further to the gentleman another item in the post-office appropriation bill:

For rent, light, and fuel for first, second, and third class post-offices, $3,000,000.

Mr. MANN. A $3,000,000 appropriation.

Mr. STAFFORD. That is true; but no omnibus purposes included or given in the item. Every one of the items contained in the post-office appropriation bill is limited by the amount that is required for the stated respective services. I challenge the statement of the gentleman.

Mr. MANN. I read from the post-office current law—the gentleman has the bill—and the same language is in the present bill:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 a day.

Covering both the per diem expenses and the traveling expenses, and so all through the bill.

Mr. STAFFORD. And stating the amount appropriated for that purpose, in this particular, $325,000.

Mr MANN Three hundred and twenty-five thousand dollars.

Mr. STAFFORD. Now, in the bill before the committee we have no such limitation at all.

Mr. MANN. Not nearly as specific as the items in this bill.

Mr. STAFFORD. Why, there is no limitation whatever in this bill as to the amount that may be expended for the respective services. All through this bill there are no particular specifications, not any limitation as to the amount of expenditure. It is all left to the discretion of the Secretary of Agriculture, to spend as much as he sees fit for any one of the numerously designated objects, provided it does not exceed the total.

Mr. MANN. Why, certainly; and the gentleman's bill carries items where the same thing could be done.

Mr. STAFFORD. I ask my friend to point out where it does.

Mr. MANN. It is not practicable there and it was not practicable here to use all this fund for traveling expenses. The gentleman knows prefectly well there would be nobody to travel if they used all this fund for traveling expenses.

Mr. STAFFORD. The Post-Office Committee could join all these items together and make one total appropriation, but we segregated the amounts which may be expended for these respective items. Now, I arose here not for the purpose of captiously criticising the work of the committee, but merely to point out some features that I think are open to fair criticism, as compared with the arrangement made by another committee. I wish to compliment and congratulate the chairman of the committee for the care, attention, study, and research in preparing this bill, but I think that there is some meritorious reason for pointing out the fact that there might be some limitation on these expenditures.

Mr. SCOTT. Mr. Chairman, nobody is more willing than I am to admit the shortcomings in the bill now before the House. I do feel warranted, however, in suggesting that in respect to the matter of lump-sum appropriations the present committee is simply following the unbroken precedents that have prevailed from the day the first appropriation was brought in by the Committee on Agriculture down to the present hour. It may be that this present committee is mistaken, but if so it is in good company, because every Agricultural Committee of this House for twenty-one years has done the same thing. And I submit that it would be impracticable to make a very great change in the direction suggested by the gentleman from Colorado [Mr. BONYNGE] or the gentleman from Wisconsin [Mr. STAFFORD]. To defend the action of the committee in bringing in lump-sum appropriations to carry forward the work

of the Department of Agriculture embarrasses me nearly as much as it would to be asked to demonstrate that the shortest distance between two points is a straight line. If the statement of the fact does not carry conviction, I do not know how it could be demonstrated.

Now, as I said, I am perfectly willing to concede that there are imperfections in this bill, but I believe that if the gentlemen who have devoted so much energy and zeal and enthusiasm to picking flaws in the bill had expended a little modicum of time and intelligence, first, upon the study of the great Department for which this bill is intended to provide, and, second, upon the meritorious features of the bill, their criticism might perhaps have been robbed of some of its barbs.

I venture to call their attention to the fact that this bill has been reduced in volume from sixty-nine to forty-five pages, in comparison with the bill presented before the House last year, a reduction that was made by the elimination of unnecessary or redundant phraseology, a reduction which did not change in any degree the scope of the work or the character of the work that is being done by the Department, but which did very greatly simplify the bill and certainly has made it more clear and more easily understood. I believe no fair-minded critic who compares the present with any preceding bill will deny that this bill is clearer in language and more logical in arrangement than any of its recent predecessors; and yet it is more mercilessly attacked on these very points than any other has been. I appreciate honest and fair and candid criticism, and will endeavor to profit by it, but I do feel that much of the criticism of this bill is wholly unwarranted.

Mr. LEVER. I suggest to the chairman that the members of the committee would be very much pleased to have these gentlemen point out just how we can remedy the features of which they complain.

Mr. SCOTT. They have not taken very much time in pointing out the meritorious features of the bill.

Mr. BONYNGE. In the paragraph beginning with line 17, on page 16, reading—

To enable the Secretary of Agriculture to establish a standard, etc., for the different weights of cotton.

You have undoubtedly in mind some specific amount that you expect the Secretary of Agriculture will be authorized to expend for that purpose, have you not?

Mr. SCOTT. Only in a very general way. The Chief of the Bureau, when talking about that, said he thought it could be done within $5,000.

Mr. BONYNGE. You probably had $5,000 in mind when you made up your total for this specific purpose, had you not?

Mr. SCOTT. No; not for that specific purpose, except in the most general way. If the gentleman will look over the record of this Department for every year, he will find that there are sums returned to the Treasury, unexpended balances, because it is impossible to forecast the exact expenditures for all of these projects.

I hold in my hand a copy of the hearings that were held before the Committee on Agriculture, a book of nearly a thousand pages, which reports the testimony taken by the committee to inform itself as to all of the details of the items carried in this bill. It was a report made up after five weeks of daily hearings, and, with all due modesty, speaking for the other gentlemen on the committee and not for myself, I assert that no bill was ever brought on the floor of the House which has had more careful, painstaking, and patriotic consideration than has this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, I am perfectly willing and glad to accord to the Committee on Agriculture and to the chairman of the committee all the credit that they are entitled to, and it is very considerable, for the splendid work they have done in preparing this bill. I take it, also, that the chairman and other members of the committee will appreciate the interest of other Members of the House who do not happen to be on the committee in the subjects covered by this important bill. It happens sometimes that one Member of the House is interested in one particular project and another Member in some other project. It would be a matter of great service to Members who have not served on the committee if in the bill presented by it some information could be given to them so that all might know the relative amounts that are to be expended on the different projects which affect different sections of the country.

I appreciate full well, Mr. Chairman, that it would be absolutely impossible to take up each particular project alone and by itself and appropriate some specific amount for that special project. But it does seem to me that there is some line that could be drawn that would give us more definite information than is to be contained in these four pages that we have just completed reading. We have in these four pages two or three hundred different projects, some affecting one section of the country, others that affect another section of the country, and not only for our information but in order that the Secretary of Agriculture may know how much relative importance Congress places on the different projects it does seem to me that it would be possible for the Committee on Agriculture to have given us a little information dividing this lump sum of $900,000 into three or four different sums, making a specific appropriation at least at the end of each of the paragraphs that are contained in the four pages.

Now, in making this observation, Mr. Chairman, it has not been made by me in any desire to be captious or hypercritical. I appreciate the fact that the gentleman from Virginia has spent a great deal of time and labor on this bill. It has been well spent. I do not think that anything I said in reference to the suggestions I made called for any remark from him that I was attempting to be hypercritical in my observations on this section. My observations were prompted, Mr. Chairman, not from the desire to be captious or hypercritical, but because I am deeply interested in the projects covered by the section of the bill just read, and as a Member of the House I feel I am entitled to know the amount intended to be expended by the different projects.

Mr. CARTER. Mr. Chairman, I have an amendment that I would like to offer to this section. After the word "dollars," in line 6, page 18, insert "$10,000, or such sum as may be needed, to be immediately available, for the purpose of combating the boll weevil in Oklahoma."

Mr. SCOTT. Mr. Chairman, I shall be obliged to make a point of order on that, or I will reserve it, if the gentleman wishes.

Mr. CARTER. If the gentleman is going to insist on the point of order, it will be unnecessary for me to burden the House with my remarks. If there is any opportunity to persuade him not to insist on the point of order, I will make a statement.

Mr. SCOTT. I shall be obliged to insist on the point of order.

Mr. CARTER. Then, Mr. Chairman, I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARTER. I am in hopes the gentleman will not insist upon his point of order. The Department of Agriculture was not aware until recently of the inroads made by the boll weevil in Oklahoma. All of their funds had been allotted to other States prior to their knowledge of present conditions in that State.

The boll weevil entered Oklahoma from the Texas border, and has gradually worked its way across the State until it practically covers all the cotton-raising region. Fully 40 per cent of the crop was destroyed by this pest last year, and unless something can be done to ameliorate conditions the entire crop may be destroyed this year. My amendment does not propose an additional appropriation, but simply requires that $10,000 of such appropriation be made available at once.

I have numerous communications from S. A. Knapp, special agent in charge of this work, recommending this amendment. I will read from such communication. This is an extract from a letter written on February 18:

We greatly regret that our appropriation is so exceedingly small for the amount of work which is being carried on that with present funds it is impossible to furnish any more men. The calls for this work throughout the cotton States are much more than we can meet.

We are trying to arrange so that a small portion of our next year's appropriation shall become immediately available, and if this can be done, the situation in Oklahoma will be relieved at once.

In another communication of the same date he states:

My State agent, W. M. Bamberge, writes me very strongly in regard to boll-weevil conditions in your State, but it is impossible for me, with the funds at my disposal, to remedy matters.

I sent a man out two different times through your State last year to ascertain to what extent the boll weevil had invaded the Territory, but probably he did not strike the right parties, because I was not aware of the situation until recently.

We make our arrangements in October and November for the campaign of the ensuing year; consequently it is difficult to make changes at this time. Our emergency appropriations are used only in boll-weevil territory. All work done in States outside of the boll-weevil infested territory is by private contributions.

I suggest that $10,000 in the present appropriation bill be made immediately available, and I would use as much as is necessary in Oklahoma, so as to relieve your people and save the crop of 1908.

Now, Mr. Chairman, if conditions were settled in our State it might not be necessary for this amendment, but in our State the rent system is in vogue, and almost every man who cultivates land rents from some Indian landlord. His future is unsettled, and in many instances these renters move every year, making the combating of this boll-weevil pest much more difficult. In addition to this our State is in desperate straits for funds, for the reason that about one-half of the lands in Oklahoma, which in a new country are always the greater part of property value, are nontaxable.

If you will remove these restrictions upon the taxation of lands and put our State upon an equal footing with other States, then it will not be necessary to continually ask Congress for appropriations.

The chairman of the Committee on Agriculture has reserved a point of order against this amendment. If there is any chance to persuade him to refrain from invoking this point of order, I should like to continue this discussion, but if he insists upon his point of order there is no need to pursue this discussion any further and burden the committee with a long-winded speech.

Mr. SCOTT. I shall be obliged to insist upon the point of order.

Mr. CARTER. Then I ask leave to extend my remarks and have printed in the RECORD certain correspondence in regard to this matter.

HOUSE OF REPRESENTATIVES,
STATE OF OKLAHOMA, FIRST LEGISLATURE,
Guthrie, February 4, 1908.

DEAR SIR: In the interest of our section of the State, and of the entire State as for that matter, and in order to call your attention to something that will materially assist you, especially in all the counties lying on Red River and on the Washita River, I wish to call your attention to the importance of having the Department of Agriculture provide for an experiment station to combat the Mexican cotton boll weevil. This weevil reached the section of Colbert, south of the Red River and east of Colbert, about three years ago, and has grown so destructive that cotton can not profitably be cultivated under the present methods by the farmers in that section; and it has continued to go north until it has reached as high up as Atoka, and has reached Tishomingo. They appeared on my farm the first time last year.

By reason of the habits of the boll weevil it is more destructive and active in bottom lands, and a station should be established somewhere on the Washita River near or around the last year's damage area, either at Teller, Tishomingo, or Russett, but not farther north or up the river than Mannsville. From this station as headquarters the work could be extended eastward and westward, and, in fact, every direction, to combat this plague.

Ten thousand dollars—and it ought to be made twenty-five thousand—spent now will be worth more than an annual expenditure of $200,000 three years hence, because from Mannsville eastward and on Red River it has proven a great plague to the farmers.

I believe the Tishomingo Commercial Club would readily respond to the desire of the Department in the matter of securing suitable farm lands, which should include bottom lands as well as high lands, to make their experiments and to demonstrate proper cultural methods to combat the boll weevil. I do not care especially to benefit my town in this matter. I am more interested in the work my tenants on my farm would do and the tenants in all that section of country. A station established at any location where one should be established will be satisfactory to me, but I think it would prove quite an assistance to yourself in a political way to secure a station somewhere in your district; and you would be the proper man to make the effort, because there is more cotton raised in your district than all the other districts in the State, or nearly so, as the Chickasaw Nation produces about half of the cotton in the State.

I write you this because I feel that you will see the importance of it, and because, if properly worked out, will enable you to do your district some real, genuine good. Secretary Wilson will heartily cooperate with you, if you will but call his attention to the facts and conditions which exist. I will gladly assist you in any recommendation necessary to bring about an assistance on the part of the Agricultural Department.

Yours, sincerely, WM. H. MURRAY.

Hon. C. D. CARTER, M. C.,
Washington, D. C.

FEBRUARY 10, 1908.

DEAR SIR: Herewith I hand you letter of Leo Harris, member of Oklahoma legislature from Carter County, in which he requests five additional men to assist in fighting the boll-weevil plague.

In support of Mr. Harris's request I will state that this pest made material inroads in the cotton-raising industry of Oklahoma last year, and if something is not done, and done quickly, I fear that the next few crops will be almost entirely destroyed.

I sincerely hope that you may be able to grant this request.

Yours, truly,
C. D. CARTER.

Mr. JAMES WILSON,
Secretary Department of Agriculture, Washington, D. C.

FEBRUARY 20, 1908.

MY DEAR SIR: I wish to call your attention to the situation in Oklahoma relative to the boll-weevil pest. It seems that the Agricultural Department were not aware, until recently, of the inroads made by the boll weevil in our State. If something is not done to protect the farmers of southern Oklahoma, the cotton crop will be almost an entire failure this year. I have a letter from the Agricultural Department in which it is suggested that an item of $10,000 in the appropriation bill being considered by your committee be made immediately available, part of same to be used in suppressing the boll weevil in Oklahoma.

I shall be very glad to have an earnest consideration of this proposition.

Yours, very truly,

——— ———.

Mr. CHARLES F. SCOTT, M. C.,
Washington, D. C.

MARIETTA, OKLA., *March 1, 1908.*

Hon. C. D. CARTER,
Washington, D. C.

DEAR SIR: We, the members of the Marietta Commercial Club and citizens of Love County, respectfully urge upon you as our Representative in Congress, the necessity of having at least five additional special agents from the Department of Agriculture assigned to Oklahoma to fight the boll weevil.

The damage from this pest in Love County alone during the year 1907 is conservatively estimated at $150,000. As a result of this great damage many of the best farmers have left this county. We need immediate help from the Government to educate our farmers to use cultural methods and thus raise a fair crop in spite of the boll weevil.

Wherefore we petition you, our servant in Congress, to aid us.

Signed:

H. W. Choate; W. F. Hagan, president Commercial Club; E. F. Graham; W. M. Bollen; W. L. Richards; W. E. Buchanan; J. Janerttent; F. M. Hill; J. W. Gilmer; J. W. Blasingame; Luther Anderson; Jesse L. Jordan; Sam Block; James Miller; A. N. Tippit; W. S. Tynes; A. J. Little; John P. London; O. L. Chancellor; C. N. Mills; J. W. Scanlon; John Scoggin; John G. Butler; J. W. Thompson; Hard Butler; J. A. White; J. A. Little; G. B. Freeman; C. M. Dickson; H. Peterman; H. S. Scott; R. L. Jordan; A. C. Collins; J. R. Collins; D. C. Rambo; J. D. Freeman; H. E. Draughton; J. C. Wood; John Kelly; S. R. Sivaller; Wilbur P. Mobley; J. A. Scrutchus; A. G. M. Lay; Duke Lay; B. A. Dillard; W. A. Culwell; C. E. Morris; J. C. Ijams; A. J. Boling; W. E. Kimsey; W. L. Wilson; S. Westheimer; D. Antry; Lem Shipman; B. W. Jones; Sam Strauss; H. A. Stanley, secretary Commercial Club.

ARDMORE COMMERCIAL CLUB,
ARDMORE, OKLA., *Monday, March 2, 1908.*

Hon. T. P. GORE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am very much interested in the passage of the bill you have introduced for the appropriation of $30,000 for fighting the boll weevil in Oklahoma and will do all I can to aid you in this direction. In view of the fact that the weevil has been industriously working on this side of the Red River for three years and the situation has been entirely neglected by the Government until last November, it should be arranged that this money if appropriated be expended in Oklahoma under the direction of a special agent or officer appointed for the purpose, as the conditions are different than elsewhere and can not be understood and acted upon promptly and intelligently from Washington. We must have quick, vigorous, and honest work in order to get results, as the situation is daily growing more serious. Under the present method, I know of instances where farmers have received instructions as to fall plowing in February. This is a fair criterion of the way red tape ties up important work.

The Government appropriated $250,000 for the carrying on of the boll weevil fight in Texas and this money was handled through the bureau directly. I was then engaged in commercial club work in Texas and am fairly conversant with the way the work was carried on there. The fact that many counties have never been benefited thereby, and some of them are even seeking to get a portion of the time of Special Agent Bamberge right now indicates the impotency of the method pursued. Cooke County, Tex., the home of Senator BAILEY, has just sent a request of this nature to the Senator.

If your measure can be made effective on passage and the whole of the money spent in Oklahoma under intelligent direction, such as would be the case if Special Agent W. M. Bamberge were put in charge, great good could be accomplished and a record made which has never before been reached in the work. The tenant farmer makes this a harder proposition than in other States and makes it necessary that the work shall be intensive and carried on along lines which fit local conditions.

I note in Washington dispatches that Dr. S. A. Knapp has written Mr. CARTER about the necessity of an appropriation for the work, and says that he has only just become aware of the seriousness of the invasion. This sounds strange when, as a matter of fact, I wrote a personal letter to Doctor Knapp, in Lake Charles, on September 30 last, being joined by Congressman CARTER and other prominent citizens, detailing conditions and praying that Mr. Bamberge be sent here. That he appreciated the gravity of the case at that time is shown by the fact that my request was granted and Mr. Bamberge was sent here instead of to South Carolina, as had already been arranged, and began his work on November 1, making weekly reports to his superior detailing conditions as he finds them. He has personally visited eleven counties, has ninety post-offices on his list, and has spoken at over 150 schoolhouses.

Doctor Knapp also says that as many as three counties are infected. To my knowledge the weevil is already in the following counties: Le Flore, McCurtain, Latimer, Pushmataha, Choctaw, Pittsburg, Atoka (where the weevil has been for three years and the 1907 crop of cotton was but half that of 1906), Bryan, Hughes, Coal, Pontotoc, Johnson, Marshall, Love, Grady, Carter, Murray, Garvin, Stephens, Jefferson, Comanche, Jackson, and Tillman, and it is only reasonable to expect that it is in Greer, Kiowa, and Caddo counties. This will indicate to you something of its spread. It is also probable that it is very strong all along the valley of the Canadian.

As I have said before, this is the great agricultural portion of the State—in fact, the richest—and your success in passing this measure will mean everything to farming and business interests wherever cotton is grown. If I can be of service to you in this direction at any time, I will endeavor to come to Washington at such time as you may suggest to assist in giving you all the facts you may need in arguing the case before the committee or in presenting it on the floor.

Again thanking you for your interest in behalf of the people and pledging you my heartiest cooperation, I am,

Sincerely, yours,
H. G. SPAULDING, *Secretary.*

Mr. BENNET of New York. Mr. Chairman, I ask leave to extend some remarks in the RECORD; to print a brief statement.

Mr. SCOTT. Is it on this bill?

Mr. BENNET of New York. It is on the Forestry Service.

Mr. BARTLETT of Georgia. I would like to ask the gentleman from New York if this is general debate on any particular subject.

Mr. BENNET of New York. It has relation to the Forestry Service.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The following is the matter referred to:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
New York, February 19, 1908.

At the monthly meeting of the New York Board of Trade and Transportation held this day the committee on forests submitted the following report, and it was unanimously adopted:

To the New York Board of Trade and Transportation:

In pursuance of a report made to this board June 4, 1908, on a bill before Congress for the purchase of a national forest reserve in the Southern Appalachian Mountains, and also in pursuance of a report made April 26, 1906, upon a substitute bill then before Congress for the purchase of a national forest reserve in the Southern Appalachian Mountains and also for one in the White Mountains, of New Hampshire, the forestry committee begs leave to say that both of these reports were indorsed and the creation of such forest reserves was recommended by this board.

The forestry committee now wishes to state that a substitute bill for both of the above-mentioned bills is bending in the Senate "for acquiring national forests in the Southern Appalachian Mountains and White Mountains," the area of the former not to exceed 5,000,000 acres and that of the latter not to exceed 600,000 acres.

In relation to the creation of such forest reserves by the National Government, it may be of no little interest to state that the area of existing national forest reserves west of the Mississippi River embraces nearly 100,000,000 acres, while there is no national reserve east of the Mississippi, the only public reserve of any consequence being that belonging to the State of New York, embracing about 1,500,000 acres, the creation of the State reserve being almost exclusively due to the work of the New York Board of Trade and Transportation.

Among the essential objects sought by the creation of these two national reserves is the protection of the headwaters of the most important rivers of five of the New England States, and practically the headwaters of the chief rivers in the South, east of the Mississippi and south of the Ohio River, thus, in a measure, assuring the integrity of the great river systems of these two sections of our country.

The protection of the watersheds under consideration is absolutely necessary to the conservation, as well as to the future development, in a large degree, of the internal navigation and commerce of these five New England States and of nine of the Southern States, as well as of the mining and agricultural industries of the latter, and also of the vast and increasing manufacturing interests of both of these sections.

Even as it is, the partial stripping that has been made of the forest cover of the White Mountain regions has imposed a very heavy annual tax or burden upon the cost of many goods made upon streams fed by their watersheds, the enforced substitution of steam as a motive power for water power, now so uncertain and irregular, costing each year hundreds of thousands of dollars.

The continued deforestation of these wooded reliefs can not, therefore, fail to work correspondingly to the disadvantage of the great manufacturing and of all other industries dependent upon the proper flow of their rivers and tributaries. When competition between the most advanced nations has not only reached a stage unprecedented in the history of the commercial world, but gives every indication that it will grow more severe owing to the forceful and intelligent leadership of those engaged in this mercantile rivalry, no advantage, either acquired or natural, which any section of the country possesses should be sacrificed or needlessly wasted.

These observations have a special application to the region watered by the river system of the Southern Appalachians. Raising such a large proportion of raw cotton, one of the most valuable gifts of nature to mankind, with a native population peculiarly adapted to its successful cultivation, a favoring climate, and with water and electric powers practically unlimited, if wisely conserved and applied, its manufacturers should in time be able to wrest from the nations of Europe the cotton trade of the peoples and nations inhabiting the countries and islands washed by the Pacific Ocean, and now constituting more than half the population of the globe. Great as it is at present, it is insignificant, as to what it must be when the East awakens from the lethargy of its ancient civilizations and enters upon the march of western progress.

With such advantages, which further the prosperity of the whole country and which are, among others, to be conserved, acquired, and guaranteed by the preservation of these watersheds forming the subject of this report, your forestry committee submits for your action the following resolution:

Resolved, That the New York Board of Trade and Transportation most heartily indorses the proposition to create the Southern Appalachian and White Mountains reserves, and requests the committee on forests of this board to urge the passage of such one of the pending bills as in its judgment will best serve the public interests and prevent the diversion to private or corporate interests of the benefits to accrue from such forest reserves when created.

Respectfully submitted.

EDMUND PHILO MARTIN,
PETER F. SCHOFIELD,
JOHN H. WASHBURN,
LEWIS NIXON,
WM. JAY SCHIEFFELIN,
CLARENCE G. STONE,
WM. F. OATMAN,
HENRY S. HARPER,
Committee on Forests,
New York Board of Trade and Transportation.

A true copy.
[SEAL.]
Attest:
FRANK S. GARDNER, *Secretary.*

WM. MCCARROLL, *President.*

The Clerk read as follows:

FOREST SERVICE.

Salaries, Forest Service: One Forester, who shall be Chief of Bureau, $5,000; one clerk, $2,100; one clerk, $2,000; six clerks, class 4; three clerks, at $1,700 each; one clerk, class 3; two clerks, at $1,500 each; two clerks, class 2; one clerk, $1,300; eight clerks, class 1; seven clerks, at $1,100 each; ten clerks, at $1,000 each; twelve clerks, at $900 each; nineteen clerks, at $800 each; twenty-seven clerks, at $700 each; eighteen clerks, at $600 each; one draftsman, $2,000; two draftsmen, at $1,400 each; two draftsmen, at $1,200 each; four draftsmen, at $1,000 each; one artist, $1,000; one photographer, $1,400; one photographer, $1,200; one photographer, $1,000; four messengers, at $720 each; two messengers, at $700 each; three messengers, at $600 each; three messengers, at $400 each; one carpenter, $1,000; one carpenter, $720; three watchmen, at $700 each; one electrician, $700; in all, $144,300.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I am not sure whether the gentleman from Kansas [Mr. SCOTT] will make a point of order on what I am going to say or not. I am inclined to think that it would be in order, although I am not quite sure about that. I desire to speak about that portion of the message of the President in relation to water power which I understand came into the message at the instance of the Forester. The President in his message the other day stated:

Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted, in spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President or of the Secretary concerned to fix and collect such a charge as he may find to be just and reasonable in each case.

It was my fortune, Mr. Chairman, several years ago, in the Committee on Interstate and Foreign Commerce, to be the chairman of a subcommittee appointed by that committee for the purpose of preparing a general bill which would regulate the construction of dams in the United States. That bill became a law, and that law provides that when, hereafter, authority is granted by Congress to any person to construct and maintain a dam for water power or other purposes, across any of the navigable waters of the United States, such dams shall not be built or commenced until certain things are done, including the preparation of plans and specifications, which must first be approved by the Secretary of War and the Chief of Engineers. The law then provides, in addition to these requirements on the part of the persons who ask for the permission, as follows:

Provided, That in approving such plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States.

Mr. Chairman, if the present or the future interests of the United States requires that there shall be compensation paid for the right to construct a dam, then the Secretary of War now has the power when a dam bill is passed to require compensation in each case. If neither the present nor the future interests of the United States authorize the requirement of compensation, then Congress itself can not provide for compensation. I do not undertake to say whether, under the commerce clause of the Constitution, Congress has the power to require the payment of compensation as a condition precedent for the permission of the General Government to construct a dam across a stream or a bridge over a navigable stream; but if the power exists in Congress, it has already been conferred upon the Secretary of War; and if by accident the Chief Magistrate had consulted the Department of the Government which has jurisdiction over the subject, he would have learned that the law now confers upon the Secretary of War all the power that Congress can confer upon the Secretary of War in this respect. Unfortunately he consulted another branch of the Government, which has nothing to do with navigable streams and knows very little upon the subject.

The President says further that he will veto the bill unless it provides for a strict time limit—unless every bill that we pass provides for a strict time limit under the general dam act. Mr. Chairman, in every bill which passes there is the express provision that Congress may at any time alter, amend, or repeal the act without any liability on the part of the Government, and that is near enough to a fixed time limit for any practical purposes, because that is better than a fixed time limit of twenty-five years or fifty years, or any other period of time. There is reserved to Congress the right at any time to alter the act, to amend the act, or to repeal the act without any liability for destruction of property—a far safer and more drastic provision than the President himself has suggested.

I suggest again that if he had consulted the War Department instead of the Forester he would have been informed that Congress had already, two years before it was called to his attention, enacted the legislation which he desired.

Mr. GAINES of Tennessee. Mr. Chairman, before the gentleman yields the floor I would like to ask to what particular case the gentleman alludes where the Forestry Bureau seems to have been consulted about it.

Mr. MANN. Mr. Chairman, I was talking about the facts.

Mr. GAINES of Tennessee. Well, what particular case—Mr. Chairman, I move to strike out the last word——

Mr. SMITH of California. Mr. Chairman, before the gentleman is taken off the floor I would like to ask——

The CHAIRMAN. Does the gentleman yield?

Mr. GAINES of Tennessee. I yield from my time.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. SMITH of California. Mr. Chairman, I would like to ask the gentleman from Illinois, waiving the question as to the right of the Federal Government to take a tax out of the use of a navigable stream or otherwise, does the gentleman think the Department and President are correct in their intimation that they may follow an electric current into its uses, regulate the manner in which it is distributed to the people, and fix the price at which it is distributed to the people?

Mr. MANN. I am afraid, Mr. Chairman, my opinion will not be what the gentleman desires.

Mr. SMITH of California. I do not ask the gentleman to give my opinion; I ask him for his.

Mr. MANN. I say my opinion perhaps will not be what the gentleman desires.

Mr. SMITH of California. I will be very glad to have it, nevertheless.

Mr. MANN. When this matter was under investigation by the subcommittee of which I happen to be the chairman. I was aided by such distinguished gentlemen as Mr. ADAMSON, of Georgia, Mr. RICHARDSON, of Alabama, and other gentlemen upon this side of the House, and we went over the matter very thoroughly, as far as we could. For a year or more we corresponded with the electrical engineers of the country as to the possibilities. We were in consultation with the War Department. The bill which was drawn and which is now the law met the approval of the War Department, although it is more drastic than they suggested. In my own judgment, the General Government may require the payment of compensation as a condition precedent to a grant of permission to cross navigable streams, either by building a dam or by the construction of a bridge or any other structure placed in the stream.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask for three minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. Whether the General Government should do this or not I do not undertake to say. I think that somebody, either the General Government or the State or the local municipality where the dam is constructed, ought to have the right reserved to them, in case the dam or electrical power proved immensely valuable, to regulate the charge to private consumers, or possibly require a compensation for the use of it. I have no doubt that in the end in some places people who have the right to build dams across navigable streams ought not only to be compelled to pay a compensation for the privilege, but also ought to be compelled to furnish electric current at reasonable cost to the private consumers, but I maintain that we have secured all of that in the general dam act.

Mr. WILLIAMS. The gentleman has referred to the fact that the general law called the "Bell Act"——

Mr. MANN. It is not called the "Bell Act," it is called the "general dam act."

Mr. WILLIAMS. The gentleman has referred to the fact that that law contains a specific clause that Congress may at any time repeal the law. Now, there are a great many acts of Congress which contain that clause. In fact, I believe it is universal, is it not, in Congressional grants?

Mr. MANN. The provision in this act is not universal. There is a very different provision in the general dam act from the ordinary provision.

Mr. WILLIAMS. I understand the difference is this: That the ordinary clause is that Congress shall have the right at any time to repeal or amend this act, and this clause says without compensation for damage incurred.

Mr. MANN. Substantially; but it is still broader than the gentleman states.

Mr. WILLIAMS. Now, the first I mentioned is even broader than the last. I want to ask the gentleman this: He is one of the closest observers of the conduct of the Congress of the United States; I know of no man on either side of the House who keeps up more accurately with the details of legislation than the gentleman from Illinois.

Mr. MANN. The gentleman can have anything within my power.

Mr. WILLIAMS. I am not saying that as a compliment at all. I am mentioning it as a fact. Does the gentleman remember a single case in his entire Congressional experience where this right reserved to Congress to repeal, whether it was an act for the benefit of a street railway in the District of Columbia, or a dam act, or any other sort of act, was ever exercised by Congress? Do we not know that they always come in and say, "Although you have the legal right to repeal, morally and equitably you are taking away from these people certain vested rights, and you ought not to do it?" That unjust appeal always wins. And has the power to appeal ever been exercised, in your experience? It has not been exercised, in my recollection.

Mr. MANN. Since the gentleman has been a Member of the House we have passed several bills to repeal laws exactly like this—relating to bridges.

Mr. WILLIAMS. To repeal a bridge act?

Mr. MANN. Yes.

Mr. WILLIAMS. Not after the bridge had been built?

Mr. MANN. In one case we amended it decidedly after the bridge had been built—namely, in the case of the Memphis bridge, very decidedly—and we have frequently done it. Now, the right to repeal is a very different proposition.

Mr. WILLIAMS. That is the right I am talking about, because I am talking about it with this view. The gentleman suggested that that was, in the dam bill, a good substitute for the time limit. Now, the time limit is an ipso facto repeal at the expiration of the time, and requires no affirmative action by Congress. In other words, if you fix a time limit for the franchise, at the end of that time the franchise can no longer continue until Congress affirmatively reconfers it.

Mr. MANN. The gentleman is mistaken about even that. If we submit the time limit, we would still put in a provision giving the right to repeal.

Mr. WILLIAMS. I understand that. But whether you put in that provision or not, the franchise would cease at the expiration of the time limit, unless Congress, by affirmative action, reconferred it.

Mr. MANN. Very true. Now, the difference is this, in very brief language——

Mr. WILLIAMS. But, before the gentleman goes on—I do not want to interrupt him too much—but before he goes on, I would like him to say if he remembers now, because I do not——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That amendment is now pending.

Mr. WILLIAMS. I move, then, to amend that amendment by striking out half of the last word. I want to ask the gentleman, in order to get his answer clearly—I do not remember—but I want to know if he remembers a single instance of a repeal of any act of that sort?

Mr. MANN. I think we have had repeals, but the repeal is not the important thing. As the gentleman will readily see, the important thing is securing to Congress the control of legislation, so that if at any time we desire by Congressional act to fix the cost of the electric current or to require specific compensation we have the right to write a new provision into the law granting the right to construct the dam. Now, the difference is this: If you say that the corporation may construct a dam and have it in operation for twenty-five years, and that would be a very low number of years, or, say, fifty years, within that time it would be breaking faith absolutely to make a change in the law. But when we provide, as we do in the District of Columbia in the street car cases, for instance, that they have the power to proceed without any time limit, then we reserve to ourselves without any breach of faith the right to write into the law an amendment fixing the compensation or requiring, for instance, the giving of universal transfers, as we have just written into the law as far as this House is concerned. And that is the point I am endeavoring to make. It was suggested that in the ordinary repeal or amendment of a statute, while the Congress would retain the right, might put upon the General Government the liability for damages to the property, because I take it that even Congress can not by virtue of a repeal or amendment take property without due compensation unless it has reserved the right. So in the general dam act it is written:

> The right to alter, amend, or repeal this act is expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof, to the owner or owners or any other persons interested in any dam which has been constructed in accordance with its provisions.

So that we retain absolute control over the question, a far greater degree of control than if we fixed the limit at twenty-five or fifty years, as would probably be the case. In the course of time the electric current may be vastly less valuable and the price ought to be reduced. The cost of creating the electric current might be far less, and we should retain the jurisdiction, as we do in the general dam act. I may be mistaken, but in my judgment it is not possible to enact a more complete and wiser piece of legislation on the subject than the general dam act is, which reserves to Congress all the powers over the subject and yet endeavors to encourage the people through private enterprise to develop industries.

Mr. RUSSELL of Missouri. Do you not think the President's attention ought to be called to that general law before he comes to veto our bills? [Laughter.]

Mr. MANN. I think it will be; and I hope that he will appreciate what the law is.

Mr. SMITH of California. I move to strike out the last two words. The gentleman from Illinois seemed to be a little doubtful about rendering an opinion lest it might not please me, but he went on and gave one in which I very heartily agree, so far as it went; nevertheless, there is the further question which I propounded which he did not quite fully answer, as to whether the Federal Government, either in the case of navigable or unnavigable streams, might follow the electric current into either cities, villages, or agricultural operations and regulate the price at which the current should be furnished and the manner in which it should be distributed to the people.

Now, the Forestry department has asserted the right, in a vague and indefinite way, to regulate the production of the electric current on nonnavigable streams, and I commend gentlemen of the House to the hearings before the Committee on Agriculture on that subject, as given by the Chief of the Bureau of Forestry. You will read some pages, beginning with about page 249, with considerable interest, as indicating the manner in which they propose to exercise that very extraordinary power, where the stream rises within a State, flows its entire distance within the State, and ultimately is discharged not into a navigable river at all, but in some cases into an inland lake that never reaches the sea, or a lake that is not navigable or in any way, shape, or manner connected with navigation. They are asserting the right in the development of electric power to take a tax out of it.

It is a very important subject—more important with us in the West where they are dealing with nonnavigable streams than in the East where they may be dealing with navigable rivers. But notwithstanding the subject of navigation, I will ask the gentleman whether he thinks the power of the Federal Government permits them to go into the cities, towns, villages, and farming communities, or into the places where the electric current may be furnished to the people, or whether this power should be exercised by the State and its subordinate branches of government?

Mr. MANN. Does the gentleman desire me to answer him now?

Mr. SMITH of California. Yes, sir.

Mr. MANN. I have no doubt that where any authority, any government, is absolutely in control of the matter—what a person can not do now without consent—that the consenter can impose such conditions as the consenter pleases before granting the consent, which may be a rental price, compensation, or anything else. The Government has the right to charge compensation; it may refuse consent except upon certain conditions, which means the payment of compensation or regulating the price of the current.

Mr. SMITH of California. May I propound one more question? Would you concede it to be a legitimate exercise of power—conceding, for the purpose of the argument, that it exists—that it should be exercised by the Federal Government where the only function the Government had in connection with it was the right of way for a pole line or for the water line where it passed over the public domain?

Mr. MANN. I believe the new theory of the Government is that the Government will exercise, to a certain extent, control over propositions of this class that are classed as public utilities, and which depend for their existence upon governmental consent.

Mr. MONDELL. Mr. Chairman, I intend to discuss on the next paragraph of the bill the subject which has been under discussion for the last few moments; but, in view of the discussion which has been had, I simply desire to say at this time that, without regard to the question as to the legal power and authority of the Government to impose conditions in making grants, conditions upon grants, the practical question which confronts the people in the West in regard to the forest reserves is as to whether the forest reserves are to remain a part of the sovereign States in which located or are to become Federal provinces over which the people of the State shall have practically no control, whose industries shall be established and maintained under revocable permits issued at the will and in a form pleasing to a Government official, who may thereby lay such heavy burdens and impose such conditions upon these industries that it shall be utterly impossible for the State to control them or to lay taxes upon them for the maintenance of local institutions.

It is an intensely important—an intensely practical question, and a question which must be met soon, whether or no we shall have a personal Government within Federal provinces, located in and occupying large portions of sovereign States, or shall have, as was contemplated by the forest-reserve law, reserves created for certain specific purposes for the accomplishment of certain objects set forth and specified in the law, with the control of the Government over those areas limited to the authority necessary to accomplish the purposes for which the reserves were established.

I do not desire to take the time of the committee at this time further on the subject, but in connection with the next paragraph I shall have something to say in regard to this general question, particularly as affecting power companies.

Mr. SCOTT. I move that the committee do now rise.

The CHAIRMAN. Unless there be objection, the pro forma amendment will be considered as withdrawn. The gentleman from Kansas [Mr. SCOTT] moves that the committee do now rise.

Mr. BURLESON. Before that motion is put I ask leave to extend my remarks in the RECORD on this subject-matter, and also ask the same privilege on behalf of the gentleman from South Carolina [Mr. LEVER].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The motion of Mr. SCOTT was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19158), the agricultural appropriation bill, and had come to no resolution thereon.

BOARD OF MISSIONS, PROTESTANT EPISCOPAL CHURCH.

By unanimous consent the Committee on the Public Lands was discharged from the further consideration of the bill (S. 4916) authorizing the Secretary of the Interior to issue patent in fee to the Board of Missions of the Protestant Episcopal Church for certain lands situated in the State of Idaho, and the same was referred to the Committee on Indian Affairs.

FILTRATION PLANT, DISTRICT OF COLUMBIA.

By unanimous consent the Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 19920) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes, and the same was referred to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn.; and

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 9079. An act to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise;

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr.;

H. R. 13875. An act for the relief of John V. Johnson;

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia;

H. R. 16471. An act for the relief of George H. Penrose;

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland;

H. R. 17511. An act to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark.; and

H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PUJO for ten days, on account of important business.

LEAVE TO PRINT ON AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for general leave to print on the agricultural appropriation bill for five legislative days following the conclusion of the consideration of the bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent for general leave to print upon the agricultural appropriation bill for five legislative days after the conclusion of the consideration of the bill.

Mr. WILLIAMS. Mr. Speaker, to that request I feel compelled to object.

The SPEAKER. The gentleman from Mississippi objects.

ADJOURNMENT.

Mr. SCOTT. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William E. Carter, administrator of estate of Melvina A. Carter, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Hiram*, Pardon Sheldon, master—to the Committee on Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Missouri River at St. Joseph, Mo.—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of canal between Rehoboth and Delaware bays—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5617) authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States, reported the same without amendment, accompanied by a report (No. 1338), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMMOND, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 14926) to amend sections 2 and 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904, and for other purposes, reported the same with amendments, accompanied by a report (No. 1339), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 5473) to authorize the Secretary of the Navy in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the naval service, reported the same with amendments, accompanied by a report (No. 1340), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1536) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, reported the same without amendment, accompanied by a report (No. 1335), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7963) for the relief of Patrick Conlin, reported the same without amendment, accompanied by a report (No. 1336), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 12712) for the relief of the estate of Samuel J. Rogers, reported the same without amendment, accompanied by a report (No. 1337), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the Senate (S. 1560) for the relief of the estate of Henry Ware, deceased, reported the same adversely, accompanied by a report (No. 1334), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 18166) granting an increase of pension to Jesse Tuggle, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. McHENRY: A bill (H. R. 20009) to amend section 4764 of the Revised Statutes as amended by the act of March 3, 1891—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 20010) to provide for the enlargement of the post-office and custom-house at Ellsworth, Me., and for the acquisition of the additional land necessary therefor—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 20011) to amend chapter 55 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BENNET of New York: A bill (H. R. 20012) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874—to the Committee on Appropriations.

Also (by request) a bill (H. R. 20013) for the consolidation of third and fourth class mail matter under the title of "Merchandise," and for the insurance of all mail matter against loss or damage, for the establishment of parcels post—to the Committee on the Post-Office and Post-Roads.

Also (by request), a bill (H. R. 20014) to reduce letter postage to 1 cent per ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. BEDE: A bill (H. R. 20015) to provide for the purchase of a site for a public building at Two Harbors, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20016) to provide for the purchase of a site for a public building at Cloquet, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20017) to provide for the purchase of a site for a public building at Virginia, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: Concurrent resolution (H. Con. Res. 35) directing the Secretary of War to cause to be made a survey for a continuous inland waterway—to the Committee on Rivers and Harbors.

By Mr. HILL of Connecticut: Memorial of the legislature of Connecticut, with reference to the Platt National Park—to the Committee on the Public Lands.

By Mr. LILLEY: Memorial of the legislature of Connecticut, concerning the Platt National Park—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20018) granting a pension to Charles W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20019) granting a pension to Anthony Mack—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 20020) granting an increase of pension to John H. Salisbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20021) granting an increase of pension to Elizabeth E. Wood—to the Committee on Pensions.

By Mr. BEDE: A bill (H. R. 20022) granting an increase of pension to Samuel C. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20023) granting an increase of pension to Wilhelm Schimming—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 20024) granting a pension to Martha J. Austin—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 20025) for the relief of David K. Wall and the heirs of John A. Witter, deceased—to the Committee on Claims.

By Mr. BOUTELL: A bill (H. R. 20026) granting a pension to George C. Webb—to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 20027) granting an increase of pension to William Harris—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 20028) granting an increase of pension to Dennis Desmond—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 20029) for the relief of Jacob Cohen—to the Committee on War Claims.

By Mr. FOCHT: A bill (H. R. 20030) for the relief of Henry Brant—to the Committee on War Claims.

By Mr. FOSTER of Indiana: A bill (H. R. 20031) granting an increase of pension to Peter Truckey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20032) granting an increase of pension to Zachariah T. Dison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20033) granting an increase of pension to Alexander Oliphant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20034) granting an increase of pension to Joseph Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20035) granting a pension to Charles Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20036) for the relief of Malinda S. Gray—to the Committee on Claims.

By Mr. GILLESPIE: A bill (H. R. 20037) granting an increase of pension to William J. Wilson—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 20038) for the relief of Greene County, Mo.—to the Committee on War Claims.

By Mr. HILL of Connecticut: A bill (H. R. 20039) granting an increase of pension to James B. Hurlburt—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 20040) granting an increase of pension to Henry A. Wagner—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 20041) granting an increase of pension to Llewellyn Harris—to the Committee on Invalid Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 20042) for the relief of Laclede County, Mo.—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 20043) granting a pension to Mariba Tackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20044) granting an increase of pension to John Ward—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 20045) granting an increase of pension to Albert Nelson—to the Committee on Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 20046) granting an increase of pension to Samuel Munyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20047) to correct the naval record of James C. Johnson—to the Committee on Naval Affairs.

By Mr. MOON of Tennessee: A bill (H. R. 20048) for the relief of the county of Bradley, Tenn.—to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 20049) for the relief of heirs of Amasa Ezell, deceased—to the Committee on War Claims.

By Mr. PAYNE: A bill (H. R. 20050) granting an increase of pension to Alfred Gilkey—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20051) granting an increase of pension to John Gentz—to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 20052) for the relief of Endora S. Kelly, administratrix—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 20053) granting an increase of pension to N. Frank Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20054) granting an increase of pension to John Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20055) granting an increase of pension to John C. Toombs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20056) granting an increase of pension to Benjamin F. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20057) granting an increase of pension to Oliver Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20058) granting an increase of pension to Van Buren Purington—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 20059) granting a pension to Pauline Paul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20060) granting a pension to Agnes T. Murphy—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20061) granting a pension to Edgar C. Sturges—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Paper to accompany bill for relief of Samuel V. Miller—to the Committee on Military Affairs.

By Mr. BEDE: Papers to accompany bills for relief of Dr. Samuel C. McCormick and Wilhelm Schemming—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Paper to accompany bill (H. R. 2416) for relief of Samuel Charles Hampton—to the Committee on Naval Affairs.

By Mr. BOOHER: Petition of Della Bert and others, for H. R. 40, against intoxicating liquor in the District of Columbia—to the Committee on the District of Columbia.

Also, papers to accompany H. R. 19191, granting pension to Caroline Gregg—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 19972, granting a pension to Thomas A. Dobbins—to the Committee on Pensions.

By Mr. BRADLEY: Petition of Midland Grange, Patrons of Husbandry, of Sullivan County, N. Y., for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURKE: Petition of Builders' Exchange League of Pittsburg, Pa., for appropriation of $1,200,000 for a post-office building in Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, petition of the German National Bank, of Allegheny, for the Dalzell bill (H. R. 6091) to amend national banking laws—to the Committee on Banking and Currency.

Also, petition of Builders' Exchange League, against H. R. 15651 (the eight-hour law)—to the Committee on Labor.

Also, paper to accompany bill for relief of William Harris—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Fairfield, Me., for a national highway commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of Theodore Burgmyer, for H. R. 18792, imposing new duties upon the Public Health and Marine-Hospital Service, and H. R. 18794, to promote efficiency of the Public Health and Marine-Hospital Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Local No. 7, City of Brooklyn, United Hatters of North America, favoring the message of President Roosevelt, touching relations of the employer and employed—to the Committee on the Judiciary.

Also, petition of Indian Rights Association, against S. 5586 and H. R. 15641 (removal of restrictions from part of lands of

allottees of Five Civilized Tribes, etc.)—to the Committee on Indian Affairs.

Also, petitions of Clark Hutchinson Company, of New York, and Leaver Brothers, for the Fowler currency bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CRUMPACKER: Petition of Julian Georaski and other members of St. Stanislaus B. M. Church, of East Chicago, Ind., against the expropriation of the Polish people by the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. DAWSON: Petition of Muscatine Commercial Club, of Muscatine, Iowa, asking larger appropriation for improvement of Mississippi River—to the Committee on Rivers and Harbors.

By Mr. DRAPER: Petition of Indian Rights Association, against S. 5586 and H. R. 15641, for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. ENGLEBRIGHT: Petition of residents of Susanville, Cal., against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. FOSTER of Indiana: Petition of Educational and Cooperative Union of Petersburg, Ind., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lamoille (Vt.) Grange, for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. FULLER: Petition of Samuel Wainright and others, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of C. F. Twick, of La Salle, Ill., against the Aldrich Currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GILLETT: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Prescott and Petersham granges, for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of Builders' Exchange League, for appropriation of $1,200,000 for a post-office building in Pittsburg, Pa.—to the Committee on Public Buildings and Grounds.

Also, petition of Builders' Exchange League, against the eight-hour law (H. R. 15651)—to the Committee on Labor.

Also, petition of German National Bank of Allegheny, for the Dalzell bill (H. R. 6091), to amend the national banking act—to the Committee on Banking and Currency.

Also, petition of National Bank of Tarentum, for the Dalzell bill (H. R. 6091), to amend the national banking laws—to the Committee on Banking and Currency.

Also, protest of jewelers of city of Pittsburg, Pa., against passage of so-called "Vreeland bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMLIN: Papers to accompany bills for relief of Samuel H. Boren and Berry Weese—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of J. M. Stevens and 29 others, of San Jose, Santa Clara, Palo Alto, Mayfield, Campbell, Fruitvale, and Santa Cruz, Cal., for an oriental exclusion act—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of citizens of Northbranch, Kans., favoring the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Protest of citizens of Stamford, Conn., with reference to prohibition and interstate-commerce liquor measures—to the Committee on Interstate and Foreign Commerce.

Also, petition of Ridgefield Grange, for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOLLIDAY: Petition of the Granges of Vigo, Ind., for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of C. N. Sund and 50 other citizens of Salina, Utah, against the Penrose bill (S. 1518), to amend section 3893 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

Also, petition of State geologist of Kansas, favoring establishment of a Bureau of Mines (S. 4783 or H. R. 16780)—to the Committee on Mines and Mining.

Also, petition of James B. McKean Post, No. 1, Department of Utah, Grand Army of the Republic, for H. R. 7625, to authorize the enactment of a veteran volunteer roll—to the Committee on Invalid Pensions.

By Mr. HUFF: Paper to accompany bill for relief of Henry A. Wagner—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of 54 adult residents of San Francisco, Cal., against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. KELIHER: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, to promote efficiency of Life-Saving Service, and against H. R. 7597, to provide for taking the Thirteenth Census—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Framingham (Mass.) Board of Trade, for adoption of a comprehensive system of waterways—to the Committee on Rivers and Harbors.

By Mr. LAWRENCE: Petition of Vincent E. Barnes, of Westfield, Mass., for amendments to the Constitution—to the Committee on the Judiciary.

By Mr. LILLEY: Petition of citizens of New Haven, Conn., and Mansfield, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. LINDBERGH: Petition of citizens of New York City, asking relief for heirs of *Slocum* disaster—to the Committee on Claims.

By Mr. LITTLEFIELD: Petition of residents of Auburn, Me., for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. LOUD: Petition of John G. Smith and others, of Coleman, Mich., for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Herbert Dafoe and others, for S. 5122, to establish a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petitions of Dendnark, Laconia, and Hope (N. Y.) granges, favoring the enactment of legislation for Federal assistance in the construction of highways—to the Committee on Agriculture.

By Mr. McHENRY: Petition of citizens of Las Vegas, N. Mex., favoring the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of citizens of Columbia County, Pa., for parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Sullivan County, Pa., for national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. MADDEN: Petition of citizens of Chicago, Ill., against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of Deer River Grange, Lawrenceville, N. Y., for Federal aid in construction of highways—to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of B. C. Hancock and 297 other citizens of the Sixth Congressional District, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. NORRIS: Petition of citizens of Nebraska, against passage of H. R. 4929—to the Committee on the District of Columbia.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of Amasa Ezell—to the Committee on War Claims.

By Mr. PAYNE: Petition of Scipioville, N. Y., against H. R. 4897, religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PRINCE: Petition of residents of Galesburg and Pontiac, Ill., against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. LOWDEN: Petition of citizens of Dixon, Lee County, Ill., for an appropriation to deepen Rock River at and below the city of Dixon, for benefits to accrue from construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. WANGER: Petition of North American Fish and Game Protective Association, for international control of the boundary lakes and rivers of the United States and Canada—to the Committee on Foreign Affairs.

Also, petition of Jonathan P. Shower and 5 other residents of Pottstown, Pa., against religious legislation in the District of Columbia (H. R. 4897 and 4929)—to the Committee on the District of Columbia.

By Mr. WASHBURN: Papers to accompany bills for relief of Agnes T. Murphy and Mrs. Pauline Paul—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March 30, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Journal of the proceedings of Friday last was read and approved.

SENATOR FROM VERMONT.

Mr. DILLINGHAM. Mr. President, I beg leave to present the credentials of Hon. John W. Stewart, appointed by the governor of Vermont a Senator from that State in the Senate of the United States to fill the vacancy caused by the death of the late Senator Redfield Proctor. I ask that the credentials be read and placed on file.

The credentials of John W. Stewart, appointed by the governor of the State of Vermont a Senator from that State to fill, until the next meeting of the legislature thereof, the vacancy caused by the death of Redfield Proctor in the term ending March 3, 1911, were read and ordered to be filed.

Mr. DILLINGHAM. The Senator appointed is present in the Chamber and ready to take the oath of office.

The VICE-PRESIDENT. The Senator appointed will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Stewart was escorted to the Vice-President's desk by Mr. DILLINGHAM, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Hiram*, Pardon Sheldon, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The City of Nashville *v.* United States, which, with the accompanying paper, was referred to the Court of Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 19475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 19737. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19863. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn.; and

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico.

TENNESSEE RIVER BRIDGE.

Mr. McCREARY. I ask unanimous consent for the immediate consideration of the bill (H. R. 18616) to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River. The company is very anxious to have the bill passed. It has already passed the House and been reported from the Committee on Commerce of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. GALLINGER. I will not object to this bill, but after it has been considered I shall ask for the regular order, which is morning business.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGES.

Mr. McCREARY. I will say to the Senator from New Hampshire that the same railroad company want, as soon as practicable, to construct bridges across the Cumberland River.

Mr. GALLINGER. Let the bill be passed quickly then.

Mr. McCREARY. I ask unanimous consent for the consideration of the bill (H. R. 18615) to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFEDERATED BANDS OF UTE INDIANS IN COLORADO.

Mr. TELLER. Some days ago the bill (S. 5038) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado, was reached on the Calendar and was read, but because of the absence of the senior Senator from Massachusetts [Mr. LODGE] I did not call for a vote upon it. The senior Senator has since returned and assures me that he does not care to intervene with the bill. So I ask that it be taken up and put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. Now, I demand the regular order.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a concurrent resolution of the thirty-second general assembly of the State of Iowa, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

STATE OF IOWA,
SECRETARY OF STATE.

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of concurrent resolution of the thirty-second general assembly of the State of Iowa, making application to the Congress of the United States, requesting that the surviving members of the military organization known as the "Iowa Northern Border Brigade" be given the same rights and privileges for pension as given officers and soldiers of the civil war, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, March 25, 1908.

[SEAL.] W. C. HAYWARD,
Secretary of State.

Concurrent resolution of the thirty-second general assembly of the State of Iowa, making application to the Congress of the United States, requesting that the surviving members of the military organization known as the "Iowa Northern Border Brigade" be given the same rights and privileges for pension as given officers and soldiers of the civil war.

Whereas the military organization known as the "Iowa Northern Border Brigade" having performed service which the United States Government troops had previously performed in protecting the settlers upon the northern borders of the State of Iowa at a time during the civil war when the Government did not have the troops to spare for such service; and

Whereas the above-named military organization was not regularly mustered into the service of the United States: Therefore, be it

Resolved by the house (the senate concurring):

SECTION 1. That the Congress of the United States be, and is hereby, requested to enact such legislation as will place the surviving members of the Iowa Northern Border Brigade, who rendered active service in protecting settlers against Indian depredations, in the same position as applicants for pensions from the General Government as though they had been regularly mustered into the service of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, with the request that the same shall be placed before the said Senate and House.

Adopted April 6, A. D. 1907.

The VICE-PRESIDENT presented a petition of the Commercial Club of Muscatine, Iowa, and a petition of the city council of Burlington, Iowa, praying that an annual appropriation of

$2,000,000 be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

He also presented a memorial of Detroit Post, No. 384, Department of Michigan, Grand Army of the Republic, of Detroit, Mich., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Cattle Raisers' Association of Texas, praying that an appropriation of $300,000 be made for the eradication of the fever tick, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for the enactment of legislation requiring railroads to provide prompt and sufficient facilities for the transportation of live stock, etc., which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted at the thirty-second annual convention of the Cattle Raisers' Association, held at San Antonio, Tex., favoring the present animal and meat inspection laws and recommending a continuance of the same, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for the enactment of legislation to prohibit any railroad company from advancing interstate rates, fares, and charges, except upon the approval of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for the enactment of legislation providing for the leasing of sufficient of the public lands of the United States to stockmen to enable them to conduct their business successfully, which was referred to the Committee on Public Lands.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for a favorable consideration of a maximum and minimum tariff so as to afford to the live-stock raisers and farmers of the country a more extended market for live stock, its products, and other farm products, which was referred to the Committee on Finance.

He also presented memorials of sundry organizations of Texas, California, New York, Wisconsin, Iowa, Colorado, Pennsylvania, Montana, Michigan, Missouri, Illinois, Ohio, New Jersey, Georgia, Minnesota, Massachusetts, Kentucky, and Florida, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the Commercial Club of Duluth, Minn., praying that an appropriation be made for the improvement of the harbor at that place, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Wayzata, Minn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 23, United National Association of Post-Office Clerks, of St. Paul, Minn., praying for the adoption of the so-called "Crane amendment" to the post-office appropriation bill relative to the promotion of post-office clerks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a memorial of the New England Shoe and Leather Association, of Boston, Mass., remonstrating against the enactment of legislation limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or the District of Columbia, which was referred to the Committee on Education and Labor.

He also presented a petition of the Christian Endeavor Society of the Congregational Church of Plainfield, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Oregon, California, Wyoming, Tennessee, South Carolina, Idaho, New York, Wisconsin, Nebraska, Washington, Arkansas, Illinois, and the District of Columbia, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of sundry citizens of Rock Island County, Ill., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Celtic Literary Association, of North Attleboro, Mass.; the Shamrock Club, of New York City, N. Y.; the St. Patrick's Alliance, of Passaic, N. J., and of sundry citizens of Delta, Mich., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a memorial of the Rhode Island Woman Suffrage Association, of Providence, R. I., remonstrating against the proposed increase of the United States Navy, which was referred to the Committee on Naval Affairs.

Mr. BRIGGS presented the petition of Bishop James A. McFaul, of Trenton, N. J., praying for the enactment of legislation to increase the claim of the Philippine Church to $500,000, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Hightstown, Windsor, Hopewell, Mantua, Clayton, Blue Anchor, Delaware, Valley, and Tennent, and of the Board of Trade of Newark, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Palisade Lodge, No. 592, Brotherhood of Railroad Trainmen, of Jersey City; of Subdivision Lodge, No. 22, International Brotherhood of Locomotive Engineers, of Camden, and of Excelsior Lodge, No. 11, Brotherhood of Locomotive Engineers, of Phillipsburg, all in the State of New Jersey, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which were referred to the Committee on the Judiciary.

He also presented the petition of J. M. Green, principal of the New Jersey State Normal and Model Schools, of Trenton, N. J., praying for the passage of the so-called "Dolliver bill," providing for the direction and control of public education in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the publisher of the Herald, of Montclair, N. J., and a petition of the publisher of the Daily Enterprise, of Burlington, N. J., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of the State Military Board, of Trenton, N. J., remonstrating against the adoption of certain sections of the so-called "Dick bill" providing for the reorganization of the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 301, Association of Painters, Decorators, and Paper Hangers, of Trenton, N. J., and a petition of Local Union No. 3, National Print Cutters' Association, of New Brunswick, N. J., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which were referred to the Committee on Naval Affairs.

Mr. LONG presented an affidavit to accompany the bill (S. 6137) granting an increase of pension to William B. Jones, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Robertsdale, Ala.; Ceres and Corona, Cal.; Knox, Ind.; Lake Arthur, La.; Carthage, Mendota, Mountain Grove, Pansy, and Washburn, in the State of Missouri; Lenton, Montavilla, Oregon City, and Portland, in the State of Oregon; Nashville, Tenn.; Salt Lake City, Utah, and Centralia, Wash., remonstrating against the enactment of a Sunday-rest law for the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DEPEW presented a petition of the Civic Federation of Honolulu, Hawaii, and a petition of the Ministerial Association of Honolulu, Hawaii, praying for the enactment of legislation to revise and codify the laws of the United States relating to polygamy, unlawful cohabitation, etc., in the Territories, which were referred to the Committee on the Judiciary.

He also presented a petition of Wharton Valley Grange, No. 991, Patrons of Husbandry, of Edmeston, N. Y., and a petition of Local Grange No. 1051, Patrons of Husbandry, of North Rose, N. Y., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Twenty-seventh Assembly District Republican Club, of New York City, N. Y., and a petition of the Republican County Committee of New York City, N. Y., praying for the enactment of legislation providing for the reenlistment of certain former members of the Twenty-fifth United States Infantry, which were referred to the Committee on Military Affairs.

Mr. DICK presented petitions of sundry citizens of Huron, Tiffin, Windsor, Pierce, North Industry, Lexington, Mansfield, Bellville, Jefferson, and Thornville, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Coshocton, Ohio, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 63, International Typographical Union, of Toledo, Ohio, praying for the adoption of a certain amendment to the bill to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also introduced petitions of sundry letter-carrier associations of Cleveland and Xenia, in the State of Ohio; of Omaha, Nebr., and of Buffalo, N. Y., praying for the enactment of legislation to promote letter carriers from the $1,100 to the $1,200 grade, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of the T. A. Roberts Post, No. 49, Grand Army of the Republic, Department of Maine, of Oxford, Me., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

He also presented petitions of Local Grange, Patrons of Husbandry, of Readfield; of sundry citizens of Industry, St. Albans, Paris, and West Paris, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of the Converse County Cattle Growers' Association, of Douglas, Wyo., praying for the enactment of legislation to provide for the leasing of the public grazing lands, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented memorials of the Ancient Order of Hibernians, of Derby; of sundry citizens of Ansonia, and of the Emmet Club, of New Britain, all in the State of Connecticut, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. STONE presented memorials of the Central Trades and Labor Union of St. Louis; of Local Union No. 119, International Typographical Union, of Jefferson City, and of the Trades and Labor Assembly of Hannibal, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Springfield, Mo., praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of the congregation of the South Joplin Christian Church, of Joplin; of the Woman's Christian Temperance Union of Liberal, and of sundry citizens of Dunklin County, all in the State of Missouri, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 6090) for the relief of Annie Halderman, legal representative of George P. Dorris, deceased, which was referred to the Committee on Claims.

He also presented an affidavit to accompany the bill (S. 813) for the relief of the heirs of George W. Hockensmith, deceased, which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 814) for the relief of the heirs of John Ament, deceased, which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 815) for the relief of the heirs of George W. Yancey, deceased, which was referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 4238) for the relief of Sidney J. Wetherell, assignee of A. V. Davis, which was referred to the Committee on Claims.

Mr. PERKINS presented a petition of sundry citizens of San Francisco, Cal., praying for the enactment of legislation creating a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. LODGE presented a petition of the Massachusetts Lumbermen's Association, praying for the enactment of legislation to create a national forest reserve in the Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Rowley Grange, No. 204, Patrons of Husbandry, of Rowley, Mass., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads."

Mr. BURNHAM presented a petition of Council Grange, No. 25, Patrons of Husbandry, of Council, N. H., praying for the passage of the so-called "Burnham rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of members of the Society of the Daughters of the American Revolution of East Derry, N. H., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore Matthew Fontaine Maury, which was referred to the Committee on the Library.

He also presented the petition of M. E. Jaffa, associate professor of nutrition, University of California, Berkeley, Cal., praying that an appropriation be made for an investigation into the subject of the nutrition of man, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Association of Boston, Mass., and a petition of the New Hampshire Lumbermen's Association, of Manchester, N. H., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 6388) granting a pension to Jethro J. T. Garde, which were referred to the Committee on Pensions.

Mr. BULKELEY presented a memorial of the Trades Council of New Haven, Conn., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Woman's Club of Willimantic, Conn., remonstrating against the passage of the so-called "Crumpacker bill" providing for the employment of additional clerks for the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented memorials of sundry citizens of Ansonia; of Local Division No. 1, Ancient Order of Hibernians, of Torrington, and of the Henry Grattan Club of New Haven, all in the State of New Haven, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. DICK, from the Committee on Naval Affairs, to whom was referred the bill (S. 5337) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, reported it with amendments and submitted a report (No. 434) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 13735) to correct the military record of Micaiah R. Evans, reported it with an amendment and submitted a report (No. 435) thereon.

Mr. HEYBURN, from the Committee on Manufactures, to whom was referred the bill (S. 42) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," reported it without amendment and submitted a report (No. 436) thereon.

He also, from the same committee, to whom was referred the bill (S. 3043) to prevent fraudulent representations as to Government guaranties of foods and medicines, reported it with an amendment and submitted a report (No. 437) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 6155) to provide for an enlarged homestead, reported it with an amendment.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. ALLISON. From the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Appropriations was to add, on page 2, after line 14:

DISTRICT OF COLUMBIA.

Police court: For fuel, gas, laundry work, stationery, printing, preservation of records, mops, brooms, buckets, removal of ashes and refuse, telephone service, and all other incidental expenses not otherwise provided for, $500.

The amendment was agreed to.

The next amendment was to add, after the amendment just agreed to:

Garfield Hospital: For additional amount required for isolating ward for minor contagious diseases at Garfield Hospital, $2,000.

The amendment was agreed to.

The next amendment was to add, after the amendment just agreed to, the following:

One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. WARREN. I move to add, on page 2, after line 4, the following:

WAR DEPARTMENT.

Pay of the Army: For mileage to officers and contract surgeons when authorized by law, $50,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 6391) granting a pension to Belle V. Jett, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6392) to authorize the Secretary of War to furnish two condemned brass cannon and cannon balls to the county court of Mercer County, W. Va., which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BRIGGS introduced a bill (S. 6393) to authorize the extension and remodeling of the post-office and court-house building at Trenton, N. J., in accordance with the needs of the circuit and district courts and other Government offices, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. GUGGENHEIM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6394) granting a pension to Martha A. Shute; and

A bill (S. 6395) granting an increase of pension to Joseph L. Wright.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6396) granting an increase of pension to Charles E. Bowman (with accompanying papers); and

A bill (S. 6397) granting an increase of pension to Van Buren Kinney (with accompanying papers).

Mr. CULBERSON introduced a bill (S. 6398) for the relief of Oscar C. Guessaz, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 6399) granting a pension to Napoleon B. Goodknight, which was read twice by its title and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6400) granting an increase of pension to Albert Downing, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HEYBURN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6401) granting an increase of pension to Cornelius Sessions; and

A bill (S. 6402) granting an increase of pension to Frank E. Howard.

Mr. DEPEW introduced a bill (S. 6403) granting a pension to Sarah A. Cooley, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6404) increasing the salaries paid to circuit and district court judges of the United States for the southern district of New York, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6405) for the relief of William C. Bartlett, captain, United States Army, retired, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McCREARY introduced a bill (S. 6406) for the relief of the estate of William Ashurst, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6407) granting an increase of pension to Toor Anderson, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6408) for the relief of the legal representatives of Robert Mitchell, which was read twice by its title and referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6409) permitting the building of a dam or dams across New River, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment directing the Secretary of the Interior to furnish free to all pensioners franked or penalty envelopes, with the proper pension agent's correct name and address thereon, to be used by them only for the return of their pension vouchers, intended to be proposed by him to the pension appropriation bill, which, with the accompanying paper, was referred to the Committee on Pensions and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $30,000 to enable officers of the Army to travel in compliance with orders in connection with the procurement, maintenance, or installation of military material or in connection with the construction of military works, etc., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to increase the number of clerks at $1,200 each at post-office stations under the First Assistant Postmaster-General from 2,954 to 5,637, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $15,000 to complete the sea wall at Fort Heath, Winthrop, Mass., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $15,000 for the construction of a public highway connecting Fort Heath and Fort Banks, Winthrop, Mass., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. BULKELEY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 19463. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 19475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

H. R. 19737. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 19863. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

IRRIGATION IN IMPERIAL VALLEY, CALIFORNIA.

On motion of Mr. FLINT, it was

Ordered, That 2,000 additional copies of Senate Document No. 246, Sixtieth Congress, first session, Irrigation in Imperial Valley, California, etc., be printed for the use of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5589) granting pensions and increase of pensions to certain soldiers

and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was, on page 9, to strike out lines 1 to 4, inclusive.

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

COPIAH COUNTY, MISS.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 10075) for the relief of Copiah County, Miss.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to the board of supervisors of Copiah County, Miss., $164.50, in full compensation for costs incurred in defending the suit of the United States against the board of supervisors of Copiah County and the Virginia Bridge and Iron Company, in the circuit court of the United States for the southern district of Mississippi, at May term, 1899, held at Jackson, Miss., the suit being instituted to enjoin the board of supervisors of Copiah County from constructing a bridge over Pearl River at Rockport, Miss., which injunction was dissolved by the court and costs adjudged against the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site.

Mr. LODGE. I do not intend to object to this bill, but after it has been disposed of I shall ask for the regular order, so that we may dispose of the Calendar, which is a very short one.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I ask that the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, which is under Rule IX, be taken up for consideration after the morning hour.

Mr. LODGE. I gave notice that I should ask for the regular order, which is the Calendar.

The VICE-PRESIDENT. The Senator from Massachusetts demands the regular order. The Secretary will announce the first bill on the Calendar.

Mr. PILES. I am not asking for the consideration of a bill at this time. I am asking for an order for its consideration after the morning hour.

The VICE-PRESIDENT. What is the proposition of the Senator from Washington?

Mr. PILES. I move that after the conclusion of the morning hour the Senate shall proceed to the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington. I stated some time ago that I would move the Senate to proceed to its consideration notwithstanding the objection of the Senator from Idaho [Mr. HEYBURN].

The VICE-PRESIDENT. The Chair understands that at this stage of the business in the morning hour such a motion can be entertained only by unanimous consent.

Mr. LODGE. The motion is not yet in order. It is in order only at 1 o'clock.

The VICE-PRESIDENT. Is there objection to the motion?

Mr. LODGE. I only want to dispose of the Calendar. I do not know what the bill is.

Mr. PILES. It is a bill for the construction of a dam across Snake River, in the State of Washington.

Mr. LODGE. I have not any objection to the bill. I only wanted to begin with the Calendar, that is all.

Mr. HEYBURN. I shall not object, but I give notice that it is a bill which will involve discussion, upon which I am not at this time willing to place a limit.

Mr. PILES. I only wanted to take up the bill at 2 o'clock.

Mr. LODGE. The Senator can move to take it up at 1 o'clock.

The VICE-PRESIDENT. Is there objection?

Mr. FLINT. I should like to ask the Senator from Washington a question. It is whether the bill comes within the provisions of the message of the President of the United States where he stated that he would veto any water-power bill sent to him unless it had some regulation as to the charges to be made.

Mr. PILES. A bill similar to this passed the House of Representatives in the last Congress, and it comes here again having passed the House of Representatives at the present session. Whether the President would apply to it the rule stated in his message, I do not know.

Mr. LODGE. Let us have the regular order.

Mr. GALLINGER. The Senator from Idaho having given notice that he will debate the bill, I must object.

The VICE-PRESIDENT. The regular order is demanded. The first bill on the Calendar will be stated.

MINING TECHNOLOGY BRANCH.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business on the Calendar.

Mr. LODGE. Let the joint resolution go over.

The VICE-PRESIDENT. The joint resolution will go over at the request of the Senator from Massachusetts.

ADDITIONAL LAND DISTRICT IN SOUTH DAKOTA.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order on the Calendar.

Mr. NELSON. Let the bill go over.

Mr. GAMBLE. This bill was reported from the Committee on Public Lands on the 5th of February last and has remained on the Calendar undisposed of since that time. It has been reached upon the regular call of the Calendar a number of times, but at the instance of my colleague its consideration has been objected to and the bill has gone over.

Mr. NELSON. At the request of the Senator from South Dakota [Mr. KITTREDGE], I shall have to object.

The VICE-PRESIDENT. Objection is made.

Mr. GAMBLE. Mr. President, the passage of this bill has been petitioned for by a very large number of settlers residing in the northwestern section of my State. A great number of letters have come to me, all urging the passage of the measure. Land-office facilities for this particular section are entirely inadequate to the settlers there located, and will be to prospective settlers. The area embraced within the proposed district is far removed from the land office on the south, and is separated from the one on the east by an Indian reservation of very large extent. The measure has the support of the Interior Department, and its passage is recommended by it. Not one protest has reached me, either to its creation, its boundaries, or the area embraced therein. Consideration of the bill at different times has been delayed on account of objections interposed at the request of the junior Senator from my State when the same has been reached upon the call of the Calendar. It was last reached on the regular call of the Calendar last Tuesday. Practically the only substantial suggestion my colleague had to make to me was that he thought certain lands in North Dakota should be included in the proposed district. As I viewed it, and so stated to my colleague, it occurred to me if the North Dakota delegation desires this it was for them to take the initiative and suggest such an amendment, and that no information had been communicated to me by any member of that delegation that such was their desire.

I conferred with the senior Senator from North Dakota, and he informed me he had no objection to the consideration or passage of the bill. I also conferred with the junior Senator from that State, and he had no objection to its consideration, and suggested that the bill be passed, and if it was thought best to amend the bill in the particular named that question could be considered in the House. This occurred before the bill was reached for consideration last Tuesday. Later, on the same day, I conferred with Congressman HALL, of my own State, and he informed me he had taken the matter up with the Members of the House from North Dakota and they had informed him they had no objections to the measure, and they did not intend to ask to have the bill amended in the manner proposed.

Mr. President, the bill has been pending and on the Calendar for nearly two months, and when reached, at the instance of my colleague an objection has been interposed, and under the rule it has gone over. My colleague has again returned to the State. How long he will remain there I have no information. This is a matter of great importance to the northwestern section of my State.

If consideration of the measure is to be denied and the matter held up indefinitely simply upon an objection made without

any grounds specified or reasons given, it seems to me to be an unusual and unwarranted procedure. If there be an objection to it, let the objection be stated. For this there has been ample time. If there is an amendment to be proposed, let the amendment be offered. Ample opportunity has been afforded, and no reason so far has been given why the bill should not at this time be considered. The time of this session is rapidly passing, and if this bill is to receive consideration and pass before this session is concluded, it should be taken up at this time and disposed of. Under the circumstances, I shall insist upon it. No request has come to me either directly or indirectly from my colleague that consideration of the bill be postponed or continued, and no consent thereto has at any time been given by me.

Mr. President, I therefore move the present consideration of the bill, the objection to the contrary notwithstanding.

The VICE-PRESIDENT. The Senator from South Dakota moves that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GAMBLE. I propose the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 6, strike out the word "south" and insert the word "north" in lieu thereof, so as to read:

Thence east on the said third standard parallel north to a point where the same intersects the western boundary line of the county of Schnasse; thence north along the western boundary line of said county to the southwest corner of said county of Schnasse.

The amendment was agreed to.

Mr. GAMBLE. On page 2, line 7, I move to strike out all after the word "to" down to and including the word "Schnasse," in line 8, and to insert:

Point where the same intersects the fifth standard parallel north; thence east along the said fifth standard parallel north to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to a point where the same intersects the State line between the States of North Dakota and South Dakota; thence west along the said State line.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was announced as next in order on the Calendar.

Mr. McLAURIN. I am preparing an amendment to that bill which will be agreed to by the committee. I ask that the bill may go over, retaining its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Mississippi.

DEPUTY CLERK OF CIRCUIT AND DISTRICT COURTS.

The bill (H. R. 14282) to authorize the appointment of a deputy clerk at Big Stone Gap, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. GALLINGER. The senior Senator from Indiana [Mr. BEVERIDGE], who is absent from the city at the present time, has an amendment which he proposes to offer to this bill, and he desires to be heard on his amendment. I am very sorry that the measure has to be postponed further, but under the circumstances I will ask that the bill go over, adding, Mr. President, that at an early day, if necessary, I will move to take up the bill for consideration.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

LEASING OF INDIAN LANDS.

The bill (S. 4703) to provide for the leasing of allotted Indian lands for mining purposes was considered as in Committee of the Whole. It provides that all lands allotted to Indians in severalty may be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior, and authorizes the Secretary of the Interior to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Mr. HEYBURN. I should like to hear some explanation of the bill. It is a measure of very wide significance. On its face it would seem to authorize the leasing of mineral lands, which include oil lands and coal lands on Indian reservations, without the consent of the Indians. I should like to know from the Senator who reported the bill something about it.

Mr. CLARK of Wyoming. The simple fact of the matter is that lands can not be leased for mineral purposes in Indian reservations. The bill refers to allotted lands. The present law requires that a lease shall not be made to exceed five years. Coal lands can not be equipped under a five-year lease. The bill allows a lease for a greater length of time if the Secretary of the Interior so desires.

Mr. HEYBURN. Mr. President, this bill seems to provide—

That all lands allotted to Indians in severalty may be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior.

If they have been allotted to Indians, where is the provision that the Indians may be consulted in regard to it?

Mr. CLARK of Wyoming. That the Indian may be consulted?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. The lands have been allotted to the Indians.

Mr. HEYBURN. Yes; but the Secretary of the Interior is authorized here to lease allotted lands?

Mr. CLARK of Wyoming. No.

Mr. HEYBURN. That is the way the bill reads.

Mr. CLARK of Wyoming. Oh, no; this provides that the Indians may lease the lands for a greater period than five years, while under the present law they can not.

Mr. HEYBURN. This bill does not say so in such terms as to convey that idea.

Mr. CLARK of Wyoming. The Senator from Idaho, of course, understands that allotted lands are lands which are held in severalty by the Indians.

Mr. HEYBURN. "That all lands allotted to Indians in severalty may be leased——

Mr. CLARK of Wyoming. Yes.

Mr. GALLINGER. "May by them be leased."

Mr. CLARK of Wyoming. That is, the land of the Indians.

Mr. HEYBURN. This bill says, "May be leased for mining purposes." If this is amended so as to provide that the Indians may lease it——

Mr. CLARK of Wyoming. There is no more need of that than there is to say that the Senator from Idaho may lease his land.

Mr. HEYBURN. Who owns these lands?

Mr. CLARK of Wyoming. The individual Indians.

Mr. HEYBURN. Well, why should not the Indian who owns the land be the one who participates in making a lease?

Mr. CLARK of Wyoming. He certainly is the one. This removes the restriction that is now upon the Indian in the leasing of his allotted lands.

Mr. HEYBURN. Then, I move to insert on line 3, after the word "may," the words "by them."

Mr. CLARK of Wyoming. I have no personal objection to it, only it is a rather ludicrous proposition, because nobody else can lease them. The Secretary of the Interior can not make a lease of allotted lands.

Mr. HEYBURN. I should like those words inserted.

Mr. CLARK of Wyoming. I am perfectly willing that those words shall go into the bill.

Mr. HEYBURN. I should like this to be so unambiguous as to leave no doubt about it, because the impression that it made upon my mind in reading it was that there was not a sufficiently definite expression that would indicate that the Indian might lease the land.

Mr. CLARK of Wyoming. Insert the words "by said allottees."

Mr. HEYBURN. Yes; insert the words "by said allottees."

Mr. CLARK of Wyoming. There is no earthly objection to the amendment, as that is exactly what the bill means.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. In line 3, after the word "may," it is proposed to insert "by said allottees," so as to read:

That all lands allotted to Indians in severalty may, by said allottees, be leased for mining purposes, etc.

The amendment was agreed to.

Mr. GALLINGER. In line 8, after the word "carrying," I move to strike out the words "this provision" and to insert "the provisions of this act."

The VICE-PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In line 8, after the word "carrying," it is proposed to strike out the words "this provision" and insert the words "the provisions of this act," so as to read:

For the purpose of carrying the provisions of this act into full force and effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMPLEMENT OF CREWS OF VESSELS.

The bill (H. R. 225) to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life, was considered as in Committee of the Whole. It proposes to amend section 4463 of the Revised Statutes of the United States so as to read as follows:

SEC. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the supervising inspector-general, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

If any such vessel is deprived of the services of any member of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage, if in the judgment of the master she is sufficiently manned for such voyage.

If the master shall fail to explain in writing such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall have been insufficiently manned, in the judgment of the local inspectors, the master shall be liable to a penalty of $100, or in case of an insufficient number of licensed officers to a penalty of $500.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CRIMINAL CODE FOR ALASKA.

The bill (S. 4748) to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Territories with amendments. The first amendment was, in section 1, page 4, line 10, after the word "minor," to strike out "upon or about the premises" and to insert "in or about the rooms where liquor is sold or served," so as to read:

Sixth. That he will not conduct, maintain, or permit the maintenance of any gambling, dance hall, or bawdy house on or in connection with the premises, nor permit any female or minor in or about the rooms where liquor is sold or served.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I want to ask the Senator from Minnesota [Mr. NELSON], who introduced this bill, as to the phraseology found on page 2, commencing after the word "reside," in line 18, and reading as follows:

Except that the respective district judges may in their discretion grant licenses at regularly established road houses to the keeper of said road houses on main traveled post-roads and post trails in the district.

I do not know what they call "road houses" in the district of Alaska, but in my section of the country a road house is a pretty bad place, and we are not in the habit of licensing them. On the contrary, we are in the habit of closing them out. I should like the Senator from Minnesota to explain to me wherein there is any difference in Alaska in that respect.

Mr. NELSON. The term "road house" in Alaska has a perfectly well-defined and well-understood meaning. They are little country taverns along the trails and roads where packers go to get a night's lodging for themselves and a place to feed their mules or horses. They are as reputable places as any that can be found in the shape of country taverns anywhere; but in that section of the country they have received the name of "road houses." I stopped at one of them in my trip in Alaska. They are generally made of spruce logs and in a very primitive condition; but they are adapted to the wants of the country. As a rule, they are as orderly and well kept as hotels in that country can be kept. They are known throughout the whole district of Alaska by the term "road house." They have that designation. I am aware of what the Senator from New Hampshire refers to; but the meaning that is applied to the term here at home in the States does not apply to such institutions in Alaska.

Mr. GALLINGER. Mr. President, I have not examined this bill carefully. I know the Senator from Minnesota has done so, and he knows much more about Alaskan matters than I pretend to know. I will ask the Senator why the discretion of granting licenses to this class of places is put in the hands of the district judges?

Mr. NELSON. There is no other licensing power in Alaska. All Alaskan licenses, trade licenses, liquor licenses, and others, are left in the hands of the district judges. They have no other government there. Whatever civil government there is in Alaska is in the hands of the district judges; and there is no other body or any other authority to pass upon licenses.

Mr. GALLINGER. Do district judges grant all licenses in Alaska?

Mr. NELSON. All licenses are granted by the district judges; not only liquor licenses, but trade licenses.

Mr. GALLINGER. That is what I wanted to find out.

Mr. NELSON. And that has always been the law since they have had a license system in Alaska.

Mr. GALLINGER. It may be a good system, and very likely is. I will now ask the Senator, Mr. President, what the general purpose of this bill is. I have noticed somewhere that it proposes to change the places where liquors may be sold from below, on the ground floor, to upstairs.

Mr. NELSON. There is nothing of that kind in the bill.

Mr. GALLINGER. There is nothing like that?

Mr. NELSON. The object is to restrict this to regular town or mining settlements and to road houses and to increase the license. The chief amendment in this bill relates to the matter of licenses. Under existing law they have a sliding scale based upon population; but the population is continually fluctuating, and every time there is a change in population of a given district they proceed to have the license changed. This bill makes it a fixed amount in every case.

Mr. GALLINGER. And under existing law, I will ask the Senator, Do not the district judges have authority to issue licenses to these so-called "road houses" if they are hotels?

Mr. NELSON. Yes; they have.

Mr. GALLINGER. Then, why is it necessary to grant them the authority specifically in this bill?

Mr. NELSON. Because it makes a distinction. The ordinary retail liquor license is fixed at $1,000 now, but the little road houses along the trails can not afford to pay that, and there is established a reduced scale for those road houses.

Mr. GALLINGER. How much reduction is made?

Mr. NELSON. Under the former law they had to pay a minimum license of $500, and under this bill it is $250.

Mr. GALLINGER. I will ask the Senator if, when he stopped at one of these places, he discovered that anybody was suffering for intoxicating liquors under the existing license?

Mr. NELSON. The road house where I stopped, which was some 15 or 20 miles out of Valdez, sold no liquor at all.

Mr. GALLINGER. That was a good hotel.

Mr. NELSON. But it was simply a plain road house. They had sold liquor; they had been authorized to sell liquor there; but the man who kept it at that time did not sell any.

Mr. GALLINGER. Mr. President, I will not pursue my inquiries any further.

Mr. NELSON. I will say in reference to this bill that the chief object of it was, first of all, to make a fixed standard as to the license without regard to population, and, in the next place, to limit it to the mining camps and road houses, and, in the third place, to prevent all kinds of gambling. If the Senator would read the bill, he would find that provision is made for that.

Mr. GALLINGER. In what section, I will ask the Senator?

Mr. NELSON. I will read it in a moment.

Mr. GALLINGER. Mr. President, of course I take the Senator's word, and the provision he has referred to is certainly a very meritorious one.

Mr. NELSON. I want to say to the Senator, without going into details, that this bill was prepared under the direction of Governor Hoggatt, of that district, who has made great efforts to suppress all kinds of gambling and other vicious practices and to regulate the liquor traffic so far as it is possible to regulate it in that district.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from California?

Mr. GALLINGER. Knowing the interest the Senator has in Alaskan matters and particularly in the matter of regulating the liquor traffic, I will listen to what the Senator has doubtless told me forty times already. [Laughter.]

Mr. PERKINS. For the information of my friend from New Hampshire, I will say that some eight years since, I think, we

took issue upon this proposition. I am in sympathy with the temperance cause, having been born in the State of Maine, which is a prohibitory State so far as the sale of liquor in public is concerned, although there is no trouble getting it quietly anywhere. [Laughter.] My friend from Alaska said to me: "PERKINS, how can you consistently support a measure for Alaska providing for a high license or any other license for retailing liquor?" I replied that I did it in the interest of good government.

Mr. GALLINGER. I will interrupt the Senator to say that he must not refer to me as "my friend from Alaska."

Mr. PERKINS. Well, the Senator has, I understand, a mining claim in that territory; so I suppose that makes him a resident. [Laughter.] I said to him—and I wish to repeat it today—that I have done more for the cause of temperance in becoming the author of this bill and using my influence to have it become a law than all the temperance societies in the State of New Hampshire and my own native State of Maine, for the reason that when the district of Alaska was a prohibition Territory and a premium was put upon the smuggling of liquor into the Territory, I was operating steamers at the time, and every coal passer, every steward, every waiter, and every sailor on the ship was more or less of a smuggler. I remember one instance where in the compartment of one of our ships there were twenty-five barrels of sugar. It was melted by the water in the tank or in the compartment of the ship, and when the sugar was gone there were found sixteen kegs of whisky remaining in the barrels. So, Mr. President, the law put a premium upon the smuggling of liquor into the district of Alaska; and as a result of that fact it was anything but a prohibition Territory. In the town of Juneau, Mr. Hamlin, who was then Assistant Secretary of the Treasury, informed me that there were twenty-eight saloons when he visited that town. After the law—for which my friend from New Hampshire, I am sorry to say, did not vote—was enacted, instead of twenty-eight saloons in Juneau the number was reduced to seven, I think; and each saloon keeper became an officer of the law, as it were, to see that others did not enjoy a privilege that he was obliged to pay for.

The fund derived from the high liquor license in Alaska went into the school fund, and it has enabled us to educate the young lady Esquimaux and the Indians of that Territory. The law has been productive of more good than I can express in the short time that is allotted for the consideration of this bill.

I want to repeat to my friend from New Hampshire, who later will be from Alaska, that we have done more for the cause of temperance in the enactment of this measure than any legislative act that I can call to mind.

Mr. NELSON. I desire to call attention——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. Certainly.

Mr. NELSON. I desire to call the attention of the Senator from New Hampshire to pages 3 and 4 of the bill. On page 3 there is a provision which requires that a person desiring a license shall make a written application, and the bill specifies what the application shall contain. I call the Senator's attention also to the following item on page 4:

Sixth. That he will not conduct, maintain, or permit the maintenance of any gambling, dance hall, or bawdy house on or in connection with the premises, nor permit any female or minor in or about the rooms where liquor is sold or served.

The next paragraph provides:

That if any false statement is made in any part of such petition or affidavit the petitioner or petitioners shall be deemed guilty of perjury, and upon conviction thereof his license shall be revoked and he shall be subject to the penalties provided by law for the crime of perjury.

Mr. GALLINGER. Mr. President, I have no disposition to delay the consideration of the bill. My attention was attracted by that word "road house." I thought if it had not a different signification from what it has in our part of the country such places ought not to be licensed.

Mr. NELSON. The term "road house" simply refers to the little taverns along the trails and roads.

Mr. GALLINGER. I am inclined to think, from the casual examination I have given to it, that it is a good bill, and that it will result in good rather than harm. For that reason I hope it will pass.

The VICE-PRESIDENT. The next committee amendment will be stated.

The next amendment of the Committee on Territories was, on page 5, line 22, after the word "be," to strike out "one" and insert "two," so as to read:

That the fee for a wholesale license shall be $2,000 per annum, and for a barroom or retail license $1,000 per annum, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM RADCLIFFE.

The bill (S. 5207) for the relief of William Radcliffe was considered as in Committee of the Whole. It proposes to appropriate $25,000 to pay William Radcliffe, a British subject, for damages caused by destruction of his fish hatchery and property in Delta, Colo., by a mob in 1901.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POWER AND RESERVOIR SITES ON INDIAN RESERVATIONS.

The bill (S. 5604) authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 1, after the word "shall," at the end of line 8, to strike out "dispose of the lands so reserved either on sealed bids or at public outcry to the highest bidder on such terms and conditions as he may prescribe, the proceeds to be used for the benefit of the Indians," and insert "report to Congress such reservation;" and on page 2, line 7, after the word "as," to strike out "the allottees or their successors can, by appropriate proceedings, take charge of and conduct their own irrigation systems; thereupon the reservoir sites shall be conveyed to the company or corporation formed by the persons benefited by the irrigation system, under such rules and regulations and on such conditions as the Secretary of the Interior may prescribe," and insert "Congress may further legislate thereon;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to reserve for power sites all lands adjacent to falls and rapids in any stream or streams within an Indian reservation before the surplus lands of such reservation are opened to settlement or entry under either the public-land laws or special acts of Congress, and he shall report to Congress such reservation; and he is also authorized and directed to reserve such natural reservoir sites on any Indian reservation as may be needed to impound water to irrigate lands allotted to the Indians of such reservation, and the sites so reserved shall be held in trust for the allottees whose lands are benefited by the irrigation system until such time as Congress may further legislate thereon.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORA E. REED.

The bill (S. 1160) to correct the military record of Lora E. Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "discharge," to insert:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Lora E. Reed, late a member of Battery I, First Regiment Ohio Artillery, and to issue to him an honorable discharge: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF GEORGE A. ARMSTRONG.

The bill (S. 1744) for the relief of the heirs of George A. Armstrong was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the heirs of George A. Armstrong, late captain Company D, Seventh Michigan Cavalry, $532.45, as pay and emoluments from January 28, 1864, to May 30, 1864, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMNIBUS CLAIMS BILL.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman and Tucker acts," was announced as next in order.

Mr. SMOOT. Mr. President, I ask that that bill may go over without prejudice.

Mr. McCREARY. Mr. President, I desire to ask the Senator from Utah who has asked that the bill go over without prejudice, when it is proposed that the bill known as the "omnibus claims bill" will be taken up for consideration? It is a very important bill, and contains many claims that ought to be paid.

Mr. SMOOT. I will say to the Senator from Kentucky that the chairman of the Committee on Claims [Mr. FULTON] is absent from the city. He is now in Oregon, and intends to return between the 20th and 25th of April. He does not desire the bill to be considered until his return.

Mr. McCREARY. He prefers that the bill should not be considered until he returns?

Mr. SMOOT. Yes, sir.

The VICE-PRESIDENT. At the request of the Senator from Utah, the bill will be passed over without prejudice.

CONDEMNATION OF LANDS FOR STREETS.

The bill (S. 4814) to amend section 491n of the Code of Law for the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, on page 2, line 3, after the word "record," to strike out "or other title to the property condemned as imperfect" and insert "is imperfect or the title to the property is in dispute or uncertain;" and, in line 8, after the word "Columbia," to insert "for the use of the rightful owners," so as to make the bill read:

Be it enacted, etc., That the act of Congress entitled "An act to amend an act entitled 'An act to establish a Code of Law for the District of Columbia,' regulating proceedings for condemnation of lands for streets," approved April 30, 1906, be, and the same is hereby, amended so that section 491n thereof will read as follows:

"SEC. 491n. In case any of the owners of land heretofore or hereafter condemned for public use, whether under the provisions of said code or by virtue of any special or general act of Congress, are under disability or can not be found, or neglect or refuse to receive the money awarded to them; or in case the record is imperfect or the title to the property is in dispute or uncertain, the money due the owners of the property for damages for land taken may be deposited in the registry of the supreme court of the District of Columbia, for the use of the rightful owners, without cost or expense to said District; and thereupon the title to the land condemned shall become vested in the District of Columbia."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. Mr. President, referring to Calendar No. 74, House bill 7618, to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, I should like to move that the Senate proceed to the consideration of that bill at 2 o'clock today. The Senator from Idaho and myself——

The VICE-PRESIDENT. The Senator from Washington moves that at 2 o'clock the Senate proceed to the consideration of the bill named by him.

Mr. LODGE. I have no objection to the bill or to taking it up at 2 o'clock; but as a matter of parliamentary order I think that motion is not correct. You either have to make a special order to take a certain bill up at a certain hour, or you must move at that hour to take it up. I do not think you can make a motion in advance. The Senator can ask unanimous consent that the bill be taken up at 2 o'clock.

The VICE-PRESIDENT. The Senator from Washington can move to take it up now and then ask to lay it aside until 2 o'clock.

Mr. LODGE. Oh, yes; he can do that.

Mr. PILES. Then I move that the Senate proceed to the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

The motion was agreed to.

Mr. PILES. Now I ask that the bill be temporarily laid aside until the hour of 2 o'clock.

The VICE-PRESIDENT. The Senator from Washington asks unanimous consent that the bill be now laid aside and that its consideration be resumed at 2 o'clock. In the absence of objection, it is so ordered.

RICHARD A. PROCTOR.

The bill (S. 665) for the relief of Richard A. Proctor was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Richard A. Proctor $300 for use of lands near Fort D. A. Russell, Wyo., as part of the target range during the seasons of 1906 and 1907.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

A. E. COUCH.

The bill (H. R. 12292) for the relief of A. E. Couch was considered as in Committee of the Whole. It proposes to appropriate $42.85 to pay to A. E. Couch, of Carterton, Russell County, Va., that being the amount of costs deposited by him with L. P. Summers, collector of the sixth collection district of Virginia, and inadvertently by the collector deposited to the credit of the Treasurer of the United States, when it should have been deposited with the Secretary of the Treasury as an offer of compromise of a certain criminal prosecution then pending in the United States district court for the western district of Virginia against A. E. Couch, the sum having been deposited in the Treasury of the United States on the 17th of May, 1905.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROMAN SCHOLTER.

The bill (H. R. 6664) for the relief of Roman Scholter was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Roman Scholter, of Oshkosh, Wis., $432, that amount having been erroneously paid by him to the United States Government as duty upon pictorial paintings on glass, being works of art imported expressly for presentation to an incorporated religious society.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

D. J. HOLMES.

The bill (S. 437) for the relief of D. J. Holmes was considered as in Committee of the Whole.

The bill had been reported by the Committee on Public Lands, with an amendment in line 6, after the words "sum of," to strike out "eight hundred and ninety-five," and insert "five hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury, be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to D. J. Holmes, of Portland, Oreg., the sum of $500, in full satisfaction for moneys expended by said Holmes on preemption claim to the northwest quarter of section 10, in township 6 south, of range 12 east of the Willamette meridian, in The Dalles land district, State of Oregon, on which he filed declaratory statement No. 4688, June 1, 1885, and on which he settled May 17, 1885, and from which he was ousted by the same being included by a certain survey in the Warm Springs Indian Reservation in said State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. EDMUND STRONG.

The bill (H. R. 15070) for the relief of J. Edmund Strong was considered as in Committee of the Whole. It proposes to pay to J. Edmund Strong $434.89.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHEVY CHASE, MD.

The bill (S. 4107) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. DE L. LAFITTE.

The bill (S. 5268) for the relief of J. de L. Lafitte was announced as the next business in order on the Calendar.

Mr. LODGE. I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from Massachusetts.

ASSIGNEE OF WARNER BAILEY.

The bill (S. 5620) to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to insert at the end of the bill the following proviso:

Provided, That the said patent shall be in full satisfaction of and shall extinguish military bounty land warrants Nos. 75743 and 75183, issued to Warner Bailey.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SETH WARDELL.

The bill (S. 5227) granting an honorable discharge to Seth Wardell, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, in line 4, to strike out "an honorable" and insert "a," so as make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to grant a discharge to Seth Wardell, late seaman U. S. sloop of war Ino.

The amendment was agreed to.

Mr. LODGE. I move to insert at the end of the bill the amendment I send to the desk, which is usual on such bills.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. It is proposed to add at the end of the bill:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS L. RODGERS.

The bill (S. 4782) to remove the charge of desertion against Thomas L. Rodgers was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out "an honorable" in line 8, and insert "a," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion now borne on the records of the Navy Department against the name of Thomas L. Rodgers, formerly a landsman on the U. S. S. Monadnock, to amend his naval record accordingly, and to issue to said Thomas L. Rodgers a discharge.

The amendment was agreed to.

Mr. LODGE. I move the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER BRIDGE, ILLINOIS.

The bill (S. 6131) to authorize the construction of a bridge across the Rock River, State of Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO CERTAIN SOLDIERS, ETC.

The bill (H. R. 603) granting an increase of pension to John A. M. La Pierre was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John A. M. La Pierre, late first lieutenant Company E and first lieutenant and adjutant Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Carroll, late of Company D, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward A. Russell, late captain Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joel F. Overholser, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannegan C. Norvell, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas S. Chrisman, late of Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phebe A. Barteaux, widow of David W. Barteaux, late of Company F, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elbert M. Watts, late of Company E, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Wolfley, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Athey, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. Lang, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew Risser, late of Company D, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard P. McGrath, late of Company B, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Foust, late of Company F, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Donaldson, late of Company D, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Evans, late of Company D, Engineers of the West, Missouri Volunteers, and Companies C and A, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellison Gilbert, late of Company G, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon Levi, late of Company I, Fifth Regiment Pennsylvania Volunteer Cavalry, and Company H, Third Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Cleary, alias John L. Clark, late of Company F, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Linsay C. Jones, late of Company K, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Hurst, late lieutenant-colonel Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Findlay, late of Company E, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Rushaloo, late of Twenty-first Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Booth, late of U. S. S. Bat, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hazzard P. Gavitt, late of Company B, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George P. Mattison, late of Company G, Eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Osiah Attison, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William McCue, late of U. S. S. Vermont and Seneca, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Foster, late of Company F, One hundred and eighty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles D. Copeland, late captain Company F, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ebenezer L. Briggs, late of Company C, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore F. Kendall, late of Company K, Twelfth Regiment New York Volunteer Infantry, and Company F, Fifth Regiment New York Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Neal, late of Company E, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward M. Lee, late captain Company E and lieutenant-colonel Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Hall, late of Company K, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Nicholson, late of Company E, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander McNabb, late of Company D, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob B. Boyer, late of Company F, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse T. Power, late of Company E, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John N. Dickerson, late of Company I, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andreas Schmidt, late of Company G, Ninth Regiment Wisconsin Volunteer Infantry, and Company K, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip Ebright, late of Company C, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Keffer, late of Company A, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Southworth, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. C. Davis, late of Company D, Sixtieth Regiment Ohio Volunteer Infantry, and Company K, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David M. Myers, late of Company C, First Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Judson P. Adams, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac W. Corgill, late of Company E, Fifteenth Regiment New York Volunteer Cavalry, and Company E, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Armstrong, late commissary sergeant Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bernhard Herber, late of Companies C and I, Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Hudson, late of Company H, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of Howard F. Hess, late of Company F, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Maguire, late of Company D, Forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Osborne Eddy, late of Company E, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $12 per month.

The name of John M. Hoisington, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and time of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Margaret Orst, widow of Henry Orst, late of Company K, First Regiment West Virginia Volunteer Infantry, and First and One hundred and forty-seventh companies, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John H. Wells, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Thompson, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Depuy, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hansom, late of U. S. S. Connecticut, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Read, late of Company F, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Pressley, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelia H. Keyes, widow of Beverly W. Keyes, late hospital steward, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry R. Fancher, late of Company D, First Regiment New Jersey Volunteer Cavalry, and Company K, Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sylvia M. Anthony, formerly Doolittle, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David L. Arwine, late of Company K, One hundred and forty-fifth Regiment Indiana Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin P. Gurney, late of Company C, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Andrew Hiram Woods, late of Company H, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephine M. Pearsall, widow of Uri B. Pearsall, late colonel Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William M. Stevenson, late of Company B, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bowen, late of Company D, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Dunlap, late of Company E, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Calvin E. Breed, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George S. Bennett, late of Company E, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary O'Brien, dependent mother of John O'Brien, alias John O'Leary, late of Company A, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Daniel Harter, late of Company A, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane Dorsey, widow of Henry Dorsey, late of Company E, Sixty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $8 per month and $2 per month additional on account of each of the minor children of the soldier until they reach the age of sixteen years.

The name of Addi C. Pindell, late of Company H, Fifth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles R. Fox, late of Company C, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin May, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Katharine Seiberlich, widow of Charles Seiberlich, late of Company B, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Jeremiah Beck, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George M. Coykendall, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Moyer, late of Company D, First Regiment Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander W. Brownlie, late of Company K, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Irvin Austin, late of Company B, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Kundert, late of Company E, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Cobb, late second lieutenant Company B, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth J. McCoy, widow of William McCoy, late of Company I, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Isaac Steely, late of Company C, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Rosenia Writer, widow of Walstine Writer, late of Company E, Eleventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Andrew Clark, late of Company D, Sixth Regiment New York Volunteer Cavalry, and Company D, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra Prouty, late of Company F, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Walsh, late second and first lieutenant seventeenth unattached company, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie A. Chaplin, helpless and dependent daughter of Nathaniel W. Chaplin, late of Company A, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Hiram Spear, late of Company I, Eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John O. Warwick, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob B. Nelson, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon White, late of Company C, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jeremiah Keefe, late of Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Banks, late of Company C, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Magdalena Hansman, widow of Frank Hansman, late of Company D, Fourth Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin L. Shepard, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Chisam, late of Company F, Twenty-fourth Regiment New York Volunteer Cavalry, and Company F, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Florence K. Patterson, widow of Joseph B. Patterson, late of U. S. S. Alleghany, Release, and Maratanza, United States Navy, and pay her a pension at the rate of $8 per month.

The name of Joshua Gill, late of Company F, Second Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Eugene Lattin, late of Company B, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Charles Brown, late of Company G, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phineas P. Trowbridge, late of Company E, Thirty-third Regiment Massachusetts Volunteer Infantry, and Company I, Eighteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milo L. Pierce, late of Company B, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan A. Jackson, widow of William C. Jackson, late of Companies E and F, First Regiment Colorado Volunteer Cavalry, and pay her a pension at the rate of $8 per month.

The name of William H. Patterson, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Still, late of Company B, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Toncray, widow of Alexander R. P. Toncray, late captain Company C, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles P. Toncray, helpless and dependent child of Alexander R. P. Toncray, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Toncray the name of said Charles P. Toncray shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. Toncray.

The name of William Brogan, late of Company D, Fourth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Cozine, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Archibald Huston, late of Company A, and chaplain One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leander Wagers, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Graham, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Hackett, late of Company C, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Simpson, late of Company B, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Uhles, late of Company I, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson Weathers, late of Company C, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Gaffney, late of Company G, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adlade Holland, widow of Patrick Holland, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph T. Walker, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shields, late of Company K, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barbara Haase, widow of Charles Haase, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Ida W. Maples, widow of Isaac B. Maples, late acting first assistant engineer, United States Navy, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Isaiah Fowler, late of Company F, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Thomas, late of U. S. S. Princeton, Wabash, and Vermont, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius W. Smith, late of Company D, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Jervais, late of Company F, Fifth Regiment, Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred Lindsay, late of Captain Foxwell's company, Second Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Milton Frame, late of Company B, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Anthon W. Mortenson, late of Companies G and B, One hundred and third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marquis D. Mason, late of Company B, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hancock, late major and assistant adjutant-general, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Harkless, late of Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis H. Britton, late of Company C, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy Woodruff, widow of Daniel Woodruff, late of Company H, Third Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elizabeth Woodruff, helpless and dependent child of said Daniel D. Woodruff, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Woodruff the name of said Elizabeth Woodruff shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Nancy Woodruff.

The name of John H. Keys, late of Company A, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emil Christian, late of Company I, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Mayne, late captain Company G, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert C. Lee, late of Company H, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herbert C. Mattoon, late of Company F, Sixtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martha A. Atkinson, widow of Francis M. Atkinson, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel P. Hallam, late of Company E, Ringgold's battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel H. Sumner, late of Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. Williams, late of Company A, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hines, late of Company G, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Burke, late of Company H, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Skinner, late of Company B, One hundred and fifty-seventh Regiment, and Company E, One hundred and ninety-first Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton Williams, late of Company A, Fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jenkin Evans, late of Company H, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Myron A. Hawks, late captain Company K, Thirtieth Regiment Indiana Volunteer Infantry, and captain Company D, One hundred and thirty-sixth Regiment Indiana Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice George, widow of James George, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Susie Harkey, widow of Sidney L. Harkey, late chaplain Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry Hill, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Sullivan, late of Company G, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David H. House, late of Battery B, First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Lyons, late of Company D, One hundred and thirty-ninth Regiment, and Company K, Ninety-eighth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Gehb, late of Company B, Third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William H. White, late of Company C, Thirtieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael P. Donley, late second lieutenant Company C and captain Company E, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Milliken, late of Company B, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Gardner, late of Company H, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caswell Lovitt, late of Company D, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances A. Payne, widow of Philander J. Payne, late surgeon Tenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William C. Tanner, late of Company B, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonard C. Hill, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Russell Arnold, late of Company I, Thirty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Florye, late of Companies B and E, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha Cole, late of Company C, one hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Price, late of Company H, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Wells, late of Company C, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael McManus, late of Company C, Eleventh Regiment, and Company L, Fourth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John T. Hogg, jr., late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis P. Sothoron, helpless and dependent son of John T. H. Sothoron, late of Company I, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John W. McCormick, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Stephens, late of Company F, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Booze, late of Company A, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah Jones, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Spackman, late of Company C, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Sonia, late of Company E, First Regiment, and Company A, Fifth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Celina C. Fleming, widow of Hiram Fleming, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander Hyde, late of Company F, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Munger, late of Third Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Beckley, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophia Winters, widow of William Winters, late of Company B, and chaplain, Forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Daniel A. Stedman, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Dolan, late of Company B, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Crowell, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. H. Kellogg, late of Company G, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin V. Monroe, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Swisher, late hospital steward, Eighth Regiment Ohio Volunteer Cavalry, and assistant surgeon, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew H. Clutter, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey Fowler, late of Company I, Second Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horace A. Rexford, late of Company B, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah M. Crowley, widow of John Crowley, late of Company G, Second Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Henry H. Searl, late of Company F, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stump, late of Company B, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lemuel L. Kelso, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Francis M. Woodruff, late of Company D, Sixteenth Regiment Michigan Volunteer Infantry, and Company D, Fifth Regiment United States Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Carlton Cross, late of Companies K and A, Ninety-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael H. Glass, late of Company F, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Riley, late of Company C, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin B. Hardman, late of Twenty-third Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cynthia A. Benson, dependent mother of Joseph C. Benson, late of Company H, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Pearce, late second lieutenant and captain Company F, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hylas S. Moore, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James McConnaha, late of Company B, Sixty-third Regiment, and Company B, One hundred and fifth Regiment, Pennsylvania Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome Long, late of Company I, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Coughlin, late of Company K, Eleventh Regiment, and Company F, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Lapsley, late of Company A, One hundred and twenty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Shoffner, late of Company F, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Sain, late of Company C, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Loughmiller, late of Company D, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frank H. Wells, late of Company I, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles S. Derland, late captain Company I, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin V. B. Davis, late of Company D, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Regina Albert, widow of James Albert, late of Company I, Sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel A. Slemmons, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Seagrist, late of Company B, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and Company F, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Lyons, late of Company A, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas W. Treadwell, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anton Geiser, late of Company G, Fourth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Murray, late of Company D, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Foster, widow of William Foster, late of Companies P and H, Seventy-second Regiment Pennsylvania Volunteer Infantry, and Company A, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Charles R. Bockins, late of Company C, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fernando D. Stone, late captain Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caroline Morse, widow of Manless R. Morse, late of Company I, Fifteenth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Rocelia Morse, helpless and dependent daughter of said Manless R. Morse, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Caroline Morse the name of said Rocelia Morse shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Caroline Morse.

The name of Abbie E. Barr, widow of David M. Barr, late of Company G, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William Herbert, late of U. S. S. Gamage, Great Western, and Essex, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Wells, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Walton, late of Company A, Sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Child, late first lieutenant and captain Company G, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben R. Pitman, late of Company I, Ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Porter, late of Company H, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Randolph Snell, late of Company F, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Dewitt Eldred, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Schader, late of Company G, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Morehead, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy J. Walker, widow of Stephen Walker, late of Company D, First Regiment Louisiana Volunteer Cavalry Scouts, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward Carr, late of U. S. S. Dan Smith, Home, and Princeton, United States Navy, and Battery F, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael J. Hawley, late of Company I, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and second lieutenant Company C, One hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marcis T. Camp, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis L. Smith, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas A. Sorrell, alias Thomas A. Martin, late of the U. S. S. Roanoke, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Ten Eyck, widow of Arthur S. Ten Eyck, late captain Company A and lieutenant-colonel Thirtieth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Benjamin Johnson, late of Company G, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rush Patterson, late of Company E, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. Haines, late of Company K, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter C. Parker, late of U. S. S. Tecumseh, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelius D. McCombs, late of Company E, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Roswell L. Nason, late of Company H, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Black, late of Company I, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Wheeler, late of Company A, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carlos L. Buzzell, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Tenbrook, late of Company I, Eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Bennett, late of Company E, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham H. Tompkins, late of Company K, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Dixon, late of Company E, Fortieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Missouri L. Herron, dependent stepmother of Jonathan Herron, late of Company D, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Farley, late of Company C, One hundred and sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jerome King, late of Company F, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Falcon, late of Company C, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Mattison, late of Company H, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Reed, late of Company F, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis S. Fletcher, late of Company E, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Titus W. Allen, late of Company G, Forty-fourth Regiment Illinois Volunteer Infantry, and Company A, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milo Brewster, late of Company E, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ezra Taylor, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward B. Wright, late first lieutenant and captain of Battery B, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Herndon, helpless and dependent daughter of George C. Herndon, late of Company G, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Cleanthus Burnett, late of Company G, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William R. Moore, late second lieutenant Company A, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fannie T. Shipley, widow of Alexander N. Shipley, late captain and assistant quartermaster, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Fairchild, late of Company E, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo C. Abbey, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Irwin, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Turner, late of Company A, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha A. Elliott, helpless and dependent child of Peter W. Elliott, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Betts, late of Company I, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Larkin, late of U. S. S. North Carolina and Wyandotte, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William McGovern, late of Company C, First Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses T. Kelly, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of William F. Paris, late of Company H, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda Bonnell, widow of Joseph W. Bonnell, late of Company G, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Daniel C. Foster, late of Company F, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry F. Tomlin, late of Company D, One hundred and fifty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Upchurch, late of Company E, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac N. Forman, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Conniff, late of Company B, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors."

COMMANDER WILLIAM WILMOT WHITE.

The bill (H. R. 4763) transferring Commander William Wilmot White from the retired to the active list of the Navy was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. SHACKLETTE.

The bill (H. R. 12476) to place the name of William S. Shacklette on the retired list of the Navy as pharmacist was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM PARKER SEDGWICK.

The bill (S. 5263) for the relief of William Parker Sedgwick was considered as in Committee of the Whole. It authorizes the President to nominate and, by and with the advice and consent of the Senate, to appoint William Parker Sedgwick, late midshipman, an ensign in the United States Navy, and to place him upon the retired list as such, with three-fourths the pay of his grade.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH A. O'CONNOR.

The bill (S. 5590) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JABEZ BURCHARD.

The bill (S. 3125) for the relief of Jabez Burchard was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to transfer Jabez Burchard, assistant engineer, United States Navy, retired, from the half-pay list to the

75 per cent pay list of retired officers under section 1588 of the Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BEHAN.

The bill (H. R. 3822) for the relief of James Behan was considered as in Committee of the Whole. It proposes to issue a discharge to James Behan, who served on board the U. S. S. *Vermont*, U. S. S. *Canandaigua*, and U. S. S. *Pinta*, of the United States Navy, under the name of Michael Behan, in his true name in lieu of the one he received for the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARCHIBALD G. STIRLING.

The joint resolution (H. J. Res. 134) for the relief of Archibald G. Stirling, recently midshipman, United States Navy, was considered as in Committee of the Whole. It authorizes the President to appoint former Midshipman Archibald G. Stirling to be an ensign in the United States Navy, to take the position he is entitled to by his order of merit, as shown by his examination for final graduation.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

ROBERT MORGAN GILSON.

The bill (S. 3952) to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments, in line 6, page 1, after the word "Corps," to strike out "*Provided*, That the said Gilson shall, upon examination in accordance with regulations to be prescribed by the Secretary of the Navy, before an examining board composed of three officers his senior in rank, satisfactorily establish his mental, moral, professional, and physical fitness to perform active service" and insert "*Provided*, That the said Robert Morgan Gilson shall establish to the satisfaction of the Secretary of the Navy, by the usual examination for such grade, his physical, mental, moral, and professional fitness to perform the duties thereof: *And provided further;*" and in line 6, page 2, after the word "promoted," to insert "and that no pay, bounty, or emoluments shall be allowed by reason of the passage of this act."

So as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to restore Robert Morgan Gilson, late a captain in the United States Marine Corps, to be a captain in the United States Marine Corps: *Provided*, That the said Robert Morgan Gilson shall establish to the satisfaction of the Secretary of the Navy, by the usual examination for such grade, his physical, mental, moral, and professional fitness to perform the duties thereof: *And provided further*, That the said Gilson shall be carried as additional to the number of the grade to which he may be restored or at any time thereafter promoted; and that no pay, bounty, or emoluments shall be allowed by reason of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. HIGGINS.

The bill (S. 879) for the relief of John S. Higgins, paymaster, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, in line 12, after "Paymaster F. G.," to strike out "Payne" and insert "Pyne," so as to make the bill read:

Be it enacted, etc., That the proper accounting officers in settling and adjusting the accounts of John S. Higgins, paymaster, United States Navy, are hereby directed to credit in his account said John S. Higgins with the sum of $1,047.14, which amount of Government funds he paid to Mr. Stephen J. Harvey, paymaster's clerk, United States Navy, for duty performed under orders of the Secretary of the Navy at Pensacola, Fla., Navy-Yard, from November, 1905, to September, 1906, under Paymaster F. G. Pyne, United States Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARENCE FREDERICK CHAPMAN.

The bill (H. R. 12499) for the relief of Clarence Frederick Chapman, United States Navy, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, in line 6, before the word "discharge," to strike out the word "honorably," so as to read:

Be it enacted, etc., That the Secretary of the United States Navy be, and he is hereby, authorized and directed to restore to the roll of the Navy the name of Clarence Frederick Chapman, as ordinary seaman, and to discharge said Clarence Frederick Chapman from the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

UNIFORM WAREHOUSE RECEIPTS.

The bill (S. 1474) to make uniform the law of warehouse receipts in the District of Columbia was announced as the next business in order on the Calendar.

Mr. CLARK of Wyoming. This seems to be a very long bill, and I suggest that it be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from Wyoming.

LEASES OF AGRICULTURAL LAND IN HAWAII.

The bill (H. R. 10540) to amend section 73 of the act to provide a government for the Territory of Hawaii was considered as in Committee of the Whole. It proposes to amend that portion of the section so as to read:

And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than fifteen years, and in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn, and every such lease shall contain a provision to that effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN C. WELCH.

The bill (S. 5388) for the relief of Benjamin C. Welsh was considered as in Committee of the Whole. It proposes that in the administration of the pension laws the authorization of the Secretary of War of May 7, 1863, permitting Benjamin C. Welch, formerly first lieutenant Company B, Fortieth New York Volunteers, to reenter the service shall be held and considered as an honorable discharge from his service with that command.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEFECTS IN NATURALIZATION PROCEEDINGS.

The bill (S. 388) to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship, was considererd as in Committee of the Whole.

The bill had been reported from the Committee on Immigration with amendments.

Mr. McCREARY. This seems to be an important bill. I should like for the member of the committee who reported it to make some explanation.

Mr. LODGE. Mr. President, the Senator who reported the bill is not present, but the bill came from the Committee on Immigration, and I gave it a great deal of attention, both in the committee and here. I believe it to be a thoroughly proper bill. It is to cure certain defects in the past in cases of naturalization under the old territorial laws, and where the law as now existing would exclude certain persons who were naturalized under the old laws. An amendment has been proposed which completely guards the Government. The bill has the unanimous report of the committee, of which I think the Senator from Kentucky is a member.

Mr. McCREARY. I had the honor of serving on the Committee on Immigration with the Senator from Massachusetts [Mr. LODGE], and I know he is a very careful Senator and I am satisfied.

Mr. CLAY. With the permission of the Senator from Massachusetts, I should like to make an inquiry. As I caught the reading of the bill, it simply refers to citizens of North Dakota who had obtained citizenship.

Mr. LODGE. It was introduced simply for citizens of North Dakota. The Senator from Idaho thought it wiser, and I think properly, to make it apply to similar cases in other Territories.

Mr. CLAY. It has been amended in that way?

Mr. LODGE. It has been amended in that sense.

Mr. CLAY. I have nothing further to say about it.

Mr. LODGE. It is to cure defects in Territorial records.

Mr. CLAY. I thought it was rather peculiar to pass a bill having reference to one State.

Mr. LODGE. It has been amended in that respect.

The VICE-PRESIDENT. The amendments proposed by the committee will be stated.

The SECRETARY. The amendments of the Committee on Immigration were, on page 1, section 1, line 3, after the word "applicant," to strike out "in the Territory of Dakota" and insert "in any Territory of the United States;" and on page 2, line 4, after the word "said," to strike out "action" and insert "section," so as to read:

That in any case where an applicant in any Territory of the United States to become a citizen of the United States has heretofore taken the oath provided in the second subdivision of section 2165 of the Revised Statutes of the United States, and has complied with the third subdivision of said section, and his said oath or affidavit, or the oaths or affidavits of his witnesses, have been taken in good faith for the purpose of admitting him to citizenship of the United States, and in open court before either the clerk of such court as is mentioned in said section or before the judge thereof, such oath administered by either the clerk of said court or the judge thereof in open court shall be deemed a full compliance with subdivisions second and third of said section.

The amendments were agreed to.

The next amendment was, on page 4, section 2, line 10, after the word "date," to insert:

That nothing in this act contained shall be construed so as to deprive the Government of the right conferred by section 15 of the naturalization act of June 29, 1906, to secure the cancellation of illegally or irregularly granted certificates of citizenship.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT FIRE DEPARTMENT.

The bill (H. R. 15230) to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, in line 9, after "by," to strike out "sickness or," so as to read:

That hereafter whenever any member of the fire department of the District of Columbia in the actual discharge of his duty shall become so disabled by injury as to require medical or surgical services or treatment other than such as can be rendered by the board of police and fire surgeons, the expense of such services or treatment may be paid from the firemen's pension fund.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PETER M'KAY.

The bill (S. 2743) for the relief of Peter McKay was considered as in Committee of the Whole. It proposes to pay to Peter McKay $4,000 as full compensation for permanent injuries received by him by being struck with a large piece of log hurled by the explosion of an excessive blast of powder discharged without warning by employees of the United States Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JENNIE CARROLL AND MABEL H. LAZEAR.

The bill (S. 6350) granting an increase of pension to Jennie Carroll and Mabel H. Lazear was considered as in Committee of the Whole. It proposes to place on the pension roll at $125 a month each the names of Jennie Carroll, widow of James Carroll, major and surgeon, United States Army, and Mabel H. Lazear, widow of Dr. Jesse W. Lazear, late acting assistant contract surgeon, United States Army, in special recognition of the eminent services of said their husbands in discovering the means of preventing, as well as the cause and method of transmission and propagation of, yellow fever.

Mr. McCUMBER. Mr. President, I think it proper to state in connection with this bill granting pensions to Jennie Carroll and Mabel H. Lazear a few of the facts upon which the pension is based.

Some years ago we granted a pension to the widow of Maj. Walter Reed, who was a physician and made experiments to determine the cause of yellow fever in Cuba. He suffered himself to be bitten by mosquitoes and afterwards died, though he did not die as the result of the yellow fever which was contracted. We passed through the Senate a bill for the pension of his widow at $35 a month. It came up in the House of Representatives and was increased to $125 a month. Without going to conference, I think, the Senate agreed to the House amendment.

There were two others, the husbands of the ladies mentioned in this bill, Doctor Carroll and Doctor Lazear, who were serving under Major Reed at that time, who, perhaps, did even more than he did in the matter of ascertaining the actual cause of yellow fever. He was stationed in the city of Washington most of the time, and they were operating in Cuba during that period. One died as the direct result of the bite of a mosquito which had been allowed to fill itself with blood from a yellow-fever patient. The other one did not die of that cause, but was equally instrumental in ascertaining this great truth. I therefore took it upon myself to make a rather full report upon all of the investigations that were made to determine the cause of the spread of yellow fever.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. Certainly.

Mr. WARREN. Regarding Doctor Reed, what did I understand the Senator to say, that he was not in the field in Cuba; that he was here in Washington?

Mr. McCUMBER. Most of the time his services were performed here. He was in Cuba part of the time, and of course he subjected himself while in Cuba to this danger. But I stated, merely in explanation, to show the services of these persons, that they were in the field all the time while his duty required him much of the time to be here.

Mr. WARREN. I make no objection to the provisions proposed by the Senator, but having had the case of Doctor Reed under investigation I think the facts will warrant the assertion that he was very faithful to that work, and subjected himself to all of the risks that were necessary to accomplish the result.

Mr. McCUMBER. I think I have properly stated it in the report, in which I state:

Major Reed was the head of the commission, but his duties required him to be in Washington the greater part of the time, and the actual work of making the experiments and demonstrating the truth of the theory was carried on in Cuba by Major Carroll and Doctor Lazear.

I think that states the facts correctly. I only desire to say that in my candid opinion, considering the amount of pensions granted in other cases, these pensions are somewhat excessive; but having already put ourselves upon record in granting a pension of $125 a month to the widow of Major Reed, the committee could not justify itself if it refused to grant to the widows of other officers who did equally meritorious work an equal amount.

Mr. WARREN. What is the amount?

Mr. McCUMBER. The amount is $125 a month. I think it is excessive, but as we have been excessive in one instance, we can not help but grant the same amount of pension in the other cases.

Mr. McCREARY. I wish to ask the Senator from North Dakota a question.

Mr. McCUMBER. Certainly.

Mr. McCREARY. I understand Jane Carroll is the widow of Major Carroll and Mabel G. Lazear is the widow of Doctor Lazear.

Mr. McCUMBER. Yes.

Mr. McCREARY. These two gentlemen exposed their lives in order to make a great discovery. Were they not among the leading men who did expose their lives in order to establish the fact that yellow fever is transmitted by mosquitoes?

Mr. McCUMBER. That is certainly correct.

Mr. McCREARY. I do not agree with the statement made by the Senator from North Dakota that the pension is too much. I think we owe it to the widows of these two men who made the great discovery to give them at least $125 a month apiece.

Mr. McCUMBER. I made my statement simply based upon the pensions that we are paying to soldiers. A man who in the late great civil war made a charge upon an open battery, where he was absolutely sure of meeting death, it seems to me did as great a service to his country and was equally courageous. For my part, I would take chances with a mosquito rather than face the mouth of a cannon; and if we were to grant pensions to widows based upon the courage, the service, and the sacrifices of their husbands, I would be inclined to give just as much to the widow of a man who allowed himself to be killed by walking into certain death in the face of cannon as I would to a man who took his chances with a mosquito.

Mr. McCREARY. I think the cases are entirely different. A man who charges a battery exposes his own life and he shows that he is a patriot by fighting for his country. But this great discovery is beneficial to thousands, almost hundreds of thou-

sands of persons, and the man or the men who expose their lives for the purpose of benefiting so many hundreds of thousands of their fellow-men, I think, deserve great credit.

Mr. GALLINGER. Mr. President, the soldier in the performance of his duty charges the battery, and he loses his life in doing a patriotic act. These two physicians held commissions in the Medical Department of the Army, and their duty ceased when they performed the ordinary duties which are required of surgeons in the Army. In performing this added service, making themselves subject to death as the result of these experiments, they went outside and beyond what could reasonably have been demanded of them, and lost their lives as a result. I quite agree with the Senator from Kentucky [Mr. McCREARY] that their widows deserve special recognition because of that fact. I think the compensation is not excessive. When the case of Mrs. Reed was before the Senate, I recall the fact that I made a special appeal in her behalf, and we granted her a pension of $125 a month. I feel sure the widows of these two other brave surgeons should be recognized to the same extent, and I am gratified to know there will be no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT BOISE CITY, IDAHO.

The bill (S. 6136) authorizing the Secretary of the Interior to issue patent to certain lands to Boise City was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, line 3, after the words "Secretary of," to strike out the words "the Interior" and insert the word "War," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue patent in fee to Boise City, a municipal corporation, to that tract of land lying within the boundaries of the United States military reservation at Boise City, Ada County, Idaho, and bounded and described as follows:

Beginning at a stone marking the southwest boundary of the United States military reservation, thence north 22° 12′ west 2,719.86 feet; thence north 20° west 351.84 feet; thence north 70° east 15.5 feet to a line 22 feet from the center of the Capital Water Company's ditch; thence in an easterly direction following a line 22 feet from the center line of said ditch and parallel to the same to the intersection with said line of the southeasterly boundary of the reservation; thence south 70° west to the point of beginning, subject to any rights of the Capital Water Company for the use of said grounds as a right of way or an easement to convey water.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho."

LANDS AT FORT LOGAN, COLO.

The bill (S. 5862) to purchase certain lands adjacent to the present site of Fort Logan, Colo., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INLAND WATERWAY.

The bill (S. 754) for ascertaining the feasibility and probable cost of constructing a canal from the Tennessee River, at or near the city of Chattanooga, in the State of Tennessee, to the navigable waters of the Ocmulgee River, in the State of Georgia, by which there will be furnished adequate water communication by the shortest and most practicable route between the Atlantic Ocean and the navigable waters in the rivers of the Mississippi Valley, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SURVEY OF WOOD RIVER, OREGON.

The next business on the Calendar was the concurrent resolution submitted by Mr. FULTON and reported by Mr. MCLAURIN, from the Committee on Commerce, which was read, considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake, in Klamath County, Oreg., to the head of navigation, and report the same to Congress.

UNIFORM WAREHOUSE RECEIPTS.

Mr. GALLINGER. The bill (S. 1474) to make uniform the law of warehouse receipts in the District of Columbia was passed over at the suggestion of the Senator from Wyoming [Mr. CLARK], who informs me he has no objection to the bill. It was partly read. I ask that it be now taken up for further consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill, and the reading was concluded.

Mr. GALLINGER. Let the blank remain. The other House can fill it.

Mr. TELLER. Mr. President——

Mr. GALLINGER. Mr. President, just a few words. If the Senator will permit me to explain the bill——

Mr. TELLER. That is what I want.

Mr. GALLINGER. The bill was given every consideration by the Senator from Vermont [Mr. DILLINGHAM] and in his report he calls attention to its importance. It seems that it was first considered by the conference of commissioners on uniform State laws, of whom Professor Williston, of the Harvard Law School, was a member; that it was adopted and recommended by the conference of that commission in August; that it was afterwards passed upon favorably by the American Bar Association, the American Bankers' Association, the American Warehouseman's Association, and by a large number of chambers of commerce and boards of trade, and it has been enacted into law in the States of New York, Illinois, Massachusetts, New Jersey, Connecticut, and Iowa. The Senator from Vermont adds in his report:

As indicating the importance of the measure, it was stated that warehoused goods, consisting of the products of farms, mines, and manufactories, to the estimated value of $300,000,000, are constantly in the warehouses of the country, and that this measure will make the warehouse receipts issued for these values an excellent medium of exchange, and that the legislation will thus become an important factor in the commerce of the country.

I feel sure that the bill is a very valuable and safe piece of legislation, but of course if there is an objection, it will go over, and the Senator from Vermont will give it his attention when he is present.

Mr. CLAY. I will ask the Senator if it is confined to the District of Columbia?

Mr. GALLINGER. Yes; it applies only to the District of Columbia.

Mr. CLAY. That is what I thought.

Mr. GALLINGER. Six of the great States of the Union have enacted laws in precise terms. It is intended that the District of Columbia shall enact it. It applies to no State, of course.

Mr. CULBERSON. I may have misunderstood the Senator, but I understood him to ask that the bill might go over until the Senator from Vermont [Mr. DILLINGHAM] is present.

Mr. GALLINGER. I said if there was any objection, of course, it would go over, and the Senator from Vermont, who reported the bill, will be present at a later day to answer any questions that may be propounded. He knows more about it than I do.

Mr. CULBERSON. I gather from the letter of the president of the Board of Commissioners that the bill was not drafted by any Senator, but it was drafted and sent to the Senate by the Commissioners of the District of Columbia.

Mr. GALLINGER. That is correct.

Mr. CULBERSON. I have not had time to examine the bill. It is a bill of some length and I ask that it may go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. GALLINGER. Retaining its place on the Calendar.

The VICE-PRESIDENT. Retaining its place on the calendar.

EXECUTIVE SESSION.

Mr. LODGE. As that completes the Calendar, I should like to have a short executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-two minutes spent in executive session the doors were reopened.

FUR SEAL FISHERIES.

Mr. LODGE, at the request of Mr. FORAKER, moved to reconsider the vote of the 25th instant, ordering Senate Document No. 407 to be printed and referred to the Committee on Foreign Relations.

The motion to reconsider was agreed to.

On motion of Mr. LODGE, at the request of Mr. FORAKER, the paper was withdrawn from the files of the Senate.

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I now ask that the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. ANKENY. I wish to say, Mr. President, that this is simply a local bill which will provide for the irrigation of over 20,000 acres of land which has heretofore been practically worthless.

Mr. PILES. One hundred thousand acres.

Mr. ANKENY. This is simply a local affair, and we believe all objections to it have been removed. As I understand, it is simply a matter of irrigation. Under the bill it is to be regulated by the Secretary of War, and no damage will be done by this dam to navigation on the Snake River. The irrigation of this land will be to the interest and benefit of many. I hope the bill may be speedily passed.

Mr. FRYE. I should like to ask the Senator from Washington a question. Does the bill provide for electrical power?

Mr. ANKENY. Yes, sir; the bill does.

Mr. FRYE. Is the Senator aware that the President has stated that he will veto any bill which provides for the creation of electrical power unless provision is made by which the United States shall be protected in all its rights and shall receive remuneration for the power which is granted?

Mr. ANKENY. When the bill was drawn the President had not yet made that statement.

Mr. FRYE. The President wrote a letter to me and I communicated it to the Committee on Commerce.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. ANKENY. I do.

Mr. TELLER. Mr. President, it will be some time before a bill allowing the United States Government to take compensation for the use of water in the States will pass this body. I am prepared to show, whenever some proper bill comes before the Senate, that the Supreme Court, at least thirty times in fifty years, has declared that the water of rivers, navigable and nonnavigable, belongs to the States and not to the General Government. I have the documents in my brief, and I shall present them some day.

This bill, Mr. President, is in the usual form. The State of Idaho has an unquestioned right to allow a dam to be built in any stream that is not actually navigable. The Snake River is navigable in part and in part is not navigable. There are some navigable stretches and some that are not navigable. I am somewhat familiar with the Snake River, but I do not know where this particular point is.

Mr. ANKENY. I would say to the Senator from Colorado that it is at or near Fivemile Rapids, on the Snake River, just above its junction with the Columbia River.

Mr. FRYE. I am not objecting to the bill. It was reported favorably from the committee of which I have the honor to be chairman. I was simply stating the fact for the consideration of the Senator of the communication which I had from the President.

Mr. GALLINGER. Which came subsequent to the report.

Mr. FRYE. Yes; it came subsequent to the report.

Mr. TELLER. Mr. President, so far as I am concerned, it will be a good while before we shall recognize the right of the General Government to invade the States in that particular, and in order to do so we shall have to overturn the Supreme Court, which has passed on this subject at least thirty times, as I have stated. We could overturn the Supreme Court, but I do not think we shall.

There can be no objection to passing this bill, except that it is a useless thing. The State of Idaho can do this very thing, and the Government can not prevent it from doing it, because it does not interfere with the navigability of that stream. It is not navigable at this point, as I understand.

Mr. ANKENY. I will say for the information of the Senator that this ditch or dam proposition is entirely within the State of Washington—my State and my county, for that matter.

Mr. TELLER. Then, I understand, it is in the State of Washington?

Mr. ANKENY. Yes; it is near Fivemile Rapids, in the State of Washington.

Mr. FRYE. The bill has the approval of the Secretary of War.

Mr. TELLER. The Secretary of War is a better lawyer than the President.

Mr. BORAH. Mr. President, if it is in order at this time, I desire to offer an amendment.

The VICE-PRESIDENT. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. BORAH. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. After the word "six," at the end of line 10, it is proposed to insert:

Provided, That said Benton Water Company, its successors or assigns, shall construct, operate, and maintain locks, perpetual and free of charge or toll to navigation and navigators, and shall so use said stream as not in any manner to obstruct, embarrass, or retard navigation.

Mr. ANKENY. I accept that amendment, Mr. President.

Mr. TELLER. I think there is a general law which covers that, although there is no objection to putting the amendment in, I suppose.

Mr. BORAH. There may be a general law.

Mr. TELLER. There is a general law that covers that, but there is no objection to this amendment.

Mr. BORAH. I think this amendment can do no harm, as the general law may not be specific enough to cover this particular matter.

Mr. TELLER. I do not think it will do any harm.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. ANKENY. We accept the amendment, Mr. President.

Mr. HEYBURN. They have accepted the amendment, Mr. President.

Mr. GALLINGER. They can not accept it.

Mr. HEYBURN. I desire, before anything is agreed to on this bill, to present some remarks to the Senate.

The VICE-PRESIDENT. The Chair will put the question on the amendment proposed by the Senator from Idaho, unless the senior Senator from Idaho desires to be heard on it.

Mr. HEYBURN. I can speak on the bill as well.

The VICE-PRESIDENT. The question is on the amendment submitted by the junior Senator from Idaho [Mr. BORAH].

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I desire to submit some suggestions in regard to this proposed legislation that go to the entire question.

Mr. TELLER. So do I.

Mr. HEYBURN. The Snake River is a navigable stream. It makes the State of Idaho a seaboard State. It gives the State of Idaho the only seaport that it has or can have, because it is at the head of the navigation of the Snake River that the city of Lewiston is situated, and I certainly do not intend to sit idly by and see some private enterprise construct a dam across the Snake River quite a distance below the city of Lewiston, so that the vessels that traverse that river between the city of Lewiston and the sea will be at the mercy of a private enterprise that has constructed a dam under a charter that only gives it a limit of fifty years of life. I object to any private enterprise constructing a dam across a navigable river, and especially for an irrigation project or a power project that is purely speculative in its character.

It is contended here every time opposition is suggested to this measure that under the law the Secretary of War will protect us against the irresponsibility of the parties constructing this dam. We do not care for a delegated defense. The law itself is a sufficient defense unless we pull it down or open the door to this kind of improvident legislation.

This proposed dam is not in the State of Idaho, and neither the State of Idaho nor its legislature would have any control whatever over it. The line between Idaho and Washington is immediately below the city of Lewiston. It is within a mile of the city of Lewiston. They are proposing in the State of Washington to treat this great river, which is as large as the Potomac in front of this city, as though it were the private property of the State of Washington, and they are proposing to construct a dam entirely across the river some 35 feet in height; then they are proposing to make an artificial canal around the end of this dam and put the locks of the canal on private property, and they are proposing to do it by a private corporation.

I do not know that the map of their proposed work was before the committee that reported this bill, and I will just pass it along to the chairman.

During the last Congress I objected to the consideration of this bill on the same ground upon which I shall now submit my objection. But, waiving that for the moment, I asked for a statement as to the responsibility of the corporation seeking for this right at the hands of Congress. I have it before me, bearing the signature of the secretary and treasurer of the company:

TREASURER'S REPORT.

OFFICE OF THE BENTON WATER COMPANY,
Richland, Wash., January 1, 1908.

Statement of assets and liabilities January 1, 1908.

Assets:	
Lands in Franklin County	$27,000.00
Buildings, tools, live stock, boat, and telephone line	25,000.00
Bills receivable, contracts, and accounts	48,352.00
Irrigating system, lands irrigated, and city property	253,425.00
Cash	10,143.75
Total	363,920.75

That is the statement of their assets:

Liabilities:	
Capital stock	$25,000.00
Reserve fund	25,282.00
Accounts payable	13,470.00
Real estate, surplus, and undivided profits	300,168.75
Total	363,920.75

That is their financial statement for which I called. Their articles of incorporation state:

ARTICLE I.

The name of this corporation is the Benton Water Company.

ARTICLE II.

The objects for which this corporation is formed are as follows:

1. To own, construct, operate, and maintain a water-power plant for electrical, manufacturing, irrigating, and other purposes.

2. To build, own, operate, and maintain irrigation canals and ditches; acquire and make appropriations of water; sell water rights, and charge and receive rentals and tolls for supplying water for irrigation and domestic purposes.

3. To develop the water power of the Yakima River, in township 9, range 28 east, Willamette meridian, for the purpose of generating electricity for use for light and power. To take and receive from any public or private corporation franchises and privileges; to generate and transmit electric power to other points in the State of Washington, and to sell the same.

4. To borrow money, execute its promissory note therefor; to issue bonds and secure the same by mortgage upon its own property; to buy, improve land, and to lease, sell, or convey the same and to do everything else which may be done necessary and convenient to carry out the objects set forth in these articles of incorporation.

ARTICLE III.

The principal place of business of this corporation shall be at Kennewick, Yakima County, Wash.

ARTICLE IV.

The capital stock of this corporation is hereby fixed at $25,000, to be divided into 250 shares of the par value of $100 each.

ARTICLE V.

The time of existence of this corporation is hereby fixed at fifty years.

ARTICLE VI.

The number of trustees is hereby fixed at four, and the names of those who shall manage this corporation's business until August 1, 1905, are W. R. Amon, Howard S. Amon, Albert L. Smith, and Bruce E. McGregor.

Those are the articles of incorporation of the company that is asking Congress to give them the right to build a dam across this great navigable river at Fivemile Rapids, within the State of Washington, under a plan, as outlined by their statement and prospectus, which would cost not less than two and one-half million dollars. A lot of irresponsible speculators who, when I asked them the question here, upon the occasion of their visiting me to solicit the withdrawal of my objection, said that they could not give me the inside of this matter and could not disclose their principals, ask Congress to pass a law permitting them to enter upon this enterprise. They have $10,000 in cash, and they owe about $13,000, if I remember the figures in the statement.

They say that the act of Congress providing that nothing can be done except upon the approval of the Secretary of War is sufficient to protect the rights of all. Pardon me for just a moment, and I shall call your attention to it. It is the act of June 21, 1906:

The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe.

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War.

SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam.

They say that is sufficient protection to justify Congress in giving authority to a private enterprise to enter upon this navigable river and shut us off from the sea.

Mr. President, no greater injury could be inflicted upon the State of Idaho than for Congress to authorize a private enterprise of such insignificant pretensions and ability as this appears to be upon the face of their own papers, to enter upon a work which, it is safe to say, if they start at all, would result in an unfinished condition of this work that would leave the river obstructed and nonnavigable, without any redress to the State of Idaho or the people interested in maintaining the navigation upon this river.

I believe that if the Government of the United States were to enter upon this work and build this dam, it could and would be beneficial to the navigation of the river, because the Government would construct a dam, permanent in its character, sufficient, through the means of locks, etc., for the passage of vessels, and you could rely upon its being maintained as long as the Government stands, which will be forever, so far as we are concerned. But to allow a private enterprise with such an insignificant backing to enter upon a navigable stream and obstruct it with the kind of work they would place there, with the locks not in the river at all, but in a private canal built upon the outside, seems to me to be so unreasonable that argument is almost useless or wasted upon it.

Mr. President, judging from the cost of other locks that have been placed in dams, the locks proposed by this company would cost, taking their assets at the face of their figures, more than the entire capital that they even suggest they own, and the maintenance of those locks would be a charge of not less than $5,000 a year upon this corporation of $50,000 capital and speculative in its character. That river must be kept open day and night, and the ordinary expense of maintaining the dam and locks is far beyond them. But if they were solvent enough to build it, I would oppose any private corporation entering upon a navigable river to build a dam that would place the navigation of the stream at the mercy of the management of that dam; and I sincerely trust that the Senate will not give their consent to undoing the work that we have been doing for years.

We have been importuning, and receiving in a reasonable measure, assistance from the Government to make that river navigable. We have spent many million dollars to open The Dalles in this same river below. We have completed the work and we are spending $9,000,000 to open the Celilo Falls Canal. That work ought to be completed next year. When it is completed, then the Snake River will be an open river from Lewiston, Idaho, to the sea. Two lines of steamers ply upon that river. Over two years ago I was one of 180 passengers on a steamer that passed down the river, over the same place where they propose to construct this dam, in order to demonstrate that the Snake River was open from Lewiston to the sea.

We left Lewiston in the morning and we were at Celilo, in the State of Oregon, in the afternoon. There we had public ceremonies relative to the commencement of the work that had been authorized to be done at Celilo for the purpose of opening the river from Lewiston to the sea. We passed over this Fivemile Rapids as smoothly in a 180-ton vessel, with 180 passengers on it, as you would pass down the Potomac River from here to the sea upon the vessels that ply upon it. There was no difficulty whatever in navigating the river.

This river has been paralleled by the railroads from Lewiston to the sea. The navigation of that river is a menace to the railroads being able arbitrarily to control the traffic of that country, and as long as this river is open we can keep those railroads within reasonable bounds in the fixing of their rates. Close this river by the construction of private dams or by any other means, and you place that immense country—which produced this year something over 30,000,000 bushels of wheat, and other things in proportion—at the mercy of the railroads in taking their products to the market.

Mr. President, I would vote for an appropriation to build a dam by the Government that should back water over any shoal water or over any of these rapids because of the permanency and the sufficiency of the construction of the work; but I can not allow, so far as I can prevent it, the construction of any work upon that river by private enterprise, because it will be necessarily at the mercy, not only of the ability of the parties to maintain it, but at the mercy of the whim and changing business interests, and in a few years, even if it should be con-

structed, you would find those locks abandoned or you would find them swinging one end down the stream in utter neglect.

Mr. President, I trust this bill will not receive the sanction of the Senate.

Mr. TELLER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. FLINT in the chair). Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. Has the railroad been built from Riparia to Lewiston?

Mr. HEYBURN. Yes; and it is in operation.

Mr. TELLER. I want to ask the Senator another question. Is the amendment offered by his colleague [Mr. BORAH] satisfactory to him?

Mr. HEYBURN No.

Mr. TELLER. I understand that amendment provides that this company shall build the locks.

Mr. HEYBURN. But, Mr. President, we must not allow a company whose life is limited by law to fifty years, even if we knew they were going to live fifty years, to take possession of a river and to build locks.

Mr. TELLER. I am entirely in sympathy with the Senator from Idaho in this matter. If this is a navigable river, certainly we ought not permit such action; and if it is not a navigable river, then the State should control it, and not the General Government. If it is a navigable river, we certainly should not authorize any locks to be built.

Mr. HEYBURN. By private enterprise.

Mr. TELLER. By private enterprise; but if there are to be locks built, the Government should build the locks and have control of them.

Mr. HEYBURN. This bill does not provide for the Government building the locks.

Mr. TELLER. I understand this bill provides, if the amendment is accepted, that the company shall build the locks, and I presume if that should pass, they would not care about the effect.

Mr. HEYBURN. Yes, Mr. President, for the purpose of entering upon this enterprise they are willing that any of these conditions may be imposed upon them, and they will promise to keep them, but they can not keep them. If they were the custodians of this responsibility, they would not be able to do it, and it is not the proper way to manage navigable rivers.

Mr. TELLER. I agree to that.

Mr. HEYBURN. Now, Mr. President, that this river is navigable there is no question at all. The railroad company about twenty years ago persuaded the people that the river was not cheaply or safely navigable. It had been navigable for years before the railroad came. It had been navigated freely, and it was accepted as a navigable river of some value. As soon as that railroad was constructed from Portland up The Dalles to Wallula they immediately began to send out little suggestions and statements that the river was not safely navigable, and they bought up the steamboat line. The Oregon Railway and Navigation Company, by its very name, suggests what it was for. They controlled the river thoroughly. They controlled it by their railroad on the bank and by buying up the steamboat lines, which practically divided all the navigation and discouraged everybody else who even suggested that there might be profit in navigating that river.

Mr. President, that was the situation for years, and when we passed down over it our pilot and captain was Captain Gray, and he ran the steamboat down from Lewiston to the sea by the chart by which he had run the boat on that river twenty-six years before. So there had been no change.

Now, they say the inducement for taking these chances is sufficient to justify us; that it will result in irrigating so many thousand acres of land. The navigation of Snake River is more important to the people of that country than the irrigation of these acres. They can be irrigated by some other method. But that that river should be obstructed by that dam, which it is proposed by this bill shall be built, is an intolerable thing for the people of the upriver country to contemplate. I have here suggestions of five other private dams just waiting to see what Congress will do in regard to this one—power plants, irrigation schemes.

If you grant this, you will be asked to grant the right to other private corporations, and you will have a succession of these threatening obstacles up and down that river, which is now a navigable stream and may always be one. We appropriate money in every river and harbor bill for the improvement of that river. Since we have adopted the method of jetty dredging, raking the rocks toward the shore in the shape of jetties, we have made wonderful progress in keeping open and constantly deepening by the automatic action of the water those channels.

I am not at all disposed to stand here in the Senate and see a bill like this passed through without thorough consideration, and I say it is a threat and a menace to the prosperity of northern Idaho not only for to-day, but forever. I hope the bill will not receive the support of this body.

Mr. PILES. Mr. President, I am somewhat surprised to hear the Senator from Idaho [Mr. HEYBURN] say that this dam is a threat or a menace to the people of northern Idaho, when no one in the State of Idaho except himself, as far as I have been able to learn, opposes the passage of this bill. When this bill was first presented to the Senate at the present session, after having come from the House of Representatives, where it has been passed for the last two sessions, the Commercial Club of the city of Lewiston, Idaho, the principal town in that section of Idaho and which is situated on the Snake River and is more vitally interested in the navigation of that river than any other town or section in the State, opposed it; but later that club employed an able, experienced, and capable civil engineer to go down the river and investigate its navigability and determine whether, in his judgment, the dam would be beneficial or detrimental to the people of Idaho, and particularly to the town of Lewiston, situated upon the Snake River.

That engineer, as the Senator from Idaho well knows, reported that the construction of the dam would be for the benefit of the people of northern Idaho and the whole State of Idaho in that it would increase and improve the navigability of Snake River. So then the Commercial Club of the city of Lewiston, with this bill amended as proposed by the junior Senator from Idaho, immediately withdrew all objections.

This proposed dam is to be situated wholly within the State of Washington. The Senator talks about the Government of the United States putting a dam in the river to irrigate that country. Mr. President, some years ago one of the leading citizens of the State of Washington incorporated a company, and engaged large capital for the purpose of irrigating a vast stretch of country in the vicinity of this proposed dam.

After he had raised his capital, secured his contracts, and was ready to construct his ditches and put water upon something like 500,000 acres of arid lands, the Government withdrew it and prohibited him from carrying out his project. Some years later, after the gentleman who had organized the company had thrown up his plans and redistributed his capital, the Government threw the land open to settlement and improvement. If the Government compelled the abandonment of that vast project, bringing as it would in the end some millions of acres of land into irrigation, how long do you suppose it would be before it—if it would ever do it—would construct a dam at Fivemile Rapids for the purpose of enabling the people to irrigate there some 100,000 acres of arid land? This region is adjacent to one of the finest fruit belts in all of this Union.

The crops in that section of the country mature some three weeks earlier than in any other place in the United States, so far as my information goes. The people there have felt outraged that after investing their money, after buying these lands, and to a certain extent clearing them and going to the expense which they have in making their homes, they are unable to get water upon that arid region so as to make their lands fruitful and profitable.

The Snake River, at the point to which the Senator refers, is navigable only at certain seasons of the year. That portion of the river is a series of rapids, some 18 or 20 miles of which it is exceedingly dangerous for vessels to navigate even in high water, and in low water it is utterly and absolutely impossible of navigation.

When this bill came over from the House and I began to look into the matter, I wrote to the Chief of Engineers of the War Department and asked him, in effect, upon what theory he had approved the passage of this bill through the House of Representatives, and he said, under date of February 13, 1908, addressing me:

> Replying to your letter of the 11th instant, would say that the favorable report on H. R. 7618, Sixtieth Congress, first session, providing for the construction of a dam across Snake River near Fivemile Rapids was made for the following reason:
>
> From information on file in this office, it appears that this section of the river is susceptible of improvement by locks and dams, and therefore the construction of a dam properly designed and located, with a suitable lock in connection therewith, would improve the navigable condition of the river at this point and to that extent benefit the navigation of the entire river above.

If the Senator from Idaho wants the Snake River improved and he is willing to trust the judgment of the Chief of Engineers, then the construction of this dam in that river will

improve it, because it will back up the water some 18 miles over that series of rapids and make the river at that point navigable all through the year, and in addition to that it will set back the current in the river for many miles above the dam, which in itself will greatly improve the navigation of the river and permit vessels plying upon it to make much better time than they otherwise would make.

Mr. President, the Senator from Idaho complains because this dam is to be put in a navigable river. It is true that the gentlemen who have been thinking of this project have thought that it would be a good plan to put the dam in the river, but under the law as it exists and over which the men who propose this project have absolutely no control they are compelled to put that dam where the Chief of Engineers of the War Department shall direct it to be built.

No dam can be placed in that river until the plans and specifications, under the law, have been approved by the Department; and this law which he complains of, permitting a lock to be constructed on private property, expressly provides that wherever a lock shall be authorized by the Government to be constructed, the land upon which it is constructed shall be conveyed to the United States free of any cost to the Government. So there is utterly and absolutely no possibility for the Government to be injured in this proposition. In the first place the Government must approve the plans and specifications. In the second place, if the Government permits a lock to be constructed it must designate the place, and the persons proposing to construct it must convey the title of the location to the Government of the United States. So the whole project is in effect owned and controlled by the Government of the United States.

The Senator speaks of the want of captal on the part of these people to carry out this project. It is true that their corporation was organized with a capital stock of $25,000, and according to the reports which that concern has furnished the Senator from Idaho it shows that it has a surplus of $25,000. It shows that it has, over and above all of its debts, more than $300,000 worth of property. Whoever heard of a concern starting out—anyway in a project of this kind—with all of its capital on hand at once? The Senator, being familiar with the laws of the State of Washington, understands full well that that capital stock may be increased at any time. That it will be necessary to increase the capital stock of this company to complete this enterprise no one will deny.

He also knows that while the corporation is limited to fifty years' duration, it can, under the laws of the State of Washington, be continued indefinitely and perpetually for fifty years at a time. So there can be no objection on that score.

I hope, inasmuch as this project is situated in the State of Washington, at least 100 miles from the Idaho line, and the waters of the river which it is proposed to dam run through the very county in which my colleague resides, and in view of the fact that the people of Idaho, who are vitally interested in this project, believe that this will improve the navigability of that river and believe also that it will open up a vast stretch of country to the benefit of people who want to improve these arid lands—I hope, I say, in view of all these considerations, that the Senate will pass this bill, for I feel certain it can in no manner injure the people of Idaho. The Commercial Club of Lewiston have wired that they favor the passage of the bill with the amendment proposed by the junior Senator from Idaho, and certainly the fulfillment of this project will bring into cultivation a vast stretch of country; it will make a garden out of a desert, and it can do no possible harm to the Government. The Government keeps absolute control over the whole proposition and can lose nothing by giving the people out there an opportunity to improve that section of the country.

Mr. FRYE. Mr. President, as a justification of the Committee on Commerce for reporting the bill favorably, I wish to read the following communication from General Mackenzie:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 3, 1908.

The accompanying bill, H. R. 7618, Sixtieth Congress, first session, to authorize the construction of a dam across Snake River at or near Fivemile Rapids, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress so far as those interests are concerned.

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

Mr. TELLER. Mr. President, as the bill passed the House it certainly did not make ample provision for the commerce of that river. As the bill passed the House there was no provision for locks. If we should adopt the amendment offered by the junior Senator from Idaho, it may be that the bill would answer the purpose as the General says it does, to protect the commerce. I believe there is a law which requires the Secretary of War to supervise the obstructions, is there not?

Mr. FRYE. Yes; there is.

Mr. TELLER. If not, then we ought to provide that he should do that.

Mr. President, I know something about the Snake River. Of course it is a river that at some seasons of the year is not navigable in some places. I have been on Snake River a number of times from Riparia to Lewiston, and I have been deprived of a trip up there once or twice because the river was too low to run the boat. Yet there is no question that a very small amount of money would make the river from Riparia to Lewiston navigable at every season of the year, even at low water, but there are some obstructions that ought to be removed. The river above Lewiston is somewhat obstructed by rocks, and yet with a small outlay, in my opinion, the navigability of that river could be extended above the town of Lewiston. I could not say from actual observation how far, but I know from actual observation that it might be a considerable distance.

I sympathize with the people who want to secure and maintain for themselves the navigability of these streams. I believe that it is a public duty, and I certainly am not going to vote for anything that I do not believe protects the people along those streams. Whether that will be done by these locks I can not say for certain without some thought about it. But if it is a navigable stream, I should doubt the propriety of putting locks in it, although we have been doing that. Take the Tennessee River. The Government has put locks in there. But there the Government controls the whole thing. If this was a proposition for the Government to build a dam and build the locks and supervise them and own them, I would not object to it.

Mr. HEYBURN. I would not.

Mr. TELLER. But that is a very different thing from turning it over to a corporation. I am of the opinion that the Government of the United States is rich enough and ought to take care of its own streams. I do not believe, wherever a dam is necessary to help the navigation of a river, that the Government should turn it over to some corporation. The Government should do it itself.

I believe the senior Senator from Idaho [Mr. HEYBURN] is correct when he says this has been a navigable river ever since the opening of the country. It has been a navigable river for the last fifty years certainly. There has been more or less navigation. I know there are some rapids there which perhaps at low water you can not pass. There are some rapids clear above Lewiston that could be taken out which would make the river navigable pretty nearly from Huntington down; not all the way. There are some places, perhaps, that would require locks. But by taking out those reefs across the river in several places it could be done.

The Senator spoke about the grain that is carried down the river. Two years ago I was on the river from Riparia to Lewiston, and the captain told me he had carried the fall before 600,000 bushels of wheat down the river on the two boats that ran at that time from Riparia to Lewiston. The banks of the river for a long distance are covered with wheat fields. I have seen a township in that country which practically was a solid wheat field. So has the senior Senator from Idaho.

I feel a little interest in that country. I have been there a good many times. I invested some money there many years ago—forty-odd years ago. I am sorry to say it is still there. I visited that country forty-two years ago, and I know something about it and I feel an interest in it, and I do not want to do anything and I do not want to see anything done that will interfere with the development and growth of that country.

Mr. HEYBURN. Mr. President, I rose to say, in connection with the remarks of the Senator from Colorado [Mr. TELLER], that while there were very short periods each year during which the river at places is not navigable for a certain class of vessels, yet it is always navigable for another class of vessels.

Mr. TELLER. Lighter vessels.

Mr. HEYBURN. We have been expending every year a very considerable sum of money in improving it, and we have enlarged the scope of navigation very much since the Senator from Colorado and I first knew the river. Above Lewiston, between Lewiston and Huntington, which connects with the main line of the Oregon Short Line road at Huntington, vessels have made the trip five times, I am advised. I know they have made it twice, because I was familiar with the men and with the conditions.

Now, with reference to the action of the city of Lewiston, I am in a position to know something about it. I say without any hesitation, and it may go from here out to Lewiston, that I have silenced the sentiment that was there expressed, in the absence of a full knowledge of the scope and effect of this legislation, so that to-day there is none except the sentiment of the interested in Lewiston. It is not uncommon and sometimes

not difficult to procure an expression of sentiment in favor of a measure that is presented by our friends and by men we like and by men who are inclined to do what they can to assist us in carrying out our enterprises. That was the condition of affairs at Lewiston. I have a protest from a commercial club in the county in which the Senator from Washington lives.

I have not thought it wise or proper to urge that upon the Senate. I am not going into the State of any Senator here and undertake to know more about his State and its interests and its sentiment than he does. I am not going to aspire to represent the State of Washington in the United States Senate or to antagonize the Senators from that State. I am here to speak for the State of Idaho, which I in part represent, and I have no hesitation in saying that my colleague will not differ with me in regard to this matter, being advised of the facts.

I have known this river for pretty nearly thirty years. I know it well. I have been on it in all seasons of the year and on all occasions. I live in that section of the country and have during those years. I know the sentiments of the people and I know their interests, and I know that, while the State of Washington, in the local community where this water might be taken out of the river or this power applied, might feel an interest, as a local community always feels it, especially if it alone shares the benefits, yet I am speaking for the interests of a great State that I say is made a seaboard State by reason of the fact that that river is navigable to the sea—is open to the sea. If we had forty Government dams and locks in it, it would be open to the sea, because that which the Government is behind is of such a character that it belongs to all the people and is for the benefit of those of the people who are in a position to take advantage of it, as distinguished from the people who live at a distance and can not reap any advantage from it.

Shall Idaho's voice be ignored here when it speaks for its rights to maintain the river? We have given the State of Oregon $14,000,000, if my recollection is correct, in order to make the river open to the sea for Oregon, and they have not been a bit bashful about asking for it. We have given the State of Washington some millions of dollars for the purpose of making this river open to the sea.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. I should like to say that I have examined on the map the tortuous course of the Snake River, and I find this point is nearly 300 miles from Lewiston. Does not the Senator recognize the fact that the Government engineer says that this dam will improve the navigation of the river?

Mr. HEYBURN. No; they do not say that.

Mr. PILES. Pardon me a moment.

Mr. HEYBURN. I have the report on my desk. I know what it says.

Mr. PILES. Did not the engineer say so when he recommended the passage of the bill through the House? Did he not say so in the letter which I have read and which I have here to submit to the Senator if he wants it? Does not the Senator himself know that putting in the dam will slack that river for 25 to 35 miles through the State of Washington, which will be a benefit to the people who live along the river and who use the vessels which navigate the river? Is he not standing here, then, trying to prevent the people of the State of Washington from having that portion of the river which runs through the State improved, to their advantage and the advantage of the navigation of the river farther up, and to the benefit of the people of Idaho as well as of the people of Washington?

Mr. HEYBURN. The engineers to whom the Senator refers are men well known to myself. There are many "ifs" connected with that conclusion. *If* the private individual could build this dam, and *if* the engineers under whose directions it be constructed were to place proper and sufficient locks in the river, and *if* those locks were to be maintained permanently, it would back the water over 25 miles of reefs and benefit the navigation. I will vote for sufficient appropriation for the Government to construct dams where by backing the water over the obstacles the navigation may be improved, coupled with the construction of permanent locks, to be permanently maintained by a permanent Government, but I would not vote for the construction of a dam, however well it is planned, by a private individual, with the limitations of the uncertainties and incapacity and indisposition that belong to every private enterprise, with nothing but a pocketbook behind it. I would not vote for it if their plan were before us and everything was here.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. In a moment. I have here the report of the War Department on this proposition. I submitted to them February 14 this letter:

Brig. Gen. ALEXANDER MACKENZIE,
Chief of Engineers, War Department.

MY DEAR SIR: Will you kindly advise me whether or not the Benton Water Company has filed any plans or specifications for building a dam and lock at Fivemile Rapids, Snake River, in the State of Washington? They are asking for legislation permitting them to build a dam at this point, and I desire to find out if they have taken any steps in connection with the work they propose to construct.

Yours, very truly.

Signed by myself.

That letter I submitted to the Department. Upon it is indorsed, without reading the formal head, referred to my letter, the following:

Asks if the Benton Water Company has submitted plans for dam over Snake River, for which the company is asking legislation permitting same.

That inquiry, directed to the Chief of Engineers, has the following indorsement:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 19, 1908.

1. Respectfully returned to Mr. HEYBURN.
2. So far as the records show, no plans and specifications for the purpose mentioned within have been submitted to this office by the Benton Water Company.

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

That was of course since the bill was on the Calendar. That is the status of it to-day. If it is not, I have not been able to obtain any further advice. There are no plans or specifications or estimates on file with the War Department unless they have been placed there since my last inquiry, which was quite recent.

Mr. PILES. I should like to ask the Senator if he expects a prudent business man to prepare plans costing him from $15,000 to $20,000 and put them on file with the War Department before he has a right to construct his dam? Would not any practical business man say, "I will not prepare any plans or specifications until I know that Congress will give me the right to put a dam in the river." It would be a useless waste of money for him to prepare expensive plans, and an utter waste of time for the Department to examine and approve such plans unless it was assured to both that Congress would pass a law authorizing the execution of the plans.

While I am on my feet, I wish to ask the Senator a question. He speaks of the Government putting a dam at Fivemile Rapids in Snake River. Does the Senator ever hope that the Government, in the next twenty years at least, will think of putting a dam in that river for the purposes of commerce? Does he think there is enough commerce below the bridge at Riparia, on the Snake River, to warrant the Government of the United States in putting a great dam there for the purpose of improving the river in the way the people here propose to improve it? Does not the Senator know that the Snake River is paralleled on both sides by railroads carrying traffic along that section of country down the Snake and Columbia rivers into Puget Sound and into the Oregon country? Does he think for a moment that the Government would expend the large sum of money necessary to be expended to put any dam there at the rapids on Snake River, when there is no commerce to speak of except in high water, and even at the very best stages on that river the commerce is absolutely insignificant, and no Department official would approve the construction of a dam, for the next twenty years at least, for the improvement of that river?

Mr. HEYBURN. It speaks rather poorly for the Senator's scheme that a speculative individual or corporation should undertake this work when he admits that the Government of the United States would not, and he places the Government's reason for not doing it upon the ground that it would not pay. If it would not pay the Government, it would not pay individuals. We will then pass that by. It is not necessary to consider that kind of an argument more than merely to give it its own refutation.

The river is navigable. The country is there. If it is susceptible of the great wealth-producing conditions that are pictured by the Senator, the Government will take hold of it. They spent, I think, $2,000,000 in the Minidoka dam, twice as high as this dam will be, and they did it because they made 130,000 acres of land there susceptible to irrigation and settlement. The Government said that was a sufficient inducement to place a dam in this same river some hundred miles farther up toward the head in order that the water might be sold to these people.

I am not soliciting the Government to enter into a reclamation scheme at this point and to construct this dam. I will leave that to the wisdom of their engineers and those having charge of it.

But what I object to is the irresponsibility and that which follows irresponsibility behind this kind of an enterprise. I have every confidence that it is possible for a human being to have in our Government, and I have only such confidence in schemes for financial advantage and benefit as they may justify after they have completed their work; none before.

Now, Mr. President, it is a serious question that these parties should be allowed for the next three years to say, "We have an act of Congress authorizing us to take possession of this navigable stream." Suppose we were to come before the Committee on Commerce having charge of the river and harbor bill and say, "We want $75,000 to carry on the dredging of the Snake River at Fivemile Rapids and between there and Lewiston."

We want to complete this splendid system of jetty dredging, which is done by raking the rocks so that they converge toward the center of the stream and constitute jetties that confine the water and automatically sweep out and keep clean the channel of the river. That is what they are doing on that river and on other rivers. What would Congress say if some one should get up here and say, "Look here, the Snake River has an obstacle. A private enterprise, belonging to private individuals, has under construction, or at least they have three years in which to commence the construction of a dam down there; and we will not give you an appropriation to clean out that river that is owned only in part by the Government of the United States and is owned in part by private individuals."

I was saying when interrupted by the Senator from Washington, that we have expended millions and millions and millions of dollars to improve the Snake River, to make it navigable and useful to the States of Washington and Oregon, but as soon as we reach the Idaho line the best I could get four years ago was $10,000 to take some rocks out above the city of Lewiston, in the State of Idaho, and when a boat was wrecked for causes that could not be avoided I had great difficulty in getting any consideration for the purpose of reconstructing that boat upon which the men worked while they drilled and blasted the rocks out of the river.

I believe in preserving the waterways of the country for the uses of the people, not only for their uses to-day, but for their uses in all time to come. These waterways stand between them and oppression in freight rates and conditions. When you made the Willamette River navigable in its lower waters you cut the freight rates on the railroad that runs on its border in two. When you make the Snake River perfectly navigable you compel and keep within bounds the raising of railroad rates along its border.

I have asked on one or two occasions since I have been in this body that the Clearwater River be maintained in its integrity, and I intend so long as I am here and so long as I may exert any influence here or elsewhere to prevent that river from being taken possession of for private greed or private gain. If no craft ever floats down these rivers, the very fact that they are navigable is sufficient to hold the railroads that border them in check.

I do not know that any considerable amount of freight has ever passed down the Willamette since it was made possible to navigate it, but I do know that the very existence of the condition of navigation is in itself a controlling element in determining the reasonableness of freight rates.

Mr. ANKENY. I should like to ask the Senator if the Idaho people, who are concerned in this matter, ever made a protest against it?

Mr. HEYBURN. I am one of the Idaho people; my colleague and I are all the Idaho people in this body; and if there is anybody here who has the temerity to stand up and undertake to represent or claim to represent the sentiment and rights of the people of Idaho in opposition to it, we welcome the challenge.

Mr. ANKENY. Does the Senator know of any merchant or respectable man on that river who is objecting to this enterprise? Does the Senator's colleague object to it?

Mr. HEYBURN. I do not know whether my colleague objects to it or not. I leave him to speak for himself. But I know I speak for north Idaho so far as I may, and I care nothing for the mercenary motives of those men who would grasp one of the great assets of that country and strangle it. I care nothing for the pocketbook politician; I care nothing for the pocketbook sentiment or the pocketbook influence that would steal the liberties and the heritage of the people if, forsooth, they might for a few months in the year reap rich rewards for themselves. I am not speaking for that sentiment. I am speaking for the people who have the interest of Idaho at heart and understand it in an intelligent way.

Does the Senator imagine that I would stand up here and oppose the wishes of the people of my State? We furnish the water for this river in Idaho. It rises there. The waters that flow down through the State of Washington and the State of Oregon are furnished by snows from the mountains of our State. It happens that in the wisdom of our fathers the border line between Washington and Idaho was so drawn as to give Idaho a natural seaport, and we propose to maintain it.

Mr. ANKENY. May I ask the Senator from Idaho if he has not a dam on this identical navigable river? He does not say anything about it in his own State. You have a dam up at Twin Falls.

Mr. HEYBURN. The Government has constructed the dam.

Mr. ANKENY. It did not at Twin Falls; it did at Minidoka.

Mr. HEYBURN. That is under the Government, practically. The Carey Act is as much concerned——

Mr. ANKENY. I know that it is a private concern.

Mr. HEYBURN. I will leave the pocketbook part of this politics to the Senator from Washington, and I will discuss the part here that pertains to the patriotic duties I am here to perform. At Twin Falls, under the Carey Act which Congress passed in its hour of greatest wisdom, we have constructed—I say "we;" I have no interest in it, but the people of Idaho have constructed—a dam at the expense of a million dollars or more, and they have provided through canals with a great extent of water, covering an empire that is to-day the most beautiful land that lays out of doors, a land that five years ago had no inhabitant on it, as I told this body some weeks ago, and that to-day has in that little bit of land irrigated through the means of this dam a population of more than 10,000 people, with one city of 5,000 population, and with, as far as the eye can see, green fields, and orchards, and trees, and homes, and prosperity, and people who went there to stay and who have made homes there. That is the kind of an enterprise that I am always ready to applaud and to assist. But that was done under the direction of permanency, and the Minidoka dam, a few miles above, was constructed by the Government of the United States at a cost of something approaching $3,000,000. I will hail that kind of work.

Mr. TELLER. I should like to suggest to the Senator from Washington that it is not a navigable stream where that dam was built.

Mr. ANKENY. It is, sir.

Mr. HEYBURN. I was going to suggest that the dam the Senator refers to is constructed on the crest of those beautiful falls that are almost equal to Niagara in height—right on the crest of them.

Mr. TELLER. Yes.

Mr. HEYBURN. And it had nothing to do with navigation whatever.

Mr. TELLER. It could not be made navigable.

Mr. HEYBURN. No; it could not be made navigable. I am talking here a common-sense proposition and one that affects our interests. The Senator suggested that my colleague may differ with me about it. My colleague is here to represent the interests of Idaho from a governmental standpoint and from the standpoint of to-morrow and the next day and the next. I am not ready to consent to a scheme merely because a lot of good fellows are interested in it; and they are good fellows—I know them—they are my friends. I had a letter from one of them, which lies on my desk, reminding me that he assisted by his vote to send me as a member of this body. He is a splendid man. He has interests that would be benefited by the building of this dam. I have other letters here from my personal friends. Captain Gray, one of the best men and one of the best navigators I ever knew, is interested down there in this enterprise and would like to see it go through. God knows I would like to see him have the prosperity that might come to him from it.

But I am not here to consider public improvements from that standpoint, and I have so written them. I am here to consider this matter from a wider or a larger standpoint than that—the standpoint of the good of the State of Idaho now and hereafter; its permanent good.

The Senator from Colorado [Mr. TELLER], who knows that particular part of Idaho perhaps as well as I do, and who has known it as long, knows that the keeping open of the Snake River to the sea means an immense benefit and advantage for Idaho in the future, and that to allow a private enterprise to get in there under any excuse or pretense means a threat always, and a burden and a difficulty to be taken into consideration.

If the Government were by any means to build dams and

locks, as I said, even though it might deter to some extent navigation it might improve it, and I would hail it with pleasure; but to allow a private enterprise to do it, I say, the people of Idaho when they understand it would never forgive their representative who stood here and allowed it to be done without raising his voice and casting his vote against it.

I think I know what I am talking about. This is not a new question. When I went down there I found them all in a merry mood of acquiescence. Captain Gray is a good fellow. He has been here, and he says it will benefit them, and he knows the river; he has navigated it. I said: "Well, let us sit down and talk together about it and see. There is somebody else, Captain Gray, besides you and I interested in this. We had 14,000,000 bushels of wheat raised on the drainage of this stream. The counties of Latah, Nez Perce, and Idaho are interested in this scheme. Let us see whether we want to allow anything of this kind to be done." When we were through our conference there was a wiser and a more conservative sentiment, and when this matter was presented to those people fully I expressed the sentiment at which they finally arrived.

Mr. BORAH. Mr. President, it was not my purpose to make any remarks upon the pending bill, but since I have been indirectly drawn into the discussion I wish to say a word or two.

My colleague [Mr. HEYBURN] and myself are in perfect harmony on the proposition of keeping open Snake River to the sea. That is a matter of supreme importance to the people of our State, and I apprehend there can be no difference of opinion between those representing the State of Idaho under any circumstances upon that proposition. The only matter about which there might possibly be difference is as to the method of doing it. I was not vitally concerned in the bill except from that standpoint alone, and I therefore offered this amendment:

Provided, That said Benton Water Company, its successors or assigns, shall construct, operate, and maintain locks, perpetual and free of charge or toll to navigation and navigators, and shall so use said stream as not in any manner to obstruct, embarrass, or retard navigation.

It occurred to me that, in view of the supervisory power which the Secretary of War has over the rivers or navigable streams, with this added there could be no possible embarrassment of the navigation upon Snake River by reason of this improvement, and I am very much of that opinion still.

In view of the fact that this dam is to be constructed and these locks maintained and kept up, not only under the provisions of the bill, but under the supervisory power of the Secretary of War, I do not see how there can be any possible injury or impairment of the navigation of that stream. If I thought so for one moment, of course I would oppose the bill.

So far as the question of private enterprise improving rivers of the West and reclaiming the arid lands and developing our natural resources is concerned, if we had had to wait upon the Government of the United States in order to accomplish those things we would have nothing in the West to-day. Private enterprise has gone into the mountains, across the rivers, and into the recesses of the mountains, and has developed that country, and so long as it is honest in its purpose and its endeavor, so long as men are willing to put their capital in with a view of making improvements and building up the country, I am perfectly willing they shall have the opportunity to do so, provided they do not destroy the navigability of our streams. For that reason I offered this amendment, and for that reason I shall support the bill.

Mr. ANKENY. Mr. President, there has been a good deal brought in here about the opinion of those people. The Commercial Club of Lewiston, that is presumed to represent the bulk of the people there, says:

The Commercial Club withdraws objections and recommends passage of the bill, provided it is amended to require perpetual maintenance and operation and free lockage.

In addition to that, carrying out the same view, is the letter of the Chief of Engineers of the United States Army, which has been read. He says:

The accompanying bill, H. R. 7618, Sixtieth Congress, first session, to authorize the construction of a dam across Snake River at or near Fivemile Rapids, makes ample provision for the protection of navigation interests, and I know of no objection to its favorable consideration by Congress, so far as those interests are concerned.

That is signed by Brigadier-General Mackenzie, Chief of Engineers.

Mr. HEYBURN. Mr. President, there seems to be an absence of a quorum.

The PRESIDING OFFICER (Mr. DOLLIVER in the chair). The Secretary will call the roll.

Mr. TELLER. Mr. President——

Mr. HEYBURN. If the Senator from Colorado desires to speak, I will withdraw the suggestion.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Clay	Foster	Overman
Bankhead	Crane	Gallinger	Perkins
Borah	Culberson	Gary	Piles
Bourne	Cullom	Heyburn	Richardson
Brandegee	Curtis	Hopkins	Scott
Briggs	Depew	Lodge	Simmons
Brown	Dixon	Long	Stephenson
Burkett	Dolliver	McCumber	Sutherland
Burnham	du Pont	McEnery	Taliaferro
Carter	Elkins	Nelson	Teller
Clapp	Flint	Nixon	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. There is not a quorum present.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 31, 1908, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate March 30, 1908.

PROMOTIONS IN THE NAVY.

Lieut. Arthur G. Kavanagh to be a lieutenant-commander in the Navy from the 8th day of November, 1907, vice Lieut. Commander Guy W. Brown, promoted.

Lieut. Charles S. Bookwalter to be a lieutenant-commander in the Navy from the 6th day of December, 1907, vice Lieut. Commander Marbury Johnston, promoted.

Boatswain Edward J. Damon to be a chief boatswain in the Navy from the 11th day of March, 1908, upon the completion of six years' service in present grade.

Second Lieut. Joseph A. Rossell to be a first lieutenant in the Marine Corps from the 14th day of February, 1908, vice First Lieut. Albert Hamilton, resigned, to correct the date of his promotion as confirmed on March 21, 1908.

WITHDRAWAL.

Executive nomination withdrawn from the Senate Monday, March 30, 1908.

John W. Jackson to be postmaster at Columbia, in the State of Tennessee.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 30, 1908.

MARSHAL.

James M. Shoup, of Alaska, to be United States marshal for the first division of the district of Alaska.

RECEIVER OF PUBLIC MONEYS.

Frank M. Foote, of Wyoming, to be receiver of public moneys at Evanston, Wyo.

SURVEYOR OF CUSTOMS.

Joshua L. Chamberlain, of Maine, to be surveyor of customs in the district of Portland and Falmouth, in the State of Maine.

APPOINTMENTS IN MARINE-HOSPITAL SERVICE.

Lasher Hart, of New York, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Charles E. Wood, of New York, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Maj. Isaac W. Littell, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, from March 19, 1908.

Capt. B. Frank Cheatham, quartermaster, to be quartermaster, with the rank of major, from March 17, 1908.

Capt. George G. Bailey, quartermaster, to be quartermaster, with the rank of major, from March 19, 1908.

Ordnance Department.

Lieut. Col. Frank Baker, Ordnance Department, to be colonel from March 17, 1908.

Maj. Beverly W. Dunn, Ordnance Department, to be lieutenant-colonel from March 17, 1908.

Capt. Thales L. Ames, Ordnance Department, to be major from March 17, 1908.

Field Artillery.

First Lieut. Clarence N. Jones, Third Field Artillery, to be captain from February 25, 1908.

Second Lieut. Henry L. Harris, jr., Sixth Field Artillery, to be first lieutenant from February 25, 1908.

Second Lieut. Edwin E. Pritchett, First Field Artillery, to be first lieutenant from March 5, 1908.

Second Lieut. Roy B. Staver, Fifth Field Artillery, to be first lieutenant from March 17, 1908.

Coast Artillery Corps.

First Lieut. Theodore H. Koch, Coast Artillery Corps, to be captain from March 11, 1908.

Second Lieut. Clarence E. Seybt, Coast Artillery Corps, to be first lieutenant from January 1, 1908.

Second Lieut. Thomas F. McNeill, Coast Artillery Corps, to be first lieutenant from January 1, 1908.

Second Lieut. George M. Peek, Coast Artillery Corps, to be first lieutenant from January 3, 1908.

Second Lieut. Perry M. Gallup, Coast Artillery Corps, to be first lieutenant from January 20, 1908.

Second Lieut. William P. Wilson, Coast Artillery Corps, to be first lieutenant from January 21, 1908.

Second Lieut. Charles L. Williams, Coast Artillery Corps, to be first lieutenant from January 23, 1908.

Second Lieut. Alexander J. Stuart, Coast Artillery Corps, to be first lieutenant from March 11, 1908.

Infantry.

Maj. Colville P. Terrett, Eighth Infantry, to be lieutenant-colonel from March 14, 1908.

Capt. William M. Wright, Second Infantry, to be major from March 14, 1908.

Capt. André W. Brewster, Twenty-fifth Infantry, to be major from March 15, 1908.

First Lieut. Howard C. Price, Fifth Infantry, to be captain from March 14, 1908.

First Lieut. Eldred D. Warfield, Thirtieth Infantry, to be captain from March 14, 1908.

First Lieut. Walter B. McCaskey, Twenty-first Infantry, to be captain from March 14, 1908.

First Lieut. Frank R. Lang, Fifteenth Infantry, to be captain from March 14, 1908.

First Lieut. Oliver H. Dockery, jr., Third Infantry, to be captain from March 15, 1908.

First Lieut. John R. Thomas, jr., Seventeenth Infantry, to be captain from March 16, 1908.

First Lieut. Milton A. Elliott, jr., Thirteenth Infantry, to be captain from March 18, 1908.

POSTMASTERS.

CONNECTICUT.

George P. Edwards to be postmaster at Collinsville, Hartford County, Conn.

George W. Randall to be postmaster at Rockville, Tolland County, Conn.

Charles T. Welch to be postmaster at Windsor, Hartford County, Conn.

MAINE.

George A. Herrick to be postmaster at Madison, Somerset County, Me.

MASSACHUSETTS.

Orick H. Kelley to be postmaster at North Plymouth, Plymouth County, Mass.

Oliver P. Kendrick to be postmaster at West Brookfield, Worcester County, Mass.

Frank E. Nichols to be postmaster at Warren, Worcester County, Mass.

Edwin Smith to be postmaster at Mittineague, Hampden County, Mass.

Willis A. Taft to be postmaster at Oxford, Worcester County, Mass.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 30, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 71. Joint resolution to provide for the removal of obstructions from the main ship channel, Key West Harbor, Florida;

S. 6257. An act authorizing the Secretary of War to expend $300,000 in protecting the banks of the Mississippi River at New Orleans, La.;

S. 4831. An act for the relief of Pembroke B. Banton; and

S. 3023. An act to amend the national banking laws.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill, and the Clerk will read.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise and assist the owners of woodlands and lands within and adjacent to the national forests in the proper care of the same, to investigate and test American timber and timber trees, and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $500; to pay all expenses necessary to protect, administer, improve, and extend the national forests, but no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement; and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other Federal Bureaus and Departments in the performance of the duties imposed on them by law; to ascertain the natural conditions upon and utilize the national forests, and hereafter the Secretary of Agriculture may from time to time divide and designate all lands heretofore or hereafter reserved for national forests under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," after such lands have been so reserved, as he may deem best for administrative purposes; and hereafter the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests, except the Black Hills National Forest, in South Dakota, to be exported from the State, Territory, or the districts of Alaska and Porto Rico in which said forests are respectively situated: *Provided*, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the Forester shall certify that the ravages of the destructive insects in said forest are practically checked; and hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for such term, not exceeding fifty years, as the Secretary of Agriculture may by regulation prescribe, and land covered by such permits issued in pursuance of an application filed before entry, location, or application, subsequently approved under the act of June 11, 1906, shall in perpetuity remain subject to such permit and renewals thereof; and hereafter the Secretary of Agriculture, in his discretion, may, in behalf of the United States, accept lands for forest purposes, and, for the purpose of consolidating the national forests, may accept lands in exchange for lands or stumpage from the national forests of substantially equal value; and hereafter all moneys received as contributions toward cooperative work in forest investigations or administration and in the protection and improvement of the national forests shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expense of said investigations, administration, protection, and improvement by the Forest Service and for refunds of amounts heretofore or hereafter received in excess of the amounts found actually due; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ fiscal and other agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests, in the District of Columbia or elsewhere; and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires, and improving forests in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department; to collate, digest, report, illustrate, and print the results of experiments and investigations made by the Forest Service; to purchase law books to an amount not exceeding $500, necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses; and for rent in the District of Columbia and elsewhere, $3,151,900.

Mr. MONDELL. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The Chair would suggest to the gentleman from Wyoming that it might expedite matters if he would designate the language to which the point of order applies.

Mr. MONDELL. For the present, Mr. Chairman, I reserve a point of order against the paragraph as a whole. I do that for the purpose of interrogating the chairman of the committee in regard to particular portions of the paragraph in relation to which I desire information.

Mr. CRUMPACKER. Mr. Chairman, I would like to make a parliamentary inquiry while this question is up.

The CHAIRMAN. The gentleman from Indiana will state it.

Mr. CRUMPACKER. In view of the manner in which the gentleman from Wyoming has reserved his point of order to the paragraph I would like to know if that would prevent any member of the Committee of the Whole subsequently making or reserving a point of order to particular portions of the paragraph under consideration? I want to make a point of order as to some particular parts of it. If this is the time for me to reserve my point of order I want to do it now. If I can make the point later without losing my right I am willing to defer to the gentleman from Wyoming.

The CHAIRMAN. There is always opportunity for Members to raise particular points of order. The Chair called attention of the committee to the fact last week, that after a general point of order had been sustained and an amendment had been adopted by the committee it was then too late for a Member to raise an additional point of order.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 20063) making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time and, with the accompanying papers, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD and Mr. BURLESON reserved all points of order on the bill.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FOSTER of Vermont in the chair.

Mr. WATKINS. Mr. Chairman, I wish to offer an amendment to this paragraph.

The CHAIRMAN. A point of order is now pending.

Mr. MONDELL. Mr. Chairman, in order that my purpose may be more clearly understood, I reserve a point of order against all new matter in the paragraph. My understanding is that the matter in lines 11, 12, and 13—"and no part of this appropriation shall be used for any experiment or test made outside of the jurisdiction of the United States"—is new matter, I would like to ask the chairman if that is true.

Mr. SCOTT. With the consent of the gentleman from Wyoming, I should be very glad to take up the new language, phrase by phrase, as it appears, calling his attention to it, submit a few remarks on the merits of the question, and then yield for any statement he may wish to make, and if he does not desire to make such statement he may insist on the point of order or withdraw it.

Mr. MONDELL. Mr. Chairman, my thought was that perhaps the most expeditious way in which to dispose of the paragraph would be to take up the new matter as we reach it and discuss the merits of a particular provision. A large portion of this paragraph is new matter, but it was my thought that we could dispose of the paragraph more expeditiously by taking up the items of new matter in that way. Then, after discussion of a certain provision of new matter, I could withdraw or insist upon the point of order so far as I was concerned. I thought in this way we could pass over one provision after another, and it would be better to do that than to attempt in one general statement to refer to a great variety of subjects treated by the various new provisions in the paragraph.

Mr. SCOTT. I quite agree with the suggestion of the gentleman from Wyoming, and with his permission I shall take up the first provision, page 22, lines 11, 12, and 13, which read as follows:

But no part of this appropriation shall be used for any exepriment or test made outside the jurisdiction of the United States.

The Comptroller of the Treasury has decided, in certain cases, that an appropriation bill, general in its terms, is restricted to continental United States, and the organized territories therein. This proposed legislation was deemed necessary to authorize the Department to conduct experiments and tests in Alaska and Porto Rico, where there are now national forests, and simply gives the same authority in those territories or possessions which the present law allows the Department to exercise within continental United States.

Mr. MONDELL. Then my understanding is that this paragraph simply authorizes the carrying on of experiments within our jurisdiction, and that it does widen, possibly, the present scope of the authority of the Bureau by allowing it to make experiments in Alaska, Porto Rico, and the Philippines.

Mr. SCOTT. The gentleman is entirely correct.

Mr. MONDELL. Do I understand that under this it would be possible for the Agricultural Department to carry on experiments in the Philippines, for instance?

Mr. SCOTT. I think so, because the language reads that no part of this appropriation shall be used for any experiments or tests made outside the jurisdiction of the United States. Undoubtedly the Philippine Islands are within the jurisdiction of the United States, and this language would therefore authorize the Department to make these experiments and tests within those islands.

Mr. MONDELL. I want to ask the gentleman if his committee considered the question of the advisability of carrying on experiments in the Philippines, let us say, with appropriations made on the agricultural bill, whether the committee discussed that matter or not, and whether, if they discussed it, they concluded it would be wise to do so.

Mr. SCOTT. That matter was not discussed before the committee. The statement was made by the Chief of the Forest Service that this language was desired in order to allow the work to be done in Porto Rico and Alaska. He said nothing about the Philippines, and that matter did not come into the discussion. I understand, of course, that work of this character done in the Philippine Islands ought to be done at the cost of the islands treasury, and if the gentleman desires to limit it in the way his suggestion implies I would have no objection.

Mr. MONDELL. I would say that as far as I am concerned I have no objection to this language and its intent, except that it occurs to me—and I think the chairman of the committee probably agrees with that view—that it would not be wise to authorize work under this bill to be carried on in the Philippine Islands.

Mr. SCOTT. I entirely agree with that view, and have no doubt that the Forest Service would take the same view. I know it is the present expectation of the Chief that this work is to be extended only to Alaska and Porto Rico, and I think it would be entirely safe to allow the language to remain in its present form.

Mr. SMITH of California. Is the chairman certain that the language he has employed will reach the purpose that he has in view? Are you not giving to the Department additional authority by the language of this addition? We are discussing the language—

That no part of this appropriation shall be used outside the jurisdiction of the United States—

and that proposition, it seems to me, would go without saying. It does not say that it shall not be used outside continental United States, but that it may not be used in Africa or some place beyond the jurisdiction of the United States.

Mr. SCOTT. Ordinarily it would go without saying, but, as I explained, the Comptroller has held that an appropriation bill general in its terms must apply only to continental United States, and the language which we are discussing was put in this peculiar form in order that it might escape the point of order and appear as it actually is, a limitation on an appropriation.

Mr. SMITH of California. By inference extending the scope of operations to other countries, without expressly declaring it.

Mr. SCOTT. I do not think this language could possibly be construed as extending this work to other countries, because it expressly limits it to countries within the jurisdiction of the United States.

Mr. SMITH of California. Does it extend it to anything more than the general law?

Mr. SCOTT. Not at all.

Mr. SMITH of California. Then it does not accomplish anything.

Mr. SCOTT. It does not apply to anything except the general terms of this appropriation.

Mr. SMITH of California. I understand the gentleman to say that the general statute with reference to the Forest Service is applicable only to continental United States.

Mr. SCOTT. So far as it makes an appropriation, yes.

Mr. SMITH of California. Does not this really say, in a negative way, that the appropriation shall not be used outside of the United States?

Mr. SCOTT. Does the gentleman concede that Alaska and Porto Rico are within the United States?

Mr. SMITH of California. Yes; but this does not say that the appropriation may be used in all parts of our territory, whereas the general law——

Mr. SCOTT. It simply implies that by saying it shall not be used anywhere without our territory.

Mr. SMITH of California. If the general statutes limit the operations of the Forestry Department to continental United States, why, I doubt very much whether this negative expression extends to the Philippines, Porto Rico, and Alaska. It merely says it shall not be used in——

Mr. SCOTT. Well, I think that when you use language limiting that appropriation to territory within the jurisdiction of the United States you certainly by those terms carry that language to all parts of the United States, and I think that the construction placed upon it by the gentleman from Wyoming is entirely justified. In further assurance to him, however, that it will not be used to extend the work of the Forestry Service to the Philippine Islands, I think I may say that we have no national forests in the Philippines——

Mr. MONDELL. Is not that true also of Hawaii?

Mr. CRUMPACKER. And Porto Rico.

Mr. SCOTT. No; we have a small forest reserve in Porto Rico.

Mr. CRUMPACKER. I remember of our having put through a law transferring the title of all public lands in Porto Rico, with the exception possibly of one part, to the insular people, to the people of the island, and every foot of land in the Philippines, except military and national reservations, is in the government of the Philippines, and they have a complete forestry system and forestry bureau of their own.

Mr. SCOTT. The gentleman is eminently correct.

Mr. MONDELL. Is not that true of Hawaii?

Mr. SCOTT. My understanding is it is true, in part.

Mr. MONDELL. Would not the chairman be willing to accept an amendment to this language, if it does not go out, excepting Hawaii and the Philippines?

Mr. SCOTT. I will be entirely willing to accept that language.

Mr. MONDELL. Well, Mr. Chairman, so far as the language under discussion is concerned, with the understanding that at the proper time the committee will offer an amendment limiting this extension so that it may not include Hawaii and the Philippines, I shall not insist upon my point of order.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman why he excepts Hawaii.

Mr. MONDELL. Well, we have no forest reserve in Hawaii, and the public lands of Hawaii are under the jurisdiction of the Territory, and not under the jurisdiction of the officers of the United States. I believe the people of those islands are well qualified to take care of the question of forestry within the islands.

Mr. NORRIS. That may all be true, but at the same time if it is true there would not be any danger of the Agricultural Department expending any money there. Hawaii is a Territory of the United States, and jurisdiction extends over it the same as any other Territory.

Mr. MONDELL. With this difference, that we have no forest reserve there and we are doing no forestry work there.

Mr. NORRIS. Then there would not be any danger.

Mr. MONDELL. There might be a great deal of money expended in Hawaii for investigations and these investigations paid out of the Treasury of the United States and appropriations made under this bill. Now, the Agricultural Committee is not considering the need of Hawaii in this bill and in the appropriation which they have made under the bill, and why should we extend the provisions of the bill to a Territory that has not been considered?

Mr. SCOTT. Mr. Chairman, I understand the gentleman from Wyoming has withdrawn his point of order with the understanding that an amendment will be offered later.

Mr. NORRIS. I do not want to agree to that.

Mr. SCOTT. I mean to this particular language, to the first new language in the paragraph.

Mr. MONDELL. Mr. Chairman, the House will have an opportunity to pass upon any amendment which is offered. I simply withdraw my point of order, with the understanding that the committee will offer an amendment.

Mr. MADDEN. Mr. Chairman, I make a point of order, or rather, I reserve it.

Mr. SCOTT. Mr Chairman, I have no desire to protract the discussion, and if the gentleman from Illinois makes the point of order I am ready for the Chair to rule. I merely wish to suggest to the Chair that, in my opinion, the language in question is not subject to the point of order. It merely limits the appropriation to the jurisdiction of the United States, which I think we have a right to do.

The CHAIRMAN. The Chair did not understand fully what the chairman of the committee said in his opening remarks concerning the Treasury Department.

Mr. MADDEN. Mr. Chairman, owing to a misunderstanding as to the language referred to, I withdraw my point of order.

Mr. SCOTT. Now, Mr. Chairman, the next new language to which the gentleman from Wyoming [Mr. MONDELL] has reserved the point of order appears on page 22, lines 13 to 15, where the entire phrase is as follows:

To advise and assist the owners of woodlands and lands within and adjacent to the national forests in the proper care of the same.

The new language there consists of the words "and assist" and the words "lands within and adjacent to the national forests." The current law contains the words "to advise the owners of woodlands in the proper care of the same." The words "and assist" were inserted because they more nearly cover the work that sometimes is done in the line of cooperation with the owners of private woodlands.

The general law creating forest reserves and transferring them to the Department of Agriculture authorizes the Forest Service to cooperate with private landowners in administering their lands and in conducting operations upon them. So this language is simply inserted in order to specifically provide for the carrying out of the general provisions of the law.

Mr. NORRIS. Will the gentleman permit a question there?

Mr. SCOTT. Yes.

Mr. NORRIS. Why is it limited to forests within and adjacent to the national forests? If you take any forests outside of the national forests, why not let it be general? Say that he can assist owners adjacent to national forests and any others.

Mr. SCOTT. Well, the particular reason for inserting the language "and lands within and adjacent to the national forests" is that there are a great many tracts of land which are within or adjacent to national forests owned by States, and owned by railroad companies, where land grants took effect before the forests were set apart, and it is peculiarly of value, both to the Forest Service and to the private owners, whether they be States or corporations, that this cooperative work should be done in such cases.

Mr. NORRIS. I can see how all that is true, that it would be peculiarly to their advantage, but at the same time I do not see why that peculiar advantage should be limited to men who happen to own land that is adjacent to a national forest or within a national forest. Why should they be favored more than others?

Mr. SCOTT. I do not think the Forest Service ought to be permitted to get entirely away from a national forest and assist the owner of woodland in improving it or in doing any work in connection with it. The word "assist" in this connection means actual physical assistance, as I take it. It does not mean mere advice or suggestion. Under other language in the bill the Bureau can advise with the owners of woodlands in any part of the United States as to the best administration for those lands. But we do not authorize the Bureau to assist those men in a cooperative way, the construction of trails or roads, or anything of that kind, for the reason that such work, while it would be of advantage to the private owner, would not contribute to the development or to the value of national forests.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. SCOTT. With pleasure.

Mr. MADDEN. In what particular way are they authorized to assist here under this item?

Mr. SCOTT. Well, this kind of work is done under the language referred to. A county, for example, may wish to cooperate with the Forest Service in building a bridge across a stream which is within or adjacent to a national forest, or the owner of a large tract of woodland, say, one of the States, may wish to cooperate with the Forest Service in building a drift fence or fire lane, or constructing trails or roads through the forest that may be mutually beneficial both to the State lands and to the national forest.

Mr. MADDEN. Do I understand that this would give authority to construct roads at the national expense?

Mr. SCOTT. It would give authority for the Forest Service

to contribute part of the expense for the construction of the road, the remainder of the expense to be borne by the other party in interest, and it is provided for, I will say, in the general law.

Mr. MADDEN. Would not that be contrary to the general policy of the National Government on the question of the construction of roads out of the National Treasury as in contradistinction to which they are constructed now from the local treasury?

Mr. SCOTT. No; for the reason that these roads are constructed on Government property, and the Government has always been willing to do that kind of work.

Mr. NORRIS. Will the gentleman permit me to ask him a further question?

Mr. SCOTT. With great pleasure.

Mr. NORRIS. Now, it seems to me that the gentleman is certainly mistaken as to the meaning of the language referred to. I take it from the language in the bill, which is subject, as I understand it, to the point of order, there is no authority for the Government to expend any money or give any aid to the building of a road through any of this adjacent land. The language says, "in the proper care of the same"—which is, the owners of this land in and adjacent to a national forest "shall have assistance in the proper care of the same." That is, I understand, that it should build the road. And now I submit to the gentleman that we ought not by positive enactment of law to provide that the Agricultural Department shall assist in the preservation of these forests simply because they happen to be adjacent to lands that belong to the Government of the United States.

Mr. SCOTT. The general law fully authorizes the Forest Service to cooperate with private individuals, corporations, or municipalities in work that may be equally valuable both to the national forests and other parties in interest; and it is my judgment that the language which is inserted in the paragraph is not subject to the point of order. I do not care to discuss the matter any further.

The CHAIRMAN. The Chair would like to hear the gentleman from Wyoming on the point of order.

Mr. MONDELL. Mr. Chairman, this language is clearly subject to the point of order. If it were not subject to the point of order it would not be here. If this were existing law, it would not be necessary to write it into this bill. I do not quite agree with the chairman of the committee as to the broad scope of this amendment. Had it as wide an application as he seems to think it has it would be even more objectionable than it is.

It is quite objectionable enough with a much narrower construction of its meaning. It clearly gives the Secretary the power under this appropriation to assist, and assist as far as he may see fit to do so, and at as great expense as he may care to make, to assist in the proper care of woodlands. In other words, he could provide a number of laborers for clearing up a park or a woodland. He could under this appropriation improve or assist in the improvement of any woodland in the United States. He could under this appropriation send men into any timber land in the United States for the purpose of piling the brush and clearing the ground, for the purpose of doing anything and everything that might tend to improve the forest. In other words, under this language the Secretary of Agriculture would become the caretaker, the gardener, and park director of all the timber lands in all the United States. Clearly there is no such authority in the present law. It simply gives him authority to advise the owners of woodlands as to the proper care of the same.

That is the language of the present law; and clearly this is subject to the point of order and is very dangerous legislation. I insist on the point of order as to the words "and," at the end of line 13, and the word "assist," at the beginning of line 14, and the words "and lands," on line 14, and the words "within and adjacent to the national forests," in lines 14 and 15.

The CHAIRMAN. It appears to the Chair that this is new legislation, and the Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, the next new language occurs on page 22, lines 23 and 25, and is as follows:

But no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

If the point of order is withdrawn against this language or overruled, I shall ask to amend it so that it will read:

That no part of this appropriation shall be used for such extensions except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

Mr. Chairman, the language in the act of February 1, 1905, provided that "all moneys received from the sale of products or the right of use of any land within said forest reserve," and so forth, "shall constitute a special fund, available until expended, as the Secretary may direct, for the protection, administration, and improvement of existing Federal forest reserves." It seemed to your committee that the use of that word "extension" without any limitation was a dangerous provision to be allowed to remain in the law, because under that language some chief of the Forest Service might think himself warranted in going to the Atlantic slope and extending National Forests by buying additional territory there.

Mr. MONDELL. The gentleman understands, of course, that if that language at any time could have had such a construction, it certainly could not at this time as regards these States as to whose territory there is a prohibition against the creation or extension of forest reserves at this time.

Mr. SCOTT. The gentleman from Wyoming will remember that there are only six such States. It is possible that among the other forty States it might be so construed under the original language I have quoted. One purpose of the new language was to limit the kind of extension, so it would be used to authorize only the purchase of land such as might be needed adjacent to national forests or already within the national forests.

The reason why such authority is needed sometimes is this: There might be land within the national forests—a homestead, for example—located at such a place with respect to water or some other necessary convenience as to make it practically necessary for the administration of the forest reserve that it should be a part of the forest in order that the ranger or inspector or some other employee might live there. It might be the only place within the forest available for a residence, and for that reason a purchase by the Service ought to be allowed; and for a similar reason there might be a tract of land immediately adjacent to the national forest where water or other conveniences are to be had and which is so located as to make it especially desirable as a ranger station. The Service ought to have the right to buy property so located; but that is the only authority which it ought to have in this direction.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. SCOTT. I will yield to the gentleman.

Mr. MADDEN. Is there any limitation as to how much money can be expended by any provision in the bill as it reads now?

Mr. SCOTT. No; only we are very certain that less money can be expended now than might be expended if the language of the law were not changed.

Mr. MADDEN. It gives now almost unlimited latitude.

Mr. SCOTT. Not so much as it would with this language out. They have now the latitude to spend just as much money as they would have under this language, and, in addition to that, they have the latitude to go clear away and buy property vastly greater in extent than they would have under the language that we put in.

Mr. MADDEN. This language is used for the purpose of limiting the power to purchase additional land?

Mr. SCOTT. Yes; to limit the scope of the word "extension."

Mr. BONYNGE. Does the gentleman refer to the act of 1905 when he says they have unlimited power in purchasing additional land?

Mr. SCOTT. It amounts to very nearly that.

Mr. BONYNGE. Is not the Forester compelled under the act of 1905 in the future to turn into the Treasury all money derived from forest products? He can only use such money as may be specifically appropriated for such purposes as Congress may authorize?

Mr. SCOTT. That is true; but the right to extend the forests still remains. All money received from the sale of forest products and the use of forest products goes into the Treasury instead of being used as a revolving fund. But the language which authorizes the Secretary to extend the national forests has not been eliminated.

Mr. BONYNGE. The amount he may use is limited by the amount appropriated in the bill.

Mr. SCOTT. It is limited, undoubtedly, to the appropriation carried in the bill.

Mr. SMITH of California. Do I understand the purpose of this provision is to take away from the Secretary of Agriculture the authority to extend the forest reserve over new territory?

Mr. SCOTT. Except as limited by the language. The new language is suggested simply to limit the scope of the word "extension."

Mr. SMITH of California. I suppose there is no question but what the language under consideration is obnoxious to the rule and must go out if the point of order is insisted upon, but I very much hope that the point of order will not be urged and that the provision may be left in the bill. An effort is being made to include in the national forest reserve one of the most

beautiful agricultural valleys in the West. I have been resisting it in season and out of season for nearly a year, and I am not certain now whether I am going to win out or the other side is going to win out. If I was to state to the House the ultimate purpose which the Department has in including that valley in the forest reserve Members would be shocked.

Mr. MONDELL. Mr. Chairman, I am sure the Members of the House would like to have the gentleman from California state what the view and what the purpose of the Department is. I think it is important that we should know.

Mr. SMITH of California. I have no desire, Mr. Chairman, to reflect upon the Forest Service or the forestry policy generally. I am very friendly to it. It is working very great good in the West, and is popular among the people generally; and yet I say to you in all seriousness, weighing my words well, that it is working some great outrages upon certain interests in the western part of the country. I refer particularly to the manipulation of water rights acquired under the laws of the State of California, and in this valley I have referred to, the announced purpose of including that valley in a forest reserve is to get control of our water rights and deny them to one person by refusing permission for a right of way for the construction of canals and granting the rights to another; and I can give the committee a number of specific instances where that thing has been done.

Mr. HARRISON. Will the gentleman yield?

Mr. SMITH of California. Certainly.

Mr. HARRISON. Does the gentleman refer to the acquirement by the National Government of the Kent Grove on Mount Tamil Pass, California?

Mr. SMITH of California. Not at all.

Mr. HARRISON. Is not that a case where the acquirement of that grove by the National Government prevented a water company from condemning a large part of the park?

Mr. SMITH of California. I am not familiar with that case at all and express no opinion about it. I am referring particularly to the Owens River Valley where, to my knowledge, a number of cases have arisen where people have appropriated the water under the laws of the State of California and have then applied to the Forestry Department for a right of way over the forestry lands that they may construct their canals. Of course, a water appropriation is utterly valueless unless you can get the right of way and construct your canals. I know of a number of instances where they have refused the right of way to the first appropriator and granted it to the second or to a later one. And I am told in the Forestry Department by many of the subordinates there, and it is not denied by the Chief of that department, that the purpose in extending the forest reserve over the Owens River Valley is to get control of the water rights on that stream and parcel them out to those who they think ought to have them, in utter disregard of the law of the State of California. I say it is an outrage, and it is the one thing in the Forestry Service that I shall denounce upon every occasion, although I am exceedingly friendly to the general purposes and plans of the department as it is working out in the West.

Mr. POLLARD. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of California. Certainly, with pleasure.

Mr. POLLARD. In the instance to which the gentleman refers, is it not a fact that the policy or rather the intention of the department is to prevent this one company to which the gentleman refers having a monopoly on the water power there?

Mr. SMITH of California. No; it is exactly the opposite. It is to throw all of the water of that stream into one control.

Mr. POLLARD. Mr. Chairman, may I ask the gentleman another question?

Mr. SMITH of California. Yes.

Mr. POLLARD. I should like to ask the gentleman whether that matter has been carried beyond the local forester?

Mr. SMITH of California. At the present time it is pending before the Secretary of the Interior. I have been doing all that I could to block the progress of the movement from the time it began, and argued my point before the Forester, and understand that I was overruled.

Mr. POLLARD. Does the gentleman mean the local forester in California or the Chief?

Mr. SMITH of California. I mean the Chief, Mr. Pinchot. I have not seen his report, but I understand it is in favor of the extension of the forest. The matter is now pending before the Secretary of the Interior, and he is waiting the arrival of certain remonstrances that are in the mail on the way from California that I may present them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POLLARD. I should like to inquire of the gentleman whether or not there are other factors that enter into that; whether this water supply the gentleman speaks of does not hold the key to the forestry situation there?

Mr. SMITH of California. Not in the least.

Mr. POLLARD. Where the stock that is grazing could have access to the water.

Mr. SMITH of California. Not at all. There is not one single element of forestry in the problem, nor is there claimed to be by the Forestry Department. Now, I am using strong language, and I invite any gentleman on this floor to go to Mr. Pinchot and verify it and see if my statement is not absolutely correct. It is not pretended to be a forestry matter in any sense of the word, except for the purpose of getting control of the water appropriations on Owens River, and I can scarcely trust myself, in a parliamentary body, to express the indignation and outrage that I feel and that the people of that valley feel at what is going on in that department of the Government.

It is declared to be the purpose and said to be done at the instance of one of the parties who desires to secure the waters of that valley for irrigation purposes.

Mr. SCOTT. Will the gentleman pardon an interruption?

Mr. SMITH of California. Yes; certainly.

Mr. SCOTT. The gentleman does not mean to convey the impression that Mr. Pinchot, the Chief of the Bureau, gives as his reason for this that he wants to secure this water for some private individual? I should like to have the gentleman state the answer that Mr. Pinchot gives to the arguments which the gentleman advanced.

Mr. SMITH of California. Mr. Pinchot himself has never said to me in specific language exactly what his purpose was, but every subordinate in his office, from the women stenographers up, tell me that the purpose of that is to get control of the water rights, as I have indicated, and Mr. Pinchot will not deny it; but he has said to me that the moving purpose, the interests which requested him to extend the forest boundary, were the parties who desired to secure control of that water for irrigation in opposition to other irrigation projects that are contemplated, and where other parties have made earlier appropriations of the water than the one which he desires to serve.

Mr. SCOTT. Is it or is it not true that the water rights now are practically monopolized by one corporation, and that Mr. Pinchot desires to get control of them in order that those rights may be distributed among all the people?

Mr. SMITH of California. On the contrary, it is exactly the opposite. There are a half dozen appropriations of water on that river which he is endeavoring to defeat, in order that the water may all fall into the hands of one party.

Mr. MONDELL. Will the gentleman yield to me for a moment?

Mr. SMITH of California. Certainly.

Mr. MONDELL. Along the lines suggested by the chairman of the committee, I should like to know what authority Mr. Pinchot has for going up and down the country dividing water rights in the State of California. Does the gentleman know?

Mr. SMITH of California. Has the gentleman read Coniston, and does he remember Jethro Bass?

Mr. MONDELL. Very well.

Mr. SMITH of California. Jethro Bass never said to a man when he wanted him to vote his way, "If you don't I will foreclose your mortgage," but he always let him understand that he held the mortgage. Mr. Pinchot does not say that he is going to interfere with water rights per se, but he does desire and is endeavoring to control the right of way, and that is the material thing. You can not construct a ditch without a right of way. You can not bring the Government into court and sue it and obtain a condemnation, and therefore you are up against Jethro Bass.

Mr. MONDELL Who has his successors in type.

Mr. SMITH of California. Who holds the mortgage.

Mr. MONDELL. I wish to ask the gentleman if the land which it is proposed to include in this extension of the forest reserve contains any considerable amount of timber?

Mr. SMITH of California. None at all. There is not a stick of timber, except a few scattering cottonwood and willow trees which have sprung up along damp places, as is always the case where irrigation is practiced. There is not a forest tree. It would be little less than a sin to devote that beautiful agricultural valley to forest purposes, to lay it waste as is contemplated by this plan, to lay forever waste that beautiful valley, in order that the water may be carried out of it for irrigation of a distant valley. Let me tell you what they did last year, now that we are on this very important subject. The Govern-

ment of the United States has something like 150,000 or 200,000 acres of agricultural land in that valley. The Reclamation Service has made two reports upon irrigation projects. In the first one there was a very elaborate report upon the condition of the soil and the opportunities for irrigation, which stated that there were about 80,000 acres of first-class land and about 70,000 acres of second-class land, it being second-class in the sense that it would require a little more effort to level the surface.

The Government of the United States had the first appropriation on the waters of that stream taken up by Mr. Lippincott in the interest of and in the name of the United States that it might use it for the reclamation and fertilization of that valley. Two plans were examined for a project. One was estimated to cost $20 per acre, including a large reservoir that would impound the winter floods. The other was estimated to cost from $5 to $6 an acre. I say there has not been another such favorable project for irrigation proposed anywhere in the United States, and the records of the Reclamation Service will show that they have no project now under way where the cost is as low.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. May I have five minutes more?

The CHAIRMAN. The gentleman from California asks unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of California. The second project contemplated an expenditure of $300,000 to irrigate from 50,000 to 75,000 acres of this land—that is, at from $4 to $6 an acre. There were other parties who wanted the water for irrigation for a remote valley entirely outside of the watershed. The Reclamation Service abandoned its irrigation project in that valley because on the surface it was said that they could not spend $300,000 at that time in the irrigation of this land.

Thereby they lost the water rights to many thousands of miner's inches, which would have irrigated that valley, and it thereby allowed later claimants to go in and claim the water. At the very time they declined to set aside $300,000 to irrigate Government land at a cost of $4 to $6 an acre they did set aside $600,000 to irrigate private land at $50 an acre. That is within the last year. Now, I do not want to appear before the House as in any sense hostile to the forestry policy, but this matter of the manipulation of California water rights, and it may be the same in other States, I say has gone beyond the bounds of endurance. In this same valley there was another case I will mention. A party had taken a water right and begun to construct a power plant and had expended $200,000 or $300,000, and then decided it would like to move the location of the power plant itself 1 mile, and that mile lay over a Government section, and they applied to the Forestry Department for right of way over that 1 mile of land so they could shift the power plant down the stream. They were held up over a year and finally were given the right to construct the plant over that mile only upon condition that they would sacrifice a portion of their water right, which they had obtained under the laws of California, and bind themselves in a contract never to call for more than a stipulated number of inches of water. Now, if you think we are having an easy time in the West in this connection, I ask you to come out and take hold of some of these enterprises and see if you can move them. There ought to be thousands of picks and shovels at work in California to-day constructing power plants, but there is not one. Why? Because you can not get the right of way over the public domain.

Mr. GAINES of Tennessee. Will the gentleman yield for an inquiry?

Mr. SMITH of California. Certainly.

Mr. GAINES of Tennessee. Do you remember the Public Lands Committee granted a franchise to the people of Los Angeles to tap some waters which the Government owned up the country some 250 miles?

Mr. SMITH of California. Yes, sir.

Mr. GAINES of Tennessee. And a water monopoly came here before the committee and wanted to fight and choke them off, but we gave it to them, nevertheless. Now, what has been done with that?

Mr. SMITH of California. There has been nothing done except some surveys and some efforts to finance that undertaking.

Mr. GAINES of Tennessee. What has the water monopoly done that came here to fight it?

Mr. SMITH of California. There was no water monopoly fighting the proposition. You are mistaken there. There were certain companies interested in power plants——

Mr. GAINES of Tennessee. I understood they controlled all the water about Los Angeles, did they not?

Mr. SMITH of California. This has nothing to do with them at all; this is 250 miles away.

Mr. GAINES of Tennessee. I thought we were trying to protect the people there from a water monopoly.

Mr. SMITH of California. There were some power companies before the committee desiring to protect their rights, which were protected, and the matter proceeded.

Mr. COOK of Colorado. Will the gentleman yield to a question?

Mr. SMITH of California. I yield to the gentleman from Colorado.

Mr. COOK of Colorado. I would like to ask the gentleman from California if, in his various conversations with Mr. Pinchot relative to the water within the boundary line, or the State water, he has not referred to the water as "our water?"

Mr. SMITH of California. I am not certain that I recall that pronoun in the discussion. I think he has generally, in his language, disclaimed any right to control the water; but he persistently asserts the right to control the right of way, which, of course, is the key to the situation. And I have in my hand here the form of an agreement.

Mr. COOK of Colorado. May I ask another question?

Mr. SMITH of California. Certainly.

Mr. COOK of Colorado. I desire to say for the information of the gentleman, in the hearings before the Agricultural Committee Mr. Pinchot made that statement, notwithstanding the fact that the recent decision of the Supreme Court of the United States in the Kansas-Colorado case was that the water of Colorado belong to the people of that State, the Arkansas River not being a navigable stream.

Mr. SMITH of California. I read the statement of Mr. Pinchot before the Agricultural Committee with a great deal of interest, and my mind constantly reverted to the character I have referred to this morning, the Hon. Jethro Bass. He did not say he was going to control the water rights, but he constantly referred to the fact that he did control the right of way.

I have in my hand an agreement which the Forestry Department offered to the companies in California now seeking to construct an extensive and far-reaching power plant. It is the most ingenious document I ever saw. It is in the form of an application by the party, wherein he asks to be permitted to do the things the Forestry Department wants him to do, and at the last of it the officer in charge says, "I approve," and signs his name. Thereby, in the future occasions when we have occasion to look back at this matter, it will appear that the parties got all they asked for, and it might put them in a very embarrassing position. Now, I desire to call attention to this, and I will put it in the RECORD, if the House permits, in order that the House may be advised as to the condition of things prevailing on the public domain within the forest reserves. We have heard some talk, and a great deal of talk from high sources, about the control of monopolies in water power. Well, if I would go out here and blow up a bridge on the Pennsylvania Railroad system, I suppose I would prevent a monopoly in the coal-carrying trade, and so, as far as I can see, the only interference with the monopoly of power in the West is the prevention of the construction of power plants by imposing terms and conditions which the power companies can not grant.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from California a question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SMITH of California. I am consuming much more time than I intended, but if the House will grant me five minutes more——

The CHAIRMAN. The gentleman from California asks unanimous consent that he may have five minutes more. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, it seems to me that the gentleman from California [Mr. SMITH] has made a pretty serious charge against the Forester. I would like to know if he can explain to the committee any sufficient reason why the Forester should apparently have taken such course as he describes? Why has he done it?

Mr. SMITH of California. I think, perhaps, in justice to the House I should throw one side light on this question. The party that I have referred to as desiring to obtain this monopoly of the water in the valley is the city of Los Angeles. Now, bear in mind in that connection that the city does not desire the water, and does not claim the water, and does not assert any intention of using the water for municipal purposes. It has acquired perfect water rights to a very large amount of water for city purposes otherwise, but it does desire to acquire all the surplus

water of that valley and carry it entirely out of the valley, 250 miles away, through 20 miles of mountain tunnel, for the irrigation of lands adjacent to Los Angeles; and I think that the honorable Forester predicates his extraordinary position upon the belief that it is wise to destroy private irrigation enterprises that they may be thrown into the hands of a municipality which is proposing to construct an irrigation system—a doctrine I do not subscribe to in any sense at all. He and I differ very widely on that.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of California. Certainly.

Mr. GAINES of Tennessee. I did not know the gentleman was addressing himself to the Los Angeles scheme as to the mains for water. Was it not claimed that the amount of water was absolutely necessary for Los Angeles?

Mr. SMITH of California. No, sir.

Mr. GAINES of Tennessee. Was not that the principle of the bill?

Mr. SMITH of California. It was recommended by the then Secretary of the Interior that only municipal water be carried over the right of way granted by that bill, but you will remember that when we were considering that in the committee a letter arrived before the committee from the White House which denounced that proposition in the bill, and the committee thereupon receded from that, and the bill passed without that provision in it.

Mr. GAINES of Tennessee. Did not Senator FLINT and other leading citizens come in before the committee and urge the passage of that bill for the salvation of Los Angeles, and in order to procure it they were willing to build a main of 200 miles to furnish enough of the water taken from that area to supply necessary water for Los Angeles?

Mr. SMITH of California. There was no question about the situation as it existed at Los Angeles and its urgent necessity for water. I have no disposition to interfere with their getting all the water they need for municipal purposes; but the question is as to whether they shall take out water for irrigation purposes from the supply in Owens Valley, lying along the banks of the river.

Mr. GAINES of Tennessee. Did not the gentleman vote for that bill in the committee?

Mr. SMITH of California. Yes, sir.

Mr. GAINES of Tennessee. Well, now you are criticising the bill.

Mr. SMITH of California. I am not criticising it at all.

Mr. GAINES of Tennessee. I thought you were.

Mr. SMITH of California. The bill merely gave the right of way to take the water out.

Mr. GAINES of Tennessee. And the building of such water mains as necessary to get it down to the city of Los Angeles.

Mr. SMITH of California. Now, the bill had nothing to say whatever in reference to the water or the amount of water.

Mr. GAINES of Tennessee. Was there any evidence before that committee that if we deprived it of this water for the benefit of Los Angeles it would destroy the taxable value of their property?

Mr. SMITH of California. I have stated it very clearly what the point at issue was.

Mr. GAINES of Tennessee. As I remember it, we clearly guarded all the water rights.

Mr. SMITH of California. It cares for the city's regular water rights, and if it had not been for the interference of the Forest Department and its present desire to extend the forest boundaries so that it may in some way interfere with the use and enjoyment of the water rights of others acquired under the laws of California there would be no trouble about it.

Mr. GAINES of Tennessee. Does the gentleman object to that bill now?

Mr. SMITH of California. No; I would like to see it carried out in substance as the Secretary of the Interior recommended it.

Mr. GAINES of Tennessee. Did it not become law?

Mr. SMITH of California. It did.

Mr. GAINES of Tennessee. Is the gentleman endeavoring to have it repealed?

Mr. SMITH of California. I am trying to persuade the House to let this remain in the bill, so that the Forest Department may not sweep the entire valley into the forest reserve and thereby get into possession and control of other water rights.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Chairman, I would like to ask unanimous consent to print in the RECORD this contract to which I have referred.

The CHAIRMAN (Mr. OLMSTED). The gentleman from California asks unanimous consent to extend his remarks for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

The contract is as follows:

SPECIAL USE AGREEMENT.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE.

I, ——— ———, of ———, hereby apply for permission to occupy a right of way for a ——— ———.

I do hereby, in consideration for this use, promise and agree to comply with all regulations and instructions of the Department of Agriculture govering national forests, and especially with the following conditions:

1. To pay to the fiscal agent, Forest Service, at Washington, D. C., the sum of ——— annually, in advance, as ground rental, and in addition thereto such conservation charge as shall be specifically fixed by the Forester, which charge for the first year after the beginning of actual production of electric current at the power houses shall not exceed 2 cents per thousand KWH; nor for the second year 4 cents per thousand KWH; nor for the third year 6 cents per thousand KWH; nor for the fourth year 8 cents per thousand KWH; nor for the fifth year 10 cents per thousand KWH. And after said first five years during any successive period of five years the rate of said conservation charge shall not be increased over the rate of charge in force at the end of the last preceding five years by a greater amount than 25 per cent of the maximum rate charged for conservation at any time during said first five years.

It is further agreed that, if at the time of any reading of the meter to determine the amount of conservation charge due, the average amount of electric energy generated per day during the period since the last reading of the meter exceeds 20,000 KWH per day, the rate of conservation charge shall be increased by not more than 1 cent for each full 5,000 KWH developed on the average per day in excess of such 20,000 KWH; but this additional charge shall in no case increase the rate charged beyond 10 cents per 1,000 KWH, and shall be in force only for the first five years after the beginning of productive operation of the plant.

Accurate meters and other instruments adequate for the measurement of the electric current on which said conservation charge is to be paid shall be installed and maintained in perfect order by me at the power houses where such electric current is generated; and the authorized agent of the Forest Service shall at all times have free access to the same and to all records of the permittee relating to the electric current developed hereunder.

If the Department of Agriculture shall hereafter, for permits of this nature through the national forests, reduce the general scale of conservation charges below these herein above provided for, or shall wholly abolish such charges, then and thereupon the charges to be paid by me hereunder shall be reduced or abolished in like degree.

The conditions of this permit, which relate to charges, shall be binding for a term of forty years from the date of approval hereof, but at the end of that time shall be subject to readjustment by the Secretary then in charge of the national forest land involved in this project; but neither the readjustment of said charges nor the expiration of said term of forty years shall in themselves create or imply any termination of the permit hereby granted.

2. To dispose of refuse as directed by the forest officers and to guard the purity of streams.

3. The permittee, his employees, contractors, and employees of contractors shall, both independently and at the request of the forest officers, do all in their power to prevent and suppress fires.

4. To build new roads and trails where necessary to replace any roads or trails destroyed by construction work or flooding upon said right of way, and to construct suitable crossings for any existing roads and trails which intersect the right of way.

5. To protect all Forest Service and commercial telephone lines at crossings and at all places of proximity to the transmission lines in a standard manner and satisfactory to the forest officers.

6. In building the dam, to follow the usual precautions in the ordinary methods of dam construction; and nothing herein shall be construed to relieve the company from any requirement of the State laws regarding the construction of dams and storage of water.

7. To cut and keep clear of all timber and brush such areas as may be directed by the forest officers, and to pay to the fiscal agent, Forest Service, at Washington, D. C., as required by the forest officers, for all merchantable timber both live and dead, standing and down, cut or destroyed, on national forest land and unperfected claims, except that on the reservoir site of 1,427.4 acres, in the enjoyment of this special use, according to the scale or estimate of the forest officers at a rate to be fixed by the Forester.

8. To pile and burn, under the direction of the forest officers, at the time required by them, all tops, lops, brush, and refuse resulting from the enjoyment of this special use.

9. To begin bona fide construction within eighteen months from the date of approval hereof, and to complete within five years from said date unless the time is extended by the written consent of the Forester.

10. No Member or Delegate to Congress is or shall be admitted to any share, part, or interest in this agreement or to any benefit to arise therefrom. (Secs. 2729–2742, inclusive, U. S. Rev. Stats.)

11. No person undergoing a sentence of imprisonment at hard labor shall be employed in any construction or other work under this permit.

12. To sell power to the Forest Service when required at the lowest rate given to any purchaser.

I further agree, if required, to give satisfactory bond for faithful compliance with all of the above requirements.

Signed in duplicate this —— day of ———, 1908.

——— ———.
(Signature.)

——— ———.
(Signature of witness.)

——— ———.
(Signature of witness.)

——— ———,
Acting Forester.

Approved ———, 1908.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask unanimous consent also to place in the RECORD at this place a copy of the bill that I have alluded to about the Los Angeles water power.

Mr. SMITH of California. I have no objection to that.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill above referred to by Mr. GAINES of Tennessee is as follows:

An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California, and granting right in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.

Be it enacted, etc., That there is hereby granted to the city of Los Angeles, Cal., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara forest reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pine lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

SEC. 2. That within one year after the passage of this act the city of Los Angeles shall file with the registers of the United States land offices in the districts where the lands traversed by said rights of way are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however,* That any changes of location of said rights of way may be made by said city of Los Angeles within two years after the filing of said map or maps by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall operate as an abandonment by the city of Los Angeles to the extent of such change or changes of the rights of way indicated on the original maps: *And provided further,* That any rights inuring to the city of Los Angeles under this act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office as provided herein.

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant.

SEC. 4. That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles and flumes, storage dams and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further,* That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further,* That the city of Los Angeles shall clear its rights of way within forest reserves of any débris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further,* That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further,* That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the right of way by the city of Los Angeles: *And provided further,* That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this act any lands now reserved by the United States under the terms of said reclamation act in connection with said project, necessary for storage or right of way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior and upon the payment of $1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however,* That the terms of this act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo.

SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however,* That if construction of said waterworks shall not have been begun in good faith within five years from the date of approval of this act, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States.

SEC. 6. That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city.

SEC. 7. That the right to amend, alter, or repeal this act at any time is hereby reserved.

Mr. POLLARD. Mr. Chairman, since this matter has come up I have taken pains to go to the telephone and call up Mr. Pinchot, in order that I might find out what is the truth in regard to this matter, and Mr. Pinchot tells me the situation is this: That the entire California delegation, including the Senators, excepting Mr. SMITH, in a body, requested, and almost demanded, that this forest reserve be created for the purpose of furnishing a water supply for the city of Los Angeles, and that the city is entirely dependent on this water for supply.

Now, the gentleman from California [Mr. SMITH] comes in here and undertakes to say that the Department is trying to create a monopoly out there; that it is taking the water rights out of the hands of one monopoly and putting them in the hands of another. I simply want to put Mr. Pinchot's position before the House. He tells me the facts are as I have stated.

Now, Mr. Chairman, the committee have given very careful consideration to these matters. We have gone into the operations of the Forestry Service at great length, and have spent hours and hours in investigations and hearings in order that we might become familiar with this great department, and I want to say to the House that so far as the committee have been able to ascertain the policy of the department, as promulgated by the chief, is for the purpose of preventing monopolies in water rights and other rights all along the line instead of encouraging monopolies in any sense.

Mr. SMITH of California. I only desire to say a word. There are four members of the California delegation besides myself on the floor, and if I can find the others I will bring them here, and I request the House to call them to testify as to whether they have asked Mr. Pinchot to extend the forest reserve over the Owens River Valley.

Mr. KAHN. Mr. Chairman, I never did.

Mr. KNOWLAND. Mr. Chairman, I never did.

Mr. NEEDHAM. Mr. Chairman, I never did. [Laughter.]

Mr. ENGLEBRIGHT. Mr. Chairman, I never did. [Renewed laughter.]

Mr. GAINES of Tennessee. Has all the California delegation been heard from?

Mr. SMITH of California. I will get the rest of them.

Mr. GAINES of Tennessee. Mr. Chairman, I have finally got at the point of the argument of the gentleman from California [Mr. SMITH]. I finally found out that he was discussing the Los Angeles proposition. I have practically stated the substance of that proposition as I recall it. We passed a bill tapping a great Government lake 200 miles up in some valley. It is owned by the Government. A few water franchises or privileges had been given to some water company, a monopoly it seemed, which had come before the committee and wanted to smother the bill and choke off the people of Los Angeles from having the water from this lake, which contains water enough to supply all who wanted it. This company, through its lawyer and agents, talked about vested rights. I said, "If you have any vested rights, go to the Federal courts and protect them. We do not want lawyers for water monopolies taking up the time of this great, hard-worked Public Lands Committee talking about vested rights, while the people of Los Angeles and all that beautiful country are famishing for water. There is plenty for all." We promptly reported the bill. We passed it, and the gentleman says it has become a law. The gentleman voted for it.

I think every member of the committee voted for it; I know I did. Now, talk about water monopoly! That is the reason why the people of Los Angeles were appealing to Congress for freedom of water rights up 250 miles in the mountains of California.

Not only that, but, as I recollect the proposition, they said they had the money, or could soon get it, to build this almost Herculean project.

What is the proposition in the bill? It is—

To extend the national forests, but no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection, administration, or improvement.

Mr. Chairman, it may be necessary out in that great Sahara, that country which is made beautiful by irrigation, for the Government to buy land and to protect the forests; to protect the water and give it to the people by measurement. As I recollect these irrigation water propositions, they are all guarded by statutory limitations to prevent waste. The water, in other words, is practically metered to the people by law and by machinery.

There is no waste of water so far as I know, judging from the evidence that has come before that committee. Another proposition, gentlemen, there are lumber kings in the West who have gone into the forest like scouts and are cutting down the forests, not only in the Southern States west of the Mississippi River, but throughout all the West. What else? Instead of the Federal Government more anxiously, more industriously than it has, and more successfully than it has, preserving the forests and preserving the great timber of the forests to build the homes of the real homesteader in the far West, these lumber kings have by direction and indirection, by fraud and under the forms of law, invaded the forests of the West, cut down the great trees and the timbers, sawed them up, and the lumber instead of being used to build the homes of the honest or real homesteader of the West, the man who has gone there to live; a great portion of this timber is sawed up and shipped to foreign countries, to build the homes of kings and queens and the peasantry of foreign lands.

That makes it harder for the honest homesteader of the West to build his little cabin where he may live, where the spirit and letter of our homestead public laws provide that he may live. Instead of sawing it up for the use of these homesteaders, and selling it at reasonable prices to them, it is cut down, sawed up, and shipped to the foreign countries, where they have, perhaps, more trees than they have in this country, thus making lumber scarce; and when we get it we pay enormous prices, too often fixed by the lumber trust.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for three minutes more.

Mr. SCOTT. Mr. Chairman, I am very reluctant to refuse the request of the gentleman from Tennessee; but he must recognize that all of this debate is entirely out of order.

Mr. GAINES of Tennessee. Technically, perhaps, it is out or order; but am I not trying to preserve the forest reserve, as the gentleman is trying to do with his bill? I am with him in his work. Am I not struggling on the Public Lands Committee to preserve these forests?

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended three minutes. Is there objection?

Mr. GAINES of Tennessee. I want to say to my friend from Kansas that when you get me out in the woods I am at home. [Laughter.] I have swung an ax many a day in the woods. I want to say that the great forests of this country should be preserved at least for the sons of the Western homesteader to cut and make for themselves happy homes in that land, instead of being taken by the lumber trust, which has been unharmed under our trust laws, though it has been in the courts since 1890, when the Sherman Act was passed. The Department of Justice is now after this trust in the West and these evildoers. I am against all these wrongdoers and am trying to help the Department to protect our great forests and the public lands, so that when they are sold the funds may be put into the Treasury, not to help the South, not to help Tennessee, not to help the great district which I represent, but that it may be used to irrigate the lands in the West and help the honest homeseeker there. Where are you going to get your money for irrigation after you have sold all your public lands, and for little or nothing? I stopped here in the House a public-land sale a few days ago because the price was too small, only $2.50, I believe. I have received information heretofore and again this morning—men stopped me on the street and told me that this same land or adjoining land was selling at $250 a residence lot, and that this same land that was about to be given away at $5 or $2.50 would be worth in a few years $1,000—in less than five years. Think of that, gentlemen,

That is the work I am trying to do; that is the work Secretary Wilson is trying to do; that is the work President Roosevelt is trying to have done; that is the work the Department of Justice is trying to have done. I stand here for honest administration of the law against land thieves, against the lumber trust, against the cutting down trees and sending them to foreign countries to build homes for aliens instead of building them up in the great West, which is a part of our own country. [Applause.]

Mr. MONDELL. Mr. Chairman, we have discussed pretty nearly every subject under the sun, and the gentleman from Tennessee has shown great familiarity with this matter for one who has attended the meetings of the committee so little.

Mr. GAINES of Tennessee. Well, I manage to keep up with the bills your committee report, and I am on the floor to attend to them, as the RECORD shows, and shall continue to be. I shall be and am present when I can get away from my own people's important work. That really takes more time than I have and denies me the rest which every man should take. I have no malice toward any Member of this House. I do my full duty as I see it day in and out, not only to my own people, but to the country at large. I am doing my best to have the laws respected and better ones made. I apologize to no man on earth for what I have done or fail to do.

Mr. MONDELL. Now, Mr. Chairman, we have discussed every subject under the sun except the subject before the committee, and that is the point of order as to the language contained in lines 23, 24, and 25, page 22, to wit:

But no such extension shall be made except by the purchase of land or rights therein found to be necessary for such protection.

I propose to discuss that point of order.

The CHAIRMAN. Does the Chair understand that the gentleman from Wyoming makes that point of order?

Mr. MONDELL. The point of order is reserved as to the whole paragraph, and I will make the point of order——

Mr. SMITH of California. Why does the gentleman make it?

Mr. MONDELL. Mr. Chairman, the gentleman from California wants to know why I make it, and I will state why I make it, or, rather, why I shall insist upon it.

If I took the view of this language that the chairman has expressed and that the gentleman from California [Mr. SMITH] seems to have, I do not think I should insist on the point of order; but, Mr. Chairman, it is not usual for committees to bring in legislation limiting the authority of the various Departments over which they have control in just this sort of language. If it had been intended to limit the authority of the Department, it ought to have been done very clearly. If it were a limitation, then the point of order would not be good; but it is not a limitation. It is an extension of power in the guise of a limitation. I had the honor to be the author of the bill under which the forest reserves were transferred to the Department of Agriculture, and I was a member of the conference committee that agreed upon the provision authorizing the Forestry Service for a limited length of time to use the proceeds of the sales of products of the reserves for certain purposes.

Now, it was certainly not the intent of any member of that conference committee and not the thought of any member of either committee that had charge of that subject that that provision in any way authorized the Department of Agriculture to buy forest lands or to make expenditures with a view of acquiring forest lands; and I am confident that it has been held at all times that there is no such authority vested in the Agricultural Department. This is clearly authority to secure, to purchase lands, and I desire to call the attention of the Chair to the fact that if this language remains in, it will not only authorize the purchase of lands in the vicinity of forest reserves now established, but it will authorize the purchase of forest lands anywhere under this appropriation for the purpose of extending the forest reserves. I would also call the Chair's attention to the fact that the provision I have referred to contained in the act transferring the forest reserves to the Agricultural Department was repealed by the provision contained in the sundry civil act last year discontinuing the special fund created from the proceeds of the reserves.

There was also a provision in that act prohibiting the creation or extension of forest reserves in some six States; so that if it were held that the language of section 5 of the law transferring the reserves was still in force—and I do not believe it is—this provision still changes existing law so far as it affects six of the States of the Union within which there is now no authority whatever for the creation or the extension of a forest reserve except by act of Congress. If this language means anything at all, it means that the Secretary may purchase lands anywhere in the Union for forest-reserve purposes, certainly in the vicinity of forest reserves, or adjacent to forest reserves, and that would mean that he could extend forest reserves by purchase where it has been provided by law that there shall be no extension of the forest reserves.

Mr. Chairman, a gentleman near me has called my attention

to the fact that I am using the words "forest reserves," while the law uses the words "national forests," and my reason for doing that would be well understood by the gentleman if he were familiar with some of the national forests, so called. I have had some experience in national forests, and I have been over a number of them, and it is very difficult for a man who has had that experience to bring himself to call large areas of bad lands, with a few dwarf evergreens, vast stretches of grazing land covered with, here and there, chapparal and sagebrush, immense areas with scarcely timber enough on them to fence them, national forests. It is quite enough of a stretch of the imagination for me to refer to them as forest reserves. They might, some of them, or at least considerable of the territory included in some of them, better be called grazing reserves, as is indicated by the fact that we obtain over $200,000 per year more from the grazing privileges in the reserves than we do from the sale of timber from them.

The CHAIRMAN. The Chair would ask the gentleman from Wyoming whether there is now law to extend the national forests?

Mr. SCOTT. Undoubtedly there is, Mr. Chairman.

Mr. MONDELL. I would like to answer that question, Mr. Chairman. There is a provision contained in the law under which the administration of national forest reserves was transferred from the Interior Department to the Department of Agriculture to this effect:

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States, and for a period of five years from the passage of this act shall constitute a special fund, available until expended as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

Now, that provision created a special fund to be used for certain specific purposes. That is the act of February 1, 1905. Subsequently and in the agricultural appropriation bill of last year that provision was repealed, and it was provided that from and after the 1st day of July, 1907, all receipts from forest reserves should be covered into the Treasury, so that the special fund ceased to exist and with it went the authority conferred to use it for certain purposes, if in fact it ever conferred authority to do what is now contemplated.

In the same bill, I call the Chairman's attention, there was a provision which prohibited the creation or extension of forest reserves within certain States named in the bill. That is an absolute prohibition.

The CHAIRMAN. The Chair does not care to hear the gentleman from Wyoming further upon the point he has raised, and will decide it unless the gentleman from Kansas desires to discuss it.

Mr. SCOTT. I am ready for a ruling.

The CHAIRMAN (Mr. OLMSTED). It appearing that there is authority of law to extend the national forests without this condition, and the language against which the point of order is made being intended to restrict the authority now conferred by the law, it seems to the Chair that it changes existing law, and is therefore obnoxious to the rule. The Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I should like to offer an amendment.

The CHAIRMAN. The Chair will state that an amendment will not be in order until the other point of order against the balance of the paragraph is either made or withdrawn or disposed of.

Mr. SCOTT. Then, Mr. Chairman, I will pass to the consideration of the next language against which a point of order has been made.

The CHAIRMAN. What is the next point of order made by the gentleman?

Mr. SCOTT. On page 23, line 69, appears this new language, "and with respect to national forests shall aid the other Federal Bureaus and Departments in the performance of the duties imposed on them by law." The existing law authorizes the Forestry Service to cooperate with States, counties, and municipalities in the enforcement of State laws, but there is no provision authorizing this Bureau to cooperate with other Bureaus in the same Department, and it is absolutely in the interest of the public service that there should be such cooperation. It happens often, for example, that the Bureau of Animal Industry desires to inspect the stock that is grazing within a national forest, and the forest rangers and other forest employees can be of a great deal of assistance to those inspectors.

It happens also that the officials of the Reclamation Service sometimes have work to do within a national forest, and there is surveying, gauging, and mineral examinations on the part of officials of the Geological Survey. It often happens also that Land Office agents are required to do work of various kinds in the national forests, and it seems to your committee that the agents and officials of the Forest Service might be well authorized to cooperate with them and with other agents and officials of the various Departments. That is the only purpose of this language, and I hope the gentleman from Wyoming will not insist upon his point of order.

The CHAIRMAN. The Chair will ask if the gentleman from Wyoming makes the point of order?

Mr. MONDELL. Mr. Chairman, I reserve the point of order for the moment; but before I speak upon the point of order, Mr. Chairman, I wish to call attention to the fact I had intended in making the point of order against the new language at the bottom of page 22; to also make the point against the words "administration or improvements," in line 1, page 23, which is part of the same sentence, so that the language I desire to have ruled upon is, "but no such extension shall be made except by the purchase of lands or rights therein found to be necessary for such protection, administration, or improvement."

The CHAIRMAN. The Chairman understands that to be the language to which the gentleman's point of order runs. The Chair will now state that the gentleman from Wyoming having reserved a point of order against the entire paragraph, that point of order ought to be made or disposed of before points against intermediate items, sentences, or phrases are taken up.

Mr. SCOTT. Before the present occupant of the chair had taken the chair the question had been brought up, and it was agreed, while the gentleman from Wyoming had reserved the point of order against the entire paragraph, that new language in different parts of the paragraph should be considered one point at a time and passed upon, and it was in pursuance of that agreement that the gentleman from Wyoming now discusses the point of order referring to the new language which I have just read.

The CHAIRMAN. The Chair will not interfere with that order, although it will be readily seen that the ruling upon a point of order against two lines might depend upon the question whether the balance of the paragraph were permitted to remain in or not. In case a paragraph itself out of order should be permitted to remain in the bill, no point being made against it, a point against a part of that paragraph might have to be overruled, although standing by itself the portion complained of would offend against the rule.

Mr. MONDELL. My understanding is it was only by unanimous consent we proceeded in the form we did.

The CHAIRMAN. Very well, then. The Chair now understands the gentleman to make the point of order upon the words beginning with "with respect," in line 6, page 23, and ending with the words "by law," in line 9.

Mr. MONDELL. Where is that?

The CHAIRMAN. Will the gentleman then state his point of order?

Mr. MONDELL. The language under discussion, Mr. Chairman, at this time, is on lines 7, 8, and 9, page 23.

Mr. SCOTT. If I may be permitted, the next new phrase includes the following words: "With respect to national forests shall aid the other Federal bureaus and Departments in the performance of the duties imposed upon them by law." I would like to have that phrase disposed of, and then we will pass to the other one, "and hereafter the Secretary of Agriculture may from time to time divide," and so forth.

Mr. MONDELL. The chairman of the committee has called my attention to the fact that the beginning of that sentence is the word "and" on line 6.

The CHAIRMAN. That is as the Chair stated it and understands it.

Mr. MADDEN. I would like to ask the gentleman from Wyoming [Mr. MONDELL] a question.

Mr. MONDELL. I would be glad to answer.

Mr. MADDEN. Does the gentleman make the point of order to the word "hereafter," on line 1, page 23, or does he waive that?

Mr. MONDELL. I have not raised that question. That question has not been raised. The chairman of the committee called attention to the language referred to, and so far the word "hereafter," in line 1, page 23, has not been taken up. I doubt if it is new.

Mr. MADDEN. I assumed that the gentleman from Wyoming was saying that he was not going to take it up, because he had gone down——

Mr. MONDELL. I call the gentleman's attention to the fact that the chairman of the committee himself stated that the next new language in the bill was the language which he has just read.

Mr. MADDEN. If we are going to proceed in order I would like to have the word "hereafter" taken up first.

Mr. SCOTT. The reason, perhaps, I did not call attention to that word was because it was in the law last year. The current law reads:

Hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock—

And we will not need that language in again. We are simply providing that the Service shall cooperate with the other Bureaus.

Mr. MONDELL. Was the word "hereafter"——

Mr. SCOTT. Was in the language of the current law.

Mr. MONDELL. Mr. Chairman, that was my understanding of the matter, and therefore I did not call it up.

Now, as regards the language under discussion, Mr. Chairman, I want to say that I am exceedingly anxious to assist in doing anything and everything that is right and proper in the care and the preservation of the national forests. I have always been in favor of the national forests on the public land of the West, within proper boundaries and under proper administration. It was my privilege to have the opportunity as Assistant Commissioner of the General Land Office to pass upon some of the reserves established some ten years ago, and among others——

The CHAIRMAN. The Chair will state that if the gentleman does not wish to discuss the point of order he is quite ready to rule.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The Chair will indulge the gentleman.

Mr. MONDELL. The gentleman does not intend to insist upon his point of order, he will say to the Chair.

Mr. MANN. Others may do so.

Mr. MONDELL. The gentleman does not object to others insisting upon it, but he would like to have the privilege of discussing the matter for a moment.

The CHAIRMAN. The Chair was unable to hear whether the gentleman said he would or would not insist.

Mr. MONDELL. I have not made the point of order as yet, and I move to strike out the word "and," on page 23.

The CHAIRMAN. That will not be in order until the point of order is disposed of.

Mr. MONDELL. Then, Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. If the gentleman desires to speak on the point of order, it is unnecessary. If the gentleman desires to speak on others matters, the Chair will ask unanimous consent.

Mr. MONDELL. The gentleman does not expect to discuss the point of order further.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HACKNEY. Will the gentleman permit me to make a suggestion as to whether he would make or reserve the point of order to that clause?

Mr. MONDELL. I would say to the gentleman that the point of order is reserved against the entire paragraph.

Mr. HACKNEY. I want to ask the gentleman a question. Does the gentleman feel that there is any likelihood or not of duplication of the work in these bureaus if this paragraph is left in? I believe the gentleman is in a position to answer that question more intelligently perhaps than any one else.

Mr. MONDELL. That is what I intended to discuss, if I may be given an opportunity. I began by saying that I am in hearty sympathy with the legitimate work of the Forestry Bureau. I had something to do in an official way with the creation of some of the forest reserves in the West, among others a large reserve, the Medicine Bow Reserve, in my own State. I have always been in favor of a reasonable and proper forest-reserve policy in the West, and not because, Mr. Chairman, I have considered the forest reserves in the nature of an unmixed blessing, because they are not that by any manner of means, and if it were not for the fact that the Federal Government now owns large areas of territory more or less heavily timbered in a region of sparse rainfall, where too rapid and unrestricted cutting of timber might have serious results, I should not be in favor of the forest-reserve policy in the West.

Mr. LEVER. Will the gentleman permit me to ask him a question?

Mr. MONDELL. Certainly.

Mr. LEVER. Do I understand the gentleman favors forest reserves on the ground that it preserves the water flow in the West?

Mr. MONDELL. Well, Mr. Chairman, that is a pretty large question. While the preservation of forests and the control over forested areas to preserve proper conditions have something to do with the regulation of water flow, I know of no subject upon which there have been so many exaggerated statements made, so many unfounded claims made, as in regard to the effect upon water flow and conservation by the preservation and maintenance of forests.

Mr. LEVER. Does the gentleman admit that it is controlled in a large measure by the preservation of the forests?

Mr. MONDELL. Well, I think the forests have something to do with water conservation and stream flow; but there are many other factors affecting water conservation besides forests, and, in my opinion, a vast territory could and often has a fairly regular water flow without forests; and as far as water flow is concerned, a territory even as large as the United States could, in my opinion, get along very well without any considerable forests at all if it were not for the fact that we need lumber and love trees. The gentleman from Texas [Mr. BURLESON] looks horrified. I am not surprised at that, in view of the vigorous and exaggerated propaganda we have had on the other side of the subject for a long time.

In my opinion an acre of well-cultivated ground is worth 10 acres in woodland in the conservation of water. In my opinion there is nothing that conserves water like cultivated areas; and as a practical matter I have no doubt we could get along very well over vast areas of cultivated territory without forests. On the other hand, we all love forests, they are pleasing in appearance, they add grace and charm and variety to the landscape, they appeal to us; we all love woodlands, and we need timber and lots of it, and we should therefore encourage the growth of forest trees.

Mr. BANNON. I would like to ask the gentleman if he has ever examined into the question of the effect of the forests of Pennsylvania and West Virginia upon the Ohio River and its tributaries?

Mr. MONDELL. "The gentleman" does not pretend to be an expert on this subject. "The gentleman" has some views, and those views are founded not on the ground that I have made more of a study of the subject than some other gentlemen have made, but upon considerable study of the subject; and I will say in answer to the gentleman from Ohio that there is no question but what the rapid cutting over of an enormous area of woodland does have an effect upon the flow of streams for a time. But, in my opinion, the flow of streams in our country has been affected infinitely more by tiling and draining than by the cutting of the forests. If the cutting of the matured forests shall lead to the cultivation of the soil, then the second condition of that region is better than the first, for you have had the fruitage of years of forest growth and then you have the annual yield of crops. If, on the other hand, it shall lead to a second growth of trees, which soon shade the ground, then within a few years the condition of that territory is infinitely better for the conservation of moisture than when the timber was of large growth and did not thoroughly shade the ground and did not protect the surface of the ground from the drying influence of wind and sun.

The CHAIRMAN. The time of the gentleman has expired.

The time of Mr. MONDELL having expired, by unanimous consent it was extended five minutes.

Mr. LEVER. Mr. Chairman, if the gentleman will yield to me, the gentleman makes the statement that the cultivation of the land would have a greater effect in maintaining the stream flow than the preservation of the forests. Is not that due to the fact that in the cultivation of the land there is provided a spongy top surface which soaks up the water as it falls and preserves it?

Mr. MONDELL. The gentleman clearly understands the reasons. You make a better sponge by cultivating the soil than you have under almost any kind of forest growth.

Mr. LEVER. If you cut the forest off of the mountain side where you can not cultivate the land, how would you expect to maintain the stream flow?

Mr. MONDELL. Oh, well, the gentleman knows that you can not eat your pie and have it, too. The gentleman knows if the National Government owned all the woodland of the country, if we took up the systems of monarchial countries across the seas in regard to the ownership of railroads and forests and all that sort of thing, we would be in a very large and possibly lucrative business; but the gentleman understands that that would mean the cutting of the forests.

There is infinitely more timber being cut in my State to-day, with the timber all in the forests reserves, than there ever was before the reserves were established. Before there were reserves we had little sawmills all over our territory, cutting 8,000, 10,000, and 12,000 feet of lumber a day each and generally

only running part of the year. I will speak of this for just a moment while I am on this subject of monopoly we have heard so much about. We had these little mills scattered all over our territory, their owners owning each a small amount of woodland, cutting a little lumber for the use of the neighbors and the neighboring towns, but we do not have much of that sort of enterprise under the present forestry system. We have one reserve in my State which is larger than and about the shape of the State of Vermont, and in the entire eastern portion of that great reserve there is practically only one timber cutting. Another large cutting is, I believe, proposed in the eastern portion of the reserve farther south, at the head of the Wind River, but the lumber business of that and of other large reserves is in few hands. There was a time when there were a number of small mills along the borders of that reserve, but the reserve policy has been such that no man of ordinary means can afford to remain in the business.

So we have sales of 5,000,000, 10,000,000, or 50,000,000 feet of timber to a single corporation, monopolizing absolutely all the timber in areas larger than some of the older Commonwealths of the country. Now, I did not intend to go into this subject and I had intended to further answer my friend from South Carolina [Mr. LEVER] by saying that in such a hillside cutting as he refers to, if made, there may and there may not result a condition not so favorable to the conservation of water as when the forest remains; it all depends on many factors, some of which at least are not affected by the creation of forest reserves. I started out to say that I am in harmony with a proper forest-reserve policy in the West, not because it is an unmixed blessing, but because, in my opinion, under some of the conditions that exist there it is probably a necessary evil; but there are many features of the present policy that ought to be modified.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question about the West? Does he not think this forest-reserve business has been extended entirely too far and too much land included?

Mr. MONDELL. A little later the gentleman hopes to discuss that question, and he heartily agrees with the gentleman from Texas in that matter, that the forest reserves have been extended over country neither forested nor fit for forestation, and included in the reserves not for the purpose, as I believe, of creating forests, but for the purpose of accomplishing other ends, some of which were suggested by the gentleman from California [Mr. SMITH], ends and purposes entirely foreign to those contemplated in the enactment of the forest reserve laws.

Mr. STEPHENS of Texas. I would ask the gentleman if it does not retard the development of the country?

Mr. MONDELL. It retards it tremendously, as I could show if I had time, by the testimony of hundreds of letters that I have received, and by very wide personal acquaintance with the conditions.

But, Mr. Chairman, I appreciate the fact that the time of the committee is limited, and I simply want to say that so long as this service is confined within proper bounds and carried on for the purposes contemplated by law I certainly have no desire to hamper or restrict its operation. I have always been favorable to its operation in conformity with law.

I fully appreciate the fact that there are conditions under which the Forestry Bureau may very properly cooperate with other bureaus, and I trust that this authority so granted will not lead to duplication of work, but will rather tend to friendly aid and assistance between the employees and the officers of the various bureaus in connection with the work within the national forests, and therefore, so far as I am concerned, I withdraw the point of order on the language in question.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy;

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life;

H. R. 3822. An act for the relief of James Behan;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 6064. An act for the relief of Roman Scholter;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va;

H. R. 15070. An act for the relief of J. Edmund Strong;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River; and

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5589) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 48.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake, in Klamath County, Oreg., to the head of navigation, and report the same to Congress.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. GRIGGS. Mr. Chairman, there are a considerable number of pages of the bill, and as many of the Members are interested in the question concerning the Bureau of Soils, I ask unanimous consent that if that paragraph is reached during this afternoon, it go over until to-morrow morning without prejudice.

The CHAIRMAN (Mr. FOSTER of Vermont). The gentleman from Georgia asks unanimous consent that if the paragraph relating to the Bureau of Soils is reached to-day it may be postponed until to-morrow without prejudice.

Mr. OLMSTED. I do not wish to object, Mr. Chairman, because I think I have the same view and purpose as has the gentleman from Georgia, but some of us can not be in the House to-morrow.

Mr. GRIGGS. There are many more that can not be here this afternoon.

Mr. OLMSTED. Then I will not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Mr. Chairman, the next new language in the paragraph is page 23, lines 10 to 17:

And hereafter the Secretary of Agriculture may from time to time divide and designate all lands heretofore or hereafter reserved for national forests under the provisions of section 24 of the act of March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," after such lands have been so reserved, as he may deem best for administrative purposes.

I discussed this language at some length in my opening statement, and do not desire to detain the House now further than to say that as the forests were originally created by proclamation of the President no consideration was given to the question of administration. They were frequently created extending over parts of two States, or embracing within their limits an impassable mountain range, making it very difficult to administer them as a unit, economically and efficiently, and the only purpose of this language is to authorize the department to make such changes in shape and designation as will permit economy and efficiency in administration. I concede at once that if the point of order is insisted upon it must be sustained.

Mr. MADDEN. In dividing these forests or lands into different districts, I presume there would be a man put in charge of each district. That would necessitate the creation of a bureau to cover each district, would it not?

Mr. SCOTT. No; not a bureau. In the present organization of the Forest Service a supervisor is in charge of one national forest, or a part of it, according to the convenience of the Service. It would not create any new officials; that is, it would not create any new positions. It would make it easier for the men now administering the Service to properly administer it.

Mr. SMITH of Arizona. If a mountain divides a forest reserve, does the gentleman mean to say that there would not be an officer for each one of these districts?

Mr. SCOTT. I do not think it would involve any more officials than are now employed, because now, as a matter of necessity in the physical administration of the forests, men are stationed at different points of the same forest, but in the matter of bookkeeping each forest must be carried in its original shape. The law provides that 10 per cent of the proceeds of a given forest shall be paid into the treasury of the State in which the forest is located. The gentleman can easily see that if a forest extends over Wyoming and into Utah, it would be a very difficult matter to divide the proceeds which result from the grazing permits and the sale of timber in Wyoming and send that fund to the Wyoming treasury and make a similar division as to the proceeds arising out of that part of the forest in the State of Utah. It is purely in the interest of economy in administration.

Mr. MADDEN. Does the gentleman think it is economy?

Mr. SCOTT. I think so.

Mr. MADDEN. Does not the gentleman think that this language gives the Secretary of Agriculture very wide latitude as to the expense in the management of the forest reserve?

Mr. SCOTT. I assume that the Secretary of Agriculture will expend the money economically. I know he will have to do it, because he has got less than he wanted, and I am sure that the insertion of this language will not necessarily increase the expense.

Mr. MADDEN. It gives him the authority to locate divisions which must of necessity create additional expense.

Mr. SCOTT. Not of necessity will it create additional expense, if the gentleman will permit me, because in such a case as I have illustrated, where a forest included an impassable mountain, it is necessary now to have some representative of the Bureau on one side and some one on the other side of that mountain chain; so this language will not add to the number of agents of the Bureau. It will simply allow a division to be made along the crest of that mountain chain, so that the bookkeeping will be a great deal easier.

Mr. SMITH of Arizona. What does the word "designate" mean?

Mr. SCOTT. I presume it means to give a title, a name.

Mr. SMITH of Arizona. "May from time to time, divide and designate all lands heretofore and hereafter reserved." Does not that mean to divide the vast areas of forest reserves that have no timber on them and run them as a grazing business, and run the actual forest part of it under the forest business, or could not that be the interpretation of this act?

Mr. SCOTT. Well, I think not. In the first place, I feel sure that the gentleman is mistaken in assuming that there is a vast domain within the national forests which now consists of grazing lands; but, in the second place, the word "designate" has already been construed in the interpretation of this law, and is meant only to authorize the Secretary to give a name to a forest which he may create.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Chairman, I will ask the gentleman to yield for a further question.

Mr. SCOTT. Yes.

Mr. HARRISON. Will the gentleman inform me of the general method by which the Government sells timber on the Government reserves?

Mr. SCOTT. The law provides that timber to the value of less than $100 may be sold directly by the officials of the Forest Service. But if the value exceeds $100 bids must be advertised for, and in that case the procedure goes along the usual lines.

Mr. HARRISON. Does the Government do any cutting of timber itself?

Mr. SCOTT. None whatever.

Mr. HARRISON. Is the gentleman aware of the general method that is used in some foreign countries, in France, for instance, where the Government forests are very small compared with ours, but which are so administered by the state that the proceeds from them suffice to construct and pay for all their magnificent system of national highways? Does not the gentleman think that our Government could with benefit adopt some method of cutting and administering its own timber lands?

Mr. SCOTT. As I understand, the assault upon the national forest policy now is directed chiefly to the fact that it is too paternalistic in its operations, and to extend these operations to the degree suggested by the gentleman from New York would lend a great deal more force to that attack.

Mr. HARRISON. Will the gentleman from Kansas not agree with me that the Government, having these vast, magnificent properties, can with benefit follow the methods of foreign lands by which the value of the forests themselves is increased, namely, by scientific cutting, which increases the value of the timber that is left?

Mr. SCOTT. I hope the gentleman from New York understands that there is no cutting done on the public forests which is not done in compliance with the direction of the Forest Service. The trees are selected by the inspectors of the Forest Service, and no lumberman is allowed to cut timber from the forest reserves except in strict compliance with the regulations laid down by the Service.

In this connection, while I do not want to be drawn into a general discussion at this time of the Forest Service and the policy of national forests, I do want, in view of what has been said here this morning, to put this single statement into the RECORD. The total number of national forests in existence during the fiscal year 1906–7 was about 127.

The total number of sales of timber in all the national forests during that fiscal year under the sum of $500 was 627; between the sums of $500 and $5,000, 94; over $5,000 there were only 33 sales. It will be seen, therefore, that the vast majority of the sales of timber made from national forests during that year were made in very small amounts—under $500.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. MONDELL. Is not the gentleman aware of the fact that these alleged small sales to which he refers are simply the sales for a given period under large contracts of sale; that a man may have contracts for several million feet of timber, and that he may cut $5,000 worth of it or $1,000 or $500 worth this year, and such a sale is presented to him in this statement as a small sale, when, as a matter of fact, it is a fragment of a large sale. Further, let me call the gentleman's attention to the fact that while there are necessarily quite a number of small sales, the vast bulk of the material sold is included in large sales. However, I do not wish to be unfair. I realize that in some cases large, quite large, sales are properly made. I have simply said what I have on this subject because so much has been said and claimed to the effect that the forestry policy led to small sales. The fact is that the tendency of the policy is toward very large sales.

Mr. SCOTT. I think the gentleman from Wyoming is mistaken about that, because the law requires that payment shall be made in advance when the sale is made.

Mr. MONDELL. The gentleman, I think, will recall that, on the contrary, the practice is to only require an advance payment of a comparatively small sum intended to cover the portion of the timber sold which will be cut within a given period, and that under no circumstances do they require cash payments for all of the timber included in these large sales. As a matter of fact, it would neither be just nor practical to do so.

Mr. SCOTT. If the gentleman is correct——

Mr. MONDELL. It is impossible to do it, because they do not know how much the sales are to amount to.

Mr. SCOTT. His information certainly contradicts the impression that has been left upon the members of the committee by the statement which the Forest Service officials have made to us.

Mr. MONDELL. For instance, there was a sale, I understand, in my own State in one forest reserve of 50,000,000 feet of lumber to one concern. Has the gentleman any statement of the sale of that 50,000,000 feet? There is a sale in the Black Hills Forest Reserve, I think, of 60,000,000 feet. Has the gentleman any such sale in that statement?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Arizona. Mr. Chairman, I want to ask a question of the gentleman in regard to the point of order——

Mr. SCOTT. Mr. Chairman, I will ask that my time be continued for five minutes in order to answer the gentleman's question.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. HARRISON. Will the gentleman also state what the net profit to our Government is from the sale of that timber?

Mr. SMITH of Arizona. In regard to my inquiry of the chairman as to what the word "designated" meant, his response

was there was not much of lands within these forest reserves which were not covered by timber. I have the history of the forest reserves of Arizona, a very clear statement made by the Forestry Division, for which I take occasion to thank the Acting Forester, Mr. William T. Cox, for the extreme labor he expended in giving answers to questions I asked of that Bureau touching all the reserves in Arizona. Within the full limit of the forest reserves in Arizona there are 12,759,190 acres; the per cent of timber, the woodland, is 77 per cent; the per cent of open land is 22.3; and open land, I understand, has no timber on it at all, not even enough timber or growth of wood to cut 4 cords of wood to the acre.

I do not know whether this is put in that 22 per cent estimate or not, but I know they call them timber lands if they grow any timber. The number of acres of such lands in Arizona reserves alone in round numbers is 2,000,000 acres. Now, if the language of this bill means by "designating" to separate such from the actual timbered lands, and put the grazing lands in one class and the forest lands in another, and the agricultural in another, and put each under separate heads or separate management, thus increasing the number of these police of the plains and the woods, it should not be allowed and the point of order should be insisted on.

Mr. MONDELL. I would like to ask the gentleman——

Mr. SCOTT. Mr. Chairman, my time was extended and I claim the floor.

Mr. MONDELL. I simply want to ask the gentleman a question. I desire to ask the gentleman as to how much of this Government timber land in this Territory was included in the San Francisco Mountain Forest Reserve in which they gave lieu lands, including some of the finest forest lands on earth?

Mr. SMITH of Arizona. Lieu lands after every stick of wood had been cut off of it, too.

Mr. MONDELL. There was not any considerable amount to cut off?

Mr. SMITH of Arizona. Yes; much of it had been cut over, all, in fact, that had valuable timber on it, but it was even worse when they took vast acres of lands into the reserve that did not have a tree on it, and gave in lieu of it scrip which could be spread at will by the holder over the best timbered lands in the United States. Mind you, these were desert or denuded railroad lands, taken by the Government in exchanging scrip, to spread as just stated. In that one transaction the Department made a bigger raid on our timber resources and gave to monopoly more timber lands than has been stolen by thieves in the whole history of Arizona.

Mr. SCOTT. But the gentleman understands the lieu-land act, to which he refers, was repealed long before the act was passed transferring the control of forest reservations to the Department of Agriculture, so if there is any blame to be given to anyone it does not rest upon that Department.

Mr. SMITH of Arizona. But the harm had been done and the lands, worthless as they were, had passed to the Government and splendid timber lands taken in lieu of them by the railroad or those holding title under the railroad grant.

Mr. SCOTT. But the present administration of the Forest Service is not responsible for it.

Mr. SMITH of Arizona. I make no point on any administration. It was done long before the Secretary of Agriculture had anything to do with it.

Mr. SCOTT. Answering directly the gentleman's question, I wish to say that the Chief of the Forestry Bureau stated to the Committee on Agriculture that his only reason for asking permission to divide and designate forests was the reason I have stated, and I can not believe that he had a sinister purpose in asking for this language, or any wish to misrepresent his real motive to the committee.

Mr. SMITH of Arizona. I do not think the purpose sinister, and I do not want to be so understood. I think it is absolutely plain and evident that that was the purpose of this act. And if that purpose is to segregate the lands as to quality or character and put more men in the country to police the lives of our people in their daily pursuits, I object to it.

Mr. SCOTT. I can hardly agree with the gentleman in his interpretation of it. As I said a moment ago, I do not want to engage in a protracted discussion as to the merits of the forest policy or the merits of the administration of that policy. But in view of what the gentleman from Arizona [Mr. SMITH] has said, I want to make this statement: It is inevitable, of course, that untimbered land should be covered into certain forest reserves when they are first designated. But the law expressly provides that a petition may be presented to withdraw any such lands from the national forest, and it has been the practice of the Service to give prompt attention to those petitions. As a matter of fact, approximately 12,000,000 acres have been released upon such petitions, because they were not chiefly valuable for national forests. But in spite of this fact, and in spite of the fact that large areas of agricultural lands have been included within the national forests, applications have been received for homesteads within national forests for an area of only one-quarter of 1 per cent of the total national-forest area. It would seem, therefore, that if untimbered land has been included within the national forests, it is not land which anybody seems anxious to own as a private possession.

Now, Mr. Chairman, will the gentleman withdraw his point of order or insist upon it?

Mr. MONDELL. I desire to discuss the point of order, Mr. Chairman.

The CHAIRMAN. If the gentleman does not wish to discuss the point of order, the Chair is prepared to rule.

Mr. MONDELL. In view of the fact that the chairman of the committee has asked that the point of order should not be made——

The CHAIRMAN. The Chair is prepared to rule. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. OLMSTED. The amendment is not in order. I merely suggest that, because I do not wish to lose the right to make a point of order.

The CHAIRMAN. There are other points of order pending.

Mr. MONDELL. Mr. Chairman, I desire, then, in view of the fact that there is a point of order pending against the entire paragraph, to briefly discuss the point of order as it relates to this particular language, and to call attention to the fact that I think the chairman of the committee misunderstands the purpose of the words which have been added.

The CHAIRMAN. The Chair can not quite understand how the gentleman from Wyoming [Mr. MONDELL] can take the floor to discuss a point that has been sustained.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may discuss the question.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to continue for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, the evident purpose of this amendment—at least I fear it would be contended that the effect of the amendment would be to clothe the Department with additional authority in the creation of forest reserves. Similar language to this went out on a point of order made by myself in the last Congress. I have read the hearings before the committee this year on that particular point, and I am not at all satisfied with the explanation given in regard to it. I recall that it has been quite the rule for the Forestry Bureau to secure what seem to me as being rather far-reaching opinions from the Attorney-General's office on various points, and in view of some of these opinions, which greatly widen the scope of provisions relating to this Bureau, I am compelled to exercise great care on behalf of my people to see that no language goes into the bill the intent of which is not clear. In my opinion this provision is exceedingly ambiguous, to say the least, and it is not necessary for the administration of the forest reserves.

Why, if the President has the authority to create a reserve he has authority to divide a reserve. There are, I think, only one or two reserves that extend over two States, and the fact that they do extend over two States does in no way render them more difficult to administer. Forestry is not necessarily a question of State lines. It is a question of the character of the territory, and reserves should not ordinarily be divided by State lines.

The distribution of the money received from the sale of products is not made particularly difficult by reason of the reserves extending into different counties and over State lines. The National Government can as easily distribute between States as the States themselves can distribute between the counties.

There is scarcely one of these reserves that does not extend over several counties; therefore the State authorities have to divide the receipts between various counties. I think of no case in which it would be easier to administer a reserve with further subdivision; but if there be such, I can not understand how this Bureau, which seems to find a way to do about everything it desires to do, whether contemplated by law or not, can not find a way to simply subdivide reserves. In my State there has been a subdivision of one large reservation into three distinct districts, so that practically it is three reserves or three districts of one reserve, and fulfills all the conditions as

to administration said to be sought by this amendment. I do not understand the necessity for the provision for the accomplishment of the purpose said to be sought, and I confess that I harbor a suspicion that it may mean more than it seems to.

Mr. OLMSTED. Mr. Chairman, I desire to make the point of order against the language beginning on line 2, page 24, and ending with the word "thereof," in line 10 of the paragraph.

The CHAIRMAN. Will the gentleman suspend a moment? Will the chairman of the committee inform the Chair whether there is any point of order pending to any language between the language which is covered by the point of order reserved by the gentleman from Wyoming and that covered by the point of order made by the gentleman from Pennsylvania?

Mr. MONDELL. So far as I am concerned, having reserved the point of order generally against the paragraph, I shall waive the point of order as regard the words "Porto Rico" on line 22, page 23, of the bill.

Mr. MANN. I reserve the point of order.

Mr. SCOTT. And in addition to the words "and Porto Rico" to the words "and hereafter," at the beginning of the sentence.

Mr. MANN. I was just about to make the point of order against the words "and hereafter."

The CHAIRMAN. The Chair suggests to the gentleman from Pennsylvania that he withhold his point of order until these are disposed of.

Mr. MANN. Mr. Chairman, I desire to make the point of order to the word "hereafter," on line 10, and also, on line 22, to the words "Porto Rico."

Mr. SCOTT. Mr. Chairman, I concede, of course, that the point of order is well taken; and if the gentleman makes it I will not debate it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. On page 22, line 23, to the words "and extend."

Mr. SCOTT. Mr. Chairman, that language is in the current law, and it is warranted, I think, by the existing law, the general statute.

Mr. POLLARD. Mr. Chairman, I think the gentleman is too late with his point of order.

Mr. MANN. Well, the gentleman will find that I am not.

Mr. OLMSTED. A point of order was reserved against the whole paragraph.

Mr. POLLARD. I understand that there is no point of order reserved against the whole paragraph. The gentleman from Wyoming reserved the point of order against the whole paragraph and then he withdrew it and made a point of order against new matter in the bill.

Mr. BONYNGE and others. Oh, no.

The CHAIRMAN. The point of order is also reserved on other matters.

Mr. MANN. The provision limiting it has been stricken out, and this ought to go out with the proviso. I do not think it is warranted by law.

Mr. SCOTT. In my opinion the authority to extend the national forests is clearly granted by existing law.

Mr. MANN. The provision that the gentleman put into this bill provided that no such extension shall be made except when found to be necessary for such protection, etc. The provision which the gentleman wanted in the bill has gone out, and I do not see what the gentleman wants with this provision in the bill. Is it proposed to give general authority to extend the forest reserve? The limitation which the gentleman had in his bill goes out.

Mr. SCOTT. Well, I am sorry that the limitation went out, because I thought it ought to have been inserted; but I do believe that power ought to remain in the Department to extend the national forests to the extent that this power has hitherto been exercised. Heretofore it has been used to the extent of purchasing small tracts of land absolutely needed in the administration of the forests.

Mr. MANN. I think the provision, Mr. Chairman, is not according to the existing law. The gentleman from Kansas may have it at hand. This gives direct general power for extending forest reserves, unlimited power under the appropriation.

Mr. OLMSTED. The gentleman from Wyoming cited an act of Congress which seemed to give authority to the extent of providing that the proceeds of the sales of certain lands should be paid into the United States Treasury, and that from these funds extensions might be made.

Mr. MONDELL. We understand that has been wiped out.

The CHAIRMAN. The Chairman desires to have the chairman of the committee indicate the authority now existing in the law for the extension of national forests.

Mr. SCOTT. In the act of February 1, 1905, appeared this language:

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States, and for a period of five years from the passage of this act shall constitute a special fund available until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of Federal forest reserves.

Now, by the act of last year the provision as to constituting the receipts from the forests a revolving fund was changed, but the remainder of the section was in no way altered. The provision in last year's bill was:

That all money received after July 1, 1907, by or on account of the forest reserves for timber or from any other source of forest revenue shall be covered into the Treasury as a miscellaneous receipt, and there is hereby appropriated and made available out of any funds in the Treasury not otherwise appropriated so much as may be necessary, etc.

It seems to me that the intention of this language was merely to change the law in so far as it authorized this money to be held as a special fund, and did not go to the extent of changing any further provisions of it.

Mr. MANN. Mr. Chairman, the law which the gentleman cites does not sustain his position. The law which he cites provides that certain money shall be covered into the Treasury of the United States, and for a period of five years shall constitute a special fund, available as the Secretary of Agriculture may direct, for the extension, and so forth. The provision in the bill authorized the Secretary of Agriculture to use the sum of $3,151,900 for the extension of forest reserves, regardless of and in conflict with the law, and does not limit this money to that which has been covered into the Treasury, and hence is an absolute change of law.

Mr. SCOTT. I wish to call the attention of the Chair, in addition to what I have said, to the fact that the current law uses the following language:

To pay all expenses necessary to protect, administer, improve, and extend the national forests.

Which is exactly the language now in question.

Mr. BONYNGE. Mr. Chairman, in support of the point of order I desire to call attention to the provisions of the agricultural bill of last year, which provides that hereafter no forest reserve shall be created, nor shall any additions be made to any heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress, which is the provision of the bill that the gentleman from Wyoming called attention to some time ago, and, in so far as this language extends the national forests, would conflict with or change that provision of law passed at the last session, which would be a change of existing law, and therefore subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SCOTT. I should like to inquire whether the point of order strikes out any of the language except the word "extend."

Mr. MANN. It strikes out the words "and extend." When you get to the amending point the word "and" should be inserted between "administer" and "improved."

Mr. SCOTT. I wanted to understand that.

Mr. MANN. That is all. Now, there are several other points of order that I wish to make later, if they are not made by other Members.

Mr. SCOTT. I again call the attention of the gentleman from Wyoming and other members of the committee to the fact that the word "hereafter," in line 1, on page 23, is new language; and the words "and Porto Rico," farther down in the same paragraph, in line 22, are new language.

The CHAIRMAN. Is there any other point of order to be made to language on page 23?

Mr. OLMSTED. Mr. Chairman, the portion of the paragraph to which I call attention on page 24 reads as follows:

And hereafter permits for power plants within national forests may be made irrevocable, except for breach of condition, for such term, not exceeding fifty years, as the Secretary of Agriculture may by regulation prescribe, and land covered by such permits issued in pursuance of an application filed before entry, location, or application, subsequently approved under the act of June 11, 1906, shall in perpetuity remain subject to such permit and renewals thereof.

Now, the act of June 11, 1906, provides that the Secretary of Agriculture may designate certain lands not necessary or desirable for the permanent forest reserves, and he may list them, and file his list with the Secretary of the Interior. Upon the filing of such list or description, the Secretary of the Interior is required to declare the lands open to homestead settlement at the time. Then it provides that those who had previously taken certain steps toward settling the land may perfect their titles under the act.

Then, there is a further provision found in section 3, that—

No titles acquired to agricultural land in the Black Hills Forest Reserve under this act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve, and that such limitation of title shall be expressed in the patents for the lands covered by such entries.

As to all other reserves the settlers did acquire riparian rights.

This clause in the pending bill provides that, even as to lands heretofore granted under the act of 1906, settlers may lose their riparian rights and the water privileges all be granted to somebody else for fifty years. This proposed bill if it shall become a law is to be read back into the patents and deprive them of the rights they have already obtained under the patents that the United States have granted in pursuance of the act of 1906. If any such lands were heretofore subject to temporary permits, this bill would allow the extension of those permits for fifty years without any compensation to the owner of the land and without even notice to him.

Without entering at all into the merits of this proposition that the Secretary of Agriculture may grant water-power rights for fifty years, it is clearly new legislation and a change of existing law. Inasmuch as it is proposed to have this paragraph read back into the titles heretofore granted, it is so outrageous a proposition that I can not refrain from making the point of order.

Mr. SCOTT. Will the gentleman reserve it?

Mr. OLMSTED. Certainly, I will reserve it to permit discussion.

Mr. SCOTT. Mr. Chairman, I can not agree with the gentleman from Pennsylvania that the latter part of the provision he has read would have the effect of depriving the homesteader of his homestead rights. It clearly harks back to permits granted for power plants, and does not, I am sure, refer to any other sort of title. The reason for suggesting new legislation, for I concede at once that it is new legislation, is that complaint has been made, and, in the opinion of your committee, very just complaints, that the development of the country was being hindered by the present law, which provides that permits for such purpose can only be made which are of a revocable character and may be revoked at any time upon the will of the Secretary of Agriculture.

It seemed reasonable to your committee that a permit should be issued which would be good for a definite period, subject of course to compliance with the contract conditions under which it was issued. It was solely in the interest of development of the country that this new language was put in here.

Mr. PERKINS. Does not the gentleman realize that fifty years is a long term; that many changes take place in half a century?

Mr. SCOTT. That was placed in there as an extreme limit.

Mr. SMITH of California. Will the gentleman allow me a suggestion? This has nothing to do with anything except a right of way over a possibly worthless mountain side. It in no manner touches water power.

Mr. MANN. The gentleman is mistaken.

Mr. SMITH of California. Except that you can not use the water power unless you pass over the land.

Mr. MANN. The gentleman is certainly mistaken.

Mr. SMITH of California. The water power comes from the State, not from the United States, and there is the seat of the whole difficulty and trouble.

Mr. MANN. The general law now provides——

Mr. SMITH of California. The general law does not give any water power in nonnavigable streams where these forest reserves are situated.

Mr. MANN. It gives the right of way.

Mr. SMITH of California. That is what we want.

Mr. MANN. This gives a permit for the power plant in the national forests.

Mr. SMITH of California. Of course you may want to occupy a little piece of ground to build your plant on, an acre or 3 or 4 acres, worth a dollar an acre.

Mr. MANN. How do you get the power plant?

Mr. SMITH of California. Build it.

Mr. MANN. How do you get the power plant in the forest reserves if this does not give the permit for it?

Mr. SMITH of California. I want to say in response to the suggestion of the gentleman from New York that we are dealing in this matter only with the trifling incident of a right of way, and maybe 3 or 4 acres of rough, worthless mountain lands on which to build a plant. We are not dealing with the principal thing—the water power. That comes under the laws of the State.

Mr. MANN. That is exactly what we are dealing with in this bill.

Mr. CRUMPACKER. Will the gentleman from California allow a question? In the forest reservations I understand the title to the soil is, in the main, in the Federal Government, and, as the owner of the soil, of course it would own the riparian privileges. It would own the private waters and could grant, in all probability——

Mr. BONYNGE. Why, Mr. Chairman, if the gentleman from Indiana will permit——

Mr. CRUMPACKER. And could grant in all probability the necessary permission, grant leases to use the water power. Private water, nonnavigable water, belongs to the owners of the bordering lands. The title to the soil under a nonnavigable lake or stream is in the owners of the adjoining land, and the right to the use of the water, under the common law at least, is in them, and the Federal Government, being the owner of the land, it seems to me would have the right to the water, and a lease for a power plant would necessarily come from the Federal Government.

Mr. SMITH of California. Mr. Chairman, the gentleman could not be worse mistaken if he were to try. That is not the law of the West.

Mr. CRUMPACKER. I do not know what the law of the West is.

Mr. SMITH of California. Mr. Chairman, the gentleman from Indiana propounded a matter of law in the form of a question to me, and I desire to say that the law of riparianism as announced by him is not the law which prevails in the Western States, and no one undertakes to say that it is.

In the hearings before the Agricultural Committee, the Chief of the Forestry Department expressly said again and again that the Federal Government has absolutely no ownership in the power, in the right to divert the water, but the only thing they have is the right of way, and maybe a few acres on which to plant the machinery. That is what we were discussing the other day when the gentleman from Mississippi [Mr. WILLIAMS] announced that very extraordinary Democratic doctrine, that the Federal Government could go into a State and tax a local industry. I say it is a matter of the utmost seriousness to us in the West. This question must be settled, and settled right, as it will be I know, that the Federal Government has no right or authority to go into the State of California and lay one penny of tax on an institution that is entirely within the State of California, and it ought to be ashamed of itself if it undertakes to extort a tax by way of a right of way over a piece of land that is not worth $1 an acre.

Mr. CRUMPACKER. I want to say that I stated what I conceive to be the law. I know it to be the common law of the country. It may be the common law in relation to riparian rights does not obtain in the Western States. I am sure the gentleman from California [Mr. SMITH] is right, because he knows more about the law there than I do. Now, I think in the interest of time I shall insist on the point of order. We have not disposed of a single paragraph of this bill to-day.

Mr. MONDELL. Oh, Mr. Chairman, this is an exceedingly important matter, and I hope the gentleman will not insist on his point of order at this time.

Mr. CRUMPACKER. I will insist on the point of order.

Mr. MONDELL. The gentleman does not understand how serious this is, or I think he would not insist——

Mr. CRUMPACKER. I am going to insist if the gentleman from Pennsylvania [Mr. OLMSTED] does not. This paragraph will go out ultimately.

Mr. MONDELL. I shall insist if the gentleman does not, but I would like to have an opportunity to discuss this question.

Mr. CRUMPACKER. Are we in general debate or should we try to make some progress with this bill? It will take us three weeks to get through with the bill if we go on this way. In the interest of time I do insist upon the point of order.

Mr. BONYNGE. Before the Chair rules I want to ask the gentleman from Indiana [Mr. CRUMPACKER] if he will not withhold his point of order. The gentleman from Indiana [Mr. CRUMPACKER] has gotten up and made a statement as to what the law is in reference to the water rights in these States.

Mr. CRUMPACKER. My suggestion——

Mr. BONYNGE. We simply want to be heard on this proposition, that means so much to the people of the West and as to which the gentleman from Indiana and many other gentleman have entirely mistaken ideas.

Mr. CRUMPACKER. I qualified my statement, Mr. Chairman. It would take two days to argue that law proposition.

Mr. MONDELL. I would like to be heard on the point of order.

Mr. CRUMPACKER. I insist on the point of order.

Mr. MONDELL. I would like to be heard on the point of order, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MONDELL. I do not know how the Chair is going to rule, but I would like to discuss the matter just briefly. I believe the point of order should be sustained.

The CHAIRMAN. The Chair was prepared to so rule. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I wish, then, to make a point of order on page 24, line 10, to the word "hereafter."

Mr. SCOTT. Mr. Chairman, in the next dozen lines or so——

The CHAIRMAN. The Chair will hear the chairman of the committee in reference to the point of order raised by the gentleman from Illinois.

Mr. SCOTT. I would like to make this statement, if the gentleman will permit me: The word "hereafter" is new, and the words "or administration and in the protection and improvement of the national forests," and also the words "administration, protection, and improvement." Those are all new words which are introduced. The word "hereafter," I shall say, is not new, but is simply a repetition of the language in the current act, and the language was renewed in order that it might be included in the law, and the words "or administration and in the protection and improvement of the national forests" and the words "administration, protection, and improvement," simply that the——

Mr. MANN. The gentleman and I are not talking about the same thing at all. The gentleman is talking about some other line.

Mr. MONDELL. For the information of the committee, I would like to know what point the gentleman from Illinois made.

Mr. MANN. I made the point of order on page 24, line 10, against the word "hereafter."

Mr. OLMSTED. I would like to know what the point is.

Mr. MANN. It is a change of law; it is not current law.

Mr. OLMSTED. Is not the whole paragraph a change of law, and, in that event, would not the word "hereafter" be all right?

Mr. MANN. The gentleman can make a point of order on the paragraph, if he pleases. I am not obliged to make a point of order upon everything that is subject to the point of order.

Mr. GAINES of Tennessee. Is the gentleman afraid of the "hereafter," or what?

Mr. MANN. I am much more afraid of the "hereafter" than of my friend from Tennessee.

Mr. OLMSTED. Mr. Chairman, it seems to me that if the point of order were made against the entire phrase in which that word "hereafter" is contained it would be subject to the point of order, but if it is allowed to remain I do not see how you can pick out one word and say it is out of order.

Mr. MONDELL. Mr. Chairman, I still have a point of order pending and I would like to now make the point of order.

Mr. MANN. The Chair has a point of order before him.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Wyoming, who made a point of order to the whole paragraph, whether his point of order covers the language stated by the gentleman from Illinois?

Mr. MONDELL. I shall insist ultimately upon the point of order from the word "and," in line 10, down to and including the word "value," in line 15.

The CHAIRMAN. The Chair rules that takes precedence to the point of order made by the gentleman from Illinois. The Chair will hear the gentleman from Wyoming.

Mr. MANN. There is no question about it being subject to the point of order.

Mr. SCOTT. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Then, Mr. Chairman, I make the point of order——

Mr. SMITH of California rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SMITH of California. As I understood, the gentleman from Arizona has merely reserved the point of order and I desire to be heard to see if I could not prevail upon him not to make the point of order. I think it is a very meritorious proposition, and I hope it will be allowed to be put in the bill notwithstanding the rule.

Mr. MANN. It is clearly subject to the point of order.

Mr. SMITH of California. No doubt about that.

Mr. MONDELL. I would like to discuss the matter, but I shall insist upon the point of order.

Mr. MANN. I desire to make a point of order against the "hereafter," line 15, page 24, and also against the words commencing, line 19, with the word "and," and reading "and shall constitute a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture shall direct, for the payment of expense of said investigations, administration, protection, and improvement by the Forest Service, and for refunds of amounts heretofore or hereafter received in excess of the amount found actually due." I make the point of order.

The CHAIRMAN. The Chair, first of all, desires to ask the gentleman from Wyoming [Mr. MONDELL] if he reserves a point of order against the whole paragraph?

Mr. MONDELL. I reserve the point of order against all of the language from the word "and," on line 15, page 24, down to and including the word "due," on the last line.

Mr. SCOTT. I submit that the only language subject to the point of order——

The CHAIRMAN. The Chair ought to be allowed to say that the point of order undoubtedly takes precedence.

Mr. MANN. If the gentleman from Wyoming makes a point of order against the entire paragraph, it undoubtedly precedes, and I want the point of order insisted upon.

Mr. CRUMPACKER. I object to the reservation. I insist that the point of order shall be made or withdrawn.

Mr. SCOTT. On the point of order I desire to be heard one moment, and that is to say that the only language designated by the gentleman from Wyoming which is subject to a point of order is the language "or administration" and "in the protection and improvement of the national forests," and, further down, the language "administration, protection, and improvement." With the exception of the language I have just read, all of the other language is existing law. It was simply repeated in order that these additional provisions might be included.

Mr. MONDELL. Mr. Chairman——

Mr. MANN. The gentleman does not claim it is existing law now?

Mr. SCOTT. Yes; for the reason that the word "hereafter" was included in the current appropriation bill.

Mr. MONDELL. Mr. Chairman, I reserve the point of order against the entire portion of the paragraph. I make the point of order against the words just referred to by the chairman as being new.

Mr. SCOTT. I concede the point of order on those words, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. On what does the Chair sustain the point of order? Will the gentleman state what the point of order is?

Mr. MONDELL. My point of order was against the words beginning with the word "or" in line 17, down to and including the word "forests" in line 18, and from and including the word "administration" in line 22, down to and including the word "improvement" in line 23.

Mr. MANN. Does the gentleman's point of order cover the permanent appropriation in this clause?

Mr. OLMSTED. Mr. Chairman, it seems to me that it is not in order to pick out two or three words here and there in the paragraph which would be altogether out of order if the point were made against it.

The CHAIRMAN. The Chair thinks the gentleman's point is well taken.

Mr. OLMSTED. The point does not cover any proposition at all.

The CHAIRMAN. Will the gentleman from Wyoming [Mr. MONDELL] state again the language covered by his last declaration?

Mr. MONDELL. The language covered by my point of order is the new language of this part of the paragraph. It begins on line 17, with the word "or," down to and including the word "forests," in line 18. And it begins with the word "administration," on line 22, down to and including the word "improvement," on line 23. I make the point of order as against that language, Mr. Chairman, as I assume that the balance of the provision is not subject to a point of order.

Mr. MANN. Mr. Chairman, I make the point of order against the balance of the provision, at least until we ascertain what the fact is. I did not find in the law that this is a permanent appropriation of this money. I beg to ask the gentleman from Kansas [Mr. SCOTT] in what portion of the current law is it provided that the money that may be paid in as contributions shall become a permanent, special fund?

Mr. SCOTT. Mr. Chairman, I was mistaken in saying the language was in the current law. It was in the act of 1906, and I read from the statute of that year as follows:

Hereafter all moneys received as contributions toward cooperative work in forest investigations shall be covered into the Treasury and

shall constitute a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, or for the payment of expenses of said investigations by the Forest Service, etc.

The committee will notice that the language I have read applies only to forest investigations. We desired in the present bill to allow that work to be extended to administration, protection, and improvement, and the language which is subject to the point of order is only such language as refers to administration, protection, and improvement.

Mr. MANN. So far as the point of order that I reserved differed from the one made by the gentleman from Wyoming, I withdraw it.

Mr. SCOTT. I may say that if the new words are to be stricken out, this whole clause might as well go out, because it is merely a repetition of what is in the act of 1906, and I have no objection to its going out.

Mr. MANN. Then I make the point of order, commencing in line 15 with the word "and," down to the word "due," in line 25. That leaves the law as it is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I desire to make the point of order against the words "in the District of Columbia and elsewhere," in line 23, page 25.

The CHAIRMAN. The Chair will ask the gentleman from Wyoming whether his point of order covers any language on page 25?

Mr. MONDELL. Mr. Chairman, I reserved the point of order beginning with the word "and," on line 3, page 25, down to and including the word "department," on line 13. I reserved the point of order on all that language, which does not include, however, the language referred to by the gentleman from Illinois.

Mr. CRUMPACKER. Mr. Chairman, as much as I would like to listen to a discussion of the forestry subject, I feel that I ought to object to reserving the point or order, in the interest of progress.

Mr. OLMSTED. This seems to be a reservation within a reservation. First, the reservation was made to the whole paragraph, and then to a clause in the paragraph.

Mr. CRUMPACKER. I am directing my opposition to this very clause.

Mr. MONDELL. I make the point of order beginning with the word "and," in line 5, down to and including the word "Department," at the end of line 13. I think it is clearly new legislation. It provides for the advance of funds; authority which is not given the Department now.

Mr. SCOTT. Mr. Chairman, it is unquestionably new legislation, but it was put in because it was almost impossible to administer the service without that authority.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. I renew the point of order I made a moment ago. It includes the words "and for rent in the District of Columbia and elsewhere," page 25, line 23.

Mr. SCOTT. Mr. Chairman, speaking to the point of order, in the current law a specific sum was set apart for rent for the use of the Bureau, not to exceed $20,000. That was the amount carried in the current law, and by the passage of a subsequent act of this Congress that amount was extended, I believe, to $60,000. The change to which the gentleman from Illinois has called attention was made merely in the interest of uniformity. All other bureaus of the Departments have a provision allowing them to expend funds for rent in the District of Columbia and elsewhere. I suppose that every Department of the Government is renting buildings or other property either in the District of Columbia or elsewhere, and I hardly see why that authority should be denied to the Department of Agriculture. I trust, therefore, that the gentleman will not insist on his point of order.

Mr. MADDEN. I must insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

Mr. MADDEN. Was the point of order ruled upon?

Mr. BURLESON. I offer an amendment to line 18.

Mr. OLMSTED. Was the point of order ruled upon?

The CHAIRMAN. The Chair understands that the gentleman from Illinois withdrew his point of order.

Mr. MADDEN. I beg the Chair's pardon.

The CHAIRMAN. The Chair understands the point of order was not withdrawn. The Chair will hear the gentleman from Kansas.

Mr. SCOTT. That is a point of order, it seems to me, which might be just as fairly applied to all the appropriation bills authorizing all the Departments of the Government to rent premises in which to carry forward the work which the law requires them to do, and I can hardly see how the Chair can sustain it. It is certainly a continuation of a work which has been begun and a necessary expense incurred therein.

Mr. MADDEN. It is a matter clearly in the jurisdiction of the Committee on Appropriations that all expenditures for the Departments within the District of Columbia come within the jurisdiction of the Appropriations Committee, except this Department. And I think this Department should come in the jurisdiction of the same committee. I submit that this is not a matter that should be included in this bill, and hence my purpose in making the point of order.

Mr. SCOTT. The gentleman does not mean to be understood as saying that no money can be appropriated for the Department of Agriculture to be expended in the District of Columbia through the Committee on Agriculture?

Mr. MADDEN. I said except through that committee.

The CHAIRMAN. The Chair understands that the Agricultural Department is the sole exception to the rule laid down by the gentleman from Illinois—that the Appropriations Committee has no jurisdiction——

Mr. MADDEN. What I said was, Mr. Chairman, that this is new legislation on an appropriation bill.

The CHAIRMAN. It has been held over and over again that an appropriation for rent and repairs of buildings used for the public service was a continuation of a public work. It seems to the Chair, therefore, that the point of order is not well taken. The Chair overrules the point of order.

Mr. BURLESON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk. It is to amend, after the word "timber," in line 18, page 22, by inserting the following words:

To ascertain by investigation a means of preventing the ravages of the Phoradendron flavescens, commonly known as "mistletoe."

Mr. SCOTT. I quite agree with the gentleman that the animal ought to be exterminated, whatever it is, but I reserve the point of order. [Laughter.]

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "timber," in line 18, page 22, insert the following: "To ascertain by investigation a means of preventing the ravages of the Phoradendron flavescens, commonly known as 'mistletoe.'"

Mr. MADDEN. I reserve the point of order on that.

Mr. BURLESON. I will say to the gentleman that it is not subject to the point of order.

Mr. MADDEN. I reserve it.

Mr. CRUMPACKER. I object to the reservation of the point of order. If it is not subject to the point of order, let us have it settled now, and then the gentleman can debate the merits of his amendment.

Mr. BURLESON. It is not subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. BURLESON. Mr. Chairman, the mistletoe is a parasitic character in the North; is entirely different from its character pest which is destroying many of the trees in the South. It is in the South, where it is much more destructive to trees upon which it fastens. After a tree has become thoroughly inoculated with the poison of the mistletoe it dies within about seven years. It is a most pernicious and destructive parasite, and earnest efforts have been made by the thoughtful arboriculturists throughout the South to bring the destruction being wrought by this pest to the attention of scientists in the Agricultural Department; but because of the difference between this pest in the South and in the North, where it is comparatively harmless, the scientists in the Department of Agriculture have not seemed to attach the importance to the matter that they should. I send to the Clerk's desk and ask that he may read a communication from the secretary of the Audubon Society, in Texas, which pictures the severe damage being done there by the mistletoe and sets forth the damage to the forest that I am now seeking to bring to the attention of the committee.

The CHAIRMAN. The Clerk will read it in the time of the gentleman from Texas.

Mr. GAINES of Tennessee. May I inquire of the gentleman if this is the mistletoe we read about?

Mr. BURLESON. It is the same mistletoe around which so many tender memories cluster.

Mr. DOUGLAS. I should like to ask the gentleman whether he is married or single? [Laughter.]

Mr. OLMSTED. Does the gentleman want to abolish the mistletoe in leap year? [Laughter.]

Mr. BURLESON. I realize that, to many, tender recollections cluster around this plant, but this is not a time for sentiment. This is a practical age. We are practical men here dealing with practical matters. I am a practical man, hence I offer this very practical amendment. It is in the interest of the forests of the country; it is in order to preserve from destruction our trees that I offer this amendment.

Mr. GAINES of Tennessee. Will the gentleman give up the memories of the past for the forests of the future?

Mr. BEALL of Texas. Out of consideration for the gentleman from Tennessee will not my colleague withdraw this amendment? [Laughter.]

Mr. GAINES of Tennessee. I wanted to find out whether I had any friends on this proposition.

Mr. BURLESON. I beg to assure the distinguished gentleman from Tennessee that I am his friend, but at the same time I am not unmindful of the importance of preserving our forests, and I love my State of Texas even more than I do my friend from Tennessee; hence must insist on my amendment. I ask the Clerk to now read, and I invite the attention of the Members of the House to this communication.

The Clerk read as follows:

SHOULD WAR ON THE MISTLETOE—AUDUBON SOCIETY URGES GOOD WORK ON ARBOR DAY—POISONOUS PARASITE IS KILLING TREES AT AN ALARMING RATE, AND IT IS TIME TO ACT VIGOROUSLY.

WACO, *February 22, 1908.*

The Texas Audubon Society respectfully urges that in addition to the planting of trees on the 22d of February, observers of Arbor Day take steps to destroy the poisonous mistletoe, which is killing trees about as fast as they are planted.

This pest is particularly prevalent in the Gulf States, and although the Forest Service of the Department of Agriculture intends in the future to take up the work, so far scanty appropriations have prevented; hence it devolves on private citizens to take steps at once, if they would preserve their forests and their trees.

Every municipality in Texas is afflicted with the pest, and it has been stated by an authority that the life of a tree when thoroughly inoculated with mistletoe poison will terminate in about seven years. It is carried from one tree to another by certain birds feeding on the berries, and wherever it finds lodgment on trees susceptible to its deadly parasitic growth, its blight proves fatal in time, unless heroic treatment be applied. At this season while the evergreen parasite is clearly discernible upon the bare boughs the work should be done.

The Texas mistletoe (*Phoradendron flavescens*) differs materially from its kindred parasite evergreen of Europe (*Viscum album*), held in veneration by the Druids, which is kept in check in the Old World, but cultivated to some extent for winter decoration. The variety of the cotton States is far more pernicious, and must be wholly exterminated or the trees will all perish from its baleful blight. Anyone may observe from car windows that entire forests are being killed by mistletoe.

It is a beautiful, but horrible, parasite, and can only be destroyed finally by cutting off the entire bough on which the growth appears. Cutting out the parasite and leaving the limb affords temporary relief, but it is not the kind of treatment the case demands, for it will certainly reappear on the same bough at some other point.

An appeal has been made by this society to Mr. Gifford Pinchot, the National Forester, and he will, as soon as he can, no doubt send experts into the South to give the people advice about the destruction of the mistletoe.

The hackberry, which is popular in the cities as a shade tree, is one of the favorites of these poisonous parasites, and in nearly every city in this State where hackberry trees have been planted about 25 per cent of them have already died from mistletoe poison.

Propagating itself through its innumerable seeds, one plant growing on a bough will inoculate all the trees within a block, and each tree becoming the host of the parasite will extend the work of destruction to its neighboring trees. Thus the pest moves on until enormous areas are infected and the process of decay started. We urge that those who go out on next Arbor Day to plant trees will also go out armed with apparatus for pruning the boughs looking to the extirpation of the poisonous mistletoe parasite.

M. B. DAVIS,
Secretary Texas Audubon Society.

Mr. BURLESON. Now, Mr. Chairman, in all seriousness, I hope the amendment will be adopted. I shall not ask for an increase of this appropriation at all, but I do ask that this item be embodied in the bill, in order that the attention of the scientists of the Department may be directed to the ravages of this pest to the end that they may send to the South, not for the purpose of destroying this parasite, but for the purpose of discovering, if possible, a practical means of destroying it, and that this information be embodied in a bulletin and distributed throughout our section of the country. The people will, utilizing this information, for themselves destroy this parasite. The mistletoe has undoubtedly wrought great damage, especially to our shade trees in the cities of the South, and if the chairman of the Committee on Agriculture has no objection, I should like to have this item embodied in the bill. As stated, I will ask for no increase in the appropriation.

Mr. SCOTT. Does the Chair rule on the point of order?

The CHAIRMAN. The Chair overruled the point of order.

Mr. MONDELL was recognized.

Mr. GAINES of Tennessee. Mr. Chairman, I think, under the peculiar circumstances, "X rays" ought to have something to say about this matter first.

The CHAIRMAN. If the gentleman from Wyoming will excuse the Chair, the Chair will recognize the gentleman from Tennessee. [Laughter.]

Mr. GAINES of Tennessee. I thank my friend from Wyoming. Mr. Chairman, so far back that the memory of man runneth not to the contrary the mistletoe has had a history that clusters around memories near and dear to every man's heart in this House and out of it. Why, Mr. Chairman, the very reading of this article at the desk has resulted in the fair women leaving the galleries. It has instantly affected the upper House as it were. The gentleman from Texas says that this is an age devoid of sentiment and that it is one of business, and down South the mistletoe is growing on the shade trees, and therefore the mistletoe should be destroyed.

Mr. Chairman, I was reared in the South, and I have gathered about the shade tree, and often longed after I grew up for all the sweetness that I was told clusters around the mistletoe, just as you all did, and I never saw any there. There are too many shade trees in this world anyway. [Laughter.] I stand by the mistletoe, and long to stand by those who "stand under the mistletoe."

From what the gentleman from Texas says, I think he loves the shade trees more than he does the mistletoe. I am astonished that a man so full of sentiment as is the gentleman from Texas should want to destroy the mistletoe; that he should stand here in this great Hall, surrounded on the floor by gallant men, with the galleries dotted and adorned with beautiful women, and offer an amendment that the mistletoe is to be hunted to the death.

Mr. Chairman, the gentleman could even reflect upon the thoughts of that immortal writer, Charles Dickens, who thus wrote of the mistletoe:

From the center of the ceiling old Wardle had just suspended with his own hands a huge branch of mistletoe, and this same branch of mistletoe instantaneously gave rise to a scene of general and most delightful struggling and confusion; in the midst of which Mr. Pickwick, with a gallantry which would have done honor to a descendant of Lady Tollimglower herself, took the old lady by the hand.

Ah, Mr. Chairman, the mistletoe is so inspiring that it begets gallantry not alone in the South, but in this case it moved this gallant to take even the old lady by the hand [laughter]—

led her beneath the mystic branch and saluted her in all courtesy and decorum.

So characteristic of gentlemen from Texas.

The old lady submitted to this piece of practical politeness with all the dignity which befitted so important and serious a solemnity, but the younger ladies, not being so thoroughly imbued with a superstitious veneration of the custom, or imagining that the value of a salute is very much enhanced if it cost a little trouble to obtain it, screamed and struggled and ran into the corners and threatened and remonstrated—

If the gentleman will offer an amendment to stop that, I will vote for it [laughter]—

and did everything but leave the room, until some of the less adventurous gentlemen were on the point of desisting, when they all at once found it useless to resist any longer and submitted to be kissed with a good grace.

And yet we are asked to be witnesses and particeps criminis to the destruction of this beautiful and inspiring flower by the American Congress.

Mr. Winkle kissed the young lady with the black eyes, and Mr. Snodgrass kissed Emily; and Mr. Weller, not being particular about the form of being under the mistletoe, kissed Emma and the other female servants just as he caught them. As to the poor relations they kissed everybody, not even excepting the plainer portion of the young lady visitors, who, in their excessive confusion, ran under the mistletoe directly it was hung up without knowing it.

Mr. BURLESON. I want to say to the gentleman from Tennessee that I am not trying to destroy the mistletoe in Tennessee.

Mr. GAINES of Tennessee. The gentleman will never accomplish it by getting Tennessee to join Texas.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. I ask for five minutes more.

Mr. SCOTT. Mr. Chairman, as delightful as this is, I shall have to object.

Mr. GAINES of Tennessee. If the gentleman is tired from my reading from the immortal Dickens in defense of the mistletoe, I will send to the desk two verses as a parting shot and ask to have them read.

The CHAIRMAN. The gentleman asks unanimous consent to have read by the Clerk the matter which he sends to the desk. Is there objection?

There was no objection.

The Clerk read as follows:

What! Would they destroy thee, forgetting the past,
So long thou hast played in affairs of the heart,
Forgetting the days of the dear long ago,
The loves that enshrine thee, thou dear mistletoe?

The beauties who dared and the gallants who won,
The romances dear that by thee were begun;
Then surely has gallantry faded from earth
And departed forever life's pleasure and worth.

[Applause.]

Mr. MONDELL. Mr. Chairman, after a speech and reading as beautiful as that to which we have just listened, I rather regret to have to come down to earth and discuss the amendment offered by the gentleman from Texas [Mr. BURLESON], and while

I may be considered ungallant by my friend from Tennessee [Mr. GAINES] for doing so, I am inclined to think that I shall favor the amendment. When the gentleman first read it, however, not being familiar with Latin, I imagined that he referred to an altogether different sort of bird.

Mr. OLMSTED. Some kind of a disease?

Mr. MONDELL. I imagined the gentleman had reference to some of the pests that the Forestry Service in the past has been endeavoring to exterminate. I simply want to say to him that if his amendment should pass, I hope and trust the Forestry Service will be more successful with the extermination of the mistletoe, within reasonable bounds, still leaving a sufficient amount for our gallant friend from Tennessee and his friends, and I think there is no danger but there will be quite enough mistletoe left for all proper purposes, even if this amendment should pass.

In view of the experience we have had in regard to some other investigations and attempts at extermination which have been taken up by the Forestry Service, I hope they will have more success than they have had in the extermination of other pests. For instance, a number of years ago they embarked upon a crusade for the extermination of a certain beetle that was ravaging the forests of the Black Hills of South Dakota and Wyoming. They first started in to prevent the spread of this pest, which was rapidly destroying the pine in that region, by putting an end to the infested timber cutting that the Interior Department had inaugurated for the purpose of putting an end to the extension of the work of the pest. Having done that, they invited the bugologists from the various Departments of the Government to go into that forest reserve wih their telescopes and microscopes and various other instruments for the examination of the destructive bug critter, and they spent something like a year or two endeavoring to find out what the habits of the animal were. Finally they concluded that perhaps the Interior Department was not so far wrong when it set about the cutting of the trees in advance of the forward movement of the army of pests, and so at altogether too late a day to be successful they returned to the policy that the Interior Department had adopted years before.

However, it was adopted at too late a period, with the result that they have been compelled to offer for sale practically every mature tree in that forest reserve, over half as large as the State of Massachusetts, and they have been compelled to sell it at any price in order to encourage the cutting of the timber. There is not sufficient demand, neither are conditions such as make possible the cutting rapidly enough to prevent the further spread of the scourge, and the beetle is now passing beyond the heavier forests of the Black Hills in South Dakota into adjacent regions in Wyoming. If the Forestry Bureau, with an expenditure of a large amount of money, is no more successful in the extermination of the mistletoe than it has been in the extermination of this pest in the Black Hills region, our friend from Tennessee need have no fear but that there will be plenty of mistletoe left.

Mr. WATKINS. Mr. Chairman, I would like to consume the five minutes time which I will have in discussing this question. The statement of the gentleman from Texas [Mr. BURLESON] will indicate that in a very short time, unless the mistletoe is destroyed, the forest will not only be injured, but will be greatly depleted. That, of course, would bring about an increase in the price of wood pulp and in other ways increase the price of timber products. Many of us in this House to-day have received telegrams insisting that we do what we can to protect the wood-pulp interests. As this question is one of vast importance, I will condense what I have to say in the very fewest possible words.

In his message sent to Congress on Wednesday, the 25th instant, the President said:

> I am of the opinion, however, that one change in the tariff could with advantage be made forthwith. Our forests need every protection, and one method of protecting them would be to put upon the free list wood pulp, with a corresponding reduction upon paper made from wood pulp, when they come from any country that does not put an export duty upon them.

Mr. POLLARD. Mr. Chairman, I raise a point of order. The gentleman is not discussing the question before the House. How does the paper question have any relation to mistletoe?

The CHAIRMAN. The gentleman is discussing the subject with reference to the forests. The Chair thinks the gentleman is in order.

Mr. WATKINS. The newspaper is one of the main civilizing agencies of the world. In this country it sheds its light in 15,000,000 homes. The family hearthstone is made cheerful by its presence, the labors of the office are made more congenial, politics are enlivened, policies are broadened, prejudices are subdued, and a broad, enlightened cizilization is consummated by it.

While to-day the newspaper industry is working in harmony with organized labor, its operating expenses are higher, because union labor is more expensive than unorganized labor was a few years ago. There is a tariff upon everything which goes to make a newspaper—the pulp, the type metal, the steel, the brass, the copper, print paper, coloring materials, and even the pencil which the editor pushes—but we still see some of the great city dailies selling for a cent apiece. Still, there it not a dollar of protection furnished this industry by the tariff bill.

The tariff on printing paper suitable for newspapers, valued at not over 2 cents per pound, is three-tenths of a cent a pound, or $6 a ton; on ground wood pulp, one-twelfth of a cent per pound, or $1.67 a ton. This is purely and simply a donation to the paper trust and a tax on the newspapers and other printing interest in the country, for there are no importations of these materials worth mentioning.

Mr. POLLARD. I insist on the point of order. The gentleman is not discussing the question before the House.

Mr. SULZER. The Chair has already ruled on that question.

Mr. POLLARD. The question before the House is the amendment submitted by the gentleman from Texas [Mr. BURLESON].

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] started out with the assertion that the effect of the mistletoe would be disastrous, if allowed to continue, upon the wood-pulp problem. Now, the Chair is not informed whether the mistletoe injures trees that are converted into wood pulp or not, but he assumes that that is the fact. The gentleman is in order.

Mr. WATKINS. The printing and publishing business ranks seventh in the line of manufacturing industries, coming ahead of cotton manufactures, woolen manufactures, and of boots and shoes, but being lower in rank than iron and steel, clothing, lumber, and timber, all of which industries are protected, except the printing business. When this stone wall of protection was constructed around the wood-pulp and print-paper industry the natural consequence followed—the paper trust was formed. It appears from the message of the President that an effort is to be made to organize good trusts. The cleaning of the "Augean stables" was pastime—mere play—compared to the task of forming good trusts.

> The devil was sick, the devil a saint would be—
> The devil got well, and the devil of a saint was he.

Let us glance at this paper trust, the child of the protective-tariff bill. The International Paper Company filed articles of incorporation in New York State January 31, 1898. Its capital stock authorized was $45,000,000 and authority to issue $10,000,000 in bonds, a total of $55,000,000. Twenty-four large paper mills were merged into the company and subsequently others were "taken in." This octopus alone is sufficient to deal with, without investigating the Great Northern Paper Company.

This trust proposed to reduce prices by eliminating long-credit sales, cutting out insolvent customers, by purchasing in large quantities at low prices, getting low freight rates, displacing salesmen and middle men, and so forth. When they organized they succeeded in finding a man who would act as president for $50,000 a year. The salaries of the vice-presidents and some of the local managers was fixed at $15,000 a year, and the superintendents at the mills had their salaries raised. Enormous sums of money were spent in buying up and maintaining old and dilapidated independent plants to keep down competition. That competition which had caused courteous treatment to customers and had placed honest goods upon the market being at an end, there was substituted a spirit of indifference and a shoddy class of goods, which made the change in the conditions of things bad enough; but the burden of the newspaper men became almost intolerable when the output of mills belonging to the trust were put upon the market.

Prior to consolidation the news-print paper mills received about 1¾ cents per pound, or $35 per ton for paper. They could not have made this consolidation if they had been left in open competition with the world; but the Dingley tariff bill closed out competition from Canada and all other foreign countries by increasing the duty on mechanically ground wood from $1.20 to $1.67 per ton, and the duty on news-print paper $6 per ton. Right then the American mills could make paper cheaper than any other mills in the world and no news-print paper was being imported into this country. The object of the increase in the tariff evidently was not for the purpose of raising a revenue, but was for the purpose of raising the price of paper.

In 1901, within three years, the price had risen from 1¾ cents per pound, or $35 a ton, to $41 per ton, making an increase of $6 per ton, if the form of the old and the new contract had been the same and if the quality of the paper for like grades had been the same; but under the new form of contract the difference was about $2 in favor of the mills, making a difference of $8 per ton. But they do not stop. The prices

are still soaring; they are advancing by leaps and bounds. Mr. Herman Ridder stated in an address last October that the price of print paper had advanced $12 per ton upon a consumption of 900,000 tons, an addition of $10,000,000 in one year. He also states that the newspapers of this country pay $58,000,000 annually for white paper. How patient, how forbearing, how long-suffering have these newspapers been? As the molders of public opinion they could almost cause a revolution if they would.

The paper trust is only one of a large number of these "hydra-headed" monsters which are now tightening their hold upon the people. Then shall we not look on with horror when we contemplate the organization and perpetration of every line of industry into giant monoplies, encouraged and protected by the Government? If this is done, we will bid farewell to States rights, to individual liberty, to the equality of all men before the law, and humble ourselves in sackcloth and ashes before the plutocracy of the country and as suppliants bow down before the throne of our rulers.

During the foregoing the time of the gentleman from Louisiana expired, and by unanimous consent he was granted leave to extend his remarks in the RECORD.

Mr. SCOTT. Mr. Chairman, I move that all debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas.

The question was taken, and on a division (demanded by Mr. SCOTT) there were—ayes 38, noes 43.

So the amendment was rejected.

Mr. SMITH of Arizona. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 24, page 25, insert "that no other executive reservation shall hereafter exist within any forest reservation."

Mr. SCOTT. Mr. Chairman, I make the point of order.

Mr. SMITH of Arizona. I ask the gentleman to reserve it for a moment.

Mr. SCOTT. I reserve it for five minutes.

[Mr. SMITH or Arizona addressed the committee. See Appendix.]

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 25, at the end of line 24, add:
"That no part of the money herein appropriated shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forestry Service and in furtherance of the works, aims, and objects specified and authorized in and by this appropriation."

Mr. MONDELL. Mr. Chairman, in support of this amendment I desire to call attention to the fact that this is a very large appropriation; that even should the appropriation ultimately be cut down, as I hope it will be, to the amount originally asked for or estimated by the Department, even then there will be $1,172,000 to be expended under the general discretion of the Secretary of Agriculture. And I desire to call attention in this connection to the fact that the itemized statement furnished to the committee indicates that very large sums of money have been used for traveling expenses, and that very large expenditures for the same purpose are in contemplation.

Mr. Chairman, it is a matter of common report throughout all the Western country that no important public gatherings can be held anywhere in that region—and I do not know but that it is true in regard to the East—without the presence at such gatherings of a considerable number of forest officers from Washington and other parts of the country. The Chief of the Forestry Bureau is quite generally invited to such gatherings as I have in mind, and also, no doubt, other officers of his Bureau; but, in addition to that, it is notorious that no important congress or convention has been held in the West in the recent past proposing an expression of public opinion on any subject or subjects directly or indirectly affecting the Forestry Service that we have not been blessed with the attendance of a large number of the gentlemen of this Bureau.

They are delightful gentlemen. The people of the West are glad to see them. Within reason they ought to travel about and become acquainted with conditions. But it is sometimes felt that these gentlemen appear in such numbers as to very largely control the sentiment of meetings held for an expression of the public opinion of the region. A meeting was held in Denver last summer, in June, if I recollect rightly, at which we had in addition to the presence of the head of the Forestry Bureau, who was there by invitation, the presence of a number of gentlemen whose fares from Washington and other parts of the country I have no doubt the Government paid, all of whom were exceedingly active, as I have reason to know, in making known the views of the Forestry Service in regard to certain matters, and attempting, with some attempt at disguising of it, to influence the final action of that meeting in the line of their views and in the support of the policy of the Forestry Bureau. There were, it is true, a very fair sprinkling of gentlemen of other bureaus, but my idea is that the Forestry Bureau probably furnished the largest quota.

The meeting held at Sacramento last fall, the National Irrigation Congress, witnessed a somewhat similar condition of affairs. A considerable number of gentlemen there were from the Forestry Bureau. A number of those from the Government bureaus were on the committees on resolutions, and so a meeting held for the purpose of obtaining an expression of Western opinion became a meeting at which the opinion of officers of the Government bureaus were recorded in resolution. These facts are notorious. You can not hold an important public meeting anywhere west of the Mississippi River for the purpose of getting an expression of public opinion that you do not have the presence of large numbers of Government officers. Now, we are fond of these gentlemen, but we do feel that this thing is being rather overdone. We like to have them at our gatherings, and the chiefs of these bureaus are always invited; but I doubt if it is a proper expenditure of public money to pay the car fare and traveling expenses of pubilc servants except when they are traveling on public business; and of course if these gentlemen attend public gatherings on invitation for the purpose of discussing public questions it is proper that their expenses should be paid, and this amendment would not interfere with that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent, Mr. Chairman, to continue five minutes.

Mr. POLLARD. Mr. Chairman, I will have to object.

Mr. MONDELL. I ask for a vote on my amendment, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

Mr. SCOTT. Mr. Chairman, I have just one word to say in answer to the gentleman from Wyoming [Mr. MONDELL]. The statements which he has made constitute a very severe indictment of the Chief of the Forest Service, who is responsible, undoubtedly, for such a condition of affairs as the gentleman has described, if such a condition exists. My information is entirely different from that of the gentleman. My information is that no member of this Bureau attended the meeting at Denver, going from Washington, except the Chief of the Bureau, who was specially invited. My information is that a dozen or so of the employees, supervisors and inspectors, engaged in forest work near Denver were asked to come in there at the time the meeting was held, in order that they might consult with the Chief of the Bureau over official work. I feel quite certain that such a condition as the gentleman from Wyoming [Mr. MONDELL] described does not prevail, and in support of that I wish to quote the opinion of the Secretary of the Interior, Mr. Garfield, who, when brought before the Committee on Expenditures in the Department of Agriculture last year, made this statement:

He says:

As a member of the Keep Commission, I personally went through the Forest Service and examined the various divisions, the methods of accounting, the methods of bookkeeping, the method of safeguarding the supplies and the issue of supplies, the system of handling correspondence and vouchers, the system of filing, the methods in vogue for attending to the work of the aforesaid Service so far as the records of the office were concerned—that is, the reports of the agents in the field, the officers in charge of the forest reserves, and the officers who were the general inspectors in the different districts—examining the reports sent in by these officers, and following through the actions by the Forest Service upon those reports or recommendations. The general result of this investigation was that the committee unanimously agreed that the general system in force in the Forest Service was one of the most complete and most satisfactory of any of the offices which were examined by the committee.

And in commenting upon that the Littlefield committee said:

We have no hesitation in saying, so far as we have been able to examine this Bureau from the testimony of its officials on oath before us, and our personal inspection of the work, that we heartily concur in the conclusions testified to by Mr. Garfield with reference to the efficiency and character of this Bureau.

Certainly such a statement as that in regard to the efficiency and character of the Bureau would not be given if the Chief of the Bureau were guilty of any such radical misuse of the funds at his disposal as would be implied from the statement which

has been made. I have no objection to the amendment in itself, but I shall oppose it on the ground that it is wholly unnecessary, for the bill now before the House provides for "official traveling expenses" and with the word "official" before the phrase "traveling expenses" no other use can be made of funds for such purpose except "official use."

Mr. MONDELL. Mr. Chairman, in view of the fact that the gentleman has stated so positively that I must be mistaken, I think I owe a duty to the House to suggest that I have not made the statement that I have made without knowledge. I know that there were officials of the Forestry Service whose duties are generally and, so far as I know, always performed in Washington that were in Denver at that time. I do not know that the gentlemen may not have been detailed a short time before to some Western point and ordered from that point to Denver, but that they were present there is no question. It is notorious that Government officials were present in considerable number, and every man who was at that convention and is acquainted with these folks knows it.

I am also aware that public men of the West do not lightly make statements that may not be pleasing to the Forestry Bureau, for it is felt that it is not safe for a man to differ with the Forestry Bureau, or make a statement not favorable to it, for it has such influence over the country, and it uses that influence in such a way that a man's motives are likely to be impugned, and men are quite certain to be attacked in certain newspapers and certain periodicals of the country if they presume to even suggest that this Service is not entirely free from and above all criticism. I appreciate those facts, Mr. Chairman, in connection with the statements that I am making here, still I insist that there were a considerable number of the men of the Service at Denver and at other meetings, and I do not believe their presence was necessary there. I call the gentleman's attention to the fact that there are large sums—$169,000 in one sum—for traveling expenses that run through this book of items.

I have not had much opportunity to go over it carefully, but there are many items where the traveling and field expenses exceed all other expenses. Here is a vast sum, Mr. Chairman, that is used as the Forester desires to have it used; and the statement of the Secretary of the Interior, I call to the attention of the gentleman, in no way had reference to the character of the expenditures, but to the bookkeeping. I have no doubt they have a perfect system of bookkeeping. I assume they have; but I am quite confident that the Secretary of the Interior did not have the opportunity to go into the question of just how and for what purpose and as to the necessity for all of these expenditures. We of the West who have seen these things know of them, and we do know that the expenditures for this Service have been extravagant and, in my opinion, the appropriations have in part been used for purposes never contemplated by the law providing for the Service.

Mr. DRISCOLL. Mr. Chairman, on account of the statements made by the gentleman from Wyoming, I think we ought to have that amendment reported again, so we will know what it is.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT. I will ask the gentleman if he has any objection to inserting the word "provided" before "that," so that it will read, "provided that no part of this sum," and so forth.

Mr. MONDELL. I have no objection to that.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the word "provided" be inserted at the beginning of that amendment.

The CHAIRMAN. If there be no objection it will be so ordered.

Mr. HACKNEY. Mr. Chairman, I offer an amendment, to insert in line 8, on page 23, after the word "Department," the words "on request from them."

The Clerk read the amendment, as follows:

Page 23, line 8, after the word "Department," insert the words "on request from them."

Mr. HACKNEY. This amendment is offered to avoid a duplication of work in the Department.

Mr. SCOTT. Doubt is expressed by gentlemen around me as to whether the words to which that amendment applies did not go out on a point of order.

Mr. HACKNEY. No; that was withdrawn by the gentleman from Wyoming. I asked then if there was no danger of a duplication.

Mr. SCOTT. I have no objection to that amendment going in.

The amendment was agreed to.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word, and I will take the time of the committee for only a minute or two. The people of our country are becoming very much interested in forestry and in the preservation of our forests so far as possible. New York was the pioneer in this work. It commenced the preservation of its forests before any other State and before the National Government. It has expended up to date more than any other State and more, I think, than all the other States combined for this purpose. It owns now about a million and a half of acres in forest reserves. The man in charge of the forests, fish, and game of our State is Hon. James S. Whipple. He is an able man, who has given much time and attention to this subject. On the 3d of February he delivered an address to the New York legislature in joint session. That address is not long, but it contained very much useful information on the question of forestry and forestation in this country and other countries and incidentally on the matter of the preservation of game and fish. It is also well written as to form and literary merit. You will enjoy reading it, and I ask unanimous consent to extend this address in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The address is as follows:

Address to the legislature of the State of New York by James S. Whipple, commissioner of forests, fish, and game.

As you know, the department has jurisdiction bounded by the limits of the State. It comprehends the enforcement of the laws relating to fish, including shellfish, game birds, game and fur-bearing animals, and the forests. It has a force of 75 protectors, 40 men engaged in fish cultivation, 750 fire wardens (subject to call), 4 scientific foresters, 5 inspectors, and 3 land appraisers, together with the office clerical force and a legal department.

The department gathers fish eggs each year and artificially propagates 255,000,000 fish, and plants them in the State waters, generally distributed. This requires painstaking, skilled labor.

A reasonable enforcement of the laws results in about 1,300 actions of all kinds each year, requiring the most active and energetic work on the part of the protectors in the first instance, and of the legal department finally. To handle each year more than 400 litigated cases, many in courts of record, and 900 lesser ones, with the small force we have is a task that keeps every man connected with that part of the work constantly busy.

The care of the forests, which extend over 110 miles square, protecting them from fire on the one hand, and from trespassers on the other, is in itself a difficult task. The rearing and planting of 500,000 seedling trees each year requires the labor of ten skilled men in this work constantly, and that of 100 more men in planting time. We expect to plant this year 1,100,000 trees. Two men plant about 1,400 trees per day. The careful examination of 100,000 acres of timber land offered for sale to the State each year requires the constant labor of three men skilled in such work. The examination of the titles offered for sale requires the constant labor of a good lawyer every working day in the year. The clerical work in receiving, answering and carrying on the correspondence between the two officers and the people at large, and also that necessary to manage the many men in the field and at the fish hatcheries is a task which practically swamps the clerical force of the Department. That work increases and multiplies as the activity of the Department and the interest of the people in the work increases.

The law in relation to all of these subjects is to some extent ill-advised, incongruous, contradictory, and in some respects entirely inadequate. These several observations are first made that you may better understand the scope and importance of the work.

These questions are naturally suggested: Why all this work and expenditure of money? By it, what is obtained? How are the people benefited?

We are here to-night to answer these questions and to appeal to you, the chosen representatives of the people, to lend every assistance in your power to carry on this work, which we believe is more important to the people at large than the work of any other Department.

The necessity for the propagation and distribution of fish and the necessity of the enforcement of the law is apparent when it is remembered that in this State there is annually consumed for food more than $41,000,000 worth of fresh fish; that more than $30,000,000 worth are taken from the waters in our jurisdiction; that very much of this valuable fish product may be destroyed by improper fishing, or by not stocking our lakes and streams, or by the loss of the forests of the State. We must never lose sight of the fact that the best inland lake or the best trout stream may have its fish supply destroyed in a single year were there no restrictions placed on fishing. Restrictive laws are necessary. Law is simply a rule of action. When there were few people and much forest, fish, and game, no restrictions seemed necessary. Now, when we have 8,000,000 people in the State, with a rapidly decreasing forest and less fish and game, we must have more restrictive laws.

The necessity for the law and its enforcement and the protection of our forests is better understood when it is remembered that the game birds, fur-bearing animals, and the game animals are worth annually more than $750,000, and that all this great value in animal product may be destroyed by nonobservance of the law or by loss of our forests, or both.

The necessity for the law and its enforcement is yet better understood when it is remembered that the shellfish product of this State twelve years ago amounted to about $1,000,000 annually, and now it is worth $10,000,000, having grown to this enormous amount under the liberal policy of the State, its fostering care, and the use of State lands.

The total of these products annually which come from our own State amounts to $40,750,000.

And then, finally, the necessity for the law, for its enforcement, the expenditure of $200,000 in doing all of this work, is thoroughly understood when it is remembered that there are 41,000,000,000 feet of lumber, board measure, in all this State on public and private lands, farm lots and all, and that last year there was cut from these woodlands 1,500,000,000 feet, board measure; that is 41,000,000,000 feet in all, but a loss of 1,500,000,000 feet each year.

With all these facts apparent, the reasons are plain why the work is necessary and that the amount expended might well be doubled or trebled to good advantage, and the cost would then be small compared with results and benefits obtained.

Then when it is remembered that the State owns 1,500,000 acres of woodland, which in the calculation must be deducted, and that at the rate of annual cut it will take only twenty-two years to cut it all, the necessity of our laws for forest preservation, for reforestation, and for acquiring more land passes all argument and stands uncontradictable.

To go a step further and consider the water supply of the State brings us to a subject of great importance, but too little understood.

Quite largely the total water supply of our State depends on the existence of its forests. It is true, without doubt, that, utilized to the uttermost, the waters of our State are worth more to our people than the coal mines of Pennsylvania are to Pennsylvania. If fully utilized they would furnish power to generate electricity, to turn the wheels in every manufacturing plant in the State, to light every plant, every house, every car. In addition, they would furnish electricity to run every car of all kinds in the State and cook all our food. All this wonderful power would be much injured and practically destroyed were we to allow all the forests to be cut from those two great upland plateaus—the Catskills and the beautiful Adirondacks.

A country without forests and without water is like a house without a roof, uninhabitable. Without forests, especially in a country like the State of New York, we can have but little water. We hear much these days about storage reservoirs. Before our woodlands were so badly cut, hacked, and scarred we did not need large storage dams. God, in His wonderful plan in creating the world and providing it with forests, planned for, and nature built, a reservoir never surpassed in usefulness by those built by man.

A study of this natural reservoir proves the importance and imperative necessity of preserving our forests. Let us examine it. The trees are part of it; the leaves on the trees are part of it; the twigs, old logs, limbs, and fallen leaves are a part of it. All of these catch, delay, and hold back the rain drops as they fall. (A reservoir merely catches and holds back the water.) If you will observe the conditions of the forest floor you will notice that between the trees there are little basins in the ground caused by the roots of the trees holding up the soil. These basins catch and hold the rain. Then underneath it all, formed from decaying leaves, twigs, limbs, and logs for a thousand years, is a black mold called humus. This humus has greater power to take up and hold moisture than any other known vegetable or animal matter. The humus is the principal component part of God's reservoir. Then the leaves, limbs, trees, the dead and decaying débris upon the ground, the little hollows or basins between the trees, and this humus are all parts of this perfect reservoir, built on nature's plan, detaining, holding, and keeping back the water, allowing it to soak into the ground to feed the little springs, thence the creeks, and keep the water flowing slowly from the hills all the year round.

On the other hand, when the forest is cut away the basins are broken down, all obstructions to the flow of water are removed, the humus is destroyed, and nature's reservoir is swept away, allowing the water to run quickly into the large streams, causing destructive floods. Many times great damage and sometimes unhealthful conditions follow. When the storm is over, the flood subsides, the water is soon gone, and dry creek beds appear.

Nearly every person can remember some stream close to his boyhood home, covered and protected by beautiful trees, its water supporting fish life, and running nearly full banks all the summer long. Since then the forests on the watershed have been removed, and now when he visits his old home the well-remembered swimming pool is dry, the trout brook is a dry creek bed, and the forests, which kept the cool water constantly running from the old hills, are a thing of the past. These evidences are to be seen on every hand all over the State.

When the Mohawk Valley was covered by a deep, dark forest, a great poet sang about the mighty Mohawk which he saw "run from early morn to set of sun." Could the poet have lived and seen the Mohawk last August, a rivulet, with ugly mud bars sticking out all along its winding course where the majestic river once flowed, he would at least have wondered why he ever wrote the song.

Last August the upper Hudson had no more than two inches of water where once it flowed deep and strong the year round. The water last August in Lakes George and Champlain was a foot and a half lower than ever before. Why this condition? Why reservoir agitation? The reason is plain: The old hills are uncovered; the valleys are bereft of their protecting forests; God's reservoir under the trees has been destroyed. Therefore, without forests we can not have water, except in flood time. Without forests there is no home or breeding place for birds or game animals; without cool and constantly supplied water we can have no fresh-water fish life, and much of that valuable product must be destroyed. Without permanent forests we can not have lumber.

Hence we must preserve and keep our forests. How shall it be done? There are only two methods. Both must be used. The State must acquire at least a million acres more in the Adirondacks and the Catskills, and then we must plant forests. Everyone who has nontillable land must plant trees. The State must help by furnishing trees at cost, or free to all who will plant. Why not? We are furnishing a hundred thousand dollars' worth of fish free each year to stock streams and lakes and the shore waters of the sea. Why not free trees? What are we going to do in a few years when we have no timber to cut? We must have lumber for the thousand purposes for which wood is used. The demand is constantly increasing. It increases faster in proportion than the population increases. There will always be a demand for lumber. The supply is decreasing even more rapidly than the demand for lumber increases. The situation is the same in every State in the Union, as well as in Canada. The forests are being removed with great rapidity. What are newspaper publishers to do for paper? For the newspapers there are required every year 2,000,000,000 feet of timber, board measure; 40,000,000,000 feet, board measure, are consumed annually in the United States. It is not being replenished. We must plant trees now if we are to have timber for the future. There is no class who use wood in any form that should show greater interest in this subject and do more for reforestation and the protection of the forests than the newspaper men. It would not only be profitable for them, but a benefaction to all their readers if they would constantly and consistently urge the planting of trees upon all denuded nonagricultural land. There is no business that will be affected quicker or more severely by a shortage in wood supply than the newspaper business.

There is probably no State in the Union where it is more important to keep the uplands covered with forests than in our own State.

You will remember that there are not more than four rivers of importance in the State, which have their source in the State, that do not rise in the Adirondack and Catskill regions. Therefore these particular sections of the State should always be covered with a good forest.

While we are trying to preserve our woodlands, and thereby the water of the State which they protect, we must not forget that quantity of water alone is not all that is required in this respect. The water should be pure. Polluted and impure water is a constant menace to the health of the people and all animal life that drinks it. There are in the State of New York 6,000 manufacturing plants of every kind and description, all pouring the refuse, much of it poisonous and dangerous to health, into the streams and ponds and lakes near which the establishments are located. The sewage from a thousand cities and villages, and the refuse of all kinds coming from these places, is run into and thrown into the creeks, rivers, ponds, and lakes of the State, polluting and defiling the water, making it unfit for domestic purposes.

It is almost criminal negligence on the part of all persons having the power to in any way better the present condition not to move in the direction of purification of the water supply of the State. It is a subject worthy of the consideration of this legislature and of all the people. Under the law, this department has only to consider it from the point of preservation of fish life, and even for that purpose the law should be amended by at least striking out the last two lines of the section of the law dealing with this subject.

Then, too, we must have forests because they regulate the temperature, affect rainfall, and protect from winds. In these respects the value of the forest to agricultural lands is very apparent and important. Forests are very important regulators and equalizers of the temperature. Slight observation will convince a person who will take the pains to examine this question that large forests, or a large number of small forests, to a considerable degree lower the temperature in the heated term and raise it in winter. If you will test the temperature of a tree in the forest when the thermometer anywhere in the vicinity of the tree registers 95° in July, and the test be applied to the tree 3 feet from the ground, you will find the temperature of the tree body to be at least 5° lower than that of the temperature about it. The reason for it is plain.

The tree in a way has a circulation like that in a human body. The tree gathers its sustenance from the cool ground, draws the moisture into the body of the tree, it circulates by capillary attraction through its whole length to its branches, and is evaporated largely from the under side of the leaves. The tree constantly throws off moisture as well as large quantities of oxygen. This circulation lowers the temperature of the body of the tree. When thousands of trees stand close together upon a tract of land it must decrease the temperature of the air not only in close proximity to the forest, but far removed therefrom.

Then, too, the thick covering which the leaves in summer afford to the ground, scarcely allowing the sunlight to penetrate to the forest floor, prevents rapid evaporation, excludes the heat, and in that way very materially lowers the temperature in and about the forest. The moisture being retained in the ground more steadily and longer helps to keep the ground cool and to cool the air that circulates above. This is undoubtedly largely the cause of much lower temperature in the Adirondacks than we have in the city of New York, or the cities and places in the middle, southern, and western part of the State. If any one imagines that the reason for a 25° lower temperature on the average at Lake Placid in summer is due to the fact that it is 100 or even 200 miles north of a given point in the State, and that alone is the reason, they are very much mistaken. If they imagine that it is because it is on a little higher altitude, they are also mistaken. This is illustrated in many ways.

In the section of the State in which I live, the Allegheny Valley in the southwestern part, the altitude is nearly if not quite as high as the general altitude of the Adirondacks. Lake Placid is not more than 200 miles north of that point. The altitudes are the same, yet in July on the average there is 25° difference in temperature. It therefore must be conceded that it can not be the altitude. It also must be conceded that it is not because of the distance farther north. Then it must be chargeable to the forests which cover such a large portion of the Adirondack country.

Many of you have observed in proof of this fact the conditions in winter. You undoubtedly have crossed an open field on a still day in winter, when the temperature was at zero or below, and you found much trouble to keep the extremities of your body warm. In a little time you entered a large woods, and before you had walked a great distance you were warm and comfortable. No wind stirring inside or outside of the forest; nothing to affect it except the great woods themselves. Whether you ever thought of it or not, if you had been prepared to have tested the temperature of the bodies of the trees in winter just above the snow line you would have found that they were from 3 to 5 degrees warmer than the atmosphere about them. In summer the ground beneath the surface is cooler than the atmosphere above it. In winter it is very much warmer than the atmosphere above it.

Therefore it is plain that forests are regulators of temperature. Then, too, they sensibly affect the rainfall of a locality. Moisture is being thrown off constantly through the leaves; the air about the woods is much cooler than far away from them; the higher elevations loom up cool in the atmosphere. The hot winds charged with moisture are blown across these cool ridges; the moisture is condensed as it comes in contact with them and is precipitated in rain, which falls upon the earth to bless it and all of its occupants.

The great importance of the forest to agricultural lands may be proven in many ways. One has only to read the history of China and France to understand it. Many hundred thousand acres of good agricultural lands in China have been entirely destroyed by cutting off all the timber and the drying up of the water.

More than three hundred years ago France, in an evil day, permitted that which we are now permitting, to wit, the cutting of all its trees, which left its hillsides and mountain tops uncovered. The agricultural lands were much injured; the water supply much reduced. It had no forest. The hillsides were eroded. The soil was washed away. Then a splendid man, realizing the enormity of the evil that had come to his country, started out on a campaign of education over France, urging the people to plant trees. Since then the French people have expended more than $200,000,000 in trying to reforest their waste land, and they have more work yet to do.

The German nation, having good common sense and being a farseeing, practical people, have been restoring and caring for their forests for a thousand years. They have planted as they cut, perpetuating their forests. The Black Forest of Germany is known and famed all over the world. Shall we, the supposed most intelligent and patriotic people of the world, shall we longer stand supinely by and heed not the lesson taught us by the experience of other nations? Shall we see our rivers dry up, our forest land denuded, our natural health resorts swept away, our fish and game destroyed and enter no protest, or raise not a hand to prevent this evil from falling upon us? If there is doubt in the mind of any that agricultural lands may be injured by the loss of water and trees, consider for a moment the condition of the arid plains of the West. There are millions of acres, worthless now, that would blossom as a rose if water should be turned onto them and trees were planted. Water and trees must exist in every country that is decent to live in.

We should remember that scientific forestry is not new, except with us. For a thousand years the city of Zurich in Switzerland has owned a planted forest. It has been carefully guarded, planted, and cut. For six hundred years it has produced a large amount of timber yearly, and to-day it is in better condition than ever before.

One-fourth of Germany is a forest; the value of the German forests is at least $1,500,000,000. Many cities and villages in Germany own their own forests, from which they get all the wood used by the people of the village, and enough more to pay all their taxes. In Germany when a tree is cut two or more must be planted in its place. That should be the practice in this country.

The cultivated forests of Germany are not at all like our natural forests. The best Adirondack forest never produced more than 20,000 *board feet per* acre. In a cultivated forest the trees are planted five feet apart that they may grow tall and shed their lower branches. Such a forest must be thinned at the end of twenty years and each succeeding ten years until the trees are fifty years old. About 40,000 feet, board measure, may be taken out in four thinnings, and at the end of fifty years, large, even, tall, cylindrical trees that will produce from 40,000 to 50,000 feet of lumber will be left standing on an acre of ground.

An acre of waste land worth not more than $5, planted with 1,700 pine or spruce seedlings, at an expense of $8.65 per acre, making a total value of $13.65, would yield a product by the necessary thinnings of $1,000. When the remaining trees were fifty years old they would yield on the stump a product worth at least $1,000. At that time there would be at least 40,000 feet left standing on the acre, making a total product in fifty years worth $2,000 on an investment of $13.65.

To obtain the exact result one would need to compute simple interest on $13.65 for fifty years and add thereto, and on the value of the product obtained by first thinning, valued at $50, for thirty years; on the value of the product of second thinning, valued at $150, for twenty years; on the value of the product of third thinning, valued at $300, for ten years, amounting in all to $350. This interest, with the three several amounts, together with the value of the product of last thinning at fifty years, $500, and the value of the remaining timber left on the acre, would amount to $2,350, total value in fifty years.

The interest on the $13.65 would amount to about $40.95, which added to the $13.65 would make a total of $54.60. The several amounts received from the forest, with interest thereon, would amount to about $2,350. Conceding that the acre of land used for pasturage would be worth something each year if devoted to that purpose, still the difference between its value for that purpose and its value for forestry purposes would be very great.

Italy is reforesting her much-eroded hillsides, too long neglected, at a cost of $20 per acre. France spent $50,000,000 on her harbors, and then expended $20,000,000 in cleaning out the silt that, because of denudation of the uplands, had been washed from them into the harbors. It costs France, because of conditions there, to wit, much erosion of the lands, $34 per acre to reforest. Yet it must be done.

We can reforest at the present time much of our denuded lands in the Adirondacks for about $8.65 per acre.

Canada has begun reforestation. Ohio furnishes seedling trees to her citizens free, and plants them, the owner paying for transportation and cost of labor only. Connecticut furnishes trees at cost. Kansas furnishes trees free.

The conifer trees will not restore themselves in any considerable quantity. It is true that the broad-leafed trees will restore themselves. They start from the seed, and also many sprouts come up. You cut down a maple, beech, or birch tree and many may sprout from the roots; but the conifers are only produced from the seed. The natural reproduction is very slow indeed. If they are to be had in any considerable quantity they must be planted.

Twenty-two years ago, when the first law to establish this department was put on our statute books, there was not a known educated forester or a school of forestry in the United States. Now there are fourteen or more schools and many educated, skilled foresters.

Many States have a forestry association. There are three national forestry associations. There are many learned men in these societies who are devoting their time to the study of our woodlands. Private individuals and business corporations, railroad companies, manufacturers, and others are commencing to plant trees and protect their forests with care.

It would be a wise policy if the State would raise broad-leaf trees for shade trees, and plant them at State expense on both sides of all roads built under the good-roads system. Such roads need shade and moisture. If they are not kept moist the friction of passing vehicles pulverizes the surface of the roadway into dust, which is blown by the winds into the fields. If kept moist the surface will recement itself and the roads last much longer.

Since I commenced discussing this important subject in public meetings two years ago, many lumber firms have concluded not to cut trees below 10 inches in diameter, and are giving much more attention to their woodlands for future use. The people respond and become interested as soon as the facts are earnestly presented, and I have well-grounded hopes that our forests will have better and more intelligent care in the future.

So far in the history of this work of forest preservation in the State of New York, which, as surprising as it may seem, only dates back to 1885, the work has been directed along the line of acquiring land in the Adirondack and Catskill region, and later on to the planting of some of the waste places with trees in the Adirondack Park. Very little or no consideration has been given by the people at large to the general necessity of keeping the hilltops and hillsides, where the land is less desirable for agricultural purposes, covered with a sufficient forest growth to furnish the necessary moisture that the agricultural lands of the State must have to be in the best, continuous productive condition.

Very little if any consideration has been given to the great importance of shelter belts against prevailing winds that at times so seriously affect the orchards on the farms of the State. Very little if any attention has been given to the gradually decreasing water supply that is so necessary for the people of the State, as well as for stock of all kinds, and which keeps the pastures and meadows green.

Very little, if any, attention has been given to the rapidly decreasing supply of timber on farm lots, and, without apparent thought of the havoc and disaster being wrought, the farmers of the State have been and are allowing their wood lots to be devastated, swept away, and destroyed by men with small sawmills, who move their mills about from place to place, seeking timber for the humming saw to devour, regardless of its service to the farmer, its service to the people generally as a regulator of the temperature, effect upon the annual rainfall, especially during those months of the dry season when water for the meadows and the pastures is so much needed.

The time has come when all of the agriculturists of the State should thoroughly understand that the value of their agricultural lands depends to a large extent upon a reasonable balance between forest-covered land and the tillable land. To make it perfectly plain in the shortest space possible, take this illustration:

If to-night, through some destructive power in nature, every tree and shrub in the State of New York should be swept from the face of the State, what would be the condition to-morrow? It requires no great stretch of the imagination to instantly comprehend the dire result. The home and breeding place of every bird would be destroyed. The home and breeding place of every game animal would be destroyed. Not only the source of every stream, but the whole stream bed, would be uncovered of its forest growth. The humus underneath the trees as it exists to-day would be destroyed. Every obstruction and hindrance to the rapid flow of the water as it falls from the clouds would be swept away. In flood time there would be raging, destructive torrents, strewing wreckage of destroyed property, bridges, and buildings along the flats. The water would soon recede and run away, and the springs, rivulets, creeks, and rivers would be dry. Property throughout the State would be decreased in value to-morrow morning 50 per cent. The meadows and pastures would dry out next season at the time when, conditions being properly balanced, they should afford splendid hay crops and fine pastures. The total amount of milk, cream, butter, and cheese produced in the State would shrink 50 per cent. In fact, the injury would be so great to the State that the people of this splendid Commonwealth would be appalled, and all because of the destruction of the woodlands of the State.

Can it be said that this is too vivid a picture of that which would follow? Is it not true, and would it not as surely happen, as it is that, by the revolution of the earth, if it is a clear day we will see the sun to-morrow? And yet this very thing is more than gradually transpiring every day. As heretofore suggested, a country without trees and without water is like a house without a roof—valueless and untenantable. It is as necessary for the farmers to preserve and maintain an even balance between agricultural lands and woodlands as it is to supply, keep, and preserve an even balance between the number of head of animals upon a farm and the acreage upon which they must subsist.

These things being true, then the question of the preservation of forests affects not only the Adirondacks and Catskills, where the larger tracts of forest land yet remain, but is important to the whole State of New York and the people of the State. The department is trying with great earnestness and incessantly to do all that lies in its power to protect, to reforest, and to impress upon every person in the State the great danger that now confronts us in this respect. But the Department alone can not do all that should be done. It must have the hearty cooperation and intelligent assistance of every member of the legislature and of all the people who have a desire for the prosperity and progress of the people of the State. It must have the help of all persons who are patriotic and are proud of the State in which they live. It must have the help of all persons who would not see this splendid Commonwealth lose its leading commercial position among the States of the Union.

We are to-day the foremost in this respect among the States. The State of New York has done more in planting trees and in progress along each line of this necessary work than any other State. In fact, it has planted nearly as many trees upon waste land as all of the States and the National Government combined. It is the pioneer in the work. It ought to lead in this as in many other things, because it is the greatest State in the Union. It has the greatest population; it has the most wealth; it has equal intelligence; its people are a proud and patriotic people. With all we have done we have, in fact, made but a small commencement. All of the work in this respect done in the United States thus far has been largely experimental. The time has now come when real work, based upon a given plan to be continued and followed for years to come, should be commenced. Instead of planting 500,000 trees a year, the State should plant millions of trees, and all of the people who have land adapted to tree raising should immediately commence the planting of trees thereon.

I have believed, and now believe, that when this whole subject is brought to their attention that they will rise to the necessities of the occasion, and that we will make such progress in the immediate future in preserving and planting trees as the occasion demands; and that in so doing, the State of New York will be a beacon light for other States to observe and follow.

We have no time to waste. It takes from eighty to one hundred years to grow a splendid, great, beautiful forest tree. A forest crop is not like the farmer's crop. One is gathered in a season at the end of a few months' or a year's growth, and the other is only gathered partially after twenty years and partially every succeeding ten years, and finally at the end of eighty or one hundred years. It takes time to rear a forest of commercial value. Already too much time has been thrown away. The work must begin generally all over the State now; and this legislature must make the first start. It must make the commencement by providing all the money that is necessary to establish immediately tree nurseries in proper places in which to raise seedling trees for distribution to all who will plant them under proper conditions and the supervision of the department. These should be distributed for actual cost, or better yet, if it may be done, free of cost.

It would seem to be sound policy and in aid of reforestation of denuded lands by the people to have the provision of the law providing for the enhanced value of land caused by the planting of trees relieved from increased taxation upon the land dedicated to tree raising.

It would be of vast importance if the legislature of the State, composed of the representatives of 8,000,000 people, would, without stopping for small things or minor details of some purely local matter, revise and enact a plain, general, concise, workable statute under which,

without necessary trouble, the department of forest, fish, and game may enforce the law in relation to all the subject-matter under the charge of that department. To spend time over the question as to whether a rabbit shall be killed as late as the 15th of December or a partridge shall be shot earlier than the 1st day of October, or whether two or five tip-ups may be used in fishing through the ice in the winter is simply a waste of time. The larger things and the more important things ought to be considered. Those who have given it the greatest study, separating it from all local influences, with an idea of the general welfare of the State and success of the work, should be consulted in such revision.

The body of the law is so great, the State is so large, the conditions so varied, that to give it such examination as it is entitled to requires years of experience and careful study. But however done, it should be general, simple, and positive. It should comprehend, without question, the enactment of a hunting-license law, both for residents and nonresidents, because in no other way can the nonresident license be collected. In no other way can we protect the millions of birds that are the protectors of the forests, the trees, and the farms, and which should be protected from being slaughtered by a hundred thousand nonresidents of the State, who have little or no respect for those things. To preserve bird life to the fullest extent is very important. We are told that if bird life should be destroyed our forests would perish from attacks of hordes of insects.

With such a law all these things could be accomplished. It would afford a sufficient revenue to double the force of protectors, which is much needed, because we are trying to police the whole State of New York, occupied by 8,000,000 of people, with 75 men, when the city of Albany alone requires probably 180 policemen to enforce laws that are more generally obeyed than the forest, fish, and game laws. It seems a most ridiculous thing to think of a police force of 75 men enforcing these laws as they should be enforced among 8,000,000 of people, and in this great stretch of territory consisting of woods, farms, streams, lakes, and ponds innumerable.

Then, too, a revision should comprehend a just revision of the shellfish law, in order that the State may be fairly treated by those who occupy State lands for shellfish culture and that the whole thing may be regulated to the benefit not only of those occupying the lands, but the general public. To illustrate the condition, the State of Rhode Island receives $50,000 a year from its oyster lands; Connecticut, $11,266; Virginia, $99,480, and the State of New York received this year only $4,836.18. These figures illustrate the necessity of a revision of this law. But in this work selfishness and self-interest should be laid aside. It is a great work, worthy of the best efforts of the best men in this State.

I have been plain, positive, and to the point about all of these matters. This is a subject that needs plain, positive, and direct treatment.

So far we have considered the subject from a commercial or money standpoint. There are considerations even exceeding these. From the health standpoint alone, all our care and money expended is not too much.

The Catskill Mountains, some of them towering more than 4,000 feet above sea level, are so close to our great metropolitan city of 4,000,000 people that from the highest peaks one may see old ocean where it laves the shore of Long Island. This mountain land overlooking the historic Hudson, known the world over through the writing of the father of American literature, Washington Irving, reminding us of many things that transpired during the Colonial and Revolutionary periods of our history, full of legend, poetry, and romance, is to-day the Mecca of many travelers who come from far across the sea.

These mountains form the great divide between the Hudson and the Susquehanna, Schoharie, and Delaware valleys. A few hours only are required to reach the Catskill country from New York City. There are lakes like Mohonk—"Gems hem'd round by rocks ancient as the sun"—deep forests hiding trout brooks, the paradise of anglers, valleys as fair as the vale of Cashmere, mountain peaks that frown as darkly as when Rip Van Winkle slept his long sleep. It is a health resort and playground worthy of any people, more easily accessible than any other.

There are 50,000 persons in the State of New York suffering from tuberculosis. It has been demonstrated that 50 per cent of these in the incipient stage may be cured by going to the Adirondacks and abiding there for a considerable time. There is found nature's great sanitarium. The balsam-laden air, sweeping across 150 miles of dense woodland, cooled by the great mountain peaks, filled with oxygen thrown off by the forest foliage, produces curative qualities for this dreaded disease beyond the power of man's ingenuity to produce in any other way.

If we cast aside the commercial feature of it, perfected, reforested, and protected, the Adirondack and Catskill forests, kept for a health resort and a playground only, will reward us for all of our labor and money expended.

All things considered, the Adirondack forest is the finest park ground and forest preserve in the known world. Its close proximity to great centers of population, its exact right altitude, its fifty tree-crowned peaks, its thousand lakes and ponds, its hundred rivers, its beautiful valleys, grottoes, gorges, and dells make it at once the most beautiful, restful, and picturesque country in the world. There are fish to catch, deer to hunt, beaver, elk, and moose to see, canoe trips to take, beautiful places to camp, and the song of the hermit thrush to hear.

All of the 8,000,000 people in the State of New York could reach this beautiful country from their homes in twelve hours if they so desired; 8,000,000 more can reach it in an equal length of time. It is a magnificent heritage, created by the Maker of the universe, left us by our forefathers. We should preserve it, restore it, and protect it for ourselves and future generations.

J. S. WHIPPLE,
Forest, Fish, and Game Commissioner, New York State.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, to follow the one I have just offered.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 24, on page 25:

"*Provided*, That no part of this appropriation shall be paid or used for the purpose of paying for in whole or in part the preparation of any newspaper or magazine articles."

Mr. MADDEN. Mr. Chairman, would that amendment cover advertising?

Mr. MONDELL. That would not include advertising.

Mr. MADDEN. Would it not be well to have it say that it shall not include advertising? They might want to advertise something.

Mr. MONDELL. It has been suggested that the amendment should exclude advertising. I do not believe that by any possible construction it could prevent the payment for necessary advertising expenses.

Mr. MADDEN. I think the amendment ought to be explicit on that subject, and I would not object to it if it was.

Mr. MONDELL. I ask that the amendment be reported again. I think it clearly does not cover that.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. POLLARD. Mr. Chairman, I make a point of order against that amendment. My point of order is that it is a limitation on the authority of the Secretary of Agriculture to diffuse the information gathered in that great Department. Under the general law creating the Department of Agriculture the Secretary is authorized and directed to accumulate and diffuse information, and this is certainly a limitation on his authority and therefore new legislation.

Mr. MONDELL. Mr. Chairman, I do not believe that the amendment is subject to a point of order, and I think it is an exceedingly important amendment. It is popularly believed that a considerable portion of this appropriation is used for the purpose of paying in whole or in part for paper and magazine articles that appear under the names of contributors who contribute to such newspapers or magazines.

I call the attention of the chairman of the committee to the fact that in an itemized statement of the purposes for which it is intended to use the appropriation there is a provision for thirty collaborators, at $300 each; in other words, I assume that if this amendment is not adopted the Bureau would consider itself authorized to pay Tom, Dick, and Harry $300 each for the preparation of newspaper and magazine articles pucng its work, telling how it had reinvented the ancient process of creosoting ties, informing the world of its wonderful achievements in every department of science and industry, and particularly belaboring every man who has ever dared at any time to raise his voice anywhere, and particularly on the floor of Congress, against its policies.

Now, my purpose is, so far as possible, to prevent that kind of use of the people's money. I believe in the bureaus advertising their work widely. I am in favor of proper publicity in every important bureau of the Government. I know of several bureaus whose work of disseminating information through the newspapers and otherwise is most helpful. I approve of a proper bureau of publicity to give the public knowledge of what the Department is doing. But if I am correctly informed this Bureau has been doing a work beyond that. It has, directly and indirectly, been encouraging and paying for the preparation of newspaper and magazine articles placing an exaggerated value on its work, and particularly in encouraging people who see fit to impugn the motives or criticise Members of Congress and Senators and other men in public life who do not agree with some of the policies and some of the acts of the Bureau.

Mr. SCOTT. Mr. Chairman, has the point of order been withdrawn?

The CHAIRMAN. The Chair overrules the point of order.

Mr. SCOTT. Mr. Chairman, I desire to be heard on the amendment. I can not answer the argument of the gentleman from Wyoming in any better way than to read a letter from the Chief of the Bureau, Mr. Pinchot. I had heard of complaints against the Bureau touching this matter, and addressed a note to Mr. Pinchot asking him to advise me as to the facts, and I wish to read what he said in reply:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, February 14, 1908.

HON. CHARLES F. SCOTT,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. SCOTT: I am very glad to make the statement which you asked concerning the educational work which the Forest Service conducts through the newspapers.

This work was undertaken because the most important immediate task which this Service has before it is to inform the American people of the objects and methods of forestry and because this can not be accomplished through the distribution of official publications alone.

The Forest Service is doing all it can to make its publications of wide use. It has of late put most of its printed matter into the form of brief pamphlets, cheaply gotten up and written in a nontechnical style. The purpose aimed at has been to make these pamphlets as succinct, as simple, and as effective for the ordinary reader as possible, and to print in large numbers at the lowest possible cost per copy. During the last fiscal year the number of single copies of Forest Service publications printed was 2,122,000, and the average cost per copy (including two publications which for special reasons required binding) was $0.0145. The Forest Service has now on its mailing list over 700,000

names, so classified that each publication can be sent to the class of people and the region especially concerned, without sending to the entire list; but the question of forestry is far broader than this list. Forestry must be made household knowledge, if it is to be applied soon enough and generally enough to preserve what forests we have left.

Ten years ago there was no general understanding in the United States of the relation of forestry to the public welfare, or of the fact that forests could be used profitably and at the same time be preserved. Enough has been done to awaken interest. But until we have developed that interest into action our part will not be accomplished.

The great mass of the American people do not yet understand how to make the best use of the forest. It is not a question of discovering facts and making them known to specialists, but of working into the everyday thought and everyday practice of great masses of men what the Forester already knows. It is necessary to convert scientific information into common knowledge. This means that not tens or hundreds of thousands, but millions of citizens need to be reached. The periodical press of the country affords the best means of accomplishing this, since everyone who reads at all reads newspapers.

The studies of the Forest Service and its administrative activities are legitimate subjects of news interest, and recognition of this fact brought newspaper men to the Service in search of matter which they had a right to ask for, before any means existed of seeing that they got it. The present methods of the Service have both advanced the ends for which it exists and benefited the representatives of the press. The Sunday editor of one important paper wrote one of the Forest Service editors last September:

"I wish there was an editor of your kind in connection with every Department at Washington. There is so much there in various Departments that we are always wanting and always trying to get, and which seems very difficult to secure. With such warehouses of information the departments seem loth to give any of it up. I frequently send a man down for articles on a dozen or so topics. If he spends a week there, and brings back material for three of these, he is doing very well. All because of the fact that information is so difficult to obtain from so many who should, it seems to me, be the gladdest to give it."

To sum up, the Forest Service has spent an increasing amount each year upon its publications, which reached $40,000 last year, without getting adequate results. We can not get these results through the distribution of our publications without vast and prohibitive expense. Consequently we are making the fullest possible legitimate use of the opportunity offered by the press.

To get information into the newspapers it is necessary to put it into newspaper form. The newspaper does not want essays, treatises, and reports, but news. Government publications too often fall practically dead from the press, not because they do not contain valuable information, but because this information is not in available form for the average reader. By employing men familiar with the peculiar requirements of newspaper work and familiar also with the work of this Service it becomes possible to carry on the work of popular education on a far more extensive scale and at a far lower cost than in any other way.

An example of what was done along this line in the last three months of 1907 will serve to make this point clearer. The circulation of matter prepared for the newspapers by the Forest Service was calculated for each of these months. This was done by adding together the circulation of all items known to have been used during the month. The circulation of each item was computed by taking every clipping received by the Forest Service, of matter which it had prepared, and looking up in Rowell's or Ayer's newspaper directory the circulation of the paper from which the clipping was taken. This method of calculation showed a total circulation for each of the three months which averaged over 9,000,000. The actual circulation secured was certainly much larger than this, since in many cases articles are used without knowledge of the fact reaching the Service. To print 9,000,000 copies of these articles would have cost the Government about $5,400, and envelopes and addressing would have cost $42,000. In addition, there would have been the cost to the Government of putting the printed articles into the envelopes (probably not less than $9,000) and of handling the matter in the mails.

If the Forest Service attempted to do this work directly, it would have to build up and maintain a mailing list of unheard-of magnitude. Its present mailing list of 700,000 names represents a cost for cards, indexing, clerical labor, etc., of $7,000. A mailing list of 9,000,000 names would mean an investment in the apparatus itself of $90,000, besides the cost of operating. Circulation through the newspapers, however, means the equivalent of a mailing list far greater than this, for different kinds of articles are made use of by different classes of newspapers, and in different regions, so that the circulation of one month is by no means identical with that likely to be secured the following. Practically the mailing lists available for the use of the Service, by putting its information in a form acceptable to newspapers, is the entire newspaper circulation of the United States.

The work of putting this matter into the special form necessary is assigned to two men, with some assistance from a third, but engages only a part of their time.

The method employed is to require the whole working force of the Service to keep the section of information acquainted with what is going on in the various lines of work. This is done promptly through memoranda, reference of correspondence, and other papers, and word of mouth, which makes it possible for the section of information to write up whatever has news value at the time when it is news. Since the members of this section are fully informed of the purpose and methods of our work, the matter is so written up as to carry the maximum of illuminating information. I also see, whether I am in Washington or in the field, a copy of every statement given out.

In my annual report for the last fiscal year the work of the section of information for the current year was outlined as follows:

"Special attention will be given to the popularization of technical information concerning forests, the requirements and life activities of forest trees, and the practice of forestry. Economical methods of utilizing wood and other forest products will also be presented. But above all, the relation between the public welfare and the perpetuation of the forests, the loss of which would mean an impairment of the nation's wealth, will be illumined whenever possible."

I recognize that this publicity work exposes the Service to danger of criticism from those who do not understand its purpose, and that if not scrupulously confined to its legitimate field of education it might easily become an altogether improper form of activity. Whether or not the Service is in any degree running a press agency to put itself in the most favorable light before the public, or to advocate special measures which it is the duty of Congress to pass upon, your personal examination already made of the files of matter given out in December will enable you to judge. The files of matter given out are open to examination by anyone at all times. Whatever is done is done publicly, and I shall be most glad to have brought to my attention any published matter suspected to have been given out or in any way inspired by the Forest Service which transgresses the limits of propriety or the strictly legitimate field of the Service.

In point of fact, however, any press bureau activity would certainly defeat itself. It could not hope to escape discovery by the corps of newspaper correspondents in Washington. The arts of the press agent are transparent to any newspaper man. Attempts at self-laudation by the Forest Service would simply be cut out of matter transmitted by the correspondent, so that the result sought would be lost, while a very different result would be obtained—the discovery by the correspondents of a transgression of official propriety which would suffice in their hands to give the Service quite enough of public notice for the time being.

Far from seeking to advertise the Forest Service, the effort has been made in preparing this news matter to avoid, wherever possible, mentioning the name of the Service. This is, indeed, important to the success of the work. The subject of forestry is one in which the public is genuinely interested and concerning which it will read much, but any considerable volume of matter about the Forest Service would mean the rejection of most of it by the newspaper correspondent and editor, who want variety in their papers.

The object of this work is to give out facts. The matter furnished can be had by any newspaper man, no matter what his attitude or that of his paper toward the Forest Service. When he has it, he can use it in whatever way he pleases. If he desires further facts, every facility is given him to find out what he wants to know. If he believes that the Forest Service deserves criticism, he is perfectly free to make it. The Service could neither stifle criticism nor palm off ready-made views, even were there any desire to do so. Everything that is given out or sent out goes from the office bearing indication of its source. Whatever is done is done in the full light of day, and any improper activity could only injure the Service.

Very sincerely, yours, GIFFORD PINCHOT, *Forester*.

I take the liberty of inclosing three extra copies.

Mr. LEAKE. Mr. Chairman, I would like to ask the gentleman how these articles appear in the newspapers? Do they bear the stamp of the Department?

Mr. SCOTT. I have been having all the articles referred to sent to my office every day for the last month, and I have selected from among that number a very brief one, which will serve as a sample of all of them, and I will read it because I can read it in a minute. It is as follows:

COOPERS FIND SUBSTITUTE WOODS.

The coopers of the United States are probably suffering more at the present time for want of a supply of timber than the men of any other wood-using industry.

This condition is caused largely by the great decrease in the supply of those woods considered necessary for cooperage stock and the lack of knowledge of the merits of such species of wood as might possibly be used as substitutes. A few years ago the cooperage manufacturers of the Pacific coast obtained their supply of timber from the East, using very largely the better cooperage woods, such as white oak and elm. Recently these manufacturers have been using, with reasonable success, various species of wood native to their immediate section. Sitka spruce is now largely used on the Pacific coast for such slack cooperage as flour, sugar, lime, and bottle barrels; tight cooperage, such as vinegar, pickle and cider barrels, butter and cheese cooperage, buckets and pails. Recently wine barrels have been made from Sitka spruce, these being coated inside with a high grade of paraffin. Douglas fir is also used to some extent. Inferior grades of slack cooperage, such as salt and lime barrels, are sometimes made of white fir.

The committee will see that even the name of the Forest Service is not mentioned. In the greater number of articles that I have examined the name of the Service does not appear at all.

Mr. LEAKE. It would seem then that this manufacturing of public opinion, which the President so strenuously condemned in one of his messages, depends for its morality upon whether it is for or against the policies of the President himself, would it not?

Mr. SCOTT. I do not think it can be properly characterized as "manufacturing of public opinion." It is, rather, the dissemination of useful information. The Bureau of Forestry has simply devised this method of creating widespread interest in the subject of forestry and of diffusing information upon the subject by giving news to the people through the newspapers instead of printing bulletins as other bureaus of the Department do.

I do not believe any money is expended by the Bureau in paying for the insertion of any matter in a newspaper or magazine or paying for the preparation of any of this matter, except, as is suggested here, by the employment of two or three men in the office of information within the Bureau itself, and their duty is wholly to prepare articles of interest and value such as I have read.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. SCOTT. Yes.

Mr. BONYNGE. Who are the persons who are employed to prepare these articles? Are they newspaper men—men working on different newspapers?

Mr. SCOTT. No; they may have been men of newspaper experience, but they are now engaged in no other way except that of preparing this news matter in the Bureau.

Mr. BONYNGE. I am asking for information, because I do not know as to it. I heard the gentleman from Wyoming [Mr. MONDELL] say that the estimate of the Secretary called for thirty collaborators, at $300 each per annum. I of course

realize that no man is going to work for $300 per annum, and I assume it must be a man engaged in some other business, and it naturally occurred to me that as this was newspaper work, men engaged in newspaper work would be employed. Is not that the fact?

Mr. SCOTT. I do not think the gentleman from Wyoming meant to give the impression that these thirty collaborators were to be employed in this publicity work. The collaborators estimated for by the Secretary were undoubtedly men located at various State experiment stations and elsewhere, whose collaboration was desired in connection with the scientific or technical work of the Bureau, the matter of testing the strength or lasting qualities of timber, carrying on of investigating work which the Bureau is doing, and so forth. The only work that is done in the line of publicity at all that I know anything about is the work that is done in the office of information in the Bureau, and is done by two or three men. One of them was formerly a resident of my own State, and has been employed in this Bureau—engaged in this publicity work—for several years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. I ask unanimous consent that his time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BONYNGE. Do I understand the chairman of the committee to state that there are two or three men employed by the Bureau, engaged in the office of the Bureau, who devote all of their time to this work?

Mr. SCOTT. They devote all of their time to preparing bulletins and——

Mr. BONYNGE. No; newspaper and magazine articles we are talking about now.

Mr. SCOTT. To preparing bulletins and such items of news as I read a moment ago.

Mr. BONYNGE. And they are regularly employed for that purpose in the Bureau?

Mr. SCOTT. Regularly employed; and if the gentleman will go over to the Department of Agriculture he will find a dozen or more men regularly employed in similar work for the other bureaus.

Mr. BONYNGE. What I want to know is whether or not this work is done by people outside of the Government service or by those only who are employed by the Government and devote their time to the Government?

Mr. SCOTT. So far as my information goes it is done by those who are employed by the Government and are giving their entire time to the Government and have no other connection whatever.

Mr. BONYNGE. When these articles appear in the newspapers or the magazines, do they appear as Government official publications signed by anybody, or as a matter of news?

Mr. SCOTT. They appear absolutely as matters of news. A representative of a newspaper goes to the Bureau of Forestry and asks if there is any news in which the public would be interested, as he has a right to do of that or any other bureau in this Government, and from this office of publicity there will be given out any item in regard to forestry which the publicity office may think may be of interest. It rests then with the newspaper reporter as to whether it is of sufficient interest to print in his publication. It is simply carrying out, in a very much more effective way than is done in any other Department of the Government that I know anything about, the idea that we should disseminate useful information which the people in this Department are accumulating.

Mr. BONYNGE. Mr. Chairman, if the gentleman will permit in the time he has remaining, all I desire to say in answer to what the gentleman has said is this: That if this is official information given out from a Government bureau to take the place of a bulletin or pamphlet, it ought to be issued in the name of the Government official who does issue it, signed by him, appearing in the paper as a Government publication, if you please, and not appear as a matter of news giving public information without knowing who is responsible for the publication. [Applause.]

Mr. SCOTT. Mr. Chairman, I ask for a vote on the amendment.

Mr. MONDELL. I would like to have about three minutes more.

Mr. SCOTT. I move that debate close in eight minutes on this amendment. There are other amendments.

Mr. GAINES of Tennessee. Mr. Chairman, I did not hear much of what was said between the two gentlemen, who had a long colloquy—a kind of family colloquy—over there, and I would like to know from the chairman, the gentleman from Kansas, who is in charge of the bill, whether or not any of these articles which have been written at the Department of the Interior cover the public land grants that the railroads have wrongfully or otherwise acquired from the Government, covered in part, say, in Senate document 60, and first session, Senate, Sixtieth Congress, No. 279.

Mr. SCOTT. I do not know of any documents which have been issued from the publicity office of the Bureau of Forestry which do not relate directly to the forest interests.

Mr. GAINES of Tennessee. Then, Mr. Chairman, it would seem that this printing that has been going on may have been even wise, but it has omitted a thing that Congress thought to be so important itself as that Congress is about to consider it, directing the Department of Justice—or about to direct—to look into these land grants, and yet all this money has been spent giving "news."

Well, it may not be exactly news, but since 1866 down to the recent months the railroads and other concerns throughout the United States, and particularly of the West, have been engaged in taking lands wrongfully from the Government. Now, if this news concern had brought before the people these wrongful acts, had brought before Congress these wrongful acts, had brought before the courts out West these wrongful acts, had brought before the grand juries out West these wrongful acts, and done that long ago, instead of sending out pictures of bacteria and birds and beasts and fowls and rivers and various other things that we were getting in the newspapers without paying for it, there might be something really genuinely good in this "news" bureau. I do not know what they have been printing. I have never seen any of this matter; I have not time to go reading the magazines; I do not go to the magazines to get the matter; I go to Joel Grayson or Mr. Sumner of the House document room. I went out there a few moments ago to get some documents or data on this matter, preparing for the future. I did not know what was pending before the committee—got no notice whatever from the committee. I went out and asked him to load me up on these railroad land grants.

He said that the document was down in the Secretary of the Interior's office, but he gave me all he had, which is Senate Document 279, Sixtieth Congress, first session, to which I have just alluded, which is a letter from the President, dated February 17, 1908; one from the Attorney-General of February 14, 1908, and the subject-matter is the Oregon and California railroad land grants. Now, if this has been published from time to time in these little squibs, or paid-for propositions, there might not be so much opposition. I do not know now whether I am opposed to it or not. If it is doing any good or trying to relieve the people of this wrongdoing, and as long as I stay here in Congress, as much trouble as I am giving to some of my friends, I intend, gentlemen, to stick at it until it is dug up and brought before Congress, in the newspapers, or in the committees, or in the House, or wherever I am. I have no personal interest in this on earth. I work day in and day out, eighteen hours every day, and I try to attend to all this public land wrongdoings and good doings I possibly can, and if this publishing concern down in the Bureau has not been publishing these facts, and it seems they have not, then there has been a remissness, or at least a delinquency, which, I hope, if this money is to be appropriated, will not obtain hereafter, and that we will get all the facts about this land-grant question and forestry question.

Mr. MONDELL. Mr. Chairman, my amendment was not intended to prevent the Department giving out in a proper way all proper, useful, and helpful information with regard to its work and with regard to the results of its investigations. I fully appreciate the fact that in the expenditure of large sums of money for the purpose of making investigations and inquiries it is exceedingly important that the people of the country shall have the opportunity to learn the results of those investigations, to know the facts developed by the investigations, and against any dissemination, no matter how widespread or extensive, of facts brought out by investigation or of useful and helpful information, I have certainly no disposition to raise my voice. But, Mr. Chairman, my amendment will not cut it out.

Mr. SCOTT. Would not that cut it all out?

Mr. MONDELL. My amendment could not cut out the dissemination of information by the Bureau under its own name and seal, sending it out officially as emanating from the Bureau. I have not any thought of doing that. I think, however, that all of the information emanating from Government sources should clearly indicate that it emanates from such bureaus, and that whatever effect it shall have in informing the people, in forming public opinion, should be had with the full knowledge on the part of those who receive such information that it comes from and through the Bureau. I understand that the Bureau does not ordinarily indicate that the

information comes from the Bureau, although the very innocuous, harmless, and innocent article which has just been read by the chairman is the first of all the newspaper articles I have seen emanating from the Bureau that did not contain a large puff of its work and accomplishment.

For the first time in this case they seem to have failed to call attention to their work. I desire to put an end to the dissemination of information or misinformation, as it may be, at public expense throughout the country without anything to indicate that it emanates from governmental sources, and particularly do I desire to put an end to a practice that I believe has been somewhat indulged in, to wit, the use of Government money for the purpose of preparing or, at least, suggesting and skeletonizing articles to be published in the newspapers and the magazines of the country reflecting upon public men who see fit to differ with this Bureau. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided, and there were—ayes 51, noes 27.

So the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

Mr. MONDELL. The amendment is to follow the amendment just adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Following the amendment just adopted add:

"*Provided further*, That no part of the money herein appropriated shall be used for the administration of any land in a national forest in a township in which less than 50 per cent of the land is public land and less than one-fourth of such public land is timber."

Mr. SCOTT. Mr. Chairman, I make the point of order against that amendment.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. What was the point of order?

Mr. SCOTT. The point of order is it changes existing law. And I move, Mr. Chairman, that all debate on this question close in five minutes, with the distinct understanding that at the end of the remarks which are to be made by the gentleman from Wyoming [Mr. MONDELL] I have liberty to make the point of order.

The CHAIRMAN. The Chair did not understand the motion of the gentleman from Kansas.

Mr. SCOTT. I move that debate close in five minutes and at that time the Chair shall rule on the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I shall not have anything to say on this, but suppose this turns out to be something important?

Mr. SCOTT. I reserve the point of order for five minutes.

Mr. MONDELL. I doubt if the amendment is subject to a point of order, and I call the chairman's attention to the language under which the forest reserves were created. The first was the act of March 3, 1891:

That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

And then, following that, the later act of June 4, 1897:

No public forest reservation shall be established except to improve and protect the forest within the reservation or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the including therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

Now, Mr. Chairman, territory of the sort described in my amendment, included in a forest reserve, is not properly within the reserve. I provide that if 50 per cent of the land shall be in private ownership, and not more than 25 per cent of the remaining land shall be covered with timber, that no part of this appropriation shall be used for the purpose of administering such territory clearly illegally within a reserve. I regret very much, Mr. Chairman, that there has disappeared from my desk a map of a portion of the Bear Lodge Forest Reserve, in my State, clearly indicating that in a part of this particular reserve—and I use it only as an illustration of conditions that exist largely throughout all the States and Territories containing reserves—that this particular portion of this reservation, averaging about 5 miles wide and about 13 or 14 miles long, being in the shape of an hour glass, narrow in the center and wide at the ends, within that territory there is less than 50 per cent of the land in public ownership; that as regards the balance of the territory, it is clearly indicated in petitions I have in my hand—and I may say that I have personal knowledge of the territory, as it has a public road its entire length, over which I have driven and ridden many a time—that not over 10 per cent has any forest whatever, and no part of the territory contains merchantable timber.

I have a petition here which was filed with the Chief Forester, I think about a year and a half ago, signed by over 240, as I recollect it, people living immediately surrounding this territory and within this territory, protesting against the inclusion of this land in a forest reserve. When they inclose land in a forest reserve it compels those living in the country around about, whether they intend that their stock should drift upon the reserve or not, to take our permits for the grazing of their stock, lest, perchance, in the drifting of stock, as it drifts in that territory, on the open range, it might wander upon Government land, and a farmer living 4 or 5 miles away be subject to be haled before a Federal court 500 miles away and his property and liberty placed in jeopardy.

Mr. Chairman, the inclusion and maintenance of such territory in forest reserves is a shame, and yet we have appealed in vain to have this territory restored to the public domain that farms and homes may be established. In a letter which I wrote to the Chief Forester in regard to this matter I called his attention to the fact that in all conscience we have little enough land in our country that can be profitably farmed without taking farming land for forest reserves. This territory consists of a long slope of mesa running from a low mountain top to the valley of the Belle Fourche River, and is largely adapted to farming. The Chief Forester says that if it were adapted to farming the farmers would have settled there long ago. Why, surrounding it there are millions of acres of land that will some time be farmed, and the same argument would apply to that, and thus justify its inclusion in a reserve. Such territory does not belong in a forest reserve, and if placed in reserve should promptly be excluded.

Mr. SCOTT. The amendment clearly places a limitation upon the authority which the Secretary has now under the general law. I insist that it is out of order and make the point of order against it.

The CHAIRMAN. The Chair will ask the gentleman from Kansas, in charge of the bill, Was there any other limitation on the whole provision offered by the committee?

Mr. SCOTT. As I recollect the amendment, it deprives the Secretary of the authority to sell timber or to issue grazing permits on the land referred to. Undoubtedly he has the right to do both of those things under existing law; and yet it gives no money to do them, and if this appropriation is denied, then his authority, practically, is denied, because he will not have the means wherewith to carry his authority into effect.

The CHAIRMAN. It seems to the Chair that this amendment is simply a straight limitation upon the appropriation.

Mr. SCOTT. May I have the amendment reported again?

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. SCOTT. It seems to me that the amendment seeks indirectly to declare that there shall be no timber sold nor grazing permits issued on certain land described. Now, it is clear that a parliamentary body can not do indirectly what it is not permitted to do directly; and therefore the point of order ought to be sustained.

The CHAIRMAN. Some months ago we were legislating in regard to Soldiers' Homes, appropriating money for the support of Soldiers' Homes, and an amendment was adopted providing that none of the money so appropriated shall be used for any Home where intoxicating liquors were sold. Now, it seems to the Chair that this is clearly analogous to that—this withholding the appropriations in certain forest reserves.

Mr. POLLARD. May I have just a word? It seems to me, Mr. Chairman, that this is a very different question. Under existing law the Secretary of Agriculture has authority to administer forest reserves in general, such as are described by this amendment—that is, where 50 per cent of the land is held by private parties. If this amendment carries, the effect of it certainly is to take from the Secretary the power to administer these reserves under such conditions, and to that extent is legislation.

The CHAIRMAN. But the gentleman does not deny that Congress might withhold the entire appropriation.

Mr. POLLARD. That is very true.

The CHAIRMAN. So here it simply reserves a part of it, and controls or restrains to that extent.

Mr. GAINES of Tennessee. On the point of order, Congress could do that, but would not that in itself be a change of law? It seems to me that here is not only one limitation, but here are two.

The CHAIRMAN. It has not been held so, according to all precedents.

Mr. GAINES of Tennessee. If the Chairman will indulge me a moment, if we took all the money away from the Secretary of Agriculture, we certainly would change existing law, because the law is that certain things shall be done and that we shall do them and pay for them. Now, they would not and could not be done unless they were paid for, and by taking away the money to do them to that extent certainly would be a change of existing law. If we can do it in one of the things, we can do it in all of the things. Now, I do not know what virtue there is in the amendment, or the law, nor what evil it undertakes to cure, but I am talking about a parliamentary proposition.

The CHAIRMAN. The Chair is clearly of the opinion that this is a straight limitation upon this appropriation, and so the Chair overrules the point of order.

Mr. MONDELL. I call for a vote on the amendment.

Mr. CLARK of Missouri. Mr. Chairman, I should like to ask the gentleman from Wyoming a question about the phraseology of that amendment. He talks about the "administration of the land." What does that mean?

Mr. MONDELL. A forest reserve consists of land.

Mr. CLARK of Missouri. But I am talking about the use of the word "administration"—the "administration of the land." I do not believe that is a phrase that anybody can understand.

Mr. MONDELL. I do not know what other word I should use. You could not say in this case "administration of the timber," for there is no timber.

Mr. CLARK of Missouri. I know, but that would be worse than this.

Mr. MONDELL. I am using the only words, so far as I know, that would apply.

Mr. CLARK of Missouri. What do you mean by the "administration of the land?"

Mr. MONDELL. The word "management" might please the gentleman better and might be more appropriate.

Mr. CLARK of Missouri. It is not a matter of pleasing me.

Mr. MONDELL. I think the Department will understand that they are not to use this appropriation for any purpose within the reserve.

Mr. REEDER. Does not this amendment provide that if there is the heaviest kind of timber on a portion of a township, if it does not come up to a certain amount, then that timber can not be taken charge of by the Forestry Department?

Mr. MONDELL. If there is not 25 per cent of the half of the land owned by the Government that has timber on it, then it can not be administered.

Mr. REEDER. Suppose there is 20 per cent of the township which is heavy timber?

Mr. MONDELL. That is a very violent supposition, so far as my knowledge goes.

Mr. REEDER. That is true of many townships in the West, and suppose that this 20 per cent is all that is in the forest reserve. Then the Forestry Department can not control it if your amendment becomes law.

Mr. MONDELL. No; but they can cut down the forest reserve until it shall include only the timber land, and then they can administer it; but so long as they keep all creation within the reserve they could not, under the amendment, administer. They could not administer all of a State under forest reserve regulation, because there may be a patch of timber here or there on some mountain side.

Mr. REEDER. Suppose in a particular township there is 20 per cent solid timber, and that 20 per cent and no more of the township is in the forest reserve. According to your amendment they can not control that timber.

Mr. MONDELL. They can.

Mr. REEDER. They can not.

Mr. MONDELL. They can, by the very simple process of changing its status by a proclamation excluding from that township of the reserve the nontimbered lands.

Mr. REEDER. I have already excluded that in my supposition. There is nothing but heavy timbered land in the 20 per cent of the township which is covered by the reserve.

Mr. MONDELL. Oh, the gentleman does not understand the amendment. The amendment does not apply. It says that where only one-half of it is in forest reserve.

Mr. REEDER. It does apply, and I ask for another reading of the amendment. I want to show the gentleman that it does include just what I say.

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk again read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I send to the desk an amendment which I offer——

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. We are appropriating a great deal of money here, and showing a great deal of solicitude about forest preservation. I should like to ask the gentleman in charge of the bill what are we doing especially, if anything, toward preserving the tree or the forest from which we get the wood pulp?

Mr. SCOTT. The wood-pulp tree has the same protection that every other wood has, and no more.

Mr. GAINES of Tennessee. Are we doing anything to grow more trees?

Mr. SCOTT. No; except in a general way, by propagating and preserving the forests.

Mr. GAINES of Tennessee. Why I ask the question is that we know that there is a great deal of solicitude being expressed about the destruction of forests from which we get the pulp wood and of which we make the paper to print newspapers and books. We have heard a number of learned arguments on the subject. Some say that the forests will soon be destroyed and made into paper, etc.

The idea has been suggested from time to time that where we permit one great tree to be cut down in the forest, we ought to require the man who does it to plant two more of the same kind. I made a suggestion like that myself three or four years ago, when we had up a Wisconsin park matter, and I think the policy should be adopted.

I was reminded of this by receiving a telegram since I have been on the floor, addressed to me, from William J. Ewing, manager of the National American, of Tennessee. It says:

Please use all your influence toward advancing the putting of wood pulp on the free list.

I have been doing that and have successfully failed. [Laughter.] But I am not discouraged, not in the least; we will show the people by our works here in the minority what we would do if in the majority. There are some people who don't fully realize yet that the Democrats do not control Congress. I have been twelve years here in prison, legislatively speaking. [Laughter.] A Republican Administration all the time. I would like to have the tariff taken off of wood pulp. I do not think we will get it off until we reduce the Republican majority to minority.

Away back yonder near the beginning of legislation about the trust question Mr. Sherman, that great economist and great student, said that if the tariff protected the trusts, or made the trusts, he would at once free list the monopolized article. He said that in 1884 or 1890. Other great Republicans, Mr. Reed, Mr. HALE, and others said, before 1890, the same thing about the salt monopoly. A number of great thinkers to-day have suggested that remedy as a cure for the trusts. You all know that this paper trust exists and I am not talking politics. I asked the gentleman from Kansas a business proposition, and I make these suggestions as the best proposition for the present and looking into the future. We are not going to live always, but there will be Representatives here and they and the people will have to have newspapers and books, and certainly we should at once rid the present of this trust and begin to protect this wood-pulp tree. I submit that we ought to start a plan that would require any man who cuts down one of these trees on Federal property to put out two more in lieu thereof, and a State law should cover in the same way the State lands.

Mr. AIKEN. Mr. Chairman, the gentleman from Tennessee says that he has been in prison twelve years. I would like to ask him if he has anything to his credit for good behavior? [Laughter.]

Mr. GAINES of Tennessee. Well, I behave as well as I can in a legislative menagerie such as we have here, which always runs counter to the wisdom which I suggest. [Laughter.]

Mr. AIKEN. Mr. Chairman, I desire to extend my remarks in the RECORD by printing some statistics on the Appalachian Park measure.

Mr. SCOTT. Mr. Chairman, I must object to the request of the gentleman from South Carolina. I should like to state that when the committee rose last Saturday night I asked unanimous consent for general leave to print on this bill for five legislative days, and the gentleman from Mississippi [Mr. WILLIAMS] objected, which was clearly within his right.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. MONDELL. Mr. Chairman, I ask to have the amendment which I have sent to the desk read.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Provided further, That no part of this appropriation shall be used for the negotiation of any sale of timber in any national forest at a price above what would constitute a fair and reasonable price for such timber were it sold in competition with timber of a like character in the same locality on land in private ownership.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

Mr. SCOTT. I reserve a point of order against that amendment, and I move that the committee do now rise.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 55, noes 34.

Mr. WILLIAMS. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. It does not take a quorum for the committee to rise.

Mr. WILLIAMS. I call for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. WILLIAMS and Mr. SCOTT.

Mr. WILLIAMS. Mr. Chairman, I am willing to withdraw the demand——

Mr. PAYNE. Regular order.

The CHAIRMAN. The regular order is demanded.

The committee divided, and the tellers reported that there were—ayes 57, noes 47.

So the motion was agreed to.

The committee determined to rise; and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 48.

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he is hereby, directed to cause a survey and estimate to be made for a project of improvement of Wood River from the point where it empties into Klamath Lake in Klamath County, Oreg., to the head of navigation, and report the same to Congress—

to the Committee on Rivers and Harbors.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4831. An act for the relief of Pembroke B. Banton—to the Committee on Claims.

S. 6257. An act authorizing the Secretary of War to expend $300,000 in protecting the banks of the Mississippi River at New Orleans, La.—to the Committee on Levees and Improvement of the Mississippi River.

S. 3023. An act to amend the national banking laws—to the Committee on Banking and Currency.

S. R. 71. Joint resolution to provide for the removal of obstrucions from the main ship channel, Key West Harbor, Florida—to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Kansas, that the House do now adjourn.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 65, noes 45.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I demand the yeas and nays upon that proposition.

The yeas and nays were ordered.

The question was taken, and there were—yeas 102, nays 88, answered "present" 3, not voting 195, as follows:

YEAS—102.

Adair	Ellis, Mo.	Humphrey, Wash.	Murdock
Allen	Ellis, Oreg.	Jenkins	Needham
Bannon	Esch	Jones, Wash.	Nelson
Barclay	Focht	Kahn	Norris
Bates	Fordney	Kelfer	Olmsted
Bonynge	Foss	Kinkaid	Payne
Boyd	Foster, Vt.	Knapp	Perkins
Brownlow	Foulkrod	Knowland	Pollard
Burton, Del.	Fowler	Kustermann	Pray
Burton, Ohio	French	Lafean	Reeder
Campbell	Gaines, W. Va.	Langley	Reynolds
Capron	Gardner, Mich.	Laning	Rodenberg
Cary	Graham	Lilley	Scott
Caulfield	Greene	Lindbergh	Smith, Cal.
Chapman	Haggott	Lovering	Smith, Iowa.
Cocks, N. Y.	Hall	McCreary	Stafford
Conner	Hamilton, Mich.	McKinlay, Cal.	Sturgiss
Cook, Colo.	Haskins	McKinley, Ill.	Tawney
Crumpacker	Haugen	McKinney	Tirrell
Dalzell	Hawley	McLaughlin, Mich.	Volstead
Darragh	Hepburn	McMorran	Vreeland
Davidson	Higgins	Madison	Wheeler
Davis, Minn.	Hill, Conn.	Mann	Wood
Diekema	Howell, Utah	Marshall	Young
Douglas	Hubbard, W. Va.	Mondell	
Dwight	Hughes, W. Va.	Morse	

NAYS—88.

Aiken	Edwards, Ga.	Howard	Pou
Alexander, Mo.	Ferris	Hull, Tenn.	Randell, Tex.
Ashbrook	Fitzgerald	Humphreys, Miss.	Ransdell, La.
Bartlett, Nev.	Floyd	Johnson, Ky.	Richardson
Bell, Ga.	Foster, Ill.	Johnson, S. C.	Rucker
Booher	Fulton	Kelliher	Russell, Mo.
Broussard	Gaines, Tenn.	Kimball	Russell, Tex.
Burgess	Garrett	Kipp	Sheppard
Burleson	Gill	Lamar, Fla.	Sherley
Byrd	Godwin	Lamar, Mo.	Slayden
Caldwell	Gordon	Lamb	Small
Candler	Griggs	Leake	Smith, Tex.
Carlin	Hackney	Lee	Sparkman
Carter	Hamill	Lever	Sulzer
Clark, Mo.	Hamlin	Lewis	Taylor, Ala.
Clayton	Hammond	McLain	Thomas, N. C.
Cooper, Tex.	Hardwick	Macon	Tou Velle
Cox, Ind.	Hardy	Moore, Tex.	Watkins
Cravens	Hay	Murphy	Webb
Crawford	Heflin	Padgett	Weisse
De Armond	Helm	Page	Wiley
Denver	Houston	Patterson	Williams

ANSWERED "PRESENT"—3.

Adamson	Foster, Ind.	Howland

NOT VOTING—195.

Acheson	Driscoll	Kennedy, Iowa	Prince
Alexander, N. Y.	Dunwell	Kennedy, Ohio	Pujo
Ames	Durey	Kitchin, Claude	Rainey
Andrus	Edwards, Ky.	Kitchin, Wm. W.	Rauch
Ansberry	Ellerbe	Knopf	Reid
Anthony	Englebright	Landis	Rhinock
Barchfeld	Fairchild	Lassiter	Riordan
Bartholdt	Fassett	Law	Roberts
Bartlett, Ga.	Favrot	Lawrence	Robinson
Beall, Tex.	Finley	Legare	Rothermel
Beale, Pa.	Flood	Lenahan	Ryan
Bede	Fornes	Lindsay	Sabath
Bennet, N. Y.	Fuller	Littlefield	Saunders
Bennett, Ky.	Gardner, Mass.	Livingston	Shackleford
Bingham	Gardner, N. J.	Lloyd	Sherman
Birdsall	Garner	Longworth	Sherwood
Boutell	Gilhams	Lorimer	Sims
Bowers	Gillespie	Loud	Slemp
Bradley	Gillett	Loudenslager	Smith, Mich.
Brantley	Glass	Lowden	Smith, Mo.
Brick	Goebel	McCall	Snapp
Brodhead	Goldfogle	McDermott	Southwick
Brumm	Goulden	McGavin	Sperry
Brundidge	Graff	McGuire	Spight
Burke	Granger	McHenry	Stanley
Burleigh	Gregg	McLachlan, Cal.	Steenerson
Burnett	Gronna	McMillan	Stephens, Tex.
Butler	Hackett	Madden	Sterling
Calder	Hale	Malby	Stevens, Minn.
Calderhead	Hamilton, Iowa	Maynard	Sulloway
Chaney	Harding	Miller	Talbott
Clark, Fla.	Harrison	Moon, Pa.	Taylor, Ohio
Cockran	Hayes	Moon, Tenn.	Thistlewood
Cole	Henry, Conn.	Moore, Pa.	Thomas, Ohio
Cook, Pa.	Henry, Tex.	Mouser	Townsend
Cooper, Pa.	Hill, Miss.	Mudd	Underwood
Cooper, Wis.	Hinshaw	Nicholls	Waldo
Coudrey	Hitchcock	Nye	Wallace
Cousins	Hobson	O'Connell	Wanger
Craig	Holliday	Olcott	Washburn
Currier	Howell, N. J.	Overstreet	Watson
Cushman	Hubbard, Iowa	Parker, N. J.	Weeks
Davenport	Huff	Parker, S. Dak.	Weems
Davey, La.	Hughes, N. J.	Parsons	Willett
Dawes	Hull, Iowa	Pearre	Wilson, Ill.
Dawson	Jackson	Peters	Wilson, Pa.
Denby	James, Addison D.	Porter	Wolf
Dixon	James, Ollie M.	Powers	Woodyard
Draper	Jones, Va.	Pratt	

So the motion was agreed to.

The Clerk announced the following pairs—For the vote:
Mr. ALEXANDER of New York with Mr. BOWERS.
Mr. ACHESON with Mr. BEALL of Texas.
Mr. AMES with Mr. BRODHEAD.
Mr. ANTHONY with Mr. BRUNDIDGE.
Mr. BARCHFELD with Mr. BURNETT.
Mr. BIRDSALL with Mr. COCKRAN.
Mr. BOUTELL with Mr. CLARK of Florida.
Mr. BRICK with Mr. CRAIG.
Mr. BURKE with Mr. DAVEY of Louisiana.
Mr. BURLEIGH with Mr. LEGARE.
Mr. CALDER with Mr. LENAHAN.
Mr. CALDERHEAD with Mr. LINDSAY.
Mr. CHANEY with Mr. LIVINGSTON.
Mr. COOK of Pennsylvania with Mr. MCDERMOTT.
Mr. COOPER of Pennsylvania with Mr. LLOYD.
Mr. COOPER of Wisconsin with Mr. MAYNARD.
Mr. COUDREY with Mr. MCHENRY.
Mr. COUSINS with Mr. MOON of Tennessee.
Mr. CURRIER with Mr. FINLEY.
Mr. CUSHMAN with Mr. NICHOLLS.
Mr. DAWSON with Mr. RAINEY.
Mr. LOUDENSLAGER with Mr. PETERS.
Mr. LOUDEN with Mr. O'CONNELL.
Mr. MALBY with Mr. REID.
Mr. MILLER with Mr. RHINOCK.
Mr. MOUSER with Mr. SABATH.
Mr. OLCOTT with Mr. SHERWOOD.
Mr. PRINCE with Mr. SAUNDERS.
Mr. ROBERTS with Mr. SHACKLEFORD.
Mr. BUTLER with Mr. BARTLETT of Georgia.
Mr. BARTHOLDT with Mr. GLASS.
Mr. MADDEN with Mr. SIMS.
Mr. DENBY with Mr. ELLERBE.
Mr. PEARRE with Mr. ROBINSON.
Mr. DRAPER with Mr. FLOOD.
Mr. DUNWELL with Mr. FAVROT.
Mr. DUREY with Mr. GARNER.
Mr. FAIRCHILD with Mr. GILLESPIE.
Mr. FULLER with Mr. GOLDFOGLE.
Mr. GILLETT with Mr. GRANGER.
Mr. GOEBEL with Mr. GREGG.
Mr. HALE with Mr. HACKETT.
Mr. HINSHAW with Mr. HARRISON.
Mr. HARDING with Mr. HENRY of Texas.
Mr. HOLLIDAY with Mr. HILL of Mississippi.
Mr. HOWELL of New Jersey with Mr. HUGHES of New Jersey.
Mr. HUBBARD of Iowa with Mr. HITCHCOCK.
Mr. HUFF with Mr. HOBSON.
Mr. HULL of Iowa with Mr. OLLIE M. JAMES.
Mr. LAW with Mr. CLAUDE KITCHIN.
Mr. LAWRENCE with Mr. WILLAM W. KITCHIN.
Mr. LONGWORTH with Mr. LASSITER.
Mr. WOODYARD with Mr. WALLACE.
Mr. WATSON with Mr. WOLF.
Mr. WALDO with Mr. WILSON of Pennsylvania.
Mr. TOWNSEND with Mr. WILLETT.
Mr. THOMAS of Ohio with Mr. UNDERWOOD.
Mr. TAYLOR of Ohio with Mr. STEPHENS of Texas.
Mr. SLEMP with Mr. STANLEY.
Mr. SOUTHWICK with Mr. SPIGHT.
Mr. SMITH of Michigan with Mr. SMITH of Missouri.
Mr. PARSONS with Mr. RYAN.
Until further notice:
Mr. FOSTER of Indiana with Mr. BRANTLEY.
Mr. OVERSTREET with Mr. DIXON.
Mr. GILHAMS with Mr. RAUCH.
For the day:
Mr. MUDD with Mr. TALBOTT.
Mr. ANDRUS with Mr. PUJO.
Mr. FASSETT with Mr. ROTHERMEL.
Mr. BINGHAM with Mr. JONES of Virginia.
Mr. MOORE of Pennsylvania with Mr. DAVENPORT.
Mr. KENNEDY of Iowa with Mr. HAMILTON of Iowa.
Mr. POWERS with Mr. PRATT.
Until April 4:
Mr. HOWLAND with Mr. ANSBERRY.
For the session:
Mr. BENNET of New York with Mr. OLLIE M. JAMES.
Mr. WANGER with Mr. ADAMSON.
Mr. BRADLEY with Mr. GOULDEN.
Mr. SHERMAN with Mr. RIORDAN.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow at 12 o'clock.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20062) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1341), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 19859) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848, reported the same with amendment, accompanied by a report (No. 1343), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 2969) for the relief of O. Maury & Co., of Bordeaux, France, reported the same without amendment, accompanied by a report (No. 1344), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 19987) granting an increase of pension to Allen Demarer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20061) granting a pension to Edgar C. Sturges—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. EDWARDS of Kentucky, from the Committee on Invalid Pensions: A bill (H. R. 20062) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. CARLIN: A bill (H. R. 20064) to provide the United States Army, Navy, Marine Corps, and National Guard with a suitable rifle range for small-arms practice near Washington, D. C.—to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 20065) to provide for the erection of a public building in the city of Lexington, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Texas: A bill (H. R. 20066) for the purchase of a site for a Federal building for the United States post-office at Navasota, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. BROUSSARD: A bill (H. R. 20067) to provide for a preliminary examination and survey of Bayou Black, Louisiana—to the Committee on Rivers and Harbors.

By Mr. HULL of Iowa: A bill (H. R. 20068) for the purchase of a tract of land adjacent to the rifle range at Fort Des Moines, Iowa—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 20069) appropriating a sum of money for the construction of a road in the Sacramento Mountains, in the Territory of New Mexico—to the Committee on Appropriations.

By Mr. BYRD: A bill (H. R. 20070) to provide for the construction of an annex to the public building in the city of Meridian, Miss., and appropriating $75,000 therefor—to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 20071) to repeal the duties on wood pulp and printing paper—to the Committee on Ways and Means.

Also, a bill (H. R. 20072) to place lumber, wood pulp, and works of art on the free list—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: A bill (H. R. 20108) prescribing the mode of executing the death sentence within the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: A bill (H. R. 20109) for the relief of the victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. FULLER: Resolution (H. Res. 317) requesting Ways and Means Committee to report a bill repealing the duties on wood pulp and print paper and placing said articles on the free list—to the Committee on Rules.

By Mr. LEE: Resolution (H. Res. 318) referring certain claims to the Court of Claims for a finding of facts under the provisions of the Tucker Act—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 20073) granting a pension to Harrison R. Crecelius—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20074) granting a pension to Hiram C. Vinsaiet—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20075) granting a pension to Alvina McCabe—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20076) granting an increase of pension to Newton Wilson—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20077) granting an increase of pension to Harvey Jewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20078) granting an increase of pension to U. G. Sanger—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20079) granting an increase of pension to M. V. B. Cale—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 20080) for the relief of W. L. B. Wheeler, of Prince William County, Va.—to the Committee on War Claims.

By Mr. CRAVENS: A bill (H. R. 20081) for the relief of vestry of Trinity Protestant Episcopal Church, of Van Buren, Ark.—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 20082) granting a pension to Julia E. Willcox—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 20083) for the relief of Joseph G. McNutt—to the Committee on Military Affairs.

Also, a bill (H. R. 20084) for the relief of Mrs. J. Walter Jones—to the Committee on War Claims.

By Mr. EDWARDS of Georgia: A bill (H. R. 20085) for the relief of the Lutheran Church of the Ascension, of Savannah, Ga.—to the Committee on War Claims.

By Mr. FLOYD: A bill (H. R. 20086) granting an increase of pension to William M. Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20087) granting an increase of pension to James Perrin, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20088) granting a pension to Ellen Scott—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20089) granting a pension to Alfred Levick—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 20090) granting an increase of pension to Henry O. Parker—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20091) granting a pension to Margaret P. Wilson—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 20092) granting a pension to Cornelius Hickey—to the Committee on Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 20093) granting an increase of pension to Charles H. Hilfert—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 20094) granting a pension to Prudence Dutcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20095) granting an increase of pension to Hiram E. Hubbard—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 20096) granting an increase of pension to George W. Carroll—to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 20097) granting an increase of pension to William Mullenhaur—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 20098) granting a pension to Alexander C. Kissee—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20099) granting an increase of pension to Griffin P. Theobald—to the Committee on Pensions.

Also, a bill (H. R. 20100) for the relief of the estate of Stephen Camplin—to the Committee on War Claims.

By Mr. SLEMP: A bill (H. R. 20101) granting an increase of pension to William L. Beverly—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 20102) granting a pension to M. A. Sipe—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 20103) to remove charge of desertion from the record of Hezekiah R. Hubbell—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 20104) granting a pension to William P. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20105) granting an increase of pension to Adam Caszett—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 20106) granting an increase of pension to Eli S. Adams—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 20107) granting an increase of pension to Joseph P. Clark—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. ALEXANDER of New York: Petition of E. J. Dryer and others, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. ASHBROOK: Papers to accompany bills for relief of Harvey Jewell and Frank S. Mathews—to the Committee on Pensions.

Also, petition of National Grange, for the creation of a national highway commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of National Grange, for creation of a national highway commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BOOHER: Petition of citizens of Buchanan and Holt counties, Mo., against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. BROUSSARD: Paper to accompany bill for relief of Felix Patout, administrator of estate of Appoline Fournier Patout—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of citizens of Fairfield, Me., for S. 5122, for rural parcel post—to the Committee on Agriculture.

Also, petition of citizens of Maine, for a national highway commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of legislative committee of the National Grange, favoring H. R. 15837, for a national highway commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of Arthur Bailey, for a copyright law to protect musical composers—to the Committee on Patents.

Also, petition of Peace Association of Friends, of Philadelphia, against building four more battle ships—to the Committee on Naval Affairs.

Also, petition of C. A. Scott, favoring H. R. 9219, for appropriation for forestry experiments and instructions at all agri-

cultural colleges and experiment stations, as per the Morrill Act—to the Committee on Agriculture.

Also, petition of Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Hamilton County League of Builders' Association, for amendment of H. R. 18525, a bill relating to public revenue, so as to exempt building and loan associations—to the Committee on Ways and Means.

Also, petition of Rev. S. E. Greer, of Miltonvale, Kans., for the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of Rev. Edward E. Petschke, German Baptist Church, favoring the Crumpacker bill for review of fraud orders by the courts—to the Committee on the Post-Office and Post-Roads.

Also, petition of farmers of Delphos, Kans., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of prominent citizens of Salina, Kans., against the Aldrich and Fowler currency bills and in favor of the McKinney currency bill (H. R. 15262)—to the Committee on Banking and Currency.

Also, petition of National Association of Clothiers, against S. 3023, the Aldrich currency bill, and in favor of H. R. 12677, the Fowler currency bill—to the Committee on Banking and Currency.

By Mr. COOK of Pennsylvania: Petitions of Marine Engineers' Beneficial Association No. 35, of San Francisco, and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of Revised Statutes of United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DALZELL: Petition of jewelers of Pittsburg, Pa., against H. R. 18446, to regulate the making of watch cases—to the Committee on Interstate and Foreign Commerce.

By Mr. DAVIS of Minnesota: Petition of Michael Cook Post, Grand Army of the Republic, of Faribault, Minn., against discontinuance of United States pension agencies—to the Committee on Appropriations.

Also, petition of Minnesota Federation of Women's Clubs, favoring the Norris Act, setting apart 231,000 acres as forestry lands, including Lake Cass—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Henry Denzer—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Hamilton Grange, No. 648, Patrons of Husbandry, and M. J. Oliver and others, for a national highway commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUREY: Petition of Gansevoort Grange, Saratoga Springs, N. Y., favoring S. 5122, for rural-delivery parcels post on rural-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS of Oregon: Petition of Mosier Grange, No. 232, of Mosier, Oreg., for a national highway commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of A. T. Welch and 18 others, of Oregon, favoring the Hepburn-Dolliver bill and the Littlefield original-package bill (H. R. 4776) and all bills of a kindred nature—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Schiner and 27 others, citizens of New York City, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. FLOYD: Papers to accompany bills for relief of James Perrin, jr., Ellen Scott, and Warren Mallory—to the Committee on Invalid Pensions.

Also, a petition of citizens of Arkansas, against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of citizens of Arkansas, against stock gambling and trading in futures—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of the National Association of Clothiers, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Alex H. Revell, of Chicago, for insuring bank deposits—to the Committee on Banking and Currency.

Also, petition of Col. Henry Richings, of Rockford, Ill., for H. R. 14783, to amend act to promote efficiency of the militia—to the Committee on Militia.

By Mr. GARRETT: Paper to accompany bill for relief of Henry O. Parker—to the Committee on Invalid Pensions.

By Mr. HACKNEY: Petition of sundry citizens of the Fifteenth Congressional District of Missouri, against H. R. 4897 and 4929, to protect the first day of the week as day of rest in the District of Columbia and prohibition of labor, etc., on said day—to the Committee on the District of Columbia.

By Mr. HASKINS: Petition of Frank R. Emery and 33 others, for construction of battle ships in Government yards—to the Committee on Naval Affairs.

By Mr. HUGHES: Petition of Harry E. Cartright, for the creation of a national highway commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

By Mr. HULL of Iowa: Petition of S. R. Dodge and others, favoring the Littlefield original-package bill, to protect no-license territory from interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of 378 citizens of Iowa, favoring the Littlefield-McCumber-Tirrell bill, to protect no-license territory from interstate traffic in intoxicating liquor—to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of Delta Grange, No. 186, of Lynden, Wash., for H. R. 15837, for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

Also, petition favoring closing of gates to visitors on Sundays during Alaska-Yukon-Pacific Exposition, to be held at Seattle in 1909—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Lawrence (Wash.) Total Abstinence Society, against opening the gates of the Alaska-Yukon Exposition on Sundays—to the Select Committee on Industrial Arts and Expositions.

Also, petition of Lawrence (Wash.) Total Abstinence Society, against selling intoxicating liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. KNOWLAND: Petition of numerous residents of Alameda County, Cal., against H. R. 4897, relative to religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAW: Papers to accompany H. R. 13939, granting an increase of pension to Harry Landan—to the Committee on Pensions.

By Mr. LEWIS: Paper to accompany bill for relief of Jones J. Rackley—to the Committee on Pensions.

By Mr. LILLEY: Petition of Division No. 2, Ancient Order of Hibernians, and Ladies' Auxiliary, of Derby, Conn., March 23, 1908, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. LINDBERGH: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. LOUD: Petition of Jordan Barr and others, of Twining, Mich., against S. 1519, to prevent Sunday banking in post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Burt Bryce and others, against H. R. 4897 and 4929, religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Ambrose G. Franks, favoring S. 5122, to establish a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of the Travelers and Merchants' Association of Baltimore, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of the Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Calumet Joint Labor Council, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of National Association of Clothiers, against S. 3023 (Aldrich currency bill) and favoring H. R. 12677 (Fowler currency bill)—to the Committee on Banking and Currency.

Also, petition of Philadelphia Board of Trade, against H. R. 17290, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on the Judiciary.

Also, petition of National Guard Association of Illinois, favoring H. R. 14783, amending the act to promote efficiency of the militia—to the Committee on the Militia.

By Mr. NEEDHAM: Petition of W. P. Hoffman and other citizens of District No. 6, California, against the Penrose bill (S. 1518) for an amendment to section 3893 of the Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. NORRIS: Petition of Farmers' Grain and Live Stock Association of Nebraska, favoring Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Papers to accompany H. R. 20050, granting an increase of pension to Alfred Gilkey—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of lumbermen of Massachusetts, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Henry L. Higginson and Richard L. Humphreys, of Boston, Mass., against building four more battle ships—to the Committee on Naval Affairs.

By Mr. PRINCE: Petitions of J. H. Walters and others and R. L. Bollman and others, of Henry County, Ill., for the Burnham parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERLEY: Petition of citizens of Louisville, Ky., asking that the telegraph systems of United States come under the provisions of the Erdman Act—to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: Petition of the Fernandina Board of Trade, against the Frye joint resolution (S. R. 40), restricting the carrying of material and supplies to the Panama Canal in American bottoms—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Emil Liebling, for a copyright law to prevent use of copyrighted melodies by phonograph and automatic piano companies—to the Committee on Patents.

Also, petition of Henry A. Mehldan, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the City Library, of Springfield, Mass., against section 33, S. 2900, to revise the acts relative to copyright—to the Committee on Patents.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, all being relative to an amendment of section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. TIRRELL: Petition of E. R. Ballard and others, for the establishment of a national highways commission—to the Committee on Agriculture.

By Mr. WANGER: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, amending section 4463 of Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. WEEKS: Petition of Celtic Literary Association of North Attleboro, against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. WOOD: Petition of Newark Association of Credit Men, favoring passage of H. R. 13266, amending the national bankruptcy act—to the Committee on the Judiciary.

Also, petition of Newark Association of Credit Men, of Newark, N. J., opposing passage of Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of C. R. Burnett, of Newark, N. J., favoring passage of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petitions of J. B. Anderson and others, of Lebanon; Ringoes Grange, No. 12; Baritan Valley Grange, No. 153; Oak Grove Grange, No. 119, of Pittstown, all in the State of New Jersey, for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, papers to accompany bills for relief of Gilbert M. Eversman and Andrew J. Cook—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *March 31, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill S. 5589, an act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, and it was thereupon signed by the Vice-President.

PROPOSED RAILROAD LEGISLATION.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the Brotherhood of Locomotive Firemen and Enginemen of the United States, which, in the absence of objection, will be read by the Secretary.

The Secretary read as follows:

WASHINGTON, D. C., *March 31, 1908.*

Hon. CHARLES W. FAIRBANKS,
President of the Senate, Washington, D. C.

SIR: The undersigned, a committee representing a union meeting composed of 1,000 delegates representing the Brotherhood of Locomotive Firemen and Enginemen from thirty States, held at Masonic Temple, Washington, D. C., March 30, 1908, respectfully submit for the consideration of the Senate the following memorial adopted by said meeting:

Resolved, That we favor the early consideration and passage by Congress of the Hemenway-Graff bill, requiring common carriers to equip their locomotives with automatic self-dumping ash pans, thereby doing away with the necessity of men exposing themselves to danger by being compelled to go under locomotives.

Resolved, That we favor the passage by Congress of the La Follette-Sterling employers' liability bill, as against the Knox bill, the former being broad in its application and plain and explicit in its terms, thereby furnishing protection to a greater number of employees and their families, and being capable of intelligent understanding by those who would benefit by its provisions, while the latter bill is limited in its scope, less liberal to the employees, and contains principles which are experimental and untried in legislation and which would not be understood by many affected by it.

Resolved, That we are unalterably opposed to the passage of the Townsend bill, entitled "A bill to provide for the investigation of controversies affecting interstate commerce," as we believe said bill aims at Governmental regulation and control of labor disputes, is a step toward compulsory arbitration, and therefore threatens our liberties, both as employees and as citizens.

Resolved, That we view with increasing alarm the steady and gradual encroachment upon our liberties by Federal judges through the abuse of the power of injunction in labor disputes, such power having already been extended so as to prevent workingmen from striking and from organizing. We protest against this abuse, and demand the passage by Congress of such legislation as will preserve to us our civil rights and prevent the abuse of such power in the future.

Respectfully submitted.

JOHN M. HALL,
WILLIAM A. CAHOON,
Committee.

Mr. CULLOM. I have been requested by some portion of the committee in charge of the resolutions to ask that they be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered. The resolutions will lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the General Federation of Women's Clubs of Denver, Colo., praying for the enactment of legislation providing for investigating and developing the methods of treatment of tuberculosis, which was referred to the Committee on the District of Columbia.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the passage of House bill 225, to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life, which was ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Galesburg, Pontiac, Chicago, and Streator, all in the State of Illinois, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of Norland Grange, Patrons of Husbandry, of East Livermore, Me., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PERKINS presented a petition of the Chamber of Commerce of Stockton, Cal., praying for the enactment of legisla-

tion providing Federal aid in agricultural and industrial instruction in high schools, which was referred to the Committee on Education and Labor.

He also presented a memorial of 1,488 citizens of the State of California, remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRANE presented the petition of Vincent E. Barnes and sundry other citizens of Westfield and Springfield, in the State of Massachusetts, praying for the adoption of certain amendments to the Constitution of the United States, which was referred to the Committee on the Judiciary.

Mr. GAMBLE presented memorials of sundry citizens of Portland, Imperial, and Montavilla, all in the State of Oregon, and of Orange, Cal., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. KEAN presented petitions of sundry citizens of Elizabeth, of District Council No. 2, Metal Polishers, Buffers, Platers, and Brass Molders' Union of North America, of Newark, and of Local Union No. 3, National Print Cutters' Association of America, of New Brunswick, all in the State of New Jersey, praying for the enactment of legislation providing for the construction of all battle ships at the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Paterson, N. J., and a memorial of Local Branch No. 5, St. Patrick's Alliance of America, of Passaic, N. J., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Montague, Delaware, Hope, Columbia, Oakland, Allendale, and Midland Park; of Raritan Grange, No. 156, Patrons of Husbandry, of Keyport; of the Board of Trade of Newark, and of Milltown Grange, No. 151, Patrons of Husbandry, of Milltown, all in the State of New Jersey, praying for the passage of the so-called "Burnham rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Jersey City, N. J., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. ANKENY presented a petition of Local Union No. 90, International Stereotypers and Electrotypers' Union, of Tacoma, Wash., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Manor, North Yakima, Anacortes, Cheney, Thorp, Nile, Ballard, Dixie, Dusty, Wilcox, Bridgeport, Farmington, and Stevens County, all in the State of Washington, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Manor, Wash., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. TALIAFERRO presented a memorial of sundry citizens of Florida, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of sundry citizens of Richmond, N. H., and the petition of Goodnow and Derby, of Peterboro, N. H, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of California, Washington, Oregon, and Washington, D. C., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit gambling and bookmaking in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. DEPEW presented a memorial of the Manufacturers' Association of New York City, N. Y., remonstrating against the passage of the so-called "anti-injunction bill," and also against the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on the Judiciary.

He also presented a petition of Gansevoort Grange, No. 832, Patrons of Husbandry, of Saratoga County, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Federation of Labor of Albany, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of the Clan-na-Gael Club, the Geraldine Club, the Shamrock Club, the Irish-American Athletic Club, the Kerrymen's Benevolent Association, and the John Mitchell Club, all of New York City, in the State of New York, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a memorial of the Sarsfield Literary Association, of Phillipsdale, R. I., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. HOPKINS presented a petition of sundry citizens of Rock Island County, Ill., praying for the passage of the so-called "Burnham rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., remonstrating against the passage of House bill 225 to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, and for the better protection of life, which was ordered to lie on the table.

Mr. BROWN presented a petition of sundry citizens of the State of Nebraska, praying for the enactment of legislation to readjust the pay of soldiers who served during the civil war on a gold basis, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Hemingford, Minatare, Furnas, and Red Willow, all in the State of Nebraska, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry organizations of Blair, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which were referred to the Select Committee on Woman Suffrage.

He also presented sundry memorials of citizens of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP (for Mr. KITTREDGE) presented a memorial of Fennimore Council, No. 249, Brotherhood of American Yeomen, of Mitchell, S. Dak., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented memorials of sundry Grand Army posts of Marshall, Fillmore, Worthington, Brownton, Pelican Rapids, Sleepy Eye, Norwood, Wells, Long Lake, Stewartville, Maple Plain, Minneapolis, Desio, Anoka, Ontonville, Monticello, St. Peter, Lanesboro, Tank Center, Rush City, Duluth, Crookston, Red Wing, Mankato, Elk River, and Waterville, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented petitions of the city council of Stillwater, of the Jobbers and Manufacturers' Association of St. Paul, and of the Commercial Club of St. Paul, all in the State of Minnesota, praying that an annual appropriation of $2,000,000 be made for the improvement of the upper Mississippi River, which were referred to the Committee on Commerce.

He also presented a petition of the Commercial Club of Faribault, Minn., praying for the adoption of the Nelson amendment to the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented sundry memorials of citizens of Minneapolis, Minn., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 3911) granting an increase of pension to Robert Morris, which were referred to the Committee on Pensions.

He also (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 1205) for the relief of Annie E. White Shipp and the heirs of Patrick White, which were referred to the Committee on Claims.

He also (for Mr. PENROSE) presented petitions of E. F. Peterson and sundry other citizens of Sugar Grove, J. C. August and sundry other citizens of Diamond, T. J. Orr and sundry other citizens of Wellsboro, R. A. Norris and sundry other citizens of Grafton, W. S. Keller and sundry other citizens of Meadville, P. L. Louley and sundry other citizens of Aurora, C. W. Hess and sundry other citizens of Stillwater, W. H. Ernest and sundry other citizens of Burtville, J. H. Warner and sundry other citizens of Lawsonham, Samuel S. Deer and sundry other citizens of Pottstown, W. L. Lyman and sundry other citizens of Coudersport, G. W. Oster and sundry other citizens of Osterburg, M. M. Cleves and sundry other citizens of McKees Rocks, J. E. Westover and sundry other citizens of St. Lawrence, E. A. Reynolds and sundry other citizens of Welsh Hill, A. B. Sheeman and sundry other citizens of Thompsontown, Harvey Evans and sundry other citizens of Ebensburg, Edson Williams and sundry other citizens of New Milford, A. L. Smith and sundry other citizens of Burlington, W. R. Diehl and sundry other citizens of Greencastle, R. B. Freese and sundry other citizens of Arcadia, and Grange No. 874, Patrons of Husbandry, of Mansfield, all in the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (H. R. 1815) for the relief of the estate of D. S. Phelan, reported it without amendment.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (S. 1050) to repeal section 3480 of the Revised Statutes of the United States, reported it without amendment and submitted a report (No. 438) thereon.

ROOM FOR COMMITTEE ON REVISION OF LAWS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the appropriation for the expenses of the special and select committees of the contingent fund of the Senate, for the room rented by the Committee to Consider the Revision and Codification of the Laws in pursuance of Senate resolution No. 114, the sum of $25 per month.

ADDITIONAL COMMITTEE CLERK.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WARREN on the 27th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Agriculture and Forestry be authorized to employ an additional clerk from April 1, 1908, for the remainder of the present session, who shall be paid at the rate of $2,220 per annum out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 6410) for the relief of Elizabeth H. Rice, which was read twice by its title and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 6411) for the relief of Henry Schaffnit, sr., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6412) granting an increase of pension to Hiram E. Turner, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6413) to limit the period for refunding taxes and assessments erroneously paid;

A bill (S. 6414) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes; and

A bill (S. 6415) to amend chapter 55 of the Code of Law for the District of Columbia.

Mr. CULLOM introduced a bill (S. 6416) granting an increase of pension to James White, which was read twice by its title and referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 6417) to amend sections 4467 and 4468 of the Revised Statutes, which was read twice by its title and referred to the Committee on Commerce.

Mr. PILES introduced a bill (S. 6418) authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced a bill (S. 6419) granting an increase of pension to Isaac H. Sprague, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOPKINS introduced a bill (S. 6420) granting a pension to Luzern D. Hord, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 6421) to increase the limit of cost of the United States post-office, court-house, custom-house, and site at Duluth, Minn., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. BURKETT introduced a bill (S. 6422) to amend section 720 of the Revised Statutes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. TALIAFERRO introduced a bill (S. 6423) granting an increase of pension to Henry Handrop, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6424) granting a pension to Katharine E. Looker, which was read twice by its title and referred to the Committee on Pensions.

Mr. ANKENY introduced a bill (S. 6425) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BACON introduced a bill (S. 6426) for the relief of the legal representatives of Robert Mitchell, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 6427) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, which was read twice by its title and referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 6428) granting an increase of pension to David Coble, which was read twice by its title and referred to the Committee on Pensions.

He also (for Mr. PENROSE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6429) granting an increase of pension to Annie M. Mills;

A bill (S. 6430) granting an increase of pension to Thomas Nelson;

A bill (S. 6431) granting an increase of pension to John J. Fordney;

A bill (S. 6432) granting an increase of pension to William H. Vanatta;

A bill (S. 6433) granting an increase of pension to Charles Rice (with accompanying papers); and

A bill (S. 6434) granting an increase of pension to George W. Payne (with accompanying papers).

Mr. ELKINS introduced a joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law, which was read twice by its title and referred to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURKETT submitted an amendment relative to the settlement of the account of Noah M. Brooks, late a delegate to the Universal Postal Congress at Rome, Italy, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. NELSON submitted an amendment providing that hereafter the judges of the district courts of the United States shall be allowed $6 per day as expenses for travel, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Judiciary and ordered to be printed.

Mr. LODGE. Yesterday I introduced two amendments, which are, as it appears by the title, amendments to the fortifications appropriation bill. They were both sent to the Committee on

Military Affairs. I want to have them go to the Committee on Appropriations, which has charge of that bill.

The VICE-PRESIDENT. It will be so ordered.

LAND FOR MILITARY POST AT FORT SHERIDAN, ILL.

On motion of Mr. FRAZIER, it was

Ordered, That Mrs. W. A. McNeill is authorized to withdraw from the files of the Senate all papers accompanying Senate bill No. 5665, Sixtieth Congress, entitled "A bill for the purchase of land for the use of the military post at Fort Sheridan, Ill.," no adverse report having been made thereon.

FUNERAL EXPENSES OF THE LATE SENATOR WILLIAM JAMES BRYAN.

Mr. TALIAFERRO submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice-President in arranging for and attending the funeral of the late Senator from the State of Florida, Hon. William James Bryan, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably the foregoing resolution, and it was considered by unanimous consent and agreed to.

COMMITTEE SERVICE.

Mr. LODGE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. STEWART be appointed to fill the vacancies in each of the following committees:

Chairmanship, on Industrial Expositions;
On Fisheries;
On Five Civilized Tribes of Indians;
On Public Health and National Quarantine; and
On Revision of the Laws of the United States; said appointments to take effect April 1, 1908.

THE UNITED FRUIT COMPANY.

Mr. JOHNSTON. I submit a resolution and ask the indulgence of the Senate to make a brief statement about it.

The resolution was read, as follows:

Resolved, That the Department of Commerce and Labor be, and is hereby, directed to make an investigation into the character and operation and the effect upon interstate and foreign commerce of the combination or organization known as the United Fruit Company and allied concerns engaged in the growing, purchasing, importing, selling, and distributing of bananas and other tropical fruits, with a view to disclosing whether there is any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade and of commerce among the several States and Territories or with foreign countries in said industry; also whether the prices of said fruits have been controlled in whole or in part by the United Fruit Company and its allied or absorbed concerns; and if so, to investigate the organization, capitalization, profits, conduct, and management of the business of such corporations, companies, and corporate combinations, and to report thereon at the next session of the Sixtieth Congress according to law; and to report, further, whether or not said United Fruit Company, or its allied concerns, have made any contracts or agreements with any Central American republic in pursuance of any combination or attempted monopoly in said industry, whereby said republic has assisted or is to assist the operations of said combination.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent to make a brief statement in regard to the resolution just read. The Chair hears no objection.

Mr. JOHNSTON. I have a statement of facts prepared by Messrs. Wheeler, Curtis & Haight, a reputable firm of attorneys in the city of New York, in regard to this case. I ask the unanimous consent of the Senate that the papers be printed in the RECORD, and referred, with the resolution, to the Committee on Interstate Commerce.

There being no objection, the papers were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

STATEMENT RELATING TO THE FRUIT INDUSTRY IN THE UNITED STATES.

[Prepared by Wheeler, Curtis & Haight, attorneys, New York.]

The United Fruit Company, a New Jersey corporation, was formed in 1899. Its capital stock is $20,000,000, of which sum $16,000,000 have actually been issued. It was the successor of the Boston Fruit Company, a corporation which had previously absorbed a number of independent fruit companies, and which was doing an interstate and foreign business, chiefly to the port of Boston, and chiefly in bananas. Prior to the organization of the United Fruit Company there was a large number of independent importers who carried bananas from the West Indies and Central America into the Atlantic and Gulf ports of the United States, and there sold to jobbers throughout the country, making their shipments by rail to such jobbers. Competition existed between them, both at the points of purchase of fruit abroad and at the various points of sale in the United States.

The United Fruit Company, at the outset, combined, by merger or otherwise, with some ten fruit companies, most of which were large importers. These included the Boston Fruit Company, of Boston, the Buckman Fruit Company, of Baltimore, the American, Dominican, and Monumental fruit companies, together with a number of others. During the years following its organization the United Fruit Company became the owner of a controlling interest in the stock of the principal importers who had not already become associated with the United Fruit Company. Thus it purchased a controlling interest in the Bluefields Steamship Company, which brought bananas from various Central American ports into New Orleans, and sold them throughout the United States; the Orr-Laubenheimer Company, which conducted a similar business; the Camors-McConnell Company; the Thacker Brothers Steamship Company, and the Belize Royal Mail and Central American Company. In each case the stock held by the United Fruit Company was either one-half or one share more than one-half, with the exception of certain instances in which the whole, or a great majority, of the stock was purchased. In no case did the United Fruit Company for any length of time remain the holder of a minority interest in any company. A great deal of the stock was held in the names of various officers, especially Andrew W. Preston, its president, and Minor C. Keith, its vice-president. Indeed, in the majority of the companies acquired subsequent to 1899 the name of the United Fruit Company does not appear as a stockholder. In some few instances, doubtless, the stock held by its officers was owned by them individually, but in a great majority of instances it has been held for account of the United Fruit Company.

The Boston Fruit Company, prior to the formation of the United Fruit Company, had organized a selling agency known as the Fruit Dispatch Company, and this was retained and its operation greatly extended by the United Fruit Company, which owns all its stock. The Fruit Dispatch Company became the exclusive selling agent of the United Fruit Company in its southern ports, and sold, and still sells, the majority of its fruit in the northern ports. It has also handled the entire importations of the allied companies, with the exception of the Thacker Brothers Steamship Company and the Atlantic Fruit Company. During its existence since 1899 it has had full control of the sales and prices of the fruit imported by all the corporations named, which comprised altogether some 80 to 90 per cent of the importations into the entire country. The Fruit Dispatch Company has two main divisions, the eastern division and the southern division. Prices are fixed for the eastern division by a committee which meets every Friday in New York, and the prices thus fixed are communicated to the various branch offices in New York, Boston, Philadelphia, and Baltimore. The prices for the southern division were formerly fixed by a committee meeting in the same way each week in New Orleans, and consisted of representatives from each of the allied companies. It is understood, however, that latterly the prices for the southern division have been fixed by the New Orleans manager of the Fruit Dispatch Company in consultation with the New Orleans manager of the United Fruit Company. These prices govern sales in New Orleans, Mobile, etc.

From time to time since the existence of the United Fruit Company the Fruit Dispatch Company has deliberately destroyed fruit for the avowed purpose of maintaining the market price which it desired to establish. This has been done even when the fruit destroyed has been in good condition and saleable at a profit, although at a price less than that fixed by the Fruit Dispatch Company's pricing committee. From time to time, too, the amount of fruit to be imported by subsidiary companies has been restricted at the direction of the United Fruit Company, in order to avoid overstocking the market and preventing the competition which ensues from such a condition.

The pricing committee at New Orleans has before it regular weekly reports from the Fruit Dispatch managers throughout the country, which are used as a basis for fixing prices. These reports show the number of cars sold in the particular district from which the report comes by the Fruit Dispatch Company during the week, and a similar report as to the fruit sold by each independent operator. The reports state what jobbers buy of the independents, what measures of competition are being adopted to stop independent sales, and in general the advice of the various branch managers is asked with reference to that end, and is given in the reports so laid before the pricing committee. These reports are on regular printed forms. Presumably the New York pricing committee has a similar system of reports.

By this means the two bodies of men meeting, respectively, in New York and New Orleans are able to tell at a glance every car of bananas sold by any independent operator throughout the entire country and are given elaborate data on which prices for the ensuing week are fixed. There have been many instances where jobbers were threatened with loss of their business if they continued to deal with independent importers, and accordingly such independent importers have been forced to lose their fruit for lack of a purchaser. There have also been instances where fruit has been given away by the Fruit Dispatch Company, in order to prevent the independents from selling what they had imported.

After the formation of the combination, there were a number of independent operators left outside it. Practically all of these have been put out of business in one way or another. For example, the firm of Henry Bayer & Co. had carried bananas into the United States for some thirty years, running chiefly to the port of Charleston, S. C. The United Fruit Company began to run its steamers there, the importations being handled by the Fruit Dispatch Company. Jobbers in the vicinity were warned that the Fruit Dispatch Company would not tolerate purchases from Bayer. Each time one of Bayer's ships arrived, the Fruit Dispatch Company would drop its prices far below the margin of profit, and thus compel the sale of the independent fruit at a loss, since owing to its perishable character, it was necessary to dispose of it without delay. When Bayer & Co. had disposed of its cargo, the Fruit Dispatch Company's prices would at once go up to a very high figure, to be held there until the next independent cargo arrived.

While this meant doing business at a loss for the combination as well as for the independent, the large resources of the United Fruit Company, and the large profits which it was able to make at places where there was no competition, enabled it to push competition with independents to an extreme, and to bring about a condition where it was merely a question of which side could stand the loss of money longest. Practically all of the independents, being small concerns, were forced to suspend. Bayer & Co. were successively driven out of Charleston and Galveston. The Alabama Fruit Company was driven, by similar methods, out of Mobile and, like Bayer, forced to go out of business, and the Verley Fruit Company, which ran to Providence, met the same fate. A similar competition was begun by the combination against the Di Giorgio Importing and Steamship Company, which imported through the port of Baltimore. In this case, as in most others, the competition took place at the foreign ports where fruit was purchased and grown, as well as at the domestic ports where it was sold, and the Di Giorgio Company lost money rapidly until it was finally forced to suspend, and the Atlantic Fruit Company was formed as its successor. This company encountered a similar opposition and was practically ruined when the United Fruit Company bought up a majority of its stock at about 30 cents on the dollar. The Atlantic Fruit Company is now doing a large and profitable business as a member of the combination.

The annual reports of the United Fruit Company from year to year show that its investment in the stock of other companies is about a million and a half dollars. Its annual importations, shown by such reports, as compared with the total importations into the country, shown by the official statistics of the Government, indicate that about 90 per cent of the importations of the country are controlled by the United Fruit Company and its associates. The one or two small independent importers who still run to New Orleans are believed to be working under an arrangement with the United Fruit Company, whereby their business is restricted, but of this there is at present no certain proof. The other facts cited above are capable of proof by legal evidence.

In connection with the American Banana Company, it appears that that company acquired and planted a large tract of ground lying along the Sixola River in Panama. There had been a dispute as to boundary between that Republic and Costa Rica, and the boundary had been fixed in the year 1900, several years before the American Banana Company acquired this land, by the arbitral award of the President of France. At the time when the first cargoes of bananas were about to be shipped by the American Banana Company a body of Costa Rican guards took possession of the portion of its plantation which lay upon the northerly side of the river, which portion contained the only port for shipment, and declined to allow the work to continue. It has subsequently appeared that the United Fruit Company has obtained an alleged title to this land from the Government of Costa Rica, which title was acquired subsequent to the acquisition of the land by the American Banana Company, and it further appears that the United Fruit Company has indemnified the Government of Costa Rica against any claims which may be made by the American Banana Company because of its ouster from the plantation. A copy of this agreement is annexed hereto.

Prices of bananas have gone up considerably since the formation of the United Fruit Company, and even in cases where it sells fruit to jobbers direct, without the intervention of the Fruit Dispatch Company, these sales are so safeguarded as to insure the absence of competition with the Fruit Dispatch Company. In Baltimore, for example, each jobber who buys from the United Fruit Company is required to state to what point he expects to send his fruit and where it is to be sold, and sales which conflict with those of the Fruit Dispatch Company are not permitted. The restraint of trade is exercised not only by the fixing of prices through the agency of the Fruit Dispatch Company and the consequent control of sales, but also, in the past at least, by the destruction of fruit at the ports of shipment in foreign countries, as well as at those of entry here.

In addition to the companies above named, the Camors-Weinberger Banana Company became a part of the combination about the year 1899 by a purchase of a majority of its stock by the United Fruit Company. In that company, as well as in the Camors-McConnell Company, the Bluefields Steamship Company, and the Orr-Laubenheimer Company, half, or more than half, of the directors have been representatives of the United Fruit Company, usually employees or officers of it.

THE UNITED FRUIT COMPANY.

[Translation of and extracts from "Berichte über Handel und Industrie," March 6, 1906. From a report of the imperial consulate in San Jose, Costa Rica, to the German Government.]

The United Fruit Company occupies in more than one way a peculiar position among American trusts. While almost all others are active in one field of industry and seek to monopolize the manufacture of one article, the United Fruit Company is an agricultural trust. It is engaged mainly in the production and marketing of a natural product, and one, too, that belongs to the Tropics—the banana. The other great staple articles of the Tropics, such as coffee, caoutchouc, and cocoa continue up to the present, even in the United States, in free markets. Up to the present time the banana is the only tropical product that has been monopolized by a trust.

The banana in Germany is as good as unknown, and even in America occupies relatively a minor position. As great as the use of bananas is in the United States, it is, nevertheless, inconsiderable when compared with other provisions and delicacies, such as grain, meat, coffee, sugar, etc. The company has, nevertheless, been able, by continued pursuit of its aim on this relatively small basis, to establish an economic power of the first rank, so that it to-day is the greatest of all purely agricultural enterprises to be found.

The trust was established in the year 1899 by the combination of different small enterprises. Of these the first in importance were the Boston Fruit Company and the Tropical Trading and Transportation Company, which latter company was organized by the American promoter, Keith.

The United Fruit Company controls not only almost the entire export of bananas to the United States, but has recently taken up exportation to England with success.

In the year 1905 the company operated with a capital, in round numbers, of 84,000,000 marks. Of this amount, 71,500,000 marks were in shares of stock, on which 7 per cent—that is to say, almost 5,000,000 marks—dividends were paid. In addition to this the company owed 10,500,000 marks in 5 per cent obligations, the interest on which amounted to 550,000 marks.

The main business of the company consisted, as already noted, of the cultivation and exportation of bananas. In the fiscal year ending September 30, 1905, the company shipped 30,000,000 bunches to North America and England. If the selling price be reckoned at 2 marks per bunch, the total for bananas alone would be 60,000,000 marks a year.

Further, the company owns extended plantations of sugar cane at Banes, Cuba, and manages a sugar mill there that can turn out 220,000 centner, a production that even now should be doubled.

Other branches of business of the company are the breeding and exporting of cattle, particularly from Costa Rica to Cuba, also the exporting of oranges (about 300,000 boxes annually), cocoanuts (about 30,000,000), and pineapples to the United States.

The landed property of the company is scattered in six tropical countries; it covers about 130,000 hectares. Its total capital invested in foreign countries is about eighteen to nineteen million dollars, almost half of which is invested in Costa Rica.

Exportation is carried on from seven tropical points: Jamaica (Port Antonio), Santo Domingo (Sanchez), Cuba (Banes), Colombia (Santa Marta), Panama (Bocas del Toro), Costa Rica (Limon), and Honduras (the Republic and British Honduras). There are also three stations in the West Indies, three in Central America, and one in South America. All of the important export points are represented except Nicaragua, which in the year 1904 shipped 1,700,000 bunches to North America. In the division of business in seven different countries there is a measure of safety against the political, economic, and meteorological disturbances, which are so frequent in this section of the world. In spite of their separation, however, the situation of the various plants is such that they can be conveniently reached from the United States.

As already noticed, the company has the larger part of its capital invested in Costa Rica. Cuba, Jamaica, and Panama follow in order, while its possessions in Santo Domingo, Colombia, and Honduras are relatively inconsiderable. Honduras is the only country where the company is not possessed of any landed interests, but simply buys its bananas.

In the export of bananas Jamaica stands at the head, with Costa Rica, Honduras, and Cuba following, but the Costa Rican bananas are the largest and finest.

The company's methods and facilities for transportation are noteworthy. Where the plantations for the most part lie near the coast, the building of extended railways is not necessary. In 1905 the United Fruit Company had, in round numbers, 260 kilometers of its own railroad in operation, mainly in Bocas del Toro, Panama, and Banes, Cuba. In addition to this, the company controls the entire Atlantic railroad system of Costa Rica, 385 kilometers.

More important than the railways is the company's system of water transportation. Two lines carry the British flag—the Belize Royal Mail and the Central American Steamship Company. Also the Tropical Fruit Steamship Company belongs outright to the company. It is also interested in Reederi, Elders & Fyffes, of Manchester, who bring the bananas to England. These three lines handle, however, only a small part of the necessary tonnage required for the transportation needs of the United Fruit Company. An entire fleet of vessels of various nations is necessary to bring the bananas from their point of shipment to the ports of entry in the United States. In part entire vessels and in part a certain space on vessels are chartered for years. As a measure of safety, the ships handling this company's trade fly various flags and are divided among various countries—Germany, Norway, England, and America. For example, the Atlas Line, formerly English and now German, carries all of Costa Rican bananas for New York.

A characteristic of the shipment of bananas is that they require considerable room and must be transported quickly to avoid loss. The shipping ports of the United Fruit Company have thereby a trade of relatively large, fast vessels and a convenient connection with the United States, which is far from corresponding with its economic importance in other respects. The number of banana ships of the United Fruit Company annually coming to the United States is almost a thousand. During the height of the season as many as forty steamers are sent weekly to North American ports. The cities of Boston, New York, Philadelphia, Baltimore, Mobile, and New Orleans are supplied with fruit directly from the vessels. Shipments for the interior are sent by way of New Orleans and Mobile and thence by rail. For this purpose, the United Fruit Company has organized another company—the Fruit Dispatch Company—that serves the inland consumers in a number of ways, and pushes its activities across the continent to the Pacific Ocean. This company handles annually more than 30,000 carloads. To protect bananas from freezing in winter, it has erected large warehouses in Springfield, Mo., and Cairo, Ill., the first of which can take care of 40 carloads and the second 80 carloads.

In order to utilize its landed estates, the company, in addition to the raising of bananas and sugar cane, also carries on the breeding and exportation of cattle. In the year 1905, the company handled 12,000 head of cattle, and 3,000 horses, mules, and asses. Here, too, Costa Rica takes the lead.

But this does not constitute all of the company's operations. It has large warehouses in Banes, Bocas del Toro, Limon, and Port Antonio. These permit development of imports in small countries, such as Panama and Costa Rica. The company furthermore conducts hotels, hospitals, and telephone lines, among them a 160-kilometer line between Limon and San Jose.

As already repeatedly stated, Costa Rica is headquarters of the company and in it, it has the most capital invested and represented in many branch lines. This position of the United Fruit Company in Costa Rico is the creation of one man, Minor C. Keith. The banana industry of Costa Rica and its development is due to him. He set the first plantation to work. He was manager of the Tropical Trading Company and later the vice-president of the United Fruit Company. He carried his plans through with finished judgment, wide survey, and iron energy. It would take us too far here to describe the gradual development of the company and follow the paths by which it has reached its present status. *It is sufficient to say that it has developed to-day in Costa Rica a mighty unassailable position as the uncontested lord of the land.* The relation of this *giant trust to the little Government is readily seen in the* fact that the revenue of Costa Rica, in round numbers, is 12,000,000 marks, over against which the receipts of this company for sales, of bananas is about 60,000,000 marks annually. The development of the United Fruit Company has operated on the economic life of the countries in the following ways:

The entire export of bananas in Costa Rica is in the hands of this company. Not a single bunch of bananas leaves the country without its assistance. It in part raises the bananas, in part secures them from independent planters, who are required to turn over to the company the entire yield at a fixed price.

In the year 1904 the banana exportation of Costa Rice was 6,000,000 bunches. Cost Rica furnished one-quarter of the total export of the company, and was surpassed in this respect only by Jamaica. Of the total yield, 1,300,000 bunches went to England (by the line of Elders & Fyffes) and the rest went to the United States.

The banana lands of Costa Rica are half in the possession of independent planters and the other half in the possession of this company. The company is steadily increasing its own possessions. That is because the larger establishments are more economical, and to secure its hold for the future existing contracts of the United Fruit Company with the planters run to 1908. By that time the company will have so increased its own possessions in Costa Rica and elsewhere that it will not have to deal with the planters. It will be in a position to lower the price, and under certain conditions to compel them to turn over their properties to the company at cheap rates.

But the United Fruit Company controls not only the raising and exportation of bananas, but also controls the necessary means of transportation therefor. It is one of the principles of the great American trusts to make themselves as far as possible independent from the source of production to the close of consumption, and so bananas remain from their planting in Costa Rica to the point of entry in the United States in the hands of the United Fruit Company or its dependent companies.

The United Fruit Company, in the years 1900 to 1902, built the Northern Railroad in order to thereby develop its banana estates. The old English Ferrocaril de Costa Rica, likewise controlling large banana properties, was interested. After a bitter contest, the Northern Railroad finally leased, in 1905, the entire line of the English company to San Jose and Alajuela, so that at the present time on the Atlantic side of the Republic there is only one railroad system, that of the United Fruit Company. The harbor of Limon, the only port of entry on the Atlantic coast, is in the hands of this company, and it controls piers belonging to the connecting lines of railroads. The Government has contracted not to grant any acquisitions from any other piers and would hardly be able to do so anyhow, as the harbor hardly offers sufficient room.

It is hardly necessary to state that the control of the water transportation is bound up with this. All the vessels of transportation to the United States and a part of those to England—that is to say, approximately three-quarters of the entire means of transportation—are in the service of the company. The transportation from Limon is the creation of the United Fruit Company. With a trade of over 600,000 tons annually, Limon is now the most lively port in all of Central America between Colon and Vera Cruz, and has attained an importance beyond all proportion in comparison with the country back of it, all through the banana industry of the United Fruit Company. Without this the shipping trade of Limon would be as unimportant as that of the other little harbors of Central America, and would have a slight trade only in time of the coffee harvest.

What bananas mean for the water transportation of Limon is seen in the fact that a bunch of bananas occupies about the same space on a vessel as a sack of coffee. Costa Rica ships, in round numbers, about 300,000 sacks of coffee and 6,000,000 bunches of bananas, according to which the bananas require twenty times the amount of space on board vessels as the other leading product of the land. The entire postal service of Costa Rica with the United States and Europe is taken care of by the United Fruit Company. Mail comes and goes once weekly by way of New Orleans or Mobile on the banana ships of the company, and it goes a farther distance on the Atlas steamers to New York with the bananas destined for that market.

Not only the port but the city of Limon and the region beyond can thank this company for their development. Limon, which used to belong to the unhealthiest spots on the coast is now kept in a measure under sanitary conditions. Cases of illness that now occur are taken care of in a hospital constructed and supported by the company. The banana regions, too, that formerly were isolated and unhabitated wilds, are to-day under cultivation and relatively thickly populated. This settlement has been made almost exclusively through immigration, of which nine-tenths has come through the United Fruit Company. The immigrants are mostly Jamaican negroes who work either for the company itself or for the planters. In this influx of negro element lies a great danger for the country.

The company plays an important rôle in the importation of the country, as it carries on its own business for the needs of its own employees, that approximately calls for one-tenth of the total imports of Costa Rica. More important yet is the fact that more than half of all the important goods coming into the country come in the ships of this company. That the United States has secured imports in a greatly preponderating measure over all other countries, together is due in no slight degree to the frequent, convenient, and fast transportation connections with America that the banana ships afford. The goods transported by this company—bananas, oranges, and cattle—are even now a half of the total exports of the country. Inasmuch as the other leading product of Costa Rica, coffee, has remained stationary for years, this percentage will constantly increase in favor of the United Fruit Company. Costa Rica in early years had a passive balance of trade, as the net receipts from coffee were not sufficient to cover the needs of the country for foreign goods, but now, on account of the huge shipment of bananas, the relation of imports to exports has been reversed.

In close connection with this stands the question of currency. Since 1900 Costa Rica has had the gold standard, and holds it yet. That it has been successful is largely to be ascribed to the United Fruit Company, as it pays the independent planters and negro workers in American gold. The gold import of the company in the year 1904 reached a sum of over two millions.

This account of the fields in which the United Fruit Company operates makes no pretense of being complete. The business operations of the company are so many sided that it is difficult to find the field in which it does not exercise an influence. Thus, for example, the coffee production of the country is due in not the least degree to the United Fruit Company. But, on the other hand, the company controls all means of transportation on the Atlantic side of the country, and by the raising of freight rates is in a position to cut down one of the main products in favor of another product.

All these operations and influences together have made Costa Rica in recent years quite another country. It has been lifted out of stagnation, put in touch with the world's trade, and takes part in the rapid development of the United States. Costa Rica is the only Atlantic State in Central America possessing on its east coast a flourishing harbor connected by rail with its leading (capital) city. All the other Central American independent States face the Pacific Ocean and are only now making attempts to open the door to the eastward.

AGREEMENT OF INDEMNITY.

[Translation.]

Juan Francisco Echeverria, secretary of state in the department of the treasury, in pursuance of instructions from the President of the Republic, on the one hand, and on the other, R. J. Schweppe, of lawful age, bachelor, citizen of the United States of North America, as fully empowered agent of the United Fruit Company, whereas they have taken account of the following facts and circumstances:

I.

That the judge of "administrativo contencioso" of the Republic, by a legal and valid decree of 1 p. m. of January 26 last, dictated in the respective document of denouncement, adjudged to the Northern Railway Company ownership of 5,850 hectares, 5,915 square meters of wild land (unoccupied public land), situated in the jurisdiction of the Comarco of Limon, in the region of Talamanca next to the river Sixola, which, according to the status quo regarding divisional limits between this Republic and that of Panama, and recognized in an explicit manner by both, is under the exclusive jurisdiction and sovereignty of Costa Rica.

II.

That H. L. McConnell, citizen of the United States, has attempted to acquire the area in question, without acquiring it by any legal method, suit or title, only by virtue of an occupation, in fact, which implies a penal usurpation, and that the Costa Rican authorities having notified him that he could not exercise possession of these lands or make use of them until he should acquire them in conformity with law, said gentlemen, both by himself (on his own account), and working in the name of a certain company, which he calls the "American Banana Company," has solicited the protection of the Government of the United States, instituting before it, as it appears, a claim for damages and prejudice—i. e., costs and damages—against the government of Costa Rica, which the latter rejects as hasty and unfounded.

III.

That the region where the lands denounced by the Northern Railway Company and adjudged to it by the said decree is included in that portion of territory which will pass under the sovereignty of Panama if the treaty relative to its boundaries which both republics are trying to formulate and which is pending ratification by their governments and congresses shall be definitely approved, as is to be expected.

IV.

The said decree of adjudgment of these wild lands to the Northern Railway Company has been submitted to the necessary approval of the department of state for treasury, in conformity with article 529 of the Fiscal Code.

V.

That although the adjudication is founded on a denouncement presented and carried through in conformity with law with relation to lands belonging to the public domain as wild (unoccupied) lands, and the state by virtue of its jurisdiction and sovereignty denies all right of McConnell in the region in question, it is convenient, by way of extreme precaution against the unforseen, to take into account the claim of said gentleman, however much it may lack foundation, and so the Government of the Republic has declared it.

Therefore the undersigned secretary of state and the agent of the United Fruit Company have agreed on the following:

1. The United Fruit Company declares that it takes upon itself the pecuniary responsibility of whatever kind and whatever may be the amount which may be collected from the government of Costa Rica, either in the unexpected case of said McConnell or said American Banana Company, of which he is said to be the president, should succeed in the unjustifiable claim aforesaid, or for other unforseen claims which may be presented in respect to said lands, and in consequence the United Fruit Company agrees, through the exponent, its agent, that it will pay to this government the amount of whatever sum it (the government) may have to pay for such reasons.

2. This department of state by virtue of the agreement set forth in the preceding clause, will approve on this date the decree of adjudication above alluded to, in order that the title of ownership may be executed, which by reason of such judgment has been issued to the Northern Railway Company.

In testimony whereof the executors sign in the city of San Jose on the 10th of the month of March, 1906.

J. F. ECHEVERRIA.
R. J. SCHWEPPE.

San Jose, March 10, 1906.
Let this contract be approved.
Signed by the President. ECHEVERRIA.

Mr. JOHNSTON. Mr. President, I wish to state briefly that the United Fruit Company is a New Jersey corporation, organized in 1899, with a capital of $20,000,000, of which some $16,000,000 has been issued in stock. Upon its organization it combined some ten or twelve companies engaged in this business, and since that time it has acquired many of the other companies engaged in the same business, either by the purchase of stock in the names of its various officers or otherwise, so that it now controls 90 per cent of the fruit trade in the United States.

This company has not hesitated to throw overboard cargoes of its fruit in various ports of the United States for the purpose of maintaining prices, and in other cases, according to these papers, it has given away fruit at competing points in order to destroy competition. It is also shown in these papers that the price of fruit is fixed weekly in New York and New Orleans by the agents of this company.

A few years ago an Alabama corporation, the Alabama Banana Company, thinking that it had the right to engage in this business, purchased a large tract of land in Panama, on the Sixola River, and proceeded to clear it and plant it in bananas. Just as the first crop was ripening and ready for shipment to the United States the United Fruit Company, by giving a bond of indemnity, procured the Government of Costa Rica, without any trial of the right of property, without any proceedings in any court, to seize the plantation and absolutely stop the exportation of a single banana from the property of the company. I have sent a copy of this bond to the desk to be printed in the RECORD to show that the United Fruit Company was the real actor in this lawless act.

The Alabama Company brought suit against the United Fruit Company in the circuit court of the United States for the southern district of New York, and upon the hearing of the cause recently the court declared that although the seizure might be unlawful, and although the plaintiff might be greatly damaged by the taking, it appeared upon the proceedings that the Government of Costa Rica had taken possession of this property and no court of the United States could render a decision against a sovereign power.

When it was stated in these papers, as I read them first, that the seizure was illegal, without any warrant of law at all, and at the most opportune time to destroy the business of the Alabama corporation, I had some doubts about it; I did not think it could be possible. But I have since been furnished with a report made by the German consul in San Jose, Costa Rica, to his own Government in regard to this trust. In the course of that report, which has been sent to the desk, speaking of this trust, the United Fruit Company, he says:

It is sufficient to say that it has developed to-day in Costa Rica a mighty, unassailable position as the uncontested lord of the land. The relation of this giant trust to the little Government is readily seen in the fact that the revenue of Costa Rica, in round numbers, is 12,000,000 marks and the receipts of this company for sales of bananas is about 60,000,000 marks annually.

Mr. President, this resolution is intended for our Government to take steps to see whether the laws can be defied, and whether a trust grown rich and powerful, having driven out all competitors down to 10 per cent, can shield itself behind the shadow of some little republic and defy this Government. The purpose of the resolution is to have the Department of Commerce and Labor make this investigation and see whether a trust, grown so great and powerful in this country, can use the agencies of *other* foreign governments to protect them in their nefarious operations.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Interstate Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On March 26, 1908:

S. R. 58. Joint resolution authorizing the Secretary of War to establish harbor lines in Wilmington Harbor, California; and

S. 626. An act authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns.

On March 27, 1908:

S. 4922. An act providing for the platting and selling of the south half of section 30, township 2 north, range 11 west of the Indian meridian, in the State of Oklahoma, for town-site purposes;

S. 6135. An act providing for the disposal of the interests of Indain minors in real estate in Yakima Indian Reservation, Wash.; and

S. 3416. An act to amend an act entitled "An act authorizing the extension of Meridian place NW.," approved January 9, 1907.

On March 28, 1908:

S. 4046. An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin.

CLAIMS OF AMERICAN CITIZENS AGAINST VENEZUELA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, on motion of Mr. LODGE, was, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

In response to a resolution of the Senate, dated February 26, 1908, requesting the President—

"If not incompatible with the public interest, to communicate to the Senate the correspondence with the Government of Venezuela in relation to pending controversies with that Government concerning wrongs done to American citizens and corporations in that country by said Government"—

I transmit herewith a report by the Secretary of State, with accompanying papers.

Respectfully submitted.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *March 31, 1908.*

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. HEYBURN. Mr. President, some Senators who have announced that they intend to participate in the discussion of the bill to-day are not present in the Chamber this morning. They requested me to see to it that it should not come up for consideration until they could be here. I know one Senator who has left the Chamber intends to participate at once in the discussion of the bill. I suggest to the Senator from Washington that it had better be deferred, inasmuch as no one expected the bill to come up before 2 o'clock, it being the unfinished business.

Mr. PILES. I am not particular about pressing it now, I will say to the Senator from Idaho.

MINING TECHNOLOGY BRANCH.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order.

Mr. GALLINGER. Let the first business on the Calendar be announced.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business in order on the Calendar.

The VICE-PRESIDENT. At the request of the Senator from Massachusetts [Mr. LODGE] the joint resolution will go over.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and insert:

That the commissioner of the Freedman's Savings and Trust Company and his successors in office be, and the same are hereby, authorized and directed to pay, or cause to be paid, under such regulations as said commissioner, with the approval of the Secretary of the Treasury, shall prescribe, to all the depositors of the Freedman's Savings and Trust Company whose accounts have been properly verified and balanced under existing laws, or to their legal representatives, a sum of money equal to the verified balances due said depositors from said company at the time of its failure, less the amount of dividends which may have been paid from the assets of said company; and for this purpose the sum of $1,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, said amount to be placed to the credit of said commissioner by the Secretary of the Treasury, for the purpose in this act specified. That the clerical expense for the settlement of these claims be paid out of the money herein appropriated: *Provided, further,* That any money not called for within two years after the passage of this act shall be used for the education of the colored youth of the South, under such rules and regulations as may be adopted by the Secretary of the Treasury.

Mr. MCLAURIN. I ask that there be a division of the question, so that the portion which it is proposed to strike out may be stricken out, and then, by agreement with the Senator in charge of the bill, I desire to offer two amendments to the portion which is to be inserted.

Mr. GALLINGER. Let the Senator offer his amendments now. It will be in order.

Mr. MCLAURIN. Very well.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment to the amendment reported by the committee, which will be read.

The SECRETARY. On page 2, line 24, after the word "appropriated," insert the following proviso:

Provided, That any money not called for within one year after the passage of this act shall be covered into the Treasury of the United States.

The amendment to the amendment was agreed to.

Mr. MCLAURIN. There is another amendment which I desire to offer. The Senator in charge of the bill has agreed to accept it.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2, beginning with line 25, strike out the remainder of the amendment, in the following words:

Provided further, That any money not called for within two years after the passage of this act shall be used for the education of the colored youth of the South, under such rules and regulations as may be adopted by the Secretary of the Treasury.

And to insert as an additional section the following:

SEC. 2. It shall be unlawful for any person to directly or indirectly accept or receive from any such depositor, or from any heir or legal representative of any such depositor, or from any beneficiary of this act, any compensation for any service or supposed service rendered or claimed to be or to have been rendered either in the procuring of the passage of this act or in the collection or payment of said deposit. Any person who shall violate this section shall be punished by a fine of double the amount so accepted or received and not more than $1,000 in addition thereto, or by imprisonment of not more than one year, or both.

The amendment to the amendment was agreed to.

Mr. BACON. Is there a report accompanying the bill?

Mr. FLINT. There is a report accompanying the bill.

The VICE-PRESIDENT. There is a report submitted by the committee.

Mr. BACON. If it is not long I should like to hear it read. If it is long and the Senator from California will state substantially what it is, that will probably serve the purpose.

Mr. CLAY. With the permission of the Senator from California, before he proceeds——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia?

Mr. FLINT. Certainly.

Mr. CLAY. My impression is that the senior Senator from South Carolina [Mr. TILLMAN] objected to the consideration of this bill, and I am sure he said he desired to be heard when the bill was considered. The Senator from South Carolina is now confined at his home sick. I am not able to say when he will return. Of course I would not ask that the consideration of the bill be postponed for the session, but if the Senator from South Carolina desires to be heard in regard to the measure, I hardly think the Senator from California ought to press it in his absence when he is sick, and when there is any reasonable hope of his returning to the Senate during the session. I am sure he desired to be heard upon the measure, for he so stated in my presence.

Mr. GALLINGER. I introduced the bill and on my motion it went to the committee of which the Senator from California is a member, and it was reported from that committee.

I will say to the Senator from Georgia my recollection is that whenever the bill has been reached on the Calendar the Senator from Mississippi [Mr. MCLAURIN] has asked that it should go over, and I do not think that in the Senate the Senator from South Carolina has made a suggestion of that kind. He may have done so privately, but I feel sure that it has been upon the suggestion of the Senator from Mississippi that the bill has gone over, and he wished it to go over for the purpose of offering the amendments he has offered this morning.

Mr. CLAY. I will say to the Senator that I am not absolutely sure the Senator from South Carolina objected on the floor of the Senate to the consideration of this measure. I am inclined to think he did. I know the Senator came to me and asked me to watch it, and he said he desired to be heard when the bill was considered. I know nothing of its merits; I have not looked into it; but I am absolutely sure that the Senator from South Carolina desires to be heard in regard to the measure.

Mr. MCLAURIN. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly; I will yield to the Senator.

Mr. MCLAURIN. When the bill was first called on the Calendar I objected to its consideration. I examined the bill afterwards and I then, as now, think it is a bill without merit, but I thought if I could get certain amendments adopted, that would safeguard the bill against what I thought was probably an effort on the part of certain persons who had been for some time urging Senators and Representatives to the passage of the bill, I would raise no further objection to it.

In the first place, there was a provision in the amendment of the committee that the money not called for within a certain period should be turned over to certain authorities for the education of the colored youth of the South. I did not think that that was constitutional. I do not think now that it is under the fourteenth amendment of the Constitution. I do not think that there can be made any discrimination against the white youth of the South any more than there can be against the colored youth of the South. So it was agreed that that be stricken out, because the Senator with whom I consulted agreed with me that there was very great question at least about the constitutionality of that provision.

Then I thought another amendment, which had been adopted, that no person should receive or accept any compensation for any services rendered, or to be rendered, or claimed to be rendered, or supposed to be rendered, in procuring the passage of the act, or in collecting the payment of the claim of any of the depositors, would prevent any grafting by any combination of people who had gotten together for the purpose of getting Congress to pass this law. With these two amendments agreed to, while I do not think the bill is a meritorious one even with those amendments, and I did not intend to vote for the bill, I did not propose to make any further objection to its consideration.

Mr. CLAY. I hope the Senator from California, in charge of the measure, will at least not press it to-day until I can communicate with the Senator from South Carolina. I would prefer, at least, to do so.

Mr. FLINT. I have no objection to the bill going over if the Senator from Georgia insists upon it, but I was not aware that the Senator from South Carolina objected to the bill. The Senator from Mississippi did object to the bill each time it was reached on the Calendar, and it has gone over. After some consultation with him we agreed upon certain amendments, and those amendments have been adopted. I did not know that there was any further objection to the bill. If, as a matter of fact, the Senator from Georgia insists upon his objection, the bill may go over.

Mr. CLAY. I hope the Senator will agree to let it go over without my insisting upon it.

Mr. FLINT. If the Senator from Georgia desires to communicate with the Senator from South Carolina, I have no objection to the bill going over.

Mr. CLAY. I feel, in justice to myself, that I ought to communicate with him, because he communicated with me in regard to it.

Mr. FLINT. And if the Senator from Georgia thinks the Senator from South Carolina will be here during the present session, I would not like to have the bill go over for the session.

Mr. CLAY. I would not ask to have it go over for the entire session.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

EMPLOYMENT OF CHILD LABOR.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let the bill go over for the present.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

J. DE L. LAFITTE.

The bill (S. 5268) for the relief of J. de L. Lafitte was announced as next in order.

Mr. LODGE. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Massachusetts.

UNIFORM WAREHOUSE RECEIPTS.

The bill (S. 1474) to make uniform the law of warehouse receipts in the District of Columbia was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. GALLINGER. The bill was read yesterday.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIRED MATES, UNITED STATES NAVY.

The bill (S. 5337) for the relief of Mate William Jenney, United States Navy, retired, and the eight other retired mates who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with amendments, in line 3, after the word "That" to strike out the word "Mate" and insert "Mates;" in the same line, after the name "Jenney," in insert "William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith," and in line 6, after the word "retired," to strike out "and the eight other retired mates;" so as to make the bill read:

Be it enacted, etc., That Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list of the Navy with the rank and pay of one grade above that actually held by them at the time of retirement by reason of their creditable civil war service, under the provisions of the acts of Congress approved March 3, 1899, and June 29, 1906, shall be credited with all their prior actual service, either as officers or enlisted men, in the Army, Navy, and Marine Corps, in computing their pay on the retired list from the date of their advancement under the provisions of said acts.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GALLINGER, the title was amended so as to read: "A bill for the relief of Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement."

MICAIAH R. EVANS.

The bill (H. R. 13735) to correct the military record of Micaiah R. Evans was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 4, after the word "desertion," to insert "from draft;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from draft on the records of the War Department against Micaiah R. Evans, of

Twenty-second Pennsylvania Cavalry Volunteers: *Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. BACON. I should like to ask the Senator from Wyoming [Mr. WARREN] to give us a statement in regard to this matter. I do not think, unless there is some reason for it, that the bill ought to be passed.

Mr. WARREN. The report is not a long one, and it might be read, but I will state the case in just a few words. This is a soldier who enlisted in 1861 and served as a private soldier until honorably discharged. He enlisted a second time, was made a corporal, and while he was absent from home performing his duties as a soldier he was drafted. This occurred one month after his second enlistment and while he was in the field. Later on he entered the service and completed another and third term of enlistment and was honorably discharged. So the sum total of this soldier's service was some four or five years as a volunteer and during almost the entire war, but his record is tarnished with a technical desertion, so called, from the draft. This is to correct his record.

Mr. BACON. I understand, then, from the Senator that the soldier was never actually a deserter?

Mr. WARREN. Oh, no; he was simply serving his country in the field at the time he was drafted. I will say, however, that under the laws and regulations he ought, when he completed his second term, to have reported under his draft, but the officers under whom he was serving at the time told him that there was no reason for it. The fact is that at a later time he enlisted again and served honorably and had honorable discharges from all the other services. This is a technical flaw against his record that should be removed.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

AMENDMENT TO PURE-FOOD LAW.

The bill (S. 42) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," was considered as in Committee of the Whole. It proposes to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," as follows:

Section 6, after the words "of National Formulary," insert the words "or in the Homeopathic Pharmacopœia of the United States," so that the section as amended shall read:

SEC. 6. That the term "drug" as used in this act shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals.

The term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

Amend section 7, first subdivision, by inserting after the words "or National Formulary," wherever they occur, the words "or in the Homeopathic Pharmacopœia of the United States," so that the section as amended shall read:

SEC. 7. That for the purpose of this act an article shall be deemed to be adulterated:

First, if when a drug is sold by a name recognized in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States, official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States, shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary or in the Homeopathic Pharmacopœia of the United States.

Mr. BACON. I should like to have the report in that case read. The bill might affect very important interests, although I presume it is all right.

Mr. GALLINGER and Mr. LODGE. Let the report be read.

Mr. BACON. I have asked for the reading of the report.

The VICE-PRESIDENT. The report will be read at the request of the Senator from Georgia.

The Secretary read the report submitted by Mr. HEYBURN March 30, 1908, as follows:

The Committee on Manufactures, to whom was referred the bill (S. 42) to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," have considered the same and recommend its passage.

The purpose of the bill is to include the Homeopathic Pharmacopœia of the United States as a work of reference in determining the character or standard of certain articles mentioned in sections 6 and 7 of the pure-food act. In view of the fact that the school of homeopathic medical science is of such wide and general recognition the justness of this legislation is apparent.

Mr. HEYBURN. Mr. President, I will add just a word to the report. When the pure-food bill was enacted, it was provided that the National Formulary of Pharmacopœia, which is recognized by the allopathic school of medicine, should be the standard for determining certain definitions, and the homeopathic school was not included. As the report states, it was found that the Homeopathic Pharmacopœia contains a number of articles that are not included in the other pharmacopœia or formulary. So the necessity of including the Homeopathic Pharmacopœia is obvious.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT GUARANTIES OF FOODS AND MEDICINES.

The bill (S. 3043) to prevent fraudulent representations as to Government guaranties of foods and medicines, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Manufactures with an amendment, in section 1, page 1, line 7, after the word "guaranteed," to insert "by the Government of the United States," so as to make the section read:

That it shall be unlawful for any person, association of persons, or corporation to place any mark, sign, or insignia upon any package, label, covering, or wrapping of any article of food or medicine stating in words or effect that the contents of such package are guaranteed by the Government of the United States under the pure food and drug act of June 30, 1906, or are guaranteed or recommended in any manner by the Government of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGED HOMESTEAD.

The bill (S. 6155) to provide for an enlarged homestead was announced as next in order.

Mr. LODGE. That seems to be a pretty important measure. As I do not see the Senator from Utah [Mr. SMOOT], who reported the bill, in the Chamber at this moment, I think it had better go over, especially as there is no printed report accompanying the bill.

The VICE-PRESIDENT. The bill will go over without prejudice. This completes the Calendar under Rule VIII.

PACIFIC PEARL MULLETT.

Mr. BACON. Mr. President, if the Calendar, under Rule VIII, has been completed, I ask that a bill which was reached on the Calendar and passed over some days since upon the request of the Senator from Nebraska [Mr. BURKETT] be now taken up. It is Calendar No. 235. I do not know whether it now is on the Calendar under Rule VIII or Rule IX.

Mr. GALLINGER. It is under Rule IX.

The VICE-PRESIDENT. The bill referred to by the Senator from Georgia will be stated.

The SECRETARY. A bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett.

Mr. BACON. I ask unanimous consent that that bill may now be taken up and acted upon. It has previously passed the Senate several times.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, $2,062.06, in full for the balance due her husband, on account of compensation and his actual expenses incurred as commissioner appointed from civil life on the Navy-Yard Commission under the provisions of the act of August 5, 1882, making appropriations for the naval service, the balance being based upon vouchers heretofore issued and approved by the Secretary of the Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LAND ACCOUNTS WITH STATES.

The VICE-PRESIDENT. The Calendar, under Rule IX, is in order. The Secretary will state the first bill.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. KEAN. Mr. President, that is a very important bill, and I do not think it ought to be taken up at the present time.

The VICE-PRESIDENT. The bill will be passed over, at the request of the Senator from New Jersey.

PUBLIC BUILDINGS IN WASHINGTON CITY.

The bill (S. 122) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, was announced as next in order.

The VICE-PRESIDENT. The bill has been heretofore read.

Mr. CLAY. Let the bill be again read.

The VICE-PRESIDENT. The Secretary will again read the bill.

The Secretary proceeded to read the bill.

Mr. NELSON. Mr. President, I think there is objection to that bill.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. Mr. President, I did not observe that this bill had been reached. I thought it was another that was under consideration. It will be recalled that I introduced a resolution a little time ago directing the Commissioners of the District of Columbia to ascertain the purchase price of these various blocks of land. I have information that the Commissioners have taken that work up diligently and that they will soon report to the Senate the result of their labors. I trust the bill will go over and await that report.

The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

SCHOOL OF FORESTRY IN NORTH DAKOTA.

The bill (S. 560) granting the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as next in order.

Mr. NELSON. Mr. President, the Senator from Montana [Mr. CARTER], who is not in his seat, is opposed to the consideration of that bill. Therefore I ask that its consideration be postponed.

The VICE-PRESIDENT. Without objection, it is so ordered.

SNAKE RIVER DAM, WASHINGTON.

Mr. TELLER. Mr. President, I ask what has become of Order of Business No. 74, being House bill 7618?

The VICE-PRESIDENT. That bill has been made the unfinished business and will come up at 2 o'clock.

Mr. TELLER. I understand the Senator from Washington [Mr. PILES], who has the bill in charge, desires to have it taken up. I want to submit some remarks on it, and I ask to have it taken up now.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. TELLER. Mr. President, I should like to submit some remarks on this bill, or on the law touching this proposition, and I will do so now, with the indulgence of the Senate.

The bill involves, directly and indirectly—perhaps more indirectly than otherwise—a very important constitutional question. It is a question that, to my mind, is very clear, and it has been disposed of by the Supreme Court of the United States on sundry occasions, some of the decisions being at least 65 years old.

Recently there has grown up a new idea in this country—and it has been very prevalent in the last few years—that whatever might be suggested to be for the public interest should be carried on by the General Government without reference to whether there was authority to do it or not. I am inclined to make some remarks that I would not make, perhaps, on this bill or any other, if it were not for the repeated assertion that has been made in high public circles that whatever ought to be done we should find a method of doing.

Not long since the Secretary of State—and I am going to send to the desk and have read his remarks, as I have taken them from the public press and I have no doubt they appear therein correctly—in an address called attention to the fact that the States were not exercising the powers conferred upon them by their constitutions and recognized by the National Government as pertaining to them, and he said when they did not do so they must not complain if the Congress should assume the right to do what they had failed to do. As that spirit seems to be a very general one now, and is very prevalent, I want to say a few words about it. I want, in the first place, to have read at the desk an extract from the public press.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

Extracts from the speech of Hon. Elihu Root, Secretary of State, delivered at a banquet given by the Pennsylvania Society, in New York City, on December 12, 1906.

Mr. Root said in part:

"If any State is maintaining laws which afford opportunity and authority for practices condemned by the public sense of the whole country, or laws which through the operation of our modern system of communications and business are injurious to the interests of the whole country, that State is violating the conditions upon which alone can its power be preserved. If any State maintains laws which promote and foster the enormous overcapitalization of corporations condemned by the people of the country generally, if any State maintains laws designed to make easy the formation of trusts and the creation of monopolies, if any State maintains laws which permit conditions of child labor revolting to the sense of mankind, if any State maintains laws of marriage and divorce so far inconsistent with the general standards of the nation as to violently derange the domestic relations which the majority of the States desire to preserve, that State is promoting the tendency of the people of the country to seek relief through the National Government and to press forward the movement for national control and the extinction of local control.

"STATES NOT ALIVE TO DUTY.

"The intervention of the National Government in many of the matters which it has recently undertaken would have been wholly unnecessary if the States themselves had been alive to their duty toward the general body of the country. It is useless for the advocates of State rights to inveigh against the supremacy of the constitutional laws of the United States or against the extension of national authority in the fields of necessary control where the States themselves fail in the performance of their duty.

"The instinct for self-government among the people of the United States is too strong to permit them long to respect anyone's right to exercise a power which he fails to exercise. The governmental control which they deem just and necessary they will have. It may be that such control could better be exercised in particular instances by the governments of the States, but the people will have the control they need either from the States or from the National Government, and if the States fail to furnish it in due measure, sooner or later construction of the Constitution will be found to vest the power where it will be exercised, in the National Government."

Mr. TELLER. The words "United States of America" describe to the world the nation known as the United States.

It has a written Constitution, the preamble of which provides:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It is a Government of delegated, limited, and enumerated powers.

And every exercise of power by the nation must find its authority in the Constitution of the United States as originally adopted or in the amendments thereto.

When I speak of the Government as one of delegated, limited, and enumerated powers, I do not in any way deprecate it or deny to it such powers as are provided for in the Constitution or that must follow such enumerated power in order that there may be an efficient exercise of the power specifically declared.

But I can not agree to the doctrine, now somewhat popular, that by legislative or judicial construction powers certainly withheld may be exercised, because such exercise may be beneficial, or because powers withheld to the people or to the State may not be exercised, or if attempted to be exercised, may not be so exercised as to meet the approval of the executive, legislative, or judicial departments of the Government.

I do not stand for any hair-splitting theory, but for a fair and honest determination. What did the framers and makers of the Constitution intend to authorize to be done?

However desirable it may appear to me that certain powers ought to have been given to the Executive or Congress, the question is, What did the creators of the Constitution, that is, "We the people * * * do ordain and establish the Constitution"—what did they mean to do? And the only way to determine what they meant to do was by what they did do.

We can never consider the question properly unless we consider the conditions at the time the Convention was held to form the Constitution, and what defects in the then existing Government were to be cured by the change in the character of the Government.

It may seem to be a waste of time to detain the Senate with a statement of the conditions of the United States at the time of the assembly of the Constitutional Convention, and it may

appear to be a reflection on the intelligence of the Senate to call attention to what ought to be and doubtless is well known to us all.

But, Mr. President, we have reached a period in our country's history unlike any other period to which we can point.

We are met with the declaration not once, but many times, from those whose duty it is to discharge high and important public duties, that their efforts are obstructed by a lack of administrative power. Evils are pointed out that ought to be suppressed, but the inquiry is, Where is the authority to do it. And if we point to the powers of the States, we are told the State will not do it. Evils have been pointed out that should be remedied. Congress has been admonished to find some way by which such evils can be remedied or checked, and we have been told that Congress ought to find out some way to do it, some way not apparent to our advisers, nor to us.

Mr. President, it will be noticed that the Secretary of State does not indicate that there is any proposition to amend the Constitution. The last utterance read would indicate that he expected this change to be made by construction, and whether that construction is to be given by the legislative department, the executive department, or the judicial department is somewhat uncertain from his words.

I do not think that to a body which is composed largely of lawyers I need say that it is not possible, either legally or morally, to change the Constitution of the United States by construction. We may differ as to what the Constitution means. The Supreme Court may one day say that it means one thing and another day that it means another thing; but there has never been any court yet that has attempted to construe the Constitution except to construe it according to its meaning. No court has ever said "it ought to mean this, and therefore we will hold that it does." That is the theory upon which of late appeals are made to us to act.

The President of the United States not long since in addressing Congress said there were certain evils that Congress ought to find a way to remedy. The duties and the powers of Congress are carefully delineated in the Constitution of the United States; and if we have sometimes, perhaps, proceeded contrary to that delineation, we could rely upon the courts to determine whether we kept within the constitutional limit or whether we exceeded it.

The Secretary of State is one of the most illustrious lawyers in the United States, and I have no doubt, if the question were put to him, he would say frankly "you must proceed according to the Constitution to make any change in the general theory of the Government." But, in accordance with the general idea that we have not time to amend the Constitution when it needs it, you must find your remedy now, right away, and you can possibly find it by the enactment of some law here, subject of course to the supervision of the Supreme Court of the United States, or it is possible that the Supreme Court of the United States might determine also that they had power to construe the Constitution differently from what their predecessors had done or differently from what it means; but up to this time that never has taken place, and I do not suppose the time will ever come when the Constitution of the United States will be construed by the Supreme Court except in accordance with its terms and its original meaning.

It would seem to be unnecessary for me to say that the powers of the General Government are limited and restricted by the Constitution of the United States, and that no power can be exercised by the General Government unless the authority for its exercise can be found positively in the Constitution, or properly inferred from what is in the Constitution. There is a pretty general rule of law among lawyers—and it has been sanctioned by the Supreme Court on more than one occasion—that a statute absolutely clear in its meaning can not be construed otherwise than in strict accordance with its language, and statutes that do not admit of any controversy need no construction whatever.

Mr. President, I want now to approach this question of the power of the General Government over the States. I know that State rights is not a very popular idea; I know very well that when you speak of State rights you array against you an old prejudice which has existed for many years, and which culminated in its intensity during the great civil war and immediately thereafter; and yet the hope and the expectation of this country must be in the preservation of the State governments. I will not take much of the time of the Senate to go into that. I only want to say that the forty-six sovereignties who come, each of them, nearer to the people of their respective jurisdictions than does the General Government are better calculated and better qualified to maintain order and peace within their respective boundaries—and that is the great purpose of State governments—than is the General Government. When the time comes that the people in New England shall determine what the people of Oregon and of Washington shall do locally, and when the people of Oregon and Washington shall determine what the people of New England shall do locally, we shall be practically at the end of this Government of ours.

We ought to pay some heed to the lessons of the past. There has never been in the history of the world such a confederation of sovereignties as that which exists in this Government of ours; but, Mr. President, there have been innumerable confederacies of a different character that have existed and flourished for years and then have fallen. I venture to say now—and history will bear me out—that in practically every case where there has been such a confederacy and it has been ultimately dissolved, it has been dissolved because of a failure to respect the rights of each individual member of the confederation.

No people in the world probably were better qualified at one time for self-government than were the Greeks. They organized a confederacy that lasted for a few years, and when it disappeared it disappeared because Athens, the great city of intellectual culture and of art, became the oppressor of the other members of the confederacy, who no longer felt that they were allies, but subjects. So, when the Persian power came down on Greece, those who were dissatisfied with the ruling power of their own confederacy either withheld their assistance from Athens or took the other side. Then the confederacy of Delos, perhaps the most remarkable in all history, disappeared simply because there was not that cohesion which is necessary to maintain, and always has been necessary to maintain, different confederacies or different national associations.

I am not particularly careful, perhaps, about the word "confederacy." It is quite immaterial whether we are a confederacy in the strict sense of the term. We have retained for the States the right to do certain things. We speak of these frequently as the police powers. There are certain things that we can not take away from the States, and we can not increase their rights. That is one of the things that is settled and distinctly understood.

I am not one of those who would minimize in the slightest degree the national power. I have believed for many years that in all questions appertaining to national affairs this Government of ours is as supreme as any other government in the world in times of war and in times of peace.

Mr. President, I remember a few weeks ago a distinguished member of the Supreme Court of the United States made a speech in the city of New York in which he said that the National Government is supreme in all things appertaining to nationality and the States are supreme in all things appertaining to the States. I intended to present that as an epitome of the real theory of this Government, but I mislaid my copy. It was the justice from Kentucky, Mr. Harlan, long on the bench, and who by his devotion to duty and his well-known patriotism has shown himself the peer of any man who has sat on the bench, in modern times at least. That ought to be the watchword. The Federal Government should exercise all of the powers necessary for the General Government; the State should exercise all the powers necessary for local administration and local affairs.

The proposition before us here to-day is to build a dam on a navigable river. I do not deny the power of Congress to authorize the building of a dam on a navigable river, with locks and canal so as not to obstruct navigation. It has been done on several occasions. It has been done in a number of cases recently. That is not the question. Should the Government of the United States authorize the building on its rivers of dams that in any way might interfere or disturb its constitutional right to control the navigation of the stream? We have fallen into an idea that if the lower waters of a river are navigable the river is navigable to its source. In other words, we have fallen into the idea that if the Government has control over the first 400 miles of a river, it ought to have control over the upper and farther end. That is not the law. Under the English rule, the civil law, rivers are navigable as far as the tide ebbs and flows and no farther. Our rivers are navigable just as long as a boat can traverse them, and the Supreme Court has so held.

Nobody in any of the States or in any section of the country denies the right of the Government of the United States to control the commerce of the rivers and the Great Lakes. The question is, Under what conditions must it be controlled? The Government may control them in every possible way that is necessary for commerce. In other words, the Government may control the agencies of commerce, but the Government has not any control over the river, nor has the Government any control of the land under the river.

I assert that as having been decided by the Supreme Court more than sixty years ago and repeated at least thirty times since, and I have here, and shall present before I get through, the law on the subject. How it happens that anybody in these days should suppose that the Government of the United States owns the waters and the rivers, navigable or nonnavigable, I can not conceive, in view of the fact that the courts have held for so long, and every law writer of any consequence in this country, taking Story, taking Kent, and all that class of men, have asserted the doctrine that the waters of a river and the waters of arms of the sea belong to the State and do not belong to the General Government. The Supreme Court very early determined that the right to fish, to plant clams and to gather them was to be controlled by the States and not by the General Government.

I wish to make another statement for which the authorities will bear me out. The Government of the United States can not obstruct a national river. I mean by a "national" river a river that is entitled to be called a "navigable" river. It has no more power to do that than a private citizen—not a particle. Whether I shall present authorities for that or not I am not certain, in the multiplicty of cases that I am going to call attention to, but it can be found in the decisions of the court and in the early law writers upon the subject.

Mr. President, I do not want to spend too much time, yet I must take a minute to call the attention of the Senate to the adjudications that have been made by the court. One of the last cases decided by the Supreme Court was that of the State of Kansas against the State of Colorado. It was not a very satisfactory decision in some particulars, but it decided some things positively. This is what is decided in that case: That the State may determine whether the old doctrine of the common law as to streams shall prevail or another and different rule; that this is a Government that can claim no powers not granted to it by the Constitution; the Government of the United States is one of delegated and limited and enumerated power. (See p. 13 of the opinion in pamphlet.)

It is still true that no independent and unmentioned power can pass to the National Government or can be rightly exercised by Congress. (P. 13 of pamphlet.)

Referring to the second paragraph of section 3 of Article VIII, which gives Congress power to dispose and make all needful regulations respecting territory and other property of the United States, the court says:

> But clearly it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over property belonging to the United States within their limits. (See p. 14.)

But the proposition that there are legislative powers affecting the nation as a whole, which belong to although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers (p. 14).

RECLAMATION.

The court sustains the reclamation laws because the Government is the owner of large areas of land within the States where the system is to be applied, and specifically declares that this system could not be applied to States where the Government did not own land (p. 16). But did not declare the water belonged to the United States and said nothing that can authorize its control by the Government as against the State.

But in sustaining the law of reclamation, the court says:

> We do not mean that its legislation can override State laws in respect to the general subject of reclamation (p. 16).

That the land under the streams navigable both above and below high tide belongs to the States, and, speaking of such lands, the court says:

> It properly belongs to the State by their inherent sovereignty. Such title being in the State, the lands are subject to State regulation and control, under the condition, however, of not interfering with national regulations concerning public navigation and commerce (p. 17).

Again, the court says:

> It (the State) may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the West of the appropriation of water for the purpose of irrigation shall control (p. 17).
>
> Congress can not enforce either rule upon any State (p. 17).

The court in Kansas *v.* Colorado decided that the States owned their own waters, and it decided also that if a State did not choose to recognize the old common-law riparian rights the State had the power to change the law. Perhaps I need not dwell on that, but it is important in determining what are the rights of our Western States when it comes to the question of irrigation. We have abolished in most of the Western States the doctrine of riparian rights. The constitution of Colorado and that of some other States, although I will not undertake to say now of which States, provide that the water of the State belongs to the people of the State, and is under the control of the State and is not under the control of the people owning the land abutting on the rivers or streams.

The Supreme Court in the Colorado-Kansas case say that that is a right which belongs to the States to determine. We determined that. Wisconsin determined in 1846, if I recollect correctly, that the water belonged to that State. I think every States in the Western country where the question has ever been presented has so declared. Wisconsin declared it by statute. I think I could quote some others, but I am not going to try it.

Mr. President, there is another thing that I want to call attention to, which I think is very essential for us to understand. The Western States which are now young in years are sometimes supposed to have come into the Union on conditions different from those attaching to the original thirteen States. The Supreme Court has declared again and again that every State is the equal of every other State under the law, just as we say here that every Senator is the equal of every other Senator under the law. It may be a new State; it may be the last State; it may be the smallest in population or it may be the greatest; it has no other rights than any other State, and it rests under no burden that every other State in the Union does not rest under.

When a State is admitted to the Union it is on an equal footing with the original States. This is usually, if not always, so declared in the act of admission, but if that is not done, the situation or relation of the new State is the same as the other States, and the Supreme Court of the United States has repeatedly so declared.

I believe that every State that has been admitted—certainly all that have been admitted since I have had any knowledge of the matter—has come into the Union with a declaration that it came in on an equal footing with the other States. The Supreme Court in 1842 declared that Alabama was admitted exactly like and had the same power and was under the same obligations as the other States which came in under the original compact—the thirteen original States. An effort was made to show that there were some reasons why Alabama might have come in on different conditions and might stand on a different footing from the others. The court laid it down squarely in a case I shall cite later that Alabama had the same rights, not because there was a difference in the condition, not because she had been ceded by Georgia to the United States, but because of the fact that all the States were to come in on equal footing when they came in, and every State should stand alike in power and in right.

Now, of course, in the original States there was no Government land. The old original States owned the land, or if they did not, the people inside the States owned the land. There was no public land in the old original thirteen States. Virginia had a very large tract of land that was ceded to the United States; Connecticut ceded; Massachusetts ceded some land to the United States. That was mainly or perhaps entirely in Ohio.

Mr. President, the United States became a great landowner, and that is what I want to call attention to for a few minutes. It became a great land proprietor. I find that a good many of our people in these days suppose the Government of the United States holds this land as a sovereign. The Supreme Court has said and repeated it again and again that this nation holds its land not as a sovereign, but as a proprietor. We do not tax the public land. We do not tax it because we stipulated that we would not tax it. Both Judge Sawyer and Judge Field, who were both Federal judges, but prior to being Federal judges were California judges, have declared that but for that provision saying we would not tax the land, the Government of the United States would be compelled by law to pay taxes on the land, because the land was not held to perform a Government function. If it had been, there would have been a different ruling on that subject. The Supreme Court has said it so often that it is hardly worth while for me to cite what they have said about it. I want to read just what was said in the California case by Judge Sawyer, who is now dead, but who, I think, we all recognize as one of the great lawyers of this country. Judge Sawyer, in the case of People *v.* Shearer (30 California, p. 658), said:

> If it had not been for the stipulation to the contrary in the act of admission, the United States might have been required to pay taxes on the land owned by it situate within the limits of California, like any other proprietor of land. The relation of the United States to the public lands since the admission of California into the Union is simply proprietary—that of an owner of the lands, like any citizen who owns land, and not that of a municipal sovereignty.

See also 5 Minnesota, State *v.* Batchelder, page 234; 2 Minnesota, Camp *v.* Smith, page 155; and 12 Iowa, Stockdale *v.* Treasurer of Webster County, page 538.

Judge Field declared it when he was on the State bench, and he reiterated it from the Federal bench.

If it is asserted that the United States as the proprietor of the public lands becomes the owner of the water of the nonnavigable streams flowing over or along its land, the Government has by its legislation authorized the appropriation and use of the water of such streams; and the courts of California and the United States have treated the prior appropriation of water on the public lands of the United States as having the better right than the subsequent appropriator, on the theory that the appropriation was allowed by license of the United States, and after 1866 by statutes of the United States. (Lux *v.* Hagan, 10 Pacific Reporter, p. 721.)

And if the State does not own the water of the nonnavigable streams, the United States, as owner of the public lands, must, under the common-law rule of riparian ownership, when it conveys its right to the soil, conveys its right to the water, and the holder of the patent becomes the owner, and the Government has by such patent ceased to be the owner of such water. (10 Pacific Reporter, supra, 722.)

Unless running water (not navigable) is reserved, it passes by grant or patent, supra.

Of course there has been an argument made and frequently made that because the King of Great Britain held all of the lands and the title was in the King, it must be that the Government of the United States, being the sovereign, held the land as the sovereign. It has been so often declared by the court to be otherwise, in accordance with the decisions I have just read, that contention must be abandoned. We can not draw any inference from the fact that the King of Great Britain could parcel out the land and even sell the land under the rivers and bays. That can not be done by the United States. Neither can it be done by the States, according to the rulings of the court. I want to read from Angell on Tide Water. This is an authority which at least in former times was considered entitled to credit. I do not know whether it is now or not, but it was fifty years ago when I was a law student.

> These inherent privileges are those of navigation and fishery, privileges which are classed among those public rights denominated "jura publica" or "jura communia." Those are contradistinguished from "jura coronæ" or the rights of the Crown. They are said to exist of common right, which, according to Sir Edward Coke, is only another epithet for common law. The common law of England is known by the various appellations of "right," "common right," "public right," and "communis justitia." When, therefore, it is said a man has a thing by common right, it is understood that he has it by common law. The common law is furthermore denominated common right because it is the common birthright or inheritance which people have for the protection and safeguard of their privileges. "And it is the excellency," says Sir Edward Coke, "of common law that the receding from the true institutions thereof introduces many inconveniences, and that the observation of it is always accompanied by peace and quiet, the end and center of all human laws." (Angell on Tide Water, pp. 22 and 23.)
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> The right of property in tide waters, and in the soil and shores thereof, is "prima facia" vested in the King, to a great extent at least, as the representative of the public. To such an extent that to the right of navigation and fishery he has no other claim than such as he has as protector, guardian, or trustee of the common and public rights. Hence, the King has no authority, and since "magna charta" has never had, to obstruct navigation or to grant exclusive rights of fishing in an arm of the sea. (Angell on Tide Water, p. 22.)
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> And by the law of nations the use of the shore is also public, and in the same manner as the sea itself, and for this reason any person is at liberty to place a cabin there, in which he may harbor himself, and for the like reason to dry nets and draw them from the sea. By the common law, the waters of the sea and the shores of the same are as much subject to public use as they are by the civil law; but the essential difference above referred to between the two relates to what is just mentioned as the doctrine of the civilian, viz, that such waters are the property of no one. The policy of the common law is to assign to everything capable of occupancy and susceptible of ownership a legal and certain proprietor, and accordingly make those things which from their nature can not be exclusively occupied and enjoyed the property of the sovereign. The King in England is regarded as the universal occupant, and the presumption is that all property was originally in the Crown. Hence, it is said that all lands are holden mediately or immediately from the Crown, and that the King has the "absolutum et directum dominium"—a fiction of law adopted not for the aggrandizement of the throne, but for the benefit of the subject. (Angell on Tide Water, p. 22.)

Every reader of history knows that the King was not the original owner of the soil. The original owner of the soil in Great Britain and for a thousand years after the Romans settled in it were the people who occupied it and used it.

In the case of Smith *v.* Maryland (18 Howard, p. 74), Justice Curtis said:

> Whatever soil below low-water mark is the subject of exclusive propriety and ownership belongs to the State on whose maritime border and within whose territory it lies, subject to any lawful grants of that soil by the State or the sovereign power which governed its territory before the Declaration of Independence. * * *
>
> But this soil is held by the State not only subject to, but in some sense in trust for the enjoyment of certain rights, among which is the common liberty of taking fish, as well shellfish as floating fish.

While the State may own and does own the lands under these tide waters, it can not part with them in such a way as to interfere with the navigation of the waters.

In the case of United States *v.* William G. Cornell (2 Mason, p. 60), opinion by Justice Story, is found the following:

> The purchase of lands by the United States for public purposes within the territorial limits of a State does not of itself oust the jurisdiction or sovereignty of such State over such lands so purchased.

Mr. President, I want to show before I get through that the withholding of land from sale does not give the Government of the United States any right over it except that of a proprietor, except under that provision of the Constitution which authorizes Congress to dispose of and make all needful regulations.

Justice Story says further:

> Exclusive jurisdiction is the necessary attendant upon exclusive legislation. The Constitution of the United States declares that Congress shall have the power to exercise "exclusive legislation" in all "cases whatsoever" over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

There is not a man here who does not know that the fact that the Government has the title to the soil does not give it exclusive rights to govern it and does not deprive the State of its jurisdiction over it, because the courts have settled that often, as I shall show before I get through.

Justice Story continues:

> When, therefore, a purchase of land for any of these purposes is made by the National Government, and the State legislature has given its consent to the purchase, the land so purchased, by the very terms of the Constitution, ipso facto, falls within the exclusive legislation of Congress, and the State jurisdiction is completely ousted.

The United States may build a building, putting in any amount of money it may choose, and the State jurisdiction is not lessened or impaired in the slightest degree unless the State so declares it shall be. Justice Story also said—this is a declaration which I have no doubt some of our friends would question, but I believe it is the law, and I believe it can be supported—

> For it may well be doubted whether Congress are, by the terms of the Constitution, at liberty to purchase lands for forts, dockyards, etc., with the consent of a State legislature where such consent is so qualified that it will not justify the "exclusive legislation" of Congress there.

We have taken some land, you know, the State reserving to itself a quasi jurisdiction over it, and Story says in this very case I have cited that it is doubtful whether the Government can hold it under that quasi relation, but the Supreme Court, in what I shall call the "Leavenworth case," which I will cite later, held that such could be done.

Mr. President, fifty years ago Chancellor Kent was supposed to be good authority for almost any proposition of law. I myself doubt whether there has been any man in the United States since his death who was better qualified, or as well qualified, to determine questions of this character. In his lecture on real property he says:

> The sovereign is trustee for the public, and the use of navigable waters are inalienable. But the shores of navigable waters and the soil under them belong to the States in which they are situated as sovereigns. (3d vol. Kent, 13th ed., p. 427; Pollard *v* Hagan, 3 Howard, 212; Canal appraisers, 17 Wendell, 571; Gavit *v.* Chambers, 3 Ohio, p. 496.)

Mr. President, I do not want to take up the question and distinguish very much our condition in those States from some others. I am speaking now of the arid West. Our condition is different from what it is in other parts of the country. There are some sections in the State of Colorado that were under irrigation before Columbus discovered America. There are plenty of lands in the Territory of New Mexico and some in the Territory of Arizona that had been watered and cultivated under the laws then existing, crude as they may have been, long before Columbus sighted land in his famous voyage.

The use of water for irrigation in the arid region is a natural want, and the supreme court of the State of Ilinois, in the case of Evans *v.* Merriweather (3 Scammon, 495), where irrigation has never been very practical, says:

> In a hot and arid climate water, doubtless, is absolutely indispensable to the cultivation of the soil, and there water for irrigation would be a natural want.

I want Senators to keep that in mind. There is not a Western State that has not thousands of acres which, while the climate may not be torrid, fall under that description, and the use of water there for irrigation is a natural want.

In Evans *v.* Merriweather (3 Scammon, p. 495), the court said as I have read. Then the court adds, on page 496:

> From these premises would result this conclusion: That an individual owning a spring on his land, from which water flows in a current through his neighbor's land, would have the right to use the whole of it, if necessary, to satisfy his natural wants. He may conserve all the water for his domestic purpose, including water for his stock.

So far, then, as natural wants are concerned, there is no difficulty in finding a rule by which riparian proprietors may use flowing waters to supply such natural wants.

Mr. President, that is the law in a country where the riparian doctrine is in force.

Mr. PILES. Will the Senator permit me to interrupt him for a moment?

Mr. TELLER. Certainly.

Mr. PILES. I would just like to ask the Senator if I am understanding him correctly. I understand the Senator to make the point, or he is leading up to the point, that it is not within the power of Congress to charge for water taken out of the navigable rivers of the United States for irrigation purposes.

Mr. TELLER. I will say that that is my position, and I will demonstrate before I get through that it is absolutely absurd for Congress to claim the right to charge for water.

Mr. PILES. I am not antagonizing the Senator's position. I just wanted to get his line of thought as I thought I had it in my mind.

Mr. TELLER. I understand. I am going even further, for I am going to say it is absolutely not in the power of this Government of ours to prevent a citizen of my State from using the water for his natural wants, and that is irrigation. The Government might control it when we were a Territory, as they attempted to do, and did do. The Government may control how the water shall be carried across its lands; but when it comes to the beneficial use, the State only can determine how it shall be used and what use shall be made of it.

Mr. PILES. Then, as I understand the Senator, he takes the position that it is not within the power of Congress to exact a charge for water taken out of a navigable river for either power or irrigation, or, in fact, for any other purpose; he contends that that power belongs solely to the State.

Mr. TELLER. The Government has not the slightest interest in the water, not even in the navigable waters.

Mr. PILES. I get the Senator's position.

Mr. TELLER. The court has said that all the Government has in navigable water is an easement, the right to run a ship or a boat over it, the right to see that it is not obstructed. Of course that follows its right to regulate commerce.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER (Mr. DILLINGHAM in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. TELLER. I do.

Mr. PERKINS. May I ask the Senator from Colorado his construction of the law or if the courts have decided it in a case where the source of a stream is in one State and it flows through that State into another State or another Territory? Has the first State a right to appropriate the water and to deprive the second State through which the stream passes of the water?

Mr. TELLER. The court has held the right of the people of the State to use the water. There has not been a case, I will admit, where all the water has been appropriated, but the case that I cited from 3 Scammon, Evans *v.* Merriweather, holds that the man who has a running stream through his farm may use it all and let his neighbor go dry.

In England and in Massachusetts a man may, by appropriation, which is supposed to mean a grant originally, take out the water of a stream and absolutely control it to the extent that nobody else has anything to do with it. He can build a mill race, and if he has held it twenty-one years in New England and twenty-one years in England he becomes the absolute controller of that water.

Mr. President, much more is that the case in a country where the whole question depends as much upon water as upon air. You could no more live on thousands and thousands of square miles belonging to the United States unless you could put water on it than you could live if the air should be taken away. To take away the water would be equivalent to taking away your life.

Mr. PILES. I should like to ask the Senator from Colorado if he contends that it would be within the power of a neighboring State, subject to the paramount right of navigation, to dispose of the waters of a river flowing through the State to such an extent that there would remain no water in the adjoining State which might be used or disposed of by that State for irrigation or power purposes, because there would not be sufficient water, we will say, remaining in the river for that purpose without disturbing the navigation of the river?

Mr. TELLER. If the use of water for irrigation is a natural want, then the first appropriator may use it all, even to the destruction of those differently situated persons, just as you may save your life even at the expense of another.

That brings me to the question of what Congress has a right to do and what Congress would do if such a thing occurred. That question has never yet arisen. It probably never will arise.

Mr. PILES. I merely want to get the Senator's view on that point.

Mr. TELLER. I will take the Arkansas River. It runs a couple of hundred miles in Colorado; it runs down into Kansas, then it runs into Arkansas, and then it runs into the Mississippi and into the sea. That is not a navigable river until you get into lower Arkansas and in the Indian Territory. Then it becomes a navigable river.

This question might be presented, Mr. President. I want to be fair about it. Suppose that was a navigable river on which there was a great commerce up near Oklahoma, say, in the Indian Territory, and suppose Kansas and upper Arkansas and Colorado should use all the water so that there was no water along in that river. Then it would be a question as to what, under the power to preserve commerce, the Government could do. What do you suppose, Mr. President, a government would do? You must presume that whenever you legislate in Congress you legislate with respect to the interests of the whole people—the greatest good to the greatest number. If you have a million people in Kansas, a million people in Colorado, and a half million more perhaps in Arkansas using this water, would anybody suppose that the United States, unless there was a tremendous necessity for it, would intervene and say you could not use that water? Would you make it a desert? That is the question the Supreme Court put the other day in the Colorado case. They did not decide it; they only said that is where it might go. We have not got there because we have never used all the water of that river; it has run across into Kansas. We have minimized it, they say, somewhat; we have not destroyed it; but in ten years after the irrigation begins the river where it crosses the line will be a larger river than it was before, except in flood time.

Mr. President, I will be diverted a moment just to mention one thing that has happened in my part of the country. We have an irrigating country. We have irrigated there for forty-five years. I do not like to bring myself particularly into evidence in a matter of this kind, but I have had absolute, actual, positive knowledge of irrigation for almost fifty years. I have seen water spread out on the land, and I have seen the desert where there was not grass enough to keep a goat on an acre selling for $200 an acre because of its fertility by the use of water. This is in the State of Colorado. Our farmers this year had $11,000,000 paid to them for beets that they have raised on irrigated land. Twenty million dollars will be paid in Colorado this year, and not a beet would have been raised, not a pound of sugar would have been made, except for the fact that we were allowed to use the water that flows down eventually into the Mississippi River and thus goes into the sea.

Could a better use be made of it, Mr. President? We have built up there a civilization that has no superior on the American continent. From Denver to Fort Collins, 75 miles, there is an unbroken farm. I doubt whether there is to-day another equal area in the United States that would sell for as much money or that will produce as much to the men who till it. Without water, I repeat, it would be a desert. I have seen it when it would not produce anything but the wild grass, and not much of that.

I am not going to be anxious as to what will happen when we have used up all the water, because we know that Congress will never make a desert of a country like that in order that a few boats may run on the lower Arkansas River. I do not know but the Government could do it, but a government that would do that would not last very long, in my opinion.

Mr. President, I did not intend to take up the irrigating question, but I am brought into it by the suggestion made by the Senator from Washington, which is one that has presented itself to me many times. I prepared an article on that subject. I said when we have destroyed the commerce on any river, then it will be time enough for the Government to complain, and then the question will be, What will the Government do? I assume that it would do what an individual would do. If an individual owned the whole property, he would preserve that which was the most beneficial to the human race.

Mr. President, we are met now by the claim that the Government of the United States owns the water in the State of Colorado; that the Rio Grande River, a river running into the Gulf of Mexico, is under the control of the United States. I deny that. I deny that the Government of the United States has any control over the water that is in the State. It has of

course absolute control over the water of the Territory of New Mexico, and that question probably will be presented some day. There is a little boat down on the lower Rio Grande River running up 70 miles from the Gulf once a week. Mr. President, there is more for human happiness in a square mile of irrigated land in New Mexico than there is in running a boat once a month or once a week or once a day on that river. The great interest of the agriculturists will give way when the time comes, if it ever does come, not while the people are sane, but only when power shall simply desire to exercise itself to show what it can do. That time will never come, in my opinion, in the Congress of the United States.

Mr. President, I have been somewhat diverted, but I do not know that I care; it gives me at least an excuse for saying some things that perhaps I would not otherwise say. I appeal to some Senators who hear me. I know that they have seen the same things that I have. I know that the California Senators have seen it. I know that they have seen a country made a garden where it was a desert. I have been in the Territory of Arizona and I have seen where there was no more grass on an acre than there is on this floor to-day, and yet I have seen in ten or twelve years the country blossom. I have seen fine roses; I have seen lemons, oranges, figs, grapes, and dates growing where a few years ago there was an absolute desert.

Mr. President, one-third of this whole country must be irrigated, and when it is irrigated that third will produce more that goes to make life endurable in the country than the remaining two-thirds. In the country west of the Mississippi River, not all arid, but more than three-fourths of it arid, we produce more than one-half of the wheat of the United States. We produce more cattle than any other section of the country. We produce more sheep. We produce nine-tenths of the wool that is produced. Are you going to dedicate a country like that to silence and solitude because the Government of the United States has control of the waters? I deny that the Government has control, and I deny, too, that you would do it even if the Government had control. Our safety lies, and we intend to stand by it, in holding that the water belongs to the State and that we mean to keep it.

Mr. President, I want to cite another authority as to the proprietorship of the United States simply in its lands. If the Government of the United States is the sovereign and holds it by sovereign power, then we are the serfs of the General Government. We are not.

I have another California case. I cite this, for that was the first section of the country where irrigation began in earnest, except the little that was in New Mexico, Arizona, and in southern Colorado, which was exceedingly small and of but little value. As I said, undoubtedly that had been in existence long before the discovery of America.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Colorado to the fact that irrigation in the Western country began in my own State before it did in any other State, before it did in California. As early as 1847 the people of Utah were successfully irrigating their land.

Mr. TELLER. Mr. President, I overlooked that, because the Utah people did not make quite as much noise over it as our friends from California did.

Mr. SUTHERLAND. We never do.

Mr. TELLER. But, Mr. President, I can testify in support of my friend from Utah. I saw almost fifty years ago the irrigation of Utah. It was the first large irrigation I had ever seen, or which, I think, perhaps, at that time, any American had seen, because California was really a cattle country for many years and not an agricultural country.

What I have said about Colorado as to prosperity may be said about some parts of Utah, and many parts of it, too, for that matter.

Judge Sawyer, in the case of Woodruff *v.* North Bloomfield Gravel Mining Company (18 Federal Reporter, p. 772) said:

> Upon the cession of California by Mexico—

Mr. President, I cite this because some people will say, as I have heard it said:

> Why, of course there is a difference between the land that was ceded by Virginia to the Government and the land that the Government got from Mexico.

I want to show that the doctrine is the same:

> Upon the cession of California by Mexico, the sovereignty and the proprietorship of all the lands within its borders, in which no private interest had vested, passed to the United States. Upon the admission of California into the Union, upon an equal footing with the original States, the sovereignty for all internal municipal purposes, and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States, passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land.

Mr. President, that has been the law repeatedly declared in other cases. Again, it was said in the same State, but in the Federal court, by the Supreme Court of the United States:

> This is a Government by law and not by men.

By this it is meant that the Government must be administered by laws enacted by the proper authority—that is, by the legislative department.

This means that no man, whatever his position may be, can substitute his will or his opinion for the law. If he is an executive officer he must be governed by law. He must act in accordance with the law as declared by the legislative department.

The ninth circuit court has said:

> As to nonnavigable waters, Congress has nothing to do with them beyond the rights of the United States as a riparian proprietor, which are the same as the rights of other riparian proprietors, except it might limit the right of purchase from the Government of lands owned by it and sold subsequent to the passage of the act under which such land sales were made. (Woodruff *v.* The Bloomfield Gravel Co., 18 Fed., p. 772.)

Speaking of the admission of California as a State, the judge said:

> Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admittted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stands upon the same footing as private owners of land.

The United States, in the disposal of its lands, acts as a proprietor and not as a sovereign.

In the case of Pollard's Lessees *v.* Hagan, which I have before cited, the Supreme Court said, speaking then of this provision, but in the State of Alabama, that they would not interfere with the primary disposal of the soil by the Government and would not tax. That has since been put in all the States, I guess, where there was any public land, at least. The court says:

> This authorized the passage of all laws necessary to secure the rights of the United States to the public lands and to provide for the sale and to protect them from taxation. (3 Howard, 225, or 15 U. S., 397.)

With the admission of a State the navigable waters of the State and the land under them became the property of the State, and also the nonnavigable water became subject to the sovereignty of the State and not that of the nation. The General Government can only exercise sovereignty when the Constitution provides it may or it follows logically from provisions of the Constitution.

The Supreme Court, in the case heretofore cited of Pollard *v.* Hagan, declared that—

> The National Government does not hold the public lands by municipal sovereignty it may be supposed to possess or have reserved by compact with the new State for that purpose. (3 Howard, 227, or 15 U. S., 396.)

It may be claimed that the case of Pollard *v.* Hagan is not in point, because Georgia had made a cession of part of its territory for the purpose of creating the State of Alabama, but the United States had claimed the lands of Alabama by virtue of the purchase from France in 1803.

The Supreme Court of the United States, after considering the question of the right of the Government of the United States to the lands in Alabama, says, in the case of Frank *v.* Neilson (2 Peters, 309; 15 U. S., 116):

> So that Alabama was admitted to the Union as an independent State in virtue of the title under the treaty of April, 1803.

The court declared that the Government held the lands just as it held other lands, and there was no exception, and the court declared also, over and over again, that the United States held them in trust for the public. I call attention to the summary in this case. It is a very long case. This is the case of Pollard's Lessee *v.* Hagan et al., decided in 1845 by the Supreme Court of the United States, which will be found in 3 Howard, page 230. The court says, after a considerable discussion and argument:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States.

This was the original declaration of the supreme court of Alabama, which the United States court took up and approved:

> Third, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case. The judgment of the supreme court of the State of Alabama is therefore affirmed.

Mr. President, I have here a good deal of material that I am going to skip. I shall be glad if any Senator would like to look over it any time to furnish him a list of authorities I have not time to read. I have furnished it to some of my acquaintances.

Mr. PILES. I suggest that the Senator put them in the RECORD, anyway.

Mr. TELLER. I will put in enough of them. I can cite, I think, at least forty decisions of the Supreme Court practically to the same effect. The courts have spent a good deal of time determining what was a shore and what were the rights of the abutting landowners, and so forth. I do not care to go into that, because while I believe California still maintains the riparian doctrine, that is, I think, the only Western community that does. I do not know about Washington, but I know that Montana and Idaho and some other States do not.

I have tried to select a few of these, so as to show that it was not the same judge making the same decisions, but that different judges were passing upon this question, all coming out at the same place.

Chief Justice Waite, in the case of McCready *v.* Virginia (94 U. S., p. 394), said:

The precise question to be determined in this case is whether the State of Virginia can prohibit the citizens of other States from planting oysters in Ware River, a stream in that State where the tide ebbs and flows, when its own citizens have that privilege.

This is a navigable water.

The principle has long been settled in this court that each State owns the beds of all tide waters within its jurisdiction, unless they have been granted away. (Pollard's Lessee *v.* Hagan, 3 How., 212; Smith *v.* Maryland, 18 How., 74; Mumford *v.* Wardwell, 6 Wall., 436; Weber *v.* Harbor Commissioners, 18 id., 66.) In like manner, the States own the tide waters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. (Martin *v.* Waddell, 16 Peters, 410.)

This is taken from the decision:

The title thus held is subject to the paramount right of navigation, the regulation of which, in respect to foreign and interstate commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide waters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation.

Mr. Justice Field, speaking of the condition of California, in the case of Weber *v.* Harbor Commissioners (18 Wallace, p. 65), said:

Although the title to the soil under the tide waters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the original States, absolute property in and dominion and sovereignty over all soils under the tide waters within her limits passed to the State, with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the General Government.

Not many members of the Senate were born when this decision I am going to read was made. In the case of Corfield *v.* Coriel, reported in the Fourth Washington Circuit Reports, opinion by Justice Washington, the court says (p. 379):

The grant to Congress to regulate commerce on the navigable waters belonging to the several States renders those waters the public property of the United States, for all the purposes of navigation and commercial intercourse, subject only to Congressional regulation. But this grant contains no cession, either express or implied, of territory or of public or private property. The "jus privatum" which a State has in the soil covered by its waters is totally distinct from the "jus publicum" with which it is clothed. The former, such as fisheries of all description, remain common to all the citizens of the State to which it belongs, to be used by them according to their necessities or according to the law which regulates their use.

In the case of Mumford *v.* Wardwell, in 1867 (6 Wallace, 435 and 436), the Supreme Court held, in a case that came from California, as follows:

California was admitted into the Union September 9, 1850, and the act of Congress admitting her declares that she is so admitted on equal footing, in all respects, with the original States.

I think that is found in every act of admission—

The settled rule of law in this court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders.

When the Revolution took place the people of each State became themselves sovereign—

Mr. President, you want to keep in mind that there was no sovereign that had the power over all these colonies. The court continues—

and in that character hold the absolute right to all their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution.

Necessary conclusion is, that the ownership of the lot in question—

which was under water—

when the State was admitted into the Union, became vested in the State as the absolute owner, subject only to the paramount right of navigation. (6 Wallace, pp. 435–436.)

That is the Alabama case, where they had filled up the river and made the land.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. TELLER. I do.

Mr. PERKINS. I would state to the Senator from Colorado the fact, which he will remember, that in making appropriations—and I have been associated with him upon committees—that he has always insisted in every case of a proposed improvement bordering on tide lands or overflowed lands, that there should be an easement granted by the State to the General Government.

The Navy Department of the Government especially has declined in numerous instances in California to make an expenditure for a naval station, as has the Treasury Department, for light-house stations and other fortifications in California, until the easement of the State to the overflowed or tide lands is ceded to the General Government.

Mr. TELLER. Mr. President, that is a fact, because we have been of the opinion that the State had control over those waters, of course subject to the right to pass over the navigable waters; but that the land adjoining those waters, which was necessary for the use of the Government in connection with its work, belonged to the States and must be ceded by the States.

As I have said, Mr. President, the court has held in two or three cases—and one of those I shall probably cite if I do not overlook it—that the only authority the Government has got is to regulate the agencies of commerce on the rivers—that they have no title in the water; in other words, the courts say the Government has an easement on the water; and that is all there is of it.

Mr. President, I ask leave to put in some of this matter without reading it, if no one objects.

The VICE-PRESIDENT. Without objection permission is granted.

The matter referred to is as follows:

By the English common law a river is navigable as far as the tide flows, upon the theory that it is a part of the sea.

This doctrine was all right in England, where the rivers are short and where the tides flow even above where they are navigable in fact. But in the United States rivers are navigable in law as far as they are navigable in fact, and no attention is paid to whether the tide flows or not.

By the English common law the Crown owns the land covered by the water of navigable streams in trust for the public use.

According to the English common law every river is navigable as far as the tide ebbs and flows and it is a royal river and belongs to the King by virtue of his prerogative, but in every other river, even if navigable in fact, there the King's prerogative does not attach, but the right of public use does attach. They are, as the authorities declare, "under the servitude of the public interest," to be used as water highways. They are public rivers, not as to their shores or the land under them, for these are in the riparian proprietors, but only in reference to public use.

At common law land bounded by a river extends to the center of the stream. In Alabama the streams that are navigable in fact the owners of land bound upon it can not assert their right to the soil under the stream.

The right of navigation under both civil and common law is a paramount right. This right is so important that even the sovereign can not obstruct it, nor can the United States.

The King of England can not assert his prerogative to obstruct navigation.

What is the shore?

A piece of land bounded on the shore of the sea or a river.

By the civil law the shore is where the highest tide comes or where the greatest wave extends during the winters.

By the common law the shore is the point where the ordinary tide stops. The shore of a river is at common law the point of ordinary flow.

In Massachusetts the shore is where the sea stands at ordinary times. In the United States admiralty jurisdiction extends to water in fact navigable.

It is a well-established principle of law that nothing passes as incident to an easement but that which is requisite to a fair enjoyment of the right. (5 Mason, 195, 3 Kent Commentaries, 432; Commissioners of the Canal Fund *v.* Kemshall, 26 Wendell, 414.)

Chief Justice Shaw said: "We can not doubt that navigable streams may cease to be such by appropriation of the soil under legislative authority to other purposes." (Commonwealth *v.* Charlestown, 1 Pickens, R. 180.)

The General Government has the right to regulate commerce, and so forth, as provided in paragraph 3 of section 8 of the Constitution, but this does not give Congress any title to the agencies of commerce, rivers and lakes, any more than it does to the railroads of the country.

All that Congress is authorized to do is to regulate commerce, and the control of Congress is limited to the exercise of such powers as are necessary to regulate commerce. The State owns the lands under navigable waters.

The Supreme Court of the United States in the case of the City of Mobile *v.* Eslava (16 Peters, p. 277) says:

The United States then may be said to claim for the public an easement for the transportation of merchandise, etc., in the navigable waters of the original States, while the right of property remains in the States.

The original States possessing this interest in the waters within their jurisdictional limits, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers. To recapitulate, we are of opinion: First, that the navigable waters within this State have been dedicated to the use of the citizens of the United States, so that it is not competent for Congress to grant a right of property in the same. * * *

In Martin et al. *v.* Waddell, the court said:

When the Revolution took place the people of the Eastern States became themselves the sovereign, and in that character hold the absolute right to all the navigable waters and the soil under them for their own common use, subject only to the right since surrendered by the Constitution of the United States to the General Government. (16 Peters, 411.)

In the act of Congress providing for the admission of Alabama as a State Congress provided that certain things should be included in the Constitution, as follows:

That the people of Alabama forever disclaims all right and title to the waste or unappropriated lands lying within the State, and that the same shall remain at the sale and disposition of the United States.

Also, that all navigable waters within the State shall forever remain public highways, free to the citizens of that State and the United States, without any tax, duty, impost, or toll thereon imposed by that State.

These provisions were inserted in the constitution of Alabama, which was approved by Congress by a resolution adopted December 14, 1819, in words as follows:

Resolved, That the State of Alabama shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever.

Mr. TELLER. Speaking of the compact which was made that Alabama should not tax the land, and so forth, the court continues:

This supposed compact is therefore nothing more than a regulation of commerce to that extent among the several States and can have no controlling influence in the decision of the case before us. *This right of eminent domain over the shores and the soils under the navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it.* To give to the United States the right to transfer to *a citizen the title to the shores and the soils under the navigable waters would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty and deprive the States of the power to exercise a numerous and important class of police powers.* (See p. 230.)

And the court concludes as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public lands, and the power of Congress to make all needful rules and regulations for the sale and disposition thereof, conferred no power to grant to the plaintiffs the land in controversy in this case.

The Supreme Court of the United States said in 1842, in the case of Martin *v.* Waddell (16 Peters, p. 411; 14 U. S. Repts., p. 349):

When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soil under them for their common use, subject only to the rights since surrendered by their constitutions to the General Government.

If the States took the absolute title to the navigable waters, they certainly did to the nonnavigable waters.

Congress can not interfere with waters of a State, except it may be necessary to protect the navigability of a navigable stream, and the courts have held that that provision of the Constitution did not give the Government any title to or control over the waters of the rivers in the States.

I do not care to enter into any discussion here, but I think that will be admitted. If the Government did not have any title to waters upon which it runs its ships, it certainly did not over trout streams that run into and make up the river.

The Supreme Court of the United States, in 16 Peters, said:

The United States may be said to claim for the public an easement for the transportation of merchandise, and so forth, in the navigable waters of the original States, while the right of property remains in the States. (See Mobile *v.* Eslava, 16 Peters, 253; 14 U. S. Repts., p. 277.)

The court in the last-cited case says:

The original States possessing this interest in the waters within their jurisdictional limit, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers.

Mr. PILES. Will the Senator permit me to call his attention to one fact?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Washington?

Mr. TELLER. I do.

Mr. PILES. In that connection I should just like to call the attention of the Senator from Colorado to the fact that the State of Washingon, at the time it adopted its constitution, did not take any chance on its ownership in the beds, shores, and so forth, of the navigable streams of that State.

Mr. TELLER. I shall be glad to have the Senator read the provision.

Mr. PILES. The provision of the constitution of the State of Washington is as follows:

SECTION. 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the tide of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes.

That is along the idea which the Senator from Colorado has been discussing.

Mr. TELLER. The court also stated in the case I have just cited—that of the city of Mobile *v.* Eslava:

That such rivers (navigable rivers) are common for navigation and commerce in the widest sense is free from doubt—that Alabama has jurisdiction and power over them the same as the original States have over their navigable waters is equally clear. (Mobile *v.* Eslava, U. S. Rept. 14, p. 279.)

In the same case, on page 259, the court said:

That each and all of the States have sovereign power over their navigable waters above and below the tide no one doubts. (282 U. S., 14.)

The State may bridge and dam navigable streams if Congress has not declared them navigable waters. This the State is not likely to do if such bridge or dam destroys the navigability of the stream. (See Wilson *v.* Blackbird Creek, 2 Peters, p. 245; Gilman *v.* Philadelphia, 3 Wall., p. 713, and Pound *v.* Turck, 95 U. S., p. 459.)

The courts have held that the exercise of such power by the State is not inconsistent with the object for which the Federal Government was established.

Mr. President, it may be inquired how the original States got these rights. Some of them got them by virtue of their charters. Some of them assumed such rights simply as sovereign States, and you can not trace them back—at least I have not been able to do so—to any authority in some of the colonies that became States. Some of the old colonies asserted that right because there seemed to be a notion that it belonged to the sovereign in England; that it belonged to the King. Take Connecticut. It did not have a charter at all. If it did, I do not remember what it was.

Mr. BACON. Oh, yes.

Mr. TELLER. I think Connecticut had a charter that was taken away.

Mr. BACON. The Senator will recall the story of the Charter Oak.

Mr. TELLER. Mr. President, Rhode Island did not have a charter. Rhode Island was settled by a lot of tramps, who went there carrying with them their notions of free government and all that. When the trouble came Rhode Island, although small in extent, was just as big in law as any of the other States.

In the case of Mobile *v.* Eslava (16 Peters, p. 253) the Supreme Court says:

That the original States by their colonial charter had the right of *property in bays and arms of the sea.* This they *retained*, and it can *only be interfered with* by the Federal Government under their right to regulate commerce so far as to furnish a free navigation. The United States, then, may claim for the public an easement for transportation of merchandise, etc., in the navigable waters of the original States, while the right of property remains in the States.

The court also says in the Mobile case:

That each and all the States have sovereign power over the navigable waters above and below the tide, no one doubts. (See p. 259.)

If sovereign over navigable waters, is there any reason to say the States are not sovereign over the nonnavigable waters? How did the States retain their right? They retained it by withholding it from the General Government.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. TELLER. I do.

Mr. SUTHERLAND. I do not want to interrupt the course of the Senator's argument.

Mr. TELLER. You will not interrupt me at all; it will not interfere with me.

Mr. SUTHERLAND. If the Senator's argument that far is sound—and, personally, I want to say to the Senator that I am in entire sympathy with him—I want to ask whether it does not inevitably lead to the final conclusion that the only authority which the General Government has in the matter of granting the right to build dams, bridges, and so on, across navigable rivers is simply to see that the right of navigation is protected, and that the General Government has absolutely no authority or power whatever to charge a fee to any person or corporation either for the use of the water for irrigation or for the generation of power or for any other purpose?

Mr. TELLER. Certainly. The Government can not control the water of the Mississippi River, for instance.

Mr. SUTHERLAND. I want to ask the Senator further, if that is so with reference to navigable streams, whether or not his argument will not apply all the stronger to the case of nonnavigable waters, such as exist in the irrigation States?

Mr. TELLER. Undoubtedly. There is not a provision in the Constitution anywhere that would indicate that anybody supposed the General Government would have anything to do with such waters or their shores or the land under them. All the Government can do is to regulate the commerce on the streams. The Constitution does not say "commerce on the streams," but at that time there was no commerce at all except what was on the water, the rivers, lakes, etc.

Mr. President, I will not stop to read the decision, but the Supreme Court of the United States has declared that the soil in front of Chicago under the navigable waters of Lake Michigan is the property of the State of Illinois, and not of the United States.

The Senator from Utah calls my attention to the difference between nonnavigable and navigable streams. As I said, under the English law waters are navigable just to the extent that the tide ebbs and flows. The Supreme Court of the United States settled that question many years ago.

They said that doctrine would not answer our purposes; that it was a question of fact; that if, for instance, the Mississippi River was navigable to St. Paul the river would still be under the control of the Government under the commerce clause; in other words, that the admiralty jurisdiction of the United States attached to matters arising in those waters. But the Supreme Court has repeatedly held—the most recent case is the case of Escanaba *v.* City of Chicago, decided in 107 United States, although there is another case in 3 Wallace, the case of Philadelphia *v.* Gilman, of the same general character. This was a Pennsylvania case. In the Escanaba case the court went into the question pretty extensively, and held that until Congress had declared that the river was navigable the State might bridge it. They made that decision largely on what was called the "Blackbird Creek case," which was decided at least sixty-five years ago, the decision being rendered by Chief Justice Marshall. In that case a town in Delaware, or the State of Delaware, had put a bridge across Blackbird Creek. It was a navigable stream, but it had never been declared by the United States to be navigable, and the attempt to take the bridge down was resisted. The court held that until Congress had declared that that was a navigable stream they would not interfere.

Afterwards in the State of Wisconsin some people built a bridge over the Chippewa River. It was a navigable river. There was not any question about that at all. They were indicted and brought into court, but the Supreme Court of the United States held that they had committed no offense; that inasmuch as the State authorized them to build the bridge, they could build it, unless Congress had intervened and said they should not build it.

Mr. President, if I should attempt to read all of these cases I think I should be here until to-morrow morning, and I do not want to do that. I desire, however, to cite the case of the Illinois Central Railroad Company *v.* Illinois, decided in 1892 by the Supreme Court of the United States, and reported in 146 United States, page 435. The court says:

> It is the settled law of this country that the ownership of and dominion and sovereignty over lands covered by tide waters, within the limits of the several States, belong to the respective States within which they are found, with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has been often announced by this court, and is not questioned by counsel of any of the parties. (Pollard's Lessee *v.* Hagan, 3 How., 212; Weber *v.* Harbor Commissioners, 18 Wall., 57.)

This case arose with reference to the lake front at Chicago, and they held that it belonged to the State. The court also states, on page 452:

> That the State holds the title to the lands under the navigable waters of Lake Michigan within its limits, in the same manner that the State holds title to soils under tide water, by common law, we have already shown, and that title necessarily carries with it control over the waters above them whenever the lands are subjected to use. But it is a title different in character from that which the State holds in lands intended for sale. It is different from the title which the United States hold in the public lands which are open to preemption and sale. It is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein, freed from the obstruction of interference of private parties.

That is the language of the court. Again, on page 454, the court holds that while the State holds the land under the rivers and lakes, and control over the same, yet the State can not part with its title to such an extent as to prevent the public use of such property. The court says:

> The harbor of Chicago is of immense value to the people of the State of Illinois in the facilities it affords to its vast and constantly increasing commerce; and the idea that its legislature can deprive the State of control over its bed and waters and place the same in the hands of a private corporation—

That is what the State undertook to do—

> created for a different purpose, one limited to transportation of passengers and freight between distant points and the city, is a proposition that can not be defended.

Again, on page 459, the court say:

> The soil under navigable waters being held by the people of the State in trust for the common use and a portion of their inherent sovereignty, any act of legislation concerning their use affects the public welfare. It is therefore appropriately within the exercise of the police power of the State.

On page 434 the court say:

> The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. Such was one of the conditions of the cession from Virginia of the territory northwest of the Ohio River, out of which the State was formed. But the equality prescribed would have existed if it had not been thus stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may possess and exercise over persons and subjects within their respective limits.

In the case of New Orleans *v.* United States, in 10 Peters, 317, the court say:

> The Government of the United States, as was observed in the argument, is one of limited powers—

I do not think, Mr. President, you can repeat that too often—

> The Government of the United States, as was observed in the argument, is one of limited powers. It can exercise authority over no subjects except those which have been delegated to it. Congress can not by legislation enlarge the Federal jurisdiction, nor can it be enlarged under the treaty-making power.

Vattel says:

> It is the universal rule that water can not be diverted from a public navigable river without the consent of the State within which it lies. (See Vattel, chap. 2, p. 249.)

In the case of Pollard's Lessee *v.* Hagan (3 Howard) the court said, on page 224:

> The right of Alabama and *every other new State* to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

The court also said:

> Every nation acquiring territory, by treaty or otherwise, must hold it subject to the constitution and laws of its own government and not according to those of the government ceding it. (Vat. Law of Nations, b. 1, c. 19, secs. 210, 214, 245, and b. 2, c. 7, sec. 80.)

The Supreme Court, in the Pollard case, said:

> Then to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States, and no compact that might be made between her and the United States could diminish or enlarge these rights. (Pollard's Lessee *v.* Hagan, 3 Howard, p. 229, 15 U. S., 402.)

In the case of the City of Mobile *v.* Eslava, reported in 1842 (16 Peters, p. 254), the court says, in speaking of the reservations of public lands which are found in all new States:

> The clause inserted into the constitution of Alabama reserving the rights of property to the United States as a compact with them embraces lands under water as emphatically as those not covered with water. But if no stipulation, saving the interest of the United States had been made, they would have had just as much right to their private property as an individual had to his. They hold, as a corporation, an individual title. * * * The United States, as owner, can do no act to obstruct the free public use of the waters more than a private owner of the soil under water could obstruct the navigation.

But in 1845 the court, in the case of Pollard's Lessee *v.* Hagan, determined that the fee of land under the navigable waters was the property of the State, and this has been the decision of the court in repeated cases ever since. (See Pollard's Lessee *v.* Hagan, 3 Howard.)

It is needless to say if *no* right of property exists in the United States in navigable rivers there is none in the nonnavigable waters. (See 3 Howard, Ohio Repts., Gov't *v.* Chambers, 498.)

The water of navigable rivers can not be obstructed by the State or individuals, if Congress declares that it is a navigable river, not because the United States owns the river, but because

as an agency of commerce Congress can prevent its obstruction to navigation in the protection of interstate commerce.

In one case the court has said, "That the navigable rivers are the public property of the nation" (Gilman *v.* Philadelphia, 3 Wall., 725), but in many other cases it has been held that the United States has no property in the river and *only an easement* on the right, and the States own the river, subject to the right of commerce, which the Government of the United States must regulate and protect, and the State can not interfere with such regulation.

Again, the court quotes from the case of Pollard's Lessee *v.* Hagan (3 Howard, p. 230):

The right of eminent domain over the shores and soil under the navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdiction, and they, and they only, have the constitutional power to exercise it.

It is evident the court did not in the Gilman case intend to assert a property right to their rivers in the usual sense in which we speak of property right. A mere easement is not a property right, and the court in the Gilman case holds that pilot laws are a regulation of commerce, but if enacted in the interest of commerce they are not in conflict with the power of Congress to regulate commerce. (See 727.)

But if Congress has passed no law with reference to commerce on a river the State may authorize a dam across a navigable stream. (See Wilson *v.* Black Bird Creek Marsh, 2 Peters, 250.)

In the case of Pennsylvania *v.* Whitney and Belmont Bridge Company (18 Howard, p. 432) the court says:

The purely internal streams of a State which are navigable belong to the riparian owners to the thread of the stream and, as such, they have the right to use the waters and bed beneath for their private emolument, subject only to the public right of navigation, and may construct wharves or dams or canals, etc., subject to this public easement. In respect to these purely internal streams of a State, the right of public navigation is exclusively under the control and regulation of the State legislature, and a structure, although it may be a real obstruction to navigation, if authorized by the legislature, it is lawful.

Chief Justice Taney, in delivering the opinion in the case of John Den *v.* Jersey Company, to be found in 15 Howard, 432, said:

It is not necessary to state particularly the charters and grounds under which they claim—

This was in New Jersey—

It is not necessary to state particularly the charters and grants under which they claim. They are all set out in the special verdict in the case of Martin *v.* Waddell, reported in 16 Peters, 367. The title claimed on behalf of the proprietors in that case was the same with the title upon which the plaintiff now relies. And upon very full argument and consideration in the case referred to, the court were of opinion that the soil under the public navigable waters of east New Jersey belonged to the State and not to the proprietors; and upon that ground gave judgment for the defendant. The decision in that case must govern this.

The counsel for the plaintiff, however, endeavor to distinguish the case before us from the former one, upon the ground that nothing but the right of fishery was decided in Martin *v.* Waddell, and not the right to the soil. But they would seem to have overlooked the circumstance that it was an action of ejectment for the land covered with water. It was not an action for disturbing the plaintiff in a right of fishery, but an action to recover possession of the soil itself. And in giving judgment for the defendant the court necessarily decided upon the title to the soil.

Mr. President, I want to spend a few moments, and only a few moments, on the question of forest reserves. I am not going into that question except as to the matter of title. I am not going to enter into a discussion whether the forest reserves are beneficial to the country or injurious, but I want to call attention to some decisions of the courts. In the case of United States *v.* Cornell (Mason's Cir. Ct. Repts., vol. 12, p. 63), it was held:

But although the United States may well purchase and hold lands for public purposes, within the territorial limits of a State, this does not of itself oust the jurisdiction or sovereignty of such State over the lands so purchased. It remains until the State has relinquished its authority over the land either expressly or by necessary implication.

Another important case in this connection is the case of the Fort Leavenworth Railroad Company *v.* Lowe (114 U. S., p. 525). I will make a brief statement in regard to that case.

Before there was an organized government in what is now the State of Kansas the Government of the United States took possession of a piece of ground for military purposes, now known as Fort Leavenworth, occupied it, and has occupied it ever since. I suppose the Government took possession of it seventy or seventy-five years ago. At all events, when the State of Kansas was admitted to the Union there was no reference made to Fort Leavenworth. The Government did not reserve anything. Kansas did not promise anything. Afterwards it was asserted that that property, being for the use of the Government of the United States, fell within the provision of the law that a State can not tax Government property. The question did not arise with reference to the fort and buildings, but arose with reference to the land of the railroad that crossed over the reservation, and the railroad company asserted the right to be independent of taxes. The matter came into the court. The court decided that Kansas had absolute jurisdiction of it. Mind you, this was a piece of land which the Government had appropriated years and years before Kansas was settled, and then Kansas was admitted without reference being made to the military reservation. The Supreme Court of the United States held that Kansas had jurisdiction; but subsequently Kansas was prevailed upon by the Government to cede its jurisdiction over that reservation. Until that time Kansas had absolute jurisdiction.

I do not propose to occupy the Senate much longer, although I have a great deal of manuscript here to which I intended to call attention. I do want to call attention, however, to one thing that I think is pertinent to be considered, particularly in connection with the pending case. I complained yesterday that I did not think the Government of the United States should allow any individual to control navigable waters; that I thought the United States was rich enough and strong enough when rivers were not navigable and it wanted to make them navigable to do so itself. I think in 1846 the Territory of Wisconsin was anxious to have the Fox River utilized for commerce. You will remember that was before railroads were common. It came to Congress, and Congress granted to the Territory, the title to be in the State when it became a State, a certain amount of land to build locks and dams that were necessary on Fox River. The State government, when it came into existence, promptly accepted the act:

The State accepted said grant of land for said purposes, and by an act of its legislature, approved August 8, 1848—

That was immediately after their admission—

undertook the improvement of said rivers, and enacted, among other things, that "Whenever a water power shall be created by reason of any dam erected or other improvements made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

They went on with that, and not finding themselves able to carry out the work, they finally incorporated a company called the Fox and Wisconsin Improvement Company. They went on and spent some money on it, and finally failed, just as other concerns have failed in doing these things, and then the Government found itself in a bad situation. The company could not go on, and they went into bankrupcty. Subsequently the Government bought them out, paid them off, and got rid of them. I believe we have had one other case of the same kind, where parties have gone out and got the permission from the Government, and they have not been able to comply, and the Government has had to buy them out. But I want to read a little thing here. This matter came to the Supreme Court of the United States in 1898. There was a question whether the canal company had any rights there or not, and the court said:

Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

Now, it had a State concession and it had some kind of a concession from the General Government through the State. The litigation arose from the fact that one of the riparian owners claimed the right to some part of this water and undertook to interfere. This is another case, and it is cited by Judge Shiras:

The value of this water power created by the dam was much greater than that of the river in its unimproved state in the hands of the riparian proprietors, who had not the means to make it available. Those proprietors lost nothing that was useful to them except the technical right to have the water flow as it had been accustomed and the possibility of their being able some time to improve it. If the State could condemn this use of the water, with the other property of the riparian owner, it might raise a revenue from it sufficient to complete the work, which might otherwise fail. There was every reason why a water power thus created should belong to the public rather than to the riparian owners. Indeed, it seems to have been the practice, not only in New York, but in Ohio, in Wisconsin, and perhaps in other States, in authorizing the erection of dams for the purpose of navigation, or, rather, public improvement, to reserve the surplus of water thereby created to be leased to private parties under authority of the State.

I read that because I want to show that has been the rule, and there are several cases that I could cite from the State of New York as to the rights of the States. The States always control the water, or claim to control it, at least. I do not know that there has ever been a controversy between a State and the General Government as to who owned the water.

After stating this, the court says:

The learned judge then proceeds to cite decisions to that effect rendered in several of the State supreme courts.

I want to say here now that in a careful examination of the authorities, running over months, I have never found a case where the Government of the United States has asserted its right to waters that I assert belong to the State. Some of the executive officers and some of its subordinates may have

been confident that the Government of the United States could control the water absolutely, but no Federal or State court has so held.

I have one other matter I wish to call attention to of about the same general character. Mr. President, I have asserted, and I want to assert it now, that the United States has not any right to go into business. The United States can not legally go into a mercantile business, in my judgment. It can, of course, by its officials, if it sets up a store and puts somebody in it, do it until the question is raised in some proper manner. It can not go into the lumber business, but it is in the lumber business now.

It has in Colorado a large number of sawmills located on forest reserves. It is cutting timber for public use and selling it at very much higher prices than we were in the habit of paying, and where we have had one sawmill cutting timber we have in one single forest reserve six sawmills; and yet they tell us that the very purpose and object of the reserve is to protect the timber. They have traversed the mining region of my State and the building region and solicited parties to buy lumber of them. There is not a miner in some sections of the State who does not pay tribute to them. A hundred and some-odd thousand dollars was paid in Colorado last year. A miner can not go out in the forest and cut a stick to put in his mine but he must get the permission of some man or pay for it.

Mr. President, I am one of those who believe in the protection of forests, but I believe in their protection in a proper way, and I know there has been practically no waste of timber in the country in which I live. I was brought up in a timber country. I remember when more than half of western New York was covered with timber. I can remember when all of southern Pennsylvania was covered with timber—the finest timber in the world. There is not any left. I heard a Senator say one day we have wasted our timber; but I want to dissent from that. In the section in New York in which I lived until I was old enough to go West I saw the timber destroyed. I saw the farmer cut down the timber and roll it in a heap and burn it. Why did he do that? In order to make a place for a home. He wanted a place to build a house and make a farm. He could not do it in the woods, and he cut down the timber and burned it up; and I have seen fine timber burned up. It was followed by a flourishing farming community.

Mr. President, I am one of those who believe that civilization, a country settled by intelligent people, is a great deal better than a forest, however beautiful it may be, or however profitable it would have been if left. But seventy years ago and more, eighty years ago, the people cut up these trees and turned them into ashes that they might make a better condition, and they did make it. Would the State of New York have been better if that whole country had been kept in timber until to-day? It is possible that the owners of the land if they could have lived until this time would have made some money by selling the timber, but the community would not have been so well off.

I would rather see people living on land than to see timber on it, no matter how beautiful it is or how fine. We have destroyed some timber in Colorado, but we have added to the sum of human happiness by so doing. We have put into the commerce of the world a billion dollars of gold and silver, and we have made homes for thousands and thousands of men, and we have built up a civilization that can not be beaten in any part of the world. Suppose we have not so much timber; suppose there is a bare hill here and there. Mr. President, we have something better than timber to show for it. We have schools and colleges and churches and hospitals and all the appliances of civilization; and I can show you on that land where the timber has of course become scarcer, well-educated men and women—and when I say educated I mean those who have college diplomas—I can show you more men and women with that kind of an education than you can find in any New England city of the same size. I can show it not in one city alone, but in a dozen. I can show you that some good has come out of the destruction of the forests.

The superintendent of a street-car line in Denver said to me one day, "I have 200 college graduates running on my street-car line." You can not find that anywhere else in the world. Why do we have them? Because we have made a settlement there that is desirable for the people and we have a climate which is health giving, which makes it desirable for those who have fallen into ill health to come there and live.

We have economized and utilized our advantages, such advantages as we have had. We have had some trouble. I went there when the Indian was rife. I went there when every pound of freight that was brought in paid 25 cents a pound. Whether it was machinery for our mills or woolen goods that the women wore, it cost at least 25 cents a pound to land it in Denver. Why should we not use the timber?

I heard a prosecution once there for cutting timber on the public lands. The judge, sitting at his desk, said: "I mean to dismiss this case. The desk at which I am sitting, the church next door have been built out of timber cut on the public land. Congress said to us: 'This is a country open for settlement,' and we came here. Have we not a right to make ourselves comfortable? Can we carry on civilization here unless we have the opportunity to do that?" To-day they will tell you we have blasted the hills because we have cut off the pine. If we have cut off the pine, we have made a hundred orchards where we have made a bare hill.

Mr. President, this question to us is a live one. Are the State of Colorado and the State of Idaho and other States to be refused the opportunity of filling up with settlers? One-fifth of the State of Colorado is in a forest reserve; more than that in the State of Idaho. We passed a law that would open up every acre of that to the prospector. The Department has put on such rules and regulations that a prospector dare not go into a forest reserve. We passed a law that a homesteader could go into a reserve if he saw fit. They have passed such regulations that no homesteader can go in. If he does at the bidding of some cheap Jack, he will be told, "You can not make a living here. Get out." In my State I can show not simply a notice to quit, but cite cases where they have absolutely moved him off the homestead, which he could hold according to law.

Mr. FLINT. May I interrupt the Senator from Colorado?

Mr. TELLER. You may.

Mr. FLINT. I want to ask the Senator what is his authority for making the statement that a homesteader can go into a forest reserve?

Mr. TELLER. We have a law.

Mr. FLINT. What law?

Mr. TELLER. A statute.

Mr. FLINT. I do not understand——

Mr. TELLER. Yes; there is a statute.

Mr. FLINT. I do not understand that a homesteader can go into a forest reserve.

Mr. TELLER. He can under the statute, but it is absolutely ignored by the Department.

Mr. FLINT. The only statute which permits a person to enter a forest reserve——

Mr. TELLER. If the Senator from California does not know he can find out by looking at the statute. There is a law of the United States which allows a man to go into a forest reserve and make a homestead.

Mr. FLINT. Without the land being set apart as agricultural land by the Forester?

Mr. TELLER. There is nothing said about that.

Mr. FLINT. I should like to have the Senator refer to the statute.

Mr. TELLER. It was intended by Congress that a man should determine for himself whether he could make a living on the land. He should not have to ask a subordinate of the Government. Now, under the regulations, he must first get consent before he can get in, and then if the officials do not think it is all right they can put him out.

Mr. FLINT. I am trying to get the Senator to refer me to the statute. The only statute——

Mr. TELLER. I do not think there is such a law.

Mr. FLINT. I think I had something to do with drawing the law.

Mr. TELLER. Then you ought to know what it is.

Mr. FLINT. As I understand the law, no land within a forest reserve is subject to homestead entry unless after an investigation by the Secretary of Agriculture he determines that the land is more valuable for agriculture than it is for forestry.

Mr. TELLER. That was not in the original law.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. CLARK of Wyoming. I wish to ask the Senator from Colorado whether it is not a fact that, notwithstanding the statute which he has mentioned, as well as the statute mentioned by the Senator from California [Mr. FLINT], each one of these proclamations for a forest reserve ends with warning all people not to make settlement within the reserve?

Mr. TELLER. In all the forest reserves you will find a card saying "Keep out of here; this is Government property." And that was so soon after the law passed it was ignored by the Department at once.

I want to say another thing about which we in the West complain. I did not intend to touch upon it at all, but I will. In 1873, for the first time, Congress provided for the appropriation of coal lands. Up to that time there never had been any difference between coal land and agricultural land, so far as the Government was concerned. In 1873 Congress provided that all land that was coal land should be selected and certified by the public officials as coal land, and then that nobody could take any of that land without paying not less than $10 an acre if it was within a certain distance of a railroad and not less than $20 an acre if it was nearer. We supposed that that meant $10 an acre. We knew that way back, years ago, there was a statute which provided that the public lands should be sold for not less than $1.25 an acre, and they had always been sold for $1.25, except as sometimes changed, for instance, when land grants were made, and so forth.

The Executive Department within the last two years has determined that that gave them the power to determine that they could ask just as much more for the coal lands as they wanted, and they have raised the price in my State from $10 an acre, in that district where under the law it should be $10, to $25, and where it should be $20 they have raised it to $50. Does anybody suppose that Congress ever intended to pass a law disposing of the public lands and leaving it to the Executive Department to say the lands should not be sold for less than $50 an acre? Why could they not just as well say a hundred dollars?

What we complain of in the West more than anything else, in connection with forest reserves, are these unfair things that are being done—bad administration of the law. We know, whether the Department does or not, that we are entitled to have the settlers come there and make a home, and we know that they are retarding the settlement and hindering the growth of these great Western States without advantage to anyone.

Mr. President, before I forget it I wish to call attention to a suggestion I nearly forgot. This is leaving the matter that we are speaking of.

When we were providing for the settlement of the great Northwest Territory in 1787 and 1788 and so on we made some provisions, and this is one which will be found in the First Statutes at Large, page 468:

And be it further enacted, That all navigable rivers within the territory to be disposed of by virtue of this act—

That meant all the five States—Ohio, Indiana, Illinois, Minnesota, and Wisconsin—

SEC. 9. *And be it further enacted,* That all navigable rivers within the territory to be disposed of by virtue of this act shall be deemed to be and remain public highways, and that in all cases where the opposite banks of any stream not navigable shall belong to different persons the stream and the bed thereof shall become common to both.

Then again, later, they reiterated that, particularly as to Indiana, as to which the statement was made:

And be it further enacted, That all navigable rivers, creeks, and waters within the Indiana Territory shall be deemed to be and remain public highways.

I want to call attention to that. It has been the policy of this Government to keep the streams open wherever they were navigable and not attempt to control them where they were nonnavigable.

I have detained the Senate too long, and I have not said all I intended to say. I shall take up this matter again some day and add some things that I would have said to-day if time would permit, even at the risk of imposing on the patience of the Senate.

[Remarks of Mr. Justice Harlan at the banquet given in his honor by "The Kentuckians," in New York, on December 23, 1907, at the Hotel New Plaza.]

TOAST: "KENTUCKY: UNITED, WE STAND; DIVIDED, WE FALL."

Mr. President, fellow-Kentuckians, and guests, I count myself most happy to be surrounded on the present occasion by so many representative men of my native State. Every true man has a peculiar affection for the State in which he first saw the light of day and for the people among whom he passed his early life. But it has seemed to me—indeed, the fact has been often commented upon by others—that there is an unusual feeling of brotherhood among Kentuckians. I am far enough advanced in years, fellow-Kentuckians, to have known personally even the grandfathers of many members of this club. At a memorable period in the country's history I stood with the fathers of some of you under the flag of the Union, while the fathers of others of your number rallied under another flag—each man, whether under the one flag or the other, resolutely contending for what in his conscience he deemed to be right. But I rejoice to say that we who then were opposed are no longer estranged, but with hands clasped in friendship stand together under the same flag, now recognized throughout the world as the emblem of the great Republic. We may differ about political questions, but, apart from such differences, when Kentuckians meet, whether in their own country or in foreign lands, they warm toward each other because they are fellow-Kentuckians.

We are, however, something far more than Kentuckians. We are Americans. Trite as that phrase may sound, the older I grow the more priceless to me is the fact it expresses. We may well be proud of the State that gave birth to Abraham Lincoln, that sent Henry Clay and John J. Crittenden to the Senate, and nurtured such men as Zachary Taylor, Isaac Shelby, George Nicholas, the Breckenridges, the Marshalls, John Boyle, George Robertson, Samuel F. Miller, Joseph R. Underwood, Charles S. Morehead, James Guthrie, John L. Helm, Madison C. Johnson, Lazarus W. Powell, Archibald Dixon, Joshua F. Bell, Richard H. Menefee, and many others distinguished in every walk of life and too numerous to be mentioned on this occasion. But what would it mean to us to be Kentuckians if we were not also, or rather first of all, Americans, whose allegiance to the nation in matters of general concern is above allegiance to any State, just as the Constitution of the United States, with respect to all national objects, is above the constitution of any State.

The toast assigned to me suggests, Mr. President, many interesting thoughts about the early days of our Commonwealth and its relations to the National Government. Going back for a moment to the beginnings of Kentucky's history, we recall the interesting fact that very shortly after the close of the war for independence and after the acceptance of the Constitution by the requisite number of States a scheme was devised by foreign conspirators and domestic malcontents to detach the people of Kentucky from all connection with the original States, and thus make the Alleghenies the southwestern limit of the United States. This scheme found no favor with the indomitable pioneers who, surrounded by hostile Indian tribes in the wilds of an unsettled country, established a government with a constitution modeled after the Federal Constitution and more than a century ago applied to Congress for the admission of Kentucky into the Union as a State. Thus our fathers, resisting all appeals made to them to establish an independent State in the West, placed themselves by the side of their brethren of the older States, and caused to be inscribed upon Kentucky's coat of arms the suggestive and memorable words, "United, we stand; divided, we fall." There comes to my mind, Mr. President, a personal letter of the great Chief Justice, in which his use of that motto was so striking that it is peculiarly appropriate upon this occasion to quote his words. He said: "I am disposed to ascribe my devotion to the Union, and to a government competent to its preservation, at least as much to casual circumstances as to judgment. I had grown up at a time * * * when the maxim, 'United, we stand; divided, we fall,' was the maxim of every orthodox American, and I had imbibed these sentiments so thoroughly that they constituted a part of my being. I carried them with me into the Army, where I found myself associated with brave men from different States who were risking life and everything valuable in a common cause believed by all to be most precious, * * * and where I was confirmed in the habit of considering America as my country and Congress as my government." The habit of considering America as his country was the keynote of the life and work of the incomparable jurist whose profound and lucid judgments on behalf of the court of which he was the head built the broad highway upon which the nation has advanced to its present position of power and strength and unity.

There are some, Mr. President, who think they see dark clouds upon the horizon of our future, and express grave apprehension as to the stability of the Government ordained by the people of the United States and established by the Constitution. In a population of 90,000,000 of people we must expect to find some who indulge in gloomy forebodings as to the future of the country, and who seem to cultivate the habit of predicting disaster. Such persons are quite unhappy when the facts do not justify them in believing that everything is going wrong. But there is no occasion for alarm. The American people, knowing that eternal vigilance is the price of liberty, will take care that no harm comes to the country. At all times since the organization of the Government they have shown themselves equal to every emergency, however sudden or startling, which involved the safety of our institutions. They may seem at times to tolerate false, visionary, and mischievous views, but in the end they will surely recognize the dangers of the situation, whatever they may be, and will do what prudence and patriotism require at their hands. Their final, deliberate judgment upon public questions is quite certain to be the best for all concerned.

What, let me ask, are some of the grounds upon which the pessimist of these days bases his fears for the safety of our institutions? He persuades himself to believe that the trend in public affairs is toward the centralization of all governmental power in the nation and the destruction of the rights of the States. If this were really the case, the duty of every American would be to resist such a tendency by every means in his power. A National Government for national affairs and State governments for State affairs is the foundation rock upon which our institutions rest. Any serious departure from that principle would bring disaster upon the American system of free government.

But the fact is not as the pessimist alleges it to be. The American people are more determined than at any time in their history to maintain both national and States rights, as those rights exist under the Union ordained by the Constitution. I say the people of the United States, for although the Constitution was accepted by the separate action of the people in their respective States, they moved together, in a collective capacity, as one people, in creating a nation for certain specified objects of general concern. They will not patiently consider any suggestion or scheme that involves a Union upon any other basis. They will maintain, at whatever cost and in all their integrity, both national and States rights.

The best friends of States rights, permit me to say, are not those who habitually denounce as illegal everything done by the General Government, but those who recognize the Government of the Union as possessing all the powers granted to it in the Constitution, either expressly or by necessary implication; for, without a General Government possession controlling power in relation to matters of national concern, the States would have no prestige before the world and would be in perpetual conflict with one another. With equal truth it may be said that the best friends of the Union are those who hold that the States possess all governmental powers not granted to the General Government and that are not inconsistent with their own constitutions or with the Constitution of the United States, or with a republican form of government. The people of the United States cherish, and will compel adherence to, the fundamental doctrine that the States are vital parts of the American system of government; and they will insist with no less determination upon the recognition of the just powers of the States—to be exerted always in subordination to the supreme law of the land—as essential to the preservation of our liberties. The Supreme Court of the United States has again and again declared, upon full consideration, that a close and firm Union is necessary for the happiness of the American people, and that "without the States in union there could be no such political body as the United States."

If, then, the matchless Government devised by the fathers and ordained by the people of the United States is to be preserved and handed down intact to posterity, national power and State power must go hand

in hand in harmony with the Constitution. If those powers clash, the paramount authority of the Union within its prescribed sphere of action must prevail. Such is the express mandate of the Constitution, and such our common sense and experience tell us must always be the case, if liberty, regulated by law, is not to perish from our land. The nation being supreme within the sphere of its action as defined by the Constitution, its authority, when legally exerted, binds every State as well as all individuals within the territory of the United States. The glory of the Republic is that its affairs are regulated by a written Constitution—the fundamental law which distributes the powers of government among three separate, coequal, and coordinate departments, each exerting the authority, and only the authority, conferred upon it—and which Constitution, until amended in the mode prescribed by itself, must be deemed supreme over the Congress, over the President, over the courts, over the States, and over the people themselves.

The pessimist is misled by the declaration of some, happily few in number, who hold that, whatever the words of the Constitution, that instrument should be so construed as to make it mean what a majority of the people think, at a given time, it should mean. He is also misled by the theory advanced by those who hold that Congress must be permitted to exert any governmental power whatsoever, not expressly denied to it, if that body deems that its exercise will promote "the general welfare." But such theories of constitutional construction find no support in judicial decisions or in sound reason, least of all in the final judgments of that tribunal whose greatest function it is to declare the meaning and scope of the fundamental law. The National Government, it should ever be remembered, is one of limited, delegated powers, and is not a pure democracy, in which the will of a popular majority as expressed at the polls at a particular time becomes immediately the supreme law. It is a representative Republic, in which the will of the people is to be ascertained in a prescribed mode, and carried into effect only by appointed agents designated by the people themselves, in the manner indicated by law. It would be a calamity unspeakable if our institutions and the sacred rights of life, liberty, and property should be put at the mercy of a majority unrestrained by a written supreme law binding every department of government, even the people themselves. The pessimist—indeed all—may take courage in the fact that it has become a recognized rule of construction that the Constitution is to be taken as meaning what its words in their natural, obvious sense import, and, if the people desire it to mean something different, that instrument must be amended in the manner, and only in the manner, prescribed by itself. The dispute among statesmen has not been so much in reference to the general principles that should govern constitutional construction as to the application of those principles in determining the extent of the powers granted to the National Government. Early in the history of the nation some insisted upon a narrow, literal interpretation of the Constitution which, had it been approved, would have made the General Government a rope of sand, wholly inadequate to the great purposes for which it was established. But long ago that view was rejected by the Supreme Court of the United States, and its rejection has been universally approved.

There are some who would deny to Congress all powers that are not, in words, specified in the Constitution as belonging to the legislative branch of the Government. They would eliminate altogether from our jurisprudence the long-established doctrine that Congress may exercise powers that are plainly incidental to those expressly granted and not prohibited by the Constitution—that is, powers necessarily implied because embraced by those enumerated, and without which the Government would be unequal to the objects for which it was avowedly established and would become, to use the words of Marshall, "a splendid bauble." If the views of the latter class of constitutional critics should gain the approval of the American people, the country would be carried back to that period of its history when distinguished politicians gravely argued that the Supreme Court of the United States could not, without violating the Constitution, review the action of a State court which, by its final judgment, denied or destroyed rights plainly secured to the citizen by the supreme law of the land. Such critics are politically of kin to those who affirm that the courts may not declare a legislative enactment void, even when it is in plain violation of the Constitution.

It is true that national power, as now exerted, covers a wider field of action than it did in the early days of the Republic, but that does not prove, as the pessimist would have us think, that the Government has usurped powers that do not belong to it and has entered the domain reserved by and for the States. It proves only that the nation has from time to time, as the public interests demanded, brought into active operation powers which Congress had not previously chosen to exert. So vast has been the increase in our population and so diversified and extended have become our industrial interests, that occasions must necessarily arise from time to time for a more intimate connection between the Government of the Union and the commercial and other affairs of the people than perhaps the fathers ever dreamed of. Hence, if modern problems, as connected with the operations of government, are to be solved in the interest and for the benefit of the people, and if the nation is to keep abreast with advancing civilization, new fields of legislation must be occupied. While new legislation must always be closely scrutinized and care be taken that it is not inconsistent with the Constitution, we must not be so unwise or suspicious or timid as to reject a new policy or a new law simply because it is new or simply because it may cover areas not consciously within the mental vision or the thoughts of the framers of the Constitution. That wonderful instrument, the Supreme Court has said, was intended "to be adapted to the various crises of human affairs."

The wise men of the constitutional period deemed it unnecessary to go further than to specify the general objects to be accomplished by the National Government and to enumerate the powers that may be exerted by it, leaving to Congress—under its responsibility to the people and under its authority to pass such laws as were necessary and proper to carry into effect the powers enumerated and granted—to employ such means not expressly or impliedly prohibited as are appropriate to the particular object designed to be accomplished. The supreme judicial tribunal of the nation has spoken with distinctness upon this point. Its words, in a great case—all its members concurring—are: "The Constitution unavoidably dealt in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult if not an impracticable task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms, leaving to the Legislature, from time to time, to adopt its own means to effectuate legitimate objects and to mold and model the exercise of its powers as its own wisdom and the public interests should require." Thus, Mr. President, was the nation armed with authority to meet new conditions that might arise and which permitted or required governmental action. Is a proposed new law embraced by any general power granted? Has it any reasonable connection with the specified objects, or any of them, to which, under the Constitution, the power of the nation extends? If these questions be answered in the affirmative, then it will only remain for the lawmaking department of the Government to determine whether the proposed law will be conducive to the public welfare. And that determination will not be one of law, but simply one of policy. Granted the power to legislate in reference to a particular matter, Congress can employ any means, not forbidden nor inconsistent with the Constitution, that may be germane to the end proposed to be accomplished.

Therefore let the country gather up all the strength that comes from the patriotism and loyalty of the American people and go forward in its marvelous career, holding to the confident belief, justified by the words of the Constitution and by judicial decisions, that the checks in our governmental system will suffice in the future, as they have sufficed in the past, to guard our institutions against insidious attacks upon the fundamental principles of free government or against the exercise of arbitrary or usurped power. Keeping within the scope and broad lines of the Constitution, we may walk safely and without fear. We need not hesitate to build on the foundations laid by the forefathers. Those foundations are broad and deep, and so long as new measures and policies are tested by the plumb line of the Constitution and we keep well within its wise limitations, we may safely rear whatever superstructure our welfare and greatness as a nation may require.

Let us, then, move on in the "old paths, where is the good way" marked out by the fathers. Let us not give our approval to any interpretation of the Constitution that will either cripple the nation's authority or prostrate the nation at the feet of the States, or that will deprive the States of their just powers. Let us hold fast to the broad and liberal, and yet safe, rules of constitutional construction approved by the fathers and established by judicial decisions. In so doing we will sustain our dual system, under which the Government of the Union is forbidden to exercise any power not granted to it expressly or by necessary implication, while the States will not be hindered or fettered in the exercise of powers that have not been surrendered by them to the Union and are not inconsistent with the Constitution.

Mr. President, I owe an apology for saying this much. There are other speakers to follow, whom I know you are eager to hear. But I can not take my seat without thanking the Kentuckians now residing in this imperial city for the high honor they have done me on the occasion of this magnificent banquet. The memory of your cordial greeting will abide with me to my life's end and will be a sweet heritage for my children. During all the years of a life now quite extended—much of which has been passed in the nation's service, away from my native State—there has never been a moment when I did not have an abiding affection for the great-hearted, high-minded, chivalrous people of my Kentucky home, which has been the home of my people since the days before the Revolution. Our old Commonwealth, Mr. President, is indeed a goodly land, "a land of brooks of water, of fountains and depths that spring out of valleys and hills," a land wherein "thou shalt eat bread without scarceness" and "shalt not lack anything in it." And yet, well-nigh inexhaustible as are its natural resources, Kentucky's richest possession is in its people. The brave men who first settled the State and made its Constitution and laws and guided its affairs during the formative years of its earlier history were worthy scions of a sturdy stock. They were great lovers of liberty and were devoted to the Union. And many of their sons in other States have shed honor upon this Commonwealth and upon the country.

In closing, Mr. President, I must again express my deep satisfaction in the thought that upon all questions affecting the existence of the Union the Kentuckians of 1907 are as thoroughly united as were their fathers when, in 1792, our Commonwealth became, to use the words of Congress, "a new and entire member of the United States of America." Her people, we are glad to know, have outgrown the feelings of distrust and animosity that divided them in the perilous times of 1861, and their faces are now turned steadily and hopefully to the future, determined that Kentucky shall play her full part in the building up of our beloved country in all that makes for true national greatness.

And if, to-night, it were possible for me to send a message to the young men of my native State—of whatever political parties they are members—it would be this: Forget the things that are behind save only the noble deeds of the mighty dead who gave Kentucky its large place in the early history of the nation. Quench whatever remains, in both parties, of the baleful fires of narrow partisanship and mere faction. Crush the monster of lawlessness in whatever way its evil deeds are manifested. Maintain the rights of all. While remaining loyal to whatever may be your various political affiliations, strive after large, generous, and broad policies and lift the State steadily toward higher levels. Work shoulder to shoulder in the effort to build up our grand old Commonwealth in all things that will contribute to its moral, intellectual, and material welfare. Thus you will help most effectively in giving Kentucky a worthy place among those States that shall lead the nation in its noble mission of commending to the world the priceless blessings of institutions that rest upon the consent of the governed and recognize the inherent rights of man as man.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

ACCOUNTS OF WILLIAM R. LITTLE.

Mr. STONE. Mr. President, some time since the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians was passed by the Senate. The day following the senior Senator from Nebraska [Mr. BURKETT] moved to recon-

sider the vote by which the bill was passed. I desire now to make the point that as the Senator from Nebraska did not vote for the passage of the bill he was not competent to make the motion.

The VICE-PRESIDENT. The Chair understands that there was no yea-and-nay vote taken upon the passage of the bill.

Mr. STONE. There was not.

The VICE-PRESIDENT. The Chair understands that in the absence of such a vote a Senator, in making a motion to reconsider, is presumed to be within the rules. The Chair therefore overrules the point of order.

Mr. STONE. Then I suppose a motion to lay the motion to reconsider on the table will be in order.

The VICE-PRESIDENT. It will be in order.

Mr. STONE. I make that motion.

The VICE-PRESIDENT. The Senator from Missouri moves to lay the motion to reconsider on the table.

The motion was agreed to.

The VICE-PRESIDENT. The bill stands passed.

SNAKE RIVER DAM, WASHINGTON.

Mr. PILES. I should like to proceed with the consideration of House bill 7618.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. HEYBURN. I move that the bill be referred back to the Committee on Commerce, from which it was reported.

The VICE-PRESIDENT. The Senator from Idaho moves to recommit the bill to the Committee on Commerce.

Mr. HEYBURN. I ask for the yeas and nays on the motion.

The yeas and nays were not ordered.

Mr. PILES. I should like to ask the Senator from Idaho what object he has?

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

Mr. HEYBURN. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Clay	Gary	Scott
Bacon	Crane	Heyburn	Simmons
Bankhead	Culberson	Hopkins	Stephenson
Borah	Cullom	Kean	Stewart
Brandegee	Curtis	Knox	Stone
Briggs	Dick	Lodge	Sutherland
Brown	Dillingham	McCreary	Taliaferro
Bulkeley	Dolliver	McEnery	Teller
Burkett	du Pont	Nelson	Warner
Burnham	Elkins	Nixon	Warren
Burrows	Flint	Overman	Wetmore
Carter	Foraker	Perkins	
Clapp	Foster	Piles	
Clark, Wyo.	Frye	Richardson	

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho moves that the pending bill be recommitted to the Committee on Commerce.

Mr. HEYBURN. Is it in order to state the reason for the motion?

The VICE-PRESIDENT. It is in order.

Mr. HEYBURN. Mr. President, if I can have the attention of the members of the Senate I know that I can give a good reason for the position which I have taken in regard to this bill. I know that I can not reach them unless they are present, and it was for that reason that I asked their presence on this occasion. It is one of more than passing importance.

The Government of the United States is asked to enter upon a new departure and to do something that it has not done before. It is asked to permit private individuals to place a dam in a navigable river. If any Senator here can point to an instance where the Government or Congress has taken action of that kind heretofore I would be glad to have my attention called to it.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. With pleasure.

Mr. DOLLIVER. At the last session of Congress authority was given to a private corporation to put a dam across the Mississippi River at Keokuk, which they are now engaged in building, the act reserving to the Government the right to furnish specifications for a lock around the dam to facilitate navigation.

Mr. HEYBURN. Was that the act of June 21, 1906?

Mr. DOLLIVER. I presume it was.

Mr. HEYBURN. At that time Congress started out to do a wrong. The wrong has not yet been consummated, and I am here to call attention to the fact in time to prevent this class of bad legislation. I have in my hand a copy of the act of June 21, 1906, by which Congress in an hour of forgetfulness undertook to delegate its powers to the administrative branch of the Government in order that we might be saved some trouble and time in considering measures in this body and another.

Mr. President, I am not advised so as to be able to say what actuated or moved the committee in reporting this bill.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I can not speak for the committee by authority. I will only say to the Senator from Idaho that I have been a member of the Committee on Commerce ever since I became a member of this body, and we have during that time at every session of Congress reported numerous bills for the construction of dams, and they have been passed. I have had at least a dozen bills of that kind passed, and they have become laws, in reference to the upper Mississippi River; and I think the Senators on the other side of the Chamber will bear witness to the fact that at nearly every session of Congress we have passed bills for the construction of dams across navigable rivers in the Southern States. It is a common thing, and I have never heard the contention made against any of those bills that has been made against this measure.

Mr. HEYBURN. Mr. President, I have given some attention to the class of legislation that Congress has indulged in upon this question, and if there has been any bill passed by Congress authorizing the construction of a dam in a navigable river, such as is proposed by the pending bill, my attention has not been called to it.

Mr. PILES. Mr. President, I should like to say for the benefit of the Senator that the pending bill is in the exact form of all other bills passed on this subject. Practically every such bill I have ever reported out of the committee has been in this form.

Mr. HEYBURN. The form or language of the bill is not the question; I am speaking of the purposes and the circumstances represented by the bill. It is right and proper under some circumstances for the Government to either build dams in rivers or to permit it to be done under proper regulations by the Government. There is nothing in the pending bill that brings it within the class of bills to which the Senators have referred.

Yesterday, in discussing this question, I presented to the Senate, in a measure, the facts with reference to the proposed construction of this dam. I read, and it is in the RECORD, the articles of incorporation, stating the purposes for which the dam is proposed to be constructed. I read a statement of the financial condition of this corporation and the purposes for which the corporation was formed, advising the Senate of the scope and the power and the effect of this legislation.

I say again that unless I have overlooked some legislation Congress has not passed any act authorizing the construction of a dam in any navigable river for the purposes and under the conditions that surround this proposed legislation; and it will be a day of danger to the navigation of rivers and to the people and the establishment of a bad principle when Congress does take such action.

The Snake River is a great river, rising up in the Yellowstone Park and flowing down through the State of Idaho and through the State of Washington and through the State of Oregon into the Pacific Ocean. It is one of the most magnificent rivers on the American continent. Lewiston is at the head of navigation upon the river. It is on the extreme western boundary line of the State of Idaho. It has been the boast of the State of Idaho that it was a seaboard State by virtue of the fact of navigation upon the river from Lewiston to the sea.

Now it is proposed to allow this private enterprise, with $25,000 capital behind it, to come in here and obtain the consent of Congress that it may enter upon the construction of a dam for the purpose of making power to sell and creating water for the irrigation of land that they do not own, but hope to own.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. I wish to ask a question. I want to know if it is proposed to construct this dam between Lewiston and the sea?

Mr. HEYBURN. Yes. Now, it will make no difference to me or to the people of Idaho whether the dam is consiructed

down at the mouth of the river, at Astoria, or farther up, at the mouth of the Willamette, or at any other intermediate point. It would be as detrimental to the State of Idaho were it constructed anywhere below the head of navigation.

The river has been navigated since 1861. The boat that plied upon the river was named *Idaho* before the Territory was named Idaho. The first seal of the Territory of Idaho bears upon it the impress of the steamboat coming up the Snake River to Lewiston, which was then the first settlement within what is now Idaho. With all the romance which has been thrown around the name of Idaho, the fact is that it took its name from the steamboat and the steamboat brought the name there from Colorado. Idaho Springs in Colorado were named before Idaho Territory; and the name in Indian is one of exclamation, as at the sunrise, Idaho! That is the name, and Idaho stands there at the head of the navigation of the Snake River, demanding that she shall have always an open river to the sea.

Mr. PILES. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. I should like to ask the Senator from Idaho what people in Idaho demand that the dam shall not be constructed. I have here a report in writing from the engineer, whom the Senator from Idaho knows to be a man of ability and character, and whom the board of trade of the city of Lewiston, the largest city in Idaho, located on the Snake River, employed to go and examine the question of the construction of the dam. This man came back and reported to the board of trade of the city of Lewiston that the construction of the dam would be a benefit to the city of Lewiston, and that it would be a benefit to the navigation of the river. Thereupon the board of trade of the city of Lewiston, situated upon the banks of the Snake River, approved the dam and asked me to get the bill through. Those are the facts.

Mr. HEYBURN. Mr. President, every member of this body knows something of the method and of the force and effect of petitions and telegrams in support of or against a measure. If all the names the Senator has from the State of Idaho in favor of his bill were here on the desk, they could be written on the palm of my hand.

Mr. PILES. Mr. President——

Mr. HEYBURN. If the Senator will pardon me, I have had petitions and telegrams and letters both ways. Captain Gray, one of the oldest citizens of Lewiston, and a man who has navigated that river since 1862 or 1863 at intervals (he was away for a few years) is interested in this enterprise, and he writes me a personal letter asking me to waive my objections to it on the part of the State of Idaho and to give it my support. He tells me of what great advantage it would be to the local community in which they hope to irrigate certain lands and build up the town of Pasco and the surrounding country. I would do almost anything for Captain Gray that I would for any man. He is and for a long time has been my personal friend. I went down this river with him. I navigated it from Lewiston to Celilo Falls, where this Government is expending about $9,000,000 for the purpose of keeping this river open to the sea, and when we went down his heart was aflame with joy, because he found the old river just as it had been when he had navigated it twenty-five years before that time.

Mr. PILES. I should like to ask the Senator——

Mr. HEYBURN. And his boast was, in the speech which he made, that it meant an open river from Lewiston to the sea as soon as the Celilo Falls Canal was finished; and that ought to be finished this coming year. We have a continuous appropriation for it.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. I do.

Mr. PILES. I will ask the Senator from Idaho if Captain Gray, who is one of the oldest navigators in that country, does not point out five different ways in which this would benefit the navigation of the Snake River?

Mr. HEYBURN. Mr. President, Captain Gray, who, as I say, is a splendid navigator, a good man and a good citizen, and whose intentions are of the best, can not see quite as far as some men can into the effect of enacting a law which establishes the right of a private corporation to build a dam or to undertake or enter upon the building of a dam, and to distinguish between the benefits that would come from such a dam existing there, whether built by the Government or by private enterprise. He does not realize that this corporation, which is proposing to build it and which is here asking our consent that they may do so, is one of those temporary corporations limited by the terms of its charter in years, and limited in capital, that would have to undertake the permanent control after it had constructed its dam, which will cost, in my judgment, not less than $2,000,000 to construct.

After they have constructed it they will have to maintain it—not for ten years, not for twenty years, not for fifty years, but forever. We are legislating here for the rights not only of the people who have signed telegrams and petitions to the Senator from the State of Washington, but we are legislating here for the people who will come after them and who will want an open river from Lewiston to the sea.

We heard nothing of this agitation until the railroad paralleled the river. The railroad does not want an open river to the sea, because there is a railroad from Lewiston to the sea upon the banks of this river. Now, they have to compete in the traffic that goes from that country to-day to the markets of the world with these steamboats, and as was stated yesterday by the Senator from Colorado, one of those boats that carry down the river in a single season several hundred thousand tons of wheat. We produce within the drainage of the water that is behind this navigation, which is proposed to be interfered with, more than 30,000,000 bushels of wheat; we send a very large proportion of that wheat to foreign markets, and it goes upon vessels now at the city of Portland. It is there loaded for foreign shipment.

Mr. PILES. Now, I should like to ask the Senator, if he will permit me——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. PILES. I should like to ask the Senator from Idaho if both sides of the Snake River are not paralleled by railroads, and have not been so paralleled for years? They were the earliest roads in that country. I should like to ask the Senator if he does not think the engineer employed by the city of Lewiston and the business men of Lewiston, who want an open river to the sea, are just as capable, after a personal examination of this project—which, by the way, is 300 miles from the State of Idaho and wholly within the State of Washington, in the county of my colleague [Mr. ANKENY] and about 5 miles above the mouth of this river—I ask if he does not think that those people, who are looking out for an open river for Idaho and for the city of Lewiston, situated on this river, are not just as well capable of judging of the navigability and of the improvement of the navigability of that river by this dam as he himself is?

These men made a personal examination of the river. The business men, who are interested in maintaining their great jobbing houses in Lewiston and having an open river to the sea, did at first oppose this bill, but after they investigated, by their engineer and by the man who was familiar with navigation on that stream, they withdrew their objection and asked the Senator from Idaho himself to support the bill, and they have asked his colleague to support it. So far as I am concerned I have not found a man in Idaho who does oppose this bill.

I would like to ask the Senator's attention to the fact, as I have said, that this is purely a Washington project, located 300 miles from Idaho in the State of Washington, for development by Washington people, to reclaim from one hundred to one hundred and fifty thousand acres of arid land of the State of Washington in order to furnish homes to the people of that State.

I submit, Mr. President, that if I should oppose the construction of a dam on the Columbia River down in the State of Oregon, although that river flows through the State of Washington, I would not feel that I was doing justice to the people of the State of Oregon, particularly if the Government engineer had stated that it would improve the navigation of the river.

As I read to the Senate yesterday, the Chief Engineer of this Government, by a written report and a written letter to me, stated that the reason he approved of the passage of this bill in the House of Representatives was because the construction of this dam, as asked for by these people, would improve the navigation of that river. One engineer reports here that it would save the Government a half million dollars if these people put this dam in the river, set back that water from 18 to 20 miles over these dangerous shoals, and put in at their own expense a canal around these dangerous shoals. I doubt if the Senator can find anybody in his State who opposes this bill, except himself, or anybody in that section of the country who does not feel that it will be a benefit to this river and a benefit to the people of Oregon and of Washington and of Idaho.

Even the Board of Trade of the city of Portland has, I am informed, approved and indorsed this plan. The Board of Trade of the city of Wallula, in the county in which this project is being constructed, wherein my collague resides, approved this bill, and every town in all that section of country bordering upon this river has declared its approval of this project. It is a plain, simple proposition like hundreds that have passed through this Senate. Why the Senator from Idaho should call for an executive session and ask for a roll call from time to time to oppose this little bill I can not understand.

Mr. HEYBURN. Mr. President, the enthusiastic interruption of the Senator from Washington has added no new light to the consideration of this question. I have in my hand here resolutions of the Board of Trade of Wallula, which is in the Senator's State. Yesterday I stated that I preferred not to call attention to the fact that his own constituency were opposed to this project; but I have here protests sent to the other House of Congress and sent to the Senate, against allowing a private enterprise to build a dam in this river, and setting forth that, in the judgment of the signers, some of these rapids might be very much improved if the Government would build dams and maintain them, so as to insure that perpetual maintenance which is necessary to the contemplated future use of this river.

But I am not here to defend myself because, forsooth, some citizens of Idaho, who are friends of the promoters of this enterprise, are kind enough to support them. I do not have to count and give a list of the names of those in the State that I represent upon this floor who support me in my views. I am here to represent the best interests of the State from the standpoint as I see it. That is the position of a Senator. If every Senator must come here with a petition signed by a majority of his constituents upon a measure of this kind in order to justify himself before this body, it would be a new departure in legislation. I take the responsibility. I take it the Senator from Washington will vote in favor of his bill, but I trust the majority of this Senate will not enter upon this kind of a project and shut the city of Lewiston off from the benefits of an open-river navigation.

I propose to ask Congress to give us an appropriation that will be sufficient to make this river navigable in spite of all the rapids at any stage of water. It is navigable now throughout the greater portion of the year. I think steamboats some years tie up as much as two or three weeks. In exceptional years it may be a little more than that, and sometimes not at all.

I have lived practically along this river for twenty-five years, and I know something of it. I see that the Senator from the city of Wallawalla, in the State of Washington, who once lived in the city of Lewiston, Idaho, is about to give us the benefit of his recollection; but it can add nothing to the fact that the interruption by reason of low water is just such interruption as we have on all the great rivers of the United States.

Mr. ANKENY. May I interrupt the Senator a moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. ANKENY. May I call the Senator's attention to the fact that this river, even below its mouth, is already dammed, so that it is impossible to pass through it 50 miles below without passing through locks?

Mr. HEYBURN. I think the Senator, when he says that the river is dammed, refers to nature's handiwork.

Mr. ANKENY. No; I refer to the Celilo Dam.

Mr. HEYBURN. The Celilo Dam is to be overcome by the Celilo Canal.

Mr. ANKENY. That is just what we are trying to do now.

Mr. HEYBURN. The dam there is merely a temporary expedient. Now, I will tell something about the Celilo proposition, because I have been there and I know something about it. I had a conference in this city a few days since with the chairman of the committee that promoted the Celilo Falls Canal.

Mr. ANKENY. But this bill proposes no innovation, no experiment. The same thing has already been done twice below us. It has been done for years.

Mr. HEYBURN. Mr. President, there is no private dam on Snake River or the Columbia River where it is navigable. The Government of the United States spent many million dollars in building the locks at the Cascades of the Columbia River. They are finished and in use. I have passed through them both ways in steamboats. Then at the remaining obstacle of Celilo Falls the Government has made an ample appropriation for the purpose of building a canal 9 miles in length around the falls in the Columbia River at Celilo. I have been there on more than one occasion to investigate it, and I would say, in my judgment, that it ought to be finished next year.

Mr. ANKENY. But that is in the State of Oregon.

Mr. HEYBURN. Now they are talking about the State of Oregon and the State of Washington. That river belongs to no State so far as the purposes of navigation are concerned.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Yes.

Mr. CARTER. I hope the Senator from Idaho will permit the senior Senator from Washington [Mr. ANKENY] to make the statement he manifestly desires to make.

Mr. HEYBURN. Would the Senator from Montana not be willing to leave the discretion and exercise of courtesy in that matter to the senior Senator from Idaho?

Mr. CARTER. Mr. President, I did not rise as a critic of the senior Senator from the State of Idaho. I thought an admonition would probably be accepted by him in good grace.

Mr. HEYBURN. Mr. President, I am not much in the habit of taking admonitions with good grace. I have passed the period of admonitions. I will yield at all times to any interruption from any Senator, but I do claim the right to finish a sentence when I have entered upon it and to exercise my judgment; and I think my judgment will be marked with as much courtesy as that of any member of this body.

Mr. CARTER. Mr. President, I withdraw the word "admonition" and substitute the word "suggest." I merely observed that the senior Senator from Washington desired to make a statement or to propound an interrogatory to the Senator from Idaho. The Senator from Idaho manifestly did not become apprised of the fact, and so I merely made the suggestion, which I thought it was eminently proper to make.

Mr. HEYBURN. Now, Mr. President, I am in a position that embarrasses me somewhat, in that I find my colleague [Mr. BORAH], who lives in the southern end of Idaho, is not in entire harmony with my position in regard to this matter. For many years I have had a continual contest, both before I was in public life and always since, to maintain those waterways against the greed of speculation. I am continually importuned to withdraw my objection to action to declare the Clearwater River, or, rather, as they express it, to condemn the Clearwater River as a navigable stream. I am importuned by petitions and letters and telegrams in the interest of speculative enterprises to withdraw my objection to building dams in the Snake River.

I am advised that there are five other applications only awaiting the vote on this bill to see whether they can come here and ask us to allow them to put dams in the Snake River for private enterprise, for private gain. That river belongs to all the people, not only of the city of Lewiston and of the State of Idaho, but of the United States. It is a waterway that I hope within a very limited number of years will be in a condition to carry a battle ship to the city of Lewiston.

I do not believe that the members of this body realize what that great Columbia River is. It is the Columbia River up to the city of Pasco, 5 miles below where they propose to build this dam, and from that point up it is the Snake River. The Columbia River forks at Pasco, or close by.

Mr. ANKENY. Mr. President, will the Senator allow me to interrupt him a moment right there?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. ANKENY. I will say that Pasco is way above the junction between the Snake River and the Columbia River, and the Snake River has two bridges over it there. The dam proposed by this bill will make the river no less open to the sea. There are other impediments below us.

Mr. HEYBURN. The Senator says Pasco is away above the junction. You can see both rivers from it.

Mr. ANKENY. I say Pasco is above the mouth of the Snake River.

Mr. HEYBURN. You can see Pasco from where the rivers run. They run practically down to it. I crossed there before the Northern Pacific Railroad did. I passed there on a ferryboat at the mouth of the Snake River. I know how far it is. It was not very far to walk to Pasco. So that it is merely drawing a fine line when you state that they are far apart. They are not on the identical same ground; but I crossed that river at that point in 1884, and that is a good while ago now.

Mr. ANKENY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. ANKENY. I should like to set the Senator right. Pasco, I think, is 8 or 10 miles above the mouth of this river. That has nothing in the world, however, to do with this proposition. We are not interfering with the Columbia River at all. This bill merely allows the building of a little dam in the Snake River.

Mr. HEYBURN. Mr. President, to be diverted to a consideration of that question would be a waste of time, because it would make no difference to Idaho if it were proposed to build this dam a thousand miles below. Anything that stands between the State of Idaho and the sea is an interruption to Idaho's open-river navigation to the sea. There has been the most persistent pressure at all times to close up those rivers. Anything that would detract from their availability as channels of trade and arteries of commerce has been urged and urged and urged, and I say, without claiming any special advantage to myself, that I have stood there for many, many years resisting every encroachment of that kind, and I propose to stand here as long as the Senate and the Senate's rules will permit me to prevent this encroachment upon the rights of those people.

We must look beyond our own generation in these matters. Had this question come up thirty years ago or forty years ago we would have been met with the statement, "Why, what difference does it make? There is no one living in that country; there are no settlements there." And yet to-day we have living around this basin, through which this water flows, 60,000 people. But others than they are interested in this question. The whole State is interested in it, I care not whether upon its watershed or not; and I am in earnest about it. If I have to go back to the State of Idaho and confess that the people there are no longer at the head of open navigation to the sea I would feel that for some cause I had been unable or had been defeated in my effort truly and fairly to represent the State of Idaho.

I say, without the intention of being personal, that I would stake my seat in this body to prevent this wrong from being done to that State; and those who are opposing me can carry that word back to this "overwhelming sentiment" that they say is in favor of it. You can take the challenge to them. I say it only that you may know how earnest I am to protect Idaho and Idaho's interests. What Senator here would stand idly by and see a navigable river, the only one that connected his State with the open ocean and with the trade of the world, closed up by a private enterprise, by the construction of a dam, with locks, that would be maintained by private enterprise, with no Government or governmental assurance or security behind it? What Senator would stand here and see Congress, without his opposition and his resistance, vote to close up to any extent—even to the extent of placing a fragment of timber in it—a river that would detract from its value as an artery of trade, and then go back to his people and say, "It was a question of good fellowship; I wanted to please this neighbor or that." You can not settle these questions with the smile of good fellowship. It means something to a State just starting up in the strength of its new birth and growth like the State of Idaho, to be cut off and made an interior State when we have been spending millions of dollars to make it a seaboard State.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. I should like to ask the Senator if it is not a fact that to go down from Idaho to the open sea, of which he speaks, he has to go through the Celilo Canal and also through the locks at the Cascades? The proposition of the people of whom I have spoken here to-day is simply to put in a dam, under the supervision and direction of the Government, and to put a canal around that dam to overcome the riffles in the nonnavigable part of the Snake River for about 18 miles in certain seasons of the year. That canal being conveyed, as it must be under the law, to the Government of the United States, will enable the people of Lewiston to get to the open sea through that canal, around the proposed dam, exactly as they must get to the open sea by going through the Celilo Canal and the Cascade locks. I will ask the Senator if it is not exactly the same proposition? They can not get to any open sea without going through the canals I have mentioned. This proposition will, according to the Government engineer's report, improve the navigation of the river and set back that current, raising the water up so as to relieve the vessels of the riffles which they can not now navigate with safety, and can only navigate in certain seasons of the year. This project will enable them to navigate that part of the river covered with rapids at all seasons of the year, and the people of Lewiston, realizing that, have approved this bill.

Mr. HEYBURN. Mr. President, the reiterated statement that the people of Lewiston have approved this bill almost tempts me to the point of indiscreetness in speaking of the people who approve of this bill. But I will not do it. They are fellow-citizens of mine, and they belong to the State, but the State does not belong to them. The Celilo Falls improvement has the Government of the United States behind it with an expenditure, I think, of over $9,000,000. The Cascade locks, the only other obstacle, have been removed and the Government stands behind that project as a pledge for its perpetual maintenance. But here we have a puny enterprise with $25,000 capital on paper——

Mr. PILES. Does the Senator think that is a fair statement?

Mr. HEYBURN. Yes; I am going to make it fair, because I have their own statement here, if the Senator will give me an opportunity to read it.

Mr. PILES. Their own statement shows that they have property of the value of $300,000 over and above their debts.

Mr. HEYBURN. Mr. President, I intend to know very soon what the tax collector and assessor place the value of their property at in that county. I shall probably know before we close the discussion of the question.

Mr. PILES. I do not care if he puts it at $35.

Mr. HEYBURN. Is it $15,000?

Mr. PILES. I do not know whether it is $15, and I do not care, if the Senator will pardon me.

Mr. HEYBURN. It might make some difference probably to the Senate.

Mr. PILES. On that point I will simply say that this corporation was organized and is controlled by good men. The Senator will not deny that. They, as I understand, figure that this proposition will cost them a million and a half dollars. They do not expect with a capital stock of $25,000 to build this dam and canal. They propose to increase their capital stock when they find they can go on with this work, and they have men behind it, as they tell me, who will finance the proposition.

Mr. HEYBURN. Now, just a moment, if the Senator will permit me. The Senator and I were together when I asked the question of the representative of this corporation, who, I believe, was its president, in one of the rooms adjoining this Chamber, as to what and who was behind it. He said that was a question that he did not feel at liberty to enter upon. So that this applicant, this suppliant is somewhere back of these promises, but we are not permitted to know who he is.

Mr. PILES. If the Senator will pardon me just a moment——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. The gentleman to whom the Senator refers stated that he did not care to divulge the names of the business men who would put their money into this proposition, but all of those men are well known in the State of Washington. They are recommended by stable men in the State of Washington as men of character. I do not know some of them, but I do know that the men in Kennewick and in Pasco and other places who have urged me to support this bill vouch for the character and ability of these men; otherwise I would not be here asking Congress to give them the privilege which they seek. If the Senator has any objection as to the character and ability of these men, he can readily find out about them in the State of Washington, where they live.

Mr. HEYBURN. Mr. President, I would object to this proposition regardless of the responsibility of the individuals, because I am objecting to this, not on personal grounds, but because of the principle that it involves, and because of the effects that would flow from it. I should like to know whether either of the Senators from the State of Washington will undertake to say that this corporation on the tax rolls anywhere pays taxes on $15,000 worth of property?

Mr. PILES. I can not say anything about that. I do not know anything about it.

Mr. HEYBURN. Well, Mr. President, we are asked here to consider the proposition of granting to this private enterprise the right to take possession of this great waterway—which I think I would not be exaggerating should I say that it is as broad as the Potomac in front of this city—to take possession of it and undertake to construct a dam in it. What they want is to take possession of it for the purpose of a financial exploitation that will enable them to take this privilege which Congress gives, and then sell it to someone else. I said to them—and I have copies of all my letters here—"Let us see the plans and specifications upon which you propose to base this work; let us see your estimated cost of construction; let us see your esti-

mate for the cost of maintaining it after it is constructed. Let Congress know whether they are asked to grant a privilege to a myth or whether there is behind it that substantial character which should be behind any public enterprise. Then," I said, "there will be nothing left to consider but the question of the law and what we may and should do under the law, with fixed and determined conditions to deal with." I have not received them, but I have received a statement that no plans, specifications, estimates, or drawings have ever been prepared. I have the statement of General Mackenzie, who is the Chief of Engineers, saying over his own signature:

So far as the records show no plans and specifications for the purpose mentioned within have been submitted to this office by the Benton Water Company.

That is the party seeking this right at the hands of Congress.

Mr. President, I believe, notwithstanding the fact that Congress has delegated to the Engineer Corps of the War Department the supervisory right to pass upon these plans and specifications, that Congress in granting the right to any applicant should have as accurate information as would be required by the Department. Are we to sit here and pass laws giving rights for the exploitation of chimerical or imaginary enterprises to parties who can not carry them into effect, that they may go into the market and seek buyers or backers for them? I take it not.

I ask that this bill shall go back to the committee which reported it, without any reflection upon the watchful care of that committee. I ask that it may go there in order that these facts may be determined by that committee and investigated and passed upon and the facts may come in here in the shape of a report accompanying the bill. Is there anything unreasonable about that? Is there any such haste that we should grant this right to this financial uncertainty at this time and at this hour that you should refuse to send it back to the committee with, I hope, some light upon the whole question, that they may consider the propriety of recommending the passage of a bill of this kind with a full knowledge of the facts.

Mr. President, I ask a vote upon the motion I have made, that the bill be referred back to the Committee on Commerce.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Idaho.

The motion was rejected.

Mr. FRYE. The junior Senator from Idaho [Mr. BORAH] yesterday offered an amendment to the bill. I should like to have it reported, if it is at the desk.

The VICE-PRESIDENT. The Secretary will state the amendment presented by the junior Senator from Idaho.

The SECRETARY. Add at the end of section 1:

Provided, That said Benton Water Company, its successors or assigns, shall construct, operate, and maintain locks, perpetual and free of charge or toll to navigation and navigators, and shall so use said stream as not in any manner to obstruct, embarrass, or retard navigation.

Mr. KEAN. Mr. President, has the amendment been agreed to?

The VICE-PRESIDENT. It has been agreed to.

Mr. HEYBURN. The amendment was not objected to. There is no objection to it. The bill is no better with the amendment than it was without it. The act of 1906 attached that amendment to the bill, for whatever it is worth. The act of 1906 and the other provisions of general law require that they shall do exactly what the amendment of the junior Senator from Idaho says they shall do. So it adds nothing to the bill one way or the other.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. BORAH. Mr. President, in view of the suggestion which has just been made, I desire to say a word with reference to the position I occupy in regard to this bill.

As I said yesterday, it was not my intention when the bill came up for consideration to make any remarks in regard to it, because I considered it largely and almost exclusively a matter for the Senators from Washington to take care of. But there was one matter which was of some concern to the people of the State which I have the honor in part to represent, and that was the question of the navigation or navigability of the stream. I was aware of the fact that the Secretary of War had supervisory power over the navigation of our streams. I had learned that in my experience in reference to the streams in Idaho, because we have been building dams under the supervisory power of the Secretary of War upon all of the navigable streams in the State of Idaho since I have been there, and, of course, we were perfectly familiar with that proposition.

But when this matter came up for consideration, I said to the Senators from Washington that I desired a more specific arrangement with reference to this particular matter; that there was some question about the general law being sufficient and efficient to cover that proposition; and I therefore submitted this amendment to the Senators from Washington, and they agreed to it and were satisfied with it. That satisfying me fully as to the proposition of there being no impediment to navigation, I agreed with them to support the bill, and for that reason I am doing so and propose to continue to do so.

There is no controversy here between my colleague and myself with reference to the desire to keep open the Snake River as a stream for navigable purposes. I maintain that that is protected in this instance both by the general law, which is executed under the supervisory power of the Secretary of War, and by the specific arrangement which is included in and attached to this bill. It can not be successfully said, in view of the general law and of this amendment, that any dam to be erected in Snake River will in any way retard, impede, or embarrass navigation, and that is the only thing with which the people of the State of Idaho are concerned.

I looked at it that if the people of the State of Washington desire to reclaim a hundred and fifty thousand acres of land and build homes upon those lands, so long as the State of Idaho is not affected in any way, shape, or form, it is the part of good legislation here, so far as I am concerned, to vote to aid the people of the State of Washington in their desire to do that specific thing. I believe that the amendment does protect the situation, and therefore I support the bill.

It is said that the President proposes to veto such a measure; that he does not propose that such measures shall again become the law. If it is the desire of the Senate to establish a new policy, or if it is the desire of the President to establish a new policy in regard to those matters, I am very much in favor of this policy, but I am here carrying out a policy as old as the Government itself, a policy which has been repeated time and again in the Senate Chamber within the last ten years. The Snake River has in it, to my personal knowledge, three private dams, which were built by private individuals, and that portion of the river is navigable. It is no new thing to the State of Idaho. We are interested in reclaiming that entire country, and I am willing for one to assist all who wish to do so.

Mr. HEYBURN. In section 1 of the act of June 21, 1906, which is existing law, it is provided—

That in approving said plans—

That is, plans for the erection of this class of work—

and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions.

That is all the amendment does. That was already the law, and they would have been required to do those things under existing law.

Mr. President, so far as the irrigation question is concerned, in order that we may see the scope and intent of this corporation to take possession of this river, I will ask you to consider this provision in the articles of incorporation:

The objects for which this corporation is formed are as follows:

"1. To own, construct, operate, and maintain a water-power plant for electrical, manufacturing, irrigating, and other purposes."

They were incorporated on the 21st of April, 1905, three years ago.

2. To build, own, operate, and maintain irrigation canals and ditches; acquire and make appropriations of water; sell water rights, and charge and receive rentals and tolls for supplying water for irrigation and domestic purposes.

3. To develop the water power of the Yakima River, in township 9, range 28 east, Willamette meridian, for the purposes of generating electricity for use for light and power; to take and receive from any public or private corporation, franchises and privileges; to generate and transmit electric power to other points in the State of Washington, and to sell the same.

4. To borrow money, execute its promissory note therefor, etc.

The last provision is probably the most important, and the one that will be most frequently appealed to.

I yield to no man, in or out of Congress, in my devotion to the irrigation system and to the reclamation of the arid lands of the United States. I have been connected with it and interested in it and speaking and writing for it for a great many

years. I have, from the beginning, given my support to every such measure, where I was in a position to give support to such legislation and to carrying out of such plans as the legislation authorized. The State of Idaho has benefited to a greater extent than any other State in the Union by irrigation. The State of Idaho has more acres of land under irrigation as a result of the enactment of the Carey Act than any other State in the United States. Idaho had the first and has the largest reclamation project under what is known as the "reclamation act" of any State in the Union. The Minidoka project is practically and fully complete, because the water is turned into the ditches, and last year they raised a very considerable amount of crops, and this year will raise full crops.

I have asked and Congress, so far as the Senate is concerned, has granted, in addition to the 1,000,000 acres allowed under the Carey Act to that State, 2,000,000 acres, not before we wanted it, but because we have the actual applications for that land from responsible parties who are able to carry the law into effect. Think you that I would be the one to stand on this floor and throw any obstacle in the way of any enterprise for the reclamation of the arid lands of any country? But if parties should come here and propose to draw their water supply from the sun by extinguishing it, or from the clouds, I would look with a somewhat critical eye upon their scheme. If they were to propose to reclaim these lands at the expense of cutting off the water supply of a great city, I should look with a critical eye at their proposition. If they came here and proposed to reclaim these lands with $25,000 of capital at the expense of the navigation of Snake River, then I look not only with a critical eye, but I raise the hand of protest, because I know there is no stability behind this proposition, and it is simply asking Congress to give them the capital of an exploiter to go upon the market and try to sell their rights.

The Senator from Washington admits that the president of this company gave as a reason for not disclosing the parties who were to make this a substantial enterprise that it was not policy.

Mr. PILES rose.

Mr. HEYBURN. Is that correct?

Mr. PILES. I was going to say it is not correct. We all know that men who engage in big enterprises——

Mr. HEYBURN. Before I submit to the interruption, if the Senator please, he says that is not correct, and I am not content to be met with that kind of denial, and then have the Senator go off and make a speech on some other part of the question. In what way is it incorrect?

Mr. PILES. In this way——

Mr. HEYBURN. Let us finish this now.

Mr. PILES. It is incorrect in this respect, that the gentleman stated, as I understood him, that the men who were interested in this project and who were furnishing the money were men of means; at least that is what he told me.

Mr. HEYBURN. I want to know the conversation he had in the presence of both of us.

Mr. PILES. The Senator will pardon me. He has asked me to answer him.

Mr. HEYBURN. But the Senator refers to some conversation when I was not present, I think.

Mr. PILES. The conversation as I understand it is that between the president of the company and you and myself. You asked him the names of the gentlemen interested with him in the project who were to furnish the money, and he said he did not care to bring those men's names into the transaction, as I now recall it.

Mr. HEYBURN. Wherein does that differ from the statement I made, that he said that he did not care to disclose their names or identity?

Mr. PILES. But you said it was because he did not regard it as good policy.

Mr. HEYBURN. Wherein does the Senator's statement differ from the statement I made, which he said was not correct?

Mr. PILES. I do not maintain that there is any material difference, but I should like to say this to the Senator: What is the difference whether these men have a capital stock of $25,000 or $25,000,000?

Mr. HEYBURN. I think I will not be interrupted for the reiteration of that statement.

Mr. PILES. Let me ask you this question.

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Washington?

Mr. HEYBURN. I will yield for a question.

Mr. PILES. Is it not a fact that under the law of June 21, 1906, the parties receiving a grant of this character are required to commence work on it within one year and to complete it, according to plans and specifications approved by the Government, within three years? Now, who can be hurt under a proposition of that kind, whether these gentlemen have money or whether they have not money?

Mr. HEYBURN. It is not probable that the corporation pleading for this right, the Benton Water Company, would be able to carry out the plan at all; in fact, you may say with confidence that they would not. Is it proper for Congress to send out a roving commission to hunt up capital for the purpose of engaging in an enterprise of this kind, that is to be based upon a presumption behind the passage of any legislation that the parties to whom the grant is given are capable of carrying it out? What kind of legislation would that be?

If some unknown incompetent were to come to Congress and ask for the right to build a bridge across the Potomac River—some person with no responsibility behind him, or unable to show any—and who would say, "I do not care to tell you who is behind me," with a broad intimation that there was great wealth behind him, would Congress give it very much consideration?

Mr. PILES. I should like to ask the Senator from Idaho a question. Does he propose to let this question come to a vote to-night? If he does not——

Mr. HEYBURN. I do not propose to allow it to come to a vote at any time when I can prevent it by any rule of this body or any action on my part. I will be perfectly candid about it.

Mr. PILES. If the Senator does not intend to allow the question to come to a vote to-night, I am sure I do not want to be responsible for keeping Senators here over a little matter of no great consequence—purely local. If he says he will not let the matter come to a vote to-night, I will move that the Senate adjourn.

Mr. HEYBURN. I have said to the Senator it is my intention not to allow it to come to a vote at any time if I can prevent it.

Mr. PILES. I move that the Senate adjourn.

Mr. BORAH. Mr. President, I omitted when I was on my feet before to read a telegram or two, which I wish to read in order that they may go into the RECORD.

Mr. PILES. I will be very glad to withdraw the motion for that purpose.

Mr. BORAH. I have received these telegrams since this discussion commenced:

LEWISTON, IDAHO, *March 31, 1908.*

Hon. W. E. BORAH,
United States Senate, Washington, D. C.

Lewiston Commercial Club and people here favor Benton dam at Fivemile, in Snake River, if bill amended as heretofore proposed. With bill amended, we think proposed dam will aid and not impede navigation. Proposed works by Benton Water Company will, in our judgment, be aid in securing open river from Lewiston to sea.

J. B. MORRIS,
JOHN O. BENDER,
STORRI BUCK,
Committee.
D. J. MCGILVERY,
President.

From the same place:

Senator W. E. BORAH,
Washington, D. C.

People here favor Benton Water Company dam at Fivemile Rapids, Snake River, provided bill amended as heretofore stated in resolution by Commercial Club.

HENRY HEITFELD.

Formerly a member of this body.

Mr. PILES. Mr. President——

Mr. HEYBURN. I want to say—and then I will yield to the Senator—that it can go back to Lewiston; that I do not accept the judgment of those men as a sufficient reason why I should abandon the interests of the State of Idaho.

Mr. PILES. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 1, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 31, 1908.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David Jayne Hill, of New York, now envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg, for promotion, to be ambassador extraordinary and plenipotentiary of the United States to Germany, to take effect June 1, 1908, vice Charlemagne Tower, resigned.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Arthur M. Beaupré, of Illinois, now envoy extraordinary and minister plenipotentiary to the Argentine Republic, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands and Luxemburg, to take effect June 1, 1908, vice David Jayne Hill, nominated for promotion to be ambassador extraordinary and plenipotentiary to Germany.

Spencer F. Eddy, of Illinois, now secretary of the embassy at Berlin, for promotion, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic, to take effect June 1, 1908, vice Arthur M. Beaupré, nominated to be envoy extraordinary and minister plenipotentiary to the Netherlands and Luxemburg.

APPOINTMENTS IN THE ARMY.

General officers.

Brig. Gen. Charles B. Hall to be major-general from March 28, 1908, vice Greely, retired from active service.

Col. John B. Kerr, Twelfth Cavalry, to be brigadier-general, vice Hall, to be appointed major-general.

POSTMASTERS.

KANSAS.

Elon G. Dewey to be postmaster at Moline, Elk County, Kans., in place of Elon G. Dewey. Incumbent's commission expired January 22, 1908.

Theodore Iten, jr., to be postmaster at Ellinwood, Barton County, Kans., in place of John Grant, removed.

KENTUCKY.

Llewellyn F. Sinclair to be postmaster at Georgetown, Scott County, Ky., in place of Llewellyn F. Sinclair. Incumbent's commission expires April 27, 1908.

Charles F. Troutman to be postmaster at Shepherdsville, Bullitt County, Ky. Office became Presidential October 1, 1907.

John B. Weller to be postmaster at Bardstown, Nelson County, Ky., in place of John B. Weller. Incumbent's commission expired December 16, 1907.

LOUISIANA.

Ernest J. Lyons to be postmaster at Melville, St. Landry Parish, La. Office became Presidential October 1, 1907.

Claude H. Wallis to be postmaster at Houma, Terrebonne Parish, La., in place of Ernest A. Dupont. Incumbent's commission expired February 18, 1908.

Jessie B. Wells to be postmaster at Leesville, Vernon Parish, La., in place of Jessie B. Wells. Incumbent's commission expired February 18, 1908.

Thomas M. Wells to be postmaster at Colfax, Grant Parish, La. Office became Presidential January 1, 1908.

MASSACHUSETTS.

Martin E. Stockbridge to be postmaster at Dalton, Berkshire County, Mass., in place of Martin E. Stockbridge. Incumbent's commission expires April 19, 1908.

MISSOURI.

August W. Enis to be postmaster at Clyde, Nodaway County, Mo., in place of August W. Enis. Incumbent's commission expired February 11, 1907.

Clifford M. Harrison to be postmaster at Gallatin, Daviess County, Mo., in place of Clifford M. Harrison. Incumbent's commission expires April 19, 1908.

Ben J. Smith to be postmaster at Ava, Douglas County, Mo. Office becomes Presidential April 1, 1908.

NEW YORK.

Judson A. C. Knapp to be postmaster at Churchville, Monroe County, N. Y., in place of Myron A. Wheeler. Incumbent's commission expired February 20, 1908.

OHIO.

Mary M. Carey to be postmaster at Lexington, Richland County, Ohio. Office became Presidential January 1, 1907.

Lee L. Cassady to be postmaster at Dresden, Muskingum County, Ohio, in place of Lee L. Cassady. Incumbent's commission expired February 1, 1908.

Thomas G. Moore to be postmaster at Barnesville, Belmont County, Ohio, in place of Thomas G. Moore. Incumbent's commission expires April 27, 1908.

Robert H. Wiley to be postmaster at Flushing, Belmont County, Ohio, in place of Robert H. Wiley. Incumbent's commission expires April 19, 1908.

PENNSYLVANIA.

Luther M. Alleman to be postmaster at Littlestown, Adams County, Pa., in place of Luther M. Alleman. Incumbent's commission expires April 27, 1908.

Harvey E. Brinley to be postmaster at Birdsboro, Berks County, Pa., in place of Harvey E. Brinley. Incumbent's commission expired March 16, 1908.

James E. Rupert to be postmaster at Conneautville, Crawford County, Pa., in place of James E. Rupert. Incumbent's commission expires April 27, 1908.

Bert L. Venen to be postmaster at Springboro, Crawford County, Pa. Office becomes Presidential April 1, 1908.

RHODE ISLAND.

Walter Price to be postmaster at Westerly, Washington County, R. I., in place of Walter Price. Incumbent's commission expires April 27, 1908.

WEST VIRGINIA.

John E. Houston to be postmaster at Davis, Tucker County, W. Va., in place of John E. Houston. Incumbent's commission expires April 27, 1908.

WISCONSIN.

Henry J. Goddard to be postmaster at Chippewa Falls, Chippewa County, Wis., in place of Henry J. Goddard. Incumbent's commission expires April 27, 1908.

CONFIRMATIONS.

Executive nomination confirmed by the Senate March 30, 1908.

POSTMASTER.

OKLAHOMA.

Charles W. Young to be postmaster at Carnegie, Caddo County, Okla.

Executive nominations confirmed by the Senate March 31, 1908.

APPOINTMENT IN THE MARINE-HOSPITAL SERVICE.

Harry J. Warner, of Illinois, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

MARSHAL.

Samuel Grant Victor, of Oklahoma, to be United States marshal for the eastern district of Oklahoma.

PROMOTIONS IN THE NAVY.

To be lieutenants, junior grade, in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade:

Charles C. Moses,
Lindsay H. Lacy,
Macgillivray Milne,
Wilbur R. Van Auken,
Austin S. Kibbee,
Martin K. Metcalf, and
Thomas H. Taylor.

To be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Lindsay H. Lacy,
Macgillivray Milne,
Wilbur R. Van Auken,
Martin K. Metcalf, and
Thomas H. Taylor.

Assistant Surgeon Francis M. Shook to be a passed assistant surgeon in the Navy from the 15th day of March, 1908, upon the completion of three years' service in present grade.

To be assistant naval constructors in the Navy from the 24th day of March, 1907, to fill vacancies existing in that grade on that date:

Robert B. Hilliard,
Edwin O. Fitch, jr.,
Lee S. Border,
John C. Sweeney, jr.,
James O. Gawne, and
Alva B. Court.

POSTMASTERS.

COLORADO.

Charles D. Pickett to be postmaster at Wray, Yuma County, Colo.

FLORIDA.

Rix M. Robinson to be postmaster at Pensacola, Escambia County, Fla.

ILLINOIS.

John W. Campbell to be postmaster at Morrisonville, Christian County, Ill.

Alfred Schuler to be postmaster at Mound City, Pulaski County, Ill.

Elmer E. Smith to be postmaster at Clayton, Adams County, Ill.

Paul Spitzer to be postmaster at Techny, Cook County, Ill.

Benjamin Wendling to be postmaster at Des Plaines, Cook County, Ill.

Samuel S. Yolton to be postmaster at Villa Grove, Douglas County, Ill.

IOWA.

William G. Ross to be postmaster at Fairfield, Jefferson County, Iowa.

KANSAS.

Henry C. Abbott to be postmaster at Le Roy, Coffey County, Kans.

Charles T. Dallam to be postmaster at Hoxie, Sheridan County, Kans.

June B. Smith to be postmaster at Cottonwood Falls, Chase County, Kans.

KENTUCKY.

John W. Breathitt to be postmaster at Hopkinsville, Christian County, Ky.

E. S. Morrison to be postmaster at Latonia, Kenton County, Ky.

Charles G. Robinson to be postmaster at Earlington, Hopkins County, Ky.

Will P. Scott to be postmaster at Dawson Springs, Hopkins County, Ky.

James W. Thomason to be postmaster at Uniontown, Union County, Ky.

Lizzie Vaupel to be postmaster at Morganfield, Union County, Ky.

MICHIGAN.

Charles A. Cline to be postmaster at West Branch, Ogemaw County, Mich.

William N. Lister to be postmaster at Ypsilanti, Washtenaw County, Mich.

MINNESOTA.

William E. Easton to be postmaster at Stillwater, Washington County, Minn.

Mons Hauge to be postmaster at Benson, Swift County, Minn.

Paul H. Tvedt to be postmaster at Nashwauk, Itasca County, Minn.

MONTANA.

Oscar H. Davey to be postmaster at Whitehall, Jefferson County, Mont.

Lawrence Hauck to be postmaster at Philipsburg, Granite County, Mont.

NEBRASKA.

Joseph G. Alden to be postmaster at Aurora, Hamilton County, Nebr.

Thomas A. Boyd to be postmaster at Beaver City, Furnas County, Nebr.

Glenwin J. Crook to be postmaster at Falls City, Richardson County, Nebr.

Andrew D. McNeer to be postmaster at Blue Hill, Webster County, Nebr.

Similien L. Perin to be postmaster at Sargent, Custer County, Nebr.

Melancthon Scott to be postmaster at South Auburn, Nemaha County, Nebr.

John A. Wood to be postmaster at Ewing, Holt County, Nebr.

NEW JERSEY.

Harry E. Frey to be postmaster at Stewartsville, in the county of Warren and State of New Jersey.

TEXAS.

J. W. Bradford to be postmaster at Mount Vernon, Franklin County, Tex.

WEST VIRGINIA.

James Faulkner to be postmaster at Macdonald, Fayette County, W. Va.

WISCONSIN.

Albert G. Kurz to be postmaster at Green Bay, Brown County, Wis.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 31, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 19955, the urgent deficiency appropriation bill, with Senate amendments thereto, and ask concurrence in the Senate amendments.

Mr. SULZER. Mr. Speaker, reserving the right to object, I would like to have the amendments reported.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the bill H. R. 19955, the urgent deficiency bill, with Senate amendments, and consider the same at this time.

Mr. SULZER. Mr. Speaker, I would like to have the amendments reported.

The SPEAKER. The Clerk will report the bill and amendments.

The Clerk read as follows:

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

The amendments were read.

The SPEAKER. Is there objection?

Mr. WILLIAMS. I object, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi objects, and the bill is referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6350. An act granting an increase of pension to Jennie Carroll and Mabel H. Lazear;

S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho;

S. 5590. An act for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list;

S. 5388. An act for the relief of Benjamin C. Welch;

S. 5263. An act for the relief of William Parker Sedgwick;

S. 5227. An act granting an honorable discharge to Seth Wardell;

S. 5207. An act for the relief of William Radcliffe;

S. 6131. An act to authorize the construction of a bridge across the Rock River, State of Illinois;

S. 5862. An act to purchase certain lands adjacent to the present site of Fort Logan, Colo.;

S. 5620. An act to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama;

S. 5604. An act authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes;

S. 5038. An act for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado;

S. 4814. An act to amend section 491n of the Code of Law for the District of Columbia;

S. 4782. An act to remove the charge of desertion against Thomas L. Rodgers;

S. 4703. An act to provide for the leasing of allotted Indian lands for mining purposes;

S. 4132. An act creating an additional land district in the State of South Dakota;

S. 4107. An act to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia;

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson;

S. 3125. An act for the relief of Jabez Burchard;

S. 2743. An act for the relief of Peter McKay;

S. 1744. An act for the relief of the heirs of George A. Armstrong;

S. 1160. An act to correct the military record of Lora E. Reed;

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy;

S. 754. An act for ascertaining the feasibility and probable cost of constructing a canal from the Tennessee River, at or near the city of Chattanooga, in the State of Tennessee, to the navigable waters of the Ocmulgee River, in the State of Georgia, by which there will be furnished adequate water communication by the shortest and most practicable route between the Atlantic Ocean and the navigable waters in the rivers of the Mississippi Valley;

S. 655. An act for the relief of Richard A. Proctor;

S. 437. An act for the relief of D. J. Holmes; and

S. 388. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship.

The message also announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12499. An act for the relief of Clarence Frederick Chapman, United States Navy;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;" and

H. R. 603. An act granting an increase of pension to John A. M. La Pierre.

URGENT DEFICIENCY APPROPRIATION BILL REFERRED.

Under clause 2, Rule XXIV, the bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life;

H. R. 6664. An act for the relief of Robert Scholter;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 3822. An act for the relief of James Behan;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River;

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River;

H. R. 15070. An act for the relief of J. Edmund Strong; and

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5604. An act authorizing the Secretary of the Interior to reserve lands on Indian reservations for power and reservoir sites, and for other purposes—to the Committee on Indian Affairs.

S. 5620. An act to authorize the issuance of a patent to the assignee of Warner Bailey, for land located in Choctaw County, State of Alabama—to the Committee on the Public Lands.

S. 5862. An act to purchase certain lands adjacent to the present site of Fort Logan, Colo.—to the Committee on Military Affairs.

S. 6131. An act to authorize the construction of a bridge across the Rock River, State of Illinois—to the Committee on Interstate and Foreign Commerce.

S. 6136. An act authorizing the Secretary of War to issue patent to certain lands to Boise, Idaho—to the Committee on Military Affairs.

S. 6350. An act granting an increase of pension to Jennie Carroll and Mabel H. Lazear—to the Committee on Pensions.

S. 4703. An act to provide for the leasing of allotted Indian lands for mining purposes—to the Committee on Indian Affairs.

S. 4782. An act to remove the charge of desertion against Thomas L. Rodgers—to the Committee on Naval Affairs.

S. 4814. An act to amend section 491n of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

S. 5038. An act for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado—to the Committee on Indian Affairs.

S. 5207. An act for the relief of William Radcliffe—to the Committee on Claims.

S. 5227. An act granting an honorable discharge to Seth Wardell—to the Committee on Naval Affairs.

S. 5263. An act for the relief of William Parker Sedgwick—to the Committee on Naval Affairs.

S. 5388. An act for the relief of Benjamin C. Welch—to the Committee on Military Affairs.

S. 5590. An act for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list—to the Committee on Naval Affairs.

S. 4132. An act creating an additional land district in the State of South Dakota—to the Committee on the Public Lands.

S. 4107. An act to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia—to the Committee on the District of Columbia.

S. 3952. An act to restore to the active list of the United States Marine Corps the name of Robert Morgan Gilson—to the Committee on Naval Affairs.

S. 3125. An act for the relief of Jabez Burchard—to the Committee on Naval Affairs.

S. 2743. An act for the relief of Peter McKay—to the Committee on Claims.

S. 1744. An act for the relief of the heirs of George A. Armstrong—to the Committee on War Claims.

S. 1160. An act to correct the military record of Lora E. Reed—to the Committee on Military Affairs.

S. 879. An act for the relief of John S. Higgins, paymaster, United States Navy—to the Committee on Claims.

S. 655. An act for the relief of Richard A. Proctor—to the Committee on Claims.

S. 437. An act for the relief of D. J. Holmes—to the Committee on Private Land Claims.

S. 388. An act to confirm and legalize prior admissions to citizenship of the United States where the judge or clerk of the court administering the oath to the applicant or his witnesses has failed to sign or seal the record, oath, or the judgment of admission, and to establish a proper record of such citizenship—to the Committee on Immigration and Naturalization.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 90, noes 56.

So the motion was agreed to; and the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. When the committee rose yesterday a point of order was pending on an amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, I request that the pending amendment be read.

The CHAIRMAN. Without objection, the Clerk will again report the pending amendment.

The Clerk read the amendment, as follows:

Provided further, That no part of this appropriation shall be used for the negotiation of any sale of timber in any national forest at a price above what would constitute a fair and reasonable price for such timber were it sold in competition with timber of a like character in the same locality on land in private ownership.

Mr. MONDELL. Mr. Chairman, I offered this amendment for the purpose of calling attention to the manner in which sales of timber upon the national forests are now made. Probably few members of the committee realize the extent of some of these great forest reserves. One of the reserves in my State, to which I have heretofore referred, is considerably larger than the State of Massachusetts, and it contains within its borders practically all of the timber in the entire region, so that so far as the local supply is concerned all of those living within 100 miles of the reserve are dependent upon it for their timber and their lumber. The inclusion of so vast an area in the reserve necessarily creates a monopoly, a Government monopoly. The question immediately arises as to what is the fair stumpage value of the timber within such a reservation. As to the reserve which I now have in mind private owners owning timber land in that region prior to the establishment of the reserve considered their timber worth about $1 to $1.50 per thousand feet stumpage, and all the small mills sold their lumber on about that basis. Immediately upon the establishment of this great reserve, rules and regulations relative to the manner of cutting and disposing of waste were put into operation, with which it was very difficult for the small mills to comply, with the result that within about two or three years most of the

small mills went out of business and the cutting of timber on that reserve went into the hands of a very few large companies.

The first sales were made at a reasonable price for stumpage. When the time came to make further sales the Forestry officers consulted various gentlemen ambitious to go into the lumber business, including parties who had been previously engaged in the business, and who had mills, flumes, and works costing a large amount of money in the forests. The Forestry Bureau, instead of depending upon ordinary competition to fix the prices, stated to contemplating bidders that no bid would be received for less than a certain price per thousand feet—$5, I believe, was the minimum stumpage price in the particular case I have in mind—while former sales had been made, I think, at about $1.50 a thousand. Naturally, men who had a large interest there could not afford to lose their plants. Others, ambitious to go into the lumber business under these monopolistic conditions, were encouraged to bid, so the price was raised to nearly $6 per thousand.

Now, Mr. Chairman, I am not exercised on behalf of the gentlemen who bought that timber; none of them have ever complained to me as to the price they paid for stumpage. They have no reason to complain, because by reason of the establishment of the reserve such a monopoly is established and maintained that they can add to the price of their lumber a sufficient amount to cover the highest cost of stumpage and a good profit besides. But, Mr. Chairman, such sales mean our people are compelled to pay all the way from $4 to $6 a thousand more for their lumber than they had been paying for it.

Mr. COCKS of New York. Mr. Chairman, will the gentleman permit a question?

The CHAIRMAN. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. COCKS of New York. Has not the market price of lumber raised during that period at all?

Mr. MONDELL. Mr. Chairman, I was just coming to that point.

Mr. DOUGLAS. Will the gentleman yield for another question, since he has been interrupted?

Mr. MONDELL. With pleasure.

Mr. DOUGLAS. Where did the small mill owners get their lumber prior to the reservation?

Mr. MONDELL. Some of the small mill men cut the timber under the free-use clause under which they can cut lumber for the settlers without paying any stumpage. But more of them, I will say to the gentleman, bought small areas of woodland and cut their timber from the land they owned. Having answered the question of the gentleman from Ohio [Mr. DOUGLAS] I would like to answer the question of the gentleman from New York [Mr. COCKS], as to whether there has been a general advance in the price of lumber.

Now, I live something over 200 miles from the reserve in question, in a region that does not happen to be in a reserve. The trees were rather too scattered to tempt even the Forestry Service, and that is saying a great deal. In this region is some timber land owned by private individuals, some of it owned by the State, which sells stumpage at a fair price. In the neighborhood of my home we buy native lumber at the small mill for $12 or $13 a thousand. That price is based on a stumpage value of $1 a thousand or $1.50 a thousand in the tree. Over yonder, on the other side of the mountains, where the Government has established this great reserve monopoly, the same sort of lumber sells at the mills at from $18 to $22 a thousand, which means $6 to $10 a thousand more in the towns.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, if this were an isolated condition I should certainly not take up the time of the House discussing it. I simply wish to call the attention of the House to the fact that the Forestry Bureau creates a monopoly by the creation of that reserve, and then it uses the monopoly which it has created to raise the price of lumber. We live in a region farther from market than any other people under the American flag. All we grow must be shipped to market at a greater transportation expense than is borne by the products of any other people in the country. All that we buy pays a higher freight rate than the same articles used by the people of any other part of the country.

Mr. COCKS of New York. Mr. Chairman——

Mr. MONDELL. I have only five minutes. Mr. Chairman, now, fortunately, nature has given us a scattering growth of pine on our hilltops. Otherwise we would be compelled to ship all of our rough lumber as we do all of our finished lumber, either from the coast, a thousand miles away, or from the lower Mississippi, an equal distance, with freight rates so high that ordinary lumber shipped from those points costs from $28 to $35 a thousand. So long as we had the use of the lumber of our forests at a reasonable price the price of lumber from the coast, the lower Mississippi, and the Lakes was kept down, modified, reduced, by the local supply, limited though it was. But immediately upon the establishment of the reserves the Forestry Bureau proceeded to place a price on stumpage limited only by the necessities of our citizens after all the timber in the region had been placed under Government ownership, so that timber must be had from the reserves or not at all.

Now, we do not expect the Government to give away the timber in the forest reserves. We expect to pay a fair price for it, but we do not think we ought to pay two, three, and even four times the amount for stumpage for lodge-pole pine in the Rocky Mountains than is paid for the finest lumber in the world on the Pacific slope. One dollar and fifty cents is a high price for lumber in the tree on the Pacific slope, and yet the Department is receiving more to-day on some of its sales of lodge-pole pine in the Rocky Mountain territory than is being received by the "lumber trust," so called, for its valuable timber on the Pacific coast.

Now, Mr. Chairman, I desire to be fair with the committee. I do not want to hamper the work of this Bureau, but I do desire to call attention to some of the evils that have grown up under it; and I venture the hope that the Bureau will in the future dispose of the products of the forests in our region at a fair and reasonable price and not at a price as much above a minimum fixed arbitrarily by the Bureau as the necessities of our people under an artificial monopoly created by the reserves may compel them to pay.

I am not certain that the amendment that I offered is not subject to the point of order, and while it states the principle on which sales should be made, possibly it would not be workable in practice, and as it has served the purpose I had in mind, that of giving me an opportunity of discussing the evils of the present system governing sales of timber in some of the forest reserves, I shall now withdraw it.

If the forest reserves are to serve a useful and beneficient purpose they must be used rather as a regulator of the price of lumber in their vicinity than as a means of arbitrarily advancing prices. If the people are to give their support and lend their aid to a forest-reserve policy and make appropriations for the same they must know that in the sale of their products the tendency is to reduce rather than increase the cost of such products to the people that must use them. A Government monopoly is no more tolerable than a private monopoly to him who pays the toll.

All of the purposes for which the reserves were established can and will be best served by a policy which lightens rather than adds to the burdens of the people living in their vicinity. Under such a policy national forests will have the support of the people, but so soon as it is generally understood that the policy to be pursued is one under which additional burdens are laid rather than benefits secured the public sentiment of the country east and west will no longer support the reserves.

The CHAIRMAN. Without objection, the gentleman from Wyoming will be allowed to withdraw his amendment.

There was no objection.

Mr. BONYNGE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Provided further, That no part of the money hereby appropriated shall be used for the purpose of enforcing, or attempting to enforce, any rule or regulation of the Department of Agriculture, or of the Forestry Service, which prohibits, or attempts to prohibit, the citizens of the States wherein the national forests are located from appropriating for beneficial uses the waters of the natural streams therein according to the laws of said States and the statutes of the United States.

Mr. BONYNGE. Mr. Chairman, the amendment that I have offered presents a very important question for the consideration of the committee. It is worthy of far more time than the committee can give to it this morning. I shall present what I have to say upon this amendment as briefly as possible. I was prompted to offer the amendment because of some opinions that were expressed upon this floor yesterday. Gentlemen rose upon the floor and made the statement or assertion that in the nonnavigable streams of the West the Government of the United States owned the water. I absolutely deny that proposition. I claim, Mr. Chairman, that the water in the nonnavigable streams of the States of the West is the property of the people of those States, and it is so recognized by the statutes of the

United States, by the statutes of those States, and by the decisions of the Supreme Court of the United States. Long before the State of Colorado was admitted into the Union the Congress of the United States recognized the doctrine that in those arid States prior appropriation of water should give prior right to the use of the water for beneficial purposes.

The first statutory recognition of that doctrine was in an act passed in 1866 by the Congress of the United States, which is now section 2339 of the Revised Statutes, which reads as follows:

Whenever, by priority of possession, rights to the use of water for mining, agriculture, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

That was simply a statutory recognition of a right existing before the statute itself was enacted, and that proposition was maintained and confirmed by a decision of the Supreme Court of the United States, to which I will now call the attention of the committee.

In the case of Broder *v.* Natoma Water Company (101 U. S., 274) the Supreme Court said:

We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one.

That has been the doctrine of the Supreme Court ever since. That decision is one that has been recognized in numerous decisions from that time to the present, including the recent Kansas-Colorado case, and it has found lodgment in every statute passed by the Congress of the United States since the act of 1866.

Section 2340 of the Revised Statutes of the United States further provides:

All patents granted or preemption or homesteads allowed shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BONYNGE. Mr. Chairman, I ask that I may be allowed five minutes more.

Mr. SCOTT. Pending that request, I move that debate upon this amendment close in ten minutes.

The CHAIRMAN. The gentleman from Kansas moves that debate upon the pending amendment close in ten minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BONYNGE. I will call attention to but one more decision of the Supreme Court, although I may cite very many, and that is the case of Gutierres *v.* Albuquerque Land and Irrigation Company, found in 188 United States, at page 545, and I will just quote one sentence from the decision:

By the act of July 26, 1866, Congress recognized, as respects the public domain, so far as the United States are concerned, the validity of the local customs, laws, and decisions of the courts in respect to the appropriation of water.

So that the appropriation of water in the arid States of the West is governed by the local laws of those States, and in the very constitution of our State we have a provision that the water shall be the property of the people of the State. I read now from section 5 of article 16 of the constitution of the State of Colorado, and practically the same provision is to be found in all the constitutions of the States west of the Missouri River.

The section to which I shall call attention was adopted ten years after Congress had recognized the right of the people of the West to appropriate the water of the natural streams of those States and Territories for beneficial uses. I read from section 5 of article 16:

The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the *property* of the *public*, and the same is *dedicated* to the *use* of the *people* of the *State*, subject to appropriation as herein provided.

And even when Congress passed the recent reclamation act, the latest act by Congress dealing with this question, it put into that act the following section, recognizing, as Congress has always done from the beginning, the right of the people of those arid States to appropriate the water of the natural streams under their own laws for beneficial purposes. The reclamation act contains the following section, known as section 8:

That nothing in this act——

Mr. RICHARDSON. Mr. Chairman——

Mr. BONYNGE. I have only five minutes; I would gladly yield to the gentleman if I had the time.

Mr. KENNEDY of Ohio. I should like to suggest that the gentleman discuss his amendment, so that we may know what it is.

Mr. BONYNGE. The amendment was read from the Clerk's desk. Section 8 reads as follows:

SEC. 8. That nothing in this act shall be construed as affecting or intended to affect, or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws—

What laws? The laws of the State or Territory. The section continues—

and nothing herein shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided*, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.

That last proviso states in a few words the doctrine that has prevailed ever since there has been any settlement in the arid lands of the West, and that doctrine is that prior appropriations for beneficial uses gives to the prior appropriator the right to the use of the water; and when gentlemen stand upon this floor and say that the waters of the natural, nonnavigable streams of the arid West are the property of the people of the United States, they forget the statutes that are upon our own Federal statute books, and they forget the decisions of the United States Supreme Court. The doctrine that prior appropriation of water for beneficial uses gives prior right is the basis upon which the development of the arid States has been founded.

Mr. SCOTT. Mr. Chairman, the citation of statutes and the quotation of Supreme Court decisions in the discussion of any subject frequently invests that subject with an air of importance and throws around it an atmosphere of profundity which the merits of the subject do not at all warrant. That is eminently the case in the present instance. There is nothing profound or unusual in the proposition that is now before the House. Stripped of all its legal phraseology, it is a proposition to allow any corporation or any individual to use any land of the United States which it or he may see fit to use, to the exclusion of any other corporation or individual, without money and without price.

The present conduct of the Forest Service in requiring a reasonable fee to be paid when a corporation carries its work over land owned by the United States is only such conduct as a private citizen exercises in the management of his own business. There is not a man in this House who would not think that his rights were being outraged if a railroad should demand the privilege of going across his land without paying any fee or answering to him in damage, and that is precisely what is demanded of the United States by the amendment proposed by the gentleman from Colorado.

It is a great mistake to assume that the Forest Service makes a charge for the water that is used. All the charge that it makes is for the land which the water company takes possession of, and which it takes possession of to the exclusion, necessarily, of any other individual or corporation. The charges made are not extravagant. Before the power plant begins operations the rental is $1 an acre and $5 a mile; but these sums are far below the annual value of the land for power purposes, and accordingly, as soon as the generation of electric power begins, there is added to them an additional charge calculated upon the amount of power generated each year.

This charge begins at a very low figure, when the enterprise is new and the business undeveloped, and increases by moderate increment in successive five-year periods until what is considered a fair charge is attained, when the business has become thoroughly established and developed. The right-of-way permit issued by the Forest Service fixes the maximum charge, and from this maximum it is the purpose of the Service to make deductions when a part of the power plant is outside the forest, or when the plant includes storage reservoirs of large capacity increasing the average annual flow of streams. It will be seen that the charge is made for the use of the land, not for the

water, and it is a most moderate charge, not interfering in any way with the development of the industries in the region in question.

The amendment under consideration seeks to withdraw the appropriation from this Bureau so long as it may seek to enforce any rule or regulation which attempts to prevent the citizens of a State, where the national forests are located, from appropriating for beneficial uses the waters of the natural streams, according to the law of the State and the statutes of the United States.

There is no attempt on the part of the Forestry Service to prohibit anyone entitled to the use of the water from using that water any more than it would be an attempt on the part of a Member of this House who required a railroad to pay him damages for going across his property—any more than that would be an attempt to prohibit the railroad from exercising its charter rights. The charges made, I insist, are moderate charges; they are charges that the Department has a right to make. And if it were not for the fact that the policy which has been here attacked had been followed out, practically all the power now developed within the range of the national forests would have been in the hands of two or three companies—if not of one great company—because there is an evident intent to monopolize the water power of this great region, an attempt which will surely be successful if the authority now exercised by the Forest Service is stricken down. I earnestly hope that the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

The question was taken, and the amendment was rejected.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For surveying, examining, and reporting upon the cost and advisability of creating a national forest reserve and park on the head of Red River, in the State of Texas, to be known as "The Palo Duro Canyon National Forest Reserve and Park," as provided in bill H. R. 11749, now pending in this Congress, and in accordance with the resolution of the legislature of Texas, passed at its last session, $10,000.

Mr. SCOTT. Mr. Chairman, to that I make a point of order.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STEPHENS of Texas. Not upon the point of order, but upon the merits of the bill.

The CHAIRMAN. The question is first upon the point of order. Does the gentleman from Texas desire to be heard upon the point of order?

Mr. SCOTT. Mr. Chairman, I will reserve the point of order for one minute.

Mr. STEPHENS of Texas. Mr. Chairman, this amendment is in accordance exactly with the appropriation of $25,000 made at the last session of Congress for the purpose of a survey of the boundaries of the Appalachian and White Mountain forest and park reservations, bills for which are now pending before this House, and I will state that numerous hearings have been had during this Congress before the gentleman's committee—the Committee on Agriculture. My amendment to this bill is on all fours with those projects, and therefore if they are entitled to an appropriation for surveys for forest reserves we are certainly entitled to it under my bill for a forest reserve and park on Palo Duro Canyon, in Texas. The head of the Red River is in Texas and extends to the eastern side of New Mexico. We have in lower Red River a navigable stream several hundred miles in length, touching four different States—Texas, Oklahoma, Arkansas, and Louisiana. These States are deeply interested in the preservation of the forests at the head of this river and thus aiding in furnishing water for navigation in the lower river. Forest reserves are much more necessary in the semiarid West than in the mountains east of the Mississippi River. The White and Appalachian mountain chains, in the East, have a heavy rainfall and have timber naturally. In the West we have little natural timber, and it is absolutely necessary that we should protect the timber on the head of Red River for the purposes of navigation and irrigation, and for the purposes also of having the best reserve and public park in the entire country.

I therefore hope that the gentleman from Kansas [Mr. SCOTT] will withdraw his point of order against this amendment, and give us in this bill an appropriation of $10,000 to survey our park, and give us the same opportunity to have a survey made of our forest reserve as the other States have already enjoyed. The bill creating the park is as follows:

A bill (H. R. 11749) providing for the purchase of a national forest reserve and park in the State of Texas, to be known as "The Palo Duro Canyon National Forest Reserve and Park."

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized and empowered, in his discretion, to purchase land suitable for the purposes of a national forest reserve and park within the counties of Randall and Armstrong, State of Texas, so as to include all or any part of the headwaters of Red River, known as the Palo Duro and tributary canyons, in total not to exceed 100,000 acres, and to care for, protect, use, and make accessible the said reserve, the same to be known as the "Palo Duro Canyon National Forest Reserve and Park."

SEC. 2. That the Secretary of Agriculture shall advertise in the State of Texas and in the counties of Randall and Armstrong for lands to be purchased under the provisions hereof, and as between land of equal value, for the purposes of this act, the lowest bids shall be accepted: *Provided*, That the Secretary of Agriculture shall have the right to reject any and all bids: *And provided further*, That the Secretary of Agriculture is hereby authorized and empowered, in his discretion, to contract for and purchase as a part of said forest reserve and park and from the owners thereof the ranch lands and herd of buffaloes and cataloes known as the Goodnight buffalo herd and ranch, situated in Armstrong County, Tex.

SEC. 3. That in the acquirement of land and other property for the purposes of this act the Secretary of Agriculture shall conform to the conditions prescribed in the present or future act or acts of the legislature of the State of Texas, ceding to the United States the right to acquire and control such land and other property, and the Secretary of Agriculture is hereby authorized and empowered to exercise, as to such lands, all rights and powers granted in said act or acts: *Provided*, That when the owners of lands sought to be acquired for the purpose of this act are unwilling to sell the same on terms satisfactory to the Secretary of Agriculture, condemnation proceedings for the acquirement of such lands shall not be had so long as the said owners shall protect and perpetuate the forests on said lands, under such regulations as may be prescribed by the Secretary of Agriculture for the control of the forests on other lands purchased by the Government under this act, so far as the same may be applicable.

SEC. 4. That the Secretary of Agriculture is hereby authorized and empowered to accept gifts of land for the purpose of this act, and such lands shall hereafter be known by such names as the donors, with the approval of the Secretary of Agriculture, may prescribe.

SEC. 5. That the Secretary of Agriculture may do all things necessary to secure the safe title in the United States to the lands herein provided to be purchased; but no payment shall be made for any land purchased under this act until the title to such land shall be satisfactory to the Attorney-General and conveyance thereof duly executed and accepted.

SEC. 6. That the Secretary of Agriculture shall make provision for the foresting of the lands purchased under the provisions of this act whenever such planting shall be deemed advisable or found necessary for the protection of the soil or the water supply; and if any buffaloes or cataloes are purchased under this act, he shall also care for and protect them.

SEC. 7. That the Secretary of Agriculture is hereby empowered and directed to make such rules and regulations and establish such service as he may deem necessary for the care, protection, control, and use of such forest reserve, and violation of such rules and regulations shall be punished as provided by law for other forest reserves.

SEC. 8. That the Secretary of Agriculture is hereby authorized and empowered to make contracts for the purchase of lands and herd of buffaloes and accept conveyance thereof in accordance with the provisions of this act to the amount of not to exceed $500,000, and the sum of $100,000 thereof, to be available immediately and until the expiration of the year ending June 30, 1907, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of lands for a national forest reserve and park and otherwise to carry out the provisions of this act: *Provided*, That the Secretary of Agriculture shall each year make a detailed report to Congress of his doings in the premises: *And provided further*, That no part of said sum hereby appropriated shall be expended for the purchase of land in the State of Texas under the provisions of this act until a valid title to the same shall be vested in the United States, and until the State in which the land lies shall have ceded to the United States exclusive jurisdiction of the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 9. That this act shall take effect after the approval by Congress of said survey and plats.

The act of the Texas legislature providing for the park is as follows, viz:

Act of the Texas legislature, dated April 23, 1907.

That the United States Government may purchase, acquire, hold, own, occupy, and possess such land in Armstrong and Randall counties, in the State of Texas, in the Palo Duro Canyon, and contiguous thereto as they may deem expedient and necessary for the purpose of establishing a national park.

SEC. 2. That the provisions of chapter 73, acts of the Twenty-ninth legislature, as to the method of purchase and acquisition and the procedure for condemnation, if such condemnation becomes necessary, shall apply to the acquisition or purchase of the lands mentioned in section 1 of this act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I shall be obliged to insist on the point of order, Mr. Chairman.

Mr. STEPHENS of Texas. Then there is a difference, I understand, between Texas and the other States.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Provided further, That no part of the money herein appropriated shall be used in such manner as shall deny to citizens of the United States right of way for which they have applied and to which they are entitled under the laws of the United States.

Mr. SCOTT. Mr. Chairman, on that I make a point of order.

The CHAIRMAN. Does the gentleman from Wyoming desire to be heard on the point of order?

Mr. MONDELL. Mr. Chairman, I do not think this is subject to a point of order. It is a limitation on an appropriation simply. It simply provides that the Secretary shall not do an

unlawful thing with this appropriation. He shall not deny citizens rights to which they are entitled under the laws of the land.

Mr. SCOTT. Mr. Chairman, it seems to me this falls within the class of a ruling which was made in the Fifty-fifth Congress, and which is reported in the proceedings of the House in the following language, as found on page 358 of the Manual:

An amendment providing that no portion of an appropriation for the manufacture of stamped envelopes should be expended in printing return cards on them was ruled out of order.

The general law, Mr. Chairman, creating the forest reserves provided specifically that nothing within that law should be construed as prohibiting the ingress or egress of actual settlers residing within the boundaries of such reservations or near to such reservations from crossing the same to and from their property or homes, and it seems to me that the gentleman's amendment, if it had any effect whatever, would simply be to hamper the Service in the exercise of the rights which it does have.

Mr. MONDELL. Mr. Chairman, the gentleman's suggestion is evidently based on the idea that there is no necessity for this sort of limitation upon the appropriation. I propose to show that the Forest Service has denied rights which Congress has granted to citizens, and it is for the purpose of preventing the Forest Service from doing that in the future under this appropriation that the amendment is offered in the best of faith.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. SCOTT. Mr. Chairman, I move debate on this amendment and all amendments to this amendment be closed in ten minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas, that debate on this amendment and all amendments thereto close in ten minutes.

Mr. SMITH of California. Mr. Chairman, before the vote is taken on that motion I desire to ask if the chairman of the committee is going to claim one-half of that time?

Mr. SCOTT. It seems to me that I am entitled to that much of the time.

Mr. SMITH of California. I presume the gentleman is, but I respectfully submit that it is not exactly the proper——

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Kansas.

Mr. SMITH of California. I hope that the motion will not be agreed to.

The question was taken, and the motion was agreed to.

Mr. MONDELL. Mr. Chairman, we have spent a considerable amount of time debating this paragraph, and yet there are two very important questions connected with forest reserves in the West which have not been discussed at all. One is the exceedingly important question as to whether or not areas in reserve larger than all New England, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, and half the great State of New York are to become Federal provinces or are to remain integral parts of the sovereign States in which they are situated. That is one very important question. Another is, Shall the Forestry Bureau persist in denying to citizens of the United States rights granted by Congress? Now, I hold that the Forestry Bureau has no authority under any law on the statute books to grant any sort of a permanent right to use or even a temporary right to occupy the reserves for purposes not related directly to the use of the products of the reserves. But admitting, for the sake of argument, that they have the right to grant temporary permits for certain purposes, surely they have no right to prevent our people from securing easements or rights of way granted by Congress.

The laws of the land provide that citizens of the United States will be entitled to rights of way in the forest reserves for certain purposes, for railroads, irrigation canals, canals for municipal, mining, and other purposes. For these uses the law gives the applicant a permanent easement and yet, Mr. Chairman, I hold in my hand a statement of over 500 revokable permits granted by the Forestry Bureau, over half of them being for purposes for which the applicant was entitled to an easement, a permanent right of way. Well, now, it does not require a great amount of sagacity for one to imagine how those revokable permits came to be granted to men entitled to permanent easements. When an application for a right of way is made it is perhaps properly sent to the Agricultural Department and Forestry Bureau for investigation and report as to the condition of the territory over which it is proposed to claim the right of way, and I have no doubt at all but what gentlemen making such applications come to understand that, while they may be hindered or delayed in their efforts to secure the right of way to which they are entitled under the law, they will have no difficulty at all in securing a temporary revokable permit which will bring the Forestry Bureau a considerable revenue, and what is infinitely more important, place the industry proposed to be established and eventually all the industries of these vast reserves permanently under Federal control. There has been a great deal said here about monopoly. Mr. Chairman, the people of the West are as competent to take care of their local domestic corporations as the people of any other part of these United States. We are still sovereign States of this nation and we ought to have the right to tax, to control our domestic corporations instead of being denied this right by reason of the fact that the Forestry Bureau uses its arbitrary power to deny the use of forest reserve lands except on compliance with conditions, the terms of which they fix.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, the statement which has been made by the gentleman from Wyoming no doubt appeals strongly to the Members of the House. I feel very sure, however, that without intention on the part of the gentleman it has left upon their minds an entire misapprehension of the facts and of the real purport of the amendment which he offers. He stated to the House that he held in his hand a list of 500 special permits that had been granted to various persons or corporations, and the impression that statement created in my mind, and, I think, possibly in the minds of other members of the committee, was that those permits had been granted to persons who, as a matter of fact, were entitled to go on the land in which the forests were situated without a permit. I have asked him to hand me the list, and he has kindly done so, and I want to read a part of them in this connection.

Mr. MONDELL. Mr. Chairman, will the gentleman permit an interruption? The gentleman certainly does not intend to misquote me. I stated, if the gentleman will recall, that a large number—my impression was over half—of these revocable permits are for irrigation, mining, and for other purposes for which the citizens of the United States are entitled to rights of way.

Mr. SCOTT. The gentleman knows I would not intentionally misquote him. I only stated he had left an impression upon my mind, and I said perhaps he had left the same impression upon the minds of other members of the committee, that permits had been denied to those entitled to have them. I notice on the first page of the list which he has handed to me the following permits, "Alaska Industrial Company, flumes; Hoonah Lumber Company, flume; Walter Baker, ditch; Walter Baker, reservoir; J. M. Riddle, reservoir," etc. On another page the purposes run as follows: "Ditch, pipe line, reservoir, ditch, channel, reservoir, etc." It will be seen, therefore, that practically all of these permits have been issued to people who desire to use the public domain to carry across it their flumes to convey water for power or for irrigation purposes, and I submit that the Forest Service, in the scope of the general law, has an absolute right to require permits for these purposes, and it has the right under the opinion which has been rendered by the Attorney-General (I believe the case has never been taken into court), to charge reasonable fees for the right of way granted in such permit. Now, the language of the act relating to this matter is as follows:

Nothing herein shall be construed as prohibiting the egress or ingress of actual settlers residing within the boundaries of such reservations or from crossing the same to and from their property or home, and such wagon roads and other improvements may be constructed thereon as may be necessary to reach their homes and to utilize their property, under such rules and regulations as may be prescribed by the Secretary of the Interior. Nor shall anything herein prohibit any person from entering upon such forest reservations for all proper and lawful purposes, including that of prospecting, locating, and developing the mineral resources thereon: *Provided*, That such persons comply with the rules and regulations covering such forest reservations.

And I submit, gentlemen of the committee, that under the broad provisions of this statute every individual who has the right to go for any legitimate purpose upon the public forest is guaranteed that right by the terms of the law. Not only do they have the right as individuals, but they can exercise a community right, as is shown by the following paragraph:

The settlers residing within the exterior boundaries of such forest reservations or in the vicinity thereof—

They do not even have to live within the forest—

in the vicinity thereof may maintain schools and churches within such reservation, and for that purpose may occupy any part of the said forest reservation, not exceeding 2 acres for each school and 1 acre for a church.

You see, therefore, they have not only every individual right guaranteed, but they have their community right, their right to establish and maintain churches and schools within the limits of the national forest. It seems to me clear, Mr. Chairman, the amendment would seriously hamper all the work of the Forest Service.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. BONYNGE. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN (Mr. MANN in the chair). The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided further, That no part of the money hereby appropriated shall be used for the purpose of enforcing, or attempting to enforce, any rule or regulation of the Department of Agriculture or of the Forestry Service imposing fines or penalties for the straying or grazing of cattle or horses in or upon any lands included within national forests in any State, unless said lands are fenced, where the laws of said State require lands to be fenced in order to entitle the owners to recover for trespass.

Mr. SCOTT. I make a point of order against the amendment, on the ground that it limits the discretion of the Secretary of Agriculture.

The CHAIRMAN. The Chair will hear from the gentleman from Colorado [Mr. BONYNGE] on the point of order.

Mr. BONYNGE. Mr. Chairman, the amendment I have offered simply provides a limitation on the use of the money appropriated. It does not change existing law. On the contrary, it is an enforcement of existing law, but prohibits the Secretary of Agriculture or the Forestry Bureau from making any rules or regulations which would be in violation of existing law or using any of the money appropriated for the purpose of enforcing any such rule or regulation.

The CHAIRMAN. I would like to ask the gentleman from Colorado what is the existing provision of law upon this subject?

Mr. BONYNGE. What is the existing provision of law? The only law in reference to the subject is that the Secretary of Agriculture and the Forestry Service shall have the power to regulate the occupancy and use and preserve the forest from destruction and to make rules and regulations for said purposes. The amendment offered simply provides that no part of the money appropriated to the Department shall be used for the purpose of enforcing a rule or regulation made under this general authority which would accomplish the purpose set forth in the amendment, and is therefore merely a limitation of the power of the Secretary of Agriculture in the use of the appropriation made by the bill.

Mr. SCOTT. Mr. Chairman, my view of the question is that the law which the gentleman has quoted gives the Secretary certain authority which his amendment would take away from him, and therefore it ought not to be held in order.

The CHAIRMAN. The Chair is prepared to rule, unless the gentleman desires to be heard further.

Mr. BONYNGE. Mr. Chairman, I do not know that I can add very much to what I have said. The Secretary of Agriculture has the power to make certain rules and regulations. We have the right in an appropriation bill to limit the use of the money that is appropriated to him, provided we do not thereby change existing law. Now, it can not be in contemplation of existing law conferring upon the Secretary of Agriculture the power to make regulations that he could make rules and regulations that would nullify statutes of the United States, and this is merely a limitation upon the use of the money appropriated to him to prevent him under the guide of a rule and regulation to change existing law. I can not add any more to that, Mr. Chairman.

The CHAIRMAN (Mr. MANN). The amendment in form is somewhat, if not quite similar, to the amendment just offered by the gentleman from Wyoming; and the then occupant of the chair overruled the point of order upon that amendment. With that ruling the present occupant of the chair fully concurs. The pending amendment, while in form somewhat similar, as the Chair understands it, is quite dissimilar. The amendment provides "that no part of the money hereby appropriated shall be used for the purpose of enforcing or attempting to enforce any rule or regulation of the Department of Agriculture or of the Forestry Service imposing fines or penalties for the straying or grazing of cattle or horses in or upon any lands included within national forests in any State unless said lands are fenced where the laws of said State require lands to be fenced in order to entitle the owners to recover for trespass.

It seems very clear to the present occupant of the chair that this makes a substantial change of the existing law, giving to the Secretary of Agriculture the power to make regulations and makes a positive change in the law. The Chair, therefore, sustains the point of order.

The Clerk will read.

The Clerk read as follows:

Total for salaries and general expenses, Forest Service, $3,296,200.

Mr. MONDELL. Mr. Chairman, I move an amendment to strike out the words "one hundred," on lines 23 and 24, on page 25.

Mr. CRUMPACKER. I submit that comes too late.

Mr. MONDELL. I was listening; the House was in great confusion; I have been intending to offer this amendment; so stated to the chairman of the committee, and in the great confusion the Clerk began to read before I could get on my feet. If it is impossible to move an amendment unless one is on his feet ready to shout——

The CHAIRMAN. The Chair thinks the House was in very good order at the time. The Chair directed the Clerk to read, and the Clerk read.

Mr. MONDELL. "The gentleman" had his amendment, and was listening to the reading.

Mr. POLLARD. Regular order!

Mr. MONDELL. Mr. Chairman, my amendment is in order.

The CHAIRMAN. If the gentleman from Wyoming states that he was on his feet endeavoring to obtain recognition, he will be recognized.

Mr. MONDELL. I was on my feet as soon as the Clerk began to read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 25, lines 23 and 24, strike out the words "one hundred."

Mr. SCOTT. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in ten minutes.

The CHAIRMAN. The gentleman from Kansas moves that debate on the amendment shall be closed in ten minutes.

Mr. MONDELL. I desire to be heard on that motion.

Mr. NORRIS. I would like to ask, before that motion is put——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CRUMPACKER. The motion is not debatable.

Mr. NORRIS. I want to ask the chairman of the committee a question——

The CHAIRMAN. The gentleman asks unanimous consent to ask the gentleman from Kansas a question.

Mr. NORRIS. I want to ask the chairman of the committee whether he intends——

Mr. WILLIAMS. If it requires unanimous consent, I object.

The CHAIRMAN. Objection is heard. The question is on closing debate on the amendment and amendments thereto in ten minutes.

Mr. NORRIS. I have obtained the information I wanted.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided, and there were—ayes, 38; noes, 16.

So the motion was agreed to.

Mr. MONDELL. Mr. Chairman, the committee is evidently in an exceedingly reckless frame of mind when it votes to close debate on an appropriation of over $3,000,000 in ten minutes, an appropriation which is $100,000 more than the estimates of the Department. I desire to call the attention of the committee in the very limited time that I have at my disposal to the fact that this appropriation is just exactly $100,000 more than the Secretary of Agriculture asked in the Book of Estimates for this work, and that there follows another item of $500,000 for which no regular estimate ever was made. I desire further to call attention to the fact that if you take every item of proposed expenditure included in the Book of Estimates, and in the itemized statement furnished the committee, and add them all together, they are less by $1,172,000 than this appropriation will be if it is reduced by the amount that my amendment reduces it. One million one hundred and seventy-two thousand dollars will still remain for the general expenses of this Bureau, to be used as the Forester may see fit, without any limitation upon its use, except the general terms of the appropriation.

It may all be used in advertising; may all be used for traveling expenses; may all be used for any purpose under the sun within the wide scope of this appropriation, and in these times, when we are trying to keep down appropriations, here is an appropriation exceeding the estimates by $100,000, not to mention the half million in the next paragraph, and exceeding the amount of appropriation last year by $1,400,000. Here is a statement which shows how this appropriation has grown:

FOREST SERVICE.

Appropriation, 1907		$1,000,000
Appropriation, 1908:		
Salaries	$143,200	
General expenses	1,756,800	
Administration, etc	500,000	
		2,400,000

Estimate, 1909:		
Salaries	$144,200	
General expenses	3,051,900	
		$3,196,100
Appropriation, 1909:		
Salaries	144,200	
General expenses	3,151,900	
Administration	500,000	
		3,796,100
Excess of estimate for 1909 over appropriation 1908		796,100
Excess of appropriation in bill for 1909 over appropriation for 1908		1,396,100
Excess of appropriation in this bill over estimates		600,000

And here is a table showing that, after providing for all estimated salaries, the amount covered in the bill will leave $1,764,088 for traveling and other "general" expenses of the Bureau:

FOREST SERVICE.

Estimates, 1909:	
Salaries (Book of Estimates, p. 132)	$143,200
General expenses:	
Salaries (in Washington)	297,000
Salaries (out of Washington)	1,591,822
Total salaries estimated	2,032,022
Total of appropriation in bill	3,796,100
Less salaries estimated	2,032,022
Balance for traveling and other expenses	1,764,078

We have heard a great deal of the economies of this Bureau. As a matter of fact, it is spending five or six times more than the Department of the Interior did when it had charge of the forest reserves, over and above all receipts, in spite of the fact that it is selling the timber from our forests in 50,000,000 and 60,000,000 feet lots.

Now, Mr. Chairman, as I said a moment ago, there are no salary estimates for $1,172,000 of this amount. I know the chairman will say that this is intended to make up for returns from the forests, now flowing into the Treasury, which were formerly used for purposes of administration. The Forestry Bureau has not received a dollar from those sources since the 1st of last July, and in the present fiscal year the Department is running on over $400,000 less than this appropriation will be, if it is reduced by the amount which I propose, and then strike out half a million in the next paragraph. It can not be said that this is to make up a deficiency caused by the fact that the receipts are going into the Treasury instead of into the special fund, because this appropriation is by over $1,300,000 more than all of the estimated returns from the forest reserves.

Mr. SCOTT. Mr. Chairman, the statement of the gentleman from Wyoming would be very impressive indeed if it were founded upon facts. Unfortunately, however, for his argument, his conclusion is drawn from erroneous premises. He has stated in the beginning that there were no estimates sent down from the Department for the $100,000 which he attempts by his amendment to strike out. I hold in my hand a letter from the Secretary of Agriculture, which I shall take the liberty of reading:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 3, 1908.

Hon. CHAS. F. SCOTT,
Chairman Committee on Agriculture,
House of Representatives.

MY DEAR MR. SCOTT: I have the honor to submit the following supplemental estimate for an increase of $100,000 to the estimates for general expenses for the Forest Service of this Department for the fiscal year 1909. This increase is to provide for the necessary expenses in carrying out the provisions of the act of June 11, 1906 (34 Stat., 233). These expenses could not have been foreseen.

The act provides for the examination and classification of lands within national forests which, if found chiefly valuable for agriculture and not needed for administrative purposes, may be listed as such with the Secretary of the Interior, to be opened for entry under the homestead laws. From June 11, 1906, to December 31, 1907, 5,880 applications for examination of land under this act have been received. While only about 1,000 of the applications received remain unacted upon at this time, the increasing publicity given this act will result in a large number of applications being received during the next fiscal year. I estimate that at least 5,000 examinations will have to be made during the next year, and experience has shown that with due allowance for adverse weather conditions in the field one man can examine and report upon about 125 applications in a field season. A force of at least forty men constantly employed in this work will, therefore, be necessary.

The appropriation would provide for:

6 chief examiners, at $1,800	$10,800
Traveling expenses, at $1,200	7,200
6 assistant chief examiners, at $1,500	9,000
Traveling expenses, at $1,200	7,200
28 examiners, at $1,400	39,200
Traveling expenses, at $950	26,600
	100,000

Unless appropriation is made for this purpose the examinations will have to be made by the regular protective force on the national forests, and their services can not be withdrawn from protective and administrative work without endangering the forests upon which they are now employed.

Very sincerely, yours, JAMES WILSON, *Secretary.*

It seemed to your committee that we ought not to run any risks of requiring would-be homesteaders upon the public forests to wait a year or two years, or possibly more than that, before finding out whether they could hold the land which they were claiming.

Mr. SMITH of California. Mr. Chairman——

Mr. SCOTT. I must decline to yield.

Mr. SMITH of California. I desire to ask one question.

Mr. SCOTT. I can not yield. I have too much to say. Mr. Chairman, in regard to the appropriations generally for this Bureau, I want to call the attention of the committee to the fact that the Bureau had at its disposal this year, in addition to the sum of $1,756,800, carried under the head of general expenses in the current appropriation act, the sum of $1,020,000, which was available from the fund left over which had been collected and set apart as a special fund during the preceding year. That is to say, before the act of 1907, requiring all receipts from the forests to go into the Treasury as miscellaneous receipts, had taken effect, there had accumulated in the Treasury, subject to the order of the Chief of the Forest Service, the sum of $1,020,000, and that was available for his expenses this year. So that altogether during the current year there was available for general expenses $2,776,800. We appropriate this year for the same expenses an increase of $375,100; but, gentlemen of the committee, there have been added to the national forests since the current appropriation act went into effect 37,000,000 acres of land. Under the former conditions, with only 127 forests, it required an expenditure of $22,992 for each 1,000,000 acres of land. We thought when we allowed only $10,000 for each additional million acres of land that had been included within the national forests we were making a very conservative and careful appropriation. Comparing the expenditures on European forests, Germany spends $2.17 an acre per year, Russia $1.61, Saxony $2 an acre, and the United States $0.009 an acre for administrative purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I notice, according to the statement of expenditures and receipts made by the Bureau of Forestry last year, there was received $1,571,050.44. Of that money $1,455,320.40 was expended. The purpose for which I arise is to inquire of the chairman of the committee having charge of the bill why it is deemed necessary to make an appropriation of $500,000 for the conduct of this work if the report shows that they had a surplus of $115,730 from the revenues of the Bureau?

Mr. SCOTT. The reason is that under the existing law the revenues from the forests go into the Treasury as miscellaneous receipts and are not subject to the check of the Forester, but must be appropriated out before they can become available for his use. When the statement was made to which the gentleman refers, the law allowed the receipts from the forests to go into a special fund, which could be checked out without specific appropriation by Congress, but that law has been changed.

Mr. MADDEN. I would like to ask whether the $500,000 is a substitute for the one million and a half and over received by the Bureau of Forestry last year, and out of which the expenses were paid?

Mr. SCOTT. Not at all. This is for an entirely different purpose.

Mr. MONDELL. This is a case where you have your cake and eat it too.

Mr. SCOTT. If the law prior to 1907 were still in operation, instead of this bill showing an apparent increase for this Bureau of a million dollars or more, there would be an actual decrease of over $600,000, because it is estimated this year that the receipts will be about $2,000,000, and if these receipts were available to pay the general expenses, we could reduce the general expense appropriation by that amount.

Mr. MADDEN. In other words, you would deduct from the present proposed appropriation the estimated receipts of the Bureau of Forestry which would be available under last year's law for the payment of the expenses of the Bureau?

Mr. SCOTT. That is it precisely. Let me state to the House that in 1905, when the act was passed transferring the national forests to the Department of Agriculture, Mr. Pinchot promised the Committee on Agriculture that he would make the forests self-supporting in five years, and the report from which the gentleman has read shows that he did better than that, because they were self-supporting in two and one-half years.

Mr. MONDELL. If they were self-supporting, how long were they kept self-supporting? Here is an appropriation of two million and a half dollars over and above the estimated revenues.

Mr. MADDEN. I presume that in making the statement that the Forestry Bureau is self-supporting, the gentleman in charge of the bill intends to convey to the House the information that the revenues out of which it becomes self-supporting are derived from the sale of timber and from other sources?

Mr. SCOTT. Yes; and grazing permits, and so forth.

Mr. MADDEN. Does not that reduce the value of the forest reserve?

Mr. SCOTT. It does to a degree, of course.

Mr. MADDEN. And is that taken into account when speaking of the surplus revenues?

Mr. SCOTT. No; it is not, but it is estimated that if the forests are continued to be cut in the scientific manner that they are now being cut, it will take three hundred years before the amount of timber equivalent to what is now on them would be cut.

Mr. MADDEN. I do not wish to be understood as objecting to the item in the bill, but I think it is fair to the House that all the information on the subject should be put in the RECORD.

Mr. SCOTT. I am willing to give all the information that is in my possession.

Mr. MADDEN. Certainly.

Mr. POLLARD. Mr. Chairman, I would like to make a statement.

Mr. MADDEN. I will yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 26, beginning with line 3, strike out lines 3, 4, 5, and 6.

Mr. SCOTT. Mr. Chairman, I move that all debate on this paragraph close in ten minutes.

Mr. MONDELL. I hope the motion will not carry; this is an appropriation of half a million dollars.

Mr. HEPBURN. Mr. Chairman, I wish the gentleman would enlarge that a little.

Mr. SCOTT. Mr. Chairman, I certainly have no wish to unreasonably limit debate. If the gentleman will suggest a limit of time that he thinks would be reasonable, perhaps I will adopt it.

Mr. HEPBURN. I would like to have five or ten minutes.

Mr. SCOTT. I will extend the time, then, to twenty minutes, Mr. Chairman.

Mr. MONDELL. I hope the gentleman will give us a little more time than that. This is an appropriation of half a million dollars.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas to close debate in twenty minutes.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, there have been some of the most extraordinary statements made one place and another in regard to the revenues and the expenditures of this Bureau that I have ever heard. I read very carefully the debate in the Senate last February on this very same subject. I have read every word of all the hearings on this subject and I have read and heard at least three different explanations and statements of what the revenues have been and how they have been expended, but the fact is that the Forestry Bureau is claiming that it is keeping its expenditures within the revenues—and understand those revenues mean the cutting of a timber growth that will not be restored in one hundred years—is claiming they are keeping within the revenues, when, as a matter of fact, their own statement on page 290 of the hearings indicates that this appropriation is in excess of probable receipts by a million and a third of dollars.

In other words, instead of keeping within the receipts, they are proposing to expend $1,300,000 more than the receipts, and these receipts come from the depletion of the reserves. Of course you could sell enough timber from these reserves to run the receipts up to $5,000,000. Who would say that the Forestry Bureau ought to use that amount of money simply because they are selling timber to that amount? But, Mr. Chairman, I think the facts are not exactly as stated by the gentleman from Kansas [Mr. SCOTT]. The fact is that there was no balance of $1,020,000 to be expended last year above the appropriation, or anything of the kind. If there was any such sum as that to be expended, I want to call the gentleman's attention to the fact that it must have come from the revenues from the year 1906, and it is the revenues for the year 1906 on which the Department bases its claim that the receipts were over and above the expenditures that year to the amount of $115.000.

At this rate this appropriation will keep increasing in geometrical ratio year after year and year after year, and the same old claim will, I suppose, continue to be made, that the Bureau had large sums which it used last year above the appropriation, and therefore it should continue to have largely increased appropriations. If it had, where was the $767,000 which they claim they received and spent in the year 1906, and which they claim made the receipts of the Bureau in that year $115,000 more than the expenditures? Surely the Forestry Bureau does not want to go on taking credit year after year and year after year for amounts it received years ago. As a matter of fact, this is an increase of $600,000 above the estimates. It is an increase for alleged permanent improvements. Among other things, they say they propose to build cabins and trails not necessary for the administration of the reserves.

Mr. Chairman, we like to have money expended in our Commonwealths—that is a trait common to all American citizens—but these improvements are not needed. They can not be used at this time for any useful purpose. Yet we go on year after year juggling figures, mixing facts with regard to what this Bureau has received and what it has expended, and on the basis of what it did receive and what it might have received and what it should receive and what it will receive we are making an enormous appropriation, for which there is no itemized estimate, and which may or may not be expended for the purposes proposed, and which, most important from the standpoint of the West, must ultimately be repaid by those who use the reserves. The more the amount of this appropriation, the more we pay the fiddler; so I want to keep it down.

Mr. HEPBURN. Mr. Chairman, I would like to call the attention of the committee to this fact, that the opposition to this bill, or to this part of the bill particularly, comes from two sources—from the Committee on Appropriations, members of which committee seem to feel that the whole question of appropriations belongs rigidly to them, and that when any other committee or individual attempts to appropriate money some wrong is committed upon the vested rights of the Committee on Appropriations. I would like to submit the thought that the Committee on Agriculture is an appropriating committee; that it is invested with the same rights over the subject-matter pertaining to it to make appropriations that any other committee has, and that these constant chirpings about economy upon the part of this committee that has the larger number of appropriations are somewhat gratuitous. The other source of opposition seems to come almost exclusively from the Committee on Public Lands. On that committee, Mr. Chairman, I find that there are twelve members from the land States, States in which there are still public lands; and I would like to call attention to the other fact that those gentlemen seem to think that they have the exclusive right to appropriate and control the public domain of the United States in the interest of their people. That is an error. Every citizen of the United States has the same right, absolutely the same right, in these great movements for the preservation of our forests that these gentlemen have. They have done much, I will admit, toward the spoliation of the public domain. They have succeeded in getting such appropriations of the public land as that, in fact, every acre is now devoted, or the revenues from every acre, are devoted to their States and the improvement of their States; and I submit, Mr. Chairman, that it is time that they should be content with that which they have and not insist upon grasping everything that still remains.

Mr. MONDELL. Will the gentleman yield for a moment?

Mr. HEPBURN. No; I will not yield for a question just now. I have only a limited time. Mr. Chairman, every citizen of the United States has an interest in this beneficient effort to preserve the forests of this country. The Government of the United States owns millions of acres that are useless except for the purpose of forest growth. Our forests are now nearly exhausted. The lumber supply, without we preserve some means of perpetuating or securing a new growth, in a very few years will be exhausted and the second generation from this, unless we do something of this kind, will have to seek supplies of lumber from beyond the limits of the United States. It is time we should follow the examples of other nations. All of the older nations, the European nations, are expending great efforts in securing forests. Everywhere you travel in European countries you find that they are expending large sums of money in covering their waste lands with young forests. We have started in that and the Government owns millions of acres adapted to this purpose. Gentlemen sneer at the forest reserves because they are not growing forests there now of magnificent proportions; but, Mr. Chairman, the purpose of reserving these lands is to secure ultimately a plan of growing stretches of young timber that may reasonably be expected to cover these vast regions that are now wastes. These gentlemen from the

land States are now putting up some of the most preposterous claims. They say that they own the waters of these great reserves. Here are millions of acres in single tracts, owned by the Government of the United States. The streams are nothing more than land with water flowing over it, and yet these gentlemen now say that the Government owns the land but not the water. It is a part of the land. The claim is preposterous for that reason alone; but suppose that their claim was acceded to, they admit that the Government has control over the navigable waters and their ownership—that of the State—is limited to the unnavigable waters of the United States. If they can at their pleasure divert waters from the nonnavigable streams, how long will there be navigable streams?

Mr. SMITH of California. Will the gentleman permit a question?

Mr. HEPBURN. I will not. I have said I would not. I do not want to be rude to the gentleman.

Mr. SMITH of California. But you do not dare to let me ask you a question.

Mr. HEPBURN. It is not a question of dare. I do not know any powers the gentleman possesses that should make me or anybody else fear any question that the gentleman might ask.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

Mr. BONYNGE. Mr. Chairman, I object.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman can not do that as the time is limited to twenty minutes' debate.

Mr. GAINES of Tennessee. I want to read a short letter which I have just received from Secretary Metcalf——

The CHAIRMAN. But the gentleman from Tennessee has not been recognized. The gentleman is not in order. The Committee has set aside only twenty minutes for debate on this question.

Mr. GAINES of Tennessee. I was not aware of the fact. I ask unanimous consent that I be allowed to read at this moment this short letter from Secretary Metcalf right upon this general proposition.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to read a letter. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, the Committee on the Public Lands some weeks ago reported a bill authorizing the sale of some 1,200 acres of a military reservation out on Puget Sound at about $2.50 an acre. The evidence was that the property was worth possibly $5 or $10 an acre. Later I have learned by men who have stopped me on the street and told me that adjoining property is worth $250 a residence lot, and this land will in five years be worth $1,000.

Mr. SCOTT. Mr. Chairman——

Mr. GAINES of Tennessee. I yield for a question.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has permission to read a letter.

Mr. GAINES of Tennessee. I only wanted to preface it so that I can read it. I objected to it for the reason here stated, and I still object. The letter is as follows:

NAVY DEPARTMENT,
Washington, March 28, 1908.

SIR: Referring to your letter of the 4th ultimo, inclosing a copy of a bill (H. R. 15859) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, and to your request for a statement as to whether the Department approves or disapproves the bill, I have the honor to quote for your information a report in the premises, just received, by the commandant of the Puget Sound Navy-Yard, viz:

"The land in question is situated near a Government harbor. In view of the rapidly increasing importance of the Puget Sound district to the Navy it is recommended that this land may be held in case it should be required. It might be of great service as a quarantine or isolation camp in case of need from any cause. It might also be used as an additional storage point for explosives."

The Department concurs in the commandant's views.

Very, respectfully,

V. H. METCALF, *Secretary.*

Hon. JOHN W. GAINES,
House of Representatives.

Those are some of the reasons why I objected to the bill in the committee and in the House when brought up, and now I am glad we have saved this land to the public use.

Mr. HEPBURN. Mr. Chairman, I move to strike out the last word of the amendment.

The CHAIRMAN. The Chair regrets to say that under the agreement he can not recognize the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. I understand.

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized.

Mr. CUSHMAN. Mr. Chairman, I have no personal desire to inject myself into this debate upon the question of the forest-reserve lands of the United States. It is difficult for any Western man to discuss this question without being misunderstood. Indeed, sir, it is almost impossible in these strenuous days for any man to call attention to any of the unjust and unfair conditions now prevailing in the West which are the outgrowth of this Governmental forest-reserve problem—which has now assumed gigantic proportions, without being condemned as a thief or the friend of thieves. I do wish to avail myself of this opportunity to say a few words upon this important subject, and I trust I will not be misunderstood.

The forest reserve and its so-called problems touch closely those of us who live in the far Western States. My friend the distinguished gentleman from Iowa [Mr. HEPBURN] complains somewhat because those of us who live in the West should assume to have a particular interest in this proposition. Why should not we be interested in it? I will say to the Members of this House that the forest-reserve problem is a little like the smallpox, in a way. It is thought the most of by the people who do not have it. [Laughter.]

The forest-reserve problems rest very lightly upon those people whose States have not been entered by the Forest-Reserve Service, and whose broad acres have not been appropriated by this Government Bureau. I hold in my hand now a medium-sized outline map of the United States, upon which I have caused to be accurately traced in dark colors the lands in the United States which are now withdrawn from ordinary use and entry and are now forest-reserve lands. You gentlemen in this Chamber can get a fairly good idea of this situation from glacing at this map. My friend from Iowa [Mr. HEPBURN] complains because he says the opposition to these forest reserves is one-sided. Look at this map of the United States and you will see that the map is likewise one-sided. You do not see on this map any great stretches of country along the Atlantic coast which have been turned into forest reserves. You do not see any great stretches of country in the Mississippi Valley that have been taken over into forest reserves. Therefore, the gentlemen in those regions are very enthusiastic about the forest-reserve policy—because it does not hurt them nor their communities. Look at this map of the United States, and particularly that portion of it that shows my State, the State of Washington. Look at the way that State has been splattered over with forest reserves—it looks like a blackberry patch.

When you look at that map you will understand why it is that Members who live in the West are particularly interested in this Forest-Reserve Service.

Look at the great domain comprising the State of Iowa. There are no forest reserves in that State. I presume, sir, that my Iowa friend [Mr. HEPBURN] would not look with such wonderful complaisance on this Forest-Reserve Service if that service would go into his State and take twelve or fifteen counties out of the middle of that great agricultural and princely domain and build a Federal fence around it. But the situation in this regard in the State of Washington does not worry him—his withers are unwrung. How much of my State (Washington) does the gentleman suppose is now locked up in forest reserves? Practically one-third of that great State is forest reserve; 27 per cent of it is forest reserve, and 6½ per cent Indian reservations, making one-third of the entire State surrounded by a Federal fence. The State can not tax it, the citizen can not enter it. The railroads do not care to build into it because it is wilderness and can not be settled. And the settler, as I said, can not enter it, and those few who get permission hesitate to go, because the condition prevents the region from becoming settled. This line of the forest reserve stands like a great barrier in the way.

Now, I do not wish to be understood as making any unseemly onslaught on the forest-reserve policy or the Forest-Reserve Service. I think that a Forest-Reserve Service in the United States within sane and reasonable limits is a good thing, and I am not here to cry out against that policy if it is restricted to any reasonable extent. Gentlemen tell us that the forest-reserve policy is a good thing—and that you can not have too much of a good thing. Well, if the forest-reserve policy is a good thing, they have already placed one-third of the State of Washington within a forest reserve. How far do you gentlemen think this policy ought to be carried? If it is a good thing, why not extend it so as to cover two-thirds of my State? Or, better still, why not make the entire State one vast forest reserve and let the people who live there move out? I am not, as I said, crying out against this policy when only carried to a reasonable extent, but I am here to state that in my humble judgment it has been carried far beyond the point where it ought to go and far beyond reasonable and sensible limits.

The gentleman from Iowa [Mr. HEPBURN], with that eloquence and fervor which he always uses, says that the United States Government owns vast bodies of timber in the West. Let me ask the gentleman this: How did the Government of the United States come to own the timber, for instance, in the State of Washington? How did the United States come to own that timber or that land? They did not buy it and they did not acquire it by war. That great domain, sir, has a title which rests upon the occupation of the settler. It was the early settlers who marched across the wilderness, across the mountains and the plains, and brought that great domain within the shadow of the American flag. And to-day we see the Federal Government building a fence around that domain and taking away from the descendants of the pioneers the very lands that their fathers brought within the limits of this Government. Does the gentleman wonder that we become a little bit interested in this proposition in the West? There is to-day due my State for public school purposes about 600,000 acres of land. Where is it? It is in the middle of a forest reserve. We can stand off and look at it, but it might as well for practical purposes be on the planet of Mars.

Now, then, again, in conclusion, let me emphasize the fact that I am not against any reasonable and sane forest reserve policy. I think it is a good thing within reasonable limits. But some of the arguments that lie behind this policy are very mystifying to me. I am amazed to see certain gentleman trying to separate and classify the different assets of the United States. They speak of "natural resources," and seem to wish to place timber in a separate and distinct category from anything else. Timber is not any more a "natural resource" than the fertility of the soil in an agricultural region. Why do not we have "agricultural reserves?" What a splendid thing it would have been for us and our children if years ago the United States with its strong arm had reached out into the very center of the State of Iowa and selected an area equal to twelve or fifteen counties and reserved it and its fertility for future generations? [Applause.]

The CHAIRMAN. The time of the gentleman from Washington [Mr. CUSHMAN] has expired.

Mr. SCOTT. I would like to ask how much time remains?

The CHAIRMAN. The gentleman from Kansas is recognized for two minutes.

Mr. SCOTT. Mr. Chairman, the gentleman says there was no estimate for this appropriation. I hold in my hand in regular form a letter from the Secretary of Agriculture transmitting an estimate of $2,000,000, and with it a detailed statement of the purposes for which every dollar was to be expended.

This question, gentlemen, is a very simple one. The value of these forests is estimated at the conservative figures of $1,500,000,000, and this Government wants to spend during the year the very moderate sum of $500,000 in improving them, to build trails, to erect bridges, to erect cabins (which the gentleman said were to cost $3,500, but which the gentleman ought to have seen from the very language are limited to $500 each), and other work of improvement in order that we may more effectually administer the forests and protect them from fires and depredation. The facts will show that the protection which has been extended to the forests by reason of the improvement work done during the past two or three years has saved more actual value each year than the total cost of the improvements. Years ago it was a common thing to have fires occur in a national forest and destroy millions of dollars' worth of property. Again and again a single fire has destroyed $5,000,000 worth of timber, and some have destroyed more than that. Yet during the past year it is estimated that the actual value of the timber destroyed by fire was only a little over $6,000, due entirely to the more perfect policing made possible by reason of the means provided by way of a little appropriation of $500,000 this year. The Secretary of Agriculture, as I have already stated, asked that the appropriation for the coming year for this work should be $2,000,000, and sent down estimates in detail covering that sum. In the interest of economy, however, your committee recommends but $500,000, the same amount as last year, and I earnestly hope it will be allowed in the bill.

The CHAIRMAN. The time of the gentleman has expired; debate upon the paragraph has expired; the question is on the motion of the gentleman from Wyoming, to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Total for Bureau of Forestry, $3,796,200.

Mr. SMITH of California. I move to strike out the last word.

I desire, in the first instance, to apologize to the gentleman from Iowa for a very improper remark which slipped from my tongue a few moments ago. I make that apology quite as publicly as the remark itself, and I hope he will accept it as an unintended remark.

I take the time of the House at this moment to present a little matter in reference to the very important question of the right of the people of a State to the nonnavigable waters of the West. The act admitting the State of California into the Union, after providing, as in all cases, that the public lands should belong to the United States and not be taxed, contained this provision:

> And that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor.

Thereby clearly leaving the water of the nonnavigable streams to the people of the State of California, there being no other reservation than the one read.

Now, the gentleman from Iowa made some suggestions about what would become of the navigable streams if the people of the States were permitted to draw off the waters of the small streams before they became large enough to become navigable. The question which I desired to propound to him was this: What was to be the status of those rivers which never flow into a navigable river, and, comparatively speaking, all the streams used for irrigation are of that character. The river on which I live comes out of the mountains, flows down the valley, and disappears, and did for thousands of years, until we gathered it into canals for irrigation, and it would never have reached a navigable stream at all, and there are many others of the same kind. Whereas in those cases where power is generated they do not consume the water, but use it up in the mountains, away above navigation, and it is immediately returned to the bed of the stream that it may go on into the valley and serve its purposes of transportation or irrigation, as the case may be.

Now, continuing on the subject of the origin of water rights and their nature, I desire to read from the constitution of the State of California, which followed the act admitting the State into the Union. I read from article 14, section 1:

> The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution is hereby declared to be a public use and subject to the regulation and control of the State in the manner prescribed by law.

Following that, in our Code, I read section 1410 of the Civil Code, which is as follows:

> 1410. Rights to water may be acquired by appropriation. The right to the use of running water flowing in a river or stream or down a canyon or ravine may be acquired by appropriation.

We use that word "appropriation" to mean the mere matter of sticking a notice on a shingle and sticking the shingle in the bank of the river and then proceeding to have it recorded in the county court-house and then to proceed to divert and use the water:

> 1411. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose the right ceases.

So that there is no such thing as acquiring a right on a river and holding it away from beneficial use.

The law further says that, "as between appropriators, the first in time is first in right," and that was the section which I had in mind yesterday in discussing some water rights on the Owens River—that the first in time is the first in right—and it is wrong for the Federal Government to step in and undertake to defeat the right of the first appropriator by refusing him the right of transmission over the public domain and giving it to a second by granting to him that right.

Now, I desire to call attention to one other matter in this connection. The gentleman from Iowa suggested that we in the West were unduly ambitious with reference to certain rights and privileges. I assert that we have never asked and do not now ask for a single privilege on the public domain that has not been accorded with the utmost freedom and without one cent of expense throughout the East. I refer to the matter of rights of way for public-service corporations over the public lands. Suppose the policy that they are now endeavoring to ingraft upon the West, of charging us for the right to move over a piece of worthless land, had been applied during the days of railroad construction?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. I ask unanimous consent for five minutes more.

Mr. SCOTT. Mr. Chairman, I am reluctant to deny consent. I move that debate on this paragraph and all amendments thereto close in ten minutes.

The motion was agreed to.

Mr. SMITH of California. I wish to call attention very briefly to the different conditions prevailing in the West now from those that prevailed in the East for over one hundred years. Never one cent was asked or expected for any right of way or other use of the public domain. The farmers from Ohio westward to the base of the Rocky Mountains pastured their flocks and their herds on the public domain, and it was never thought that there should be any charge. And yet to-day, out of the pasturing privileges and other uses of the forest reserves in the West, they are gathering a tax of nearly $2,000,000 a year from the husbandman of the West. When we asked for a right of way for a mile or 2 miles, or a trifling distance, over worthless public land in the rugged mountains some one in this city asserts the right, not to charge a price for it, but to lay upon it the burden of a perpetual tax, and I say it is wrong in principle and wrong in practice.

This Government from the beginning has been a Government of individualism, wherein we have stimulated and encouraged the right of the individual to take the opportunities which nature presented and make the most of them. Now, it is asserted, particularly by the leader of the other side, that the Government should invade the States and lay the hand of taxation upon these public-service opportunities and devote them to some national use. I wonder whence comes this spirit of paternalism and this determination to overturn the traditions and policies of this nation for one hundred and twenty-five years. You intimate that we, in the West, are wanting more than you had in the East, and I assert that we are receiving far less. If this policy of taxing everything that came from the Government had been adopted in the beginning we would now have an income of millions of bushels of wheat and corn, and tons of cotton and tobacco, and the railroads of the country would never have been built, for they could not build and the power companies can not build under a revocable license such as they are now attempting to lay upon us in the West. I hope as many Members as possible will read the testimony of the Chief Forester and see the covert threat (there is no other name for it) that if these power plants are built upon these revocable licenses, and they do not do what the Department wants, they will be wiped out of existence; for he says again and again, in his testimony before the committee, that if they do not comply with conditions which he shall hereafter impose they will be told to get off the public domain. It is establishing a preposterous doctrine for anyone to set up in behalf of this nation, after the history that we have made. Men will not invest their money in building expensive plants, which cost into the millions of dollars, and have their property wiped off the map at the dictation of a single individual. That is not government by legislation; it is government by strangulation. It is contrary to every line of law that has ever been written in this country, and flies in the face of the policy that has built this magnificent people during the century and a quarter of our national existence. [Applause.]

Mr. HEPBURN. Mr. Chairman, the gentleman from Washington, with a good deal of asperity, demanded of me to know how the people of his State acquired the magnificent forests that they own. I am too polite to tell him. I cite him to the records of the criminal courts of his State. [Laughter.] If he meant to say that the people of Washington had anything to do with the establishment of our claim to the Oregon country, he is entirely mistaken. Our claim was not adjudicated upon the question of our settlement, but upon the question of prior discovery, and our right to the Oregon country was established on that basis.

At the time of its settlement—the settlement of the northwest boundary—there probably were not two score of families in all the State of Washington. The Oregon country, when this settlement was made, was limited and contained a few communities along the line of the Columbia River. Washington was then a wilderness.

Mr. Chairman, the gentleman last on the floor insists that the people of the West are demanding nothing but what was received by the older States. I deny it. Look at the difference, the wonderful disparity, there is between the grants of public domain to his and other new Western States and those that were granted to the States east of the Mississippi River; where one acre was given for schools, two or more have been given to those States west of the Mississippi River. Their acquisition of private title has been mainly through the homestead law, passed in 1862, and after the lands had been bought by the people of the older States and paid for. Our land grants to railways the people paid for, because the alternate sections were sold at double the minimum price, and men who settled on those lands paid for the grants given by the Government. Is that so with reference to the wagon roads innumerable in his region of the country, or of the railroad grants? Nothing of the kind occurred there. Even now these gentlemen are claiming that the homesteads should be extended to a section of land, and I have no doubt, when I look at the names and location of the gentlemen who constitute the Committee on Public Lands, but that it will be insistent that this shall be accorded to them. All of the arid lands are in fact given to these gentlemen, or at least they are appropriated to their own improvement through irrigation projects. Not so with the lands of the other States. Gentlemen, before they invite these comparisons, I would submit to them that they familiarize themselves with the procedure of the Government upon these various subjects.

The gentleman read from the laws of California. Are they to govern in this case? I do not understand that you listen very complacently to the plea of the robber, the moral right that he may set up. The very section that the gentleman from California read from the act admitting the State of California made a specific reservation of all the public lands—those that were covered with water as well as those that were dry.

The gentleman from Washington wanted to know with what complacency I would look upon a proposition to carve out fifteen counties in the splendid agricultural region of Iowa for a forest reserve. There is no propriety in a question of that kind or in a comparison of that kind. These agricultural lands are being improved by a separation from the title of the Government. They grew into value as agricultural lands through individual effort. Not so with these great wastes. It is an act of largesse on the part of the Government to improve the waste places in the mountain region, where there is no demand for individual ownership, where no settler goes, because there is no agricultural land there, or, if any, an inconsiderable amount. They are wastes, and it is the purpose of the Government to make them blossom. They are now useless, and it is the purpose of the Government to make them valuable, not simply to the locality, but to all of the people of this nation, by preserving the sources of our streams and to make possible the navigability of our rivers. [Applause.]

The CHAIRMAN. The time for debate having expired, the pro forma amendment will be withdrawn.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. All debate on the paragraph has expired, and the clerk will read.

The Clerk read as follows:

Salaries, Bureau of Chemistry: One Chemist, who shall be Chief of Bureau, $5,000; one chief clerk, $1,800; two clerks, class 4; four clerks, class 3; six clerks, class 2; one property clerk, $1,600; nine clerks, class 1; eight clerks, at $1,000 each; one assistant property custodian, $900; ten clerks, at $900 each; one engineer, $1,200; two messengers, at $840 each; one skilled mechanic, $900; three skilled laborers, at $720 each; one skilled laborer, $600; one fireman, $600; three messengers or laborers, at $600 each; three messengers or laborers, at $480 each; two messengers or laborers, at $420 each; in all, $66,720.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I have been very, very much surprised at some of the statements made by the distinguished gentleman from Iowa [Mr. HEPBURN]. I am not an old man, and yet my memory runs back to a homestead in good, old Iowa. I know something about the land laws even as they applied to Iowa. I have some recollection of what this Government did for its people in Iowa. I lived as a boy on a homestead in Iowa which is certainly worth more than the land which my people are now paying $45 an acre for under that act which the gentleman has referred to as being of such vast benefit to us—the national reclamation act. The family with which I lived bought 160 acres of the fairest and most fertile of Iowa lands, lying right beside our homestead, for 80 cents an acre—land given to the State of Iowa, millions of acres of it, as a swamp-land grant upon a pledge of its reclamation, which pledge, I regret to say, was never kept.

There was a tree claim lying beside the homestead, and by planting 10 acres of trees upon it—and we did plant them and watered them and they grew, for that is a tree-growing climate, that is the place to raise trees; a good place for a forest reserve—we obtained title to 160 acres of land, without money and without price; and also had the homestead clear. Final proof could have been made on that homestead within six months after we made our settlement and no Government special agent to make us afraid or hold up our patent. We could have taken then right beside these other lands 160 acres of land under the preemption law and in six months paid out on it. Those were the land laws in Iowa when I was a boy. What are the land laws now?

Mr. BONYNGE. Mr. Chairman, I will ask the gentleman how much in all a settler could take up at the time Iowa was settled.

Mr. MONDELL. At that time a man could have acquired under the land laws of the United States 1,280 acres of land, of the best land the sun ever shone on, the most fertile. [Applause.]

Mr. HEPBURN. Will the gentleman yield?

Mr. MONDELL. The gentleman would not yield to an interruption from me, and I can not yield.

Mr. HEPBURN. I wanted to know where that wonderful location was, where these homesteads were taken.

Mr. MONDELL. That was in Dickinson County, in Excelsior township, west of West Okoboji Lake, a short distance from Spirit Lake. Mr. Chairman, there is not to-day under the flag a single 160 acres of land subject to homestead entry, nonirrigable, that is worth one-tenth part what that homestead was in Iowa when we settled upon it. Why, the gentleman says they paid for their lands, and he has made that statement here time and time again, as if five years' residence under the homestead law is not the highest payment that a man can possibly make for raw land. Why, we would be overjoyed if it were possible out in that western country for us to buy lands. We can not buy them. We can not purchase them at any price, except here and there there may be some rocky hillside, which you can purchase for $2.50 an acre under the timber and stone act. The gentleman has suggested that the Western States have been given more in the way of lands than Iowa. Why, Mr. Chairman, all the grants that have been made to all the Western States are not equal to the swamp-land grants made to Iowa and other Middle and Southern States, to say nothing of their cash indemnity and their school grants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes more.

Mr. POLLARD. I object.

Mr. COCKS of New York. I object.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

Mr. SCOTT. Mr. Chairman, I am compelled to object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, and supplies, repairs to engine and apparatus, gas and electric current, official traveling and other expenses, telegraph and telephone service, express and freight charges, labor and expert work and all necessary expenses in conducting investigations in this Bureau in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such investigations; for the rent of buildings in the city of Washington and elsewhere; to investigate the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; for all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named, $725,000: *Provided*, That hereafter any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government shall be reported to Congress in detail on the first Monday of December of each year.

Mr. PERKINS. I reserve a point of order to the section.

Mr. SHACKLEFORD. Mr. Chairman, I make a point of order to the section.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. PERKINS. Mr. Chairman, I would like to state that I purposed to reserve the point of order in order to ask one or two questions of the gentleman in charge of the bill, and then, so far as I myself am concerned, to make the point of order or waive it, which of course would still leave it in the hands of the gentleman from Missouri, as I might be informed.

The CHAIRMAN. The gentleman from New York will suspend. The gentleman from Missouri [Mr. SHACKLEFORD] makes a point of order against the paragraph and the Chair will hear the gentleman.

Mr. SHACKLEFORD. I withdraw it for the present.

Mr. PERKINS. Then I reserve a point of order against the section. I would like to ask the gentleman in charge of the bill how many years the provision to investigate the effect of cold storage upon the healthfulness of foods has been contained in this bill?

Mr. SCOTT. I can not answer by the book, but speaking from my memory I should say it has been in the bill at least six years, because I think it has been in the bill ever since I have been a member of the committee.

Mr. PERKINS. Upon what grounds can the gentleman justify making an appropriation for specific examination of that sort which is continued for all time? Certainly the effect of cold storage upon the healthfulness of food can be ascertained in less than six years, if competent men are investigating it. If, on the other hand, it is to be left indefinite with certain gentlemen, that presents a different question.

Mr. SCOTT. What the gentleman has said refreshes my memory, and I want to make this statement: The gentleman doubtless himself will recall a great deal of literature that has been published from time to time, some of it serious and much facetious, in regard to the "poison squad." The work of testing the effects of food kept under certain conditions, or kept by means of certain preservatives, has been carried on, I think, now for about three years. It was the desire of the Chief of the Bureau, in the matter of this cold storage, to continue these experiments long enough to be able to show conclusively what would result from keeping foods of various kinds in cold storage over different periods of time. The gentleman will recognize that it is impossible to test upon the same people at the same time different kinds of food. If you are testing for the effect of cold storage upon chickens, for example, you must not at the same time feed the experimenting individuals with cold-storage beef or cold-storage fish.

Mr. PERKINS. Yes; but you must have other persons to experiment with. It is not well to do all the experimenting upon one man.

Mr. SCOTT. The practice has been to have experiments tried upon a small number of men. The gentleman will recognize that a large number of men are not readily available for such purposes as this, and the experiment is tried upon, I think, ten or twelve young men who voluntarily submit to the experimentation. Those ten or twelve will be a sufficient number to make a satisfactory test, but they can not try everything at once.

Mr. PERKINS. Now, can the gentleman tell us from his recollection any of these scientific tests that have gotten into this bill during the six years he has been on the committee that have gotten out of the bill; can he tell us one?

Mr. SCOTT. I appreciate the gentleman's question, and offhand I can only make this statement: We authorized, five or six years ago, an investigation to be undertaken with a view of determining whether it might be possible and profitable to manufacture sirups in such a way that they would keep without a preservative. That work, I am happy to say, has been concluded. There have been other experiments undertaken, particularly with reference to the development of the sugar-beet industry, that have been concluded. Doubtless other investigations which I do not now recall have been concluded. This is a question, I may say, which the committee never fails to ask of every chief of a scientific bureau who comes before it, as to whether or not he has finished some of the work that we have given him to do, but for the most part——

Mr. PERKINS. He has not.

Mr. SCOTT. I am obliged to say that much of the work is like Tennyson's brook—it "flows on forever."

Mr. PERKINS. I would like to ask the gentleman in reference to another section which authorizes the Secretary of Agriculture to inspect, free of charge, certain food products to be sent to foreign countries. I would like to ask him how much our Government expends, if he can tell, in the inspection, free of charge, of these products for use in foreign markets?

Mr. SCOTT. I am obliged to say I am unable to answer the gentleman's question. I do not know the exact sum that is spent in this work.

Mr. PERKINS. Does the gentleman think that expense of this sort, requested by the shipper for the benefit of the shipper, should be defrayed by the Government? Why should not the information desired be given by the proper officials, but at least the Government be indemnified, and not paternally do it for nothing?

Mr. SCOTT. There is abundant precedent for this action. The gentleman will remember that the Government defrays the expense of meat inspection——

Mr. PERKINS. Yes; but the gentleman will——

Mr. SCOTT. The Government defrays the expense involved in the issue of the certificates of inspection to those who ship grain abroad.

Mr. PERKINS. But the gentleman will remember also that very many doubted at the time, and have since, the propriety of the Government's paying the expenses of meat inspection.

Mr. MANN. Why does the gentleman say that this is free inspection?

Mr. PERKINS. Because it says the Secretary of Agriculture shall do it, and he is not authorized to charge anything for it. It says the Secretary of Agriculture shall inspect before shipment, when desired by the shippers, American food products.

Mr. MANN. Where is the gentleman reading from?

Mr. PERKINS. I am reading on page 27, at lines 17 to 23. He is directed to do it, but is not authorized to charge. He could not charge under this.

Mr. MANN. Certainly he could, and I think he does.

Mr. PERKINS. I do not think he does.

Mr. MANN. This section does not require him to do that.

Mr. PERKINS. I do not at all agree with the gentleman. An appropriation is made for the expense of making certain investigations. The Secretary of Agriculture, when requested, is ordered to make them. He must make them; he must furnish them; the law says so. He has no right to turn around and say the law requires him to do this, but you must pay for it.

Mr. MANN. This is to direct the Secretary to do this. He can not do it and take pay for it.

Mr. PERKINS. Not without authority of law.

Mr. MANN. He can not do it at all without the appropriation.

Mr. PERKINS. And he can not charge for it without authority of law.

Mr. SCOTT. I would like to say that I think the practice is entirely defensible. The value of this inspection to the foreign purchaser and its effect upon him—and hence its value to the American exporter—must depend very largely upon the fact that it is a Government inspection.

Mr. PERKINS. I can understand that.

Mr. SCOTT. And for that reason I believe it is an expense that is entirely warranted.

Mr. PERKINS. I do not object to the practice. The question is, Why should it not be paid for by those who receive the benefit? It seems it might be a useful practice.

Mr. SCOTT. One reason it ought not to be paid for is that it would lay the product upon which the inspection certificate is issued open to the attack on the part of our competitors that it was not a Government inspection, but a packer's or food manufacturer's inspection, and it would be discounted accordingly.

Mr. PERKINS. Mr. Chairman, I will make the point of order to the following words, in lines 13 and 14, on page 27:

To investigate the effect of cold storage upon the healthfulness of foods.

That has been carried in different bills, but it is not authorized by any permanent law. It is carried as current law.

Mr. MANN. Will the gentleman reserve his point of order for a moment?

Mr. PERKINS. Certainly.

Mr. MANN. Mr. Chairman, the effect of cold storage upon the healthfulness of foods can not be determined in one year, or two years, or three years with any success. It would be, in my judgment, a calamity to stop the investigation now being carried on, which, in a short time, if it proceeds, will be of some value, but which, if stopped now, all of the expense which has heretofore been incurred will be practically valueless.

A few years ago—I do not know but it was largely upon my own suggestion in connection with the investigation which resulted in the pure-food law—I specially asked Doctor Wiley to commence the investigation as to the effect of long-continued cold storage upon some classes of meats, fowls, eggs, and so forth. I asked him to put away in cold storage some of these classes of foods, with the idea of keeping them from one, two, three, four, five, six, or more years, in order that we might have an authoritative investigation and statement as to the effect upon these articles of this cold storage. The municipalities throughout the country, now endeavoring in a way to regulate cold storage, desire to have this information; the States desire the information, and the General Government desires the information. The Army, the Navy, all of the Departments which deal in commissary supplies are exceedingly anxious to have this information. The cost is nominal. There is very little expense attached to it. It is simply a matter of keeping a few articles in cold-storage warehouses, and once in a while taking a part of them out for investigation. The cost is merely nominal. The value is exceedingly great. Either the Government must do this or else for our investigations we must rely entirely upon the cold-storage warehouses, who are not unprejudiced or unbiased.

They believe, and think it is to their interest to claim, that all articles in cold storage do not deteriorate. Why should we not obtain the information? I hope the gentleman from New York will not interfere with this investigation which I am pushing along, knowing it will be of great value, and which costs practically nothing.

Mr. PERKINS. I regret to do anything which my friend from Illinois thinks will bring calamity on the land; but, Mr. Chairman, occasionally the devotees of science require a certain amount of stimulation from this body. As the gentleman in charge of the bill has said, item after item, new branch after new branch of investigation comes into this bill, and rarely, indeed, does any item of investigation ever get out of the bill. Now, if scientific investigation is of value, it must be because it brings results. If it is carried on generation after generation without results, without obtaining information, even my friend from Illinois can not wish it to be continued. When it comes to articles of cold storage and their damaging effect upon health, we know that the vast mass of all cold storage is kept but a very few months. If it is poisonous to the system, it does not take years to ascertain that result. If the poison is so subtle that a man may live twenty years afterwards before it gets out, we may practically discharge that as hardly a question worth while considering. When it comes to articles kept for years: First, they, of course, must be exceedingly rare; and second, if they are kept, the Government can have them if they can be found. If articles are kept in storage for one year or five years, they can be found, and if it is a question of such vast interest, it is not necessary for the Government itself to keep them for five years in cold storage. If such things do exist they can be found and can be investigated.

Mr. MANN. How would the gentleman find them?

Mr. PERKINS. If the thing exists, with all the science there is at the call of this great Government and in the Department, they can be found.

Mr. MANN. How does the gentleman know that? They would not be able to get them if this provision is taken away. The gentleman would strike out the provision that would authorize them to get them.

Mr. PERKINS. They could be had without the Government turning itself into a cold-storage factory.

Mr. MANN. If the gentleman knew, and the gentleman is well informed——

Mr. PERKINS. Not very.

Mr. MANN. That a large share of the oysters which the gentleman eats, that a large share of the eggs that the gentleman eats, that most of the turkeys and chickens which the gentleman eats have all been dressed and have been a year in a cold-storage warehouse or in cold storage, and much of it has been kept for years and years; that practically all the eggs which the gentleman eats have been in cold storage, and that it is claimed it is much deteriorated, then the gentleman would like to know and obtain that information which would enable him to know the quality of the food that he is eating.

Mr. PERKINS. The illustration of my friend from Illinois is a little unfortunate. I have no doubt that I have all the years of my life, which are more than 21, I regret to say, eaten oysters and eggs and all sorts of products filled with all sorts of germs, which my friend says the Government at great expense should have investigated, and which might have produced the evil results of poison. Now, when I am over 50, I am glad to be able to say to the gentleman that I have not had a sick day in my life.

Mr. MANN. But it is only recently that the cold-storage business has grown in this country.

Mr. PERKINS. We have had cold storage for years. We have been dealing with it since 1878. We have been struggling for thirty years with the poisonous products of cold storage, without the assistance of a Government bureau to ascertain the deleterious effects which must result.

Mr. MANN. The gentleman is mistaken about that. We have not had cold storage for thirty years. This cold-storage business has been developed within the last few years. When the gentleman eats shad in the spring in Washington, it is likely spring-caught shad, but nearly all the shad caught in the Potomac are put in cold storage, and when the gentleman eats so-called "spring shad" it is shad that probably was caught a year or two ago. Now, the gentleman has a wonderful constitution, but I hope the gentleman will not be opposed to our obtaining the information that may protect our health.

Mr. PERKINS. But my friend from Illinois has spent years in Washington and has been exposed all those years to poisoned shad, and he is still in good health of body and vigor of mind.

Mr. MANN. The "gentleman from Illinois" can assure the gentleman from New York, from the knowledge that he has obtained of the storage business here, including practically every food product kept in cold storage that we all eat, that there are any number of cases where cold-storage articles have gone out and through ptomaine poison have made people sick and in some cases caused death, yet the gentleman does not desire to permit an investigation of the subject.

Mr. SCOTT. Mr. Chairman, I should like to be heard a moment on the point of order. It seems to me it is not well taken. The organic act upon which the Department of Agriculture rests gives the Secretary of Agriculture power "to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word." Now, the Chief of the Bureau of Chemistry, when he appeared before the committee, made the statement that as a result of these investigations into the effect of cold storage upon food he had already discovered facts showing just how long fruits can be kept in cold storage without damage. It seems to me, Mr. Chairman, that it is eminently in the interest of agriculture that information as to the length of time fruit can be kept in cold storage without deterioration should be learned and that information diffused among the people. He continues further:

We can now tell a cold-storage egg without asking whether it has been kept in cold storage, and we can tell how long it may be kept in cold storage and still be fit for food.

It seems to me, Mr. Chairman, as if this information is of very great value to the agricultural interests of this country.

He went further and said that his investigations had shown that in a general way meats were improved for about six weeks by being kept in cold storage, while game and poultry improved perhaps for a period of three months, but that fish and eggs began to deteriorate from the hour that they were put in cold storage. It seems to me, Mr. Chairman, that all of this information is obviously in the interest of agriculture, and therefore that under the act authorizing the Department this bill has a right to carry forward these investigations.

Mr. PERKINS. Mr. Chairman, I only wish to say a word, because repeatedly the general clause to which the gentleman from Kansas has just referred has been cited as covering everything that might by any possibility be of any use, and repeatedly it has been held that various specific things like this could not be justified under the general grant of authority.

Furthermore, Mr. Chairman, agriculture is one thing and medical science is another. They are just as distinct as the Navy is from the Army. A battle ship is proper in a naval appriation bill, but it would be out of order in an Army appropriation bill. This provision directs a certain investigation of articles kept in cold storage to ascertain whether they are wholesome. It may be important for the agriculturist that he should gain in health as well as in wealth, but, after all, the agricultural bill refers to agriculture, the tillage of the soil. The care of health, the investigation to see what effects are produced upon the human system by different articles, may be valuable and useful, but it is not agriculture.

Mr. MANN. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Illinois.

Mr. MANN. I am inclined to think myself that upon the face of the bill the item to investigate the effect of cold storage upon the healthfulness of food would be subject to a point of order, but the rule in question, Rule XXII, provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, this is a continuing appropriation, continuing an object which is now in progress, which can not be finished in one year, which could not have been completed, as a matter of fact, up to this time. Appropriations have been made and expended, the work is now being carried on, the articles are in cold-storage warehouses, subject to further inspection by the Government. The work can not be completed within the existing fiscal year, and hence, it seems to me, that it is an object already in progress under the provisions of this bill.

Mr. CRUMPACKER. Will the gentleman allow a question on the point of order?

Mr. MANN. Certainly.

Mr. CRUMPACKER. Has it not been decided on several occasions that the term "object already in progress" refers to some tangible thing, some structure like a bridge or a building, and not to an investigation or an inquiry like this? I think the gentleman will find several decisions defining that term and to that effect.

Mr. MANN. I think that is correct; but what I am seeking to call attention to is the fact that there is an object, a particular thing—not theoretical, but the thing itself—the cold-storage article already in possession of the Government. The object itself is within the control of the Government. The objects of the investigation—not a theoretical investigation merely, not an academic question, not purely a question of chemical analysis, but an investigation of objects in cold storage—are now under the control of the Government in the storage warehouses. If this goes out of the bill, these articles will be thrown away.

Mr. PERKINS. Does the gentleman think that if he put in an additional egg each year this work would for all time necessarily continue?

Mr. MANN. I am not in the habit of answering theoretical questions of that sort. I am willing to consider the question as it exists.

Mr. SCOTT. Mr. Chairman, I have only one further suggestion to make, and that is that the same point of order that would strike out the phrase in question would strike down practically all of the investigations now being carried on by the Department of Agriculture.

The CHAIRMAN. The Chair thinks it is exceedingly unfortunate that the point of order should be raised upon a provision of this kind, which has been included in bills heretofore for two or three years, and upon what must necessarily be more or less of a continuing nature, and thereby prevent the Committee of the Whole from passing upon the merits of the proposition. But the precedents of the House are all in favor of the point of order, both upon the question of the investigation itself and upon the point raised by the gentleman from Illinois. The precedents may be summed up in this language:

Investigations of foods in their relation to commerce and consumption were held not authorized by law in such a way as to permit an appropriation on the agricultural appropriation bill.

And, on the point raised by the gentleman from Illinois, that this is a continuing work, the precedents are all clearly against the position taken by the gentleman from Illinois. The Chair, therefore, is forced to sustain the point of order. The Clerk will read.

Mr. POLLARD. Mr. Chairman, I have an amendment which I wish to offer.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4748. An act to amend an act entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March 3, 1899.

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13735. An act to correct the military record of Micaiah R. Evans.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Insert after the word "counties," line 3, page 27, "to enable the Secretary of Agriculture to make demonstrations of the different processes of manufacturing denatured alcohol, and such other demonstrations as he may think advisable, at the corn exposition to be held in Omaha next October."

Mr. MANN. Mr. Chairman, I make a point of order to that.

Mr. POLLARD. Mr. Chairman, it is barely possible that this is subject to a point of order under the rulings of the Chair, but I must confess that it seems to me that the ruling of the Chair is pretty farfetched.

The CHAIRMAN. The gentleman is at perfect liberty to appeal.

Mr. POLLARD. I realize that, Mr. Chairman. This is a proposition to enable the Secretary of Agriculture to carry out the spirit of the law, or rather the organic act creating the Department of Agriculture, and to diffuse agricultural information.

Congress passed a law two years ago removing the tax on denatured alcohol. Since that time the Secretary has been carrying on investigations, endeavoring to reduce to practical use some method of manufacturing denatured alcohol out of refuse farm products. He has been carrying on the investigation for two years and perhaps for a longer period, and this amendment is to enable him to diffuse that information, and it seems to me that it is clearly within the rules of the House. I do not see how it can be otherwise. If he has the authority to

make the investigation, if he has the authority to accumulate the information, why has not he the authority to disseminate the information? It seems to me that the one follows the other necessarily, and that it is clearly in order under the rules of the House.

Mr. MANN. Mr. Chairman, the Secretary of Agriculture has no authority to go to the county fair at Podunk County and enter into any exhibition, and he has no more authority to go to the exposition at Omaha. If the gentleman's proposition was in order, it would be in order to provide for his expenses at Tokyo.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. CRUMPACKER. Does not the denatured-alcohol bill provide the manner for the manufacture of alcohol and prohibit its manufacture in any other way, and would not this amendment be a modification or a change of that law, for it enables the Secretary of Agriculture to set up a still at the exposition and manufacture without the restriction that the denatured-alcohol law imposes upon distilleries?

Mr. MANN. Well, I do not know, but I would be inclined on that point to think that the Agricultural Department had authority to make investigations in relation to denatured alcohol.

Mr. CLARK of Missouri. Mr. Chairman, if the gentleman will yield, I will say to the gentleman from Indiana [Mr. CRUMPACKER] that the denatured-alcohol bill does not authorize the Secretary of Agriculture or anybody else to make denatured alcohol nor tell what they shall make it of. It gives him authority to denature alcohol, and that is all there is to that bill or ever was.

Mr. CRUMPACKER. Does not the law generally, the statute upon which it is based, prohibit the manufacture or distilling of alcohol except under certain restrictions?

Mr. CLARK of Missouri. It does not interfere at all with the distilling of alcohol.

Mr. CRUMPACKER. My proposition was not that the denatured-alcohol bill itself did, but that the internal-revenue laws prohibited the manufacture of alcohol, excepting under certain restrictions, and the effect of this amendment would be to modify those restrictions in favor of the Secretary of Agriculture for certain purposes.

Mr. CLARK of Missouri. If the gentleman had said that in the first place, I would not have corrected him.

Mr. CRUMPACKER. I ought to have been more explicit, I confess.

Mr. POLLARD. Mr. Chairman, I just want to make one observation in regard to the statement of the gentleman from Illinois [Mr. MANN]. As I understood him, he made the assertion that the Secretary of Agriculture had no authority to go out to Omaha and undertake to diffuse information any more than he had to go to any other place. Of course I grant that is true, but the statute under which this information is diffused is not limited. He is authorized to diffuse that information in any way he sees fit, at any place he sees fit. To-day they are carrying on demonstrations all over the country, with private individuals, with cooperative associations, with State experiment stations, in various lines. It seems to me that if he has authority to diffuse this information at all, he has authority to diffuse it at Omaha when Congress, in an appropriation bill, authorizes that work to be done. The organic act authorizes him to diffuse information. It is general. We have power in an appropriation bill to provide an appropriation for carrying on work or doing work that is authorized by general law. I contend that this is authorized by general law, and inasmuch as it is, it is in order on an appropriation bill to insert an appropriation to carry on that work.

The CHAIRMAN. If this is authorized by general law, then this appropriation is in order.

Mr. POLLARD. Can not I read the Chairman the statute?

The CHAIRMAN. The Chair will ask the gentleman to permit him to call the gentleman's attention to one precedent only, which, it seems to the Chair, is decisive of the whole matter:

A provision to appropriate for compiling tests of dairy cows at an exposition was held not to be authorized as an expenditure by general law giving to the Secretary of Agriculture authority to acquire and diffuse information pertaining to agriculture.

The Chair does not see how it could possibly get around that precedent in favor of the proposition of the gentleman from Nebraska [Mr. POLLARD]. The Chair therefore sustains the point of order.

The Clerk will read.

The Clerk read as follows:

BUREAU OF SOILS.

Salaries, Bureau of Soils: One Soil Physicist, who shall be Chief of Bureau, $3,500; one chief clerk, $2,000; two clerks, class 4; one clerk, class 3; three clerks, class 2; six clerks, class 1; one draftsman, $1,200; one draftsman, $1,000; four clerks, at $1,000 each; three clerks, at $840 each; one carpenter, $840; one photographer, $1,000; one messenger, $720; one messenger or laborer, $480; one charwoman or laborer, $480; one messenger boy, $360; in all, $34,700.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by adding after the word "dollars," in line 5, page 29, the following:

"*Provided*, That no part of this appropriation shall be expended for the making of any topographical surveys."

Mr. CRUMPACKER. Mr. Chairman, I think the gentleman's amendment would be pertinent to the next paragraph, but not to this. This is a question of salaries altogether.

Mr. MADDEN. Very well; I will withhold it. I wish to have it pending.

The CHAIRMAN. Without objection, the amendment will be treated as pending.

The Clerk read as follows:

Soil investigations: General expenses, Bureau of Soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters; for investigations of soils and for indicating upon maps or plats, by coloring or otherwise, the results of such investigations; to map the tobacco soils of the United States; to investigate the soils and conditions of tobacco growth in Cuba, Sumatra, and other tobacco-competing countries; rent, and the employment of labor in the District of Columbia and elsewhere; for materials, tools, instruments, apparatus, gas, and electric current, furniture, and supplies; for telegraph and telephone service, and for official traveling expenses, freight and express charges, and other necessary expenses, $170,000.

Mr. HUMPHREYS of Mississippi and Mr. MADDEN rose.

Mr. MADDEN. Mr. Chairman, I desire to offer my amendment.

The CHAIRMAN. The gentleman from Mississippi will withhold for a moment, as the amendment of the gentleman from Illinois was offered and is pending. The Clerk will report again the amendment offered by the gentleman from Illinois.

The amendment was again reported.

Mr. MADDEN. Mr. Chairman, the purpose of this amendment is to prevent the Agricultural Department from spending any part of the money appropriated for the conduct of this Bureau in making topographical surveys, and the reason for that is that the Geological Survey is continually making topographical surveys, and these surveys are supplied to the Agricultural Department if they are needed. It is thought to be unwise to have the Agricultural Department and the Geological Survey both making these surveys.

Mr. SCOTT. Mr. Chairman, I have a letter from the Chief of the Bureau of Soils and the Secretary of Agriculture, saying no topographical surveys are made in the Bureau of Soils. It seems to me, therefore, the amendment is entirely unnecessary, but I do not see that it will do any harm, and I have no objection.

Mr. MANN. Well, Mr. Chairman, and I ask the attention of my colleague to it, while it is true that the Bureau of Soils makes no topographical surveys, still they do make a survey that in a sense might be called topographical. They examine as to the condition and contour of the surface of the ground and report upon it where they make a survey, and it is necessary to do this to make a soil survey. They get the topographic sheet wherever it has been published by the Geological Bureau and take that in the first place, but where there is no topographic sheet they must report upon the contour of the ground. No topographical survey is made like the one that is made by the Geological Department, but a sufficient topographical survey is made to describe the contour of the ground and the character of the soil, without which they can not carry on the soil investigation.

Mr. MADDEN. Could not all that be made by the Geological Survey?

Mr. MANN. But I will state to the gentleman that there is a demand here every time the sundry civil bill is considered, a violent and most energetic demand on the part of Members of this House off the Committee on Appropriations, to increase the appropriation for the topographic survey in order that they may have these maps for the use of the Bureau of Soils, but the Committee on Appropriations has never been willing to make as large an appropriation as some gentlemen desire in order to accommodate the Bureau of Soils. Very often it happens that there has been no topographic surveys made in a territory. Take the gentleman's State and mine. Topographical surveys have been mostly made in the county of Cook or along the Des Plaines and Illinois rivers, where there is no need for a soil survey, and there is no occasion for making soil surveys in my district, all of which has been surveyed topographically,

and the gentleman's district has been surveyed topographically, and nobody wants to have a soil survey in a thickly settled portion of a city like Chicago, represented by my distinguished colleague, but down in the State where there has been no geological or topographical survey made, that is where they want the soil survey made. There is no occasion for the Geological Department to make a survey at all. Now, while it is not technically a topographical survey, still the word "topographical" refers to the contour of the ground, and it might be held that they could make no soil survey there at all.

Mr. GAINES of Tennessee. Will my friend yield for a moment?

Mr. MANN. Certainly.

Mr. GAINES of Tennessee. Will it not be now a matter of common discretion as to whether Secretary Wilson and the other Bureau duplicate their work? In short, they would not do so, unless absolutely necessary to do their respective duties?

Mr. MANN. Oh, I understand wherever there is a topographical survey made by the Geological Bureau they at once in the soil survey take the topographic sheet and use it.

Mr. GAINES of Tennessee. Of course, and they do not duplicate their work at all.

Mr. MANN. That work is not duplicated.

Mr. GRIGGS and Mr. MADDEN rose.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard a moment on this important matter.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] has the floor.

Mr. MADDEN. I wish to ask my colleague [Mr. MANN] if we are to understand that the work of the topographical surveying is not duplicated at all, but that where the Department of Agriculture makes a survey the Geological Survey then never repeats that same survey?

Mr. MANN. I would not undertake to say that much. Where the geological survey has been made there is no topographical survey by the Bureau of Soils. But it may happen, and probably will, that the Bureau of Soils makes its contour survey before any topographical survey has been made by the Geological Bureau, and subsequently the Geological Bureau may make a topographical map of that section of the country. But there is no duplication of work so far as that is concerned.

Mr. GRIGGS and Mr. GAINES of Tennessee rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. MANN. I yield to my friend from Georgia [Mr. GRIGGS], if he wants to ask me a question.

Mr. GRIGGS. I want to ask the gentleman from Illinois, and also the author of this amendment at the same time, if the striking out of the word "topographical" and the insertion of the word "geological" would not settle this matter definitely?

Mr. MANN. I am not able to say.

The CHAIRMAN. Does the gentleman yield?

Mr. SCOTT. Mr. Chairman, I move that the debate on this amendment close in five minutes.

Mr. GAINES of Tennessee. Mr. Chairman, I have had a practical experience in this matter in my district in the soil survey there several years ago.

Mr. MADDEN. Mr. Chairman, in view of the statement made by my colleague to the effect that the Department of Agriculture makes no topographical survey except where it wants to get the contour of the earth prior to making a soil survey——

Mr. GAINES of Tennessee. That is as far as it goes, so far as I know.

Mr. MADDEN. And the topographical survey proper is always made by the Geological Survey. I withdraw the amendment.

The CHAIRMAN. Unless objection is heard, the amendment offered by the gentleman from Illinois [Mr. MADDEN] will be considered as withdrawn.

The gentleman from Mississippi [Mr. HUMPHREYS] offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 22, page 29, strike out all after the word "expenses," and insert "$333,460."

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman from Mississippi [Mr. HUMPHREYS] if we can not come to an agreement on the length of time during which this amendment shall be debated?

Mr. SHACKLEFORD. Mr. Chairman, may I have read now and considered as pending an amendment to the amendment that has just been offered?

Mr. SCOTT. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Missouri [Mr. SHACKLEFORD] to the amendment of the gentleman from Mississippi [Mr. HUMPHREYS].

The Clerk read as follows:

Provided, That no part of said appropriation shall be expended otherwise than for a fair distribution of the work of the Bureau of Soils among the States according to their area and agricultural importance: *And provided further*, That no preference in the expenditure of said appropriation shall be made in behalf of any locality because it is in a State which has made appropriation to aid in such work.

Mr. SCOTT. Mr. Chairman, I reserve a point of order to that amendment.

Mr. GRIGGS. I would like to ask the gentleman from Kansas a question. If an agreement is entered into as to the time for debate on this particular amendment, will that exclude other amendments afterwards?

Mr. SCOTT. It will not exclude other amendments, but it will exclude debate on other amendments. We want to finish debate on this paragraph at as early a time as possible, and I would like to ask the question——

Mr. HUMPHREYS of Mississippi. I will state to the Chairman of the committee that I hope there will be no curtailment of debate on this proposition. It is one in which there is a great deal of interest on this side of the House, and one that we think is of equal importance with the provisions of the bill that have gone before and have been very generously discussed. Since he sent for me yesterday afternoon and asked me to inquire about the matter I have done so, and I find on this side of the House requests for three hours' debate on this item.

Mr. MANN. Does the gentleman think, in view of the attitude of that side of the House in wasting time when it is not necessary, that they ought to take three hours on this proposition?

Mr. HUMPHREYS of Mississippi. I will answer that by saying this, that for the past two days—that is, yesterday and to-day—we have been discussing one paragraph in this bill, and all of the discussion was by that side of the House. Whether wasted or not I am unable to say. It was certainly wasted on a good many Members of the House.

Mr. MANN. I was not referring to the discussion; I was referring to the time that was wasted on divisions, like the division on the question of taking up this bill at all, where every gentleman on that side of the House voted against considering the bill.

Mr. HUMPHREYS of Mississippi. I do not think the gentleman is accurate in that statement, Mr. Chairman.

Mr. SCOTT. I think the gentleman from Mississippi must recognize at this stage of the consideration of the bill it would be almost preposterous to grant three hours' time to debate an amendment to one paragraph on each side of the House, which is six hours' debate altogether. I move that debate on this paragraph and all amendments thereto close in an hour and a half.

Mr. SHACKLEFORD. I have an amendment; and will not the gentleman allow ten minutes' debate on that amendment?

Mr. SCOTT. I should like to make this request, Mr. Chairman, that if any amendments besides those already offered are intended to this paragraph that unanimous consent be given that they be read now and be regarded as pending if there are any of them. I shall have to insist on my orginial motion because I think it is very liberal.

The CHAIRMAN. The gentleman from Kansas moves that all debate upon the pending amendment and all amendments thereto be closed in one hour and a half.

Mr. SHACKLEFORD. I move to make that one hour and forty minutes.

Mr. SCOTT. I will accept that amendment if that will be agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Kansas as modified.

The question was taken, and the motion was agreed to.

Mr. DRISCOLL. Mr. Chairman, I rise to say that I think that a point of order has been raised by the chairman of the committee against the amendment offered by the gentleman from Mississippi, and it strikes me that ought to be disposed of now, before we have any debate.

Mr. SCOTT. I did not reserve a point of order against the amendment of the gentleman from Mississippi, but I did reserve it against the amendment offered by the gentleman from Missouri.

The CHAIRMAN. No point of order was reserved against the amendment offered by the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have offered this amendment to increase the appropriation made in the bill to meet the estimate of the Bureau of Soils. The increase is $120,000 in the matter of soil surveys and $43,000 for the utilization work. In the limited time it will be impossible for me to go into the details and merits of this proposition. In general debate I discussed it fully. I want now to call attention to some

statements made by the chairman of the committee in his remarks upon this particular subject. He stated, among other things, that the soil surveys, in his opinion, were practically useless unless they were followed by the utilization work, which demonstrate the uses that the soil survey indicated the land could be put to. Yet in the bill, as it appears now, the appropriation for making the soil surveys is increased $37,000, and the appropriation for the utilization work, without which, according to the opinion of the chairman, the survey is practically useless, is reduced $37,000. That is, I submit, Mr. Chairman, an unwise course to pursue. It is, according to the chairman of the committee—and indorsed, as I understand, by the committee—an increase of $37,000 for a purpose which, in his opinion, is useless without the utilization work.

Mr. GAINES of Tennessee. What is the utilization?

Mr. HUMPHREYS of Mississippi. The utilization is the demonstration crop made by another corps of men sent out by the Bureau after the soil survey is made to discover if the soils which in the opinion of the Bureau are adapted to certain plant life are in fact so adapted. For instance, they sent experts down to Texas, to Alabama, to Connecticut, and made surveys of the soil, and after making a physical and chemical analysis of them and noting the relation they bore to similar soils elsewhere, it was the opinion of the Chief of the Bureau that they were adapted to the culture of Sumatra leaf tobacco. He then sent the utilization men down here, and they made a demonstration crop. They believed that certain of these lands would grow certain varieties and grades of tobacco. They made the experiment. It did grow the tobacco, and the revenue which the Federal Government has collected from the tobacco grown as the result of these experiments has exceeded already the cost of making the soil survey and the demonstration crop. [Applause.] They did the same thing in the alkali lands of the West. A soil survey was made, and then the utilization men followed it, and they demonstrated that alfalfa and other plants could succeed in the alkali lands of the West.

I want to get these facts clearly before the House, so that there will be no confusion. Under our custom of providing for many subjects in one paragraph and making a lump sum appropriation for all it is difficult to segregate the amounts intended to be appropriated for the different items included in the paragraph. This amendment proposes to increase the total for the Bureau of Soils by $163,000, and I want the House to understand clearly why this sum is pitched upon. The totals for the Bureau are submitted in estimates which set out in detail the several purposes to which it will be devoted. Last year $80,000 was expended in making the soil surveys and $37,000 in the utilization work, a total for the two purposes of $117,000. This bill carries that same amount, but with the understanding that the whole of the $117,000 shall be used in making the soil surveys and none of it in the utilization work. We are assured by the committee that the Bureau of Plant Industry will take over this utilization work, but the fact remains that no additional appropriation is given that Bureau for this work, and the result therefore is that, while the burden of doing the utilization work, which last year was done by the Bureau of Soils with this $37,000, is turned over to the Bureau of Plant Industry, no additional funds are provided that Bureau to do the work with.

The $37,000 is to be retained by the Bureau of Soils to be used exclusively for soil surveys, which the chairman assures us are practically useless without this demonstration work follows them. There are now on file more than 400 applications for these soil surveys, but under the appropriation carried in this bill only 59 of them can be made. At that rate it will require fifty years to finish the work which, in the opinion of the Department, ought to be done. England began in the early days of the last century to make these very soil surveys which we are now making, and to follow them up with the same utilization work which we propose to do, and the yield of her acres has increased while ours is diminishing. France, Germany, all the progressive countries of the Old World have done the same thing and everywhere the same result has followed. The Bureau asks, in the estimates this year, for an increase both for the surveys and for the utilization work. The estimate is for forty survey parties at $5,000 each and for twenty-five utilization parties at $3,200 each. In other words, for $200,000 for the surveys and $80,000 for the utilization work. My amendment proposes to so increase the appropriation carried in the total of this paragraph as to give this sum. The bill now carries $117,000 for these two purposes—or, rather, for the single purpose of making the surveys—and my amendment proposes an increase of $163,000 so as to bring the total up to $280,000 for both purposes, the amount asked for in the estimates.

Now, Mr. Chairman, let me impress upon the House once more that the transfer to the Bureau of Plant Industry of the duty of doing this utilization work carries with it no additional appropriation to do the work with; and the $37,000 which was last year used by the Bureau of Soils in this utilization work is left with that Bureau this year, to be devoted exclusively to survey work, which the chairman himself tells us is practically useless without the utilization work follows it.

One more suggestion, Mr. Chairman: The bureau that makes the survey, and which ascertains its relation and adaptation to plant life, so far as that can be done theoretically, is more likely to prosecute with energy, earnestness, and success any work which has for its purpose to demonstrate the correctness of that theory than some other bureau which had nothing to do with the survey and perhaps no sympathy with the theory advanced.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. HUMPHREYS of Mississippi. I also ask unanimous consent that all who speak on this paragraph have permission to extend remarks in the RECORD.

The CHAIRMAN. General permission is not within the authority of the committee to grant.

Mr. LAMB. Mr. Chairman——

The CHAIRMAN. The Chair desires to alternate in his recognition.

Mr. SCOTT. I shall be glad to have some one on the minority side recognized.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, in a few words I will answer, I hope to the satisfaction of the members of this committee, the proposition laid down by the gentleman who has just completed his remarks. In the first place, no doubt, this request comes from the Chief of this Bureau. He, of course, is interested in these soil surveys, as are very many men on this side of the Chamber. The only difference between the gentleman who has just expressed himself and the members of the committee is that while we are in favor of these soil surveys we want the Bureau of Plant Industry to do the utilization and practical work after the surveys are made. We do not propose to duplicate this work.

In other words, we do not propose to have the agents of the Soil Survey going through the country demonstrating what can be done after the survey is made, because we think that is a function that belongs entirely to the Bureau of Plant Industry. This Bureau of Plant Industry is well equipped. It has this work well in hand, and is performing this service to the satisfaction of the country. Now, it is true, as has been stated, that it will probably take, under the present plan, about fifteen or twenty years to do all this soil-survey work; but bear in mind that it is not necessary at all to have the soil of every county in the United States surveyed. A whole group of counties in a Congressional district, having the same character of soil, will be reached and the results obtained by a survey, perhaps, of one or two counties in that district. I know this applies to my district, and to, perhaps, a hundred districts represented on this floor. This question was answered this morning by a gentleman who stated that there was no occasion for soil survey in his immediate district at all. In addition to that, the Chief of the Bureau of Plant Industry has informed me that he can demonstrate this work, and can utilize these soil surveys as fast as they are made.

Mr. HUMPHREYS of Mississippi. Does the gentleman say that the Bureau of Plant Industry can do that?

Mr. LAMB. That is what the Chief of that Bureau told me.

Mr. HUMPHREYS of Mississippi. There is the sum of $37,000 that was used by the Bureau of Soils in making these demonstrations and utilizations. That work will not be done further by the Bureau of Soils, but will have to be done by the Bureau of Plant Industry. Now, there is no increase made in the appropriation for the Bureau of Plant Industry, so you require the work to be done with an appropriation of $37,000 less than they had last year.

Mr. LAMB. I think there is the authority right in the Bureau of Plant Industry to cover this subject.

Mr. HUMPHREYS of Mississippi. There is no question about the authority, but it is a question of appropriation. You do not give them the money.

Mr. LAMB. I think this committee has been liberal to both of these Bureaus, and am satisfied the Bureau of Plant Industry has funds sufficient for the work. In my humble judgment the Soils Bureau should always have been a division of

the Bureau of Plant Industry, and could have done this work in connection with that Bureau.

In 1896 this appropriation was $15,000; in 1898 it was $15,000; in 1900 it was increased to $26,000; in 1902 to $109,000; in 1903 to $169,000; in 1905, to $214,000. In 1906 it was $204,000. We have given them this year $204,000, which in the mature and well-considered judgment of the committee they deem to be a sufficient amount for the Bureau of Soils.

As I said before, this is the best digested and maturely considered bill that the Agricultural Committee has reported to this House for ten years, and I ask my friends on this side of the House to stand by the committee in this report. It is in the interest of economy; it is conservative; it does no wrong to anybody; it does no injustice to the Bureau; it gives them as much as they had before, and they can make these surveys, and the Bureau of Plant Industry can utilize the work that they do. I hope it will be your pleasure to stand by the Agricultural Committee in this report.

Mr. BOWERS. Mr. Chairman, the amendment which has just been offered by my colleague [Mr. HUMPHREYS] is the result of much careful consideration and conference among those Members of the House who believe that the soil survey is of the highest practical advantage, not only to the real farmers, but to the whole country, and that the amount appropriated by this bill for soil-survey work, viz, $170,000, is wholly inadequate for that service.

This amendment increases the appropriation $163,460, of which it is expected $120,000 will be expended in actual surveys and $43,000 in utilization work. It will bring the soil-survey appropriation up to $333,460, to which is to be added $34,700 for salaries, clerical and expert services in the Bureau, making a total of $368,160 for all branches and departments of the Bureau. To my mind this sum is exceedingly moderate, if not positively small.

Early in the session, recognizing the importance of this work, I introduced a bill to make the total appropriation for this branch of the Agricultural Department $500,000, and I still think that sum should be provided, but after careful consideration and conference those of us who are friendly to this work and want to see it pushed and extended have concluded that it is perhaps best to advance gradually, and that the proposed amendment has a better chance of adoption than one large enough to meet the real needs of the situation as we see it. In this view of the matter I fully concur, and in advocating the amendment I desire to go somewhat into the history and character of this work.

The soils of the United States are by far the greatest natural resource of the country from which wealth is derived and the greatest endowment of the American people.

Previous to 1894 no effort had been made by the Government to inquire into the extent and possibilities of the utilization of the inherent resources bound up in the soils of the country. Of the appropriation for that year a small sum—$2,000—was set aside from the lump sum for the general expenses of the Weather Bureau for "investigations of the relation of climate to organic life." With this allotment there was organized in the Weather Bureau a division of agricultural soils. From this small beginning the present independent Bureau of Soils had its origin. From the time of its first inception to the present the character of the work of the Bureau has been of fundamental importance to all agriculture, and its value to the tillers of the soil can not be overestimated.

Its importance and value has been frequently noted and commented upon with favor by the Secretary of Agriculture. In his report for 1905 he says:

> The work of the Bureau of Soils is of such a fundamental character that its results are being more and more widely used, not only by the other bureaus and divisions of the departmental work, but by State agricultural experiment stations and State geological and economic surveys, as a foundation for further work along highly specialized lines. At the same time that the demands upon the Bureau for additional work are increasing, the facilities for accomplishing this work have remained stationary, or in one case, have been decreased.

And again, in the same report:

> The soils of the United States are considered as the greatest natural economic endowment of the American people, far exceeding in the value of their annual products all of the returns secured from mines and fisheries. It is the purpose of the soil-survey work to outline the most economical method of securing the utmost efficiency in the handling of these soils and in the production of food products from them. The questions involved concern not only the farmers themselves, but also every person interested in labor, commerce, manufacturing, or professional life. The problems are fundamental.

Speaking of the practical usefulness of such surveys, at page 55 of the same report he says:

> Surveys of single areas of this description have furnished prospective settlers with information which has prevented the unwise investment or total loss of thousands of dollars, in many instances constituting every dollar possessed by the individual. At the same time these settlers have been directed to lands within the same areas where their investments could be made with safety and their new homes established without risk of disappointment. The actual settler has thus been benefited, and new communities have secured advance information which only years of bitter experience would have furnished them under their own undirected efforts.
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> It will thus be seen that the soil-survey reports and maps concern not only those engaged in the broad study of economic agriculture and its resources in the United States, but that they are of high value for daily use by a great variety of agricultural and commercial interests. The increase of the use thus made of the maps and reports is evidenced both by the requests received for reports already published and by the requests which are continually being made for additional surveys.
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> A constant study is being made of the cotton soils of the Southern States. These communities have shown wonderful progress both in agriculture and manufacturing during the past decade. The study of soils in the Yazoo and Red River basins of Mississippi and Louisiana has shown ideal soil and climatic conditions for the continued production of maximum cotton crops.
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> Similarly, the upland cotton regions have been found to present two dominant soil problems. The first is that of preventing the bodily removal of the fertile surface soil through erosion; the second is that of securing such a rotation of crops and use of green manures as will restore the organic matter to soils depleted by long-continued clean cultivation in one crop. Both of these problems can be met and are being met by enterprising farmers in nearly every community where soil surveys have been made. The mere statement of these problems and the accounts given of cases where their solution has been worked out are of inestimable value to the planters whose attention has not formerly been called to the work already done by their own neighbors and by their local authorities.

He opens his report for 1906 as to soils with this language:

> Underlying all attempts to improve the general agricultural welfare of the country lies the necessity for a correct knowledge of the character and variety of its soils. Such knowledge is fundamental, and without it no great progress can be made in securing further diversification of crops, the introduction of new crops, or the more economical production of the great staples now known.

And further on in the report says:

> *Before the farmers of all sections of the United States can reduce agriculture to a basis of permanent business success the knowledge of these facts must be thoroughly disseminated and fully understood.*
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> *Each year brings an increasing number of requests for survey work in particular localities to serve a great diversity of interests.. The development of new lands in the United States has not ceased and the need for specific and unprejudiced information concerning soils in newly developed regions has become widely recognized.*

And in his report for 1907, the last, submitted at the opening of this session of Congress, he sums up the matter as follows:

> With a more thorough knowledge of the soil and its adaptation to crops and the proper methods of soil management, the full extent of the agricultural development which may take place in the United States in the future is very great. The undeveloped portions of the United States are not confined wholly to the arid West, portions of which are now rapidly filling up, although this constitutes the greater part.
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> The soil-survey work of the Bureau is the largest undertaking of the kind that has ever been inaugurated in any country. The area surveyed and mapped during the past fiscal year was 20,560 square miles, or 13,158,400 acres, and there have been completed to June 30, 1907, surveys covering a total of 139,247 square miles, or 89,118,080 acres. This area is more than 15 per cent of the amount represented by the farm lands of the United States.
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> That the amount of money annually invested in fertilizers by the *farmers of the country, now amounting to upward of $100,000,000, will continue to increase seems certain. But just as certainly a large percentage of the money—perhaps a third—is annually wasted and brings no adequate return, owing to a lack of understanding of the soil's requirements.*
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> It has been found that infertility in soils is very frequently due to the presence of bodies deleterious to plant growth, and the difficult task of isolating and identifying these bodies and studying their effects on plant growth has been undertaken in the work of this Bureau. Several of these substances have actually been removed from the soil and their properties determined.

I quote the extracts from the Secretary's report not only because they contain an excellent statement of the character and importance of this work, but also to show that the Secretary of Agriculture fully appreciates the work that is being done by this Bureau, is fully alive to its importance, and is by no means indifferent or hostile, as has been intimated during the course of this debate.

It will be seen from the Secretary's words that the work of the Bureau of Soils has a dual purpose. The soil survey in mapping and classifying the soils and pointing out the problems which confront the farmer, and this to serve as a foundation for further work of devising methods for the utilization of the soil resources so as to secure maximum efficiency and production with the least possible waste of both labor and inherent ability of the soils to produce crops:

> The purpose of a soil survey is to provide an accurate basis for the adaptation of soils to crops. It seeks to present as clearly and as forcibly as possible the conditions of an area in such a manner as to make it possible for prospective settlers to take up lands suited to certain crops, and to enable present owners of land to learn from the experience of other localities what crops are best suited to their own soils and climatic conditions. In the present struggle for commercial supremacy the importance of such accurate knowledge of agri-

cultural conditions is becoming daily more evident. No community and no nation can afford to waste its time and energies in the pursuit of interests to which its conditions are unsuited; nor, on the other hand, can it afford to lose any chance of inaugurating and developing those interests for which it is peculiarly adapted. A soil survey aims to eliminate to some extent such waste in the line of agriculture. Its most valuable function is undoubtedly the improvement of existing methods, so that larger yields of our staple crops can be secured, although more showy results are gained in the development of special industries.

It is the object of the soil survey to prepare maps which will indicate the extent, the distribution, and the location of the principal types of soil found in the United States. These are considered to be of equal importance with the various sources of fuel supply and the different kinds of ores, whose distribution and extent is carefully ascertained by all civilized governments. In addition to the fundamental work which concerns the area and distribution of the soils, there is based upon this a careful study of such particularly important problems as the best adaptation of crop to soil, the best method of maintaining or restoring soil fertility, the proper ways for redeeming land threatened by the accumulation of alkali, and the general study of the soil and crop resources of the entire country.

It is seen from these quotations taken from publications of the Bureau that it has never been satisfied to simply map and classify the soils, but to also point out practical agricultural possibilities both in the way of adaptation of crops to soils and in methods of handling, or soil management, to insure the maintenance or restoration of soil fertility.

I wish to call your attention to some of the benefits of the soil-survey work from the financial view-point.

Soil-survey studies along the Atlantic and Gulf seaboards have demonstrated that the Norfolk sand, Norfolk fine sand, and the Norfolk fine sandy loam are peculiarly adapted to the production of those early vegetables and fruits which furnish the supply for the Northern city markets. It has also been shown in this connection that where transportation is adequate, land belonging to those three soil types which formerly had a value of $5 an acre can readily be made to have a value of from $100 to $200 an acre for the production of the truck crops.

In one locality, in Harrison County, Miss., a tract of land of one of the above types, Norfolk fine sand, was purchased for $6 per acre, and when it was seen that the growing of radishes, lettuce, etc., during the winter months for the Northern city markets was successful, the price of well-cleared land in that particular vicinity immediately advanced to about $80 per acre.

In or near the same area a large landowner, a former director of an experiment station, said, while the soil survey was in progress, "I do not care to sell any land now; when this soil-survey report is published showing the character, adaptation, and intrinsic value of the soils my land will command more than double the price now asked."

Thus it is seen that in many cases, at least, the monetary benefits accruing from these surveys are immeasurable when compared with the cost, which will not average more than one-half cent per acre.

The work of the Soil Survey from its early existence has been dual in its purpose, as is shown by the report of the Chief of the Bureau, then Division, for the year ending June 30, 1896:

A second feature of the work of the Division should be the examination of the physical character of these different soils to determine the conditions which they maintain for crops and to see how these conditions should and can be controlled or changed to adapt them to the classes of crops which it is desired to grow. This will include, of course, the investigation of the effects of fertilization, of irrigation, and of methods of cultivation on the soil conditions.

From the inception of this work up to 1904 the appropriations kept pace with the demands made upon the Bureau, but since that year the appropriation has decreased, while the demand for soil-survey work has been greater than ever.

Parallel with this decrease in appropriations is the accumulation of unsatisfied requests for work on file. There are over 400 requests for soil surveys on file at the present time, and with the present appropriation only about 50 can be made, and it is not possible to make as many surveys each year as there are recorded new requests for surveys.

It can readily be seen from the foregoing that without any increase in appropriation the efficiency of the Bureau of Soils is crippled; that it can not hope to do enough work to make any impression upon the demands already filed, to say nothing of meeting new and urgent requests which are received daily for its aid on general and special soil problems.

From my own State there are eleven requests on file for as many urgently needed surveys, and with the present appropriation I am advised that hardly more than one, or at most two, can be granted.

A few words as to what these surveys are may be of value. Trained soil experts go into a selected area and make a complete examination of the soils within the given territory. These areas usually go by counties and average about 600 square miles each. Not only is the surface of the ground carefully observed and mapped, showing the undulations of hill and valley, the streams that water it, and the contour of the land, but borings are made deep into the ground at short and frequent distances and samples of the soil are taken, examined, and analyzed by the experienced trained soil experts. In this way the character and constituent elements of practically every square yard of land in the whole area is determined, and when this is done it is all depicted and shown on a soil map which is made of that region, showing where the different character of lands lie, just as a State map shows the boundaries of each county. But this is not all. With each map there goes a book which explains and discusses the different soils which have been found, how each particular soil is to be cultivated and treated, the crops that should be planted and will thrive best on each, and the fertilizers which will best meet the demands of the land. This, then, should be followed up by the demonstration or utilization men, trained soil experts, who demonstrate practically the methods that should be used. And just here let me say that I can not appreciate the criticism of those who claim that these utilization men duplicate the work which is being so admirably done by the Bureau of Plant Industry. Each has his sphere, and I do not believe that there is any duplication; but, be that as it may, it can be remedied and all duplication prevented by administration.

In any event the discussion now, as to who shall do this utilization or demonstration work, is largely academic. There is no need for either demonstration or utilization until the surveys are made, and the appropriation proposed by this bill for surveys alone is wholly inadequate. And while this demonstration work is necessary to the fullest enjoyment and benefits of the soil survey, I dissent from the proposition so often advanced against this work, that the survey is wholly useless unless followed by the utilization men. The map which explains the soil and the accompanying book which explains and treats of its characteristics and value, of the crops that can be raised and the fertilizers that should be used, is alone and of itself immensely valuable to the intelligent and practical farmer.

Now, let us see some of the things that this work has accomplished. It has discovered land in Florida, Alabama, Mississippi, and Texas exactly adapted to producing the finest grades of Cuban tobacco. It has experimented and raised from Cuban seed a tobacco both for filler and wrapper that is the only tobacco grown in the world the competition of which the Cubans fear. I have seen and smoked cigars made from this tobacco, and both color and flavor are distinctively that of the higher grades of imported tobacco. A large and thriving tobacco industry has grown up in Florida. It is opening up in Texas and Alabama, and recently a large company has been formed to grow foreign tobacco on an extensive scale in Mobile County. In my own State they are experimenting, and I have recently had given me a few choice cigars made from tobacco grown in the northern part of Harrison County. I mention this one item of tobacco, because it is a typical instance of an entirely new industry growing up as a result of soil surveys.

In Mississippi, as a result of the survey of the McNeil area, a large trucking business has sprung up, which is constantly extending both in area and importance. And these, as heretofore suggested, are only examples of what the work accomplishes. It is designed not only to develop new crops, but to improve the results from old ones by introducing the best methods of cultivation and fertilization. It tests and examines the soil, and not only tells us what the soil needs to produce given crops, but what, if anything, there is in it which is harmful to particular crops and how this hurtful substance can be destroyed or neutralized. It was found that certain fertile land near Arlington, Va., would not grow roses. The soil experts examined the soil, located the poisonous substance, and showed how to destroy it, and the same is true as to lands which it was found would no longer profitably grow wheat, potatoes, cowpeas, and other products. In all these cases soil surveys located the trouble and pointed the way to avoid it.

To sum it all up, these surveys ascertain accurately the character of the soil, the things it is good for, the fertilizer that it needs, the deleterious substances to be overcome, the way it is to be cultivated and handled, and gives the farmers of that section the information necessary to enable them to conduct their business in an absolutely safe and scientific way.

Certainly this is a most important and worthy purpose. To those sections of the country which are not thoroughly settled up its importance can not be overstated. With the soil survey before him, the prospective settler and farmer can select the very land he needs; he knows what he is getting; there is no experiment; it is all plainly shown on his soil map, and he knows just what to plant and how to cultivate and fertilize the crop. My own district is one in which there is much vacant land, but in which agriculture is advancing rapidly, and I am pleading for my people when I advocate this increase. I know

the good which these surveys have done, and I want more of them, not only to bring wild lands into cultivation, but also to secure the best results on farms which are now being worked.

In few of the Southern States is anything like the whole area cultivated. I think only about 16 per cent of the lands of Louisiana, one of the most fertile in the Union, is now in farms. What Mississippi's percentage is I do not know, but know it is comparatively small. Consider what this work means toward settling up these States, thus increasing their annual products and wealth as well as their taxable values and revenues.

It was suggested by the distinguished chairman of the Committee on Agriculture during the general debate on this bill that the present system of surveying areas of about 600 square miles should be abandoned and what he terms a "regional survey" substituted therefor; and he suggests as types of such surveys the proposed Appalachian forest reserve and the semiarid region of the West. In the semiarid belt between the latitudes 100° and 104° there are 301,176 square miles, the population of which is 600,732, or an average of 2 inhabitants per square mile, and this includes the city of Denver, with 153,017 people. In some portions the average population is much less than 2 per square mile. In New Mexico it is 1.1, in North Dakota 1.5, in South Dakota 1.4, and in Oklahoma only 1 inhabitant to every 2 square miles. Surely these figures dispose of this contention, and the Appalachian survey proposition, while more densely populated, is subject to the same objection, only in a less degree. It is apparent that for the present surveys of this sort attempt to cover entirely too much territory when the number of persons to be benefited is considered. What is needed are surveys in sections toward which settlers are turning and that are sufficiently populated to enable them to do something toward utilizing the survey and in reducing the lands to cultivation.

The importance and necessity for this work have been fully recognized by all the older countries. Germany and France long ago took it up and are still continuing it on a large scale. In England it has been prosecuted for a hundred years or more, and the gentleman from Wisconsin [Mr. MURPHY] has a soil map and report published in England over seventy years ago, and then it was in its third edition. These countries have all seen and appreciated the necessity of intelligently investigating and taking care of their soils.

I appreciate, Mr. Chairman, the need for economy and I favor keeping the expenses of Government down to the lowest point consistent with good administration. But this does not seem to me to be the place to economize. The farmer and the farm are the basis of our prosperity. The agricultural products of this country constitute its greatest wealth and make all the nations of the earth purchasers at our doors. The Department of Agriculture was organized to help the farmers of the country. Its appropriations should be liberal and sufficient. I do not believe in skimping and economizing where the great basic industry of the country is concerned. More than one-half of the people of this country are engaged in farming and allied pursuits. This majority is entitled to and should receive the highest consideration. The demand for this work is general and just. As I stated in the outset, this amendment does not appropriate as much as I would like to see given, but we believe it is the best that can be done at this time, and its adoption will not only provide for a considerable enlargement of the work, but will also demonstrate to the Department and to the farmers that this Congress is alive to their needs and that their interests shall not be neglected. [Applause.]

Mr. LEVER. Mr. Chairman, I dislike very much to differ with so many of my colleagues and friends on this side of the House on a proposition of so much importance, but the committee which has had this bill under consideration have given the matter very careful attention, and have reached, we think, a conclusion which is just alike to the Bureau of Soils and to the best interests of all the people. My entire record has been for the most liberal appropriations for every bureau of this great Department. This appropriation for this Bureau amounts to $204,000 for the coming fiscal year. It is enough to meet the real work of the Bureau. Everyone agrees, who has had any experience in the Committee on Agriculture, that there is a disposition among the bureau chiefs in the Department of Agriculture to reach out and grasp more authority, to broaden the scope of their jurisdiction and work, and they come to Congress year after year for increases in appropriations that they may reach out and make their bureaus, therefore, more important, the magnitude of their work wider. There is a possibility that something of this spirit may be underneath this tremendous pressure to increase the appropriation for this Bureau, which, in my opinion, under the circumstances, has been dealt with most generously by the committee.

The fact is the bill carries an increase for the soil-survey work proper of nearly $38,000 for the coming fiscal year, as against the present fiscal year, because it is understood that, as a matter of administration in the Department of Agriculture, the utilization work heretofore done by the Bureau of Soils, and which was only begun during the past year, will hereafter be transferred to and done by the Bureau of Plant Industry. So that we have given them an actual increase of nearly $38,000, and this will enable the Bureau to put on seven additional field parties for the coming year.

Mr. HUMPHREYS of Mississippi. That is to make the surveys with—this increase.

Mr. LEVER. Certainly.

Mr. HUMPHREYS of Mississippi. Now, there is no additional appropriation for the Bureau of Plant Industry to follow that up with utilization work.

Mr. LEVER. I will say to my friend from Mississippi that the committee had assurances from the Chief of the Bureau of Plant Industry, Doctor Galloway, who is an able and conservative man, in many respects the ablest in that Department——

Mr. HUMPHREYS of Mississippi. I agree to all of that.

Mr. LEVER. That he does not need a cent increase in his appropriation to do this very work that we are now spending $38,000 a year to do, and it is understood that this new work of utilization of the Bureau of Soils is practically a duplication of work carried on in the Bureau of Plant Industry for many years.

Mr. HUMPHREYS of Mississippi. Is it not a fact that Doctor Galloway said he did not need any money to make experiments in tobacco culture in Texas, Connecticut, and Alabama, and that he advised against it, and that the Bureau of Soils made it, and it has developed into such a success that it to-day yields more revenue than it cost to make the demonstrations and experiments.

Mr. LEVER. As a matter of fact, the experiments along the lines suggested by the gentleman from Mississippi [Mr. HUMPHREYS] have been completed and little money will be expended in the future upon them, but Doctor Galloway assured the subcommittee, and I think the full committee, that this utilization work for which we are appropriating $38,000 for this fiscal year for the Bureau of Soils will next year be done by the Bureau of Plant Industry. So that the Bureau of Soils to do soil work proper, to do the work for which it was established, to do its legitimate work, has in this bill an increase of $38,000 for the next fiscal year—an increase entirely sufficient to meet the reasonable demands.

I want to call attention to this fact, and the gentleman from Mississippi [Mr. HUMPHREYS] brings it up, that in my judgment there is very, very little value to these soil surveys unless they are to be followed up with utilization or demonstration work.

Mr. HUMPHREYS of Mississippi. That is what I think.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I would like to have one minute more in which to complete that statement.

Mr. SCOTT. I yield the gentleman one minute out of my time.

Mr. COCKS of New York. And I will give him two minutes out of my time.

Mr. BOWERS. Mr. Chairman, are we proceeding under the five-minute rule? I do not think these gentlemen can yield time.

Mr. LEVER. I do not yield.

I want to call the attention of the committee to this fact: That this soil-survey work does not, in my judgment, amount to a row of pins unless followed up with demonstrations, unless the farmer has the benefit of the advice of experts; and I want to say to the gentleman from Mississippi [Mr. HUMPHREYS] that in this very tobacco work it was brought out in the committee that after the survey had been completed by the Bureau of Soils the soil expert did not make experiments—the soil man did not grow the tobacco.

The soil survey had completed its function when it discovered that the particular soil gave promise of successful tobacco culture. It took a practical grower—a plant man—to complete the experiment by proving from the actual growing of the tobacco that the Bureau of Soils was not mistaken in its conclusion that particular tobacco soil had been found. The two bureaus should work in harmony, without duplication of work. Each has its own functions. This utilization work seems to me to be a plant problem, and should go to the Bureau of Plant Industry.

Now, we are up against this proposition. It is asked of us to appropriate a large amount of money—$163,000 increase by

this amendment—to do the work that the Bureau of Plant Industry promises us to do, and I am sure will do it as well, without any increase of appropriation at all; and, in addition, let me suggest, that if the soil-survey maps have to be explained by a soil expert, what good do, they amount to to the farmer, anyhow? If the Bureau of Soils can not give to the farmer a map which a man of ordinary intelligence can understand without having to have a soil expert to explain it, I think we had better quit and let the whole business go, for it can be of no practical value. [Applause.]

Mr. RANDELL of Texas. Mr. Chairman, the proposition before us is to increase the appropriation for the soil survey to the amount of $130,000. This will practically double the capacity of the Bureau of Soils and make it possible to do twice the field work it is now doing. This question ought not to resolve itself into a fight as to whether or not the Agricultural Committee should be allowed to control this bill. Nor is it a question to be decided by the will or the jealousy of different bureaus in the Agricultural Department. The interests of the country should be the controlling factor in our deliberation. We must say by our action whether or not we, as the Representatives of the people, recognize the need of more work in this line. The people I represent on this floor are in great need of a soil survey, and have been earnestly petitioning for this work to be done for them. The Bureau has been unable to respond to their appeal because of the lack of force available. The ravages of various insects attacking our cotton and grain crops have made it apparent that our people must diversify more than ever before. They are earnestly investigating in order that they may intelligently understand what are the capabilities of the soil composing their farms. We have a variety of soil in this one district equal perhaps to that of any State in the Union. In addition to cotton, corn, wheat, oats, and other small grains, forage crops, fruits, grapes, berries, and vegetables, they are also looking to the production of the sugar beet, tobacco, alfalfa, honey, peanuts, Irish and sweet potatoes, and, in fact, practically every crop that can be produced on the farm anywhere in the United States. We have the climate and the soil that promises rich returns for our labor.

But the question now is, What are the capacities of our various soils and their fitness for the production of these crops, and what is lacking in them to accomplish the desired results? The basis for this knowledge is a soil survey, from which can be builded a system of agricultural knowledge and progress heretofore unequaled. Ours is not a bleak, unsettled waste, but a thickly settled, intelligent farming population, in the best climate and having the most productive land in all the world. The Department at present is unable to come to our relief. The people of our section of the country, and from all over the country, who till the soil and produce the crops that are the foundation of our prosperity, turn to the Congress and appeal to their own Representatives for this needed aid. Shall we turn a deaf ear to their entreaty? It is their land, their country, their Congress, and we are but their servants and are intrusted with the duty of obeying their will. The money to be appropriated is theirs, and the benefits of it will accrue to them and to the whole country. Petitions from our boards of trade, municipal councils, organizations of millers, grain men, cotton buyers, and merchants, the farmers' unions, and all the farmers join in this appeal to give them the knowledge necessary for their prosperity, and which can be obtained only by a soil survey. They say to the Congress, "Give us the soil survey and we will do the rest." The demand is intelligent, sensible, and just. The gentleman from South Carolina [Mr. LEVER] seems to be opposed to the soil survey.

Mr. LEVER. Oh, not at all.

Mr. RANDELL of Texas. That is the effect of his whole argument. If he is not opposed to the soil survey, then why not allow the work to be done more speedily, especially in the thickly settled communities like the district I represent, where thousands of farmers can not get the knowledge they need except by these surveys? Why take fifteen, twenty, or twenty-five years to complete the work? At the present rate it will take fifty years to complete this work in the United States. We want the benefit of it now. The desire is reasonable, the object laudable, and the effect would greatly facilitate the development of farming interests. The additional sum that we ask—$130,000—to be used for the farmers will prove a greater paying investment for the whole country than the same amount expended for any other purpose by this Congress. Why should we be mean and niggardly in the appropriation made for the benefit of the farmers and liberal in other things?

The Agricultural Department is not supported as it should be. Its development in the interests of our people should be pushed as rapidly as possible, and the appropriations should be made to amply supply all the forces which the Department could intelligently use. The sum we ask is practically a mere trifle in amount, but is of the utmost importance to our people, who need to learn at once the qualities and the deficiencies of the soil. Knowledge is power; and we should not retard this work, but should assist by every means the development in agricultural knowledge that is now so earnestly sought by our people. The farmers are organized and are organizing in all the States for a campaign of education, that knowledge may lighten the burdens of labor and intelligence increase the product of their toil. Let us do our duty and vote for this appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, there is no doubt that soil surveys do great good, but there is doubt about the desirability of entering upon an extravagant campaign in soil surveys. Last year $80,000 were expended for this purpose, and this year, after a most careful consideration, I am told the Committee on Agriculture has decided to increase it by $38,000; or, in other words, to appropriate $118,000 for that purpose. The gentleman who introduced the amendment seeks to increase that by some $120,000. The Bureau chief having charge of this work, I am told, says that this bill provides money for all the work that they can legitimately do. If that be true, there is no reason why more money should be set aside.

Mr. HUMPHREYS of Mississippi. The gentleman is mistaken about that.

Mr. MADDEN. I did not intend to misrepresent the gentleman.

Mr. HUMPHREYS of Mississippi. You are mistaken about what my amendment provides. It does not require $120,000 additional to $118,000.

Mr. MADDEN. How much does it require?

Mr. HUMPHREYS of Mississippi. The whole thing is only $163,000—that is, for additional soil surveys and in the utilization work which you have cut off.

Mr. MADDEN. The Bureau of Plant Industry does a lot of the work that is proposed to be done with the money sought to be appropriated by the gentleman's amendment.

Mr. GRIGGS. Will the gentleman permit me?

Mr. MADDEN. And promises to do all the work that is needed without any additional appropriation whatever.

Mr. GRIGGS. Will the gentleman permit me?

Mr. MADDEN. Certainly.

Mr. GRIGGS. If the gentleman will permit me, the Plant Bureau is doing nothing of the sort.

Mr. MADDEN. They promised to do so.

Mr. GRIGGS. No, sir. Their agents in my district and in Florida, across the line from my district, refuse to do anything except to improve the tobacco by conducting experiments in breeding and fertilization. That is what they say.

Mr. MADDEN. The Bureau of Plant Industry this year has spent $80,000 in the work that is proposed to be done by the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS]. If that be the case, why appropriate money extravagantly and uselessly, as this amendment proposes?

Mr. BOWERS. Will the gentleman yield a moment?

Mr. MADDEN. I only have a minute or two, or I would.

Mr. BOWERS. I only want to ask the gentleman what he has to say to that portion of the amendment which increases the sum for making the actual survey? What objection has he to the actual survey?

Mr. MADDEN. They are making surveys faster now than the people who are interested in the land can utilize them, and there is no purpose whatever in making the survey unless it is of some use after it is made.

Mr. GRIGGS. The whole country is not like the land on State street.

Mr. MADDEN. The surveys are useless unless they can be utilized after they are made, and there is no doubt whatever, from all the information that can be obtained upon the subject, that the Department is doing all the work that is needed as rapidly as it is needed. It is spending all the money that should be spent and all that can be economically spent. And I trust, therefore, the amendment will not prevail.

[Mr. SMALL addressed the committee. See Appendix.]

Mr. RUCKER. Mr. Chairman, as a member of the Committee on Agriculture, I feel that I should at least express my views upon this amendment. In doing so I confess embarrassment. I regret exceedingly being compelled to take issue with so many of my colleagues on this side of the aisle. Each of the gentlemen on this side who has spoken in advocacy of this amendment, I believe, has stated that he speaks from observation and experience. I have had neither. Not one dollar of money ap-

propriated for this Bureau has ever been expended in my section of the State of Missouri, to my knowledge. Hence I approach this question unbiased, uninfluenced by the fact of past favors or hope of favors to come.

I want to say in behalf of the committee generally that the committee, acting as a whole, and having within its membership gentlemen from every part of the country, from the Northeast to the Southwest, and from the Northwest to the Southeast, taking in the whole scope of our country, that the committee having in mind the sole purpose and desire to do that which the members believe is for the best interests of all the people, regardless of section or locality, dealt with this question, as they did with all other questions, in a spirit of absolute fairness and, as we hoped, of liberality.

I want to say, Mr. Chairman, that when we once put an appropriation in a bill history teaches us that it continues to grow. It never gets less. I tell you, sir, it behooves those charged with responsibility here, those who are responsible for the expenditure of public money, to exercise some degree of frugality and economy in this appropriation and all appropriation bills. I say to this House now that if you vote for this amendment, increasing the amount as proposed, there is no man here whose service will be long enough to see that amount reduced. I care not whether an emergency or necessity exists or not, whether there is a demand for it or not, the appropriation will continue. I assert the fact in all candor that I believe the committee has written into this bill as offered to the House a sum adequate and sufficient to do all the legitimate work of the Bureau of Soils.

Gentlemen complain that under present arrangements it will take forty or fifty years to survey all the land in the United States. Perhaps it may. But let me call their attention to the fact that under the existing arrangement, and arrangements we have had in the past, the Bureau of Soils is now nine years ahead of the utilization work. So that the Bureau has not kept the two projects together.

After hearing the chiefs of the various bureaus of the Department, after having paid close attention to their statements and estimates and weighing them carefully, I believed and the committee believed it was best to rid the Bureau of Soils of the work of demonstration and experimentation and lodge it where it ought to be, in the Bureau of Plant Industry. We have given the Bureau of Soils an increased appropriation. I want to say, Mr. Chairman, that I must not be written down as opposing the agricultural interests of this Republic, because I believe firmly that the one interest superior to all others in the American Republic is that of agriculture. [Applause.] I will go as far as any man in favoring and in advocating, with my voice and my vote, any and every thing which will even tend to build up and foster the agricultural interests of our country. I am the friend of the man on the farm——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAMB. I ask that my colleague have one minute longer.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. WEEKS. Mr. Chairman, the Committee on Agriculture in this Committee of the Whole seems to be between the devil and the deep sea. For the last two or three days the committee has been criticised for making large appropriations, it even having been implied that it had recommended larger appropriations than the Bureau officers themselves had recommended. Now it is being criticised for not making a sufficiently large appropriation. The members of the Committee of the Whole ought to understand that the Committee on Agriculture has given very careful investigation to every item in this bill. The chairman of the committee and the senior member of the minority spent thirty days in the Department, examining the Department and the appropriations required, before Congress met, and the committee itself gave hearings for five weeks, considering carefully every part of this bill. Now, my judgment is that this appropriation ought not to be increased, for various reasons. In the first place, the committee has recommended an increase of about $38,000 over the amount that was expended last year. If the amount which is asked for in this amendment should be added, it would increase the appropriation $163,000, or about double the amount recommended by the Bureau.

I have no doubt that the Bureau is doing an excellent work, but it is difficult to get suitable men to do this work. The Bureau has out seventeen different parties making these surveys, and, if I remember correctly, the Chief of the Bureau testified at the hearings that it would be impossible to get suitable men to do work on a materially larger scale than he was already conducting it. Therefore very likely the money could not be used to good advantage or economically even if it were appropriated.

There is very much question whether the work of this Bureau is not being largely duplicated by the Bureau of Plant Industry, and in any case the members of the Committee of the Whole ought to understand that after having gone over this matter carefully all the members of the Committee on Agriculture, both of the majority and minority, agreed to the appropriation reported. They are satisfied that it is a suitable appropriation now, and the Committee of the Whole ought to back up the Agricultural Committee in its recommendations. [Applause.]

Mr. SHACKLEFORD. Mr. Chairman, I am heartily in favor of any appropriation that is for the benefit of agriculture. It is the foundation of our greatness, and it ought to receive the fostering care of the Government. The gentlemen speaking against this amendment talk about $163,000 as something enormous. When they talk about the testing of fuels for the benefit of manufacturers and mine owners of this country and propose to appropriate a quarter of a million dollars for it, they call it a small sum. When they talk about extending markets for the manufactured goods and sending agents abroad to investigate trade conditions, they speak then of multitudinous thousands; but when they speak in behalf of the farmer these gentlemen want to reduce the amount to some small and trifling sum. The question we ought to consider is, Ought this work to be done at all? I ask the gentlemen of the committee reporting this bill, Ought this work to be done at all? If so, it ought to be done adequately. The appropriation carried in this bill is not an adequate appropriation for any such purpose.

Now, Mr. Chairman, the Government has entered upon this work. It has undertaken it as one of the functions of the Federal Government. The complaint I have to make is not at the size of the appropriation. The appropriation is too small, but I do, in this connection, desire to complain at the unfair and one-sided way in which this appropriation has heretofore been expended.

Mr. GRIGGS. Mr. Chairman, will the gentleman permit me? I should like to state to the gentleman from Missouri that on the question of whether or not these matters have been parceled out for several years, as somebody thinks it appears from the hearings, the head of this Bureau informed me to-day personally that all applications for soil surveys made now and hereafter will receive the same attention as those made heretofore.

Mr. SHACKLEFORD. Mr. Chairman, I am glad to hear that, but I should, in addition, like to hear the head of the Bureau say that he regards this as a function of the Federal Government; that it ought to be carried on at Federal expense, and that when we have appropriated the money necessary to carry on his work, that he should not come down to the legislature of my State and say, "If you do not appropriate money to aid in this work you can not have your fair proportion of the money that has been appropriated for this purpose by Congress." That money ought to be expended by the Federal Government in the interests of the people of this Republic, and it ought not to be used to hold up State legislatures and compel them to appropriate State money to aid the United States to perform its duties and carry out its policies.

I believe soil-survey work should be extended. I favor the pending amendment. I would support even a very much larger appropriation. But, Mr. Chairman, when this money is appropriated then it should be fairly distributed among the States.

If this is a Federal function then let it be performed by the Federal Government with money raised by Federal taxation. Do not go to Missouri and say to the legislature, "You are entitled to your share of this appropriation, but you shall not have it unless you come up and aid the great Federal Government in performing the duties which devolve upon it." Mr. Chairman, I withdraw my amendment.

Mr. MURPHY. Mr. Chairman, I favor this appropriation because I believe it is in the interest of the wisest economy. I believe that the more money we spend in this direction the more money we will make. I have no fault to find with the committee; they are doing the best they can under the circumstances. I favor this increase for the reason that it will make money for the country instead of being a waste of money. In support of that appropriation I desire to call the attention of the committee to a situation in my own State. In 1900, after ten years' work of investigation, the State of Wisconsin put out a soil map, which I have here, upon one question, that of raising sugar beets. Up to that time Wisconsin had produced no beet sugar. That soil map was arranged by utilization of surveys made by the State geologist and experimental work done by the agricultural bureau, looking up the counties of the State which produce the best and greatest amount of beet sugar. Following this work companies were formed and went into the manufacturing of beet sugar where they could locate their plants and get the

farmers to grow the best beets producing the most sugar. That map cost the State of Wisconsin a good deal of money, but it paid.

In 1900 we produced no beet sugar, and in 1904 we produced 100,000 tons of sugar beets for which the farmers of the State received $450,000.

Mr. SCOTT. Will the gentleman yield?

Mr. MURPHY. I have only a few minutes.

Mr. SCOTT. I would like to ask the gentleman if that survey work was done by the State?

Mr. MURPHY. It was; by the State of Wisconsin.

Mr. SCOTT. We are not attempting to interfere with the work of the State of Wisconsin.

Mr. MURPHY. I understand that; but I say that if the State of Wisconsin can do this which in four years will bring in an annual income of $450,000, the United States can very well afford to spend $200,000 in the States that will bring back millions.

Mr. Chairman, this is no experiment; I want to say that it is a matter that has been considered in other countries for years.

I have before me a work written in England in 1839, Morton on Soils, which contains a map of Whitfield example farm, in the county of Gloucester, showing in colors the soils and geological formation, the topography and drainage, in fact almost everything which our soil maps issued by the Bureau to-day contain. That map was prepared for the purpose of forming the basis of a scientific system of improving that farm and making it more productive for tenant and landlord and for ascertaining what crops would be most profitable and what fertilizers should be applied to the various portions. The author, speaking in reference to that map and the accompanying plans, uses this language: "When any defect exists in the conduct or operations of others, the best mode of correcting it is to show by example the superior advantages of a better plan of proceeding." To no class of people does this remark so strictly apply as it does to farmers. If the landowners of England seventy years ago considered the matter of such importance that they were willing individually to incur the expense necessary to survey and map their individual farms for the purpose of obtaining the information that would enable them to increase and maintain the fertility of those farms, it can scarcely now be considered extravagant or unwise for us to set about obtaining the information that must be the basis of all intelligent effort to improve the condition of our farming lands. The amendment proposes an increase of only $160,000 for a work which may return us millions. The scientific study of soils has long engaged the attention of great investigators because of its great importance.

In 1813 Sir Humphrey Davy published his Essentials of Agricultural Chemistry, which treated of the composition of air, soil, manures, plants, and of the influence of light and heat upon plant growth. Thaer, Sprengle, Schübler, and Liebig followed him in this line of investigation. Professor Snyder of the University of Minnesota in his exhaustive work on The Chemistry of Soils and Fertilizers, quotes from Liebig's works to show his enthusiasm the following extract:

> I shall be happy if I succeed in attracting the attention of men of science to subjects which so well merit to engage their talents and energies. Perfect agriculture is the true foundation of trade and industry; it is the foundation of the richest of States. But a rational system of agriculture can not be formed without the application of scientific principles, for such a system must be based on an exact acquaintance with the means of nutrition of vegetables and with the influence of soils and the actions of manures upon them. This knowledge we must seek from chemistry which teaches the mode of investigating the composition and of the study of the character of the different substances from which plants derive their nourishment.

Professor Snyder further says that Liebig's writings on the composition of plant ash and the importance of supplying crops with mineral food led to the commercial preparation of manures, which in later years has developed into the commercial fertilizer industry. We have reached a time in our national life when it is apparent to all that the methods which proved satisfactory and remunerative in early days can no longer be continued with safety. We have been wantonly wasteful of the great natural resources of our country. We have destroyed our forests and depleted our soils. We did not consider it a national necessity to exercise care so long as a great extent of fertile land was at hand which could be procured at a slight cost, but the rapid absorption of the public domain already warns us that if we would provide for the future population of our country we must by the employment of intelligent and scientific methods restore and maintain the fertility of the lands in our oldest States.

Many of us remember when Wisconsin, Iowa, and Minnesota were the wheat fields of the country. To-day we look beyond them to the Dakotas and the extreme Western States for our bread. The climate of those older States has not changed very materially. The rain fall is sufficient. The season is long enough and the soil if properly treated is fertile enough to provide crops in as great abundance as ever. The abandoned fields of the older States which once supported a large population by agriculture alone can be utilized and made productive by supplying to the soils the peculiar elements which have been exhausted. To accomplish this purpose it is absolutely necessary that knowledge of the soil contents be secured, and for this purpose the appropriation asked for here is intended. The objection is urged that without further explanation and experiment the farmer will not derive much benefit from this work. To remove that objection it is proposed to follow up the field investigation by the necessary laboratory work and then put in the field the demonstrator who has this necessary information at hand and who is in sympathy with the work to test by actual demonstration the theories drawn from the preliminary work. It is admitted that the farmer is conservative and hesitates to experiment. He is justified in that course, for his living depends upon his success or failure in producing crops, and he very wisely declines to launch out into new ventures that may subject him to financial loss. If, however, he is given the opportunity of seeing the scientific theory put into practice and the result proves satisfactory, he is not only willing, but anxious to avail himself of the benefits to be thus obtained. There may be failures, there may be vexing disappointments before success is achieved, but the benefits will greatly exceed the losses, and the entire country will share in the profits.

It is urged that the work of demonstration should be done by the Bureau of Plant Industry.

That may or may not be true, and in any event that is a matter to be worked out by the Agricultural Department. The essential point is that the work be done and that sufficient means be provided for doing it well and doing it as speedily as practicable. The testimony given at the hearings before the committee shows that with the present force the applications for soil surveys now pending can not be satisfied in less than ten years. Waste and deterioration of soils are constant, and the resulting losses in crop production should be checked as speedily as possible. The time is approaching when we will be compelled, by the increase of population, to adopt the most approved and scientific methods of agriculture as well as the most advanced methods of manufacturing if we expect to maintain our national prosperity. Every dollar that is added to the earnings of every acre increases the farmer's capacity to employ labor, to buy merchandise, to educate his family, and to advance the interests of his community and State. Every dollar that is lost because of wasteful methods that may be corrected is a distinct loss to the country, and the country can well afford to aid to the extent requested here in improving the condition of the farmers of the country upon whose success the prosperity of every other business depends. The financial depression now present can not be permanently relieved until the money received from abroad for products of the farm puts into the channels of trade the funds necessary to start and maintain the other industries. There will always be a foreign market for farm products when they can be sold at a lower price than similar products from other countries can be sold. There was a time when we had little competition in the European markets for most of our farm products, but South America, Canada, Australia, and other countries are strong competitors in many lines now, and we must be prepared to meet that competition.

We have heretofore devoted our attention to cheapening the cost of production by increased use of machinery, but we can not hope to do a great deal more in that line. We must therefore pay more attention to increasing the production of the acres we cultivate and to cultivating the acres that are now unused or not used to the best advantage. The problems thus presented can not be solved by the individual farmer working alone. Many of them he is unable to solve, even if he be willing to attempt them. We have long since decided that these lie within the domain of Federal action. That being the case, no good reason exists why the solution of those problems should be delayed.

Mistakes may be made, disappointments may occur, and there may and probably will be some waste in the effort to find the best way to improve existing conditions.

After problems have been solved, it may require much of demonstration to convince and satisfy all the farmers that the methods proposed are the best, but every dollar carefully expended, as this will be, in improving the fertility of our soils and increasing their productiveness will be repaid many times over.

The splendid achievements of the Agricultural Department have richly repaid the people for the support which that Department has received.

That support should be continued and increased as a testimonial of confidence and in appreciation of valuable services rendered. We should also support the Agricultural Department to any extent necessary to accomplish its work, because the work of the Agricultural Department is actually creating wealth for the country. This is a vital necessity at this time, when so much of our money is expended for purposes and in directions that can never return even the principal sum expended.

It therefore behooves us as never before to prevent the agencies engaged in the development of our permanent resources from being hampered in their work that a little more may be expended on our colonial possessions which have already absorbed hundreds of millions of dollars contributed by the farmers of our own country. The Empire State of New York has thousands of acres of abandoned farms which supported a large population. The New England States are in the same condition.

In the State of Virginia and other Southern States there are enormous tracts that were once cultivated which are now abandoned as farms and returning to forest because their owners were unable to properly care for them and preserve the fertility of the soil. There is work that the nation must do in determining how to reclaim those lands and restore their fertility.

It will add millions of dollars to the national wealth, and at a time when we are spending more on our military and naval service than some of the greatest nations of Europe it is a matter of the first importance that everything possible be done to increase the productiveness of our farms, which must in the end bear the greater portion of the burdens of the State. The splendid achievements of our Army and Navy are the pride of every citizen, but we should not forget that no Department of our Government, no branch of our service, has done more to advance the national prosperity and secure the permanent happiness of our people than the Agricultural Department has done. Every encouragement that can be given should be given looking to a continuation of the work. No assistance, moral or financial, should be withheld that can to any extent advance the work of any division or bureau in that Department, and for those reasons I cheerfully vote for the amendment.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. POLLARD. Mr. Chairman and gentlemen of the committee, the Committee on Agriculture has been placed somewhat in a false light. I do not believe there is a single member of the committee that is not in hearty sympathy with the work being done by the Bureau of Soils. When we came to hold hearings at the opening of this session of Congress, we had the Chief of this Bureau and two of his assistants come before the committee. We devoted, I believe, more time to this Bureau than to any other bureau in the Department. It was our desire to obtain all the information we could concerning the work carried on by that Department. After we had completed our hearings and came to frame the bill, it was the unanimous opinion of the committee that no more money should be included in the appropriations this year than last. Why? I think I can give the reason in a very few words. In the first place, when we came to examine the question and the Chief of the Bureau, we found that he had overstepped the rules of the Department; that he had overstepped the limit placed by Congress in the appropriation last year, and was carrying on work he had no authority of law to do in making demonstrations.

We have in the Agricultural Department several different divisions or bureaus. We have one bureau that is carrying on all the demonstration work that has been conducted by the different bureaus. That bureau has among its force the expert men who are familiar with the work carried on in all the other bureaus. This one bureau is used as a sort of a clearing house, where demonstration work is being carried on for all the bureaus. The Bureau of Soils was encroaching on the work of this bureau known as the "Bureau of Farm Management." We found there was duplication. We found they were doing the same work as this Bureau of Farm Management. It seemed to the committee that it was good business judgment to stop the overlapping of work; that we should confine each department to the particular work it was supposed to do, to the particular work that belonged to it, and not permit it to overstep its bounds and trespass upon the work of the other bureaus. That is why we did not increase the appropriation. Not only that, but this bureau came before the committee, after it had carried on this demonstration work for over a year without authority of law, and undertook to secure permission from the committee, undertook to secure an item in the bill that would authorize it to do that which it had been doing for over a year—admitting on the face of it that it had no authority to do the work it was already carrying on.

The fact is simply this, that the Committee on Agriculture, after calling in the Secretary, decided to have the Bureau of Soils discontinue the demonstration work and confine itself to the work of soil surveys for which it was created and the work that it was intended to perform. Taking away from it the work of demonstration, which it has been doing without authority of law, leaves the appropriation for soil surveys increased by $38,000. So really they have an increase of $38,000 over what they had last year for soil surveys.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. Mr. Chairman, we who favor this amendment do not wish to be understood as criticising the Committee on Agriculture in any possible manner or as reflecting in any way on the work which those gentlemen have done. We admit they have worked hard and have brought in, in most all respects, a fairly good bill [laughter], but I submit that in one particular instance in this long and elaborate appropriation bill the Committee of the Whole House may assume that it knows as much as, and perhaps more than, this particular committee.

Permit me to say a few words in behalf of this amendment, and for an increase of the appropriation for the Bureau of Soils in behalf of rural New York. We think that with a larger appropriation for work through the Bureau of Soils much benefit may come to the small farmers of our State, and if any assistance or help can be given those farmers they need it and deserve it; and our State, as one of the Commonwealths of this Union, deserves it. Only a very small portion of the agricultural districts of our State have been surveyed by the Bureau of Soils, and, in my judgment, those surveys, maps, and reports which go with them are not only of interest, but of practical benefit to our farmers in the way of information, indicating the various grades or types of soil in the localities surveyed, and also indicating, to a large extent, the kind of plants or crops for the production of which they are best adapted.

The statement was made on this floor a few days ago, during the discussion of this appropriation bill, that farmers do not care for those surveys, reports, and maps. My experience is different. Madison County, a part of the district which I have the honor to represent, and which is located practically in the center of New York, was surveyed a few years ago; maps were made and reports accompanying the same. I sent to the farmers in the district surveyed all the maps and reports which were allotted to me, and demands have been made for many more than I have been able to supply. This shows that the agriculturists up there, the practical farmers, are interested in the work, and the statement made by my colleague the other day, that his people were not interested in soil surveys and do not care to have it done in their agricultural districts, does not apply, at all events, to my part of the State. I have here in my desk, and can produce them, or have them printed in the RECORD, if desired, many petitions and applications from individuals, granges, and other agricultural organizations of the State of New York, demanding soil surveys, which they will not get and can not get for many years to come unless this appropriation is increased. I submit that this survey work alone, without any utilization work being done, gives the farmers much practical and useful information. They interest them in their lands and in their work. They show the different types of soil in the sections surveyed, and give them some assistance in the way of making the best use of their land.

I submit, Mr. Chairman, that our farmers of New York are entitled to some consideration at the hands of this committee and of this House. The sums allowed for work in animal industry, plant industry, and especially to the Bureau of Forestry, are large and have been materially increased in this appropriation bill, while the item allowed for work by the Bureau of Soils has not been increased for several years. This is not fair. Agricultural chemistry, entomology, plant development, and forestry are all well enough; but ultimately the wealth of this nation consists not in its mines or factories, but in its soil and the products thereof; and money expended in the higher cultivation of the soil and in improving the conditions of agriculture never is wasted.

This bill carries a very large appropriation, nearly four millions, for work in forestry, the preservation of the forests which exist and the reforestization of the denuded plains and hilltops. New York asks no aid from the National Government in this line of work. It was the pioneer in this field of enter-

prise. It organized its own forest service before this Bureau was created in the Department of Agriculture. It has spent more money than any other State, and I think more than all the States combined, for the benefit and preservation of its forests. It buys and protects its own forest reserves, and at present owns about a million and a half acres, while other States are demanding that the National Government buy their mountain ranges at good prices.

The farmers of our State helped construct and maintain the Erie and Oswego canals, on which the products of the great and fertile West have floated down through our State to the great markets of New York and other Eastern cities. They have helped reduce your freight rates and have kept them down for years, and the grain and other products of the Mississippi Valley have been shipped on those canals and have driven New York farmers out of the markets which they formerly had, and have driven them out of the business of raising grain, corn, cattle, and other bulky and heavy produce. Many of our farms in central and southern New York have been abandoned, or partially so, during the last few years. On account of the high cost of labor and the cheap rates for the produce from the Mississippi Valley they have been unable to compete with that section of the country in the great markets of the East. Some of our farmers have taken up the business of raising vegetables, fruits, and garden sauce and other perishable commodities; and in this particular kind of agriculture they need all the assistance and information that the Bureau of Soils and the Department of Agriculture can give them.

Again, New York is pledged to build a barge canal at an estimated cost of $101,000,000, and I fully believe that it will cost $150,000,000 before it is completed and all riparian damages are paid. This $150,000,000 worth of bonds will constitute a lien on our farms just as effectually as on our city blocks. The farms will have to pay their proportion of it, and at the same time it will help Western farmers, in the reduction of freight rates, to take the market away from our New York farmers.

New York farmers help you gentlemen from the West by reducing your freight charges to the great markets of the East. They help raise the price of your crops. They help develop the Mississippi Valley and the great West. Of course this commerce which comes down through our State helps Buffalo and New York and other cities along the line of the canals; but our farmers have suffered by competition from your fertile territory and have been practically driven out of business of the character formerly carried on.

Large States never get their full share of assistance from the National Government; perhaps because they are able to do things which small and poor States can not do for themselves, and also because their delegations in Congress do not combine and work together with a common purpose and for a common end in the same manner that Senators and Members from small States accomplish results and get advantages and benefits for their States. I do not put this in the form of a complaint, but simply remind you of it that you may consider it in the application of the farmers of New York for assistance which can be given them by the extra appropriation carried in this amendment.

Since our farmers can not compete with the West in the production of grain, corn, cattle, and other bulky products of the soil, if they live and prosper they must do so by intensive farming, and in that work they need the assistance and scientific knowledge and skill which can be given them by the Bureau of Soils. They need soil surveys, maps, reports, and also experimental or utilization work on the part of the Government. Many of them are unable financially to make experiments themselves, and if these experiments are made by the Bureau of Soils our small farmers can take advantage of them in the way of raising vegetables, fruits, and other perishable products, because our great markets are convenient.

In conclusion, let me ask you to be liberal to our farmers who need assistance of this kind. We ask that you gentlemen who are getting the benefit of our great appropriations in the maintenance of the Erie Canal and the construction of the barge canal manifest some appreciation of these benefits and help our farmers out in this small way. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent to continue my remarks in the RECORD.

There was no objection.

Mr. COCKS of New York. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COCKS of New York. To speak on this proposition.

The CHAIRMAN. Will the gentleman indicate on which side he proposes to speak?

Mr. COCKS of New York. On the other side from that advocated by the gentleman who has just taken his seat.

The CHAIRMAN. The gentleman is recognized. The Chair will say in explanation of his position that the chairman of the Committee on Agriculture handed in a list of the names of those who wanted recognition, and the gentleman's name was not on the list.

Mr. SCOTT. It was unaccountably omitted, and I apologize for that.

Mr. COCKS of New York. Mr. Chairman, I also come from the great State from which the gentleman comes who has just taken his seat. My farmers are exactly in the kind of business, and have been for two or three generations, to which he says his farmers are driven by the grain growing of the Mississippi Valley. Now, my district is nearly all surveyed, but I have yet to hear from one practical farmer where they have one bit of advantage from these soil surveys.

Mr. DRISCOLL. Will the gentleman yield for a question?

Mr. COCKS of New York. You know how I am fixed.

Mr. HUMPHREYS of Mississippi. The Secretary of the Treasury states in his report there are more requests from the gentleman's——

Mr. COCKS of New York. The Secretary of the Treasury?

Mr. HUMPHREYS of Mississippi. The Secretary of Agriculture—than any other district in the United States.

Mr. COCKS of New York. He is a constituent of mine.

Mr. DRISCOLL. Will the gentleman allow me one question?

Mr. COCKS of New York. Yes.

Mr. DRISCOLL. I wish to ask if all the gentleman's district has been surveyed?

Mr. COCKS of New York. No; not all.

Mr. DRISCOLL. How much?

Mr. COCKS of New York. About two-thirds.

Mr. DRISCOLL. Is not nearly all of it surveyed?

Mr. COCKS of New York. I do not know about all, but——

Mr. DRISCOLL. So you have all surveyed you want?

Mr. COCKS of New York. But therefore I feel I will be able to say what a great advantage has arisen from it where it has been surveyed and where it is not in the future.

Mr. DRISCOLL. Give the rest of us some chance.

Mr. COCKS of New York. But I say, furthermore, we have a proposition coming before us to increase the appropriation which is not even recommended by the Department, and we are establishing a dangerous precedent. If this was such a crying need and such a great advantage, certainly the Secretary of Agriculture would have recommended this enormous increase. This Bureau comes before us and asks an increase of $300,000 without the recommendation of the Secretary of Agriculture. Now, I am a farmer myself and desire to do everything for the benefit of the farmer I can, but I do not consider increasing the appropriation at this time would be of any advantage.

Mr. MANN. Is the gentleman a farmer or an agriculturist?

Mr. COCKS of New York. I am a farmer, and Uncle Joe will vouch for me.

Mr. GAINES of Tennessee. You farm by telephone, do you not?

Mr. COCKS of New York. Now, I would like to say, gentlemen, that if I thought this would do half the good which the gentlemen who are so anxious for this increase claim for it, I would be willing to yield and say it is all right; but I have not heard one of them tell us how it is going to benefit any particular farmer. If they want to get the soil analyzed they can send it to the State's experimental station or to the laboratory here at Washington. If they want to find out how deep the loam is, or how deep the clay is, or how deep the sand is, they can go and dig a hole on their farm; that is all they do in part of the soil survey, drill holes and——

Mr. HUMPHREYS of Mississippi. Is the gentleman aware of the fact that the Secretary of Agriculture does recommend and commends this most favorably in all of his reports?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKS of New York. Mr. Chairman, I guess it is just as well.

Mr. GRIGGS. Mr. Chairman, I am very much afraid that the Agricultural Committee is making a personal matter of the Soil Survey. They seem to stand in solid phalanx against this amendment to increase the appropriation. I do not blame some of them. I do not blame the gentleman from Missouri [Mr. RUCKER], the gentleman from Kansas [Mr. SCOTT], the gentleman from Nebraska [Mr. POLLARD], all of whom represent States where they only have to throw corn out of the window in the spring and get their wagons and gather it in the fall without labor. [Laughter and applause.] They do not know anything

about farming. [Applause.] They know absolutely nothing about it; nature does it for them. I am surprised, however, at my friend from Virginia [Mr. LAMB]. As I ride through Virginia and look at the red hills, with the soil all washed away, and when I ride through the State of my friend from South Carolina [Mr. LEVER] [laughter and applause]——

Mr. COCKS of New York. Mr. Chairman——

Mr. GRIGGS. No; I do not yield. When I call to mind the condition of the State of my friend from South Carolina and see the bald and barren spots, with cotton growing 6 inches high—we call it "bumble bee" cotton in Georgia [great applause and laughter]—and think of his opposition to soil surveys or anything else, Mr. Chairman, for the purpose of enriching the land and enabling the farmers to utilize it, I am indeed surprised. I confess that Georgia needs all the help along this line she can get. [Applause.]

I do not blame the gentleman from Oyster Bay [Mr. COCKS], who claims to be a farmer. A grower of what? Of oysters and clams [laughter and applause], and the gentleman has not yet, and I judge from what he is doing right now, shown that he has learned anything from either—that is, not to insist on interrupting when some other gentleman has the floor. [Laughter.] In addition to the oysters and the clams, and the asparagus, and the cabbage, I understand he grew the President [applause and laughter], and the Secretary of the Treasury. With all of these great and good vegetables growing on my friend's farm, he ought to be satisfied.

A MEMBER. And three Members of Congress.

Mr. GRIGGS. Has he grown three Members of Congress? Then I want to compliment the gentleman on the fact that he has grown something good. [Laughter.] If he has grown three vegetables which have graduated into Members of this House it was a pretty good day's work, farmer or no farmer.

Mr. COCKS of New York. Two of them on the other side.

Mr. GRIGGS. I do not blame the gentleman from Oyster Bay who only grows Members of the House of Representatives, asparagus, oysters, clams, Presidents of the United States, and Secretaries of the Treasury, I do not blame him for being opposed to this amendment. [Laughter.] Virginia and Ohio, proud mothers of Presidents and Cabinet officers, must at last give up the ghost and join in glad acclaim to the gentleman from Oyster Bay, the proud grower of oysters, clams, asparagus, onions, cabbages, Members of Congress, Cabinet officers, and Presidents, all on one common Long Island farm. [Great laughter and applause.]

Mr. MANN. From clams to the President is a long variation. [Laughter.]

Mr. GRIGGS. It is a far call from clams to the President of the United States. [Laughter.] I do not blame a man for opposing soil surveys who can do all this. You get so arrogant that you forget the common farmers throughout the United States. [Applause.] You never did know their needs, and if you find them out now through what many of us on this side of the House and a few on that side have told you, you do not care anything about it. Yet you believe yourselves to be the great leaders of agriculture. [Laughter.] You have met together in solemn conclave and prepared a bill which you think ought to go through without amendment. Why? You have not offered a solitary reason this afternoon, except that you think you know more about it than anybody else. I never belonged to this Agricultural Committee, but I did at one time belong to a better one than ever sat in this House. An old gray mule and myself made up the committee. [Great laughter and applause.] I was the chairman. [Applause and laughter.] If you agriculturists knew anything about that, you would be in favor of increasing this appropriation just as we are to-day. [Applause.] We never had any amendments offered to our bills. [Laughter and applause.]

They were all accepted just as we agreed on them. We had no trouble about time to speak. I cussed when the plow handles hit me and the mule brayed when the horn blew. [Great laughter and applause.] Our farm was a little like the supposed plantation of my Chicago friend [Mr. MADDEN], who, I am told, has large plantations on State street in the heart of that great city. But, seriously, gentlemen, why cry "extravagance" whenever a small appropriation is asked for the benefit of the farmer? I understand that the Navy has used up $150,000 worth of shot and shell in target practice at Magdalena Bay, where our fleet has been for the past few weeks. Nobody calls that extravagance. Then why talk of wasting money in helping the men who must stand behind the guns whenever real war comes? Some one many years ago announced the great truth that before the hammer hit upon the anvil, before the fires blazed in the forges, the cultivation of the soil began. We must depend on the farmer at last. Let us hold up his hands as he moves along the basis of our greatness as a people. [Great applause.]

Mr. Chairman, I make the usual request.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOSTER of Illinois. Mr. Chairman, the success of an enterprise depends upon the energy and the intelligence that are expended upon it. Great business projects thrive by reducing waste to the minimum, and by making every factor and part of the business yield their maximum of profit. It is the application of science to industry that brings success. In the last analysis, agriculture is the basis of every nation's wealth and prosperity. And in proportion as agriculture thrives the people thrive. Since agriculture is so important, should not the utmost that science can do be applied to it?

In Illinois scientific agriculture is rapidly taking its place by the side of grammar, spelling, and arithmetic as a branch of study in the public schools. The result of this is sure to make the coming generation love the farm more and to be more intelligent farmers. In connection with a convention held at Syracuse, N. Y., last October to investigate ways for improving farming conditions in New York State, President Roosevelt wrote in a letter to Mr. Giles H. Stilwell:

> There must be a far more careful and scientific study than in the past of the adaptation of soils to crops so that unprofitable crops may be eliminated and the others extended in such fashion as may be suited to the widely varying climatic and soil conditions of this State. There must be an extension of animal husbandry and adaptation of breeds of animals to suit soils, climate, and topography; and a careful study of manurial and fertilizing requirements of the soils must be made.

Mr. Chairman, the era of the old-time farming is gone. To-day is the day of scientific farming. The man who goes out to work upon the farm and till it must know to what kind of crop that particular soil is adapted. There is no use of talking about growing wheat upon ground which is adapted to some other crop and which has not the elements that go to produce wheat. But it is necessary, if you are going to grow a crop of wheat, or corn, or potatoes, to know what the elements are in that ground that will produce those crops. And if these elements be lacking, they must be supplied. The State from which I come I think is a fairly good agricultural State. The reputation of Illinois is pretty good in that respect. [Applause.]

Yet, I believe, Mr. Chairman, that the State of Illinois realizes to-day more than ever in her history the necessity of the soil survey [applause], because the farmers of Illinois have learned that a proper understanding of that to which the soil is adaptable has enabled them to grow bushels of corn and wheat where formerly they could grow very little. I could show you in the district which I have the honor to represent one of those old prairie farms that a few years ago could be bought possibly for $10 an acre, that in the last year grew 75 bushels of corn to the acre when it was treated properly according to a soil survey. [Applause.] Go to the State of Arkansas, where a few years ago there was a lot of old prairie land that possibly was not worth $2 per acre, and yet under this soil survey and these utilization men that have been talked about here, that land grows 75 bushels of rice to the acre, and is worth from $50 to $75 per acre. In the great State of New York we find in twenty years the valuation of the farms has deteriorated $168,000,000.

Last fall it was necessary for the Chamber of Commerce of Syracuse, N. Y., to call a convention to reclaim more than a thousand farms that had been abandoned in that great agricultural State. There is no way, Mr. Chairman, to do this except by a proper soil survey, and then follow it up with the utilization men, who show what can be done upon a particular kind of soil.

Mr. Chairman, I am heartily in favor of this increased appropriation, because I believe that the farmers of this country will realize more than fourfold for what is being spent here. In the State of Illinois, in the district which I have the honor to represent, the State university has done a great deal in their soil surveys and experiment-station work, but I say to you, Mr. Chairman, that the State of Illinois needs more, and every State in this Union needs the soil survey and the experiment stations that they establish. [Applause.]

Mr. RICHARDSON. Mr. Chairman, I am not a member of the Committee on Agriculture, and I dislike to take issue with the judgment of the committee, but I am heartily in favor of the amendment of the gentleman from Mississippi [Mr. HUMPHREYS] to increase the amount of appropriation for the soil survey. I am in favor of it, Mr. Chairman, from a practical,

tangible demonstration of the benefit accruing from a soil survey which was made in the district I have the honor to represent. I think I can say with truth and sincerity that the farmers of the Tennessee Valley in Alabama are as progressive and keep as much in touch with improved agricultural machinery and scientific advances, certainly, as any section of the South. There have been two soil surveys made in our district, and I am now urging the third. The first survey was one of the earliest made in Alabama. The movement for a soil survey was urged on me by our farmers desiring to take advantage of the knowledge of the improvement of the soil and its fertility offered by the Government. The result has been most gratifying from every standpoint. Gratifying, not only because it has had the effect of teaching the farmer what crop his soil was best adapted to produce, but it has been the best advertisement we have had to bring in settlers. One soil survey was made of one entire county in the western portion of the Tennessee Valley, the county of Lauderdale, Ala. It embraced the entire county.

The other survey embraced portions of the counties of Limestone and Madison, and I have pending an application to have the same investigation made in Jackson County and every other county in the Eighth Alabama District, because I believe that great benefit to our agricultural interests will come from these soil surveys. I am greatly surprised to hear anyone speak to the contrary. When these different soil surveys were made in our district I sent two or more, a small number, of the Lauderdale County surveys to the land and immigration agent of the Louisville and Nashville Railroad, one of the greatest trunk systems of the South, that runs through the county of Lauderdale. I also sent to the same agent of the Southern Railroad, a great and important line, the pamphlet and maps of the soil survey of Madison and Limestone counties, through which its line of road passed.

The land and immigration agents of these two great railroad systems requested me to send them for distribution all of the soil-survey bulletins that I could spare, because they were splendid advertising matter, to be distributed in the great States of Indiana, Illinois, Ohio, and other Northern States, many of whose people were desirous of going South, where cheap lands, good climate, and a hearty welcome awaited them. Before getting through I sent several thousands of these bulletins, with maps, to each of the land and immigration agents of these great railroad systems. About two years after the distribution of this literature I called on the agent of the Louisville and Nashville road to know what beneficial results, if any, the soil-survey pamphlets had brought.

He replied, giving me the number of families that had passed over his line of road for the preceding twelve months, where they came from, and where they located. One hundred and seventeen families had passed. Ninety per cent of them were native-born Americans, and they came from the following States as in order named: Indiana, Illinois, Ohio, and other Northern States. They had "taken up" or purchased thousands of acres of land and made their homes thereon. But the most gratifying part of his report was that the county of Lauderdale, through which his railroad passed and where the soil survey had been made, had received quite three times more of these settlers than any other county on the line of his road. The agent of the Southern road reported practically the same result. I regret that I can not publish the letters written to me on which I base this statement. I am supporting the amendment of the gentleman from Mississippi [Mr. HUMPHREYS] because I want to continue this work.

What you may attribute it to I know not, but I attribute it to the fact of the soil-survey maps and pamphlets sent out. They were not Italians who came down there to disseminate the teachings of the Mafia or the Black Hand societies. They were American-born citizens, bone of our bone, flesh of our flesh who came down into this country—men and women who fraternized with our people, joined us in our celebrations, and gladly aided in building schoolhouses and churches—and they are there to-day, having taken up a large number of acres of our cheap, fertile, untilled lands, living as agriculturists, happy and prospering. I say if a soil survey can produce so great a benefit as that, I am not only for the increase proposed by the gentleman from Mississippi, but really would be willing to vote even for a larger appropriation.

Mr. Chairman, I am surprised at a statement made by a member of the Committee on Agriculture when he said his defense against this amendment was that he thought the Chief of the Bureau probably was greedy and stretching out his hands to get more power and authority than he ought to have. That, I am quite sure, is true. I am referring to the gentleman from South Carolina [Mr. LEVER] and some others. Yet I find in the RECORD, and during this very debate, that worthy and distinguished gentleman, aided by other earnest Democrats, advocating that experts be sent down in the cotton region of the South to enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance expert cotton classifiers, by fixing a standard of middling cotton, and using the same as a basis, establishing nine different grades, etc. The unique and attractive part of that debate was the forcible suggestion made by the gentleman from Indiana [Mr. CRUMPACKER], who probably never saw a cotton plant growing, or had any knowledge of our great staple, that such legislation as that would lead to disputes respecting the different cotton grades, which would inevitably bring subsequent legislation by Congress as would require the Government of the United States to have an expert and attendants, with a cotton laboratory at all the cotton commercial centers in the South. The gentleman from Indiana [Mr. CRUMPACKER] is entitled to the thanks of all of us who believe that the sovereign States of the Union can look after such matters and look after the maintenance of some of the individual rights and personal liberties of its citizens and not ask the Federal Government to take charge in full.

We know if the Government should appoint cotton experts, it would not be but a few years before the Secretary of Agriculture would be asking Congress to create a commission of from five to seven cotton experts to meet here in Washington and fix the different grades of cotton according to the reports made by the experts sent out to gather information. That is just the way all such legislation begins—ask for experts, then a commission, and then the Federal Government, to the detriment of the State and individual rights over their own private home affairs, assumes and exercises control over the whole subject-matter. I am not intending to, nor do I, reflect upon the good faith or sincerity of anyone, but I do say, Mr. Chairman, that I do regret this growing tendency to look to the Federal Government to help us and guide us in all our worldly matters, and with perfect respect I enter my earnest dissent to such propositions as I understand them.

Mr. LEVER. The gentleman evidently has not read the so-called "cotton amendment," or he would not come to the conclusion that he has.

Mr. RICHARDSON. Yes, I have. Its evil is not now, but hereafter—legislation that will follow. I believe that kind of legislation initiated here will result, in the course of a few years, in the establishment of a laboratory board of experts from the Government in all the great commercial centers of the South where cotton is sold for the purpose of passing upon the different grades; and I was glad that the gentleman from Indiana [Mr. CRUMPACKER] made that objection, that the Government was extending its authority too far. [Applause.]

Mr. McKINLAY of California. Mr. Chairman, I am very glad to say a word in support of the amendment offered to the bill of the committee. There has been a great deal said to-day about the farmer and about the benefit that would come to the farmer by reason of an increased appropriation, by which intelligence might be disseminated, and through the means of which he might obtain a better idea as to the character of the soil that he was to cultivate. But there is another side to the problem, and that is that the prospective farmer must be taken into consideration.

If my reading serves me right, one of the greatest problems we have to contend with in the United States, and have had for the last ten years, is the tendency of our population to congest in large cities. We find everywhere complaint that the lands are being forsaken and people are congesting in the cities, and it is almost impossible to scatter them out over the land. On a little trip about a month ago I met a manufacturer of automobiles from New York.

He told me he was on his way west for the purpose of trying to hire men to work in his factory. He said: "Although we pay 20 to 25 per cent more wages to the men in our factories than they are getting in the West, yet we can not get them to do the work we give them." I said: "What is the reason?" He said: "The reason is because, although we pay them $5 or $6 a day, they can not live on it in the city of New York." And that applies to nearly all the cities of the Union now. They are so congested and overgrown with population that rents and the price of living have risen to such an extent that this tendency to congest the population in the cities must in some way be broken up.

So within the last couple of years we see a tendency to return to the farms, and we find in the various States of the West the farms are being cut up. Our great holdings in California of 10,000 and 20,000 acre ranches are being cut up and offered to small landholders, and we find thousands of workingmen and mechanics coming in and taking up the lands.

Therefore we wish to give them encouragement. In my own district we have over 2,000,000 acres of land that ought to be settled up. We find them coming in from cities and towns, and they want knowledge. They want to know how to handle the land they settle upon. To the average town man the problem of tackling a piece of land and making a living upon it is almost as great as the problem of tackling the stock market. So I believe in increasing these appropriations, in doubling, if necessary, the number of parties that shall be sent out. In my own district I have requests from every county of the Sacramento Valley, asking that soil surveys shall be continued. Last fall when the soil survey was finished in one of my counties I was given 2,000 of their reports and maps. In three weeks they were gone, and I had 2,000 more requests, and I have had requests for an extension of the soil surveys in almost every part of my district. This applies to all of California, and so it seems to me that no amount of money could be expended that would give better results and do better and more lasting work than that for the extension of the soil survey. [Applause.]

Mr. CANDLER. Mr. Chairman, when the Bureau of Soils was first established as a division in the Weather Bureau of the Department of Agriculture very little was specifically known about the soils of the world. Liebig's ideas as to the mineral theory of plant growth had prevailed for upward of fifty years, and chemists all over the world were endeavoring to explain the differences in soil fertility by chemical analysis of soils and plants. This had long been recognized as inefficient and insufficient to explain the problems constantly arising upon the farm. It was recognized vaguely that we had different classes of soils, such as sands, loams, and clays, but even with these there was no exact knowledge of their relation to crops or to specific treatments. In all the world there were but four definitely established soil types, viz., the loess soils of China, the chalk soils of England, the moor soils of Germany, and the chernozem or black earth of Russia. Chemical fertilizers had been introduced and found to be very beneficial, but nothing was known specifically about their action. We are now using upward of a hundred million dollars' worth of commercial fertilizers annually in this country, and yet their action is so uncertain and so greatly influenced by soils, crops, and weather conditions that in very few cases has anything approaching an exact method of treating soils with fertilizers been worked out.

The Bureau of Soils, as a result of the fourteen years of constant and devoted investigation, has worked out the general laws governing the distribution of crops on the soils of the United States. It has made soil surveys and has published maps covering, in the aggregate, approximately 140,000 square miles in all but two of the States and Territories. It has worked out the principles of soil fertility and the cause of the low yield of crops, and in doing this has shown that Liebig was wrong in placing so much importance upon the chemical composition of the minerals of the soil, as it has now found that the fertility or yield of crops is influenced by the chemistry of organic constituents of the soil.

In the progress of the soil-survey work 400 distinct types of soils have been recognized, their peculiarities studied, their relation to crops and their crop adaptation determined, and we now have for the first time in the history of the world the first approximation to a complete classification of the soil resources of a great country as the foundation for the highest development of its agricultural industries. The results of the soil survey are used to a very large extent by our people. The soil maps are taken as the basis for cropping operations; they are recognized as adequate evidence in courts of law; they are accepted as sufficient and satisfactory evidence for the sale and conveyance of farm property. The great work of the Soil Survey is referred to in items of admiration and praise by all the civilized nations of the world and as an example which they must ultimately follow.

The investigations of the Bureau of Soils on soil fertility, on the rotation of crops, and on the office and use of fertilizers is educating our farmers to a more intelligent use of their soils and these views are being accepted the world over as the beginning of a new era in scientific agriculture that is raising and elevating the practice of agriculture and making it more certain and more effective. The average yield of the cereal crops in the United States is one-third or one-half the yields obtained from the older soils of Europe and Asia. With the increase in population and the consequent necessity for providing even more bounteous crops than we are now receiving, the soil must respond more bountifully to our labors, and this may only come safely and wisely through such investigations as the Bureau of Soils is now conducting. It is to support and extend this fundamental work of the Department of Agriculture that I think a larger appropriation is necessary for the Bureau of Soils.

The work of the Bureau of Soils consists of an examination of the character and extent of the different classes of soil which make up the agricultural domain of the country.

The soil of the United States constitutes the one great inexhaustible natural resource of the country. From it spring not only the food and raiment of the people, but nearly one-half (42 per cent) of the materials used in manufacture and a majority of the materials exchanged in commerce. From the soil, in the present generation, the farmers of the United States have won a living for themselves and for their countrymen and in addition have furnished the commodities whose sale and exchange have much reduced the dependence of this country upon the capital of foreign nations.

SMALL PROPORTION OF LAND UNDER TILLAGE.

The agricultural domain of the United States (exclusive of the outlying possessions) in 1900 comprised 5,739,657 farms, aggregating 841,201,546 acres. Of this area almost exactly one-half is improved land, and the remainder consists of wood lots, swamps, and land that has never been plowed or cropped. Although this is a great total, less than one-half of the whole land area has been turned into farms, and less than one-fifth is actually improved. Even upon this showing the farm lands of the United States comprise seven times the farm-land area of France, with 39,000,000 people; eight times the farm-land area of Germany, with 60,000,000 people; and thirty-one times the farm-land area of England and Wales, with 34,000,000 people. The American farms now existing could be made to produce enough to feed many times the country's present population, were the best and most intensive agricultural methods of European countries applied, and still have a surplus for export.

It is to the full development of these vast but dormant resources that the soil-survey work is devoted.

The work of making soil surveys was begun in 1899, and in nine years' work the surveys have covered 139,247 square miles, or more than 89,000,000 acres of land. This amounts to about 10 per cent of the total land area held in farms in the United States. Each year from fourteen to seventeen parties of two men each are kept in the field, and thirty-five to forty-five areas, usually counties, are surveyed each year. In order that the greatest economy in expenditure may be achieved, the soil survey parties are kept in the field the year around, in so far as is possible being assigned to areas in the South Atlantic and Gulf States during the winter time, and being assigned in summer to more northern communities when the climatic conditions permit of outdoor field work. In this way large areas are surveyed each year at a minimum cost, the average cost of the field work amounting to about $2.75 per square mile, or less than one-half cent per acre for all areas thus far surveyed.

The Soil Survey recognizes at present 13 great soil provinces, 58 soil series, and 461 soil types. Of these types some 130 are more or less local in character, while the remainder are of widespread occurrence within their respective provinces.

Enough has been said to demonstrate the wide range and the wonderful richness of the soil resources of the country. The other problem of equal importance, possibly the greatest agricultural problem of the nation as a whole, is that of the proper and complete development of these resources along lines which shall give not only increased crop values, but also increasing ability to produce crops upon the part of the soils.

Careful consideration must be given to the fact that at least 461 types of soil possessing distinctive properties are already known to exist. It rests with some one, whether a private individual or a public official, to determine the crop or crops to which each one of these soils is best adapted; to devise the methods of soil management by which each one of these soils may be made to produce a sufficient crop to repay all expenses and to render a profit; to adapt the systems of farm economy through crop rotations, tillage, and fertilization so that these different soils may produce their crops for long periods of time at least without deterioration and, if American farming is to become a science, with actual increase in crop-producing power.

The soil-survey work thus posseses a dual aspect: (1) It must deal with those problems of crop and soil adaptation which concern the present individuals and generation; and (2) it must accumulate a fund of information in regard to soils which will assist in solving the broad problems of the nation's soil resources and the utilization of these resources, not only for the support of a growing population, but also for maintaining a favorable balance of trade for the nation.

From these reports on soil surveys the individual farmer may learn the relationships of the soils upon his own farm, not only to the other soils in the immediate neighborhood but to soils of the same character in widely separated regions. He may thus observe and study understandingly the methods and results obtained under the most favorable conditions by successful farmers upon these soils. His horizon of observation is enlarged, and he may more surely apply the experience and the observation of others to his own particular needs and conditions. He is able to consider his own farm not as an isolated property, but in its due relationship to other farms located upon the same soils and in a region of similar climatic surroundings. The single report thus serves the purpose of the individual whose problem is one of a fixed and occupied region.

At the present time, as at all times in the history of the country, there is a large class of persons who for various reasons desire to secure new farms in more or less distant localities for the pursuit of general agriculture or for the production of special crops. Inquiries from such persons always cover certain climatic and soil features, and each desires to secure information which will enable him to compare conditions personally known to himself with those of new localities under consideration. Inquiries of this nature are constantly received at the Department of Agriculture, and wherever possible the information is supplied by the reports and maps covering the areas concerned. No advice to do this or that is communicated; only the information upon which a judgment may be based. The use of soil-survey reports

for this purpose is by no means confined to reports upon regions which are sparsely settled or newly opened for agricultural occupation. The constant changes in farm values in all parts of the United States are calling the attention of individual farmers to particular localities in the older States, where possible advantages may be gained from the sale of high-priced lands and the purchase of others which, for the time, are offered at a lower figure. Greater demands have been made during the past few years for soil-survey reports covering areas in the Eastern and Southern States than for those in any other localities. Whatever the cause, the attention of individuals and investors is strongly shown by this demand.

* * * * * * *

All of these uses of soil maps and of soil-survey reports are immediate and present. They are more or less personal to the individual farmer, investor, or student. They do not constitute the only use, nor possibly the greatest use, of these surveys. As agriculture, based on the soil as its fundamental resource, is the greatest business of the country at the present time, so it must remain for many generations to come. Agriculture is still a generalized business, although its specialization into horticulture, market gardening, tobacco culture, cotton culture, and other subdivisions has begun. With increasing population, with greater intensity of cultivation, greater demands will continually be made upon the soil and greater precision and skill in the selection and handling of soils for special crops will be required. It will be extravagantly wasteful to allow these developments to occur along the lines of chance and to secure the ultimate ends as the result of haphazard trial or experimentation. The soil and climatic factors which govern plant and crop growth must be understood and appreciated. Whenever through any cause a particularly valuable crop is brought to perfection upon a given soil, the extent and geographic distribution and the climatic environment of that soil must be known in order to insure the successful spread of its culture.

* * * * * * *

The time has come in the agricultural development of the United States when accurate and detailed knowledge of the soil—its character, varieties, capabilities, and adaptations—is of great importance; and as the years go by such knowledge will become more and more important, until ultimately our greatly increased population will need and will be able to utilize fully the diverse capabilities of these 461 different types of soil.

The importance of the work of the Bureau of Soils to the State of Mississippi can not be overestimated at the present time. The older farm practice of raising cotton as the great money crop, and only devoting enough land to corn to suffice for the production of a small amount of the feed for the work stock is being supplanted by the introduction of new crops whose soil adaptations are not fully known, and the methods of cultivation and fertilization need to be studied. Throughout the entire northeastern part of the State extends the great prairie belt, formerly devoted to large plantations given over almost exclusively to the production of cotton. The investigators of the Bureau of Soils say that there are no soils in the eastern part of the United States better suited to the production of alfalfa than these same prairie soils. A few farmers have undertaken its cultivation. They have been fairly successful, and the community is desirous of knowing the extent of the lands upon which this valuable crop may be raised. One great need of the cotton planter, in order that he may reduce the cost of production of his crop, is hay, and alfalfa supplies this need to a remarkable degree.

There are thousands of acres of these alfalfa soils lying in the eastern and northern part of the State. The location and extent of these soils should be determined as soon as possible, in order that the possibilities for alfalfa growing may be made known, not only to those who are at present citizens of the State, but also to others who are desirous of securing lands and homes within the State.

There are other soils within this same region which are now producing but small yields of cotton and other staple crops which are capable, when once their properties and crop adaptations are understood, of producing fruits and truck crops for sale upon the Northern markets and for home consumption. All of this section of the country is well served by transportation facilities, and the only thing which is necessary to bring about a great development of the agricultural resources of the northern portion of the State is a thorough understanding of the great capabilities of the soils, and of the best methods for tilling and for fertilizing them.

This work of the soil survey and of soil management should be pushed, for through its influence it will be possible to largely increase the yield of cotton upon the Mississippi plantations, to decrease the cost of production of the great staple and aid those other crops which not only yield a profit to the farmer, but also give the home comforts of fresh vegetables and fresh fruits to his family and to his community.

In the study of the soils of the Southern States, it has been found that a great variety of soils exist within the cotton belt, and it is also true that nearly 200 different varieties of cotton have been originated and developed within these regions. All kinds of cotton are not equally suited to be produced upon all kinds of soil, and one of the most valuable pieces of work which can be done by the Bureau of Soils in the interest of cotton planters is a study of the adaptation of the soils of the Gulf States to the production of the different known varieties of cotton. The varieties of cotton which are well suited to production upon the moist alluvial lands of the Mississippi Delta are not all suited to production upon the drier, more sandy lands of the upland portion of the State.

The cottons which will do the best upon the black prairie lands are not at all the varieties which are suited for growth on other soils within the State. Each of these varieties of cotton, because it has long been grown upon the particular soils where it was originated, thrives to better advantage and produces more cotton upon its appropriate soil. Annually thousands of bushels of cotton seed are sold upon the open market to the farmers of Mississippi without the slightest reference to the character of soil upon which this cotton is to be grown. Little is known, either by the experiment stations or by any other agencies, in regard to the particular adaptation of soils to the production of these different varieties of cotton. The soils of the entire cotton belt should be studied carefully, in order to determine the kind of crop, in the first place, which each one is best suited to grow, and then the variety of that crop which is peculiarly suited to the given soil and the existing climate. Thousands of dollars which are carelessly expended every year in the purchase of seed and of fertilizer may thus be saved and the annual yield of cotton may be more than doubled by a simple inexpensive study of these fundamental soil facts. Cases have been known where two different varieties of cotton were planted side by side upon the same soil on the same plantation, the land prepared with equal skill and fertilized with equal care, but because one variety of cotton was suited to the soil and another was not, the adapted variety produced yields of 300 pounds of lint more to the acre than the varieties not so well suited to the soil. At a price of 10 cents per pound this difference in yield would amount to $30 per acre. A single piece of information which can easily be obtained by the Bureau of Soils in regard to all the great soil types and all the varieties of the chief staple crops might thus mean a difference between failure and success on the part of the farmers. I hope the pending amendment will be adopted. [Loud applause.]

Mr. CANDLER, Mr. SMALL, Mr. RANDELL of Texas, and Mr. RICHARDSON requested leave to extend their remarks in the RECORD.

Mr. SCOTT. With the understanding that the remarks are to apply to this bill, I have no objection.

The CHAIRMAN. With that understanding, is there objection?

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I do not know that I can enlighten the House or the members of this committee upon this subject, except to inform them that I am in favor of this amendment. [Applause.] One of the principal reasons therefor is this: I am in favor of any and every proposition that will aid in any way the actual tiller of the soil. [Applause.] I am informed from the discussion that has gone on thus far that some of the Eastern States, and especially that part of the State of New York known as Long Island, have all their territory surveyed. I know of many thousands of acres of land in the West, and some few in the district I represent, that have not been surveyed. I know the people are clamoring for these surveys. I know they want to have them made for the purpose of increasing the agricultural products of their districts.

Now, we talk about economy, but I notice that for some time on the floor of the House whenever an appropriation is sought for that directly affects the true toiler of the soil, economy is the motto. [Applause.] Whenever the products of his labor are put into the commercial channels of this country in which other interests are involved, then one, two, or three millions are cheerfully voted. [Applause.]

I am in favor of the meat inspection proposition, because it inspects the products of the farm, and I am also in favor of giving a little more money to increasing the products of the farm. To-day one of the great crying evils of the country is the high cost of living; and if you increase the opportunity of greater production you thereby decrease the cost of living to the great mass of the laborers of this country.

It can not be said that because two bureaus are wrangling over this proposition that we, the Representatives of the American people, should stand by and take their judgment on a matter of this kind. We represent the people, and because a chief of a bureau says that he has enough, shall we sit here idle and say because of that we will not increase an appropriation—whereas we hear now the Members representing this country, North, East, South, and West, demanding soil survey—shall we give no reason why it shall not be done, but simply say, "No; we must economize because some chief of a bureau says that he has enough?"

I for one am not willing to take the statement of any chief of a bureau that he has sufficient appropriation to make all

needed surveys, when the people are clamoring for more. My people demand soil surveys, and so it is in every agricultural portion of the United States. They ought to have it regardless of the paltry sum which is sought to be appropriated by this bill. [Applause.]

Fear not too great an accumulation of knowledge of the soil. This wondrous world and its productivity is too little known. Study it well and proclaim the knowledge thus obtained, for the true basis of all prosperity is Mother Earth.

Every dollar spent in this direction is like "bread cast upon the waters," which returns many fold to all our people. [Applause.]

Mr. SCOTT. Mr. Chairman, how much time is left to this side?

The CHAIRMAN. Ten minutes.

Mr. SCOTT. I ask unanimous consent that I may use that time or control it.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, I am a member of the committee, and I should like one minute.

Mr. SCOTT. I will yield that time to the gentleman.

Mr. HEFLIN. Mr. Chairman, I am a member of the Agricultural Committee, but I do not agree with the majority of that committee who oppose this amendment. So convinced am I that this amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS], calling for an increase in the appropriation for soil survey and soil utilization purposes, is fair and just, I favor its adoption.

It is in the interest of the farmers of America, and it does seem to me that you might grant them this little sum without delay, for we all know that they have little enough consideration now. I desire to take issue with the gentleman from Virginia [Mr. LAMB], a member of the committee, when he says that one or two surveys is sufficient for an entire Congressional district. The soil of the county in which I live is entirely unlike the soil of the county south of me. That soil is entirely different from the soil in the county west of me, and so on and on. The argument that he makes does not at all apply to this case. I favor the passage of the amendment. [Applause.]

Mr. SCOTT. Mr. Chairman, I feel assured that many speeches made here this afternoon have been made under a misapprehension as to the real meaning of a soil survey. I am also assured that a large proportion of the so-called "demands" that have come up from the country for these surveys are based upon a misapprehension of their meaning. I have a letter sent to me by the Chief of the Bureau—sent to me perhaps because it was written by a citizen of my own State—to illustrate the demand throughout the country for these soil surveys, and I want to read a few of the reasons the writer gives for asking for a soil survey:

First. Our farmers have been disappointed in the crops for the past four years on account of the excessive rainfall during the greater part of the crop season.

Second. A large majority were settlers on the land in the early days and have been selling the fertility off their farms.

Third. They never had much education, and have not kept step with the march of progress.

Fourth. They have suffered from the overflows that come periodically from the rivers.

And so, if I cared to take the time, I could read a dozen other alleged reasons for wanting a soil survey, not one of which presents a question which would be answered by a soil survey. There is not a single problem suggested in this letter which properly belongs within the jurisdiction of the Bureau of Soils, and no question is suggested which could be answered by a soil survey.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SCOTT. I can not yield, of course. It has been the opinion of some members of the Committee on Agriculture for many years that the average farmer was not able to understand and utilize the soil survey. The Bureau has contended to the contrary until this year.

This year they came before us, and I quote what the Chief said:

To obtain the fullest information and the greatest benefit from the soil survey, we have found it necessary to send out what we call utilization parties, to show how the soils of any particular area, county, or district would be most profitably utilized.

Is it not clear enough to be seen that this is the careful phraseology used by a man in gracefully retiring from a position which he has occupied heretofore? Now, there have been surveys during these nine years, during which time the Chief of this Bureau had not yet discovered that it required "additional information" to make these surveys of value—there have been made during these nine years surveys over 140,000 square miles of territory.

I insist, Mr. Chairman, that before doubling this appropriation to send out enough parties to make twice as many surveys per annum as we are making now we would better allow some utilization to be made of the knowledge that already obtains. We would better make the farmers acquainted with the results of the work they have already had. In my own home county a soil survey was made. It was made there at my request, because I doubted the value of this work and wanted to test it by comparing it with my own knowledge. I was born in that county. I have lived there all my life, and I thought I had some reasonable knowledge of the character of the soil and what it would produce. So I had this survey made. There were 2,000 reports issued. I sent every one of those reports into that county. I wrote to twenty of my personal friends, uncommonly intelligent, progressive farmers, and asked them to read carefully what that report stated and let me know whether they learned anything of value from it. I got just one answer, and that man said that if he had had the information when he came there thirty years ago, he might perhaps have made use of it to his advantage, but there was not anything in it that was new to him now. That was three years ago, and since then not one human being has said a word to me when I have been home about the value of the information which he got from that survey, showing clearly enough, Mr. Chairman, that unless these surveys are followed up by somebody who can interpret their meaning to the people, the people get absolutely no value from them. Now, who is the proper person to follow them up? Why, the people who know how to raise crops, the people who have given their lives to the study of plants and how to breed and plant and cultivate them. They are the people, and that division is already organized in the Bureau of Plant Industry. I want to say to the members of this committee that this change has been made with the absolute approval of the Secretary of Agriculture. He knew what was to be done before it was done. He stated to the committee it was his opinion that this work should not be duplicated, that there should not be built up two great divisions in the two bureaus of this Department to cover precisely the same ground. He stated that the amount carried in this bill would be ample for this Bureau to do all the work it could properly do, and that the work of utilization would be continued by the other Bureau, where it properly belongs. I hope, therefore, that the amendment will be voted down.

The CHAIRMAN. The debate on this amendment is closed. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and on a division (demanded by Mr. HUMPHREYS of Mississippi) there were—ayes 102, noes 87.

Mr. SCOTT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SCOTT and Mr. HUMPHREYS of Mississippi.

The House again divided and the tellers reported—ayes 100, noes 88.

So the amendment was agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The Chair thinks that the gentleman from Tennessee is entitled to have his amendment reported.

Mr. SCOTT. I am perfectly willing to have the amendment considered as pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "countries," page 29, line 17, the following:

"To investigate, with a view of improving the conditions relating to the supply and sale of domestic tobacco to any foreign country or countries where the business of buying and selling tobacco is conducted by the Government."

Mr. SCOTT. Mr. Chairman, on that I reserve the point of order.

The CHAIRMAN. The gentleman from Kansas moves that the committee do now rise.

Mr. SCOTT. Mr. Chairman, I will withdraw the motion to rise for the present in order to make this statement. I understand that an amendment was offered by the gentleman from Missouri [Mr. SHACKLEFORD]——

Mr. GRIGGS. He withdrew that amendment.

Mr. SCOTT. Then the amendment now pending is that offered by the gentleman from Tennessee. I have no disposition in the world to crowd out any other amendments. My one idea is that the usual time for adjournment has arrived.

Mr. GAINES of Tennessee. Oh, I will sleep better if the gentleman will let us vote on this amendment now.

Mr. SCOTT. Mr. Chairman, I have no objection to the vote being taken, the debate on the matter being closed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. GRIGGS. Mr. Chairman, can we have the amendment reported?

Mr. POLLARD. Can we have the amendment read again?

Mr. GAINES of Tennessee. It has been in the bill for two or three years.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. SCOTT. Mr. Chairman, I withdraw the point of order.

The question was taken, and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had directed him to report that it had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. ASHBROOK was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of John M. Stocking, H. R. 19183, Sixtieth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BARTLETT of Georgia was granted leave of absence for four days.

EULOGIES.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House of Representatives shall at 2 o'clock on Saturday, April 25, 1908, consider resolutions upon the life, character, and public services of the Hon. JOHN T. MORGAN and the Hon. EDMUND W. PETTUS, late Senators from the State of Alabama.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn.; and

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred, as follows:

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation required by the Department to complete the service for the fiscal year ending June 30, 1908—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19409) to amend the act of Congress authorizing the construction of a dam across the Crow Wing River, in the State of Minnesota, reported the same with amendments, accompanied by a report (No. 1351), which said bill and report were referred to the House Calendar.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19412) authorizing the construction of a bridge across the Okanogan River, Washington, reported the same without amendment, accompanied by a report (No. 1352), which said bill and report were referred to the House Calendar.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 5333) relating to yachts, reported the same without amendment, accompanied by a report (No. 1353), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5983) authorizing certain life-saving apparatus to be placed at the Farallone Islands, off the coast of California, reported the same without amendment, accompanied by a report (No. 1354), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ELLIS of Oregon, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4151) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired, reported the same without amendment, accompanied by a report (No. 1345), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 18600) for the relief of John M. Hill, reported the same without amendment, accompanied by a report (No. 1346), which said bill and report were referred to the Private Calendar.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18726) for the relief of Wyatt O. Selkirk, reported the same without amendment, accompanied by a report (No. 1347), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the Senate (S. 604) to reimburse Ulysses G. Winn for money erroneously paid into the Treasury of the United States, reported the same without amendment, accompanied by a report (No. 1348), which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15098) to correct the military record of John H. Layne, reported the same without amendment, accompanied by a report (No. 1350), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7071) for the relief of James McKenzie, reported the same with amendment, accompanied by a report (No. 1356), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2413) to correct the military record of Martin Cummings, reported the same adversely, accompanied by a report (No. 1349), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7558) to increase the efficiency of the Army of the United States, reported the same adversely, accompanied by a report (No. 1355), which said bill and report were laid on the table.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19238) to amend chapter 2939 of the acts of Congress, passed in the Fifty-ninth Congress and approved March 4, 1907, entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," reported the same adversely accompanied by a report (No. 1357), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 8150) granting an increase of pension to William W. Hargrave—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18235) granting a pension to Justin McCarthy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALDER: A bill (H. R. 20110) authorizing the President to appoint, in advance of the next regular vacancy, an assistant civil engineer to the Corps of Civil Engineers of the United States Navy—to the Committee on Naval Affairs.

By Mr. CAMPBELL: A bill (H. R. 20111) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing—to the Committee on the District of Columbia.

By Mr. McCALL: A bill (H. R. 20112) providing that all contributions hereafter made to political committees engaged in promoting the election of Representatives or Delegates to the Congress of the United States or of Presidential electors at any election at which such Representatives or Delegates shall be voted for shall be reported by such committees to the Clerk of the House of Representatives of the Congress of the United States, and for other purposes—to the Committee on Election of President, Vice-President, etc.

By Mr. SHEPPARD: A bill (H. R. 20113) to create a Committee on the Public Health—to the Committee on Rules.

By Mr. COCKRAN (by request): A bill (H. R. 20114) for the establishment of an experimental auto-post-coach rural service—to the Committee on the Post-Office and Post-Roads.

By Mr. HITCHCOCK: A bill (H. R. 20115) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.—to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER: A bill (H. R. 20116) authorizing the Secretary of the Interior to purchase part of segregated coal area—to the Committee on Indian Affairs.

By Mr. BEDE: A bill (H. R. 20117) to provide for the purchase of additional land for the enlargement of the site for a post-office building in the city of Duluth, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. COX of Indiana: A bill (H. R. 20118) to amend an act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico, approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 20119) for a storage, concentrating, and delivery warehouse in the city of Chicago—to the Committee on Public Buildings and Grounds.

By Mr. SIMS: A bill (H. R. 20120) to authorize the construction of a railroad siding to the United States navy-yard, and for other purposes—to the Committee on the District of Columbia.

By Mr. MANN: A bill (H. R. 20183) to furnish those entitled to admission to the press galleries of the Senate and the House of Representatives with copies of all Government publications—to the Committee on Printing.

By Mr. SHEPPARD: Joint resolution (H. J. Res. 160) empowering the President to appoint a commission of physicians to test the arsenization theory for the prevention of yellow fever—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 20121) granting an increase of pension to Anson E. Millegan—to the Committee on Invalid Pensions.

By Mr. BEDE: A bill (H. R. 20122) granting an increase of pension to Charles Heywood—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 20123) granting an increase of pension to B. F. Davis—to the Committee on Invalid Pensions.

By Mr BRODHEAD: A bill (H. R. 20124) granting an increase of pension to Ogden Harris—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 20125) to provide for the enrollment of Caldonia Lee as a Mississippi Choctaw, and for other purposes—to the Committee on Indian Affairs.

By Mr. CLARK of Florida: A bill (H. R. 20126) for the relief of David Johns—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: A bill (H. R. 20127) granting an increase of pension to Martin Stoneking—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 20128) granting an increase of pension to John T. Littell—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 20129) granting an increase of pension to Matthias S. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20130) granting an increase of pension to George W. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20131) granting a pension to Aaron M. Dairymple—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 20132) for the relief of the estate of Mrs. Rosana McGuire—to the Committee on War Claims.

Also, a bill (H. R. 20133) for the relief of the estate of Dr. H. J. Royall, deceased—to the Committee on Claims.

Also, a bill (H. R. 20134) for the relief of the heirs of A. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20135) for the relief of the heirs of Amos A. Cordson and others—to the Committee on War Claims.

Also, a bill (H. R. 20136) granting a pension to James A. Coyne—to the Committee on Pensions.

Also, a bill (H. R. 20137) for the relief of Mrs. Matilde Choplin and her infant son—to the Committee on Pensions.

Also, a bill (H. R. 20138) granting a pension to H. B Lemcke—to the Committee on Pensions.

Also, a bill (H. R. 20139) for the relief of J. B. Shearouse—to the Committee on War Claims.

Also, a bill (H. R. 20140) for the relief of Mrs. M. E. Elders—to the Committee on War Claims.

Also, a bill (H. R. 20141) for the relief of A. F. Mira or his heirs at law—to the Committee on War Claims.

Also, a bill (H. R. 20142) for the relief of Dr. C. D. Royall—to the Committee on Claims.

Also, a bill (H. R. 20143) for the relief of J. J. Nease—to the Committee on War Claims.

Also, a bill (H. R. 20144) for the relief of Mrs. Ellen Blount—to the Committee on War Claims.

By Mr. FAIRCHILD: A bill (H. R. 20145) for the relief of Peter S. Clark—to the Committee on Military Affairs.

By Mr. FASSETT: A bill (H. R. 20146) granting a pension to Charles R. Spencer—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 20147) for the relief of Mary E. Brent—to the Committee on War Claims.

By Mr. GILHAMS: A bill (H. R. 20148) granting an increase of pension to Aaron Phillips—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 20149) to correct the military record of Abraham C. Bryan—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 20150) for the relief of Edward L. Briggs—to the Committee on War Claims.

By Mr. HAY: A bill (H. R. 20151) for the relief of the heirs of Benjamin Smith, deceased—to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 20152) for the relief of heirs or estate of W. T. Garrett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20153) for the relief of the heirs of James C. Rowlett, deceased—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: A bill (H. R. 20154) granting a pension to Carrie Duffy—to the Committee on Pensions.

Also, a bill (H. R. 20155) granting an increase of pension to Benjamin F. Sutton—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 20156) granting an increase of pension to Justin McCarthy—to the Committee on Pensions.

By Mr. ADDISON D. JAMES: A bill (H. R. 20157) granting an increase of pension to Edward R. Roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20158) granting an increase of pension to Abner P. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20159) granting an increase of pension to Charles T. Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20160) granting a pension to John W. McPherson—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 20161) granting an increase of pension to Paul K. Hubbs, jr.—to the Committee on Pensions.

By Mr. McLAIN: A bill (H. R. 20162) for the relief of the legal representative of Haller Nutt, deceased—to the Committee on War Claims.

By Mr. MADISON: A bill (H. R. 20163) granting a pension to Martha J. Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20164) granting an increase of pension to George F. Hood—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 20165) to reimburse various persons for damages and losses, as recommended by the Light-House Board—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 20166) granting an increase of pension to Albert J. Dake—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 20167) granting an increase of pension to Henry A. Tortat—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20168) granting an increase of pension to Charles H. Houghton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20169) granting an increase of pension to James A. Hawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20170) granting an increase of pension to Anthony C. Brill—to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 20171) to correct the military record of George H. Tracy—to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 20172) granting a pension to William McGarvey—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 20173) granting an increase of pension to Samuel R. Curtis—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20174) granting an increase of pension to Emerson L. Johnnet—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 20175) granting an increase of pension to Owen C. Morris—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 20176) for the relief of the heirs of Mrs. Julia L. Watson, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 20177) granting a pension to Cassius W. Andrew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20178) granting a pension to John Muir—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20179) granting a pension to Myron H. Perrigo—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 20180) granting a pension to Margaret Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20181) granting an increase of pension to Francis E. Johnson—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 20182) granting a pension to Emma A. Henry—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Dr. W. C. Dalberry and 33 others, of Duquoin, Ill., praying for the passage of the bill to prevent the sale of intoxicating liquors in the District of Columbia (H. R. 40)—to the Committee on the District of Columbia.

Also, memorial of the National Guard Association of Illinois, praying for the enactment of House bill 14783, promoting efficiency of the militia—to the Committee on Militia.

Also, memorial of the Honolulu Chamber of Commerce, praying for the enactment of legislation in relation to the pay of the officers and men of the Army and Navy—to the Committee on Military Affairs.

Also, memorial of the joint convention of Coal Operators and Miners, favoring legislation for the improvement of inland waterways—to the Committee on Rivers and Harbors.

Also, memorial of the National Association of Manufacturers, praying for legislation for the repeal of the timber and stone act, and for a census of standing timber—to the Committee on the Public Lands.

Also, memorial of the National Association of Clothiers, protesting against legislation embodied in the so-called "Aldrich bill" (S. 3023), relating to currency, and praying for enactment of legislation embodied in the so-called "Fowler bill" (H. R. 12677)—to the Committee on Banking and Currency.

Also, memorial of the Organization of the General Slocum Survivors, praying for legislation in behalf of the destitute widows and orphans and survivors of the *Slocum* disaster—to the Committee on Claims.

Also, memorial of the Sailors' Union of the Pacific, protesting against the proposed legislation giving to boards of local inspectors the power to return the proper number of men needed to safely navigate any vessel—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Peace Association of Friends, of Philadelphia, Pa., protesting against the authorization at his session of Congress of the building of four battle ships, cruisers, docks, etc.—to the Committee on Naval Affairs.

Also, memorial of the jobbers and manufacturers of St. Paul, Minn., praying for legislation for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, memorial of the city council of Nauvoo, Ill., praying for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, memorials of the Framingham (Mass.) Board of Trade, praying for legislation adopting a comprehensive system of internal waterways—to the Committee on Rivers and Harbors.

Also, memorial of Camp C. M. Winkler, United Confederate Veterans, praying for legislation to provide for a revision of the cotton tax illegaly assessed—to the Committee on War Claims.

Also, memorial of Williams Post, Grand Army of the Republic, Department of Illinois, praying for the enactment of the Sherwood pension bill—to the Committee on Invalid Pensions.

Also, memorial of the Polish organization and the Polish press of the United States, praying for intervention in behalf of the Polish people living within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Poles of South Chicago, Ill., praying for intervention in behalf of the Polish people living in the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Polish-American citizens of Adams, Mass., praying for intervention in behalf of the Polish citizens of Prussia—to the Committee on Foreign Affairs.

Also, memorial of the Painesdale (Mich.) Society of Polish Miners, praying for intervention in behalf of the Polish people now within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Polish-American citizens of North Hampton, Mass., praying for intervention in behalf of the Poles within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Polish-American citizens of Worcester, Mass., praying for intervention in behalf of the Polish people within the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of the Marion (Ind.), Typographical Union, No. 286, protesting against the so-called "Penrose bill," relating to the use of the mails by the newspaper press (H. R. 1518, to amend section 3893 of the Revised Statutes)—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Grange No. 1232, of Jamestown, Pa., praying for legislative enactment of a rural parcels post—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Trades League of Philadelphia, praying for legislation to provide for the retirement of officers and crews of the Life-Saving Service; also, protesting against any legislation which would enable the employees of the Census Bureau to be appointed without examination—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Farmers' Grain Dealers' Association of Illinois, praying for legislation to establish Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Seattle (Wash.) Commercial Club, praying for legislation to enable railroad rates to be revised by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the New York Board of Trade and Transportation, praying for the continuance of the investigations of rivers and water resources of the United States—to the Committee on Appropriations.

Also, memorial of H. J. Welman and many others, of New York City, praying for the creation of a national highways commission—to the Committee on Agriculture.

Also, memorial of the Manufacturers' Association of Bridgeport, Conn., praying for legislation for the establishment of the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, petition of Louis A. Pratt and 10 others, praying for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

Also, memorial of Mrs. Lena M. Randall and 8 others, praying for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

Also, memorial of Garfield Grange, of North Dana, Mass., praying for legislation for the improvement of the public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Grange No. 1232, of Jamestown, Pa., praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, memorial of Captain John Brady Grange, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, memorial of the Brotherhood of Railroad Trainmen, of Portland, Me., praying for the enactment of the so-called "La Follette-Sterling bill," relating to employers' liability—to the Committee on the Judiciary.

Also, memorial of the Denver Credit Men's Association, of Denver, Colo., praying for legislation to amend the national bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Railroad Trainmen of Houston, Tex., praying for the passage of the so-called "La Follette-Sterling liability bill," for legislation relating to free passes, and protesting against the so-called "Knox liability bill"—to the Committee on the Judiciary.

Also, memorial of the Ivanhoe Lodge, Railway Employees, of Smithville, Tex., praying for the passage of the so-called "La Follette-Sterling anti-injunction bill," and legislation relating to free passes, and protesting against the so-called "Knox liability bill"—to the Committee on the Judiciary.

Also, memorial of the Indiana and Ohio Conference of the Mennonite Brethren in Christ Church, praying for legislation to restrict the liquor traffic—to the Committee on the Judiciary.

Also, memorial of the Newark, N. J., Association of Credit Men, praying for certain amendments to the national bankruptcy act—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Railway Trainmen of Denver, Colo., praying for the passage of the La Follette-Sterling liability bill, and protesting against the passage of the so-called "Knox bill"—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Locomotive Engineers, of Waterloo, Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill"—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Locomotive Engineers, of Shawnee, Okla., praying for the passage of the so-called "La Follette-Sterling employers' liability bill"—to the Committee on the Judiciary.

Also, memorial of Henry A. Bonn, of East Orange, N J., and 14 others, praying for the enactment of legislation to establish the White Mountain and Appalachian Forest Reserve—to the Committee on Agriculture

Also, memorial of the Framingham (Mass.) Board of Trade, praying for legislation for the establishment of the Appalachian and White Mountains Forest Reserve—to the Committee on Agriculture.

Also, memorial of Louis Philipp Eckhard and 9 others, of New York City, praying for the establishment of the White Mountain and Appalachian Forest Reserve—to the Committee on Agriculture.

By Mr. ADAIR: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Appropriations.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Anson E. Mulligan—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Harvey Jewell—to the Committee on Invalid Pensions.

By Mr. BEDE: Paper to accompany bill for relief of Charles Heywood—to the Committee on Pensions.

By Mr. BONYNGE: Petition of Clear Creek Valley Grange, of Arvada, Colo., for national highway commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Clarkston Valley Grange, No. 157, for H. R. 15837—to the Committee on Agriculture.

By Mr. BOOHER: Paper to accompany bill for relief of Martha J. Austin (H. R. 20024)—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of T. Ellsworth Moore and other citizens of Pennsylvania, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

By Mr. CALDER: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., against H. R. 225 and S. 5787, and favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Henry A. Mehldan, of Brooklyn, N. Y., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. M. Whitaker, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CARY: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DAWSON: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. DRISCOLL: Petition of Hamilton Grange, No. 648, Patrons of Husbandry, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of Indian Rights' Association, for amendment of S. 5586 and H. R. 15641, that propose to remove restrictions from alienation or incumbrance of certain lands in Oklahoma allotted to members of the Five Civilized Tribes—to the Committee on Indian Affairs.

Also, petition of Local Union No. 7, United Hatters of North America, favoring the President's recommendation for legislation to safeguard the lives of workingmen—to the Committee on the Judiciary.

Also, petition of the Universalist Club, of Haverhill, Mass., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of United Harbor, No. 1, of New York, indorsing H. R. 10458, allowing appeal to be taken to supervising inspector, from him to Supervising Inspector-General, and from him to Secretary of Commerce and Labor—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, promoting efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Civic Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of the Standard Union, favoring H. R. 12432, for consolidation of and evidence in actions of libel—to the Committee on the Judiciary.

By Mr. ESCH: Petition of Trades and Labor Council of La Crosse, Wis., against prohibition legislation—to the Committee on the Judiciary.

Also, petition of Trades and Labor Council of La Crosse, Wis., favoring the McHenry bill establishing a Bureau of Mines (H. R. 10556)—to the Committee on Mines and Mining.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: Petition of Nathan L. Robinson and 30 other citizens of Illinois, asking that fees be allowed pension attorneys—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of citizens of Streator, Ill., against H. R. 4897, for religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of James Chalmers, of Rockford, Ill., for H. R. 19250, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. FULTON: Petition of citizens of Oklahoma, residents of Catesby, against H. R. 4897 and H. R. 4929—to the Committee on the District of Columbia.

By Mr. HAMMOND: Petitions of common council of St. Paul and Minnesota State Federation of Women's Clubs, favoring the Morris Act, to set apart 230,000 acres, including Cass Lake, as forestry lands—to the Committee on the Public Lands.

By Mr. HAMILTON of Michigan: Petition of Glass Creek Grange, No. 425, of Barry County, Mich., for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Arizona, for H. R. 17426—to the Committee on Alcoholic Liquor Traffic.

By Mr. HOUSTON: Paper to accompany bill for relief of Tabitha Ann Rowlett—to the Committee on War Claims.

By Mr. HUBBARD of West Virginia: Papers to accompany bills granting an increase of pension to James R. Armour (H. R. 18330), Silas Sims (H. R. 17081), and James H. Thomas (H. R. 18056)—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: Petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Branch No. 5, District No. 9, St. Patrick's Alliance of America, against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. LLOYD: Petition of citizens of Lewis County, Mo., for a national highways commission, and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of Lodge No. 154, Switchmen's Union of North America, of Little Falls, Minn., favoring H. R. 13477, relative to the standardization of the automatic coupler—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 154, Switchmen's Union of North America, of Brainerd, Minn., favoring H. R. 13477, relating to the standardization of automatic couplers—to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Casimir's Roman Catholic Church, at Gilman, Minn., relating to law of the expropriation against Poles—to the Committee on Foreign Affairs.

Also, petition of Minnesota women's clubs, favoring forest reserves—to the Committee on Agriculture.

Also, petition of common council of St. Paul, Minn., favoring improvement of the upper Mississippi—to the Committee on Rivers and Harbors.

By Mr. LITTLEFIELD: Petition of W. W. Perkins and other citizens of Maine, for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

Also, petitions of sundry citizens of Maine and Paris Grange, No. 44, Patrons of Husbandry, for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Bradford, Me., for enactment of the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of citizens of Oxford County, Me., for H. R. 40, to prevent sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Oxford County, Me., against H. R. 4897, to enforce Sunday observance as day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of numerous citizens and granges of the Second Congressional District of Maine, favoring a national highway commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of citizens of Rock Island County, Ill., for the Burnham parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of Massachusetts Wholesale Lumber Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. OVERSTREET: Petitions of Marine Engineers' Beneficial Association, No. 35, and California Harbor, No. 15, Masters, Mates, and Pilots, of San Francisco, Cal., against H. R. 225 and S. 5787, and in favor of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. PARKER of South Dakota: Petition of J. M. Wood and other members of Fenimore Council, No. 249, of Mitchell, S. Dak., against a parcels-post law as incorporated in bills H. R. 255, 256, and 257—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: Paper to accompany bill for relief of Joseph G. Thorpe—to the Committee on War Claims.

By Mr. SMITH of Iowa: Petition of A. P. Hans and other citizens of Iowa, for H. R. 40, to prevent sale of intoxicants in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Mrs. Ella Lower and others; citizens of Adair and Guthrie counties; citizens of Council Bluffs, and citizens of Audubon County, all in the State of Iowa, against H. R. 4897, religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: Petition of Cattle Raisers' Association of Texas, for legislation to enable leasing of the public domain to stock raisers for grazing purposes—to the Committee on the Public Lands.

Also, petition of Cattle Raisers' Association of Texas, indorsing the cattle and meat inspection laws recently passed by Congress and commending their strict enforcement—to the Committee on Agriculture.

Also, petition of Cattle Raisers' Association of Texas, for an appropriation of $300,000 to eradicate the cattle tick—to the Committee on Agriculture.

Also, petition of Cattle Raisers' Association of Texas, for legislation prohibiting any railway from advancing rates except on approval of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: Paper to accompany bill for relief of estate of Julia L. Watson—to the Committee on War Claims.

By Mr. WEISSE: Petition of the Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

SENATE.

WEDNESDAY, *April 1, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

LIST OF VESSELS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy, requesting that the name of the U. S. S. *Maine* be added to the list of vessels submitted in Department letter of February 11, 1908, which require general overhauling to the extent of $200,000 or more during the fiscal year ending June 30, 1909, which was referred to the Committee on Naval Affairs and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life;

H. R. 3822. An act for the relief of James Behan;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 6664. An act for the relief of Robert Scholter;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 15070. An act for the relief of J. Edmund Strong;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River;

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River; and

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

PETITIONS AND MEMORIALS.

Mr. TELLER presented memorials of sundry citizens of Berthoud, Florence, and Grand Junction, all in the State of Colorado, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday, which were referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Longmont, Colo., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DILLINGHAM presented petitions of sundry citizens of Enosburg, West Enosburg, Enosburg Falls, Bakersfield, Bennington, North Bennington, Bellows Falls, Hyde Park, and Brownsville, all in the State of Vermont, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and a memorial of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes relating to the complement of the crews of vessels and for the better protection of life, which were ordered to lie on the table.

Mr. GAMBLE presented memorials of sundry citizens of Edgemont, S. Dak., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Aberdeen and Woonsocket, in the State of South Dakota, praying for the enactment of legislation to limit the effect of the regulation of commerce between the several States and Territories in certain cases, and also to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented sundry petitions of citizens of Washington, D. C., praying for the enactment of legislation to prohibit gambling and bookmaking in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Oregon, Washington, California, Indiana, South Carolina, Tennessee, and Washington, D. C., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. ANKENY presented a petition of sundry citizens of Washougal, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented a memorial of sundry citizens of Mansfield, Conn., and a memorial of sundry citizens of New Haven, Conn., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of sundry citizens of Enfield, Me., and the petition of Easton Grange, No. 150, Patrons of Husbandry, of Easton, Me., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Seth Williams Post, No. 13, Department of Maine, Grand Army of the Republic, of Augusta, Me., remonstrating against any discrimination being made in legislation based upon length of service in the Army or Navy of the United States of officers or enlisted men, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a petition of Goodland Divison, No. 422, Brotherhood of Locomotive Engineers, of Goodland, Kans., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Cattle Raisers' Association of Texas, praying that an appropriation of $300,000 be made for the eradication of the fever tick, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for a favorable consideration of a maximum and minimum tariff so as to afford to the live-stock raisers and farmers of the country a more extended market for live stock, its products, and other farm products, which was referred to the Committee on Finance.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for the enactment of legislation providing for the leasing of sufficient of the public lands of the United States to stockmen to enable them to conduct their business successfully, which was referred to the Committee on Public Lands.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for the enactment of legislation to prohibit any railroad company from advancing interstate rates, fares, and charges, except upon the approval of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Cattle Raisers' Association of Texas, praying for the enactment of legislation requiring railroads to provide prompt and sufficient facilities for the transportation of live stock, etc., which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted at the thirty-second annual convention of the Cattle Raisers' Association, held at San Antonio, Tex., favoring the present animal and meat inspection laws and recommending a continuance of the same, which was referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a memorial of sundry citizens of Cambridge, Md., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON presented a petition of the city council of St. Paul, Minn., praying that an annual appropriation of $2,000,000 be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

Mr. SMITH of Michigan presented a memorial of Detroit Post No. 384, Department of Michigan, Grand Army of the Republic, of Detroit, Mich., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian Reservations in the State of South Dakota, and making appropriation and provision to carry the same into effect, reported it with amendments, and submitted a report (No. 439) thereon.

He also, from the same committee, to whom was referred the bill (S. 6303) authorizing the allotment of lands to certain Sioux Indians of the Rosebud Reservation, in the State of South Dakota, reported it without amendment, and submitted a report (No. 440) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 6217) to recover tide lands in Washington State claimed by Puyallup Indians, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 6234) for the establishment of a fish-cultural station in Texas, reported it without amendment and submitted a report (No. 441) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman, reported it with an amendment in the nature of a substitute and submitted a report (No. 442) thereon, the amended bill being a substitute for the following House bills heretofore referred to that committee:

H. R. 1589. Susan M. Yeoman.
H. R. 3012. James Jeffers.
H. R. 3510. Henry McCall.
H. R. 4121. James B. Smith.
H. R. 4123. Graham Maffett.
H. R. 4337. Francis H. Swift.
H. R. 4413. Alexander Beckwith.
H. R. 4974. John O. Evans.
H. R. 4979. Julius M. Dutton.
H. R. 5298. Kirk Brown.
H. R. 6407. John H. Arnold.
H. R. 6529. Thomas Carten, alias Carton.
H. R. 6654. Edward Marden.
H. R. 7172. George W. Norris.
H. R. 7220. Langdon Sherriff.
H. R. 7388. De Witt Nash.
H. R. 7432. Worthington Fringer.
H. R. 7440. Oliver Jones.
H. R. 7745. William Sheppard.
H. R. 7746. William D. Williams.
H. R. 7938. James B. Wilson.
H. R. 7939. Huldah L. Barber.
H. R. 8333. George Jenkins.
H. R. 8628. John Gibson.
H. R. 8743. Charles Titterington.
H. R. 10930. Robert H. Barton.
H. R. 12320. Emilie Borchert.
H. R. 13140. John O. Matthews.
H. R. 13175. David Miller.
H. R. 13536. Granville W. Smith.
H. R. 13627. George A. Osborn.
H. R. 14084. Charles W. Heisler.

H. R. 14453. Henry H. Taylor.
H. R. 14531. Thomas G. Orr.
H. R. 14547. Joseph A. Turner.
H. R. 14972. George W. Stabler.
H. R. 14981. John W. Don, alias John Dunn.
H. R. 15539. Edward P. Howe.
H. R. 15893. Richard H. Jones.
H. R. 16236. Thomas Sheppard.
H. R. 16415. Joseph Rickey.
H. R. 16444. Louis N. Brady.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war, reported it with amendments and submitted a report (No. 443) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 18754) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 444) thereon.

BILLS INTRODUCED.

Mr. PILES introduced a bill (S. 6435) to amend an act entitled "An act to provide for payment of damages on account of change of grade due to construction of the Union Station in the District of Columbia," approved April 22, 1904, as amended by the act of Congress approved June 29, 1906, which was read twice by its title and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6436) for the relief of Michael J. Cryderman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6437) authorizing the construction of a bridge across the Okanogan River, Washington, which was read twice by its title and referred to the Committee on Commerce.

Mr. KNOX introduced a bill (S. 6438) to appropriate the sum of $30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America, which was read twice by its title and referred to the Committee on the Library.

He also introduced a bill (S. 6439) granting a pension to Miami L. Perveil, which was read twice by its title and referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 6440) to regulate commerce among the several States or with foreign nations, and to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," which was read twice by its title.

Mr. WARNER. I wish to say that by introducing the bill I do not commit myself to all its details. I move that the bill be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. CRANE introduced a bill (S. 6441) granting to Percival Lowell certain lands within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes, which was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WETMORE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6442) to increase the pension of James L. Foss; and

A bill (S. 6443) granting an increase of pension to Sarah T. Young (with the accompanying papers).

Mr. RICHARDSON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6444) granting an increase of pension to Joseph Moore; and

A bill (S. 6445) granting an increase of pension to Edward B. Louderbough.

Mr. GORE introduced a bill (S. 6446) for the relief of the Freeman Brothers, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6447) giving Herman Lehman (Montechema) an allotment, which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Lands.

Mr. BACON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6448) for the relief of the estate of Emily R. Hathorn, deceased; and

A bill (S. 6449) for the relief of the legal representatives of John P. Lamar, deceased.

Mr. CURTIS introduced a bill (S. 6450) for the relief of the heirs of John Birkett, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6451) granting an increase of pension to William Relph, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6452) granting an increase of pension to John W. Hewitt, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6453) for the relief of the New York and Cuba Mail Steamship Company, which was read twice by its title and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6454) for the relief of the State Street African Baptist Church, of Bowling Green, Ky., which was read twice by its title and referred to the Committee on Claims.

Mr. SMITH of Michigan introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 6455) to make Holland, in the State of Michigan, a subport of entry, and for other purposes; and

A bill (S. 6456) to make Petoskey, in the State of Michigan, a subport of entry, and for other purposes.

He also introduced a bill (S. 6457) granting an increase of pension to Josiah M. Rice, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6458) to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana, which was read twice by its title and referred to the Committee on Commerce.

Mr. SIMMONS introduced a joint resolution (S. R. 75) authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C., which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment authorizing the President to nominate and, with the advice and consent of the Senate, to appoint as brigadier-general and retire upon his own application any officer now on the active list of the Army who served at any time as an enlisted man or commissioned officer during the war of the rebellion, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $25,000 for the construction, erection, and completion of a statue of Gen. Nathanael Greene, to be erected on the battlefield of Guilford Court House, in Guilford County, N. C., etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

FOREIGN TRADE.

Mr. GALLINGER. I ask unanimous consent that 1,000 additional copies of Senate Document No. 375, which is a contribution by Naval Constructor Evans on shipping matters, and is very brief, be printed for the use of the Senate document room.

There being no objection, the order was reduced to writing, and agreed to, as follows:

Ordered, That 1,000 additional copies of Senate Document No. 375, Sixtieth Congress, first session, "Trade follows the Flag," be printed for the use of the Senate document room.

MINING TECHNOLOGY BRANCH.

The VICE-PRESIDENT. The morning business is closed and the Calendar, under Rule VIII, is in order.

The joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey was announced as the first business on the Calendar.

Mr. TELLER. I think the joint resolution had better go over.

The VICE-PRESIDENT. The joint resolution will go over without prejudice.

Mr. TELLER. Let it go under Rule IX. We shall want more than five minutes to debate the question.

The VICE-PRESIDENT. The joint resolution will go to the Calendar under Rule IX, at the request of the Senator from Colorado.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was announced as next in order.

Mr. GALLINGER. In the absence of the Senator from Georgia [Mr. CLAY], I ask that the bill may go over. He is making some investigation concerning the matter.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

EMPLOYMENT OF CHILD LABOR.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that also go over.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

DISCHARGE OF COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I desire, out of order, to make some reports.

The VICE-PRESIDENT. The reports will be received, in the absence of objection.

Mr. FORAKER. I am directed by the Committee on Military Affairs to report adversely, with amendments, Senate bill 6206, and to report adversely Senate bill 5729. I am not instructed, however, to move their indefinite postponement, as is usual, but to ask that they be given places on the Calendar, and to give notice that at the earliest convenient opportunity they will be called up for consideration. As far as I am concerned, I shall ask that the Senate disagree to the adverse report on Senate bill 5729 and that the measure be considered and passed.

Mr. WARREN. The reports are not long, I presume.

Mr. FORAKER. I made no report, except what I have just stated.

Mr. WARREN. I was going to ask that the report might be read, if there was any report.

Mr. FORAKER. No; I did not feel like dwelling on the subject beyond the remark I have just made.

The VICE-PRESIDENT. The bills reported by the Senator from Ohio will be read by title.

The SECRETARY. A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof; and

A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

The VICE-PRESIDENT. The bills will be placed on the Calendar.

Mr. WARREN. Mr. President, regarding the bills just reported, a minority of the committee desires to make a report, which I send to the desk. It is very short, and I ask to have it read.

The VICE-PRESIDENT. Without objection, the Secretary will read the report.

The Secretary read the report (No. 446), as follows:

[Senate Report No. 446, Sixtieth Congress, first session.]

CERTAIN FORMER MEMBERS OF THE TWENTY-FIFTH REGIMENT UNITED STATES INFANTRY.

April 1, 1908.—Ordered to be printed.

Mr. WARREN, from the Committee on Military Affairs, submitted the following as the views of the minority, to accompany S. 6206:

We, the undersigned members of the Senate Committee on Military Affairs, are opposed to an adverse report upon the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry, as amended.

On March 11, 1908, we joined in a report to the Senate made in pursuance to Senate resolution No. 208, Fifty-ninth Congress, second session (Senate Rept. No. 355, pt. 1), and in a portion of the report referred to we recommended the enactment of a bill similar to the amended bill now reported adversely.

We adhere to our recommendation made at that time, and favor the passage of the amended bill, which reads as follows:

[S. 6206. Sixtieth Congress, first session.]

A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Be it enacted, etc., That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a special order No. 266, and dated at the War Department on the 9th day of November, 1906, had no participation in the affray or guilty knowledge of the persons engaged in said affray that took place at Brownsville, Tex., on the night of August 13–14, 1906, the President may authorize the enlistment of said man; and any man who shall enlist in the military service under authority so given by the President shall be held and considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive from said date of discharge if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

F. E. WARREN,
H. C. LODGE,
WM. WARNER,
H. A. DU PONT.

I am opposed to an adverse report upon any measure which would relieve the innocent members of the discharged battalion of the Twenty-fifth United States Infantry, and I favor the immediate enactment of legislation for their relief.

N. B. SCOTT.

Mr. WARREN. Mr. President, I desire that the minority report may have due record on the Calendar, so that it will come up automatically with the adverse report.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. FORAKER. In view of the minority report, and what is set forth therein, I think it due to the Senate I should state that so far as I am aware no member of the Committee on Military Affairs has changed his mind with respect to the legislation that should be enacted since the reports were made from that committee on the 11th day of March.

It will be remembered that four members of the committee, who were a part of the majority making the report on that occasion, recommended the passage of the bill to which the Senator from Wyoming has just called attention. It will be remembered that four other members of the committee, constituting a minority, recommended Senate bill 5729, which I reported adversely a moment ago.

It was impossible, as those reports indicated, to command a majority vote in the committee for either of these measures, and the only way to return the bills to the Senate at all was by an adverse report. That was the only kind of a report we could get. So they have come back to the Senate without either bill having any advantage over the other. They are both reported adversely, they both go to the Calendar, and I suppose that consideration of both will be asked in due time.

I have already given notice, that so far as Senate bill 5729 is concerned, the one originally introduced by myself, I shall ask, as soon as it can be conveniently taken up, that the Senate disagree to the adverse report and that the bill be passed, if it can secure enough support.

Mr. WARREN. Mr. President, I have only a word to add. Since my colleague on the committee has stated that four members of the majority, who recommend adversely the bill introduced by the Senator from Missouri [Mr. WARNER], favor the one introduced by the Senator from Ohio [Mr. FORAKER], and that four others favor the bill introduced by the Senator from Missouri [Mr. WARNER], I think I ought to state that the other five members of the committee, which completes the number to the full committee of thirteen, are not in favor of either measure.

Mr. SCOTT. Mr. President, as perhaps the Senate noticed, I signed a minority report alone. I favored the so-called Foraker bill, but if we could not have that I was willing to take the other bill.

I fear that while we may be disputing over the difference of opinion held by different Senators those innocent men may be suffering. Consequently I did not want to engage in anything that would look like obstructing one or the other of those bills; but I am looking only to a bill that will do these colored soldiers justice.

J. DE L. LAFITTE.

The VICE-PRESIDENT. The next bill on the Calendar will be stated.

The bill (S. 5268) for the relief of J. de L. Lafitte was considered as in Committee of the Whole. It directs the Secretary of War to cause to be investigated and examined the circumstances of an embezzlement of quartermaster funds on board the United States Army transport *Logan*, discovered while Jacques de L. Lafitte, captain, quartermaster, United States Army, was serving as transport quartermaster, amounting to $2,923.44; and if upon such examination and investigation he shall be satisfied that said Lafitte exercised due diligence and care, under the circumstances existing there at the time, in view of his physical disability, and had no personal knowledge that such embezzlement or embezzlements were occurring, and exercised due diligence in ferreting out and disclosing same, then he is hereby authorized and directed to release and discharge Lafitte from any further liability for the sum of $2,923.44, and to refund and pay back to him whatever sums may have been withheld and deducted from his pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGEMENT OF HOMESTEADS.

The bill (S. 6155) to provide for an enlarged homestead, was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands with an amendment, in section 1, page 1, line 6, after the word "California," to strike out "Idaho," so as to make the bill read:

Be it enacted, etc., That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over 1½ miles in extreme length.

SEC. 2. That any person applying to enter land under the provisions of this act shall make and subscribe before the proper officer an affidavit as required by section 2290 of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section 1 of this act, and shall pay the fees now required to be paid under the homestead laws.

SEC. 3. That any homestead entryman now occupying lands of the character hereinafter described, heretofore entered by him, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, lying contiguous to his former entry which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

SEC. 4. That at the time of making final proofs as provided in section 2291 of the Revised Statutes the entryman under this act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry.

SEC. 5. That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section 1 of this act under the provisions of section 2289 of the Revised Statutes, but no person who has made entry under this act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this act shall be commuted.

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible without serious hardship to entrymen, he may, in his discretion, designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence: *Provided*, That in such event the area cultivated in any such entry shall not be less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry.

Mr. GALLINGER. Mr. President, I should like to make an inquiry of the Senator from Utah [Mr. SMOOT], who reported the bill, concerning it. As I understood it from the reading—I have not given it a careful examination—it changes the law so as to grant in certain States to certain designated classes 320 acres of land for homestead instead of 160 acres. Am I right, I will ask the Senator?

Mr. SMOOT. Yes, sir; the Senator is right, as far as certain lands or classes are concerned.

Mr. GALLINGER. It seems to me that that is a pretty serious matter. Ten men could go into one of these States and take up something over 3,000 acres of land. They are valueless in a sense at the present time, but an enormous amount of money is being spent for irrigation purposes and as the irrigation projects proceed the lands may become very valuable.

I really think that we ought to pause before passing a bill of this kind without giving it very careful consideration. Possibly the Senator can explain it to my satisfaction; but on first blush it looks to me like a very dangerous innovation, and that the bill ought not to be passed without full consideration.

Mr. SMOOT. Mr. President, I hold in my hand the report of the Commissioner of the General Land Office to the Secretary of the Interior for the fiscal year ended June 30, 1907. On page 18 of that report I find that the honorable Commissioner makes the following recommendation:

Dry farming, or the raising of crops in semiarid regions by special methods of agriculture, has passed the experimental stage in many localities. No law adapted to the entry of lands suitable for this purpose exists, as the desert-land law is inapplicable and the homestead law, besides requiring residence, is too restricted in the area of land that may be entered.

I therefore recommend the enactment of a measure applicable only to those States and Territories containing semiarid lands, permitting the entry, under the agricultural classification above, by any qualified resident citizen of the State or Territory where the land sought to be entered is situated, of not exceeding 640 acres of land (in as compact a form as possible) not capable of artificial irrigation, which does not contain sufficient moisture to produce a natural growth of trees, and which, because of the fact that it does not furnish potable water sufficient for domestic use, or because of other conditions arising out of the semiaridity of the land is not suitable for continuous habitation. Residence should not be required as a prerequisite to patent, but proof should be required of the planting and raising of consecutive crops of valuable agricultural products (other than native grasses) for a fixed period before final proof; provided, however, that careful restrictions be imposed to insure that the entries are made for the sole use and benefit of entrymen for the purpose of actual cultivation and not to increase range holdings, create monopolies of land, or other abuses.

Mr. President, I call your attention to the fact that the Commissioner recommended 640 acres of this class of land, but I found that there was a sentiment not only in the House of Representatives, but here in the Senate that 640 acres was too much for one entryman to enter, and therefore in framing the bill following the recommendations of the Commissioner of the General Land Office as to the class of land, I decided to make the amount 320 acres.

I call the attention of Senators to the fact that the bill does not in any way, shape, or form affect the present homestead law; that it does not in any way affect lands that are now subject to entry under the homestead law, but it simply affects the lands that are to-day uncultivated in the Western States and which can be cultivated only by the dry farming process.

It will also be noticed that the bill requires the full term of five years for residence, when residence is required, and that the commutation clause of the homestead law does not apply to the bill. Not only that, but it seems to me and to those who understand what dry farming requires, that 320 acres is no more land available for cultivation than 160 acres under the present homestead law, where all can be cultivated by irrigation, for anyone who knows anything about dry farming knows that the entryman has to summer-fallow the land, and it is impossible to cultivate more than one-half at any one year. So if they cultivate one-half of it, all that it is possible to do by dry farming process, the entryman would have no more land cultivated at any one time than the man that has entered 160 acres and can cultivate all of it.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. TELLER. Suppose a settler has taken 160 acres of land under the present law, could he take another 160 acres under the bill, so as to make 320 acres?

Mr. SMOOT. He can take 160 acres, as provided in the bill, if he has not made final proof, as provided in section 3 of the bill.

Mr. TELLER. Suppose there are 160 acres of adjoining land. I have a letter on my desk of just that kind, asking if this bill is passed whether it would protect him if he filed on the adjoining land. I can not find anything in the bill that, I think, would relieve that kind of a settler.

Mr. SMOOT. That question was thoroughly considered by the Representatives from all the Western States. They were called together by the chairman of the Public Lands Committee of the House. I have had a great many letters, just the same as the Senator from Colorado, asking if the provisions of this bill apply to men who have already entered 160 acres, and would allow them to enter an additional 160 acres——

Mr. CLAY. With the Senator's permission, let me ask if section 3 does not cover that feature. It provides—

That any homestead entryman now occupying lands of the character hereinafter described, heretofore entered by him, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, lying contiguous to his former entry, which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Mr. SMOOT. It applies to all citizens where final proof has not been made of their former entry.

Mr. TELLER. I have here a copy of the bill reported by the Senator from Utah, with an amendment, and it contains nothing of that kind that I can see.

Mr. CLAY. I have read from the third section of Senate bill 6155.

Mr. SMOOT. That is right. That is the bill under consideration.

Mr. TELLER. Then I have not the bill. I should like to have the Calendar number.

Mr. SMOOT. The Calendar number is 471, and the number of the bill is S. 6155.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SMOOT. I do.

Mr. CULBERSON. I desire to inquire of the Chair whether unanimous consent has been given for the consideration of this bill?

The VICE-PRESIDENT. It is under Rule VIII, and would go over upon objection. It has come up under the rule and is before the Senate, if there is no objection.

Mr. CULBERSON. I will say to the Senator from Utah that it seems to be a very important bill. So far as indicated by the Calendar, there is no written report from the committee.

Mr. SMOOT. Mr. President——

Mr. CULBERSON. I doubt the propriety of disposing of the measure finally to-day.

Mr. SMOOT. I will say this——

Mr. CULBERSON. I have no objection; indeed, I would be glad to have the Senator continue and conclude his statement in explanation of the bill, but I did not want it to be understood that the time for objection had passed.

Mr. SMOOT. I will say in answer to the Senator from Texas that this bill was agreed to by the Committee on Public Lands of the Senate with a single exception, the Senator from Idaho [Mr. HEYBURN], and it was on his motion as a member of that committee that Idaho was stricken out. That is the only amendment made by the committee to the bill.

Mr. TELLER. I should like to ask the Senator with his permission——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. TELLER. I have the bill now. I had a wrong print. Section 3 deals with this question:

Subject to the provisions of this act, lying contiguous to his former entry.

Does the Senator understand that the land must be adjoining?

Mr. SMOOT. No, sir; it was decided that it might be anywhere contiguous to it.

Mr. TELLER. In the neighborhood?

Mr. SMOOT. In the neighborhood of the land.

Mr. TELLER. I think that is a fair interpretation, but the Department has, on certain occasions, construed that "contiguous" means "adjoining."

Mr. SMOOT. I do not think they so contrue it, or at least I do not understand, after consultation with the Commissioner of the General Land Office, that they do.

Mr. TELLER. I do not think the word "contiguous" means "adjoining," though I know certain cases in which it has been held that it does.

Mr. CLAY. Let me call the attention of the Senator from Utah to section 3.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. With pleasure.

Mr. CLAY. After carefully reading section 3 again, I am certain I construe it correctly. It reads:

That any homestead entryman now occupying lands of the character hereinafter described, heretofore entered by him, upon which final proof has not been made—

Then this third section would not apply, except in entries where final proof had not been made?

Mr. SMOOT. That is as I stated, Mr. President. The reason is, as Senators must know, that the public lands of to-day are getting poorer and poorer, and a man who goes out in the Western country to locate upon them and make a homestead finds it harder and harder to make a living. Therefore we felt that we should go as far as this bill provides, by saying that the man who had not made final proof upon his entry of 160 acres should have the privilege of entering another 160 acres.

Mr. CLAY. The settler who had made his final proof and received his letters patent would not be entitled to 160 acres additional?

Mr. SMOOT. No, sir; undoubtedly not.

Mr. CLAY. That would place settlers in an entirely different position, would it not? Would not this bill give the advantage to the applicant who had not made his final proof? He would be entitled to 320 acres, and the applicant who had made his final proof would only be entitled to 160 acres.

Mr. SMOOT. Mr. President, the committee thought, and I believe all the Senators from the West and the Representatives think, that there would not be any special advantage, because the man who has received his final letters patent for his land had the pick of all the land before the man who is now trying to obtain title made his selection. Therefore he would have that advantage.

Another thing. I notice that the final proofs perfected on homestead entries are getting smaller in proportion to entries made each year. I am told at the General Land Office that there is only one in about five and a half entries that is carried to final proof. The reason of that is because men go and settle upon those lands and they find it impossible to make a living on 160 acres, and so they abandon their entry. I find that is the case in most of the Western States.

Mr. TELLER. Mr. President, I should like to ask the Senator from Utah if he will allow me to suggest an amendment in line 13, page 2, striking out the words "contiguous to" and inserting "within the township of," so as to read, "within the township of his former entry." That would put it within the immediate neighborhood. I am afraid the word "contiguous" will be held to mean "adjoining," and that would afford relief to but very few people.

Mr. SMOOT. Mr. President, I would not object to that amendment.

Mr. TELLER. Then I will move that amendment.

Mr. SMOOT. Although I wish to say to the Senator that that question was discussed with a number of Representatives from Colorado, and they were decidedly in favor of the wording of the bill.

Mr. TELLER. Their attention perhaps has not been called to some of the experiences which I have had where the word "contiguous" was held to mean "adjoining." That was some years ago, and not under present conditions. But I know the question is liable to be raised again. It became my duty when I was Secretary of the Interior to change that ruling, and I did so. But I am afraid the word might be again so considered. I held that it meant in the neighborhood or vicinity.

Mr. SMOOT. Mr. President, if the Senator from Colorado——

Mr. TELLER. I think it should be confined to the township.

Mr. SMOOT. If the Senator from Colorado feels that it is absolutely necessary, I will accept the amendment; otherwise I would object to the amendment.

Mr. TELLER. I think it would be a valuable amendment, for I think it would apply to people in the neighborhood, and no man would take a homestead very far away.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. I had the floor, Mr. President, and yielded to the Senator from Utah. I want to make a further observation about this bill. I think it ought not to be considered under the five-minute rule. To my mind it is a very serious question, no matter what the Department may have recommended. The Senator from Utah, I presume, can not assure the Senate that irrigation projects will not be established in these arid regions, where it is contemplated to give this additional land to settlers.

Mr. SMOOT. Mr. President, of course it would be impossible for me to say that at some future time there would not be an irrigation project reach this land; but I want to say to the Senator that I believe a man who settles upon the class of land described in this bill as nonirrigable, who lives there for five years, and perchance within some twenty or thirty years there is an irrigation project brought to him or to his door, is entitled to all that would come to him under that irrigation project.

Mr. GALLINGER. Mr. President, there are two difficulties about that, in my mind. One is that no man can assume that these irrigation projects will not reach these lands until twenty or twenty-five years from the present time. I assume that to be so. The other difficulty is that under the last section of this bill a man is not required to live five years on these lands. I want to read that section.

Mr. SMOOT. Mr. President, I want to say to the Senator that section 6 of this bill applies strictly to lands that never can be watered. The Secretary of the Interior will pass upon that class of lands, and the conditions surrounding those lands are such that no matter if a thousand years pass, they will never be irrigated.

Mr. GALLINGER. Mr. President, that may be so, yet there is another provision here to which I wish to call the Senator's attention, that after giving twice the amount of land to these settlers that is allowed them under existing law, under section 6 they are not required to live on it, but they are required to cultivate a portion of it. I suppose that is by "dry farming," which I believe is double plowing, or plowing twice in a year. I am not well informed on that subject.

Mr. SMOOT. Perhaps I had better explain to the Senator what "dry farming" is.

Mr. GALLINGER. I should like to have an explanation of it, because I do not understand it, but am only guessing at it.

Mr. SMOOT. So long as the State of Utah had lands for sale under their several grants, this bill was not necessary for her further development, but the State of Utah has disposed of nearly all of her granted lands and must now rely upon citizens entering lands under the general laws, and we have no law applicable to dry farm lands, and section 6 of the bill provides for dry farming solely.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. I do.

Mr. WARREN. Is it not a fact that in dry farming the supposition is that the ground must lie fallow every other year, so that you get but one crop in two years, and therefore 320 acres is only equal to 160 acres farmed other than by dry farming?

Mr. SMOOT. That is the statement I made in the beginning, and I still adhere to it. Whole sections of our State are now under what is called "dry farming." A few years ago, before the Campbell process was discovered, dry farming was a very hazardous undertaking under the most favorable conditions; but to-day we find that sections of our State, where a few years ago nothing but a wilderness existed, are cultivated and good crops of grain are raised under what is known as the "Campbell dry-farming process." It is done in this way: The snows that fall during the winter——

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. I should like to ask if the bill which passed the Senate some time ago providing for dry farming is on its way through the House, or what has become of it?

Mr. SMOOT. Mr. President, there was a bill which passed the Senate in relation to dry farming, and it is now in the other House, with the distinct understanding, however, that this bill will take the place of that bill. There is no disposition on the part of the House to have that bill, which passed the Senate, now pass the House and become a law; because this bill is a consolidation, as it were, of what is known as the "Mondell bill," requiring residence, and the Smoot bill, permitting nonresidence.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. The intention, then, is to have but one dry-farming bill?

Mr. SMOOT. Yes, sir; that is the intention.

Mr. BORAH. Now, if it is in order, I should like to ask the Senator from Utah if he would have any objection to inserting, after the word "of," in line 9, page 1, the word "arid," so as to read:

Three hundred and twenty acres, or less, of arid nonmineral, nonirrigable, unreserved, and unappropriated public lands.

Mr. SMOOT. A great many Western Representatives especially desired that the word "arid" or "semiarid" be not put in the bill, as they took it for granted that it was certainly a repetition, because the bill itself provdes that the land shall be nonirrigable.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. HEYBURN. I understood the Senator from New Hampshire [Mr. GALLINGER] had the floor. I can give some information to my colleague in regard to that matter. I offered the amendment in the committee suggested by the Senator, and it was refused. I also made the inquiry as to whether or not the bill which we passed in the Senate on March 2, known as the "dry-farming bill," was to be withdrawn, but I could have no assurance of that fact. I also asked that the bill be amended so that a mile and a half of land could not be located along the edge of a stream, as may be done under this bill. All of those propositions being objected to or rejected, then I asked that Idaho be eliminated from the provisions of the bill. I did not see any necessity for two dry-farming bills, and this bill did not profess to be a dry-farming bill, which was, of course, conclusively shown by the refusal of the committee to accept the amendment limiting the bill to arid and semiarid lands.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the junior Senator from Idaho?

Mr. SMOOT. I do, with pleasure.

Mr. BORAH. It occurs to me that the word "nonirrigable" does not cover the entire situation. We have lands in Idaho which are nonirrigable, but still they are not arid lands; and in the northern portion of our State people might get hold of lands which are in every sense nonirrigable, which they would not have to irrigate, and still they would not be worthless. They could be used. I am not in favor of giving 320 acres under those circumstances.

Mr. SMOOT. Nor am I, I want to say to the Senator from Idaho.

Mr. BORAH. I would be in favor of giving 320 acres to anyone who would go upon arid and nonirrigable lands and redeem them as a dry-farming proposition. While our State is not now included in the provisions of the bill, I would like to see it included under certain conditions, but I think the word "arid" ought to go in the bill.

Mr. SMOOT. On line 9, after the word "or," as I understand, the Senator proposes——

Mr. BORAH. No; after the word "of" on page 1, line 9, to insert the word "arid," so that it will read:

Three hundred and twenty acres, or less, of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands.

Mr. DIXON. Will the Senator from Idaho yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. BORAH. I do.

Mr. DIXON. I want to suggest to the Senator from Idaho that I would not use the world "arid." At a meeting of the Western Representatives and Senators a month ago we discussed the proposition of inserting the words "arid" and "semiarid." There is some question as to what the word "arid" means and as to what construction the General Land Office might put upon it. "Arid" might mean land on which possibly no rain ever fell. If you are going to insert any qualifying clause, I would suggest the word "semiarid;" for land west of the 100th meridian, where the rainfall averages not over 15 per cent, except in some very favored localities, I think, has been universally construed to be semiarid land. If the amendment is to be made as suggested by the conditions prevailing in a very small portion of northern Idaho, I would suggest that the word "semiarid" be used. I think that was the unanimous opinion of the Western Representatives when this bill, introduced and reported here by the Senator from Utah [Mr. SMOOT] and introduced in the House by Mr. MONDELL, was substituted in lieu of the bill which I had introduced.

Mr. SMOOT. I wish to say that if the Senator from Idaho thinks it is for the best interests of his State, and he will confine the amendment to semiarid lands, I will accept the amendment.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment, which will be stated.

Mr. GALLINGER. Mr. President, before any amendments are offered I want to be heard a moment in reference to the propriety of continuing this discussion under Rule VIII.

Mr. SMOOT. I hope the Senator will allow me to explain as to the dry-farming proposition.

Mr. GALLINGER. Certainly.

Mr. SMOOT. I have been taken off of that theme by interruptions.

Mr. GALLINGER. I want the Senator to explain that. I am seeking information.

Mr. SMOOT. Mr. President, as I started to say before interrupted, the process of dry farming is this: First, they have to have deep plowing. The land is plowed in the fall, and, being loose, the snows that fall during the winter find their way into the ground. The old theory of dry farming was that the top soil should be almost baked in order to keep the water in the ground from evaporating; but under the modern method that is not the proper way to dry farm. As soon as the grain is planted in the spring, in order to make it grow and develop, they find now that agitation of the soil is what is needed, rather than the roller to form a crust. I have seen great fields of wheat from about 2 to 3 inches high where the farmer took his harrow and went over the whole field. A man who did not understand the dry-farming process would think that he was going to destroy his crop entirely, but it has been found that the agitation of the soil brings up the moisture that has fallen in the winter, so that the roots of the grain can receive it, and thereby it develops into perfect grain, and is cut and thrashed, and the results show a profitable and successful crop. I know in my State we have whole districts where ten years ago no person on earth ever thought that there would be a kernel of grain raised, and to-day that whole district is raising 30 bushels of wheat to the acre as a result of the dry-farming process.

Mr. President, we have in the State of Utah parts of whole counties where it is impossible to get water to irrigate one acre. The whole watershed surrounding the county is such that it is impossible that water can be stored in any way, and our State legislature has appropriated time and time again for the purpose of trying to find water sufficient in those districts by way of artesian wells or by boring deep wells to enable people to live upon those lands. But it has been utterly impossible to get one single drop of water there, and to-day men live in little villages, where there are the schoolhouse, the church, and the community interests, and have their farms 35 miles off. Such a

farmer has to haul every drop of water that distance for his horses and for his own use. He can not ask his family to go and live upon the land. They can not do it. He goes by himself and cultivates it in the spring; he has his little cabin there and remains during the harvesting of the crop. It is cut and thrashed right on the land, and then the grain only is drawn to his home.

This is the class of land that we want to benefit. This is the class of land in the Western country that we want to cultivate, to help pay the taxes in sparsely settled districts, and help bear the burdens of the people who pay the taxes on irrigated land.

Mr. President, I want to say that I do not believe that there has been a measure which has been introduced here that will be so beneficial to the Western States as the dry-farming proposition, and if this bill is enacted into law, it will allow an extension of that great industry to hundreds and hundreds of thousands of acres. I certainly hope that the Senator from New Hampshire will not object to the further consideration of the bill.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. With pleasure.

Mr. CARTER. Mr. President, if the bill is now subject to amendment, I offer the amendment which I send to the desk, to be inserted at the end of line 13, page 1.

The VICE-PRESIDENT. The Chair would suggest that there is pending an amendment, which the Senator from Idaho [Mr. BORAH] gave notice he would offer, which would be first in order.

Mr. BORAH. I have no objection to the amendment of the Senator from Montana being stated.

Mr. CARTER. I will wait until after the Senator's amendment is stated.

Mr. GALLINGER. I suggest, Mr. President, that I had the floor. I have listened with a great deal of interest to the statement made by the Senator from Utah [Mr. SMOOT], and yet I am not fully persuaded as to the wisdom of this bill. It is with a great deal of reluctance that I even make a suggestion concerning matters relating to the Far Western States, especially the States that have land that is semiarid and arid. I have a fairly good record during the period of my public life in voting for almost every bill that has been presented by the representatives of those States. I gave my assent very cordially to the irrigation bill, which I hope and believe will be of great value to certain States of the Union, but I have been somewhat surprised during the last year or two to notice the attempts that are being made, in good faith no doubt, to extend the provisions of that bill. We voted the proceeds of the sales of public lands for the purpose of putting water on lands that needed it and now we have before this body at the present time, I think, one or more bills proposing to divert a portion of that money to drain swamp lands; in other words, instead of putting water on arid lands, we are now going to take water from other lands at the expense of the Government, and divert a portion of the irrigation fund, as I recall, for that purpose.

Mr. DIXON. Will the Senator yield to me to make an explanation?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. Certainly.

Mr. DIXON. The bill for drainage purposes reported by the Public Lands Committee does not take a dollar out of the reclamation fund. The money that goes into the reclamation fund at this time is money received from the sale of public lands in the arid States. There are seven or eight of the States east of the one hundredth meridian where the proceeds from the sale of the public lands does not go into the irrigation fund. It is merely the proceeds of the sales from those public lands which go into the drainage fund under the bill which has been reported.

Mr. GALLINGER. I think I am correct in saying that during the last Congress a bill passed the Senate without any consideration appropriating a million dollars from the irrigation fund for the purpose of draining lands in North Dakota.

Mr. DIXON. And I am very happy to say that the Committee on the Public Lands of the other House, of which I was a member at that time, promptly killed that bill.

Mr. GALLINGER. I am very glad to know that, but it shows the tendency in this direction.

Mr. President, concerning this matter, I think we ought to have some light. My attention has been called to the fact that we passed a bill at this session, on the 2d day of March, 1908, which seems to accomplish much of what is contained in the bill now under consideration.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. Yes.

Mr. SMOOT. Will the Senator allow me to explain the difference?

Mr. GALLINGER. Certainly.

Mr. SMOOT. The bill to which the Senator has reference is entirely a dry-farm proposition. There are States in the West that have what may be called dry-farm propositions. The provisions of the pending bill apply only to nonirrigable land, and where residence is not required on land that has no earthly chance of water being brought on it.

In some of the Western States there are sometimes little draws in a canyon where during the winter perhaps a little water—enough for domestic purposes—could be stored. It was for that reason, and under such conditions, that some of the Western States wanted to require residence upon the lands, and so the bill requires the cultivation of 40 acres of land such as is described; but they did not feel, if there was water sufficient for domestic purposes on the land, that the requirement as to residence should be done away with. Therefore this bill is the consolidation of that proposition with the dry-farming proposition, as contained in the bill to which the Senator has referred.

I will assure the Senator of one thing, that, if this bill passes here—it is reported already from the committee of the House—if it becomes a law, the purely dry-farm bill which the Senate passed will not be pushed and will not be passed by the House.

Mr. GALLINGER. Now, Mr. President, a single word more. The proviso of section 6 requires the entryman to cultivate one-eighth of the 320 acres the second year, one-fourth of it the third year, and one-half during the fourth and fifth years. My impression is that if a man undertakes to cultivate 60 acres of that kind of land in any one year he is doing about all that any American citizen ought to be required to do.

I remember some years ago reading a very interesting little book, the title of which was "Ten Acres Enough." It was not of this kind of land, however. I know that. "Ten Acres Enough"—enough to raise and educate and support a family in Europe. It was a very interesting contribution to the problem of agriculture, and I think it was well founded.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. With pleasure.

Mr. BORAH. I should like to ask the Senator from New Hampshire if he knows where the man who wrote that book resided?

Mr. GALLINGER. He was a European, I will say; and I think if the Senator will go to Europe he will find that families are being supported on 10 acres, but those 10 acres are cultivated; they are not scratched over. They are farmed.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. With pleasure.

Mr. SMOOT. I want to say to the Senator that we have some 10-acre tracts in the State of Utah that a man can make a very good living on.

Mr. GALLINGER. I have no doubt of it.

Mr. SMOOT. And I know many men who have no more than 10 acres. Speaking of the amount of cultivation under dry farming, I want to say that if I were a farmer I would rather cultivate 5 acres of dry farm land than I would 1 acre of irrigated land. I could plant it easier, I could cultivate it easier, and I could reap the crop easier off the 5 acres than I could off 1 acre of irrigated land, and it would not be nearly so expensive.

Mr. GALLINGER. Now, Mr. President, a question to the distinguished Senator from Utah, who knows a great deal more about farming in the semiarid and arid regions than I do. Does the Senator think if an entryman has 120 acres of such land, that he can actually cultivate more than 60 acres of it with profit?

Mr. SMOOT. Mr. President, it is impossible to cultivate more than 60 acres of it, because the farmer has to summer fallow every acre.

Mr. GALLINGER. But you require him under this bill to cultivate 180 acres of it.

Mr. SMOOT. One hundred and sixty acres.

Mr. GALLINGER. One hundred and sixty acres of it the fourth and fifth years. Do you believe it can be done?

Mr. SMOOT. I certainly do; and if this bill becomes a law, I want it so worded as to make the man who enters under it to

cultivate every acre of the land he can. I do not want the public domain taken up as a mere grazing proposition. That is the reason I have made the proviso so strong. Some people say it can not be done. I say it can be done. Under the dry-farm proposition of summer fallowing 160 acres, a man wants 320 acres of dry farm land in order to make a living on it. If he can not do it, then let him go somewhere else and take a farm under the irrigating system.

Mr. GALLINGER. Mr. President, my chief objection has not been stated. This bill was not called to my attention until this morning. I have glanced at it casually, and very likely I am laboring under some misapprehension concerning it; but, for the life of me, I can not see why by doubling the homestead entry from 160 to 320 acres of land an enormous section of country may not be colonized. Then there may arise a demand for an irrigation project and the beneficent purposes of the irrigation law to a large extent will be diverted, and we shall have a speculative enterprise instead of a legitimate enterprise. I have such an apprehension in my mind. I do not know that any parties have that purpose in view, but I should fear it if we passed this bill.

Mr. TELLER. Will the Senator allow me to make an explanation?

Mr. GALLINGER. With pleasure.

Mr. TELLER. There are thousands and tens of thousands of acres of land that it is utterly impossible to irrigate. Everybody knows that who is familiar with the matter. I presume there are thousands of acres of land that you could not irrigate if you spent a thousand dollars an acre on the proposition, even if water could be obtained. In many of the States you can not get water unless you carry it in buckets. That is the class of land that it is proposed to provide for.

Mr. SMOOT. The bill provides:

SEC. 6. That whenever the Secretary of the Interior shall find that any tracts of land subject to entry under this act do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible without serious hardship to entrymen, he may in his discretion designate such tracts of land, and thereafter they shall be subject to entry under this act without the necessity of residence.

So the Secretary of the Interior is to decide the question as to whether this land is to be resided on or not. He is the one to say whether it is possible to have an irrigating system there, so as to make it irrigable land.

Mr. GALLINGER. Mr. President, I want to look into this matter a little further. The Calendar is almost entirely clear, and there will be no difficulty about getting this bill up in the near future. I must for the present object to its consideration under Rule VIII.

Mr. CARTER. Mr. President, prior to the objection taking effect, I ask the Senator to allow the amendment which I proposed to be stated.

Mr. GALLINGER. I should like to have the amendment of the Senator from Montana [Mr. CARTER] stated, and also the amendment of the Senator from Idaho [Mr. BORAH]. Possibly they might clear the whole matter up so far as I am concerned.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho [Mr. BORAH] will first be stated.

The SECRETARY. On page 1, line 9, after the word "of," it is proposed to insert the word "arid," so as to read:

That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of arid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands, etc.

The VICE-PRESIDENT. The amendment will lie on the table. The amendment proposed by the Senator from Montana [Mr. CARTER] will now be stated.

Mr. TELLER. I should like, if it is in order, to suggest an amendment or a modification of the amendment suggested by the junior Senator from Montana [Mr. DIXON], who is a member of the Committee on Public Lands. Instead of saying "within the township," I think it would be better to say "within 5 miles of his former entry." It might be that he lived on the border of the township.

The VICE-PRESIDENT. The amendment proposed by the Senator from Colorado [Mr. TELLER] will be stated.

The SECRETARY. On page 2, line 13, after the word "lying," it is proposed to strike out "contiguous" and to insert "within 5 miles of," so as to read:

SEC. 3. That any homestead entryman now occupying lands of the character hereinafter described, heretofore entered by him, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, lying within 5 miles of his former entry which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

Mr. TELLER. That will give him 5 miles in every direction to make his selection.

The VICE-PRESIDENT. The amendment will lie on the table.

The amendment proposed by the Senator from Montana [Mr. CARTER] will now be stated.

The SECRETARY. On page 1, line 13, after the word "length," it is proposed to insert:

Provided, That no land shall be subject to entry under this act until the Secretary of the Interior shall have ascertained and certified that no water is available or obtainable at a reasonable expense for the reclamation thereof by artificial irrigation.

Mr. GALLINGER. I venture to ask—and I presume there will be no objection to it—that the bill be reprinted with the proposed amendments in brackets.

The VICE-PRESIDENT. The Senator from New Hampshire asks that the bill be reprinted with the proposed amendments in brackets. In the absence of objection, it is so ordered. The bill goes over without prejudice, at the request of the Senator from New Hampshire [Mr. GALLINGER].

Mr. SMOOT. I ask unanimous consent that the bill be considered immediately after the routine morning business on Friday next.

Mr. PILES. I shall have to object to that unless the unfinished business now on the Calendar is disposed of.

Mr. SMOOT. Very well; I will not press the request.

POINT ROBERTS RESERVE, STATE OF WASHINGTON.

Mr. NELSON. I ask leave to make a report at this time.

The VICE-PRESIDENT. In the absence of objection, the report will be received.

Mr. NELSON. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 2934) permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve," to report it favorably with amendments and I submit a report (No. 445) thereon.

Mr. PILES. Mr. President, I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Minnesota [Mr. NELSON].

The VICE-PRESIDENT. The bill will be read for the information of the Senate, subject to objection.

The Secretary read the bill, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments reported by the Committee on Public Lands were, on page 2, line 19, after the word "lands," to insert "and public notice thereof;" and at the end of the bill, in line 21, after the word "them," to insert "subject, however, to all the provisions of the homestead law," so as to make the bill read:

Be it enacted, etc., That the following-described lands, to wit: Lots 3 and 4, and the west one-half of the southwest quarter of section 1; lots 1, 2, 3, and 4, and the south half of the northeast quarter, the south half of the northwest quarter, and the south half of section 2; lots 1, 2, 3, and 4, and the south half of the northeast quarter, the south half of the northwest quarter, the southeast quarter, the east half of the southwest quarter, and the northwest quarter of the southwest quarter of section 3; the northeast quarter of the northeast quarter and lot 1 of section 4; lot 1 of section 9; the north half of the northeast quarter, the north half of the northwest quarter, and lots 1, 2, 3, and 4 of section 10; lots 1, 2, 3, and 4 of section 11; the northwest quarter of the northwest quarter, and lot 1 of section 12, all in township 40 north of range 3 west of the Willamette meridian; and lots 1, 2, 3, and 4 of section 33; lots 1, 2, 3, 4, 5, 6, 7, and 8 of section 34; lots 1, 2, 3, 4, 5, 6, 7, and 8 of section 35; lot 1, section 36, all in township 41 north of range 3 west of the Willamette meridian, all of said above-described lands being in Whatcom County, State of Washington, and being a portion of the "Point Roberts Reserve," be, and the same are hereby, opened to settlement and entry under the homestead laws of the United States only, in such manner and at such time as the Secretary of the Interior may prescribe: *Provided*, That the actual bona fide settlers upon said lands on January 1, 1908, shall have sixty days from the date of opening of said lands and public notice thereof to make entry of the lands settled upon and occupied by them, subject, however, to all the provisions of the homestead law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF ANTE-BELLUM CLAIMS.

The VICE-PRESIDENT. The next bill in order on the Calendar will be stated.

The bill (S. 1050) to repeal section 3480 of the Revised Statutes of the United States was announced as next in order.

The Secretary read the bill and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. NELSON. I ask that the report in that case be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, submitted by Mr. DILLINGHAM March 31, 1908, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 1050) to repeal section 3480 of the Revised Statutes of the United States, beg leave to report the same with the recommendation that it do pass.

The committee report that a bill of which this is a copy was reported favorably at the last session and passed the Senate on the 2d of March, 1907. The committee append as a part of their report the report of the Committee on the Judiciary upon that bill (S. Rept. 3979, 59th Cong., 1st sess.), which was presented by the late Senator Pettus.

Said report is as follows:

"This section of the Revised Statutes was enacted March 2, 1867, during the bitterness and passion of the reconstruction period, and it has been repealed in part several times.

"That section prohibits the payment of any claim against the United States originating before the civil war to anyone who did not prove his loyalty to the United States during that war.

"But in December, 1868, the President issued a proclamation of general amnesty and pardon to the Confederates; and the Supreme Court of the United States, in Armstrong's case, in 13 Wallace Reports, page 154, in the opinion delivered by Chief Justice Chase, declared the effect of the proclamation to be that every person who acted in that war against the United States was by that proclamation restored to all his rights and immunities as a loyal citizen of the United States, or, in other words, that the pardon of the President, in a temporal sense, had the same effect as the pardon of our Master as declared in the Bible:

"'Let the wicked man forsake his ways and the unrighteous man his thoughts, and the sin which he has sinned shall be mentioned unto him no more forever.'

"So the President's pardon, in legal effect, repealed section 3480 of the Revised Statutes.

"This Senate, on reports made by Senator Hoar, Senator DANIEL, and Senator WARREN, in the Sibley tent case, gave the same meaning and effect to the President's proclamation—that is, that it in substance repealed section 3480 of the Revised Statutes. (See report made by Senator WARREN, 56th Cong., 1st sess., in S. Rept. No. 440.)

"It may be asked, If section 3480 has in effect been repealed, why repeal it formally? The answer to the question is that the formal repeal is necessary to convince the Executive Departments that section 3480 is not in full force and effect, as they are still acting on it as the law of the land; for while the Judiciary Committee was considering this bill last week a member of the committee read letters from the Departments (not the Department of Justice) to the effect that if section 3480 were repealed claims amounting to perhaps millions, barred by that section, could be presented.

"Long since the President's proclamation the Secretary of the Interior gave a warrant to a 'rebel' for a small sum paid before the war for land which had previously been granted to a railroad; but the Comptroller of the Treasury would not permit it to be paid, because there was no proof of the loyalty of the claimant. Thereupon the Secretary of the Interior asked that the question be referred to the Attorney-General, but this was promptly refused by this officer, the Comptroller, who assumed to know 'all the law there is.'

"The committee recommend that this bill be passed."

Mr. BACON. I think it may be possibly a matter of some interest to state that the report which has just been read, which is unique in some of its features, was written by our former associate, the late Senator Pettus.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF D. S. PHELAN.

The bill (H. R. 1815) for the relief of the estate of D. S. Phelan was considered as in Committee of the Whole. It proposes to pay to the estate of D. S. Phelan, late of the State of Tennessee, $169.02, balance in full of account due to him for services rendered as mail contractor on route 10195, in the State of Tennessee, from January 1 to June 30, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar under Rule VIII. The Secretary will announce the first bill on the Calendar under Rule IX.

SETTLEMENT OF STATE ACCOUNTS.

The bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, was announced as the first bill on the Calendar under Rule IX, and the Senate, as in Committee of the Whole, resumed its consideration.

The Secretary read the bill.

Mr. McCREARY. I should like to have the Senator who reported the bill make some explanation of it. It is a very important measure.

Mr. GAMBLE. Mr. President, the same bill has very frequently been reported by the Committee on Public Lands of the Senate and, I think, also by the Committee on the Public Lands in the House. It is to equalize the amounts claimed to be due to the several States under different acts of Congress.

The first proposition is to allow to the States 5 per cent of the income from the sales of public lands, less the cost of the sales. It also provides that in cases were Indian reservations are located in the different States the lands included within those reservations shall be estimated at the price of $1.25 per acre and the payment of 5 per cent shall be made upon that basis.

I think that reaches back to legislation occurring in 1855 in behalf of the State of Alabama, and then subsequently, in 1857, by an act for the benefit of the State of Mississippi. There was included in the act affecting the interests of Mississippi lands of other States in the Union at that time.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. GAMBLE. Certainly.

Mr. CARTER. I ask the Senator as to the aggregate amount of money to be paid out of the Public Treasury under the bill.

Mr. GAMBLE. It is estimated that it will be about $8,000,000. That is as near as the amount can be estimated.

Mr. McCREARY. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Kentucky?

Mr. GAMBLE. Certainly.

Mr. McCREARY. This is a bill to regulate the settlement of the accounts between the United States and the several States relative to the disposition of the public lands. How many years back does it extend?

Mr. GAMBLE. It will go, I presume, back to about 1857, the time of the last settlement. The provision of the bill relating to Indian reservations means permanent reservations occupied and held by the Indians. It is felt that that would be an equitable recognition of the different States where Indian reservations are retained within them, and the burden of which falls upon the community in the lessened production and development.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. GAMBLE. Certainly.

Mr. GALLINGER. Did I understand the Senator to say that the bill would carry an appropriation of $8,000,000?

Mr. GAMBLE. About $8,000,000.

Mr. GALLINGER. The last three lines of the bill say a total of $28,101,644.91.

Mr. GAMBLE. I call the attention of the Senator from New Hampshire to the fact that the last provision of the bill relates to the act of 1836. There was a very large surplus in the Treasury of the United States on account of the sale of public lands, aggregating something upward of $28,000,000, and under the act of 1836 that sum was loaned to the different States in the Union, with an assurance that at any time the Federal Government could demand from the several States the return of the money. Of course it never has been returned. It is not expected, I presume, that it ever will be returned. The bill relinquishes to the several States specified any claim for a return of the money, and this is understood as equitable recognition when we take into account the other considerations shown or expected to be shown to the other States that did not receive any part of that fund.

Mr. GALLINGER. So the $28,000,000 is a total that does not apply to the bill.

Mr. GAMBLE. No; not at all. It is simply a relinquishment.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Colorado?

Mr. GAMBLE. Certainly.

Mr. TELLER. I should like to suggest to the Senator from New Hampshire that the $28,000,000 has never been paid in part or in whole.

Mr. GALLINGER. No.

Mr. TELLER. No part of it. There was a large distribution among the States then existing, and it has been held ever since. The pending bill provides only for a positive debt that the Government by statute created. In other words, it is provided by law that this money shall be paid to the landholding States, and it has never been paid, as the Senator from South Dakota says.

Mr. BACON. Will the Senator kindly inform those of us who do not live in the public-land States and are not familiar with these matters what is the law he alludes to which provides for the payment of 5 per cent?

Mr. TELLER. There is a statute, passed away back so long that I can not tell—the Senator from South Dakota, I presume, can give the date of it—which provided that 5 per cent of the sales of public lands should go to the States. That was supposed to be a sort of recognition of the failure to pay any taxes to assist the State in maintaining its government. The Government never pays any tax on land, as the Senator knows.

Mr. BACON. The act provided that 5 per cent of the proceeds of the sale of the lands in each State should go to that State.

Mr. TELLER. To that State, as I understand it.

Mr. GAMBLE. And that has been recognized in the acts passed by Congress admitting different States into the Union.

Mr. TELLER. There was a general law passed, and when a new State is admitted it provides that it shall come in under the provisions of that act. I have not looked at it for some years.

Mr. GAMBLE. I think the original law was passed in 1855.

Mr. WARREN. I take it that it applies merely to lands sold for cash. Of course a great amount of land passes into homesteads, and that brings no revenue to the State.

Mr. TELLER. I understand not.

Mr. GAMBLE. It has a further application to bounty-land locations and agricultural-college scrip, because they were issued practically upon a money basis and for a money consideration. The estimate for lands taken under the military bounty land warrants is $1.25 per acre, so that is the general purpose of the bill.

Mr. BACON. That fund, I understand, is one in which all the States are interested.

Mr. GAMBLE. Yes, sir.

Mr. BACON. And not simply the public-land States.

Mr. GAMBLE. Yes; all the States.

Mr. BACON. Before the Senator takes his seat, will he kindly explain to those of us who are not familiar with public-land matters exactly the interest that the States have in the fund to which he makes allusion?

Mr. GAMBLE. I will state to the Senator from Georgia——

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. GAMBLE. Certainly.

Mr. CURTIS. I should like to have the report read in this case.

Mr. BACON. Will the Senator from Kansas permit the Senator from South Dakota first to reply to my inquiry, and then make his request?

Mr. CURTIS. Certainly.

Mr. GAMBLE. I will state in reply to the Senator from Georgia that, as shown in the report, section 4 of an act passed June 23, 1836, provided—

And the Secretary of the Treasury shall deliver the same—

I speak of the amount of the donation or loan to the several States—

And the Secretary of the Treasury shall deliver the same to such treasurers or other competent authorities, on receiving certificates of deposit therefor signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations and pledge the faith of the State for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay said moneys and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the Public Treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion as aforesaid.

That is the part of the law which provided for the loan of the $28,000,000 referred to.

Mr. WARREN. To twenty-six States?

Mr. GAMBLE. To twenty-six States.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. GAMBLE. Certainly.

Mr. CURTIS. I requested a few moments ago that the report of the committee be read.

The VICE-PRESIDENT. Without objection the Secretary will read the report accompanying the bill.

Mr. CLAY. With the Senator's permission——

Mr. GAMBLE. Certainly.

Mr. CLAY. I have the report before me and I have read a part of it. It is voluminous. Evidently, unless Senators have given more attention to the bill and the report than I have, it will be a very difficult task to undertake to pass upon the bill to-day. I see that it sets forth that $8,182,000 will go to certain States, naming the amount to go to each State, and it sets forth——

Mr. GAMBLE. The bill does not pretend to name the amounts that go to the different States.

Mr. CLAY. The report sets forth the amount that will be given to each State.

Mr. TELLER. I suppose that is an estimate.

Mr. CLAY. It is an estimate simply made by the committee. It then sets forth the sum of $28,101,644.91:

The amounts deposited with the States under this act are shown by a report of the Treasurer of the United States of May 13, 1892, printed in Senate Report No. 226, Fifty-fourth Congress, first session, as follows:

Naming them.

The bill provides in section 4:

And the obligations to pay or return said money entered into by and upon the part of the several States receiving the same are hereby canceled and fully discharged.

Evidently to pass upon a measure of this importance and with so many complications Senators ought to have time to examine critically the report and the bill. It is evidently a bill of considerable importance. I hardly think that we ought to consume the time to-day. It will take Senators hours to read and critically analyze the report. I hope the Senator from South Dakota will not press the bill for consideration to-day.

The VICE-PRESIDENT. Is there objection to reading the report?

Mr. TELLER. Mr. President, this is a question which has been before the Senate very many times. I have not carefully examined the bill, but the measure has been here in some shape ever since I have been in public life.

I am not very clear as to the exact date at which the loan was made. It was not a loan, but the Government having a surplus of a considerable amount, Congress determined to deposit it with the States. It was a surplus derived from public lands, and upon the theory that all the States were interested in the public-land system (because that was the original theory, and it was the theory until we passed the reclamation act) the money was deposited with the States. I can tell the Senator from Georgia how much Georgia got out of it. Georgia never was a land State, I think. Georgia got $1,051,422.09, and Georgia still holds that money. Alabama got $669,086.79, and so on. New York, being one of the great States, and having a greater population and so forth, got $4,000,000 and something. I do not remember just how much New York got, but I remember that it was over $4,000,000.

It was contemplated that when the Government needed the money, the Government would call on the States for it. The time, perhaps, when the Government needed it most was when the States were not in a condition to pay it, and so it never has been called for. There has been no attempt ever to collect the money from the States. I often think, when I hear our Eastern friends complaining somewhat of what we are doing in the West, that here is $28,000,000, and I have occasionally sat down and figured interest on it. I can not now tell how much it would be, but the amount is tremendous. Nobody expects the States ever to pay it. Still it stands as a debt against each State. The bill has one merit at least, that it wipes that debt off the books. There will be no pretended claim hereafter.

The amount that is supposed to come to the other States from the 5 per cent is less than one-third of what was deposited in the different States. The Senator from South Dakota says the amount is about $8,000,000, I think.

Mr. GAMBLE. That is as near as it can be estimated.

Mr. TELLER. I do not know what States will get it or how it is distributed. The report probably shows.

Mr. CLAY. The report shows.

Mr. GAMBLE. The report shows. If the Senator from Colorado will allow me, I will suggest, in response to the request of the Senator from Kansas, that the report is very full and very extended. The bill has been reported favorably, as I said, and all the details have been carefully gone into reciting the law and the practice. I do not know when the Senate will have any more opportunity for the consideration of the bill than at this time. I would be glad to have the measure considered and the report read.

Mr. BACON. Mr. President, I simply want to say in response to the suggestion of the Senator from Colorado that in making a comparison as to the large assets of the Government to the older States and to the Western States, if my recollection is correct, these deposits were made in the Administration of General Jackson, in his second term, and since that time the "older States," if I may so designate them, have gone to a very much larger expense than the amount then deposited in the prosecution of the war which brought to the country the States to which the Senator now alludes as those which have received less than the amount of the deposits out of the Public Treasury.

Mr. TELLER. I do not suppose even the Senator from Georgia would think of charging up to the new States the expense of the war.

Mr. BACON. No; I do not. I am not begrudging them anything they have had; but the Senator said the Eastern States had received this large amount of deposits, and he had even scrutinized it to the extent that he had calculated the interest on the amounts of money.

Mr. TELLER. Several times.

Mr. BACON. I simply wanted to call attention to the fact that it was deposited with States prior to the Mexican war, and that a very large part of the country, in which is included the States which are land States, came to the United States as a

result of that war, and that possibly it would even up accounts. While we do not propose to strike any balances or charge any balances, it might be seen that the older States have not received possibly more than they were entitled to, even if the money is not returned.

Mr. TELLER. The older States did not do any more in the prosecution of the war than some of the new States did.

Mr. BACON. I am speaking of the States that have been carved out of the territory we got as a result of the war, one of which is the State from which the Senator from Colorado comes.

Mr. TELLER. Only a part of it.

Mr. BACON. A large part.

Mr. TELLER. The Mexican war eventuated in the appropriation by the Government of Mexican territory through a treaty which has certainly been the most profitable engagement the Government ever entered into. You may charge up against Colorado all the Mexican war came to, and Colorado will, on the other side, show benefits the Government has received from Colorado that will overbalance the whole of it. Then you can take Montana and Idaho and Utah and Washington and the other sections of the country—perhaps Washington did not come in, but a part of Utah did—lower Idaho, California, and Nevada, and, Mr. President, if you strike a balance, you will find that the Government is greatly indebted to the Western country and indebted to it in ten times more money than it cost.

Mr. President, I am not finding any fault about this money having been put in the States. It belonged to the States. The Government had not any particular thing to do with it at that time. While I think myself the Government could have expended it in certain directions which would have been more beneficial, yet the theory was at the time—and I say it has been the theory ever since until lately—that all the States were interested in the public land and in the proceeds thereof, and it was either to be turned over to the States or to be used for the benefit of the States. I am not finding any fault with it.

No attempt has ever been made by any Administration to collect it. No Administration ever will attempt to collect it. If they did, they would utterly fail. There is not any way to collect it, and I do not regard it as a moral obligation on any State to pay it. But I do think it is worthy of attention when you come to consider whether the new States, who have not taxed these lands, are not entitled to the 5 per cent Congress provided they should have upon the sale of the public lands.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I yield to the Senator.

Mr. HEYBURN. If the Senator will permit me, I should like to call attention to the fact that it is most unusual for either individuals or communities to resist action of this kind. The debt of these States amounts to $868,000,000 at simple interest on the amount that was loaned them under President Jackson's Administration. I have just computed the interest, and if they are ready to pay it——

Mr. TELLER. That is simple interest. How much would it amount to at compound interest?

Mr. HEYBURN. I waive compound interest.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinshed business, which is House bill 7618.

SNAKE RIVER DAM, WASHINGTON.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

Mr. HEYBURN. Mr. President, I send an amendment to the desk and ask that it be read.

The VICE-PRESIDENT. The amendment will be read by the Secretary.

The SECRETARY. At the end of section 1, after line 11, insert the following proviso:

Provided, That the said Benton Water Company, its successors or assigns, shall not at any time charge or collect any toll or fee for the passage of any boat or craft of any kind through any lock or locks which said company may construct or cause to be constructed under the provisions of this act, or any regulations pursuant thereto; and

Provided further, That the said Benton Water Company, its successors or assigns, shall at its own expense keep at all times competent and sufficient attendants at said lock or locks for the purpose of opening and closing the same when required so to do by any person or persons navigating said river, or any portion thereof, or desiring to pass through its locks; and

Provided further, That the Government of the United States shall at no time be at any expense for construction, repairs, or maintenance of the said dam, lock, or anything in connection with said dam or lock.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has just been read.

Mr. HEYBURN. Mr. President, my purpose in offering this amendment is to guard against any possible inattention or neglect on the part of the Benton Water Company in the management and conduct of the lock or the dam or the navigation incident thereto, should the bill become a law; and it is also to provide against the Government being called upon to come to the relief of this company for the purpose of maintaining in working and necessary condition the lock which they propose to construct. It is that the Government may not hereafter be called upon to come to the assistance of these parties either as to constructing or maintaining the canal or the locks or keeping open the navigation, so that there may be no doubt as to where the responsibility rests. It is for that purpose that I offer this amendment.

The Government has had one or more experiences in connection with just such matters. The Government was compelled for its own protection to buy out an enterprise of this kind. I think it was situated in the State of Wisconsin—it was Wisconsin or Michigan, if Wisconsin, I think—where the parties started out with great promise and failed. I want to make plain in the RECORD certain provisions of the law relative to these water companies, and I shall do it briefly because I do not intend to prolong the consideration of the pending bill to any great extent on this occasion.

Under the system of organization by the terms of the Carey Act, which is the plan proposed by this company, as I understand it, as soon as the land has been settled upon and certain payments made, what is called a "water users' company" or "association" is organized, and the whole proposition is turned over to the water users' association. The responsibility behind the water users' association is practically none at all, so far as maintaining this kind of work is concerned. I use for example a practical illustration. The Twin Falls enterprise is under the same law as that under which the Benton Water Company proposes to operate.

Four years ago, five the coming October, I think, those people entered what was known as the "Twin Falls irrigation project." They constructed their ditches, they opened their land to settlement. It was settled; the payments were made for the land, as provided in the law under which they settled; and their water payments were made up to a certain percentage, practically all of them.

Then the company that had undertaken to build the dam, and did build it; that had undertaken to construct the canals, and had constructed them, turned the matter over, or have taken the necessary steps to turn it over, to the water users' association. The water users' association becomes a substitute for the company that built the dam and the canals, which was the same character of corporation as the Benton Water Company, which is seeking this right at the hands of Congress. Now, that company has practically closed its business. Its functions have been fully performed, and hereafter the water users' association is the only organization that stands for the maintenance and as the guarantor for the performance of the contract.

This is important to be considered when you are considering the responsibility behind this proposed legislation. The water users' association is an association of farmers and truckmen and of all the class of people who have settled upon the land. The purpose of their organization is merely to keep the water ditches in order, to see that the water is fairly distributed, and to make the necessary rules and regulations incident to those very limited functions.

Mr. President, it will be seen that there remains no responsibility behind this company after it turns its plant over to the water users' association, which is the second end of their control. Now, what remains? A corporation for the purpose of selling electricity for lights or power. All that remains is a corporation of minor importance, of limited responsibility. All of this great wealth, represented by the ownership of the land, has passed from the company into the water users' association.

If the Senate is ready to enter upon that kind of business, I am ready to allow it to take the responsibility, with the assurance in my mind that it will not be very long before we will be appealed to to relieve these people from this dilemma.

Mr. HOPKINS. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. I am in sympathy with the amendment if the present law permits the company to take tolls. What I should like to know of the Senator is whether, as the bill is framed and as it has been reported by the committee, the com-

pany would have the power to charge tolls on anybody that was navigating the river or any part of the river.

Mr. HEYBURN. There is no prohibition against the company collecting tolls.

Mr. PILES. I beg the Senator's pardon.

Mr. HEYBURN. And there is no provision here for the maintenance of such attendance as will make it convenient for the parties to use the lock.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. I will state for the information of the Senator from Illinois that the amendment proposed by the junior Senator from Idaho [Mr. BORAH] to the bill, which I accepted and which is a part of the bill, reads as follows:

Provided, That said Benton Water Company, its successors or assigns, shall construct, operate, and maintain locks, perpetual and free of charge or toll to navigation and navigators, and shall so use said stream as not in any manner to obstruct, embarrass, or retard navigation.

Mr. HEYBURN. That is only a part of my amendment.

Mr. PILES. So no tolls can be charged.

Mr. HEYBURN. That is only a part of my amendment.

Mr. HOPKINS. As I understand it, the amendment the senior Senator from Idaho offers proposes to require the company to have ample attendants there to see that there shall be no delay in navigation on the river.

Mr. HEYBURN. And that the Government shall never at any time be charged with any expense for maintaining it, which, of course, will include attendance and care of the work.

Mr. PILES. If the Senator is willing to let this matter come to a vote, I am willing to accept any reasonable amendment. I have no objection to requiring these persons to do whatever is necessary or proper in the premises. This amendment, however, goes altogether too far.

As a matter of fact, there was not a steamer, according to a telegram which my colleague has received from Captain Gray, whom the Senator from Idaho [Mr. HEYBURN] knows very well, passing up and down that river during the year 1907 between Riparia and Ainsworth. Ainsworth is located at the mouth of the river, and Riparia is about 50 miles above. The dam is proposed to be put in between these two places, about 5 miles above the mouth of the river. No steamer in the year 1907 passed up that river between those points except those owned and operated by the railway company, and the Government steamer there, I presume, for the purpose of improving the river.

I will state the only objection I see to the amendment. I will read it all, so that I can get it in proper connection:

Provided, That the said Benton Water Company, its successors or assigns, shall not at any time charge or collect any toll or fee for the passage of any boat or craft of any kind through any lock or locks which said company may construct or cause to be constructed under the provisions of this act or any regulations pursuant thereto.

Here is the part I object to:

And provided further, That the said Benton Water Company, its successors or assigns, shall at its own expense keep at all times competent and sufficient attendants at said lock or locks for the purpose of opening and closing the same.

As I stated a few moments ago, there are practically no vessels going up and down that river, and to require the company to keep a competent and sufficient crew there is not necessary, and it would work an unnecessary expense and hardship on these people, as I view it. But I am perfectly willing that the amendment shall be put in this way:

And provided further, That the said Benton Water Company, its successors or assigns, shall, at its own expense, keep such attendants at said lock or locks for the purpose of opening and closing the same, as may be required by the Secretary of War.

I do not think that an unnecessary hardship should be imposed upon these people, but we should let the Secretary of War determine what is necessary to be kept there by the company for the purposes of navigation and to protect everyone. I am perfectly agreeable to accept the amendment with that modification.

Mr. HEYBURN. Mr. President, the fact that steamers did not pass up there during the last year is due to the fact that the work of the Government at Celilo Falls is not yet completed. Arrangements have been perfected by parties, who are as responsible as it is possible for business men to be, to put a regular line of steamers on the river between Lewiston and the sea, connecting with each other. If that work is completed this year or next, there will be a class of navigation that will require constant attendance night and day.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes; for a question.

Mr. PILES. Does the Senator say it will be completed this year?

Mr. HEYBURN. I say this year or the next.

Mr. PILES. There has been only $1,000,000 appropriated for that work, and it will cost between four and five million dollars, if not $10,000,000. I have forgotten just the amount that it will cost. It can not be completed for four years.

Mr. HEYBURN. I saw the chairman or the president of the Board of Commerce of Oregon here the other day, and I had some talk with him in reference to the work. I am speaking on the strength of his statement. Neither of us can say definitely when a great Government project like that will be completed; but that is near enough. The fact would be the same if it were next year or the year after; but those who are hopeful and who are giving it close attention believe that it will be completed within the time I have suggested. That, however, is not so material as is the condition that will exist after it is completed. But even now there is a class of river craft, owned and operated by men who depend upon it for their daily livelihood, that has been going up and down that river. I have received a suggestion that I should name these people. That I am not called upon to do; but I make the statement on information, which is as reliable as can be obtained, that there is a great deal of what you call small craft operating on the river. That is not all.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. PILES. I ask the Senator if he has any objection to an amendment that I shall propose to his amendment, to the effect that this company shall be required to keep there, at their own expense, such attendants as may be required by the Secretary of War for the accommodation of any person or persons navigating said river or any portion thereof, or desiring to pass through its locks?

Mr. HEYBURN. If this bill is to pass, of course there should be such a provision, but whether that is necessary or not we will not pause to consider at this moment, because I am briefly going to finish the remarks that I have to make in regard to this bill.

The man in a rowboat, who is living along the margin of this stream and making his living by the use of his rowboat, is as much entitled to free and open navigation as is the man on a steamboat. They are proposing to build a dam 35 feet high. That is what they tell me in their letters, and I think I have stated it accurately.

Mr. PILES. I do not know.

Mr. HEYBURN. That is the statement that is made to me—a concrete dam, up which nothing living can climb, and over which nothing living can go safely. Now, how is a man with a raft of logs going down that river—and that is a rafting country—how is the man with a rowboat; how is the man with his homemade marine construction, who is taking his wheat down to put it on the cars—how are they to go over that dam? It is as important that that river should be kept open for that class of navigation as that it should be kept open for any other class of navigation.

Now, is it unreasonable to require by the provisions of the law—and not be at the mercy of obtaining some convenient regulations—is it unreasonable to require that these people shall keep that river open for navigation? They should be required to construct this side passageway before they commence a dam on the river, and they should be required to put their lock in it and have it ready to operate, so that when they commence to obstruct the main river, which is a very large river, they may immediately coincidentally use this lock and this canal. Is that unreasonable?

I am not waiving my objection to this artificial substitution for the rights of our people; but if you are going to do it, notwithstanding my objections and the objections of the State of Idaho to it, do it with as little liability of damage as possible.

Mr. President, I have gone over in my mind the situation as it was presented here yesterday, and I not only have not seen any reason for changing or varying from the position I took on yesterday; but I find, if there was a fault committed, I did not state it strong enough. I know how difficult it is to convince a body of this kind, composed of men 3,000 miles away from the conditions, men who, when you speak of the Snake River and of its great usefulness to that community, probably in their minds have some river in their own community and think that this or that might be done without inconvenience.

There were laid on my desk here this morning a lot of bills which have been enacted into law providing for the bridging of

some alligator streams in Florida. I do not desire to be understood as speaking with any disrespect of the State of Florida, but the idea of comparing that class of navigation with the navigation of a river such as this is, with a country behind it in which there are counties as big as the State of Florida, I believe, and with the future, not only of our lives, but of the lifetime of innumerable generations to follow us! You stand here at the very threshold of the growth of that country to stab it, and promise to continue to do it when these other five applications that I have received notice of come to you, and you will have the Snake River resembling stairs, rather than a navigable stream; you will have decrepit and decayed financial institutions that spring up on great streams and go down into financial destruction generally within five years.

This company will never build this work. If this bill is passed my prayer will be that these people will fail. The only salvation that I can see for the State of Idaho and its future is that this enterprise shall fail, as it surely will, and as I hope it will. I say that in no spirit of malice toward any man or any man's hopes or ambitions, but I say that because it is the only frail barrier between Idaho's rights and the enactment of such legislation as this. It seems impossible that the Congress of the United States, with the facts before them, could be induced to do such a thing. I have endeavored to restrain my language and my expressions throughout the consideration of this question within the bounds of parliamentary propriety, but I was never tried to the extent that I have been in discussing this question. I never dreamed that Congress could do such a thing or would do it, or that men would fail to see the threat that this kind of legislation is to the prosperity of the State of Idaho.

Now, I am not inclined to be unreasonable, and I ask for a vote on the amendment.

Mr. TELLER. Mr. President, I should like to ask the Senator from Idaho a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. Is there any provision in the bill that the Government may regulate the tolls to be charged on this canal? I suppose, of course, there will be a charge.

Mr. HEYBURN. No; the amendment which I have offered is that there shall never be any charge. That is the amendment that I am now asking for a vote on.

Mr. TELLER. That is the amendment which is now before the Senate?

Mr. HEYBURN. That is the amendment which is now before the Senate.

Mr. PILES. Is the vote to be on the amendment which I offered?

Mr. HEYBURN. I imagine the vote is on my amendment. I have offered an amendment, and it is now before the Senate.

Mr. HOPKINS. Let us have the amendment read, Mr. President.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of section 11, it is proposed to insert:

Provided, That the said Benton Water Company, its successors or assigns, shall not at any time charge or collect any toll or fee for the passage of any boat or craft of any kind through any lock or locks which said company may construct or cause to be constructed under the provisions of this act, or any regulation pursuant thereto: *And provided further*, That the said Benton Water Company, its successors or assigns, shall at its own expense keep at all times competent and sufficient attendants at said lock or locks for the purpose of opening and closing the same when required so to do by any person or persons navigating said river, or any portion thereof, or desiring to pass through its locks: *And provided further*, That the Government of the United States shall at no time be at any expense for construction, repairs, or maintenance of the said dam, lock, or anything in connection with said dam or lock.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. PILES. I move that the amendment be amended, so as to read as follows:

Provided further, That the said Benton Water Company, its successors or assigns, shall at its own expense keep such attendants at said lock or locks for the purpose of opening and closing the same, as may be required by the Secretary of War for the accommodation of any person or persons navigating said river, or any portion thereof, or desiring to pass through its locks.

The PRESIDING OFFICER. Will the Senator from Washington please send his amendment to the Secretary's desk, so that it may be stated.

Mr. PILES. I have interlined the amendment so that it may be stated.

Mr. TELLER. Mr. President, I think it is hardly conceivable that the Senate will authorize the building of a dam accompanied by a lock unless it makes some provision for the use of the lock. The water company might build a dam and build a lock, but it would not help the navigation of the river to have the lock and the canal if there was not some provision made in the act for keeping it open. A shipmaster who goes up or down, as the case may be, probably would not know how to open it, and if he did know how to open it he would not know how to close it perhaps. So, necessarily, there must be somebody there. Now, is the canal company to do that or is the Government to do it? I think the amendment offered by the Senator from Idaho [Mr. HEYBURN] is entirely proper. I think it would be very astonishing if we should pass the bill without some such provision as that in it.

For myself, Mr. President, I do not believe in the Government of the United States allowing private parties to interfere with the navigation of streams, even though it may be beneficial temporarily and the Government may save money by such parties building a dam. We have tried it in a few instances, as I said yesterday, and every time we have had trouble. I predict now, if this company builds the dam and builds the locks, that eventually the Government of the United States will have to take charge of the work in order that the navigation of that river may be unimpeded.

Mr. President, I dislike to interfere with what may seem to be a local matter, and yet it seems to me that the people who are interfered with ought to be given such protection as is suggested by the Senator's amendment. That river, as I said yesterday, is destined to have a great deal of commerce on it, provided always the Government of the United States does its duty by that river. It opens up a country in the interior of Idaho, away from railroads and away from communication, except by stage, telegraph, and telephone, that will some day be a very rich producing country. I think the Senator from Idaho stated that the railroad had reached Lewiston, though I am not certain about that.

Mr. HEYBURN. Yes.

Mr. TELLER. Up the river the other way there is a railroad running into Lewiston, I know.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. Certainly.

Mr. HEYBURN. The railroad is now completed from Lewiston down to the mouth of the Columbia River; that is to say, through the section to which the Senator especially refers.

Mr. TELLER. From Riparia up?

Mr. HEYBURN. Yes; that road is completed and in operation.

Mr. TELLER. Mr. President, that river from Riparia to Lewiston for the last fifteen years, except in extreme low water, has been in use by a regular line of packets from Riparia to Lewiston. I think the distance is 80 odd miles, or something like that; I do not remember exactly. There are some reefs in that river which in low water make navigation somewhat difficult, and I believe in certain seasons there has been trouble in that respect; but yet these boats have carried a vast amount of freight down from Lewiston and the country above it, and this trade has been of very great benefit to the country. Of course it is not so great since the railroad came up above Lewiston.

Away up in the interior of Idaho is a country that is partially settled and partially opened. It is a country that I have some knowledge of, and I know it to be a very rich country. I know that some day it will produce an immense amount of mineral as well as agricultural products.

We are very apt to underrate the Western country. Very few people who ever went there anticipated what it would be in fifty years. I recall when the Union Pacific Railroad was built that there was a great deal said about it. The Government gave a large amount of money toward the building of it. I myself talked personally with the people who put their money in it. Any number of them told me that they did not expect the road would ever be made to pay, and that ultimately the Government would have to take it for its debt. The Government did take it for its debt, but when the Government took it, which was about the time that McKinley was President, we provided that it should be turned over to some parties in the East, who had organized a new company, on condition that they would pay a certain amount of the debt.

I myself made objection on this floor on the ground that they ought to have paid all of the debt; and when Mr. McKinley became President he determined that they ought to pay all of the debt. They did so, and then they took charge of the road. I make the statement, not upon my own authority, but upon information which, I take it, is perfectly reliable, that the Union Pacific last year carried more tons of freight than the Pennsyl-

vania Railroad carried and more tons of freight than the New York Central Railroad carried. It had a tremendous trade, and the trade is going to increase. Because there is no large trade now on the Snake River it can not be said that there will not be a great trade in the future.

I should like to see this bill amended, at least so as to provide that there will be no real obstruction to the navigation of that river. The Senator who has the bill in charge says that is the intention. If so, I hope it will be carried out. We have been, as the Senator from Idaho [Mr. HEYBURN] has said, passing a lot of these bills. They applied mostly to rivers where there is no business, and probably never will be. When we allow the building of a dam across a river we are declaring, practically, that the river above that point is not to be a navigable stream. I have had my attention called to a number of such bills, and in most cases they apply to streams where there is not much above the dam. In this case there is an empire above the dam; there is a long stretch of country, and as good country, as you will find, as there is in the United States when water is put on it and it goes under cultivation.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. PILES] to the amendment of the Senator from Idaho [Mr. HEYBURN].

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on the amendment as amended.

Mr. HEYBURN. Mr. President, I desire it to be understood that I am not offering this amendment with the idea that, with it adopted, the bill should be passed. It is one of those cases where, if we have to suffer, I want to reduce it to the minimum if I can. The amendment I have offered is a proper amendment if the bill is to pass. I shall, of course, desire support for the amendment and desire its adoption, but it does not follow that I will then support the bill.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. I should like to ask the Senator a question. Suppose this amendment is adopted and the company should fail to comply with its stipulations, is there any provision as to the forfeiture of their charter or any other penalty that would compel them to live up to the requirements of the amendment?

Mr. HEYBURN. No, Mr. President, there is no method under the proposed law by which the Government of the United States can recoup itself for any loss that it may sustain by reason of the failure of this company. It is incorporated under the laws of the State of Washington. It is engaged in intrastate business; it is not engaged in interstate commerce; it is not engaged in anything that would bring it within the Federal jurisdiction. If they ever get the right to do anything, and if they can manage to inveigle some persons into advancing money in order that they may start some work, after a few months and the expenditure of the temporary fund that they may get together, you will see an incompleted wreck in the Snake River—a wreck that will impede navigation and stand there as a menace.

Mr. PILES. Mr. President, if the Senator will yield, I do not wish to take up any more of the time of the Senate with this subject, but I want to read to the Senate the official statement of the Chief of Engineers with respect to the Snake River. The Senator has been talking here about great battle ships going up to Lewiston.

Mr. HEYBURN. Well, Mr. President, I would prefer that the Senator should do it in his own time. I am thoroughly familiar with the reports that have been made from time to time as a basis for the river and harbor bill. I am also——

Mr. PILES. Does the Senator——

Mr. HEYBURN. I want to finish my sentence; I do not like to be broken in the middle of a sentence—I am also familiar with the engineers' reports on the Snake River, and I am also familiar with the fact that Congress, with all that information before it, has been making appropriations for the improvement of the Snake River. Now I yield to the Senator from Washington.

Mr. PILES. I merely want to read this into the RECORD and get through with it; that is all. I will read from the Report of the Chief of Engineers of the Army for 1907, at page 759. Under the designation of the Columbia and Snake rivers, Oregon, Washington, and Idaho, speaking of the Snake River, he says:

> The difficulties of navigation are the many rapids which exist throughout the entire length of this waterway, especially in the upper reaches of the Snake River. In some of these rapids the current is moderate, but in others it is very swift and impossible of ascent by any but the swiftest boats. Some of the channels through the rapids are crooked and narrow and all of them are shoal, with a ruling depth of 2 to 3 feet at low water between Celilo and Lewiston.

This dam is proposed to be put in between Celilo and Lewiston, where there is a navigable depth of water of between 2 and 3 feet at low water. Proceeding, he says:

> And a lesser depth above that point. A detailed description of the rivers may be found on page 2293 of the Annual Report of the Chief of Engineers for 1880 and page 3211 of the Annual Report for 1891. The only stretch of river upon which navigation was continued after that date—

Speaking of a certain date—

> and has continued up to the present time, is the 76 miles of the Snake River between the point of railroad crossing at Riparia Junction and the important city of Lewiston, Idaho. This suspension of traffic on the lower Snake below Riparia Junction and upper Columbia River between the mouth of the Snake and Celilo continued from 1882 until the revival of interest in open-river navigation by the completion of the portage railroad at Celilo by the State of Oregon in 1905.

Then he goes on and gives the appropriation.

> There has been no comprehensive plan of improvement adopted for this entire stretch of river, but improvements have been made at certain points from time to time under special projects. Before 1877 the sum of $120,000 was appropriated and expended in removing rock at the principal rapids in the Columbia River and for making detached surveys.

Then he proceeds:

> The amount expended on the original and modified projects up to the close of the fiscal year 1907 was $373,143.48, of which $14,747.08 was expended during the fiscal year on raking gravel shoals and bettering the conditions above Riparia.

In all these years only $350,000 have been expended on the Snake River.

Mr. HEYBURN. Mr. President, the Senator has disclosed a condition of false pretenses that should be sufficient to indict somebody who is responsible. The Government has expended at the Celilo Falls $9,000,000, I think——

Mr. PILES. About $3,000,000.

Mr. HEYBURN. I mean the ultimate expense.

Mr. PILES. It is shown here in this report.

Mr. HEYBURN. That is the appropriation up to this time.

Mr. PILES. It is estimated in this volume, and I will give it to the Senator if he wishes it. It is on page 764 of this record:

July 1, 1907, amount covered by uncompleted contracts	$220,904.00
Amount (estimated) required for completion of existing project	3,433,392.64

Mr. HEYBURN. I will take that estimate now, although I have other figures in my mind in connection with this work. Congress has been inveigled into appropriating that money for the purpose of what? Of including the lower Columbia River with nonnavigable waters; with useless waters.

Mr. PILES. Is the upper Columbia River navigable?

Mr. HEYBURN. About as navigable as the Snake River; not any more so.

Mr. PILES. The Senator can not get out of Lewiston except by the Columbia River.

Mr. HEYBURN. Great sections of these rivers are navigable, and then there are points where they are nonnavigable. Navigation continuously is maintained on the stretches, long or short, as the case may be, between points that are not navigable. I have never known of so persistent an effort to be made to discredit the work that has been performed in both Houses of Congress during the last span of years to persuade the Government to waste its money. Three hundred and seventy-five thousand dollars, I believe the Senator read—I will find it in the Engineer's Report——

Mr. PILES. That is further back in the book.

Mr. HEYBURN. Never mind; $375,000 is approximately the amount, and that is near enough. I am not in as great a hurry as is the Senator from Washington. I am going to be reasonable, but I am not going to be in a very great hurry about this matter. I am like a man going to execution—I do not care how slow the wagon travels. [Laughter.] So that the execution takes place before sundown, I will be satisfied.

For years we have been asked to appropriate money to do that which the Senator from Washington says, in effect, never can be done. According to him, that this river is a navigable stream is a myth, and no amount of Government expenditure can make it a practical proposition to navigate the Snake River. The Snake River flows through the State of Idaho for a distance, if I am correct in my recollection, of upward of 800 miles. It is navigable at many points at intervals. Commencing at Lewiston, it is navigable under certain conditions for 120 miles. The last steamer that was built to navigate that portion of the river was built at the crossing at Huntington, which is on the Oregon line where the Oregon Short Line crosses the river. That boat made the trip down the river successfully. It made

repeated trips over that part of the river successfully, and other boats have been engaged in doing the same thing. It requires the removal of certain rocks and reefs, the exact location of which is known and the cost for removing which has been estimated. From Lewiston down it is a question of constant navigation. Two lines of steamers ply upon that river. Those of us who live in that country frequently have occasion to ride upon them, and they carry an immense amount of tonnage. As I said before, there is now a company organized, in anticipation of the completion of the Celilo Falls Canal, for the purpose of navigating continuously from Lewiston to tide water, which is to be placed at the mercy of this little, puny, feeble effort on the part of some speculators to obtain something in the way of a commission from Congress that they can take into the money market and raise some money on. That is the truth of it.

Legislators should not look merely at to-day and to-morrow and take the opinions of men as to the conditions that exist to-day and the judgment of men upon those conditions, but they should ask, What will the next generation think of it, and the next one after that, and the next one after that? The duty of a legislator is to look beyond the present hour. I can go into the city of Lewiston and get telegrams, too. I can get them both ways. So can any man. You say, "My friend Blank wants this done. It will please him. I should like to have you send a telegram to So-and-so and ask him to please vote for this bill."

I do not know whether there will be anybody to vote against this bill except myself, but so far as I am concerned, I am ready to let it come to a vote.

Mr. President, is there not an amendment that has not been acted upon?

The VICE-PRESIDENT. The amendment of the Senator from Idaho, as amended, is pending.

Mr. PILES. I will accept the amendment as amended to save time.

The amendment as amended was agreed to.

Mr. PERKINS. Mr. President, when this bill was considered in the Committee on Commerce, of which I have the honor of being a member, it was favorably reported to the Senate. We had the recommendation of the War Department, and supposed it a wise and proper measure. Since that date the President of the United States has sent a special message to Congress bearing upon the subject-matter, and, as a friend of the measure and of all measures designed to develop and improve the great watersheds and navigable streams of the West, I will quote one paragraph of the President's message, as follows:

> Numerous bills granting water-power rights on navigable streams have been introduced. None of them give the Government the right to make a reasonable charge for the valuable privileges so granted, in spite of the fact that these water-power privileges are equivalent to many thousands of acres of the best coal lands for their production of power. Nor is any definite time limit set, as should always be done in such cases. I shall be obliged hereafter, in accordance with the policy stated in a recent message, to veto any water-power bill which does not provide for a time limit and for the right of the President or of the Secretary concerned to fix and collect such a charge as he may find to be just and reasonable in each case.

I think it proper for me to call the attention of the Senate to this message, which is on the desk of every Senator, and, in compliance with the suggestions contained therein, I offer the amendments which I send to the desk.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. On page 1, line 6, after the word "operate," it is proposed to insert "for a period of fifty years."

The VICE-PRESIDENT. The question is on the amendment just stated.

Mr. PILES. Mr. President, I hope that amendment will not prevail. This bill has passed the House twice, the last time a year ago, and certainly the message of the President can have no application to a bill which, as I have said, passed the House a year ago, and would have passed the Senate, I think, but for the objection of the Senator from Idaho [Mr. HEYBURN], who asked that it be put under Rule IX, in order that he might investigate the matter and get information in regard to it. Therefore the bill went over because it could not be heard at the last session of Congress, it having come over to this body too late for action.

I do not believe that the President's message has application to this bill under the circumstances, but if it does that is a matter that should be taken up in the House, where the bill originated.

Then, on the other hand, the Senator from Colorado [Mr. TELLER] yesterday made what I thought a very powerful argument, to the effect that it is not within the province of the Government to sell water from the navigable rivers of the United States; that the people of the States did not part with the right or title to the waters in the navigable rivers of the United States any more than they parted with the soil underneath. The Senator cited authorities from the Supreme Court of the United States upon the doctrine I have mentioned. That is a question, I think, that ought to be considered, in addition to the fact I have stated that this bill passed the House twice; and I think the President will look upon it as not coming within the scope of his recommendations contained in the message recently sent to Congress.

Mr. PERKINS. I do not wish to obstruct the passage of the bill or to insist upon the amendments if the friends of the bill are not in favor of them. Fifty years is the term for which licenses or charters are issued to corporations in the State of Washington, and I made the amendment to conform to the statute of that State. The President on March 2, by direct declaration, states that he will not approve any measure that does not have the two provisions which I have embodied in these amendments; but I will not press them if the friends of the measure object.

Mr. PILES. I prefer that the matter be taken up in the House if the President wishes that amendment made.

Mr. PERKINS. The message was sent to the Senate as well as to the House.

Mr. TELLER. The suggestion of the Senator from California raises another new question on this bill. We have passed several bills like this at this session without any such provision, and it seems to me that it is not the time now to commence a new system, on this particular bill. If this bill has any merit, let us consider the bill on its own merit. I should doubt very much our authority to say what is proposed by the amendment of the Senator from California. I presume we could say that the corporation should not have this right except for fifty years if the dam obstructed navigation; but if it does not obstruct navigation and we consent to it, I do not see why we should limit the time. I suppose they will occupy it through the life of their charter. I do not know what the second amendment of the Senator from California is. It was not read. I should like to hear it read.

Mr. PERKINS. I ask that the amendment be read.

The VICE-PRESIDENT. The Secretary will state the second amendment proposed by the Senator from California.

The SECRETARY. It is proposed to add at the end of section 2 the following:

> And nothing herein contained shall be so construed as to prevent a reasonable charge by the Government of the United States for the use of any of the waters of said river diverted by means of said dam.

Mr. TELLER. Mr. President, that opens up the question that I discussed yesterday and which I propose to discuss again if it is sought to place that amendment on this bill. I regard that as one of the things that we people in the West can not submit to, and I do not intend to submit to it, even if I make myself a burden to the Senate. I do not want to discuss it now, but I give notice that if this amendment is put upon the bill I shall discuss it ad infinitum. I do not intend to let the bill pass with such an amendment on it.

Mr. PERKINS. As a member of the Committee on Commerce, I felt it my duty to call attention to the President's message and to the declaration in his message which I have read, but if the friends of the measure are still willing to permit it to run the gauntlet and look upon the amendments as objectionable, I will withdraw them.

The VICE-PRESIDENT. The Senator from California withdraws his amendments.

Mr. BACON. Before the bill is put upon its passage I ask that the amendment providing for the guaranty of the free passage of the river be again read to the Senate.

The VICE-PRESIDENT. The Secretary will read the amendments that have been made.

The Secretary read as follows:

> *Provided*, That said Benton Water Company, its successors or assigns, shall construct, operate, and maintain locks, perpetual and free of charge or toll to navigation and navigators, and shall so use said stream as not in any manner to obstruct, embarrass, or retard navigation: *Provided further*, That the said Benton Water Company, its successors or assigns, shall not at any time charge or collect any toll or fee for the passage of any boat or craft of any kind through any lock or locks which said company may construct or cause to be constructed under the provisions of this act, or any regulations pursuant thereto: *And provided further*, That the said Benton Water Company, its successors or assigns, shall, at its own expense, keep such attendants at said lock or locks for the purpose of opening and closing the same as may be required by the Secretary of War for the accommodation of any person or persons navigating said river, or any portion thereof, or desiring to pass through its locks: *And provided further*, That the Government of the United States shall at no time be at any expense for construction, repairs, or maintenance of the said dam, lock, or anything in connection with said dam or lock.

Mr. HEYBURN. Mr. President, a new idea has been presented in connection with this legislation. While the Senator from California [Mr. PERKINS] has withdrawn his amendment, nevertheless it presents a phase in this class of legislation that has not been considered, and while I do not feel inclined at this time to open up the question of the power of the Government of the United States to exercise the right to charge for the use of waters in any State, yet it seems to me that the question ought not to go by default. I do not care to have the impression go out from this body at the present or at any other time that it recognizes or ever will recognize the right of the Government of the United States, acting either through its legislative or executive branches, to exercise any right or control or charge any price for the use of the waters in any stream in any State in the United States.

When the constitution of the State of Idaho was framed that question was provided for and taken care of, and I believe, without having specially investigated it, that the constitutions of all the States recently admitted into the Union have contained the same provisions. No one can have title to water. The title is to the use of the water and not to the water in any stream. I place that more distinctly. No one can have title to the water in any stream; people have a right only to the use of it. That is the law. When the water has passed by it has gone beyond the claim or the right to claim by the party over whose land it flowed.

Mr. President, never did a more serious question come before Congress than the question suggested in the message that was read by the Senator from California. We provide by our organic law that the right to the use of the water can be acquired only by appropriation, and we prescribe the manner of the appropriation. That is the organic law of the State of Idaho, and I believe it is the organic law of all of the recently admitted States, at least.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. At this point I will call the attention of the Senator from Idaho to the fact that the Government of the United States, fully advised as to its rights and the law in the premises, regularly makes appropriations from the streams for irrigation purposes in connection with projects agreeable to the laws of the States.

Mr. HEYBURN. Mr. President, it does it because the laws of the State and the administrative government of the State permit it to do so. The representative in Idaho of the Forestry Department since we have been in session here has demanded the right to file locations upon a large number, thirty odd or even more, of water rights in the State of Idaho, as though the Forestry Service or the Government of the United States can exercise the right given to a citizen of the United States.

Mr. CARTER. The Senator's reply indicates some lack of comprehension of what I intended to convey by my words. If the United States under the law is required to make an appropriation of water under the laws of the State precisely as a citizen of the State is required to make the appropriation, how can it be possible that the Government while pursuing that policy in another Department asserts the right to sell the water, or its use, without consulting the State?

Mr. HEYBURN. I think my reply will be comprehensive of the suggestion of the Senator when I couple it with the statement that the United States is not a citizen of any State and is not a citizen of the United States, and it does not come within the meaning of the law which says that the waters of a stream may be appropriated by a citizen of the United States or one who has declared his intention to become such by doing this and that act. There is no law under which the United States may locate a water right so far as our State is concerned, and I believe so far as any State is concerned. The United States Government has no sovereign right or power that makes it the proprietor of the waters in any State.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. It is understood that under the reclamation projects of the Government, projects under which millions of money are being expended in the construction of canals and reservoirs, the Government has attached to the canal used for diversion a right to divert the water, subject, of course, to prior appropriation. That the Government is not a citizen of any State nor a citizen of the United States is a mere aphorism. The officers of the United States, acting as trustees for the water users under a project, unquestionably do acquire a valid legal right to the water they appropriate under the laws of the State of Idaho, subject only to prior appropriation.

Mr. HEYBURN. Mr. President, the controversy suggested by the remarks of the Senator from Montana will be a matter for the consideration of the courts of the United States under existing conditions. I do not care to enter into a full and technical discussion of that question at this time, because of the fact that it is a matter now in dispute. The reclamation act provides, assuming that no one will object, that the waters when acquired may be used for certain purposes within certain limitations under certain conditions. The reclamation act does not confer the right to use the waters of any stream. It does not undertake to do it. Congress can not take back the power that it grants to the State when it creates the State.

When the State of Idaho was admitted into the Union it came to Congress with its constitution framed and adopted. The act of Congress admitting Idaho as a State recites the fact and ratifies the constitution in express terms. That is a condition which exists as to only a few States. It makes the constitution of Idaho in one sense an act of Congress, an unrepealable and unchangeable act. Congress can not repeal a single clause or change a single word in the act by which Idaho was made a State. It can not take back any right that was conferred by the act admitting Idaho as a State. That is one of those final and sovereign contracts between the State and the Government that neither of them can change without the consent of the other, and there is no provision under the Constitution by which either of them may change that contract against objection.

The little message of the President, which has just been read to us by the Senator from California this afternoon, seemingly an innocent document on its face, raises one of the most far-reaching questions of law that was ever before the Congress of the United States. The other day we passed a bill for two forest reserves, the Appalachian and White Mountain forest reserves, and sent them to the other branch of Congress for their consideration. They are destined to become the law of the land. These two reserves cover a watershed as large as a State, yes, larger than some States in the Union, and they cover streams that afford immense water power for all purposes. I think that in the State of the Senator from New Hampshire [Mr. GALLINGER] some very valuable water rights exist that will be subject to the suggestions contained in the little innocent message which was read to us.

I think that Senators can afford to be patient when a question of that magnitude comes before them; where it is involved in the vote that they are going to cast; when we are warned that the Executive Department of the Government is going to demand the right to charge and collect a price for the use of the waters in a navigable stream, and tells us that any bill which does not recognize that right will receive the veto of the Executive. Does it not seem proper at this time to take some notice of that, when we are legislating upon that very subject?

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. If the Senator will permit me, I will state that when the Appalachian and White Mountain bills were before the Senate in the Fifty-ninth Congress, I became somewhat alarmed at the suggestion that the Government could take possession of the water power, recalling the fact that the Merrimac River, which runs through my State, carries more spindles than any other river in the world. I made a suggestion to the Senate that if that was to be our fate, I preferred that the bill should not pass. I did not want to surrender to the Federal Government the right to interrupt our industrial affairs, and still I can scarcely believe that any such attempt will be made.

Mr. HEYBURN. And yet, Mr. President, when the Senator from New Hampshire made that suggestion, if my memory serves me accurately, it was made to me while I was on my feet discussing the forest reserve question, and I replied that that was the interpretation which the executive branch of the Government placed upon the law, holding that if the Government conserved the water (and they have adopted the word "conserve" and given it a meaning peculiar to their purposes) by protecting the forests the Government must necessarily have some right, just as a child might claim some title to the waters in the ocean because it emptied a tin cup full of water into the ocean. But that is the claim of the Government. The statement that I made to the Senator from New Hampshire then, only upon the conjecture of my own mind, which was the result of what I thought I knew, has been crystallized in the message to Congress a few days ago, which is in all the desks, in which the President serves notice upon us that he will ap-

prove no bill that does not provide specifically for the manner of exercising this that he claims as a right.

Mr. President, it is the most far-reaching and overreaching claim of power that ever was made in a Government. The kings and emperors claim no such rights in their lands. And yet you are going to pass a bill which gives to those people the right to build a dam for the purpose of generating electrical power, for the purpose of making the water available for various uses, and here comes the demand of the toll master that you must remember when you pass this law that "I will claim the right to collect the toll, and you can not take it away from me."

In our State of Idaho we have more water than any other State in the Union. We have lakes on top of high mountains that will afford an enormous supply of power. We have rivers rising up in the mountain chains of that State where you can reservoir and reservoir over and over again the waters of the river and have at your command unlimited volumes of water that you can flow onto any lands in the State. It is merely a question of distance that you carry them. In the State of Idaho we deem it a matter of small importance to carry the water 60, 70, 80, or 120 miles, where we need it, and we would carry it 500 miles if we needed to do it. Yet we are told by this message that hereafter, because they have planted down upon us more than one-third of the area of our State in forest reserves, and because they are going to exercise that imaginary function of preserving the snows and the waters and adding to them, they will, because of that imaginary contribution to the water sources of the State, claim the right of charging the people for it.

But as I said to the Senator from Washington, I am more interested in having those who are going to vote upon this measure know what they are voting on than I am that the Senator from Washington should realize his fond dream of passing the bill. This was a proper time to pause and consider whether in enacting the bill into a law we should meet the suggestions contained in the amendment offered by the Senator from California and withdrawn.

If we are to pay toll for the use of the water of the streams, how long will it be before we are to pay toll for the right to breathe the air that surrounds us? Waters running in natural streams have always been accounted free. That is the reason why the courts have said that no man can acquire title to the water; that the most he can acquire under any law is the right to use the water, and that is the limit of his right. That has been said over and over again by the highest court in the land.

Mr. President, I am sorry that the Senator from California withdrew his amendment. He is a member of the committee that reported the bill and will doubtless support it. There are nearly enough Senators on that committee to pass a bill if no one else supported it. So I know what is in front of me.

Now, Mr. President, having called attention to this marvelous statement, that the Government of the United States, in addition to being in the business of keeping wood yards and sawmills and various business establishments, is going to add to it that of a water master and a sort of Jupiter Pluvius, I will let the measure come to a vote.

The VICE-PRESIDENT. If there are no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. HEYBURN. I ask for a roll call.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote, I will withhold my vote.

The roll call having been concluded, the result was announced—yeas 47, nays 4, as follows:

YEAS—47.

Ankeny	Culberson	McCreary	Smith, Md.
Bacon	Curtis	McLaurin	Smith, Mich.
Bankhead	Dick	Martin	Smoot
Borah	Dolliver	Money	Stephenson
Bourne	du Pont	Nelson	Stewart
Briggs	Flint	Nixon	Stone
Brown	Foster	Overman	Sutherland
Burkett	Frye	Perkins	Taliaferro
Burrows	Gallinger	Piles	Taylor
Carter	Gary	Rayner	Warren
Clay	Lodge	Richardson	Wetmore
Crane	Long	Simmons	

NAYS—4.

Brandegee	Heyburn	Scott	Teller

NOT VOTING—40.

Aldrich	Daniel	Gore	La Follette
Allison	Davis	Guggenheim	McCumber
Bailey	Depew	Hale	McEnery
Beveridge	Dillingham	Hansbrough	Newlands
Bulkeley	Dixon	Hemenway	Owen
Burnham	Elkins	Hopkins	Paynter
Clapp	Foraker	Johnston	Penrose
Clark, Wyo.	Frazier	Kean	Platt
Clarke, Ark.	Fulton	Kittredge	Tillman
Cullom	Gamble	Knox	Warner

So the bill was passed.

SETTLEMENT OF STATE ACCOUNTS.

Mr. GAMBLE. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CURTIS. I renew my request that the report accompanying the bill be read.

Mr. GAMBLE. I was about to ask that the report accompanying the bill be read, in compliance with the request of the Senator from Kansas.

The VICE-PRESIDENT. If there be no objection, the Secretary will read the report at the request of the Senator from Kansas.

The Secretary proceeded to read the report submitted by Mr. GAMBLE, from the Committee on Public Lands, December 11, 1907, and was interrupted by—

Mr. BURKETT. I ask that the further reading of the report be dispensed with.

The VICE-PRESIDENT. Is there objection?

Mr. NELSON. I object.

The VICE-PRESIDENT. Objection is made. The Secretary will continue the reading of the report.

The Secretary resumed the reading of the report, the entire report being as follows:

The Committee on Public Lands, to whom was referred the bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, having had the same under consideration, beg leave to report it back with the recommendation that the bill do pass.

The purport of the proposed legislation is fully set forth in the report of the Committee on Public Lands made upon a bill (S. 269) identical in its provisions in the Fifty-eighth Congress, and a bill (S. 311) identical in its provisions in the Fifty-ninth Congress, a copy of which is hereto attached and adopted as the report of this committee.

Senate Report No. 782, Fifty-eighth Congress, second session.

Mr. GAMBLE, from the Committee on Public Lands, submitted the following report, to accompany S. 269:

The Committee on Public Lands, to whom was referred the bill (S. 269) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes, having had the same under consideration, recommend that the same do pass.

The provisions of this bill are identical with Senate bill 1473, Fifty-seventh Congress, first session, which was favorably reported by this committee. After careful consideration of this bill your committee believe it ought to be enacted into law.

The reasons and necessities for this legislation are very fully set forth in Senate Report No. 1743, Fifty-seventh Congress, first session, to accompany Senate bill 1473, above referred to, which is hereby adopted as the report to accompany this bill.

The report then adopted was Senate Report No. 1380, Fifty-sixth Congress, first session, to accompany Senate bill 2895, identical in its provisions with the present bill, as follows:

The Committee on Public Lands, to whom was referred Senate bill 2895, have had the same under consideration and report as follows:

The object of this bill is to settle the accounts between the United States and the several States relative to the distribution of the proceeds of the public lands, and thus bring to a conclusion several long-contested questions. The bill consists of two parts, the first devoted to the claims of the States for 5 per cent upon the net proceeds of the public lands disposed of for bounty land warrants, Indian reservations, and other purposes named, and the second to the advances deposited many years ago with the States out of the proceeds of the public lands.

Similar bills have been before Congress for many years, and the following reports, all favorable, have been made on them in the two Houses: House Report 707, Forty-fifth Congress, second session; Senate Report 121, Forty-sixth Congress, second session; Senate Report 193, Forty-seventh Congress, first session; House Report 345, Forty-seventh Congress, first session; Senate Report 775, Fifty-second Congress, first session; Senate Report 1043, Fifty-third Congress, third session; House Report 1552, Fifty-third Congress, third session; Senate Report 226, Fifty-fourth Congress, first session; House Report 996, Fifty-fourth Congress, first session; Senate Report 12, Fifty-fifth Congress, first session; House Report 1668, Fifty-fifth Congress, third session.

I. THE 5 PER CENT ACCOUNTS.

THE PROMISE TO THE STATES.

Upon the admission of the various public-land States to the Union the enabling acts have provided for the reservation of 5 per cent of the net proceeds of the sales of public lands within each State for the benefit of the State. Each State has stipulated in return, either the

exemption of the public lands from tax, the exemption for a certain period from tax of lands granted for military services, the equality of nonresident with resident landowners, or some other like covenant.

The provisions on this subject are found in the following acts:

State.	Section.	Date.	United States Statutes at Large.
Ohio	7	Apr. 30,1802	Vol. 2, p. 175.
Louisiana	5	Feb. 20,1811	Vol. 2, p. 641.
Indiana	3	Apr. 19,1816	Vol. 3, p. 290.
Mississippi	5	Mar. 1,1817	Vol. 3, p. 349.
Illinois	3	Apr. 18,1818	Vol. 3, p. 430.
Alabama	3	Mar. 2,1819	Vol. 3, p. 491.
Missouri	6	Mar. 6,1820	Vol. 3, p. 547.
Arkansas	3	June 23,1836	Vol. 5, p. 58.
Michigan	3	....do....	Vol. 5, p. 59.
Iowa	5	Mar. 3,1845	Vol. 5, p. 790.
Florida	5	....do....	Do.
Wisconsin	7	Aug. 6,1846	Vol. 9, p. 58.
California	----------	Sept. 9,1850	Vol. 9, p. 453.
Minnesota	5	Feb. 26,1857	Vol. 11, p. 167.
Oregon	4	Feb. 14,1859	Vol. 11, p. 384.
Kansas	3	Jan. 29,1861	Vol. 12, p. 127.
Nevada	10	Mar. 16,1864	Vol. 13, p. 32.
Nebraska	12	Apr. 19,1864	Vol. 13, p. 49.
Colorado	12	Mar. 3,1875	Vol. 16, p. 476.
North Dakota	13	Feb. 22,1889	Vol. 25, p. 680.
South Dakota	13	....do....	Do.
Montana	13	....do....	Do.
Washington	13	....do....	Do.
Idaho	7	July 3,1890	Vol. 26, p. 216.
Wyoming	7	July 10,1890	Vol. 26, p. 223.
Utah	9	July 16,1894	Vol. 28, p. 110.

The variation in form and identity of purpose in these acts is seen by the following provisions taken from the above-cited acts:

Act for admission of Arkansas, June 23, 1836 (sec. 3, 5 Stat. L., 58):

"That 5 per cent of the net proceeds of the sale of lands lying within said State, and which shall be sold by Congress from and after the 1st day of July next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals within the said State, under the direction of the general assembly thereof."

Act for admission of Minnesota, February 26, 1857 (sec. 5, 11 Stat. L., 167):

"Fifth. That 5 per cent of the net proceeds of sales of public lands lying within said State which shall be sold by Congress after the admission of the said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements, as the legislature shall direct."

Act for admission of North and South Dakota, Montana, and Washington, February 22, 1889 (sec. 13, 25 Stat. L., 680):

"That 5 per cent of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively."

The States have always insisted that under these provisions of law they are justly entitled to 5 per cent, not alone upon the sales of public lands for cash, but also upon the disposition of the public lands for permanent Indian reservations to discharge the treaty obligations of the United States to the Indians, and upon lands disposed of in satisfaction of bounty-land warrants and agricultural-college or other scrip issued by the United States in payment of its obligations.

FIVE PER CENT ON INDIAN RESERVATIONS.

The claim for 5 per cent on Indian reservations was early made by the States and admitted by the United States.

By the act of March 2, 1855 (10 Stat. L., 630), the following provision was enacted, confined to the State of Alabama:

"An act to settle certain accounts between the United States and the State of Alabama.

"*Be it enacted, etc.*, That the Commissioner of the General Land Office be, and he is hereby, required to state an account between the United States and the State of Alabama, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, under the sixth section of the act of March 2, 1819, for the admission of Alabama into the Union; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw, Choctaw, and Creek Indians within the limits of Alabama, and allow and pay to the said State 5 per cent thereon, as in case of other sales.

"Approved, March 2, 1855."

The next Congress, on March 3, 1857, made the following provision, by the first section for Mississippi and by the second section for all the other States (11 Stat. L., 200):

"An act to settle certain accounts between the United States and the State of Mississippi and other States.

"*Be it enacted, etc.*, That the Commissioner of the General Land Office be, and he is hereby, required to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, on account of the public lands in said State, and upon the same principles of allowance and settlement as prescribed in the 'Act to settle certain accounts between the United States and the State of Alabama,' approved the 2d of March, 1855; and that he be required to include in said account the several reservations under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow and pay to the said State 5 per cent thereon, as in case of other sales, estimating the lands at the value of $1.25 per acre.

"SEC. 2. *And be it further enacted*, That the said Commissioner shall also state an account between the United States and each of the other States upon the same principles, and shall allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at $1.25 per acre.

"Approved, March 3, 1857."

The rate of calculation for the 5 per cent is by estimating the several Indian reservations at $1.25 an acre.

In an opinion rendered by the Secretary of the Interior on March 20, 1858, printed in Senate Report No. 226, Fifty-fourth Congress, first session, page 3, it was held that the benefits of this act extended not alone to lands reserved and occupied by the Indians, but to lands located in the various States by scrip issued to the Indians in discharge of the treaty obligations of the United States. The Secretary said:

"The principle was thus indicated that when lands within those States had been disposed of by the United States to satisfy stipulations of an Indian treaty, they should, as respects the calculation and payment of the 5 per cent, be placed on the same footing as the lands sold by Congress. * * *

"In this connection the principle of adjustment established appears plainly to have been intended to embrace all the lands within the State disposed of by the United States to satisfy the stipulations of the treaties with the Indian tribes named.

"Within this class the tracts taken to satisfy the scrip which had its foundation in the Choctaw treaty of 1830 are plainly included as the tracts more directly selected by the Indians to satisfy their rights under the treaty."

The act of 1857 plainly shows a purpose to establish a general rule to regulate the accounts between the various States and the United States on the subject of Indian reservations, and the accounts of all the States then in the Union were adjusted in accordance with this act.

The amounts paid under this law to the several States are as follows:

Alabama	$128,336.42
Mississippi	167,686.17
Ohio	850.73
Indiana	6,333.73
Illinois	2,609.66
Iowa	7,562.94
Michigan	18,947.86
Wisconsin	41,647.13

Many years afterwards other States not in the Union in 1857 applied for a statement of accounts in their favor in accordance with this act, but two successive Secretaries of the Interior denied their claims, holding that the act was limited to the States in the Union at its date. (See 5 Land Dec., p. 712; 22 Land Dec., 550.)

The portion of this bill relating to Indian reservations is therefore nothing more than an application to the States of Minnesota, Oregon, Kansas, Nevada, Nebraska, California, Colorado, North Dakota, South Dakota, Montana, Washington, Idaho, Wyoming, and Utah of the principles applied to the other States.

The original theory upon which this grant was made to Alabama, and subsequently to Mississippi and the other States, was that the reservation to the Indians of lands was a discharge of the obligation of the United States to those Indians, and that the States themselves should be in a no worse position when the United States used its lands to discharge its obligations than when the lands were sold for cash. The principle once applied to States in the Union in 1857 should be extended to all the other States.

It may indeed be supported for another reason. The continuance of the Indians within the boundary of a State, while a responsibility which the United States can not avoid, is yet a heavy burden upon the people of the State. No taxes are paid, the progress of settlement is impeded, intercommunication is broken up, and there is always danger of some of the many possible embarrassments in the relation between the Indians and their white neighbors. It is some compensation for this burden carried by the States, although by no means an equivalent for the disadvantage, that they should receive the same grant as would be given were the lands sold for cash to progressive settlers.

The committee has carefully guarded this portion of the bill from any possible abuse. The 5 per cent is to be paid only on existing permanent reservations, including lands allotted to Indians exempt from taxation. No allowance is to be made for past reservations ceded to the United States by the Indians or for any lands except those now actually occupied by the Indians.

The committee reports also the following amendment to provide for certain specific cases where the United States receives nothing from the sale of lands, but holds the proceeds in trust for Indian tribes:

"Nor shall it include any lands ceded by Indians or Indian tribes to be disposed of for the benefit of such Indians or Indian tribes, nor a per cent on the moneys derived on the sale of such lands."

An instance of the lands affected by this provision is found in the act of January 14, 1889, for the relief and civilization of the Chippewa Indians in the State of Minnesota (25 Stat. L., 642). After providing for the sale of the surplus lands of these Indians, section 7 then provides:

"That all money accruing from the disposal of said lands in conformity with the provisions of this act shall, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals in this act provided, be placed in the Treasury of the United States to the credit of all the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent per annum, payable annually for the period of fifty years after the allotments provided for in this act have been made, and which interest and permanent fund shall be expended for the benefit of said Indians."

The sale by the United States being for the benefit of the Indians, and the proceeds being held in trust, no money from the sale is in the Treasury of the United States. Under these conditions the committee have thought that the 5 per cent ought not to be donated to the States from the moneys of the United States.

The committee have also carefully guarded this subject by the closing proviso of the second section, that where 5 per cent has once been paid on an Indian reservation there should be no further payment on the same lands if they should subsequently become a part of the public domain and be sold for cash.

The committee believe that these provisions are just both to the United States and to the States, and that the grant within these limitations ought not longer to be withheld.

BOUNTY-LAND WARRANT LOCATIONS.

This bill proposes to grant to each State 5 per cent upon the bounty-land warrants located in the State, calculated at $1.25 per acre. The justice of this contention is best exhibited by examining the statutes on the subject. The origin of the bounty-land warrant policy is set forth in Senate Report No. 193, Forty-seventh Congress, first session, as follows:

"The acts of Congress for the benefit of the recruiting service of the United States at the opening of the Revolutionary war are dated in August and September, 1776.

"The Commonwealth of Virginia about the same time (October, 1776), for the purpose of raising her quota of men and meeting the exigencies of the coming war, also offered lands to her soldiers as part compensation for their military services. These lands thus offered by the legislature of Virginia were afterwards patented by Congress to her soldiers agreeably to the terms of the cession made by Virginia to the Federal Government of the Northwestern Territory March 1, 1784.

"The several military grants for the war of 1812 are dated December 24, 1811; January 11, 1812; February 6, 1812; December 12, 1812; January 24, 1814; January 27, 1814; February 10, 1814; April 18, 1814, and December 14, 1814.

"Those of the Mexican war are dated February 11, 1847; March 3, 1847; September 28, 1850.

"It is clear from the language of these grants that they were designed to effect a future object, and in no sense did they relate to a past subject. The time when and the circumstances under which they were passed indicate but too manifestly the aim in view, namely, to facilitate and encourage enlistments that the requisite numerical force of the Army might be enlarged as rapidly as possible in order to meet the pressing necessities of each of the impending wars.

"At the time the resolution of September 16, 1776, was adopted, Congress owned no land, but expected by conquest to become entitled to all the land which England had acquired by discovery. Anticipating, therefore, the acquisition of large landed possessions, and expecting to have more land than money, Congress, in order to fill up the rank and file of the Army, and to raise and complete a regularly organized military establishment, offered in advance, besides specified monthly wages in money, an additional consideration in land, not for past services, but for services thereafter to be rendered. The colonial government of Virginia did the same thing, and her engagement to pay in land was afterwards assumed and fulfilled by Congress by setting apart for that purpose a section of country lying between the Little Miami and Scioto rivers in Ohio."

In some of the acts an option was given to the soldier to take either a land warrant or money. (See act of February 11, 1847, authorizing the raising of troops for the Mexican war, sec. 9, 9 Stat. L., 125.) Although this scrip was always known as bounty-land warrants, it was not a bounty in the sense of a gratuity, but was extra pay or increased emoluments for enlistments.

In House Report 345, Forty-seventh Congress, first session, this is very ably stated as follows:

"The several grants of land for military services rendered in the three great wars of this country, namely, the Revolutionary war, the war of 1812, and the Mexican war, were not bounties merely; they were not mere gratuities given by the Government out of a spirit of generosity to the soldiers who served in these wars; they were not granted or received in this spirit, but were, by the very terms of most of the acts authorizing the same, given in part payment for military services. They entered into and formed a part of the contract of enlistment. The object of these grants was to facilitate and encourage enlistments. In order to fill up the rank and file of the Army rapidly, Congress offered in advance, besides specified monthly wages in money, an additional inducement or consideration in lands—not for past services, but for services thereafter to be rendered. The land warrant to be received was as much a part of the stipulated compensation provided for by the law under which the enlistment was made, and entered into the contract just as fully between the soldier and the Government as his monthly pay did."

The principle is also strongly stated in Senate Report 193, Forty-seventh Congress, first session:

"The military grants for the war of 1812 and the Mexican war are of the same character, enacted at or near the commencement of each, wholly prospective in their operation, and are their own best expositors; their meaning and purpose can not be misinterpreted. In effect, they said to the party whose military prowess the Government so much needed at the time, 'Enlist, and serve your country a given period, and you shall have as a reward therefor a quarter section of land in addition to your monthly pay.' The land thus offered in advance of, and as an inducement to, the engagement formed as much a part of the contract of enlistment as did the money compensation. One can not with any show of reason be designated a gratuity any more than the other; both alike constituted the consideration for which the services were to be rendered. It follows, therefore, that these grants of land for military service in the three great wars of this country are essentially in the nature of contracts, and as such become the foundation of the claim which the Western and Southern States now make for the 5 per cent thereon, according to the terms of the compact contained in their several enabling acts; for, if they have the elements of a contract, it follows that the lands located thereunder are sales in legal contemplation, and not bounties in any just sense of that term. It involves no other or different principle than if one man should say to another, 'Work for me twelve months and I will pay you at the rate of $15 per month and 80 acres of land for such service.' Could he, in law, discharge his obligation by making the money payment and withholding the land, upon the pretext of a bounty to be paid or not, at his own pleasure?"

This character of the warrants as a mere substitute for cash was emphasized by the passage of the act of March 22, 1852 (10 Stat. L., 3), authorizing the assignment of land warrants and their location by the assignees.

The effect of this act is stated in Senate Report No. 226, Fifty-fourth Congress, first session, as follows:

"But on March 22, 1852 (10 U. S. Stats., 3), Congress made all bounty-land warrants which theretofore had been, and all which might thereafter be, issued under any law of the United States, not only assignable, but also made equally assignable all valid locations of land which theretofore had been or thereafter might be made with any of said warrants. Not only that, but in its said act, an act entitled 'An act to make land warrants assignable, and for other purposes,' Congress specially provided 'that any person entitled to preemption rights to any lands shall be entitled to use said land warrants in payment for the same at the rate of $1.25 per acre for the quantity of land therein specified;' and in that same act Congress further provided 'that when said warrant shall be located on lands which are subject to entry at a greater minimum than $1.25 per acre the locator of said warrant shall pay to the United States in cash the difference between the value of said warrant at $1.25 per acre and the tract of land located on.'"

After this act a land-warrant location became the exact equivalent of a location for cash.

By the act of March 3, 1855 (10 Stat. L., 701), revising and extending the bounty-land laws, a very large increase in the issuance of military bounty-land warrants was made, the number issued under this act being stated to be almost equal to all theretofore issued. The result of the passage of this act and of the act of 1852, making land warrants freely assignable, was to produce the immediate location of a very large number of land warrants in the States and Territories then being settled. The unequal distribution of land-warrant locations may be seen by a comparison of five States of almost equal area:

State.	Area in square miles.	Land-warrant locations to June 30, 1893.
Arkansas	53,850	$2,263,626.92
Iowa	56,025	14,100,025.77
Illinois	56,650	9,533,853.00
Michigan	58,915	4,516,305.50
Wisconsin	56,040	6,647,632.53

Where land-warrant locations were more numerous, cash payments were less. The effect of such inequality in these locations is stated in Senate Report No. 226, Fifty-fourth Congress, first session, as follows:

"The effect, therefore, of such unequal locations of the public lands with military bounty-land warrants in the several public-land States has been and is that those public-land States in which were located the maximum acreage of the public lands with military bounty-land warrants have received the minimum amount of money, and per contra those public-land States in which were located the minimum acreage of the public lands with military bounty-land warrants have received the maximum amount in money, on account of said 5 per cent grant according and in proportion to the respective areas of the several public-land States."

It is this inequality which the pending bill proposes to correct. Bounty-land warrants were treated in localities as exactly equivalent to cash. It is now proposed to declare that they shall be likewise treated in the settlement of the accounts between the United States and the several States.

This claim was very promptly made as soon as the location of military bounty-land warrants became a matter of any considerable importance through the operation of the acts of 1852 and 1855. It appears from Senate Report No. 226, Fifty-fourth Congress, first session, page 14, that the State of Iowa on September 7, 1858, made application to the Interior Department for 5 per cent upon bounty-land warrant locations, and this was denied by the Secretary of the Interior on September 20, 1858. How active the prosecution of the matter has been before Congress appears by the lists of favorable reports in both Houses heretofore cited in this report.

The States strongly insisted that their right to the 5 per cent on military bounty-land warrants was not a matter of grace, requiring amendatory legislation by Congress, but a matter of strict legal right cognizable by the Executive Departments and courts. For the enforcement of this right a mistaken remedy was adopted in 1882 by an application for a mandamus on the Commissioner of the General Land Office requiring him to state an account of the amount due to the States of Iowa and Illinois. The Supreme Court of the United States (Five Per Cent cases, 110 U. S., 471), without deciding upon the propriety of the remedy chosen, decided that the claim did not present a matter of strict legal right.

It is not necessary, in order to sanction the passage of this bill, to maintain this proposition. The right of the States appeals to the discretion of Congress. It rests not alone upon the words of the enabling acts, but calls for the just enforcement of their spirit. The States ask for the application of the principles of fair dealing in carrying out the objects of the statutory contract. Two of the most distinguished judges of the Supreme Court, however—Justices Miller and Field—speaking through the former, declared their opinion (110 U. S., 485) to be that the right of the States was one of absolute law, and supported it by the cogent arguments contained in the following opinion:

"Mr. Justice Miller, with whom concurred Mr. Justice Field, dissenting:

"I do not concur in the judgment of the court in this case, if that can be called a judgment in which the court, declining to consider the question of its jurisdiction, decides that if it had jurisdiction the petitioners make no case for relief.

"I doubt very much whether this court has jurisdiction in a suit by a State to establish an obligation of the United States to pay to the State a sum of money, by compelling one of the auditing officers of the United States to state an account under the direction of the court according to a rule which the court may prescribe to him.

"I discuss this matter no further but to observe that if the court has no such jurisdiction its opinion is of no value beyond the force of its argument and the weight of character of the judges who concur in it.

"The opinion concedes that the acts of Congress under which the States of Illinois and Iowa were admitted into the Union, and the acceptance of their provisions, are compacts. If any less sanctity is due to these provisions by calling the matter a compact instead of a contract it is not perceptible to me. It is not denied that the State and the United States were capable of contracting. It is not denied in the opinion that they did contract. Taking the case of the State of Iowa, the sixth section of the act for her admission (5 Stat., 789) says that, in lieu of the propositions submitted to Congress by the convention of the Territory, which are rejected, the following propositions are hereby offered to the legislature of the State of Iowa, which, if accepted, shall be obligatory on the United States. They were accepted. The propositions were the result of a negotiation, of items accepted and others rejected in that negotiation. It was a fair bargain between competent parties. The fifth item of this contract is as follows:

"'Fifth. That 5 per cent of the net proceeds of sales of all public lands lying within the said State which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the legislature may direct: *Provided*, That the five foregoing propositions herein offered are on the condition that the legislature of the said State, by virtue of the powers conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States, and in

no case shall nonresident proprietors be taxed higher than residents; and that the bounty lands granted or hereafter to be granted for military services during the late war shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for the State, county, or township, or any other purpose, for the term of three years from and after the dates of the patents, respectively.

"'Approved March 3, 1845.'

"The legal expression of this contract is that the State of Iowa has the right to tax all the lands of the Government as soon as the Government sells them. She may have other rights with regard to the disposal of these lands by the United States, as, for instance, in regard to title to aliens or corporations in perpetuity unacceptable to the State.

"Now, in consideration of that she agrees to make no interference with the primary disposal of the soil or any regulations of Congress for that purpose; that she will tax no nonresident in regard to said lands higher than she does residents; that she will impose no tax on the property of the United States, and no tax on lands granted for military services for three years after the dates of the patents, either for State, county, or township purposes; there shall be paid to the State 5 per cent of the net proceeds of sales of all public lands lying within the State which have been or shall be sold by Congress from and after the admission of the State.

"The question raised here is whether the word 'sales' in this act of Congress is limited to sales made for money, or whether lands used in payment for the services of her military and naval officers and soldiers are sold within the meaning of the statute.

"It seems probable that a false impression has been made by calling these latter 'bounties;' and it is true that in some cases where, after the service has been rendered, Congress has granted lands as gratuity to the soldier or sailor, it is a bounty, and is not a sale in fact or within the meaning of the statute. But the large body of these land warrants were issued under statutes which, in calling the men into service and prescribing their compensation in advance, declared that for so many months' service they should, in addition to their monthly cash payment, receive so many acres of land, according to the length of their service.

"This was as much a part of the pay which the Government agreed to make for his services as the cash payment. And to show that the Government so considered it, a reference to the acts of 1847, to raise troops for the Mexican war, under which the largest part of the sales in Iowa was made, is all that is necessary.

"The ninth section of that act (9 Stat., 125) authorizes the soldier to receive, at his option, a land warrant for 160 acres, to be located on any public lands, or Treasury scrip for $100, such scrip to be redeemable at the pleasure of the Government and to bear interest at 6 per cent per annum until paid.

"It was also enacted that those land warrants should be received at the land office in payment of any Congressional subdivision of the public land at the rate of $1.25 per acre, the purchaser paying any balance above the value of the land warrant in cash. (9 Stat., 332.)

"And still later it was enacted that a person having a preemption right to a tract of land should be entitled to use any such land warrant in payment of the same at the rate of $1.25 per acre.

"That they might be thus freely used in the purchase of the public lands these warrants were by statute early made assignable, and it may be safely said that for years the largest part of the public lands sold by the land officers were paid for by these land warrants.

"Blackstone defines a sale to be 'a transmutation of property from one man to another in consideration of some price.' (2 Blackstone, 446.) And Kent says, 'A sale is a contract for the transfer of property from one person to another for valuable consideration, and three things are requisite to its validity, viz, the thing sold, which is the object of the contract, the price, and the consent of the contracting parties.' (2 Kent, 468.) And though there is some controversy whether, in reference to personal property, the consideration is not to be paid in money, the use of the old phrase 'bargain and sale' in regard to land never required that the consideration should be exclusively a money payment. (2 Bouvier's Law Dictionary, 494, clause 6, Sale.)

"But it surely was never contemplated in this compact between a State of the Union and the General Government that if the Government could dispose of her public lands and secure their full price in other valuable consideration than money, the State should thus be cheated out of the 5 per cent of the value which she had a right to expect.

"The United States made these warrants the equivalent of money in purchase of these lands by the holders. They gave them the equivalent purchasing power of money and the quality of negotiability, and they gave the soldier the option of a Treasury draft or a land warrant when he had rendered the service.

"It is the merest quibble to say that where a man purchased a quarter section of the public lands with one of these warrants the Government had not sold him that land at a dollar and a quarter an acre.

"No importance can be attached to the previous construction of the Government. The amount in controversy attracted no attention until the location of the land warrants for service in the Mexican war, and the lands in the Territories were not subject to the 5 per cent. As early as 1858, when the locations under the Mexican war claims were thickest, Governor Lowe, of Iowa, asserted this right in a letter to Mr. Thompson, Secretary of the Interior. This was immediately after the act of 1857, making it the duty of the Land Commissioner to state these accounts. The claim has been urged by that State ever since, except during the disastrous period of the civil war; and the Senate of the United States passed a law recognizing the justice of the claim and that of other States and ordering their payment during the last Congress, but, on a motion to reconsider, it was tied up and has not been acted on since.

"I entertain no doubt of the legal as well as the moral obligation of the United States to pay to the States concerned the 5 per cent on these sales which they have thus far withheld.

"Mr. Justice Field concurs with me in this opinion."

When these distinguished judges find that the right of the States rests upon the literal terms of the act of Congress, and when it is shown, as has been done in this report, that upon a fair construction of the purpose of the original grants to the States the right of the States must be conceded, your committee feel constrained, following in this the view of many previous committees of both Houses of Congress, to report in favor of the allowance to the States of the 5 per cent claimed on bounty-land warrant locations.

AGRICULTURAL COLLEGE AND OTHER SCRIP.

Agricultural college scrip was authorized by act of July 2, 1862 (12 Stat. L., 503). The grant was made to each State of public land of a quantity equal to 30,000 acres for each Senator and Representative. If there were public lands in a State the State selected its lands within its own limits. If there were no public lands, or if these were insufficient, scrip was issued to the State, subject to location by its assignees under the following provision:

"And the Secretary of the Interior is hereby directed to issue to each of the States in which there is not the quantity of public lands subject to sale at private entry at $1.25 per acre, to which said State may be entitled under the provisions of this act, land scrip to the amount in acres for the deficiency of its distributive share; said scrip to be sold by said States and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever."

The United States assumed an obligation to the various States to pay a certain sum in land for the encouragement of agriculture and discharged this obligation by exhausting the public lands subject to cash sale in other States. Had the scrip not been issued these lands would have been subject to cash sale and the States would have received their percentage on the sales. The operation of this law, unless corrected by the allowance now claimed, was most inequitable to the public-land States. These were obliged to locate their own grants within their own States. The States having no public lands had the privilege of selecting other lands where they pleased. Thus they had the advantage in selection of the choice of the best lands held by the United States, while the public-land States themselves, having a restricted choice, were obliged to see their lands taken up by assignees of the various States. The scrip freely passed from hand to hand and was received by the United States as cash, but the States where it was located were in their settlements with the United States refused the right to count it as cash and were deprived of any allowance on account of it for the benefit of their improvement or school funds.

Other scrip issued under various other laws, all of far less importance than the agricultural-college scrip, rests equally upon the same principle, and the allowance, except as provided herein, should include all such scrip. The principle is, indeed, not vitally different from that admitted by the act of 1857 in granting 5 per cent upon Indian reservations. This was construed by the Secretary of the Interior to extend also to Indian scrip, because the grant of land and scrip alike were to discharge the obligations of the United States and were in equal derogation of the right of the States to a share in the proceeds of the public lands.

LIMITATIONS OF THIS BILL.

The interests of the United States have been carefully guarded in this bill by provisions declaring that the 5 per cent shall be limited to permanent Indian reservations and allotments and scrip locations. It expressly excludes lands disposed of under the homestead law, except where commuted payments were made; it excludes lands located by soldiers' additional homestead scrip, and lands granted for railroad, wagon road, or canal purposes, or reserved for military, naval, forest, park, or other reservations, except as specifically provided for in the bill. It differs in respect to its limitations from many of the bills heretofore favorably reported by excluding from the account many lands included in former bills.

CALIFORNIA.

The State of California requires special consideration. It will be remembered that the usual enabling act was not passed in regard to California. The people of California organized their own State without previous authority from Congress, and Congress on September 9, 1850 (9 Stat. L., 453), passed an act admitting the State under the constitution presented by the people. Thus the grants found in the other acts failed to be specifically made to California, and this State alone in the Union had never received 5 per cent upon the cash sales of public lands. It can not be questioned that California, having in her admission surrendered to the United States the same consideration for which the other States received the 5 per cent grant, should be placed on the same basis as the other States. This bill provides for the equal inclusion of California in its benefits.

ARKANSAS.

By the act of August 4, 1894 (28 Stat. L., 229), a settlement of various disputed demands between the United States and the State of Arkansas was authorized. The settlement arranged under this act was confirmed by the act of April 29, 1898 (30 Stat. L., 367). The committee does not regard this compromise as affecting the right of the State of Arkansas to participate in the grants now made by this bill. The right of the State to a payment of 5 per cent on cash sales under the act admitting the State into the Union (June 23, 1836; 5 Stat. L., 58) were included in the adjustment, but the right to 5 per cent upon military bounty land warrants and scrip locations not being then admitted as of right, but now granted by the discretion of Congress, this State must share in the benefits of the pending bill.

THE AMOUNT INVOLVED.

The total amount involved in the grant to the States by this bill has been calculated by the Commissioner of the General Land Office. In his communication of February 9, 1900, he summarizes the matter as follows:

"I therefore submit the following statement and estimate of the area of lands already disposed of by the Government for military bounty-land warrants, and for scrips of various kinds of Indian allotments, and of lands embraced in present permanent Indian reservations, and an estimate of the amount required to pay 5 per cent of the estimated value of such lands at $1.25 per acre, including 5 per cent of the net proceeds of public lands sold in the State of California.

"It appears from the records of this office that 28,085 military bounty-land warrants for 160 acres each were issued under the act of May 6, 1812 (2 Stat. L., 729), embracing an area of 4,493,600 acres; and it appears from the annual report of this office for the fiscal year ending June 30, 1899, that 17,600 acres of said warrants were still outstanding. It therefore appears that 4,476,000 acres of such warrants have been located and patents issued thereon. It also appears from said report that for warrants issued under the acts of February 11, 1847; September 28, 1850, and March 3, 1855, patents have issued to 58,973,050 acres, making a total area of 63,449,050 acres for which patents have issued under military bounty locations prior to June 30, 1899.

"It also appears from the records of this office that to June 30, 1899, agricultural college scrip locations have been made aggregating 7,954,188.05 acres, and that other scrips located from 1864 to 1899, inclusive, aggregated 801,570.09 acres, making a total area of scrip locations (not including Choctaw scrip located prior to 1864) of 8,755,758.14 acres.

"It further appears from the records of this office that prior to June 30, 1899, Indian allotments have been made embracing 655,695.74 acres.

"The area of Indian reservations is not kept in this office, but it appears from the report of the Commissioner of Indian Affairs for 1899 that the present area of Indian reservations (unallotted) in the several public-land States is 40,007,816 acres.

"Therefore the area of lands already disposed of by the United States and directly affected by the bill, the estimated value thereof, and the total amount to be paid to the States thereunder may be stated as follows:

	Acres.
Lands located with military bounty-land warrants	63,449,050
Lands located with agricultural college scrip	7,954,188.05
Lands located with other scrips	801,570.09
Indian allotments	655,695.74
Indian reservations (unallotted)	40,007,816
Total	112,868,319.88

Cash value of 112,868,319.88 acres, at $1.25	$141,085,399.85
Estimated net proceeds cash sales in California	16,703,337.86
Total cash base (estimated)	157,788,737.71

It follows that 5 per cent of said sum would amount to $7,889,436.88, the amount to be paid to the States under the bill.

In regard to the amount due each State, the Commissioner reports, under date of April 19, 1900, as follows:

"To show the amount that would accrue to each particular State would involve tedious examinations and extended calculations that have not been made and would require much time and labor."

The committee have made some investigation in regard to the amounts due to the several States and are able to make an approximate calculation on this subject, the general correctness of which is exhibited by its substantial agreement in the aggregate with the Commissioner's figures. These amounts are as follows:

Ohio	$115,000	Nebraska	$175,000
Indiana	100,000	South Dakota	765,000
Michigan	295,000	North Dakota	240,000
Illinois	596,000	Montana	480,000
Wisconsin	440,000	Wyoming	75,000
Minnesota	495,000	Colorado	35,000
Iowa	890,000	Utah	80,000
Missouri	425,000	Nevada	35,000
Arkansas	150,000	Idaho	85,000
Louisiana	85,000	Washington	90,000
Alabama	75,000	Oregon	80,000
Mississippi	40,000	California	1,000,000
Florida	40,000		
Kansas	295,000	Total	8,182,000

II. ADVANCES TO THE STATES.

Section 4 of this bill deals with the advances made to the several States under the act of June 23, 1836, section 5 (5 Stat. L., 55). The grant of the surplus money in the Treasury made by this act was not a gift, but a deposit. The terms were expressed in the act itself as follows:

"And the Secretary of the Treasury shall deliver the same to such treasurers or other competent authorities on receiving certificates of deposit therefor signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations and pledge the faith of the State for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay said moneys and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the Public Treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion aforesaid."

They now stand as loans, subject to demand. It is interesting to note from the debates in Congress when this act was passed that these deposits were the surplus proceeds of the sales of public lands, although the fact does not appear on the face of the act.

The amounts deposited with the States under this act are shown by a report of the Treasurer of the United States of May 13, 1892, printed in Senate Report No. 226, Fifty-fourth Congress, first session, as follows:

Maine	$955,838.25	Maryland	$955,838.25
New Hampshire	669,086.79	Virginia	2,198,427.99
Vermont	669,086.79	North Carolina	1,433,757.39
Massachusetts	1,338,173.58	South Carolina	1,051,422.09
Connecticut	764,670.60	Georgia	1,051,422.09
Rhode Island	382,335.30	Alabama	669,086.79
New York	4,014,520.71	Louisiana	477,919.14
Pennsylvania	2,867,514.78	Mississippi	382,335.30
New Jersey	764,670.60	Tennessee	1,433,757.39
Ohio	2,007,260.34	Kentucky	1,433,757.39
Indiana	860,254.44	Missouri	382,335.30
Illinois	477,919.14	Arkansas	286,751.49
Michigan	286,751.49		
Delaware	286,751.49	Total	28,101,644.91

The present bill proposes to close the accounts between the United States and the several States for these deposits by a statutory release of the States from their obligations to repay on demand. The original act was an exhibition of the generosity of the United States toward the several States then in the Union. The continued possession by the various States of these amounts is a complete answer to any criticism which could by any chance be made against this bill on the ground of undue liberality toward the States admitted into the Union since that grant.

The liberal dealing of Congress with the several States then in the Union in regard to funds derived from the sale of public lands was evinced by the absolute donation to the States by the act of September 4, 1841 (5 Stat. L., 453), of the proceeds of such sales. The first section gave to Ohio, Indiana, Illinois, Missouri, Louisiana, Arkansas, and Michigan 10 per cent of the proceeds of the sale of public lands within each State in addition to the 5 per cent required by the enabling act. Under this section these States received $233,258.20. (The Public Domain, p. 256.) The second section donated the entire net proceeds of the sales of public lands to the States then in the Union, the District of Columbia, and the Territories of Wisconsin, Iowa, and Florida. Under this act, until its suspension by act of August 30, 1842 (5 Stat. L., 567), the States then in the Union and the Territories named received $691,117.05. (The Public Domain, p. 753.)

CONCLUSION.

With these legislative precedents for liberality toward the States earliest in the Union, the present bill exhibits but moderate fairness toward the later public-land States. In relation to Indian reservations and Indian scrip, this bill carries out the policy actually executed in regard to the older States. In regard to bounty-land warrants and other scrip, it grants to the States nothing more than the amounts justly due upon a fair construction of the covenants of the United States contained in the enabling act.

A number of amendments have been incorporated in the bill, all of which appear in it as now reported, and the committee recommend the passage of the amended bill.

Before the reading of the report was concluded,

Mr. BACON. I ask that the further reading of the report be dispensed with.

Mr. NELSON. Mr. President, pending that request, I move that the Senate proceed to the consideration of executive business.

Mr. BACON. I have one or two amendments which I wish to offer before we go into executive session.

Mr. OVERMAN. I want to offer an amendment, Mr. President.

Mr. GAMBLE. I want to make a suggestion pending the motion to go into executive session. It is understood that the pending bill will be the unfinished business of the Senate. I assume that, of course, as it was taken up on motion.

Mr. BACON. Mr. President, it will be time enough for that when we pass from its consideration. I desire to offer some amendments.

Mr. GAMBLE. Before going into executive session I want that understanding.

The PRESIDING OFFICER (Mr. BURKETT in the chair). The Senator from Georgia asks unanimous consent that the further reading of the report be dispensed with. Is there objection? The Chair hears none.

Mr. NELSON. I ask that the remainder of the report may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BACON. The report is very voluminous, and I do not think that is necessary.

Mr. GAMBLE. Only about six pages more of the report remain to be read.

Mr. BACON. Then I have no objection.

The PRESIDING OFFICER. Without objection, the entire report will be printed in the RECORD.

Mr. BACON. I now wish to offer an amendment which I desire to come in at the end of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to insert as additional sections the following:

SEC. —. That jurisdiction be, and is hereby, given to the Court of Claims to adjudicate the claim or claims of any owner, or the legal representative of any owner, to the proceeds of any abandoned or captured property which have heretofore been placed in the United States Treasury, notwithstanding any former suit to recover said proceeds may have been dismissed by said court for want of jurisdiction: *Provided*, That suit to recover the same shall be commenced within two years from the passage of this act.

SEC. —. That any testimony, affidavits, reports of officers, and other papers on file in the Departments or in the courts, relating to such claims, shall be considered by the court as competent evidence: *Provided*, That such testimony, affidavits, reports of officers, and other papers were competent evidence at the time they were so filed.

SEC. —. That no judgment shall be rendered in favor of any claimant under the provisions of this act, unless said claimant shall establish the fact that the proceeds of the property sued for were covered into the Treasury of the United States and became a part of the fund known as the captured and abandoned property fund, under the provisions of the act of March 12, 1863, and the acts amendatory thereof, and is now a part of the general fund of the United States Treasury, and all such judgments rendered under this act shall be paid to the original owner, his heirs, or legal representatives, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated.

SEC. —. That all sales, transfers, or assignments of any claims against said fund heretofore or hereafter made, and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared null and void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, except so much thereof as shall be allowed claimants' attorneys by the court for prosecuting said claims; and the Court of Claims in rendering judgment under this act shall, in each case, fix the amount of compensation to the attorney or attorneys prosecuting the claim in said court.

Mr. BACON. I simply desire to say, in order that the character of the amendment may be understood by the Senate, that the particular purpose of the amendment is to authorize the Court of Claims to adjudicate, and, in accordance with such adjudication, that there may be paid out a fund which is in the Treasury of the United States, ascertained, audited, and def-

initely settled, amounting to $10,943,439.08, which is the proceeds of the cotton seized and sold by the Government of the United States and held as a trust for the original owners of the cotton—a fund which the Supreme Court of the United States has solemnly adjudicated does not belong to the Government of the United States, but does belong to the original owners of this property, and that the Government of the United States holds it as a trustee for such original owners. That is the scope of the amendment offered by me, and its purpose is to give the Court of Claims jurisdiction to determine the several parties to whom this fund of over $10,000,000 belongs, in order that it may be returned to them.

Mr. GAMBLE. I suggest that the amendment proposed by the Senator from Georgia be printed and lie upon the table.

Mr. BACON. It will be printed in the RECORD, and I should also like to have it printed as suggested by the Senator from South Dakota.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

Mr. OVERMAN. I offer an amendment and ask that it be printed in the RECORD without reading.

The VICE-PRESIDENT. In the absence of objection, it is so ordered.

The amendment referred to is to insert as additional sections the following:

SEC. —. That the proceeds of the tax on cotton illegally collected from the people of the several States of the Union by the Government of the United States during the years 1863, 1864, 1865, 1866, 1867, and 1868, under and by virtue of the acts of Congress which provided for the levy and collection of such tax, and which said tax acts were passed July 1, 1862; March 7, 1864; July 13, 1866; and March 2, 1867, respectively, shall be refunded to the rightful owners, their heirs, or legal representatives; and to this end the Court of Claims is hereby clothed with full and complete jurisdiction to hear, to try, and determine all claims that may be filed in this behalf, said court to prescribe the rules for some simple and expeditious procedure, that persons claiming as original owners, heirs, or legal representatives may have the matter of their claims speedily heard and adjudicated.

SEC. —. That immediately upon this act becoming a law, the Commissioner of Internal Revenue shall compile a statement from the records of his office showing the amount of money collected from the people of each State on account of the tax on cotton for each of the years 1863, 1864, 1865, 1866, 1867, and 1868, respectively, and showing, where the same is possible, the names of the persons, firms, or corporations from whom collected, and the respective amounts, and shall certify, under the seal of his office, that the same is full, complete, and correct, and then file it with the clerk of the Court of Claims. This statement shall be accessible to all persons, and shall be accepted as an accurate statement of the amount due the people of each of the States by the United States on account of the illegal taxes so collected.

SEC. —. That the Commissioner of Internal Revenue shall, at the same time he files with the clerk of the Court of Claims a certified statement as required in section 2 of this act, file a duplicate of such statement with the Treasurer of the United States, and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the total amount shown by said statement for the purpose of paying the same in full. Each judgment rendered by the Court of Claims shall be promptly paid the claimant by the Treasurer of the United States, on a warrant drawn on the Treasurer in favor of such claimant by the clerk of the Court of Claims.

SEC. —. That claimants shall be allowed the period of five years from the time when this act becomes a law within which to file their claims, and all money remaining in the Treasury to the credit of the different States unclaimed, as shown by the certified statement of the internal-revenue collector, the judgments and pending claims deducted, shall, on the warrants of the respective governors of the different States, be paid by the Treasurer of the United States to said States, and become a part of the rural school fund of the respective States.

SEC. —. That this act shall take effect immediately upon its passage and approval of the President or upon its becoming a law without such approval.

Mr. OVERMAN. Mr. President, the purpose of that amendment is to pay back to the rightful owners in the Southern States the amount collected, as I claim, unjustly and unconstitutionally as a tax levied on cotton in 1863, 1864, 1865, 1866, 1867, and 1868, which tax the Supreme Court has said was an unconstitutional tax. It amounts to about $15,000,000.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 2, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 1, 1908.

SURVEYOR OF CUSTOMS.

Charles L. Peacock, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee, in place of Thomas B. Stapp, resigned.

RECEIVER OF PUBLIC MONEYS.

Thomas V. McAllister, of Mississippi, to be receiver of public moneys at Jackson, Miss., his term having expired December 17, 1907. (Reappointment.)

PROMOTIONS IN THE ARMY.

Medical Department.

Lieut. Col. Blair D. Taylor, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel from March 31, 1908, vice Heizmann, retired from active service.

Maj. Junius L. Powell, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel from March 31, 1908, vice Taylor, promoted.

Capt. Charles E. B. Flagg, assistant surgeon, to be surgeon with the rank of major from March 31, 1908, vice Powell, promoted.

POSTMASTER.

NEW YORK.

James B. McEwan to be postmaster at Albany, Albany County, N. Y., in place of Chauncey E. Argersinger, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 1, 1908.

PROMOTIONS IN THE NAVY.

Lieut. Arthur G. Kavanagh to be a lieutenant-commander in the Navy from the 8th day of November, 1907.

Lieut. Charles S. Bookwalter to be a lieutenant-commander in the Navy from the 6th day of December, 1907.

Boatswain Edward J. Damon to be a chief boatswain in the Navy from the 11th day of March, 1908, upon the completion of six years' service in present grade.

Second Lieut. Joseph A. Rossell to be a first lieutenant in the Marine Corps from the 14th day of February, 1908.

POSTMASTERS.

ALASKA.

Jesse D. Jefferson to be postmaster at Valdez, Alaska.

MISSOURI.

Henry Puls to be postmaster at Jackson, Cape Girardeau County, Mo.

NEW YORK.

William L. Fuller to be postmaster at Ellenville, Ulster County, N. Y.

Solomon A. Royce to be postmaster at Liberty, Sullivan County, N. Y.

PENNSYLVANIA.

Joseph A. Buchanan to be postmaster at Ambler, Montgomery County, Pa.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 1, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PRINTING AND BINDING FOR COMMITTEE ON EXPENDITURES ON PUBLIC BUILDINGS.

Mr. HENRY of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That the Committee on Expenditures on Public Buildings is authorized to have such printing and binding done as may be required in the transaction of its business during the Sixtieth Congress.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I feel compelled to object to that.

The SPEAKER. The gentleman from Mississippi objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 42. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes;"

S. 819. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians;

S. 5337. An act for the relief of Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement;

S. 3043. An act to prevent fraudulent representations as to Government guarantees of foods and medicines;

S. 1517. An act for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett; and

S. 1474. An act to make uniform the law of warehouse receipts in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4748. An act to amend an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899—to the Committee on the Territories.

S. 1474. An act to make uniform the law of warehouse receipts in the District of Columbia—to the Committee on the District of Columbia.

S. 1517. An act for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett—to the Committee on Claims.

S. 3043. An act to prevent fraudulent representations as to Government guarantees of foods and medicines—to the Committee on Interstate and Foreign Commerce.

S. 5337. An act for the relief of Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement—to the Committee on Claims.

S. 819. An act authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians—to the Committee on Indian Affairs.

S. 42. An act to amend an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes"—to the Committee on Interstate and Foreign Commerce.

EXTENSION OF PRIVILEGES OF IMMEDIATE TRANSPORTATION OF MERCHANDISE TO ST. VINCENT, MINN.

Mr. PAYNE, from the Committee on Ways and Means, reported back the bill (H. R. 13663) extending the provisions of the seventh section of the act approved June 10, 1880, to the port of St. Vincent, Minn., with amendments, which was read the first and second times, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE, from the Committee on Ways and Means, also reported back resolution No. 314, distributing the special message of the President of the United States communicated to the two Houses of Congress on March 25, 1908, which was read the first and second times, and, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

ALLEGED PEONAGE IN STATE OF FLORIDA.

Mr. CAULFIELD. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 304.

Resolved, That the Attorney-General of the United States be, and he is hereby, directed to furnish to the House of Representatives, at the earliest practicable day, the following information, namely:

First. How much money has been expended during the present Administration by the Department of Justice in and about the ferreting out and prosecution of alleged peonage cases in the State of Florida?

Second. In what capacity is one Mrs. Mary Grace Quackenbos connected with the Department of Justice, and what compensation does she receive, both in the way of salary and expenses and as perquisites?

Third. How many detectives are employed by the Department of Justice to look up evidence in alleged peonage cases in the State of Florida, and what compensation do they receive?

The SPEAKER. The gentleman from Missouri is recognized.

Mr. CAULFIELD. Mr. Speaker, some ten years ago when the news came to us from the island of Cuba that men, women, and children were being penned in so-called "concentration camps," there to be starved and mistreated, it was not long before tens of thousands of armed men were on their way, before hundreds of millions of dollars were being expended that they might be freed. And this, nothwithstanding those outrages occurred under an alien flag, on alien soil, and affected only aliens.

But now, when the news comes that a modified form of slavery has been revived in certain parts of this country, in isolated cases it is true, where, however, the mistreatment accorded to the poor victims is worse than ever occurred in slavery, and the Department of Justice sends a woman and a few detectives to investigate, we have this resolution presented asking how much it costs, and how many detectives were sent. Think of it, to even hint that human liberty can cost too much; that the Department of Justice can be too vigilant on behalf of human liberty!

Now, Mr. Speaker, I am not going to discuss the question of whether peonage exists in any part of the United States. There was a resolution introduced and adopted by this House on March 2 providing that the Committee on Immigration should make an investigation of that. But, sir, I deem it exceedingly unfortunate that this resolution should have been introduced sixteen days after we had adopted that other resolution of investigation. It seems to me that it contains or is intended as an unnecessary attack upon the Department of Justice for doing its duty.

And why is the Department of Justice attacked? I will answer, sir, in the words of the gentleman who introduced this resolution, a gentleman for whom I have the highest respect and regard, the gentleman from Florida [Mr. CLARK]. He said in his speech on March 2, discussing the resolution of investigation that was adopted:

It seems that when the present head of the Law Department of the Government, and which ought to be the very fountain head of justice, got well into the saddle, he, instead of looking after the law business of the Government of the United States, began a crusade in certain States to regulate sociological conditions.

That is it, Mr. Speaker. Instead of doing something else the Department of Justice was protecting human liberty. Instead of doing something else the Department of Justice was too active in protecting the laboring men in this country. He calls it "regulating sociological conditions." Mr. Speaker, the Department of Justice in regulating sociological conditions was enforcing the most precious laws upon our statute books, and I am proud to say they were laws put there by a Republican Congress. The thirteenth amendment to the Constitution of the United States provides that neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction; and Congress has enacted laws pursuant to that provision, and the Department of Justice was enforcing those laws. But, sir, from the speeches of the gentleman from Florida [Mr. CLARK] one would think that the Department of Justice was going around like a raging lion, seeking whom it might devour, seeking some innocent Florida citizen to clap into jail. But, sir, I affirm that the Department of Justice has been exceedingly conservative in its actions on this matter. It has not acted and did not act until countless complaints were made to it, and then only after being satisfied with the justice of them.

Mr. Speaker, at this point in my remarks I ask leave to insert a list of peonage complaints pending in the Department of Justice, which may be found appended to the report of the Attorney-General for 1907.

Mr. WILLIAMS. Mr. Speaker, I shall ask the gentleman to read them.

The SPEAKER. Does the gentleman from Missouri [Mr. CAULFIELD] yield?

Mr. CAULFIELD. The gentleman from Mississippi [Mr. WILLIAMS] objects.

Mr. WILLIAMS. I ask the gentleman to read them as a part of his remarks instead of asking unanimous consent to insert them.

Mr. CAULFIELD. Mr. Speaker, then I shall have to refrain from inserting this list of complaints in the RECORD, because I did not bring it with me. I did not wish to trouble the House to take up its time reading that long list of complaints. Suffice it to say, Mr. Speaker, that if the Department of Justice, reading those complaints, had refused to act, every liberty-loving citizen of this Republic would have cried "Shame!"

This is a long list, an awful list, and the Department of Justice did its duty, and it did a righteous act, when pursuant to these complaints it caused investigations to be made. But, sir, I wish to show that the Department of Justice did not enter even the State of Florida until called upon to do so by the action of a citizen of Florida—Hon. John M. Cheney, United States district attorney for the district which embraces Jacksonville.

Let me read this testimonial to his character, made by the gentleman from Florida in the speech that I have mentioned:

John M. Cheney is a lawyer of recognized ability in the State of Florida, a man of high character, in whom the people, without regard to party, have confidence.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. CAULFIELD. I do not.

The SPEAKER. The gentleman declines to yield.

Mr. CAULFIELD. Now, sir, the gentleman from Florida mentions the O'Hara case. He painted O'Hara as a saint. Now, I do not wish to discuss the O'Hara case. The gentleman has been acquitted. I think he is very fortunate. I read the testimony. He has been acquitted, and I am one of those who do not question the verdict of a jury that acquits. But John M. Cheney, in his argument before that jury said (I read from the stenographic record in that case):

I want to disabuse your mind of another thing, that this case was begun in Washington—I want to tell you that I stand responsible for this O'Hara case. Mr. O'Hara was brought up and bound over before any civil-service man was ever brought here; it was his case being bound over that called the attention of the authorities to the fact that peonage was being committed in Florida, and the office in Florida is responsible, and is willing and proud to assume that responsibility.

There, Mr. Speaker, it is shown that the Department of Justice did not initiate from Washington any of these peonage investigations or prosecutions in Florida. But, sir, it has been suggested that the Department of Justice has not been justified. Hear what the gentleman from Florida said:

Suffice it to say that of all the ridiculous, farcical proceedings under the forms of law, the capers cut by these people in the Federal courts of Florida take the palm.

Sir, I have a further expression here from a Florida citizen, which shows that the Department was justified; but first let me prove his character by the eloquent words of the gentleman from Florida. In the speech that I have mentioned he says of Judge Locke:

Having had the pleasure to be closely associated with Judge Locke for some years, I can truthfully say that I know him well. I want to say in this presence and to all the world that there is no man from Maine to the Philippine Islands, wherever the Stars and Stripes float, who is more beloved, more respected, and more honored by the people among whom he lives and where his judicial labors are performed than is Judge James W. Locke. No man in all this Union wears the ermine with more of honor and of credit than does he. No man need fear injustice in his court.

In his charge to the jury in the O'Hara case, this Judge Locke said:

Now, gentleman, another point I am going to take this opportunity to express myself fully and freely upon. That is this: I consider this vicious practice of peonage that appears to be growing up around here—I will not say that it is, but there is a great deal of testimony tending to show it—that it is the direct result of the vicious law of this State, called the "laborers' lien law;" no, not the laborers' lien law, but the law providing that a party who does not work out a contract, once signed, when he has got a dollar's worth of flour, can be locked up in jail. I have no hesitation in saying I consider that law null and void.

Here is another voice from North Carolina:

Referring to the peonage case against Smith and Berry, in western North Carolina, Federal Judge Boyd said in an interview published in the Washington Post of June 18 last:

"The verdict is the business of the jury, but this thing of tying human beings behind buggies and driving them like cattle long distances and then whipping them has got to stop in my district.

"I don't say that the defendants here were guilty of the charges of cruelty, whipping men and women from time to time, but somebody was, and if these things do not cease in this district I will see if I have not got some power as a judge. There has been evidence here of cruelty so excessive as to put to shame the veriest barbarian that ever lived. This man Smith may not have been guilty, but his agents were, and, as I have said, the thing has got to stop in my district."

In a peonage case which was before the circuit court of appeals for the eighth circuit, Circuit Judge Adams, after epitomizing the evidence, said, in the opinion of the court:

That such flagrant violation of law, such shameless inhumanity and brutality, such base dishonor to American citizenship could be deliberately practiced in a civilized and Christian community by intelligent men is a reproach to our civilization and challenges instant and vigorous protest and action by all right-minded men.

Mr. Speaker, I do not read these statements for the purpose of proving that peonage exists to any great extent. I produce them to prove that the Department of Justice was justified and was right in investigating charges of peonage and prosecuting them where they thought proper. I wish, sir, before I cease, to read this statute of Alabama, which is as follows:

PEONAGE STATUTE.

Chapter 193, section 5510 (3762), (4331), (1473).—Immigrants leaving service without payment of advances: Any immigrant who abandons or leaves the service of an employer without repaying all passage money and all other advances must, on conviction, be fined in a sum not more than double the amount of wages for the unexpired term of service, and imprisoned not longer than three months, or sentenced to hard labor for the county for not more than three months, at the discretion of the jury.

I do not offer that as a reflection on the State of Alabama, but I affirm, sirs, that for whatever purpose it was enacted, that is a peonage statute pure and simple, and as long as such a statute is on the statute book of any State the Department of Justice would be derelict in its duty if it did not keep up a constant investigation to ascertain whether its provisions were being enforced. I have here an affidavit, by way of information, which was made under that statute, charging a poor devil with a crime in having left his employer. I will not read it, and I can not insert it in my remarks because of the objection of the gentleman from Mississippi [Mr. WILLIAMS], but I am glad to say that the man who made this affidavit under that statute is now under sentence to the penitentiary, because of a prosecution by the Department of Justice.

Mr. CLARK of Florida. Mr. Speaker, what is the name of the man?

Mr. CAULFIELD. W. S. Harlan. Mr. Speaker, I have here a list of peonage convictions, and I ask unanimous consent that I may insert that in my remarks, merely for the purpose of showing that the Department of Justice was justified.

Mr. WILLIAMS. Mr. Speaker, of course the gentleman understands that I am objecting to all unanimous consent. He has unlimited time——

Mr. PAYNE. Mr. Speaker, there is no chance for debate on that proposition under the rules.

The SPEAKER. The gentleman from Mississippi objects.

Mr. WILLIAMS. Read it; you have plenty of time to read it.

Mr. CAULFIELD. I will read it, Mr. Speaker:

RECENT PEONAGE CONVICTIONS.

Florida-Pensacola district, November, 1906.—W. S. Harlan, S. E. Huggins, and C. C. Hilton, convicted of conspiracy to arrest one Rudolph Lanninger to be returned to peonage. Harlan sentenced to eighteen months, one of the others to fifteen, and one to thirteen months' imprisonment.

Robert Gallagher, Oscar Sandor, and Walter E. Grace, convicted of conspiracy to commit peonage by arresting and returning one Trudick Mahaley. Gallagher sentenced to fifteen months' imprisonment, Grace to thirteen months, Sandor to thirteen months besides fines.

John B. Graham convicted of peonage at Pensacola about October, 1907, sentenced to six months in county jail and to pay a fine of $500.

Thomas A. Graham, thirteen months in penitentiary and to pay a fine of $500.

Florida, Jacksonville, and Tampa district, December, 1906—Jacksonville.—F. I. Howden and E. H. Benson. Howden and Benson were tried at Tampa and convicted.

North Carolina-Western district.—At Charlotte, December, 1906, the Carolina Company, W. W. McElroy, and Mark Baxter pleaded guilty. The company was fined $1,250, the other two $1,000 each.

South Carolina.—Habeas corpus on behalf of Elijah and Enoch Drayton, held under State labor-contract law. Department of Justice directed district attorney to argue the case, which he did. Judge Brawley released prisoners and held State law unconstitutional.

In habeas corpus case of Jack Holman later, January, 1908, the supreme court of the State released for same reason—that State law unconstitutional.

West Virginia.—There have been three separate prosecutions for peonage at Charleston, W. Va., against coal and lumber companies or persons connected with them. Pleas of guilty were entered on the condition that the courts should inquire into the facts with a view to fixing fines. In the Thatcher Coal and Coke Company case the court fixed the fine at $1,000, with all costs and the expenses of the inquiry; in the Raleigh Lumber Company case, the same; in the Rittner Lumber Company case a fine of $10,000 and all costs and expenses were fixed.

Missouri.—A case, brought under Revised Statutes 5508, resulted in conviction and sentences below stated. The sentences were: Charles M. Smith, sr., fine of $5,000 and costs and imprisonment at Leavenworth for three years and six months; C. M. Smith, jr., same fine and two years and six months' imprisonment; William Woods and Rogers, $100 and costs fine and two years' imprisonment; Floyd Woods, same fine, and two years and six months' imprisonment; Stone and Field, same fine, one year and six months' imprisonment.

Mr. HUGHES of West Virginia. Will the gentleman permit a question?

Mr. CAULFIELD. Yes.

Mr. HUGHES of West Virginia. I want to ask him if he does not think that there should be some statute whereby these lumber companies and other people who take men down there to their place to work and employ them——

Mr. CAULFIELD. What is the question?

Mr. HUGHES of West Virginia. They take these fellows to their works and take care of them and feed them for a day or two, and then these men who have been brought down there refuse to pay for their transportation from New York to the place where they have been taken. Do not you think the State ought to adopt some law to compel these men who are brought there to pay back to the companies the expense of the transportation in getting them there?

Mr. CAULFIELD. There is an action for debt. It is not fair to make a man a slave until he pays back a debt. I certainly do not think there ought to be a law which would permit that.

Mr. HUGHES of West Virginia. In some of these cases you have read there the lumber companies, for instance, the Ritt-

ner Lumber Company, engaged these men in New York and paid their transportation to West Virginia, and kept the men there for four or five days, took care of them, and fed them; but as soon as the men got in condition to work, they moved down to the next lumber operation below and went to work there, in order to avoid paying the amount that had been advanced for their transportation from New York to West Virginia.

Mr. CAULFIELD. I am not in favor of going back to the old system of imprisonment for debt. [Applause.]

Mr. FINLEY rose.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from South Carolina?

Mr. CAULFIELD. No; I do not yield now. I do not mean to cast any slur upon any State in this Union. I love one of the stars of the flag about as well as I love any other star, and I love them all. I believe that the people of every State in this Union love liberty alike, but I believe, sir, that it is a mistake to assume that these prosecutions hurt the credit of a State, hurt its prosperity, hurt its name; it is not the prosecution itself, but the men that make the prosecution necessary that hurts. [Applause.] And even if these prosecutions hurt the prosperity of a State, I say then let us hurt it, for liberty is higher and better than prosperity. [Applause.]

But I deny that prosecutions hurt a State. I am from the great State of Missouri. I love Missouri, but the Department of Justice found indictments against and convicted seven men in my State of the crime of peonage, and they were sentenced to the penitentiary. I am not ashamed of that. I am proud that the men who sat on that jury and rendered that verdict for liberty were twelve liberty-loving Missourians. [Applause.] I would that that verdict could be blazoned across the western skies telling the poor immigrant who lands on the Atlantic coast that in my great State dwell the twelve men who rendered that verdict.

We love liberty in Missouri, and that conviction shows that we love liberty. The convictions in Florida do not show that the people of Florida do not love liberty. And, sir, there is another reason why the Department of Justice should not be criticised by this Congress. This is a Republican Congress, and the Department of Justice is carrying out a Republican policy when it emancipates and dignifies labor. [Applause on the Republican side.] I wish to say that that is one of the policies that we did not steal from any Democratic platform. [Applause and laughter on the Republican side.]

From the time that Lincoln emancipated the slaves until the present day the policy of the Republican party has been to uplift labor on American soil, and I believe that as long as there is a Republican party it will continue to do so. [Applause on the Republican side.]

Now, reserving the balance of my time, Mr. Speaker, I yield twenty minutes to the gentleman from Florida.

Mr. CLARK of Florida. Mr. Speaker, I was content when this House of Representatives gave me for my people what I had been seeking for twelve months—a fair, square investigation of these affairs in the State of Florida. I should never, from that moment until that distinguished body into whose hands the investigation was committed made a report, have raised my voice in this House on that subject. But the Attorney-General of the United States made it necessary for me to introduce this privileged resolution. I was content to let the whole affair go until this commission of Republicans and Democrats, all fair men, examined it, where the outraged people could meet these witnesses face to face and let the truth be evolved.

But the Attorney-General of the United States is not content with that, because he gives out to the Associated Press and sends upon the wires all over the civilized world the statement which, standing in my place and notwithstanding the defense of my friend, stamped him as absolutely unworthy of his high place at the head of the Department of Justice in this country.

He does not know any law. I do not hesitate to proclaim it. For the five years immediately preceding his entry into the Cabinet of the President, living within 40 miles of the Supreme Court of the United States, the name of this Attorney-General for those five years does not appear as counsel for anybody in any case in that great court of justice. He must have had a magnificent practice in Baltimore.

Further than that, Mr. Speaker, for the ten years immediately preceding his entry into the Cabinet, although he lived within forty minutes of the Supreme Court of the United States and a few minutes from the court of appeals of his own State of Maryland, with 3,400 cases disposed of in that court, his name does not appear but thirteen times on the record of the reported decisions, and in three of those he was a party to the suit, and in one of them the question at issue was 75 cents for repairs of a spigot in one of his houses that he had rented to a poor woman belonging to the laboring class.

A MEMBER. What has that got to do with it?

Mr. CLARK of Florida. It has got this to do with it, that this man is not fit to be Attorney-General of the United States because of his ignorance of the law. He is not fit because of this sentiment he sends out broadcast over the country.

I believe, Mr. Speaker, that any lawyer who ever had a criminal case will say that the objects of the criminal law are to punish the criminal; to reform the criminal; to set an example to others who might in like case offend, and to uphold the dignity and vindicate the majesty of the law. Those are the purposes of the criminal statutes.

But the Attorney-General has found a new principle. Here is what he says it is for:

Whenever the evidence justified a prosecution one has been ordered—

He does not know when it is justified!

although it is often difficult to secure a conviction, and sometimes even to secure an indictment, when the Department may be fully satisfied of the defendant's guilt. This is partly because the peons are usually dull, ignorant, and timid, and therefore make poor witnesses; partly because local prejudice sometimes renders it hard to select a really impartial grand or petit jury. Nevertheless, the Department believes that even unsuccessful prosecutions are useful in these cases—

Why?

by enlightening and stimulating public opinion, and also by warning possible victims against dangerous neighborhoods.

It has been hinted that there was a conspiracy to keep labor from the South, and the Attorney-General in his statement admits it and admits that he is using the Department of Justice to further that conspiracy, because he is invoking the criminal law to warn people against "dangerous" communities. My friend says that this is a Republican Congress and ought not to permit the Department of Justice to be criticised. My friend did not mean that—he is too fair a man; but he says that Harlan has been convicted and is under sentence over at Pensacola. That is true. I want to tell him something else. Gentlemen may think, on account of my activity in this matter, that it is a partisan proposition. I want to tell you that W. S. Harlan is a Republican from the State of Iowa. I want to tell you that every man, practically, in my State who has been indicted is a Northern man and a Republican. [Applause on the Democratic side.] Not a native Floridan has been indicted, except one. He has been indicted in New York for a conspiracy to put people in peonage. I want to say to the gentleman from Missouri [Mr. CAULFIELD], and to that side of the House, that my whole action has been to defend Republicans in my State, and anybody else in my State, from the oppressive, outrageous means that have been used by this Department of Justice to bring them in ill repute, and to make them spend their hard earnings in defending themselves from prosecutions that were useless from the start and that had nothing in fact to stand upon. I want to say further that I do not take back one thing that I have said about John Cheney or Judge Locke. They are as good and true men as ever lived anywhere. But I want to tell the gentleman, when the Attorney-General took hold down there with his assistant, Russell, he had John Cheney and his assistant stand aside, and this assistant attorney-general managed things. I have not time to read that report that he made in February, 1907, and that was kept secret for more than a year, but in that report this man Russell starts out by saying that he is "a Southern man and a Democrat," and that he is going to enforce the laws, and he found various things, powerful people, entrenched behind these offenses, but he says he was not afraid. He is the hero of a dime-novel proposition. I wish to God every Member on this floor would read the infamous report of February 14, 1907, and which they kept secret, as I say, for more than a year.

Mr. Speaker, I was content, I say, until Bonaparte sent that thing out to the civilized world, in which he says that our people are semicivilized in the beginning of it, and in the other part that he is enforcing the criminal law, or attempting to do it, for purposes unheard of by any criminal lawyer until he sent it out on the wings of the electric wire. I want to say further, Mr. Speaker, that I am just as much opposed to peonage as is the gentleman from Missouri [Mr. CAULFIELD]; I am just as much opposed to impressment upon the laborer as he is. Our people are just as much opposed to it as he; and if I wanted to say something, if I wanted to reflect upon my brethren from other States or upon their communities, I could do it; I could call attention to a few coal-mine horrors that never existed in our section of country; I could call attention to the sweat shops

where white slaves under age are having their very lifeblood sapped in order that the rich, protected manufacturers who fill up your campaign treasury might be able to do it. I do not want to go into that realm of discussion.

We have had a Commission appointed. They will go there and we will have the investigation. We asked it because in the back room of the grand jury, an entirely ex parte proceeding, any man who was ever a prosecuting attorney and who ever went before a grand jury knows that the dictum of the prosecuting officer is often all that the grand jurors desire. It is notorious that indictments are frequently brought in because the prosecuting officer says to bring them in. Another thing, when you get before a petit jury, where both sides can be heard, where the jurors can look into the faces of all of the witnesses, it is a different matter; and when this Immigration Commission looks into the faces of the beautiful horde that Russell and Bonaparte have been transporting from Florida to New York and back and forth for immense mileage fees, that Immigration Commission will have no difficulty in making up what its report should be.

Mr. Speaker, I do not care to take up any further time. I say to the gentleman from Missouri, I say to this man Bonaparte, who disgraces his high place—and I do not hesitate to say it—I say to this man Russell, I say to the female Assistant Attorney-General and all the horde that follows in the wake of Bonaparte: Come down with the Immigration Commission to Florida; let the facts be brought out so that all the world may read and know the truth of the whole story. We have nothing to fear; we have invited it; we beg it; we are ready for it whenever your man Bonaparte is ready. [Applause on the Democratic side.]

Mr. CAULFIELD. Mr. Speaker, I move that the resolution be laid on the table.

Mr. CLARK of Florida. Mr. Speaker, I have no objection to the resolution being laid on the table.

The question was taken, and the motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19158), the agricultural appropriation bill, Mr. CAPRON in the chair.

Mr. GRIGGS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Georgia.

The Clerk read as follows:

Line 22, page 29——

Mr. GRIGGS. That is not the amendment. I am going to give it now. I will read it:

On page 29, lines 24 and 25, strike out the words "two hundred and four thousand seven hundred" and insert "three hundred and sixty-eight thousand one hundred and sixty."

The CHAIRMAN. The Chair will state to the gentleman from Georgia that the reading of the bill has not progressed so far as to permit that amendment to be offered.

Mr. GRIGGS. That paragraph has not been passed?

The CHAIRMAN. The amendment will be considered as pending when that paragraph of the bill is reached.

Mr. SCOTT. Do I understand the Chair to say the amendment is now in order?

The CHAIRMAN. The Chair will state that the reading of the bill has not progressed so far as will permit the incorporation of the amendment.

Mr. SCOTT. That is what I understood. I presume the gentleman will withdraw his amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Total for Bureau of Soils, $204,700.

The CHAIRMAN. The gentleman from Georgia offers an amendment which the Clerk will report.

Mr. GRIGGS. I offer the amendment which I have just read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "two hundred and four thousand seven hundred" and insert "three hundred and sixty-eight thousand one hundred sixty."

Mr. SCOTT. Mr. Chairman, I understand this amendment merely corrects the total in compliance with an amendment adopted yesterday. That being the case I have no objection.

The question was taken and the amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I wish to ask unanimous consent to return to page 26, line 8, to correct a title given there, "Bureau of Forestry." That service was for a time designated as the Bureau of Forestry. By change in the law last year that designation was made "Forest Service," but through inadvertence the old designation was carried in the present bill, and I ask unanimous consent to make the change.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question. Five or six years ago Secretary Wilson sent his agents to my district and had soil analyses made—the matter which was talked about yesterday. I was very glad they enlarged the appropriation, for which I voted. Now, the little books, pamphlets, and pictures which they made of the soil, and all that sort of thing, are very valuable, of course, and there are no more of these pamphlets to be had. Our people want them. They are clamoring for them, and the farmers there, instead of growing practically one crop, since Secretary Wilson sent his experts down there and analyzed the soil and have told them where they can raise apples and various other fruits, corn, tobacco, and so forth, at a profit to them, have formed fruit associations of several kinds. They want this book and they can not get it. Now, why would it not be a good idea either to give these plates and the proofs to the people of that district, or to the State for the people or for us in this case to reprint these reports? Now, is there any way I can get relief for my people and other people in this fix under those circumstances?

Mr. SCOTT. Mr. Chairman, the gentleman could offer a resolution for a reprint, which would be referred to the Committee on Printing and could come before the House in the regular way, and I suggest that he do that.

Mr. GAINES of Tennessee. Is there any provision now in this bill whereby that can be done without delay? I am willing to do that if I can get it through to-day in this bill.

Mr. SCOTT. There is no provision under present law. It would involve a change of existing law and would be out of order on this bill.

Mr. GAINES of Tennessee. I will say to the gentleman that the Board of Trade of Clarksville, and people of Springfield, Ashland City, and other places in my district are writing to me. I even came here to see about it, and the Secretary has given all the reports he has, and I wish you would let me put an amendment in here covering that matter.

Mr. SCOTT. I think the gentleman from Tennessee [Mr. GAINES] will recognize that a matter of as much importance as that ought to proceed through the regular channels, and I can not agree——

Mr. GAINES of Tennessee. You would not agree to it, then?

Mr. SCOTT. I am afraid I could not agree to it.

Mr. GAINES of Tennessee. You were so considerate yesterday that I will have to let you off, but I will introduce the resolution at once.

Mr. SCOTT. It is very kind of the gentleman to let me off.

Mr. GAINES of Tennessee. I thank the gentleman for what he did yesterday, and the committee as well. I will insert here the law on the subject, which we must broaden.

Public resolution 9.

Joint resolution amending public resolution No. 9, Fifty-sixth Congress, second session, approved February 23, 1901, "providing for the printing annually of the report on field operations of the Division of Soils, Department of Agriculture."

Resolved, etc., That public resolution No. 9, Fifty-sixth Congress, second session, approved February 23, 1901, be amended by striking out all after the resolving clause and inserting in lieu thereof the following:

"That there shall be printed 10,500 copies of the report on field operations of the Division of Soils, Department of Agriculture, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 6,000 copies for the use of the Department of Agriculture: *Provided*, That in addition to the number of copies above provided for there shall be printed as soon as the manuscript can be prepared, with the necessary maps and illustrations to accompany it, a report on each area surveyed, in the form of advance sheets, bound in paper covers, of which 500 copies shall be for the use of each Senator from the State, 2,000 copies for the use of each Representative for the Congressional district or districts in which the survey is made, and 1,000 copies for the use of the Department of Agriculture."

Approved March 14, 1904.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas [Mr. SCOTT].

The Clerk read as follows:

Page 26, line 8, strike out "Bureau of Forestry" and insert "Forest Service."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Entomological investigations: General expenses, Bureau of Entomology: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of insects affecting field crops; investigations of the insects affecting small fruit, shade trees, and truck crops, forests and forest products, and stored products; investigation of insects in relation to diseases of men and domestic animals, and as animal parasites; miscellaneous insect investigations, including tobacco insects; the introduction of beneficial insects, quarantine work, and the study of fungous and other diseases of insects; for the expenses of insect laboratory, collections, and experimental garden; investigations in apiculture; investigations of insecticides and insecticide machinery; for rent, and the employment of labor in the city of Washington and elsewhere; freight and express charges and official traveling expenses; for office fixtures, supplies, and apparatus; telegraph and telephone service; gas and electric current, $158,800, of which sum $10,000 shall be immediately available.

Mr. SCOTT rose.

The CHAIRMAN (Mr. FOSTER of Vermont in the chair). For what purpose does the gentleman rise?

Mr. SCOTT. In order to permit the Commissioner from Porto Rico [Mr. LARRINAGA] to offer an amendment to the paragraph just read.

The CHAIRMAN. The gentleman from Porto Rico offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 1, page 31, after the word "machinery," insert "provided that Porto Rico is not excluded."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Total for Bureau of Entomology, $184,960.

Mr. RANDELL of Texas. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question in reference to this. This section provides that the sum of $158,800 be appropriated for this Department, of which sum $10,000 shall be immediately available. What I wish to know is, is it understood that that $10,000 is to be used by the Department in reference to the suppression of the green bug and other grain pests in the West?

Mr. SCOTT. It was for that purpose that the language to which the gentleman refers has been inserted.

Mr. RANDELL of Texas. Is that understood by the Department?

Mr. SCOTT. That is the understanding between the Department and the committee.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, $3,000; one editor, who shall be assistant chief of division, $2,250; one associate editor, $2,000; one assistant in charge of indexing, $1,800; four assistant editors, at $1,600; two editorial clerks, at $1,400 each; one assistant in charge of illustration, $2,000; one draftsman or photographer, $1,500; two draftsmen or photographers, at $1,400 each; one draftsman or photographer, $1,200; one chief clerk, $2,000; five clerks class 1; seven clerks, at $1,000 each; one assistant in charge document section, $2,000; one assistant in document section, $1,400; one assistant in document section, $1,200; one foreman, document section, $1,400; one foreman, farmers' bulletin distribution, $1,200; two forewomen, at $1,200 each; one clerk, now chief folder, $1,000; one clerk, now folder, $900; three folders, at $840 each; one clerk, $900; seven clerks, at $840 each; twenty-nine clerks, at $720 each; thirty-two clerks, at $600 each; one photographer, $1,200; one assistant photographer, $840; ten skilled laborers, at $840 each; eight skilled laborers, at $720 each; twenty skilled laborers, at $600 each; one messenger, $840; three messengers, at $720 each; three messengers, at $600 each; two messengers, at $420 each; one messenger boy, $360; one fireman, $720; in all, $136,550.

Mr. MADDEN. Mr. Chairman, I reserve a point of order on the paragraph, and I want to ask the chairman of the committee what the purpose of having the words "draftsman or photographer" is.

Mr. SCOTT. The purpose of that, Mr. Chairman, is to afford an opportunity for an alternation. Sometimes a draftsman is needed and sometimes a photographer is needed. It very often happens that the same man will be able to do work of both characters; but it was suggested that this change would afford a greater degree of flexibility in the service, and for that reason it was recommended.

Mr. MADDEN. A draftsman ordinarily might be able to do photographing, but a photographer might not in any case be able to do drafting. And it does not seem to me that the language ought to remain in the bill in this form. It seems to me that it will result in employing photographers next year, because a photographer can not do the drafting.

Mr. SCOTT. The present designation of this position is "one draftsman or clerk." As a matter of fact, the individual who occupies this position is not needed as a clerk. He is needed either as a draftsman or a photographer. In answer to precisely the question the gentleman has asked me, directed toward the Acting Chief of this Bureau, Mr. Arnold, he made this reply:

That is so as to make them interchangeable. Under the present designation a photographer can not be appointed to that position. In the case of a vacancy it may happen that we might have a greater need of a photographer than a draftsman. If the proposed change is made, we can fill the place with the one most needed at the time the vacancy occurs.

Mr. MADDEN. Does the gentleman in charge of the bill think it will result in the employment of two men where there is only one now?

Mr. SCOTT. I do not, for the reason that the present designation, as I say, is "one photographer or clerk," which calls for only one clerk.

Mr. MADDEN. I realize that under the present wording of the paragraph they can not employ two men; but might we not find it convenient to demand a change in the language next year so as to employ two, because we need both photographer and draftsman?

Mr. SCOTT. In this Bureau they already employ several photographers and draftsmen. A large amount of drafting and photographing is done in making maps and preparing pictures for various publications of the Department, so that I do not believe the small change in the wording suggested, by eliminating the word "clerk" and inserting "photographer," would involve any addition to the force that would not come otherwise.

Mr. MADDEN. You think it wise to let it remain?

Mr. SCOTT. I think it wise.

Mr. MADDEN. I will not make the point of order.

Mr. ADAIR. Does this bill make suitable provision for the publication of an increased number of farmers' bulletins? The farmers in my section of the country prize them very highly, and consider them of much value, and are very glad, indeed, to have them. I have understood that the appropriation heretofore made has not been sufficient to authorize the Department to issue an unlimited number of these bulletins for the use of the farmers.

Mr. SCOTT. Well, of course, the appropriation is not sufficient to permit the Department to issue "an unlimited number" of these publications; but in so far as the cost of the publications is paid for out of this appropriation, the committee is of the opinion that a sufficient sum is carried. The gentleman probably understands that all this appropriation bill carries in connection with the farmers' bulletins is simply the amount necessary to defray the expense of preparing these bulletins and distributing them. The cost of printing, amounting to $550,000 each year, is not carried in this bill, but in the sundry civil bill.

Mr. ADAIR. I withdraw the pro forma amendment.

The Clerk read as follows:

Publications, Department of Agriculture: General expenses, Division of Publications: For the preparation, illustration, publication, indexing, and distribution of documents, bulletins, and reports; for additional assistants, editorial, proof reading, indexing, and other necessary help in the city of Washington and elsewhere; for the pay of artists, draftsmen, and engravers; the purchase of manuscript for publication; for tools, instruments, and artists' materials; for drawings, engravings, electrotypes, photographs, paintings, lithographs, and other illustration work; for official traveling expenses; for labor and material required in the distribution of documents, including wagons, harness, and horses and maintenance of same, and for repairs; for rent in the city of Washington; for the pay of watchmen and charwomen; for all necessary office fixtures and supplies; for gas and electric current, telegraph and telephone services, and for such other expenses as may be necessary, $40,000.

Mr. McHENRY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 35, line 19, insert the word "ninety" for the word "forty," so as to make it read "$90,000."

Mr. MADDEN. I make the point of order against that, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. McHENRY. I will not speak on the point of order.

Mr. SCOTT. I would like to have the amendment reported again. I did not hear it.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. Will the gentleman from Illinois state his point of order?

Mr. MADDEN. I made a mistake in making the point of order, and withdraw it.

Mr. McHENRY. Mr. Chairman, no one can fail to be impressed with the good work being done by our national Agricultural Department, nor can anyone fail to be impressed with the utter inability of the Department, because of lack of funds, to disseminate the useful information which the Department has acquired.

Farming represents our basic industry, upon which all other industrial commercial activities are built. Any wise expenditure, therefore, upon the part of our National Government for the advancement of the farming industry of America is an expenditure which will bring to our National Treasury a thousandfold return.

I have feelings of the highest regard for the present Agricultural Bureau, under the direction of our able Secretary, Mr. Wilson, but I have absolutely no patience with the narrow penny-wise policy adopted by Congress for the dissemination of this information, which the Department has acquired at such great cost. If this Bureau is to be run in the interest of the American farmer, then they should be entitled to receive all the information and data collected by the Department. If, however, the Department is run for political purposes merely to create political jobs and in order that Congressmen and Senators may take care of their immediate friends in the distribution of bulletins and documents, then the present appropriation is entirely in keeping with the general policy of this Administration.

In this agricultural appropriation bill now under consideration you provide a fund for the maintenance of an Agricultural Bureau, with a total appropriation for the year of $11,430,346. In dividing up this appropriation you provide, under the head of "Publications," for the Department of Agriculture, for the preparation, illustration, publication, indexing, and distribution of documents, bulletins, and reports; for additional assistance, editorials, proof reading, and other necessary help in the city of Washington and elsewhere; for the pay of artists, draftsmen, and engravers; the purchase of manuscript for publication; for tools, instruments, and artists' materials; for drawings, engravings, electrotypes, photographs, paintings, lithographs, and other illustrative work; for official traveling expenses, for labor and material required in the distribution of documents, including wagons, harness, and horses, and maintenance of same, and for repairs; for rent in the city of Washington; for the pay of watchmen and charwomen; for all necessary office fixtures and supplies, for gas and electric current, telegraph and telephone service, and for such other expenses as may be necessary, $40,000.

With a total expenditure of eleven millions and a half for the Agricultural Department, and from which an allowance of $40,000 is made for the dissemination of information to the public, allows an expenditure of $1,000 for collecting information, and $3 for the purpose of giving that information to the public. It must be apparent to you gentlemen upon the other side that in this paltry appropriation you are applying false principles of economy. I am not asking for any reduction of any part of the appropriation, but, on the contrary, have voted for every increase asked for, for I firmly believe that the benefit derived by the agricultural interests will more than offset any possible extravagance there might be in the Department. I have not even raised any objection to the appropriation of $240,000 for seeds, which I am perfectly free to say I look upon as a direct bid for public patronage and, in the most cases, a willful extravagance, but I have been willing to pass that provision of the bill this year.

My amendment which asks for a larger amount of money to be applied to the dissemination of information is infinitely more important to the country at large than any other part of this bill. The fixed charges of the organization of this Bureau have already been met. The cost of an experiment, whether it is for the information of one farmer or for the information of a million farmers, is just the same as far as the original cost is concerned, and as compared with the original cost and the benefits which will come from this work the additional cost of printing and distributing bulletins is comparatively small.

I feel, Mr. Chairman, that every farmer in the United States, whether he is a Democrat or a Republican, whether he is a landlord or a tenant, should have the privilege of receiving from the National Government the information which the Department has gleaned and which has been paid for by the American taxpayers. I propose that every farmer and every citizen within my district shall, through me, have access to this information, and shall be entitled to receive all bulletins and documents issued by the Agricultural Department who want them, and it is both unfair to the distinguished Secretary as well as unfair to the farmer himself that when a man writes in and wants one of these little bulletins, insignificant in their cost but important in the valuable information they contain, that this great Government shall say to that farmer—and spend more time and money in dictating a letter to a typewriter explaining that they are out of print than the actual cost of printing—that the allotment has all been exhausted and that they can not be further supplied.

I want this appropriation made, and if the requisitions do not come from the people to exhaust it, it will remain unused and can be carried over into the next year; but it is there for the farmers' benefit, if needed, and I do not want the Department to be put into a position where it must refuse the granting of these ordinary requests. If we are sincere in our purpose to maintain this Bureau for the benefit of the farmer and not merely for the purpose of giving jobs to a favored few, then we must make this information available to the average farmer. With the production of American farms approximating an annual amount of $7,000,000,000, with the farmer to-day as the only man or class of men during this time of panic who are bringing money from Europe from the sale of their crops and keeping the balance of trade in our favor, we Representatives here in Congress fail in our duty to our country in refusing to permit the highest possible degree of cooperation for bringing about the greatest good to the greatest number.

A full set of these farmers' bulletins and publications should be in every public school library in the United States. In my district I have 1,059 public schools. The Department has issued a total of 350 bulletins. So, if you were to supply the schools alone in my district, it would take 370,650 bulletins. Under the present rule you allow each Congressman 10,000 bulletins, allowing me one little bulletin for each farmer in my district.

I have gone over the list carefully and selected 110 bulletins that apply to Pennsylvania farmers, and if I were to furnish every farmer in my district the bulletins which he has a right to receive, and which, from a true economic standpoint, he ought to receive, it would take eleven hundred thousand bulletins for my district, and under the present penny method it would take three hundred years to supply each farmer in my district with each bulletin issued by the Department to date.

Your distributing appropriation provides an allowance, after deducting rents and helpers' expenses, of about $50 for each Congressional district, or less than $10 for each county. Mr. Chairman, the addressing and mailing of one franked letter to the voters of my district costs over $100, so it is easy to see how utterly inadequate this appropriation is, and I trust there will be no opposition to the amendment I have offered.

The mere establishment of a Bureau or Department of Agriculture is not sufficient. It must be brought closer to the farmer. The Bureau should report its findings not only to Congress, but to the people, and the only medium for transmitting this information to the farmers direct is through the agency of this bulletin service. No bulletin should ever be allowed to go out of print, and the Department should be furnished ample means to place the results of its scientific research and experiments in the hands of every farmer, and in this way through these millions of farmers the soil will give an immediate response and an increased national earning beyond comparison, and so vast as to make opposition to this expenditure little short of a national crime.

It is urged by the committee, Mr. Chairman, that we must cut down expenses because of falling revenues. I admit the truth of this statement and will be glad to cooperate for this result, and am glad that this Republican House realizes this necessity and the conditions which have created it and which have grown out of a Republican policy of tariff and trust domination.

But, Mr. Chairman, the place to begin economizing is not with the farmers and laborers of this country, which represent our creative and productive energy. Let us spend less money for destruction and more money for production.

In the prosperity of agriculture the hope of the people rests. Industrial interests may be perverted by frenzied financiers into instruments of woe and the vast transportation enterprises manipulated for evil by "malefactors of great wealth." But agriculture is an element in the productive energy of the country which never has and never can be turned to detrimental uses. It is the staff upon which, in the last analysis, we all lean. It is our duty, therefore, to foster and conserve it in every way. Last year the value of the farm products of the country reached the magnificent aggregate of $7,000,000,000. Significant as these figures are they do not represent nearly the possibilities of the soil. With scientific treatment and industrious effort this total can be increased by from 25 to 40 per cent. That result achieved, the prosperity of the country will be raised beyond the reach of speculators to impair or the power of wreckers to destroy. It is for this result that I am pleading.

Mr. MADDEN. Mr. Chairman, the Department only asks $40,000 for the work that is provided for in this paragraph, and the committee have given the Department all it asked for. Last year they only spent $35,000. This year the committee

have recommended the appropriation of $40,000. Now, the gentleman is asking that $90,000 be appropriated. For what? The Department does not do any printing of farmers' bulletins. It only prepares the manuscripts; it does the editing. It does not need $90,000, it could not use it, it would not know what to do with it. Why should this House be called upon to appropriate $50,000 more than the Department asks, and $50,000 more than it has been granted at its own request? It seems to me we ought to go slow about increasing appropriations in this way. The revenues of the country are declining every day and the expenditures are increasing. The gentlemen on the other side of the aisle are always anxious to make large appropriations, and then find fault with the Republican side of the House because it is extravagant.

Mr. LAMB. There is no politics in this bill.

Mr. MADDEN. No; there never is any politics in a bill, but there is always politics after it has passed. This ought not to be allowed, in my judgment.

Mr. SCOTT and Mr. WILLIAMS addressed the Chair.

The CHAIRMAN. The gentleman recognizes the gentleman from Kansas, chairman of the Committee on Agriculture.

Mr. SCOTT. I move that debate close on this amendment in three minutes, and I want one of those minutes.

Mr. WILLIAMS. Mr. Chairman, I would be forced to resist that motion. I think I want about five minutes on it myself.

Mr. SCOTT. The gentleman from Mississippi asks five minutes, and I will modify my motion and move that debate close in seven minutes.

The CHAIRMAN. The gentleman from Kansas moves that all debate on this amendment close in seven minutes.

The motion was agreed to.

Mr. WILLIAMS. Mr. Chairman, the last remark of the gentleman from Illinois [Mr. MADDEN] comes at a queer time and from a queer source. If the Republican party wants to economize, the Democratic party will help it, but it had better economize upon waste and not upon investment. It had better economize upon things that are useless expenditures or worse than useless—militarism and things that threaten the peace of the country, and not economize upon the internal development of the country and the spread of information amongst the farmers of the country. [Applause.]

Now, Mr. Chairman, I served upon the Agricultural Committee, I think, for twelve years. I was senior Democratic Member of that committee for six of those years, as I now remember. My experience upon that committee teaches me that no part of the work of the Department of Agriculture itself here in Washington (I am not speaking now of the work of the experimental stations and the field work)—no part of the work of the Department here is of one-half as much importance as the preparation, editing, and publication of farmers' bulletins, each little bulletin giving to the farmer as nearly complete information as the Department can give upon some one particular subject of plant culture, plant growth, selection of seed, harvesting, fertilization, or what not. We were talking a great deal yesterday about soil maps. Soil mapping is of immense profit and importance, but I was never worried by people who wanted maps of the soil.

I was worried a little bit about getting the maps out, but when it comes to farmers' bulletins, especially upon certain particular subjects—the cultivation of corn, for example; hog cholera, alfalfa, cotton fertilization, and a great many others that I might mention now—I have never had enough, and I do not believe anybody has. I would vote to add even more than the gentleman from Pennsylvania proposes to this appropriation in order to increase the number of farmers' bulletins. Now, to show the misapprehension that sometimes arises in the minds of some, Mr. Chairman, I desire to say that the clause to which this is an amendment reads as follows:

For the preparation, illustration, *publication*, indexing, and distribution of documents, bulletins, and reports.

I do not believe, Mr. Chairman, that $50,000 of increase to the expenditures of the Government can be made in any bureau of any Department, in connection with any work of the entire Federal Government as usefully as $50,000 more applied to the simple business of preparing, publishing, and distributing farmers' bulletins.

Mr. SCOTT. Does not the gentleman think that the Division of Publications, with the advice and consent of the Secretary of Agriculture, has a pretty good idea of the amount of money they need for this purpose?

Mr. WILLIAMS. The Division of Publications has a very good idea, but there are a whole lot of other bureaus down there—the Bureau of Plant Industry, the Bureau of Biology, the Bureau of Entomology, the Bureau of Soils, and all the other bureaus—and when it comes to a contest between them as to which shall get the larger part of the appropriation, or how the distribution of the appropriation going to the general expenditure of the Department of Agriculture is to go, the Bureau of Publications never has had its proper share, because, after all, the chief good done by the Department of Agriculture is not confined to its work, but to the distribution of information about its work.

I have no doubt that the chief of the Bureau of Publications, or any other chief for that matter, would have asked for more if he had not thought it would conflict with other people getting more than what they asked for.

Mr. MANN. Will the gentleman yield?

Mr. WILLIAMS. I will yield to the gentleman from Illinois.

Mr. MANN. Does the gentleman understand that this appropriation, if increased, would increase the quota of farmers' bulletins allotted to Members of Congress for distribution?

Mr. WILLIAMS. Undoubtedly; it would increase the quantity and therefore increase the quota. The increased quantity would have to be distributed.

Mr. MANN. The gentleman from Mississippi is mistaken; it would not make any change at all.

Mr. LAMB. Does not the gentleman from Mississippi think we have enough now?

Mr. WILLIAMS. I do not.

Mr. LAMB. I do.

Mr. SCOTT. Mr. Chairman, I am indebted to the gentleman from Illinois, a member of the Committee on Appropriations, who has come to the aid of the Committee on Agriculture, and the explanation he has given has been so clear and complete that little is left for me to say. The gentleman from Mississippi is entirely mistaken in assuming that an increase of this appropriation would give any Member of the House a single additional bulletin to distribute. The fund for these bulletins is carried in the sundry civil appropriation bill, as I stated in reply to the gentleman from Pennsylvania, and amounts to $550,000. If we added $100,000 to this appropriation for the Bureau of Publications it would not give us a single additional bulletin.

Mr. WILLIAMS. If this language does not mean what it says, what does it mean? It says "preparation, illustration, *publication*, indexing, and distribution of bulletins."

Mr. SCOTT. The gentleman from Mississippi must not take my time to ask such questions as that, which, as a former member of the committee, he ought to understand. The only word that he has read that would indicate what he contends for is the word "publication," and that is used, as you might say, in a professional sense. The Bureau of Publications submitted an estimate for $40,000, $5,000 of which they say was in order to purchase an addressing machine to take the place of some twenty-five or thirty people writing out addresses in longhand. The committee recommended exactly what the Bureau asked for, and in doing that it believes that it fulfilled the necessities of this Bureau.

The gentleman from Mississippi suggests that the bureau chief did not ask for all the money he wanted for fear that he might interfere with what the other bureaus were asking for. That shows a spirit of altruism that has not been exhibited to any great extent in the Department of Agriculture. [Laughter.] Mr. Chairman, I ask for a vote.

Mr. WILLIAMS. Mr. Chairman, I move to amend the amendment by adding after the word "dollars" the words "$50,000 thereof to be devoted exclusively to the preparation, publication, and distribution of farmers' bulletins."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment the following: "Fifty thousand dollars thereof to be devoted exclusively to the preparation, publication, and distribution of farmers' bulletins."

Mr. SCOTT. Mr. Chairman, I make a point of order to that, that the amendment properly belongs to the sundry civil bill, where the fund for the publication of these bulletins is carried.

Mr. WILLIAMS. Mr. Chairman, I want to be heard on the point of order, unless the Chair does not desire to hear me.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIAMS. The gentleman can make the point of order only on the ground that it is new legislation or a change of existing law or not germane. The clause to which this is an amendment—and it is an amendment merely increasing the amount—is a clause "for the preparation, illustration, publication, indexing, and distribution of documents, bulletins, and reports."

Now, it provides in this very language, which I have read, for the preparation and publication and distribution of farmers' bulletins. My amendment is to increase the amount. The para-

graph, it is true, also provides "for additional assistance, editorial, proof reading, indexing, and other necessary help in the city of Washington and elsewhere," and so forth. In other words, this clause provides "for the preparation, publication, and distribution of bulletins," and, in addition to that, provides that the money therein appropriated shall be expended for other purposes also. The amendment is simply to increase the amount, and provides that the $50,000 of increase shall go exclusively to providing for the issuing of these bulletins under existing law.

That is the amount of increase, to wit, $50,000 to be localized in the preparation, publication, and distribution of bulletins. It is not a change of existing law, it is not new legislation; it is germane, and there is no possible point of order that can lie to it. The gentleman's proposition is that the sundry civil appropriation bill carries an appropriation for farmers' bulletins. Suppose that it does. What has that to do with the question of the germaneness of the change of existing law involved in an amendment to a part of this bill which in its very language also makes provision "for the preparation, publication, and distribution of bulletins?" The fact that there is other existing law, to wit, in the sundry civil, to which it might also have been germane, does not weaken, but strengthens my argument.

Mr. MANN. Mr. Chairman, the current sundry civil law carries this item:

For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the annual report of the Secretary of Agriculture as required by the act approved January 12, 1895, and in pursuance of the provisions of public resolution No. 13 of the first session of the Fifty-ninth Congress, and also including not to exceed $98,750 for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered or sent out under the address franks furnished by Senators, Representatives, and Delegates in Congress, as they shall direct, $433,750.

It is possible that the amendment proposed might be in order if authorization is already made for the publication of these farmers' bulletins, but it is perfectly plain that if the object sought to be attained is the increase of the quota of Members of Congress it would be subject to the point of order. That item is carried in the sundry civil appropriation bill, and under the rules of the House comes in the appropriation relating to the Printing Office. It is subject to the jurisdiction of the Committee on Appropriations and not subject to the jurisdiction of the Committee on Agriculture, and not being subject to their jurisdiction, an amendment to their bill, as I take it, would be subject to the point of order; and I would like in this connection to call the attention of the gentleman to the fact that even if his amendment prevails, it would not add a single farmers' bulletin to the quota of Members of Congress.

Mr. WILLIAMS. Well, we will risk that.

Mr. MANN. Their quota must necessarily be governed by the item in the sundry civil appropriation bill. I take it that the amendment is a matter that relates to the appropriation of the Printing Office; the item in the bill is a matter that relates to the preparation of the original publication of farmers' bulletins; but the item for the publication of farmers' bulletins for distribution, under the rules and law and practice of the House, relates to the appropriation for the Printing Office. That belongs to the jurisdiction of the Committee on Appropriations.

Mr. WANGER. Would not the additional appropriation enable the Secretary of Agriculture to put a large number of bulletins subject to the control of Members of Congress?

Mr. MANN. He would have no authority under the law to do that. The law on the subject is carried in the sundry civil appropriation bill, and the Committee on Appropriations has jurisdiction of all the items in relation to the Public Printing Office. I take it that we can not divide the jurisdiction of appropriations for the Public Printing Office between the different appropriation committees of the House.

The CHAIRMAN. The Chair would like to inquire of the chairman of the committee whether this appropriation of $40,000 covers the expense of printing.

Mr. SCOTT. None of it whatever is expended for printing, Mr. Chairman. It is all expended for the preparation of the material to be printed and in the distribution of publications.

The CHAIRMAN. The Chair would like to ask the chairman of the committee whether there is authorization for this preparation, illustration, publication, and distribution of documents.

Mr. SCOTT. Mr. Chairman, I think that is carried clearly in the general act, which authorizes the Secretary to diffuse and disseminate useful information. I beg to call the attention of the Chair to the fact that last year there was an item for the preparation and printing of farmers' bulletins carried in this bill, but it was stricken out of this bill upon the recommendation of the Committee on Printing and included in the printing bill. It seems to me, therefore, that Congress has already passed upon this matter, and that the amendment under consideration would change the law which Congress enacted last year.

Mr. WILLIAMS. Mr. Chairman, it may have been the intent of somebody somewhere to strike out of this bill the publication of these bulletins, but if it was, the intent never was carried into effect, because the word "publication" is still left in here, and it can not bear any other meaning in common sense except that of publishing, and there is no way of publishing except by printing.

Mr. SCOTT. The gentleman knows that the cost of printing is as a matter of fact paid——

Mr. WILLIAMS. I do not care what the practice is. The question is whether it is a change of existing law.

The CHAIRMAN. The Chair is prepared to rule. This amendment simply increases the amount of the appropriation and localizes a portion of the appropriation. Now, the Chair believes that no one contends that it would not be entirely proper for the House to state specifically just how much of this $40,000 should be used for each of the purposes mentioned in this paragraph. That is all that this amendment undertakes to do. It is simply an amendment of the description of the appropriation, and the Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Mississippi to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 46, noes 48.

Mr. WILLIAMS. Mr. Chairman, I call for tellers.

Tellers were ordered.

The committee again divided, and the tellers (Mr. SCOTT and Mr. WILLIAMS) announced that there were—ayes 63, noes 65.

So the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. In line 24 there is a provision for the purchase of manuscript for publication. Does this mean that the Secretary can go and purchase articles prepared by individuals outside of the service?

Mr. SCOTT. That is what it means. Mr. Chairman, there are a great many men working in the various colleges and universities throughout the country on agricultural subjects who frequently, not frequently, but occasionally, are better prepared to write a farmers' bulletin upon some given topic than anybody in the Department of Agriculture is. The authority has therefore been carried in the bill for several years to permit the Secretary in his discretion to buy articles thus prepared by outsiders. I may say, however, that this authority has been very sparingly exercised. It is thought best to carry the language in the bill merely to give the Secretary that authority in case some specially valuable manuscript is offered; and it does not involve any special expenditure.

Mr. JONES of Washington. The gentleman says it has been sparingly used. Now, in lines 21 and 22 its says "for additional assistants, editorial, proof reading, indexing, etc." What is the significance of that word "editorial" there?

Mr. SCOTT. All of the manuscripts which are submitted for publication as coming from the Department of Agriculture, no matter in what bureau they are prepared, come to this Division of Publications to be edited and prepared for the press. There are editors on this roll whose business it is to read these manuscripts, to eliminate matters that they think are extraneous and unnecessary, make changes in the form in which they are submitted and in a general way exercise the editorial function.

Mr. JONES of Washington. It has no reference to newspaper work whatever?

Mr. SCOTT. None whatever.

Mr. JONES of Washington. Mr. Chairman, I withdraw the pro forma amendment.

Mr. McHENRY. Mr. Chairman, I would like to ask unanimous consent to extend my remarks in the RECORD.

Mr. SCOTT. On the subject of the amendment offered by the gentleman?

Mr. McHENRY. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The Clerk read as follows:

Collecting agricultural statistics: General expenses, Bureau of Statistics: Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; purchase of supplies; telegraph and telephone service; freight and express charges; employment of labor in the city of Washington and elsewhere; official traveling and other expenses: *Provided*, That the monthly crop reports, which shall be gathered as far as practicable from practical farmers and which shall be issued on or before the 10th of each month, shall embrace statements of the conditions of the crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published: *Provided further*, That the condition reports of the cotton crop shall be issued on the same day in October each year as the first ginners' report of actual cotton ginned, $125,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word, and I would like to ask the chairman of the committee whether all this language in lines 11 and 12, page 36, after the word "reports," "which shall be gathered as far as practicable from practical farmers," is of any advantage in the bill?

Mr. SCOTT. Well, personally I am obliged to say that I do not think the language is of any advantage to the bill, because, as a matter of fact, there are many thousands of practical farmers now reporting to this Bureau. The language in question was very earnestly asked for by certain gentlemen who appeared before the committee, and inserted because, in the opinion of the committee, it would not injure the bill in any way and would not entail any additional expense.

Mr. MADDEN. All right.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn. [After a pause.] The Chair hears no objection.

Mr. POLLARD. I renew the motion to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska [Mr. POLLARD] renews the motion.

Mr. POLLARD. Mr. Chairman, during the course of the discussion upon the bill yesterday and the day before there were certain serious charges made against the Forestry Service which to my mind ought to receive some attention. Consequently I wrote a letter to the chief of this Service and requested him to make such explanation as he cared to in regard to these charges. Now, I desire to print in the RECORD the letters I wrote Mr. Pinchot, and his reply. I do not care to take up the time of the House to read them, but simply want to have them printed in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The letters are as follows:

COMMITTEE ON AGRICULTURE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 31, 1908.

Hon. GIFFORD PINCHOT,
Chief of the Bureau of Forestry, Washington, D. C.

MY DEAR SIR: In view of the fact that certain serious charges have been made against your management of the Forest Service in the House while your Bureau was under consideration, I desire to call your attention to two or three that, to my mind, are the most important, and to request an explanation from you.

First, it is charged that the Forest Service has paid for newspaper or magazine articles to advertise its work, in an unwarranted manner. Second, that the public funds have been used for publishing in the newspapers and in periodicals attacks on public men who differ with your management of the Forest Service and venture a criticism of your policies. Third, it is charged that whenever a convention is called of stockmen to discuss questions of general interest to stock growers, your Service sends representatives from Washington and from different parts of the country in great numbers in order to control these conventions.

I would be glad to have you write me fully, giving whatever explanation you care to offer in refutation of these charges.

Very truly, yours,

ERNEST M. POLLARD.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, April 1, 1908.

Hon. ERNEST M. POLLARD,
House of Representatives.

MY DEAR MR. POLLARD: Your letter of March 31 asks certain questions which I am exceedingly glad to answer. First, as to whether the Forest Service has paid for newspaper or magazine articles to advertise its work. Neither the Forest Service, nor I personally, have ever paid one cent, directly or indirectly, either to procure the insertion of material of any kind in any publication of any sort concerning the Forest Service, or its policy or work, or to influence the judgment of any newspaper or magazine man upon them, or to secure the writing of newspaper or magazine articles by collaborators or any other persons not regular members of the Service. This, of course, does not apply to advertisements for bids for the sale of timber, or other advertisements which are required by law.

Secondly, as to whether the Forest Service has instigated attacks on public men who were opposed to its policies. Neither the Forest Service, nor I personally, have ever instigated or procured attacks on any man, nor have ever brought or tried to bring pressure to bear on Members of Congress in reference to legislation concerning the Service. It is obvious that the existence of strong popular support of the Forest Service and its policies, based on general popular knowledge of the national need for forestry, which has led to vigorous defense of the forest policy when it has been attacked, has been wrongly attributed to a subsidized press. On the contrary, the Forest Service, and I personally, have repeatedly declined to have anything to do with matter which might be construed as an attack upon anyone. The Forest Service has confined itself strictly to questions of fact lying within its province.

The statements to which you refer are, in effect, charges of misuse of public funds and therefore of dishonesty against the Forest Service and against me personally, and to that extent they are unqualifiedly false. The same charges which are made against the Forest Service are necessarily made at the same time against the newspaper men, with whom, if the charges are true, the Forest Service must be in collusion. It is obvious to anyone who will consider the matter for a moment that the character, intelligence, and news sense of Washington and other correspondents, and of every editor and writer who has ever made use of our material, is the most effective possible barrier to any such scheme of work as the Forest Service has been charged with. The surest way to prevent any fair consideration of the work of the Forest Service by the press generally would be to attempt just such a campaign of puffing or exaggeration as has been charged. No newspaper man has ever received material from the Forest Service who did not know that it came from the Forest Service, nor would a newspaper of any standing print matter from an unknown source, were it sent out.

The policy and method of publicity which the Forest Service has developed is, to my mind, the only defensible policy for any Government organization, any part of whose purpose is to collect and disseminate facts. Every consideration of economy, promptness, and efficiency requires that the information gathered at the public expense should be put in the hands of the people, who pay for it, as promptly, as cheaply, and as widely as possible. You can not reach a population of 80,000,000 with 10,000 copies of a bulletin, whose publication must always be somewhat retarded and in which there is often more material than the average man cares to read. To get information before the public through the newspapers by the methods in use in this Service costs less than 1 per cent of the expense of getting the same information as widely distributed in public documents. Without the active cooperation of the press, which this method seeks to secure, the general knowledge of the value of forestry which now exists among our people would have been altogether impossible.

The attendance of forest officers at public meetings in the West was investigated last year by the Committee on Expenditures in the Department of Agriculture. The policy which I explained then is the same that obtains now. When considerable bodies of users of the national forests come together it is the custom of the Forest Service to meet them, almost invariably at their own request, for discussion of policies and settlements of difficulties, and in consultation with local people to devise methods of administration calculated to make the national forests more useful and more easily used. I believe this is a good thing to do, and I propose to continue it unless otherwise ordered. I can see no reason why the people of the West should not be entitled to know at first hand what the Forest Service is doing and to have their complaints, criticisms, and suggestions considered and discussed with them, both by the local forest officers and the men from Washington. I inclose a copy of the Littlefield report.

The details of expenditures for travel, like those for every other purpose, are on file in the Forest Service and can be supplied within the time necessary to copy them.

Very sincerely, yours,

GIFFORD PINCHOT,
Forester.

The Clerk read as follows:

LIBRARY.

Salaries, library, Department of Agriculture: One librarian, $2,000; one assistant librarian, $1,400; one clerk (who shall be a translator), $1,200; two cataloguers, at $1,200 each; three cataloguers, at $1,000 each; one clerk, $1,000; four clerks, at $900 each; one clerk, $840; two clerks, at $720 each; one messenger, $720; one messenger or laborer, $480; in all, $18,080.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I have great confidence in the committee in charge of this bill, but, I suppose, because I am ignorant as to the details, this item of allowance for the library strikes one as being very large. There can not be a large library belonging to this Department, and $18,000 for clerks is sufficient for the furnishing of a vastly larger library than this, I suppose, can be.

Mr. SCOTT. Mr. Chairman, there is a very large library in the Department of Agriculture.

Mr. PERKINS. How large?

Mr. SCOTT. It is the largest agricultural library in the world.

Mr. PERKINS. And how many volumes?

Mr. SCOTT. I am unable to answer exactly, but a good many thousand volumes. The work which requires the large clerical force to which the gentleman has called attention grows out of the fact that the library is receiving not only from this country, but from every other civilized country, a vast number of publications of a technical nature, many of them containing a good deal of valuable information, all of which have to be catalogued in order, of course, to be made of any value. It requires a large force, a comparatively large force, to keep track of all those publications and have their contents made available to the use of the investigator.

Mr. PERKINS. How much has this item been increased in the last two years?

Mr. SCOTT. Just a moment. The gentleman must understand that the Department of Agriculture is the great scientific Department of this Government. There are in the neighborhood of 2,000 scientists there engaged in technical investiga-

tions along all the different lines which contribute to the welfare of agriculture and its kindred interests. These men make daily use of the library, as a matter of course. The gentleman is better qualified than nearly any of us in this Chamber to pass judgment upon the necessity of a library to any scientist engaged in research work, and the committee feels that the appropriation in this bill is moderate, rather than liberal, in taking care of this library. The ranking Member of the minority [Mr. LAMB] and myself visited the library and spent several hours there carefully inquiring into the work. The appropriation for the library has not been growing at all rapidly for several years past. The appropriation for the fiscal year 1905 was $20,200; for 1906 it was $21,040; for 1907, $25,880; for 1908, $28,380, and for 1909, $33,580.

Mr. PERKINS. How much of that increase has been by purchase of publications and how much for increase of salaries?

Mr. SCOTT. Most of it has been for the purchase of publications until this year. This year the increase, which is larger than formerly, provides for the employment of additional assistants, because the investigation, which the chairman of the committee and other members made, thoroughly convinced them that the present force is not sufficient to keep up with the publications which are being received and maintain the library at its full standard of usefulness.

Mr. PERKINS. If the gentleman has made full inquiry, I have no desire to criticise or say anything further.

The Clerk read as follows:

Library, Department of Agriculture: General expenses, library: Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for the employment of additional assistance in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, and other material, $15,500: *Provided*, That section 3648 of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of this Department. And hereafter the Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies.

Mr. DRISCOLL. Mr. Chairman, I reserve the point of order on that part of this paragraph commencing with the word "provided," on line 21, page 37, down to "Department," on line 1, page 38. It seems to me that is a change of existing law, and I want to ask what is the meaning of it?

Mr. SCOTT. Mr. Chairman, this provision has been carried in the bill for a number of years, and is inserted there for the reason that it is necessary, in order that the library may have its greatest usefulness, that a great many foreign publications should be received, and a great many other publications for which payment is required in advance.

Mr. DRISCOLL. Is it not true that two copies of all publications are required to be deposited in the Congressional Library?

Mr. SCOTT. I believe all publications that are copyrighted in this country are required to be deposited in the Congressional Library, but this is not a part of the Congressional Library.

Mr. DRISCOLL. Does this provide that it shall not be done in these cases?

Mr. MANN. I can tell the gentleman what the section of the Revised Statutes is. It is that one which forbids any Department of the Government from paying out any money in advance for anything it purchases.

Mr. SCOTT. I supposed the gentleman understood that.

Mr. MANN. In other words, if this section is not inserted the Department can not pay a subscription for a magazine until the end of the current year for which it ordered it, and in no case can it order a magazine and pay for it in advance. This provision is in every appropriation bill authorizing subscriptions.

Mr. SCOTT. And I would add that under the present ruling of the Third Assistant Postmaster General it would be impossible for the publisher to send it longer than three months after the subscription had expired.

The Clerk read as follows:

CONTINGENT EXPENSES.

Contingent expenses, Department of Agriculture: Purchase of stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting; for lights, freight, express charges, advertising, telegraphing, washing towels, and necessary repairs and improvements to buildings and heating apparatus; the purchase, subsistence, and care of horses, for official purposes only; the purchase and repair of harness; the purchase and repair of vehicles, for official purposes only; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed $400; official traveling expenses; and other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the Department, including not to exceed $2,500 for postage, and also including not to exceed $25,000 for the installation of power-plant machinery to furnish power and light for the new buildings of the Department in the city of Washington, $78,200.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against that part of the paragraph beginning with the word "and," in line 2, page 39, and running down to the word "Washington," in line 5, page 40. My purpose in reserving the point of order is to state that provision is already made for the amount of money required to construct the electric-light and heating plant, and this appropriation is in excess of the limit of cost fixed in the original legislation.

Mr. PERKINS. I reserve the point of order to the word "buildings," on line 17, page 39.

Mr. SCOTT. Do I understand the gentleman to say that provision for the installation of the electric-light plant is already made?

Mr. MADDEN. They are already made, and appropriations were made for it, the gentleman will find, in the Statutes at Large, volume 32, page 806.

Mr. FITZGERALD. This is in excess of the limit of cost.

Mr. SCOTT. What is the date of that act, please?

Mr. FITZGERALD. It is the act of February 9, 1903.

Mr. SCOTT. I understand, then, Mr. Chairman, that objection is now made to permitting this appropriation on the ground that it exceeds the limit of cost of the original act for the construction of the buildings. I am of the opinion, Mr. Chairman, that the machinery provided for in the paragraph under consideration was not necessarily included in the description of the building to which the gentleman alludes.

Mr. FITZGERALD. The act says "limit of cost of construction of said building complete, including heating and ventilating apparatus, elevators, and approaches," etc.

Mr. SCOTT. Will the gentleman please read the "et cetera." He has not yet read any language which would cover this case.

Mr. FITZGERALD. "And cost of removal of present building."

Mr. SCOTT. Does the gentleman say that the language there provided for the installation of the power plant and for generating electric current?

Mr. MANN. It is not there.

Mr. FITZGERALD. Mr. Chairman, the act provides that the building shall be "complete in all its details."

Mr. SCOTT. Well, the gentleman knows, does he not, that the law provides that no power plant shall be installed in a public building in the city of Washington unless the Secretary of the Treasury certifies that the power can be supplied in this way more cheaply than through the use of the current furnished by public power plants? So the building might be "complete in all its details" and yet not contain a lighting plant.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the gentleman to this fact: That at the last session of Congress the Secretary of the Treasury was directed to submit a report to Congress as to what it would be possible to make a contract to light all the public buildings in the city of Washington for. He reports that it will be possible for him to make a contract at the rate of 2½ cents per kilowatt hour. It is costing the Government in its own power plants from 5 to 15 cents per kilowatt hour, and it seems to me it is time to stop installing separate plants and paying prices to that extent, when people are ready to do the same service at 2½ cents. The report is in the form of a document and has been printed.

This power plant either is not authorized by law and it is proposed to change this act or to provide for expending money in excess of the amount limited for this building.

Mr. MANN. Will the gentleman yield to me, on the point whether it is authorized by law or not. I think it is plain that the original act does cover the cost of power and light.

Mr. FITZGERALD. I think the gentleman is entirely mistaken. I read one section, but there are two others.

The CHAIRMAN. The Chair will suggest that the gentleman read them so that we may have no question about what is authorized by law.

Mr. FITZGERALD. I will submit it to the Chair. It is quite long.

Mr. MANN. While the gentleman is looking that up, now, if I may have his attention—and he is able to do two things at once, I know—we fixed a limit of cost, for instance, on the new House Office Building. Does that include the power and light plant? Not at all.

Mr. FITZGERALD. If it had provided that it should be complete in all of its details, I should say it did. A building without light and power certainly is not complete in all its details.

Mr. MANN. Now, as a matter of fact, I suppose the new plant for the Office Building will not be in the House Office

Building at all, and I imagine that if this is authorized the new plant for the power and lighting machinery for the Agricultural building will not be in that building, or, as they call it here, "those buildings."

Mr. FITZGERALD. It should be "that building," but it is "those buildings."

Mr. MANN. The law provides for that building, but this bill would say "those buildings." Now, the gentleman says we are awaiting the action of the Secretary of the Treasury as to the relative cost of furnishing the power ourselves or purchasing it, but we are not doing that as to the Office Building and the Capitol building. We propose to erect a power plant down south of the Office Building several blocks to furnish the power and the light and the heat for the Office Building and for the Capitol building.

Mr. FITZGERALD. That is true.

Mr. MANN. If we do that for ourselves, why should we draw the line at the Agricultural Department? Why should we say that they should go cold or in the dark, or buy their power and heat, while we make ours, unless it be that the gentleman believes that the heat and the light which are thrown off here in this Hall will aid in making the power plant smaller for us than it would be up there? Even on that I would not agree with the gentleman, because the scintillations of those scientific gentlemen up there create a great deal of heat and light. [Laughter.]

Mr. SCOTT. Mr. Chairman, speaking for the moment to the merits of this provision, as long as the point of order has been reserved, I wish to say that I addressed a letter to the chairman of the building committee, Doctor Galloway, asking his reasons for recommending this provision, and he replied as follows, and I ask the attention of the Chair as well as the members of the committee to this, because I think it may have some bearing on the ruling of the Chair:

UNITED STATES DEPARTMENT OF AGRICULTURE,
NEW BUILDINGS,
Washington, D. C., February 11, 1908.

Hon. C. F. SCOTT,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR MR. SCOTT: The item of $25,000 included in the estimates of the Department of Agriculture under contingent expenses is desired for the installation of machinery for the generation of electricity for lighting and power purposes for the new buildings and also for the present buildings of the Department. It is desired to install this machinery in order that the Department may be independent of the local lighting company and to effect a saving. The principal reasons for desiring this plant are as follows:

(1) The service obtainable from the local lighting company has always been very unsatisfactory, the voltage being low and fluctuating to a considerable extent. A small 25-kilowatt capacity machine was installed in the present main building, and it is necessary to operate this machine to get satisfactory lighting.

(2) The rate obtainable from the lighting company is 6 cents per kilowatt hour, which, based on the estimated consumption for the Department's new buildings of 280,000 kilowatt hours annually, would represent a cost of $16,800. The local company has refused to give the Department less than a 6-cent rate under a year's contract.

(3) In view of the fact that the Department can use practically all of the exhaust steam from the generating machinery for heating the buildings and heating hot water for laboratory purposes and that a considerable operating force is necessary for operating compressors, pumps, motors, etc., the electric current can be generated at a very low cost, estimated at 2.07 cents per kilowatt hour, which at the above-mentioned consumption, would be in total amount $5,600.

(4) Referring to the two previous items, it is apparent that a saving of approximately $11,200 would be effected annually by installing this machinery, which would cost approximately $25,000.

The question as to whether the Department could generate current at a less cost than same can be secured from the local lighting company was taken up by a committee under the Secretary of the Treasury, and a copy of the Secretary's decision relative thereto is transmitted herewith.

The Department at present has a service connection from the Bureau of Engraving and Printing. This connection was installed with the understanding that the same would be used for a break-down connection for the Department of Agriculture or the Bureau of Engraving and Printing as the emergency might arise in the event that electric-generating machinery was installed in this Department.

The act approved February 9, 1903, for the erection of a building for the use and accommodation of the Department of Agriculture did not provide for the installation of the electric machinery above refererd to, but this machinery is necessary for the efficient and economical operation of the mechanical equipment of the building.

Very truly, yours,

B. T. GALLOWAY,
Chairman Building Committee.

That is to say, the cost of the machinery would be saved in two years. Now, I have also a letter from the Acting Secretary of the Treasury, dated November 20, 1907, and addressed to the Secretary of Agriculture, in which he says:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, November 20, 1907.

The honorable the SECRETARY OF AGRICULTURE.

SIR: Referring to the provisions of section 9 of the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, approved March 4, 1907, viz:

"No appropriation heretofore or hereafter made for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power can not be obtained at a less cost,"

and to your letters dated March 29 and July 8, 1907, all relating to the application of the foregoing provisions, I have the honor to advise you that, after careful consideration of the matter, it is the judgment of the Secretary of the Treasury that the necessary electric current for lighting and power purposes for the buildings under your control can not be purchased at present at a price less than that involved in the production of light and power in the plants in the buildings indicated.

Respectfully,

J. B. REYNOLDS,
Acting Secretary.

Now, Mr. Chairman, on the point of order, it seems to me that, in the light of the act which is quoted in the letter of the Secretary of the Treasury, the law fixing a given sum for the completion of the agricultural building obviously did not include the installation of power-plant machinery, and therefore does not stand as a bar to this appropriation.

Mr. PERKINS. Mr. Chairman, I should like to ask what is the point of order the gentleman is now discussing?

Mr. SCOTT. The gentleman from Illinois raised a point of order.

Mr. PERKINS. Exactly. What was his point of order?

Mr. SCOTT. I think the point of order was that this provision is not authorized by law.

Mr. PERKINS. To what was it made?

Mr. TAWNEY. To the authorization of a power plant.

Mr. SCOTT. The gentleman from Illinois can state his point of order.

Mr. MADDEN. My point of order was——

Mr. PERKINS. To what words did you make the point of order?

Mr. MADDEN. To the words beginning in line 2, page 39, down to line 5, page 39, as follows:

And also including not to exceed $25,000 for the installation of power-plant machinery to furnish power and light for the new buildings of the Department in the city of Washington.

Mr. PERKINS. Mr. Chairman, I had intended to make a point of order under the reservation granted by the Chair on the same words, but for a different reason from what has been discussed, and before the Chair disposes of the point of order I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman from New York now.

Mr. PERKINS. Mr. Chairman, I make the point that this is not authorized by law, on the ground that the buildings are not authorized by law. As I understand the law—and I do not think the gentleman in charge of the bill will question my statement—Congress has authorized the construction of a building for the Department of Agriculture and there is no other authority. The bill here says for the construction of a power plant that is to be carried to the new buildings of the Department of Agriculture. If the law is, as I am informed, that one building has been authorized——

Mr. TAWNEY. If the gentleman from New York will permit, the authorization for that building also expressly provides that the building when completed shall be of sufficient size to accommodate the needs of the Agricultural Department, fixes the limit within which the building shall be constructed, expressly provides for the power plant to furnish to this building the heat and power and light necessary to its occupancy, and all was included within the limit of cost. This proposition does not relate to that building at all nor to any building heretofore authorized by Congress.

The CHAIRMAN. Will the gentleman point out the language he refers to?

Mr. TAWNEY. The gentleman from New York has the language which authorizes the construction of the building complete in all its details.

The CHAIRMAN. But it does not refer to a power plant.

Mr. TAWNEY. It does provide for a power plant.

Mr. MANN. It provides for heating.

The CHAIRMAN. The Chair desires to get at the position of the gentleman from Minnesota in reference to the original statute. The Chair was unable to find the language referred to by the gentleman from Minnesota.

Mr. MADDEN. Mr. Chairman, I reserved the point of order, but I now make the point of order.

Mr. TAWNEY. I will read the language of the statute:

That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a suitable and commodious fireproof building, for the use and accommodation of the Department of Agriculture, including all of its bureaus and offices now occupying rented quarters in the District of Columbia, to be erected on such portion of the grounds of the Department of Agriculture belonging to the United States as he may deem expedient, immediately in the vicinity of the present build-

ing, said building to be constructed in accordance with plans to be procured, based on accurate estimates, providing for the erection of said building, complete in all its details, as herein described, and within a total cost of not exceeding the sum herein stipulated, and he is hereby authorized, after procuring such plans, and after due advertisement for proposals, to enter into contracts within the limit of cost hereby fixed and subject to appropriations made by Congress, for the erection of said building complete, including heating and ventilating apparatus, elevators, and approaches, and the removal of the present building or buildings of the Department of Agriculture on said grounds.

Now, as a matter of fact, the building authorized has not been constructed and is not in existence to-day. The buildings which it is proposed in this act to provide for——

The CHAIRMAN. The pending question is on the point of order made by the gentleman from Illinois, that this power plant was provided for in the statute which the gentleman from Minnesota has just read.

Mr. TAWNEY. In the first place, the power plant for heating and ventilation must be constructed and provided for in this building.

The CHAIRMAN. This is a power plant.

Mr. MANN. Does the gentleman think that when we authorized the Office Building at a total cost of $3,100,000 for the completion of the building that that included the power plant?

Mr. TAWNEY. It does not.

Mr. MANN. How does the gentleman make the distinction?

Mr. TAWNEY. I say that if the authorization for the construction of the Office Building not only provided that it should be completed within that limit of cost, but also provided that the equipment, namely, the elevators and ventilation and heating of the building, etc., should be included in the limit of cost it would necessarily imply the authorization of a power plant, because you do not build the buildings for manufacturing purposes, you do not need power for any other purpose than to operate the elevators; you do not need heat except for furnishing the heat for the accommodation of the inmates of the building.

While this term "power plant" is used in all of the public buildings authorized, now building and occupied, as a matter of fact the proper designation is a heating plant.

Mr. MANN. What is the distinction between the act for the Office Building and the act for the Agricultural building?

The CHAIRMAN. The Chair is prepared to rule.

Mr. PERKINS. If the Chair will allow me one moment——

The CHAIRMAN. This is not on the point of order of the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Of course I only want to state that the point of order, though on a different ground, is against the same words.

The CHAIRMAN. Certainly; and the Chair will hear the gentleman from New York.

Mr. TAWNEY. If the Chair will indulge me for a moment, I want to say in reply to the gentleman from Kansas [Mr. SCOTT], who addressed himself to the merits of this proposition——

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has made a point of order.

Mr. TAWNEY. I understood that the gentleman from Illinois had reserved it, and that it was on that reservation that the gentleman from Kansas was discussing the merits of the proposition.

The CHAIRMAN. That was the first proposition. The gentleman from Illinois has made the point of order and the Chair is prepared to rule. The statute referred to by the gentleman from Illinois [Mr. MANN] provided for the erection of a building complete in all details, including heating and ventilating apparatus, elevators, and approaches. Now, it seems to the Chair that if it was intended to provide in this carefully drawn statute for the installation of a power plant it would also have been included, as well as the heating and ventilating apparatus and the elevators.

Mr. MADDEN. Would the Chair allow me to say a word there?

The CHAIRMAN. The Chair will be glad to hear from the gentleman.

Mr. MADDEN. It must be well understood, Mr. Chairman, that an elevator can not be operated without a power plant. It would be impossible to operate an elevator without a power plant.

The CHAIRMAN. No, indeed.

Mr. MANN. You can not operate an elevator without power, but you can operate it without a power plant.

Mr. MADDEN. You can not operate an elevator without a power plant; and if that be so, a provision in the bill for an elevator must also be construed as including a power plant. It can not be said that an elevator can operate itself. It must be assumed that to operate the elevator power must be applied. Now the question is, Where is this power applied from? Does the building have the power to operate the elevator in the building, or is this power supplied from some other source? If it is supplied from some other source, there must be some provision in this bill to pay for the power so supplied.

If there is no appropriation in this bill to pay for that power, then the fair conclusion must be that the power is within the building and is included within the limit of cost, and if it is included in the limit of cost, the appropriaton is in excess of the limit of cost, and is therefore subject to a point of order.

The CHAIRMAN. The Chair can not take that view.

Mr. MADDEN. I might add, in addition to what I have already said, that this electric-light plant is not authorized by any existing law, regardless of whether or not it is included in the limit of cost in the building in which it is proposed to be erected.

Mr. SCOTT. It is a continuing work.

Mr. MADDEN. If this is a continuing work, they can continue to put anything in the building that they choose, whether necessary or not, to complete the work. An electric-light plant is not a part of the building in the sense that the gentleman says it is necessary to complete the work, but it is a part of the power plant which is provided in the original law, without which it could not be operated at all.

Mr. SCOTT. Mr. Chairman, if it was the intention of Congress that the original limit of cost fixed upon the Agricultural building should include the cost of installing electric-light machinery, what point was there in passing a general law to bar from all public buildings in the District any plant for the generation of electric currents unless the Secretary of the Treasury first reported that the current could be more cheaply furnished in that way?

Mr. PERKINS. Mr. Chairman, I was glad to hear the chairman state that this statute was carefully drawn, and the point which I wish to make raises the question as to whether a carefully drawn law shall be enforced or shall be disregarded. The statute, as the chairman will remember, provides for the construction of a building for the use of the Agricultural Department. It is apparent, not that one building has been erected, but that two buildings have been erected. The wording of the provision now under consideration is this: "To furnish power and light for new buildings," using the plural. Then, Mr. Chairman, we have precisely this question: Congress has authorized the construction of a new building—one building—and application is made for the construction of a power plant in two buildings, because two at least there must be. The section itself uses the plural. It is for the chairman to say whether, when one building has been authorized by law, an appropriation can be made for two buildings, one of which necessarily lacks authorization of law.

If the committee had reported this provision for one building modified or changed, we might have a different question; but not only are there two buildings, as every member of this committee knows, standing there instead of the one building authorized by law, but the wording of the provision before the committee now is "for a power plant for buildings"—in the plural. Can the chairman of the committee say that where one building stands legally and one building without authorization of Congress that Congress can make an appropriation for two buildings, one authorized by law and one unauthorized by law? Nobody has referred to any statute, nor can any statute be referred to, which authorizes the construction of two new buildings for the Department of Agriculture, and hence we are now asked to make an appropriation for a power plant, not for one new building authorized, but for two new buildings which stand there, one authorized and one unauthorized.

Mr. MANN. Mr. Chairman, I want to ask the gentleman—he refers to the fact that the original authorization was for a building, and the present power plant is for "new buildings," in the plural. I think the language in the bill putting "new buildings" in the plural may be, perhaps, a little unfortunate, and that it would have been better to have said, "for the new hyphenated building," because that is what is over there. It is one building with a hyphen between the two parts of it.

Mr. PERKINS. It is one building with no connection.

Mr. MANN. It has a hyphen connection. Any hyphenated word is not one word merely, but would be two words coupled by a hyphen. Now, if the hyphen were taken out over there between those two buildings there would be only the one building, and hence we might properly call it the "one hyphenated building."

Mr. TAWNEY. Unauthorized, however, by Congress.

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the Chair to this: If this power-plant building be not authorized by the act authorizing the new Agricultural building and included within the limit of cost there fixed, then

it is not authorized in any act, and there is no authority of law for the construction of the building.

The CHAIRMAN. Does the gentleman make that point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair sustains that point of order.

Mr. SCOTT. May I inquire what is the point or order?

Mr. FITZGERALD. The point is that there does not seem to be any authority for the installation of this building unless it is included in the original statute, and if it is in the orginal it can not be adopted here because it increases the expense.

Mr. SCOTT. What is the effect of the Chair's ruling, to strike out from the bill the language on page 39, beginning with line 2, with the word "and" on to the close of the paragraph?

Mr. FITZGERALD. Going down to the word "Washington," line 5.

Mr. SCOTT. Mr. Chairman, I move that the footing be corrected to correspond with the change that has been made in the bill by the point of order.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

Agricultural experiment stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," and to enforce the execution thereof, $843,000, $30,000 of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section 3 of said act of March 2, 1887, and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section 3 of said act of March 2, 1887; shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of said act, and shall make report thereon to Congress, and to carry out the provisions of sections 2, 4, and 5 of an act approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," and the Secretary of Agriculture is hereby authorized to rent offices and to employ such assistants, clerks, and other persons as he may deem necessary in the city of Washington and elsewhere and to incur such other expenses for office fixtures and supplies, stationery, official traveling expenses, freight and express charges, illustration of the Experiment Station Record, bulletins, and reports, as he may find essential in carrying out the objects of the above acts; and the sums apportioned to the several States shall be paid quarterly in advance. And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts; and the Secretary of Agriculture is hereby authorized to expend $83,000 of said sum to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the printing (in Hawaii and Porto Rico), illustration, and distribution of reports and bulletins: *Provided*, That not more than $5,000 shall be expended at Guam and not more than $26,000 shall be expended for the maintenance of stations in Alaska, Hawaii, and Porto Rico; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used; in all, $843,000: *Provided*, That $10,000 of this sum shall be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations, and of improved methods of agricultural practice.

Mr. MADDEN. Mr. Chairman, I reserve the point of order, on page 41, against the words "and the island of Guam," in line 15. Also against the words "*Provided*, That not more than $5,000 shall be expended at Guam," in lines 18 and 19, and the words "and the island of Guam," line 24.

Mr. PERKINS. I also reserve the point of order against the proviso on page 42.

Mr. SCOTT. Speaking first, Mr. Chairman, to the point of order reserved by the gentleman from Illinois, I concede, of course, that if insisted upon it must be sustained. The provision was inserted because, in the judgment of your committee, the people of the island of Guam are entitled to as much consideration in proportion to their numbers as the people of Porto Rico, Hawaii, and the Philippine Islands. Ever since those possessions came within the jurisdiction of the United States a sum of money has been appropriated and carried in this bill establishing and maintaining experiment stations there.

Mr. PERKINS. Will the gentleman yield? How many people are there in the island of Guam?

Mr. SCOTT. I am coming to that in a moment. Nothing has been done in that direction, however, in the island of Guam, and yet there are a great many reasons why similar work should be done there. The population of the island now is about 9,000 people. The island is said to be extremely fertile and the people intelligent, industrious, and peaceful. Prior to the American occupation the chief food supply of the island was drawn from the cocoanut groves. By the carelessness of our officials, however, some diseased cocoanut trees were introduced into the island, and the disease has spread from them so rapidly as to threaten the complete extinction of the native groves. Having this resource taken away from them, the people are at great loss to know where to turn for a livelihood. Undoubtedly the soil of the island, situated as it is within the Tropics, is susceptible of producing very large food supplies, but the people are untrained and untaught. They have hardly any agricultural implements. I have been told by one of the Representatives from the Philippines on this floor [Mr. OCAMPO] that practically the only implement they have is the hoe, which they have fashioned from the gun barrels left over by the Spaniards. As I may have said in my opening statement, they have not exactly beaten their spears into pruning hooks and their swords into plowshares, but they have come as near to it as they could in view of the raw material at hand. It seems to me, therefore, that it is not extravagant for us to expend $5,000 in an effort to help those people overcome the difficulties which they suffer now largely on our account.

Mr. CRUMPACKER. Will the gentleman yield for a question?

Mr. SCOTT. I will yield for a question.

Mr. CRUMPACKER. Does the gentleman know the area of the island of Guam.

Mr. SCOTT. Two hundred and ten square miles.

Mr. CRUMPACKER. How much of that is subject to cultivation?

Mr. SCOTT. A very large part of it is subject to cultivation.

Mr. CRUMPACKER. The population is 9,000?

Mr. SCOTT. The population is 9,000.

Mr. CRUMPACKER. Practically all in one community, is it not?

Mr. SCOTT. They are scattered along the fringe of the island and in the valleys of the interior. The greater part of the population, of course, lives in or near the capital.

Mr. CRUMPACKER. Are the natural products of a tropical character?

Mr. SCOTT. Almost entirely so.

Mr. CRUMPACKER. We acquired that island mainly for a naval station, did we not?

Mr. SCOTT. It came to us along with the treaty of Paris, with the other possessions we received from Spain.

Mr. CRUMPACKER. We have an organization of marines there?

Mr. SCOTT. The island has been for the most part, as the gentleman doubtless very well knows, under the administration of the Navy Department.

Mr. CRUMPACKER. It is now, altogether, is it not?

Mr. SCOTT. I think so. I think it still is. I should like to add this to what I have already said. We have spent a lot of money in Porto Rico, we have spent a good deal of money in Hawaii, and a great deal in the Philippines to promote the moral, educational, and material welfare of the people of those islands. But we have spent practically nothing to help the people of Guam. They have been peaceable and patient, and I sometimes fear that for this very reason we have neglected them. I do not think we ought to neglect them any longer.

Mr. HITCHCOCK. Of the 9,000 population in Guam, how many are white?

Mr. SCOTT. The great body of the population is of Malay origin, and there are not any white people there except those connected with the administration of the United States, or, perhaps, a few Spanish merchants.

Mr. HITCHCOCK. Then, the gentleman proposes to appropriate 50 cents apiece for the population on the island there to introduce our methods of agriculture among a people that have been getting along pretty well without us?

Mr. SCOTT. They have not been getting along very well. They are, indeed, in cruel straits, and very much need the help which can be carried to them by even so small a sum as $5,000. With that amount the Department estimates they can put one man there, and on account of the small area of the island he can carry on the work of agricultural education among the people with very excellent results.

Mr. HITCHCOCK. Are their straits any greater now than when we found them?

Mr. SCOTT. It is reported, I am sorry to say, that such is the case.

Mr. HITCHCOCK. What are their straits about as to anything we have done?

Mr. SCOTT. There is a disease that is sweeping through their cocoanut trees, from which they derive the greater part

of their income and food supply, and it was introduced by our carelessness.

Mr. HITCHCOCK. Which it will take $5,000 to discover a cure for?

Mr. SCOTT. No; which it might take $5,000 to teach the people how to make a living in spite of.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois [Mr. MADDEN] insist on his point of order?

Mr. MADDEN. Yes.

The CHAIRMAN. The Chair sustains the point of order as to that part of the paragraph on page 41 to which a point of order was raised by the gentleman from Illinois [Mr. MADDEN].

The gentleman from New York makes the point of order to the language on page 42——

Mr. PERKINS. Beginning with the word "provided," in line 3, and going to the close of the paragraph.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. PERKINS. It is new legislation.

Mr. SCOTT. Mr. Chairman, on the point of order made by the gentleman from New York, I wish to say that the language referred to has been carried in this bill for a great many years, and I think it fully authorized by the general act providing for the organization of the Department. Undoubtedly one of the best ways to disseminate agricultural information is through the farmers' institutes.

The CHAIRMAN. Will the gentleman permit the Chair to ask a question?

Mr. SCOTT. With pleasure.

The CHAIRMAN. Does not this proviso "direct" this to be done? Does the original statute "direct?"

Mr. SCOTT. Mr. Chairman, in order to avoid the point of order which the Chair undoubtedly has in his mind, I will move to amend the paragraph.

The CHAIRMAN. The Chair will sustain the point of order.

Mr. SCOTT. Then I will offer the following amendment:

Following the colon in line 3 insert:
"*Provided*, That not to exceed $10,000 may be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations, and of improved methods of agricultural practice."

The Clerk read as follows:

On page 42, after the colon in line 3, insert:
"*Provided*, That not to exceed $10,000 may be used by the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations, and of improved methods of agricultural practice."

Mr. MANN. I reserve the point of order upon that amendment.

Mr. PERKINS. I reserve the same point of order. By this amendment of the provision the Secretary of Agriculture is authorized to investigate and report upon the organizations and products of agricultural societies of this and other countries. The question is, Mr. Chairman, whether the authority to improve agriculture includes authority to investigate the proceedings of agricultural societies in other lands. An investigation into the methods and for the improvement of agriculture in States and other lands it may be he can make, but an investigation into their proceedings is not an investigation in the study of agriculture. It is investigation of the conduct of institutions and other persons interested in agriculture, for such purposes as the Secretary may desire; and therefore, it seems to me, that the change in the provision made by the gentleman in charge of the bill does not avoid the essential point, that the money may be spent by the Secretary of Agriculture in a matter and in an investigation that is outside the original authority granted to the Secretary.

Mr. LOWDEN. Mr. Chairman, I wish to address myself to this proposition. I want to make an appeal to my friends over there to withdraw any points of order. I have the honor in the county in which I live to be an official of the Farmers' Institute. I have been for a number of years, and I think I know something about the efficiency of farmers' institutes. This very modest appropriation would enable the Government to relate these different farmers' institutes one to another, to enable each of them to avail itself of the progress made by every other such institute. With reference to the suggestions made by my friend from New York about foreign investigations, I wish to state, on the merits of the proposition, that foreign governments have not had such acute attacks of economy when agriculture has appealed to those countries as has been the case in the United States. [Applause.]

I want to say that in almost every country of Europe very decided progress has been made. In Germany it appears, because of their more liberal and enlightened policy, they have passed us by in many of the productions which are common to the two countries. I have no doubt that this very modest sum that is asked for by the Department can be used most advantageously in studying the conditions in the countries of Europe, as well as in the farmers' institutes in this country. The fact is that there is not a single dollar mentioned in this bill which is more nearly in harmony and in sympathy with the original Morrill Act than this appropriation, and that act, as is admitted by all in this House, has been one of the most beneficent measures ever passed by Congress.

The whole purpose of the Morrill Act was education. Long before it had been seen that a republic to endure must be composed of an enlightened citizenship. The public school, therefore, by Government aid became an institution of the land. Morrill saw that agriculture was our chief industry. To his clear vision it was plain that commercial supremacy depended in its last analysis upon the products of the soil. To the general education which qualifies the citizen for his high duties there must be added technical education in our basic industry if we would attain the place among nations to which our great agricultural resources entitle us.

Germany was one of the first nations to recognize that agricultural and industrial triumphs must in the end rest upon scientific knowledge. A generation ago her spectacled professors were ridiculed all around the world. Americans particularly said that the Germans were impracticable dreamers whom we need never fear in the markets of the world. During the few years that since have intervened, as an inevitable result of the genius of those so-called "dreamers," Germany has made more agricultural and industrial progress than any other of the nations of Europe. She knew that science might sometimes speak obscurely, but that they who should confess faith in her ultimate triumph would one day reach the goal.

I am aware that many Members of this body doubt the practicability of the work which the Department does. I confess that but a few years ago the book farmer was an object of derision to the average farmer, but, under the stimulus of these educational instrumentalities, that time has passed. In every township in the section of the country where I live you can tell almost to a certainty, by the superior crops, by the superior methods, by the general air of prosperity, those farmers who read and understand and practice the lessons which the agricultural colleges, the experiment stations, and the Department of Agriculture teach.

Our resources in agriculture surpass the world. The problem now is to conserve those resources. Our very danger lay in what seemed, even a score of years ago, the inexhaustible richness of our fields. But under the leadership of our agricultural colleges, our experiment stations, our farmers' institutes, and our great Department of Agriculture we have finally learned that there can be no permanent agriculture without a scientific agriculture.

We now know that you can not everlastingly subtract from the soil, returning nothing to it, even upon our richest lands, without ultimate impoverishment. I undertake to say that if the methods which obtained a generation ago in the Mississippi Valley—richer agriculturally than any like area anywhere in the world—had continued for a hundred years, that valley would have become as unproductive as those sections of the East where farms are now only the toy of the well-to-do.

Years hence, when the history of this marvelous period is written, James Wilson, Secretary of Agriculture, will hold a very high place among the leaders whose constructive work has made for American commercial triumphs at home and abroad. That old Scotchman is the father of the new agriculture. And without the new agriculture America would soon be entering on her decline.

One result of the new agriculture is political and of far-reaching importance. Much as we admire our great cities, we must all confess that the security of the Republic in the future abides largely in our rural populations. In every crisis, whether of war or peace, we turn confidently for safety to the sober, deliberate judgment of those who dwell apart from the great metropolises.

Many thoughtful people have noted with regret the trend from the country toward the larger centers of population. The new agriculture is doing more to attach the farmers' sons to the soil than all other causes combined. With every advance of science in its relation to agriculture the drudgery of the

farm diminishes. There has already begun to be substituted for it a noble profession in which the soils, the crops, and the improved breeds of domestic animals become the servants of the farmer's brain.

Now let us act just as if some other than the agricultural bill were before this House, and not insist upon points of order on meritorious propositions of this kind. [Applause.]

The CHAIRMAN. The Chair is prepared to rule, but if the gentleman from Illinois desires to be heard, he will hear him.

Mr. MANN. I believe this amendment was prepared after some discussion before. I do not know what the opinion of the Chair may be. The amendment now provides practically, as I understand it, that the Secretary of Agriculture may spend not to exceed $10,000 to investigate and report upon the organization and progress of farmers' institutes, etc. In the form as now presented it is not a limitation but an authorization. The change of the word "shall" to "may" makes it more strongly an authorization than before, because the use of the word "shall" was intended to be directly a limitation on the amount, while the use of the word "may" relates to the authorization. The Secretary of Agriculture, as I read the statute and the meaning of the organic act, does not now have the authority to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the United States, in foreign countries, etc. In the amendment now offered the Secretary of Agriculture is authorized to expend $10,000 in making these investigations, and the amendment as presented is not a limitation upon an appropriation made, not a limitation upon the sum that may be expended, but an authorization to expend that sum of money, and hence it seems to me it is subject to the point of order.

Mr. PERKINS. Mr. Chairman, I should like to say a word in reply to the suggestions made by my friend from Illinois. I entirely sympathize with him in his views upon agriculture, of which he is a most shining example; but what is this provision and wherein is it a benefit to the cause of agriculture? I put it to my friend from Illinois himself. It says the Secretary may expend not to exceed $10,000 in investigating the organization and progress of farmers' institutes. Suppose he went to the institute so wisely presided over by my friend from Illinois [Mr. LOWDEN]. What could he do? He would report upon its organization, which I have no doubt is beyond all praise, and he would report upon its progress, which, under the charge of my friend from Illinois, I am sure is above all criticism; but, after all, that information, however interesting, is not the pursuit of agriculture. It is investigating these various societies, well managed, well administered, and reporting what progress they have made and are making. It would be most interesting and instructive certainly in the case of my friend from Illinois, but, however justly deserved would be the praise he would receive, after all I can not see that it would be furthering the cause of agriculture.

Mr. LOWDEN. Mr. Chairman, I wish to correct the gentleman from New York. I did not say that I was president of the Ogle County Farmers' Institute, but only that I was an official of that body. The higher honor belongs to another.

In answer to the gentleman's question, I can see one beneficent result which would follow immediately. The Department of Agriculture would be authorized to go out into Ogle County, Ill., and other parts of the West, and find what we are doing there, and inform the gentleman from New York what the West is accomplishing. [Applause.] And the abandoned farms which we are told are multiplying in number very rapidly in the Empire State would soon be occupied again, and possibly agriculture would come back to that great Commonwealth. [Applause and laughter.]

Mr. MANN. Mr. Chairman, I have myself had both the honor and the pleasure of visiting one of the finest farms in the United States and in the world, presided over and operated by my distinguished colleague from Illinois [Mr. LOWDEN], and if we could appropriate $10,000 or $100,000 and take the citizens of the Empire State to the farm of the gentleman from Illinois, I would be in favor of the appropriation, because it would be worth while. He cultivates a farm in a manner that ought to be the admiration and envy of every farmer in the land, and the pride of every citizen of our State, and of everyone interested in agriculture. If it were to be confined to that, no one would object, but unfortunately that is not the proposition before the committee.

Mr. SCOTT. Mr. Chairman, I beg to be indulged in another word on the point of order. It may be that owing to lack of skill and experience on the part of the chairman of the Committee on Agriculture he has failed in drafting, hastily and extemporaneously, an amendment to this paragraph, to use exactly the words that would carry it from under the point of order. But if that be the case a ruling sustaining the point of order would be purely technical, and I most respectfully suggest to the Chair that in a matter of this kind he may well look to the merits of the question; and in that view I wish to cite again the language of the organic act, which expressly authorizes the Secretary of Agriculture to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture.

Now, Mr. Chairman, those of us who know anything about the Department of Agriculture realize that if there is one point in which it is weak it is in getting out to the people in a practicable and usable form the vast store of information accumulated by its scientists. Therefore it is of great importance that the methods of diffusing agricultural information should be studied, and that is the purpose, I will say to my friend from New York, in authorizing the Secretary to study agricultural societies in other lands—to find out what methods they are using to diffuse agricultural information among their people. Undoubtedly, in view of the great progress that has been made in other countries, they can teach us something in that particular. If they can, we ought to be permitted to learn, and there is no way in which we can learn except through the Department of Agriculture.

Mr. MANN. Will the gentleman yield for a question?

Mr. SCOTT. Certainly.

Mr. MANN. If under the organic law the Secretary of Agriculture has this authority, what is the purpose of the gentleman in offering an amendment to confirm the authority upon the Secretary of Agriculture?

Mr. SCOTT. This language has been carried in the bill a great many years to meet the rulings of the Comptroller, who holds that there must be a specific appropriation and that you can not depend on the general statutes for authority to do everything, even when it is contained in the statutes.

Mr. MANN. The holding of the Comptroller as to the law is binding.

The CHAIRMAN. The Chair holds that it is not in order in this bill either to direct or authorize the Secretary of Agriculture to make such investigation, and the Chair sustains the point of order.

Mr. SCOTT. Mr. Chairman, I would like to offer another amendment. I understand that the language beginning at the word "provided," in line 3, has been stricken out.

The CHAIRMAN. Without objection, the Clerk will make the necessary changes in the total.

There was no objection.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 42, line 3, insert a new paragraph, to read as follows:

"To enable the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations, and of improved methods of agricultural practice, $10,000."

Mr. PERKINS. To that, Mr. Chairman, I make the same point of order.

The CHAIRMAN. The Chair will overrule the point of order.

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Nutrition investigations: For setting up all apparatus now the property of the Government and used in the nutrition investigations, and for preparing for publication results already obtained, $3,000, or so much thereof as may be necessary.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman how many years have these investigations been going on?

Mr. SCOTT. Eighteen years, I should say.

Mr. PERKINS. Eighteen long years?

Mr. SCOTT. Eighteen long years.

Mr. PERKINS. Have they not come to an end yet?

Mr. SCOTT. They were brought to a violent end last year by act of Congress. If the gentleman will permit me, I will recall it to his attention. Last year there was inserted in the agricultural appropriation bill a paragraph providing $5,000 to pack and transport the apparatus which had been used in the State of Connecticut in carrying forward nutrition investigations and bring that apparatus to the city of Washington. Only $2,000 of the $5,000 authorized for the purpose was used, and

the Secretary recommended this year that the remainder of that sum be appropriated for setting up this apparatus and preparing for publication certain results which had been already obtained, but not yet published.

I wish to state that the Committee on Agriculture was waited upon by a great many people and the chairman of that committee received a great many letters, from teachers particularly, strongly appealing for a large appropriation for the continuation of these nutrition investigations. The teachers argued that there was no other source of information open to them which would give them the facts to lay before their pupils in order to carry forward the hygienic and nutrition work which the curriculum of the public schools called for.

Perhaps I gave a wrong impression a few moments ago when I said that the Secretary recommended the appropriation of the $3,000 unused by the Bureau. The Secretary recommended that $25,000 be appropriated to continue the nutrition investigations, but in view of the action of Congress last year your committee did not feel warranted in resuming these investigations; but it did feel that the apparatus which is now here and which is of considerable value, worth perhaps $20,000 or $25,000, should not be allowed to go to ruin by being packed away in boxes in a basement somewhere, but should be set up and properly cared for.

We thought also that the results which had already been obtained might well be prepared for publication. It was not until after the bill had been framed by the committee that the parties to whom I have alluded came to the chairman of the committee asking for an increase in this appropriation for the resumption of the work. I am very much disposed to think that if the whole committee could have heard what the chairman heard in this matter an appropriation would have been inserted in the bill to continue the work, but it was not thought of sufficient importance to reopen the bill.

Mr. PERKINS. Does not the gentleman think that in eighteen long years this investigation should have been brought to an end?

Mr. SCOTT. Oh, it is of such a character that in the very nature of things it will probably never end. There are constantly new problems coming up, there are new foods to be tested or there are foods under different conditions to be tested, and it is of a character that may well continue indefinitely. Let me suggest to the gentleman that very important results have been reached year by year——

Mr. PERKINS. Will the gentleman tell us any changes that he has made in his own system of nutrition as a result of these eighteen years of experience?

Mr. SCOTT. The gentleman has been blessed with such a high degree of health throughout all the days of the years of his pilgrimage upon this earth that he has never had occasion to avail himself of the information developed by this investigation.

Mr. PERKINS. Does the gentleman know of any changes that have been made in diet as a result of this investigation?

Mr. SCOTT. Oh, yes; these investigations have been of great value to the boards and superintendents and others in charge of charitable and penal and eleemosynary institutions. They have gone to develop what would constitute a nutritive ration which could be purchased at low average cost. The chairman of the committee had information brought to him to show that many thousands of dollars had been saved in certain large institutions by reason of the fact that from the knowledge developed by these investigations they were able to supply their inmates with food which was just as nourishing as that which they had been using heretofore, but which did not cost as much; and in many other ways the investigations have been of great value.

Mr. DRISCOLL. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman if this is expended for the Bureau of Chemistry, under Doctor Wiley?

Mr. SCOTT. No; the work is carried on under the direction of the Office of Experiment Stations.

Mr. DRISCOLL. Doctor Wiley is the man that spends most of his time in investigating foods and poisons.

Mr. SCOTT. This happens not to be within his jurisdiction.

Mr. MANN. These investigations were carried on by Doctor Atwater in Connecticut, and they were most valuable in their results.

The Clerk read as follows:

Irrigation and drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation waters, at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon plans for the removal of seepage and surplus waters by drainage, and upon the use of different kinds of power and appliances for irrigation and drainage, and for the preparation, printing, and illustration of reports and bulletins on irrigation and drainage, including employment of labor in the city of Washington or elsewhere; and all necessary expenses, $150,000.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding after the word "dollars," on line 6, page 43, the following:

"*Provided*, That no part of this appropriation shall be expended in the making of any topographic surveys."

Mr. MADDEN. Mr. Chairman, during the hearings before the Committee on Appropriations on the sundry civil appropriation bill, information was elicited that surveys were being made by this bureau of the Department of Agriculture.

Mr. SCOTT. May I inquire of the gentleman who gave that testimony?

Mr. MADDEN. The Director of the Geological Survey.

Mr. SCOTT. Does the gentleman think that he knows as much about it as the chief of this office?

Mr. MADDEN. Perhaps not. I do not know that he should. However, he gave the information, and inasmuch as the Geological Survey is always prepared to furnish topographic maps that may be required by the Department of Agriculture, I thought it was wise to limit the expenditure so that no part of the appropriation made for this particular work should be used for making topographic surveys.

Mr. SCOTT. Will the gentleman answer this question? Is it the judgment of the gentleman that if his amendment prevails the Office of Experiment Stations, under this heading of "Irrigation and drainage investigations," would not be allowed to make the survey which might be necessary to determine whether a swamp could be reclaimed or whether the lowlands of a river might be protected from floods?

Mr. MADDEN. I think it would not interfere with that. It is simply the question of making what is generally understood as "topographic surveys" that it refers to.

Mr. SCOTT. Mr. Chairman, I received from the Secretary of Agriculture, and from the Chief of this Office, letters stating that they did not make topographic surveys, neither in this Office nor in any other bureau of the Department. They do make, under the provision carried in this paragraph, surveys which are intended to develop methods for reclaiming the swamp lands or preventing the overflow of lowlands along the river bottoms.

They are not, strictly speaking, topographic maps, yet they may have such an intimate relation to topographic maps that a strict construction of the amendment which the gentleman has offered, if it should prevail, would prevent the Office from making such surveys and maps. While I believe, therefore, that the amendment is wholly unnecessary I hope, in the interest of the legitimate work of this Bureau, it will not prevail.

Mr. MADDEN. Mr. Chairman, I have no desire to embarrass the Bureau at all, nor have I any desire in anywise to ask for an amendment to the paragraph unnecessarily, but I believe that if the Department, through this Bureau, is making topographic surveys, as topographic surveys are generally understood, that it should not be permitted to expend this money for that purpose. However, if there is any danger whatever of interfering with the legitimate work of the Bureau I would be the last one to attempt to do so, and on the statement of the chairman of the committee having charge of the bill I would gladly withdraw the amendment lest it should have the effect of interfering with the legitimate work of the Bureau.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. I do that for the purpose of making a statement. The question of drainage is one of very considerable interest and one that a great number of people in this country are taking a very active interest in now. There have been a number of bills introduced into this House and at the other end of this Capitol looking to the United States Government in some way taking hold of the subject of drainage. I do not know that the Federal Government will ever come to that, but if we are, it is very desirable first to ascertain with some degree of accuracy just the extent of the swamp and overflowed areas of the United States which are susceptible of proper drainage and which it is desirable to have drained.

There are few subjects that have been more frequently discussed in this House than our proper course in relation to our swamp and overflowed lands, and we are apparently no nearer a conclusion than ever. We began legislating on the subject way back in 1849, when the first of these laws was passed, to enable the State of Louisiana to construct levees and to drain and reclaim her swamp and overflowed lands. This was followed by similar statutes granting these lands to the other States. In recent years we have passed the reclamation act,

under which the proceeds from the sale of the public lands of many of the States are converted into a fund from which the great irrigation projects are conducted. In this way thousands of acres of the arid West are being brought under cultivation and the wisdom of the legislation is now pretty generally recognized. Few propositions, however, have met with more bitter opposition in this House than did the reclamation act, and all the maledictions which are now invoked upon the suggestion to have Federal cooperation in the matter of drainage were then called down upon the irrigation project. The proposition then was to take water to the arid lands, and now it is to take water from the overflowed lands. There is not much public land now remaining in the States which are most interested in drainage, and the fund that could be created by their sale would not be a large one. If the Government should ever decide, however, to embark upon this line of cooperation, the ways and means to provide the necessary funds could be arranged as easily as the other details.

I do not know, nobody knows, just how many acres of these water-soaked soils there are in the United States. I have seen many statements which vary greatly both as to the extent and the value of these areas. Mr. Wright, of the Bureau of Irrigation and Drainage, in a most interesting and instructive bulletin estimates the area at 77,000,000 acres, and their value after reclamation at something more than four and one-half billion dollars. This is certainly a splendid domain and well worthy the ambition of a prince, and any proposition looking to its reclamation ought to receive our most careful consideration. We are lagging behind the other great countries, Mr. Chairman, in many matters that are of most vital concern to our people. We are doing less for our agricultural interests than any of our European neighbors. England is a very small country in territorial extent, and yet she has loaned her farmers $36,000,000 at 3 per cent, to be repaid in twenty-two annual installments, to enable them to conduct these drainage projects, and the results have been most happy. France, Germany, Holland, even Italy, have done much along the same lines. I appreciate the limitations which the Constitution has set upon our powers and I shall be the last to ask that these very proper bounds be overstepped, and what I say is intended as much in criticism of our State legislatures as of Congress. Be the fault where it may, the fact is we are neglecting the fundamentals of national greatness and prosperity.

A MEMBER. Have we that power?

Mr. HUMPHREYS of Mississippi. Let me say again that I am criticising the failure to do the work, whether the laches be Federal or State. I can not now go into the question of power. I will say, though, that I believe the work the Department of Agriculture is now doing under the direction of Mr. Elliott, the very capable Chief of the Bureau of Irrigation and Drainage, is clearly a Federal function. But the point I am trying to impress upon the House now, Mr. Chairman, is that the reclamation of our water-soaked soils is of the highest importance to the industrial development of our country, and it is a matter that is surely to demand action on our part in the not very distant future. That being true, we ought to take time by the forelock and set about to get the information that will be needed when the day of action comes.

At a very largely attended convention held in Memphis, Tenn., last year in the interest of drainage, which was attended by citizens of a number of the States of the Mississippi Valley, this whole matter was discussed and a series of resolutions was adopted. The gentleman from Arkansas [Mr. ROBINSON], who is unavoidably absent to-day, was a member of the resolutions committee of that convention, perhaps chairman. At any rate he drew the resolutions, I know, which were adopted by that convention. In pursuance of those resolutions and along the lines suggested by them, he introduced a bill in this House this session, and as he is not here and as I was a member of that convention and of the resolutions committee, I will now ask to withdraw the pro forma amendment and offer this bill as an amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Illinois and the pro forma amendment offered by the gentleman from Mississippi will be considered as withdrawn, and the gentleman from Mississippi offers the following amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 6, page 43, add:

"That the Secretary of Agriculture be, and he is hereby, authorized and directed to make or cause to be made investigations and surveys of the swamp, wet, and overflowed lands and to determine and ascertain what areas of such lands are susceptible of reclamation by drainage, to devise plans of drainage of such lands, and to make maps and charts thereof.

"That the Secretary of Agriculture shall make a report of his acts and proceedings, together with the plans and systems of drainage so devised and the maps and charts so made, and shall cause the same to be printed and published in convenient form.

"That the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the United States Treasury not otherwise appropriated, to carry out the provisions of this act."

Mr. SCOTT. Mr. Chairman, I am obliged to make a point of order against the amendment.

The CHAIRMAN. The gentleman from Kansas makes the point of order upon the amendment. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. HUMPHREYS of Mississippi. No, Mr. Chairman; I express considerable regret, but no astonishment.

The CHAIRMAN. The amendment changes permanent law, and the Chair sustains the point of order.

The Clerk read as follows:

OFFICE OF PUBLIC ROADS.

Salaries, Office of Public Roads: One Director, who shall be a scientist and have charge of all scientific and technical work, $2,750; one chief of records, $1,600; one editorial clerk, $1,200; two clerks, class 1; three clerks, at $1,000 each; two clerks, at $720 each; in all $12,390.

Mr. DRISCOLL. Mr. Chairman, I do not intend to oppose the appropriation carried in this bill to be expended in making inquiries in regard to systems of road management throughout the United States, and in giving expert advice on road building, maintenance, and administration, and making investigations in regard to the best methods of making roads and the best kind of road-making materials in the several States.

Every bureau and division in this Department, as in all other Departments, is constantly striving to magnify the importance of its own work and to increase its appropriation, and the Office of Public Roads is no exception. If it would continue to confine its functions to the study of road building and giving advice on that subject, it might be of some use, and, at all events, it would be harmless. But the danger is that this is a sort of entering wedge which will commit the National Government to the general policy of building ordinary country roads throughout our land. My attention is directed to this subject at this time because I have been receiving during the last few days petitions and memorials from granges and other agricultural societies, urging me to support a bill providing for the creation of a national highways commission and making an appropriation from the Federal Treasury for the purpose of aiding in the construction and improvement of highways. I received so many of those petitions from the district which I have the honor to represent, and which I always try to serve to the limit of my ability and judgment, that I proceeded to look up the bills introduced in the House on the general subject of constructing country roads by the National Government, or at its expense. I find that eighteen bills have been introduced by Members of the House for that purpose, all seeking to accomplish the same thing, some directly and some seeking to accomplish by indirection what they apparently believe can not be done directly within the limitations of the Constitution, or the doing of which would be contrary to sound public policy. Many of these bills are similar and bear evidence of a common authorship, and I will review and analyze them.

The gentleman from Mississippi [Mr. WILLIAMS], the leader of his party in this House, early in this session introduced a bill providing that the surplus in the National Treasury, after it is determined by the Secretary of the Treasury, and not exceeding $25,000,000 a year, be distributed on a per capita basis among the States, Territories, and the District of Columbia, for the sole purpose of improving post-roads in said States, Territories, and the District of Columbia.

Mr. GAINES of Tennessee. Will my friend yield?

Mr. DRISCOLL. Not now.

Mr. GAINES of Tennessee. I wanted to ask the gentleman a question or two.

Mr. DRISCOLL. Thereafter other gentlemen from the South introduced other bills providing for very large expenditures on the part of the National Government out of the surplus in the Treasury, and providing that it be divided pro rata according to the population of the several States, excepting that the population of cities of over 50,000 should not be counted. According to those bills, the whole population of their States would be counted in the distribution of the surplus, and a majority of the population of the State of New York would not be counted. Then the gentleman from Mississippi [Mr. WILLIAMS] amended his bill, or introduced another one, providing that this $25,000,000 surplus should be expended pro rata among the several States, Territories, and the District of Columbia, except that the population of no city of more than 50,000 should be counted. There is no city in the State of

Mississippi which contains 50,000 souls, according to the last Federal Census; so that his second bill would allow him to count all the people in his State and would exclude from the count a large majority of the people of New York State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask that his time be extended five minutes. I like to hear him talk.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from New York [Mr. DRISCOLL] be extended for five minutes. Is there objection?

Mr. WILLIAMS. Mr. Chairman, I feel compelled——

Mr. MANN. Does the gentleman from Mississippi [Mr. WILLIAMS] object when the gentleman is discussing the gentleman's [Mr. WILLIAMS's] own bill.

Mr. WILLIAMS. I did not know the gentleman was criticising or talking about me.

Mr. DRISCOLL. I was discussing the two bills introduced by the gentleman from Mississippi.

Mr. WILLIAMS. I make an exception this time, since the gentleman is criticising me, and shall not object. The subject-matter, of course, is so good that he ought to proceed.

The CHAIRMAN. The Chair hears no objection.

Mr. GAINES of Tennessee. He can not hurt you in five minutes.

Mr. DRISCOLL. I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Does the gentleman think the Government has no power to build post-roads per se?

Mr. DRISCOLL. I know that the Constitution provides for the establishment of post-roads, but the framers of the Constitution never dreamed of rural free-delivery carriers at that time.

Mr. GAINES of Tennessee. They were not dreamers. They were wise enough, though, to put that elastic provision in the Constitution that gives the right to build rural free-delivery roads and bridges and gates.

Mr. DRISCOLL. Now, you have asked a question——

Mr. GAINES of Tennessee. I just wanted your opinion about the proposition of law.

Mr. DRISCOLL. Well, I have answered it. Of these eighteen bills one was introduced by a Northern Republican, the gentleman from New Hampshire [Mr. CURRIER], who now presides; one by a Southern Republican, the gentleman from Tennessee [Mr. BROWNLOW]; two by Northern Democrats, [Mr. SULZER of New York and Mr. Cox of Indiana], and all the rest by Southern Democrats. According to the provisions of all those bills, their States get a tremendous advantage in the distribution of the surplus to be taken from the Treasury and in the expenditure of moneys by the National Government in building roads in the several States and Territories.

In the second Williams bill and other bills all their people are counted in the distribution of the surplus to be taken from the Treasury, whereas a large majority, or nearly two-thirds, of the people of the State of New York are not counted; and it is manifest that New York suffers in that division or distribution, or in the expenditure of money for roads according to that method.

I want the people who are urging me to support this national highways commission to understand some of the provisions contained in those bills and some of the motives which they disclose. I believe there is back of these bills somewhere a propaganda or central bureau which is sending out this printed matter to be signed by individuals and agricultural societies in the several districts in the country, to be sent on to their Representatives in Congress.

Mr. GAINES of Tennessee. Will the gentleman pardon me just a moment?

Mr. DRISCOLL. I yield.

Mr. GAINES of Tennessee. I am satisfied that my friend from the Ninth District, my colleague [Mr. SIMS], can tell him a great deal about how they have experimented in the city of Jackson, Tenn., where the municipality issued bonds, and took one of our own men and experimented with the proposition, and finally built some of the finest roads down there you ever saw. The man who did that has been working now on the part of the Government.

Mr. DRISCOLL. Mr. Chairman, in my judgment, if the National Government has power under the Constitution to go out into the country and build ordinary highways, even for rural free-delivery carriers to drive over once a day, it has the right to go into a city and build an asphalt pavement for city carriers. They are both paternalism run mad.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield to an interruption?

Mr. DRISCOLL. Yes, sir.

Mr. WILLIAMS. I was so unfortunate as not to hear the gentleman when he spoke about my bill. Do I understand the gentleman has the impression that my bill enables the Federal Government to go into a State and build a road or exercise any control or ownership over the road after it is built?

Mr. DRISCOLL. The gentleman's bill provides that the roads may be built by money received from the National Treasury.

Mr. WILLIAMS. The gentleman was never more mistaken in his life, if he thinks that my bill provides that the Federal Government shall either build the road or exercise any act of ownership or construction over it.

Mr. DRISCOLL. I say the gentleman's bill provides that the roads shall be built by money from the National Treasury——

Mr. WILLIAMS. Yes.

Mr. DRISCOLL. Although the gentleman would prefer to have the money sent down to his State and expended by his own people. That would be another advantage, and by that means he probably is reconciled to the idea of paternalism which he is talking against day in and day out.

Mr. WILLIAMS. I hope the gentleman will insert in his remarks a copy of the bill, which is very short.

Mr. DRISCOLL. I will be delighted.

Mr. WILLIAMS. So that the readers of the RECORD may see I am merely proposing to do what Congress did away back before the war in the distribution of the surplus among the States for internal improvements.

Mr. DRISCOLL. I ask unanimous consent not only to extend my remarks by inserting that bill in the RECORD, but some other bills, and to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. PAYNE. I think I will have to object. I see the gentleman from Mississippi abstains from objecting because his bill is to be inserted.

The CHAIRMAN. Objection is heard.

Mr. SCOTT. I move to close debate on the paragraph——

Mr. DRISCOLL. I ask unanimous consent to extend my remarks in the RECORD, and I will insert the gentleman's two bills. Mr. Chairman, the gentleman from Mississippi [Mr. WILLIAMS] entertains such a high opinion of his bill that he desires to have it printed in the RECORD, and I promised to insert both. The following is a copy of his first bill, which was introduced on the 2d of December, 1907, the first day of the present session:

A bill (H. R. 95) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia, for the sole purpose of improving the roads therein.

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury at the end of each fiscal year to take an account of all the funds in the Treasury of the United States and after deducting from said sum the amounts required by law to be kept in said Treasury the remainder, if any, shall be declared a surplus.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to provide immediately for the distribution of said surplus, not exceeding $25,000,000 annually during the continuance of this law, on a per capita basis to the States, Territories, and the District of Columbia, to be computed from the last general census taken by the national authorities, and shall prorate the same accordingly, for the sole purpose of improving the postal roads in said States, Territories, and District of Columbia, under such rules and regulations as the States, Territories, and District of Columbia may provide; and said Secretary shall immediately notify the governors of said States and Territories and the Commissioners of the District of Columbia the amounts due each, and that the same will be paid over to such person or persons as may be duly authorized by said States, Territories, and the District of Columbia to receive and receipt for the same.

SEC. 3. That should any State, Territory, or District divert said funds for any purpose other than the improvement of the postal roads that they shall not be allowed to participate in any further distribution of said funds until said State shall show to the satisfaction of the Secretary of the Treasury that a like amount so diverted has been expended from the treasury of said State, Territory, or District so diverting the same in a judicious manner upon the postal roads of said State, Territory, or District diverting the same.

SEC. 4. That it shall be the duty of the governors of the several States and Territories and the Commissioners of the District of Columbia to make a full and complete report to the Secretary of the Treasury on the 15th day of November each year what legislation, rules, and regulations have been adopted for the expenditure of said funds upon the postal roads, the manner in which the same has been spent, and the results accomplished. And it shall be the duty of said Secretary to submit said reports to Congress on the first day of each regular session.

That the gentleman may get due credit for both, I insert here a copy of the second bill, which was introduced on the 3d of February, 1898:

A bill (H. R. 10071) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein.

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury at the end of each fiscal year to take an account of all the funds in the Treasury of the United States and after deducting from said sum the amounts required by law to be kept in said Treasury the remainder, if any, shall be declared a surplus.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to provide immediately for the distribution out of said surplus, not exceeding $25,000,000 annually during the continuance of this law, on a per capita basis to the States, Territories, and the District of Columbia, to be computed from the last general census taken by the national authorities (excluding, however, from the population of each State the population of all cities within said State of 50,000 souls or over), and shall prorate the same accordingly, for the sole purpose of improving the postal roads in said States, Territories, and District of Columbia, under such rules and regulations as the States, Territories, and District of Columbia may provide; and said Secretary shall immediately notify the governors of said States and Territories and the Commissioners of the District of Columbia of the amounts due each, and that the same will be paid over to such person or persons as may be duly authorized by said States, Territories, and the District of Columbia to receive and receipt for the same.

SEC. 3. That should any State, Territory, or District divert said funds for any purpose other than the improvement of the postal roads that they shall not be allowed to participate in any further distribution of said funds until said State shall show to the satisfaction of the Secretary of the Treasury that a like amount so diverted has been expended from the treasury of said State, Territory, or District so diverting the same in a judicious manner upon the postal roads of said State, Territory, or District diverting the same.

SEC. 4. That it shall be the duty of the governors of the several States and Territories and the Commissioners of the District of Columbia to make a full and complete report to the Secretary of the Treasury on the 15th day of November each year what legislation, rules, and regulations have been adopted for the expenditure of said funds upon the postal roads, the manner in which the same has been spent, and the results accomplished. And it shall be the duty of said Secretary to submit said reports to Congress on the first day of each regular session.

The second bill is just like the first, except that all cities of 50,000 souls or over are excluded from the count.

Both bills are very bad, for they propose to commit the Federal Government to the policy and business of ordinary road building; and they aim to accomplish by a subterfuge what the gentleman admits the National Government should not do in a straightforward manner. The first bill has the virtue of being fair to all the States and Territories, for they would get their proportionate shares of the twenty-five millions of dollars drawn from the National Treasury according to their respective populations. But according to his second bill his State would get credit for all of its population, for it has no city of 50,000 souls, negroes included, whereas the State of New York would be denied 58.76 per cent of its share by the exclusion from the count and representation of all cities of more than 50,000 inhabitants. I hardly know how the District of Columbia would fare under this proposition for it is practically all city. That is the gentleman's conception of statesmanship and a square deal.

However, some of the gentleman's Democratic colleagues surpass their distinguished leader in the plan of overreaching and getting more than their share of Federal assistance.

Another gentleman from Mississippi [Mr. BOWERS] introduced a bill on January 3, 1908, substantially like the two Williams bills above quoted, except that it excludes from the count all cities of more than 30,000 population, and would therefore deny to the State of New York 60.13 per cent of its share, while Mississippi would get its full proportion, it having no city of over 30,000.

The gentleman from Oklahoma [Mr. FERRIS] on January 6, 1908, introduced a bill much like the Williams bills in substance. It provides for the distribution of a surplus in the National Treasury not to exceed half a million of dollars to each State, Territory, and the District of Columbia in any fiscal year, and that such distribution shall be apportioned according to the last Federal census, and revised and apportioned immediately following each succeeding census; and excluding from the count all cities of more than 25,000 inhabitants. That would give Oklahoma credit for all of its population, and would deprive the State of New York of a still greater proportion of its share. Verily this young State promises not to be backward in dipping into the Treasury.

The gentleman from Georgia [Mr. ADAMSON], on December 2, 1907, introduced a bill providing for a raid on the Federal surplus, to be distributed on a per capita basis to the States, Territories, and the District of Columbia, but excluding from the count all cities of more than 30,000.

The gentleman from Virginia [Mr. FLOOD] on December 7, 1907, introduced a bill for the distribution of $25,000,000 of Federal surplus annually, on a per capita basis, to the States, Territories, and the District of Columbia, and it does not deny any of the States credit for the populations of their large cities. I give him due credit for being fair in not trying to appropriate for his own State more than its proportionate share. Let me say in passing that there is no surplus in the Treasury, nor has there been since the civil war. There can be no surplus while the Government is in debt. There may be daily, monthly, or yearly balances on the credit side of the ledger, but no surplus.

The gentleman from Alabama [Mr. WILEY] on the 2d of December, 1907, introduced a bill which has the merit of originality, for it does not seem to plagiarize any of the others. This bill provides that the Secretary of the Treasury of the United States shall have engraved and printed $200,000,000 of Treasury notes, which shall be legal tender for the payment of all debts and shall be placed in a fund to be known as the "general county road fund system of the United States," and to be expended solely for that purpose. It further provides that—

It shall be the duty of the Secretary of War to take charge of and supervise the construction of the said general county-road system in the United States and in the improvement and betterment of public roads, * * * to inaugurate and supervise the work, and to expend the sum of $500,000 per month pro rata with the number of miles of public roads in each State of the United States.

This bill cuts out the Territories and the District of Columbia. Alabama is a large State in area, with many and long country roads. You will notice that city roads are not included; and where would New York come in under this distribution of $200,000,000?

The gentleman from Mississippi [Mr. WILLIAMS], explaining his bills, said:

I do not believe in the advisability or the wisdom or the policy of the Federal Government going into a State and building roads, to maintain them, and to exercise acts of sovereignty or control over them. I wish I could add that I do not believe that the Federal Government has the constitutional power to do so. I can not in good faith deny the constitutional power to construct and maintain post-roads. * * * But I do not believe in the wisdom of it nor the policy of it, and I believe the exercise of the power, even though constitutional, would carry Federal control and centralization further than it ought to go.

You will notice that in his statement of the National Government's power he refers to "post-roads;" but the gentleman from Alabama has no hesitation in setting the Secretary of War at work in the construction of a general county-road system at the expense of the Federal Treasury. These gentlemen are both experienced statesmen and profound constitutional lawyers, and I pit them against each other. They differ as to constitutionality, paternalism, and centralization, but they agree in their mutual desire to dip into the Federal Treasury to do what they ought to do themselves.

The gentleman from Florida [Mr. CLARK] on December 16, 1907, introduced a bill providing "That the Secretary of War shall have built and constructed in each and every State in the United States a good, hard-surfaced highway of the best and most durable material that may be found within the limits of the particular State, full 20 feet wide and 100 miles in length," and paid for out of the National Treasury. This gentleman begs leave to differ with his leader on the policy of the National Government going into the several States and building roads therein. He is willing to waive his inherited views against the invasion of State rights and against paternalism if he can only get 100 miles of road built at the national expense. Florida has three Representatives in Congress. Nevada has one and is not entitled to half that on its population. Yet these little States and others get as much road as the Empire State.

Mr. Chairman, we now come to a grist of bills of a different class, but aiming at the same result—the construction of ordinary country roads at the expense of the Federal Treasury, and giving to the States which the gentlemen introducing these bills represent much more than their legitimate share of the Federal assistance.

The gentleman from South Carolina [Mr. PATTERSON], on the 24th of January, 1908, introduced a bill providing for the establishment in the Department of Agriculture of a bureau to be known as the Bureau of Public Highways. All highways are supposed to be public and open to all passengers. But we will let that pass. All greedy, grasping propositions should contain a few well-sounding, liberal, and patriotic phrases. This bill starts off quite harmlessly and provides that such Bureau shall cooperate with the several States in the construction and improvement of permanent public roads, in making investigations and experiments in regard to the best methods of road making and the best road-making materials, in object-lesson roads, in publishing and distributing bulletins and reports on the subject of road improvement, and in bringing about a uniform system of repair, improvement, and construction of public roads, and winds up with an appropriation from the Public Treasury of $24,000,000, "the said appropriation to be available at the rate of $8,000,000 a year during the years 1906, 1907, and 1908."

How we can turn backward and spend those millions in 1906 and 1907 I leave to the gentleman's resourcefulness. It provides for the distribution of this money as follows:

No State shall receive in any one year less than $100,000 of the sum hereby appropriated, nor a larger proportion of the sum hereby appropriated than its population bears to the total population of the

United States, based upon the census of 1900: *Provided*, That in computing the population of any State no city thereof shall be credited with more than 10,000 inhabitants.

This is not only retroactive, but more decidedly jug-handled than the others against New York, which has many cities of more than 10,000. It further provides that the work shall be done under commissioners of highways and engineers, all in the employ of and paid by the Federal Government; that half of the expense of such public highways in every State or civil subdivision thereof shall be paid by the Treasury of the United States and half by the State or the civil subdivision thereof which shall receive credit on their half for all labor, materials, and machinery used in the construction or improvement of such highways. In other words, they would work out their half, and farmers know what that means.

The gentleman from Georgia [Mr. LEE] on December 5, 1907, introduced a bill substantially like the Patterson bill, with the same retroactive clause, but it does not discriminate against States containing large cities.

On the same day, December 5, 1907, the gentleman from Virginia [Mr. MAYNARD] introduced a bill, which is word for word like the Lee bill, including the retroactive clause.

On February 12, 1908, the gentleman from Georgia [Mr. BELL] introduced a bill not exactly word for word, but very much like the Lee and Maynard bills, except that it provides for an appropriation of $100,000,000, to be available in five annual installments, and provides further that no State or Territory shall receive in any year an amount larger than $1,000,000 nor less than $250,000. Again a discrimination in favor of the small States and against the large ones.

On December 2, 1907, the gentleman from Tennessee [Mr. BROWNLOW] introduced a bill exactly like the Lee and Maynard bills, except the retroactive clause. Although a Republican, he seems to have caught the Southern fever for a raid on the Federal Treasury, and whether he got the inspiration from the gentlemen whose bills are like his, or whether they copied one of his old bills, I will leave to those gentlemen to determine among themselves.

On March 12, 1908, the gentleman from Missouri [Mr. LAMAR] introduced a bill differing only in details from the four bills last above-mentioned. It carries an appropriation of $50,000,000, to be raised by the sale of bonds if there is no money in the Treasury, and provides that—

No city or town having a population of more than 6,000 inhabitants, as determined by the census of 1900, shall be entitled to the provisions of this act.

On December 10, 1907, the gentleman from Indiana [Mr. Cox] introduced a bill substantially like the five bills last mentioned. In fact, these six bills bear unmistakable evidence of a common source, and whether the idea emanated from the brain of one of these Representatives or from some propaganda I will not venture to guess.

The Cox bill provides for the construction of only post-roads; but if all highways over which rural free-delivery carriers travel are held to be post-roads, the proposition is nearly as extravagant and paternalistic as the others.

On the 7th of February, 1908, the gentleman from New York [Mr. SULZER] introduced a bill which is entirely different from all the others, and is much more original than practical or sensible. It provides that the nation shall loan to the several States and Territories money for the construction and improvement of post-roads. There is no limit to the amount which any State or Territory may borrow or that the Secretary of the Treasury may loan. No interest is required if the principal is paid when due, and no povision is made for the enforcement of such payments. Twenty billions of dollars would not construct good roads throughout this country, and the gentleman does not suggest where it will come from. He provides for spending it in the same reckless and wholesale manner as if it came out of the clouds. But it does not. It comes out of the people, and if the reign of extravagance proposed in these bills is inaugurated new taxes in some form will have to be levied.

On the 30th of January, 1908, the gentleman from New Hampshire [Mr. CURRIER] introduced a bill for the construction of roads by the National Government and at its expense. It creates a national highways commission, to be appointed by the President, refers to the promotion of interstate commerce and trade and the postal service, and embodies certain phrases which sound within the commerce and postal clauses of the Constitution, and carries an appropriation of $50,000,000, to be expended at the rate of ten millions a year for five years, and that not less than $500,000 thereof shall be expended in each State. The gentleman says it was introduced at the request of the master of the National Grange, who lives in the State of New Hampshire. Naturally that gentleman would like it, for his State would get a great advantage.

New York had, according to the last Federal census, more than seventeen times the population of New Hampshire, and in the next census will have twenty times her population; and yet New Hampshire is assured as much assistance from the Federal Treasury in this bill as is New York.

Nevada with 42,335 inhabitants, Wyoming with 92,531, Idaho with 161,722, and Delaware with 184,735, are put on an equal footing with my State in the distribution of this $50,000,000, which, according to the same census, had 7,264,894 inhabitants.

It is true that after each State, large and small, receives $500,000, there will remain $27,000,000 for distribution, for which no provision is made. The small States would have received several times their equitable proportions, but they would be none the less greedy for all they could get of the balance. That would mean wire-pulling and log-rolling and an unseemly and disgraceful scramble for the contents of that rich pork barrel.

Large and rich States never get their equitable share of patronage from the National Government, for the reason that their delegations in Congress do not combine with a common purpose and for a common end with the same diligence and determination which are manifested by the delegations from small States. A State with only one Representative has two Senators who equalize the vote of the Senators from the Empire State.

There are no rules in the Senate, and those gentlemen, by methods with which they are familiar, can hold up legislation until they get practically what they want for their States. There are twenty-nine States in this Union in none of which is as large, rich, enterprising, or prosperous a city as Syracuse; and if it were in one of those States the two Senators and all the Members from the State would be proud of it, and would unite with determination to get what it wanted, and its demand for a post-office would not be put off and neglected the way Syracuse has been neglected.

If the construction of highways is a strictly national affair for the promotion of interstate commerce, why assure to each State, large and small, an equal part without regard to the needs of such States or the benefit to commerce by the expenditure of such sums? And if it is a State affair, why not divide it among the States in proportion to their populations? This proposition is neither, but a combination of both. It is national so far as getting the money from the Treasury is concerned, and it is State so far as its division and distribution are concerned. Aside from the question of constitutionality, paternalism, and national socialism, the Empire State can not afford to go into the pool for road building provided for in this bill, or in any other bill which has been introduced in Congress up to this date. It has more population and wealth than any other State, and doubtless contributes as much, and perhaps more, per capita than any other to the National Treasury; and yet it would receive but a very niggardly proportion of the sums drawn from that Treasury according to the most liberal and equitable proposition to which I have referred.

All the gentlemen who have introduced bills on this subject, except the gentleman from New Hampshire, represent States of large areas, many and long highways, and sparse populations. They can well afford to go into partnership with the rich, thickly settled, and highly improved States for the construction of their country roads, especially when they exclude cities from consideration the citizens whereof may contribute and get no return. The rural districts of New York State better stay in partnership with our great cities, which help build their roads, than be inveigled into the scheme proposed by these enterprising Southern gentlemen, and that is exactly what they are doing.

We adopted a constitutional amendment to bond our State for $50,000,000 for the improvement of our roads. Those bonds are a lien upon city blocks as well as on farms. They will be paid by saloons, hotels, corporations, and estates of deceased millionaires, and other indirect taxes. Our State is thickly settled. Our people are industrious and enterprising. They have been for years working on their highways, and many of them are fairly good. Our engineers know more about road construction than those in the Federal employ, because they have had more experience in that work. Our farmers are not busy all the time talking about State rights and sovereignty, but they are doing the things which a State should do. If our Southern friends would talk less and work more they would not be in such dire need of national aid.

Mr. Chairman, I wonder if the gentlemen who have introduced all these bills fully realize what sized proposition they are endeavoring to force upon this Government. They want good roads, but they cost much money. Under the Higby-Armstrong act passed by the New York legislature, 28 miles of road have

been completed, or are in process of construction, in the county of Onondaga, N. Y., and the cost per mile shows an average of $11,845.33. In some ports of our country road construction may be cheaper, but in other parts much more expensive on account of mountains, morasses, and other physical difficulties. But take these figures as an average cost. On March 1, 1908, there were established and in operation 38,852 rural free-delivery routes, which average about 24 miles. At a cost of $11,845.33 per mile their construction would reach the aggregate sum of $11,045,154,267.84. The roads in our county have been built by contract and by the lowest bidder. Nearly all the bills to which I have referred provide that the work be done directly by the Government, and some provide for eight-hour days, and impose other conditions under which the same work would cost much more.

Some of the bills provide that the States or municipal subdivisions thereof would contribute one-half the expense by working out their share. Make any allowance you please, and the undertaking is so large and expensive as to stagger any man possessed of a grain of conservatism. It is also a pretty large investment in order that a lone letter carrier may have a good road to travel over once a day; and that is the only legal or constitutional excuse or apology offered for this tremendous expenditure on the part of the National Government.

One hundred miles of road in each State would, according to these figures, cost $54,488,518, and much more than that sum for the kind of road specified by the gentleman from Florida [Mr. CLARK]. And yet he nonchalantly appropriates the sum of $5,000,000 for this work, to be available as needed, in the judgment of the Secretary of War. That official would have a pretty hard time spreading that sum over the work proposed to be done by this gentleman.

I have set forth these facts at some length for the information of our granges and other agricultural societies who may have approved some of these propositions for the construction of their roads without considering all sides of the question and their ultimate effect on their own interests. It is generally well to consider the cost of a proposition and the motive which prompts it. "Beware of the Greeks bearing gifts," and beware of the financial disaster into which some of our good friends seem disposed to launch our Uncle Samuel.

All these bills except three emanate from Southern States. Two of those three are from Northern Democrats, and only one from a Northern Republican; and the gentleman who fathers that bill may plead in mitigation the fact that his State profits at the expense of her sister States.

Mr. Chairman, this multitude of bills introduced by our Southern friends, representing several different States, authorizing and directing the National Government to do things which the States themselves should do, leads me to the conclusion that they are not faithful to the traditions and teachings of their political ancestors. They are political descendants of the great John C. Calhoun, to whom they frequently refer and liberally quote. He and his school of statesmen believed in a strict construction of the Constitution. It was a vital issue with them, for on it depended the maintenance of slavery. Southern Senators and Representatives of his time clung to it with a tenacity and consistency which were admirable. No personal advantage, no State interest caused them to yield their position for an instant. But the present generation of Southern statesmen seems disposed to yield whenever there is an opportunity to get some benefit. Our tariff system, which they score so roundly, and our revenue system, have been highly successful, at all events in pouring into the Federal Treasury streams of cash. Our coffers have been overflowing, and many of the States are poor, among them some of the Southern States; and their notion of States rights now seems to be the right to dip into the Treasury on every possible excuse. They are opposed to paternalism in their speeches; but when there is a chance to secure some benefit for their districts or States they fling their principles to the winds and dip into the Treasury as deep as possible.

When a scheme for the irrigation of arid lands is projected, the gentlemen from Texas support it and smile at the theory that each State should take care of its own territory. When a national quarantine bill is introduced the gentlemen from Texas oppose it on the theory that it is an invasion of States rights and altogether too paternalistic, while the Representatives from Louisiana and other Gulf States are its strongest advocates. They waive their objections to paternalism and implore the National Government to fight yellow fever and other epidemics. Southern cotton planters are imploring the National Government for large appropriations for the extermination of the boll weevil. The invasion of States rights and paternalism have no terrors for them. New York digs its own barge canal at a tremendous expense, while Virginia and North Carolina are demanding that their internal waterway be excavated by the National Government. New York buys and protects its own forest reserves, while the States bordering on the Southern Appalachians are appealing to Congress to buy their mountain ranges at good prices. Just how they expect to accomplish that, whether by condemnation or agreement with the lumber speculators who have stripped off all the timber and want to sell them to Uncle Samuel for several times what they cost, does not appear. However, they are entirely willing to admit the authority of the national law, and a small army of national agents for the execution of that law, within their borders. And now the policy and business of building and improving ordinary highways find their principal and most earnest advocates in the Southern States.

Some of these gentlemen, in order to avoid paternalism and other theories against which they are committed, would take the money from the Treasury and distribute it among the States to be expended by such States; while others would have the Federal employees and officials go into the several States and build roads in their own way and at the expense of the Federal Treasury. They are willing to make any concession in the way of principle and prejudice if they can get the National Government to do their work.

I make these suggestions, not in the way of censure or criticism. I entertain for these gentlemen a high degree of respect and admiration. Southern Democrats exact from their public servants as high a degree of official honesty as do Northern Republicans. They are, as a rule, able and patriotic. They love the Southland. It was the home of their ancestors for many generations, when they were in more affluent circumstances and exercised a more powerful influence on national affairs. They love their States and are loyal to them. They believe in the full measure of States rights and are opposed to the growth of paternalism on the part of the National Government. That is to them an inheritance. But when a proposition is made to give them some relief, benefit, or advantage at the expense of the National Treasury, it is a condition and not a theory which then confronts them. They are human and yield to the demands of their constituents, or they agitate some proposition of this sort in order to make themselves more popular in their several districts.

I am persuaded that the representatives from the old Northern States are in fact more consistent defenders of the rights of the States, and more determined opponents of the present growing paternalism and centralization than are their colleagues from the reconstructed States.

Mr. WILLIAMS. I move to strike out the last word. I wish to say a few words upon the subject which has just been discussed by my good friend. Mr. Chairman, I do not believe in the advisability or the wisdom or the policy of the Federal Government going into a State and building roads, to maintain them, and to exercise acts of sovereignty or control over them. I wish I could add that I do not believe that the Federal Government has the constitutional power to do so. I can not in good faith deny the constitutional power to construct and maintain post-roads. It was exercised early in the history of the country, and although subsequent bills were vetoed by Democratic Presidents, as strict a constructionist as John C. Calhoun himself maintained the right of the Federal Government to construct roads; and prior to the vetoes by Monroe and Madison, Jefferson had approved such a bill, passed by a Congress many of whose Members had helped to frame the Constitution. But I do not believe in the wisdom of it nor the policy of it; and I believe the exercise of the power, even though constitutional, would carry Federal control and centralization further than it ought to go.

Now, the bill insisted on and introduced by me merely proceeds to do this: It proposes to take *out of the surplus* in the Treasury, as long as there is a surplus, out of money already collected and belonging to the Federal Government, which has got to be distributed in some way, $25,000,000 per annum, and distribute it among the States in trust, wherewith they—the States—may construct good roads on postal routes. This is following a precedent established away back before the war—I believe it was in General Jackson's time, though I have forgotten—when the surplus in the Treasury was distributed among the States for purposes of internal improvement.

Mr. SCOTT. Does the gentleman think the results of that distribution were so happy as to warrant us in following the precedent?

Mr. WILLIAMS. Into that I do not care to go fully at this moment, because it would consume most of my time. I may say, under conditions, my reply would be that if these funds were to be used, or, rather, misused and diverted, in precisely

the same way the former distribution was, I would have fear for it, because undoubtedly the States, a good many of them, did abuse then the trust reposed in them and misappropriated or wasted the money.

Mr. MADDEN. Will the gentleman allow me?

Mr. WILLIAMS. I can not, because objection will be made to extending my time.

Mr. MANN. How can objection be made? The gentleman can not object to his own request.

Mr. MADDEN. One question——

Mr. WILLIAMS. Mr. Chairman, the gentleman from New York is waiting to object. I know what is going on in the House. [Laughter.] I will be glad to answer the gentleman any question when I get through if I have the time, or if the House gives it to me.

Now, Mr. Chairman, in order to prevent the very trouble which has been suggested by the gentleman from Kansas [Mr. SCOTT], I have provided in this bill that whenever any State shall misappropriate or misuse the money distributed to it for road making during any one year that it shall not be entitled to any further distribution until it shall first have devoted an equal sum of its own money to road making satisfactorily to the Secretary of the Treasury and shall have proven the fact of such actual expenditure to him and to his satisfaction, and that would forestall and prevent the abuse which occurred under the former distribution of surplus to the States for internal improvement.

Under my bill the Federal Government has nothing to do with the roads in the States—either their construction, maintenance, or control. It has simply to distribute to the States as trustees, according to a rule laid down in the bill, $25,000,000 annually out of the surplus in the Treasury lying there and doing no good, and now being loaned to the national banks without interest; the States to use the amount for the construction of good roads; and the only string that the Federal Government under my bill has upon the distribution or use of the fund is what I have a moment ago stated, to wit, that if any State shall misappropriate the fund, then that particular State shall not be entitled to succeeding distributions.

Now, as to the method of distribution. The purpose is to build good roads, and therefore it would be absurd to say that the money should be distributed to the States in proportion to their population.

The State of Rhode Island, with very large cities and a very small mileage of road, counting even city streets as roads, would get a disproportionate amount of money for the purposes for which the bill was intended to provide. So that my bill provides——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. PAYNE. I ask unanimous consent that the time of the gentleman from Mississippi be extended five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Chairman, in return for that courtesy, I shall not object to the extension of any time upon that side of the Chamber for the balance of this afternoon, as long as this particular matter is being discussed. [Laughter.]

Mr. PAYNE. I wanted to see how consistent my friend would be.

Mr. DRISCOLL. The gentleman says the distribution of this surplus pro rata according to the population of the several States would be absurd on account of the proposition contained in the bill; but I ask the gentleman why he incorporated that idea in the first bill which he introduced on the subject, on December 3 last?

Mr. WILLIAMS. Simply because "Homer himself at times nods," and "the gentleman from Mississippi" at that time did not think of this patent injustice as it subsequently suggested itself to his mind. In the first bill that I introduced the money was to be distributed in proportion to population.

Mr. DRISCOLL. Was it not because some other gentlemen from that section called attention to it and introduced bills providing that the money should not be expended according to the population of the several States, and therefore the gentleman from Mississippi took the cue and changed his bill?

Mr. WILLIAMS. I did not see any other bill before changing that provision in mine. I do not remember whether some other gentleman called my attention to the patent injustice or whether I myself thought of it of my own volition, but whichever way it was I *did* see it, and in the bill which I subsequently introduced I corrected it. Now, as a matter of course, if you are going to distribute a certain amount of money to the States for road making you want it to go to build roads, and you want it, therefore, to go in proportion to the necessity existing for roads, and therefore it would be fairer to distribute the amount in proportion to the possible mileage of roads than it would be in proportion to population.

But that would be unfair, too, in a way, and therefore it struck me afterwards that a compromise or middle way would be better; that it should be distributed to the States and Territories in proportion to their population, subtracting from the total population of a State the population of cities and towns of 50,000 souls. Now, for example, suppose you distributed it in proportion to population; take, if you will, the great State of Washington and the little State of Rhode Island.

Mr. DRISCOLL. Will the gentleman yield?

Mr. WILLIAMS. You would give the State of Rhode Island a very disproportionate amount of money in comparison with its necessities for roads, or even its possibilities for roads, or room for roads, and roads are, remember, the purpose of the bill; whereas you would give the State of Washington a disproportionately small amount in comparison with the necessity for roads. Therefore——

Mr. DRISCOLL. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS. No gentleman can keep his head in expressing ideas if he can not finish his sentence. Now, Mr. Chairman, the gentleman from New York [Mr. PAYNE], at the beginning of this session, took up this bill with some other matters of criticism of me.

I wish to refer to the provisions of my bill so that I may never again be charged with wanting to carry the Federal Government into the States a road making.

I do not believe that the Federal Government ought to go out and levy taxes in order to provide money, even to intrust to the State as trustee, to build good roads. My only excuse for the bill is that a surplus has already been collected and is in the Treasury, and it ought to be put out to work among the people to do the most possible and the best work for the people. If we had a Democratic Administration, upon real and true Democratic lines, there would be no necessity for a bill of this sort, because you would leave the money in the pockets of the people, so that the people could pay it in the shape of taxes to the State and counties, and they could expend it for good roads and for other useful purposes. [Applause on the Democratic side.]

I do not believe in keeping up a surplus in the Treasury of the United States. I believe that any Government which maintains a surplus is inviting corruption and inviting extravagance. But a great Democrat once said, "I am confronted by a condition and not a theory." Here you have a surplus and what are you doing with it? You are now lending it out to the banks without a dollar of interest, to enable them to finance questionable enterprises of every description.

I say that you ought to take that money and put it into rivers and harbors and public buildings, and give it to the States for the purpose of constructing good roads—in a word, *invest* it to bring dividends to the people and to posterity. You ought to use that money so that it should contribute to the material prosperity, progress, and advancement of the individual citizen and of the various locales of the American Union—the counties and the State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I did not finish reading the bill. I will do that later.

Mr. MANN. Why does not the gentleman from Mississippi ask unanimous consent to insert it?

Mr. DRISCOLL. Mr. Chairman, since the great leaders have declared a truce for the afternoon and fallen upon each other's neck, I ask unanimous consent to extend my remarks in the RECORD, and I will insert both bills of the gentleman from Mississippi. [Laughter.]

Mr. WILLIAMS. I do not see what need there is of inserting the first one, as I am standing on the second. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, when an American citizen goes out gunning for votes he is quite apt to get himself into difficulty. It is true that formerly in our history there was a surplus in the Treasury that was divided among the States, deposited in the various States, according to population. Some of that money was wasted; some States, like my own State, put it to a good and useful purpose. They loaned it out on bonds and mortgages, and they used the proceeds of the bonds and mortgages in school funds, the benefits of which our schools are getting to-day.

There is a surplus in the Treasury now, and is liable to be perhaps for some time to come. It will be taken care of if we can extend our banking system in some direction so as to relieve the difficulty that there is and release the bonded indebtedness of the United States as security for the currency. Then the money can be used in paying the debts of the United States. People look anxiously toward that surplus. The farmers would like some of it, no doubt, and other people in the United States would like it.

Here is the opportunity for gentlemen to come in. The farmers have votes, and votes may possibly be influenced by some idea of having a decreased taxation for highway improvement, although I believe that the average voter of the United States is far above any temptation or bribery of that kind.

The gentleman from Mississippi realizes these facts, and he wants to meet the emergency. What does he do? He comes in with the subterfuge—because he does not believe in paternalism; he does not believe that the Government of the United States should step in and do everything that the citizen needs unless he can keep one eye closed at the time he is doing it—he comes in with a bill that the United States shall furnish the money to the sovereign States to take care of the roads in the United States. Not content with that, he proposes to eliminate the populations of the city, who certainly have contributed as much toward the surplus in the Treasury as the farmers in the State of Mississippi; he proposes to eliminate them in his great distribution of these funds. He proposes to bribe the voters of the United States by eliminating the cities from the calculation and distribute it only according to the votes of the farming districts outside of the cities of 50,000 people. Now, he can not deceive the people by any such subterfuge.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. PAYNE. They know it is paternalism. The United States is to do the business. They are to furnish the money and they are to keep a string on it. If the States do not work according to the plan of the United States, then they are not to participate in the next year's contribution. What difference is there whether the sovereign States do this work or some superintendent down in Yazoo City?

Mr. WILLIAMS. Will the gentleman permit a question?

Mr. PAYNE. Yes.

Mr. WILLIAMS. I understand that the gentleman has charged that this bill, if it pass, giving to the farmers chiefly the benefits accruing to them, would be a bribe to the farming classes. Does the gentleman think it any more iniquitous to bribe the farmers of the country than it is to bribe the manufacturers?

Mr. BURLESON. Or the bankers?

Mr. WILLIAMS. Or the bankers?

Mr. PAYNE. No; I do not.

Mr. WILLIAMS. I am glad to hear that admission.

Mr. PAYNE. And I hope the gentleman will join with me and not bribe anybody. [Laughter and applause on the Republican side.]

Mr. WILLIAMS. Your protective tariff has bribed the manufacturers and the national-bank laws have bribed the bankers.

Mr. PAYNE. To be sure, the farmers are in the majority. They constitute over one-third of our population in the United States. They are the biggest class who could vote, but I do not believe in any such proposition as this, and I do not care what grange in my district passes a resolution, without thinking the matter over; I have the same answer to them that I make now. I am opposed to the Federal Government going into the general business of road building in the United States, whether it is under the thin guise of distributing a surplus to the States, according to the farming population, or any other scheme that the gentleman from Mississippi [Mr. WILLIAMS] or any other gentleman can devise.

Mr. GAINES of Tennessee. Is the gentleman opposed to taking any part of the public revenues and building up rural-route roads or rural bridges?

Mr. PAYNE. Oh, that is too thin a proposition.

Mr. GAINES of Tennessee. It is not thin at all.

Mr. PAYNE. And there is not one of the gentleman's constituents—not one out of a hundred—who will believe him in earnest when he talks about building up their rural-delivery routes.

Mr. GAINES of Tennessee. I am a heap more "in earnest" than the gentleman was when he kicked against raising the rural appropriation in 1898 from $150,000 to $300,000.

Mr. PAYNE. Look at the State of New York. It is issuing $50,000,000 of bonds to build good roads. Look at every county and locality in my State. They are working in the building of good roads. They do not ask the Federal Government for aid. That is a State. The people of that State do not shout that New York is a sovereign State every fifteen minutes in the day, and they furnish an example to you gentlemen on the other side representing States from another locality, who shout "Sovereignty, sovereignty, sovereign States!" morning, noon, and night, and who are trying to get their hands into the Federal Treasury all the time and have the National Government do what your State governments ought to be proud to do. [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, this discussion is reaching out and taking in matters that are very acute. People down in my district do not see the difference between the "surplus," so called, and——

Mr. MANN. A deficit? [Laughter.]

Mr. SIMS. And any other money in the Treasury. When they want money to build good roads, they will take the "surplus" or they will help to make a surplus. Now, I do not think we can do by indirection what we can not do by direction. If we can not levy a tax to put a fund in the Public Treasury of the United States with which to build roads, we should not use a surplus collected by Federal taxation for such a purpose, and I do not see any use in whipping the devil around the stump. Let us go at it straight or not go at it at all. What nation ever has a surplus as long as it has an unpaid indebtedness? What individual has a surplus of money as long as he is in debt?

It is true we may have a "surplus" for the current year, but once let the people receive aid from the Federal Treasury and then put us Democrats in, and let us reduce taxes to a revenue basis and stop the surplus, then where will we be? [Applause and laughter on the Republican side.] Having once received that "surplus," what would they say if it should cease to exist from any cause?

Mr. COCKS of New York. "Give us some more."

Mr. SIMS. They would say, "If you have not got sense enough to create a 'surplus,' if it takes a 'surplus' to get what we want, get out, and we will send men who have." [Applause and laughter on the Republican side.] If it is right, Mr. Chairman, and constitutional to levy a tax to build public roads and post-roads, or to assist the States in doing so, let us do it straight from the shoulder and not limit it to a "surplus," which is only incidental and will vanish if taxes are reduced. The United States Government should never have a "surplus." We should never collect one dollar more than enough to pay necessary expenses. The crying evil of the present day in Federal taxation is in collecting vastly more than we need, which has become a "tempting surplus;" it tempts us to make extravagant appropriations and to invent and devise ways and means to cover up and excuse our extravagance.

Reduce the tariff and stop the surplus from being created and not take money that is in the Treasury which should be paid upon our debts and deposit it, as was done a few weeks ago, in banks in order that they might lend it out in Wall street on call at rates reaching as high as 100 per cent. Mr. Chairman, I am not now undertaking to determine the question, but if this proposition is constitutional, we will come to it sooner or later, because it has been widely discussed all over the country, and the farmers all over the United States have resolved in favor of it, and they are going to have it if it is constitutional, so we had just as well face the situation and face it bravely, and either advocate it unconditionally or oppose it unconditionally. [Applause.]

[Mr. COX of Indiana addressed the committee. See Appendix.]

Mr. WILLIAMS. Mr. Chairman, a while ago I was diverted from my purpose of reading my bill, and I now want to insert it in the RECORD, and I want the Members of the House to hear it read so that they shall know I have not deflected one particle from the time-honored belief on my part of not having Federal interference in the affairs of the States.

Mr. SCOTT. I understand the gentleman, by mistake, read from a bill which was not his own, and he now wants to correct that mistake.

Mr. WILLIAMS. I read from the wrong bill. I did not finish reading it, because before I got through I found it was another bill.

Mr. MANN. The gentleman could not distinguish.

Mr. WILLIAMS. The opening or first sections of the bills were identical. Now, I ask your attention to the bill:

A bill (H. R. 16071) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein.

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury at the end of each fiscal year to take an account of all the funds in the Treasury of the United States and after deducting from said sum the amounts required by law to be kept in said Treasury the remainder, if any, shall be declared a surplus.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to provide immediately for the distribution out of said surplus, not exceeding $25,000,000 annually during the continuance of this law, on a per capita basis to the States, Territories, and the District of Columbia, to be computed from the last general census taken by the national authorities, excluding, however, from the population of each State the population of all cities within said State of 50,000 souls or over, and shall prorate the same accordingly, for the sole purpose of improving the postal roads—

Post roads, note. No other roads, now—

in said States, Territories, and District of Columbia, under such rules and regulations as the States, Territories, and District of Columbia may provide; and said Secretary shall immediately notify the governors of said States and Territories and the Commissioners of the District of Columbia of the amounts due each, and that the same will be paid over to such person or persons as may be duly authorized by said States, Territories, and the District of Columbia to receive and receipt for the same.

SEC. 3. That should any State, Territory, or District divert said funds for any purpose other than the improvement of the postal roads that they shall not be allowed to participate in any further distribution of said funds until said State shall show to the satisfaction of the Secretary of the Treasury—

Until said State shall show to the satisfaction of the Secretary of the Treasury—

that a like amount so diverted has been expended from the treasury of said State, Territory, or District so diverting the same in a judicious manner upon the postal roads of said State, Territory, or District diverting the same.

SEC. 4. That it shall be the duty of the governors of the several States and Territories and the Commissioners of the District of Columbia to make a full and complete report to the Secretary of the Treasury on the 15th day of November each year what legislation, rules, and regulations have been adopted for the expenditure of said funds upon the postal roads, the manner in which the same has been spent, and the results accomplished. And it shall be the duty of said Secretary to submit said reports to Congress on the first day of each regular session.

And there is no further distribution until the State abusing its trust has actually placed in the shape of public roads an equal amount of money, and has proved to the Secretary of the Treasury that the amount came out of its own treasury.

If there is a man in the world, no matter of what intellectual ingenuity, who can find that I am giving in that bill the Federal Government any right of construction, maintenance, or control, or sovereignty over a road in a State, such ingenuity must be equal to that of his satanic majesty himself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURRIER. Mr. Chairman, I introduced a bill here prepared by the National Grange, and it was introduced by me at the request of the master of the National Grange, who lives in my State. I should be glad to have the gentleman print that bill as a part of his remarks, for I have no apology to offer here for the introduction of it. With that general plan I am in entire sympathy. I believe that the farmers of this country may well be aided to some extent from the Federal Treasury in improving their communications. Hundreds of millions are spent in improving streams for the benefit of the farmers living near those streams. If that can be constitutionally done, and I think all must concede that it can, why not spend some money for the benefit of those who live remote from the navigable streams? [Applause.]

I wish to print as a part of my remarks a paper prepared by the National Grange, and I wish to say to the gentleman from Indiana [Mr. COX] that I doubt the wisdom of making it a condition precedent to securing Federal aid to require the local political subdivision to appropriate money. Work by the Federal Government in any political subdivision of this country would stimulate road making everywhere, but to make it an absolute condition precedent to the same might prevent the building of roads in localities where they are needed the most.

STATEMENT OF LEGISLATIVE COMMITTEE, NATIONAL GRANGE.

This bill embodies the principle of Federal assistance for public highway improvement favored by the National Grange, an organization of farmers numbering nearly 1,000,000, with local granges in all sections of the United States. The members of this organization believe that there is an urgent necessity for the adoption of a broad, comprehensive policy of public-road improvement by the various township, county, and State authorities, and that the National Government should cooperate, with a view to establishing a complete system of properly constructed highways.

The Federal Government carries on the work of improving our rivers and harbors because of their importance to the commerce of the country as a whole. We believe that the improvement of the public highways is of even greater importance to the people of the entire country, and that it is only fair and reasonable that a portion of the national revenues should be devoted to a purpose that affects every industrial interest and will benefit the trade and commerce of every section of the United States.

The work of the highways commission provided for by this bill will greatly stimulate interest in the construction of better roads by the local and State authorities having charge of the public highways, and will result in giving this country what the wealth and intelligence of its people entitle it to—the best public-road system of any country in the world. For these reasons we would respectfully ask that you give House bill 15837 your favorable consideration and use your influence in favor of its enactment by Congress in the near future.

Yours, respectfully,

NAHUM J. BACHELDER, *Concord, N. H.*,
T. C. ATKESON, *Morganstown, W. Va.*,
AARON JONES, *South Bend, Ind.*,
Legislative Committee National Grange.

Mr. LEVER. Mr. Chairman, it is not my intention to discuss the proposition of Federal aid to road building in the United States. It is a most important question, but this is not the place to discuss it. I hope with the few remarks I shall make we may get back to business—to work. I desire to insert in the RECORD a statement of the appropriations made for the Office of Public Roads as a reply to the gentleman from New York [Mr. DRISCOLL], who made the statement that the appropriations for this Bureau had been increasing very rapidly, and rather intimated that there had been extravagance in the appropriations for this work. It is true the appropriations have increased rather rapidly, but not out of proportion to other bureaus in the Department, and certainly not out of proportion to the great importance of its work in promoting road building throughout the country.

The first appropriation for this Bureau was made in 1894, an appropriation of $10,000. For the next year, 1895, the appropriation was continued at $10,000. For the fiscal year 1896 the appropriation was actually reduced to $8,000, and for the year 1897 it was held at $8,000. For the year 1898 it was still $8,000, and for the year 1899 it was still $8,000. For the year of 1900 the appropriation was $14,000; for 1901, $20,000; for 1902, $30,000, an increase of $10,000; for 1903 it was $35,000, an increase of $5,000; for 1904 the appropriation was the same as 1903—$35,000, and for 1905 the appropriation was $50,000. For 1906 it was $70,000, and for 1907 the appropriation continued at $70,000; and the amount recommended by the committee for the coming fiscal year is $87,000, an increase of $17,000, and this increase is warranted without doubt.

The appropriation has increased in fourteen years from $10,000 to $87,000, and it is this fact that has led gentlemen to believe that we have been overgenerous with this Bureau. The fact is that the interest in road building has increased year after year. The determination of the people that they shall have good roads over which to travel, the inauguration of rural delivery and the conditions as to roads thrown about that service, the increase in the use of automobiles, and the more general interest shown for the whole matter by the entire people, rural and urban, have all contributed to make heavy demands upon this Office of Public Roads. Expert advice must be given, road engineers sent out, model roads built, and all this takes money. I do not think, however, that the charge of extravagant appropriation can justly lie against the amounts given this branch of the service when its great work is considered and the interests it deals with are taken into account.

Mr. Chairman, the committee feels that this Bureau is doing a great work and promises even better work for the future for the people of the United States in giving expert advice and promoting the cause of good roads, in inspiring progress along these lines and in teaching the best methods of road building; and whether we are in favor of or against the proposition of Federal aid to roads, the fact remains that this Bureau is the teacher and leader in the movement for better roads in the country, the pioneer in this great forward step for the general good, and we ought to maintain it by decent, respectable appropriations made generously and liberally from time to time. [Applause.]

Mr. UNDERWOOD rose.

Mr. SCOTT. I suggest to the gentleman from Alabama that we have not read the general expenses paragraph for this Bureau, and we ought to have debate close on the present paragraph. I move that debate be now closed on the present paragraph.

The CHAIRMAN. The gentleman from Kansas moves that debate now close upon the pending paragraph.

Mr. SULZER. I object; I would like to say a few words.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I wish to offer a separate paragraph at this time, which, I believe, would be in order.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 7, page 43, add the following paragraph:

"To enable the Secretary of Agriculture to build experimental post-roads in the United States, $500,000."

Mr. SCOTT. I make the point of order against that.

Mr. UNDERWOOD. I am not sure that it would be subject to the point of order, but I ask the gentleman to withhold it.

Mr. SCOTT. I will reserve the point of order.

Mr. UNDERWOOD. Mr. Chairman, objection is made to this appropriation looking to the improvement of our public-road system on the ground that it invades the reserved powers of the States. I wish to say that there is no man on the floor of this House more jealous in his desire to protect the reserved rights of the States than I am. I believe the sovereign States compos-

ing the Union have their duties to perform and should perform them without aid or hindrance on the part of the Federal Government. I do not believe the Central Government should enter into the legislative fields that belong solely to the States, but I believe that the Federal Government, within its well-defined powers, has its duty to perform under the powers given it by the Constitution; that it should give force and effect to the grants of power given it by the States, and one of these grants of power, to use the language of the Constitution, is "to establish post-offices and post-roads."

There can be no question whatever that the Constitution carries the power to build post-roads in the United States. To establish post-offices means to build post-offices, and to establish post-roads means to build post-roads. Gentlemen may scoff at the proposition and say that the fathers did not contemplate our present development and modern methods of transportation; that they contemplated building roads to carry the mail through the wilderness and did not dream of a time coming when the mail could be delivered at every farmer's door. But I want to say, Mr. Chairman, that the need for post-roads in the United States was no greater in the days of the fathers than to-day. In fact, the action of the Congress itself has brought about the necessity for building post-roads. This Government in its very beginning, in the first decades of our national existence, entered upon an era of building great highways between the States. Democratic Congresses appropriated the money, and Democratic Executives built these roads; and if it had not been for the fact that the development of railroads came along just at the time of the beginning of this era of building good roads in the United States, to-day we would have had as magnificent a system of public roads built by the Government of the United States as any country in the civilized world.

Mr. KEIFER. I would like to ask what public roads the Government ever built?

Mr. UNDERWOOD. Why, it built one that runs into the gentleman's own State—the Cumberland road.

Mr. KEIFER. Not at all. The Government built that under the provisions of internal improvement and did not build it as a post-road expressly.

Mr. UNDERWOOD. It built the road.

Mr. KEIFER. And one of the Democratic Presidents vetoed a bill because he did not believe it came within the provisions of the Constitution. It was a bill to appropriate money for a national road. I wish the gentleman would name one road that the Government has built.

Mr. UNDERWOOD. Why, it built a road running into Ohio.

Mr. KEIFER. Oh, no; not as a post-road.

Mr. UNDERWOOD. If the gentleman will allow me to hold the floor, I will answer him.

Mr. KEIFER. I beg the gentleman's pardon.

Mr. UNDERWOOD. The Government built the Cumberland road. The first contract for the road was concluded in the spring of 1811. The opening up of the Ohio route was balanced by a provision for a road from the frontier of Georgia leading toward New Orleans, and one from Nashville to Natchez. These roads are good roads to-day, and it matters not that President Monroe vetoed a bill because he did not believe the Government had the power to build them. Nevertheless, the indisputable fact remains that under Democratic Administrations appropriations were made by Democratic Congresses to build these roads. They were built, and they are in existence to-day. [Applause.]

Mr. Chairman, I am not at all surprised at the opposition to the building of good post-roads in this country coming from the Republican leadership of the House. The Republican party has plumed itself on what it has done for the people, on the progress it has made, but so far as my recollection goes it is an idle boast. I have never seen the Republican leaders of the House of Representatives favor legislation that was intended to benefit the masses of the common people of the country or engage in the work of developing the natural resources for the common good and not in the interest of trusts and monopolies except when they were driven to it by their political opponents.

Let me call your attention to the fact that one of the best bills, from an economic standpoint, that has ever been passed by the House of Representatives, was the bill for the irrigation of the arid lands of the West, and when that bill came before this House it was reported by the Democrats on the Irrigation Committee and two or three Western Republicans, with the leaders of the Republicans on that committee against it. When it came up for consideration in the House, the entire leadership of the Republican side fought the bill and tried to defeat it by dilatory tactics, and it took a solid Democratic vote, coupled with the Western Republican vote, to pass the bill and put it on the statute books. There is no economic bill that has been passed within the last two decades that has done more good for the common masses of the people, and built more homes and given more opportunities for homestead settlement, than this same irrigation bill that your Republican leaders tried to defeat.

When we came to consider the inauguration of the rural free-delivery routes, we did not start in at once on a full service. We first passed an appropriation for experimental rural free-delivery service. It had hardly been initiated before the motion came from the leadership on the Republican side of the House, backed up by the then chairman of the Post-Office Committee, to destroy the whole system by letting it out on contracts, by putting it on the basis of the star-route service. Then again it took the Democratic vote on this side of the House, coupled with some of the Republican votes, to save the life of the system. To-day the rural mail delivery is doing more good to the farming people than half the other laws you have on the statute books; it is carrying education to the homes of the farmers and making farm life more attractive to the young men of the country. To-day we find the leadership on the Republican side of the House fighting the proposition to build post-roads as authorized by the Constitution, when it is our plain duty to build them and carry out the constitutional provision. But there is a growing sentiment in this country in favor of doing this. The Democratic membership of the House stand in favor of the proposition, and they will ultimately write it on the statute books.

Mr. DOUGLAS. Where does the gentleman find anything in the Constitution authorizing the Federal Government to build post-roads?

Mr. UNDERWOOD. Why, it is very clear. The Constitution gives the power to the Federal Government "to establish post-offices and post-roads."

Mr. DOUGLAS. The language of the Constitution is to "establish" post-roads, and that has been held to be a very different thing from building them.

Mr. WILLIAMS. That question was discussed in the Third Congress and was decided in favor of the construction of the Cumberland road by some of the very men who wrote the Constitution.

Mr. UNDERWOOD. The contention that is made to-day by the leaders of the Republican party that the Government of the United States has no constitutional power to aid the States in building good roads was certainly not maintained by the leading men of the nation during the first half century of our existence as a Government.

In 1813, in a letter to J. W. Eppes, Jefferson made this most significant declaration:

> The fondest wish of my heart ever was that the surplus portion of these taxes, destined for the payment of that (Revolutionary) debt, should, when that object was accomplished, be continued by annual or biennial reenactments and applied in time of peace to the improvement of our country by canals, roads, and useful institutions (literary or others), and in time of war to the maintenance of the war.

In one of his later messages to Congress President Madison said:

> I particularly invite again the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Henry Clay was always an advocate of internal improvements and was in his generation the boldest and most persistent advocate of the building of national roads. His well-matured opinion on the question of internal improvements was most tersely expressed in a speech made in Congress in 1818, in which he said:

> Of all the modes in which a government can employ its surplus revenue none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland turnpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

Let us leave to the opponents of good-road building the struggle to find constitutional warrant for their opposition, and let us examine the question from a material and practical standpoint.

The total mileage of roads in the United States is about 2,150,000, and only about 150,000 miles of this total had been improved by macadam, gravel, sand clay, or other special treatment at the close of 1904, or about 7½ per cent; second, that

the expenditure in money and labor in 1904 was, approximately, $80,000,000. The Daily Consular Report of October 25, 1907, describes the French roadway system and calls attention to the fact that there are in France 23,656 miles of national road, which cost $303,975,000, and 316,898 miles of local highways, built at a total cost of $308,800,000. It will thus be seen that the French road system, unquestionably the most superb system of roads in the world, has cost a total of $612,775,000. By a comparative analysis of the conditions shown in this country and the French roadway system, you readily see what this great Republic of Europe is doing for her people as compared with the work in the United States, none of which is being done by the Federal Government—more shame to the Republican party.

It may interest you to know that the average freight rate by rail for 1906 was $0.00766 per ton mile. Investigations conducted by the Office of Public Roads, Agricultural Department, by the Maryland State geological survey, and by other investigators have established with reasonable accuracy that the average cost of hauling over wagon roads in this country is 25 cents per ton mile. The mean ocean freight rate on wheat, corn, and rye from New York to Liverpool, a distance of 3,100 miles, was in 1906 $1.006 per ton, or $0.0003 per ton per mile.

From a bulletin issued by the Agricultural Department on the "Costs of hauling crops from the farm to shipping points," I ascertained these facts:

Wheat crop, crop year 1905–6.

Total tonnage marketed	12, 123, 000
Average weight of load—pounds	3, 323
Total number of loads hauled	7, 296, 418
Average length of haul—miles	9. 4
Total mileage of roads hauled over	68, 586, 329
Average cost of hauling per ton per mile—cents	19
Total cost of marketing crop by wagon	$21, 651, 678
Average cost over hard roads per ton per mile—cents	10
Saving due to hard roads, when built	$10, 256, 058

Corn crop, crop year 1905–6.

Total tonnage marketed	19, 083, 000
Average weight of load—pounds	2, 696
Total number of loads hauled	14, 156, 528
Average length of haul—miles	7. 4
Total mileage of roads hauled over	104, 758, 307
Average cost of hauling per ton per mile—cents	19
Total cost of marketing crop by wagon	$26, 830, 698
Average cost over hard roads per ton per mile—cents	10
Saving due to hard roads, when built	$12, 709, 278

Cotton crop, crop year 1905–6.

Total tonnage marketed	2, 530, 000
Average weight of load—pounds	1, 702
Total number of loads hauled	2, 973, 560
Average length of haul—miles	11. 8
Total mileage of roads hauled over	35, 088, 008
Average cost of hauling per ton per mile—cents	27
Total cost of marketing crop by wagon	$8, 062, 173
Average cost over hard roads per ton per mile—cents	10
Saving due to hard roads, when built	$5, 076, 183

Although ocean rates were higher than usual during the years 1905–6, the mean charge for carrying wheat by regular steamship lines to Liverpool from New York, 3,100 miles, was only 3.8 cents per bushel, or 1.6 cents less than it cost the farmer to haul wheat 9.4 miles from his farm to a neighboring railroad station. In view of the important relationship existing between the railroad and the wagon road, it may be of interest to know the fact that the total mileage of railroads in 1905 was 218,101, the capitalization $13,805,258,121, and the operating expenses $1,390,602,152.

A. T. Byrne, in his 1907 edition of "Highway Construction," gives the cost of transportation on various road surfaces as 8 cents per ton mile on broken-stone roads, dry and in good order; 11.9 cents on broken-stone roads in ordinary condition; 39 cents on earth roads containing ruts and mud; 32.6 cents on sandy roads when wet; 64 cents on sandy roads when dry. Consider the enormous saving to the farmer that comes with the good roads and the great tax he pays for bad roads.

I have found in my study of the development of road administration, that in England administration began with the smallest unit, namely, the parish. This system originated by an act of Parliament passed in 1555, which provided for the election of surveyors of roads for each parish and for the working of the roads by compulsory labor. The statute labor succeeded compulsory labor. The parish was found to be too small as an administrative unit. A history of highways appearing in the Edinburgh Review in January and April, 1864, contains this statement:

From the days of Elizabeth the inconveniences resulting from the maintenance of highways by single parishes have been constantly apparent, and accordingly successive governments, without distinction of politics, Peelite, Whig, Conservative, and Coalition, made the attempt to combine parishes into highway districts and to transfer the superintendence of their roads to boards, employing the services of professional surveyors.

The trend of road administration continued away from localization, and subsequent to the formation of road districts it was provided that one-half of the expense of maintaining the roads should be borne by the county, and finally, in 1882, Parliament provided that one-half of the expense of county authorities should be refunded by parliamentary grant. In 1888 a further step away from localization was made, when the county was constituted the administrative unit in place of the district. The English people are known for their extreme conservatism, but it is significant to note that during a period of nearly three hundred and fifty years the trend has been constantly toward centralization of authority and administration of road affairs, and an apportionment of cost among all the units of government, from the lowest to the highest.

Statute labor, a prominent feature of most of our road systems, was abolished in England in the reign of William IV. Toll roads, which are found in many of our States, were abolished in England, Scotland, and Ireland about thirty years ago. It is a well-known fact that the American colonies adopted English laws and English precedents. As far back as 1657 the general assembly of Virginia empowered the county courts to appoint a surveyor of highways, and directed that respect must be had to the course followed in England. It is a fact worthy of note that, although Americans are considered an essentially progressive people and the English an extremely conservative people, America has clung to the old precedents and systems which England has abandoned.

I do not desire you to gather the impression from what I have said that I indorse the English system. As a matter of fact, it still lacks compactness; but the point I wish to make is that the tendency has been away from localization and the use of statute labor, and must be toward Government aid if we hope to succeed.

Mr. UNDERWOOD. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCOTT. I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Public roads: To enable the Secretary of Agriculture to make inquiries in regard to systems of road management throughout the United States; to furnish expert advice on road building, maintenance, and administration; to make investigations in regard to the best methods of road making, and the best kinds of road-making materials in the several States; to investigate the chemical and physical character of road materials; for the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere; for collating, digesting, reporting, and illustrating the results of such investigations and experiments; for preparing, publishing, and distributing bulletins and reports; for rent and repairs of buildings in the District of Columbia, not to exceed $2,000; for necessary office fixtures and supplies, apparatus, and materials; telegraph and telephone service, official traveling and other necessary expenses, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, $75,000: *Provided*, That no part of this appropriation shall be expended for the rent or purchase of road-making machinery.

Total for Office of Public Roads, $87,390.

Mr. SULZER. I move to strike out the last word.

Mr. CRUMPACKER. I desire to reserve a point of order.

Mr. CRAWFORD. Mr. Chairman, I have an amendment to this paragraph.

The CHAIRMAN. The gentleman from North Carolina [Mr. CRAWFORD] offers an amendment, which will be considered as pending.

The Clerk read as follows:

Amend by striking out all after the word "dollars," in line 11, down to and including the word "machinery," in line 13, page 44.

The CHAIRMAN. The gentleman from North Carolina will suspend. The gentleman from Indiana [Mr. CRUMPACKER] reserves a point of order on the paragraph.

Mr. SULZER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise? The gentleman from Indiana has the floor on the point of order.

Mr. CRAWFORD. I understand the gentleman from Indiana has reserved the point of order.

Mr. SULZER. I should like to be heard on this.

Mr. CRUMPACKER. I want to point out my reasons for believing that the point of order is good.

The CHAIRMAN. The Chair desires to have those reasons pointed out.

Mr. CLARK of Missouri. Did not the gentleman from Indiana simply reserve the point of order?

The CHAIRMAN. That is for the gentleman from Indiana to say.

Mr. CLARK of Missouri. Now, which are you going to do?

Mr. CRUMPACKER. I think on a reservation of a point of order no debate is in order excepting upon that.

Mr. CLARK of Missouri. It has been done a thousand times here in the last two weeks. The gentleman from North Carolina wants five minutes to discuss his amendment.

The CHAIRMAN. The Chair understood the gentleman from North Carolina desired to discuss the amendment when it was presented.

Mr. CLARK of Missouri. Certainly he does.

The CHAIRMAN. And the Clerk read the amendment by mistake. No amendment can be presented until the points of order to the paragraph or the bill itself are disposed of.

Mr. SHEPPARD. Mr. Chairman, a parliamentary inquiry.

Mr. CRAWFORD. The gentleman from Indiana [Mr. CRUMPACKER] only reserved the point of order.

Mr. SHEPPARD. Is it not allowable, Mr. Chairman, to perfect the paragraph before the point of order can be raised?

The CHAIRMAN. No; the Chair holds that it is not.

Mr. SULZER. Mr. Chairman, I trust the gentleman from Indiana will reserve the point of order until the gentleman from North Carolina can be heard, and after that I want to be heard myself.

Mr. CRUMPACKER. Mr. Chairman, I have no disposition to undertake to strike out or eliminate the entire provision on a point of order. It is likely that the public-roads movement on the part of the Federal Government is accomplishing some good. In the State of Indiana, in which I live, like the people of the State of New York, we have a sort of self-reliant spirit of State sovereignty. In the district which I have the honor to represent we have expended in the neighborhood of $2,000,000, money raised by local taxation, for the purpose of building country roads, and in many instances we have paid as much as $4,000 a mile for macadamizing public highways.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will yield to the gentleman.

Mr. COX of Indiana. The gentleman says that in his district they have spent $2,000,000 for improvements on the public highways. Is it not a fact that the gentleman's district would have accepted that much more from the Federal Government if there had been a statute empowering the Federal Government to give it to them?

Mr. CRUMPACKER. My judgment is that if the proposition was submitted to the voters of the Tenth District of Indiana, or to those of the district so well represented by my colleague, for the Federal Government to distribute its surplus or any considerable amount of money to be used among the States for road building, it would be defeated by an overwhelming majority. The people of the State of Indiana believe that public money ought to be expended by the taxpayers themselves, and money that comes from the Federal Government comes like manna from heaven, and there is not that high sense of vigilance in its expenditure that there is where the people pay money into the common treasury and vigilantly look after its expenditure. One dollar of local tax will do as much in road building as $2 given by the Federal Government.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will yield to the gentleman from Nebraska.

Mr. NORRIS. I would like to suggest to my friend from Indiana, in answer to the question by his colleague, that if $2,000,000 had been given to his district and the same amount to every other Congressional district in this country it would have required the sum of $800,000,000 to go around.

Mr. CRUMPACKER. Yes; and it would have been money belonging to the people, belonging to the districts. I do not see any economy or purpose in taking money out of the Federal Treasury and expending it for local use. The money in the Federal Treasury belongs to the people of the United States. Gentlemen talk about spending money for the support of the Army and Navy. Whose Army and Navy are they? Whose commerce is it that large sums of money are expended for in river and harbor improvements if it is not the commerce of the farmer? Are not the Army and the Navy to protect the Government that the farmers do so much to support and that is so necessary to their security. The expenditure of money for the Army and the Navy is an expenditure of money for Federal functions, but it is not a Federal function to expend money to improve the roads of the country. Mr. Chairman, my purpose was to point out the objection I had to this paragraph, and I will proceed to do that now.

The objection I make is to the words "maintenance and administration," line 21, page 43. Those words are new words in the bill. They were never carried in any other appropriation bill. In the first place, it is beyond, I think, the constitutional authority of Congress. It may be within the power of Congress to establish post-offices and post-roads and military roads. I presume under the military power we could improve every mile of highway in the United States under the claim that we were preparing the way for common defense, but the provision in this paragraph does not confine the appropriation to post or military roads; it covers public roads generally. The language I have pointed out broadens the power beyond that which existed before. It is new legislation, even from the standpoint of the appropriation bills, and I think is subject to the point of order. The whole paragraph is subject to a point of order, but I am not disposed to prevent the Agricultural Department from continuing the work it has been doing for several years past, but I am opposed to the enlargement of that work.

Mr. SCOTT. Mr. Chairman, the words "maintenance and administration," as the gentleman suggests, are new to this bill. I do not believe, however, that they involve new legislation. Reading the entire sentence, it is as follows:

To furnish expert advice on road building, maintenance, and administration.

The maintenance of roads and the administration of a system of roads is just as important in the long run as the building of roads, and if the Department under the law has authority to furnish advice on road building, it also has authority to furnish advice on the maintenance and administration of roads. I wish to say that it is along this line that some of the most valuable work of that office is now being done. Experts are sent, for example, to a county, and in conference with the officials of that county they work out a system of administration and maintenance for the roads of the county that is of a great deal of value and which the local authorities are not equipped to work out for themselves. A part of the work done by this office of good roads is to familiarize itself with road law in various parts of the country, with road systems that are in operation in various parts of the country, and in that way the men connected with this office become experts in the systems of maintenance and administration and are able to offer very valuable advice to local officials. I feel, therefore, that on the merits of this question the language ought to remain in the bill and also that it is entitled to remain, so far as the question of order is concerned.

The CHAIRMAN. The Chair would ask the chairman of the committee whether in his judgment the omission of those words from the paragraph would make any difference with the total in the appropriation.

Mr. SCOTT. I think not. Mr. Chairman, I think they were inserted purely to avoid any possible question with the Comptroller of the Treasury, and no sum was added to the appropriation with especial reference to the insertion of those words.

Mr. MANN. Does the gentleman from Indiana [Mr. CRUMPACKER] think that the words "maintenance and administration" relate to the maintenance and administration of roads under this bill, or to merely giving good advice on this subject?

Mr. CRUMPACKER. I presume it would be construed to relate to public roads, to advise in relation to the maintenance and administration of public roads, however they may be built. The law heretofore has authorized the Department of Agriculture to furnish expert advice upon road building. That was the limit of its authority. This paragraph authorizes the Secretary to go beyond road building, to the question of maintenance and administration. Where, for instance, heretofore a road was to be constructed, the Department of Agriculture could furnish expert advice in relation to the method of construction, but the Department is authorized, under the provisions of this paragraph, to furnish expert advice upon the question of maintenance and administration, without regard to the question of road building. It clearly enlarges the power of the Secretary of Agriculture. There is no doubt about that.

Mr. MANN. Very likely; but does the gentleman think there ought to be any great objection if the Department has somebody who can give expert advice on road building for that same person to give expert advice upon administration and maintenance of the roads?

Mr. CRUMPACKER. I think if the Department furnishes advice as to road building the local authorities certainly ought to look after the maintenance and administration of the roads after they are constructed.

Mr. MANN. That is the very purpose of the proposition, to make them look after the maintenance and give them expert advice in reference to it.

Mr. CRUMPACKER. Well, to be frank with the gentleman, I am not enamored of any part of this proposition. I think it is a departure from the proper powers of the Federal Gov-

ernment, the whole business, and therefore I am opposed to extending the power any further than has been extended heretofore.

Mr. MANN. I think the gentleman will remember that a year ago I reserved and came very nearly making a point of order upon the whole paragraph, and, in my judgment, it probably was subject to a point of order.

Mr. CRUMPACKER. I think it is now.

Mr. MANN. And I stated at that time that unless it could be justified within the year—and I think that was the sentiment of the House at the time—we would cease making this appropriation. But during the year I personally have given some attention to the work they have been doing, and have, for myself, concluded that while I do not believe in the General Government building roads, the advice they have been giving is of very great value to the township officials, and the county officials, and the State officials in reference to the character and material of road building, and in reference to the maintenance of roads and in reference to the administration which goes to the building of the roads.

Mr. CRUMPACKER. Now, I want to say that I live in a community that is proverbial for its good roads, macadamized roads, roads that cost a good deal of money—and I think the district I have the honor to represent here is full of expert road builders. I do not believe they have had any advice from the Federal Government with respect to the construction or maintenance or administration of a single mile of road, and I believe we have road builders that are perhaps as expert and competent as any of the road builders in the Department of Agriculture.

Mr. MANN. Will the gentleman let me instance one particular matter to him on this subject? The gentleman has large steel plants, blast furnaces, in his district, and will soon have the largest in the United States. An immense amount of blast-furnace slag is turned out. The steel companies do not know what to do with this immense quantity of slag.

Mr. CRUMPACKER. We have built miles of road with it in the district already, and we know what to do with it.

Mr. MANN. The gentleman has built a few miles of road with it, but even in the gentleman's district there are to-day great quantities of this slag which no one knows what to do with, and when Gary, Ind., is completed there will be millions of tons of it. This department is to-day engaged, in connection with a similar work being carried on in Germany, in investigating the use of this blast-furnace slag for roads, and if it shall be developed, and in my judgment it will be, that it is good road-building stuff, it will be worth millions of dollars to the gentleman's own district.

Mr. THOMAS of North Carolina. Mr. Chairman, I ask unanimous consent to ask the gentleman a question.

Mr. SCOTT. Mr. Chairman, it being evident there is a good deal of discussion growing out of this paragraph, and as the hour is late, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158, the agricultural appropriation bill, and had directed him to report that it had come to no resolution thereon.

MICAIAH R. EVANS.

The SPEAKER laid before the House the bill (H. R. 13735) to correct the military record of Micaiah R. Evans, with Senate amendments.

The Senate amendments were read.

Mr. FOCHT. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the motion was agreed to.

DAM ACROSS RAINY RIVER.

The SPEAKER also laid before the House the bill (H. R. 15444), an act extending the time for the construction of a dam across Rainy River, with Senate amendments.

The Senate amendments were read.

Mr. BEDE. Mr. Speaker, I move that the Senate amendments be concurred in.

The question was taken, and the motion was agreed to.

LEASING OF ISLANDS IN ALASKA.

Mr. HILL of Connecticut, from the Committee on Appropriations, reported from that committee the bill (H. R. 18933) providing for the leasing of islands in Alaska, which was read the first and second times, and, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 3822. An act for the relief of James Behan;

H. R. 4763. An act transferring Commander William Wilmot White from the retired to the active list of the Navy;

H. R. 10075. An act for the relief of Copiah County, Miss.;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii:

H. R. 12292. An act for the relief of A. E. Couch;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 13448. An act to authorize the counties of Allegheny and Washington in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 15070. An act for the relief of J. Edmund Strong;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River;

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River;

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 6664. An act for the relief of Roman Scholter; and

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy.

LEAVE OF ABSENCE.

By unanimous consent, Mr. FRENCH was granted leave of absence for the one week, on account of sickness in family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MOON of Tennessee was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of James F. Campbell, H. R. 13019, Sixtieth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. SCOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Treasurer of the United States submitting an estimate of appropriation for compensation of employees of the Bureau of Engraving and Printing detailed to office of the Treasurer—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Gasconade River, Missouri—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of harbor of refuge, Block Island, R. I.—to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XXII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Mer-

chant Marine and Fisheries, to which was referred the bill of the House (H. R. 6131) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida, reported the same with amendments, accompanied by a report (No. 1360), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 16514) to amend section 13 of the naturalization law, reported the same without amendment, accompanied by a report (No. 1361), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNELL, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 13851) providing for the purchase of a site and the erection of a new immigration station thereon at the city of Boston, Mass., reported the same with amendments, accompanied by a report (No. 1362), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Committee on Expenditures in the Treasury Department, to which was referred the bill of the Senate (S. 3495) to authorize the transfer of books from the Treasury Department library to life-saving stations of the United States, reported the same without amendment, accompanied by a report (No. 1363), which said bill and report were referred to the House Calendar.

Mr. McKINLEY of Illinois, from the Committee on Coinage, Weights, and Measures, to which was referred the bill of the House (H. R. 14790) to establish an assay office at Gainesville, Hall County, Ga., reported the same with amendment, accompanied by a report (No. 1364), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy, reported the same without amendment, accompanied by a report (No. 1365), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCOTT: A bill (H. R. 20184) to amend an act entitled "An act to establish a Code of Law for the District of Columbia"—to the Committee on the District of Columbia.

By Mr. CARTER: A bill (H. R. 20185) providing for the disposal of the surplus of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, in the State of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 20186) for acquiring national forests on the headwaters of Red River, in the State of Texas—to the Committee on Agriculture.

By Mr. HUMPHREY of Washington: A bill (H. R. 20187) to amend an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, in the District of Columbia," approved June 22, 1904, as amended by the act of Congress approved June 29, 1906.

By Mr. SMITH of Michigan: A bill (H. R. 20188) to regulate the hours of labor on contracts with the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 20189) to limit the period for refunding taxes and assessments erroneously paid—to the Committee on the District of Columbia.

By Mr. BRADLEY: A bill (H. R. 20190) to provide for a park road at the light-house reservation at Stony Point, on the Hudson River, in the State of New York—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: A bill (H. R. 20191) relating to the revenues for the Government and to encourage the industries of the United States—to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 20192) to make Petoskey, in the State of Michigan, a subport of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. DIEKEMA: A bill (H. R. 20193) to make Holland, in the State of Michigan, a subport of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. STERLING: A bill (H. R. 20194) relating to liability of common carriers to their employees—to the Committee on the Judiciary.

By Mr. GAINES of Tennessee: Joint resolution (H. J. Res. 161) to amend public resolution No. 9, approved March 14, 1904, amending the resolution approved February 23, 1901, providing for the printing annually of the report on field operation of the Division of Soils—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 20195) granting a pension to Louisa St. Clair Crall—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 20196) granting an increase of pension to George W. Samson—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 20197) for the relief of Thomas N. Boyle—to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 20198) granting an increase of pension to Samuel G. King—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20199) granting an increase of pension to Owen Kaleher—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20200) for the relief of Gunner Carrington A. Young, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. CARLIN: A bill (H. R. 20201) granting a pension to Dominic N. Brown—to the Committee on Pensions.

By Mr. CAULFIELD: A bill (H. R. 20202) granting an increase of pension to George C. Hausmann—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20203) granting an increase of pension to James A. Rogers—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 20204) for the relief of Clara A. Carter, widow of Martin J. Carter, late consul of the United States to Yarmouth, Nova Scotia—to the Committee on Foreign Affairs.

By Mr. COOPER of Texas: A bill (H. R. 20205) for the relief of C. G. Boles—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 20206) granting an increase of pension to William E. Kinman—to the Committee on Invalid Pensions.

By Mr. HAGGOTT: A bill (H. R. 20207) to pay to John O'Connell his claim for improvements made upon the Fort Lyon abandoned military reservation, in Colorado, and for services rendered for acting as custodian thereon—to the Committee on Claims.

Also, a bill (H. R. 20208) to amend the military record of Encarnacion Espinosa and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 20209) granting a pension to Edward Goins—to the Committee on Pensions.

Also, a bill (H. R. 20210) granting an increase of pension to William H. Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20211) to correct the war record of Calvin Fielden—to the Committee on Military Affairs.

By Mr. HOLLIDAY: A bill (H. R. 20212) granting an increase of pension to Edmond B. Brown—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20213) for the relief of John Henry, of Clark County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 20214) granting a pension to John P. Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20215) granting a pension to Thompson Farmer Frisby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20216) granting a pension to Albert Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20217) granting an increase of pension to Thomas Hutt—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 20218) for the relief of heirs of D. M. McCurry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20219) for the relief of heirs of William Adams, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20220) for the relief of heirs of James M. Lawrence, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20221) for the relief of heirs of Duncan Murchinson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20222) for the relief of heirs of Charles P. McLain, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20223) granting an increase of pension to Charles Jacobs—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 20224) granting an increase of pension to Jonathan Summers—to the Committee on Invalid Pensions.

By Mr LOWDEN: A bill (H. R. 20225) granting an increase of pension to Aaron M. Elliott—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 20226) granting an increase of pension to Henry Worden—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 20227) granting an increase of pension to James M. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20228) granting an increase of pension to Francis M. Sealey, alias George Tinker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20229) granting an increase of pension to A. H. L. Giffin—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 20230) for the relief of heirs of Josiah White, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20231) for the relief of heirs of Lemuel Hannah, deceased—to the Committee on War Claims.

By Mr. SHERLEY: A bill (H. R. 20232) for the relief of the estate of W. M. Dickinson, deceased—to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 20233) granting an increase of pension to Reuben Van Tassel—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 20234) granting certain lands in the San Francisco Forest Reserve, in Arizona, for observatory purposes—to the Committee on the Public Lands.

By Mr. STEPHENS of Texas: A bill (H. R. 20235) for the relief of J. M. Gurley—to the Committee on Claims.

Also, a bill (H. R. 20236) for the relief of Mrs. Nora Davidson—to the Committee on Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 20237) granting a pension to Lottie Durfee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20238) granting a pension to Clarence J. Hoskins—to the Committee on Pensions.

Also, a bill (H. R. 20239) granting an increase of pension to Frank E. Watrous—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20240) granting an increase of pension to Zalmon B. Allee—to the Committtee on Invalid Pensions.

Also, a bill (H. R. 20241) granting an increase of pension to Henry E. Hill—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 20242) granting an increase of pension to Orsimus Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20243) granting an increase of pension to Peter Dix—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEALL of Texas: Protest of citizens of Ellis County, Tex., against passage of so-called "Burleson bill" (H. R. 67) to prohibit the dealing in contracts for the future delivery of cotton—to the Committee on Agriculture.

By Mr. BONYNGE: Petition of Pleasant Park Grange, for the creation of a national highways commission, and for an appropriation for the construction and improvement of public highways—to the Committee on Agriculture.

By Mr. BURKE: Petition of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Diamond National Bank, favoring the Dalzell bill (H. R. 6091), to amend national-bank law—to the Committee on Banking and Currency.

By Mr. BUTLER: Petition of Doe Run Grange, No. 1269, for S. 5122 (establishment of a rural parcels post)—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of George W. Griesmeyer, of Brooklyn, N. Y., against any amendment or treaty provision to extend right of naturalization, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Equal Suffrage League, representing the National Association of Colored Women, for enactment of such legislation as shall enforce the fourteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. CHAPMAN: Petition of Mason Lodge, F. M. B. A., of Hamilton County, Ill., favoring postal savings banks, as per the Carter bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARK of Florida: Petition of Florida Fruit and Vegetable Shippers' Protective Association, through J. C. Chase, secretary and treasurer, for H. R. 13835 (Mann bill), to regulate sale and distribution of seeds—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Fernandina, Fla., against S. R. 40 (Frye resolution), restricting the carrying of material and supplies to the Panama Canal to American ships—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, against H. R. 225 and S. 5787 and in favor of H. R. 14941, amending section 4463 of Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of William H. Merryweather—to the Committee on Invalid Pensions.

Also, petition of Shipowners' Association of the Pacific Coast, favoring passage of H. R. 9104, providing for a survey for a ship canal across the State of Florida—to the Committee on Railways and Canals.

By Mr. CRUMPACKER: Petition of members of the State Soldiers' Home of Indiana, for more liberal pension laws, as per bill offered by Hon. CHARLES B. LANDIS—to the Committee on Invalid Pensions.

Also, petition of citizens of Michigan City, Ind., against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Hoosick Grange, No. 1127, Patrons of Husbandry, of Hoosick Falls, N. Y., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. ELLIS of Oregon: Petition of A. Christensen and 103 others, of Portland, Oreg., against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Eliza J. Scott—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: Petition of sundry citizens of Shasta County, against the Penrose bill, amending section 3893 of Revised Statutes—to the Committee on the District of Columbia.

By Mr. FOSTER of Illinois: Petition of Chicago Credit Men's Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GILLETT: Petitions of North Orange, Orange, Palmer, and New Salem granges, all in the State of Massachusetts, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. GOLDFOGLE: Petition of New York State Bankers' Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Marine Trades Council of New York, for construction of battle ships at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Workingmen's Federation of the State of New York, against a change of the pilotage system—to the Committee on Interstate and Foreign Commerce.

Also, petition of Herman Ridder, president of the American Publishers Newspaper Association, for removal of duty on

white paper and wood pulp—to the Committee on Ways and Means.

By Mr. GRAHAM: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, and California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. P. Coffin, for the bankers, or McKinney, bill (H. R. 15262), proposing currency reform—to the Committee on Banking and Currency.

Also, petitions of Bryant E. Sherman and F. N. Hotchkiss, favoring amendment of the copyright bill so as to protect photographers—to the Committee on Patents.

Also, petition of Diamond National Bank, favoring the Dalzell bill (H. R. 6091), to amend national banking laws—to the Committee on Banking and Currency.

By Mr. HENRY of Connecticut: Petition of citizens of East Hartford, Conn., against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petition of Division No. 62, Ancient Order of Hibernians, of Wallingford, Conn., against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Gesang Verein Liederkranz, of Bridgeport, Conn., against prohibition and interstate liquor laws—to the Committee on the Judiciary.

Also, petitions of Taghannock Grange, No. 100, of Ellsworth, Conn., and Webetuck Grange, No. 86, of Amenia Union, N. Y., favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of business men of New Brunswick, N. J., for amendment of interstate commerce act so that it may apply to the Delaware and Raritan Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of Keyport Grange, of Keyport, N. J., for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. KELIHER: Resolutions of the executive committee of the Massachusetts State Branch of the American Federation of Labor, protesting against leaving the manning of vessels to the judgment of local inspectors, and for H. R. 225 and 14655 and against S. 5787—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Polish-Americans of Worcester, Ludlow, and Webster, Mass., against the treatment of Polish citizens of Prussia—to the Committee on Foreign Affairs.

Also, petition of New England Hardware Dealers' Association, against a parcels-post law and in favor of reduction of rate of first-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of New England Hardware Dealers' Association, for inland and coastwise waterways—to the Committee on Rivers and Harbors.

Also, petitions of Massachusetts Wholesale Lumbermen's Association and New England Hardware Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 20)—to the Committee on Agriculture.

Also, protests of the Robert Emmet Associates of Leominster, Mass., against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of citizens of Boston, Mass., deploring acts of violence and inhumanity of the Russian Government—to the Committee on Foreign Affairs.

Also, petitions of Ahavath Achim Lodge, No. 174, O. B. A., and McKinley Lodge, No. 3, L. O. U. H., of Boston, Mass., against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petitions of Smithville (N. Y.) Grange, No. 60, and Indian River Grange, No. 19, Patrons of Husbandry, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. LEE: Papers to accompany claim of Maj. E. Davis, deceased, for reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of Guilford Prewett, for reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. LILLEY: Petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. McMILLAN: Petitions of citizens of Sloansville, N. Y., and Mount Morris Roman Catholic Church, of New York, favoring H. R. 40, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Fall Kill Grange, No. 882, of Staatsburg; Oak Grove Grange, No. 873, of Poughkeepsie; Grange No. 905, of Jackson Corner, and Putnam Valley Grange, No. 841, of Adams Corners, all in the State of New York, for national highways commission and Federal aid in construction and maintenance of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. McMORRAN: Petitions of citizens of Ithaca, Sumner, and Memphis, all in the State of Michigan, against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of Chazy (N. Y.) Grange, No. 981, and Gouverneur (N. Y.) Grange, for a national highways commission and for Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. MARSHALL: Petition of citizens of Lucca, Leonard County, N. Dak., against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. NYE: Petition of Minnetonka Grange, Patrons of Husbandry, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Builders' Exchange of St. Paul, Minn., for appropriation for industrial education (H. R. 534)—to the Committee on Agriculture.

Also, petition of John H. Marriot, of Hopkins, Minn., favoring the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Minnesota State Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of William P. Hapgood, of Indianapolis, Ind., favoring bill calling for an appropriation for erection of a building on the Lincoln farm—to the Committee on the Library.

Also, petition of Union Veteran Legion, of Indianapolis, Ind., and Aaron McFeely, for a volunteer officers' retired list (H. R. 6288)—to the Committee on Military Affairs.

By Mr. PETERS: Petition of Grattan Club, of Roxbury, Mass., against a treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. PRATT: Papers to accompany bills for relief of James A. Hawley and Anthony J. Bull—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Paper to accompany bill for relief of estate of Lemuel Hannah—to the Committee on War Claims.

By Mr. ROBERTS: Petition of Lumbermen's Association of Massachusetts, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. SMITH of Arizona: Petition of 1,008 citizens of the Imperial Valley, in support of H. R. 13997, asking that the Southern Pacific Railway Company be paid for work done during the break in Colorado River—to the Committee on Claims.

By Mr. SULZER: Petition of W. F. Grace, for S. 2900 (Kittredge bill) and H. R. 11794 (Barchfeld bill), for securing effective copyright protection for musical composers—to the Committee on Patents.

By Mr. TOWNSEND: Petition of citizens of Ann Arbor, Mich., protesting against H. R. 10510, a bill to further protect the first day of the week—to the Committee on the District of Columbia.

By Mr. WASHBURN: Petition of Westboro Grange, No. 116, Patrons of Husbandry, for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of George W. Mirick and 15 other veterans of the civil war, for repeal of section 3 of act of February 6, 1907, refusing compensation to attorneys and for enactment of H. R. 15856 or S. 4756—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *April 2, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns today it adjourn to meet on Monday next.

The motion was agreed to.

PAY OF THE ARMY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting additional estimates of appropriations, under the head of "Pay, etc., of the Army," for the fiscal year ending June 30, 1909, aggregating $57,000, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

CLAIMS OF POTTAWATOMIE INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the claims of the Pottawatomie Indians, of Wisconsin, as set forth in their memorial to Congress at the second session of the Fifty-seventh Congress, etc., which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

POLICEMEN'S AND FIREMEN'S RELIEF FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, acknowledging the receipt of the resolution of March 27, 1908, directing the Commissioners to submit to Congress in December, 1908, a complete report upon the policemen's and firemen's relief funds, etc., which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the First Baptist Church of Suffolk, Va., *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 13735. An act to correct the military record of Micaiah R. Evans; and

H. R. 15444. An act extending the time for the construction of a dam across Rainy River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Philadelphia, Pa., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Wholesale Lumber Dealers' Association of New York City, N. Y., praying for the enactment of legislation providing for the taking of the census of the timber of the country, which was referred to the Committee on the Census.

Mr. CULLOM presented memorials of sundry citizens of Bridgeport and Stonington, in the State of Connecticut; of the Ancient Order of Hibernians of Cuyahoga County, Ohio, and of the Erin's Hope Club of New York City, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BRIGGS presented petitions of the Board of Trade of Jersey City, of sundry citizens of Linden, Newark, and Hoboken, all in the State of New Jersey, and of Philadelphia, Pa., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Morristown, Garwood, and Jersey City, all in the State of New Jersey, praying for the passage of the so-called "Kittredge copyright bill," which were referred to the Committee on Patents.

He also presented the memorial of Henry von Mindu, of Orange, N. J., and the memorial of H. T. Dewey & Sons Company, of New York City, N. Y., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented the petition of John R. Paddock, of East Orange, N. J., praying that an appropriation be made to increase the force of the United States Patent Office, which was referred to the Committee on Appropriations.

He also presented the petition of J. H. Cuntz, of Hoboken, N. J., and the petition of D. S. Jacobus, of Redondo, Cal., praying for the enactment of legislation to recover the collateral inheritance tax paid into the United States Treasury by the Stevens Institute of Technology, which were referred to the Committee on Finance.

He also presented a memorial of the Peace Association of Friends, of Philadelphia, Pa., remonstrating against the proposed construction of four new battle ships for the Navy, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of the State of New Jersey, praying for the passage of the so-called "Fowler currency bill," which were referred to the Committee on Finance.

He also presented a memorial of the Campbell Tobacco Company, of Newark, N. J., remonstrating against the enactment of legislation to permit the sale of leaf tobacco without the payment of the revenue tax, which was referred to the Committee on Finance.

He also presented a petition of the Ferracute Machine Company, of Bridgeton, N. J., praying for the creation of a Bureau of Mines in the Department of the Interior, which was referred to the Committee on Mines and Mining.

He also presented memorials of sundry citizens of Paterson and Passaic, in the State of New Jersey, and of the United Irish League of America, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry local branches of the United National Association of Post-Office Clerks, in the State of New Jersey, and of John A. Ackerman, of East Orange, N. J., praying for the enactment of legislation to increase the pay of postal clerks, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Jersey City, N. J., and a memorial of Howland Croft, Sons & Co., of Camden, N. J., remonstrating against the passage of the so-called "eight-hour bill" with reference to Government contracts, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented sundry petitions of citizens of Hampstead, Westville, East Hampstead, and Hopkinton, all in the State of New Hampshire, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Oregon, California, Arkansas, Texas, Nebraska, and Missouri, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GAMBLE presented the petition of A. B. Smart and 58 other citizens of Wessington Springs, S. Dak., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Belle Fourche, S. Dak., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented a memorial of the Robert Emmet Association, of Columbus, Ohio, and a memorial of the county board, Ancient Order of Hibernians, of Franklin County, Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Central Labor Union, of Washington, D. C., praying for the enactment of legislation providing for the construction of four new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Marion, Mendon, Cleves, Belpre, Bellaire, Cincinnati, Powhatan Point, Zanesville, Payne, Frazeysburg, Haydenville, Edon, Hoytville,

Perrytown, Utica, Columbus, Delaware, Cleveland, Westville, Shepard, Rocky River, Gibsonburg, Troy, Good Hope, Cambridge, Lockington, Williamsport, Bethany, Washington, and Beverly, all in the State of Ohio, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Shanesville, McConnelsville, and Logan, all in the State of Ohio, and of Dows, Iowa, praying for the passage of the so-called "rural parcels-post bill" and also for the enactment of legislation to establish postal savings banks, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Mountain City Union, No. 56, Amalgamated Association of Iron and Steel Workers of the United States, of Martins Ferry, Ohio, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of sundry citizens of Lander, Wyo., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAPP presented a petition of the common council of St. Paul, Minn., praying that an appropriation be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of sundry Grand Army posts, Department of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

Mr. DOLLIVER presented petitions of the Federated Women's Clubs of Glidden, Creston, Clarinda, Coon Rapids, Osceola, Rockwell City, Chariton, and Sioux City, all in the State of Iowa, and of the Woman's Republican Club of New York City, N. Y., praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of the Commercial Club of Muscatine, Iowa, praying that an annual appropriation of $2,000,000 be made for the improvement of the upper Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of the United Irish League of America, of Boston, Mass., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Des Moines and Storm Lake, in the State of Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Blanchard, Iowa, praying for the enactment of legislation to prohibit the sale and importation of opium into the United States and its insular possessions, which was referred to the Committee on Finance.

He also presented a petition of the Credit Men's Association of Des Moines, Iowa, praying for the adoption of certain amendments to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Boone, Iowa, and a memorial of sundry citizens of Audubon County, Iowa, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of John L. Bashore Post, No. 122, Department of Iowa, Grand Army of the Republic, of the State of Iowa, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of the Credit Men's Association of Des Moines, Iowa, and a memorial of the National Association of Clothiers, of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

He also presented a petition of C. E. Boynton Lodge, No. 138, Brotherhood of Railway Trainmen, of Eagle Grove, Iowa, praying for the passage of the so-called "La Follette-Sterling employers' liability bill," which was ordered to lie on the table.

He also presented a petition of the Farmers' Institute of Wapello County, Iowa, and a petition of the Farmers' Grain and Lumber Company, of Dows, Iowa, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 1070, National Association of Letter Carriers, of Cherokee, Iowa, and a petition of Local Branch No. 949, National Association of Letter Carriers, of Oelwein, Iowa, praying for the enactment of legislation granting a leave of absence of thirty days to employees in first and second class post-offices and in other post-offices having city delivery service, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Dubuque, Iowa, and a memorial of Julien Lodge, No. 379, International Association of Machinists, of Dubuque, Iowa, remonstrating against the passage of the so-called "Penrose bill," to exclude nonmailable periodicals from second-class mail privileges, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation, in California, reported it without amendment and submitted a report (No. 451) thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 6309) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes (Report No. 452);

A bill (S. 6083) to provide for the erection of a public building at the city of Miami, in the State of Florida (Report No. 453);

A bill (S. 753) to provide for the purchase of a site and the erection of a public building thereon at Wallingford, in the State of Connecticut (Report No. 454);

A bill (S. 592) providing for the erection of a public building at the city of Walla Walla, in the State of Washington (Report No. 455); and

A bill (S. 6113) providing for the erection of a public building at Muskogee, Okla. (Report No. 456).

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3159) to authorize the extension, enlargement, and alteration of the public building in the city of Kansas City, Kans., reported it without amendment and submitted a report (No. 457) thereon.

Mr. GARY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 474) to provide for the purchase of a site and the erection of a building thereon at Abbeville, in the State of South Carolina, reported it with amendments and submitted a report (No. 458) thereon.

Mr BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, to whom was referred the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, reported it with amendments and submitted a report (No. 459) thereon.

Mr. DOLLIVER, from the Committee on Education and Labor, to whom was referred the bill (S. 5307) relating to liability of common carriers to their employees, reported it with an amendment and submitted a report (No. 460) thereon.

Mr. CLAPP (for Mr. McCUMBER), from the Committee on Indian Affairs, to whom was referred the bill (S. 549) granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak., reported it without amendment and submitted a report (No. 461) thereon.

Mr. SMITH of Michigan, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 55) authorizing the use of a dredger in improving the channel of Coos Bay, Oregon, reported it with an amendment and submitted a report (No. 462) thereon.

Mr. McCUMBER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 384) to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak., reported it with amendments and submitted a report (No. 463) thereon.

STEAMBOAT INSPECTORS.

Mr. FRYE. I report back favorably from the Committee on Commerce the bill (S. 6290) to amend section 4414 of the Revised Statutes of the United States with an amendment to the title, and I submit a report (No. 447) thereon. The bill explains itself. It simply provides for the appointment of inspectors at Honolulu, Hawaii, and at San Juan, P. R. It is absolutely necessary for the carrying out of the requirements of law. I ask for its present consideration.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. TELLER. I was going to ask to have it read.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 4414 of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "and Burlington, Vt.," and before the words "one inspector of hulls," the words "Honolulu, Hawaii, and San Juan, P. R.;" and that the said section be further amended by inserting in the fifth paragraph thereof, after the words "and Norfolk, Va.," and before the words "at the rate of $2,000," the words "Honolulu, Hawaii, and San Juan, P. R."

Mr. FRYE. The bill simply provides for the appointment at those two ports of local inspectors as they are required under the law.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4414 of the Revised Statutes of the United States relating to steamboat inspectors."

THE OLD GUARD AT COLUMBUS, OHIO.

Mr. FORAKER. I am directed by the Committee on Military Affairs to report back favorably without amendment the bill (H. R. 4780) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to donate to The Old Guard, an independent military organization of Columbus, Ohio, whose membership is composed entirely of Union soldiers of the war of the rebellion, such number of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same, not to exceed 100, which may not be needed in the service of that Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDRESS OF MR. JUSTICE HARLAN.

Mr. TELLER. On Tuesday I made some remarks in the Senate and I referred to and quoted from an address delivered by Mr. Justice Harlan, of the State of Kentucky, in the city of New York, a few weeks since. I ask that in submitting my remarks for printing I may be allowed to couple with it in the RECORD the speech of Mr. Justice Harlan. It is an admirable speech, historical in the beginning and legal and judicial in its termination. It is a speech I think everyone would like to read, and it ought to be preserved.

The VICE-PRESIDENT. The Senator from Colorado asks permission to incorporate as a part of his remarks in the RECORD the speech of Mr. Justice Harlan, to which reference is made by him. Is there objection? The Chair hears none, and it is so ordered.

OFFICERS OF STEAM VESSELS.

Mr. NELSON. From the Committee on Commerce I report back favorably, with an amendment to the title, the bill (S. 6201) to amend section 4438 of the Revised Statutes of the United States, and I submit a report (No. 448) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4438 of the Revised Statutes of the United States by striking out, after the words "chief mate, engineer" and before the words "or pilot of any steamer," the words "in charge of the watch," so that the section, when so amended, shall read:

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over 700 gross tons, and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve as a master, chief mate, engineer, or pilot of any steamer, or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 4438 of the Revised Statutes of the United States relating to the licensing of officers of steam vessels."

ROBERT DAVIS.

Mr. KEAN. From the Committee on Claims I report back favorably, without amendment, the bill (S. 6293) for the relief of Robert Davis, and I submit a report (No. 449) thereon. It is a brief bill; it involves only one hundred and sixty-odd dollars; the Senator from Maine [Mr. FRYE] is interested in it; and it might just as well be passed now. I ask for its consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the proper accounting officers, in settling and adjusting the accounts of Robert Davis, first lieutenant, Second Regiment Field Artillery, United States Army, to credit him with $164.48, which amount of Government funds was stolen from his safe on or about the 6th of February, 1904, by his post quartermaster-sergeant while Lieutenant Davis was acting as quartermaster at Fort Banks, Mass.

Mr. CLAPP. Is there a report accompanying the bill?

Mr. KEAN. There is a report accompanying the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CANNON TO WINCHESTER, VA.

Mr. FOSTER. From the Committee on Military Affairs, I report back favorably, without amendment, the bill (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va. I call the attention of the junior Senator from Virginia to this report.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Louisiana.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to furnish to the city of Winchester, Va., two brass or bronze condemned field pieces or cannon, with their carriages and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used at the old headquarters of Gen. George Washington, which are now owned by that city, and to be subject at all times to the order of the Secretary of War.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OKANOGAN RIVER BRIDGE, WASHINGTON.

Mr. PILES. From the Committee on Commerce, I report back favorably, without amendment, the bill (S. 6437) authorizing the construction of a bridge across the Okanogan River, Washington, and I ask for its present consideration.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOWELL OBSERVATORY.

Mr. BRANDEGEE. From the Committee on Forest Reservations and the Protection of Game, I report back, with an amendment, the bill (S. 6441) granting to Percival Lowell certain land within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes, and I submit a report (No. 450) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 3, after the name "Percival Lowell," to insert the words:

During his life and upon his death to such trustee, person, or corporation as may be designated in his will for the conduct of the Lowell Observatory.

So as to make the bill read:

Be it enacted, etc., That there be, and hereby is, granted to Percival Lowell, during his life and upon his death to such trustee, person, or corporation as may be designated in his will for the conduct of the Lowell Observatory, section No. 17, in township No. 21 north, of range 7 east, of the Gila and Salt River base and meridian, the said tract of land being within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes in connection with the Lowell Observatory: *Provided*, That in the event of the removal or abandonment of the said observatory or the use of said land by the grantee for other than observatory purposes the said land shall revert to the United States: *Provided further*, That the title to the merchantable timber thereon and the right to cut and remove the same in such manner as to preserve the herbage and undergrowth in their natural condition shall remain in the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRANDEGEE. In connection with the bill just passed, I desire to have printed in the RECORD a letter from the Chief Forester recommending the passage of the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, March 30, 1908.

Hon. FRANK B. BRANDEGEE, *United States Senate.*

MY DEAR SENATOR: With reference to the bill (H. R. 18865) for the sale of certain lands near Flagstaff, Ariz., in the San Francisco Mountains National Forest, to Prof. Percival Lowell, when I wrote to you March 2 I had been given the impression that the tract did not support any large quantity of merchantable timber, but later information from the supervisor of that national forest indicates that the timber upon this tract is of considerable value.

The supervisor's telegram is as follows:

"Lowell observatory tract section 17, township 21 north, range 7 east, level mesa breaking south and west; elevation, 7,200; clayey loam soil; malapai outcrop occasional; fragments numerous. Total merchantable timber, 3,290,000 feet, worth $5 thousand, account accessibility mill. Examination by Drake. Letter.

"POOLER."

This fact has been reported to the President, who directs me to say that the grant should be conditioned upon the use of the tract for observatory purposes only, with a reversion to the United States if at any time it is used for other purposes, and, moreover, that the bill should reserve to the United States the power of disposing of the merchantable timber in such manner as to preserve the herbage and undergrowth in their natural condition.

I appreciate Professor Lowell's eminent scientific attainments, and believe that a grant so conditioned will accomplish the object he has in view, namely, the preservation of the herbage and undergrowth in their natural state, in order to maintain the atmospheric conditions necessary to astronomical observation.

I have written to Senator CRANE the substance of this letter.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

BILLS INTRODUCED.

Mr. FOSTER introduced a bill (S. 6459) to appropriate $200,000 for a public building at Shreveport, La., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 6460) to establish a shad hatchery on the Kennebec River, in the State of Maine, which was read twice by its title and referred to the Committee on Fisheries.

He also introduced a bill (S. 6461) to establish the University of the United States, which was read twice by its title and referred to the Committee on the University of the United States.

Mr. CLAPP introduced a bill (S. 6462) authorizing the Secretary of the Interior to issue patents in fee to the Diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. DICK introduced a bill (S. 6463) granting a pension to Clara Morrison, which was read twice by its title and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 6464) for the relief of Marian E. Gibbon, which was read twice by its title and referred to the Committee on Claims.

Mr. du PONT introduced a bill (S. 6465) to create a Financial Commission, which was read twice by its title and referred to the Committee on Finance.

Mr. ALLISON introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6466) granting a pension to Sarah E. Dodd;

A bill (S. 6467) granting an increase of pension to Edwin Smith; and

A bill (S. 6468) granting an increase of pension to Thomas N. Bray.

He also introduced a bill (S. 6469) for the relief of D. M. Rowland, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. TAYLOR introduced a bill (S. 6470) granting an increase of pension to Lottie J. Lewis, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced a bill (S. 6471) conferring jurisdiction on the Court of Claims to adjudicate the rights of persons who formerly held town lots in the city of Sulphur, in the Chickasaw Nation, Ind. T., which have been taken for a United States reservation, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6472) granting an increase of pension to Elijah Tharp, which was read twice by its title and referred to the Committee on Pensions.

Mr. BRIGGS introduced a bill (S. 6473) granting a pension to Sarah Frances Barriger, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FORAKER introduced a bill (S. 6474) for the relief of the late firm of Cobb, Blasdell & Co., which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6475) to remove the charge of desertion from the military record of Andrew C. Boyd, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6476) granting a pension to Peter Lunsford; and

A bill (S. 6477) granting an increase of pension to William Potter.

Mr. LODGE introduced a bill (S. 6478) for the relief of Frances L. Snell, which was read twice by its title and referred to the Committee on Claims.

Mr. WARNER introduced a bill (S. 6479) for the relief of Margaret C. Montville, which was read twice by its title and referred to the Committee on Claims.

Mr. FORAKER introduced a bill (S. 6480) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. McCUMBER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6481) granting an increase of pension to Charles Hanson;

A bill (S. 6482) granting an increase of pension to Almont Barnes; and

A bill (S. 6483) granting an increase of pension to Edward Ash (with accompanying papers).

Mr. CARTER. Mr. President, I introduce a bill to establish postal savings banks in the United States. This bill has been approved by a subcommittee of the Committee on Post-Offices and Post-Roads of the Senate and is satisfactory to the Department, which has been consulted. I ask the reference of the bill to the Committee on Post-Offices and Post-Roads.

The bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

OSAGE INDIAN LANDS.

Mr. OWEN introduced a joint resolution (S. R. 76) relative to homestead designations, made and to be made, of members of the Osage Tribe of Indians, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. OWEN. I am authorized by the Committee on Indian Affairs to report back the joint resolution and ask for its consideration.

The VICE-PRESIDENT. The joint resolution will be read for information.

Mr. TELLER. It should be read first.

The VICE-PRESIDENT. The Secretary was ordered to read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That homesteads of members of the Osage Tribe of Indians in Oklahoma may consist of land designated from any one or more of their first three allotment selections taken under the act of Congress approved June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," the designation thereof to be subject to approval by the Secretary of the Interior.

Mr. TELLER. I should like to know if the Committee on Indian Affairs examined the joint resolution and authorized its report.

Mr. OWEN. The joint resolution has been passed upon by the Committee on Indian Affairs. It is based upon a report from the Secretary of the Interior that requested its passage.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HEYBURN. For information, I should like to know if the joint resolution provides that Congress shall regulate what constitutes a homestead within what is now a State.

Mr. OWEN. No, sir. The Osages have three separate allot-

ments, and the joint resolution merely permits the Osage himself, with the approval of the Secretary of the Interior, to designate out of one of the three allotments the homestead he desires to retain.

Mr. HEYBURN. I supposed that homesteads would be regulated and defined by the State, as in other States, and I was rather marveling that the United States Government should be legislating in regard to what should constitute a homestead in Oklahoma.

Mr. OWEN. The homestead referred to is the homestead under the Osage agreement, and not a homestead in the ordinary sense.

Mr. HEYBURN. Still it seems to me, if they are going to be a State, they had better be a State there and regulate their own homesteads.

Mr. ALDRICH. I ask that the joint resolution be again read.

The VICE-PRESIDENT. It will be again read at the request of the Senator from Rhode Island.

The Secretary again read the joint resolution.

Mr. ALDRICH. Does the joint resolution come regularly from a committee of the Senate?

The VICE-PRESIDENT. It is reported from the Committee on Indian Affairs.

Mr. CLAPP. Mr. President——

Mr. ALDRICH. I do not object to it.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING PAPER AND WOOD PULP.

Mr. OVERMAN. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 77) to put printing paper and wood pulp on the free list was read the first time by its title and the second time at length, as follows:

Resolved, etc., That all printing paper suitable for or adapted to the printing of newspapers, periodicals, or books, and all wood, wood pulp, used in the manufacture of printing paper, when imported into the United States, shall be exempt from duty.

Mr. HEYBURN. Has the joint resolution been reported from a committee?

The VICE-PRESIDENT. It is not reported from a committee. It was introduced by the Senator from North Carolina, with a request for unanimous consent for its present consideration.

Mr. HEYBURN. I object.

The VICE-PRESIDENT. Objection is made. The joint resolution will be referred to the Committee on Finance.

Mr. GALLINGER. Would it be in order to move that it be referred to the Committee on Finance?

The VICE-PRESIDENT. It has been so referred.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. du PONT submitted an amendment proposing to appropriate $1,200 for the salary of overseer and laundryman at the Washington Asylum, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FORAKER submitted an amendment authorizing the Postmaster-General to investigate the feasibility and desirability of the Government purchasing the equipment for pneumatic-tube service and thereafter operating the same in the cities where such service is now in operation, intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. Is there further morning business? If not, the morning business is closed.

Mr. BURKETT. I move that the Senate proceed to the consideration of the bill (S. 4032) to establish the direction and control of public education in the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill.

Mr. SMOOT. What bill is now under consideration?

The VICE-PRESIDENT. Senate bill 4032, to establish the direction and control of public education in the District of Columbia.

Mr. SMOOT. I did not hear the motion put.

The VICE-PRESIDENT. The Chair put it distinctly to the Senate. The bill is before the Senate.

Mr. SMOOT. I should like to have the regular order of business. It is not yet 1 o'clock.

The VICE-PRESIDENT. The pending bill is the regular order upon motion and by a vote of the Senate. The Secretary will resume the reading of the bill.

The reading of the bill was concluded.

The first amendment was, in section 1, on page 1, line 3, before the word "first," to strike out "April" and insert "July;" on page 2, line 1, after the word "secretary," to insert "and supervising principals;" and in line 3, before the word "first," to strike out "April" and insert "July;" so as to make the section read:

That on and after July 1, 1908, the direction and control of the public schools of the District of Columbia shall be, and are hereby, transferred from the board of education and vested in a director of education, who shall succeed to all the powers hitherto resident in said board of education and in certain officers of said board, to wit: Superintendent, assistant superintendent of white schools, assistant superintendent of colored schools, and secretary to the said board. The offices of said superintendent, assistant superintendents, and secretary, and supervising principals are hereby abolished, to take effect July 1, 1908.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 7, after the word "appointed," to insert "unless he shall be sooner removed by the Commissioner of Education," so as to make the section read:

SEC. 2. That the director of education shall be appointed by the Commissioner of Education of the United States for a term of four years, or until his successor shall be appointed, unless he shall be sooner removed by the Commissioner of Education. No person shall be eligible to the office of the director of education who shall not be a graduate of a college or university of recognized standing, have pursued not less than three years of graduate university work or the equivalent, and has held educational positions of superior direction and control for a period of ten years or the equivalent.

The amendment was agreed to.

The next amendment was, in section 3, on page 2, line 14, to strike out the following words at the beginning of the section: "That the offices of supervising principals are hereby abolished, to take effect July 1, 1908;" in line 16, to strike out "that date" and insert "July 1;" and in line 20, after the word "education," to insert:

One of whom shall be designated in writing by the director of education to perform, during his necessary absence or inability from any cause, the duties hereby imposed upon the said director of education, without extra compensation.

So as to make the section read:

SEC. 3. On and after July 1 the director of education shall appoint seven assistant directors, two of whom shall be colored, for terms not exceeding four years, who shall at all times be under the direction of the director of education, one of whom shall be designated in writing by the director of education to perform, during his necessary absence or inability from any cause, the duties hereby imposed upon the said director of education, without extra compensation. The director of education is empowered to dismiss such assistant directors as he may deem advisable for the good of the service. The director of education shall report annually to Congress upon the first Monday in December. The salary of the director of education shall be $6,000 annually. The salary of the assistant directors of education shall be $3,500 annually.

The amendment was agreed to.

The VICE-PRESIDENT. If there are no further amendments proposed, the bill will be reported to the Senate.

Mr. NELSON. Mr. President, I desire to be heard on the bill.

Last year Congress passed a bill reorganizing the educational system of this District, and providing for a board of education. The pending bill proposes utterly to legislate out of existence the board of education here and to put the schools of the District of Columbia in the hands of one person, to be appointed by the Commissioner of Education.

If there is anything that the American people take an interest in it is the public schools, and all over this broad land in every city, big or small, the people themselves have an opportunity to say something about the management of their public schools. This is the first instance I know of or have heard of where it is attempted to entirely disfranchise the people of a large city and a large community such as the city of Washington. Why the people of the District of Columbia, with a population of nearly 400,000, should be utterly disfranchised and their schools put under the control of an autocrat passes my comprehension.

Who is to appoint this man and from where is he to come? There is no provision in the proposed law as to what place he may come from. The Commissioner of Education may appoint a man from Alaska, Hawaii, or from anywhere within the boundaries of the United States to come here and take charge of the schools of the District of Columbia.

Mr. SCOTT. May I ask the Senator a question?

Mr. NELSON. Certainly.

Mr. SCOTT. Do not some of our judges come from the States, and not from the District of Columbia, and yet their duties are entirely within the District?

Mr. NELSON. That is entirely different. What are the duties of the Commissioner of Education? The duties of that office are mainly statistical. The only educational business that he has any charge of is simply that through Doctor Jackson he has charge of the education of the natives of the district of Alaska.

I have heard it said, Mr. President, that the people of the District of Columbia ought to submit to this autocratic power because the Government pays half the expenses. Senators must remember that the Government made magnificent grants of land to the public schools of all the great States of the Union. The agricultural-college grant was given to all the States, and we increased the annual appropriation last year from $25,000 to $50,000 for the support of agricultural colleges, and we have given to all the public-land States a grant of two sections in every township for public schools. We have given the States and Territories all this assistance to carry on their public schools, and yet we have never undertaken, not even in any of the Territories, to divest the people of the power of managing their schools.

The people of this District, Mr. President, are sufficiently disfranchised to-day. Their government is in the hands of three Commissioners, and they have to come to Congress for every bit of legislation, a good deal of which is such as is enacted by the common councils of municipal corporations.

Now, to take the last vestige of self-government out of the hands of the people here, especially in a matter that is so near and dear to the American people as the public schools, seems to me to surpass all comprehension and to be a great outrage on the people of Washington. I do not know and I can not conceive what wrongs the people of Washington have perpetrated that they should be penalized in this manner.

The Committee on the District of Columbia reported a bill last year to reorganize the schools. We were then given to understand that if that law were passed we would have a good system of schools. It provided for the appointment of a board of education consisting of nine members, in which all sides were represented and participated.

Mr. GALLINGER. Mr. President——

Mr. NELSON. Unfortunately a superintendent was selected for the head of the schools of the District of Columbia who in some manner kept in hot water during the entire year——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. The Senator, of course, desires to be accurate. That is his purpose always. The Senator says the bill of last year provided for the appointment of a board of education. For a great many years there has been a board of education here. That was not a new provision.

Mr. NELSON. I know. Always since they organized their system of schools here they have had a board of education.

Mr. GALLINGER. And that board has been in a row pretty nearly every day since it was appointed.

Mr. NELSON. Mr. President, when this bill was pending before the committee representative bodies of teachers and of other public organizations here desired to be heard before the committee. A committee of the chamber of commerce of this city attended and desired to be heard, and they were refused a hearing. Scarcely anybody was heard in regard to this bill. I have here a statement containing the objections of the Washington Chamber of Commerce to the passage of this bill, which I ask may be read at the Secretary's desk for the information of the Senate.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OBJECTIONS TO THE DOLLIVER LAW.

1. LOCAL CONTROL.

The present school law provides for local control of our schools. The Dolliver bill contains no such provision, but under it the schools which the children of the people of this District must attend may be managed entirely by nonresidents. The citizens of the District are taxed to support the schools, but under the Dolliver bill they are not assured of any voice in regard to them.

2. AUTOCRATIC POWER.

The Dolliver bill abolishes the board of education, secretary of the board, the superintendent, assistant superintendents, and the supervising principals, and vests an autocratic control of the schools in a director of education to be appointed by a Federal officer, the Commissioner of Education, responsible in no way to the people of this District.

3. ONE-MAN POWER UNCHECKED.

The Dolliver bill, after providing for the appointment of a director of education, authorizes said director to appoint seven assistant directors, any or all of whom he may remove summarily at his discretion. No educational qualifications are prescribed for these assistant directors, and they are necessarily entirely subservient to the director.

4. PRESENT LAW.

The Dolliver bill nullifies or makes easy the nullification of all the good features of the present law, which features were put into the present law to guarantee justice and fairness in regard to appointment, promotion, and dismissal of officials and teachers. The Dolliver bill places no check on the director of education in the direction of the disbursement of school funds.

5. IDEAL MAN.

The Dolliver bill requires an ideal man in all moods and at all times, and it is folly to expect to secure such a man. In whatever measure he may have bad qualities, the opportunity for him to do harm is unlimited and unchecked so long as he is solid with the appointing power.

6. POLITICAL DISTURBANCE.

The Dolliver bill provides a system of school administration that is peculiarly liable to be dominated and controlled by political and other powerful influences. Under the unchecked control of a director of education, dependent for continued tenure in office on a dependent Federal appointing power, the schools will be continually in danger of having pressure successfully applied to introduce into them incompetent if not otherwise undesirable teachers. The citizens of the District having no assurance of a voice in school matters, local public sentiment will be ineffective or utterly unavailing to prevent or correct any evils which may arise.

7. SUPERVISION.

The Dolliver bill destroys entirely the present supervision of the 1,100 graded school classes and the 1,100 teachers of those classes.

(*a*) The principals of the school buildings are themselves teachers, and could not possibly exercise the necessary supervision and preserve uniformity in the system.

(*b*) The seven assistant directors could not possibly perform these supervising duties, as they, in connection with and under control of the director, will be charged with all the duties of the two assistant superintendents as well as all the business affairs of the schools.

8. TESTIMONY FROM THE SCHOOLS.

With practical unanimity the school officers and teachers testify that the present law is an admirable one, and none of them has suggested or advised changes to the committee, except in comparatively unimportant details which may be made by minor amendments. The few who have suggested any changes are opposed to asking that they be made at present, for fear of a change in the general features of the law which are absolutely satisfactory. The present law is scientifically framed and provides admirably for efficient administration, and proper protection for the teachers and the public interests.

9. TEACHERS—HEARING.

The teachers of the city are thoroughly alarmed at the prospect of the enactment of the Dolliver bill, which was reported favorably to the Senate without a hearing to the teachers or school officials or citizens of this District, save a few who were favorable to the bill. The Washington Chamber of Commerce, through its public school committee, requested a hearing before the Senate District Committee, but the request was not granted.

10. PEACE AND QUIET.

A reasonable discussion of school affairs will take place in any community, and only good results from it. That some little excitement might arise from certain exigencies occasionally to be dealt with in school matters affords no justification for taking away the rights of the people to a local and representative control, and entirely depriving them of any voice in school matters by fastening upon them an autocratic system of control in which they can have no say.

The exigencies which gave rise to the trial of the late superintendent caused an agitation and discussion which has been magnified by a few enemies of the present school system and made the basis of a charge that factions which do not exist have been created in the schools. The people generally approve the result that has been brought about by their representative body, the board of education of the District of Columbia, and it is not too much to say that practically complete harmony will prevail in school affairs in the District of Columbia, and that the best class of educational work is possible if the present law is not disturbed.

Peace and quiet obtained under an imperial and autocratic control will be obtained at the expense of justice and fairness, and by creating a condition of helplessness, except for a few possessing influence. A short duration of such autocratic control would probably result in introducing more harm into the schools of the District of Columbia than could be eradicated in many years. That there is no demand except upon the part of a very few people for any such change in our school laws as that proposed by the Dolliver bill, and that there is no necessity for it, could, it is believed, be readily established at a hearing.

So far as the committee has been able to discover, there is no community in the United States where the autocratic control of public schools is vested in a single man, or where the control of the schools is divorced from the voice of the people locally concerned. It is quite certain that the Dolliver bill is out of all harmony with the laws under which the public schools of this country are administered.

Mr. NELSON. Mr. President, I do not want to take up the time of the Senate needlessly in the discussion of this bill. It seems to me that it is very apparent that it would be a great outrage on the people of Washington to deprive them of those privileges in connection with educational affairs that are accorded to the citizens of every other municipality and town in this country. In view of that fact, I move to recommit the bill to the committee that reported it.

The VICE-PRESIDENT. The Senator from Minnesota moves to recommit the pending bill to the Committee on the District of Columbia.

Mr. BURKETT. Mr. President, I want to ask the Senate to give me two or three minutes——

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. If the Senator will permit me just one word, I will say that I listened with some attention to the document that was read from the desk, which is a report of the committee on public schools of the Washington Chamber of Commerce. I simply want to say in that connection that the chairman of the board of education is the president of the Washington Chamber of Commerce, and if that gentleman is to be discussed, there will be some things said about his management of the schools here that may be interesting.

Mr. BURKETT. Mr. President, I want to ask the Senate to give me, in the few minutes that I shall talk, close attention, and I will try to make plain what this bill is to do and why we have reported it.

I wish to say in the beginning that no Senator who has not served on the District of Columbia Committee can realize all the troubles that come to a Senator who serves on that committee. There is nothing more aggravating and more trying than the problems of any municipality, and I undertake to say that there is not anything in all municipal affairs that is so tender and that needs so much care and so much consideration as the school part of municipal affairs. I wish also to remind the Senate that the Committee on the District of Columbia was put in charge of this legislation by a vote of the Senate. When we came to Washington last fall the District of Columbia was in a jumble, a turmoil—I used the word "jumble" because that was the condition, but the Senator to my right suggests "turmoil" as better—with reference to our schools.

There was complaint everywhere that our school system and our school management were wrong. The school superintendent had not been able to do what it was thought a school superintendent ought to be able to do; the school board had not been able to do what the idea of the people suggested that school boards ought to do. Every member of the Senate and of the House of Representatives was besieged by teachers, by citizens, and by officers of the board to do something to straighten out this school trouble. A resolution was introduced asking the District of Columbia Committee to give some special attention to the then existing condition of the school board. A subcommittee of that District Committee was appointed, and to that subcommittee was referred that resolution.

I had the honor of being chairman of that subcommittee to which was referred the resolution. There were four other members of that subcommittee, as careful and painstaking and competent men as there are on the floor of the Senate. They gave to this matter as much care, as much consideration, and as much concern as I have ever seen given to any subject in this body or in any other legislative body in which I have ever served.

About the time we were beginning that consideration, what is known as the "Dolliver bill" was introduced in the Senate. That bill was referred to the subcommittee. After some amendments were adopted—there are one or two other amendments still to be made before the bill should be passed—the subcommittee unanimously reported favorably on the passage of this bill.

The bill was taken before the District Committee, and a practically full attendance, I may say, was present of members of the committee that morning. The bill was explained at length. Practically the entire morning was taken up at the hearing of the report of the subcommittee on the bill. That committee unanimously, with one exception, favored reporting the bill, and that one exception——

Mr. DILLINGHAM. Mr. President——

Mr. BURKETT. Just let me finish, please. That one exception was to only a portion of the bill. So the bill comes before the Senate with that indorsement.

Mr. DILLINGHAM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Vermont?

Mr. BURKETT. Certainly.

Mr. DILLINGHAM. Do I understand the Senator from Nebraska to say that there was a full committee when this bill was considered?

Mr. BURKETT. I said "practically a full committee." I did not say "full," because I suppose there may have been one or two absent.

Mr. DILLINGHAM. I was detained from that meeting of the committee by illness.

Mr. BURKETT. I took particular pains to say "practically a full committee." I say it was an unusually full committee.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. I do.

Mr. HOPKINS. The Senator from Nebraska in his remarks referred to a hearing before the subcommittee. I should like to know what educators appeared before the subcommittee, and what was the nature of the objection to the existing law that was advocated by the different parties who came before the subcommittee that led to the adoption of the bill that is now proposed.

Mr. BURKETT. I will say——

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. BURKETT. Yes.

Mr. FLINT. I would like to ask the Senator from Nebraska, in further discussion of the subject brought out by the Senator from Illinois, whether he will state to us whether in this hearing it was shown that there was any combination in the present board of education?

Mr. HOPKINS. We can not hear the Senator from California.

Mr. FLINT. I asked the Senator from Nebraska, when he was discussing the question called out by the question of the Senator from Illinois [Mr. HOPKINS], if he would state whether or not the hearing before this committee satisfied him and the other members of the committee that there was any combination among the members of the board of education of this city, so that certain members of the board were acting in harmony in connection with all the legislation and ignoring practically other members of the board.

Mr. BURKETT. Mr. President, I would rather not be asked to answer that question directly. There have been so many charges and so much crimination and recrimination hurled back and forth between the members of the board, between teachers and other teachers, and between teachers and the board that some of it is scandalous.

I want to say, in reply to the Senator from Illinois [Mr. HOPKINS], that I hope he will not think that any member of that subcommittee was less honest in his endeavor, although he might have been less competent, than the Senator from Illinois, but that any member of that subcommittee was less honest and less earnest in the endeavor to try to bring about something in this school matter that would adjust it for us.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. Certainly.

Mr. HOPKINS. The question I asked would not impugn either the honesty or the integrity or the ability of the subcommittee. My question was propounded to the Senator for the purpose of getting light upon this subject. This bill which is proposed by the committee is a complete revolution from existing conditions. The change, as stated by the Senator from Minnesota [Mr. NELSON], is a remarkable one, and if the Senators upon this floor are asked to follow the committee, it seems to me that the Senator in charge of the bill should put us in possession of the facts, so that we can act as intelligently upon those facts as did the committee which reported the bill.

Mr. BURKETT. I will say, Mr. President, that the Senator who is talking has been endeavoring to take the bill along step by step, stating exactly what has been done. I have myself forgotten now what I was talking about when the Senator interrupted me with his question.

Mr. NELSON. Will the Senator yield for a question?

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. BURKETT. Certainly, for a question.

Mr. NELSON. I have here a copy of the printed hearing on this bill before the committee, and it seems that no one appeared before the committee to make any statement except an old retired rear-admiral, who had been appointed on the board and who had become disgruntled in the early stages of the proceedings and had resigned. Was anybody else, outside of the members of the committee and this rear-admiral, heard by the subcommittee?

Mr. BURKETT. I will say to the Senator from Minnesota that a whole lot of us will do well if we will bear our years and our reputations as well as that distinguished "old disgruntled rear-admiral" to whom the Senator has referred.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. Certainly.

Mr. GALLINGER. If the Senator will permit me to inject a suggestion, the committee room was filled with people, who might have been heard had they asked for a hearing.

Mr. BURKETT. We took the matter up, and I will say the committee did not lack for information. I want to say to the Senate just what this bill does. There are just two things that this bill does, and I can show to the Senate in a moment why it was that the school board were absolutely incompetent witnesses at this sort of a hearing.

The bill does two things. It abolishes the school board of the District of Columbia and discharges thirteen supervising principals. The Senator from Minnesota talks about the school reorganization and about the bill that was passed two years ago. I want in passing just to throw in this suggestion.

Mr. CLAY. With the Senator's permission——

Mr. BURKETT. Please let me get through, and then the Senator may proceed.

At the time the school bill was passed two years ago, I stood on this floor and said to the Senate that it was not a perfect bill; that those thirteen supervising principals should be abolished; that there was not another school system in the United States that had that sort of an organization, and that every educator that had ever been permitted to testify or to give attention to the matter said that Washingon never could have a good school system until those thirteen supervising principals were abolished. We realized when we undertook to abolish them in the bill two years ago that those thirteen supervising principals reached out and had their fingers on 1,300 teachers in the District of Columbia.

Every teacher in the graded schools in the District of Columbia has his or her efficiency record marked up or down by those thirteen supervising principals, and when any legislation was proposed to abolish those thirteen supervising principals, they at once had their fingers on 1,300 teachers in the District of Columbia, who, in turn, ramified throughout the District and commanded a wonderful influence. We realized that, involved as that bill for the reorganization of these schools was, extensive as it was in its limits and in its functions, it had all the troubles it could bear without throwing into it or injecting into it the personal fight of these thirteen supervising principals, who ramified throughout the entire District in a personal way.

The Senate will remember that we had to stand up on this floor and assure the Senate and assure the people of the District of Columbia and the teachers that no teacher should be thrown out of his or her job at that time. Why? Because we realized that to get that reorganization bill through we had to assure the teachers that none of them would lose their jobs, so as to prevent them from organizing a propaganda against the bill.

Now, let me say that every person, every board of trade, every newspaper, and school-teacher, everyone opposing this legislation now opposed that legislation two years ago. Every one of them, without a single exception, is here testifying to the wisdom of that legislation of two years ago and condemning this additional legislation now. If I had the time, I could tell the Senate why that is.

Mr. HOPKINS. Right there, does the Senator mean to say that the two years' experience that the teachers and those interested in the schools have had has shown them that they were in error two years ago and that the supervising principals are beneficial to the educational system?

Mr. BURKETT. I did not say anything of the kind to the Senator. I am willing to have him ask any question for information, but I do not want any catch questions here. I have no personal concern in this. I am willing to answer any question, but I do not want to be bothered here with catch questions.

Mr. CLAY and Mr. HOPKINS addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Nebraska yield?

Mr. BURKETT. I yield to the Senator from Georgia.

Mr. HOPKINS. I disclaim any idea of "catch questions." I simply took the statement of the Senator from Nebraska, who said that when the bill was before Congress two years ago there were objections to the supervising principals, but that the very parties who had had the experience of two years with them now come and protest against abolishing them.

Mr. GALLINGER. No; they do not.

Mr. BURKETT. If I created that impression on the Senator, I will correct it. I did not suppose I had created that impression on anyone.

Mr. HOPKINS. I simply took the language of the Senator.

Mr. BURKETT. I apologize to the Senator. If I created that impression on the Senator, I should like to correct it.

Mr. CLAY. Mr. President——

Mr. BURKETT. Let me answer the question. The committee two years ago, in considering the matter, in their judgment, thought they ought to abolish the thirteen supervising principals, but then it was merely broached or talked of, and they at once set about to defeat this reorganization bill and the committee dropped it at once.

I say that all the people who are against this bill to-day were against that bill two years ago. The newspapers fought that bill two years ago very actively, just as they are doing now. The board of trade and all these people fought that bill two years ago. I say all those people are now petitioning us to let things be as they are, and hence are all indorsing the bill of two years ago.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. BURKETT. Certainly.

Mr. CLARK of Wyoming. I should like to make an inquiry of the Senator. He fears the result of having the action of thirteen hundred teachers influenced by thirteen supervising principals. Does he think that the danger would be lessened or the influence would be lessened if the thirteen were consolidated into one man? In other words, would it not be concentration of authority greater than he is willing now to extend to the present board?

Mr. BURKETT. I will say that the Senator from Wyoming misunderstands me if he thinks that that is the object of abolishing the thirteen supervising principals.

Mr. CLAY. Mr. President——

Mr. BURKETT. I said I would yield to the Senator from Georgia. I now yield to him.

Mr. CLAY. I want to call the Senator's attention to this bill. There are only two features in it.

Mr. BURKETT. Just two.

Mr. CLAY. The bill provides—

That on and after July 1, 1908, the direction and control of the public schools of the District of Columbia shall be, and are hereby, transferred from the board of education and vested in a director of education, who shall succeed to all the powers hitherto resident in said board of education and in certain officers of said board.

Now, again:

SEC. 3. On and after July 1 the director of education shall appoint seven assistant directors, two of whom shall be colored, for terms not exceeding four years, who shall at all times be under the direction of the director of education.

I want to ask the Senator this question: Will not this bill, if it becomes a law, place the educational affairs of the District of Columbia absolutely and unconditionally in the hands of one man? He can dismiss teachers, and the assistant directors must act as he says. They are his directors and also subject to his orders. Is it not true that the members of the board of education of the District of Columbia ought to be citizens of the District of Columbia, selected from the very best people of this District? And ought not the board of education of a great city like this really control, and practically ought not the schools be subject to their orders? If we pass this bill, we absolutely place in the hands of one director the control and management of the schools of the city of Washington.

Mr. BURKETT. Now, Mr. President, I will say to the Senator that that is the object of the bill. I do not want to disguise anything. It is to get rid of a school board that has been troubling us ever since we have had a District of Columbia. Let me say to the Senate now, with reference to that, that matters could not be much worse. In the last ten years we have had four different school boards in the District of Columbia, and we have had forty-two different members of the school boards in the District of Columbia in the last ten years. That is the condition. That is a practical result of the system. It is all right to talk about getting citizens of the District of Columbia to serve on the school board, but you can not get the citizens of the District of Columbia to serve on the school board or to stay on the school board—that is, those who would seem to be the most desirable to be members of the school board. For instance, a very prominent member——

Mr. TELLER. Mr. President——

Mr. BURKETT. Just let me finish. A very prominent citizen of the District of Columbia came to me. He had been a member of the school board, and he said, "Senator, I think we ought to have control over things of a local nature." I said,

"Certainly; so do I. Will you serve on the school board? Why did you not serve when you were appointed two or three years ago?" That same man was appointed to the school board because he was a very distinguished man, and just such a man as we ought to have on the school board; but he served four months and resigned. The president of one of our great educational institutions here came to me and said, "I think we ought to have a voice in the school board." "Very well," I said; "why did you not stay on the school board when you were appointed two years ago, under the present law?" So in the last nine years we have had four complete changes in the school board, including forty-two members of the body in that time. Under those conditions it is not possible, I submit, to have a school-board system or any other kind of a system to get good results.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. BURKETT. Certainly.

Mr. SMITH of Michigan. The school board to which the Senator refers performs a labor of love, does it not? Its members do not get any compensation?

Mr. BURKETT. No.

Mr. SMITH of Michigan. What would the Senator say if an amendment were proposed in line 9, page 2, after the word "not," so that the section would read:

No person shall be eligible to the office of director of education who shall not have been an actual bona fide resident of the District of Columbia for five years previous thereto.

I will say——

Mr. BURKETT. Mr. President——

Mr. SMITH of Michigan. Before the Senator answers, if he will permit me, I will say that my amendment places a citizen of Washington with direct authority in charge of these schools.

Mr. BURKETT. May I ask the Senator a question? Does he know of any resident of the District of Columbia who has the qualifications that a director of schools is required to have under this bill?

Mr. SMITH of Michigan. I think the people of the city of Washington are as competent to deal with their school affairs and with governmental affairs as the people of any city in the country, and I say that the bill is a very unfair discrimination against the people of this city whose children attend the public schools.

Mr. BURKETT. Now, Mr. President, I want to continue along at least until I get my statement in some sort of connected shape.

That is one of the objections that was raised here. The Senator from Minnesota said we might go to California or to Arkansas or to some place else and get a superintendent. Let me say to the Senator that when the people up in Milwaukee wanted a superintendent, they went down into Nebraska and got a superintendent. There is not any place in this country where it is contended that you should take your superintendent of schools from the local town or State. Such a proposition never was suggested.

Mr. SMITH of Michigan. Mr. President, if the Senator——

The VICE-PRESIDENT. Does the Senator from Nebraska yield further to the Senator from Michigan?

Mr. BURKETT. Certainly.

Mr. SMITH of Michigan. The Senator did not understand me to refer to the superintendent. I was directing my amendment and the observation to the director of education and not to the superintendents.

Mr. BURKETT. Well, I will say to the Senator that he has not read the bill carefully, or he would see that the director is the real superintendent.

Mr. SMITH of Michigan. I do not so read it, and I have read the bill very carefully.

Mr. BURKETT. The Senator should read it over again, and he will see.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. BURKETT. Certainly.

Mr. CLARK of Wyoming. I want to ask a question of the Senator for information. He has spent a great deal of time, trouble, and study, I know, upon this school situation. I want to ask him if, in the investigation of the situation here, he has found it to be a fact that any other city of the United States controls its school affairs along the lines indicated in this bill?

Mr. BURKETT. I will say that the system in Buffalo is very similar to this. I will also say in reply to the Senator, that of course he understands there is no other place in this country where the people do not have a vote.

Mr. CLARK of Wyoming. I understand that.

Mr. BURKETT. If they had a vote here and the school board had to be responsible to the people, it would be a different proposition.

Mr. CLARK of Wyoming. What I wanted to get at was whether or not the committee, in their consideration of this proposition, knew of any precedents where such a system had worked out well or ill.

Mr. BURKETT. They have got practically the one-man power, as I say, up in Buffalo.

Mr. GALLINGER. If the Senator will permit me, I will say that neither is there any other city where the Government is an equal partner in the matter of paying taxes. I will add, if the Senator will permit me further, the contention that this matter should be left in the hands of the people of the District of Columbia is not very convincing when we recall the fact that the court of appeals of the District of Columbia is composed of a judge from Texas, a judge from Vermont, and a judge from Wyoming, I think, and that the postmaster of the city of Washington, I believe, is a citizen of the State of New York.

Mr. CLARK of Wyoming. He is a citizen of the District of Columbia, as the Senator will see if he will examine the record.

Mr. GALLINGER. I recall the fact that a very vigorous fight was made against him on the ground that he was not a citizen of the District of Columbia at the time of his appointment, and he was not a citizen of Washington at that time.

Mr. BURKETT. Now, Mr. President, I want to go back, and I will ask that I be permitted to continue this statement until I get it in a somewhat connected form.

This bill does two things. It puts the management of the schools into the hands of a director of education, or superintendent, which is the same thing, with just a change of name, and it abolishes the thirteen supervising principals.

Now, let me call attention to the fact that I have here a verbatim copy of all the records of the school board for the last year. I have taken occasion to go through them, and there is not anything in them except educational matter. The Senate should remember that Congress appropriates every dollar for the schools of the District of Columbia. The school board does not have anything to do with the expenditure of the money or the appropriating of money. Congress appropriates specifically every dollar of money that is used.

As the Senate will remember, in the appropriation bill each year the salary of every teacher is appropriated for specifically; the salary of the principal of every school is appropriated for specifically; and if there is to be a school building erected, Congress appropriates for that building so much money, provides where it shall be located, and so forth, specifically. The money is paid out under the direction of the Commissioners of the District of Columbia. When schoolbooks are bought, the Commissioners of the District of Columbia distribute the money for that purpose. So the school board have never had any function of a fiscal nature in connection with the schools.

There is only the other side, and that is the educational side of the school system, and the superintendent of schools attends to that.

The board of education, without anything of a financial or fiscal nature to do, has used its time interfering—I do not say that in a harsh way—but it has interfered with the educational part of the work, the part that belongs to the superintendent of schools, and, as a result, there have been constant broils in the schools. There has never been a time in the ten years that I have been in Congress that we have not had constant broils and constant turmoil in the school; and, in my opinion, there never will be such a time so long as we have a board of education with no duties to perform except the duties that belong strictly to the superintendent of education. If the Senators will look through this record, they will find that practically all that this board of education has ever done was to designate, for instance, a teacher to go from the Force School to the Adams School, or to send this teacher to that school, or something of that nature that a superintendent of education ought to do unlet and unhindered. There has been nothing for the board of education to do.

Now, I will call the attention of the Senate to the fact that the recent trouble, which raised the disturbance that we had when we came down here last fall, was due to a difference of opinion as to when German should begin to be taught in the public schools. It seems that the superintendent of education thought it ought to be begun to be taught at the seventh grade, I believe. Some members of the school board thought it ought not to be begun until the twelfth grade or the tenth grade, and they got into trouble over when German should begin to be taught in the public schools. That difficulty was magnified. One thing brought on another, until we had all the troubles

which finally resulted in the discharging of the superintendent of schools. Perhaps he had committed crimes enough to warrant his discharge. I am not saying anything about that, because I do not know anything about it, and I will say that I do not care anything about it; but the whole thing started over the question as to when German should begin to be taught in the public schools. The trouble was largely between the superintendent of schools, an educator, and a business man down here on Pennsylvania avenue thinking that he knew more about when German should be started than did this professional educator. It is because of the conflict of authority between the board of education and the superintendent of schools that this turmoil has been kept constantly going on.

Now, let me call attention to another thing. If the Senators have read last evening's papers or this morning's papers, they will see that a great controversy is going on now between the Commissioners of the District of Columbia and the board of education. Ever since the great schoolhouse fire out in Ohio all over this country the people have been looking after fire escapes on school buildings, and if you have read the papers and read of the controversies you will see that there is an absolute deadlock in the District of Columbia to-day between the District of Columbia Commissioners and the board of education on this question of fire escapes. Only the other day I talked with the building inspector about it, and absolutely there is nothing to be done because of the fussing and quarreling between the one having authority and the other having directory power, the one having directory power refusing to do anything because it does not have authority, and the one who has authority having nobody to enforce its decrees. So the board of education comes in as a sort of fifth wheel between the Commissioners of the District of Columbia on the one side, who have all the fiscal end of the District affairs to attend to, and the director of education on the other side, who has the educational system and the direction of schools in hand. So they are not of consequence; they are not necessary.

The Senator asks if there is any other town that compares with this. There is not any other town in the country that has a board of commissioners like the District of Columbia has, given by law, with certain duties and certain authority and certain prerogatives. With reference to the school system that we have here in the District of Columbia, there is not another community that is just like this, and there never has been.

The committee realized that fact when they drew the former bill, two years ago. We did not want to take anything away from the District. We said, "Let us continue this school board." Some said, "What is the use of having a school board? What need is there for it? Why should we continue it?" We said that the trouble perhaps has been that the District Commissioners have been appointing this board of education. They have had trouble. Let us try somebody else. We thought of the President. We thought of pretty much everybody to appoint the board of education, and finally we said, "We will have the judges of the supreme court of the district of Columbia appoint the board of education, and perhaps we will get a board then that will not keep up this constant contest and these squabbles, one that will properly recognize its fair limitations, cut out all this trouble, and keep the schools out of the turmoil that they have been in." We did that thing. The result was that all the politics, all the fussing, all the social affairs, and everything in the District of Columbia, some way or other, centered in this board of education; and when they came to appoint the board of education the appointing power could not be free for a single moment. They were assaulted by all the cliques and factions, and all the politics and all the social affairs in the whole District were jammed onto them, and they were instructed how they should appoint the board of education and whom they should appoint.

The result was that when the board of education was appointed, upon them was visited all the politics, and so forth, in this District; and there has been one continual squabble ever since the day that this school board went into operation under that bill. In short, the same result, the same trouble, has attended every moment of the life of this school board that has attended every other school board that we have ever had in the District of Columbia.

Now they say: "Bring into the school board the men of the District of Columbia." Take the members of that board of trade, that has been so dreadfully exercised about how to handle District of Columbia affairs. The postmaster himself, is one of them, and he signed their statement and came up to see me personally about "taking the school management out of the hands of the dear people of the District of Columbia." I turned on him and said, as the Senator from New Hampshire has stated, "It was only about sixteen months ago that this same board of trade was up here protesting against your appointment because you were not a resident of the District of Columbia." The members of that board of trade are not, strictly speaking, actual residents of the District of Columbia as we are of our respective States. Half of them, perhaps, vote somewhere else or owe allegiance somewhere else or own property somewhere else, and they are citizens of somewhere else, as a matter of fact.

I want to speak with reference to these thirteen supervising principals. That is the thing that is causing the trouble. It is not the board of education. The Senate does not want to misunderstand the question and the real controversy here. There is not anybody much who cares about the board of education except the board of education.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. BURKETT. Just let me finish what I am saying, and then I will yield. I want the Senate to understand that the president of the board of education, Mr. Oyster, is the president of this same commercial club. He is the man, and his particular friend appoints these committees. That is the result which comes out of it. Nobody else cares anything about the board of education. It is the thirteen supervising principals who have made all this talk. I am not blaming them. They are doing just what every other man who holds positions would do, and they are the persons who are making the arguments against the bill. Now I yield to the Senator from Illinois.

Mr. HOPKINS. I was going to suggest that if there is no trouble with the board of education and if the only trouble that has occurred in the educational administration here in the city of Washington has been occasioned by the supervising principals, why did not the committee, instead of attempting legislation of the character proposed in the bill——

Mr. BURKETT. Mr. President, I refuse to yield longer.

The VICE-PRESIDENT. The Senator from Nebraska declines to yield further.

Mr. BURKETT. I will not be misinterpreted on the floor of the Senate under guise of asking a question any further. I did not make any such statement as that. There is no Senator here who will not bear me out in denying that I made such a statement.

Mr. HOPKINS. Did you not say that the trouble here was with the board——

Mr. BURKETT. I decline to yield.

Mr. HOPKINS. Did you not say the trouble was with the board of supervising principals?

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. BURKETT. Certainly.

Mr. LONG. The Senator early in his remarks said that there was one member of the Committee on the District of Columbia who objected to this bill.

Mr. BURKETT. Who was present there that day.

Mr. LONG. I was that member.

Mr. BURKETT. You were.

Mr. LONG. My objection was to that part of the bill which provided for the appointment of the director of education by the Commissioner of Education of the United States. In my opinion, that is a serious objection to the bill and was the reason why I opposed it in committee and why I shall vote against it in the Senate.

Mr. BURKETT. The Senator is entirely correct. He held that position before the committee. He thought, as I recollect, that the director of education should be appointed by the Commissioners of the District of Columbia.

I will say to the Senate that the committee made up its opinions for this reason: The appointments of the District Commissioners have not been in the past always successful. The District Commissioners are high-minded men, but I suppose they are susceptible to the same influences and the same forces that all people having appointive power are susceptible to, especially when they live in the immediate vicinity where the appointment has to be made. For instance, we remember that only a year or two ago we had to pass a special law legislating out a chief of the fire department whom the Board of Commissioners had appointed, who was a newspaper reporter who had never even served as a member of the fire department anywhere. We passed a special law of Congress to get him out because we did not want that sort of a chief of the fire department.

When the District Commissioners had the appointment of the board of education a few years ago there was a little criticism because the wife of one of the District Commissioners was a member of the board. The committee thought if the Commissioners would have the appointment, I will say to the Senator from Kansas, that they would be besieged and be set upon by the people locally here to appoint this director of education, and that they would not have the acquaintance throughout the country, and they would not be as free and untrammeled as a man who did not live here.

Mr. LONG. The Senator will remember that I did not insist that the appointment should be made by the District Commissioners. I objected to the appointment being made by the Commissioner of Education.

Mr. BURKETT. I may be wrong, but I understood that the Senator from Kansas wanted the director to be appointed by the Commissioners. I know he did not want to have him appointed by the Commissioner of Education. I am very certain that I am correct in that position.

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. BURKETT. Certainly.

Mr. SCOTT. Were the previous board of education paid a salary?

Mr. BURKETT. They were.

Mr. GALLINGER. If the Senator will permit me that the RECORD may be right, the Senator alludes to the fact that the wife of one of the Commissioners was on the board. It is proper it should go in the RECORD that she was on the board when her husband became a Commissioner and she was continued on the board during his administration up to a certain time.

Mr. BURKETT. It is not my opinion that any legitimate criticism ever attached to that member of the Board of Commissioners, but I spoke of it merely as one of the criticisms that were made at that time and discussed at that time.

Mr. GALLINGER. It was discussed a great deal.

Mr. BURKETT. It was the opinion of the committee that when we got a superintendent of schools here in the District we ought to look the country over and get the very best one we could. As I said a moment ago, when Milwaukee, Wis., wanted a superintendent they looked the country over and got the best man they could get, and they had to get him from a town in Nebraska. When Boston wants a school superintendent, they do not confine themselves to Boston. There is not a town in the country I ever heard of that insisted on getting a superintendent or director or principal of schools from the local community.

I will state just why it is not possible even to get a man here to be superintendent of schools. It is because you have no other town smaller than Washington to fit and prepare a good man to be superintendent of schools. Take the State of Indiana. There are a dozen large towns in the State, and when Indianapolis wants a superintendent of schools they can go to the next-sized town and get a superintendent there and bring him up to Indianapolis. He has had a training at the head of a school system almost as large as that of Indianapolis. If they are not satisfied, they will go to some other State or something of that sort. But in the District of Columbia there is not a resident here who has had any experience as any sort of a superintendent. So they have to go outside to get their superintendent.

A man may be proficient as a bank clerk in any department, but until he has been president of some little bank he is not competent, because he has never had the experience of managing a bank. I use that as an illustration because of what the president of a great bank only recently said to me. I was speaking with reference to getting a young man a position. He said, "Let him start out in some little bank, where he can be a cashier of the bank instead of a bank clerk. Then he will be eligible for a little larger bank in a supervisory capacity; but let him start out in a big bank as a clerk, and it is with great difficulty, practically impossible, for him ever to be put in a managerial capacity."

Now, I want to speak of the item with reference to the abolishment of the thirteen supervising principals. I do not know, Mr. President, whether it is worth while to put any energy into this matter until after the Senate shall fill up the chairs.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from West Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Curtis	Heyburn	Rayner
Bacon	Dick	Hopkins	Scott
Bankhead	Dillingham	Johnston	Simmons
Bourne	Dolliver	Kean	Smith, Mich.
Brandegee	du Pont	Long	Smoot
Briggs	Elkins	McCreary	Stewart
Brown	Flint	McCumber	Sutherland
Bulkeley	Foster	Nelson	Taliaferro
Burkett	Frye	Nixon	Taylor
Burnham	Gallinger	Overman	Teller
Burrows	Gamble	Paynter	Warren
Clay	Gary	Perkins	Wetmore
Cullom	Guggenheim	Piles	

The VICE-PRESIDENT. Fifty-one Senators have answered to their names. A quorum of the Senate is present. The Senator from Nebraska will proceed.

Mr. BURKETT. Mr. President, I want to take up the question of these thirteen supervising principals, and I want to call attention to what it is that they do. There is not another place in the United States that has them except Washington. Every other place in the country has a principal of schools, and above all the several principals of the schools is the superintendent of schools, with an assistant. Here in Washington they have the principal of schools, and then they will group about fourteen or fifteen schools together, like the Force and the Adams, and so forth, and they will put a man over those schools and they will call him a supervising principal. The principal of that school has no particular authority—no such authority as school principals usually have. If a patron goes to the school, he must wait until the supervising principal gets there, who has thirteen or fourteen other schools, and if there is anything to be done with reference to the teachers, which are local, the supervising superintendent attends to it. So the real principals of the schools are the thirteen supervising principals.

In the bill two years ago we provided for the principals. We gave them $30 a room extra as salary, so the principal of a school would be a principal in fact. But we still have the thirteen supervising principals. We said at that time we hoped that the board of education would discontinue them, but of course they have not done it.

I have had prepared by a competent authority a statement showing the number of supervisors and the cost of supervision in ten cities of 100,000 population and over. I want to call the attention of the Senate to just what this thing means in the District of Columbia. For instance, in Boston, a town with a population of 595,000, they have six assistant superintendents—that is, six assistants to the superintendent in a professional capacity. In Chicago, Ill., with pretty nearly 2,000,000, they have eight; Cincinnati, Ohio, has two; Cleveland, Ohio, seven; Indianapolis and Los Angeles, two each; St. Louis, five; Washington, twenty-one.

I want to call these things to the attention of the Senate to show why we are trying to ge rid of the thirteen supervising principals. They are entirely supernumerary, without any proper function, and they are expensive.

Mr. SMITH of Michigan. Do they have the same general authority in the cities you have named as in Washington?

Mr. BURKETT. Yes; supervisory authority. I wish to call attention to the special subjects of the supervisors. We are loaded up. The Senate will remember that when we reported the bill two years ago the committee made a thorough investigation, and the fact that we did not have to have such a hearing this year, as some Senators apparently think we might have had, was because we had very exhaustive hearings two years ago and every one of these questions was gone into at that time in the evidence. Both these questions were decided in the affirmative then. But for fear that we would kill that bill, which had control of the salaries and all that, we did not put these matters in.

I wish to show another place where we are loaded up in the District of Columbia with these supervisors. For instance, I take the supervisors of special subjects: Baltimore, 7; Boston, 6; Chicago, 4; Cincinnati, 7; Cleveland, 6; Indianapolis, 6; Los Angeles, 4; Rochester, 5; St. Louis, 7; Washington, 15. I just want to make that comparison so that the Senate may see how we are placed here.

The next one is executive and supervisory officers, excluding building principals. I want to call this to the attention of the Senate, because I have excluded the building principals in both places. Baltimore has 34; Boston, 13; Chicago, 13; Cincinnati, 10; Cleveland, 14; Indianapolis, 9; Los Angeles, 7; New York, 42; Rochester, 7; St. Louis, 13, and Washington, 58.

That is the way we are loaded up with supervision here in the District of Columbia. When I come to the column to show the cost of schools here, you will not wonder at it to find how we

are loaded up and top-heavy with supervision here in the District of Columbia.

There is not any legitimate place for these supervising principals. It never was contended that there was any place for the supervising principals, except originally, when they were put in, as I understand. It is a tradition with me. I have not been able nor inclined to go into it. I have not wanted to do it. But they were put in to provide places for friends of a member of the board away back, years ago. They were increased from time to time until there got to be thirteen of them, and the town was divided up and a dozen schools put under each one, and he was called a supervising principal. As I said, we wanted to do away with them and to put the duties and responsibilities on the principals of the schools. So we provided in the bill we passed two years ago $30 a room extra for the principal, from the fact that he was a principal, and recommended in our remarks and report that the board of education should do away with these supervising principals. But they have not done it.

So the committee come back this year and recommends by legislation what the board of education will not do. It may cause some little more jar this way than if the board had weeded them out, but the board refused to do it, and the committee comes with the recommendation that we legislate them out and say to the board, "We have too much supervision."

I am not going to read any more of these tables. I have them here, and if there is no objection I will ask that I may put them in the RECORD. However, let me read just one more.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER (Mr. BULKELEY in the chair). Does the Senator from Nebraska yield to the Senator from Montana?

Mr. BURKETT. Certainly.

Mr. CARTER. The Senator intimated in the course of his remarks that he had some figures showing the comparative expense per capita of education in the District of Columbia and in the city of Boston and elsewhere, which might throw some very important light on this subject. If he has such figures, I would be glad to have him set them forth and comment on them in his remarks.

Mr. BURKETT. Let me read another column. I have insisted that we have too much supervision, too much management here. I have a column giving the number of teachers to each supervising officer in the various schools. Baltimore has eleven times as many teachers as supervising officers; Chicago has eighteen times as many teachers as supervising officers; Cleveland, fifteen times as many; Indianapolis, twelve times; Los Angeles, thirteen times; New York, twelve; Rochester, fifteen; St. Louis, twelve times, and Washington, seven times—lower than any of them. And does anyone doubt that we are top-heavy here with supervision?

Now, I will get to the teachers and officers and show the comparative cost.

In Baltimore the teachers and officers cost $1,091,000; in Boston, $2,665,000; in Cincinnati, $848,000; in Cleveland, $1,460,000; in Indianapolis, $588,000; Los Angeles, $673,000; Rochester, $481,000; Washington, $1,370,500—more than towns that have two or three times as many people as we have here in the District.

Mr. NELSON. Is it not a fact that Washington is in all respects, not only for the schools, but also for Senators and Congressmen, the most expensive place in the country because it is the capital of the country, and do not the people of this District have an extra expense because it is the capital of the country?

Mr. BURKETT. I think that is true and is known by all of us. That is one of the reasons we have been arguing why not only the salaries of clerks should be raised, but some argued two years ago that for that reason the salaries of Senators should be raised. I gave that statement simply because it was called for by some one here.

Mr. GALLINGER. The Senator's figures relate to salaries, do they not?

Mr. BURKETT. Yes; certainly.

Mr. GALLINGER. And salaries are not very different here from elsewhere in amount.

Mr. BURKETT. Well, they are a little higher, I will say, than in some places. The Senator remembers that our committee found that they were lower than in some places.

Mr. GALLINGER. The idea is being constantly forced on the Appropriations Committee that we must increase still further the salaries of employees or they will leave here and go to other cities, and it is said that they are going in great numbers.

Mr. BURKETT. I have in another column which I have prepared the amount expended for the executive and supervisory officers exclusive of building principals.

I want to go through this list without the teaching force. This is just for supervision, and I want to compare it. In Baltimore supervision costs $60,900, in Boston $48,456, in Cleveland $32,000, in Los Angeles $11,000, Rochester—I have not the data—St. Louis $32,000, Washington $68,955. So we see that when we compare these two points in the bill one is to put the management of these schools in some other hands than the board of education, and the other is to abolish the thirteen supervising principals.

The table referred to is as follows:

Number of supervisors and cost of supervision, etc., in cities of 100,000 population and upward.

City.	Population.	Number of—				Amount expended for pay of—					Proportion of tuition money expended for—			Number of teachers.	Number teachers to each supervising officer, excluding executive officers, special supervisors and district and building principals.
		Assistant superintendents.	Supervisors of special subjects.	Executive and supervisory officers, excluding building principals.	Executive and supervisory officers of all kinds, including building principals.	Superintendent.	Assistant superintendents.	Supervisors of special subjects.	All executive and supervisory officers exclusive of building principals.	Teachers and officers.	Superintendent and assistants.	All executive and supervisory officers except building principals.	Teachers, including building principals.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Per ct.	*Per ct.*	*Per ct.*		
Baltimore, Md	546,217	26	7	34	151	$5,000	$48,100	$7,800	$60,900	$1,091,372	4.9	5.6	94.4	1,646	11
Boston, Mass	595,380	6	6	13	(a)	6,000	22,680	19,776	48,456	2,665,948	1.1	1.8	98.2	2,379	.....
Chicago, Ill	1,990,750	8	4	13	312	10,000	28,500	9,425	47,925	5,597,823	.7	.9	99.1	5,555	18
Cincinnati, Ohio	343,337	2	7	10	(a)	5,000	5,000	10,600	20,600	848,221	1.2	2.4	97.6	1,017	.....
Cleveland, Ohio	437,114	7	6	14	101	5,000	14,350	12,900	32,250	1,460,465	1.3	2.2	97.8	1,555	15
Indianapolis, Ind	212,198	2	6	9	68	5,000	5,000	11,300	10,000	588,957	1.7	3.6	96.4	790	12
Los Angeles, Cal	102,479	2	4	7	63	4,250	5,500	6,000	11,500	673,729	1.7	2.6	97.4	805	13
New York, N. Y	4,000,925	34	7	42	1,003	10,000	182,000	23,533	192,000	17,997,378	1.1	1.2	98.8	12,006	12
Rochester, N. Y	182,028	1	5	7	43	5,000	2,000	(a)	(a)	481,758	1.4	.....	.....	648	15
St. Louis, Mo	635,973	5	7	13	153	5,500	17,168	9,688	32,356	1,489,193	1.5	2.1	97.9	1,937	12
Washington, D. C	302,883	b 21	15	58	179	5,000	45,030	18,925	68,955	1,370,500	b 3.6	5.0	91.4	1,279	7.1
		8	15	58	179	5,000	19,830	18,925	c 28,225	1,370,500	1.5	7.9	90.6	1,279	7.1
		8	15	58	.....	5,000	19,830	18,925	d 98,155	1,370,500	1.5	d 4.7	92.8	1,400	21.4

a Data incomplete.
b Includes supervising principals.
c Includes pay of building principals for services as such, but does not include their pay as teachers.
d Excluding pay of building principals.

Mr. BURKETT. Mr. President, as I said a moment ago, there is no one practically in this community who is objecting to the abolishment of the board of education. That is not where any trouble lies in this bill, and there never would be any opposition to it if we had left it at that. But when we undertook to abolish the thirteen supervising principals a world of things got into the bill. As has been said, they were so situated that they could get influence, not improperly, but because they were interested, among the 1,300 teachers in the District.

Another thing has crept in. Every college that has happened to graduate one of these supervising principals has been urging it, and wherever there has been a friend of that particular college they have worked their friendship here, and the endeavor has been very far-reaching, and so the bill has incurred a good deal of opposition.

I will say to the Senate, for whatever it may be worth, that at the time the superintendents of all the United States were here some three weeks ago, and all the best educators of the country were gathered here as part of the National Educational Association, I took occasion to talk with just as many of those best school men as I could get into conversation with, and I never found a single one of them who did not say to me in words, in effect, "You will never have an educational system in Washington that is a success until you abolish the supervising-principal system." Every one of them, without exception, said that.

I will not say that much with reference to the board of education. Most of those with whom I talked did not want to express any opinion of the board of education, but some of them thought it would not be possible to abolish the board of education. Some of them had some misgivings on that point, but not one of them had any misgivings as to the supervising-principal end of it. Every one of them said, "You must abolish them before you can ever hope to have a good school system."

I will tell you why. Those thirteen supervising principals are between the superintendent and the teachers. There they are. Nothing can get to the superintendent except through those supervising principals. Nothing can get down except through them. We remember that two years ago we remedied the same abuse in the high schools. We had only five high schools and a hundred or so teachers, and we could wipe out the abuses there. We could not do it in the graded schools, because there were thirteen of them and they represented 1,300 teachers, and we did not dare do it in that bill. Now, there is nothing and nobody and no authority between the superintendent of schools and the principals of the high schools.

We are trying to do, in this bill, for the graded schools exactly what we did for the high schools in the bill two years ago, and so far from wiping out or defeating or destroying our school system, as some people seem to be so dreadfully afraid of, let me say that there is nothing in the bill but what was considered favorably when we reported it two years ago.

Mr. TELLER. I want to ask the Senator from Nebraska a question. I was called out of the Chamber.

Mr. BURKETT. I will say to the Senator that as soon as I got my statement made I looked for him, but he had gone.

Mr. TELLER. The Senator has been complaining of this board of education. I believe it is the universal custom of the country to conduct schools by a board.

Mr. BURKETT. At every place but one that I know of in the country.

Mr. TELLER. That is the case, so far as I know.

Mr. BURKETT. There is one place I know of where they do not have a board of education.

Mr. TELLER. If there is a fault with this board, it is as to the method of selection. If there is anything that the people of this country are close to it, it is the school system. If there is anything, I think, that the people have an interest in, it is the school system.

I wanted to know of the Senator, who has examined this matter, whether the experiment had ever been tried in this city of allowing the patrons of the school or the people in the city, without reference to whether they sent children to school or not, to control the schools by the election of a board such as we have in other sections of the country, such as I presume the Senator has in Nebraska, such as we certainly have in Colorado.

Mr. BURKETT. The Senator probably knows more about the change of government in the District than I do, but of course when the law was changed in 1874 the right of suffrage was taken away from the people of the District, and since then the boards have been appointed.

Mr. TELLER. That is what I understood, Mr. President. I do not know how the board away back in 1874—that was before my day here—was selected, but I do know that as a rule all through the country the best school systems are those managed by a board of directors; and it is very unpalatable to me to think of appointing one man who has the absolute control of the school system in this capital city.

Mr. President, I do not know much about present conditions in the schools here. I have for a good many years believed that the schools here were not equal in many respects to schools in other sections of the country. I know for some time when the question was up as to school buildings, and so forth, here I have felt that we were very tardy in providing proper school facilities, and I believe that has been the case. Our expenditures may be very high, but we have not wasted any money in my opinion on school funds. We have never voted as much money as I think we ought to have voted.

SETTLEMENT OF STATE ACCOUNTS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. NELSON. I ask that the bill be temporarily laid aside until the Senator from Colorado [Mr. TELLER] can finish his remarks.

Mr. TELLER. I do not care about it. I will take up the question when the school bill comes up again.

Mr. NELSON. Then I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BACON. I understand that two amendments were proposed yesterday afternoon and that the first of those is now pending.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Georgia [Mr. BACON].

The SECRETARY. It is proposed to add at the end of the bill the following additional sections:

SEC. —. That jurisdiction be, and is hereby, given to the Court of Claims to adjudicate the claim or claims of any owner, or the legal representative of any owner, to the proceeds of any abandoned or captured property which have heretofore been placed in the United States Treasury, notwithstanding any former suit to recover said proceeds may have been dismissed by said court for want of jurisdiction: *Provided*, That suit to recover the same shall be commenced within two years from the passage of this act.

SEC. —. That any testimony, affidavits, reports of officers, and other papers on file in the Departments or in the courts, relating to such claims, shall be considered by the court as competent evidence: *Provided*, That such testimony, affidavits, reports of officers, and other papers were competent evidence at the time they were so filed.

SEC. —. That no judgment shall be rendered in favor of any claimant under the provisions of this act, unless said claimant shall establish the fact that the proceeds of the property sued for were covered into the Treasury of the United States and became a part of the fund known as the captured and abandoned property fund, under the provisions of the act of March 12, 1863, and the acts amendatory thereof, and is now a part of the general fund of the United States Treasury, and all such judgments rendered under this act shall be paid to the original owner, his heirs, or legal representatives, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated.

SEC. —. That all sales, transfers, or assignments of any claims against said fund heretofore or hereafter made and all contracts heretofore made for fees and allowances to claimants' attorneys are hereby declared null and void, and all warrants issued by the Secretary of the Treasury in payment of such judgments shall be made payable and delivered only to the claimant or his lawful heirs, executors, or administrators, except so much thereof as shall be allowed claimants' attorneys by the court for prosecuting said claims; and the Court of Claims in rendering judgment under this act shall, in each case, fix the amount of compensation to the attorney or attorneys prosecuting the claim in said court.

Mr. NELSON. Mr. President, I make the point of order that the amendment is entirely foreign and not germane to the bill under consideration. It relates to an entirely different subject.

The VICE-PRESIDENT. Under what rule does the Senator make the point of order?

Mr. NELSON. I think under the general principles of parliamentary law an amendment must be germane to the subject-matter under consideration. The amendment relates to an entirely new and distinct subject.

The VICE-PRESIDENT. The Chair is of opinion that the point of order must be determined by the practice which obtains in the Senate. It has been repeatedly decided that amendments which are not germane to bills—other than general appropriation bills—are not subject to a point of order. The Chair is of opinion that the point of order is not well taken and therefore overrules it. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. HOPKINS. The amendment, as I understand it, involves a very large sum of money and is a question that has been heretofore considered in both branches of Congress. Before the vote is taken I should like to hear from the Senator who pre-

sented the amendment, and get his reasons at some length for adopting the amendment.

Mr. BACON. Mr. President, this is, as is correctly stated by the Senator from Illinois, a very important matter; but it is not a new matter in the consideration of either House of Congress.

I will state that the amendment which I have offered is copied from a bill which is now pending in the House of Representatives, a bill which has been favorably reported by the Committee on War Claims of that body. I hold in my hand the report of that committee, which states in detail the reasons why the bill should be enacted into law. The report gives a very much clearer and more concise statement of the case than I could possibly give in an oral presentation of it to the Senate, and therefore, if it is desired, I will ask that the report be read from the desk. It is better than any argument which I can make upon the subject.

I will state, however, to the Senate, Mr. President, that this matter has been a number of times before the two Houses of Congress. The report which I hold in my hand, in its concluding paragraph, gives the number of Congresses in which there has been favorable action by the committees, and I will read them. I am going to ask that the entire report be read, if the Senator desires the information, but in order that we may properly appreciate it, I will read first the concluding part of it, which shows the number of times this matter has been under favorable consideration. The report concludes in this way:

> Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Report No. 1377).
>
> In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.
>
> The same in the Fifty-fourth Congress, second session (House Report No. 2568, from the Committee on War Claims, on H. R. 7618).
>
> The same in the Fifty-fifth Congress, third session (Senate Report No. 1634).
>
> The same in the Fifty-seventh Congress, first session (Senate Report No. 1292).
>
> The same in the Fifty-eighth Congress, second session (Senate Report No. 1861).
>
> The same in the Fifty-ninth Congress, first session (Senate Report No. 3290).
>
> The same in the Fifty-ninth Congress, second session (House Report No. 7540, from the Committee on War Claims, on H. R. 15400).

So it will be seen, Mr. President, that this measure has had a favorable report three times from the House committee, twice from the Judiciary Committee, and once from the War Claims Committee, and four times in four separate Congresses from the Senate Committee on Claims.

Mr. HOPKINS. Does the report show whether there were minority reports made in those different Congresses?

Mr. BACON. It does not.

Mr. HOPKINS. It does not show that?

Mr. BACON. It does not; but in the case of this report there is no minority report, I will say to the Senator.

I will state in brief the outline of the facts, and then I am going to ask that this report, which is not long, shall be read to the Senate, because I realize the fact that the inquiry of the Senator from Illinois is an entirely proper one; that full information should be given to the Senate before it is called upon to act, and that full information is contained in the report.

Without stopping now to give dates, because it will all be stated more fully by the report, and as I am endeavoring now simply to give an outline, there was legislation by Congress which authorized exactly such procedure as is provided for in the pending amendment, to wit, that there shall be a hearing by the Court of Claims to determine who were the parties, or their present representatives, to whom the cotton originally belonged which was sold, the proceeds of which is now in the Treasury. There was a limitation of two years within which parties interested must make their application, in order that their claims might be adjudicated. After the expiration of the two years there was still a large fund in the Treasury which had not been thus distributed, and Congress passed another law, which is embodied, if I recollect aright, in the Revised Statutes. If the Senator has the Revised Statutes before him and will turn to section 1059, he will find there embodied the legislation to which I refer.

But that act failed to specifically make allusion to the limitation of two years which was in the prior act, and, as set forth in this report, when the matter again came before the court it very strangely ruled that the limitation, not having been removed, still applied, the very strange ruling being made that as to an act subsequently made a statute of limitation existing prior to the enactment of the statute still obtained.

Now, this is to give the claimants the same right that section 1059 gives. In other words, it removes the two years' barrier that the court ruled section 1059 failed to remove.

I want to say to the Senate that there is no question about the fact—that is, in a general way—as to the persons to whom this fund belongs. The Supreme Court has ruled specifically that this money does not belong to the Government of the United States. They have ruled specifically that the Government of the United States holds it in trust for the parties to whom the cotton originally belonged, the proceeds of which is now in the Treasury. The amendment is simply for the purpose of enabling the parties thus ruled by the court to be entitled to it to be ascertained and the amount due to them to be determined.

There is in the Treasury over $10,000,000 that composes the fund arising from the sale of captured cotton. I may state generally that while I do not know that the report specifically points out the fact, it is a fact—at least I so understand it—that a considerable part of it was cotton which belonged to the Confederate States, and that of course now belongs to the Government of the United States; and, so far as that part of the fund is concerned, this amendment can not in any manner interfere with it. It only reaches the part of the fund which is the proceeds of the cotton belonging to individuals, and, as Senators will find if they will listen to the reading of this report, it is a fund which the Supreme Court have specifically ruled and determined belongs to those parties, and that the Government of the United States holds it in trust for them.

Year after year, Congress after Congress, a bill like this has been before one House or the other and has received a favorable report on the part of the committee charged with its consideration, and it has just simply passed by without action by either House in the inability to get action upon it.

I now ask, Mr. President, that the report may be read; and I hope Senators will give attention to it, because it specifically answers the question which the Senator from Illinois [Mr. HOPKINS] very correctly propounded, and gives information which the Senate ought to have before it is called upon to act.

Mr. GAMBLE. Will the Senator from Georgia yield to me for a question?

The PRESIDING OFFICER (Mr. PILES in the chair). Does the Senator from Georgia yield to the Senator from South Dakota?

Mr. BACON. With pleasure.

Mr. GAMBLE. Does the Senator from Georgia know of any bill pending in the Senate covering the provisions of this amendment or whether any such bill has been introduced in the Senate during the present session of Congress?

Mr. BACON. There is a similar bill pending, but not exactly this same bill. I will state to the Senator that I have offered this House bill as an amendment rather than to offer a Senate bill, for the reason that it has had the consideration of the House committee and, therefore, if it should be favorably acted on by the Senate, it would have the advantage of having already had such consideration.

Mr. GAMBLE. But the bill which was introduced in the Senate has not been acted upon?

Mr. BACON. It has not.

Mr. GAMBLE. Nor favorably reported?

Mr. BACON. It has not; but I will say these bills differ in no material part, nor does this bill differ in any material part from the four separate bills which have been before the Senate and have been reported favorably by the Committee on Claims in four different Congresses.

Mr. GAMBLE. But, as I understand it, this covers an amount of about $10,000,000.

Mr. BACON. My information is that the amount which will be due to individuals is only about $5,000,000. There is a fund amounting to over $10,000,000; but, as I have previously stated, a large part of that was for cotton captured from the Confederate authorities; and, of course, that is the property of the United States. This only relates really, if my information is correct, to about $5,000,000 which has been in the Treasury of the United States for forty years under a distinct ruling of the Supreme Court of the United States that not a dollar of it belongs to the Government of the United States, and that the Government holds it simply as a trustee for those parties.

Mr. GAMBLE. There has been no action taken by the Senate upon these different bills?

Mr. BACON. The matter has never come to a vote in the Senate, but it has been up repeatedly, just as it is up now and just as it is now, each time there having been such suggestions as the Senator from South Dakota is now making. It is by

such suggestions, which have removed it from the consideration of the Senate before action could be taken, that this simple and plain act of justice has been deferred and defeated up to this time.

Mr. GAMBLE. The only reason I had for making the suggestion was that the provisions of the bill under consideration are entirely distinct and separate and cover another proposition entirely.

Mr. BACON. That has been ruled upon.

Mr. GAMBLE. I know; I recognize that fact, but the amendment proposed by the Senator from Georgia ought to rest upon its own substantial foundation. It occurs to me, Mr. President, that a bill which comes to the Senate ought to have been before a committee of the Senate and ought to have been regularly reported and placed upon the Calendar. I presume, as such assurance has been given by the Senator from Georgia, that bills substantially the same as the proposed amendment have heretofore been reported.

Mr. BACON. Differing in no material particular, if in any particular.

Mr. GAMBLE. But it occurs to me, Mr. President, that it is a matter that should be taken up separately and considered separately and distinctly from the measure now pending before the Senate.

Mr. BACON. I do not think so, Mr. President. I quite disagree with the learned Senator from South Dakota. Here is a bill which proposes to take money out of the Treasury, to pay it to the different States, money which has not been ruled by the courts to belong to those States, but which the Senator from South Dakota, as chairman of the committee reporting this bill—possibly he is the author of the bill; I am not sure about that——

Mr. GAMBLE. I do not think I shall claim distinction as the author of the bill, because, as a matter of fact, similar propositions have been pending in Congress for fifty years.

Mr. BACON. Yes.

Mr. GAMBLE. I recall a very learned and splendid debate here some twenty-six years ago, in which the chief proposition in this bill was covered. It is not a new proposition, and it has been insisted upon that, with certain modifications, this bill should go forth.

Mr. BACON. There is a remarkable ligament which unites these two propositions and which makes it entirely a matter of consistency that we should consider them together. One has been pending for forty years and the other has been pending for fifty years; they are both somewhat hoary with age, and it is about time, I think, that they were laid to rest, and we should lay them to rest, and the Senate should take final action upon them.

But, as I was proceeding to say, I am not disposed to disparage the claims of those who favor the bill in its original shape for the distribution of a certain fund to the States which have in them the lands upon which they claim the right to 5 per cent, although the lands have never been sold and there is no fund in the Treasury out of which this 5 per cent is to be taken; but representing, as I understand it, the value of lands which have been disposed of otherwise than by sale. There is an equity in the matter which the Senators claim, and they are asking that the Congress of the United States shall recognize that equity and shall pay these millions of dollars to these various States. Now, without taking any issue with the Senator on that subject at all, I say that this is a fund in the Treasury which the Supreme Court have solemnly adjudicated it does not belong to the Government of the United States, and have solemnly adjudicated that it does belong to the parties whom we seek to have identified, and the sole office of this legislation is not to devote a fund to certain interests or certain parties, but to identify the people to whom the Supreme Court say this fund belongs.

Why, Mr. President, it is not to the credit of the Congress of the United States that there should be a fund in the Treasury of the United States which the supreme tribunal of this land have solemnly determined does not belong to the Government of the United States. It is not to the credit of the Congress of the United States that for any reason we should hesitate or pause in the work of giving that money to those to whom the Supreme Court have solemnly adjudged it to belong, and that is the sole question here.

I am not going to detain the Senate, but I want to ask that this report be read, and I ask that Senators listen to it. Then I want to see if there is a Senator in this Chamber who, after hearing this report, will vote that this money shall remain in the Treasury of the United States when it is not the property of the United States and not subject to be used by the United States, but only withheld from those to whom the Supreme Court says it belongs.

The PRESIDING OFFICER. The Senator from Georgia asks that the report to which he refers be read. Without objection, the report will be read.

Mr. BACON. Mr. President, I do not know whether Senators are going to insist upon a roll call on this question. If they do, I want those who are to vote upon it to hear this report, because, as I repeat, I want to know if there is a Senator who can hear this report and who will then vote against the bill. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison	Clark, Wyo.	Hopkins	Rayner
Ankeny	Clay	Johnston	Scott
Bacon	Curtis	Lodge	Smith, Md.
Bankhead	Dillingham	Long	Smith, Mich.
Borah	Dixon	McCreary	Smoot
Brandegee	du Pont	McCumber	Stephenson
Briggs	Foster	Martin	Stewart
Brown	Frazier	Money	Stone
Bulkeley	Frye	Nelson	Sutherland
Burkett	Gallinger	Nixon	Teller
Burnham	Gamble	Paynter	Warren
Burrows	Gary	Perkins	
Carter	Heyburn	Piles	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Secretary will read the report sent to the desk by the Senator from Georgia.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, April 6, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1908.

AMBASSADOR.

David Jayne Hill, of New York, to be ambassador extraordinary and plenipotentiary of the United States to Germany, to take effect June 1, 1908.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Arthur M. Beaupré, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to the Netherlands and Luxemburg, to take effect June 1, 1908.

Spencer F. Eddy, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States to the Argentine Republic, to take effect June 1, 1908.

POSTMASTERS.

CALIFORNIA.

Cecelia G. Van Arsdale to be postmaster at Elmhurst, Alameda County, Cal.

James F. Colley to be postmaster at Nevada City, Nevada County, Cal.

George W. Gates to be postmaster at Burlingame, San Mateo County, Cal.

F. C. Hemenway to be postmaster at Winters, Yolo County, Cal.

Edward T. Ketcham to be postmaster at Santa Maria, Santa Barbara County, Cal.

Charles E. Tucker to be postmaster at Fortuna, Humboldt County, Cal.

Calla J. Westfall to be postmaster at Venice, Los Angeles County, Cal.

KANSAS.

Elon G. Dewey to be postmaster at Moline, Elk County, Kans.

Theodore Iten, jr., to be postmaster at Ellinwood, Barton County, Kans.

KENTUCKY.

James P. Hutcheson to be postmaster at Owenton, Owen County, Ky.

MASSACHUSETTS.

Martin E. Stockbridge to be postmaster at Dalton, Berkshire County, Mass.

MISSOURI.

August W. Enis to be postmaster at Clyde, Nodaway County, Mo.

Clifford M. Harrison to be postmaster at Gallatin, Daviess County, Mo.

Ben J. Smith to be postmaster at Ava, Douglas County, Mo.

NEVADA.

Q. W. Hull to be postmaster at Ely, White Pine County, Nev.

RHODE ISLAND.

Walter Price to be postmaster at Westerly, Washington County, R. I.

TEXAS.

John B. Baker to be postmaster at Haskell, Haskell County, Tex.

John W. Chichester to be postmaster at Eagle Pass, Maverick County, Tex.

Wesley J. Clarke to be postmaster at Dalhart, Dallam County, Tex.

David Doole, jr., to be postmaster at Brady, McCulloch County, Tex.

Gerhard Dube to be postmaster at Thorndale, Milam County, Tex.

R. G. Flato to be postmaster at Kingsville, Nueces County, Tex.

Howell D. Greene to be postmaster at Sanger, in the county of Denton and State of Texas.

Jesse H. Harrison to be postmaster at Daingerfield, Morris County, Tex.

John W. Hedley to be postmaster at Chillicothe, Hardeman County, Tex.

Frank Leahy to be postmaster at Rogers (late Rodgers), in the county of Bell and State of Texas.

Kate Nelson to be postmaster at Snyder, Scurry County, Tex.

Clarence R. Redden to be postmaster at De Leon, Comanche County, Tex.

George H. Sparenberg to be postmaster at Big Spring, Howard County, Tex.

WEST VIRGINIA.

John E. Houston to be postmaster at Davis, Tucker County, W. Va.

ARBITRATION WITH MEXICO.

The injunction of secrecy was removed April 2, 1908, from an arbitration convention between the United States and Mexico, signed at Washington on March 24, 1908.

ARBITRATION WITH ITALY.

The injunction of secrecy was removed April 2, 1908, from an arbitration convention between the United States and Italy, signed at Washington on March 28, 1908.

SETTLEMENT OF INTERNATIONAL DISPUTES.

The injunction of secrecy was removed April 2, 1908, from a convention signed by the delegates of the United States to the second international peace conference held at The Hague from June 15 to October 18, 1907, for the pacific settlement of international disputes.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 2, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1050. An act to repeal section 3480 of the Revised Statutes of the United States;

S. 5268. An act for the relief of J. de L. Lafitte; and

S. 2934. An act permitting homestead entries upon certain lands in Whatcom County, Wash., being a portion of the "Point Roberts Reserve."

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7618. An act to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 1815. An act for the relief of the estate of D. S. Phelan.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1050. An act to repeal section 3480 of the Revised Statutes of the United States—to the Committee on the Judiciary.

S. 5268. An act for the relief of J. de L. Lafitte—to the Committee on Claims.

S. 754. An act for ascertaining the feasibility and probable cost of constructing a canal from the Tennessee River, at or near the city of Chattanooga, in the State of Tennessee, to the navigable waters of the Ocmulgee River, in the State of Georgia, by which there will be furnished adequate water communication by the shortest and most practicable route between the Atlantic Ocean and the navigable waters in the rivers of the Mississippi Valley—to the Committee on Railways and Canals.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15444. An act extending the time for the construction of a dam across Rainy River;

H. R. 1815. An act for the relief of the estate of D. S. Phelan; and

H. R. 13735. An act to correct the military record of Micaiah R. Evans.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I move now that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 140, noes 55.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19158, the agricultural appropriation bill, Mr. FOSTER of Vermont in the chair.

The CHAIRMAN. Upon adjournment yesterday there was a point of order pending and reserved.

Mr. CRUMPACKER. Mr. Chairman, my purpose in reserving the point of order to the new language in the paragraph under consideration was to express my opposition to and protest against what seemed to me to be the almost inevitable tendency of this particular legislation toward ultimate Federal construction of public highways, and, of course, incidental control of the highways of the country by the Federal Government. It is an amendment that is fraught with great danger. I have no objection at all to the Federal Government making scientific experiments and giving expert advice upon the road question, and the language to which the point of order is directed simply enlarges the scope of the Agriculture Department in the work of making experiments and giving advice, and on consultation with the chairman of the Committee on Agriculture, and obtaining a more satisfactory and a fuller explanation of the purposes and intention of this new provision, I have concluded to withdraw the point of order.

The CHAIRMAN. The gentleman from Indiana withdraws the point of order.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. There is an amendment pending——

Mr. SCOTT. I ask that the pending amendment be reported.

Mr. CRAWFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out all after the word "dollars," in line 11, down to and including the word "machinery," in line 13, page 44.

Mr. CRAWFORD. Mr. Chairman, the language proposed to be stricken out by my amendment reads as follows:

That no part of this appropriation shall be expended for the rent or purchase of road-making machinery.

I do not know what influence or reasoning controlled the Committee on Agriculture in placing this limitation on the appropriation bill. No preceding Congress has put such limitation on the power of the Secretary of Agriculture to use the money appropriated for the support and maintenance of the Bureau of Public Roads. I am at a loss to know what has come over the spirit of the dreams of this committee. I know there has been no demand coming from the farmers and the country people generally for this new policy. I undertook the other day to elicit from the chairman of the committee in his opening speech the reasons which controlled his committee in undertaking to impose this limitation upon the appropriation. The information which the gentleman gave was not satisfactory to me, and I am of the opinion it is not satisfactory to this House, and I am confident that it will not be satisfactory to

the agricultural people of this country. But no doubt those who are in favor of prohibiting the Secretary of Agriculture and the Director of Public Roads from either renting or buying machines for the purpose of constructing sections of object-lesson roads, whether macadam, sand clay, or the ordinary dirt road, will say that they have done it in the interest and for the benefit of the farmers, and in their name they propose to stop educational work so well planned by the Secretary of Agriculture; in order to save this splendid scheme with all of its resulting benefits, they propose to destroy it. That is the logic of their contention.

Mr. Chairman, the Bureau of Public Roads was established in 1893, and the petition presented to Congress asking that the Department of Public Roads be founded at Washington for the purpose of promoting the art of constructing and maintaining public roads and teaching students, in order that they might become skilled as road engineers, and to establish a permanent exhibit of sections of road, illustrating various methods of construction and the best road materials and machinery, was signed by governors of various States, boards of trade, and chambers of commerce throughout the country. But only an Office of Road Inquiry was established, with an appropriation of $10,000. It became the duty of the Secretary of Agriculture, under the law, to make inquiries through the Road Office as to the system of road management throughout the United States and to make investigations in regard to the best methods of road making, to prepare publications on the subject of public roads, and to assist agricultural colleges and experiment stations on this subject. Annual appropriations of $10,000 were made until the fiscal year of 1896, when it was reduced to $8,000, and it remained at that until the year 1900, when it was increased to $14,000. Then it was that the work began to grow and expand, and the appropriation has been gradually increased from year to year, until it reached $70,000 last year. This bill carries an appropriation for the Bureau of $87,390—the largest in its history. It has twenty-three different classes of instruction, all of which are independent, and yet, in an important sense, dependent one upon another. But if one is more important than another, I say without hesitation that the object lesson in the construction of sections of road is the most important. The Bureau of Public Roads, under the direction of the Secretary of Agriculture, has built and constructed sections of roads as object lessons in thirty-four different States in the Union, and they have now 600 applications on file, from all sections of the country, urging the Department for object lessons in road building.

This gives a faint conception of the estimate the people who are interested in roads place upon this work. There is less politics in the Agricultural Department than in any other Department in the Government. I believe the office is administered with absolute fairness and impartiality and for the best interest of all the people. The establishment of the Agriculture Department was not the act of any political party, but was the joint work of both Republicans and Democrats, and neither party is now asking that the Secretary be hampered and limited in the use of the money appropriated for the support of the great work he is prosecuting in the interest of better and more scientific methods of agriculture in all of its relations. Strange to say, the committee, without consulting the Secretary as to the wisdom of this unexpected innovation, the chairman, Mr. SCOTT, frankly admits, inaugurated the policy of its own motion and comes into the House without giving a single reason in its report for destroying the efficiency of the Bureau of Roads in its important work of educating the people along the line of road building. This course of the committee, if adopted by Congress, can mean nothing more or less than that the Secretary shall dispose of the machinery on hand in the near future and that the scientific men of the Bureau, who have been especially educated in the science of building roads, will be called into the office in Washington to make maps, issue bulletins, and make reports to be sent out to the people through the mails as a practical method of teaching them the value of good roads and how to build them. In my judgment this would be a serious mistake.

Mr. Chairman, the building of roads is an expensive enterprise, and when the people's money is appropriated for such purpose, it is highly important that an improved method of construction be adopted in the outset, whether it be macadam, sand clay, or ordinary dirt road. It is necessary, in the first place, to have a proper location and survey, and everybody knows this can not be done by a scientific man in his office in Washington, nor can he give instruction at long range as to the proper method of the preparation of the material for macadam and the excavations and the processes of placing and adjusting the material according to the various grades necessary to make a complete and perfect road.

Mr. GAINES of Tennessee. I know near Jackson, Tenn., Mr. Lancaster, a local engineer, showed his people how to build good and lasting roads, and they went to building them. I have helped to build them myself. I did not have anybody to teach me. I made a bad road.

Mr. CRAWFORD. Do not take my time.

Mr. GAINES of Tennessee. I will get you more time. Will the gentleman tell the House how road building is taught by the Government?

Mr. CRAWFORD. I was coming to that when the gentleman interrupted me. In my judgment, the great value in constructing sections of road as object lessons lies in the fact that it builds road sentiment, and does it more effectually than all the speaking that can be done by all the employees of the Government until doomsday. In my judgment, if Congress adopts this committee's recommendation, it means the death of the public-road spirit as far as the Government is concerned, and I confess that I am sorry to see it. I sincerely hope that the House will overrule the committee. It is not the business of the committee to legislate, but to make recommendations in order to enlighten the House, so that we may have the reasons for the legislation proposed. The gentleman from New York [Mr. DRISCOLL] gave an excuse for the action of the committee, but he did not give the reason. I gathered from his speech yesterday that he greatly feared that the United States Government was going into the business of building roads in the States at great expense and great danger of getting outside of the Constitution. Does the gentleman know how much we have spent in constructing object-lesson roads? I am sure that he does not. In 1907 the Secretary of Agriculture expended the enormous sum of $5,921 in rental and purchase of machinery, and in 1908 he spent $1,006.35.

This looks like going to the extreme; extravagance out of reason. If this ratio is kept up, and if the gentleman's apprehensions are well founded, all the public roads will be improved before the people find it out. The contention is ridiculous and absurd. The report of the Bureau shows that there are 2,100,000 miles of public road in the United States, and only 7 per cent is improved. No sane person is thinking that the United States will undertake to improve these roads. It would cost more than $6,000,000,000. The States and the local communities will go forward with road improvements until the main thoroughfares between the centers of population have been made to meet the demands of the people who use them, and every community should have an up-to-date road to enable the people to put their products in the market at the least possible cost. No expenditure of money will bring greater returns to the people than——

Mr. DRISCOLL. Will the gentleman permit an interruption?

Mr. CRAWFORD. Yes; but be brief.

Mr. DRISCOLL. The gentleman said that the "gentleman from New York" feared larger appropriations. "The gentleman from New York" said that he feared that this was an entering wedge to commit this Government to the policy of building ordinary roads throughout the country; and what the gentleman has said now confirms that impression in my mind. He wants to get the United States Government to go down and fill the mud holes in the roads in his country. Make a beginning in this kind of work, and we can not stop it.

Mr. CRAWFORD. The gentleman is very much mistaken if he thinks that I want the Government to embark in a new policy in the way of building roads. I am only insisting that we continue the policy which has been in force for a number of years. But I would make the Bureau of Public Roads more efficient by giving it a larger appropriation, so as to thoroughly equip it, in that it might more speedily educate the people upon the important subject of good roads. Doubtless the gentleman has constitutional scruples. I observe that the Constitution gets very much in the way of some gentlemen when measures are proposed for the benefit of agricultural communities. Gentlemen have the capacity of contracting and expanding the Constitution so as to meet the emergency in particular cases. I am satisfied that the gentleman from New York and other gentlemen who are opposing this amendment are anxious and willing to vote enormous sums of money out of the Treasury to build up the merchant marine of this country, which the Republican party has destroyed in trying to protect it with tariff taxes. [Applause on the Democratic side.] The Democratic party from 1853 to 1861 built up our merchant marine, and the United States flag floated over our merchant ships in every harbor in the civilized world. These ships were manned

by American seamen, carried American products of field and factory to the enrichment of the American people. But, alas, the prestige and glory of that once splendid commerce has perished from the high seas, and to-day the United States has not a merchant ship passing through the Suez Canal loaded with American products for the markets of the Far East. [Applause.] And that, too, notwithstanding we have the largest export trade of any Government in the world. But our corn, wheat, and cotton and a hundred other things, amounting last year to the enormous sum of $1,800,000,000, were carried in English and German ships from our own ports and distributed throughout the world. That is the result of your policy. Now——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAWFORD. Mr. Chairman. I ask unanimous consent that I proceed for five minutes.

The CHAIRMAN. The gentleman from North Carolina [Mr. CRAWFORD] asks the unanimous consent to continue his remarks five minutes. Is there objection? The Chair hears none.

Mr. CRAWFORD. I was just saying, Mr. Chairman, that the gentlemen who are unwilling to vote a few thousand dollars to aid the farmers in mastering their road problems are willing to vote subsidies to ship companies on the ground that it will increase commerce, forgetting, seemingly, that public roads are essential to commerce, primarily, as much so as transportation on the railroads and the steamship lines, for every pound of freight transported by rail and on the ships to the foreign markets has been hauled in wagons on country roads, and it is well known by those who are familiar with the transportation business that it often costs more to haul freight to the railroad than the railroads charge to a distant market.

Mr. Chairman, I discover that opposition to this amendment comes from some gentlemen whose States have been greatly aided by donations of the public lands to railroad companies as an inducement to extend their roads to the far West and on to the Pacific Ocean. Railroads are only another method of transportation, and, great and indispensable as they are, they would be absolutely worthless without the assistance and support of the wagons on the country roads. It is difficult to realize the value of a good system of public roads. In addition to the convenience and comfort of the people who use them, they add immensely to the wealth of the community and State. They draw to them enterprising and progressive people, and incidentally all the conveniences appear in due time. Really, there is an inspiration in a good road. No people have ever impoverished themselves by building roads. France has spent $600,000,000 in building public roads. She has 23,000 miles of the best road in the world, and has more money and wealth per capita than any other nation on the earth, and the wealth is more equally distributed among the people than it is in any other country. France has never sold a bond that was not purchased by her own people, and most of her bonds have been purchased by the peasants, so called, which means the country people.

Mr. Chairman, Buncombe and Mecklenburg counties in North Carolina have built more macadam road than any other two counties in the State, and these counties are at the head of the list in the way of progress and enterprise. They did not wait to become able to build roads, but, with a large faith in the wisdom of other people who have invested in good roads, they built, and found themselves able while building. It is only a question of a short time when every community of these counties will have a well-graded macadam road to their respective county towns. I desire to say that the Department of Agriculture gave these counties object lessons in road building a number of years ago.

Mr. Chairman, I hope to see the day come when this Department shall be sufficiently equipped to enable it to construct sections of road in every county of every State in the Union; then the people will fully appreciate the value of first-class roads, and the problem will be solved. Thomas Jefferson said:

> It is more remunerative, splendid, and noble to spend money in canals and roads that will build and promote social intercourse and commercial facilities than to expend it in armies and navies.

In conclusion, Mr. Chairman, I desire to say in this connection that the farmers have had less consideration in appropriations than any other class. There are 11,000,000 people directly and indirectly connected with the farm, and the value of their property, real and personal, is estimated by the Census Bureau at $20,000,000,000; and they produced $7,000,000,000 of farm and lumber products last year, and the balance of trade in favor of the United States on account of exports of various farm products was $444,000,000. Here lies the source of our prosperity, yet in the annual appropriations of a thousand million dollars we are giving to this great Department of Agriculture, which is willing and capable of putting the farming interests on a higher plane if fully equipped, the pitiable sum of $11,000,000. Congress should be more liberal in its dealings with these wealth producers and home builders on the farms. It should be remembered that in the millions of farm homes in this country lies the nation's security through all the years to come. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. Mr. Chairman, some of us who sat here yesterday afternoon and listened to the debate upon the subject of the United States Government constructing roads within the States of this country believed that the political antipodes had come. We heard the gentleman from New York [Mr. PAYNE], the leader of the Republican party on the floor, and the gentleman from Indiana [Mr. CRUMPACKER] both opposing the construction of roads within the States because it was unconstitutional and because it infringed on the rights of the States. We then heard the gentleman from Alabama [Mr. UNDERWOOD] and our leader on this side, the gentleman from Mississippi [Mr. WILLIAMS], defending the building of roads by the States out of money supplied by the National Government; in other words, trying to reach indirectly what has been directly advocated by some gentlemen upon this floor. Now, as a Democrat, I wish to say that, basing my stand on the traditions of the Democratic party, so long as I am a Member of this House I will never vote for the construction by the National Government of roads within the States [applause on the Republican side] whether such appropriation is direct or indirect, whether as an out-and-out appropriation or as a loan to the States, which is the same thing under another guise.

The gentleman from Mississippi said that he advocated such a bill because there is a surplus in the Treasury and that surplus should be devoted to this purpose. My friends, there is no surplus in the Treasury so long as a national debt exists. There is a surplus of daily balance, but no real surplus; and if we go back into our history to the time when there was a surplus in the Treasury, when the national debt had been wiped out and President Andrew Jackson attempted to give over to the States as a loan the surplus in the Treasury, the direct result was the panic of 1837, and I think that any gentleman upon this floor should hesitate to advance that as a precedent for similar action to-day.

Another excuse offered by way of precedent is the contribution by the Central Government to the building of the transcontinental railways. That, however, is no precedent, because the organic act in which the Government undertook to aid the transcontinental railways stated that it was done as a military necessity, and it furnishes no excuse for the Federal Government embarking to-day upon a general policy of internal improvements in our country.

Propositions of this sort have come up in the past and were vetoed by Presidents Madison, Monroe, and Andrew Jackson; and if those are not good enough Democratic names in opposition to such a course by the National Government, why, I should like to ask what has become of the Democratic party? [Applause and laughter.]

Here is what President Jackson said:

> If it be the wish of the people that the construction of roads and canals should be conducted by the Federal Government, it is not only highly expedient but indispensably necessary that a previous amendment to the Constitution, delegating the necessary power and defining and restricting its exercise with reference to the sovereignty of the States should be made.

Now, Mr. Chairman, the reason why the National Government is asked to build these roads is that some of the States will not or can not do it. My State (New York) is doing it, the State of Massachusetts is doing it, the State of New Jersey is doing it, and all the States ought to do it, and they ought not to make a practice of asking the Government of the United States to do everything for the domestic affairs of the people of those States, even to feeding and clothing them, for that is what is coming if we embark upon socialistic policies of this sort. [Applause.]

Mr. POLLARD. Mr. Chairman, the gentleman from North Carolina [Mr. CRAWFORD] seems to be very much exercised about the farmers of the country. He seems to be very anxious that legislation should be enacted in their favor. The facts are, Mr. Chairman, that the very object of this legislation is to enable the farmers of the country to get some benefit from the Bureau of Good Roads. That is the object of the limitation placed upon this paragraph. The purchase and use of machinery in the construction of country roads has been wholly devoted to the construction of macadam roads. Now, I do not know anything about the local conditions in the district of the gentleman from North Carolina, but I do know something about

the conditions in my own district, and I want to say that I represent one of the richest agricultural districts in the United States. I do not believe there is a single farming community in any district in the United States that can afford to build macadam roads. It costs all the way from $3,000 to $7,000 a mile to build these macadam roads, and the committee desire to prevent the use of money in their construction, so that the Bureau of Good Roads can exert its energies in enabling the farmers of the country to take advantage of the other information they are disseminating for the construction of roads that are within the reach of every farming community, no matter whether it is the richest or the poorest agricultural district in the country. Only those communities that are contiguous to a city can afford a macadam road, when it costs such a great amount of money, but the Department has discovered that sand-clay roads and burnt-clay roads can be constructed, and that they are applicable to all the great agricultural regions of the country, at a cost of from $100 to $500 a mile. The construction of these roads is easily within the reach of every community within the United States. Now, what the Committee on Agriculture wants is that this money shall be used in introducing the construction of burnt-clay and sand-clay roads, which are within the reach of the farmers of the country, and not permit the Bureau to expend the money in building macadam roads for the benefit of the cities and towns of the country. That is the proposition before the House in this amendment and that is the object of the limitation the committee places upon this paragraph.

Mr. SCOTT. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. Five minutes.

Mr. SCOTT. Mr. Chairman, it has been the opinion of the Committee on Agriculture ever since I have had the honor to be a member of that committee that it was not the function of the General Government to engage in the actual construction of public roads, and the committee was of the opinion that the language of the paragraph now under consideration had been so framed as not to admit of such road construction. It was therefore a matter of a good deal of surprise when the committee learned this year, upon interrogating the Chief of the Office, that actual construction was going on and that road machinery owned by the Government was being sent out for that purpose. The question was asked where he drew his authority for this action, and he stated that the word "illustrating" and the word "apparatus" were his authority. The word "illustrating" appears in connection with the following language: "For collating, digesting, reporting, and illustrating the results of such investigations and experiments." The word "apparatus" appears in this connection: "For necessary office fixtures and supplies, apparatus, and material." It is certainly the judgment of your committee that in neither of these connections does either word justify the purchase and use of road machinery. We do not want to strike out the words, because they are essential to the work of the Office, but we do not want to have them used to cover expenditures which the law never intended to authorize, and it was for that reason the proviso was inserted.

Now, Mr. Chairman, I want to call the attention of the House to what is being done by the Office of Public Roads at present. I read from a copy of the Washington Times of March 3, 1908, which reports the construction of a public road in the State of Wisconsin. It refers to an address by Samuel B. Lancaster, an official of the Road Office, on the improvement of highways, and states that as a result of that address the Bureau at Washington was prevailed upon to send an engineer with an outfit of road machinery to make three-quarters of a mile of highway. It was made in that particular county because that was the only county in Wisconsin which had made an appropriation for road building.

Does this House wish to authorize this Bureau to go into the country and send officials out to create a demand for the construction of public highways and then send the machinery to supply the demand? Three-quarters of a mile of road was built. Does not everybody know that the cost of that road, so far as it was carried on by the Department of Agriculture, was deducted from the amount which had been voted by the county for the purpose of constructing a road?

Now, what was the outfit sent out? "The Government outfit," this paper states, "consisted of a portable stone crusher, a revolving sieve which separates the rock after being crushed, a steam roller, a sprinkling wagon, bins, scrapers, and dumping wagons." Is there any Member of this House who thinks it is the business of the Government to own and operate machinery of that kind? There is nothing new or strange or complicated in that machinery. Any community can find men to operate it, and it seems to me as unreasonable that the Government should send this outfit and actually construct roads as it would be to have the Government go down into Texas, and, in order to instruct the people in growing cotton, should actually own the plows that turned the soil, own the planters that planted the seed, own the cultivators that cultivated the plants, and pay for the operation of all these implements.

Mr. GAINES of Tennessee rose.

Mr. SCOTT. I can not yield. We are willing to continue the investigations which go to increase our knowledge relating to public roads, but it is certainly not necessary, in order to diffuse that knowledge, that the actual work of road building should be done by the Office of Good Roads. I certainly hope, therefore, that the amendment will be voted down. Now, Mr. Chairman, if I have any time remaining, I yield it to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Chairman, I will occupy the time of this House but a very few minutes. I want to answer the challenge that has been made to the Agricultural Committee on this floor, and particularly to the minority members of that committee. To reduce this thing to a practical question, if you strike out this language, you will have to quadruple this appropriation. Four times as much as we appropriate will be required if you have experiments in road building in all of the States of the Union. You can not differentiate between a demand that may come from the States, and the expenses of carrying this machinery from point to point in the United States will take an immense amount of money. It is unnecessary and it is not required in order to meet the work of this Bureau.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LAMB. Mr. Chairman, I would like three minutes more.

Mr. SCOTT. As the gentleman from Virginia is a member of the committee, I ask unanimous consent that the time for debate be extended three minutes.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. LAMB. Now, one word in regard to the working of the roads in the States by appropriation by the General Government. There are 2,135,000 miles of road in the United States. One hundred and thirty-five thousand miles are improved, and that leaves in round numbers 2,000,000 miles of road in the United States. Suppose some such proposition as was suggested here yesterday, of appropriating $50,000,000 from the surplus in the Treasury, were put into effect and distribution made as proposed, have you any idea how much money it would give per mile? It would give $12 per mile for the roads in the United States. Why, Mr. Chairman, that would fill up about four mud holes in the South and perhaps mend one or two holes in these macadamized roads in the great North.

Mr. GAINES of Tennessee. How much does it cost to build this road a mile?

Mr. LAMB. Depends entirely upon the character of the road. From $2,000 to $3,000 a mile for the ordinary country road and from $4,000 to $7,000 a mile for the macadam road.

Mr. GAINES of Tennessee. The national road cost $20,000 a mile.

Mr. LAMB. That is an exception.

Mr. THOMAS of North Carolina. Mr. Chairman, the gentleman is mistaken about the great cost of these roads. It may cost a good deal of money to build a macadam road, but in the hearings he will find a number of sand-clay roads have been built through the work of this Office at a reasonable cost.

Mr. LAMB. I understand that a plain dirt road can be built for $1,800 or $2,000 per mile. This appropriation of $50,000,000 would not give over $25 a mile for a road. Now, how many years would it take to complete the work? The calculation I make is two hundred and forty years. Suppose you required the States to furnish one-half of the amount; then it would take one hundred years to do this work. There is no authority in the Constitution of the United States for the General Government to do any such work in the States. The Constitution says the General Government may establish post-roads. That is all. No matter what these lawyers may say, we men of common sense who are not lawyers can read the Constitution just as well as they can. [Applause.]

Mr. WEEKS. Will the gentleman permit an interruption?

Mr. LAMB. Yes.

Mr. WEEKS. I want to ask the gentleman from Virginia if any machinery is needed to build these sand-clay roads which the gentleman from North Carolina [Mr. THOMAS] just referred to?

Mr. LAMB. Not at all; and I am glad the gentleman interrupted me. They made one of these object-lesson roads in one of my counties, and the supervisors of that county themselves

told me that they knew more about working the roads than these people who came down there to teach them that lesson. [Applause.]

This was because local conditions are better understood by those who have lived all their lives in the community where the work is to be done. The Bureau of Good Roads is doing a good work along educational lines. The Chief of the Bureau is a well-equipped young man, and is an enthusiast in this work. The Committee on Agriculture has increased the appropriation this year. There is no necessity for this amendment. I hope you will stand by the committee.

The CHAIRMAN. The time of the gentleman has expired. Time for debate is exhausted.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I have listened with much interest and profit to the discussion of the general policy of Federal aid and Federal power in the construction and maintenance of public roads, and while this is most interesting and instructive, it is not my intention to take part in it, but rather to confine my remarks to the subject which is really before the House, to the paragraph now pending. No individual and no government can assume or accept power without taking with it the burdens and responsibilities that go with power, and Congress can not constitute itself an exception to this rule. The Constitution confers upon Congress the power to establish post-offices and post-roads, and with that power comes the burden which we must in proper measure and in proper fashion meet. There is nothing in this paragraph or in this bill which commits the Federal Government to any policy of road construction in the several States, and nothing that even points in that direction. The Government has, however, some duty to discharge in the matter as well as the local authorities, and when we establish rural mail routes over which the United States mails are to be carried to the people, we do and must assume in some measure the burden of providing a road over which the route is to be maintained. We have not gone far along this line yet, and I do not know that we shall ever go much further, but the limits to our burden which this bill sets are surely narrow enough. The local authorities are left to bear all the expense of constructing and maintaining the roads, and Congress up to now has gone no further than to furnish "expert advice." My friend from Tennessee [Mr. GAINES] asked a few moments ago how the Government furnishes this "expert advice," and I will answer that question by citing an individual instance as an example. Several years ago a distinguished civil engineer in my district, Major Dabney, asked the Office of Public Roads to make an experiment in burning a road in his county which ran over what we call "buckshot clay."

In some parts of the country it is called "gumbo," and many of you are familiar with it by that name. It is a very stiff and sticky clay, and in the dry seasons it makes an ideal road, never becoming dusty. When the winter rains set in, however, these buckshot roads become practically impassable. In the Delta country of the Mississippi there are many large areas composed of this buckshot, and the problem of road making becomes a most serious one. There is no stone or rock there, and for that reason to build macadam roads would involve such heavy expense as to make it altogether impracticable. Well, in pursuance of this request the Office sent Mr. Spoon, one of the most expert and competent road engineers in the country, to look into the matter. He secured types of this buckshot and analyzed it in the laboratory and subjected it to high temperatures and concluded that the test was worth making. Accordingly he went to Mississippi and burned a section of a road several hundred yards long and at the same time constructed a gravel road of about the same length. The local authorities, of course, paid all the expense, the Government simply furnishing the "expert advice;" that is, the expert from the Office supervised the work. That experiment proved so successful that the local authorities began a campaign for better roads, and the county issued $100,000 in bonds for that purpose, and I noticed in a local paper a few days ago the statement that they had spent in the past three years $200,000 on their roads, which are now the best in the Delta. Last summer the Office sent Mr. Spoon to Washington County, another county in my district, to make another experiment in this buckshot burning, and this has proven entirely successful also. I drove over this road in January last when the other roads were wet and muddy, and it was with difficulty that I could get over many parts of the road leading to the portion that had been burned, but that section of it, perhaps a half mile in length, was in perfect condition. I have some letters from people living near this road which I shall print in the RECORD, and which tell of the complete success of the experiment after the hard test of the past winter. One of the letters is from the mayor of Greenville, which is quite near to this road, and he says that the cost of keeping it in perfect condition to date has been $7.

OFFICE OF WILLIAM YERGER, MAYOR,
Greenville, Miss., March 14, 1908.

Hon. B. G. HUMPHREYS,
Washington, D. C.

DEAR SIR: I replied yesterday to your telegram of the 11th instant, asking condition of burnt road. I made a careful inspection of this road and found the road in perfect condition, hard and firm, with no indication of giving away. This is an ideal road to-day. As you know, I have taken great interest in this experiment. I have had the road rounded up with an Austin road grader and rolled once since its completion and have had the very few wagon ruts that have appeared filled with burnt buckshot. I have expended about $7 in this work. As you know, the heaviest traffic on our roads is during the fall and winter, when the cotton crop is being marketed, and this road has stood the test.

Yours, truly, W. YERGER.

GREENVILLE, MISS., *March 14, 1908.*

Hon. B. G. HUMPHREYS,
Washington, D. C.

DEAR SIR: Knowing the interest you have taken in our recent experiment of burnt buckshot road building, I thought you would like to know how it had stood the test up to date. As you know, I had charge of the labor during its construction and have, since its completion, watched the road to strengthen, if it was necessary, any weak points that might appear. I have at three different times during the winter run our grader over the line, keeping the center filled and rounded up. The cost of this work would not, I should say, exceed six or seven dollars. The road at this date is perfectly smooth and is thoroughly cemented. I am told that on account of the almost impassable condition of the old Wilczinski road, over which the Metcalfe neighborhood does its hauling to town, that much of this hauling has been diverted to our road, which means an additional strain and further test. My opinion is that the experiment is a success.

Yours, truly,

ALBERT S. OLIN,
Street Supervisor.

GREENVILLE, MISS., *March 15, 1908.*

Hon. B. G. HUMPHREYS, M. C.,
Washington, D. C.

MY DEAR SIR: I have been repeatedly asked regarding the condition of the burnt road east of town, and it has been suggested that I ought to write to you regarding it. I possibly travel over this road more than anyone else, and have been using it constantly from the time it was completed. It has had a very severe test this winter, as we have had a very open winter, with very heavy rains, and the road has been in perfect condition all the time; in fact, the road has had more travel than usual this winter, as a great deal of cotton was brought in this way just to get the benefit of the haul over this road.

The road has been kept in repair with almost no work or expense at all, and is to-day smooth and firm, and everything that a good road, I should say a perfect road, ought to be, and it is certainly a great object lesson to the people here, as beyond this the roads have been all but impassable for months.

Very sincerely, yours, W. G. STIMMEL.

An experiment was made in this burnt buckshot in Sunflower County last summer, and for some reason it did not prove successful. Another expert will be sent to look that over during the coming summer, however, and I believe it will yet be made a success.

Mr. SIMS. What is the cost of this burning process you are speaking of?

Mr. HUMPHREYS of Mississippi. That depends, of course, upon the cost of the fuel. If the road is through a wooded country where wood can be had for, say $1.25 a cord the road can be made for $1,500 a mile.

Mr. SIMS. How much wood is required to burn a mile?

Mr. HUMPHREYS of Mississippi. To burn a road 14 feet wide it will require between seven and eight hundred cords. That necessarily varies, of course, as the moisture in the soil to be burned varies. To make a comparative statement, I will say that it costs from one-half to one-fifth what a macadam road costs and is as easily and as cheaply maintained. In a country where the people have never gone into the building of good roads the thought of paying $2,000 a mile for a good road seems prohibitive. Where the experiment is once made, however, we all know that the people, and especially the farmers, who usually are at first the most violently opposed to the undertaking, demand that the roads be constructed and are most willing to bear the tax. As a rule the rate of taxation has to be increased an almost infinitesimally small degree to meet the new demands. For instance, in my own county in Mississippi there are, in round numbers, 10,000 men subject to road duty, and a road tax of $3 each would pay the interest at 6 per cent on a half a million of bonds. This would not involve the payment of any additional property tax whatever, and would construct a system of good roads for the county that would add immeasurably to the comfort of the public and to the values of all rural property. The truth is that no road can cost the farmer as much as a bad one. If instead of hauling six bales of cotton, as could be done with ease by two mules over the burnt road near Greenville any day during the past winter, he can only haul two, he is being taxed for a bad road at a higher rate than anybody was ever taxed for a good road, not counting the wear and tear of mules and wagon. I have seen seed cotton in the pens in July which had been picked after the

rains had begun to fall in the previous winter, and which had not been hauled out to the railroad, where the gin was located, because the roads were too bad to travel. Think of the tax that man was paying, and that, too, for a road he could not travel.

There is another method of improving clay roads in which the Office gives "expert advice," which they describe very fully in this bulletin, which is issued by the Department of Agriculture as Bulletin No. 27 of the Office of Public Roads.

Mr. RUSSELL of Missouri. What is the pamphlet you refer to?

Mr. HUMPHREYS of Mississippi. It is called the "Construction of Sand-Clay and Burnt-Clay Roads," and is written by Mr. Spoon, of the Office of Public Roads. It is issued as a bulletin, and is sent out on request of anybody who is interested enough in the subject to write and ask for it. It describes in detail the method of constructing the burnt roads I have just spoken of and the sand-clay roads also. The process of constructing these roads is simply to haul sand to a clay road or to haul clay to a sand road, as the case may be. The mixing or "puddling," as it is called, must of course be done by an expert who understands his business, so that the proportions of sand and clay may be properly adjusted. This is a very much cheaper process than the burning, the cost being from $300 to $600 a mile. Some of the best rural roads in this country have been made by this process. Now, under this paragraph which provides for "expert advice" these roads are constructed in exactly the same manner and under the same conditions as the road I have just told of in Mississippi. The local authorities furnish the money for the experiment and the Government furnishes the expert to advise them and really to supervise the building of the demonstration road, until they learn how themselves.

I can not, of course, give all the different ways in which the Office is furnishing "expert advice" to the local authorities, but I do want to mention just one more, and I believe it illustrates the thoroughly practical work of the Office and the great service which the people are receiving from it. I refer now to the latest bulletin gotten out by Mr. Page, who is one of the most competent men in the service of the Government and ought to be the chief of a bureau instead of the director of an office. It is issued as Farmers' Bulletin No. 321, and is written by Mr. King on the "Use of the Split-Log Drag on Earth Roads." It is an account of the simplest, cheapest, and yet the most useful and effective implement for the improvement of earth roads ever invented. If I can get the consent of the Committee on Printing I shall put into the RECORD a cut of this drag, a mere glance at which will enable any practical farmer to make one. In some States the farmers by common agreement drag the road along their own fronts after every rain, and the results are almost unbelievable. I have seen its workings myself both on country roads and on the streets of small towns where there was no paving, and I wish to commend in the strongest terms the wisdom of the director in getting up this bulletin and sending it out as a public document. This drag is particularly effective in buckshot or gumbo. I have some letters here which I shall print in my remarks, which I take from a most instructive article on the "Split-Log Drag," written by Mr. Henry Wallace, editor of Wallace's Farmer:

SOME PRACTICAL EXPERIENCE.

To the testimony of the photographs we might add any amount of testimony from farmers in Missouri and other States who have used the drag. For example, F. M. Joslyn, editor of the Missouri Mail, writes to George B. Ellis, secretary of the Missouri State board of agriculture with regard to the bottomless roads on the Missouri bottom:

"I wish to say that for several years I lived in the Missouri bottoms in Atchison County, and was frequently obliged to travel the road from my farm to the county seat, some 7 or 8 miles. Nothing but the most emphatic language and the latest improved epithets could do justice to the condition of the roads, especially during the winter and spring months. Frequently three or four hours were required to make the trip, and a spade was necessary to clean the gumbo from the wheels.

"During the latter part of March in this year (1903) I was visiting in Atchison County and one afternoon Mr. J. T. Johnson, of Rockport, the county seat of Atchison, proposed driving me over to the old farm where I formerly lived. He hitched one horse to a buggy, and at a time when the roads there should have been almost impassable and the other roads in the bottom actually terrible, but we drove on a trot the entire distance without a break.

"When we struck the bottom the beautiful, smooth appearance of the road, slightly elevated in the center, slightly sloping at the sides, and as smooth as a floor, struck me as something out of the ordinary. Mr. Johnson informed me that a public-spirited farmer had dragged the road in conjunction with some of the neighbors.

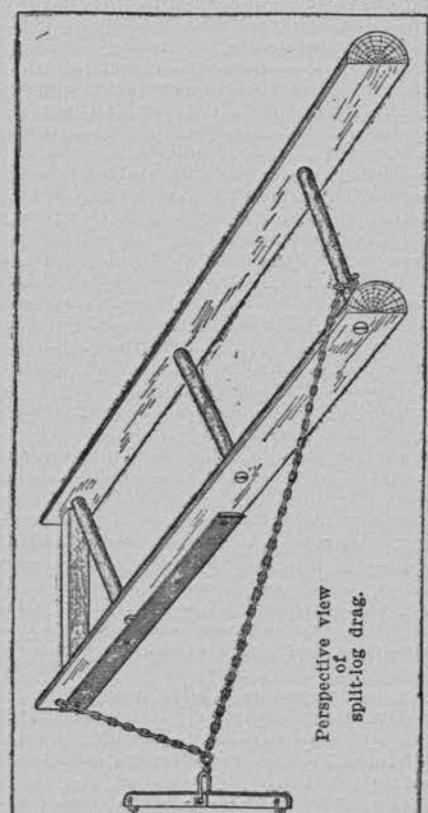
"There was no mud in the road, neither was there as much as a pint of water in the roadway from one end of the dragged portion of it to the other. It was a revelation to me and made me a convert of the King system of dragging."

Dr. C. N. Scott, of Mound City, Mo., writes to Mr. Ellis:

"In my practice as a veterinary surgeon I have occasion to travel the gumbo road between here and Bigelow very often. I have been here five years and I never saw that road as good as since they began to drag it. I go there to speed my horses. It is as smooth as a race track. I have many times driven over this 2 miles at a three-minute clip." (This letter is dated November 22, 1902, and after six months of almost continuous rain.)

THE SPLIT-LOG ROAD DRAG.

The only tool necessary is the drag. By the drag we do not mean a harrow, as so many people understand the term, but a drag made of a split log. It is made by taking a straight-grained log from 7 to 9 feet in length and about 10 or 12 inches in diameter. This log is split or sawed lengthwise and the two halves set on edge, 30 inches apart, the flat sides facing forward, and firmly fastened together by three bars made of oak, osage hedge, or other hard wood. The illustration and description beneath it shows how the drag is constructed. The log should be of light timber; box elder, cottonwood, beech, or something of that sort. It is better not to have it of oak. Mr. King says that the best split log drag he ever used was made of red elm. After using the drag for some time it will be found necessary to shoe the front log with a piece of iron three or four inches wide. An old wagon tire makes a good shoe for this purpose. The iron should be put on the right side of the front log and extend not more than three-fifths of its length. It should not project more than a fourth of an inch below the edge of the log. Do not face the entire front log with the iron. The length of the drag can be anywhere from seven to nine feet. The longer it is, the heavier it will pull. One good farm team of horses weighing from 1,100 to 1,200 pounds will handle a seven-foot drag nicely. A heavier team will be required for a heavier drag.



Perspective view of split-log drag.

The cut shows in itself how the drag is constructed. The logs are 7 to 9 feet long and 10 to 12 inches in diameter. They are set on edge, flat side to the front, 30 inches apart and fastened together with three strong pins wedged in. Note particularly the way the hitch is made—the chain running through the center of the log at the right end and over the log (looping around the pin) at the left end; this is important. The point of attachment for the doubletrees depends upon the condition of the road and the work to be done. The farther to the right the hitch is made the greater the angle at which the drag will be drawn. Place a movable cleated platform on the cross pins to stand on when using the drag. You will find by experience that by shifting your weight on the drag you can change the angle and the amount of dirt it will move.

HOW TO USE THE SPLIT-LOG DRAG.

First make it, and have a four-horse evener ready for use the first time. Wait until your roads are very soft, the wetter and softer the better. Then attach four horses. Begin at your front gate, straddle the right-hand rut, and go to your neighbor's front gate in the direction of your nearest market town. Then turn and come back along the other rut. This is enough for the first day; but while you are about it you had better go the whole length of the road along your farm, as well as a portion of your neighbor's. Do not be in a hurry; drive slowly; the slower the better. You can not finish this road in a day. You are simply making a beginning. The effect of this first dragging will be to fill up the ruts with this puddled earth and to make a moderately smooth surface, on which it is possible to make three tracks—one on each side, and one where the old track used to be, in the middle. This smooth surface will shed water, partially at least, and will give free access to the sun and wind, causing it to dry off quicker than the rough surface on either side of the smoothed space. Then wait until it begins to dry off. Take two horses and go over the same track again. This will still further puddle the clay and carry a little more into the middle of the road, which every passing team will both puddle and compact still more.

If it is thought best to widen the road, which it usually is, the best way to do it is to wait until another rain, and then, when it has dried off sufficiently to plow readily, plow one furrow along the outer mark of the drag; take the drag and spread this smoothly over the surface of the road. In this way the road will be widened by the width of the furrow and will gradually become oval—that is, higher in the middle—and each time the drag is used will become a little smoother and a little harder. If the road is still too narrow, plow another furrow, and so on until the road has been widened as much as desired.

It is not only useful on country roads, but in towns where the streets are of buckshot it is equally effective. This is taken from a statement of Mr. Henry Harlow, mayor of Onawa, Iowa:

About a month ago I received word that the Northwestern Railroad would bring D. Ward King to our city. I had heard Mr. King at St. Louis, and when I received the railroad poster, I immediately made

a drag, building it precisely as directed. I finished it before noon and put it to work at 1 o'clock on a single block of our main street. The soil is gumbo, and the street was almost impassable, the mud being hub deep in some places.

We put the drag right into the mud and kept it going. At 5 o'clock, just four hours after beginning to use the drag, wagons loaded with 4,000 pounds of baled hay were being drawn over one block and were making a scarcely perceptible rut. But when they went over the crossing the wheels again sank nearly to the hubs in the mud.

I had a good deal of faith in the drag from what I had heard and read, but I was not prepared for such an astonishing change as was made. Our people are all thoroughly convinced that the drag will revolutionize the method of caring for earth roads.

Last fall Mr. Gid Montjoy, sr., the very enterprising street commissioner of the city of Greenwood, in my district, began the use of this split-log drag on the streets of that city. I was there in January and was surprised at the good results which had followed his experiments. Since this bill has been under consideration I wired a prominent physician of that city, asking him how the drag was working, and received this telegram in reply:

Hon. B. G. HUMPHREYS,
House of Representatives, Washington, D. C.:

Split-log drag as used in Greenwood has brought streets naturally soft and muddy to high state of solidity, supporting trucks and wagons. Produces perfect drainage from center of street to gutters. One treatment after each rain sufficient, drying streets very rapidly.

D. S. HUMPHREYS.

Mr. Chairman, in view of the fact that the discussion had taken a rather wider scope than was altogether pertinent to this paragraph, I thought it desirable to confine my remarks more closely to the provisions of the bill itself and to explain somewhat the actual workings of the Office. The subject of good roads is a very interesting one, and one that is of tremendous importance to all of our people. The cost of bad roads, of roads that can only be used when weather conditions are favorable, is appalling. All the world is ahead of us in this particular. We are properly and wisely devoting much of our time to the discussion of the question of transportation, both by rail and water. We are providing at great expense the machinery necessary to administer the rate-regulation laws which we are passing from time to time, and we are spending millions annually upon our waterways. All this is well, but we ought not to forget that of the inland traffic of the United States, which in its billions exceeds the aggregated international commerce of the world, more than 60 per cent is hauled over our public roads. We are therefore bearing but a small share of the burden when we appropriate $90,000 annually for this purpose, while the States are spending as many millions. I will now ask unanimous consent to print the letters and papers to which I have referred.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DAVIS of Minnesota. Mr. Chairman, I make the same request, including a letter from the city of Redwing, Minn., as part of my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAMS. Mr. Chairman, if the gentleman's remarks are to be confined to this subject of road discussion I shall not make any objection.

Mr. DAVIS of Minnesota. Absolutely, a history of this road proposition.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. DAVIS of Minnesota. Mr. Chairman, from the discussion thus far it is quite apparent that the subject of good roads is a vital one, at least to the major portion of the United Staes, and particularly to the rural sections. It is apparent, however, that some of the older and wealthier States which have heretofore built their roads without any particular governmental aid or advice seem determined that the less fortunate and less populous of the agricultural regions, covering large areas, should do likewise—that is, exclusively at their own expense. The particular subject under discussion deals with the Office of Public Roads as heretofore established in the Department of Agriculture about fifteen years ago, and having for its object to enable the Secretary of Agriculture to make inquiries in regard to systems of road management throughout the United States; to furnish expert advice on road building; to make investigations in regard to the best methods of road making and the best kinds of road-making materials in the several States; to investigate the chemical and physical character of road materials; for the employment of local and special agents, clerks, assistants, and other labor required in the city of Washington and elsewhere; for collating, digesting, reporting, and illustrating the results of such investigations and experiments, and also to enable the Secretary of Agriculture to assist the agricultural colleges and experiment stations in disseminating information on this subject.

Heretofore this Bureau, in connection with the many other useful means of illustrating and disseminating this knowledge, has inaugurated in a large number of instances the very useful and instructive method of engineering the construction of small sections of object-lesson roads, such as macadam, sand-clay, earth roads, and others. In all instances, however, wherever an object-lesson road had been constructed, which is usually limited from one-half a mile to 1 mile in length, the Department has required that the locality desiring this object-lesson road shall furnish the necessary means to pay all expense thereof, except in a few instances where the Department would furnish certain road-making machinery, consisting of a steam roller and occasionally a rock crusher, and an expert engineer to handle the same, and it is now particularly against the furnishing of this machinery by the Government, either by purchase or rent, that the present attack is made by certain Members of the House. The desirability of this method of instruction and the large demand for it is shown in the numerous applications from rural communities which have been made and acceded to in previous years, as well as by those which are now pending.

Before I proceed further I desire to state that from the official records the total sum expended by the Office of Public Roads since its organization up to the present time, in furnishing by purchase, rental, and otherwise, of machinery, by the Government in this object-lesson work is the paltry sum of only $7,000, and that the Government has only purchased three steam rollers altogether, but has rented three others. This certainly shows the economical methods pursued by the Office of Public Roads in the last fifteen years, and certainly does not warrant the statement, which has been frequently made, that the Government is attempting to generally engage in the construction of roads at its expense throughout the United States.

Mr. Chairman, I apprehend that the people at large are not familiar with the origin, purpose, or general working of the present Office of Public Roads, with the struggle that it has had in order to obtain its present efficiency, and I might add that, judging from the remarks that have been made, this lack of knowledge is not confined to the people generally, but might be applied to some of the honorable Members of the House, who have not taken the trouble to investigate the subject. Briefly, I will say that the movement for concerted action on behalf of the public roads prior to the establishment of the Office of Road Inquiry found expression in a bill passed by the Senate of the United States in July, 1892, and favorably reported to the House of Representatives, providing for a National Highway Commission, to be composed of two Senators, five Members of the House of Representatives, and five citizens appointed by the President for the purpose of making a general inquiry into the condition of highways in the United States and means for their improvement. In October of the same year, a National League for Good Roads was formed at Chicago, having the same general purpose, the organization having for its president Hon. Charles F. Manderson, and on its executive committee, Judge E. H. Thayer, Philip D. Armour, Leland Stanford, Clem Studebaker, Samuel W. Allerton, Chauncey B. Ripley, Alexander J. Cassatt, W. Seward Webb, Albert A. Pope, and Charles L. Burdett.

In March, 1893, a petition was presented to Congress asking that a road department similar to the Agricultural Department be founded at Washington for the purpose of promoting the art of constructing and maintaining roads and for teaching students so that they may become skilled road engineers, and to establish a permanent exhibit of sections of road illustrating various methods of construction and the best road materials and machinery. This petition was signed by the governors of many of the States, including Governor McKinley, of Ohio, and the chambers of commerce in many of the cities, including Los Angeles, Seattle, Milwaukee, Jacksonville, Boston; and by universities, including the University of Georgia, University of Louisiana, Cornell University, Franklin Institute; and indorsed by resolutions of legislatures, including the Massachusetts house of representatives.

The Office of Road Inquiry was established under authority of an act of Congress, approved March 3, 1893, making appropriation for the Department of Agriculture. The clause relating to this work provided that the Secretary of Agriculture should make inquiries in regard to systems of road management throughout the United States, make investigations in regard to the best methods of road making, prepare publications on this subject, and assist agricultural colleges and experiment stations in disseminating information on this subject. The appropriation was $10,000.

During the next two fiscal years the appropriations and the wording of the bill remained the same. The appropriation for the fiscal year 1897 was reduced to $8,000, and a provision was added authorizing the investigation of road-making materials in the several States. The appropriation remained $8,000 annually during the fiscal years 1898, 1899, and 1900, and no change was made in the wording of the bill, although the name of the office was changed from "Road Inquiry" to "Public Road Inquiries" in the fiscal year 1899.

The agricultural bill for 1901 carried an appropriation for $14,000, and provided for conducting experiments in the city of Washington and elsewhere, and collating, digesting, reporting, and illustrating the results of such experiments. The appropriation for 1902 was $20,000, and the bill provided for the investigation of the chemical and physical character of road materials. The language of the appropriation bills has remained practically unchanged up to the present time, except that the name of the office was changed from "Public Road Inquiries" to the "Office of Public Roads" and a statutory organization was provided in the agricultural bill approved March 3, 1905. The following is a table of the appropriations to the fiscal year 1908, inclusive:

Appropriations for public road inquiries from 1893–94 to 1907–8.

1893–94	$10,000
1894–95	10,000
1895–96	10,000
1896–97	8,000
1897–98	8,000
1898–99	8,000
1899–1900	8,000
1900–1901	14,000
1901–2	20,000
1902–3	30,000
1903–4	35,000
1904–5	35,000
1905–6	50,000
1906–7	70,000
1907–8	70,050
Total	386,050

Since its establishment the Office has issued 32 bulletins, 88 circulars, 5 farmers' bulletins, 19 yearbook reprints, and 14 annual reports, a total of 158 publications. It has directed the construction of 145 object-lesson roads in 34 States, illustrating macadam, brick, gravel, sand-clay, shell, and earth construction, in addition to roads of an experimental character. The approximate expenditure on these object-lesson roads by local authorities has been $500,000, and the subsequent road work due directly to the object-lesson roads undoubtedly represents expenditures running well up into millions. Lectures and personal advice by engineers and experts have constituted a prominent feature of the work of this Office since its establishment. The road-material laboratory was installed December, 1900, and from that time to February 20, 1908, 2,478 samples of road material have been received from practically every State in the Union and tested to determine their character and value for road building.

Experiments have been conducted in the burning of clay, or gumbo, for building roads in districts where hard material is lacking. These experiments have proven successful and may result in practically solving the road problem in large areas of the country.

Experiments have been conducted with oils, tar, rock, asphalt, and various preparations for the purpose of preventing dust and preserving macadam roads from destruction under modern traffic conditions. At present the Office is arranging to conduct investigations to determine the feasibility of the sand-clay method of road building in the prairie States, the use of slag as a road material, the construction of roads of natural soils by treatment with asphaltic oils, and the improvement of sand roads in parts of the country where clay is not accesssible. Practical efforts have been made toward bringing about the more general use of the split-log drag in the maintenance of earth roads.

Under a cooperative arrangement with the Geological Survey, entered into in February of this year, road materials are being investigated in the various States, and physical tests made in the laboratory of this Office to determine their value as road materials, these results to be published in the form of joint bulletins.

Graduates in engineering are appointed from colleges each year after a competitive examination, and are given thorough training while rendering practical services to the Government. In this way an efficient corps of engineers is being built up, which will aid the development of road building along proper lines, both during and after their connection with the Government service. This work was begun in the fiscal year 1905.

Investigations into the decomposition of rock powders under the action of water have led to important discoveries with reference to increasing the cementing value of road materials. The investigation into the corrosion of iron and steel culverts has brought out important results. The generally accepted theories regarding the rusting of iron have been demonstrated to be incorrect, and it has been shown that by treating the surface of the iron with a strong oxidizing agent the rusting can be inhibited.

In May, 1907, the Office inaugurated a project designed to introduce the best possible systems of construction, maintenance, and administration of roads in the various counties. Under this plan, engineers are assigned to make thorough investigation on all phases of the road work of the county to which they are assigned and prepare exhaustive reports giving plans, estimates, and recommendations.

The number of the employees of the Office has increased from 1 on July 1, 1893, to 56 on July 1, 1907. It should be borne in mind that the present appropriation of the Office is $70,050, out of which $2,000 is paid for rent, leaving $68,050 to pay the salaries of these 56 employees, as well as traveling expenses, the purchase of equipment and supplies, and the usual running expenses.

Since July 1, 1905, the most thorough and systematic methods of organization have been introduced into the administration of the Office, each and every employee is given specific duties to perform, a careful system of reports and records is kept of work done and expenditures made on every project, the most approved system of filing is in use, and a library has been formed, comprising unquestionably the best and most complete collection of periodicals, manuscripts, pamphlets, and books on all phases of road work to be found in the Western Hemisphere, and this library is being added to constantly. Thirty-nine periodicals are regularly received, of which 15 are donated.

The policy of the Office in recent years has been to cooperate with the officials in charge of road work in the various States as closely as possible, and the endeavor is being made to so correlate road work in each State by voluntary cooperation as to constitute one great movement along uniform lines and make the progress and methods of each State known to every other State through the medium of this Office. In furtherance of this object a comprehensive investigation was begun early in 1905 to ascertain the mileage of improved and unimproved roads, the character of improvement, the amounts expended, rates of levy, and sources of revenue in every county in the United States. This work was finished in June, 1907, and the results published in the form of a bulletin, which shows that there are over 2,100,000 miles of road in the United States, of which only 7.14 per cent were improved in 1904, and that the expenditure in money and labor for that year was nearly $80,000,000. This bulletin comprises the first complete data ever assembled on this subject.

Now, Mr. Chairman, if the Office of Public Roads is prohibited from hereafter purchasing or leasing any road machinery whatever, in carrying out what I consider to be the legitimate work of the Bureau, the object-lesson road work in the future will be greatly curtailed, if not almost entirely eliminated. I find, upon investigating the reports and records of the Office of Public Roads, that by far the most effective work under the object-lesson method has been in counties which did not possess any road-building machinery prior to the object-lesson instruction. Many counties which now have excellent systems of highways started with an object-lesson road built with Government machinery. Those sections of country which have not progressed in road building have profited and are profiting by the object-lesson method.

Mr. Chairman, I desire, in this connection, to have read and included in my remarks a letter which I recently received from the Red Wing Manufacturers' Association, of Red Wing, Minn.:

RED WING MANUFACTURERS' ASSOCIATION,
Red Wing, Minn., February 27, 1908.

Hon. C. R. DAVIS, M. C., *Washington, D. C.*

DEAR SIR: The Red Wing Manufacturers' Association have appointed the writer as a committee to take up with you the question of securing the cooperation of the Department of Agriculture in building an object-lesson road out of Red Wing this season. The city council has already passed a resolution to appropriate money necessary for the purpose, and have the funds on hand to build a mile of road, or such part thereof as may seem desirable by the Department.

The members of our association, as well as the citizens of Red Wing, as a whole are very much interested in securing favorable action by the Department in this matter, and trust you will use your best efforts to secure the same.

Thanking you very much for your prompt attention to our request and assuring you that such action will be thoroughly appreciated by every member of the association, I am,

Yours, truly,
W. R. PUTNAM.

Since the receipt of this letter I am informed that the city of Red Wing has appropriated the sum of $3,000 for the construction of an object-lesson road extending from this city of Red

Wing into the rural portion of the county, and that formal application has been made to the Office of Public Roads for their aid in this construction. Now, Mr. Chairman, if the prohibitive clause in this bill is retained I am informed that it will require the abandonment of plans for work in rural communities in almost all sections of the country, including Red Wing and Redwood Falls, Minn.; various points in North Dakota; Boise, Idaho; Stockton, Cal.; various points in Nebraska; Emporia, Kans.; points in Missouri, Oklahoma, Arkansas; Kosciusko and other points in Mississippi; points in Alabama and Georgia; Sumter, S. C.; points in North Carolina, Tennessee; Philipi, W. Va.; and several points in Indiana and Pennsylvania.

The instruction of engineer students, which has become an established and successful feature of the work of the Office of Public Roads, is much more thorough and efficient as a result of the ownership or control of road machinery by the Government, as these young engineers are taught not only mechanical features in the operation of various items of machinery, but learn all about loading and unloading machinery, setting up the plant, and superintending its operation.

Without a modification of this prohibitive clause, the Office of Public Roads would be prevented from incurring any expense in designing, constructing, or improving special apparatus or equipment which might prove of incalculable advantage to the people of the United States in solving some road problems. As an example of this, it might be mentioned that in the experiments for dust prevention and the preservation of macadam roads equipment for applying special materials and preparations is of the utmost importance, and the Office of Public Roads is conducting investigations with a view to perfecting and improving such equipment. Certainly every facility should be given for working out all phases of every road problem, whether it applies to road management, road construction, maintenance, equipment, materials, or special investigation. The amount involved is trivial. The Director of the Office of Public Roads informs me that this prohibitive clause in the pending agricultural bill will not curtail the work of the Office of Public Roads in general, as its field of usefulness is so broad, and that he has so stated his position to the Committee on Agriculture. He states, however, that this clause will undoubtedly curtail the object-lesson road work and make necessary the canceling of many of his plans for such work in counties which undoubtedly need it.

I trust, Mr. Chairman, that the Members of this Congress will not allow this prohibitive clause to remain in the bill, but strike it out and thus enable the Office of Public Roads to proceed unhampered with the good work in which it is now engaged.

Mr. GAINES of Tennessee. Mr. Chairman, I will ask to have the amendment reported again.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and on a division (demanded by Mr. CRAWFORD) there were—ayes 57, noes 138.

Mr. CRAWFORD. Mr. Chairman, I demand tellers.

The CHAIRMAN. As many as are in favor of demanding tellers will rise and stand until counted. [After counting.] Two gentlemen have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. SHEPPARD. Mr. Chairman, I have a bona fide amendment, and the gentleman's amendment is a mere formal amendment. Which has precedence?

The CHAIRMAN. The Chair can not distinguish between the two amendments. The Chair will recognize the gentleman from New York.

Mr. SULZER. Mr. Chairman, this proposition of good road building is a live question, and will continue to be a matter of much concern to all the people of the country until it is settled and settled right. I take a deep and an abiding interest in the matter and have given it considerable study. I was very much impressed with all that was said in the House yesterday and to-day for and against the proposition of Government aid to good road building. In the last Congress I introduced a bill for Government aid to good road building, and I reintroduced the same bill in this Congress. It is in the pigeonholes of the Committee on Agriculture, and I can not get it reported. I believe if the Committee on Agriculture had reported this bill of mine, it would have gone far to solve the problem of good road building and made much of this discussion unnecessary. I send this bill to the Clerk's desk and ask to have it read in my time, so that it may be printed in the RECORD as a part of my remarks.

The CHAIRMAN. The Clerk will read the bill in the time of the gentleman from New York.

The Clerk read as follows:

A bill (16627) to promote the construction of good roads and the efficiency of the postal service in the States and Territories of the United States.

Be it enacted, etc., That upon the application of the proper authorities representing any State or Territory of the United States, the Secretary of the Treasury shall loan to such State or Territory for the construction or improvement of post-roads within such State or Territory and outside the limits of any city or incorporated village the actual cost of such construction or improvement: *Provided*, That the construction or improvement of said post-roads shall be under the general supervision of the Post-Office Department and according to specifications approved by it, and the Postmaster-General is hereby authorized and directed to make all needful rules and regulations relating thereto: *Provided further*, That one twenty-fifth part of all money received from the United States Government under the provisions of this act shall be each year returned to the Treasury of the United States by the State or Territory receiving the same until the whole amount received by such State or Territory shall have been returned.

SEC. 2. That no interest shall be charged upon money loaned under the provisions of this act when return to the Treasury is promptly made as provided for by this act, but a 5 per cent per annum interest charge shall be added to all deferred payments. And the Secretary of the Treasury is hereby authorized and directed to make all necessary arrangements with the States and Territories with respect to said loan.

SEC. 3. That the President is directed to cause to be laid before Congress, as soon as convenience will permit after the commencement of each session, a statement of all proceedings under this act.

SEC. 4. That this act shall take effect immediately.

Mr. SULZER. Mr. Chairman, that bill speaks for itself, and is a simple, comprehensive, and constitutional measure for Government aid in good-road building. It is the first proposition of its kind that has ever been introduced in Congress, and if it became a law it would promote the general welfare, not take one dollar in its last analysis out of the Federal Treasury, and yet it would aid the State that can not now afford to appropriate the money. The money loaned the States would all be returned to the Government, and in twenty-five years we would have the best roads in the world. We loan money to the national banks, then why not to the States to build good roads that will directly or indirectly benefit all the people? To-day there is deposited by the Government over $200,000,000 of the people's money in the national banks, not drawing a dollar's interest, and benefiting no one except the stockholders of the national banks. If some of this money were loaned the States to build good roads, as contemplated in my bill, it would give employment to thousands and thousands of honest workmen now idle, promote prosperity, and ere long secure for all the people splendid national highways.

Now, I heard the gentleman from New York [Mr. PAYNE] say yesterday that the State of New York was spending $50,000,000—$5,000,000 annually—to build good roads. That is true, and I am glad to say that I did all I could to bring it about. It is money well spent and will redound in material benefits to the credit of the Empire State. But there are States which can not afford to appropriate money to build these good roads, and I am broad-minded enough, and I am liberal-spirited enough to do all in my power as a Member of the National Legislature to have the Federal Government aid the less fortunate States. In this matter of good-road building what benefits one State will benefit all the other States. This bill of mine will do this and will also avoid the constitutional objection, if such there be, to which reference was made this morning by my colleague from New York [Mr. HARRISON]. My bill will aid all the States to construct good roads, to put the unemployed men in their own States to work on these roads, and the maintenance and care of the roads will at all times be a State matter, pure and simple, thus avoiding every objection on account of doubtful constitutionality or centralization of power.

Mr. Chairman, I represent on the floor of this House a great district in the very heart of the city of New York—a great patriotic people, of whom I am justly proud—but I am farseeing enough to realize that what will help one part of our country will benefit every other section of our land, and I deprecate the narrow view of that is often expressed concerning the local character of this important question of good-road building. It is not local or sectional. It is national in all its aspects; it is for the public weal; it will promote the general welfare, and the Government should give its legislative sanction to the project and render all the aid within its power.

Good roads, sir, are the arteries of the industrial life of a great and powerful people. In a Government such as ours all sorts and conditions of men and women are more or less ab-

solutely dependent upon the best and speediest means of communication and transportation. If you say good roads will only help the farmers, I deny it. The farmers who produce the necessaries of life are less dependent than the millions and millions of people who live in our cities and towns. The most superficial investigation of this subject will clearly prove that good roads are just as important to the consumers, if not more so, than they are to the producers of the country.

The burdens of life fall hardest on the farmer. The least the Government can do for him is to help him get decent highways. I am with the farmers in this fight for good roads. I am with the rural districts of our land in their struggle for better transportation facilities, and in Congress or out of Congress I shall do all in my power to hasten the consummation they desire—the ability to go and come along decent roads without exhausting the time and the effort and the utility of man and beast. I know farm life. My boyhood days were spent on a farm doing farm work. I know the farmer's joys and sorrows—his trials and his troubles, and I know that we owe much to the farmers and producers of our country—much that we can never repay. Whatever will aid them will benefit the people in every community.

The fathers of the Republic wisely recognized the importance of this question. Washington and Jefferson advocated good roads and projected the construction of a great highway from the Capital to the Mississippi Valley. The farseeing statesmen of the early days of our national existence championed and passed measures to better the means of transportation. They knew that of all human agencies the one which has done most for humanity and civilization has been the building of good roads—the abridgment of distance in the facility of communication. They realized the necessity of good roads—how important they were to the country—to its growth and its development, and to mankind, morally, physically, intellectually, and industrially, removing national and provincial antipathies and binding together all the branches of the great human family.

The farsighted wisdom of Julius Cæsar built from the imperial exchequer the magnificent roads that led in all directions to eternal Rome. The great Napoleon—Cæsar like—built the roads of France that center in Paris from the general funds of the Government, and these French roads have done more than any other single agency to encourage the thrift and increase the industry and insure the contentment of the people of France. Cæsar and Napoleon were the great road builders of ancient and modern times, and their foresight and their judgment demonstrated the beneficent results that follow, as the night the day, the construction of governmental highways.

Sir, the people of the country know the importance of good road building. They are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers of our country will increase our wealth and our greatness and benefit all the people of the land. We can not destroy our farms without general decay and final deterioration. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our towns and labor will rebuild them, but abandon the farms and our cities will crumble away and disappear forever.

Now, Mr. Chairman, I want to say again that I take an abiding interest in this all-absorbing question for better highways throughout the land by some plan of governmental assistance. I am for the cause, and in the fight to stay. I am now, always have been, and always will be, a friend of good-road building. It means progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time and labor and money; they save wear and tear and worry and waste; they beautify the country, bring it in touch with the city, and aid the social and religious and educational and industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and greater and grander. Good roads have made the glory of the nations of the past, and good roads will add to our greater glory and make us all that we hope to be, the most beneficent power that ever blessed progressive humanity.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHEPPARD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment.

Mr. SCOTT. Mr. Chairman, I move that all debate on this paragraph and on all amendments thereto close in ten minutes.

The CHAIRMAN. The gentleman from Kansas moves that all debate upon this paragraph and the amendments thereto close in ten minutes.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 96, noes 61.

Mr. WILLIAMS. Mr. Chairman, let us have tellers on this proposition.

Mr. GAINES of Tennessee. If you keep on chopping off debate over there, we will keep this up for a year, and on this very important question, too.

The question was again taken, and the tellers [Mr. SCOTT and Mr. WILLIAMS] reported that there were—ayes 106, noes 65.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting after the word "State," in line 24, page 43, the following:

"To cooperate with the Post-Office Department in suggesting methods for maintenance and improvement of the rural road routes."

Mr. SCOTT. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. Does the gentleman from Texas desire to be heard upon the point of order?

Mr. SHEPPARD. Certainly. I introduced a similar amendment during the short session of the last Congress, and the point was raised and the Chair overruled it. I have the page of the RECORD and citation.

Mr. MANN. Well, that ought to be pretty good authority.

Mr. SHEPPARD. Shall I read it, Mr. Chairman?

The CHAIRMAN. The Chair would like to ask the chairman of the committee as to the point of order.

Mr. SCOTT. The point of order, Mr. Chairman, is, that the cooperation asked for in this amendment is not now authorized by law. If it were, I do not concede that there would be any point in the amendment. Certainly it must be a change of existing law.

Mr. SHEPPARD. Mr. Chairman, there is no law on the subject at all, and if the gentleman desired to raise that point, he ought to have raised the point of order on the whole paragraph.

Mr. SCOTT. May I ask the gentleman from Texas a question? If there is no law upon the subject now at all, does not the gentleman seem to create law?

Mr. SHEPPARD. The entire paragraph was subject to the point of order—that there was no law on the subject—and since you failed to raise the point of order against the paragraph, you can not raise the point of order against an attempt to perfect it. The amendment is something entirely germane to it.

Mr. GAINES of Tennessee. Mr. Chairman, I want to argue the point of order.

The CHAIRMAN. The Chair is prepared to rule.

Mr. GAINES of Tennessee. We will have the Constitution itself, which empowers Congress to establish post-offices and post-roads, and we have all our rural laws.

The CHAIRMAN. It seems to the Chair that this paragraph was itself subject to the point of order had the point been raised. As the point of order was not made against the paragraph, the Chair holds that this amendment is not subject to the point of order. [Applause on the Democratic side.] The Chair therefore overrules the point of order.

Mr. SHEPPARD. Mr. Chairman, I can not permit to pass unchallenged——

Mr. SCOTT. Mr. Chairman, may I suggest that the debate on this paragraph had closed?

Mr. SHEPPARD. You said in ten minutes.

The CHAIRMAN. The gentleman from Texas [Mr. SHEPPARD] is recognized for five minutes.

Mr. SHEPPARD. Mr. Chairman, I can not permit to pass unchallenged the statement of the gentleman from New York [Mr. HARRISON] that the good-roads bills introduced by the gentleman from Mississippi [Mr. WILLIAMS] and others represent a departure from Democratic ideals and traditions. John C. Calhoun, one of the most powerful logicians of all time, whose name will be forever associated with the strictest doctrines of States rights, who regarded with jealousy and opposed with vehemence every unwarranted extension of Federal power, introduced his famous bonus bill in Congress in 1817, setting aside a fund for roads and canals. In a remarkable speech in support of the bill he expressed so felicitously the function and importance of good roads in the United States that a quotation will doubtless be of interest at this stage of the present debate.

The manner—

He said—

in which facility and cheapness of intercourse add to the wealth of a nation has been so often and ably discussed by writers on political economy that I presume the House to be perfectly acquainted with the subject. It is sufficient to observe that every branch of national industry—agricultural, manufacturing, and commercial—is stimulated and rendered by it more productive. The result is to diffuse universal opulence. It gives to the interior the advantages possessed by the parts most eligibly situated for trade. It makes the country price, whether in the sale of the raw product or in the purchase of the articles for consumption, approximate to that of commercial towns. In fact, if we look into the nature of wealth we find that nothing can be more favorable to its growth than good roads and canals. Let it not be said that internal improvement may be wholly left to the enterprise of the States and of individuals. I know that much may be justly expected to be done by them, but in a country so new and so extensive as ours there is room enough for all—the General and State governments and individuals—to exert their resources.

Discussing the constitutional phase of the question, Mr. Calhoun held the power of appropriation to be independent of the enumerated powers in the Constitution and capable of application to any general or national purpose. Clay and Webster were in agreement with him. The House amended the bill so as to enable the National Government to exercise rights of eminent domain in connection with the projects involved and to have general superintendence over them. President Monroe vetoed the bill on account of the amendment, conceding that had the bill gone no further than the mere act of appropriation it would have been constitutional. The veto messages of Presidents Madison and Jackson and the veto message of President Monroe on the subject of the Cumberland road, to all of which the gentleman from New York [Mr. HARRISON] alluded in support of his startling proposition, involve practically the same distinction. The bills they vetoed went beyond the mere act of appropriation and endeavored to give the General Government active participation in the construction of certain roadways.

Mr. WILLIAMS. Or their control.

Mr. SHEPPARD. Yes; or their control. I now quote at length from the message of President Jackson, referred to by the gentleman from New York [Mr. HARRISON], in order to show that Jackson considered it settled doctrine that the right of appropriation was not limited by the specified powers of the Constitution:

Independently of the sanction given to appropriations for the Cumberland and other roads and objects under this power the Administration of Mr. Madison was characterized by an act which furnishes the strongest evidence of his opinion of its extent. A bill was passed through both Houses of Congress and presented for his approval, "setting apart and pledging certain funds for constructing roads and canals and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense." Regarding the bill as asserting a power in the Federal Government to construct roads and canals within the limits of the States in which they were made, he objected to its passage on the ground of its unconstitutionality, declaring that the assent of the respective States in the mode provided by the bill could not confer the power in question; that the only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution, and superadding to these avowals his opinion that "a restriction of the power to 'provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution." I have not been able to consider these declarations in any other point of view than as a concession that the right of appropriation is not limited by the power to carry into effect the measure for which the money is asked, as was formerly contended.

The views of Mr. Monroe upon this subject were not left to inference. During his Administration a bill was passed through both Houses of Congress conferring the jurisdiction and prescribing the mode by which the Federal Government should exercise it in the case of the Cumberland road. He returned it with objections to its passage, and in assigning them took occasion to say that in the early stages of the Government he had inclined to the construction that it had no right to expend money except in the performance of acts authorized by the other specific grants of power, according to a strict construction of them, but that on further reflection and observation his mind had undergone a change; that his opinion then was "that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local, national, not State, benefit." And this was avowed to be the governing principle through the residue of his Administration. The views of the last Administration are of such recent date as to render a particular reference to them unnecessary. It is well known that the appropriating power, to the utmost extent which had been claimed for it in relation to internal improvements, was fully recognized and exercised by it.

This brief reference to known facts will be sufficient to show the difficulty, if not impracticability, of bringing back operations of the Government to the construction of the Constitution set up in 1789, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers; for, although it is the duty of all to look to that sacred instrument instead of the statute book, to repudiate at all times encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability and defeat the objects of the Constitution itself.

The bill which President Jackson vetoed authorized the Government to become a stockholder in a road company, and the road involved was entirely within the limits of a State. Of course if the Government became a stockholder, it would acquire certain active powers of construction and control, and the bill therefore went distinctly beyond the naked act of appropriation. President Jackson suggested in this message that if the people desired the Federal Government to enter upon the actual work of constructing roads, an amendment of the Constitution would be necessary. Indeed, he favored in this same message a constitutional regulation of the mere act of appropriation with reference to roads in order to secure an equitable division of funds among the States and to confine beyond question the exercise of the function of appropriation within constitutional limits.

Eleven years before the introduction of the Calhoun bonus bill, Thomas Jefferson, the founder of the Democratic party, the father of strict construction, the most watchful guardian of popular rights and constitutional limitations in our political annals, approved a bill appropriating money from the National Treasury for the construction of a road from Cumberland to Wheeling. Jefferson's position is further shown in a letter to Lieper, in 1808, in which he said:

Give us peace until our revenues are liberated from debt. * * * and then during peace we may checker our whole country with canals, roads, etc.

And in a letter to J. W. Eppes, in 1813, in which he said:

The fondest wish of my heart ever was that the surplus portion of the taxes destined for the payment of the Revolutionary debt should, when that object is accomplished, be continued by annual or biennial reenactments and applied in times of peace to the improvement of our country by canals, roads, and useful institutions.

In a letter to Humboldt he said:

It is more remunerative, splendid, and noble to spend money in canals and roads that will build and promote social intercourse and commercial facilities than to expend it in armies and navies.

[Applause.]

The Cumberland-Wheeling road was paid for out of the proceeds of Federal land sales in the States through which it passed. Similar donations were made to Louisiana in 1811, to Indiana in 1816, to Mississippi in 1817, to Illinois in 1818, to Alabama in 1819, to Missouri in 1820, and to Iowa in 1825. Twelve or fifteen great national roads were projected in the early days, with a view to the formation of a great system.

From 1806 to 1838 over $1,600,000 was expended by the National Government for good roads in addition to the Cumberland road, $200,000 being expended in Florida, $286,000 for roads from Detroit to Chicago and elsewhere, and $206,000 for a road from Memphis to a point in Arkansas on the St. Francis River. The Federal Government appropriated funds to be used in the construction of roads long before its power to improve rivers and harbors was admitted or assumed. The situation is

the reverse to-day. The advent of the railway diverted attention from road building, and it became the general impression that railways would entirely supplant the common roads. Not until within the last two decades have we recovered from the railway fascination sufficiently to see that dirt roads are as necessary as railroads. The sum of seven millions was appropriated altogether for the maintenance of the Cumberland road. President Monroe vetoed the annual appropriation for the Cumberland road in 1822 on the ground that it went further than the mere expenditure of money and provided for the collection of tolls and the protection of the road by penal laws.

While admitting that Congress had the power to appropriate money for road building in States that had given their consent, President Monroe held that it did not have the power to collect tolls and to police the road independently of the States. Subsequent appropriations were modified accordingly. The Cumberland road was finally surrendered to the States through which it passed; all eyes were centered on the steam engine and the railway.

When we speak of the facilities of modern transportation we have a vision of the fast freight train and think but little of that other vision of the farmer struggling with heavy load and tired team along inferior roads. And yet every pound of produce in the cars must first be carried to the railway on wagon roads. The recent revival of interest in the subject of good roads has found expression in the efforts of Representatives BROWNLOW, CURRIER, WILLIAMS, UNDERWOOD, MOON, CRAWFORD, and many others.

One of the everlasting monuments to the memory of Senator Latimer, of South Carolina, is his work in behalf of good roads. Gentlemen of both parties have introduced bills in this Congress for national aid that have attracted universal attention, bills that do not go further than the mere act of appropriation and that are entirely within the constitutional limits prescribed by Monroe in his famous veto message. They provide a fund from which national donations are made on the application of the States or subdivisions thereof. The Government's authority ceases with the appropriation and the delivery of the money.

It is said that the National Treasury is already overburdened. If this be true, let unnecessary and lavish expenditures cease. The cost of one first-class battle ship would build a thousand miles of first-class macadam road, figuring the cost at $7,000 a mile, or over 3,000 miles of the best gravel roads, placing the cost at $2,000 a mile, roads which would be thronged with traffic long after the battle ship had outlived its usefulness. The sum of $100,000,000 has been appropriated for the Navy in a single year, a sum which, supplemented by a similar amount from the States, would erect nearly 29,000 miles of permanent macadam roadways, nearly one-seventh of the total railway mileage of the United States. Former Congressman Vandiver, of Missouri, has made the calculation that the forty-five States have an average of sixty-one counties each, and that an appropriation of $100,000,000 a year, with a like amount from the States, would in two years build 100 miles of good roads, putting the cost at $1,500 a mile, in every county in the Union. The Government has already expended over $500,000,000 for rivers and harbors—for water roads. It has expended $500,000,000 in a single year on account of the Philippines. It has given enormous land grants to railroads. Our Congresses are expending nearly a thousand millions every year on objects of no greater importance, and on many objects of far smaller importance, than good roads. I have mentioned these amounts for purposes of comparison; the amendment I have introduced does not appropriate an additional dollar.

While this movement for good roads will develop the general wealth to an immense degree, it will especially benefit the rural communities. The farmer contributes 60 per cent of the national appropriations, 90 per cent of which is expended in the cities. The farmer is the basis of national prosperity. The total capital employed in manufacturing in the United States, according to the census of 1900, was nearly ten billions; the total in agriculture nearly twenty billions. We boast of a favorable balance of trade. And yet, if in computing the balances with the world the products of the farm had been omitted, the balance of trade would have been against us at the rate of over fifty millions annually for the last decade and a half. If the farmer thus preserves the prestige of the country, despite the burden of miserable roads, what a mighty figure this country would present with modern methods of rural transportation!

My amendment carries no appropriation. It authorizes the Federal Office of Good Roads to cooperate with the Post-Office Department in suggesting methods for the improvement and maintenance of rural-route roads. Many rural routes have been discontinued on account of impassable roads. If the attention and energy of the Good Roads Office is concentrated particularly upon the rural-route roads, its work will be systematized and rendered far more beneficial to the people. I trust that my amendment will be adopted.

Mr. SCOTT. Mr. Chairman, there is nothing in the present law which excludes the Post-Office Department from taking advantage of all the information that is accumulated by the Office of Public Roads. Not only every citizen, but every department of the Government has that privilege. I can see no possible good, therefore, to be obtained from the passage of this amendment unless it may serve as an entering wedge for the actual construction or improvement by the Government of rural-route roads. Therefore I feel sure that the amendment will be voted down by the good sense of this House. I yield the remainder of my time to the gentleman from California [Mr. MCLACHLAN.]

Mr. MCLACHLAN of California. Mr. Chairman, on the 30th of March, when this bill was under discussion, my associate from California [Mr. SMITH] made some observations upon this bill which, in my judgment, placed the Forestry Department in a false light.

Some two years ago the city of Los Angeles, which is located in the district that I have the honor to represent, made application here for the right of way to take water from the Owens Valley, situated among the mountains about 120 miles northeast of Los Angeles, and conduct it to that city for domestic and other purposes. That right was given. During the last summer the city of Los Angeles, by a vote of 10 to 1, voted to bond itself in the amount of $23,000,000 to carry out this project.

A forest reserve, known as the Sierra National Reserve, is located along the western boundaries of Owens Valley. Subsequently the authorities of Los Angeles located a line for an aqueduct to conduct this water through and from Owens Valley to the city of Los Angeles, and in order to have that line protected and the water conserved and kept uncontaminated, requested the President of the United States to withdraw from settlement certain lands along the eastern boundary of the said reservation that would include this aqueduct and the river through that valley. An application was made in January, 1907, for the extension of this reservation to include these lands. That was acted upon by the President, who temporarily withdrew the public land along said route from settlement in February, 1907.

My colleague [Mr. SMITH], in describing this transaction on the floor the other day, contended that the Forestry Department was attempting to extend its forest reserves in this particular without justice or without cause. The gentleman from Nebraska [Mr. POLLARD] stated on the floor of this House that he had just called upon Forester Pinchot, who stated that he urged that such action be taken, at the request of the California delegation. The delegation then present in the House—Messrs. NEEDHAM, KNOWLAND, and ENGLEBRIGHT—were asked if they had made any such request, and stated that they had not been to the Department to make such a request of the Forester. It transpires now that every member of the California delegation, including both Senators, with the exception of Mr. NEEDHAM, Mr. SMITH, and Mr. KAHN, had written to the President of the United States asking that this territory in question be permanently included within said Sierra Reserve, and that the United States Forester, Mr. Pinchot, was acting in accordance with the specific request of a majority of the California delegation in Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. Mr. Chairman——

The CHAIRMAN. All debate has expired.

Mr. SMITH of California. I ask unanimous consent that I may be permitted to make a statement in addition to that made by the gentleman from Los Angeles——

Mr. WILLIAMS. Regular order!

Mr. SMITH of California. This raises somewhat a question of veracity.

The CHAIRMAN. Regular order is called for.

Mr. WILLIAMS. I called for the regular order in view of the vote taken a little while ago.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Texas.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SHEPPARD. Division!

The committee divided, and there were—ayes, 45; noes, 82.

So the amendment was rejected.

Mr. COOK of Colorado. I move to strike out the last word.

The CHAIRMAN. All debate upon this paragraph and amendments thereto is closed, and the Clerk will read.

The Clerk read as follows:

Total for Office of Public Roads, $87,390.

Mr. COOK of Colorado. I move to strike out the last word. Mr. Speaker, on page 291 of the hearings before the Committee on Agriculture, in reply to my question, Mr. Pinchot said the receipts of the Forestry Bureau for the fiscal year ending June 30, 1907, were:

For grazing fees	$863,000
For timber sales	603,000
Total	1,466,000

while the expenditure of the Forestry Bureau for the same time was $1,530,000, or $64,000 in excess of the receipts. Mr. Pinchot has stated publicly the receipts of his Bureau were slightly in excess of the receipts for the year, which does not agree with the statement made by the gentleman before the Committee on Agriculture.

Mr. Pinchot, in his statement before the Committee on Agriculture, estimated the receipts of his Bureau for the coming fiscal year at $2,000,000. This estimate is unreasonably high. As I stated to our committee, on page 292 of the hearings, there is now and has been for some months a large falling off in the consumption of lumber and mining timber, and cited that prior to the late financial trouble an average of fifty cars per day was consumed at Leadville, mostly for square sets and props in the mines, but owing to our largest silver, lead, zinc, and copper mines being closed down, owing to the low price of metals, the consumption was at present quite small.

Without the least reservation, Mr. Speaker, I say, and challenge Mr. Pinchot to deny the statement, our mines and mills in Colorado, for the reasons hereinbefore stated, are using less than 50 per cent of timber for the past four months, as compared with December, 1906, January, February, and March of 1907, and December, 1907, January, February, and March, 1908, with no immediate prospect of the price of metals advancing. Therefore the mines will remain closed. The conditions in Colorado as to silver, lead, and zinc mining are worse now than in the year 1893.

Mr. Speaker, the Members of this House have no conception of the conditions which the citizens of Colorado and the entire Rocky Mountain region have to endure under the arbitrary and dictatorial management of the Forest Bureau.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOK of Colorado. Mr. Chairman, I ask for three or four minutes more. I have not been heard much on this floor, and I ask for a few minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent for four minutes more. Is there objection?

There was no objection.

Mr. SCOTT. I move that debate close in five minutes on this question.

The motion was agreed to.

Mr. COOK of Colorado. You may be surprised, gentlemen, when I say that in the Leadville Forest Reserve the average cost of mining timber and lumber from the Forest Bureau is $5 per thousand feet. This is a most unreasonable tax upon our people.

Mr. Pinchot, claiming the right to make any price he sees fit, has recently charged as high as $2.60 per thousand feet for timber located on the main Continental Divide of the Rocky Mountains, at an elevation of 11,000 feet. In addition to this charge the buyer is required to pile the brush and construct wagon roads at his own expense, the wages of the men for this labor being $50 per month and board. You must understand, gentlemen, that to reach this timber the topography of the country could not be worse.

Another arbitrary ruling by the Forestry Bureau is that our people are required to remove this timber in one year. You can all readily understand that in that high elevation of a rough and mountainous country they require to have snow on the ground in order to move the timber. Sometimes there is not sufficient snow and at other times there is too much. Now, what we want in Colorado, in the management of the Forest Bureau, is less sentiment and more practicability, less Harvard graduates and rough riders, and some practical lumber and mill men who know something about the business from experience, and that the Forestry Bureau shall comply strictly with the law. [Applause.]

Mr. GAINES of Tennessee. Is the debate closed on this amendment?

The CHAIRMAN. It is not.

Mr. GAINES of Tennessee. Then I move to strike out the last word.

The CHAIRMAN. That amendment is now pending. The gentleman is recognized for the remainder of the time, three minutes.

Mr. GAINES of Tennessee. Mr. Chairman, the rural-delivery system was borrowed by Congress from the Old World. Neither the people nor Congress knowing whether this system would prove successful over our country roads impelled Congress to direct the Post-Office Department to experiment with the service from the very first act, March 3, 1893, appropriating $10,000 for "experimental" rural delivery, down to the act of April, 1892, which took effect the following July. Then Congress made the system permanent. Nothing was done toward even experimenting with this system from 1893 to October 1, 1896, when the first "experimental" route was inserted.

Now, gentlemen, we went along with this system, Congress growing in knowledge from year to year through the experiments of the Department, and as we grew in knowledge we increased the appropriation and extended the service through the country, until from $10,000 appropriated by the first act, March 3, 1893, with no routes until 1896, we have expanded this service and enlarged the appropriation, until a few days ago the House appropriated $35,000,000 for the rural system, having now 38,000 carriers and about 40,000 routes. Would any Member of Congress, on March 3, 1893, have appropriated that amount for the rural service? Did not the great leaders of this House protest against the increase of the appropriation reported in the postal bill in 1898 because my now lamented friend, Dr. J. William Stokes, offered an amendment increasing the appropriation to $300,000. Did not the gentleman from New York [Mr. PAYNE] then say:

Now, let us not proceed too fast in this business. Let us not break down this system by going along too rapidly. Let us move carefully and see whether we can not establish a system that shall be a staple system, and shall help effectually the extension of this service in your district and mine. * * * It seems to me that there is not the shadow of an excuse for any gentleman to ask for more than $150,000—the full amount asked for by the Department and the amount which this bill proposes to appropriate.

And now, gentlemen, I say that we should experiment, go at it in a businesslike way, with some kind of a sane system by which we can improve our rural-route roads. There are roads and roads. There are good and bad roads over which this system now extends. In my own district, as in others, routes have been discontinued because of the bad roads and the inability of the local people to make them good roads. Now, why not allow the Agricultural Department to go down amongst the people and teach and show them how to build not simply a road, but a road that will last, and that will build up and make more serviceable a rural system and add to the wealth and happiness of our people and our country?

Congress has built railroads to carry the mail, and for that purpose it has built canals and bridges to aid in carrying our mail. It has spent millions of dollars to facilitate the rapid and faithful transportation of the mail. It has subsidized railroads and steamboat lines and improved our harbors and rivers, and before we had railroads it built national roads costing $20,000 per mile for the purpose of transporting our Army and supplies and the mails, and yet, gentlemen, we are spending $35,000,000 annually for the rural-delivery system and are discontinuing routes because of bad roads. The moment a Member in this House suggests even showing or teaching the people how to build rural-route roads, Members in the very wealthy districts raise up their hands in holy horror and shout "unconstitutional," and criticise and doubt the sincerity of Members from rural sections, who want more routes and better rural-route roads, and want the Government to at least inaugurate an experimental system of some sort by which better rural-route roads can be had.

I have not worked out a plan, but it can be worked out and we should start. I have not the time to discuss this question further, but I submit for the consideration of the Members and the people several opinions on the subject of the power of Congress to build railroads, canals, and other highways for the purpose of carrying the mail of the Government of the United States and of the people. The power can not be any longer doubted.

Associate Justice Brewer, speaking for the whole court in 1906, in the case of Wilson *v.* Shaw (204 U. S. Rep.), removes all doubt on this subject in deciding that great lawsuit, where the power was squarely challenged. Justice Brewer said:

POWER OF CONGRESS.

Again, plaintiff contends that the Government has no power to engage anywhere in the work of constructing a railroad or canal. The decisions of this court are adverse to this contention. In California *v.* Pacific Railroad Company (127 U. S., 139) it was said:

"It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws. The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State, is essential to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges, it would be without authority to regulate one of the most important adjuncts of commerce. This

power in former times was exerted to a very limited extent, the Cumberland and National road being the most notable instance. Its exertion was but little called for, as commerce was then mostly conducted by water, and many of our statesmen entertained doubts as to the existence of power to establish ways of communication by land. But since, in consequence of the expansion of the country, the multiplication of its products, and the invention of railroads and locomotion by steam, land transportation has so vastly increased, a sounder consideration of the subject has prevailed and lead to the conclusion that Congress has plenary power over the whole subject. Of course the authority over the Territories of the United States, and its power to grant franchises exercisable therein, are, and ever have been, undoubted. But the wider power was very freely exercised, and much to the general satisfaction, in the creation of the vast system of railroads connecting the East with the Pacific, transversing States, as well as Territories, and employing the agency of State as well as Federal corporation." (See Pacific Railroad removal cases, 115 U. S., 1, 14, 18.)

In Luckston *v.* North River Bridge Company (153 U. S., 525, 529), Mr. Justice Gray, speaking for the court, said:

"Congress, therefore, may create appropriations as appropriate means of executing the powers of government, as, for instance, a bank for the purpose of carrying on the fiscal operations of the United States, or a railroad corporation for the purpose of promoting commerce among the States. (McCulloch *v.* Maryland, 4 Wheat., 316, 411, 422; Osborn *v.* Bank of the United States, 9 Wheat., 738, 861, 873; Pacific Railroad removal cases, 115 U. S., 1, 18; California *v.* Pacific Railroad, 127 U. S., 1, 39.) Congress has likewise the power, exercised early in the century by successive acts in the Cumberland or National road from the Potomac across the Alleghenies to the Ohio, to authorize the construction of a public highway connecting several States." (See Indiana *v.* United States, 148 U. S., 148.)

(See also Monongahela Navigation Company *v.* United States, 148 U. S., 312.)

These authorities recognize the power of Congress to construct interstate highways. *A fortiori* Congress would have like power within the Territories and outside of State lines, for there the legislative power of Congress is limited only by the provisions of the Constitution, and can not conflict with the reserved power of the States. Plaintiff, recognizing the force of these decisions, seeks to obviate it by saying that the expressions were *obiter dicta*, but plainly they were not. They announce distinctly the opinion of this court on the questions presented, and would have to be overruled if a different doctrine were now announced. Congress has acted in reliance upon these decisions in many ways, and any change would disturb a vast volume of rights supposed to be fixed; but we see no reason to doubt the conclusions expressed in those opinions, and adhere to them.

The court of appeals was right, and its decision is affirmed.

CONGRESSIONAL STATUTES.

In the case of the Illinois Central Railroad against Illinois (163 U. S., 149), decided in 1895, Mr. Justice Gray, after stating the case, delivered the opinion of the court and gives an interesting history and the reasons why Congress has from time to time aided in building railroads. He states it was for the purpose of carrying mail, and for military and for other Federal purposes. Mr. Justice Gray in part said:

The line of railroad communication, crossing the Ohio River at Cairo, and of which the Illinois Central Railroad forms part, has been established by Congress as a national highway for the accommodation of interstate commerce and of the mails of the United States, and as such has been recognized and promoted by the State of Illinois. This will clearly appear by a brief recapitulation of the acts of Congress and the statutes of Illinois upon the subject.

Congress, in the act of September 20, 1850, chapter 61, granted a right of way and sections of the public lands to the State of Illinois to aid in the construction of a railroad in that State from the southern termination of the Illinois and Michigan Canal "to a point at or near the junction of the Ohio and Mississippi rivers," with branches to Chicago and Dubuque, "to be and remain a public highway, for the use of the Government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States," and on which the United States mail should "at all times be transported, under the direction of the Post-Office Department, at such price as the Congress may by law direct," and in order "to aid in the construction of said Central Railroad" made like grants to the States of Alabama and Mississippi, respectively, for the purpose of aiding in the construction of a railroad from the city of Mobile "to a point near the mouth of the Ohio River." (9 Stats., 466.)

THE PURPOSES OF THE GOVERNMENT.

The manifest purpose of Congress was to establish a railroad in the center of the continent, connecting the waters of the Great Lakes with those of the Gulf of Mexico, for the benefit of interstate commerce as well as of the military and postal departments of the Government of the United States.

The State of Illinois by a statute of February 10, 1851, chartered the Illinois Central Railroad Company and ceded to it the rights and lands granted to the State by the act of Congress for the purpose of constructing and maintaining within the State such a trunk line and branches, describing its southern terminus as "a point at the city of Cairo," and declaring "said road and branches to be free for the use of the United States, and to be employed by the Post-Office Department, as provided in said act of Congress;" and, as if that were not sufficient, by another statute, a week later, the State expressly accepted the act of Congress and agreed to be bound by the condition expressed therein.

By the statute of Illinois of February 2, 1855, all railroad corporations of the State were empowered to make contracts with each other, and with railroad corporations of other States, for leasing, or running, or connecting their railroads; and by the statute of Illinois of February 25, 1867, railroads terminating at a point at which there was a railroad bridge on a line of continuous railroad thoroughfare were required to be connected by rail, as to make "an uninterrupted communication over such railroads and bridge as public thoroughfares."

A REPUBLICAN LAW.

By the act of June 15, 1866, chapter 124, Congress, for the declared purpose of facilitating commerce among the several States and the postal and military communications of the United States, authorized every railroad company in the United States, whose road was operated by steam, to carry over its road, bridges, and ferries, as well as passengers and freight, Government mails, troops, and supplies, from one State to another; and to connect, in any State authorizing it to do so, with roads of other States, so as to form continuous lines of transportation. (14 Stats., 66.)

By the acts of Congress of December 17, 1872, chapter 4, and February 14, 1883, chapter 44, bridges were authorized to be built across the Ohio River by any person or corporation having lawful authority therefor and with the approval of the Secretary of War; and were declared to be lawful structures and post routes for the transportation of the mails and the troops and munitions of war of the United States. (17 Stats., 398; 22 Stats., 414.)

The "national road," which, I again repeat, cost $20,000 a mile. It was built primarily for military purposes, but it was used for postal purposes and also by the people of the States. The whole history that is useful is set in the very interesting opinion of the Court of Claims in the case of Indiana against The United States, which opinion was affirmed by the Federal Supreme Court and is found in 148 United States, page 148, and I submit the opinion of the Court of Claims for the valuable history it contains on the subject of the national road, what it cost, the conditions of the many statutes appropriating money therefor, and so forth, trusting that Congress and the people at large may read it.

STATE OF INDIANA *v.* THE UNITED STATES.

[No. 16677. Decided November 9, 1891.]

On the proofs.

This case grows out of the statutory compact between the United States and Ohio, Indiana, and other States when they entered the Union, whereby the one agreed to reserve 2 per cent of the net proceeds of the public lands sold in each and apply that fund to the making of a road leading to the State in consideration of the other suspending taxation on the land sold for five years, and out of the subsequent statutes and proceedings of the United States in performing their part of the compact by the construction of the National or Cumberland Road.

I. The *Act 19th April, 1816* (3 Stat. L., p. 289), admitting Indiana to the Union, contained a compact that the United States should reserve 2 per cent of the net proceeds of the public lands within the State and apply that fund "*to the making of a road or roads leading to said State.*" This bound the defendants to expend the fund for that purpose, but not to complete and maintain a road at their own cost.

II. The *Act 3d March, 1857* (11 Stat. L., p. 200), required the Commissioner of the General Land Office to state an account between the United States and Mississippi and other States, and to "*allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at $1.25 per acre.*" This entitled each State, including Indiana, to the balance found due, but not to the whole of the 2 per cent fund irrespective of the expenditures made for a road "*leading to said State.*"

III. The *Act 2d March, 1855* (10 Stat. L., p. 630), requiring the Commissioner of the Land Office to state an account between the United States and Alabama, established no principle which when extended to the other States would compel the United States to expend or pay the 2 per cent fund a second time.

IV. The construction of the national road from Cumberland westward was in accordance with the obligation of the act 1816 to apply the 2 per cent fund to "*the making of a road or roads leading to said State*" of Indiana; and the appropriation acts directing the expenditure to be charged to the 2 per cent fund were a proper application of the fund to its intended purpose.

V. Where a statute directs a public officer to state an account and allow and pay the amount found due, his allowance is either the award of an arbitrator or the accounting of a ministerial officer. If the former, his jurisdiction is exclusive, and an action will lie only on his award; if the latter, the statute of limitations will run from the time the statutory claim accrues irrespective of the accounting.

The Reporter's statement of the case:

The following are the facts of the case as found by the court:

I. After the admission of the State of Indiana to the Union the Cumberland or National Road was completed from Cumberland to Wheeling; and under the provisions of the Acts of May 15, 1820, and March 3, 1825, there was laid out and located a continuance of the road from the right bank of the Ohio River, opposite Wheeling, through the States of Ohio, Indiana, Illinois, to the seat of government in the State of Missouri. It was graded, bridged, and made a public road and highway from the Ohio River, opposite Wheeling, Va., to its western terminus, and upon it was transported the Government mail, and it was opened to and used by the public. But this was not accomplished until after tollgates had been erected and tolls imposed by the States of Ohio and Virginia pursuant to the Acts 2d March, 1831, and 2d March, 1833.

II. In 1872 the Commissioner of the General Land Office stated the account annexed to and forming part of these findings, and the amount of $6,380.85 by him allowed to the State of Indiana has been paid to the claimant, though the claimant did not accept it as a final settlement of the demands. But it does not appear, either from the said account or from the evidence in the case, what part of the expenditures upon the National road was properly chargeable "to making a road to the said State," nor does it appear what proportion of such expenditures for making a road to the said State of Indiana was properly chargeable to the States of Ohio, Illinois, and Missouri.

III. The account referred to in the preceding finding was allowed and certified by the Comptroller of the Treasury, but the questions now involved in this suit were reserved by the Comptroller for future consideration, as appears by the certificates attached to said account, hereinafter set forth. In 1873 the Secretary of the Treasury made an order that the account be reëxamined, which is likewise annexed to these findings; and on the 17th October, 1889, the claimant, by the governor of the State, made a formal demand upon the Commissioner of the General Land Office to state an account between the United States and the State of Indiana in accordance with the Act 3d March, 1857. No further account than that above referred to has been stated by the Commissioner of the Land Office.

IV. The following are the account, certificates of the Comptroller and order of the Secretary of the Treasury referred to in the preceding findings:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
December 4, 1872.

SIR: Pursuant to the requirement of 2d sec. of the act of Congress approved 3rd March, 1857, entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, I have examined an ac. between the United States and the State of Indiana for the five per cent accruing under act of 19th April, 1816, upon the net proceeds of the sales of the public lands to 31st December, 1871, and under act of 3rd March, 1857, upon the cash value of lands within her limits embraced by permanent Indian reservations, and find that there is due to said State as follows, viz:

Amount of balance due her 31st December, 1856, per report No. 13457, on ac. of 3 per cent fund, as per certificate of the Register of the Treasury dated 1st July, 1872	$47.12	
Amount of 2 per cent on $20,678,430.71, the net proceeds of the sales of the public lands from the 1st December, 1816, to 31st December, 1856, inclusive, as shown by the several adjustments of the 3 per cent ac. specified in statement A, hereto annexed	413,568.61	
[NOTE.—In consequence of the expenses incident to the sale of the public lands in Indiana from the 1st January, 1816, to the 31st December, 1856, inclusive, having been in excess of the gross receipts, nothing has accrued to the State during that period, as shown by statement C.]		
Amount of 5 per centum on $126,674.52, the cash value of 101,399.62 acres, at $1.25 per acre, of lands, situated within the limits of Indiana embraced by *permanent* Indian reservations, as per statement B	6,333.73	
		419,949.46

As will appear from the certificates of the Register of the Treasury and statement hereto annexed. By reference to the third article of the sixth section of the Act of 19 April, 1816 (3 Stat. L., p. 289, ch. 57) it will be seen that two-fifths of the 5 per cent accruing upon sales of the public lands in Indiana were to be reserved and applied, under the direction of Congress, to the making of a road or roads leading to said State; and by statement D, hereto annexed, it will be seen that the pro rata of the sums from time appropriated for the construction of the Cumberland Road, which by law were to be replaced in the Treasury out of the 5 per cent accruing in Ohio, Indiana, Illinois, and Missouri, would more than absorb the entire amount of the 2 per cent which has accrued upon the sales of lands in Indiana. Hence, in the absence of special legislation authorizing the 2 per cent to be paid over, there would appear to be at *present* nothing payable to Indiana except $47.12, the balance due her the 31st December, 1856, on the 3 per cent account, and $6,333.73, being the 5 per cent on $126,674.52, the cash value, at $1.25 per acre, of 101,339.62 acres of land within the limits of the State embraced by permanent Indian reservations, which, pursuant to the ruling of the Comptroller in the case of the account for Illinois, the former is entitled to under act of 3d March, 1857. In consequence of the expenses incident to the sales of the public lands from 1st January, 1857, to 31st December, 1871, inclusive, being in excess of the receipts, nothing accrued to Indiana during that period.

WILLIS DRUMMOND,
Commissioner.

Hon. R. W. TAYLER,
First Comptroller, U. S. Treasury.

EXHIBIT D.

Statement exhibiting the dates of certain acts of Congress making appropriations for the construction of the Cumberland Road.

Class No. 1.—By the terms of the acts making the appropriations embraced in this class the sums thereby appropriated are to be replaced in the Treasury out of the fund, two per cent, reserved for laying out and making roads to the States of Ohio, Indiana, and Illinois, by virtue of the acts admitting said States into the Union, viz:

First section, act 14th April, 1818, U. S. Stat., V. 3, page 426	$52,984.60	
Second section, act 14th April, 1818, U. S. Stat., V. 3, page 426	260,000.00	
		$312,984.60
Second section, act 3 March, 1819, U. S. Stat., V. 3, page 500	250,000.00	
Second section, act 3 March, 1819, U. S. Stat., V. 3, page 500	285,000.00	
		535,000.00
Second section, act 2 March, 1831, U. S. Stat., V. 4, page 469	100,000.00	
Second section, act 2 March, 1831, U. S. Stat., V. 4, page 470	950.00	
Second section, act 2 March, 1831, U. S. Stat., V. 4, page 470	2,700.00	
Second section, act 2 March, 1831, U. S. Stat., V. 4, page 470	265.85	
Second section, act 2 March, 1831, U. S. Stat., V. 4, page 470	75,000.00	
Second section, act 2 March, 1831, U. S. Stat., V. 4, page 470	66,000.00	
		244,915.85
Second section, act 3 March, 1832, U. S. Stat., V. 4, page 457	100,000.00	
Second section, act 3 March, 1832, U. S. Stat., V. 4, page 457	100,000.00	
Second section, act 3 March, 1832, U. S. Stat., V. 4, page 457	70,000.00	
		270,000.00
First section, act 24 June, 1834, U. S. Stat., V. 4, page 680	200,000.00	
First section, act 24 June, 1834, U. S. Stat., V. 4, page 680	150,000.00	
First section, act 24 June, 1834, U. S. Stat., V. 4, page 680	100,000.00	
		450,000.00
First section, act 3 March, 1835, U. S. Stat., V. 4, page 772	200,000.00	
First section, act 3 March, 1835, U. S. Stat., V. 4, page 772	100,000.00	
		300,000.00
First section, act 3 March, 1837, U. S. Stat., V. 4, page 195	$190,000.00	
	100,000.00	
	100,000.00	
		$390,000.00
		2,502,900.45

Class No. 2.—By the terms of the acts making the appropriations embraced in this class the sums thereby appropriated were to be replaced in the Treasury out of the fund, two per cent, reserved for laying out and making roads under direction of Congress, to the States of Ohio, Indiana, Illinois, and Missouri, pursuant to the acts admitting the said States into the Union, viz:

First section, act 3d March, 1825, U. S. Stat., V. 4, page 128		$150,000.00
First section, act 25 March, 1826, U. S. Stat., V. 4, page 151		110,000.00
First section, act 2 March, 1827, U. S. Stat., V. 4, page 215		170,000.00
First section, act 19 March, 1828, U. S., Stat., V. 4, page 275		175,000.00
First section, act 2 March, 1829, U. S. Stat., V. 4, page 351		100,000.00
First section, act 2 March, 1829, U. S. Stat., V. 4, page 351, &c		50,000.00
Second section, act 31 May, 1830, U. S. Stat., V. 4, page 427	$100,000.00	
Second section, act 31 May, 1830, U. S. Stat., V. 4, page 427	60,000.00	
Second section, act 31 May, 1830, U. S. Stat., V. 4, page 427	40,000.00	
		200,000.00
First section, act 2 July, 1836, U. S. Stat., V. 5, page 71	200,000.00	
First section, act 2 July, 1836, U. S. Stat., V. 5, page 71	250,000.00	
First section, act 2 July, 1836, U. S. Stat., V. 5, page 71	150,000.00	
		600,000.00
		1,555,000.00

TREASURY DEPARTMENT,
Comptroller's Office.

I admit and certify the above balance of $6,380.85 this 25th day of January, 1873. Payable to Thomas A. Hendricks, governor of the State, at Indianapolis, Indiana, $47.12 from the 3 per cent fund, and the residue, $6,333.73, from the 5 per cent fund.

WM. HEMPHILL JONES,
Acting Comptroller.

JOHN ALLISON, Esq.,
Register, etc.

FIRST COMPTROLLER'S OFFICE,
February 12th, 1873.

Under the re-reference of this report by the Secretary of the Treasury, and in accordance with his request indorsed on these papers, the preceding certificate of the Acting Comptroller is hereby set aside and vacated, and the account will be held for further consideration as if such certificate had not been made.

R. W. TAYLER,
Comptroller.

JOHN ALLISON, Esq.,
Register of the Treasury.

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE,
5th Feby., 1874.

On further consideration I now re-affirm the decision and certificate of the Acting Comptroller, dated 25 January, 1873, as to the sum of $6,380.85, which is to be paid as therein stated; *but all questions as to the further claim made by the State are reserved for future consideration.* The sum certified to be paid to the Hon. Thos. A. Hendricks, Governor of Indiana, at Indianapolis.

R. W. TAYLER,
Comptroller.

TREASURY DEPARTMENT,
February 10, 1873.

SIR: In pursuance of the authority given to the Secretary of the Treasury by the proviso to the act of March 30, 1868 (15 Statutes, page 54), I have to request that the account stated between the United States and the State of Indiana by report No. 23447 of the General Land Office, certified by the Acting Comptroller, January 25, 1873, be re-examined by the Comptroller, and such action taken thereon as he may now deem proper. This request is made because, as I am informed, the statement of the account in said report and the certificate of the same conflicts with a former decision of the Comptroller, to which he adheres. The questions presented, as I learn, are pending in Congress, and I deem it proper to await legislative action before a final disposition be made of the claims of the State.

GEO. S. BOUTWELL,
Secretary.

(J. A. S.)
R. W. TAYLER, Esq.,
First Comptroller.

Mr. William E. Earle (with whom were *Messrs. L. T. Michener and William B. Hord*) for the claimant:

After reviewing the history of the legislation in relation to the provisions as to the public lands in Ohio, and then in Indiana, in connection with the history of similar provisions in the States of Alabama and Mississippi, Mr. Earle called attention to the fact that whilst the building of the Cumberland Road or National Turnpike was incidentally connected with this case, it was an incident merely. The long delay in the construction of that enterprise and the fact that in various ways it became involved in party politics had so delayed the work, that the general introduction of steam and the building of railroads

superseded the importance and desirability of completing it. The compact with Ohio was to build a road through the State of Ohio and to the Indiana line, connecting with the navigable waters flowing into the Atlantic Ocean. The compact with Indiana was practically to the same purpose, as it was to build a road to Indiana connecting with the same waters in the east. So that it was practically two compacts on the part of the United States with these separate States to do one and the same thing. The money expended in building the road in Indiana, whatever it might have been, was not in anywise a fulfillment of any part of the compact with Indiana, but that was done under subsequent compacts with the States of Illinois and Missouri. Instead of completing the road to Indiana in accordance with the compact, the United States had turned over to Maryland, Virginia, and Pennsylvania, within which by far the largest amount of money had been expended and which States had contributed nothing towards the expense of construction, the portions of the road in them respectively, with the privilege of collecting tolls thereon. Subsequently all work upon the road and all purpose of completing it were entirely abandoned, and thus of carrying out the obligation.

In consequence of this changed condition of affairs, the United States having reserved 2 per cent out of the 5 per cent to which Indiana by common consent, with all new States of that time, were entitled out of the public lands sold within their borders, there was a solemn obligation resting upon Congress, which it fully recognized, to do something towards making this good to the State of Indiana, especially as, in consideration of this 2 per cent reserved to be expended on the "National Road," the United States had in the compact secured an exemption from any taxation of all public lands sold in the State of Indiana for five years after their sale, and the lands of the United States had thus been brought into greater demand and were more marketable.

Under the compacts by which Alabama and Mississippi were admitted there were similar provisions for the construction of public roads leading to these States as to the new States of Ohio and Indiana, and that by the sixteenth and seventeenth sections of the act of 1841 Congress had remitted to these States the 2 per cent reserved from them, and authorized them to expend it upon railroads leading to said States without requiring them to account to the Secretary of the Treasury for the manner of expending it, which under the decision of the Supreme Court is equivalent to an absolute release of the fund. Fourteen years thereafter, to wit, in 1855, Congress passed an act requiring the Commissioner of the General Land Office to state an account with Alabama, and pay over to it such sums as should be due on account of this 2 per cent fund. And sixteen years after the passage of the act of 1841, to wit, in 1857, Congress passed an act requiring the Commissioner of the General Land Office to state an account with the State of Mississippi "upon the same principles," and to include all Indian reservations therein, rating them at $1.25 per acre. In the second section of this act there was an express condition that he should also state a similar account with all other States in similar condition upon the same principles.

There were no other States at the time of the passage of this act of 1857 to which this second section could apply except the States of Ohio, Indiana, Illinois, and Missouri, and necessarily they were the "other States" referred to in the language of the act requiring the Commissioner of the General Land Office to state "an account between the United States and each of the other States upon the same principles." This act therefore, as is expressly shown by the petition filed in the case, is the basis of this action. By a well-settled rule of construction the sixteenth and seventeenth sections of the act of 1841 and the act of 1855, as well as the first section of the act of 1857, are to be read and construed *in pari materia* with the second section of the act of 1857, and become incorporated into it as part of the law applicable to the State of Indiana.

The right of the petitioner became vested upon the passage of the act of 1857, and this right essentially involved a trust on the part of the United States; because when one party, whether an individual, a corporation, or government, is bound to do a particular thing for the interest of another the law raises a trust; or where the transactions between the parties are such that a legal duty is devolved upon one for the benefit of another the law implies a trust. The United States had sold these lands in Indiana and had the records of those sales, and its officers alone knew how much had been sold, how much had been realized therefrom, and how much the expenses of the sales had been (for it was 2 per cent upon the net proceeds), and it alone had the whole data and machinery in its own possession and control by which the account could be stated, and by the act of Congress this duty was devolved upon one of the United States' own officials.

Being a trust fund, it is unaffected by the statute of limitations until the trust is repudiated. It is not competent and is not within the power of any save the Congress of the United States, representing its political power, to repudiate a trust which it by legislation has created. (*State of Louisiana* v. *United States*, 123 U. S. R., 37; *United States* v. *Taylor*, 104 U. S. R., 222.)

No laches can be imputed to Indiana. She has continuously and persistently urged the execution of this trust. The action of said commissioner on December 4, 1872, rejecting this claim was vacated and set aside by the First Comptroller of the Treasury on February 12, 1873, under an order of reference to him by the Secretary of the Treasury dated February 10, 1873. The matter was under advisement in the Department until February 5, 1874, when the First Comptroller of the Treasury reaffirmed the decision and certificate of the Acting Comptroller dated January 25, 1873, as to one claim embraced therein which was ordered to be paid as therein stated. But the questions as to this particular claim for the 2 per cent fund "made by the State are reserved for future consideration," and the questions involved in the trust now being prosecuted were held under consideration by the agents and officers of the trustee from that date until, on specific application and demand made by the governor and State officers of Indiana, on October 3, 1889, it was refused by the Commissioner of the General Land Office. This refusal put the statute in motion, and until that date it was dormant.

Mr. W. J. Rannells (with whom was *Mr. Assistant Attorney-General Cotton*) for the defendants.

I. The petition of the claimant does not state a cause of action. The following facts and propositions are deducible from it:

First. That the 2 per cent fund was reserved to the control of Congress, was interstate in character, and could be applied anywhere toward the construction of a road or roads which Congress would direct that led to or toward Indiana.

Second. The control of this fund was absolute in Congress and remained with it forever until voluntarily relinquished by it, and this it has not done.

Third. That an analysis of the acts of 1816 and 1841 in connection with those of 1855 and 1857 will show (*a*) that Congress only intended to relinquish its control of the 2 per cent fund so far as the States of Alabama and Mississippi were concerned; (*b*) that said fund was to be handed over to the control of those States upon the performance of certain specified conditions; (*c*) that the original end sought to be accomplished by the use of said fund was rigidly held in view by Congress in specifying the purposes for which said fund was to be used.

Fourth. That even on the theory that the conduct of Congress was such in its management of the fund for the benefit of Indiana that that State has a right to assert a claim against the defendant as such trustee, yet to sustain an action for said fund there should be an allegation in the petition that Indiana had expended a sum equal to the sum prayed for on a road or highway leading to or toward said State of an interstate character, or at least had a clearly projected plan for such road which would require the expenditure of a sum equal to or greater than the amount claimed. This fund was stamped with an inflexible purpose. The defendant, without legislative permission, was powerless to divert it. Can this court by its judgment divert it? If a judgment as prayed for is given, the logical effect is to do so. The benefit to be derived from this fund was primarily to the United States and but to incidentally benefit the claimant.

Fifth. There is no sufficient allegation of a breach of the alleged contract set out in claimant's petition. The claimant, after having admitted that the Cumberland Road was projected through the State of Indiana, and that the work had been begun thereon, and consequently money expended thereon, it fails to allege that said fund was not duly expended by the defendant.

II. The compact between the defendant and claimant did not create the relation of trustee and *cestui que trust*, because the fund to be expended by Congress was one in which the claimant was not solely interested, but was only interested in common with the other States from which the road came upon which the expenditures were to be made. Maryland, Pennsylvania, and Virginia were equally interested. The 2 per cent fund was reserved for their benefit, and as much belonged to them as it did to the claimant.

2. If the relation of trustee and *cestui que trust* subsists between the defendant and claimants, it is one implied from the language of the acts enabling them to enter the Union, and if it is true the defendant has failed to expend the 2 per cent fund according to the terms of said compact, and that therefore the claimants, and each of them, became entitled upon such failure to the money accruing from said fund, the action of each of the claimants nevertheless is barred by the statute of limitations, the right of action in each case having accrued more than six years prior to the commencement of the same in this court. (Rev. Stat., 1069.)

(See reports from the Department of the Interior and from the Treasury Department.)

All trusts arising by operation of law, whether implied, resulting, or constructive, are subject to the statute. (Rev. Stat., sec. 1069; Perry on Trusts, sec. 865; *Wilmerding* v. *Recss*, 33 Conn., 77; *Haynie* v. *Hall*, 5 Hump., 290.)

3. If the trust created by the compact between claimant and defendant is an express trust, is it withdrawn from the operation of the statute of limitations?

All express trusts are not subject to that rule. First. It will be contended that this rule only obtains in those classed as *technical* and *continuing* trusts which *alone* are *cognizable in equity*, and that claimants' cases can not be classed as either a technical or continuing trust. The claimant brings his action at law.

(Wood on Limitations, 414, and note citing numerous authorities: *Van Rhyn* v. *Vincent*, 1 McCal. Ch., 310; *Kane* v. *Bloodgood*, 7 Johns. Ch. 89, 109).

4. But the doctrine that the statute of limitations will never bar an express trust in equity is subject to exceptions, and the authorities subjoined are relied upon and are conclusive as the facts present themselves in these cases.

The reports from the Interior and Treasury Departments evidence a condition of affairs absolutely incompatible with the idea that defendant was claiming to hold the 2 per cent fund as and for the claimant State. They show the defendant was for twenty years before the commencement of this action claiming every dollar of that fund as its own, to reimburse it for expenditures as it claimed were lawfully made on behalf of the claimant States.

Sollee v. *Croft* (7 Rich. S. C. Ch. Repts., 34) cited and made a part of the text in Tiffany and Bullard on trusts, 716; *The United States* v. *Taylor* (104 U. S. R.); a very important case: *Kane* v. *Bloodgood* (7 Johns. Ch. 90); *Oliver* v. *Platt* (3 How., 335); *Railroad* v. *Robinson* (35 O. S., 483); *Bacon* v. *Rives* (106 U. S. R., 99); *Baker* v. *Whiting* (3 Sum., 486); *Angell on Limitations*, sec. 174; *Davis* v. *Coburn* (123 Miss., 377); *Spiedel* v. *Henrico* (120 U. S. R., 377); *Farnam* v. *Brooks* (1 Pick., 242). The court say in this case: "The statute of limitations therefore operates with us *ex vigore suo* in equity as well as at law, and not by the discretion of the court." (49 Iowa, 251.)

5. If the construction of the act of March 3, 1857, is as claimed by the claimants, they, from the moment of the approval of that act, became entitled to demand and receive payment of the 2 per cent fund. The trust was practically brought to a close by this act. Congress ceased to have further control of it. It became a money demand on the Treasury of the United States, and if the Commissioner of the Land Office did not within a reasonable time make the statement of account required by that act, they could at least, after the organization of this court in 1863, have brought their action here to recover, without waiting longer on the Commissioner. Their failure to do so was their own fault, for which no excuse in the way of disability has been or can be urged.

But if action upon the part of the Commissioner of the Land Office was necessary before the claimant's rights would accrue to said fund, then this was had almost 20 years prior to the beginning of this suit. (*Taylor's Case*, 104 U. S. R., 216.)

III.—1. The scope of the obligation assumed by the defendant with regard to the 2 per cent fund was that Congress should apply it toward the construction of a public road to or into the State of Indiana, and that by the word "road," as used in the third clause of the sixth section of the Indiana enabling act, meant nothing more than a general public road or passageway through the country for the use of the people. That the National Road, known as the Cumberland Road, was not only duly surveyed, laid out, and located continuously from Cumberland, Md., to and through that State, but the same was graded and bridged throughout said State, and used as a public highway to, into, through, and beyond the western boundary for the transportation of mails and for the use of the public for all purposes. That $700,000

more than the amount realized from the net proceeds of the sales of public lands of Indiana were applied by Congress to the construction of said road after it had been constructed to its eastern boundary.

The reports from the Interior Department and vol. 1 Roads and Canals, pp. 671, 672, 838, 848 abundantly show these facts:

2. The construction of the acts of March 2, 1855, and March 3, 1857, as claimed by the plaintiff, would have the effect to repeal by implication the third clause of section 6 of the act admitting Indiana into the Union and all of the numerous statutes which provided for the reimbursement of appropriations made for the construction of the Cumberland Road from the 2 per cent fund. To warrant such a construction it must inevitably follow from the language of those acts and be incapable of any other. There are others far more satisfactory. The most natural one is, that a new basis of accounting was given by those acts to the States of Alabama and Mississippi, which by sections 16 and 17 of the act of September 4, 1841, has previously been given the whole of the 2 per cent fund derived from the sales of lands of these States respectively, and that was, that the Indian reservation should be accounted as land sales at the rate of $1.25 per acre.

"Upon the same principles," if it had any meaning, simply meant that all the other States should be placed upon the same footing by accounting for all Indian reservations within the boundary of each of them in the same way. But there is another very satisfactory construction to be given those acts. By the terms of the act of March 5, 1857, the Commissioner of the General Land Office was required to state an account for the purpose of ascertaining what sum of money *was due Mississippi*. In stating that *account* it would be expected that all moneys paid on account of the 2 per cent fund or any expenditures to be charged to that fund made by the United States should appear upon the debit side against that State, and that at the end of the account would appear the balance, if any, due said State for it will be remembered that sixteen years had elapsed since the act of 1841 giving to it the disposal of said fund. The second section of the act of 1857 simply gave to each of the other States a like accounting, the only object of which was to ascertain and pay over the sum found due the State. To find the sum due, it therefore became absolutely necessary to charge the State with all expenditures on behalf of said fund, and that the unrepealed scores of statutes which directed a reimbursement from the fund were never intended to be disturbed by this act.

A careful perusal of the act of 1841 ought to set at rest all doubt about this being the true exposition of the act of 1857. Its policy, which was to parcel out the net proceeds of the public lands among all the States with due regard to equality; the handing over to the States of Alabama and Mississippi the 2 per cent fund to be applied to purposes of a kindred character with that originally intended; and the careful direction that the disbursements made upon the Cumberland Road should remain chargeable upon the 2 per cent fund provided by the compacts with the several States make plain the obscure language of the second section of the act of 1857.

The Attorney-General of Illinois, Mr. George Hunt, and *Mr. Robert A. Howard* were heard in the similar case of the State of Illinois while the present case was under advisement; and a written argument was also filed by the *Attorney-General of Ohio, Mr. David K. Watson.*

NOTT, J., delivered the opinion of the court:

This is an action brought by the State of Indiana to recover certain proceeds of the public lands pledged and set apart for its benefit, as is alleged, by the organic act for its admission to the Union. The facts are chiefly facts of which the court can take judicial notice, excepting the amounts of certain receipts, payments, and expenditures, and those amounts are practically undisputed, being shown by the accounts of the Land Office and Treasury Department. The questions in the case, therefore, are substantially questions of law, and they will be better understood by segregating them within certain chronological periods.

1. The first period extends from the admission of Ohio in 1802 to the admission of Indiana in 1816.

The *Act 30th April, 1802* (2 Stat. L., p. 173, § 7), to enable the people of Ohio to form a constitution and State government and for the admission of such State into the Union, contained the following provision:

"That the following propositions be, and the same are hereby offered to the convention of the eastern State of the said territory, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States. * * * Third. That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress, from and after the thirtieth day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making *public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same*, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass: *Provided always*, That the three foregoing propositions herein offered, are on the conditions that the convention of the said State shall provide by an ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by Congress, from and after the thirtieth day of June next, shall be and remain exempt from any tax laid by order or under authority of the State, whether for State, county, township or any other purpose whatever, for the term of five years from and after the day of sale (section 7)."

This proposition was accepted by the convention of Ohio, and the State entered the Union, having thus given and received the prescribed pledge. The next year this "one-twentieth part," or five per cent, of the net proceeds of lands which might be sold within the State was divided; three per cent of the proceeds was to be paid directly to the State, to be, however, applied to the laying out, opening, and making of roads within its borders (*Act 2d March, 1803*, 2 Stat. L., p. 225). From that time on the "one-twentieth part" of the proceeds remained thus divided, and these two divisions of it have been familiarly known as the "3 per cent fund" and the "2 per cent fund;" the former being disbursed by the State, the latter remaining in the custody and under the control of the General Government.

In 1806 Congress passed an act for the building of the National Road from Cumberland to the Ohio through the States of Maryland, Pennsylvania, and Virginia (*Act 29th March, 1806*, 2 Stat. L., 357). Thirty thousand dollars was appropriated, to be paid out of the 2 per cent fund, or, if that was not sufficient, out of any money in the Treasury not otherwise appropriated. But to the latter alternative was attached the condition that money paid out of the public funds should be reimbursed out of the 2 per cent fund as it might accrue. At the time of this $30,000 appropriation there was in the Treasury to the credit of the 2 per cent fund $12,652.

In 1808 the construction of the road was begun, and between that time and the admission of the State of Indiana there was appropriated for that purpose, including the $30,000 previously appropriated, $710,000, as shown by the following table:

Act of March 24, 1806 (vol. II, Stat. L.)	$30,000
Act of February 14, 1810 (vol. II, Stat. L., p. 555)	60,000
Act of March 3, 1811 (vol. II, Stat. L., p. 661)	50,000
Act of May 6, 1812 (vol. II, Stat. L., p. 730)	30,000
Act of March 3, 1813 (vol. II, Stat. L., p. 829)	140,000
Act of February 14, 1815 (vol. III, Stat. L., p. 206)	100,000
Act of April 16, 1816 (vol. III, Stat. L., p. 282)	300,000
Total	710,000

All of these appropriations were for the building of a road to the State of Ohio, and every act provided in substance that money paid out of the public funds should be reimbursed from the 2 per cent fund.

At the time the expenditures upon the National Road were largely in excess of the moneys credited to the 2 per cent fund, which in 1825 amounted to only $200,000. Such was the condition of affairs when Congress passed the act for the admission of Indiana to the Union.

2. The second period extends from the admission of Indiana, in 1816, to the abandonment of the National Road in 1835.

The act for the admission of Indiana to the Union, the *Act 19th April, 1816* (3 Stat. L., p. 289), like the Ohio act, proffers to the State the one-twentieth part of the proceeds of the public lands, and upon the same condition, that lands sold by the United States should be exempt from State taxation for a period of five years. The proposition differs from that of the Ohio acts, 1802, 1803, in only one particular, that it does not refer to "navigable waters emptying into the Atlantic" as the eastern terminus of the road, but simply declares that two-fifths of the one-twentieth part, that is to say, the 2 per cent fund, "*shall be reserved*" and applied "*to the making of a road or roads leading to said State under the direction of Congress.*" The language of the act is as follows:

"Third. That 5 per cent of the net proceeds of the lands lying within said Territory, which shall be sold by Congress from and after the 1st day of December next, after deducting all expenses incident to the same, shall be reserved for the making of public roads and canals, of which three-fifths shall be applied to *those objects within the said State*, under the direction of the legislature thereof and two-fifths to the making of a road or roads leading to said State, under the direction of Congress.

"Fourth. That one entire township which shall be designated by the President of the United States, in addition to the one heretofore reserved * * * for the use of a seminary of learning, * * * to be appropriated solely to the use of such seminary by the said legislature.

"Fifth. That four sections of land be * * * granted to the said State, for the purpose of fixing their seat of government thereon, which four sections shall * * * be located at any time, in such township and range, as the legislature aforesaid may select.

"That the five foregoing provisions, herein offered, are on conditions that the convention of said State shall provide by ordinance irrevocable, without the consent of the United States, that every and each tract of land sold by the United States, from and after the 1st day of December next, shall be and remain exempt from any tax, laid by order or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale."

Subsequent to the admission of Indiana the States of Illinois, Missouri, Alabama, and Mississippi came into the Union, and each State entered into an agreement with regard to the public lands that might be sold within its territory which was identical in terms with the foregoing statute so far as it relates to the two per cent fund; and indeed the only variation in the disposition of the "one-twentieth part" of the proceeds of the public lands was that in the State of Illinois the three per cent fund was to be applied to the encouragement of learning within the State instead of to the making of roads. In 1818 Congress appropriated money for completing the National Road between Cumberland and Wheeling (*Act 14th April, 1818*, 3 Stat. L., p. 426), and in 1820 began a series of enactments and appropriations for the construction of the road from the Ohio to the Mississippi through the States of Ohio, Indiana, and Illinois (*Act 15th May, 1820*, 3 Stat. L., 604). These acts are thus analyzed by the counsel for the State of Illinois, Mr. Howard, in another case:

"After the admission of Missouri the appropriations are limited and restricted in different and curious manners. Commencing with the act of March 3, 1825, and going on regularly, March 25, 1826, March 2, 1827, March 19, 1828, March 2, 1829 (two acts), and May 31, 1830, the provisions are that the moneys shall be replaced out of the two per cent funds of *Ohio, Indiana, Illinois*, and *Missouri*. Then follows a series of acts, viz, March 2, 1831, March 3, 1832, June 24, 1834, March 3, 1835, in which the moneys are to be replaced out of the reserved funds of *Ohio, Indiana*, and *Illinois*, not mentioning Missouri. Then on July 2, 1836, the moneys were to be replaced out of the reserved funds of the four States, including Missouri again. Then come the last acts, March 3, 1837, and May 25, 1838, which provide that the several sums appropriated should be replaced by the States, respectively, out of the fund reserved for each. We have thus five kinds of appropriations—first, generally out of moneys in the Treasury not otherwise appropriated; second, charged to the State of Ohio fund; third, charged to the fund of the States of Ohio, Indiana, and Illinois; fourth, charged to the fund of Ohio, Indiana, Illinois, and Missouri; fifth, charged to the fund of the State in which work was done. Some of these come within the terms of the original compacts; some do not."

In 1822 the road had been finished from Cumberland to Wheeling, 132 miles, at a cost of nearly $20,000 a mile, and was in process of construction through the State of Ohio. Congress were then face to face with the fact that a great highway, covered by endless wagon trains, which passed over it ceaselessly day and night, required superintendence, repairs, and constant expenditures. The public at large were unwilling to maintain at what was then deemed great expense a free road for the benefit of a few States. The remedy of the time was to impose tolls upon the traffic of a road. Accordingly a bill passed both Houses for the erection of tollgates and the imposition of tolls, but it was vetoed by President Monroe, because he doubted the constitutional power of Congress to impose tolls within the territory of a State.

The action of the President left the Government and people of the United States in the unpleasant position of owning a road (with the consent of the several States through which it ran) upon which they could constitutionally expend money to any amount, but from which they could not constitutionally derive anything. Notwithstanding this constitutional light upon the subject, the people at large were not willing to continue the policy of expenditure, and a policy of abandonment necessarily set in.

That policy gradually took form and effect in the provisions of numerous statutes, the general purpose of which was that the Government should complete the National Road from the Ohio to the capital of Missouri, but that as fast as completed it should be surrendered to the States through which it ran. The following are the statutes referred to:

Act of March 2, 1829 (Vol. IV, Stat. L., pp. 351, 352).
Act of March 3, 1829 (Vol. IV, Stat. L., pp. 363, 364).
Act of May 31, 1830 (Vol. IV, Stat. L., pp. 427, 428).
Act of March 2, 1831 (Vol. IV, Stat. L., p. 469).
Act of March 2, 1831 (Vol. IV, Stat. L., pp. 483, 486).
Act of March 2, 1833 (Vol. IV, Stat. L., p. 665).
Act of June 24, 1835 (Vol. IV., Stat. L., pp. 680, 681).
Act of March 3, 1835 (Vol. IV, Stat. L., p. 772).
Act amendatory (Vol. IV, Stat. L., p. 772).
Act of July 2, 1836 (Vol. V, Stat. L., pp. 71, 72).
Act of March 3, 1837 (Vol. V, Stat. L., pp. 195, 196).
Act of May 25, 1838 (Vol. V, Stat. L., p. 228).
Act of September 4, 1841 (Vol. V, Stat. L., p. 457).
Act of August 11, 1848 (Vol. IX, Stat. L., p. 283).
Act of January 29, 1853 (Vol. X, Stat. L., p. 152).
Act of May 9, 1856 (Vol. XI, Stat. L., p. 7).

But so far as the present cause of action is involved, which relates to the supposed obligation of the Government to build a road "leading to said State" of Indiana, it is sufficient to say that before such a road was completed Congress, by the *Act 2d March, 1831* (4 Stat. L., pp. 483, 486), authorized the State of Ohio to assume control of a portion of it and to erect tollgates thereon, and by the *Act 2d March, 1833* (ib., p. 655), granted similar powers to the State of Virginia; that, on the completion of the road in the States of Maryland, Pennsylvania, and Virginia, Congress surrendered it to those States by the *Act 24th June, 1834* (ib., p. 680); and that by the *Act 3d March, 1835* (ib., p. 772), appropriations were provided for the completion of the road in the States of Ohio, Indiana, and Illinois, and for repairs on the road east of the Ohio, but the act forbade that the money so appropriated for repairs should be expended until the road east of the Ohio had been surrendered to and accepted by the States through which it passes.

Finally, it is to be said that the appropriations continued after the recessions to the different States until the road was completed across the State of Ohio and to the State of Indiana; that it was not equal in construction or quality to the road east of the Ohio, but nevertheless had been graded, bridged, and made a public highway; and that its cost exceeded all of the moneys which the Government has received from the 2 per cent funds of all the States which have thus contributed to its construction.

3. The third period extends from the abandonment of the National Road as a national work, in 1831, 1833, and 1835, to the final legislation of Congress in regard to the 2 per cent. fund.

There are but three acts of Congress in this period which can affect the rights of the present claimant. The first of these is the *Act 4th September, 1841* (5 Stat. L., p. 453, §§ 1, 16, 17), *"An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights."* It provides for the distribution of the proceeds of the public lands among the States and Territories of the Union, with a special reservation in favor of some of them, among which is Indiana, but nevertheless with this proviso:

"That the sum so allowed to the said States, respectively, shall be in nowise affected or diminished on account of any sums which have been heretofore, or shall be hereafter, applied to the construction or continuance of the Cumberland Road, but that the disbursements for the said road shall remain, as heretofore, *chargeable on the two* per centum fund provided for by compacts with several of the said States."

After many other provisions of a general nature the statute proceeds to deal specially with the cases of Alabama and Mississippi by the following enactments:

"SEC. 16. *And be it further enacted*, That the two per cent. of the net proceeds of the land sold, or that may hereafter be sold, by the United States in the State of Mississippi, since the first day of December, eighteen hundred and seventeen, and by the act entitled 'An act to enable the people of the western part of the Mississippi Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States,' and all acts supplemental thereto reserved for the making of a road or roads leading to said State, be, and the same is hereby relinquished to the State of Mississippi, payable in two equal installments; the first to be paid on the first of May, eighteen hundred and forty-two, and the other on the first of May, eighteen hundred and forty-three, so far as the same may then have accrued, and quarterly, as the same may accrue, after said period: *Provided*, That the legislature of said State shall first pass an act, declaring their acceptance of said relinquishment in full of said fund, accrued and accruing, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied to the construction of a railroad, leading from Brandon, in the State of Mississippi, to the eastern boundary of said State, in the direction, as near as may be, of the towns of Selma, Cahaba, and Montgomery, in the State of Alabama.

"SEC. 17. *And be it further enacted*, That the two per cent. of the net proceeds of the lands sold by the United States, in the State of Alabama, since the first day of September, eighteen hundred and nineteen, and reserved by the act entitled 'An act to enable the people of the Alabama Territory to form a constitution and State government and for the admission of such State into the Union on an equal footing with the original States,' for the making of a road or roads leading to the said State, be, and the same is hereby, relinquished to the said State of Alabama, payable in two equal installments, the first to be paid on the first day of May, eighteen hundred and forty-two, and the other on the first day of May, eighteen hundred and forty-three, so far as the same may then have accrued, and quarterly, as the same may thereafter accrue: *Provided*, That the legislature of said State shall first pass an act, declaring their acceptance of said relinquishment, and also embracing a provision, to be unalterable without the consent of Congress, that the whole of said two per cent. fund shall be faithfully applied, under the direction of the legislature of Alabama, to the connection, by some means of internal improvement, of the navigable waters of the bay of Mobile with the Tennessee River, and to the construction of a continuous line of internal improvements from a point on the Chattahoochee River, opposite West Point, in Georgia, across the State of Alabama, in a direction to Jackson in the State of Mississippi."

The second statute in this period is the *Act 2d March*, 1855 (10 Stat. L., p. 630), which directs the Commissioner of the Land Office to state an account of the one-twentieth part or five per cent. fund with the State of Alabama, and requires him to include in it the lands appropriated for Indian reservations.

The third and last statute is the *Act 2d March*, 1857 (11 Stat. L., p. 200), which directs the Commissioner to state an account with the State of Mississippi *"upon the same principles of allowances and settlement,"* and also (by a subsequent section) to state an account with *"each of the other States upon the same principles"* and *"allow and pay to each State such amount as shall thus be found due, estimating all lands and permanent reservations at $1.25 per acre."*

Under the statute last cited the Commissioner of the General Land Office stated an account in 1872 and allowed a balance of $6,380.85, which was paid to the claimant. But it is proper to add that the claimant did not accept that amount as a final settlement, and that the Comptroller of the Treasury, when admitting and certifying the balance allowed by the Commissioner, expressly "reserved for future consideration" the questions which are now presented by this suit. In 1889 the governor of Indiana made a formal demand upon the Commissioner to state an account in accordance with the Act 1857, but the Commissioner has rested upon the account previously stated. Many other statutes and proceedings and facts were cited or adverted to by counsel on one side or the other in the progress of the argument, but in the view of the case taken by the court, the foregoing, it is believed, are all which bear directly upon the questions to be decided.

The position maintained by the counsel for the claimant, as understood by the court, may be summarized in the following propositions:

(1) That the two per cent fund created by the Indiana Act, 1816, was irrevocably pledged to an expressed purpose, and the purpose could not be modified or abandoned without the consent of the State.

(2) That the release from State taxation of lands which the Government might thereafter sell constituted a good and valuable consideration.

(3) That the Indiana Act must be read *in pari materia* with the Ohio Act, and so read they bound the Government to construct a road from navigable waters on the Atlantic coast to the State line, and of the quality and excellence prescribed by law for the road then in process of construction.

(4) That such a road has never been constructed, Cumberland, the eastern terminus not being on navigable waters, and the road west of the Ohio not coming up to the standard prescribed by law for the section between Cumberland and Wheeling.

(5) That the abandonment of the road as a natural highway, its surrender to the several States through which it passes, and the permission given to some of the States to erect tollgates and exact tolls constituted a breach of the compact, rendering the Government liable to the State for all of the moneys reserved for the two per cent fund.

And, finally, that the Act of 1857 was intended to accomplish this restitution, or at least to operate retroactively so far as to place "the other States" on a footing with Alabama and Mississippi as effectually as if they had been included in the Act 1841, at the same time, in effect, creating a trust, which relieved the claim from the operation of the statute of limitations. These positions have been maintained with great ability, not only by the learned counsel in this case, but by the counsel in the kindred cases of Ohio and Illinois, and they have been fortified by a comprehensive review of many statutes and decisions, of many legislative resolutions and reports, and the opinions of eminent statesmen and well-known lawyers and jurists.

But the position of the claimant will perhaps be more accurately and tersely defined by an extract from the petition:

"The defendant agreed to pay your petitioner 3 per cent of the 5 per cent of the net proceeds of the sale of lands, and to expend the remaining 2 per cent. thereof in the making of a road or roads leading to the said State, under the direction of Congress."

And by an extract from the claimant's proposed findings of fact:

"The 5 per cent fund was the property of the individual States, and Congress but the trustee to direct the expenditure of two parts of it to an express object—*'the making of a public road leading to the State'* of Indiana."

And by an extract from the opinion of an eminent lawyer, Ex-Attorney-General Cushing:

"It is plain to see that Congress, by enacting the laws in question, did, in effect, as we have previously shown, solemnly recognize and proclaim its abandonment of all claim to these *trust funds*, and the *surrender* thereof to the respective States."

The first question which the court designs to consider is the responsibility of the Government under the Act 1816, and its consequent liability to the claimant at the time when the Act 1857 was passed. In this inquiry we shall assume that the claimant's position is correct; that the 2 per cent fund "was the property of the individual States, and Congress but the trustee to direct the expenditure."

Conceding substantially all of the minor positions taken by the claimant; conceding that the Act 1816 created an irrevocable compact, obligatory upon the Government, and supported by a good and valid consideration; conceding that the road contemplated was to run from navigable waters on the Atlantic coast, and that Cumberland was not a proper terminus within the intent of the compact; conceding that the Government abandoned the undertaking before completion, and surrendered the unfinished road to the different States in which it was situated, and authorized them to assume the management of it, and impose tolls upon interstate traffic over it; conceding all of these things, it does not follow that there was such a perversion of the trust as to make the Government liable for the moneys which it received or to entitle the State to recover them to its own use.

The Government did not agree, through the medium of these statutes, to build and complete a road from one point to another at its own cost and charge in consideration of the renunciation of taxation and of the moneys reserved from the sales of public lands. If there had been such an agreement there would have been no trust. The compact would have been a simple contract to do a specific thing for a specific consideration, and the amount which one contracting party might acquire from the sales of its own lands would not concern the other. If there be a trust in this case, it is simply to receive and disburse the money of the other party; *i. e.*, the money of the *cestui que trust;* and if there be any responsibility attached to such a trust, it is merely to disburse the money in reasonable time, honestly, disinterestedly, and for the declared purposes of the trust.

If the Government by the Act 1816 agreed to do more than this—if it agreed for a valuable consideration to do a specific thing and did not, its failure to perform was a plain breach of contract, and the claimant in 1857 was only a contractor, seeking damages for the breach. What, then, was it that the Government agreed to do? It agreed that "five per cent of the net proceeds of the lands lying within the said territory" should be *"reserved,"* and that much of the agreement

has confessedly been performed. It agreed that three-fifths of this five per cent should be paid to the State, and that obligation has been discharged. It also agreed that two-fifths should be "*applied to the making of a road,*" and if there be any trust it is in the application of that money to that purpose.

That purpose was a public highway which should connect certain of the inland States with the Atlantic seaboard. Manifestly such a road could not be begun and finished by one operation from end to end. Manifestly there had to be a beginning long before there could be a completion. In the absence of specific instructions in the terms of a trust, to say nothing of the provision that this should be done "under the direction of Congress," the trustee would be invested with all needful discretion. Whether the road should be begun at the eastern terminus and built westward, whether it should be begun at the western terminus and built eastward, or whether it should be built by intermediate sections where it was most needed, were questions inevitably involving discretion, and upon which the discretion of a trustee could be properly exercised.

All that a trustee would be bound to do in such a case would be to expend the trust fund without unreasonable delay, according to his best judgment, for the good of the *cestui que trust*. Cumberland may not have been a proper terminus for the National Road within the intent of the trust as defined in the Ohio Act (1802), but the section between Cumberland and Wheeling certainly was within the contemplation of the statute, and if it absorbed all of the trust fund properly applicable thereto, assuredly that discharged the trustee. Not until it appears that the Government has money in its Treasury which should have been "*applied*" to the object of the trust, or until it appears that its expenditures of the fund were a perversion of the trust, can it be held accountable as a trustee. A trustee can not be held responsible because a trust fails to accomplish all that was hoped or promised.

The court can perceive no perversion of the trust in the manner in which the National Road was laid out; and, on the contrary, the manner in which the work was prosecuted through the States of Maryland, Virginia, and Ohio, so far as the facts are known to the court, seems to have been a sound exercise of a reasonable discretion.

Neither can the court regard the methods adopted for maintaining the road after it was constructed by its surrender to the different States through which it passed as an illegal abandonment of the trust, negativing everything that had been done, and rendering the Government liable for everything that it had received.

The statutes which contemplated the construction of a national road did not provide for its maintenance after its completion. They may have created a trust fund founded upon a valuable consideration, but they certainly did not require the trustee to maintain a free road at its own, the trustee's, cost. The funds derived from the sale of public lands in Indiana and other designated States merely contributed toward the cost of building the road: yet, if it had been built wholly by those funds, the discretion would still have remained in Congress of determining whether it was so far national, was so much for the general welfare, that it should be kept free at the public expense, or whether it should be maintained, as most thoroughfares were at that day, by imposing tolls upon those who used it.

If the road had been built entirely out of these so-called trust funds, and Congress had then sold it to the highest bidder for more than it had cost, the trustee making money out of the trust, and had authorized that bidder in turn to charge exorbitant tolls and make more money out of it, a question would be presented which is not now involved. Here the trustee made nothing out of the trust; the road to be useful had to be maintained; there was no fund wherewith to maintain it; there was no obligation to maintain a free road; the cost of keeping a much-traveled road in order was well known to be a large percentage of its prime cost, and Congress assuredly, without a breach of faith, might make the proper State governments the custodians of the road and authorize them to maintain it by the customary expedient of imposing tolls.

Neither can the court regard the appropriations for the National Road as an inoperative application of the trust funds to their legitimate object. A trustee in such a case would not be bound to keep the trust moneys in a separate parcel and pay them out *eo nomine* as he received them; the advancing of money before it was received was no injury to the *cestui que trust* nor advantage to the trustee; and the directions in the appropriation acts that this appropriation and that appropriation be paid out of any money not otherwise appropriated, but be charged as a payment on account of the 2 per cent fund, was a mere matter of bookkeeping. As legislation, the appropriation acts expressed the legislative intent that the avails of the public lands—the 2 per cent fund—should be applied to that object and in that way. The object was avowedly the one for which the trust, if any, was created; the method was one which could not injure the *cestui que trust* nor benefit the trustee, and which effected the purpose of the trust in the most direct manner. Whether there are still funds in the Treasury derived from the sales of public lands in Indiana which have not been applied to the object of the trust is another question, which will now be considered.

The Government, as has been said, was not bound to build the National Road out of public funds, and can not be deemed to have misapplied the moneys which it received in trust by the methods of construction and maintenance which it adopted; but, at the same time, a trustee can not throw half a dozen trusts into hodge podge and set up a general defense against his liability in each. The object here was a common one—the building of a road; but not altogether a common one, for a State was only interested in the application of the 2 per cent fund toward a road east of its own boundary line, and was not responsible for what had been built or done before it entered the Union. The compact with the Government was prospective, not retroactive, that the 2 per cent fund should thereafter be "*applied*" "*to the making of a road.*" Each State was entitled to have all of its 2 per cent fund invested in the road, irrespective of what others were doing or had done; and if the Government mingled the trust funds, each State is entitled now, under the Act 1857, to its due proportion of whatever balance may remain unexpended. The Government could not receive $100,000 from Ohio, $100,000 from Indiana, and $100,000 from Illinois without expending $300,000 on the road. From 1802 to 1816 Ohio had been the only party to the arrangement, and during that period the Government had expended much more upon the road than it had received from the sale of lands within the State; but the moneys received from Indiana lands can not now be applied upon that deficiency. The State of Indiana was entitled to have all of the 2 per cent fund derived from lands within its borders expended, not for the payment of old debts or the making good of an overdrawn account, but for the construction of a road. The account to be stated must begin when that State entered the Union.

From the time when Ohio and Indiana became joint contributors to the common object, the question for an accountant is whether the joint contributions exceeded the expenditures of the Government. As each new State came into the arrangement, its contributions would in like manner swell the responsibility of the Government and be taken into the account until the road reached the State line, *i. e.*, until a road was made "*leading to the said State.*" Then the account so far as Indiana was concerned would stop, and the road constructed westward of its eastern line would be chargeable only to the States toward which it led. Chronologically the account must open when a State entered the Union, geographically it must close when the road arrived at its boundary line. Such an account will involve an accounting with all the States; for while the Government has advanced much more than it has received, yet nevertheless it is possible that there is one or more States whose 2 per cent fund was larger than the expenditures properly chargeable to it.

No such account was presented by either party upon the argument, and it is too involved to be framed by the court from an inspection of the statements of the Land Office; but at the same time the court must infer, from the concessions of counsel and the returns of the Land Office and Treasury Department, that the expenditures exceeded the receipts in all cases, and that if a proper account were made up no surplus would appear in which the State of Indiana would be entitled to participate by virtue of the original trust as defined in the organic act.

The ultimate question before the court, accordingly, is whether the State of Indiana acquired a new right to these proceeds of the public lands by virtue of the final legislation of Congress; or, stated more specifically, whether the intent of the Act 1857 was, that an account should be stated *de novo*, in which all of the credits to the State from the 2 per cent fund should remain, and all of the debits for expenditures made by direction of the various appropriation acts be expunged?

There is no obligation in the case, moral, legal, or equitable, leading the court toward this as the true intent of the legislative action. The government had done all that it had agreed to do and more; and had the right to continue to apply the 2 per cent moneys upon its own advances until it should fully reimburse itself. But Congress also had the power to wind up this business of road-building, to close the account, to carry the deficit to profit and loss, and relinquish the diminished avails of the public lands to the States directly interested in them, or to make a gift of all that had been received since the States entered the Union without an obligation legal or equitable to do so. Whether the relinquishment should date from one day or another, from 1816 or from 1857, was equally within the power of Congress, and alone by Congress could be determined.

The first renunciation by the Government of its right to control and disburse the 2 per cent fund was by the *Act September 4, 1841* (5 Stat. L., p. 453, §§ 16, 17). The counsel for the United States has contended that this was not a relinquishment of the fund to the States named in the act in their own right, but that they were merely substituted as custodians of the fund upon certain conditions, which were that they should agree to expend it in designated improvements of a public nature. This is conceded, but it is averred in reply, that nevertheless the Government relinquished its right to repayment of advances from that fund and that the relinquishment was irrevocable. The relinquishment, however, was only to the States of Alabama and Mississippi, and the statute did not extend directly or by implication to the other States. There may have been reasons why this favor should have been extended exclusively to those two States, such as their greater need, that they had received less benefit from the public expenditures than the other States, and the like, and such reasons can not be questioned here; they are legislative, not judicial.

In 1855 a dispute apparently had arisen between the State of Alabama and the General Land Office as to the proceeds of the public lands; and it appeared that the Government, instead of selling all of the public lands within that State, had appropriated portions of them to its own uses and purposes by ceding them as Indian reservations. Accordingly the *Act 2d March, 1855* (10 Stat. L., p. 630) was passed, which required the Commissioner of the Land Office to state an account between the Government and the State of Alabama, and "*to include in said account the several reservations under the various treaties with the Chickasaws, Choctaws, and Creek Indians within the limits of Alabama.*" No "principle" for stating such an account is prescribed by the act, unless it be the declaration that Indian reservations shall be regarded as sales and credited to the State in the account.

Such was the state of the case when the final statute was passed, the *Act 3d March, 1857* (11 Stat. L., p. 200). Its primary purpose was to extend to the State of Mississippi the additional favor which had been extended to Alabama by the statute of the preceding Congress. So far it was clear and consistent, for Alabama and Mississippi stood upon precisely the same footing, under the Act 1841, and in the fact that large quantities of the public lands within their territorial limits had been ceded to the Chickasaw and Choctaw Indians. The first section of the act accordingly provided:

"That the Commissioner of the General Land Office be and he is hereby required to state an account between the United States and the State of Mississippi, for the purpose of ascertaining what sum or sums of money are due to said State, heretofore unsettled, on account of the public lands in said State, and *upon the same principles of allowance and settlement* as prescribed in the "Act to settle certain accounts between the United States and the State of Alabama," approved the 2d March, 1855; and that he be *required to include* in said account *the several reservations* under the various treaties with the Chickasaw and Choctaw Indians within the limits of Mississippi, and allow and pay to said State 5 per centum thereon, as in case of other sales, estimating the lands at the value of one dollar and twenty-five cents per acre."

But the words "*and other States*" were added to the title, and a second section was appended to the enactment. It is in these words:

"SEC. 2. *And be it further enacted*, That the said Commissioner shall also state an account between the United States and *each of the other States upon the same principles*, and shall allow and pay to each State such amount as shall thus be found due, estimating *all lands and permanent reservations* at one dollar and twenty-five cents per acre."

This second section, therefore, in the use of the words "*upon the same principles*," refers to the first, and the first in the same manner refers to the Act 1855; and the Act 1855 specifies no "principle" for the statement of an account other than that the reservations ceded to Indians should become an item of credit to the State; and neither statute indicates an intent to prescribe any other change in the account, or to create a new liability on the part of the United States by revoking all the charges for moneys advanced which had been expressly ordered, not by the Land Office or the accounting officers, but by nearly all the appropriation acts authorizing expenditures upon the National Road.

Having thus directed the Commissioner of the Land Office to state an account and instructed him as to the principle upon which he should proceed, the Act 1857 commands "*and* [he] *shall allow and pay to each State such amount as shall thus be found due.*" Finally, it adds to the foregoing instruction and mandate another, "*estimating all lands and permanent reservations* [instead of reservations for the Chickasaw and Choctaw Indians] *at one dollar and twenty-five cents per acre.*"

Up to this time the States referred to as "*each of the other States*" had had no legal right to an accounting; for the administration of the fund rested exclusively with the Government, and these States were not entitled to recover or receive the money which such an accounting might show to the credit of the fund still unexpended for the purposes of the trust.

The Act 1857, therefore, seems to the court to have accomplished three things: 1st, by directing the Commissioner of the Land Office to state an account it provided a remedy, such as it was, for the several States, which, moreover, was the only remedy within their reach, this court not then having power to adjudicate claims; 2d, it created a new liability on the part of the Government, by making the permanent reservation of the public lands equivalent to a sale, and the Government a purchaser at the usual price per acre; 3d, it created a new or statutory right of action, by making the *cestui que trust* a beneficiary at law, in authorizing the States to receive directly the money which theretofore had been held in trust for their benefit.

It is not thought by the court that this statute did more, or that it could have been intended to do more. The advantages which the States of Alabama and Mississippi acquired over "the other States" was not by virtue of the Act 1857, nor by virtue of the Act 1855, but by virtue of the Act 1841, which changed the relations of the parties and substituted those States as trustee, giving them a legal right to the custody of the fund under certain specified conditions, which have never been extended to the other States.

There is no "principle" indicated in the Act 1855 which could possibly operate upon such expenditures for the National Road as had become charges against the 2 per cent fund under the authority of the appropriation acts. The sole benefit which the beneficiary, the State of Alabama, acquired by virtue of that statute was a credit for the lands taken for Indian reservations. The same thing is true of the Act 1857 when applied to the State of Mississippi. That State derived no benefit from that statute beyond the credited item of Indian lands. It therefore seems impossible that the "principle" which gave nothing to Alabama and Mississippi but a new item of credit for Indian reservations, could confer, when extended to "the other States," another and distinct benefit upon them, and, by retroactive operation, practically work a repeal of all the legislation which had made the appropriations for the National Road a charge upon the 2 per cent fund.

If it was so intended by Congress, there should have been added to the second section the words, "And the Commissioner shall also allow and pay to each State two per cent of the net proceeds of the public lands since such State entered the Union, notwithstanding the various provisions of law which direct that such two per cent shall be applied to the construction of the National Road or to the reimbursement of the Government for moneys advanced for that project." The judiciary can not import such a provision into a statute by inference or interpretation. To state an account implies a statement of debits and credits. To command a public officer "*to state an account*" and pay "*such amount as shall thus be found due,*" is a very different thing from making a gift to the other party *ex gratia* of all the moneys that happen to appear on one side of it.

As it is possible that a balance may be due to the claimant on a proper accounting, we proceed to the consideration of a question which has been elaborately argued, the question of the statute of limitations.

As has been said, the only remedy which the States possessed in 1857 was the authority conferred on the Commissioner of the General Land Office to state an account and pay over the balance which he might find to be due. In 1863 Congress provided another remedy, an action in this court. If the accounting of the Commissioner of the Land Office was not essential, or a prerequisite to a right of action, the claim accrued as soon as the Act 1857 was passed, and accruing then, necessarily became barred by the statute of limitations on the 3d March, 1866 (12 Stat. L., p. 765, § 10). If, on the contrary, the accounting of the Commissioner was a prerequisite to an action in this court, and no claim existed on which an action could be brought until his account was stated, and he had "*allowed*" and "*found due*" a certain "*amount,*" then, from the nature of things, his proceeding was judicial, and his jurisdiction exclusive, and the "amount" which he might "allow" was an award, and the only action which could be maintained would be an action upon it for the "amount" "found due."

Either of these alternatives is fatal to the claimant's case, if that case rests on the Act 1857. The trust was then at an end; the State of Indiana was then authorized and empowered to act on its own behalf and in its own right; a new cause of action was then created and a new right of action given. We can perceive no reason why the action could not have been brought as well in 1864 as in 1889, unless it be the reason that the court did not have jurisdiction of the claim; and if the court did not then have jurisdiction of the claim, it was because an exclusive jurisdiction was vested in the Commissioner of the Land Office.

In the earlier part of this decision we have considered the case as if a trust existed, but it is by no means clear that the agreement or compact between the Government and the State of Indiana, as declared by the act of admission, amplified by the Act 1857, constituted a trust which would take the claim out of the operation of the statute of limitations within the intent of the leading case of *Kane* v. *Bloodgood* (7 Johns. Ch. R., 69) and the case most relied upon, *Irene Taylor* (104 U. S. R., 216).

The money termed a trust fund was not money of the State of Indiana confided to the Government for a purpose, nor was it money of a third person paid to the Government for the use and benefit of the State. On the contrary, the 2 per cent fund was always the money of the Government, derived from the sale of its own property, and the statute creating the fund was in terms but an agreement that the Government should expend a designated, though indeterminate, amount of its own money in the construction of a public work more or less beneficial to the other party.

The State of Indiana never had an exclusive interest in the fund or in the work which was the purpose and object of the trust. The road to be constructed—the road "leading to the said State"—would not lie within its territory; the State would not be entitled to rents, issues, or profits therefrom; the utmost legal interest which could be possessed in the thing itself was a right of free transit for its citizens and agents; a right which would be shared by all the world. If the purposes of the trust had been fully carried out, and a road had been completed from Baltimore to Indiana, according to the extremest view of the obligation resting on the Government, the State as a body corporate would not have had therein the shadow of a property right. The trust has been ascribed to the Act 1857, but an agreement to pay money does not make the amount specified the money of the other party, and a gift of money, though by statute, does not pass a property in it till the money be paid. In the case of Mrs. Taylor (*supra*) the realty which was sold was her property, and the surplus which was in the Treasury was her money, and the statutory declaration that the Government would hold it until demanded by the owner necessarily created a trust.

In speaking of the Act 1841, and the course pursued by Congress in relation to the States of Alabama and Mississippi, the court has spoken in this opinion upon the assumption that the condition of the 2 per cent fund in those States was substantially the same as that of "the other States" referred to in the Act 1857. The argument pressed upon the court was that the public land laws are to be read *in pari materia;* that it has never been the policy of Congress to grant exceptional favors to single States and deny them to others in like circumstances; that by the Act 1841 there was inaugurated a policy of restitution, and by the Act 1857 this policy was extended to all "the other States" which in like manner had been entitled to the percentage of the public land sales erroneously or improperly expended on an unfinished road; and that "*upon the same principles*" which governed the restitution of the fund to Alabama and Mississippi, it must be restored to the other States. But as a matter of fact the cases are not parallel, and "the same principles" which govern the payments to Alabama and Mississippi are fatal to a recovery in this suit. The difference between the two classes of States is that the fund of Alabama and Mississippi was never expended on their behalf, and no appropriations were ever made chargeable against it. The payment under the Act 1841 was payment for the first time. They were then entitled to have the fund expended; not to expend it themselves, but to have it expended; their right to that was unquestioned, for Congress had never assumed to expend it, or made an expenditure chargeable against it. The acts 1841, 1855, 1857 repealed no statute by implication, and did nothing more than carry out for the first time the obligations assumed by the General Government when the two States were admitted to the Union, and no principle embodied in those statutes by any possible construction would compel the Government to pay or expend for those States the 2 per cent fund a second time. By the fact that the Government had expended nothing on their behalf when the acts 1841, 1855, 1857 were passed the analogy between them and "the other States" is destroyed.

The judgment of the court is that the petition be dismissed.

The Clerk read as follows:

PAPER MAKING.

To enable the Secretary of Agriculture to inquire into additional sources of raw materials for making paper, and processes of manufacture, in cooperation with the several bureaus of the Department and the paper mills, $10,000, or so much thereof as may be necessary, including the employment of labor in Washington or elsewhere.

Mr. CLARK of Missouri was recognized.

Mr. CRUMPACKER. Mr. Chairman, I reserve a point of order against the paragraph just read.

Mr. CLARK of Missouri. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. Amendments are not in order until the point of order is disposed of.

Mr. CRUMPACKER. Mr. Chairman, I reserved the point of order, for I want to find out the purpose of the paragraph. I may be in favor of the legislation when I hear it explained.

Mr. CLARK of Missouri. Mr. Chairman, I would like to inquire if I have not the floor?

The CHAIRMAN. The gentleman from Missouri has the floor, but the gentleman from Missouri has not the floor to offer an amendment, because no amendment is in order until the point of order is disposed of.

Mr. CLARK of Missouri. Then I will make my amendment a part of my speech. I want to offer an amendment, on page 44. Amend by adding after the word "elsewhere" the following: "Wood pulp and white print paper and all ingredients used in the making thereof are hereby placed on the free list."

Mr. SCOTT. To that, Mr. Chairman, I make a point of order.

Mr. CLARK of Missouri. The gentleman can not make the point of order until I get through.

Mr. LITTLEFIELD. He is bound to make the point of order in the very beginning.

Mr. CLARK of Missouri. But I have not offered any amendment; I am making a speech. [Laughter.] Mr. Chairman, I do not want that taken out of my time. That paragraph as it stands in the bill goes to this extent: That Congress has made up its mind to find out if there is any new thing out of which paper can be made successfully and profitably. That being the case this amendment would be germane in this way: A penny made is a penny saved. This tariff on wood pulp and white print paper forces a rapid and unnatural consumption of our own forest reserve by shutting out the timber from other countries.

The situation is this: The newspaper men and publishers in the United States are almost unanimous in favor of this proposition. The other day every Member of this House was flooded with letters and telegrams asking that wood pulp and white print paper be put on the free list. There are just thirteen men in this House who prevent the editors and publishers realizing their wishes by the immediate passage of this bill.

There are twelve Republicans on the Ways and Means Committee and the Speaker of this House; they are responsible, and we might as well understand it. [Applause on the Democratic side.] There are only seven Democrats on the committee, and all seven of us are in favor of my proposed amendment. The editor of the New York Staats-Zeitung, Herman Ritter, has been visiting this capital off and on for the last three or four weeks, trying to induce the President and Senate and the Ways and Means Committee and the Speaker of this House to report this bill favorably.

He evidently had some effect on the President because your own President recommended it; but when Mr. Ritter talks to the Speaker I do not know what he hears. When he talks to the chairman of the Ways and Means Committee of this House, that distinguished functionary, with a smile that is childlike and bland, tells him that he can not get any relief while he is chairman of the Ways and Means Committee. [Laughter and applause on the Democratic side.]

I want to say one word more about it. I am not any more in favor of putting wood pulp and white print paper on the free list than I am in putting other necessaries of life on the free list. [Applause on the Democratic side.] The chief reason why I urge this in preference to the rest is that the Republican editors in the United States, if they are worth the powder and lead that it would take to kill them, will lash the chairman of the Ways and Means Committee and the Speaker of this House into reporting the bill, and if they do not, they ought to hold their peace forever after in this matter.

Mr. BATES. Will the gentleman yield for a question?

Mr. CLARK of Missouri. I will.

Mr. BATES. The numerous editors who have petitioned for what they call relief on the subject of the tariff on wood pulp have been led to believe that it is for their interest to do so.

Mr. CLARK of Missouri. Certainly they have, and for the interest of their customers and numerous readers.

Mr. BATES. Does the gentleman from Missouri believe that the abolition of the duty on wood pulp would reduce the price of news paper?

Mr. CLARK of Missouri. I do.

Mr. BATES. If it would, why has the price of news paper declined and come down to the lowest price in the history of the world some years after the imposition of the present duty?

Mr. CLARK of Missouri. It did not. That is the way to answer that question. And I do not believe a word of these figures that are sent in here by the Census Bureau—not a single one. [Applause on the Democratic side.]

Mr. BATES. One other question. Does the gentleman from Missouri speak from practical knowledge or from experience?

Mr. CLARK of Missouri. Why, I speak from the evidence of the editors of the United States, who are supposed to be amongst the most intelligent citizens of the Republic.

Mr. BATES. Does the gentleman know that the price of news paper about seven years ago was down to $1.85?

Mr. CLARK of Missouri. No; I do not know that.

Mr. BATES. Well, I know that it was.

Mr. CLARK of Missouri. How does the gentleman know it?

Mr. BATES. Because I bought some.

Mr. CLARK of Missouri. Is the gentleman an editor?

Mr. BATES. I was at that time half owner of a daily newspaper and bought it by the carload.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Nebraska [Mr. HITCHCOCK] has demonstrated here over and over again that those figures sent in here are not true.

Mr. BATES. I am not counting on those, but upon actual experience and knowledge, and that was four or five or six years after the imposition of the duty.

Mr. CLARK of Missouri. If that is true, the gentleman must admit that putting it on the free list will not do any harm.

Mr. BATES. No; I will not admit that. It may be wise to put it on the free list, but I doubt if it will lessen the price at all. I do not admit it.

Mr. CLARK of Missouri. No; I suppose the gentleman would not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BATES. I want to state that that was the lowest price ever quoted in history, and that was several years after the imposition of the duty.

Mr. CLARK of Missouri. Are all the editors liars or not?

Mr. BATES. There are some of them who are not. I believe none of them are.

Mr. SMITH of California. Mr. Chairman——

The CHAIRMAN. The gentleman from California.

Mr. LITTLEFIELD. Mr. Chairman, I would like to inquire what the parliamentary status is.

The CHAIRMAN. A point of order has been reserved, and under that reservation debate is proceeding by unanimous consent.

Mr. LITTLEFIELD. A point of order on the paragraph has been reserved?

The CHAIRMAN. Yes.

Mr. LITTLEFIELD. And under that, by unanimous consent, general debate is proceeding?

The CHAIRMAN. Yes.

Mr. SCOTT. Mr. Chairman, I move that debate on this paragraph and all amendments thereto close in five minutes.

Mr. MANN. Is that motion in order? Why does not the gentleman insist that the point of order be disposed of?

Mr. CRUMPACKER. Mr. Chairman, I reserved the point of order against this paragraph with a view of knowing what was contemplated under the authority that is carried.

Mr. SCOTT. Mr. Chairman, I will withdraw my motion until I have given the gentleman the information he desires, if I can do so.

Mr. SMITH of California. Mr. Chairman, I think I have the floor, have I not?

Mr. CRUMPACKER. I would like to hear from the chairman of the Committee on Agriculture as to its real purpose, so as to be able to determine whether I shall insist upon the point of order or whether I shall withdraw it. I think it ought to be disposed of now.

Mr. MANN. I will ask the gentleman from Maine if he is going to make the point of order.

Mr. LITTLEFIELD. Yes, if the gentleman from Indiana does not.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. How long can a point of order be reserved?

The CHAIRMAN. Oh, it can be reserved until it is disposed of.

Mr. LITTLEFIELD. Mr. Chairman, I will make the point of order now, and ask that it be passed on by the Chair now, so that that ends it.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is the gentleman from Maine talking about my supposed amendment or about the paragraph?

Mr. LITTLEFIELD. The "gentleman from Maine" is raising a point of order to the only question before the House, and that is this paragraph of the bill. I understand that the gentleman from Missouri has not presented his amendment as yet.

Mr. CLARK of Missouri. No; I have not.

Mr. LITTLEFIELD. Then, I can not make a point of order on that now. I rise to make the point of order on the pending paragraph.

Mr. KAHN. Mr. Chairman, a parliamentary inquiry. The Chairman recognized the gentleman from California [Mr. SMITH] to discuss the matter then pending. Can the gentleman from California be taken off his feet for the purpose of insisting on the point of order?

Mr. PERKINS. Mr. Chairman, in answer to that, the point of order was pending and was insisted upon, and that had the effect of stopping general debate and taking the gentleman from California off his feet.

The CHAIRMAN. Does the gentleman from Maine desire to be heard on the point of order?

Mr. LITTLEFIELD. No; the gentleman from Maine only says that this paragraph is an extension of the powers of the Department of Agriculture, and vests in that Department an authority that it does not now by law possess, and that therefore it is subject to a point of order as new legislation, and I insist on that point of order at this time.

Mr. SCOTT. Mr. Chairman, I have but a very words to say in opposition to the point of order. I beg again, however futile such appeals have been heretofore, to call the attention of the Chair to the organic act creating the Department, which authorizes the Secretary of Agriculture to conduct any investigations that may be of interest or that may develop information which will be of interest to agriculture in the broadest and most comprehensive sense of that term.

Now, if one or more plants could be discovered which would be suitable for use in the manufacture of paper as a substitute for wood pulp, I respectfully submit that it would be of vast interest to agriculture in the United States.

Mr. WILLIAMS. Will the gentleman permit me? If it would be of vast benefit to see if any other material could serve as a substitute for wood pulp in order to make paper cheaper, why would it not be of equal benefit to provide that

wood pulp itself might come into the United States cheaper from other countries?

Mr. SCOTT. The gentleman from Mississippi does not expect a serious answer to that question. I have said all I desire to say on the point of order, Mr. Chairman.

The CHAIRMAN. It seems to the Chair this proposition goes beyond the provision in the original law under which the Department was organized, and therefore the Chair sustains the point of order.

The Clerk read as follows:

LEAVE OF ABSENCE.

The employees of the Department of Agriculture, outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year.

Mr. HITCHCOCK. Mr. Chairman, I move to strike out the last word.

Mr. SMITH of California. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska——

Mr. SMITH of California. Mr. Chairman, I made the first motion to strike out the last word.

Mr. HITCHCOCK. Mr. Chairman, I do not think the gentleman can take me off my feet by that amendment. Mr. Chairman, I rise for the purpose simply of reiterating proof which I produced here a short time ago, that the market price of print paper before the Dingley bill was passed in 1897 was only $1.75 a hundred, and in making that proof and incorporating it in the RECORD, Mr. Chairman, I take it from the mouths of witnesses who appeared ten years ago before the Committee on Ways and Means. And, Mr. Chairman, while I shall not read this testimony at any length, I quote here from the statement of ex-Senator Warner, of New York, who six months after the Dingley bill passed became an officer of the paper trust, and who at the time these hearings were being had before the Dingley committee, in 1897, denied that he and others proposed to form a paper trust. In his testimony at that time before the committee he used this language, Mr. Chairman:

To-day we are selling a much better article of paper, I dare not say how cheap with Mr. Norris in the room, but less than 2 cents per pound.

Now, Mr. Chairman, that is evidence of record in the proceedings of the Committee on Ways and Means. It is evidence in the nature of an admission from a great paper manufacturer who six months later became an officer of the paper trust. It bears out the further testimony introduced before that committee from the mouth of that same Mr. Norris, of the New York World, that the price of paper was $1.75 per hundred. This record testimony utterly refutes the statement that paper has been lower since the Dingley bill was passed than it was before the Dingley bill was passed. As to the present market price of paper, Mr. Chairman, it is not necessary for me to state the price. The figures as to present prices have been introduced here by the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] from the Census Bureau, and an admission is made that the present price of paper is $2.50 a hundred as against $1.75 a hundred before the Dingley bill was passed. Now, Mr. Chairman, this small paragraph which has been stricken from this bill by the point of order raised by a representative Member of this House would only be a trifle. It would be next to nothing. Even that appears to be too much for the Republican majority. In striking it from the bill you have not only notified the newspapers of the United States that you do not propose to reduce the tariff nor to compel the paper trust to reduce their prices, but that you also stand against making the slightest effort whatever to discover if any other methods or processes of paper manufacture can be found.

Mr. WILLIAMS. And brought in competition with the trust.

Mr. HITCHCOCK. You take the position that you are willing to allow the paper trust to continue to force the papers of the land to reduce their enterprise, to discharge their men, and cheapen their product. By your policy you are not only making war upon the newspapers, but you are making war upon the great army of men whom the newspapers employ. You are bearing down in a severe manner upon hundreds of thousands of wage-earners who, directly and indirectly, are supported by the papers, without any protective tariff to help them. Yes, gentlemen of the Republican majority, of the thousand millions you appropriate for all purposes, you are refusing to expend $10,000 in an attempt to discover whether anything can be done to save the destruction of our forests at the hands of the paper trust and wood-pulp monopoly and give to the people of the country cheaper print paper. That is your position. [Applause on the Democratic side.]

Mr. SMITH of California rose.

Mr. SCOTT. If the gentleman will yield one moment, I wish to move that debate on this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. SMITH of California. I think I owe it to the House, and particularly to my colleagues from California, to say a word in explanation of this question that has arisen with reference to this forest extension, concerning which I spoke a few days ago. In the debate on March 30 the gentleman from Nebraska [Mr. POLLARD], returning from the telephone and saying that he had just had a communication with Mr. Pinchot, said this:

Mr. Pinchot has stated that the entire California delegation, including the Senators, except Mr. SMITH, in a body requested and almost demanded that this forest reserve be created for the purpose of furnishing a water supply to the city of Los Angeles.

And so forth.

Thereupon four of the gentlemen from California arose in their place and denied that they had visited that Office. That was literally correct.

Mr. POLLARD. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of California. I decline to yield. To-day the gentleman from California [Mr. MCLACHLAN], who was not present on that occasion, brings forward the statement that, as a matter of fact, a number of members of the California delegation have subscribed to a letter addressed to the President requesting that the forest reserve be extended. Now, I should not like to have my colleagues rest under that rather doubtful position, and I will, with your permission, give you the history of the transaction.

During the summer of 1907, in the month of July or August, each one of the members of the California delegation received a letter from Mr. Olmsted, of San Francisco, who is a subordinate in the Forest Service, asking their opinion as to the extension of the forest reserve over a portion of townships 17 to 21. Now, bear those figures in mind. There was nothing at all said in the letter about any other forest extension. Townships 17 to 21 do not lie in the Owens River Valley at all, but immediately south of it, where the country begins to rise, and are therefore beyond the irrigable area of the Owens River Valley.

Mr. LITTLEFIELD. Are they a part of the watershed?

Mr. SMITH of California. No water originates on that. They lie in the bottom of the depression at the foot of the hills and extending out into——

Mr. LITTLEFIELD. But if there was water originating in that vicinity that would be a part of the watershed?

Mr. SMITH of California. I do not quite understand what you mean by "the watershed."

Mr. LITTLEFIELD. Contributing to the Owens River.

Mr. SMITH of California. Not at all. The Owens River rises in the northern part of Inyo County or in Mono County and flows south into Owens Lake, to which there is no outlet at all. It is a lake that is absolutely unfit for any domestic or agricultural use. Senator NEWLANDS and others have a plant on the banks of that lake evaporating water for the borax that they secure in commercial quantities, and I am told if a dog should leap into the lake he would lose his hair—it is so mineralized and contaminated, and therefore is of no value.

The point is, though, the letter addressed to the Representatives was with reference to a body of land not along the banks of the Owens River and not in the Owens River Valley at all. I saw the correspondence on that subject a day or two ago, and my remembrance is that three, at least, of the Members said in reply, "This is a matter in SMITH's district, and we express no opinion. Refer it to him and take his judgment."

And I filed my protest. A little later in the year another letter was sent around to all the members of the California delegation except myself, in which it was stated in a general way, without reference to any particular land, that it was desired "to extend the eastern and southern" boundary of the Sierra Forest Reserve; that it was approved by the Chief Forester and some others, and asking that they sign a letter which was inclosed, and in all cases the letter furnished us is in the identical language and does not refer to any particular land, and several members of the California delegation, largely as a matter of personal compliment to the gentleman who solicited it, signed that letter, and it is here. I have seen copies of it to-day. Many of the letters, some of them at least, do not bear a date, it was so entirely informal, and all are in exactly the same language. I should say, in explanation, that they now claim the right, under this second series of

letters, to withdraw the heart of the valley, 25 or 30 miles north of the tract of land to which I refer, and about which I was never consulted at all.

Here is Owens Lake [indicating on map]. This is the lowest part of Owens River Valley, from which there is no outlet [indicating]. The tract of land to which attention was called in the letter of July and August was along the lake, extending a little to the south, in townships 17 to 21. The matter in controversy, to which I addressed myself two days ago, was that part of the valley [indicating] extending over seven townships.

Now, there is the situation. Under the pretense——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of California. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of California. Under the pretense that the second series of letters which was sent out, as I have said, already written and ready to sign, covered this new proposition to extend the forest reserve across the valley, there is an attempt to make it appear that the California dtlegation is responsible for the extension of the forest reserve to that agricultural valley. I think, without entering further into an explanation, that makes it plain that they did not intend to convey any such impression at all. But I will say one word more, that if every member of the California delegation, and every Member of this House, without knowing what was being talked about, or otherwise, had said or had intended that the Department should include that fertile valley in a forest reserve, it would not constitute a sufficient justification to make an order that such fine land as that should be included, or that one should be created when made under such circumstances.

Mr. McLACHLAN of California. I move to strike out the last word.

Mr. SCOTT. I shall object to that. I wish the gentleman from California will use the remainder of the five minutes.

The CHAIRMAN. The question is on agreeing to the motion.

Mr. McLACHLAN of California. I hope the House will not get the impression——

The CHAIRMAN. Debate is closed upon this paragraph. The Clerk will read.

Mr. MANN. Mr. Chairman, I desire to offer a new paragraph.

The Clerk read as follows:

Insert as a new paragraph the following:

"To enable the Secretary of Agriculture to test by cultivation such plants as may require test to ascertain if they be suitable for making paper, $10,000, or so much thereof as may be necessary, including the employment of labor, in Washington and elsewhere."

Mr. PERKINS. I make the point of order against that.

Mr. MANN. Mr. Chairman, the organic act provides "that the Secretary of Agriculture," among other things, "shall test by cultivation the value of such of them," referring to seeds and plants, "as may require such tests, or propagate such as may be worth propagation," etc. This is an authorization to him to test certain classes of plants, making an appropriation to test a certain class of plants, where he is now authorized to test all classes of plants worthy of test, and in the form that it is in practically follows the form of the organic act. It does not confer any additional authority upon him. It only appropriates the money with which to make tests of particular plants. It seems to me that it is in order.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order? The Chair is prepared to rule.

Mr. PERKINS. I would like to ask that the amendment be again reported.

The amendment was again reported.

Mr. LITTLEFIELD. So far as I can see without stopping to consider it, and on account of the lack of order not having clearly heard the gentleman, it is exactly the same proposition in a little different guise.

Mr. MANN. Oh, it is a very different proposition. The original proposition authorized the Secretary of Agriculture to make tests in regard to paper making. Under the original proposition he might have made tests of gold bricks, sand, or anything else. The matter was not limited at all to the testing of plants. Now, the Secretary of Agriculture is authorized to test all kinds of plants that he may deem worthy of test, and this is simply an appropriation giving him the means, under the original authority, to make tests of a particular kind of plants which he has now authority to test, but has not the money to make the tests.

Mr. PERKINS. Will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. PERKINS. Do I correctly understand his amendment that it does not authorize the Secretary of Agriculture to make any investigation in relation to the process of manufacture?

Mr. MANN. Not anything.

Mr. PERKINS. Or to go into the paper mills?

Mr. MANN. Nothing of that is in the amendment.

Mr. PERKINS. It is solely to ascertain whether, from certain plants, material may be obtained for making paper?

Mr. MANN. Solely to test plants to ascertain if they are suitable for paper making.

Mr. PERKINS. I would like to ask the gentleman whether there is any reasonable probability suggesting that such tests would be productive of results, or is it a mere jump in the dark; or is there occasion to believe that this $10,000 would have some useful result?

Mr. MANN. Upon that point I may say I was informed some time ago by some officials of the Department of Agriculture that they believe that with a very small expenditure of money it will be possible to ascertain that certain fibrous plants could be cultivated in sufficient quantity, and with a small expense it would be perfectly feasible to use them for paper making, as against wood pulp.

Mr. PERKINS. I would state, Mr. Chairman, that although I did not make the point of order, yet I was opposed to this paragraph as it was reported, because it seemed to me it laid open the way for the Department to investigate the processes of making paper, and to go into the mills of this country to investigate those processes, and might sooner or later lead to the Department itself engaging in the business of making paper, instead of buying paper as it now does, which I should very much disapprove of; but with the understanding that it is purely an investigation as to whether there may be fit material to be used in the process of making paper by those who manufacture it, I think I will myself leave it to the gentleman from Maine to say whether he insists on the point of order to the amendment in the shape it now is. The feature that was objectionable to me has been removed.

The CHAIRMAN. The Chair did not understand the statement of the gentleman from New York.

Mr. PERKINS. I withdraw the point of order myself, and leave it to the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. I renew the point of order.

The CHAIRMAN. The Chair is prepared to rule. The Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to return to page 41 for the purpose of offering some amendments.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to return to page 41 for the purpose of offering an amendment which the Clerk will report.

The Clerk read as follows:

In line 15, page 41, after the word "Hawaiian," insert the word "and."

In line 18, page 41, after the word "provided," insert the word "that."

In line 19, page 41, after the word "Guam," strike out the word "and."

In line 24, page 41, after the word "Hawaii," insert the word "and."

Mr. SCOTT. These amendments are merely to make the necessary verbal corrections.

Mr. WILLIAMS. I shall not make any objection to that.

Mr. McLACHLAN of California. I desire to reserve the right to object.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. McLACHLAN of California. Mr. Chairman, I hope the impression will not go abroad that there is any serious difficulty between the members of the California delegation, for there certainly is not. I desire the House distinctly to understand that, personally, I do not blame my colleague [Mr. SMITH] in so far as he attempts to properly defend the interests of the valley which happens to be in his district. It is a small valley, but nevertheless the people there desire that the water in that valley shall be retained in that section, and therefore I can see his embarrassment. But I contend that he is going too far when he contends that it is a heinous crime that the city of Los Angeles is attempting to perpetrate upon his people by taking this water 220 miles to the south.

Mr. Chairman, I contend that the people of that marvelously progressive city that have voluntarily voted $23,000,000 to bring the water from that valley have proven their good faith and should receive due consideration from the Forestry Department.

When my colleagues in the House stated the other day that they did not go in a body to Mr. Pinchot to ask that this reservation be made, they stated exactly the truth, and I do not care to cast any reflections upon them, but by making that truth-

ful statement those gentlemen created a wrong impression in this House and cast a reflection upon the Forester. They did in fact file letters with the Forestry Department and the President of the United States asking that this watershed be included in the reservation——

Mr. KAHN. Will the gentleman yield?

Mr. McLACHLAN of California. With the exception, of course, of the three gentlemen, Messrs. KAHN, NEEDHAM, and SMITH, whom I excluded in my original remarks.

Mr. KAHN. That is all right.

Mr. POLLARD. May I interrupt the gentleman?

Mr. McLACHLAN of California. Not now. Mr. Chairman, this request was made for the addition of this land along this watershed by the people in the valley in which I live, a people who have gone to enormous expense to provide an indispensable necessity, which nature failed to provide. That request was made in January, 1907.

This land was temporarily withdrawn in February, 1907, and included the land along this river up through Owens Valley for 30 or 40 miles, as my colleague [Mr. SMITH] well said. In October of that same year the gentleman from California, including the majority of the delegation, made a formal request, over their own signatures, to the President of the United States, asking that this land be included in the reservation along that river for the purpose of conserving the water and preventing the contamination of the water that was to supply this great city and the surrounding country

Mr. KAHN. Will the gentleman yield for a question?

Mr. McLACHLAN of California. I will yield to my colleague.

Mr. KAHN. Is it not a fact that all of these letters that were written were written in response to a letter that was sent out by the Bureau asking the Members of the California delegation for their views?

Mr. McLACHLAN of California. No, sir; they were written in response to a letter sent out by Senator FLINT, who initiated this movement, at the instance of the Forestry Department, away back in January, 1907, and subsequently the forester in that section did send letters out referring to other reserves which he was urging to be set aside for the same purpose, but these reserves were not made until November, 1907. The letters in response to Senator FLINT, asking the President to withdraw the watersheds through this valley, were filed in October, 1907. Therefore the Chief Forester, Mr. Pinchot, was acting in harmony with and upon the specific request of the California delegation, and there is not a representative of California on this floor to-day, either in the House or in the Senate, that will not contend that this action is for the best interest of the people, excepting always my colleague [Mr. SMITH], and, as I said before, I can see some apology for him in contending for what he considers to be the rights of the few people in that small valley, but I can not allow his zeal for them to becloud the real issue. Mr. Chairman, I desire to print as part of my remarks the letters which I hold in my hand bearing upon this subject:

OCTOBER 9, 1907.

Hon. DUNCAN E. MCKINLAY,
Santa Rosa, Cal.

MY DEAR MCKINLEY: I inclose you herewith letter to the President, requesting certain changes in the boundaries of the Sierra National Forest Reserve for the benefit of the city of Los Angeles in the construction of its aqueduct system.

This matter has the approval of Mr. Pinchot, of the Forest Service, and a similar letter has been signed by Senator PERKINS and myself and Congressmen MCLACHLAN and KNOWLAND.

I will be obliged to you if you will sign the inclosed letter and return it to me.

Yours, truly,

FRANK P. FLINT.

COMMITTEE ON THE GEOLOGICAL SURVEY,
SENATE OF THE UNITED STATES,
Washington, October 9, 1907.

Hon. GIFFORD PINCHOT,
Forester, Forest Service, Washington, D. C.

MY DEAR MR. PINCHOT: I inclose you herewith request for certain changes in the boundaries of the Sierra Forest Reserve, addressed to the President, and signed by Senator PERKINS, myself, and Congressmen MCLACHLAN and KNOWLAND. I have been unable to reach the other Congressmen, but will obtain the signature of at least two or three more and send them to you within a short time.

Yours, truly,

FRANK P. FLINT.

The PRESIDENT, *Washington, D. C.*

SIR: We request that the eastern and southern boundaries of the Sierra Forest Reserve as temporarily extended be permanently established, so as to protect the city of Los Angeles in the construction of its aqueduct system, by conserving the water both in quantity and against contamination.

FRANK P. FLINT,
United States Senator.
GEO. C. PERKINS.
JAS. MCLACHLAN.
J. R. KNOWLAND.

COMMITTEE ON THE GEOLOGICAL SURVEY,
SENATE OF THE UNITED STATES,
Washington, October 24, 1907.

Hon. GIFFORD PINCHOT,
Forester, Forest Service, Washington, D. C.

DEAR SIR: I inclose herewith letter signed by Hon. D. E. MCKINLAY, Members of Congress, Second District, California, recommending the extension of the boundaries of the Sierra Forest Reserve, which I informed you recently I would send to your office upon receipt.

Yours, truly,

FRANK P. FLINT,
United States Senator.

P. S.—I also inclose letter from Congressman HAYES.

The PRESIDENT, *Washington, D. C.*

SIR: We request that the eastern and southern boundaries of the Sierra Forest Reserve, as temporarily extended, be permanently established, so as to protect the city of Los Angeles in the construction of its aqueduct system by conserving the water, both in quantity and against contamination.

(Signed) D. E. MCKINLAY,
Second District, California.

The PRESIDENT, *Washington, D. C.*

SIR: We request that the eastern and southern boundaries of the Sierra Forest Reserve, as temporarily extended, be permanently established, so as to protect the city of Los Angeles in the construction of its aqueduct system by conserving the water, both in quantity and against contamination.

E. A. HAYES.

COMMITTEE ON THE GEOLOGICAL SURVEY,
SENATE OF THE UNITED STATES,
Washington, October 28, 1907.

Hon. GIFFORD PINCHOT,
Forester, Forest Service, Washington, D. C.

DEAR SIR: I inclose you herewith another letter, to wit, from Hon. W. F. ENGLEBRIGHT, Member of Congress from the First California District, recommending the change in the boundaries of the Sierra Forest Reserve, concerning which we have had correspondence.

Yours, truly,

FRANK P. FLINT,
United States Senator.

The PRESIDENT, *Washington, D. C.*

SIR: We request that the eastern and southern boundaries of the Sierra Forest Reserve as temporarily extended be permanently established, so as to protect the city of Los Angeles in the construction of its aqueduct system, by conserving the water both in quantity and against contamination.

W. F. ENGLEBRIGHT,
Member of Congress, First California District.

NEVADA CITY, CAL., *October 21, 1907.*

Mr. POLLARD. Mr. Chairman, I simply want to be put right in this matter, and I want Mr. Pinchot to be put right. I have been quoted by several gentlemen from California as having said that Mr. Pinchot told me that the delegation went to the Department in a body and requested the reserve to be created. He said nothing of the kind, and I made no statement of that kind. The language I used is, "The entire delegation, including the Senators, excepting Mr. SMITH, in a body requested the action." I did not make the statement that they went to the Department. I simply want to say that for the protection of Mr. Pinchot.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

EMERGENCY APPROPRIATIONS.

Prevention of spread of moths: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown tail moths, $250,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available. And the Secretary of Agriculture is hereby authorized to expend said appropriation by establishing a quarantine against such further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the State experiment stations.

Mr. MADDEN. Mr. Chairman, I make a point of order to that clause in the paragraph, line 12, "and made immediately available."

Mr. ROBERTS. Mr. Chairman, do I understand the gentleman to make it or to reserve it?

Mr. MADDEN. I will reserve it if the gentleman wishes.

Mr. ROBERTS. I would like to ask the gentleman if he intends to insist on the point of order after the explanation is made?

Mr. MADDEN. I can not promise.

Mr. ROBERTS. If he does it is no use to make it, because the point of order is good; but if argument will prevail, I would like to make it.

Mr. MADDEN. I would not like to promise.

Mr. ROBERTS. Mr. Chairman, unquestionably the point of order reserved by the gentleman from Illinois is good. But I want to call his attention to the appropriation bill of last year, in which almost the same language appears, "of which sum $40,000 shall be immediately available." The language is not

new in the appropriation bill. Now, here is the point exactly in regard to making the money immediately available. If the money can be used as soon as the appropriation bill becomes a law, it will enable the authorities of the Department of Agriculture to proceed at once to the further work of restricting the spread of this dangerous insect, and I want to say to my friend from Illinois that a dollar spent now before the foliage appears is worth $3 expended in this work after the vegetation has come out. My colleague from Massachusetts says it is worth $10 expended after vegetation comes out.

Before the leaves are out, before vegetation has come up enough to hide the nests and egg clusters of these insects, it is comparatively easy to discover and destroy them. If they are not destroyed now, when they can be destroyed to the best advantage, the egg clusters hatch out, and we have millions upon millions of these insects which it will be impossible to destroy after the foliage is out, and which will, in their turn, lay new clusters of eggs and make the work all the more difficult in the succeeding year.

Now, in the interests of the economical expenditure of this money, I trust the gentleman from Illinois will not insist on his point of order. The language is put in merely for the purpose of enabling the Government to get the very best results from the appropriation carried in this bill.

Mr. MADDEN. Mr. Chairman, the point that I had in mind was that this was one way of providing for a deficiency that exists in this branch of the Department. The way ordinarily provided to obtain deficiencies is to come before the Committee on Appropriations and ask for a deficiency appropriation.

Mr. KELIHER. Mr. Chairman, I would like to say to the gentleman from Illinois that there is no doubt that his point will be declared in order, if insisted upon. A similar point of order was made by the gentleman from New York last year and obtained, but it handicapped the work tremendously, and I sincerely trust that the gentleman will not press his point of order. There is no doubt that there is merit in it, and ordinarily would command my support, but it will work a great hardship in this case and will cause us in Massachusetts to spend more money upon this meritorious work than we will be compelled to expend if we get at the work in proper time. For this reason I join in the plea of my colleague to the gentleman from Illinois that he do not press his point of order.

Mr. MADDEN. Mr. Chairman, there is no reason why there should be any such language in this paragraph, except that there is a deficiency in the Department. If there were no deficiency, the money appropriated last year would be available now for the work that is to be done at this time. If this language is necessary here, in order that they may be able to go on with the work, that is notice to the House that a deficiency exists and that more than the amount of money appropriated for this purpose last year has already been expended; but if the character of the work is of such a nature as to demand immediate action on the part of the Secretary of Agriculture, and if the interests of the State of the gentlemen are to suffer if this appropriation is not to be made immediately available, I should very much dislike to think that it was through any action taken by me that an injustice was done to the State of Massachusetts. I therefore withdraw the point of order.

The CHAIRMAN. The Clerk will read.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I want to know whether these moths are interfering with the rural routes; and if so, I want to kill them.

The Clerk read as follows:

Eradicating cattle ticks: For Bureau of Animal Industry: To enable the Secretary of Agriculture to continue work in cooperation with State authorities in eradicating the ticks transmitting Southern cattle fever, $250,000, of which sum $25,000 shall be immediately available.

Mr. MADDEN. Mr. Chairman, simply for the purpose of getting an explanation as to the enormity of this disease known as "cattle tick," I desire to reserve the point of order.

Mr. BURLESON. Mr. Chairman, I desire to state to the gentleman from Illinois that below the fever line, the line fixed by the quarantine authorities in the South, there are about 15,000,000 cattle, worth approximately $200,000,000. It has been estimated that the value of those cattle has been depreciated fully 20 per cent by reason of the existence of the presence of the *Boophilus annulatus*, or cattle tick. The death rate of cattle below the fever line as compared with the death rate above the fever line is very much greater, in fact, expressed in percentage, is twice as great below the line as it is above, being about 4 per cent above the line and 8 per cent below. It is a matter of the greatest importance to the owners of cattle in the South that this item be continued in the bill. I hold in my hand a resolution adopted by the Cattle Growers' Association of Texas, from which I read:

Resolution adopted by the thirty-second annual convention of the Cattle Raisers' Association of Texas, March 18, 19, 20, 1908, San Antonio, Tex.

Whereas the Southern cattle owners are suffering annually great losses, resulting from the presence of the fever tick (*Boophilus annulatus*); and

Whereas the work already done has demonstrated beyond any doubt the feasibility of the eradication of the fever tick and the progress made with funds heretofore appropriated by Congress has been satisfactory; and

Whereas the known facts regarding the life history of the tick and the methods of its destruction justify the prosecution of the work of eradication on a more comprehensive and extensive scale: Therefore be it

Resolved by the Cattle Raisers' Association of Texas, in convention assembled at San Antonio, Tex., March 18, 19, and 20, 1908, That the appropriation made for this work by the Congress of the United States for this year should be increased to an amount commensurate with the magnitude and importance of the work to be done, which, in our opinion, should not be less than $300,000, and we respectfully request the honorable Secretary of Agriculture and the Representatives in Congress from our respective States to use their best efforts to secure such Congressional appropriation: Be it further

Resolved, That the secretary of this association be directed to forward a copy of this resolution to the honorable Secretary of Agriculture, Washington, D. C., and to each Senator and Congressman from our respective States; also to the chairmen of the Committees on Agriculture of the Senate and House of the United States: Be it further

Resolved, That we urge upon our State legislature a liberal appropriation by the State of Texas to aid in this work through the live-stock sanitary board.

You will note that this great association insists that the appropriation for this purpose be increased to $300,000. Now, as I understand it, the Committee on Agriculture has increased this item in the bill by approximately $100,000, but still it is not as large as the cattle growers who are injuriously affected by this pest think it should be. After a conference with the chairman of the committee, however, I will make no motion to increase the amount, as I understand from him that the bill carries every dollar that can be profitably expended during the next fiscal year, but I sincerely hope that the gentleman from Illinois will not make any point of order against this paragraph.

In connection with this subject, I desire to submit a very interesting address by Dr. J. H. Wilson, chairman of the live-stock sanitary commission of my State. Doctor Wilson has rendered great service in connection with this important work, and what he has said is entitled to great weight. His address was delivered before the Cattle Raisers' Association, and was as follows:

Texas produces more cattle and finishes less cattle than any other State in the Union. Texas sells more calves and young cattle than any other State. We are the real incubators. According to the report of Comptroller Stephens for 1906, there was rendered for taxation in this State 6,000,000 cattle, at a valuation of $54,990,000. This, too, you must remember was not under the full rendition law. With this number of cattle, more than we can graze and feed, it is necessary for us to have markets—markets for our young stuff as well as for our older cattle. They are expected to go to other States for grazing and feeding. The States that received them have the last say; and they fix the rules and regulation under which our cattle may enter those States. The majority of the States are anxious to have our cattle. They realize that we have well-bred cattle—steers that mature rapidly, and are good money-makers. The rules and regulations adopted by the various States prescribing the conditions and requirements under which our cattle may come into those States are reasonable, in that they require that our cattle shall be in good health.

Realizing the necessity of furnishing cattle in good health, the State of Texas in 1893 enacted a law creating the live-stock sanitary commission and defining its duties, etc. The commission is well named in that its duties are to look after the public health of the live-stock interests of the State. This was a real need—one that our live-stock interests could not afford to longer delay. With the entire State shut out from the markets, except for immediate slaughter, it would have practically destroyed the cattle industry of our State, and the prices for which cattle could have been sold would have been so low that no one could afford to engage in the cattle business.

THE QUARANTINE LINE.

Advising and cooperating with the honorable Secretary of Agriculture, it was agreed that a line across the State, beginning at Red River in Wilbarger County, and extending to the Rio Grande in Brewster County, should be adopted as a quarantine line; and that no cattle from south or east of this line should be permitted to cross to the north or west of said line, except under the conditions prescribed by the commission. Cattle from the north or west of this line, accompanied by a certificate or bill of health, are received in any State or Territory, and thus have the advantage of a market which our unfortunate brother below the line does not have. He can only gain access to portions of the Indian Territory, and it looks very much at the present time as if he will soon be shut out of that territory.

This brings us to the subject:

The benefits of the commission to the cattle interests: We propose to furnish to the purchaser of Texas cattle, cattle that are in good health. How are we to do this? By maintaining quarantine rules and by enforcing the rules and regulations of the commission, thus making our cattle what we propose for them to be—that is, free from any infectious or contagious disease. This work devolves upon the State; and it is very necessary that we honestly do what we represent.

Our cattle above the quarantine line are acceptable to other States. Below they are not. One very naturally asks: "Why is this?" It is because of that awful pestiferous pest, the "fever tick." This is the real objection to cattle below the line.

The amount of money it costs the Southern States to harbor the "fever tick" is not easily estimated. But from observation and experience we can form some estimate of this loss with some degree of assurance of approximating a correct estimate. Below the quarantine line we have something like 15,000,000 cattle, of a valuation of something like $180,000,000. The dairy cattle are valued at about $58,000,000, the other cattle at $122,000,000. It is estimated the shrinkage in value of cattle other than dairy cattle occasioned by the presence of the fever tick is something like 20 per cent. In round numbers, this would mean a loss of $24,000,000. This loss is truly appalling. We can not sit idly by and let such waste of wealth continue.

The average death rate among cattle for the years 1904 and 1905 in the tick-infected area was about 8.33 per cent; in the tick-free area, 3.12 per cent. In the tick-free area, where the winters are more severe, in the States of Illinois, Ohio, Iowa, Wisconsin, and Kansas, the death rate was about 2.4 per cent, while in the State of Louisiana it was nearly 9 per cent. This proves conclusively that in the tick-infested area, although having much milder winters, the death rate is much greater than in the tick-free area.

TICKS PREVENT BABY BEEF.

This is not all. There is another charge to be made against the tick. With tick infestation during babyhood, the only time the animal may with any degree of safety pass the ordeal, there is very little chance of bringing cattle to early opportunity. The stunting which they receive usually necessitates carrying them until they are 3 years old or older.

Under the present conditions, where can the south Texas cattle go for grazing? You are all familiar with the Osage matter and the unsettled conditions existing in that territory for the past few months. Heretofore you have used that section, but now they say, "Furnish us clean cattle." The State of Kansas has prohibited the introduction of south Texas cattle for grazing and feeding purposes. Oklahoma and other grazing and feeding States have practically the same rules and regulations.

He closed with an urgent appeal to the stockmen to cooperate for the general good of all.

In order for that portion of Texas lying above the quarantine line to continue to receive the benefit of the cattle markets, it is absolutely necessary for us to maintain quarantine rules and regulations, and to have a commission to see to their enforcement. And when that portion of the State below the line shall have eradicated the ticks, they will be entitled to and will receive the same privileges and benefits in all cattle markets as are now received and enjoyed by that portion of the State above the line.

In order to maintain and enforce quarantine rules and regulations, it is necessary to have the cooperation and assistance of the cow man, for without the support of local interests it is impossible to enforce any law. Ask any cattle dealer from Colorado, Kansas, Oklahoma, or the Northwest why south Texas cattle are not desired in those States. His answer is always the same: "Your ticks." If the tick is the only objection, and it is, why not do away with it? Drive the tick into the Gulf. When there is a will a way can be found. What is the way? Eradicate your ticks. The tick is the only obstacle in your way. With the tick a matter of history, your cattle would have the benefit of the markets of the world.

PEST CAN BE ELIMINATED.

The past year's work of this commission has demonstrated that we can eradicate this pest. We have been able to save the cattle interests contiguous to the quarantine line thousands of dollars. You understand that this line is the picket line. An ordinary wire fence does not always shut out the tick. Naturally, cattle will drift over. Then the trouble begins. By following the advice of the commission in dipping their cattle, the death rate in this area has been reduced to a minimum. We can do just as much for the cattle interests below the line. Already some portions of your territory are practically free from ticks. The owner of any ranch can clean his cattle of ticks.

Baby beef industry, with tick infesting our cattle, is an impossibility.

Instead of exporting, as we now do, to foreign countries over 1,000,000,000 pounds of cotton-seed products yearly—which if converted into beef at home would bring us from $6,000,000 to $10,000,000 more than we receive for it from abroad—we would feed our cattle, and thus keep at home this enormous amount. Besides securing this profit we would fertilize our lands. So, by failing ourselves to feed the cotton-seed product which we send to foreign cattle feeders, thus enabling them to compete with us, we sustain a direct loss of millions of dollars yearly. To eradicate the cattle tick from the Southern States means to a large extent the preservation of the supremacy of American agriculture; and, above all, it means increased prosperity and happiness to millions of our people.

The average value of Southern cattle per head is $7 less than that of Northern cattle. In Arkansas the value of beef cattle is estimated at $7.50 per head; in Iowa, $19.42—almost three times as much.

Another item of loss chargeable to the fever tick is the cost of special transportation, special yards, inspections, etc., which are rendered necessary by its presence and which loss must come out of the pockets of Southern cattle owners.

It is readily seen that the annual losses to the Southern States occasioned by the presence of the fever tick must be something like the enormous sum of $100,000,000. Since we have no cattle industry in the South, outside of Texas, to speak of, see what Texas pays to harbor the tick.

It has been stated by an expert that ticks will withdraw 200 pounds of blood from a cow in one year. Several broods of ticks mature in one season. It will be seen that the tick may deprive the animal while it is on pasture of several hundred pounds of substance.

TICKS PREVENT FATTENING.

We may expect an animal in good health to increase in weight something like 300 or 400 pounds on grass in one season. It can be readily perceived why even the best of cattle, on the richest pasture, when they are grossly infected with ticks, may grow poorer from day to day, or even starve to death.

In addition to the actual loss of blood, the constant irritation caused by the ticks, the sores which their bites induce, the screw worms invited thereby, and the resulting lack of rest prevents the animal from thriving and gaining flesh as it otherwise would.

Cows heavily infected with ticks often fail to bring calves or become irregular breeders. And this condition prevails especially as to heifers. In many instances abortion follows.

The Department of Agriculture has conducted many experiments and has expended thousands of dollars with the view of discovering a feasible method of eradicating ticks. After all these experiments and investigations, the arsenol dip has been demonstrated to be the most successful and the best method yet discovered, and your commission will continue to recommend its use until something better is offered. We have in this dip a preparation that will kill the ticks without injury to the cattle. If properly used, there is no injury whatever to the animal. We would advise that the pastures be divided; that is, into two or more pastures. The vat and pens should be properly constructed, the cost of which is nominal. We recommend the following prescription:

Arsenic, commercial	pounds	10
Sal soda	do	24
Pine tar	gallons	1
Water	do	40

In order to dissolve the arsenic it is necessary to have boiling water. Procure a galvanized iron pan capable of holding about 60 gallons. (Do not use an iron vessel.) Arrange for fire. To the 40 gallons of water add the sal soda. As the heat increases stir until the sal soda is dissolved. Add the arsenic; bring the mixture to a boiling temperature, stirring until all the arsenic is dissolved. Withdraw the fire, so as to have the solution below boiling temperature. Add tar by pouring in a small stream, stirring constantly. This will make a perfect mixture. To this add 460 gallons of water, making 500 gallons of the dip. This can be repeated sufficient to fill the vat. Dip your cattle from one pasture to the other, allowing sufficient time for all ticks to hatch and die before placing cattle again on the same pasture. It is very necessary for all cattle to be dipped. By "all" I mean every animal, for if a few are not dipped, they will continue to infect the pasture. These directions, if strictly followed, will clean your pastures of ticks in one year.

This commission is pledged to assist the cattlemen in this work. We offer at all times and in any and all possible ways to assist you to this end. We believe that it is a real benefit.

Mr. LEVER. Mr. Chairman, I am glad the gentleman from Illinois [Mr. MADDEN] is kind enough to reserve the point of order that we of the South may be heard in explanation of this very important provision of the bill appropriating $250,000 to enable the Department of Agriculture to continue its most admirable work in the eradication of the cattle tick, the immediate cause of the Texas fever, which for years has seriously interfered with the cattle industry of our section. I call to the gentleman's attention the fact that we made no protest against a half a million appropriation, several years ago, to stamp out the foot-and-mouth disease, which threatened the cattle industry of the New England States, nor have we raised our voices against the appropriations which have been made for many years to rid the sheep industry of the West of its greatest scourge—the "sheep scab." The gentleman will notice also that just a moment ago we joined with our New England friends in passing the item in the bill appropriating $250,000 for the prevention of the spread of the brown-tail and gypsy moth, which, unless controlled, promises the destruction of the New England forests. I mention these facts as an appeal to the fairness and broad-mindedness of gentlemen on that side of the aisle, and, parenthetically, I think it only right to say that I have always found them, in matters of a nonpartisan character, willing to meet us on halfway ground.

The Texas fever among Southern cattle caused by the bite of the cattle tick has existed in the South for many years, but it was not until 1905 that the Federal Government took cognizance of it by the enactment of legislation establishing a quarantine against the shipment of Southern cattle into Northern and Western markets. The quarantine line as established runs in a zigzag line from Virginia across the country to California. Cattle coming from the sections below this line must be conveyed in cars placarded as containing "Southern cattle," and must be placed in pens, when they reach the markets, reserved for such animals only and a large sign with the words "quarantined pens" must be placed on all such inclosures. Let it be borne in mind that this is a Federal, not a State, regulation, and we feel justified, therefore, in coming to the Federal Government for appropriations to enable us to stamp out this disease, to help us raise this quarantine, and to give Southern cattle an equal chance in the markets of the country. I am sure this must appeal to my friend from Illinois [Mr. MADDEN] as entirely just and fair.

Mr. Chairman, the presence of the cattle tick has been most disastrous to the Southern cattle industry and the losses from it are so enormous as to be almost beyond computation. Below the quarantine line there are between fifteen and sixteen million cattle, with an approximate value of $200,000,000. Those familiar with the subject estimate an annual loss of the enormous sum of $100,000,000 to this industry on account of the presence of the cattle tick and the existence of the quarantine. This is the direct loss; presently I shall discuss the indirect loss. I want to read from the hearings before the Committee on Agriculture a part of the statement of Dr. R. A. Ramsay, of the Bureau of Animal Industry, made in January, 1907. Dr. Ramsay was speaking of the losses suffered by the cattle industry because of the cattle tick, and the chairman of the committee asked:

How do you make up these figures?

Doctor RAMSAY. Well, I could not tell you all the corners, but there is a bulletin gotten out by our Pathological Division that explains that. It is made up by the loss in milk and meat, and the loss from being

unable to get Northern cattle down there to improve the breeds of cattle in the South, so that the cattle there have become deteriorated and run down. They can not get a bull there to cross on them to improve their herds in any way, and they are not making the money out of their cattle that they ought to make. The South should be a good cattle country.

Mr. LEVER. What is the difference in price of cattle above and below the quarantine line?

Doctor RAMSAY. Just about half.

Mr. LEVER. About half?

Doctor RAMSAY. I do not know that it would be quite that.

The CHAIRMAN. That is almost as much due to the quarantine line as to the quality of the cattle.

Doctor RAMSAY. That is due to the quality of the cattle, as I said.

The CHAIRMAN. The great cattle country in this country is north of the quarantine line, except in Texas.

Mr. LEVER. But the quality of the cattle is largely affected by the presence of the cattle tick?

Doctor RAMSAY. Yes.

Mr. Chairman, this is a most interesting statement and it shows under what a tremendous handicap the Southern cattle industry labors. No one familiar with Southern conditions doubts for a moment that the cattle industry, if given a fair showing, may be made most profitable. Our seasons are long and mild, our forage crops and grasses abundant and the local demand for dairy and beef products is large. The South is importing beef, butter, cheese, milk, and cream from Northern and Western markets, spending millions of dollars per year for these necessities of life which can be produced at home. The only bar is the cattle tick, which carries with it the odium of the quarantine against Southern cattle. We are practically shut out of the markets of the country as far as our beef cattle are concerned, while at the same time we are shut in as against the introduction of the better breeds of cattle and the improvement which must result to our herds from such an introduction. The dairy industry is making great strides under the direction of the Department of Agriculture. It will be remembered that several years ago I had the honor of securing an appropriation of $20,000 to enable the Secretary of Agriculture to employ expert dairymen to teach the Southern dairymen the best and most improved methods of that business. The result of that work is shown in the report of the Secretary of Agriculture for 1907, in which he says:

> The results from sixteen herds have been compiled for illustration and show an average increase of $3.75 in the monthly production of each cow.

This, Mr. Chairman, is an indication of what can be done in the dairy business of the South even under present conditions. The same thing can be done with respect to beef cattle. Why should the Southern States ship their cotton-seed meal, the best beef-cattle ration known, to the Northern States, where it is converted into the finest beef and at the same time goes to enrich the soil of those States? Why should we pay tribute to the Northern cattle industry in the sum of millions of dollars yearly when this might be saved by building up an industry of our own? The answer is, We have the cattle tick with us, and the Federal Government has surrounded us with a deadly quarantine line. As a matter of right, we demand that the Federal Government help us deal with this problem.

The industrial welfare of the South goes to swell the national wealth and power, and whatever affects our interest affects the interests of the whole country. Our problems are your problems; we are back in the Union; our fortunes are linked with yours; we contribute our support to the National Government, out of proportion to our strength, and we ask only fair treatment from you.

I will say to my friend from Illinois [Mr. MADDEN] that, unfortunately, in the South we have the one-crop system. Cotton is all important; everybody raises it. The more thoughtful men are bending their every effort to bring about a diversification of our agriculture and our industries. We have the possibilities, and all we need to do is to take advantage of them.

We know what the live-stock industry has meant to the agriculture of every country; we know that it is the basis of real agricultural success; we know that it is the bed rock of diversified agriculture, and we want to remove every handicap to its upbuilding in the South. Give this important industry a fair deal, unshackle it, and its success is assured.

The friendly nods of the gentleman assure me that he will not insist upon the point of order, and further debate is unnecessary. [Applause.]

Mr. MADDEN. Mr. Chairman, I withdraw the point of order.

Mr. BURLESON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding after line 23, on page 45, the following:

"That it shall be unlawful for any person or association to send or cause to be sent from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State or Territory of the United States or the District of Columbia or from any foreign country, by a telegraph or telephone line, any message relating to a contract for future delivery of cotton without intending that the cotton so contracted for shall be actually delivered or received, or relating to a contract whereby a party thereto, or any party for whom or in whose behalf such contract is made, acquires the right or privilege to demand in the future the acceptance or the delivery of cotton without being thereby obligated to deliver or to accept said cotton. Any person, whether acting individually or as a member, officer, agent, or employee of any person or association, who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $500 and shall be imprisoned for not more than six months nor less than one month, and the sending or the causing to be sent or the receiving or the causing to be received of each message shall constitute a separate offense.

"SEC. 2. That it shall be the duty of any person or association sending or receiving by means of a telegraph or telephone line any message relating to a contract or the making of a contract for the future delivery of cotton to furnish, upon demand, to the sender or recipient of such message an affidavit stating that he is the owner of the cotton so being contracted for, and that he has the intention to deliver said cotton, or that said cotton is at the time in actual course of growth on land owned or occupied by him and that he has the intention to deliver said cotton, or that he is at this time legally entitled to the right of future possession of said cotton under and by virtue of a contract for the sale and future delivery thereof previously made by the owner of said cotton, giving the name of the party or the names of the parties to the contract, the time when, the place where the contract was made, and the price therein stipulated, and that he has the intention to deliver said cotton, or that he has the bona fide intention of producing and delivering said cotton, or that he has the bona fide intention of acquiring and delivering said cotton, or that he has the bona fide intention of receiving and paying for said cotton. In an indictment brought under section 1 of this act the failure to make promptly such affidavit on request shall be prima facie evidence that the message sent related to a contract or the making of a contract for future delivery of cotton without the intention actually to deliver or receive the said cotton.

"SEC. 3. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property or knowingly to allow his property to be used for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or knowingly to cause to be received in any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia or from any foreign country, of any message relating to such contracts as are described in section 1 of this act. Any person, whether acting individually or as a member, officer, agent, or employee of a telegraph or telephone company, who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

"SEC. 4. That it shall be unlawful for any person owning or operating any telegraph or telephone line, or acting as officer, agent, or employee of such person, knowingly to use his property or knowingly to allow his property to be used for the transmission from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country, or knowingly to receive or cause to be received in any State or Territory of the United States or the District of Columbia from any other State or Territory of the United States or the District of Columbia or from any foreign country, of any message presented by a person engaged in a commission or brokerage business, or presented by a produce exchange corporation or association, relating to a contract for the purchase or sale of cotton unless the person engaged in a commission or brokerage business or the produce exchange corporation or association shall have filed, either personally or through the manager of such person or association, with the telegraph or telephone company an affidavit stating that the message or messages being sent and to be sent for the six months next ensuing by such person or association do not and will not relate to any such contracts as are described in section 1 of this act. A similar affidavit shall be filed before the end of the six months covered by the first affidavit. Any person owning or operating a telegraph or telephone line, or officer, agent, or employee of such person, who knowingly is a party to a violation of this section shall be punished for each offense by a fine of not more than $1,000 nor less than $500. Any person or association required to file the affidavit herein provided for who shall make a false statement in said affidavit shall be punished by a fine of not more than $5,000 nor less than $1,000 and shall be imprisoned for not more than two years nor less than one year.

"SEC. 5. That every book, newspaper, pamphlet, letter, writing, or other publication containing a notice, account, or record of the transactions of any produce exchange wherein such contracts as are described in section 1 of this act are made is hereby declared to be nonmailable matter and shall not be conveyed in the mails of the United States or delivered from any post-office by any letter carrier. Whoever shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof or of aiding in the circulating or disposition thereof, shall be fined not more than $5,000 nor less than $1,000 or shall be imprisoned not more than five years nor less than one year, or both.

"SEC. 6. That the Postmaster-General may, upon evidence satisfactory to himself that any person or association is sending through the mails of the United States any mail containing a notice, account, or record of the transactions of any produce exchange wherein such contracts as are described in section 1 of this act are made, instruct the postmasters in the post-offices at which such mail arrives to return all such mail to the postmaster in the post-office at which it was originally mailed, with the word 'unlawful' plainly written or stamped upon the outside thereof, and all such mail when returned to said postmaster shall be returned to the sender or publisher thereof, under such regulations as the Postmaster-General may prescribe."

Mr. MADDEN. Mr. Chairman, I reserve the point of order.

Mr. BURLESON. Mr. Chairman, this amendment is quite lengthy, but its purpose can be summed up in very few words. It is a bill introduced by me and is intended to abolish gambling in cotton on the exchanges by prohibiting the use of the mails, the telephone, and telegraph lines to those who deal in contracts for future delivery of cotton, with no intention on the part of the buyer to receive or the seller to deliver the actual cotton. A number of bills to accomplish the same purpose have been introduced by others. Recently members of this body have been showered through the mails with pamphlets, circulars, leaflets, and letters, setting forth in most plausible form the arguments of the defenders and apologists for the practices of the cotton exchanges, and in nearly every instance or particular, assault is directed against the bill introduced by me. It is evident to my mind that the reason this policy is pursued is the fear on the part of those well advised that my bill would, if enacted into law, completely destroy or prevent the continuation of those hurtful practices of the exchanges, against which the producers of cotton and the consumers of cotton have been crying out for so many years.

Mr. Chairman, I do not care to discuss at this time the details of the bill introduced by me, but I would like to discuss in a broad way the necessity for some legislation of the character proposed in this amendment and to answer as far as possible in the limited time at my command the principal reasons and arguments set forth in these pamphlets and circulars against the Congress taking action on my bill or any other bill having for its purpose the accomplishment of the same end.

I anticipated that my alert friend from the metropolis of the West [Mr. MADDEN] would make the point of order upon this amendment, and if by chance it escaped him I was sure my ever-watchful friend from Greater New York [Mr. FITZGERALD] would block its course. In fact, I had no expectation of engrafting my bill as an amendment upon this appropriation bill, and I only offer it in order to secure an opportunity to discuss it. I recognize the fact that this is a matter of great importance and do not hesitate to say that every interest affected by the proposed legislation should be given a full hearing before any action is attempted by the Congress. And, speaking for the producers of cotton, Mr. Chairman, I want to state that they have no desire, they have no purpose, of making an effort to have legislation of any character enacted here that would in the remotest degree affect injuriously any legitimate interest connected with the cotton trade. Now, as it will be impossible for me to discuss this proposed legislation in the limited time fixed by the rules, I ask that I may be permitted to continue my remarks upon this nonpartisan subject for thirty minutes, at the expiration of which time I may ask the further indulgence of the committee.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to continue his remarks for thirty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, I would like to make it one hour.

The CHAIRMAN. The gentleman from Texas is recognized for thirty minutes.

Mr. BURLESON. Mr. Chairman, the New York Cotton Exchange was organized in 1870. Three years thereafter the Liverpool Cotton Exchange was brought into existence, and in 1880 the New Orleans Cotton Exchange was incorporated. Since that time the volume of operations upon these exchanges has become so tremendous that they exert a far-reaching influence upon every line of the cotton business. I thoroughly understand that the passage of a bill of the character that I have offered or the amendment here proposed, if adopted, would materially reduce the operations of these exchanges; would, in fact, strike down fully 90 per cent of the transactions taking place on the New York Cotton Exchange, and undoubtedly this result would create temporarily, at least, a widespread disturbance in trade conditions throughout the cotton-consuming and cotton-producing world. I also recognize the fact that the burden rests upon me to show that the injury resulting from this disturbance will in the end prove less hurtful to the consumer and producer of cotton than the continuance of existing conditions; and if I am not able to do this I candidly state to you that my bill deserves to fail.

In addressing myself to this subject to-day I shall direct my remarks particularly to the New York Cotton Exchange, not that I am more opposed to the New York Cotton Exchange than I am to the one at New Orleans or any other where gambling is permitted, but because I am more familiar with the rules and regulations of the New York Cotton Exchange, having made a study of them, and further, because, as is properly claimed for it, the New York Cotton Exchange is the controlling institution of that character or, as its defenders express it, the controlling market. In fact, the operations of the New York Cotton Exchange, as I shall show, are so overwhelmingly large as compared with the transactions on the others, that the resultant effects upon the interests of the producer and consumer of cotton from operations at Liverpool and New Orleans are almost negligible, and, as I shall further show, New Orleans practically but trails along in the wake of the great New York concern.

Mr. Chairman, I am not unmindful of the economic importance and benefit of a great central cotton market or exchange. Undoubtedly an exchange for cotton could render great service, not alone to the producer of cotton but also to the consumer of cotton. If it performs its legitimate functions it would constantly serve to bring the consumer and producer of cotton together. It would intelligently aid in directing the marketing of the crop at the least expense, and furthermore it would expeditiously and economically assist in distributing this great crop throughout the civilized world. The question arises now, Does the New York Cotton Exchange perform these legitimate functions of an exchange? I candidly admit that for ten years after its organization it did perform all the useful and beneficial purposes for which it was created; it accomplished to a marked degree all the purposes I have named. Mill treasurers, spinners' agents, and cotton exporters assembled at New York in great numbers for the purpose of securing their factory supplies; many producers of cotton sent their cotton from the South to commission houses in that city, using those agencies through the exchange for distributing cotton not alone to our own mills but throughout the world wherever cotton was demanded. Thus it continued for a period of about ten years, and then the New York Cotton Exchange ceased to perform the proper functions of an exchange, through no fault of its members, it is true, but as a direct result of a fixed law of modern business. This proposition I will later on conclusively demonstrate.

From that time, Mr. Chairman, about 1880, the practices of the New York Exchange have grown steadily worse and worse—more hurtful day by day—more injurious year by year—to both the producer and consumer until now, as I see it, those practices have become well-nigh intolerable and as I conscientiously believe the exchange must be either radically reformed, which I fear is impossible, or it should be totally destroyed.

Let us consider for a moment the proper functions of a legitimate cotton exchange. The chief function, as all will admit, is to bring the buyer and seller together.

Now, let me ask, Does anyone who really wants to buy or sell cotton go to the New York Cotton Exchange for that purpose?

In the course of this discussion I will show you that they do not. The next most important function of an exchange is to aid in marketing the crop at the least expense to producer and consumer. Does the New York Cotton Exchange serve this beneficial purpose?

Before I conclude I will show you that on the contrary it lays an unnecessary burden of millions of dollars on those it pretends to benefit.

The other important function of a cotton exchange is to assist in expeditiously distributing this great product throughout the world, for the time has come when an annual supply of this important staple is essential to the happiness of a majority of the world's peoples.

Who will claim that the New York Cotton Exchange renders this assistance to the cotton trade?

I will show you that its operations obstruct, hinder, and interfere with the prompt distribution of this crop throughout the cotton-consuming world.

Before addressing myself to these propositions it may be well for me to digress at this point for the purpose of making clear what has destroyed the usefulness of the New York Exchange. What is this law of business or rule of business which has destroyed the exchange? As I have stated, during the early history of the exchange large quantities of spot cotton were consigned to New York for sale to our eastern mills as well as to exporters. Exporters kept their agents there. Mill treasurers and spinners' agents assembled there in great numbers to secure their stock for manufacturing purposes. Many producers of the South sent their cotton to New York for sale, and I assert it as a fact, and statistics will show, that New York prior to 1880 was the greatest spot market for cotton in the world, save the city of New Orleans. It is no longer so. What has wrought the change? At that time we had comparatively few railroads in this country, especially in the South. It was the day of the sailing vessel. The only steamboats that touched this continent sailed from the harbors of New York and Boston. To-day the South is gridironed with railroads, and from her harbors steam vessels sail for every

port in Europe, and by the utilization of the through bill of lading cotton is now sent direct, not only to every mill in the eastern section of our own country but through every port in Europe and in Asia to the factories in those countries. Geographically, as transportation facilities existed prior to 1880, New York was admirably situated to be a great distributing cotton market. It undoubtedly was such, and so continued for a number of years. It was an ideal place for a great cotton exchange; and I do not deny, but admit, that at that time the New York Cotton Exchange served all the beneficial and useful purposes of a genuine legitimate exchange.

Mr. Chairman, this propitious period in the history of the New York Cotton Exchange was before the day of "*the through bill of lading.*" This important instrumentality of modern commerce had not at that time been brought into general use. It was not universally utilized by the commercial interests of our country as it is now.

We all know, Mr. Chairman, that modern business to be successful must practice economy both as to time and money; this is a fixed and inviolable rule, and considering the fierceness of competition from it there can be no departure if one is to survive or escape bankruptcy.

When "the through bill of lading" brought about not only a saving of time, but also a saving of the expense attendant upon stopping and handling cotton in New York City its business as a great spot cotton market was gone, never to return. It needs no argument to prove this; the mere statement of the fact is in itself a conclusive demonstration of the correctness of the proposition.

It was "*the through bill of lading*" that destroyed New York as a great market center for cotton.

Can I be mistaken about that? Let us see if I am supported by others in this belief. Mr. Arthur R. Marsh, one of the board of governors of the New York Cotton Exchange, and one of its ablest defenders——

Mr. MADDEN. Will the gentleman yield to a question before proceeding?

Mr. BURLESON. Certainly. I invite questions from anyone desiring to ask them.

Mr. MADDEN. At the time the gentleman refers to the New York Cotton Exchange as being a great spot market, what was the volume of the cotton business of this country with Europe as compared with the present?

Mr. BURLESON. Approximately the same percentage of the crop was sent abroad then as at this time. Of course, there was not the volume of business then because we only produced at that time about 6,000,000 bales of cotton, whereas we now produce eleven, twelve, thirteen, and one time fourteen million bales of cotton.

Mr. MADDEN. How much of the cotton then produced was shipped abroad as compared with what is now shipped abroad?

Mr. BURLESON. Approximately the same percentage; in 1879–80, 31 per cent of the crop was consumed by our home mills and 69 per cent went abroad; in 1906–7, 37 per cent of the crop was taken for home consumption, 63 per cent going to foreign countries.

Now, permit me to read what Mr. Marsh, a member of the New York Cotton Exchange, in a letter addressed last year to the Atlanta Constitution, attempting to defend practices upon the exchange under its rules, had to say as to the effect of the through bill of lading. I read an excerpt therefrom as follows:

> Years ago, in the early days of the New York Cotton Exchange, New York was a market in which large quantities of all kinds of cotton were regularly carried in stock and offered for sale to spinners precisely like stocks of dry goods and other commodities which are now even carried and sold by the New York merchants. This is no longer the case, as it was discovered some twenty years ago by New England spot brokers that they could buy cotton in the South and sell it to New England spinners at practically the same price the New York merchants had to pay for their cotton delivered in New York. In other words, these New England brokers see that every bale of cotton that comes to New York and is carried in warehouses is subject to an expense of $1.50, which is not incurred if the same cotton is shipped direct from the South to the spinner. By saving this $1.50 per bale the New England broker was able to steadily undersell the New York cotton merchant and speedily capture all the old-time business in spot cotton which formerly New York controlled. Spinners ceased to come to New York in search of cotton for their mills, and the result was that the New York market was no longer able to carry at all times the considerable stock of all kinds of cotton it formerly did.

Thus you see, Mr. Chairman, that this law of business which requires every economy of time and money wrought the destruction of this great exchange, and I gladly bear witness to my belief that it was through no fault of the members of the New York Exchange that the change in the character of its business was brought about, and the adoption of its present rules and practices compelled. The gradual evolution and development of "the through bill of lading," and the geographical handicap which New York suffers brought the exchange to its present low state. I would not be candid if I did not express my belief that the New York Exchange has been forced to adopt its present rules and engage in its present pernicious methods in order to preserve its very existence. Under more favorable circumstances, with a different environment, I feel sure the New York Cotton Exchange would have scrupulously avoided—yes, would have even scorned to consider the adoption of some of its present rules or countenanced its present controlling practices. [Applause.] It is for this reason, Mr. Chairman, that in the course of this discussion I shall feel no inclination to indulge in abuse of the New York Exchange or its members, and whereas I shall criticise some of its rules and practices as being extremely hurtful to legitimate trade, I do so feeling, as I have said, that those rules and practices are necessary to preserve the existence of the exchange. I believe they would change them if they could do so and still continue to do business. It is true they exert complete control over their own rules—can modify or change them when they see fit, but human nature is human nature, and it may not be reasonable to expect them to voluntarily modify their methods of business when such action would in a large measure destroy that business. But, Mr. Chairman, if it is a fact that conditions are such as to make it impossible for the New York Cotton Exchange to operate its so-called business without doing serious injury to legitimate trade, then I think all will agree that it should go out of such business.

Mr. FITZGERALD. In order to ascertain the point of the gentleman's argument, I wish to inquire, first, upon what he bases his statement that after the first ten years the New York Exchange absolutely ceased to perform the functions of an exchange; and whether it is based on the difference in the price to the producer after the first ten years, or whether it is based upon the fluctuations of more or less violent character after the first ten years of existence?

Mr. BURLESON. Neither the price of cotton nor the fluctuation in the price of cotton had anything to do with the fact that New York ceased to be a great spot market. It ceased to be a great spot market because commerce—in 1880, or about that time—brought into general use "the through bill of lading." I addressed a communication to the secretary of the Interstate Commerce Commission to ascertain the date when the through bill of lading was first used and he informed me that it was some time between 1875 and 1880. Its use saved $1.50 on every bale of cotton theretofore stopped in New York. It was then that the Yankee spinner in the East, the shrewdest, smartest individual who was ever developed on this earth, saw that this saving could be effected by the use of the through bill of lading and, adopting it, he ceased to go to New York to purchase his mill supply.

Mr. Chairman, there can be no question that the adoption of the through bill of lading destroyed the New York Cotton Exchange as a real exchange, and all the claims and protestations of its members and defenders can't make it one. In days gone by, as I have said, it was a great spot market and frequently its annual receipts reached millions of bales.

Mr. FITZGERALD. Now will the gentleman say how much cotton he believes should be delivered in New York in order to make it a proper cotton market?

Mr. BURLESON. If the gentleman will permit me to develop my argument I will reach that phase of the subject, but I will say to him it has not received sufficient for several years; that year before last only 6,000 bales of spot cotton were received in that great market and last year less than 24,000 bales. [Applause.]

Mr. FITZGERALD. I do not want to interfere with the development of the gentleman's argument, but I shall be able to demonstrate that his figures are wrong.

Mr. BURLESON. That will be impossible for you to do. I take my figures from statistics prepared by members of the exchange, but nobody will welcome the gentleman to a discussion of those figures more than I.

Mr. MADDEN. Will the gentleman yield to me for an inquiry?

Mr. BURLESON. Certainly.

Mr. MADDEN. I understand the gentleman substantially said, although he did not say so in terms, that the price of cotton was lower now than it was before so much speculation began.

Mr. BURLESON. Oh, no; it is lower now than it sometimes was before speculation controlled the price, and higher now than it was at other times before that period. The gentleman knows that immediately after the civil war cotton sold at $1 and $1.20 a pound. That was before the organization of the New York Cotton Exchange; but later on I will quote to the gentleman from members of the New York Cotton Exchange, itself, showing the effect of its operations upon the market price of the actual cotton.

Mr. MADDEN. The gentleman admits, I suppose, there has been more speculation in cotton during the last ten years than the prior ten years?

Mr. BURLESON. Undoubtedly.

Mr. MADDEN. Will the gentleman also admit, that the price of cotton has been $15 a bale higher the last ten years, during all this era of great speculation, than ten years prior to that?

Mr. BURLESON. Certainly. I make that admission, because it is a fact. Commodities of all kinds have advanced during the past ten years and will continue to advance as long as gold production increases. There may be temporary depressions in price, but the trend will continue upward, and I sincerely and honestly believe that but for the stupendous gambling operations in the New York Cotton Exchange during that period the farmers of the South would have received from five to ten dollars a bale more for their cotton (applause), and the United States itself would have been enriched by receiving 500 million or a billion dollars more in gold for its export cotton than it received——

Mr. MADDEN. Will the gentleman allow me to ask him one more question?

Mr. BURLESON. Certainly.

Mr. MADDEN. Just this one. I am not going to consume too much of the gentleman's time. The gentleman admits that there has been more speculation in the New York Cotton Exchange during the last ten years than prior to that. He also admits that the average price of cotton has been $15 per bale more on account of speculation than before.

Mr. BURLESON and others. Oh, no.

Mr. MADDEN. During this era of speculation, put it, then.

Mr. BURLESON. Yes.

Mr. MADDEN. And at the same time he makes the statement if it were not for the speculation, notwithstanding the higher price on account of speculation, the people who are now raising cotton and the American people would have received millions more. How does the gentleman reconcile those statements on that subject?

Mr. BURLESON. I do not admit that the increase in price is due to speculation; in fact it came in spite of it. When I reach that part of my argument I will show my friend from Illinois, to his satisfaction, even out of the mouths of members of the cotton exchange itself, that their rules and practices have actually depressed the price of cotton. [Applause.]

Now, Mr. Chairman, let us revert to the issue whether the New York Cotton Exchange is serving, or can serve, any of the legitimate and proper purposes of a genuine exchange. First, does it serve to bring the buyer and the seller together? Would any cotton manufacturer, who is, of course, the real consumer and buyer of the farmer's cotton, think of going to the New York Exchange to buy his stock of cotton for factory purposes? To ask the question is to answer it—we know he does not. And neither the gentleman from Illinois [Mr. MADDEN] nor the gentleman from New York [Mr. FITZGERALD] will have the effrontery (if I could use such a word in connection with either of these gentlemen) to make such a claim. Why do the buyers not go there? I will show you why. First, for factory purposes, the mill man needs cotton of even running grades. He can't get this cotton through the New York Exchange. There are but 11 grades of cotton, and yet, according to the rules of the New York Cotton Exchange, in force prior to the first day of this month, the delivery of from 19 to 20 half and quarter grades was permitted, making, altogether, about 30 different grades of cotton deliverable on contract. Under the New York Cotton Exchange contract the buyer is liable to receive all 30 of these different grades of cotton in one purchase of a hundred bales. No manufacturer could possibly utilize to the best advantage 30 different grades of cotton in his mills. The improbability of a cotton spinner going to the New York Exchange for his raw material, if he wants to use a low-grade cotton in his particular mill, is easily understood when you know that under the exchange contract he buys at the seller's option, and if he demanded its fulfillment it would result in his receiving probably a score of different grades. Remember, these grades are all of different value—the higher grades frequently commanding $15 per bale more than bales of lower grade. Thus you see if he used cotton of the lower grade only in his mill he would be at a needless expense for every bale of a higher grade delivered to him under this contract. For the higher-grade cotton received under this contract he would be incurring a useless expense, as his mill calls for cotton of low grade. And if what has been charged is true, of the low-grade cotton received some would probably be unspinable.

Now, Mr. Chairman, if, as is usually the case with Northern mills, a higher grade of cotton is required, the spinner could not buy through the New York Exchange at all, for the lower grades delivered under the contract, at seller's option, would be for his purposes absolutely worthless.

Mr. MADDEN. The seller's option does not mean that the buyer must not take the goods, does it?

Mr. BURLESON. Oh, no; and later on I will show you that the buyer never does take the goods—the cotton. Let me read from the contract itself. I read from the charter, by-laws, and rules of the New York Cotton Exchange:

The delivery within such time to be *at the seller's option*, in one warehouse, upon notice to the buyer as provided by the by-laws and rules of the New York Cotton Exchange, the cotton to be of any grade from good ordinary to fair, inclusive.

It says at "the option of the seller," so that under this contract cotton from the lowest grade they sell to the highest grade that can possibly be bought is deliverable.

I now read section 93 of the charter and by-laws of the New York Cotton Exchange:

SEC. 93. No contract for the future delivery of cotton shall be recognized, acknowledged, or enforced by the Exchange, or any committee or officer thereof, unless both parties thereto shall be members of the New York Cotton Exchange, and the contract shall be in the following form, viz:

NEW YORK COTTON EXCHANGE.

CONTRACT.

New York, ———, I, ———, in consideration of one dollar in hand paid, receipt of which is hereby acknowledged, ——— have this day sold to (or bought from) ——— 50,000 pounds in about 100 square bales of cotton, growth of the United States, deliverable from licensed warehouse, in the port of New York, between the first and last days of ——— next, inclusive. The delivery within such time *to be at seller's option* in one warehouse, upon notice to buyer, as provided by the by-laws and rules of the New York Cotton Exchange. The cotton to be of any grade from good ordinary to fair, inclusive, and if tinged, not below low middling tinged, or if stained, not below strict low middling stained (New York Cotton Exchange inspection and classification) at the price of — cents per pound for middling, with additions or deductions for other grades, according to the rates of the New York Cotton Exchange existing on the day previous to the date of the transferable notice of delivery.

Either party to have the right to call for a margin, as the variations of the market for like deliveries may warrant, and which margin shall be kept good. This contract is made in view of, and in all respects subject to, the rules and conditions established by the New York Cotton Exchange, and in full accordance with section 92 of the by-laws.

——— ———.

There it is, you see that under this contract it is at the option of the seller. He has the right to deliver any grade he sees fit to deliver. Consider also the depressing influence this must exert on the price of cotton. Now, suppose a spinner uses low-grade cotton. If he insisted on receiving the cotton under his contract he is liable under the terms of this contract to receive a number of bales of cotton of a higher grade than his particular mill requires, thus incurring an unnecessary expense. Of course he will not buy these. Now, suppose he wanted a high-grade cotton. I will show you from letters which I expect to read later on that some mills use the very high grades of cotton. Suppose a spinner wanted cotton of that kind. I hold in my hand a New York Cotton Exchange warehouse certificate for 138,484 bales of cotton. If a mill man whose mill required cotton grading as high as "middling" and above, bought contracts for the entire 138,484 bales, he would get only 602 bales that he could use. Suppose a manufacturer required for his particular mill cotton of middling grade and one grade above and one below middling, how many bales do you suppose he could get that would be of use to him by buying the entire lot of cotton in New York Exchange warehouses on the date of this certificate for 138,484 bales? Only 2,703 bales; the remaining 135,781 bales he could not use in his mill. If at any time a manufacturer should insist on receiving the actual cotton under one of these contracts, the seller, who has the option, as I have shown, would always see to it that the manufacturer got just the grade of cotton he did not want and could not use. In order that the accuracy of my statements may be verified I embody in my remarks the certificate, which shows also the differences between grades as fixed by the revision committee.

NEW YORK COTTON EXCHANGE.

Grades of cotton in New York warehouses on September 30, 1907, inspected, classed, certificated, and grade guaranteed by the New York Cotton Exchange (with differences on or off Middling).

No. of bales.	Grade.	Cents.	
—	Fair	1.75	on
—	Strict Middling Fair	1.50	on
—	Middling Fair	1.25	on
7	Barely Middling Fair	1.00	on
15	Strict Good Middling	.75	on
1	Fully Good Middling	.62	on
20	Good Middling	.50	on
23	Barely Good Middling	.37	on
116	Strict Middling	.25	on
375	Middling	Basis.	
2,212	Strict Low Middling	.30	off
8,857	Fully Low Middling	.65	off
22,782	Low Middling	1.00	off

No. of bales.	Grade.	Cents.	
30,848	Barely Low Middling	1.25	off
27,554	Strict Good Ordinary	1.50	off
9,318	Fully Good Ordinary	1.75	off
6,772	Good Ordinary	2.00	off
45	Strict Good Middling Tinged	.35	on
146	Good Middling Tinged	Value of Mid.	
386	Strict Middling Tinged	.20	off
2,026	Middling Tinged	.30	off
8,476	Strict Low Middling Tinged	1.00	off
8,967	Low Middling Tinged	1.50	off
3,190	Strict Good Ordinary Tinged	2.00	off
2,261	Fully Middling Stained	1.00	off
2,028	Middling Stained	1.25	off
477	Barely Middling Stained	1.75	off
1,012	Strict Low Middling Stained	2.25	off
26	Fully Low Middling Stained	2.62	off
544	Low Middling Stained	3.00	off

Total, 138,484

There can be no revision until November 20, 1907.

GEORGE BRENNECKE,
Chairman Warehouse and Delivery Committee.

Now, gentlemen, permit me to submit this plain appeal to your common sense. If the cotton buyer, the spinner, could get the cotton he really wanted on the New York Cotton Exchange, or if he could get cotton there that he could use, even if it were not the exact character of cotton called for by his mill, don't you know he would buy there?

Frequently futures on the exchange sell from 1 to 1½ cents per pound lower than spots can be bought in the South. If the mill man bought on the New York Exchange not only would he be able to save from $5 to $10 per bale on the cotton he consumes, but he would also save the freight thereon, which would not be an inconsiderable sum if he consumed annually, as my friend Mr. Lovering and associates do, 200,000 bales of cotton. Mr. Chairman, there is a growing demand for finer cotton goods. Each year the trade is demanding more and more of the finer yarns, and to meet this demand cotton of a higher grade is essential. Many Northern mills now require a cotton having a staple 1¼ inches long, and yet this factor, the length of the staple, which materially enters into the value of cotton, is not considered at all in the New York Cotton Exchange contract. This fact alone would keep prudent progressive spinners away from there. Mr. Chairman, I challenge the production of one spinner, either North or South, who goes to the New York Exchange to buy his cotton for factory purposes. Under any contract he could buy there he would not know what grade of cotton he might receive.

Have you any further doubt on this point? If so, permit me to read from a letter to me from Mr. Theophilus Parsons, president of the Arkwright Club, the oldest organization of cotton consumers in the United States.

Mr. NORRIS. I wanted to ask the gentleman a question about the certificate he referred to. Does the gentleman mean to convey the impression that the buyer would make a contract for one kind of cotton and have tendered him under the contract different grades?

Mr. BURLESON. That is exactly what I mean; by the terms of this contract cotton basis middling is sold, and at the option of the seller, if delivery was demanded, the buyer could be compelled to take as many as thirty different grades of cotton.

Mr. NORRIS. And the buyer could not make any other kind of a contract?

Mr. BURLESON. He could not. This contract is the only one that is permissible under the rules of the New York Cotton Exchange.

Now, gentlemen, my friend from Massachusetts [Mr. LOVERING] knows who Theophilus Parsons is. As I said to you, he is president of the Arkwright Club, a great organization composed of cotton consumers.

Mr. BENNET of New York. Will the gentleman yield? I want to ask him to make a correction. It is the Arkwright mills.

Mr. BURLESON. No, it is the Arkwright Club.

Mr. BENNET of New York. The Arkwright Club is a great consumer, but not of cotton. [Laughter.]

Mr. BURLESON. It is one of the greatest organizations of cotton consumers in this country; am I not right?

Mr. BENNET of New York. "Organization of cotton consumers," that is correct.

Mr. BURLESON. Mr. Parsons's letter is in reply to one from me in which I propounded certain questions. My first and fourth questions I now read:

1. Do you in the conduct of your business as a cotton manufacturer find it necessary frequently to resort to the future markets of New York and New Orleans as a means of protecting yourself against unforeseen fluctuations in the price of raw cotton?

4. Does the existing apparent disparity between the price of future contracts and the price of middling cotton in the South and elsewhere operate to the advantage or disadvantage of the manufacturer?

Hear his answer to these questions, and by his permission I use his letter.

In answer to the first question I use the word "never" for the reason that the manufacturer, when he buys middling upland cotton in the New York or New Orleans Cotton Exchange, has not any idea whatever what he is buying. They can tender a cotton spinner straw, cotton seed, or even the wood of the cotton plant, all mixed together, at a difference in price, the value of which stuff no living man is able to determine.

Mr. Chairman, who here will contend further that the buyer of cotton can go to the New York Exchange for his mill supply? I read further from this letter—

By having thousands of bales of this material in store in the two large cities they are able to manipulate the market in such a way that I answer your fourth question that the member of the stock exchange makes his money on so-called "differences."

Here is the president of the greatest organization of cotton consumers in the world declaring over his signature that the members of these cotton exchanges make their money, not in legitimate speculation, but on so-called differences. [Applause.] The letter further says:

They can manipulate these "differences" with the stock of trash they have on hand.

Some years ago you will find that many mill treasurers in the United States favored encouraging the future market, and this was quite right, for at that time grades such as "stains," "gin cut," and so forth, were not permitted for differences, and the spinnner could use cotton that was tendered to him. But, like everything else, they have "killed the goose that laid the golden egg," and have made their rule such that they can deliver trash which it is impossible to spin. This will eventually work to their disadvantage and possibly kill their business. They will then reform their rules.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to conclude his remarks. Nothing more interesting or more important has ever been heard on this floor.

Mr. SCOTT. Mr. Chairman, I will have to object to that request. I will ask that the gentleman's time be extended until 3 o'clock.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended until 3 o'clock?

There was no objection.

Mr. BURLESON. Mr. Chairman, for fear that I may not be able to conclude all I want to say, I ask that I be permitted to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I want to ask the gentleman from Texas if he will also discuss the letters he has from Charles D. White and Bemis Brothers?

Mr. BURLESON. I intend to discuss the Bemis letter if I have time to reach it. It was published as an open letter to me in the New York Journal of Commerce, and I take that as permission to use it. The other letter referred to by my friend from New York I wired for permission to use, and it will give me pleasure to comment upon it. Mr. Chairman, I have absolutely no desire to evade anything in this discussion, and if I had the time I would invite interruptions, because, I pledge you my word, I try to keep an open mind on this question; and if I can be convinced that it is for the interest of the producer and consumer of cotton to continue in existence these exchanges, I will support and defend them; otherwise I will stand here as long as I am a Member of Congress insisting upon their destruction. [Applause.]

Now, let us see further: Does the seller, I mean the man who has the actual cotton, go to the New York Exchange to find his market? I have just shown you that the buyer of real cotton is not to be found there. Who would he sell to? Furthermore, why should he go there? I have just shown you, according to Mr. Arthur R. Marsh, that it costs the seller $1.50 for every bale he carries there; why should he voluntarily go there to sustain this loss? He does not do so. Now, Mr. Chairman, if the buyer can not go there and the seller will not go there, will some ingenious friend and defender of this colossal gambling shop, this so-called "exchange," explain how it performs the chief function of a legitimate exchange by bringing together the buyer and the seller—the consumer and producer of cotton? With these incontestible facts staring us in the face, it would be an insult to the intelligence of this body for any such effort to be made.

Mr. MADDEN. Will the gentleman yield for another question?

Mr. BURLESON. I yield to the gentleman.

Mr. MADDEN. If the cotton exchanges of our country were abolished, would not that lead to the quotations of prices in the Liverpool Exchange?

Mr. BURLESON. Mr. Chairman, if any man is entitled to be called the father of the New York Cotton Exchange, that man is Mr. Walter T. Miller; he was a charter member and the chairman of the committee who directed the construction of the palatial building in which the cotton exchange is housed. He is probably its oldest member and is universally respected for his integrity and ability as a cotton factor. I submit to you, by way of reply to my friend from Illinois, a declaration made by Mr. Miller to me in the presence of the distinguished gentleman from Massachusetts [Mr. LOVERING], and my friend, the able Representative from Tennessee [Mr. SIMS.] When that question, now asked by the gentleman from Illinois, was put directly to Mr. Miller he promptly replied: "If you should close the New York Exchange the Liverpool Exchange would certainly go out of business." He is the greatest authority on cotton exchanges and cotton-exchange methods in this country if long experience makes one an authority.

Mr. MADDEN. The Liverpool Exchange being a manufacturer's exchange, would it not likely reduce the price of cotton if all exchanges in this country were abolished?

Mr. BURLESON. Mr. Chairman, when I reach that part of my argument, when I discuss the effect of the rules and practices of these exchanges on the price of spot cotton, I will show that frequently the Liverpool Exchange quotes prices for cotton of a given grade very much higher than the price fixed by the exchanges in this country for the same grade. At last we must all admit that the ultimate price for cotton, as with everything else, is fixed by the law of supply and demand.

I have not the least doubt, if we could enact the legislation proposed, and suppress all gambling in cotton, it would force these exchanges to a change of their methods or it might close them; and if so, I feel sure the intelligent spinners of New England and the South, and the spinners abroad, would adopt some method of securing their mill stock probably more satisfactory to them than the present one. This, I think, I can show the gentleman if I have the time to read from their own letters.

Now, let us see if the New York Cotton Exchange performs the other beneficial functions of a real exchange. Does it aid in marketing the cotton at the lowest cost to the parties at interest?

It may be interesting first to know exactly how much cotton has been received in recent years at New York, this great market center, this very important exchange. The figures I now use are taken from a book prepared by one of the numerous defenders of the New York Exchange and its practices, published by Latham, Alexander & Co., of New York. This book shows there was received at New York in 1900–1901, 205,859 bales; in 1901–2, 161,964 bales; in 1902–3, 57,577 bales; in 1903–4, 45,123 bales; in 1904–5, 33,798 bales; in 1905–6, only 6,575 bales, and in 1906–7, 23,108 bales. Thus we see that from year to year New York has been gradually declining in its annual receipts until it is now receiving a quantity so insignificant that but for its vast operations in paper cotton it would scarcely be reported. This exchange could not render much aid in marketing the cotton crop if the cotton did not go there, could it?

Mr. SIMS. And the largest crops ever grown were grown during this period.

Mr. BURLESON. Yes; the largest in the history of the trade. Cotton has ceased to go to New York, and surely it can not be contended that this exchange could render aid in marketing the crop when it is admitted by the exchange apologists that the cotton no longer goes there. But, Mr. Chairman, some one may still claim that, notwithstanding the fact that cotton no longer seeks New York as a market place, the operation of the New York Cotton Exchange is still helpful to the producer in marketing his crop. If so, the question at once arises, Does it do so at the least expense or in the most economical manner for the seller and buyer? We all know that there are 450 members of this exchange, membership being limited to that number.

We all know that these gentleman are not running this exchange for their health, and that, first and last, regardless of what else may be claimed or contended for, this all must admit that the burden of the expense of this exchange ultimately falls on the producers and consumers of cotton, and, doubtless, frequently they make both pay the same bill. These members of the exchange, being cotton brokers, maintain many high-priced, handsomely furnished offices in this expensive city, some operating private telegraph lines to wire houses and local agents throughout the country, with innumerable typewriters and stenographers, all of whom must be supported and all of which must be paid for. I need not ask who finally does the paying. It goes without saying that the man with the hoe and the spinner who finally consumes the cotton pay the freight. And is this all? I only wish is were. Let us look a little further. During last year, as can be shown through compilation of statements published in the leading newspapers from day to day—and that is the only way the figures can be had now—statistics were published by the exchange prior to 1897, but since then it has not done so for reasons which I will hereafter state—there was sold on the New York Cotton Exchange 100,000,000 bales of cotton. Now, Mr. Chairman, if the buyer did not go there to get actual cotton, and the seller did not carry there cotton for sale, what do these vast transactions really represent? There can be no doubt about what it was. It was phantom cotton, paper-contract cotton, spook cotton, and yet, gentlemen, for every 100 bales of this mythical cotton sold there through members of the New York Cotton Exchange a burden of $7.50 was placed on the real cotton crop. Seven dollars and fifty cents are charged as commissions on every 100 bales bought or sold on the exchange. These commissions alone amount to $7,500,000 per annum. Is this all? I only wish it were. Mr. Chairman, it takes a vast amount of money to finance these transactions—not based on actual cotton, it is true—I have shown that the actual cotton does not go to New York—nevertheless, the burden of all this expense rests on the actual crop.

Consider for a moment the money required for these transactions. If $2 per bale is required by way of margin on each transaction of 100 bales, the buyer and seller between them put up $400. It is a simple matter of calculation to arrive at the result showing that first and last on 50,000,000 bales of cotton $100,000,000 would be required in margins from the seller and a like amount from the buyer. Of course these vast sums are not all required at one and the same time, but when it is used some one pays interest thereon. Now, if a fluctuation in price takes place, a further margin is required; for every twenty points an additional dollar per bale must be put up. And if a violent fluctuation occurs and a change of as much as 100 points is made in the market price, it would represent on the year's transaction one quarter of a billion dollars. I would not have you believe for a moment that any such sum of money or credit is called in use at one time, but during the cotton season covering the full year this vast sum in the aggregate may be required, and if so, some one pays tribute therefor in the way of interest. What in the way of additional burden does this place on the actual crop? It staggers one who attempts to make the calculation. Undoubtedly the producer, the farmer, and the consumer, the manufacturer, between them bear all these charges.

Mr. Chairman, a few days since we all received through the mails a forty-four page pamphlet containing an elaborate defense of the New York Cotton Exchange by Latham, Alexander & Co. In it I find this:

> As the Burleson bill and other bills proposed in Congress to suppress the cotton exchanges of the country and transactions in cotton contracts for future delivery are simply a rehash of the antioption bill of 1892, we republish herewith our reply to Senator George's argument, which covered the entire subject.

Now, as a matter of fact, my bill is based on entirely different principles from the bill of 1892 and this I will show when I come to discuss its details, but that is not what I now am after. Let us turn to that part of this reply answering as to the burden placed on the cotton crop by these commissions and interest charges on money required for margins and see what answer is made. I read from the reply:

> Now, when it is remembered that a large part of the business transacted in the exchange is done by bankers, merchants, exporters, and traders who are members of the exchange, and who pay no commissions, it is not likely the total commission on the total transactions quoted amounted to one-fourth of the sum mentioned by the Senator.

Thus we have it that on a large part of the transactions on the New York Cotton Exchange no commissions are paid. So far the reply in part controverts the complaint made as to the burdens of the commissions.

Now let us see what is said about the expense of interest charges incurred by the margins required to be put up by those contracting for future delivery of cotton. I read from this same reply:

> Bankers, merchants, brokers, and dealers who are members of the New York Cotton Exchange rarely call upon each other for original margins. They have the right to do so, but the right is not exercised, because their contracts are considered safe, and, besides, they have the right at all times to call upon each other for margins to cover any variation in the market. Calling of either an original margin or margin on account of variations in the market is purely discretionary with the dealer. Firms in the exchange oftentimes have large transactions with each other without margins being called.

This answer shows that interest charges do not accrue on the margins of some transactions taking place on the exchange.

But, Mr. Chairman, taking these two answers together, we

have this defender of the exchange making a more serious charge against the exchange than the one which he is defending. Here we have it that innumerable transactions take place on the floor of the cotton exchange where neither commissions are paid nor margins required. What a temptation this affords, Mr. Chairman, for members of the exchange to play battledoor and shuttlecock with the market price of this great product. There they stand day after day, without danger of incurring more than a slight liability, beating down if they see fit the market price of a great crop which is made through the sweat of millions of our people! This tends to confirm a statement which I was loath to believe, contained in a letter from New York and recently received by the gentleman from Alabama [Mr. HEFLIN]. I read from the letter:

In this way this "gang" have milked millions of money out of the public. Ninety-eight per cent of the dealings here are merely gambling. They would at times pass the word around, "How much long cotton have you on your books," then compare notes and finding that the lambs or outsiders had 500,000 bales long they would start a bear raid and smash the market until these longs would have to sell out or "let go"; just then the "gang" would buy from the lamb thus frozen out, and when he was cleaned out of his money, push the market rapidly up so as to not let him get in again at the bottom.

How easy it would be to do this in the light of the statements made in this so-called defense of the New York Cotton Exchange. Thus we find the exchange impaled on one horn of the dilemma or the other—either is monstrous. The truth is, Mr. Chairman, it renders no aid in marketing this great crop, but during the period it is being marketed this exchange lays a burden on it excessively heavy, which burden the buyer and seller have determined to no longer willingly carry.

Mr. Chairman, in discussing this question I want to be absolutely fair. I realize that I must be fair.

Every error I fall into here will ultimately be pointed out and used to strengthen the opposition to what we are endeavoring to accomplish—the abolishing of this great evil.

The business of these members of the exchange is placed in jeopardy by the legislation proposed, and not only are they shrewd and smart themselves, but they have the means to employ the greatest talent this country affords, and every misstatement I may make, through inadvertence or ignorance, will be in the end turned against us.

For this reason, Mr. Chairman, I am not venturing into the field of speculation, but am tying myself down to facts, and whenever I can I will use testimony they have furnished themselves to demonstrate the injury resulting from the practices of these exchanges. Now, let us look further to see if the New York Exchange performs the other functions of a legitimate cotton exchange.

Does it assist expeditiously and economically in the distribution throughout the world of the product of 5,000,000 of our people who are engaged in growing cotton?

We all recognize the truth of the proposition that stability of price is one of the first essentials of healthy trade.

Now what effect do the operations on the New York Cotton Exchange have on the price of cotton? Mr. Chairman, the mere propounding of this query brings to every mind at all familiar with the cotton trade the thought of erratic prices.

But in order to do no injustice let us examine the statistics on this subject. I hold in my hand Shepperson's Cotton Facts—a book sent out by the superintendent of the exchange, as is shown on the cover. It is prepared by an able cotton expert.

This book shows that for last year, taking each month as I call them, from the time deliveries for that month were dealt in until the close of that month, the price fluctuated as follows: For September, from 11.18 cents per pound to 8.58. Remember, now, that this price is for the same grade of cotton. For October, from 11.30 cents to 8.60 cents per pound; November, from 11.70 to 8.85; December, 11.30 to 8.90; January, 11.31 to 8.99; February, 11.40 to 9.06; March, 11.48 to 9.02; and thus throughout the year, for July the highest being 13 cents and the lowest 9.35 cents per pound. Thus you see that these prices are either manipulated or the unrestrained speculation keeps the market price shifting round like a howling dervish—jumping like a man with the jim-jams. It serves to disturb prices rather than to steady them, and this is continued from the beginning of the season to its end. The producer of cotton is kept halting between his hope of a higher price and his fear of a lower one. He knows not whether to sell or to hold. As he labors through the week preparing his crop for market, the price may be thoroughly satisfactory and at its close, when he is in a position to sell, he may find it off by a hundred points. The price lacking in stability, he holds perhaps to lose still more in the end. Do such practices aid in distributing the crop expeditiously? On the contrary, it has hindered it as I have shown. Mr. Chairman, recall the effect on trade conditions during 1904—the Sully year, as it is called. Then, as we all know, after the bulk of the cotton had passed out of the hands of the farmer into the possession of the middlemen, the price was by speculative methods forced to nearly 18 cents for middling cotton, resulting in many of the mills closing down.

Do such practices aid in distributing the crop expeditiously? Just the contrary. It obstructs it as is shown. Again, during the year before, through a combination of cotton speculators, the price of cotton was, near the end of the season, forced to so high a figure that some cotton which had been exported was returned from Europe and, as I have been told, actually tendered on contracts.

Thus as a direct result of the manipulation of prices on this controlling exchange we find cotton more valuable for gambling purposes than it is for spinning purposes. This, of course, again demonstrates conclusively that the New York exchange aids materially in distributing this great crop where it is needed at the least cost to those interested! Some one paid for the extra trip of this cotton across the seas. The extra trip was occasioned by the wild speculation on this so-called "exchange,' thus interfering with the crop's final distribution. Hence we see that the New York Cotton Exchange has ceased to perform any of the functions of a useful or legitimate exchange.

If I am right about this, if this exchange no longer serves to bring buyer and seller together, imposes useless burdens on the producer and consumer, and obstructs, hinders, and delays the marketing of this important crop, the inquiry arises, Why should we not abolish it or enact legislation to prevent its hurtful practices? If you want to do so, the adoption of this amendment will accomplish that end.

But, Mr. Chairman, whenever a suggestion of legislation of this character is made we always find three time-worn stock arguments brought forward and urged in support of the continuance of cotton exchanges:

First. It is vehemently claimed that this cotton exchange is absolutely essential to the successful conduct of the cotton manufacturer's business; that the spinner could not safely operate without the protection afforded thereby; that the practice of the trade here and abroad is to sell the forward output of the mill, and when he has done this, for his own protection he must hedge against any material advance in the price of his raw material, and that the exchange is the only place he can make this "hedge," as it is called.

The first fact I desire to direct attention to is the probable extent of hedging by the manufacturer. We consume in this country of a 13,000,000-bale crop less than 6,000,000 bales. For the sake of argument, we will say all this is hedged, though, as I will show you hereafter, many manufacturers do not hedge. It is probable that half of this 6,000,000 is hedged in New Orleans and Liverpool, but this I waive, and in order to be within safe bounds I allow for hedging done by the cotton buyer against loss before he places cotton purchased by him an equal amount, and thus we have 12,000,000 bales hedged out of a total of 100,000,000 bales bought and sold last year on the New York Exchange, leaving 88,000,000 bales representing gambling, pure and simple.

Furthermore, I want to direct your attention to the fact, that in order to conduct a successful hedging operation it is absolutely necessary that your contract price for your futures be kept close to the market price of spots. Now, I submit, how could this be done during the past few years, when there is so marked a difference in the prices of spots and futures? Bearing on this, I want to read from an address I heard last May before the American Cotton Manufacturers' Association. It was delivered by one who has had more experience in transactions on the cotton exchange than any man living or dead, and who, in my opinion, is one of the world's greatest cotton experts. I allude to Mr. Theodore H. Price, and this is what he said:

The spinner sells his goods for delivery during January, 1908. He desires to protect himself against any radical fluctuations in the market for the raw material. The past year's experience has shown that the New York contract affords no protection. It has declined largely as a result of these fixed differences, while the price of cotton which the spinner required has advanced.

And still it is claimed the exchange is the shield and protection of the mill man. If so, Mr. Chairman, he ought to be the most loyal friend and supporter of the exchange. If he is, who would know that fact with certainty? Why, the exchange itself, and of course the chief officers of the exchange—its presidents. Let us see. I read from an address by a former president of the exchange delivered last year in Boston before the spinners themselves. He said:

The hostile attitude taken by the spinners of New England at the formation of our exchange, and which has continued with more or less intensity during the past thirty-six years was, and is, to my mind, a mistaken policy, which the spinners of England and continental Europe have avoided by their daily intercourse with merchants from all portions of the world.

Surely, Mr. Chairman, these mill men should not be hostile to their protectors who serve them so well.

Now, let us go to the presidents of the cotton manufacturing associations and have their testimony on this point. Mr. S. B. Tanner is the president of the American Cotton Manufacturers' Association, and, in reply to a letter from me, had this to say on this point:

In reply to your favor of the 17th ultimo, which came during my absence, I beg to say that I have been informed that there is very little hedging done in the New York cotton market at present, as the New York cotton market and the Southern spot markets have been so far apart during the past few years; however, up to eight or ten years ago it seems it was a safe proposition to use the New York market for hedging purposes, as the contracts were so arranged at that time that the future markets, especially the current and succeeding months, usually represented very closely the prices of spot cotton in the South, but for some reason this parity has not been maintained during the past few years.

If the New York cotton market could be so arranged as to represent the cost of spot cotton it would no doubt be a great advantage to manufacturers and dealers in spot cotton generally for hedging purposes, as the manufacturer could sell a lot of goods and probably not be able to buy any spot cotton immediately, but could base his sales upon the price of cotton in New York, buying the contracts promptly and do a safe business, which has not been the case during the past few years.

For many years Mr. J. R. MacColl was president of the New England Cotton Manufacturers' Association, and while holding that position he appeared before the Agricultural Committee at one of its hearings, and on this subject had this to say:

Mr. MACCOLL. My opinion is that the spinners of this country have used the future market to a very small extent. Lately they have been forced to use it more, but they have not used it to any large extent in years gone by. There are thousands and thousands of manufacturers who have never bought a bale of futures.

Mr. SIMS. Is it not a fact that the speculators are divided into bulls and bears, and that the effect of their operations is nil?

Mr. MACCOLL. If there is no evil about it, it is not worth while for us to waste time about it. We think it has been a tremendous evil in the last three or four years.

Mr. Chairman, during February of this year I wrote to many of the leading cotton manufacturers of our country propounding to them four questions tending to throw some light on the issue I am now discussing. To these letters I received a great many replies, and these I carried to the Census Bureau, and through the courtesy of its officials a tabulated statement was prepared giving a summary of their replies. I submit it for your consideration:

Memorandum for Hon. A. S. Burleson, prepared by the Census Bureau.

The following analysis and tabulation of the replies to the inquiries which you propounded to cotton manufacturers relative to H. R. 67 are respectfully submitted:

Interrogatory.	Character of reply.	Per cent.
1. Do you, in the conduct of your business as a cotton manufacturer, find it necessary frequently to resort to the future markets of New York and New Orleans as a means of protecting yourself against unforeseen fluctuations in the price of raw cotton?	Yes { frequent	47
	Yes { occasional	12
	No	37
	Indefinite	4
2. During the past ten years has the existence of these future markets, in your opinion, been of benefit or disadvantage to the legitimate interests of cotton manufacturers?	Benefit	47
	Disadvantage	42
	Indefinite	11
3. If trading in futures were suppressed through the enactment of national legislation looking to that end, would the result, in your opinion, be beneficial to the trade, taken as a whole?	Yes	39
	No	54
	Indefinite	7
4. Does the existing apparent disparity between the price of future contracts and the price of middling cotton in the South and elsewhere operate to the advantage or disadvantage of the manufacturer?	Advantage	5
	Disadvantage	68
	Indefinite	27

I desire to direct your especial attention to the fact that 68 per cent of the manuacturers answering declare that in their opinion the disparity between the price of futures and spots is to the disadvantage of the manufacturer. This disparity in price has existed for several years, and in my opinion will continue to exist until the methods of the exchange and its rules are modified.

I also desire to read a few letters from the most prominent of these manufacturers who evidence a thorough grasp of this subject. The first I will read is from one of the strongest mill men in New England. I reserve his name, as I do not have his permission to use it. In his letter to me he said:

I have been connected with cotton for the past forty years—twenty years as a cotton buyer in New Orleans, and twenty as a cotton manufacturer.

I am opposed to the cotton-future business; it is simply gambling and does more harm than the Louisiana lottery ever did.

Not 5 per cent of the transactions in futures in the cotton exchange are anything more than gambling on quotations, with no thought on the part of buyer or seller of ever receiving or delivering actual cotton.

All sorts of fake reports in regard to size and condition of the cotton crop are circulated by the bull and bear speculators, which affect the stability of price, so important to the cotton manufacturer, and a majority of the cotton planters are very much opposed to these operations in cotton futures.

It seems to me to be the plain duty of our Government to enact laws that will check, if not entirely stop, this trading in cotton futures.

You will note, Mr. Chairman, that this gentleman in this letter also supports my contention that the New York exchange destroys stability of price, which is essential to healthy trade.

I now submit one from Wisconsin:

COOPER UNDERWEAR CO.,
Kenosha, Wis., December 17, 1907.

Congressman A. S. BURLESON,
House of Representatives, Washington, D. C.

DEAR SIR: We wish to address you upon the subject of your bill prohibiting the speculative dealing in cotton. We wish to state that the buying and selling of cotton on margins is a very pernicious practice, and one detrimental to the interest of the cotton manufacturers of the country. There can be no objection to the actual buying of cotton where the entire value on the cotton is paid, but the speculative trading in cotton on margins we find to be a great handicap to our business.

There are two mills in this city spinning cotton. The fluctuation in the cost of our product of 1 cent per pound is a very serious fluctuation, as it unsettles prices and makes it very difficult for us indeed to plan our business or to plan our work to such an advantage that we can pay the best wages to our employees.

Under speculative manipulation the cotton market is apt to vary from half a cent to a cent in one week, and to make ourselves safe it is absolutely impossible for us to pay the highest wages because we must keep a margin of safety which we would not need to keep were it not for the speculative manipulation of prices of cotton.

It is no unusual thing under present conditions for the entire margin on cotton goods to be wiped out by the sudden speculative changes in the market. This is not conducive to the best interest of the manufacturers, who are the mainstay of the country.

We sincerely trust you will meet with success in pushing your bill to adoption. We thank you for your interest in the matter, which certainly ought to have the hearty support of all cotton manufacturers. Do not allow brokers or speculators to make you believe that the provisions of your bill are too sweeping. All that is needed by the manufacturer is that the entire speculation in cotton on margins be forever destroyed and wiped out. Again wishing you success, we remain,

Very truly, yours,

COOPER UNDERWEAR CO.,
HENRY S. COOPER,
President and Treasurer.

This gentleman also supports me in the proposition that the exchange unsettles prices, and asserts emphatically that the selling of cotton on margins is detrimental to the interests of the cotton manufacturer and is hurtful to the laborer in that it depresses his wages.

This one comes from a large manufacturer in the State of Rhode Island:

MANVILLE COMPANY,
Providence, R. I., February 22, 1908.

Mr. A. S. BURLESON, *Washington, D. C.*

DEAR SIR: I have your favor of the 17th instant, and inclose a reply to the printed questions attached thereto. In addition would say that it seems to me that the reason the cotton exchange awakens so much more opposition than the stock exchange or grain exchange is because that unlike those other exchanges it professes to sell an article and then makes the conditions attending the sale such that the legitimate trader can not purchase on the exchange and get an article suitable for his wants. As a result the legitimate sales steadily decrease and the exchange degenerates into a gambling place pure and simple. If a man buys a block of stock on the stock exchange or a bushel of corn or wheat on the corn exchange he gets what he buys, and consumers make use of those exchanges for their future wants.

If a spinner buys cotton futures on the cotton exchange and demands the cotton he is sure to get what he does not want if the seller can possibly effect that result. The remedy seems to me to make different grades to be sold and hold the seller to deliver what he sells, then both planters and spinners can use the exchange with safety.

A suggestion has been made by a Southern dealer that the exchange should be compelled to make two different classes of sales.

Number 1 should mean that the seller could deliver middling and above cotton with staple not less than 1 1/16-inch, or possibly 1 inch.

Number 2 should mean that the seller could deliver middling and below of similar staples. In this way the fine and coarse spinners could both be accommodated, the legitimate sales on the exchange be increased, and that would soon remove the disparity of which all complain and to which you allude in your fourth question.

I hope I have made myself plain to you.

Yours, very truly, CHAS. H. MERRIMANN.

You will note that this gentleman asserts in his letter that legitimate trade has steadily decreased on the exchanges, and that it has degenerated into a gambling place pure and simple. He also supports me in my charge that if a spinner buys a contract and demands the cotton he is sure to get what he does not want.

I now read one from Indiana:

EVANSVILLE COTTON MANUFACTURING COMPANY,
Evansville, Ind., February 25, 1908.

A. S. BURLESON, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your letter of the 17th, inclosing copy of a bill which you have recently introduced in the House of Representatives.

Inclosed herewith find the questions answered, as you request.

I believe the bill which you have introduced is just and right, and so far as our observation has been we consider the matter of dealing in futures in cotton to be detrimental to the manufacturer in every respect, as it is a form of gambling which misrepresents facts, and is harmful to anyone who is in any way connected with such doubtful methods of business.

If you have a copy of your address before the American Cotton Manufacturer's Association in Philadelphia, delivered last May, I would thank you for a copy of same.

Yours, truly, A. W. EMERY, *Secretary.*

Here we have an emphatic declaration from a manufacturer that the exchange instead of being helpful is an actual detriment to the manufacturer in every respect.

I now submit a letter from Mr. T. L. Wainwright, of Mississippi. He covers many phases of this question, handling it in such a manner as to exhibit his thorough understanding of what he writes about. In this letter I am supported in nearly every charge I have made against these exchanges. I will read it:

STONEWALL COTTON MILLS,
Stonewall, Miss., February 24, 1908.

Hon. A. S. BURLESON, M. C.
Washington, D. C.

DEAR SIR: Replying to your appreciated letter of the 17th instant, beg to say that I have filled in and herewith return to you my answers to your questions, but the space you have allowed me is not sufficient for a complete reply; hence as you invite a separate letter I will attempt to write you one.

I am a member of the American Cotton Manufacturers' Association, and listened with much interest to your address before that board in Philadelphia last May, and I believe you are entirely right. The so-called "bucket shops" should unquestionably be eliminated, and the nefarious, unjust, and, I must say, swindling manner in which the New York Cotton Exchange is conducted should be suppressed. They keep a stock of cotton in New York that for spinning purposes would answer the purpose no better than so many bales of hay, or picker droppings or motes, simply to tender on contract, knowing that no cotton mill could spin this stuff.

The writer has been in the cotton manufacturing business in the South for about thirty-four years, which is during his whole business career, and in all departments, and my cotton-mill friends know I am mechanically practical in manufacturing, while I have been the business head of this and several other cotton mills for many years, and the mills that I represent are known to be successful; and I have had the pleasure and honor of leading several mills to success which had been failures.

Now, touching on the future business, will say that I have frequently had occasion to buy so-called futures or future contract cotton to cover actual future sales of cotton goods, but I am very sorry to have to say that we have always come out, with very few minor exceptions, with either the hot end of the poker or short end of the string in our hands. The methods of the New York Cotton Exchange are an outrage on the public. They do not afford the protection that is expected and held out. The bucket shops are an outrage and the most pernicious gambling and swindling machines in the United States to-day. They are far worse than the Habana lottery or any of those gambling schemes. New York futures are simply second-hand warmed-over jobs that afford no protection. But the New Orleans Cotton Exchange conducts their business on a much higher plane, and do ordinarily afford protection to the manufacturer who sells his goods for forward deliveries, but they should be straightened up and restricted to an extent by proper but sane legislation.

It is argued that if our American exchanges are suppressed or closed up that we transfer the market quotations, or, I should say, prices to Liverpool. This I deny.

Several of the Southern States have recently passed laws suppressing the trading in cotton futures, or, I should say, gambling, and the cotton exchanges are putting up a howl and are claiming that this is the cause of the present low prices of cotton, and this is no doubt a fact for the present, as they have made it a point of making the farmers very sick and sore over this legislation, but, "like water, it will seek its level," and if they will knock out all this gambling I have an abiding faith that the markets will straighten themselves up in due time and the farmers will receive as good average prices for their cotton—in fact, far better—than they could possibly get with the bucket shops and cotton exchanges wide open, while not only the cotton manufacturers, but the jobbers, and through them the consumers, of cotton goods will not be subjected to such damaging and demoralizing fluctuations in prices which hurt everybody.

Now, down to the real practical facts, which will be attested by every sensible cotton-mill manager. The trouble is, we and many others have recently and heretofore many times sold large quantities of cotton goods at profitable prices and have bought the spot cotton or futures as a hedge, then the gamblers get into the deal and depress the cotton markets from one to three or four cents per pound; then down goes cotton goods, the purchasers cancel their orders and leave the cotton mills with the high price future or spot cotton on hands and their orders for the goods all canceled. We are in this fix to-day, and with a loss from this very cause on our hands that will amount to many thousands of dollars. I have gone through this experience before. The dethroned cotton kings, and many others of their stripe and class, are absolutely to blame for these terrible conditions. So, I must repeat, from a common sense and practical experience of a third of a century I am unalterably opposed to the bucket shop, and secondly to the swindling and unjust methods followed by the New York cotton exchanges, and, thirdly, to the general practice of the so-called cotton exchanges as relates to future cotton transactions. If the whole future business were swept off the map of cotton business I believe everybody would be far better off.

Your bill known as "H. R. 67" covers my views and ideas exactly. The whole trouble is that it is a gambler's scheme, and they sell many times more cotton than is produced or could possibly be delivered.

These future markets are all right if they can be handled under your bill so as to have actual deliveries made. In short, I know no better way to complete an answer to your letter than to say I heartily and fully indorse your entire bill, and I hope it will pass.

With expressions of regard, I am,

Yours, truly, T. L. WAINWRIGHT, *President.*

I now present a letter from an Illinois manufacturer. In it the charge is made that through the exchanges stability of price is destroyed and the producer and consumer defrauded. I read it:

AURORA COTTON MILLS,
Aurora, Ill., February 22, 1908.

Hon. A. S. BURLESON,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to H. R. 67. In the twenty-four years' operation of these mills, during which time I have been connected with the active management, we have not made use of the future markets as a means of protection against unforeseen fluctuations. We are opposed to the cotton exchanges as now conducted, because they serve no legitimate purposes of commerce. The statement that they do seems plausible to the unthinking mind, but really has no foundation in fact. The producer and consumer of cotton want stability of prices, the speculators and gamblers want rapid and violent fluctuations, and use all sorts of means honorable and otherwise to produce them. The inevitable result is that the honest producer and consumer are defrauded. What influence I may have is with your bill.

Yours, truly,

AURORA COTTON MILLS,
E. S. HOBBS, *Treasurer.*

Mr. Chairman, I now offer for your consideration a letter from a manufacturer in my own State. It bears evidence within itself that it was penned by a thoughtful man.

DALLAS COTTON MILLS,
Dallas, Tex., February 27, 1908.

Hon. A. S. BURLESON, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I own your favor of the 17th instant, inclosing several questions to which you ask reply, and also copy of House bill 67.

I return herewith the questions answered to the best of my ability, and will say that in my mind there is no question but what dealing in futures by the outside public is harmful to the three classes of legitimate trade in cotton, viz, farmer, shipper, and manufacturer. To all three the greatest benefit that could be derived would be to produce a stable market, and the three would prefer to get a remunerative price for cotton. It is no advantage to anyone to have low prices for farm products while it is of manifest advantage to the country at large for the farmer to reap a profit on his products.

The harm that speculators do to the market is that they increase natural fluctuations in value out of all reason. Where the market has a tendency toward higher prices the speculator runs the price beyond reason in that direction. On the contrary, when the market has a bearish tendency they reduce the price far beyond its natural swing. If it were possible to confine the trade of cotton in legitimate channels fluctuations would be far less than they have been in the past and would stick much closer to the natural value of the product.

In regard to bill No. 67, it would be a radical departure from our past experience and we can not say what the outcome would be, but trade would no doubt find some manner of getting at reasonable values and it would be reasonably uniform over the country. At present this price is made largely by the price of cotton on the Liverpool Exchange, and secondarily, by the exchanges in this country. If we could get no quotations from the exchanges in Liverpool and America, the surplus cotton shipped to Europe and England would still govern the price, and this would be ascertained by the bona fide offers made by the manufacturers in those countries for the actual cotton to be shipped to them. For the past few years the tendency in our line of business has been upward. Naturally the speculator and gambler have made their money by bulling products, and this has been of some advantage to farmers. It looks now that we are in for a period of descending prices, and it may be a few years before the tide turns. During this period of depression the speculator will naturally turn his attention to the bear side, and it is probable will run prices very much lower than they would otherwise go.

Yours, truly, J. T. HOWARD.

Here we find a declaration that the operations on these exchanges are hurtful not alone to the farmer, the cotton buyer, or shipper, but to the cotton manufacturer as well.

I also desire to bring to your attention two letters from one of the leading manufacturing firms from the State of Pennsylvania. In no uncertain terms do these letters speak in denunciation of the methods of these exchanges.

THOMAS HENRY & SONS,
Philadelphia, March 5, 1908.

Mr. A. S. BURLESON,
House of Representatives, Washington, D. C.

DEAR SIR: As per your letter of the 17th ultimo, we beg to inclose you herewith letter filled out as requested in regard to cotton exchanges that now exist.

We think if the present cotton exchanges could be wiped out of existence the people or concerns engaged in legitimate business of cotton manufacturing would be far better off in every particular than they are at present.

Owing to the enormous rises and falls that have taken place in the cotton market quotations for the past few years it is almost impossible to do business on a legitimate basis; but if, as above stated, the exchanges were out of existence, and the old rule made to apply—that is, to make the price of cotton according to the legitimate demand and supply—it would result to the mutual advantage of the producer and the consumer, meaning the cotton-mill man as well, and the ultimate extinction of the gambling element who use the cotton market as a dummy for their gain.

If it is not possible to wipe out the exchanges, we think, in our opinion, if the following law—it would help out considerably the present condition of affairs—that is—

If dealers on the cotton exchange would be compelled to show warehouse certificates showing that, as sellers, they actually have the cotton in their possession that they wish to dispose of, and also if the buyers were compelled to put up at least 50 per cent of the actual purchase price as a margin in purchasing cotton, by this method it would cut out pretty much the "chancers," who would not know what to do with a bale of cotton if the same was in their possession.

We sincerely trust you will be able to have laws passed through both Houses to overcome the gross evils of the present cotton market, which have existed for the past ten years, and thereby receive the everlasting gratitude of the law-abiding people who have millions of dollars invested in the manufacture of cotton fabrics.

Again wishing you success, we beg to remain,

Very truly, yours,

THOMAS HENRY & SONS.

THOMAS HENRY & SONS,
Philadelphia, March 17, 1908.

Mr. A. S. BURLESON,
House of Representatives, Washington, D. C.

DEAR SIR: We have your telegram to hand, and would ask you to kindly pardon delay in answering the same, as both members of the firm have been absent from the office for the past week, being in Boston on business.

We also have your letter of yesterday, and in reply to both letter and telegram would say we wish to put forth a few more views from our standpoint.

First. We give you permission to use our letter to your best advantage in your debate, and wish you success.

Second. Continuing our letter of March 5 would add the following:

If we are obliged to have cotton exchanges (?) for the benefit of the manufacturer and the seller, when a purchase is made on one of these exchanges the buyer should have the privilege of stating the grades of cotton that he wishes to purchase, which option he has not under the present conditions existing on the exchanges of to-day; also, the seller must be in position to deliver the grade desired.

Under the present conditions no buyer can demand any special grade of cotton at all. The seller is permitted to give any grade he desires, which, as a rule, happens to be such a grade that the spinners can not use under any conditions.

We inclose you herewith a clipping from the New York Journal of Commerce showing you the various grades of cotton and the difference there is in the cost of the same. (Of course we feel that you as a Southerner are well posted in the various grades of cotton, but inclose the above for the benefit of your fellow-Congressmen.)

As a rule the cotton exchange when called upon for delivery delivers a very low grade of cotton, which, as above stated, we (meaning the spinners) could not use in our manufacturing at any price, thus proving that the cotton exchange is good only for those who wish to buy and sell paper contracts, and is of no use to the producer and the manufacturer. If the manufacturer could buy the grade of cotton he desired and compel the seller to deliver this grade, no doubt the future cotton market would be a benefit and not a detriment to the manufacturers.

Should you take the trouble of looking over the New York Commercial, and the New York Commercial Bulletin, you will soon be convinced that the cotton exchanges are only for those who wish to buy and sell paper contracts, and the manufacturer doing legitimate business does not appear at all. In buying he merely gets 100 bales (so-called "cotton"), which upon their receipt are liable to turn out to be what in the trade we call "dog tails," and "boot legs" (slangy expressions).

We as manufacturers to-day can not use anything in grade lower than good middling in our class of manufacture, and we question seriously whether at this moment there are 700 bales of good cotton in New York market.

Our weekly consumption of cotton is on the average 100 bales of strict good middling.

In our opinion, as we believe we stated in our last letter, we feel if there is any law existing permitting trading and selling future contracts (on paper), it should be wiped out for the benefit of the country at large.

Again wishing you every success in this your undertaking to reform an evil which has existed for some time, we beg to remain,

Very respectfully, yours,

THOMAS HENRY & SONS.

Mr. Chairman, what stronger argument could be brought forward to show the great damage to the trade occasioned by the practices of these exchanges than is so clearly set forth in these letters.

I now accept the invitation of my friend, the gentleman from New York [Mr. FITZGERALD], and submit the letters of Messrs. White and Bemis Brothers.

Of the scores of letters received by me from manufacturers, these two are of the very few expressing the opinion that this exchange is beneficial to trade. Let us hear what they say. I will first read the letter from Mr. White:

UNCASVILLE MANUFACTURING COMPANY,
Uncasville, Conn., February 22, 1908.

Hon. A. S. BURLESON.

DEAR SIR: I have yours of the 17th, and answer briefly the questions put forth. In expressing myself I wish to say unhesitatingly in my opinion, unless from the President down this agitation is stopped, legislating pro and con for the business interests of this country, you will put the entire country into bankruptcy within two years.

From this expression, Mr. Chairman, one would naturally class the writer as a reactionary. To continue—

The trouble is, the mass of men in Washington are impracticable men. Theoretically this scheme works out on paper satisfactorily, but practically it is a menace rather than a benefit. The people want a rest; let us go about our business and be let alone is all we ask. The great majority of the business men of the country are honest men, and they stand as ready to condemn corruption among themselves as the Government at Washington.

Mr. Chairman, this is quite emphatic, and I am rather inclined to agree with Mr. White, but pray tell me what light it throws on the subject-matter under discussion? The letter continues—

Now, in reference to trading in futures, I think there has got to be a central market for trading. When you consider the men who raise cotton are scattered over thousands of miles in isolated places not knowing the basic price of their cotton, they would be absolutely at sea in knowing the market value of their product. A uniform price must be established for certain grades, and that grade becomes a uniform value throughout the world. With this fixed standard we can form a basis for figuring the cost of goods. Supposing the future market of New York and New Orleans is eliminated. I go to buy my cotton. The man in Texas offers his cotton at 12 cents, the man in Alabama at 11¼ cents, but in Georgia it is 10 cents. There would be trading from one point to the other, resulting in an entire demoralization before the crop is disposed of.

I concur in the view here expressed that a central market for trading is desirable; but the difficulty with Mr. White is that he seems to be laboring under the delusion that trading takes place in New York in actual cotton, when in fact it is only in phantom cotton. He also seems to think that the exchange aids in making a uniform price for the different grades of cotton, when in truth it demoralizes prices and brings about frequent fluctuations rather than stability of price.

This present scheme (a central exchange) has been worked out by years of experience. Business men of the world recognize that there has got to be a basic price for all commodities such as cotton, wheat, corn, copper, iron—in fact all commodities entering into the world's commerce.

And yet, Mr. Chairman, we have no exchange dealing in contracts for the future delivery of either iron or copper. If not necessary for iron, why should it be for cotton?

I say that such a drastic bill as you propose to put through Congress, if carried through, will be an entering wedge for killing business and putting this country on the platform of socialism.

I admit that there are evils associated with the future options, but no one has a right to speculate purely for his gain or loss; this is an evil that he must put onto himself and take the consequences. Electricity has revolutionized the world. It has been of incalculable benefit to mankind, but it is a dangerous thing to handle, and be careful where you put your finger. The future markets of New York, New Orleans, and Liverpool are of immense benefit to both producer and consumer of cotton if they use it in a legitimate way, but it is a dangerous thing for anyone who has no business to touch it.

Yours, truly,

CHAS. D. WHITE.

Ah! there is the rub, Mr. Chairman. The exchange, a benefit if used in a legitimate way, but otherwise dangerous—and of course hurtful. As I have shown, in a given year not more than 12,000,000 bales are hedged legitimately, as might be claimed, while 88,000,000 bales are sold and bought as a means of gambling on the difference in prices.

Now, let us have a look at the Bemis letter. The author thereof was evidently much pleased with it, because he caused it to be published in a New York paper which frequently devotes much space to a defense of the exchange and its methods:

BEMIS BROTHERS' BAG COMPANY,
Boston, Mass., February 26, 1908.

Hon. A. S. BURLESON,
Committee on Appropriations,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of February 17, addressed to Mr. J. M. Bemis, president of the Home Cotton Mills Company, St. Louis, Mo., has been sent here for reply. Mr. J. M. Bemis and I have answered the specific questions which you have asked on the form provided for the purpose and return it herewith. In addition to those replies we will say a word on the general subject of cotton futures, as you suggest or request.

In our opinion the business done in, through, and by the different cotton exchanges in this country—as, for instance, those at New York, Memphis, and New Orleans—is perfectly legitimate, and, regardless of whether such business is beneficial or detrimental to the cotton growers, the manufacturers, or the public, we feel very strongly that the Federal Government has no right and no reason to interfere. It is true that some of the operations on the cotton exchanges mentioned are gambling operations and are conducted with a spirit of gambling which is injurious in cotton futures, as it is in the case of cards or marbles. Quite different, however, from gambling with cards and marbles, gambling in cotton futures can not be properly segregated from perfectly legitimate operations. Gambling can be done in cigars or potatoes or in bread, but for that reason, in our opinion, the Federal Government should not interfere in the purchase and sale of cigars, potatoes, and bread, nor make it a crime if any individual should speculate in these articles.

Mr. Bemis here admits that the gambling is injurious, but he sees great difficulty in segregating gambling transactions from legitimate transactions. Mr. Chairman, that is exactly what is done in the proposed amendment. Read it and be convinced. Now, if when the segregation is made it should develop that the gambling transactions on this exchange preponderate to such a degree that when prevented the exchange could not survive, then that would be its misfortune and not our fault.

Mr. Bemis also seems to think that the purpose of this legislation is to interfere in some way with the purchase and sale of cotton. Not at all. Neither is it intended nor will it interfere in the slightest with legitimate speculation in cotton; but undoubtedly it would hereafter prevent the hurtful results of cotton gambling. The letter continues:

To a large extent the business done on the cotton exchanges of the country is wholly legitimate. It is true that to only a limited extent does actual cotton pass between those dealing through these exchanges, but there is no reason why it should pass between them in order to fulfill the perfectly legitimate functions which these exchanges perform. Any person selling cotton through one of the exchanges can be made to deliver it, and is supposed to deliver it if required, and any person buying cotton in one of these exchanges will get *just what he buys* if he wants it. There is almost no business done in the country that is done on a more definite basis regarding the quality of what is bought and sold and the requirements of fulfilling contracts than that done on these exchanges.

Mr. Bemis asserts that to a large extent the business done on the exchange is wholly legitimate. I do not agree with him. You have his assertion; I have offered you the facts. Determine for yourselves who is right. I have also shown you why the buyer of a contract rarely demands the delivery of the cotton, and as to the statement of Mr. Bemis concerning the quality of what is bought I offer the testimony of Mr. Parsons, Mr. Price, Thomas Henry & Sons, in fact all others who have spoken

on this point. Considering it, one is driven to the conclusion that Mr. Bemis is mistaken. In his letter he says further:

A large portion of the business transacted on the cotton exchanges is not only perfectly legitimate, but very valuable to the commercial interests of the country, those of the cotton growers as well as those of the cotton manufacturers. To the extent that these exchanges are used legitimately, they actually lessen the amount of gambling that is necessary or would be necessary in the marketing of the cotton crop and manufacturing of the goods. For instance, a large part of the transactions on these future exchanges is made up of hedges. These hedges are made by manufacturers, cotton brokers, and cotton planters. For instance, a manufacturer will be called upon to sell a lot of goods for future delivery. He will base his price on the current cotton market, and if he makes a sale of goods he will or may cover the sales by buying either cotton futures or actual cotton for future delivery. If the latter, the broker, or it may be the farmer, in promising to sell that manufacturer cotton for future delivery at a definite price, will probably, in order to protect himself, buy futures. Now, there would be no intention on the part of any of these persons to take the actual cotton from one of these exchanges on these hedges, although he could do it if desired, and yet if it were not for the facilities thus afforded by these future exchanges, the manufacturer would not be able to hedge his sale of goods, or the broker would not be able to hedge his sale of cotton for future delivery to the manufacturer, or perhaps the planter would not be able to hedge his sale to the broker or the manufacturer. By a lack of opportunity to hedge, in order to cover the additional risk of loss by an advance in the market before the cotton should be needed, or to cover the cost of interest, storage, and insurance between the time of sale and the requirement for the cotton, it certainly would be necessary either to increase the price fixed for the cotton or the goods, or take a greater risk in making the transaction, which simply means an increase in the gambling element of it. It is a very serious question, therefore, entirely aside from the question whether the Federal Government should attempt to prevent gambling operations of the kind referred to, whether, should your bill become a law, it would not, as a matter of fact, actually increase gambling in cotton, and not only that, but force the gambling upon the legitimate handler or user of cotton instead of leaving it, as it is to-day, to be carried on by those who go into it as a matter of choice and not a matter of necessity.

Mr. Chairman, this is the same time-worn stock argument which is always put forward by the defenders of the exchange. In the first place, a large part of the transactions on the exchange are not made up of hedges, as I have shown, but are gambling transactions and nothing more. And right here I propound the query: What is it the manufacturer is seeking to hedge against? A violent fluctuation in the price of his raw material, cotton.

A careful analysis will show the truth to be that the real condition the mill man is trying to hedge against is a result brought about by the very concern—the exchange—to which he goes for hedging purposes. Abolish the exchange and the fluctuations of price created by it and there will be no necessity for anyone to hedge. Mr. Bemis further says:

In our opinion this country is suffering from too much legislation instead of too little, and, moreover, it is suffering from legislation that is based upon insufficient investigation and insufficient cause. Not only does there seem to be a desire or attempt to regulate everything, but to regulate everything without exhaustive inquiry as to the fundamental facts and as to the desirability of such regulation. Now, to be perfectly frank, we look upon your bill as falling within this category of ill-advised or unnecessary legislation. We are very glad to know that you are taking means to get the opinion of the public regarding it, which we trust will result in a conclusion to drop it, but if it does not result in that way, we can but urge a most serious consideration of the bill before it be given favorable report by the honorable Committee on Agriculture.

Yours, truly, ALBERT F. BEMIS.

Mr. Chairman, I am glad of the opportunity to use this letter. As I have said before it is one of a very few I have received attempting a defense of the exchange and its methods, and I do not hesitate to say that it is as strong and able a defense of the exchange as can be made from the manufacturer's standpoint. I will myself attempt no further answer to this letter but will content myself with bringing to your attention as an answer thereto a letter from one of the up-to-date, progressive cotton manufacturers of our country, Mr. Lewis W. Parker. This letter covers every phase of this question. The writer is thoroughly informed and treats the subject he discusses in a logical and forcible manner. The letter was written by Mr. Parker to a cotton commission house in New York City, whose members are in the exchange. This copy of his letter Mr. Parker mailed to me:

FEBRUARY 29, 1908.

H. HENTZ & CO., *New York, N. Y.*

GENTLEMEN: I am in receipt of your favor of the 27th instant.

As you possibly know, I am a large user of cotton in the various mills with which I am connected, using in the aggregate more than 50,000 bales of cotton a year. I therefore feel the necessity probably as much as Mr. CANNON does of an exchange whose contract will serve as a legitimate cover against the sale of my own product.

While I have the highest possible opinion of Mr. CANNON and of his judgment, I can not agree with him in the broad statement he has made in his letter to Mr. BURLESON and in his replies to Mr. BURLESON'S inquiries.

Certainly the contract of the New York Exchange this year, under conditions which should have been in its favor, has proven most unfortunate for those who used it as a cover. Very fortunately, I used it directly to a very small extent, but used it indirectly from the fact that those from whom I bought spot cotton hedged to a large extent in New York. Such parties have lost very heavily by the failure of the New York contract to assume any proper relation to the spot market. After a rather careful study of the question, I can but feel that any exchange contract that does not make futures responsive to spot conditions is at fault, and that when it becomes evident that the future contract is being kept in such shape by the exchange as to make it irresponsive to spot conditions, it becomes a great drawback to the producer and tends to upset legitimate prices for product, and should therefore be regulated by legislation.

At this time I can not undertake a further statement of my views, but I purpose at the coming meeting of the American Cotton Manufacturers' Association to discuss this at length, and I think the association would do well to memorialize Congress to pass some legislation that would restrict the use of exchanges to a legitimate business and not make them merely sources of speculation.

You are of course familiar at the present time with the absurd variance existing between the exchange markets and Southern markets. In your letter of January 18, copy of which you send me, you refer to the fact that 15,000 to 20,000 bales of low cotton in Liverpool is having a depressing effect on a stock of 940,000 bales, and, I may add, a correspondingly depressing effect on the entire unsold stock of American cotton in the hands of the producer. The same thing applies to your New York stock. The incongruity of conditions is therefore apparent when a very small portion of the crop, through the rules of the exchanges, can be permitted to regulate the price of the whole crop, and it is evident that such a condition exists only because it is in the interests of speculators, whose interests are antagonistic to those of producers and manufacturers. To-day in my own market strict middling cotton is bringing to the producer 11⅜ cents, which is practically 125 points on your contract basis; yet there is a constant effort on the part of the purchaser of cotton to force down the price of spots so as to get spots in some relation to futures. The buyer of cotton has as a rule previously hedged sales by the purchase of future contracts in the contract markets. As these future contracts are out of relation to the spot markets, and as in the hedge he necessarily now has a heavy loss, the constant effort of the buyer is to bring spots into some relation with futures by forcing declines in spots. The contract market, therefore, becomes a curse to the producer under such circumstances, as it has proven a source of great loss to the manufacturer and to the legitimate broker who has used the market as a hedge.

I had occasion no later than January to receive on the New York market 1,200 bales of cotton, and when I received the certificates tendered me and saw the character of grades and the variety of grades appearing on a certificate I was not surprised that futures sold low.

Thanking you for your full explanations and letters, I beg to remain,

Very truly,

VICTOR MANUFACTURING CO.,
LEWIS W. PARKER, *President.*

How completely this answers every point made by Mr. Bemis! Here we have it that the exchange actually fails to afford the protection Mr. Bemis claims to be so beneficial. Also that cotton brokers who sought the protection of this exchange sustained heavy losses because under its rules the exchange kept the price of futures from responding to spot conditions. In this letter it is clearly shown, as Mr. Parker declares, that the exchange has become a curse to the producer and the source of great loss to the manufacturer as well as the cotton broker who attempts to use it for hedging purposes.

Thus you see, Mr. Chairman, if the statements made by Mr. Parker can be accepted, the New York exchange is not a safe place for hedging purposes. And before I leave this branch of the subject I want to read another short excerpt from the Boston address of ex-President Hubbard:

In Liverpool at the present time there is an effort being made to induce them to adopt the New York method, and I beg to quote the following letter from the Manchester Guardian, written by a prominent importer of cotton—Hooper:

"Those who notice that our stock of American cotton is nearly 1,000,000 bales wonder why near 'futures' are selling at 200 points over New York and 25 points over 'new crops.' It is because we have a contract which is a boon to manipulators, but which has become a hedge for neither spinner nor merchant."

So it seems there is also doubt about the Liverpool Exchange being a safe hedging refuge, and so there is. Those manufacturers who patronize the Liverpool Exchange think the New York one is best; those who patronize the one at New York reach the conclusion that the one at New Orleans is best; but the truth is that each one is a delusion and a snare.

Now, gentlemen, in the light of this array of facts, who here will longer claim that the exchange at New York benefits the cotton manufacturer?

Second. Another stock argument brought forward in defense of the cotton exchange is that it benefits the cotton broker or merchant because the operations on the exchange afford him protection while buying for mills or the export trade, by guarding him against loss through a decline in price between the time of his purchase from the producer and his sale to the mill or to the exporter. That in thus doing it furnishes a continuous demand or broad market for the farmer's product. If the information furnished us in this letter of Mr. Parker is to be relied on, the cotton broker has been the victim of the exchange rather than its beneficiary. But, Mr. Chairman, a few days ago the distinguished gentleman from Tennessee [Mr. SIMS] covered in a comprehensive way this claim of the defenders of the exchange, showing that it was a mere pretense, and I will consume no further time in its discussion.

I will say, however, that the cotton grower needs no aid from the exchanges to provide him with a market for his product. Considering the constant increase of the consumption of cotton with a growing scarcity of labor in the cotton-producing

section, the real problem now is not to find a market but facilities for meeting the growing demand. Consumption of cotton is undoubtedly increasing faster than production. Never again will the producer of cotton be forced to attempt a reduction of the acreage planted to cotton, unless it be to protect himself against the manipulation of the price of his product on these exchanges.

Furthermore, Mr. Chairman, the farmer believes that cotton, if freed from manipulation by these exchanges, will command its true value in price. He believes also that for years he has been despoiled of a part of the value of his crop as a result of unrestrained speculative gambling. By overselling, this element depresses the price of cotton during the period when the farmer is marketing his crop, wresting it from his control, and then by reversing the method the price is advanced and the consumer, the spinner, is compelled to buy at a marked increase in price. It has been asserted by those well informed that it is not an infrequent thing for the mill man to pay from $25 to $30 per bale more for his cotton than was received by the man by whom it was grown. The gambling element of course enjoyed this unconscionable profit.

Mr. Chairman, the cotton grower only asks, only wants, a just, fair price for his product. He wants the price fixed by the law of supply and demand and does not want a price, however high, fixed by speculative gambling, because he knows that in the end such a price will do the millions engaged in cotton production more harm than good.

For a number of years I have been a close observer of the practices and methods of the speculative cotton gamblers in this country, and I have reached the conclusion that year after year their constant effort is to get from the farmer the bulk of the cotton crop at a lower price than it is actually worth and then force the spinner to pay for it as high a price as can be extorted from him. It is my sincere belief that it would be to the advantage of both producers and consumers of cotton if these exchanges could be put out of business.

Third. The remaining stock argument is that to abolish exchanges would in the end be hurtful to the producer of cotton. I shall attempt to show that the rules, methods, and practices of the New York Cotton Exchange are continuously hurtful to the man who grows cotton.

In the first place, it is only the low grades of cotton, such as but few spinners, especially northern and eastern spinners, who make the finer cotton goods, want or can use, which reaches New York. Now, I want to make sure of the correctness of this, because, as I shall show you later, it is the character of the actual cotton in New York tenderable on contracts for futures which regulates and fixes the price of futures, that exerts at once a reflex action on the price of cotton growing or held by the farmer. I will not ask you to take my word for this, but I support my statement by the testimony of the exchange defenders.

I read from that same letter sent by Mr. Marsh to the Atlanta paper:

> Now, as has been pointed out above, every bale of cotton that comes to New York regularly costs somebody $1.50 to cover New York expenses; evidently, then, it is never possible for any character of cotton which spinners are buying freely throughout the South to come to New York at all. The mere saying of $1.50 per bale enables the spinner always to outbid New York for such cotton as he is buying freely.

There you have it, Mr. Chairman, stronger than I stated it. According to the confession of this member of the exchange, and one of its ablest defenders, it is only the cotton not sought by the spinner that reaches New York—cotton described by Mr. Theophilus Parsons as—

> Straw, cotton seed, or even the wood of the cotton plant, all mixed together, the value of which stuff no living man is able to determine.

Permit me also to support my statement by again reading from the address delivered last May, in Philadelphia, by Mr. Price. He said on this point:

> There is no limitation in New York upon the delivery of cotton, with a staple so short that it is almost unspinnable. In fact, in my opinion, there is in the New York stock at present a considerable quantity of cotton that approaches dangerously near, so far as its staple is concerned, to what are ordinarily described as "linters." This is cotton which has remained in New York for an indefinite period. The standards of the New York Cotton Exchange should take account of these three essential characteristics. They should be simplified, so that it is not possible for any one receiving 100 bales of cotton to have to take, as he may to-day, thirty different grades in lots of one bale each.

Mr. Chairman, the stuff referred to as "linters" is not cotton at all. It is a short lint remaining on the seed after ginning, which is taken off when the oil is extracted therefrom by the cotton-seed oil mill. It is unspinnable and practically unmerchantable.

This low-grade cotton, "overs" and mixed grades, is the cotton carried in New York for the purposes of tender on the contracts made for futures on the New York Cotton Exchange. Consider for a moment, Mr. Chairman, the effect of this on the price. It undoubtedly depresses it. Permit me to quote again from the address of Mr. Price. Speaking of the New York Exchange, he said:

> They sell what they do not have in the hope that delivery of it may not be demanded, and to make sure that it will not be demanded the process of rendering the stuff that was to be delivered less and less desirable, year by year, has continued until to-day there are in New York some 20,000 or 30,000 bales of cotton which I think have been there from three to four years, and some of it longer, and which no one can be induced to buy except for the purpose of redelivering it as a means of depressing the market.

How damaging this must be, and what an outrage on the producers of cotton, for, Mr. Chairman, a depreciation of the price of futures, while not absolutely controlling, is invariably promptly reflected in the price of spot cotton—the actual cotton held and being grown by the farmer. Every man who grows cotton has had this experience and knows that at any time he offers a lot of cotton on his plantation to a buyer or broker before 9 o'clock in the morning he is met with the response—

> I can make you no offer until I hear from the market.

What market, pray? Why, the New York Cotton Exchange! Later in the day, frequently about 10 o'clock, the broker informs you that the market is off 40 points from the day before, and that he can't offer by $2 a bale what he would have given you on that day. If you doubt that the price of futures influences the price of actual cotton, all you have to do is to tabulate the price of futures and spots through a series of months. Comparing them, you can not escape the conclusion that the one follows the other.

Mr. Price says that this low-grade cotton to which I have referred is kept in New York for the purpose of depressing prices. Whether kept there for that purpose or not, it is there and has that effect. When I charged this a year ago, at the time my resolution to have this exchange investigated was before the House, it was denied. Now, not only is it shown to be true, but I have evidence that the same practice prevails at Liverpool. Who makes this fact known? None other than a member of the New York exchange. Let me call attention to this excerpt from the letter of Mr. Parker to Mr. Hentz:

> You are, of course, familiar at the present time with the absurd variance existing between the exchange markets and Southern markets. In your letter of January 18, copy of which you send me, you refer to the fact that 15,000 to 20,000 bales of low cotton in Liverpool is having a depressing effect on a stock of 940,000 bales, and, I may add, a correspondingly depressing effect on the entire unsold stock of American cotton in the hands of the producer. The same thing applies to your New York stock.

If this practice is to be condemned on the part of Liverpool, where all are interested in low-price cotton, how outrageous it becomes if practiced here. Considering that our country exported last year more than 8,000,000 bales of cotton, to depress the price 3 cents a pound means a loss to our country of $120,000,000 on this one crop. This means not loss to the farmer alone, but that America received that much less in gold when the world's balance of trade was struck. Do I exaggerate when I say these practices have not alone despoiled the hard-working cotton producer of what he was justly entitled to, but it has probably lost to our country during the last ten years not less than a half billion dollars in gold?

Remember, Mr. Chairman, this low-grade cotton in New York is not sought by the real buyers, neither did the producer take it there; it was bought and carried there.

Mr. FITZGERALD. If the buyer does not go there to buy and the seller does not go there to sell, will the gentleman explain how the operations there can possibly affect the relations between the buyers and the sellers of cotton?

Mr. BURLESON. I will answer the gentleman on that point. I hold in my hand a report made July 10, 1907, by a committee of the New York Exchange, the committee on licensing warehouses, of which Mr. James F. Maury was chairman. This committee made some very wholesome recommendations in its report, but the speculative element in the exchange promptly rejected them. I am glad the gentleman asked that question, because I want to get those statements in the RECORD. I read from this report made by members of the exchange:

> If you go to any great Southern market, as Memphis, New Orleans, Galveston, etc., you will see large lots of cotton of the various spinners' grades inspected and classed out in even-running lines of single grades ready for purchase by spinners or exporters. We used to see these in New York years ago, but we do not now—it does not pay to send them here.

I submit, Mr. Chairman, that this is a confession of my contention that even-running lots of cotton fit for spinning purposes can not be secured through the New York Exchange.

I read further from this report:

> Mr. MacColl, president of the National Association of Cotton Manufacturers, in his recent address on April 24, advises establishing a cotton exchange in New England, especially for spot cotton, to bring the

planter and spinner nearer together, and to have fixed standards of grade and sworn classers. We have all these and a working system tested by years, but it is tied down to a small number of bales of mixed lots brought to New York, because they are hard to handle elsewhere.

This is a confession by members of the exchange that they have only a small amount of cotton in the exchange warehouses, and that this cotton is of mixed lots and is there only, because it can not be handled elsewhere.

Speaking, in the report, about the desirability of having in New York a stock of spinners' cotton, these members of the exchange say:

The speculative business will come here, too, because here are the largest number of buyers and sellers, and our future prices will then be based upon spinners' cotton, as they can not be said to be now.

Here, Mr. Chairman, is a confession that their prices—the future prices—are not based on spinnable cotton. If not, upon what are these prices based? Let us see. I read further from this report:

The cotton world is demanding of us that we must represent the real trading basis, the spot prices for spinners' cotton, not prices based on "overs," low grades, and speculation.

Here we have it at last, Mr. Chairman, just what the farmers and spinners have been charging for years. There is no longer doubt. There can be no further controversy over the issue. Here we have it, from the members of the New York Cotton Exchange, solemnly made in a report—a report which, as I have said, urged the adoption of a change of methods, pointing out that the whole cotton world is demanding that it represent the real trading basis, to wit, the price for spinnable cotton—a confession that their *prices are based on "overs," low grades,* and *speculation.*

What an infamous outrage—that the market price of a product engaging the best efforts of millions of our people should thus be tampered with!

Mr. Chairman, in the years to come, when our descendants look back on this period and consider that year after year we permitted the helpless producer of cotton to be thus despoiled, that we stood calmly by and witnessed the extortion practiced on the consumer of cotton by this band of gambling freebooters, they will either marvel at our stupidity or suspect that other reasons less creditable to us caused our nonaction. This report further says that—

The present price of our futures represents the value of the kind and grades of cotton which the buyer expects to get if he calls for delivery. He expects low grades and mixed lots, etc."

Yet my friend from New York [Mr. FITZGERALD] wanted me to read the letter of Bemis Brothers, in which Mr. Bemis says that the buyer can get the quality of cotton bought.

Remember also, Mr. Chairman, that in addition to these conditions which operate to depress prices the seller at his option can deliver, if delivery be demanded, a score of different grades of cotton in every hundred-bale lot. This exerts a further depressing influence on the price, tending always to push futures down below spot prices, thus making the New York Cotton Exchange an advantageous market for sellers rather than for buyers.

Along in 1875–1880, when the New York Cotton Exchange was losing its uses and functions as a legitimate exchange, John Rew, an Englishman in Liverpool who speculated in spot cotton, began the practice, when he found himself short of cotton on the spot, to sell contracts for the delivery of cotton (already on the seas) "yet to arrive." This was the beginning of the future business.

When "the through bill of lading" destroyed New York as a spot market the question arose, How is the business to be kept alive? It was only a step to improve on old John Rew's plan of selling cotton "yet to arrive" and the New York Exchange promptly took the step and began to sell cotton "yet to grow," and thereafter, just as the prestige of the New York Exchange waned as a market for spots it waxed as a market for futures. Speaking of this, Mr. Price, who was practically turning State's evidence in that Philadelphia address, for he was long a member of the exchange and probably the largest dealer who ever operated on it, had this to say:

Shortly after the organization of the New York Cotton Exchange, it became apparent that the public, being optimistic and hopeful, as a rule, generally were buyers of cotton rather than sellers. The astute gentlemen, who are largely responsible for the existing rules and by-laws of the New York Cotton Exchange, recognizing this fact, as a rule, are sellers rather than buyers.

I have shown you that the character of the cotton carried in the New York Exchange warehouses makes to the advantage of the seller.

I have shown you that the fact that a number of different grades of cotton can be delivered, at the seller's option, under the New York Exchange contract, is also favorable to the seller, rather than the buyer. But, Mr. Chairman, neither of these is the most potential factor making the New York Exchange a real seller's market. The rules of the exchange are, of course, made by the members. These members, as Mr. Price says, are sellers rather than buyers—I will tell you later where buyers are found—and in making these rules they are like other human beings—no worse, it may be; no better, surely—they guard their own interests.

I now submit for your consideration a rule of this exchange which, in my opinion, operates to do the producer and consumer more damage, more serious hurt, than all other things combined. I read it from their by-laws:

SEC. 67. The committee on revision of quotations of spot cotton shall consist of seventeen members, representing the various interests of the exchange. At any meeting of this committee ten members shall constitute a quorum. If no quorum of this committee can be obtained, the president shall appoint a sufficient number of members of the exchange to form a quorum.

The duty of this committee shall be to meet twice a year, viz: on the second Wednesday of September and the third Wednesday of November, at 3.30 o'clock p. m., and receive a report from the committee on spot quotations as to the state of the market; also suggestions or opinions from any member of the exchange regarding the revision of spot quotations.

The committee shall on the day of meeting consider the report of the committee on spot quotations and the suggestions and opinions presented by members, whether in writing or verbally, and establish the differences in value of all grades, on or off, as related to middling cotton, which shall constitute the rates at which grades other than middling may be delivered upon contract.

Consider for a moment what this rule means. It is a deliberate attempt to nullify the operation of the law of supply and demand. It is an assumption of right on the part of this exchange to fix for a period of ten months the differences in value between the several grades of cotton.

There is a demand for low-grade cotton, as we know, and after differences have been fixed by this revision committee the commercial demand may materially diminish the difference in value between this cotton and cotton of the higher grades, and yet under this rule the difference fixed by this committee must stand for the full period of time. What a fruitful field for manipulation! After these differences have been fixed a storm may sweep over the entire cotton region, it frequently does, and higher grades of cotton as a result of commercial demand may advance materially over the market price of the low grades, and yet this exchange, day by day, solemnly announces that no change in differences can be made until the September to come. Regardless of how wide these differences may actually become because of the demands of the trade the New York Exchange remains a law unto itself and maintains differences fixed months before. Because of this it is a safe selling market; but all wise buyers avoid it.

The question now arises from whence comes the buyer? I'll tell you, he is the nonprofessional speculator, the small trader, the unwary multitude found here, there, and everywhere in our country—especially in the South, where we are always optimistic about cotton—who, finding the New York Exchange quotations below all others elsewhere, and not knowing the cause, and perhaps not understanding it if told, rushes in as buyer at New York, and in the end, of course, is left to hold the bag.

Yet the New York Exchange pretends to be outraged when criticism is directed against such rules and practices, and insolently demands that it remain unmolested.

Mr. Chairman, it has been charged that the revision committee has purposely established differences far out of line with the commercial difference in value between the grades. I make no such charge. Enormous injury to the producer and consumer will inevitably come as a result of honest mistakes or poor judgment on their part, and this suffices as a reason for me to condemn this arbitrary rule without venturing into the field of speculation as to the infamies and wrongs which could be perpetrated if the men who made up this committee were corrupt enough to attempt to use their power for their own selfish purposes. A careful study of the situation discloses that three factors have contributed to the abnormal depression of the price of futures on the New York Exchange below the level of spot prices in the South:

First, the character of cotton—"overs," low grades, and mixed lots—accumulated in the exchange warehouse for purposes of tender on contracts.

Second, the right of the seller to deliver mixed lots of many different grades on the contract when demand for delivery is made.

Third, the failure of the revision committee to fix differences commensurate with the real value of the several grades as shown by quotations in the South and at Liverpool.

These contribute to make the New York Exchange a seller's market. After the adoption of their plan to make the exchange a seller's market, which has continued since 1880, as the number

of the sale of spots declined there was a like increase in the sale of futures. For many years the exchange published statistics showing transactions thereon. I submit this statement issued by the exchange showing the number of bales grown each year from 1880 to 1897 and the sales of futures on the New York Exchange during the same period:

Year.*	Sales for future delivery at the New York Cotton Exchange.	No. of bales of cotton produced.
1881	28,800,900	6,606,000
1882	33,077,400	5,456,000
1883	26,543,600	6,950,000
1884	24,632,100	5,713,000
1885	20,889,700	5,706,000
1886	23,270,600	6,575,000
1887	26,482,100	6,499,000
1888	25,763,900	7,047,000
1889	18,764,800	6,939,000
1800	22,138,200	7,297,000
1891	24,885,900	8,674,000
1892	34,187,200	9,018,000
1893	53,245,400	6,664,000
1894	37,888,400	7,532,000
1895	39,368,500	9,837,000
1896	56,469,000	7,147,000
1897	36,113,000	8,706,000

* Year ending August 31.

In October, 1897, the present rule for fixing differences was adopted by the exchange, which, of course, resulted in an immediate increase in the sales of futures, and since then the exchange has refused to publish the number of bales bought and sold thereon.

With these rules, are you surprised that the buyer of a contract on the New York Exchange for the future delivery of cotton, usually liquidates his contract, not by demanding delivery, but by subsequently selling a contract on the same exchange for a like amount of cotton?

Thus you see business is stimulated. Commissions are multiplied and the beneficiaries, who, of course, are the members of the exchange, "Ketch 'em gwine and cumin'." You can now understand why it takes but a small lot of cotton to answer all purposes of tender on their contracts.

Mr. Chairman, I desire to direct attention to another matter bearing on the influence exerted on the price of spot cotton by the practice of selling futures on these exchanges. At this time the cotton grower has not yet finished putting the seed in the ground for the next crop. No one can now tell the acreage to be planted and cultivated for the coming crop, for even when planting has been finished, a month from now, a sudden change of the weather, a light frost, or excessive and continuous rain in the late spring, which not infrequently occurs in the cotton region, may materially reduce this acreage. Later a protracted drought may prevail; in fact, numerous factors of uncertainty make it utterly impossible for any human agency to forecast the probable cotton crop to be grown, and yet, Mr. Chairman, these exchanges are now engaged in selling this next crop for future delivery. A glance at your morning paper will disclose that, regardless of the fact that calamities of weather may make the next crop so short that we may have a cotton famine, these gamblers are selling this next crop, October delivery, at less than 9½ cents per pound. Notwithstanding that actual cotton is now bringing about 11 cents, they are selling next year's crop at a reduction of 1½ cents on the pound. The effect of this of course is to depress the price of spot cotton when October deliveries are to be met. It arrays every person who sells a contract in antagonism to an advancement of the price, which, of course, the welfare and best interest of the poor farmer who labors to grow this crop importunately demands.

How can any honest man contend that these practices are for the cotton growers' good? How can any one be so simple-minded as to be brought to such a belief?

Mr. Chairman, for fear that some one may still doubt that operations on these exchanges control the price of the farmer's cotton, I desire to offer the testimony of two more witnesses. I take them both from the exchange—one a member of the New York Cotton Exchange, the other the president of the New Orleans Cotton Exchange. I read first from the defense of the exchange by Latham Alexander. In it he says:

If there were other exchanges throughout the United States dealing in cotton for future delivery they would have to look to the controlling market, which is New York, for quotations.

The price of cotton contracts in New York oftentimes controls the price of cotton in the whole world, because this city is presumed to know more about the supply than any other, and our operators and dealers are therefore generally followed.

Here you have a confirmation of my statement that the New Orleans concern looks to the New York Exchange for guidance and direction in the matter of prices. In other words, it trails after the big or controlling exchange. We also have the emphatic statement that the price of futures on the New York Exchange controls the price of cotton in the whole world.

Do you want further proof? If so, I submit a letter sent out by Mr. W. B. Thompson, the president of the New Orleans Exchange on the 6th day of September, 1907. I read it:

[Advances made on consignments of cotton.]

W. B. THOMPSON & COMPANY,
New Orleans, September 16, 1907.

On Saturday, Sept. 7th, October futures closed at 12.77. Middling spots were quoted at 13⅞. On Monday morning, the 9th, at 9 o'clock, the Census Report of the number of bales of new cotton ginned to Sept. 8th was published. These figures were 91,416 bales, or less than one-half the figures of Sept. 1st, 1906. The market broke some ten points. At 10 o'clock the Bureau gave out its estimate of the condition of the crop on Aug. 25th. These figures, 72.7, considering the backwardness of the crop, showed the lowest condition in many years. Immediately upon the reading of this estimate *the market was smothered with offers to sell*, and upon the pretext that these reports made important revelations not hitherto known and appreciated, a sensational decline was inaugurated which continued with unimportant interruption until on Saturday, the 14th inst., Octobers sold as low as 11.54, and finally closed at 11.64. Spots were quoted at 13c. nominal. Buyers and sellers apart—i. e., there were no actual sales upon which quotations could be based.

A decline of six dollars per bale within less than a week represents a serious money loss, but the fact that value could be thus annihilated without any just or reasonable cause, is a consideration of graver importance. A man may waste his property, or lose it through ignorance or mistaken judgment, and the pecuniary loss covers the injury. *When one's property is taken from him by unexpected assault, he loses not only his property, but his rights.* It is, therefore, of the first importance that the agency inflicting such a loss be discovered, and the remedy for the wrong be found and applied.

What momentous change transpired on the morning of the 9th to upset accepted ideas of value with which both producer and consumer were content?

The Ginners Report was not radical. It was meaningless. The fact that 191,416 bales had been ginned to Sept. 1st tells no more of the size of the crops than the number of pages in the preface to a book tells of the size of the book. The Condition Report of 72.7 on Aug. 25th, while slightly above the figure circulated by interested persons as the probable average, was lower than the ten-year average for the corresponding date, and, therefore, dangerously low. It is admitted that the crop is from three to four weeks late. Comparison should be made with other crops in the same stage of maturity; therefore the August condition of this crop should more consistently be compared with the July condition of normal crops. That this comparison is just, will be shown by the fact that after this (Aug. 25) deterioration set in corresponding to the deterioration following the July condition reports of other years. If this comparison is allowed, it will be found that the August condition this year was lower by 2.2 points than the lowest July condition in ten years and lower by 18.9 points than the July condition of 1904, in which year a crop of 13½ million bales was made on 31,730,000 acres. The condition of the crop on Sept. 14th was no better than it was on the 7th. It was worse. The outlook for a late frost and a favorable picking season was no more promising on one Saturday than on the other. The early installment of the new crop had just begun to move, and was eagerly bought at premiums; hence the weight of actual receipts was not a factor in the decline. The outlook for the cotton-goods trade was promising on the 7th. It is equally promising now. The high price of contracts was not the result of a squeeze or an upheaval of speculation. The fact that spot cotton was selling at a premium of ½ cent over September contracts proves that there was no influence at work to give contracts a fictitious value. Look as critically as we may, we can find no germane weakness that would account for the sudden collapse of the market. We must look for some outside agency. It is easily found.

The slump was the result of a premeditated attack and persistent onslaught by a party of New York operators backed by ample capital and prestige in speculation. The assault was well timed. It was not resisted; it could not be resisted. New York was the active aggressive agent in the selling. Liverpool influenced by selling orders from New York, and her own interest, as the spinners' market, offered no helping hand. New Orleans could make no effective defense because her forces had been depleted. However willing the local operators may have been and were willing to strike, as they have struck before, a blow for cotton, they knew that they could not sustain the market without the support of the great Southern public, and this support they did not have. *We hold no commission to pass judgment upon the ethical question involved in the buying and selling of future contracts. Such trading may be wrong, or it may be right, according to the view-point of the individual. Nor do we undertake to pass judgment upon the wisdom or unwisdom of the radical legislation of the several States against trading* in future contracts. Time will speak to better effect than argument. We are dealing with the facts that grow out of these developments. *The present interesting fact is that such legislation has curtailed the buying power of the South,* and, in so doing, has deprived the producer of cotton and its friends of the only force that can successfully resist unrestrained selling, and save him from such a raid as the one from which he has just suffered.

But even if under present conditions the attack could not have been resisted, is there still no way out, no remedy?

In order to break the market 113 points within less than a week in spite of the fact that every legitimate influence was against such a decline, it has been necessary to sell a tremendous lot of cotton that is not in possession nor yet bought. These short contracts are still open and the market is largely oversold. Great profits on these contracts may be figured on paper, but these profits are unrealized as yet. In order that the profits may be realized the contracts must be liquidated—that is, the seller must either buy back his contracts or be able to buy the equivalent in spot cotton on the basis of the contract prices. This means that in order for an October contract sold at 12.77 to be profitable it must be possible to liquidate it by spot cotton bought at 12c. in the interior. An October contract sold at 12c. must find cotton

for sale at 11¾ in the interior or it will not be profitable. An October contract sold Saturday at 11.54 can only be liquidated profitably when cotton is selling at 10¾ in the interior. If the seller of a contract can not buy spots on this basis he can not liquidate his contract profitably by spot tender and he will be forced into the contract market to buy back his obligation to deliver the spots. When this occurs for the very reason that makes him a buyer, he will find no one willing to sell him a contract. When the shorts begin to cover they will encounter not a selling market but a buying market. That they will have to cover is inevitable, and whether they will cover at a profit or a loss will depend upon the spot holder.

The holder of spot cotton has the key to the situation. If he refuses to sell his cotton for 10¾ in the interior, then the short who has sold at 11.54 will be in difficulties and will be forced to buy back his contract. If the spot holder refuses to sell his cotton at 11¾ in the interior then the seller of a contract at 12 cents will be in trouble, and so on up the line.

Without the aid of speculation the producer has only himself to depend upon. It is a big contract but he has in his hands the means wherewith he can defend his rights and right his wrongs. He can snatch victory from defeat. *He has but to refuse to accept the price by manipulation fixed for him*, and the triumph of the bear will be brief, and the fruits thereof will turn to ashes in his mouth.

We do not advocate holding cotton for speculation, but we do advocate holding it for protection. If we believed that the present prices were the result of natural and legitimate causes, we would advise our friends to accept these prices and turn their cotton into money without delay. *But we do not believe that the present prices are natural or legitimate. The brief experience we have had with the market this season before speculation interfered, showed that consumers were willing to pay the prevailing prices and producers were willing to accept them.* If business had been permitted to run its natural course probably the increased volume of receipts would have gradually lowered prices. This would have been a natural and acceptable result. *But when an outside element that knows nothing about cotton and has no interest therein except as a medium for gambling profits, arbitrarily interferes between the producer and consumer and undertakes to fix prices by sheer force of money and manipulation*, we believe in suspending the rules and striking with the weapon at hand. The producer has the weapon.

W. B. THOMPSON & Co.

Mr. Chairman, it is an old adage:

When thieves fall out honest men get their dues.

I make no application of that adage here but do beg to direct attention to the fact that at that time these exchanges were at outs and in this letter the president of the New Orleans Exchange is complaining bitterly of certain action taken by members of the New York Exchange. He charged that the cotton market at that time had been smothered by offers to sell. He charged that this had resulted in depressing the price of the farmers' cotton $6 a bale. He charged that there was no just and reasonable cause for this decline in the value of cotton. He charged that this injury to the cotton producer, this loss of his property, had been brought about by unexpected action on the part of the New York Exchange. He charged that the slump in the price of the farmers' cotton was the direct result of premeditated action of the New York operators backed by money and prestige as speculators. He charged that this outside element, who knew nothing about cotton and had no interest therein except for gambling purposes, interfered between the producer and consumer, and, by the sheer force of money and manipulation, fixed the price of this great product.

Mr. Chairman, what more could we ask by way of proof of the hurtful practices of these exchanges than is here furnished. Out of their own mouths come admissions of facts upon which any intelligent, fair-minded man must condemn them. After these confessions who here will longer attempt to defend their practices?

In 1906, as I have shown, the entire receipts at New York amounted to 6,575 bales and in 1907 the receipts reached a total of 23,108 bales. For the same year (1907) the receipts at Galveston amounted to 3,891,695 bales; at New Orleans to 2,296,971 bales. At the end of that season Galveston had 30,820 bales on hand and at New Orleans there remained on hand 31,964 bales.

Now let's see what stock remained on hand at the end of the same season in New York—169,975 bales. Its receipts during the three years preceding in the aggregate were less than 65,000. Thus you see we have the proof of the truth of the charge made by Mr. Price and many others that this low-grade cotton has been accumulated and held in New York for several years for purposes of tender on contracts for futures. Mr. Chairman, the victims of all these wrongs, the farmer and spinner, are helpless to protect themselves. They can only look to us for relief. The cotton-growing States have done their full duty in an effort to suppress this evil. Every one of them save Louisiana and Oklahoma have enacted wholesome laws abolishing within their limits the gambling transactions as far as they were able to do so. These laws are having their effect and are a source of partial protection, and I assure you they have come to stay.

An attempt has been made to impress the membership of this body with the idea that already the Southern people have discovered this legislation to be a mistake. I read from one of the numerous circulars received through the mail—this particular one is believed to have been sent by a member of the New Orleans Exchange:

During the past year the writer has traveled over a very large portion of Texas and has conversed freely with many planters and business men from all parts of the State, and finds the universal sentiment among them very pronounced in favor of either a complete repeal of the present "antibucket-shop law," as it is termed out there, or an amendment thereto permitting of trading on the regular cotton exchanges and the conducting of local exchanges, as formerly. The people of Texas as a whole are the most intelligent and best educated of any State in the Union and the most liberal and the most ready to keep abreast with everything pertaining to a broad, comprehensive sphere of living, and they are now ready and anxious for a repeal of this law. At present the farmers all over the State are in absolute darkness, not having any means of knowing what the cotton market is doing, thus being at the mercy of the spot dealers, who banded themselves together in many places for the express purpose of buying cotton at ¼ to ½ cent under the market. Such a state of affairs can not long exist in a State of the magnitude and greatness of Texas. The people will not long bear it. The law was passed by a lot of sorehead politicians, who wanted to play to the galleries, but will speedily be repealed by the progressive business men and planters of the State, who desire a square deal and a chance to do business in the light rather than in darkness.

Mr. Chairman, this gentleman pays the people of my State a great compliment, and his statement would seem to indicate that he really knows the people of Texas, but I fear he does not. The people there know that as a result of legislation against cotton gambling the price of a seat in the New York Exchange has declined from $23,000 to $10,000; they know that this difference represents money now in their pockets, but which formerly went to exchange members.

Another matter about which this gentleman is mistaken is that the Texas law "was passed by a lot of sorehead politicians who wanted to play to the galleries." Mr. Chairman, I had the honor to call the meeting at the editorial rooms of the leading farmers' paper in my State—The Farm and Ranch—which took the initial step leading ultimately to the passage of the Texas law. At that conference was my honored colleague [Mr. BEALL], and I emphatically disclaim for him, as well as myself, that we are "sorehead politicians." The real purpose of this circular, however, was to impress the Congress with the idea that bucket shops are the great evil and that exchanges do good. Another circular sent out by the New Orleans Exchange also labors to fix this impression on our minds. I read from it:

Lack of a clear conception of the function of a legitimate cotton exchange and of the difference between such exchange and the bucket shop, which has no connection whatever with the legitimate cotton trade, has resulted in far-reaching confusion in the public mind, and in an effort to drive out the bucket shops the mistake has been made of enacting laws which impose harmful restrictions on the buying and selling of actual cotton for future delivery. As before said, the bucket-shop men themselves have been largely responsible for this confusion of ideas, hoping thereby to receive some measure of protection from the absence of popular discrimination when it should be shown that the legitimate future market is essential to the welfare of the cotton trade in general.

An antibucket-shop law, stringent enough and framed along practical lines, will meet the approval of every right-thinking citizen, and in the enactment and enforcement of such a law the New Orleans Cotton Exchange members, cotton merchants, bankers, cotton producers, and spinners alike can be counted on to cooperate to a common end, in the same way that all law-abiding citizens should assist in suppressing any practice or custom contrary to public good.

Antioption legislation will not suppress any bucket shop, because no bucket shop deals in contracts for actual cotton, there being no contract between the bucket shop and its customers, no intention to deliver or receive the commodity gambled on, and no commercial or trade value whatever to such transactions. No man who needs cotton or has cotton to sell ever goes to a bucket shop with that end in view, because the bucket shop does not handle cotton in any form.

Here we have again an expression of fear that the good, helpful exchange may be confused with the bad, hurtful bucket shop. In fact, that mistakes must have been made in legislation which hampers these exchanges, for surely no one would be so foolish as to restrict their operations. Then the charge is made that the wicked bucket shop is trying to muddy the waters in order to escape well-merited destruction. But, Mr. Chairman, the bucket shop might with equal consistency retaliate by saying that this vehement opposition on the part of the exchange arises from a desire to increase the commissions of exchange members by diverting the patronage of the bucket shops to the exchanges. In fact, some people have been men enough to make this charge. And, oh, how eloquent they wax in denunciation of the baneful bucket shop! Let me read from still another pamphlet sent out by the grain exchange in Chicago:

A bucket shop is a pretense; it pretends to transact business when in fact it exercises no commercial function and is devoid of every commercial feature; it is a deliberately premeditated organized fraud. It charges for a service when no service is performed; it merely weaves its web and watches for its victims. It is a gambling contrivance pure and simple. It is thoroughly demoralizing to industrial and mercantile life; it pollutes everything it touches and taints everybody with whom it is in any manner identified. It is insidiously pernicious and undermining, and is at war with every legitimate industry and every principle of mercantile life. It is a scheme for betting upon quotations under the flimsy guise of commercial transactions. A bucket shop takes one side of the bet and its customer the other side. If the

customer wins, the bucket shop must lose. If the bucket shop makes money, it must follow that the customers lose money. To put it in another way, it is for the interest of the bucket shop that his customers lose money. It is for the interest of legitimate merchants that their customers make money. The profits of the bucket shop are derived from the losses of their infatuated customers. The impoverishment of their customers means the wealth of the bucket shop; and yet, strange to say, knowing this, their patrons eagerly enter the unequal contest.

Mr. Chairman, I agree with every word of this denunciation of the bucket shop, but without the slightest hesitancy I declare that as between the two I prefer the bucket shop as the less hurtful. The bucket shop injures only those who tinker with it. Its operations have no effect on market prices. Comparatively few patronize bucket shops, so but few suffer therefrom. On the other hand, the exchange manipulates prices, and millions who are innocent of any connection therewith, who have no voice in its rules, no control over its methods, are distressed, injured, and frequently despoiled of the fruits of their labor by the action of those who manage and control these exchanges. To compare the damaging results arising from bucket shop dealing, with cotton exchange practices and transactions, would be like comparing the harmless effect of two pickaninnies shooting craps for pennies in a back alley with the heart aches, bankruptcies, and suicides, resulting from the stupendous games of chance conducted at Monte Carlo.

Mr. Chairman, I thoroughly understand the many powerful influences which will be brought to bear to defeat this legislation. Not only the exchanges and boards of trade will be arrayed against its enactment, but the powerful banks which make loans to finance these innumerable transactions will bring their influence to bear on everyone whom they can reach. I know also that every newspaper harlot stands ready to throw wide its columns in defense of this so-called business. Every journalistic prostitute is eager to scribble in its defense. Already marked copies of articles in leading "Journals of Civilization" extolling these exchanges are finding us through the mails, and you need only watch, and in the local press evidences of the Scarlet Letter will be frequently manifest.

Mr. Chairman, those of us who favor this legislation were not unmindful of the herculean task confronting us when we renewed the movement to abolish the indefensible methods and practices of these exchanges. We were fully aware that the able and learned George of Mississippi and the indefatigable and persistent Hatch of Missouri had failed in a similar effort sixteen years ago; but, Mr. Chairman, we feel that we know more of the methods of these exchanges than was known at that time. We believe that the people who stand behind us are more thoroughly aroused to the great injury resulting from speculative gambling on the exchanges than they were at that time, but however this may be we are confident of the justness of the cause, and, renewing the contest, we have enlisted for the war.

We are not to be deterred by ridicule, neither shall we be misled or diverted by the plausible arguments put forward by the able defenders of this sinful traffic, but we intend to press on until the right has prevailed.

Mr. Chairman, there is another phase of this question upon which I have not touched—the moral phase. I will not say it does not appeal to me. It is known to us all that as a direct result of the gambling operations on the New York Cotton Exchange thousands of unfortunates have lost their all, beggaring their families. Numerous small merchants have been bankrupted and disgraced. Many clerks, cashiers, and officers of banks have been made defaulters and some consigned to felons' cells. But with all this we, as legislators, have nothing to do. Furthermore, I recognize that we can not legislate morals into people. I wish we could, for when one considers the terrific increase of the gambling habit throughout our country I wish something could be done to check if not prevent it. We are gambling in stocks, gambling in wheat, gambling in pork, gambling in corn, gambling in cotton, gambling in nearly everything!

Even the women are becoming addicted to the habit. Starting a few years ago with progressive euchre, with a trifling prize as the stake, I am now told that bridge-whist parties are conducted where thousands of dollars are wagered and lost. God only can foresee the effect all this will ultimately have on the character of the generation to follow. But, again, with this we have nothing to do. I favor the legislation proposed in this amendment because the evil can only be thoroughly crushed by the enactment of legislation similar to that which destroyed the Louisiana lottery. I favor this legislation because of the injurious effects of cotton gambling on the interests of the cotton producer and the cotton consumer and its demoralizing effect upon legitimate cotton trade.

Mr. Chairman, I repeat that I realize the many difficulties to be overcome before we complete this labor. Neither am I unmindful of the lesson taught in the Scriptural text, I believe to be found in Luke:

For which of you, intending to build a tower, sitteth not down first and counteth the cost, whether he have sufficient to finish it? Lest haply, after he hath laid the foundation and is not able to finish it, all that behold it begin to mock him, saying, "This man began to build and was not able to finish."

We have counted the cost and confidently believe we have sufficient to complete the tower. We have begun the work, and so long as I remain a member of this body it shall continue. Time alone can tell whether we will finish, but I offer this suggestion to the exchange and its defenders: Begin not yet to mock, but rather keep in mind the adage:

He laughs best who laughs last.

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk concluded the reading of the bill.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that the Clerk be permitted to correct the totals.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks on the road question in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Chairman, under the permission granted me, I desire to insert in the RECORD, as bearing upon the paragraph just read, a letter from an agent of the Agricultural Department, who has been at work in Tennessee and in the district I have the honor to represent in this House. This letter sets out the work and the conditions in this section in the endeavor to eradicate cattle ticks as it appears to him. Also he has furnished me with resolutions adopted by the Interstate Association of Live Stock Sanitary Boards and by the Southern States Association of Commissioners of Agriculture, which I insert in the RECORD. Also a letter from Prof. H. A. Morgan, director of the agricultural experiment station at the University of Tennessee:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Nashville, Tenn., December 13, 1907.

Hon. W. C. HOUSTON.

MY DEAR SIR: I make no apology in troubling you with this letter. The purpose of the letter must be its only excuse. For the past year I have had charge of all legal matters pertaining to the Bureau of Animal Industry in Tennessee, Alabama, and Georgia, and I know what I am now writing about. We have this season been hard at work with the most cordial cooperation of the State authorities in a war on cattle ticks and Texas fever.

Thirty-one of the Tennessee counties we found very badly tick infected. But Dr. W. P. Ellenberger, the inspector in charge, has had about sixty skilled employees of the Bureau at work in inspecting thousands of farms, who have inspected many thousands of cattle, and have seen to it that they were disinfected. Meantime, information has been disseminated by public meetings, by publications, full and explicit, in both the metropolitan and county newspapers, and by the distribution of thousands of pamphlets from the Bureau on the subject of cattle fever, until public opinion has been informed and aroused so that in the counties of Rhea, McMinn, Bledsoe, Dekalb, Coffee, Cannon, White, Moore, Jackson, Clay, Fentress, Carroll, and Fayette the ticks have been almost, if not entirely, stamped out, and these counties will soon go above the quarantine line, though still held under supervision.

In many other counties, like Lincoln, Franklin, Putnam, and Overton, a great work has been done, which will be followed up; but in ten counties, for utter lack of funds, no real work has yet been done. Yet the people are now ready for cooperative work.

The annual loss and cost to Tennessee from Texas fever is now yearly the great sum of $4,000,000, and to all the infected States it is not less than $60,000,000. And this is an annual dead loss. Now, with sixty expert men as inspectors we have expended, without the waste of a penny, about $40,000 during the season now closing; but we now feel that we should, and if the means are furnished we know we can, utterly abolish and stamp out the ticks in every county this coming season. Yet we have just learned that the estimate for the work of tick eradication for the coming year is just what Congress granted last year, viz, $150,000, and this for all the States. Now, this is most niggard and wasteful economy. Only $40,000 to save each year in Tennessee the sum of $4,000,000! One dollar to save $100 each year! To rid Tennessee this coming year of ticks we need fully $80,000. Because of lack of funds Doctor Ellenberger has been forced to discharge almost all the men who, though not then experts, have become such, who were native to the manor, and the expert employees of the Bureau who were sent here have nearly all been sent away to other fields.

But what is to be done? Official etiquette forbids me to write, for obvious reasons, to the Secretary, Mr. Wilson, besides Congress is the boss. But I write freely to you because, while you are a Member of Congress, yet I know you to be both ardent and active to aid your constituents and all the people of Tennessee. You will think, act, argue, and vote as to you shall seem good. Yet I am a Tennessean, too, and write from this end of the line. But why not leave this local matter of fever-tick eradication to the local State authorities? Well, to begin with, it is not a local question. Texas fever is a contagion and beef cattle are sold in all markets and the subject affects all who eat beef. Besides the States, and much less the separate coun-

tics, do not have the skill, the science, the experience, the "know how" which the Bureau of Animal Industry has in large measure; which it has reached and attained to at the nation's expense; and the Bureau is doing work, paid for by the General Government, in a score of ways in every State in the Union. Tennessee is pivotal and a border State as to tick territory. Clean up Tennessee fully and a demonstration will be had that it can be eradicated in every State.

You can make such use as you choose of this letter, or put it in the waste basket. I have had my "say."

With sentiments of high esteem,

I am, yours, very truly, A. H. PETTIBONE.
Agent, etc., United States Department of Agriculture.

Resolution adopted by the Interstate Association of Live Stock Sanitary Boards at its annual meeting in Richmond, Va., September 17, 1907:

Whereas the great losses to Southern cattle owners resulting from the presence of the fever tick (Boophilus annulatus) are now a well established and generally accepted fact; and

Whereas the work already done has demonstrated the feasibility of the eradication of the fever tick, and the progress made with the funds recently appropriated by Congress has been very satisfactory; and

Whereas the known facts regarding the life history of the tick and methods for its destruction justify the prosecution of the work on a more comprehensive and extensive scale: Therefore be it

Resolved by the Live Stock Sanitary Boards of the United States in convention assembled, That the appropriation made for this work by the United States Congress for the next fiscal year should be increased to an amount commensurate with the magnitude and importance of the work to be done, which, in our opinion, should not be less than $500,000, and we respectfully urge the United States Secretary of Agriculture and the Congressmen of our respective States to use their best efforts to obtain such Congressional appropriation.

TAIT BUTLER,
Secretary of Committee.

Resolutions passed by the Southern States Association of Commissioners of Agriculture and Other Agricultural Workers at its annual meeting at Columbia, S. C., November 20, 1907:

Whereas satisfactory and sufficient reasons have been firmly established that the cattle tick should be eradicated from all infested regions of the United States; and

Whereas during the past two years the Bureau of Animal Industry and the various States interested have cleaned about 85,000 square miles and have also partially cleaned about 30,000 square miles of infested territory; and

Whereas this work has been done with insufficient funds, which has necessitated the removal of inspectors at times when the work was severely crippled or retarded thereby; and

Whereas the success of the cattle industry in the South is wholly dependent upon the extermination of the cattle tick: Therefore be it

Resolved, That this association request Congress to appropriate $500,000, to be used exclusively in cattle-tick eradication, and that we urge our Congressmen, cattle men, commissioners of agriculture, State veterinarians, and all others interested to use every honorable means in securing this appropriation.

UNIVERSITY OF TENNESSEE,
AGRICULTURAL EXPERIMENT STATION,
Knoxville, January 21, 1908.

Hon. WM. C. HOUSTON,
House of Representatives, Washington, D. C.

MY DEAR SIR: Congressman RANSDELL, of Louisiana, has just called my attention to the fact that there is some question regarding the appropriation for tick eradication in this and other Southern States. Tennessee has been peculiarly fortunate in getting a great deal of service from previous appropriations, and through these has had many counties placed above the national quarantine line. The presence of the cattle tick within the State has had a baneful effect upon our animal husbandry, and indirectly upon our soil fertility, and therefore we regard this as one of the most important agricultural matters that affect us.

I sincerely trust that you will be able to help in increasing the appropriation for this work, as the suspension of activity in tick eradication now would certainly mean its spread into counties of our State now uninfested.

Wishing you the compliments of the season and with kindest regards, I beg to remain,

Very sincerely, yours, H. A. MORGAN, *Director.*

Mr. SCOTT. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. FOSTER of Vermont, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19158—the agricultural appropriation bill—and had directed him to report the same back to the House with sundry amendments, with recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SCOTT. Mr. Speaker, at the proper time I shall ask for a separate vote upon the amendment by which the figures at the end of the general-expense paragraph, Bureau of Soils, were changed from $170,000 to $333,460. I shall ask this because I believe that amendment was adopted on account of a misapprehension on the part of a majority of the Members then present. I think many votes were cast for that amendment under the impression that the sum carried in the bill for the Bureau of Soils was insufficient to permit that Bureau to carry forward the work in which it is now engaged.

Mr. UNDERWOOD. Mr. Speaker——

Mr. SCOTT. I must decline to yield.

Mr. UNDERWOOD. I want to ask a question as to procedure. Does the gentleman propose to discuss the question now?

Mr. SCOTT. If the gentleman will possess his soul in patience, he will discover what I propose to do.

Mr. UNDERWOOD. I wanted to ask the gentleman, if he proposes to discuss the question, if he intends to yield as much time to this side as he consumes?

Mr. SCOTT. I certainly expect to do that.

Mr. Speaker, in order that there may be a clear understanding, I wish to give the House the history of this item. The estimates as they came from the Secretary of Agriculture called for $200,000 for this item. When the Chief of the Bureau of Soils was brought before the committee and asked to what purpose he expected to devote this additional sum he replied substantially that a greater part of it would be used in soil utilization work. He also asked for new language to be introduced in the bill to permit him to do that work, as follows:

To investigate and demonstrate the best methods for the utilization of the soil resources of the United States and the best methods of soil management for the different localities and different types of soil; to investigate and demonstrate the principles of soil fertility and the fertilizer and manurial requirements of soils.

When the Secretary came before the committee we called his attention to this new language and asked him if it did not provide for substantially the kind of work that is now being done under the Bureau of Plant Industry in the farm management division. He admitted at once that it did, because the language was almost identical, and it was with his full consent and approval that the proposed increase was disallowed, because it was the opinion of the Secretary, as it was of the committee, and as I believe it must be of this House, that there ought not to be a duplication of the work of those two Bureaus in the same Department. Having arranged with the Secretary that there should be no duplication of this work, the committee had an understanding with him also that the utilization part of it, for continuing which the principal portion of the increase in the Bureau of Soils was demanded, should be carried forward, and I have the authority of the Secretary of Agriculture to say now that arrangements have already been perfected to do this work so that the legitimate field of the Bureau of Soils will not be curtailed.

On the contrary that Bureau will be permitted to carry on a great deal more work in that field than it has been doing during the past year. We discovered that even although the authority had not been given the Chief, he had been doing, and is doing, utilization work this year, for which he will spend $38,000. That additional amount will be available for his use for the proper purpose of soil surveys during the coming year, and with it he can put seven more parties in the field than he now has, so that not only can the Bureau do all that it has been doing in the way of soil surveys, but it will be able to send out seven more parties, making twenty-five or thirty additional surveys.

But there is another reason, gentlemen of this House, why I think this amendment ought not to remain in the bill, a reason which I approach with a great deal of reluctance because it involves a rather severe criticism of the conduct of this Bureau, a reason which I would not state except under the compulsion of a profound sense of responsibility as a Member of this House. In the course of the examination of the Chief of the Bureau of Soils he was asked whether he would have men enough to carry forward this work for which he was asking so great an additional appropriation. He said:

We have enough trained men now in the Bureau to take charge of forty soil-survey parties.

The question was asked him,

What are those men doing now? Is the work they are now engaged upon necessary?

He said:

It is work *we have no need of now. It is preparing for work years hence.*

Then the question was asked him why he had not discharged some of these men, thereby obtaining funds for increasing the number of the soil surveys for which he declared there was so great a demand, and he said:

Of course if the Congress is going to limit the amount of work done to $80,000, that is what I should do, get rid of some of them, discharge them or send them out to other lines, *but I have husbanded the force and held them back and educated them and gradually increased their salaries in the hope that eventually Congress would be willing to extend the soil-survey work.*

The suggestion was made to him that Congress ought to be the best judge of its appropriations, and that when the appropriation was made it was the duty of an administrative officer to use it and make the best use of it he could and not to an-

ticipate a greater appropriation in the future. The reply to that was:

It has been a matter of administrative discretion, and we have taken this course *and are putting it up to Congress now* as to what we shall do in the future.

I want to put it up to Congress now whether this House is willing to encourage a bureau chief in going outside the limits laid down by the law which this body enacts? I said a moment ago that we found this Bureau Chief had already been doing this work for which there was no authority in the law. I asked him where he got his authority, and he cited these words:

The investigation of the relations of soils to climate and organic life.

Is there any human being who will interpret those words as warranting a bureau in sending out scores of utilization parties to plant crops and tend them and gather them? I asked him, if that language was sufficient to warrant his expenditure, why he came in and asked for the new language which I read a moment ago. There was no answer to that question, because there could not be any answer given to it. I put it up to this House whether they want to send word to the subordinates in the various Departments that they need pay no attention to the laws that are passed by this body, that they can go ahead and spend money regardless of the limitations put upon that expenditure by Congress. I want to put it up to this House whether they wish to serve notice on the subordinates in the various Departments that they can go over the head of their Department chief, that they can go over the head of a committee of Congress, and with all the arts and artifices of expert lobbying and logrolling force an appropriation through this body. [Applause.]

Mr. Speaker, I reserve the remainder of my time, and will yield as much as I have used to the gentleman from Mississippi [Mr. HUMPHREYS].

The SPEAKER. The gentleman has used ten minutes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I will ask the Speaker to notify me when I have consumed five minutes of time.

Mr. Speaker, before I proceed I want to submit this statement: I yield to no man in my admiration, my deference, and my consideration for the Committee on Agriculture. But I believe that that great committee is, like all other committees of this House, subject to error. I want to say further that the amendment which I offered was not the result of any logrolling with me by the Chief of the Bureau of Soils or by any representative from the Bureau of Soils. I never saw the Chief of the Bureau of Soils in my life, and I never had a communication from him on this subject. I have had no request, directly or indirectly, from the Chief of the Bureau or any person connected with the Bureau to introduce this amendment, and nobody connected in an official way with the Bureau knew that I intended to offer the amendment. I say that in reply to the suggestion of the chairman that the favor the amendment has in this House is the result of expert logrolling. I was inspired to offer this amendment by the study that I had given this subject.

I had observed that the soils of this country are producing less per acre than the soils of the countries of the Old World. I had observed that in England, where they began exactly this work of soil surveying nearly one hundred years ago, making exactly the same investigations that we make, and following it with the utilization work as we propose to follow it here, the yield per acre had advanced as the yield in America had decreased, until last year we produced in this country upon our new lands 15½ bushels of wheat per acre, whereas in England, as a result of this method and of other experiments of soil reclamation and adaptation, their acres yielded 33 bushels per acre. I was inspired by that to offer the amendment.

The Secretary of Agriculture in his annual report in commending, as he does commend in most emphatic and unequivocal terms, the work and the purposes of this Bureau, says that $100,000,000 annually is spent in the United States for fertilizers, and that at least one-third of it is wasted because of the misapplication of fertilizer elements to soil conditions. He believes and I believe that a proper scientific and intelligent study of the soils, such an analysis, both physical and chemical, as will bring a knowledge of the constituent elements of the soils, showing its needs, discovering those toxic and excretal elements that render the soil unproductive, will enable the farmers to buy their fertilizers with intelligent discrimination, and so save to them the tremendous sum of $33,000,000 annually. And this inspired me to offer the amendment.

The Secretary of Agriculture has told us in his report that the demand for these soil-survey maps is increasing yearly, and that these requests are from every part of this country. There are more than 400 applications now on file in the Department asking for these surveys, and if the amendment is stricken from the bill only fifty-nine of these applications can be granted. This means that it will require fifty years to do the work which the Secretary says when done will save the farmers in the purchase of the single item of fertilizer alone $33,000,000 a year. And this inspired me to offer the amendment.

The chairman of the committee tells us that the utilization work which is intended and needed to demonstrate to the farmers in a practical way the several varieties of plant life which are best adapted to the soil, as discovered by the survey, will be done by the Bureau of Plant Industry. This is not the best way, in my opinion, Mr. Speaker, to secure results. I believe the bureau that makes the survey of the soil and propounds the theory of its adaptation to some particular plant life—as, for instance, that the elements in the soil indicate a particular variety of tobacco, as was actually the case in the Texas experiment—is the bureau which will most earnestly devote its energies to the demonstration of that theory.

These are some of the reasons, Mr. Speaker, that inspired my amendment, and they were sufficient without any suggestion from the Chief of the Bureau of Soils.

Now, Mr. Speaker and gentlemen, understand this, that the proposition of the Committee on Agriculture is to reduce the appropriation for the utilization work. Thirty-eight thousand dollars was used last year by this Bureau in this utilization work. At the same time the Bureau of Plant Industry was engaged in a similar work. The Bureau of Plant Industry will continue their work, but the $38,000 last year devoted to this purpose by the Bureau of Soils will not be used if the amendment is voted down, but will be used to further prosecute the soil-survey work, which, according to the opinion of the chairman and according to the opinion of the committee, is practically useless unless followed up by the demonstration work.

Just a minute more. The Bureau Chief has husbanded his force—as he says, has corralled a number of experts whom he has educated to this work—and if the appropriation is reduced according to the proposition of the Committee on Agriculture, that expert force will be dissipated; they will be discharged, and less of this work will be done by $38,000 than was done last year. [Applause.]

Mr. Speaker, I yield the balance of time to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. The gentleman has four minutes left.

Mr. UNDERWOOD. Mr. Speaker, I am very much surprised at the argument made by the gentleman from Kansas in presenting this question to the House. Here is a grave public question, involving the interests of far more than a majority of the people of the United States; a question that goes into their homes and abides by their firesides; a question of prosperity and success to the farming interests of the United States; and after the Committee of the Whole House on the state of the Union has seen fit, after proper discussion, to increase this appropriation for the benefit of the farming classes of this country, the chairman of this great committee comes before this House and rests his argument against this appropriation by an attack on an individual. He calls on this House to vote down this appropriation because he says the chief of the Bureau in charge of this work has been overzealous in his authority and gone beyond the power that Congress has given him.

Now, is that any argument why we should not carry out this work if it is a success and if it is a worthy work? I think that such an argument requires no answer.

Mr. Speaker, there is a foundation to scientific agriculture, and that foundation is soil survey. You can not have scientific agriculture without you know what is in the soil. But, Mr. Speaker, you might as well not have soil survey if you do not bring a practical demonstration of what the soil means to the door of the farmer's home. He is not a scientist. He can not take your report and study it out from a scientific standpoint. You must bring a practical man to his field and to his farm and demonstrate what this scientific work means.

Now, the gentleman in charge of this bill says that the Bureau of Plant Industry does this work. Not at all. The Bureau of Plant Industry is carrying on scientific work; but, so far as I have been able to judge from what I have read of their work and what I have actually seen of their work, they are not demonstrating the use of soils. They are experimenting with the growing and development of plants and farm management. What you want to carry to the farmer is the knowledge of what each soil is useful for, how he can make most money out of it, and it is an absolute part, a logical part, of the work of the Bureau of Soils, to carry on the work, after making the soil survey, to demonstrate and carry into the home of the farmer a practical knowledge of how to use and

utilize the soils of his farm. Now, that is what the Bureau Chief has been doing, and that is what this appropriation is intended to do.

Mr. SCOTT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded?

Mr. SCOTT. Mr. Speaker, I demand a separate vote on the amendment changing the appropriation in the paragraph for general expenses of the Bureau of Soils; and if my motion prevails I shall ask, of course, that the total be changed to correspond.

The SPEAKER. The gentleman asks for a separate vote on the two amendments.

Mr. GRIGGS. On that I call for the yeas and nays.

The SPEAKER. Is a separate vote demanded on any other of the amendments? If not, the vote will be taken on the other amendments in gross.

No other separate vote was demanded.

The question was taken, and the remaining amendments were agreed to in gross.

The SPEAKER. The Clerk will now report the two amendments.

The Clerk read as follows:

In line 22, page 29, strike out all after the word "expenses" and insert "$333,460;" and in lines 24 and 25 change the total to read "$368,160."

The SPEAKER. Without objection, the vote will be taken upon the two amendments together.

There was no objection.

Mr. GRIGGS. I call for the yeas and nays on the amendments.

The question was taken, and the yeas and nays were ordered.

The question was taken, and there were—yeas 142, nays 128, answered "present" 17, not voting 102, as follows:

YEAS—142.

Adair	Floyd	Kimball	Ransdell, La.
Adamson	Focht	Kinkaid	Rauch
Aiken	Foster, Ill.	Kipp	Reeder
Ashbrook	Fulton	Kitchin, Claude	Reid
Bartlett, Nev.	Gaines, Tenn.	Knapp	Reynolds
Bates	Garner	Knowland	Richardson
Beall, Tex.	Garrett	Lamar, Mo.	Rothermel
Bennet, N. Y.	Gillespie	Laning	Russell, Tex.
Bowers	Goldfogle	Lassiter	Saunders
Boyd	Gordon	Leake	Shackleford
Brodhead	Goulden	Lee	Sheppard
Burgess	Granger	Legare	Sherley
Burnett	Gregg	Lewis	Sherwood
Byrd	Griggs	Lindbergh	Sims
Caldwell	Hackett	McHenry	Slayden
Candler	Hackney	McKinlay, Cal.	Slemp
Carlin	Haggott	McLain	Smith, Tex.
Carter	Hale	Macon	Sparkman
Chapman	Hamill	Maynard	Spight
Clark, Fla.	Hammond	Moon, Tenn.	Stephens, Tex.
Clark, Mo.	Hardy	Moore, Tex.	Sturgiss
Clayton	Harrison	Morse	Sulzer
Cooper, Wis.	Hay	Mouser	Talbott
Cox, Ind.	Heflin	Mudd	Taylor, Ala.
Craig	Helm	Murdock	Taylor, Ohio
Davis, Minn.	Hill, Miss.	Murphy	Thomas, N. C.
De Armond	Hobson	Nelson	Tou Velle
Denver	Houston	Nicholls	Underwood
Douglas	Hubbard, W. Va.	Norris	Waldo
Driscoll	Hughes, N. J.	O'Connell	Watkins
Dwight	Hull, Tenn.	Padgett	Webb
Ellerbe	Humphreys, Miss.	Page	Wiley
Englebright	James, Addison D.	Patterson	Wood
Favrot	Johnson, Ky.	Peters	Woodyard
Ferris	Johnson, S. C.	Rainey	
Finley	Keliher	Randell, Tex.	

NAYS—128.

Alexander, Mo.	Crumpacker	Henry, Conn.	McGuire
Alexander, N. Y.	Currier	Higgins	McKinley, Ill.
Allen	Cushman	Hill, Conn.	McKinney
Ames	Dalzell	Holliday	McLaughlin, Mich.
Anthony	Darragh	Howell, Utah	Madden
Bannon	Davidson	Hubbard, Iowa	Madison
Barclay	Dawson	Huff	Malby
Bartholdt	Diekema	Hull, Iowa	Marshall
Beale, Pa.	Draper	Humphrey, Wash.	Miller
Birdsall	Durey	Jones, Va.	Mondell
Bonynge	Ellis, Mo.	Jones, Wash.	Moon, Pa.
Booher	Ellis, Oreg.	Kahn	Nye
Bradley	Esch	Keifer	Olcott
Brownlow	Fitzgerald	Kennedy, Ohio	Parker, N. J.
Burleigh	Foss	Knopf	Parsons
Burton, Del.	Foulkrod	Küstermann	Payne
Burton, Ohio	Fuller	Lafean	Perkins
Calder	Gardner, Mich.	Lamb	Pollard
Calderhead	Gardner, N. J.	Law	Pray
Campbell	Gillett	Lawrence	Rodenberg
Capron	Glass	Lever	Rucker
Caulfield	Greene	Littlefield	Russell, Mo.
Cocks, N. Y.	Hall	Lloyd	Scott
Conner	Hamilton, Mich.	Loud	Smith, Iowa
Cook, Colo.	Hamlin	Lovering	Snapp
Cook, Pa.	Haskins	McCall	Southwick
Cooper, Pa.	Haugen	McCreary	Sperry
Cousins	Hawley	McGavin	Stafford
Sterling	Thomas, Ohio	Wanger	Wheeler
Sulloway	Tirrell	Washburn	Wilson, Ill.
Tawney	Volstead	Weeks	Young
Thistlewood	Vreeland	Weems	The Speaker

ANSWERED "PRESENT"—17.

Burleson	Goebel	Longworth	Smith, Mich.
Butler	Howland	Lowden	Williams
Crawford	Jenkins	McMorran	
Denby	Kennedy, Iowa	Prince	
Dixon	Langley	Roberts	

NOT VOTING—102.

Acheson	Dunwell	Hinshaw	Porter
Andrus	Edwards, Ga.	Hitchcock	Pou
Ansberry	Edwards, Ky.	Howard	Powers
Barchfeld	Fairchild	Howell, N. J.	Pratt
Bartlett, Ga.	Fassett	Hughes, W. Va.	Pujo
Bede	Flood	Jackson	Rhinock
Bell, Ga.	Fordney	James, Ollie M.	Riordan
Bennett, Ky.	Fornes	Kitchin, Wm. W.	Robinson
Bingham	Foster, Ind.	Lamar, Fla.	Ryan
Boutell	Foster, Vt.	Landis	Sabath
Brantley	Fowler	Lenahan	Sherman
Brick	French	Lilley	Small
Broussard	Gaines, W. Va.	Lindsay	Smith, Cal.
Brumm	Gardner, Mass.	Livingston	Smith, Mo.
Brundidge	Gilhams	Lorimer	Stanley
Burke	Gill	Loudenslager	Steenerson
Cary	Godwin	McDermott	Stevens, Minn.
Chaney	Graff	McLachlan, Cal.	Townsend
Cockran	Graham	McMillan	Wallace
Cole	Gronna	Mann	Watson
Cooper, Tex.	Hamilton, Iowa	Moore, Pa.	Weisse
Coudrey	Harding	Needham	Willett
Cravens	Hardwick	Olmsted	Wilson, Pa.
Davenport	Hayes	Overstreet	Wolf
Davey, La.	Henry, Tex.	Parker, S. Dak.	
Dawes	Hepburn	Pearre	

So the amendments were agreed to.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. FOSTER of Vermont with Mr. POU.

Mr. SHERMAN with Mr. RIORDAN.

Until April 4, 1908:

Mr. HOWLAND with Mr. ANSBERRY.

Until further notice:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. OVERSTREET with Mr. DIXON.

Mr. MOORE of Pennsylvania with Mr. EDWARDS of Georgia.

For this day:

Mr. HEPBURN with Mr. HITCHCOCK.

Mr. PARKER of South Dakota with Mr. WILSON of Pennsylvania.

Mr. COUDREY with Mr. GILL.

Mr. GAINES of West Virginia with Mr. LENAHAN.

Mr. LOVERING with Mr. PUJO.

Mr. MCMILLAN with Mr. WILLETT.

Mr. HUGHES of West Virginia with Mr. STANLEY.

Mr. GRONNA with Mr. SMITH of Missouri.

Mr. GRAHAM with Mr. MCDERMOTT.

Mr. GILHAMS with Mr. LIVINGSTON.

Mr. FASSETT with Mr. LAMAR of Florida.

Mr. DUNWELL with Mr. GODWIN.

Mr. BRICK with Mr. WILLIAM W. KITCHIN.

Mr. PRINCE with Mr. FLOOD.

Mr. BARCHFELD with Mr. CRAVENS.

Mr. ANDRUS with Mr. COOPER of Texas.

Mr. ACHESON with Mr. BRUNDIDGE.

Mr. HOWELL of New Jersey with Mr. WEISSE.

Mr. SMITH of Michigan with Mr. HOWARD.

Mr. FRENCH with Mr. DAVENPORT.

Mr. FAIRCHILD with Mr. WALLACE.

Mr. KENNEDY of Iowa with Mr. HAMILTON of Iowa.

Mr. BOUTELL with Mr. FORNES.

Mr. OLMSTED with Mr. BROUSSARD.

Mr. LORIMER with Mr. WILLIAMS.

Mr. LONGWORTH with Mr. LINDSAY.

Mr. POWERS with Mr. PRATT.

Mr. LOWDEN with Mr. RHINOCK.

Mr. DENBY with Mr. COCKRAN.

Mr. BINGHAM with Mr. BURLESON.

Mr. CARY with Mr. SABATH.

Mr. ROBERTS (against) with Mr. OLLIE M. JAMES (in favor of).

Mr. WATSON with Mr. WOLF.

Mr. BURKE with Mr. DAVEY of Louisiana.

Mr. PEARRE with Mr. ROBINSON.

Mr. MANN with Mr. RYAN.

For this vote:

Mr. JENKINS with Mr. SMALL.

Mr. LANGLEY (against) with Mr. BELL of Georgia (in favor of).

Mr. HARDING with Mr. HENRY of Texas.

Mr. MCMORRAN with Mr. CRAWFORD.

Mr. AIKEN (in favor of) with Mr. HARDWICK (against).

Mr. CRAWFORD. Mr. Speaker, I would like to inquire if the gentleman from Michigan [Mr. MCMORRAN] has voted?

The SPEAKER. The gentleman is not recorded.

Mr. CRAWFORD. I had a pair with the gentleman, and I voted in the affirmative. I wish to withdraw my vote and answer "present." Mr. MCMORRAN, if he were here, would have voted in the negative.

Mr. ADAIR. Mr. Speaker, I would like to have my name recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. ADAIR. I was; I was here all the time, except when the first roll was called.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ADAIR and he voted "present," as above recorded.

Mr. LASSITER. Mr. Speaker, I would like to be recorded. I was present and listening when my name should have been called, but did not hear it called.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LASSITER and he voted "aye," as above recorded.

The result of the vote was then announced, as above recorded.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

Mr. WILLIAMS rose.

The question was taken, and the bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. SCOTT, a motion to reconsider the last vote was laid on the table.

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. I rose for the purpose of calling the yeas and nays on the passage of the bill, but it is too late now.

The SPEAKER. The Chair failed to recognize the voice of the gentleman or catch his eye.

Mr. WILLIAMS. I hope the Speaker will not have that difficulty in the future.

The SPEAKER. The gentleman from Mississippi is strong of voice and the Chair is keen of hearing. [Laughter.]

Mr. WILLIAMS. The gentleman from Mississippi exercised his voice to the best of his ability, but the Chair must have been delinquent in the exercise of his auditory nerves. [Laughter.]

TUBERCULOSIS IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill S. 29, an act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, with a House amendment disagreed to.

Mr. OLCOTT. Mr. Speaker, I move that the House insist on its amendment and agree to the conference.

The motion was agreed to.

The Speaker appointed as conferees on the part of the House Mr. OLCOTT, Mr. TAYLOR of Ohio, and Mr. MURPHY.

DAM ACROSS SNAKE RIVER IN WASHINGTON.

The SPEAKER also laid before the House the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across Snake River, in the State of Washington, with Senate amendments.

The Senate amendments were read.

Mr. JONES of Washington. Mr. Speaker, I move that the House nonconcur in the Senate amendments.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—156 ayes and 70 noes.

Mr. WILLIAMS. I call for the yeas and nays.

Mr. LASSITER. Mr. Speaker, I ask for the reading of the resolution.

Mr. MANN. The regular order!

The SPEAKER. Objection is heard. Forty-two gentlemen have arisen; not a sufficient number.

Mr. UNDERWOOD. Mr. Speaker, I want to call the attention of the Chair to the fact that there were three gentlemen standing on the Republican side that I think the Chair did not count.

The SPEAKER. That makes forty-five; not a sufficient number.

Mr. STANLEY. I do not think the Chair counted me. I was very far over on this side.

The SPEAKER. Was the gentleman standing?

Mr. STANLEY. Yes.

The SPEAKER. Then the Chair caught him. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I demand the other side.

The other side was taken.

The SPEAKER. Evidently a sufficient number, and the yeas and nays are ordered.

The question was taken, and there were—yeas 146, nays 102, answered "present" 13, not voting 127, as follows:

YEAS—146.

Alexander, N. Y.	Douglas	Jones, Wash.	Norris
Allen	Draper	Kahn	Nye
Ames	Driscoll	Keifer	Olcott
Bannon	Durey	Kennedy, Ohio	Parker, N. J.
Barclay	Dwight	Kinkaid	Parsons
Bartholdt	Ellis, Oreg.	Knapp	Payne
Bates	Englebright	Knopf	Perkins
Beale, Pa.	Esch	Knowland	Pollard
Bede	Focht	Küstermann	Prince
Birdsall	Fordney	Lafean	Reeder
Bonynge	Foss	Langley	Reynolds
Boyd	Foulkrod	Laning	Rodenberg
Bradley	Fuller	Lawrence	Scott
Brownlow	Gardner, Mich.	Lindbergh	Slemp
Burleigh	Gardner, N. J.	Loud	Smith, Cal.
Calder	Gillett	Loudenslager	Snapp
Calderhead	Goebel	McCall	Southwick
Campbell	Greene	McCreary	Sperry
Capron	Haggott	McGavin	Stafford
Cary	Hale	McKinlay, Cal.	Sterling
Caulfield	Hall	McKinley, Ill.	Sturgiss
Chapman	Hamilton, Mich.	McKinney	Sulloway
Conner	Haskins	McLachlan, Cal.	Taylor, Ohio
Cook, Colo.	Haugen	McLaughlin, Mich.	Thistlewood
Cook, Pa.	Hawley	Madden	Thomas, Ohio
Cooper, Pa.	Henry, Conn.	Madison	Tirrell
Cooper, Wis.	Higgins	Malby	Waldo
Cousins	Hill, Conn.	Mann	Wanger
Crumpacker	Holliday	Marshall	Washburn
Currier	Howell, Utah	Miller	Weems
Cushman	Hubbard, Iowa	Mondell	Wheeler
Dalzell	Hubbard, W. Va.	Moon, Pa.	Wilson, Ill.
Darragh	Huff	Mouser	Wood
Davidson	Hull, Iowa	Mudd	Woodyard
Dawson	Humphrey, Wash.	Murdock	Young
Denby	James, Addison D.	Needham	
Diekema	Jenkins	Nelson	

NAYS—102.

Adair	Fulton	Jones, Va.	Reid
Adamson	Gaines, Tenn.	Kelliher	Rothermel
Aiken	Garner	Kimball	Rucker
Alexander, Mo.	Garrett	Kipp	Russell, Mo.
Ashbrook	Gillespie	Kitchin, Claude	Russell, Tex.
Bartlett, Nev.	Glass	Lamar, Mo.	Sheppard
Beall, Tex.	Gordon	Leake	Sherwood
Booher	Goulden	Lee	Sims
Bowers	Granger	Lever	Slayden
Brodhead	Gregg	Lewis	Small
Byrd	Griggs	Lloyd	Smith, Tex.
Caldwell	Hackett	McLain	Sparkman
Candler	Hamlin	Macon	Spight
Carter	Hammond	Maynard	Stanley
Clark, Fla.	Hardy	Moon, Tenn.	Stephens, Tex.
Clark, Mo.	Harrison	Moore, Tex.	Sulzer
Clayton	Hay	Murphy	Talbott
Cox, Ind.	Heflin	Nicholls	Thomas, N. C.
Crawford	Helm	O'Connell	Tou Velle
De Armond	Hobson	Padgett	Underwood
Denver	Houston	Page	Watkins
Favrot	Hughes, N. J.	Patterson	Webb
Ferris	Hull, Tenn.	Peters	Wiley
Finley	Humphreys, Miss.	Pou	Williams
Floyd	Johnson, Ky.	Rainey	
Foster, Ill.	Johnson, S. C.	Ransdell, La.	

ANSWERED "PRESENT"—13

Bennet, N. Y.	Howland	Lassiter	Richardson
Butler	Kennedy, Iowa	Lowden	Shackleford
Dixon	Lamb	Morse	Smith, Mich.
Fitzgerald			

NOT VOTING—127.

Acheson	Davis, Minn.	Hill, Miss.	Powers
Andrus	Dawes	Hinshaw	Pratt
Ansberry	Dunwell	Hitchcock	Pray
Anthony	Edwards, Ga.	Howard	Pujo
Barchfeld	Edwards, Ky.	Howell, N. J.	Randell, Tex.
Bartlett, Ga.	Ellerbe	Hughes, W. Va.	Rauch
Bell, Ga.	Ellis, Mo.	Jackson	Rhinock
Bennett, Ky.	Fairchild	James, Ollie M.	Riordan
Bingham	Fassett	Kitchin, Wm. W.	Roberts
Boutell	Flood	Lamar, Fla.	Robinson
Brantley	Fornes	Landis	Ryan
Brick	Foster, Ind.	Law	Sabath
Broussard	Foster, Vt.	Legare	Saunders
Brumm	Fowler	Lenahan	Sherley
Brundidge	French	Lilley	Sherman
Burgess	Gaines, W. Va.	Lindsay	Smith, Iowa
Burke	Gardner, Mass.	Littlefield	Smith, Mo.
Burleson	Gilhams	Livingston	Steenerson
Burnett	Gill	Longworth	Stevens, Minn.
Burton, Del.	Godwin	Lorimer	Tawney
Burton, Ohio	Goldfogle	Lovering	Taylor, Ala.
Carlin	Graff	McDermott	Townsend
Chaney	Graham	McGuire	Volstead
Cockran	Gronna	McHenry	Vreeland
Cocks, N. Y.	Hackney	McMillan	Wallace
Cole	Hamill	McMorran	Watson
Cooper, Tex.	Hamilton, Iowa	Moore, Pa.	Weeks
Coudrey	Harding	Olmsted	Weisse
Craig	Hardwick	Overstreet	Willett
Cravens	Hayes	Parker, S. Dak.	Wilson, Pa.
Davenport	Henry, Tex.	Pearre	Wolf
Davey, La.	Hepburn	Porter	

So the motion was agreed to.
The Clerk announced the following additional pairs:
For the balance of the day:
Mr. HINSHAW with Mr. ELLERBE.
Mr. GRAFF with Mr. CRAIG.
Mr. ELLIS of Missouri with Mr. SABATH.
Mr. DAWES with Mr. CARLIN.
Mr. COLE with Mr. BURNETT.
Mr. BURTON of Delaware with Mr. BURGESS.
Mr. LAW with Mr. GOLDFOGLE.
Mr. LITTLEFIELD with Mr. HILL of Mississippi.
Mr. MCGUIRE with Mr. HACKNEY.
Mr. ROBERTS with Mr. HAMILL.
Mr. SMITH of Iowa with Mr. LEGARE.
Mr. STEVENS of Minnesota with Mr. RANDELL of Texas.
Mr. TAWNEY with Mr. SHERLEY.
Mr. TOWNSEND with Mr. TAYLOR of Alabama.
Mr. VOLSTEAD with Mr. RAUCH.
Mr. HAYES with Mr. SAUNDERS.
Mr. VREELAND with Mr. MCHENRY.
Mr. BRUMM with Mr. HARDWICK.
Mr. BOUTELL with Mr. AIKEN.
For the session:
Mr. BENNET of New York with Mr. FORNES.
The result of the vote was announced as above recorded.
The SPEAKER. The Chair announces the following conferees: Mr. HEPBURN, Mr. MANN, and Mr. RICHARDSON of Alabama.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:
To Mr. KNAPP, for ten days, on account of sickness in family.
To Mr. LAMAR of Florida (by request of Mr. CLARK of Florida), indefinitely, on account of important business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 20063) making appropriations for the District of Columbia for the ensuing fiscal year, and, pending that motion, I ask unanimous consent that eight hours be allowed for general debate, half of the time to be controlled by the gentleman from Texas [Mr. BURLESON], the ranking Member of the minority, and the other half by myself.
The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, and, pending that motion, asks unanimous consent that general debate may be limited to eight hours, one-half to be controlled by himself and one-half by the gentleman from Texas [Mr. BURLESON]. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the motion of the gentleman from Michigan.
The question was taken, and the motion was not agreed to.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House resolution No. 233.
Mr. WILLIAMS. What is the resolution?
Mr. PAYNE. Distribution of the President's message.
The question was taken, and the Chair announced the ayes seemed to have it.
Mr. WILLIAMS. Division, Mr. Speaker.
The SPEAKER. The gentleman from Mississippi calls for a division.
The House again divided, and there were—ayes 150, noes 92.
Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.
The yeas and nays were ordered.
The question was taken, and there were—yeas 210, nays 3, answering "present" 17, not voting 158, as follows:

YEAS—210.

Adair	Brodhead	Cook, Pa.	Ellis, Oreg.
Alexander, Mo.	Brownlow	Cooper, Wis.	Englebright
Alexander, N. Y.	Burleigh	Cox, Ind.	Favrot
Allen	Burton, Ohio	Crawford	Ferris
Ashbrook	Byrd	Crumpacker	Finley
Bannon	Calder	Currier	Fitzgerald
Barclay	Calderhead	Cushman	Floyd
Bartlett, Nev.	Caldwell	Dalzell	Focht
Bates	Campbell	Darragh	Foss
Beall, Tex.	Candler	Davidson	Foster, Ill.
Bede	Capron	Dawson	Foulkrod
Bell, Ga.	Cary	De Armond	Fuller
Birdsall	Caulfield	Denver	Fulton
Bonynge	Chapman	Diekema	Gaines, Tenn.
Booher	Clark, Fla.	Douglas	Gardner, Mich.
Bowers	Clayton	Draper	Gardner, N. J.
Boyd	Cocks, N. Y.	Durey	Garner
Garrett	Jenkins	Malby	Russell, Mo.
Glass	Johnson, Ky.	Marshall	Russell, Tex.
Goebel	Johnson, S. C.	Mondell	Scott
Gordon	Jones, Va.	Moon, Pa.	Sheppard
Granger	Jones, Wash.	Moon, Tenn.	Sherwood
Greene	Kahn	Moore, Tex.	Slayden
Gregg	Keifer	Mouser	Slemp
Griggs	Keliher	Murdock	Small
Hackett	Kennedy, Iowa	Murphy	Smith, Tex.
Hackney	Kennedy, Ohio	Needham	Southwick
Haggott	Kimball	Nelson	Spight
Hale	Kinkaid	Nicholls	Stafford
Hall	Kipp	Norris	Stanley
Hamilton, Mich.	Kitchin, Claude	O'Connell	Steenerson
Hamlin	Knapp	Olcott	Sterling
Hammond	Knopf	Padgett	Stevens, Minn.
Hardy	Knowland	Page	Sturgiss
Haskins	Küstermann	Parker, N. J.	Sulloway
Haugen	Lafean	Parsons	Tawney
Hawley	Lamar, Mo.	Patterson	Thistlewood
Heflin	Langley	Payne	Thomas, N. C.
Helm	Lassiter	Perkins	Tou Velle
Higgins	Lawrence	Peters	Vreeland
Hill, Conn.	Leake	Pollard	Waldo
Hobson	Legare	Pray	Washburn
Holliday	Lewis	Rainey	Watkins
Houston	Lindbergh	Randell, Tex.	Webb
Howard	Lloyd	Ransdell, La.	Weeks
Hubbard, Iowa	Loud	Rauch	Weems
Hubbard, W. Va.	McCall	Reeder	Wiley
Huff	McCreary	Reid	Williams
Hughes, N. J.	McKinlay, Cal.	Reynolds	Wilson, Ill.
Hull, Tenn.	McKinley, Ill.	Richardson	Woodyard
Humphrey, Wash.	McKinney	Rodenberg	Young
Humphreys, Miss.	McLachlan, Cal.	Rothermel	
James, Addison D.	Macon	Rucker	

NAYS—3.

Aiken	Clark, Mo.	Sulzer

ANSWERED "PRESENT"—17.

Bennet, N. Y.	Hay	McMorran	Stephens, Tex.
Burleson	Howland	Morse	Wanger
Butler	Lever	Olmsted	
Dixon	Lowden	Smith, Mich.	
Goulden	McLaughlin, Mich.	Sparkman	

NOT VOTING—158.

Acheson	Denby	Hitchcock	Porter
Adamson	Driscoll	Howell, N. J.	Pou
Ames	Dunwell	Howell, Utah	Powers
Andrus	Dwight	Hughes, W. Va.	Pratt
Ansberry	Edwards, Ga.	Hull, Iowa	Prince
Anthony	Edwards, Ky.	Jackson	Pujo
Barchfeld	Ellerbe	James, Ollie M.	Rhinock
Bartholdt	Ellis, Mo.	Kitchin, Wm. W.	Riordan
Bartlett, Ga.	Esch	Lamar, Fla.	Roberts
Beale, Pa.	Fairchild	Lamb	Robinson
Bennett, Ky.	Fassett	Landis	Ryan
Bingham	Flood	Laning	Sabath
Boutell	Fordney	Law	Saunders
Bradley	Fornes	Lee	Shackleford
Brantley	Foster, Ind.	Lenahan	Sherley
Brick	Foster, Vt.	Lilley	Sherman
Broussard	Fowler	Lindsay	Sims
Brumm	French	Littlefield	Smith, Cal.
Brundidge	Gaines, W. Va.	Livingston	Smith, Iowa
Burgess	Gardner, Mass.	Longworth	Smith, Mo.
Burke	Gilhams	Lorimer	Snapp
Burnett	Gill	Loudenslager	Sperry
Burton, Del.	Gillespie	Lovering	Talbott
Carlin	Gillett	McDermott	Taylor, Ala.
Carter	Godwin	McGavin	Taylor, Ohio
Chaney	Goldfogle	McGuire	Thomas, Ohio
Cockran	Graff	McHenry	Tirrell
Cole	Graham	McLain	Townsend
Conner	Gronna	McMillan	Underwood
Cook, Colo.	Hamill	Madden	Volstead
Cooper, Pa.	Hamilton, Iowa	Madison	Wallace
Cooper, Tex.	Harding	Mann	Watson
Coudrey	Hardwick	Maynard	Weisse
Cousins	Harrison	Miller	Wheeler
Craig	Hayes	Moore, Pa.	Willett
Cravens	Henry, Conn.	Mudd	Wilson, Pa.
Davenport	Henry, Tex.	Nye	Wolf
Davey, La.	Hepburn	Overstreet	Wood
Davis, Minn.	Hill, Miss.	Parker, S. Dak.	
Dawes	Hinshaw	Pearre	

So the motion was agreed to.
The Clerk announced the following additional pairs:
For balance of day:
Mr. ESCH with Mr. HARRISON.
Mr. ANTHONY with Mr. HAMILTON of Iowa.
Mr. AMES with Mr. CARTER.
Mr. HULL of Iowa with Mr. HAY.
Mr. MUDD with Mr. TALBOTT.
Mr. DWIGHT with Mr. SHACKLEFORD.
Mr. TAYLOR of Ohio with Mr. SIMS.
Mr. MCLAUGHLIN of Michigan with Mr. LEVER.
Mr. WANGER with Mr. ADAMSON.
Mr. LANING with Mr. MCHENRY.
Mr. BRADLEY with Mr. GOULDEN.
Mr. MADDEN with Mr. LAMB.
Mr. COOPER of Pennsylvania with Mr. LEE.
Mr. MILLER with Mr. MAYNARD.
The result of the vote was announced as above recorded.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise for the purpose of moving to reconsider the vote just passed, and to lay that motion on the table.

Mr. PAYNE. I make the point of order that the motion is dilatory.

The SPEAKER. The Chair sustains the point of order.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the President's message, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 233.

Resolved, That so much of the special message of the President of the United States communicated to the two Houses of Congress on January 31, 1908, as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime, to judicial proceedings, civil and criminal, and to the organization of courts be referred to the Committee on the Judiciary.

That so much as relates to commerce and the Isthmian Canal be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to the post-office and post-roads be referred to the Committee on the Post-Office and Post-Roads.

That so much as relates to the public domain be referred to the Committee on the Public Lands.

That so much as relates to labor be referred to the Committee on Labor.

That so much as relates to private and domestic claims and demands, other than war claims, against the United States be referred to the Committee on Claims.

That so much as relates to reform in the civil service be referred to the Committee on Reform in the Civil Service.

That so much as relates to the election of the President, Vice-President, or Representatives in Congress be referred to the Committee on Election of President, Vice-President, and Representatives in Congress.

Mr. WILLIAMS. I wish to ask the gentleman from New York [Mr. PAYNE] a question.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Mississippi?

Mr. WILLIAMS. What portion of the message was referred to the Committee on Ways and Means?

Mr. PAYNE. So much as relates to revenue.

Mr. GAINES of Tennessee. Mr. Speaker——

Mr. PAYNE. I decline to yield further.

Mr. GAINES of Tennessee. Will the gentleman let me interrogate him?

Mr. PAYNE. Mr. Chairman, it is very singular after the performance we have just gone through that two or three gentlemen, before I have spoken a word, rise to ask a question. Of course it is well understood by the House why it is done.

Mr. GAINES of Tennessee. I thought the gentleman was going to move the previous question or something else.

Mr. PAYNE. Now, Mr. Chairman, this is a simple resolution to distribute this message of the President, distributing the various topics to the committees having jurisdiction under the rules of these topics. The resolution was promptly introduced after the message reached here a month ago or more, and was promptly reported by the Committee on Ways and Means. I was then asked if there would be time for debate given, and I said there would be, and I expected to give it. I do not expect to give it now, and I want the other side to take notice of that. I do not expect to give it because of the hypocrisy which has been exhibited on the other side of the aisle. The other day when the matter came up I was challenged by two or three gentlemen on the other side and asked why I did not bring this message before the House and have it considered and these topics referred to the various committees. I offered to do it then. I asked unanimous consent to do it then, and the very gentleman who had challenged me made the objection in the House that it should not be considered at that time by unanimous consent of the House as in the Committee of the Whole.

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York [Mr. PAYNE] yield to his colleague [Mr. FITZGERALD]?

Mr. PAYNE. I do not. I yield to no one.

The CHAIRMAN. The gentleman declines to yield.

Mr. PAYNE. I am here for business, Mr. Chairman, and if this side of the House will stay here, we will put this resolution through to-night without amendment and without a single speech on the other side of the House. [Applause on the Republican side.] The gentleman from Mississippi [Mr. WILLIAMS] commenced a week or two ago with the announcement that he would indulge in the peurile practice of filibuster in this House unless a majority should take the programme that he laid down and carry it out. He forgot that this side of the House is in charge of the business of the House, and the business of the House will go through just as the majority on this side decide it shall go through. Why, Mr. Chairman, we will take up the topics of the President's message in their order in the House. The Supreme Court decided that the employers' liability act which we passed in the last Congress was unconstitutional, and there never has been a moment of time when there was any doubt on the part of any intelligent Member of this House but that we would put through an employers' liability act that would be constitutional and take the place of the other. [Applause on the Republican side.]

We will take up the other topics in our own time and in our own way, and when the bills are passed they will reflect the sentiment of the majority of this House, whether the other side want to join in the procession or strive to defeat the majority in the House. Now, I do not want any gentleman on the other side of the House to come to me and ask me to grant unanimous consent or not to object when they want to print something in the RECORD.

Go to your leader, the gentleman from Mississippi, and ask him to stop his filibustering; ask him to stop his objections, and when he stops his objections and stops filibustering, then the business of the House will proceed in the usual way; otherwise we will put the business through in our way in spite of your objections. [Loud applause on the Republican side.]

Now, Mr. Chairman, I propose to make a motion that the committee rise, and when the committee goes back into the House I propose to make a motion that all general debate on this resolution now close. I move that the committee do now rise.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. To make a parliamentry inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. Is it not in order to offer an amendment to the resolution offered by the gentleman from New York?

The CHAIRMAN. General debate has not been closed. The motion is that the committee rise, and that motion is not debatable.

Mr. WILLIAMS. Then the only way to get an amendment is to vote down the motion that the committee rise.

The CHAIRMAN. That is correct.

Mr. DALZELL. Which you can not do. [Laughter on the Republican side.]

The question was taken on the motion that the committee rise, and the Chairman announced that the ayes seemed to have it.

Mr. FITZGERALD. I demand tellers.

The question was taken, and tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] and the gentleman from New York [Mr. FITZGERALD] will take their places as tellers.

The committee again divided, and the tellers reported—ayes 112, noes 69.

So the committee determined to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House resolution 233 and had come to no resolution thereon.

Mr. PAYNE. Mr. Speaker, I move that all general debate on the resolution be now closed, and on that I demand the previous question.

Mr. FITZGERALD. I move that the House do now adjourn.

Mr. PAYNE. I make the point that that motion is dilatory.

The SPEAKER. The gentleman from New York demands the previous question.

Mr. FITZGERALD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. I was going to suggest to the Chair that a motion to adjourn is one of high privilege.

The SPEAKER. If the gentleman insists upon the motion to adjourn, it has preference.

Mr. FITZGERALD. I suggest to the gentleman that perhaps we can agree on a reasonable time for discussion.

Mr. PAYNE. The time is now, I want to suggest to my colleague. [Laughter and applause on the Republican side.]

The question was taken upon ordering the previous question.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 140, noes 60.

Mr. WILLIAMS. Mr. Speaker, I demand tellers.

Mr. PAYNE. Mr. Speaker, I demand the yeas and nays

The yeas and nays were ordered.

The question was taken, and there were—yeas 121, nays 94, answered "present" 16, not voting 157, as follows:

YEAS—121.

Adair	Draper	Jenkins	Parsons
Alexander, N. Y.	Driscoll	Jones, Wash.	Payne
Bannon	Durey	Kahn	Pollard
Barclay	Ellis, Mo.	Keifer	Pray
Bates	Englebright	Kennedy, Ohio	Reeder
Birdsall	Esch	Kinkaid	Rodenberg
Bonynge	Focht	Knapp	Scott
Boyd	Foss	Knowland	Smith, Cal.
Brownlow	Foulkrod	Küstermann	Smith, Iowa
Burleigh	Fuller	Lafean	Southwick
Burton, Ohio	Gardner, Mich.	Langley	Stafford
Calder	Gardner, N. J.	Lawrence	Steenerson
Calderhead	Goebel	Lindbergh	Sterling
Campbell	Greene	Loud	Stevens, Minn.
Capron	Haggott	McCreary	Sturgiss
Cary	Hale	McKiniay, Cal.	Sulloway
Caulfield	Hall	McKinley, Ill.	Thistlewood
Chapman	Hamilton, Mich.	McKinney	Tirrell
Cook, Pa.	Haskins	McLachlan, Cal.	Volstead
Cooper, Pa.	Haugen	Malby	Vreeland
Cooper, Wis.	Hawley	Marshall	Waldo
Crumpacker	Higgins	Mondell	Wanger
Currier	Hill, Conn.	Morse	Washburn
Cushman	Holliday	Mouser	Weeks
Dalzell	Howell, Utah	Murdock	Weems
Darragh	Hubbard, Iowa	Needham	Wilson, Ill.
Davidson	Hubbard, W. Va.	Nelson	Wood
Davis, Minn.	Huff	Norris	Young
Dawson	Hull, Iowa	Nye	
Diekema	Humphrey, Wash.	Olcott	
Douglas	James, Addison D.	Parker, N. J.	

NAYS—94.

Adamson	Floyd	Hull, Tenn.	Ransdell, La.
Aiken	Foster, Ill.	Humphreys, Miss.	Rauch
Alexander, Mo.	Fulton	Johnson, S. C.	Richardson
Ashbrook	Gaines, Tenn.	Keliher	Rothermel
Bartlett, Nev.	Garner	Kimball	Rucker
Bell, Ga.	Garrett	Kitchin, Claude	Russell, Mo.
Bowers	Gillespie	Lamar, Mo.	Russell, Tex.
Brodhead	Glass	Lassiter	Sheppard
Byrd	Gordon	Leake	Sherwood
Caldwell	Granger	Lee	Slayden
Candler	Gregg	Lewis	Smith, Tex.
Carter	Griggs	Lloyd	Sparkman
Clark, Fla.	Hackett	McHenry	Spight
Clark, Mo.	Hackney	Macon	Stanley
Clayton	Hamlin	Moore, Tex.	Sulzer
Cox, Ind.	Hammond	Murphy	Thomas, N. C.
Craig	Hardy	Nicholls	Tou Velle
Crawford	Hay	O'Connell	Underwood
De Armond	Heflin	Padgett	Watkins
Denver	Helm	Page	Webb
Favrot	Hobson	Patterson	Wiley
Ferris	Houston	Peters	Williams
Finley	Howard	Pou	
Fitzgerald	Hughes, N. J.	Rainey	

ANSWERED "PRESENT"—16.

Bennet, N. Y.	Dixon	Laning	McMorran
Burleson	Goulden	Lever	Mann
Butler	Howland	Lowden	Moon, Tenn.
Cravens	Kennedy, Iowa	McLaughlin, Mich.	Olmsted

NOT VOTING—157.

Acheson	Dunwell	James, Ollie M.	Prince
Allen	Dwight	Johnson, Ky.	Pujo
Ames	Edwards, Ga.	Jones, Va.	Randell, Tex.
Andrus	Edwards, Ky.	Kipp	Reid
Ansberry	Ellerbe	Kitchin, Wm. W.	Reynolds
Anthony	Ellis, Oreg.	Knopf	Rhinock
Barchfeld	Fairchild	Lamar, Fla.	Riordan
Bartholdt	Fassett	Lamb	Roberts
Bartlett, Ga.	Flood	Landis	Robinson
Beale, Pa.	Fordney	Law	Ryan
Beall, Tex.	Fornes	Legare	Sabath
Bede	Foster, Ind.	Lenahan	Saunders
Bennett, Ky.	Foster, Vt.	Lilley	Shackleford
Bingham	Fowler	Lindsay	Sherley
Booher	French	Littlefield	Sherman
Boutell	Gaines, W. Va.	Livingston	Sims
Bradley	Gardner, Mass.	Longworth	Slemp
Brantley	Gilhams	Lorimer	Small
Brick	Gill	Loudenslager	Smith, Mich.
Broussard	Gillett	Lovering	Smith, Mo.
Brumm	Godwin	McCall	Snapp
Brundidge	Goldfogle	McDermott	Sperry
Burgess	Graff	McGavin	Stephens, Tex.
Burke	Graham	McGuire	Talbott
Burnett	Gronna	McLain	Tawney
Burton, Del.	Hamill	McMillan	Taylor, Ala.
Carlin	Hamilton, Iowa	Madden	Taylor, Ohio
Chaney	Harding	Madison	Thomas, Ohio
Cockran	Hardwick	Maynard	Townsend
Cocks, N. Y.	Harrison	Miller	Wallace
Cole	Hayes	Moon, Pa.	Watson
Conner	Henry, Conn.	Moore, Pa.	Weisse
Cook, Colo.	Henry, Tex.	Mudd	Wheeler
Cooper, Tex.	Hepburn	Overstreet	Willett
Coudrey	Hill, Miss.	Parker, S. Dak.	Wilson, Pa.
Cousins	Hinshaw	Pearre	Wolf
Davenport	Hitchcock	Perkins	Woodyard
Davey, La.	Howell, N. J.	Porter	
Dawes	Hughes, W. Va.	Powers	
Denby	Jackson	Pratt	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KENNEDY of Iowa with Mr. HAMILTON of Iowa.

For the balance of this day:

Mr. BEDE with Mr. REID.

Mr. COCKS of New York with Mr. STEPHENS of Texas.

Mr. ALLEN with Mr. MCLAIN.

Mr. WHEELER with Mr. KIPP.

Mr. ANTHONY with Mr. BOOHER.

Mr. WOODYARD with Mr. LEGARE.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the genteleman from New York [Mr. PAYNE].

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 119, nays 91, answered "present" 17, not voting 161, as follows:

YEAS—119.

Alexander, N. Y.	Ellis, Mo.	Jenkins	Nye
Allen	Ellis, Oreg.	Jones, Wash.	Olcott
Bannon	Englebright	Kahn	Parker, N. J.
Barclay	Esch	Keifer	Parsons
Birdsall	Focht	Kennedy, Ohio	Payne
Bonynge	Fordney	Kinkaid	Pollard
Boyd	Foss	Knapp	Pray
Brownlow	Foulkrod	Knowland	Reeder
Burleigh	Fuller	Küstermann	Rodenberg
Calder	Gardner, Mich.	Lafean	Scott
Calderhead	Gardner, N. J.	Langley	Smith, Cal.
Campbell	Goebel	Lawrence	Smith, Iowa
Capron	Greene	Lilley	Southwick
Cary	Haggott	Lindbergh	Stafford
Caulfield	Hale	Loud	Sterling
Chapman	Hall	McCreary	Sturgiss
Cook, Pa.	Hamilton, Mich.	McKinlay, Cal.	Sulloway
Cooper, Pa.	Haskins	McKinley, Ill.	Tawney
Cooper, Wis.	Haugen	McKinney	Thistlewood
Currier	Hawley	McLachlan, Cal.	Tirrell
Cushman	Higgins	Malby	Volstead
Dalzell	Hill, Conn.	Marshall	Vreeland
Darragh	Holliday	Miller	Wanger
Davis, Minn.	Howell, Utah	Mondell	Washburn
Dawson	Hubbard, Iowa	Morse	Weeks
Diekema	Hubbard, W. Va.	Mouser	Weems
Douglas	Huff	Murdock	Wilson, Ill.
Draper	Hull, Iowa	Needham	Wood
Driscoll	Humphrey, Wash.	Nelson	Young
Durey	James, Addison D.	Norris	

NAYS—91.

Adair	Finley	Hull, Tenn.	Rauch
Adamson	Fitzgerald	Humphreys, Miss.	Richardson
Aiken	Floyd	Keliher	Rothermel
Alexander, Mo.	Foster, Ill.	Kipp	Rucker
Bartlett, Nev.	Fulton	Kitchin, Claude	Russell, Mo.
Beall, Tex.	Gaines, Tenn.	Lamar, Mo.	Russell, Tex.
Bell, Ga.	Garner	Lassiter	Sheppard
Booher	Garrett	Leake	Sherley
Bowers	Gillespie	Lee	Sherwood
Brodhead	Glass	Lewis	Slayden
Byrd	Gordon	McHenry	Smith, Tex.
Caldwell	Granger	Macon	Spight
Candler	Gregg	Moore, Tex.	Stanley
Carter	Hackett	Murphy	Sulzer
Clark, Fla.	Hackney	Nicholls	Taylor, Ala.
Clark, Mo.	Hamlin	O'Connell	Thomas, N. C.
Clayton	Hardy	Padgett	Tou Velle
Cox, Ind.	Hay	Page	Underwood
Craig	Heflin	Patterson	Waldo
Crawford	Helm	Peters	Watkins
De Armond	Hobson	Pou	Webb
Denver	Howard	Rainey	Williams
Ferris	Hughes, N. J.	Ransdell, La.	

ANSWERED "PRESENT"—17.

Bennet, N. Y.	Gill	Laning	Mudd
Burleson	Goulden	Lowden	Olmsted
Butler	Hill, Miss.	McLaughlin, Mich.	
Cravens	Howland	McMorran	
Dixon	Kennedy, Iowa	Mann	

NOT VOTING—161.

Acheson	Carlin	Foster, Ind.	Houston
Ames	Chaney	Foster, Vt.	Howell, N. J.
Andrus	Cockran	Fowler	Hughes, W. Va.
Ansberry	Cocks, N. Y.	French	Jackson
Anthony	Cole	Gaines, W. Va.	James, Ollie M.
Ashbrook	Conner	Gardner, Mass.	Johnson, Ky.
Barchfeld	Cook, Colo.	Gilhams	Johnson, S. C.
Bartholdt	Cooper, Tex.	Gillett	Jones, Va.
Bartlett, Ga.	Coudrey	Godwin	Kimball
Bates	Cousins	Goldfogle	Kitchin, Wm. W.
Beale, Pa.	Crumpacker	Graff	Knopf
Bede	Davenport	Graham	Lamar, Fla.
Bennett, Ky.	Davey, La.	Griggs	Lamb
Bingham	Davidson	Gronna	Landis
Boutell	Dawes	Hamill	Law
Bradley	Denby	Hamilton, Iowa	Legare
Brantley	Dunwell	Hammond	Lenahan
Brick	Dwight	Harding	Lever
Broussard	Edwards, Ga.	Hardwick	Lindsay
Brumm	Edwards, Ky.	Harrison	Littlefield
Brundidge	Ellerbe	Hayes	Livingston
Burgess	Fairchild	Henry, Conn.	Lloyd
Burke	Fassett	Henry, Tex.	Longworth
Burnett	Favrot	Hepburn	Lorimer
Burton, Del.	Flood	Hinshaw	Loudenslager
Burton, Ohio	Fornes	Hitchcock	Lovering

McCall	Perkins	Saunders	Taylor, Ohio
McDermott	Porter	Shackleford	Thomas, Ohio
McGavin	Powers	Sherman	Townsend
McGuire	Pratt	Sims	Wallace
McLain	Prince	Slemp	Watson
McMillan	Pujo	Small	Weisse
Madden	Randell, Tex.	Smith, Mich.	Wheeler
Madison	Reid	Smith, Mo.	Wiley
Maynard	Reynolds	Snapp	Willett
Moon, Pa.	Rhinock	Sparkman	Wilson, Pa.
Moon, Tenn.	Riordan	Sperry	Wolf
Moore, Pa.	Roberts	Steenerson	Woodyard
Overstreet	Robinson	Stephens, Tex.	
Parker, S. Dak.	Ryan	Stevens, Minn.	
Pearre	Sabath	Talbott	

So the motion to close general debate was agreed to.

The Clerk announced the following additional pairs:

For the balance of this day:

Mr. CRUMPACKER with Mr. JOHNSON of South Carolina.

Mr. COUSINS with Mr. ASHBROOK.

Mr. DAVIDSON with Mr. SPARKMAN.

Mr. GILLETT with Mr. MCLAIN.

Mr. GRAHAM with Mr. HAMMOND.

Mr. JACKSON with Mr. FAVROT.

Mr. MOON of Pennsylvania with Mr. GRIGGS.

Mr. PERKINS with Mr. HOUSTON.

Mr. SNAPP with Mr. JOHNSON of Kentucky.

Mr. SPERRY with Mr. JONES of Virginia.

Mr. STEENERSON with Mr. KIMBALL.

Mr. THOMAS of Ohio with Mr. MOON of Tennessee.

Mr. LORIMER with Mr. SMALL.

The result of the vote was announced, as above recorded.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House resolution 233.

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore [Mr. CAPRON]. The gentleman from Mississippi [Mr. WILLIAMS], pending the motion of the gentleman from New York, moves that the House do now adjourn.

The question being taken, the Speaker pro tempore announced that the noes appeared to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I demand the ayes and nays.

The ayes and nays were ordered.

The question was taken and there were—yeas 45, nays 155, answered "present" 24, not voting 164, as follows:

YEAS—45.

Ashbrook	Ferris	Hackney	Murphy
Bartlett, Nev.	Finley	Hamlin	Nicholls
Brodhead	Fitzgerald	Heflin	Peters
Byrd	Foster, Ill.	Helm	Rainey
Caldwell	Fulton	Hobson	Russell, Mo.
Carter	Garner	Hull, Tenn.	Smith, Tex.
Clark, Mo.	Gillespie	Humphreys, Miss.	Spight
Clayton	Glass	Kelliher	Taylor, Ala.
Cox, Ind.	Gordon	Kipp	Underwood
Craig	Gregg	Lamar, Mo.	
De Armond	Griggs	Lassiter	
Denver	Hackett	Moore, Tex.	

NAYS—155.

Adair	Durey	Kitchin, Claude	Payne
Adamson	Ellis, Mo.	Knapp	Pray
Aiken	Ellis, Oreg.	Knowland	Ransdell, La.
Alexander, Mo.	Englebright	Küstermann	Rauch
Alexander, N. Y.	Esch	Lafean	Reeder
Allen	Floyd	Langley	Richardson
Barclay	Focht	Lawrence	Rodenberg
Bates	Fordney	Leake	Rothermel
Beall, Tex.	Foss	Lee	Rucker
Bell, Ga.	Foulkrod	Lewis	Russell, Tex.
Birdsall	Fuller	Lilley	Scott
Bonynge	Gardner, Mich.	Lindbergh	Sheppard
Booher	Gardner, N. J.	Lloyd	Smith, Cal.
Bowers	Garrett	McCreary	Southwick
Boyd	Granger	McKinlay, Cal.	Stafford
Brownlow	Greene	McKinley, Ill.	Stanley
Burleigh	Haggott	McKinney	Steenerson
Burton, Ohio	Hale	McLachlan, Cal.	Stevens, Minn.
Campbell	Hall	McLain	Sturgiss
Candler	Hamilton, Mich.	Macon	Sulloway
Capron	Haskins	Madison	Tawney
Cary	Haugen	Malby	Thistlewood
Caulfield	Hawley	Marshall	Thomas, N. C.
Chapman	Henry, Conn.	Miller	Tirrell
Cook, Pa.	Higgins	Mondell	Tou Velle
Cooper, Pa.	Hill, Conn.	Morse	Volstead
Cooper, Tex.	Houston	Mouser	Vreeland
Cooper, Wis.	Howell, Utah	Murdock	Waldo
Currier	Hubbard, Iowa	Needham	Wanger
Cushman	Hubbard, W. Va.	Nelson	Washburn
Dalzell	Huff	Norris	Watkins
Darragh	Hughes, N. J.	Nye	Webb
Davidson	Humphrey, Wash.	O'Connell	Weeks
Davis, Minn.	James, Addison D.	Olcott	Weems
Dawson	Jones, Wash.	Padgett	Williams
Diekema	Kahn	Page	Wilson, Ill.
Douglas	Kennedy, Ohio	Parker, N. J.	Wood
Draper	Kimball	Parsons	Young
Driscoll	Kinkaid	Patterson	

ANSWERED "PRESENT"—24.

Bennet, N. Y.	Gill	Kennedy, Iowa	Mann
Burleson	Goldfogle	Laning	Moon, Tenn.
Butler	Goulden	Lowden	Olmsted
Cravens	Howard	McHenry	Pou
Dixon	Howland	McLaughlin, Mich.	Shackleford
Gaines, Tenn.	Keifer	McMorran	Smith, Iowa.

NOT VOTING—164.

Acheson	Dunwell	James, Ollie M.	Randell, Tex.
Ames	Dwight	Jenkins	Reid
Andrus	Edwards, Ga.	Johnson, Ky.	Reynolds
Ansberry	Edwards, Ky.	Johnson, S. C.	Rhinock
Anthony	Ellerbe	Jones, Va.	Riordan
Bannon	Fairchild	Kitchin, Wm. W.	Roberts
Barchfeld	Fassett	Knopf	Robinson
Bartholdt	Favrot	Lamar, Fla.	Ryan
Bartlett, Ga.	Flood	Lamb	Sabath
Beale, Pa.	Fornes	Landis	Saunders
Bede	Foster, Ind.	Law	Sherley
Bennett, Ky.	Foster, Vt.	Legare	Sherman
Bingham	Fowler	Lenahan	Sherwood
Boutell	French	Lever	Sims
Bradley	Gaines, W. Va.	Lindsay	Slayden
Brantley	Gardner, Mass.	Littlefield	Slemp
Brick	Gilhams	Livingston	Small
Broussard	Gillett	Longworth	Smith, Mich.
Brumm	Godwin	Lorimer	Smith, Mo.
Brundidge	Goebel	Loud	Snapp
Burgess	Graff	Loudenslager	Sparkman
Burke	Graham	Lovering	Sperry
Burnett	Gronna	McCall	Stephens, Tex.
Burton, Del.	Hamill	McDermott	Sterling
Calder	Hamilton, Iowa	McGavin	Sulzer
Calderhead	Hammond	McGuire	Talbott
Carlin	Harding	McMillan	Taylor, Ohio
Chaney	Hardwick	Madden	Thomas, Ohio
Clark, Fla.	Hardy	Maynard	Townsend
Cockran	Harrison	Moon, Pa.	Wallace
Cocks, N. Y.	Hay	Moore, Pa.	Watson
Cole	Hayes	Mudd	Weisse
Conner	Henry, Tex.	Overstreet	Wheeler
Cook, Colo.	Hepburn	Parker, S. Dak.	Wiley
Coudrey	Hill, Miss.	Pearre	Willett
Cousins	Hinshaw	Perkins	Wilson, Pa.
Crawford	Hitchcock	Pollard	Wolf
Crumpacker	Holliday	Porter	Woodyard
Davenport	Howell, N. J.	Powers	
Davey, La.	Hughes, W. Va.	Pratt	
Dawes	Hull, Iowa	Prince	
Denby	Jackson	Pujo	

So the House refused to adjourn.

The following additional pairs were announced:

For the balance of the day:

Mr. SMITH of Iowa with Mr. SHERLEY.

Mr. KEIFER with Mr. GAINES of Tennessee.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. BANNON with Mr. SHERWOOD.

Mr. CALDERHEAD with Mr. CRAWFORD.

Mr. FOWLER with Mr. HAY.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the resolution distributing the President's message.

The question was taken, and on a division (demanded by Mr. WILLIAMS), there were—ayes 156, noes 67.

Mr. WILLIAMS. I demand tellers.

Mr. PAYNE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 124, nays 74, answering "present" 22, not voting 168, as follows:

YEAS—124.

Adair	Driscoll	Kahn	Olcott
Alexander, N. Y.	Durey	Kennedy, Ohio	Parker, N. J.
Allen	Ellis, Mo.	Kinkaid	Parsons
Barclay	Ellis, Oreg.	Kipp	Payne
Bates	Englebright	Knapp	Perkins
Birdsall	Esch	Knowland	Pollard
Bonynge	Focht	Küstermann	Pray
Boyd	Foss	Lafean	Rauch
Brownlow	Foulkrod	Langley	Reeder
Burleigh	Fuller	Lawrence	Rodenberg
Burton, Ohio	Fulton	Lindbergh	Smith, Cal.
Calder	Gardner, Mich.	Loud	Southwick
Campbell	Gardner, N. J.	McCreary	Stafford
Capron	Greene	McHenry	Steenerson
Carter	Haggott	McKinlay, Cal.	Sterling
Cary	Hale	McKinley, Ill.	Stevens, Minn.
Caulfield	Hall	McKinney	Sturgis
Chapman	Hamilton, Mich.	McLachlan, Cal.	Sulloway
Cook, Pa.	Haskins	Macon	Tawney
Cooper, Pa.	Hawley	Madison	Thistlewood
Cooper, Wis.	Higgins	Malby	Tirrell
Currier	Hill, Conn.	Marshall	Volstead
Cushman	Holliday	Miller	Vreeland
Dalzell	Howell, Utah	Mondell	Waldo
Darragh	Hubbard, Iowa	Morse	Wanger
Davidson	Hubbard, W. Va.	Mouser	Washburn
Davis, Minn.	Huff	Murdock	Weeks
Dawson	Humphrey, Wash.	Needham	Weems
Diekema	Humphreys, Miss.	Nelson	Wilson, Ill.
Douglas	James, Addison D.	Norris	Wood
Draper	Jones, Wash.	Nye	Young

NAYS—74.

Adamson	Finley	Howard	Ransdell, La.
Aiken	Floyd	Hughes, N. J.	Richardson
Alexander, Mo.	Foster, Ill.	Hull, Tenn.	Rothermel
Ashbrook	Garner	Keliher	Russell, Mo.
Bartlett, Nev.	Garrett	Kimball	Russell, Tex.
Beall, Tex.	Gillespie	Lamar, Mo.	Sheppard
Bell, Ga.	Glass	Leake	Smith, Tex.
Bowers	Goldfogle	Lee	Spight
Brodhead	Gordon	Lewis	Stanley
Byrd	Granger	Lloyd	Stephens, Tex.
Caldwell	Gregg	McLain	Thomas, N. C.
Candler	Griggs	Moore, Tex.	Tou Velle
Clark, Mo.	Hackett	Murphy	Underwood
Clayton	Hackney	Nicholls	Watkins
Cooper, Tex.	Hamlin	O'Connell	Webb
Cox, Ind.	Heflin	Padgett	Wiley
Craig	Helm	Page	Williams
Denver	Hobson	Peters	
Ferris	Houston	Randell, Tex.	

ANSWERED "PRESENT"—22.

Bennet, N. Y.	Gaines, Tenn.	Laning	Olmsted
Booher	Gill	Lowden	Pou
Burleson	Goulden	McLaughlin, Mich.	Rainey
Butler	Howland	McMorran	Rucker
Crawford	Kelfer	Mann	
Dixon	Kennedy, Iowa	Moon, Tenn.	

NOT VOTING—168.

Acheson	Dunwell	Hughes, W. Va.	Powers
Ames	Dwight	Hull, Iowa	Pratt
Andrus	Edwards, Ga.	Jackson	Prince
Ansberry	Edwards, Ky.	James, Ollie M.	Pujo
Anthony	Ellerbe	Jenkins	Reid
Bannon	Fairchild	Johnson, Ky.	Reynolds
Barchfeld	Fassett	Johnson, S. C.	Rhinock
Bartholdt	Favrot	Jones, Va.	Riordan
Bartlett, Ga.	Fitzgerald	Kitchin, Claude	Roberts
Beale, Pa.	Flood	Kitchin, Wm. W.	Robinson
Bede	Fordney	Knopf	Ryan
Bennett, Ky.	Fornes	Lamar, Fla.	Sabath
Bingham	Foster, Ind.	Lamb	Saunders
Boutell	Foster, Vt.	Landis	Scott
Bradley	Fowler	Lassiter	Shackleford
Brantley	French	Law	Sherley
Brick	Gaines, W. Va.	Legare	Sherman
Broussard	Gardner, Mass.	Lenahan	Sherwood
Brumm	Gilhams	Lever	Sims
Brundidge	Gillett	Lilley	Slayden
Burgess	Godwin	Lindsay	Slemp
Burke	Goebel	Littlefield	Small
Burnett	Graff	Livingston	Smith, Iowa
Burton, Del.	Graham	Longworth	Smith, Mich.
Calderhead	Gronna	Lorimer	Smith, Mo.
Carlin	Hamill	Loudenslager	Snapp.
Chaney	Hamilton, Iowa	Lovering	Sparkman
Clark, Fla.	Hammond	McCall	Sperry
Cockran	Harding	McDermott	Sulzer
Cocks, N. Y.	Hardwick	McGavin	Talbott
Cole	Hardy	McGuire	Taylor, Ala.
Conner	Harrison	McMillan	Taylor, Ohio
Cook, Colo.	Haugen	Madden	Thomas, Ohio
Coudrey	Hay	Maynard	Townsend
Cousins	Hayes	Moon, Pa.	Wallace
Cravens	Henry, Conn.	Moore, Pa.	Watson
Crumpacker	Henry, Tex.	Mudd	Weisse
Davenport	Hepburn	Overstreet	Wheeler
Davey, La.	Hill, Miss.	Parker, S. Dak.	Willett
Dawes	Hinshaw	Patterson	Wilson, Pa.
De Armond	Hitchcock	Pearre	Wolf
Denby	Howell, N. J.	Porter	Woodyard

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. SLEMP with Mr. SULZER.

Mr. LILLEY with Mr. PATTERSON.

Mr. SCOTT with Mr. CRAVENS.

The result of the vote was then announced as above recorded.

So the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of resolution No. 233, to dispose of the President's special message of January 31, 1908, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the resolution to dispose of the President's message. General debate having been closed by order of the House, the Clerk will read the resolution under the five-minute rule.

The Clerk proceeded with the reading of the resolution.

Mr. WILLIAMS (interrupting the reading). Mr. Chairman, at the end of the reading of the first clause I attempted to get the attention of the Chair to offer an amendment.

Mr. PAYNE. Mr. Chairman, I make the point of order that the resolution must first be read in its entirety.

Mr. WILLIAMS. Mr. Chairman, the resolution has been read under the first reading and the Clerk is now reading it under the instructions of the Chair under the five-minute rule, as the notes of the stenographer will show the Chair to have announced.

Mr. PAYNE. What difference does it make? The resolution must first be read, and then it is open to amendment.

Mr. WILLIAMS. It is now being read under the five-minute rule for amendment.

The CHAIRMAN. Amendments will be in order when the reading of the resolution has been completed, as the Chair understands.

Mr. WILLIAMS. Mr. Chairman, as I understand the rules of the House, after the reading of each paragraph a motion to amend that paragraph is in order. Now, I waited until the Clerk read the first paragraph, that paragraph which refers certain matters to the Committee on Ways and Means. I then arose and addressed the Chair in the usual and respectful way, and I have now the attention of the Chair, and I offer the following amendment to paragraph 1.

Mr. PAYNE. Mr. Chairman, to that I raise the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Mississippi has a right to have his amendment read. How can the gentleman from New York raise his point of order until it has been read.

Mr. PAYNE. I raise the point of order that the resolution must first be read in its entirety, and it will be open to amendment under the five-minute rule. This is not a bill under the rules, but merely a resolution—a single resolution—which must be first read.

Mr. WILLIAMS. Mr. Chairman, I wish to be heard on the point of order. This resolution contains several resolutions, each separate and independent of the others. The gentleman makes the point of order that the resolution must first be read, and then the amendments can be offered, when read, under the five-minute rule.

Now, I state as a matter of fact, as I understand the situation, that the resolution was read in the Committee of the Whole House before that committee rose back here, about an hour ago, and upon taking his seat a moment ago the present occupant of the chair announced that "all general debate having been closed, the Clerk will now read the resolution under the five-minute rule," and under that announcement of the Chair I have offered this amendment, so that the gentleman from New York simply does not understand the state of the facts before the committee, or else the Chair himself has not properly stated the status of the legislation. If the Chair has properly stated it, then my motion is now in order, and I take it the Chair has properly stated it, because the Chair's statement is in accordance with my own recollection.

The CHAIRMAN. The Chair understands the rule under which matters are considered under the five-minute rule is this, that all revenue bills and appropriation bills are considered by paragraphs; all other bills by sections. It is very rare that the House goes into the Committee of the Whole House on the state of the Union to consider a resolution like this, the House usually considering it by unanimous consent. About two years ago, however, a similar resolution was considered in Committee of the Whole, and the Chair understands that at that time it was considered as a resolution in its entirety—as one section. The Chair will rule that this resolution should be considered in its entirety, and at the conclusion of the reading of the resolution there will be opportunity for offering amendments under the five-minute rule to any part of the resolution.

Mr. WILLIAMS. Do I understand the ruling of the Chair to be that my amendment is pending?

The CHAIRMAN. The gentleman's amendment will be in order and the gentleman will be recognized to offer it as soon as the reading is concluded.

Mr. PAYNE. If he gets recognition it will be in order.

The resolution was read.

Mr. WILLIAMS. Mr. Chairman——

Mr. PAYNE. Mr. Chairman——

Mr. WILLIAMS. I now offer my amendment.

The CHAIRMAN. The gentleman from Mississippi. [Laughter and applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, being in charge of the resolution I submit that under parliamentary practice I am entitled to recognition.

The CHAIRMAN. If the gentleman has an amendment he is entitled to prior recognition. [Applause on the Democratic side.] The Chair will state if the gentleman from New York has an amendment to offer——

Mr. PAYNE. I propose to move to strike out the last word.

Mr. WILLIAMS. Mr. Chairman, I submit it is too late for that now. It is too late to make that motion now. If the gentleman had been upon his feet at the same time I was offering an amendment and striving himself to offer one undoubtedly he would have been entitled to preference. But he was not upon his feet to offer any amendment and his amendment is,

and I leave it to him if it is not, an afterthought. It was never his intention at the time that I offered this amendment to offer one. If he had been upon his feet then trying to offer one, his present position would have been correct, but I insist that the Chair—I may say that I know without insisting—the Chair is going to do equal and exact justice in this House.

Mr. PAYNE. Mr. Chairman, the gentleman from Mississippi is wrong now, as he is usually wrong——

Mr. WILLIAMS. The gentleman mistakes rudeness for wit.

Mr. PAYNE. The gentleman got up here clamoring for recognition out of order in order to offer an amendment when the first paragraph was read.

As soon as the reading of the resolution was completed I rose and was on my feet when the last word was completed and addressed the Chair. At the same time the gentleman from Mississippi [Mr. WILLIAMS] was addressing the Chair. Being in charge of the resolution I knew that, according to the usages of the House, I had a right to be heard first for an amendment. I offered an amendment as soon as I was recognized by the Chair. I intended to do this, Mr. Chairman; I intended to do this more than an hour ago, for I proposed, after I offered the amendment, to make a motion.

Mr. WILLIAMS. Mr. Chairman, I have but to appeal in furo conscientiæ to the Chair himself. The Chair stated to me that I would be in order when the reading of the *entire resolution* was through, differing in opinion with me because I thought I was in order when the *paragraph* was finished, and the Chair said I would then be recognized for the purpose. I rose at the particular time indicated by the Chair, was recognized by the Chair, and that is all there is to it. It is a "plain tale which will put him down."

The CHAIRMAN. The Chair stated that the gentleman from Mississippi [Mr. WILLIAMS] could offer an amendment to the bill when the reading was completed, and he would be recognized for that purpose, and he will be; but the Chair did not state that he would give him precedence in recognition.

Mr. FITZGERALD. I rise to a question of order. My point of order is that the Chair having recognized the gentleman from Mississippi [Mr. WILLIAMS], the gentleman from Mississippi is entitled to proceed.

The CHAIRMAN. The right of recognition must rest with the Chair.

Mr. FITZGERALD. The Chair has recognized the gentleman, however, and exercised that discretion.

The CHAIRMAN. The Chair, under the procedure of the House, must recognize the gentleman in charge of the bill if he rises for the purpose of offering an amendment. The Chair can not question his motives. The gentleman from New York [Mr. PAYNE] has offered an amendment to strike out the last word, and he is entitled to the floor. [Applause on the Republican side.]

Mr. PAYNE. I want in the first place to set the gentleman from Mississippi [Mr. WILLIAMS] right.

Mr. FITZGERALD. Mr. Chairman, I make the point of order the gentleman from New York [Mr. PAYNE] is not debating the amendment.

Mr. PAYNE. I want to give the facts to the gentleman. I want to give the gentleman the facts as they actually occurred, and when he has time for sober reflection he can see that they are——

Mr. FITZGERALD. Mr. Chairman, I make the point of order the gentleman is not debating the question.

The CHAIRMAN. The Chair is listening to the gentleman, and the Chair must say that the debate must pertain to the question.

Mr. PAYNE. The gentleman from Mississippi [Mr. WILLIAMS] rose out of order when the first paragraph was read——

Mr. WILLIAMS. Mr. Chairman, I make the point of order the gentleman from New York is not speaking to his amendment. His amendment is to strike out the last word, which word is "Congress." He is not speaking to his amendment.

Mr. PAYNE. That is a pretty broad subject and includes even the gentleman from Mississippi.

Mr. WILLIAMS. I make the point of order the gentleman must obey the rules of the House, although he has charge of the bill, and must, under the five-minute rule, confine his remarks to his amendment.

The CHAIRMAN. The gentleman is correct. The gentleman from New York [Mr. PAYNE] must confine his remarks to the amendment. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, I am rather glad of that ruling. Congress is a more pleasant subject to talk about than even the gentleman from Mississippi [Mr. WILLIAMS]. Now, Congress is an important institution. [Laughter.] It is a part of this Government. All laws must originate in the Congress of the United States. [Laughter and applause.] Congress is greater even than my friend from Mississippi [Mr. WILLIAMS]. Because the greater, of course, includes the less, he is included in Congress, and thus Congress is greater than my friend from Mississippi.

Mr. WILLIAMS. May I ask the gentleman a question?

Mr. PAYNE. Mr. Chairman, in the midst of this important debate I decline to yield.

Mr. WILLIAMS. On the axiomatical proposition that the greater includes the less, I would like to ask the gentleman a question.

Mr. PAYNE. It is very important that the Congress should get hold of this message. That is a fact that is realized on both sides of this Chamber——

Mr. FITZGERALD. I rise to a question of order——

Mr. PAYNE. Unless my colleague is in error, as usual. [Laughter.]

Mr. FITZGERALD. The gentleman's talk is incoherent and ranting. [Laughter on the Democratic side.]

Mr. PAYNE. I shall never be able to reach the understanding of my colleague from New York. I give that up. [Laughter on the Republican side.]

Mr. FITZGERALD. I ask for a ruling on the point of order.

The CHAIRMAN. The Chair overrules the point of order.

Mr. PAYNE. I move that all debate on this resolution and all amendments thereto be now closed.

Mr. WILLIAMS. Now, Mr. Chairman, I make the point of order that the gentleman can not make that motion at this time. He has a motion pending to strike out the last word, and I insist that that motion shall be disposed of; and then I insist, that being disposed of, he having had the precedence granted to him by the Chair, in the Chair's opinion under the rules, my motion comes up and is in order. [Applause on the Democratic side.] The gentleman certainly has not precedence to make a series of motions not germane to one another and not connected with one another. Why, he has not yet shown the slightest reason why the word "Congress" ought to be stricken out. I could give a hundred reasons why it ought not to be stricken out. First, that it leaves the last clause of the bill without any sense in it——

Mr. PAYNE. I make the point of order.

Mr. UNDERWOOD. I desire to be recognized on the point of order.

The CHAIRMAN. The Chair was ready to rule, but will hear the gentleman from Alabama.

Mr. UNDERWOOD. When a resolution or a bill is debated under the five-minute rule in committee, one speech not to exceed five minutes is allowed in the affirmative and five minutes' debate in the negative; and until that debate has taken place it is not in order to close debate on that paragraph or bill. Therefore I ask to be recognized in the negative of the proposition.

Mr. WILLIAMS. I ask to be recognized to represent the negative.

Mr. UNDERWOOD. Now, Mr. Chairman, I rise at this moment for the purpose of opposing the motion made by the gentleman from New York to strike out the last word.

The CHAIRMAN. There is a point of order pending. The Chair understands the gentleman from New York to move that all debate upon the resolution and amendments thereto be now closed. The Ctair understands the gentleman from Mississippi makes the point of order that this motion is not now in order. The Chair has been listening to the gentleman and the gentleman from Alabama upon that point of order and is ready to rule. The Chair will quote from a ruling made in the second session in the Fifty-sixth Congress.

Mr. WILLIAMS. There is no doubt about that. Is the motion of the gentleman that the committee rise?

SEVERAL MEMBERS. Oh, no!

Mr. WILLIAMS. Very well.

The CHAIRMAN. The Chair will rule that the motion is in order, and will cite a ruling of the second session of the Fifty-sixth Congress, to the effect that in the five-minute debate a gentleman may be recognized for five minutes on an amendment, and the five minutes having expired, he may offer a motion that all debate close.

Mr. FITZGERALD. I offer an amendment that debate close in twenty minutes on this section.

Mr. WILLIAMS. Let me understand the ruling of the Chair. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. I understand the gentleman from New York to have spoken in behalf of his motion and then to have moved that all debate close?

Mr. PAYNE. Immediately.

Mr. WILLIAMS. At the end of five minutes? Which was your motion?

Mr. PAYNE. To close all debate on the resolution and all amendments thereto.

Mr. WILLIAMS. Immediately?

Mr. PAYNE. Immediately; at once; now.

Mr. WILLIAMS. Now, then, without giving any opportunity to anybody to be heard in opposition to the motion which he had offered before the House. Now, the parliamentary inquiry. Am I not entitled to recognition for five minutes under the five-minute rule for the purpose of opposing the motion offered by the gentleman from New York?

The CHAIRMAN. The Chair would state that the motion to close debate is not debatable and is in order. It is for the committee to determine by its vote whether there shall be further debate. [Cries of "Vote!" "Vote!"].

Mr. UNDERWOOD. I desire to offer a substitute for the pending motion and the amendment, that all debate on this resolution be closed in one hour.

The CHAIRMAN. If the committee will give the Chair attention, there are three motions pending. There is the motion of the gentleman from New York [Mr. PAYNE] that the debate close at once; there is the amendment proposed by the gentleman from New York [Mr. FITZGERALD] that debate close in twenty minutes; for which the gentleman from Alabama [Mr. UNDERWOOD] offers a substitute that all debate close in one hour. The first motion to be put to the committee is the motion of the gentleman from Alabama that all debate close in one hour.

The question being taken, on a division (demanded by Mr. UNDERWOOD) there were—ayes 75, noes 94.

Mr. UNDERWOOD. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. UNDERWOOD and Mr. PAYNE.

The committee again divided and there were—ayes 71, noes 104.

Accordingly the substitute was rejected.

The CHAIRMAN. The question now comes upon the motion of the gentleman from New York [Mr. FITZGERALD] that all debate close in twenty minutes.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FITZGERALD. Division!

Mr. PAYNE. I demand tellers.

Tellers were ordered and the Chairman appointed Mr. FITZGERALD and Mr. PAYNE.

The committee divided and the tellers reported—ayes 62, noes 95.

Accordingly the amendment of Mr. FITZGERALD was rejected.

The CHAIRMAN. The question now comes upon the motion of the gentleman from New York [Mr. PAYNE].

Mr. WILLIAMS. I now move to amend the motion of the gentleman from New York by making the time limit of the debate ten minutes.

Mr. PAYNE. Mr. Chairman, I make the point of order against that that the question has just been negatived, and also that it is dilatory.

Mr. WILLIAMS. Oh, no; the last motion was to limit the debate to twenty minutes.

Mr. PAYNE. Well, it is dilatory.

Mr. WILLIAMS. It is not dilatory at all.

The CHAIRMAN. The Chair will state that he desires in all fairness to give the committee an opportunity to determine how much debate is required, and at this time will rule that the motion is in order. The question is on the amendment of the gentleman from Mississippi, that debate close in ten minutes.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Division!

Mr. PAYNE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. WILLIAMS and Mr. PAYNE.

Mr. WILLIAMS. I ask that the gentleman from North Carolina [Mr. CRAWFORD] take my place.

The committee divided, and the tellers reported—ayes 50, noes 70.

Accordingly the amendment of Mr. WILLIAMS was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. PAYNE], that debate be now closed.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. WILLIAMS. Division!

Mr. PAYNE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. PAYNE and Mr. WILLIAMS.

The committee divided, and the tellers reported—ayes 97, noes 63.

The CHAIRMAN. The motion is agreed to, and debate is closed.

Mr. WILLIAMS. Now, Mr. Chairman, I rise for the purpose of offering the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 6, page 1, after "means," insert the following:
"With instructions to bring in a bill in accordance with the recommendations of the President's message, putting wood pulp on the free list and reducing the duty on print paper."

Mr. PAYNE. I make the point of order that that is not germane.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PAYNE. That it is not germane.

Mr. WILLIAMS. I want to be heard on the point of order, if the Chairman desires to hear me.

The CHAIRMAN. The Chair asks the gentleman from New York to state his point of order.

Mr. PAYNE. Mr. Chairman, this is a resolution to send a part of the President's message to the Committee on Ways and Means. It is not germane to that to instruct the Committee on Ways and Means what to do.

Mr. FITZGERALD. Oh, yes; it is.

Mr. WILLIAMS. Now, if the gentleman is through, I should like to be heard on the point of order. My amendment comes in after the words "Ways and Means," line 6, page 1, and the language just immediately preceding the resolution is as follows:

That so much of the special message of the President of the United States communicated to the two Houses of Congress on January 31, 1908, as relates to the revenue and the bonded debt of the United States be referred to the Committee on Ways and Means.

"Be referred to the Committee on Ways and Means," for what purpose, in Heaven's name? Of course solely for the purpose of consideration and report to the House, or consideration and action in the committee room. Now, surely, nobody can hold——

Mr. PAYNE. Mr. Chairman, to save time I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the motion of the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Chairman, I demand a division.

Mr. PAYNE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WILLIAMS and Mr. PAYNE were appointed tellers.

The House again divided, and the tellers reported—ayes 75, noes 89.

So the motion was rejected.

Mr. WILLIAMS. Mr. Chairman, I offer the following amendment, and I will read it because it is written on the margin and I am afraid the Clerk can not do it.

In line 11, on page 1, after the word "judiciary," insert the following words:

With instructions to report H. R. 7636, being the bill introduced by Mr. CLAYTON, of Alabama, to prevent temporary restraining orders invalidating on ex parte testimony State laws, and H. R. 69, introduced by Mr. HENRY of Texas, providing in case of temporary injunctions for notice to the defendant and opportunity to be heard.

The CHAIRMAN. The question is on the amendment.

Mr. PAYNE. Mr. Chairman, I make the point of order that the amendment is not germane to the subject-matter of the text.

Mr. WILLIAMS. Mr. Chairman, I would like to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman from Mississippi. The Chair would like the attention of the gentleman from Mississippi. The Chair would like to have the amendment sent to the desk so that he can examine it.

Mr. WILLIAMS. I will read it to the Chair. I am about to speak on the point of order.

The CHAIRMAN. The Chair wishes to examine the amendment.

Mr. WILLIAMS. I doubt if he can. He is welcome to try it. I scribbled it on the margin with a piece of lead pencil.

Mr. MANN. Mr. Chairman, I make the point of order that in order to offer an amendment the gentleman must send the amendment to the Clerk's desk.

Mr. WILLIAMS. It has been sent to the Clerk's desk already.

Mr. MANN. It must be sent to the Clerk's desk to be read.

The CHAIRMAN. The amendment has not yet been reported by the Clerk. The Clerk will report the amendment.

The Clerk read as follows:

In line 11, on first page, after the word "judiciary," insert the following words:

"With instructions to report bill 7636, being the bill introduced by Mr. CLAYTON, of Alabama, to prevent temporary restraining orders invalidating on ex parte testimony State laws, and House bill 69, introduced by Mr. HENRY of Texas, providing in case of temporary injunction for notice to the defendant and opportunity to be heard."

Mr. WILLIAMS. Now, Mr. Chairman, on a point of order, if the Clerk will send me back the amendment. Mr. Chairman, the American House of Representatives to-night is making history. [Laughter on the Republican side.] You do not seem to know it, but you are doing it just the same. You can not go to the American people with the excuse for your omissions to legislate that the entire House was composed of a Speaker and a Committee on Ways and Means, and a chairman of that committee. But I want to come up to the point of order now, because I do not want to make a speech. The point of order, if there be anything in it at all, I suppose is intended by the gentleman from New York [Mr. PAYNE] to be made upon the ground that the amendment is not germane to the clause to which it is added, or to the resolution of which that clause is a part. Mr. Chairman, the clause reads:

That so much as relates to the judiciary of the United States, to the administration of justice, to the punishment and prevention of crime, *to judicial proceedings*, civil and criminal, and to the organization of courts be referred to the Committee on the Judiciary.

It is to be referred to that committee for the purpose of its doing its duty as a committee—that is, considering the matters, the particular subject-matters of the President's message so referred in the committee room, acting upon them, and making reports to the House or finishing with the action upon them in the committee. Now, it certainly is germane wherever a proposition is before the House of Representatives to refer a subject-matter to a standing committee to add as an amendment a provision to refer it with instructions to report in any general or particular way, to report out within a time generally, or to report out a particular measure, or to report out a measure containing certain general provisions. This amendment of mine merely says that when these matters are referred to the Committee on the Judiciary that the committee shall report out a bill, that it shall report out certain legislation pending before the committee contained in the message. Congress is the master, not the servant, of its standing committees, although this Republican majority does not seem to know that fact.

Mr. PAYNE. Mr. Chairman, I insist the gentleman shall talk to the point of order.

Mr. WILLIAMS. I am talking to the point of order—and because the House is the master of its committees it has a right, when it refers matters to committees, to refer them with instructions to its servants to act.

Why, my heavens, Mr. Chairman, even the Ways and Means Committee can be instructed by the House of Representatives if the House chooses to do it. [Applause on the Democratic side.] You can not go back and hide behind—oh, if I were disposed to indulge in the sort of language the gentleman from New York sometimes does, I would say a pettish point of order like this. The gentleman was talking in the early part of the day about filibustering. Nobody is filibustering except yourselves. We are trying to get results.

Mr. PAYNE. Now, Mr. Chairman, I call the gentleman to order.

Mr. WILLIAMS. The man who really filibusters is the man who tries to prevent legislative results. [Cries of "Regular order!"]

Did the Chair rule I was out of order?

The CHAIRMAN. The Chair has not ruled. The Chair of course will ask the gentleman to debate the point of order and the Chair understands he has.

Mr. WILLIAMS. What is the Chair's ruling?

The CHAIRMAN. The gentleman from Mississippi will proceed in order.

Mr. WILLIAMS. In order; very well. I am glad to hear that, because I want to know it is the Chairman who rules me out of order, if I am ruled out at all, and not the chairman of the Committee on Ways and Means [laughter and applause on the Democratic side] who rules me out of order, or by any of his cohorts who do not even rise in their places and respectfully address the Chair when they riotously call me to order. Now, Mr. Chairman, if the sole point of this point of order is nongermaneness, then the point of order must fall, for if the proposition to refer a matter to a committee with instructions be not germane to a proposition to refer the same matter to the committee generally, then it seems to me it would be past human ingenuity to find out anything that was germane to anything else.

The CHAIRMAN. The Chair will ask to have the amendment sent to the desk.

Mr. FITZGERALD. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FITZGERALD. I desire to call the attention of the Chair to the fact that there is before the committee a message from the President of the United States, sent under power conferred on him by the Constitution. Jefferson's Manual, section 12, says:

The speeches, messages, and other matters of great concernment are usually referred to a Committee of the Whole House, where general principles are digested in the form of resolutions, which are debated and amended till they get into a shape which meets the approbation of a majority. These, being reported and confirmed by the House, are then referred to one or more select committees, according as the subject divides itself into one or more bills.

Before the committee at the present time is a resolution referring certain portions of the President's message to various select committees of the House. In this message, as examination will disclose, are contained recommendations in conformity with which bills named by the gentleman from Mississippi have been introduced and are pending before the House.

The gentleman from Mississippi offers an amendment that this resolution distributing a portion of the President's message to the various select committees shall contain instructions to those select committees to report in conformity with the recommendations of the President certain bills to carry into effect the recommendations. If it be not in order for the committee to recommend to the House that its committees be directed to report in a particular form measures embodying the recommendations of the President, then the whole practice of referring such messages as this and introducing resolutions to distribute the messages to the various committees of the House is an absolute futility. The purpose, as stated by Jefferson, is that the resolution may be so amended and perfected that the House may direct its committees to act in a certain way. This is no mere idle performance, or, rather, Mr. Chairman, if this House were properly constituted, it would be no mere idle performance to refer or distribute the President's message to various committees. I admit, considering what has happened, it is an idle performance to refer the President's message to the various committees; but the committee has the message before it now and it is competent to recommend to the House that the various portions of it be sent to the various select committees of the House, and has the power and the right to instruct the committees to take such action as will be in conformity with the will of the House.

A careful investigation of the rules and of the precedents does not disclose that this question of amending these resolutions in such a way has ever been brought up; but the rules do provide that when not otherwise provided Jefferson's Manual shall govern the proceedings of the House. It is quite apparent that if the purpose of sending this resolution and message to the Committee of the Whole House on the state of the Union be as stated in section 12 of Jefferson's Manual, then there can be no doubt of the right of the committee to amend by placing instructions within this resolution so as to coerce unwilling committees to obey the will of the House.

The CHAIRMAN. The Chair understands it is a well-established principle that it is not within the power of the House to order a committee to report a particular bill. What the House can not do directly the committee can not do indirectly. These bills are not before the House.

Mr. WILLIAMS. The bills are before the committee.

The CHAIRMAN. They can discharge the committee from the consideration of the bill.

Mr. WILLIAMS. Those bills are now before the committee.

The CHAIRMAN. It can not move to discharge.

Mr. PAYNE. Even the House can not do it unless they get the bills back from the Committee on the Judiciary.

The CHAIRMAN. That is as the Chair understands. The Chair sustains the point of order.

Mr. WILLIAMS. Mr. Chairman, I move to amend by striking out the words "H. R. 7636," or whatever the number is, and leave just the general language of the provisions of the bill, without reference to the particular bill.

Mr. MANN. Mr. Chairman, I ask the amendment be sent to the Clerk's desk in writing.

Mr. WILLIAMS. It is there in writing. I ask the Clerk to strike out H. R.——

Mr. FITZGERALD. Just say "a bill directing certain things." Mr. Chairman, to save time, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. WILLIAMS] offers an amendment, which the Clerk will report.

The Clerk proceeded to read the amendment.

Mr. PAYNE. That amendment has already been voted on.

Mr. MANN. It is simply the same paper that is already in the possession and files of the House, and the gentleman can not withdraw it for the purpose of offering it as an amendment again.

Mr. PAYNE. Do I understand the gentleman from Mississippi [Mr. WILLIAMS] took the amendment that was in the possession of the Clerk of the House, and that has been offered, and made alterations in it?

Mr. MANN. That is it. I make the point he can not do it.

Mr. FITZGERALD. Mr. Chairman, I wish to offer an amendment, namely, strike out on page 2, the language contained in lines 13, 14, 15, and 16, "That so much as relates to the election of the President, Vice-President, or Representatives in Congress, be referred to the Committee on the Election of President, Vice-President, and Representatives in Congress," as there is nothing in the message referring to those subjects.

Mr. PAYNE. That is a matter for debate.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, strike out lines 13, 14, 15, and 16, being:
"That so much as relates to the election of the President, Vice-President, or Representatives in Congress, be referred to the Committee on the Election of President, Vice-President, and Representatives in Congress.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. FITZGERALD. Division, Mr. Chairman.

The committee divided, and there were—ayes 58, noes 97.

Mr. FITZGERALD. I demand tellers.

Mr. PAYNE. Mr. Chairman, I make the point of order that that is a dilatory motion. I wish to call the attention of the Chair, and I wish to be heard a moment on that subject, if we can quell the riot——

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] makes the motion that the motion is dilatory. The Chair will hear the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. The Chair can not fail to have noticed every time we had tellers the gentlemen upon that side of the Chamber, who have been filibustering now since 5 o'clock, used all the dilatory methods that they could in passing between the tellers in order to delay the proceedings. It was perfectly patent and evident that this has been dilatory, and I feel constrained to insist upon the point of order.

Mr. FITZGERALD. Mr. Chairman, if I may be indulged——

Mr. FINLEY. Mr. Chairman, every time to-night before this time the gentleman from New York [Mr. PAYNE] has demanded tellers. Now, when this side has demanded tellers, he raises the question that it is dilatory. [Applause on the Democratic side.]

The CHAIRMAN. The Chair will not hold the request for tellers to be dilatory, though it is in the power of the Chair to hold that it is dilatory if, in his opinion, it is for the purpose of delay. The Chair will not hold that it was for the purpose of delay, and will allow the demand for tellers if a sufficient number unite in the demand. [Applause on the Democratic side.]

The question was taken, and tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] and the gentleman from New York [Mr. PAYNE] will take their place as tellers.

The committee again divided, and tellers reported—yeas 67, noes 99.

So the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I offer the following amendment. Insert in line 11, page 1, after the word "judiciary," the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Insert in line 11, page 1, after the word "judiciary," with instructions to report a bill providing that no writ of injunction or temporary restraining order shall be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same: *Provided*, That nothing therein contained shall be held to authorize the issuance of any injunction or restraining order not now authorized by law.

Mr. PAYNE. I make the point of order against that amendment. It is not germane to the resolution.

Mr. WILLIAMS. I wish to be heard on the point of order.

Mr. PAYNE. It seems to be an attempt to legislate.

The CHAIRMAN. The Chair will ask the Clerk to again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. FITZGERALD. Division, Mr. Chairman.

The committee divided, and there were—ayes 43, noes 77.

So the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I now desire to offer the following amendment: In line 11, page 1, after the word "judiciary," insert:

The Clerk read as follows:

Page 1, line 11, after the word "judiciary," insert "with instructions to report a bill to limit the authority of circuit and district courts and circuit and district judges in granting injunctions and restraining orders upon ex parte orders invalidating State laws."

Mr. PAYNE. I make the point of order against that, if the Chair will allow me. There is nothing in the message that warrants anything like that.

Mr. WILLIAMS. Oh, yes; there is.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. PAYNE. There is nothing in the world that would make that germane in any sense. The President has not recommended that.

Mr. WILLIAMS. The gentleman is mistaken in that statement.

The CHAIRMAN. The Chair, of course, has the resolution before him. The Chair would like to have the gentleman from Mississippi indicate the language in the President's message to which this amendment is germane.

Mr. WILLIAMS. Mr. Chairman, I have not the President's message nor that part of it before me; but I think I can call to the memory of the Chair that part of the President's message to which it is germane. It is that part of the President's message in which he says that there ought to be a change of law regarding temporary restraining orders.

Mr. PAYNE. The President does not formulate any bill, as the gentleman is trying to do, and confine the Committee on the Judiciary to any such thing as that.

The CHAIRMAN. The Chair thinks that the amendment is germane. The question is on the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided, and there were—ayes 51, noes 87.

Mr. WILLIAMS. Tellers, Mr. Chairman.

Mr. PAYNE. I make the point of order once more that this is a dilatory proceeding, in view of the emphatic vote on the rising vote, and the repeated demand for tellers, with the evident purpose of delay on the part of these gentlemen.

Mr. WILLIAMS. The motion is not dilatory. The motion is for the purpose of emphasizing before the country by ocular demonstration party division upon this floor. It is a real and bona fide purpose, and is not for mere delay.

The CHAIRMAN. The Chair will state that the object of tellers is simply to verify the vote. A division was had, and the Chair will state that he counted with great care. The vote was so decisive—ayes 51, nays 87—that the Chair is justified in holding the demand for tellers to be dilatory.

So the amendment was rejected.

Mr. PAYNE. I move that the committee rise and report the resolution.

Mr. WILLIAMS. I rise for the purpose of respectfully taking an appeal from the decision of the Chair.

The CHAIRMAN. The Chair can not entertain the appeal. The question is on the motion of the gentleman from New York.

The question was taken, and the Chairman announced that the ayes appear to have it.

Mr. FITZGERALD. The other side.

The question was again taken, and the Chairman announced that the ayes seemed to have it.

Mr. FITZGERALD. Division! Not so fast.

The committee divided, and there were—ayes 99, noes 68.

Mr. FITZGERALD. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. WILLIAMS and Mr. PAYNE.

The committee again divided, and the tellers reported—ayes 98, noes 70.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that

that committee had had under consideration House resolution 233, and had instructed him to report the same back with the recommendation that the same be agreed to.

Mr. PAYNE. I move the previous question on the resolution to its passage.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 125, noes 75.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

Mr. PAYNE. I make the point that that is a dilatory motion, in view of the emphatic vote by which this was carried.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 120, nays 84, answered "present" 24, not voting 160, as follows:

YEAS—120.

Alexander, N. Y.	Dawson	Hubbard, Iowa	Needham
Allen	Denby	Hubbard, W. Va.	Nelson
Bannon	Diekema	Huff	Norris
Barclay	Douglas	Humphrey, Wash.	Nye
Bartholdt	Draper	James, Addison D.	Olcott
Bates	Driscoll	Jones, Wash.	Olmsted
Birdsall	Durey	Kahn	Parsons
Bonynge	Dwight	Kennedy, Ohio	Payne
Boyd	Ellis, Mo.	Kinkaid	Pollard
Brownlow	Ellis, Oreg.	Knapp	Pray
Burleigh	Englebright	Knopf	Reeder
Burton, Ohio	Esch	Knowland	Reynolds
Calder	Fordney	Küstermann	Rodenberg
Calderhead	Foss	Lafean	Scott
Campbell	Foulkrod	Langley	Smith, Cal.
Capron	Fuller	Lawrence	Southwick
Cary	Gardner, Mich.	Lindbergh	Steenerson
Caulfield	Gardner, N. J.	Loud	Sterling
Chapman	Greene	McCreary	Stevens, Minn.
Conner	Haggott	McKinley, Ill.	Sturgiss
Cook, Colo.	Hale	McKinney	Sulloway
Cook, Pa.	Hall	McLachlan, Cal.	Tawney
Cooper, Pa.	Hamilton, Mich.	Malby	Thistlewood
Cooper, Wis.	Haskins	Marshall	Tirrell
Crumpacker	Haugen	Miller	Volstead
Currier	Hawley	Mondell	Waldo
Cushman	Higgins	Moon, Pa.	Wanger
Dalzell	Hill, Conn.	Morse	Weems
Davidson	Holliday	Mouser	Wilson, Ill.
Davis, Minn.	Howell, Utah	Murdock	Wood

NAYS—84.

Adair	Ferris	Hughes, N. J.	Page
Adamson	Finley	Hull, Tenn.	Patterson
Aiken	Fitzgerald	Humphreys, Miss.	Peters
Beall, Tex.	Floyd	James, Ollie M.	Pou
Bell, Ga.	Foster, Ill.	Johnson, S. C.	Rainey
Booher	Fulton	Kimball	Randell, Tex.
Bowers	Garner	Kipp	Ransdell, La.
Brodhead	Garrett	Kitchin, Claude	Rauch
Burnett	Gillespie	Lamar, Mo.	Richardson
Byrd	Glass	Lamb	Rothermel
Caldwell	Gordon	Leake	Rucker
Candler	Gregg	Lee	Russell, Mo.
Carter	Griggs	Lewis	Russell, Tex.
Clark, Mo.	Hackett	Lloyd	Sheppard
Clayton	Hamill	McLain	Stephens, Tex.
Cooper, Tex.	Hamlin	Macon	Thomas, N. C.
Cox, Ind.	Heflin	Moore, Tex.	Tou Velle
De Armond	Helm	Murphy	Underwood
Denver	Henry, Tex.	Nicholls	Watkins
Ellerbe	Hobson	O'Connell	Webb
Favrot	Houston	Padgett	Williams

ANSWERED "PRESENT"—24.

Bennet, N. Y.	Gill	Lever	Mann
Butler	Goulden	Littlefield	Moon, Tenn.
Craig	Howland	Lowden	Shackleford
Crawford	Jenkins	McLaughlin, Mich.	Sherley
Dixon	Keliher	McMorran	Slemp
Gaines, Tenn.	Kennedy, Iowa	Madison	Smith, Iowa

NOT VOTING—160.

Acheson	Cocks, N. Y.	Graham	Lassiter
Alexander, Mo.	Cole	Granger	Law
Ames	Coudrey	Gronna	Legare
Andrus	Cousins	Hackney	Lenahan
Ansberry	Cravens	Hamilton, Iowa	Lilley
Anthony	Darragh	Hammond	Lindsay
Ashbrook	Davenport	Harding	Livingston
Barchfeld	Davey, La.	Hardwick	Longworth
Bartlett, Ga.	Dawes	Hardy	Lorimer
Bartlett, Nev.	Dunwell	Harrison	Loudenslager
Beale, Pa.	Edwards, Ga.	Hay	Lovering
Bede	Edwards, Ky.	Hayes	McCall
Bennett, Ky.	Fairchild	Henry, Conn.	McDermott
Bingham	Fassett	Hepburn	McGavin
Boutell	Flood	Hill, Miss.	McGuire
Bradley	Focht	Hinshaw	McHenry
Brantley	Fornes	Hitchcock	McKinlay, Cal.
Brick	Foster, Ind.	Howard	McMillan
Broussard	Foster, Vt.	Howell, N. J.	Madden
Brumm	Fowler	Hughes, W. Va.	Maynard
Brundidge	French	Hull, Iowa	Moore, Pa.
Burgess	Gaines, W. Va.	Jackson	Mudd
Burke	Gardner, Mass.	Johnson, Ky.	Overstreet
Burleson	Gilhams	Jones, Va.	Parker, N. J.
Burton, Del.	Gillett	Keifer	Parker, S. Dak.
Carlin	Godwin	Kitchin, Wm. W.	Pearre
Chaney	Goebel	Lamar, Fla.	Perkins
Clark, Fla.	Goldfogle	Landis	Porter
Cockran	Graff	Laning	Powers
Pratt	Sherman	Spight	Washburn
Prince	Sherwood	Stafford	Watson
Pujo	Sims	Stanley	Weeks
Reid	Slayden	Sulzer	Weisse
Rhinock	Small	Talbott	Wheeler
Riordan	Smith, Mich.	Taylor, Ala.	Wiley
Roberts	Smith, Mo.	Taylor, Ohio	Willett
Robinson	Smith, Tex.	Thomas, Ohio	Wilson, Pa.
Ryan	Snapp	Townsend	Wolf
Sabath	Sparkman	Vreeland	Woodyard
Saunders	Sperry	Wallace	Young

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. LORIMER with Mr. SPIGHT.

Mr. WASHBURN with Mr. LASSITER.

Mr. MCGAVIN with Mr. HARDY.

Mr. MCCALL with Mr. SMITH of Texas.

Mr. DARRAGH with Mr. GRANGER.

Mr. FOSTER of Vermont with Mr. BARTLETT of Nevada.

Mr. MADISON with Mr. CRAIG.

Mr. WEEKS with Mr. KELIHER.

Mr. MCKINLAY of California with Mr. STANLEY.

Mr. LILLEY with Mr. SHERWOOD.

Mr. EDWARDS of Kentucky with Mr. ALEXANDER of Missouri.

Mr. LITTLEFIELD. Mr. Speaker, I wish to withdraw my vote and to answer "present." I wish to explain, because I have been voting in the Committee of the Whole. I find that while I was out at dinner I was paired by the Clerks with Mr. HILL of Mississippi. He was then present. When I returned Mr. HILL had gone. I was not aware of the pair. I suppose he relies upon its existence. I voted on this yea-and-nay roll call, and therefore I wish to withdraw that vote.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. LITTLEFIELD, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing——

Mr. PAYNE. Mr. Speaker——

Mr. FITZGERALD. One moment, Mr. Speaker. I move to refer the resolution to the Committee on Rules with the following instructions——

The SPEAKER. The gentleman is not recognized for that purpose. The Chair recognizes his colleague from New York, in charge of the bill.

Mr. PAYNE. Mr. Speaker, I move to recommit the bill to the Committee on Ways and Means, and on that I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and a division was demanded by Mr. FITZGERALD.

Mr. PAYNE. Mr. Speaker, I may as well ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 119, nays 87, answering "present" 22, not voting 160, as follows:

YEAS—119.

Alexander, N. Y.	Dawson	Howell, Utah	Nelson
Allen	Denby	Hubbard, Iowa	Norris
Bannon	Diekema	Hubbard, W. Va.	Nye
Barclay	Douglas	Huff	Olcott
Bartholdt	Draper	Humphrey, Wash.	Parsons
Bates	Driscoll	Jones, Wash.	Payne
Birdsall	Durey	Kahn	Pollard
Bonynge	Dwight	Kennedy, Ohio	Pray
Boyd	Ellis, Mo.	Kinkaid	Reeder
Brownlow	Ellis, Oreg.	Knopf	Reynolds
Burleigh	Englebright	Knowland	Rodenberg
Burton, Ohio	Esch	Küstermann	Scott
Calder	Focht	Lafean	Southwick
Calderhead	Fordney	Langley	Steenerson
Campbell	Foss	Lawrence	Sterling
Capron	Foulkrod	Lindbergh	Stevens, Minn.
Cary	Fuller	Loud	Sturgiss
Caulfield	Gardner, Mich.	McCreary	Sulloway
Chapman	Gardner, N. J.	McKinley, Ill.	Tawney
Conner	Greene	McKinney	Thistlewood
Cook, Colo.	Haggott	McLachlan, Cal.	Tirrell
Cook, Pa.	Hale	Malby	Volstead
Cooper, Pa.	Hall	Marshall	Vreeland
Cooper, Wis.	Hamilton, Mich.	Miller	Waldo
Crumpacker	Haskins	Mondell	Wanger
Currier	Haugen	Moon, Pa.	Weems
Cushman	Hawley	Morse	Wilson, Ill.
Dalzell	Higgins	Mouser	Wood
Davidson	Hill, Conn.	Murdock	Young
Davis, Minn.	Holliday	Needham	

NAYS—87.

Adair	Burnett	Cox, Ind.	Floyd
Adamson	Byrd	De Armond	Foster, Ill.
Aiken	Caldwell	Denver	Fulton
Beall, Tex.	Candler	Ellerbe	Garner
Bell, Ga.	Carlin	Favrot	Garrett
Booher	Clark, Mo.	Ferris	Gillespie
Bowers	Clayton	Finley	Gordon
Brodhead	Cooper, Tex.	Fitzgerald	Gregg

Griggs	Johnson, S. C.	Murphy	Rucker
Hackett	Kipp	Nicholls	Russell, Mo.
Hamill	Kitchin, Claude	O'Connell	Russell, Tex.
Hamlin	Lamar, Mo.	Padgett	Saunders
Hardy	Lamb	Page	Sheppard
Heflin	Leake	Patterson	Stephens, Tex.
Helm	Lee	Peters	Sulzer
Henry, Tex.	Lewis	Pou	Thomas, N. C.
Hobson	Lloyd	Rainey	Tou Velle
Houston	McHenry	Randell, Tex.	Underwood
Hughes, N. J.	McLain	Ransdell, La.	Watkins
Hull, Tenn.	Macon	Rauch	Webb
Humphreys, Miss.	Moon, Tenn.	Richardson	Williams
James, Ollie M.	Moore, Tex.	Rothermel	

ANSWERED "PRESENT"—22.

Bennet, N. Y.	Goulden	Lever	Mann
Butler	Howland	Littlefield	Sherley
Craig	Jenkins	Lowden	Slemp
Crawford	Keliher	McLaughlin, Mich.	Smith, Iowa
Dixon	Kennedy, Iowa	McMorran	
Gaines, Tenn.	Kimball	Madison	

NOT VOTING—160.

Acheson	Edwards, Ky.	James, Addison D.	Pujo
Alexander, Mo.	Fairchild	Johnson, Ky.	Reid
Ames	Fassett	Jones, Va.	Rhinock
Andrus	Flood	Keifer	Riordan
Ansberry	Fornes	Kitchin, Wm. W.	Roberts
Anthony	Foster, Ind.	Knapp	Robinson
Ashbrook	Foster, Vt.	Lamar, Fla.	Ryan
Barchfeld	Fowler	Landis	Sabath
Bartlett, Ga.	French	Laning	Shackleford
Bartlett, Nev.	Gaines, W. Va.	Lassiter	Sherman
Beale, Pa.	Gardner, Mass.	Law	Sherwood
Bede	Gilhams	Legare	Sims
Bennett, Ky.	Gill	Lenahan	Slayden
Bingham	Gillett	Lilley	Small
Boutell	Glass	Lindsay	Smith, Cal.
Bradley	Godwin	Livingston	Smith, Mich.
Brantley	Goebel	Longworth	Smith, Mo.
Brick	Goldfogle	Lorimer	Smith, Tex.
Broussard	Graff	Loudenslager	Snapp
Brumm	Graham	Lovering	Sparkman
Brundidge	Granger	McCall	Sperry
Burgess	Gronna	McDermott	Spight
Burke	Hackney	McGavin	Stafford
Burleson	Hamilton, Iowa	McGuire	Stanley
Burton, Del.	Hammond	McKinlay, Cal.	Talbott
Carter	Harding	McMillan	Taylor, Ala.
Chaney	Hardwick	Madden	Taylor, Ohio
Clark, Fla.	Harrison	Maynard	Thomas, Ohio
Cockran	Hay	Moore, Pa.	Townsend
Cocks, N. Y.	Hayes	Mudd	Wallace
Cole	Henry, Conn.	Olmsted	Washburn
Coudrey	Hepburn	Overstreet	Watson
Cousins	Hill, Miss.	Parker, N. J.	Weeks
Cravens	Hinshaw	Parker, S. Dak.	Weisse
Darragh	Hitchcock	Pearre	Wheeler
Davenport	Howard	Perkins	Wiley
Davey, La.	Howell, N. J.	Porter	Willett
Dawes	Hughes, W. Va.	Powers	Wilson, Pa.
Dunwell	Hull, Iowa.	Pratt	Wolf
Edwards Ga.	Jackson	Prince	Woodyard

So the previous question was ordered.

The Clerk announced the following additional pairs:

Balance of day:

Mr. GOEBEL with Mr. HACKETT.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. SCOTT. Mr. Speaker, I was listening and I did not hear my name called. I would like to ask if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. SCOTT. I was listening and did not hear my name called.

The SPEAKER. Call the gentleman's name.

Mr. SCOTT's name was called, and he answered "aye."

Mr. REYNOLDS. Mr. Speaker, I was listening and I did not hear my name called.

The SPEAKER. Call the gentleman's name.

Mr. REYNOLDS's name was called, and he answered "aye."

Mr. SAUNDERS. Mr. Speaker, I wish to vote. My attention was diverted at the very moment my name was called and the Clerk passed over my name.

The SPEAKER. The gentleman was giving attention and did not hear his name when it was called or should have been called?

Mr. SAUNDERS. I intended to vote, and changed my seat for that purpose, but at the very moment my name was reached my desk mate spoke to me and diverted my attention from my name and I failed to hear it.

The SPEAKER. It hardly comes within the rules, yet——

Mr. SAUNDERS. I did not hear my name, and I was explaining the circumstances under which I did not hear it. I intended and desired to vote.

The SPEAKER. Call the gentleman's name.

Mr. SAUNDERS's name was called, and he voted "no."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 87, nays 122, answered "present" 20, not voting 159.

YEAS—87.

Adair	Finley	Humphreys, Miss.	Pou
Adamson	Fitzgerald	James, Ollie M.	Rainey
Aiken	Floyd	Johnson, S. C.	Randall, Tex.
Beall, Tex.	Foster, Ill.	Kipp	Ransdell, La.
Bell, Ga.	Fulton	Kitchin, Claude	Rauch
Booher	Garner	Lamar, Mo.	Richardson
Bowers	Garrett	Leake	Rothermel
Brodhead	Gillespie	Lee	Rucker
Burnett	Gordon	Lewis	Russell, Mo.
Byrd	Gregg	Lloyd	Russell, Tex.
Caldwell	Griggs	McHenry	Saunders
Candler	Hackett	McLain	Shackleford
Carter	Hamill	Macon	Sheppard
Clark, Mo.	Hamlin	Moon, Tenn.	Sherley
Clayton	Harrison	Moore, Tex.	Stephens, Tex.
Cooper, Tex.	Heflin	Murphy	Thomas, N. C.
Cox, Ind.	Helm	Nicholls	Tou Velle
De Armond	Henry, Tex.	O'Connell	Underwood
Denver	Hobson	Padgett	Watkins
Ellerbe	Houston	Page	Webb
Favrot	Hughes, N. J.	Patterson	Williams
Ferris	Hull, Tenn.	Peters	

NAYS—122.

Alexander, N. Y.	Diekema	Jones, Wash.	Pollard
Allen	Douglas	Kahn	Pray
Bannon	Draper	Kennedy, Ohio	Reeder
Barclay	Driscoll	Kinkaid	Reynolds
Bartholdt	Durey	Knapp	Rodenberg
Bates	Dwight	Knopf	Scott
Birdsall	Ellis, Mo.	Küstermann	Slemp
Bonynge	Ellis, Oreg.	Lafean	Smith, Cal.
Brownlow	Englebright	Langley	Smith, Iowa
Burleigh	Esch	Lawrence	Southwick
Burton, Ohio	Focht	Lindbergh	Stafford
Calder	Foss	Loud	Steenerson
Calderhead	Foulkrod	McCreary	Sterling
Campbell	Fuller	McKinley, Ill.	Stevens, Minn.
Capron	Gardner, Mich.	McKinney	Sturgiss
Cary	Gardner, N. J.	McLachlan, Cal.	Sulloway
Caulfield	Greene	Malby	Sulzer
Chapman	Haggott	Marshall	Tawney
Conner	Hale	Miller	Thistlewood
Cook, Colo.	Hall	Mondell	Tirrell
Cook, Pa.	Hamilton, Mich.	Moon, Pa.	Volstead
Cooper, Pa.	Haskins	Morse	Vreeland
Cooper, Wis.	Haugen	Mouser	Waldo
Crumpacker	Hawley	Murdock	Wanger
Currier	Higgins	Needham	Weeks
Cushman	Hill, Conn.	Nelson	Weems
Dalzell	Holliday	Norris	Wilson, Ill.
Davidson	Howell, Utah	Nye	Wood
Davis, Minn.	Hubbard, Iowa	Olcott	Woodyard
Dawson	Hubbard, W. Va.	Parsons	
Denby	Huff	Payne	

ANSWERED "PRESENT"—20.

Bennet, N. Y.	Goulden	Kimball	McLaughlin, Mich.
Craig	Howland	Lamb	McMorran
Crawford	Jenkins	Lever	Madison
Dixon	Keliher	Littlefield	Mann
Gaines, Tenn.	Kennedy, Iowa	Lowden	Olmsted

NOT VOTING—159.

Acheson	Dunwell	Hughes, W. Va.	Powers
Alexander, Mo.	Edwards, Ga.	Hull, Iowa	Pratt
Ames	Edwards, Ky.	Humphrey, Wash.	Prince
Andrus	Fairchild	Jackson	Pujo
Ansberry	Fassett	James, Addison D.	Reid
Anthony	Flood	Johnson, Ky.	Rhinock
Ashbrook	Fordney	Jones, Va.	Riordan
Barchfeld	Fornes	Keifer	Roberts
Bartlett, Ga.	Foster, Ind.	Kitchin, Wm. W.	Robinson
Bartlett, Nev.	Foster, Vt.	Knowland	Ryan
Beale, Pa.	Fowler	Lamar, Fla.	Sabath
Bede	French	Landis	Sherman
Bennett, Ky.	Gaines, W. Va.	Laning	Sherwood
Bingham	Gardner, Mass.	Lassiter	Sims
Boutell	Gilhams	Law	Slayden
Boyd	Gill	Legare	Small
Bradley	Gillett	Lenahan	Smith, Mich.
Brantley	Glass	Lilley	Smith, Mo.
Brick	Godwin	Lindsay	Smith, Tex.
Broussard	Goebel	Livingston	Snapp
Brumm	Goldfogle	Longworth	Sparkman
Brundidge	Graff	Lorimer	Sperry
Burgess	Graham	Loudenslager	Spight
Burke	Granger	Lovering	Stanley
Burleson	Gronna	McCall	Talbott
Burton, Del.	Hackney	McDermott	Taylor, Ala.
Butler	Hamilton, Iowa	McGavin	Taylor, Ohio
Carlin	Hammond	McGuire	Thomas, Ohio
Chaney	Harding	McKinlay, Cal.	Townsend
Clark, Fla.	Hardwick	McMillan	Wallace
Cockran	Hardy	Madden	Washburn
Cocks, N. Y.	Hay	Maynard	Watson
Cole	Hayes	Moore, Pa.	Weisse
Coudrey	Henry, Conn.	Mudd	Wheeler
Cousins	Hepburn	Overstreet	Wiley
Cravens	Hill, Miss.	Parker, N. J.	Willett
Darragh	Hinshaw	Parker, S. Dak.	Wilson, Pa.
Davenport	Hitchcock	Pearre	Wolf
Davey, La.	Howard	Perkins	Young
Dawes	Howell, N. J.	Porter	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:
For the balance of the day:
Mr. WHEELER with Mr. CARLIN.
The result of the vote was announced as above recorded.
The SPEAKER. The question is on agreeing to the resolution.
The question was taken, and the Chair announced that the ayes seemed to have it.
Mr. WILLIAMS. Division, Mr. Speaker.
Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.
The yeas and nays were ordered.
The question was taken, and there were—yeas 212, answered "present" 21, not voting 155, as follows:

YEAS—212.

Adair	Draper	Huff	Patterson
Adamson	Driscoll	Hughes, N. J.	Payne
Aiken	Durey	Hull, Tenn.	Perkins
Alexander, N. Y.	Dwight	Humphreys, Miss.	Peters
Allen	Ellerbe	James, Ollie M.	Pollard
Bannon	Ellis, Mo.	Johnson, S. C.	Pou
Barclay	Ellis, Oreg.	Jones, Wash.	Pray
Bartholdt	Englebright	Kahn	Rainey
Bates	Esch	Kennedy, Ohio	Randell, Tex.
Beall, Tex.	Favrot	Kinkaid	Ransdell, La.
Bell, Ga.	Ferris	Kipp	Rauch
Birdsall	Finley	Kitchin, Claude	Reeder
Bonynge	Fitzgerald	Knapp	Reynolds
Booher	Floyd	Knopf	Richardson
Bowers	Focht	Knowland	Rodenberg
Boyd	Fordney	Küstermann	Rothermel
Brodhead	Foss	Lafean	Russell, Mo.
Brownlow	Foster, Ill.	Lamar, Mo.	Russell, Tex.
Burleigh	Foulkrod	Lamb	Saunders
Burnett	Fuller	Langley	Scott
Burton, Ohio	Fulton	Leake	Shackleford
Byrd	Gardner, Mich.	Lee	Sheppard
Calder	Gardner, N. J.	Lewis	Sherley
Calderhead	Garner	Lindbergh	Slemp
Caldwell	Garrett	Loud	Smith, Cal.
Campbell	Gillespie	McCreary	Smith, Iowa
Candler	Goldfogle	McHenry	Southwick
Capron	Gordon	McKinley, Ill.	Stafford
Carter	Greene	McKinney	Steenerson
Cary	Gregg	McLachlan, Cal.	Stephens, Tex.
Caulfield	Griggs	McLain	Sterling
Chapman	Hackett	Macon	Stevens, Minn.
Clark, Mo.	Haggott	Malby	Sturgiss
Clayton	Hale	Marshall	Sulloway
Conner	Hall	Maynard	Sulzer
Cook, Colo.	Hamill	Miller	Tawney
Cook, Pa.	Hamilton, Mich.	Mondell	Thistlewood
Cooper, Pa.	Hamlin	Moon, Pa.	Thomas, N. C.
Cooper, Tex.	Harrison	Moon, Tenn.	Tirrell
Cooper, Wis.	Haskins	Morse	Tou Velle
Cox, Ind.	Haugen	Mouser	Underwood
Crumpacker	Hawley	Murdock	Volstead
Currier	Heflin	Murphy	Vreeland
Cushman	Helm	Needham	Waldo
Dalzell	Henry, Tex.	Nelson	Wanger
Davidson	Higgins	Nicholls	Watkins
Davis, Minn.	Hill, Conn.	Norris	Webb
Dawson	Hobson	Nye	Weeks
De Armond	Holliday	O'Connell	Wheeler
Denby	Houston	Olcott	Williams
Denver	Howell, Utah	Padgett	Wilson, Ill.
Diekema	Hubbard, Iowa	Page	Wood
Douglas	Hubbard, W. Va.	Parsons	Young

ANSWERED "PRESENT"—21.

Anthony	Goulden	Littlefield	Mann
Bennet, N. Y.	Howland	Longworth	Olmsted
Cravens	Jenkins	Lowden	Taylor, Ohio
Crawford	Kelliher	McLaughlin, Mich.	
Dixon	Kennedy, Iowa	McMorran	
Gaines, Tenn.	Lever	Madison	

NOT VOTING—155.

Acheson	Cousins	Harding	Livingston
Alexander, Mo.	Craig	Hardwick	Lloyd
Ames	Darragh	Hardy	Lorimer
Andrus	Davenport	Hay	Loudenslager
Ansberry	Davey, La.	Hayes	Lovering
Ashbrook	Dawes	Henry, Conn.	McCall
Barchfeld	Dunwell	Hepburn	McDermott
Bartlett, Ga.	Edwards, Ga.	Hill, Miss.	McGavin
Bartlett, Nev.	Edwards, Ky.	Hinshaw	McGuire
Beale, Pa.	Fairchild	Hitchcock	McKinlay, Cal.
Bede	Fassett	Howard	McMillan
Bennett, Ky.	Flood	Howell, N. J.	Madden
Bingham	Fornes	Hughes, W. Va.	Moore, Pa.
Boutell	Foster, Ind.	Hull, Iowa	Moore, Tex.
Bradley	Foster, Vt.	Humphrey, Wash.	Mudd
Brantley	Fowler	Jackson	Overstreet
Brick	French	James, Addison D.	Parker, N. J.
Broussard	Gaines, W. Va.	Johnson, Ky.	Parker, S. Dak.
Brumm	Gardner, Mass.	Jones, Va.	Pearre
Brundidge	Gilhams	Keifer	Porter
Burgess	Gill	Kimball	Powers
Burke	Gillett	Kitchin, Wm. W.	Pratt
Burleson	Glass	Lamar, Fla.	Prince
Burton, Del.	Godwin	Landis	Pujo
Butler	Goebel	Laning	Reid
Carlin	Graff	Lassiter	Rhinock
Chaney	Graham	Law	Riordan
Clark, Fla.	Granger	Lawrence	Roberts
Cockran	Gronna	Legare	Robinson
Cocks, N. Y.	Hackney	Lenahan	Rucker
Cole	Hamilton, Iowa	Lilley	Ryan
Coudrey	Hammond	Lindsay	Sabath
Sherman	Smith, Tex.	Taylor, Ala.	Weisse
Sherwood	Snapp	Thomas, Ohio	Wiley
Sims	Sparkman	Townsend	Willett
Slayden	Sperry	Wallace	Wilson, Pa.
Small	Spight	Washburn	Wolf
Smith, Mich.	Stanley	Watson	Woodyard
Smith, Mo.	Talbott	Weems	

So the resolution was agreed to.
The Clerk announced the following additional pairs:
For the balance of the day:
Mr. LAWRENCE with Mr. HAMMOND.
Mr. ANDRUS with Mr. MOORE of Texas.
The result of the vote was announced as above recorded.
Mr. UNDERWOOD. Mr. Speaker, I move to reconsider the last vote.
Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.
Mr. FITZGERALD. A parliamentary inquiry, Mr. Speaker. Under the rules, is it not in order before the motion to adjourn is made, at least to enter the motion to reconsider?
Mr. WILLIAMS. The gentleman from Alabama [Mr. UNDERWOOD] appealed to the Chair for that purpose.
Mr. PAYNE. I think the motion to reconsider is a privileged motion over every other motion.
The SPEAKER. With the unanimous vote—ayes 213, present 19—the Chair holds the motion to be dilatory.
Mr. PAYNE. I move that the House do now adjourn.
The question was taken, and the Speaker announced that the ayes seemed to have it.
Mr. WILLIAMS. Division, Mr. Speaker.
Mr. PAYNE. Mr. Speaker, I ask for the yeas and nays.
The yeas and nays were ordered.
The question was taken, and there were—yeas 121, nays 81, answered "present" 20, not voting 166, as follows:

YEAS—121.

Adair	Davis, Minn.	Howell, Utah	Olcott
Alexander, N. Y.	Dawson	Hubbard, Iowa	Parsons
Allen	Denby	Hubbard, W. Va.	Payne
Anthony	Diekema	Huff	Pollard
Bannon	Douglas	Humphrey, Wash.	Pray
Barclay	Draper	Jones, Wash.	Reeder
Bartholdt	Driscoll	Kahn	Reynolds
Bates	Durey	Kennedy, Ohio	Rodenberg
Birdsall	Dwight	Kinkaid	Scott
Bonynge	Ellis, Mo.	Knapp	Slemp
Boyd	Ellis, Oreg.	Knopf	Smith, Cal.
Brownlow	Englebright	Küstermann	Southwick
Burleigh	Esch	Lafean	Stafford
Burton, Ohio	Focht	Langley	Steenerson
Calder	Fordney	Lawrence	Sterling
Calderhead	Foss	McCreary	Stevens, Minn.
Campbell	Foulkrod	McKinley, Ill.	Sulloway
Capron	Fuller	McKinney	Tawney
Cary	Gardner, Mich.	McLachlan, Cal.	Thistlewood
Caulfield	Gardner, N. J.	Malby	Tirrell
Chapman	Greene	Marshall	Volstead
Conner	Haggott	Miller	Vreeland
Cook, Colo.	Hale	Mondell	Waldo
Cook, Pa.	Hall	Moon, Pa.	Wanger
Cooper, Pa.	Hamilton, Mich.	Morse	Weems
Cooper, Wis.	Haskins	Mouser	Wilson, Ill.
Crumpacker	Haugen	Murdock	Wood
Currier	Hawley	Needham	Young
Cushman	Higgins	Nelson	
Dalzell	Hill, Conn.	Norris	
Davidson	Holliday	Nye	

NAYS—81.

Adamson	Fitzgerald	Humphreys, Miss.	Rainey
Beall, Tex.	Floyd	James, Ollie M.	Randell, Tex.
Bell, Ga.	Foster, Ill.	Johnson, S. C.	Ransdell, La.
Booher	Fulton	Kipp	Rauch
Bowers	Garner	Kitchin, Claude	Richardson
Brodhead	Garrett	Lamar, Mo.	Rothermel
Burnett	Gillespie	Lee	Rucker
Byrd	Gordon	Lewis	Russell, Mo.
Caldwell	Gregg	Lloyd	Russell, Tex.
Candler	Griggs	McHenry	Shackleford
Carter	Hackett	McLain	Sheppard
Clark, Mo.	Hamill	Macon	Stephens, Tex.
Clayton	Hamlin	Maynard	Sulzer
Cooper, Tex.	Harrison	Murphy	Thomas, N. C.
Cox, Ind.	Heflin	Nicholls	Tou Velle
De Armond	Helm	O'Connell	Watkins
Denver	Henry, Tex.	Padgett	Webb
Ellerbe	Hobson	Page	Williams
Favrot	Houston	Patterson	
Ferris	Hughes, N. J.	Peters	
Finley	Hull, Tenn.	Pou	

ANSWERED "PRESENT"—20.

Bennet, N. Y.	Howland	Lamb	Mann
Cravens	Jenkins	Leake	Moon, Tenn.
Dixon	Kelliher	Lever	Smith, Mich.
Gaines, Tenn.	Kennedy, Iowa	Longworth	Taylor, Ala.
Goulden	Kimball	Lowden	Taylor, Ohio

NOT VOTING—166.

Acheson	Ashbrook	Bennett, Ky.	Broussard
Aiken	Barchfeld	Bingham	Brumm
Alexander, Mo.	Bartlett, Ga.	Boutell	Brundidge
Ames	Bartlett, Nev.	Bradley	Burgess
Andrus	Beale, Pa.	Brantley	Burke
Ansberry	Bede	Brick	Burleson

Burton, Del.	Graff	Lindbergh	Robinson
Butler	Graham	Lindsay	Ryan
Carlin	Granger	Littlefield	Sabath
Chaney	Gronna	Livingston	Saunders
Clark, Fla.	Hackney	Lorimer	Sherley
Cockran	Hamilton, Iowa	Loud	Sherman
Cocks, N. Y.	Hammond	Loudenslager	Sherwood
Cole	Harding	Lovering	Sims
Coudrey	Hardwick	McCall	Slayden
Cousins	Hardy	McDermott	Small
Craig	Hay	McGavin	Smith, Iowa
Crawford	Hayes	McGuire	Smith, Mo.
Darragh	Henry, Conn.	McKinlay, Cal.	Smith, Tex.
Davenport	Hepburn	McLaughlin, Mich.	Snapp
Davey, La.	Hill, Miss.	McMillan	Sparkman
Dawes	Hinshaw	McMorran	Sperry
Dunwell	Hitchcock	Madden	Spight
Edwards, Ga.	Howard	Madison	Stanley
Edwards, Ky.	Howell, N. J.	Moore, Pa.	Sturgiss
Fairchild	Hughes, W. Va.	Moore, Tex.	Talbott
Fassett	Hull, Iowa	Mudd	Thomas, Ohio
Flood	Jackson	Olmsted	Townsend
Fornes	James, Addison D.	Overstreet	Underwood
Foster, Ind.	Johnson, Ky.	Parker, N. J.	Wallace
Foster, Vt.	Jones, Va.	Parker, S. Dak.	Washburn
Fowler	Keifer	Pearre	Watson
French	Kitchin, Wm. W.	Perkins	Weeks
Gaines, W. Va.	Knowland	Porter	Weisse
Gardner, Mass.	Lamar, Fla.	Powers	Wheeler
Gilhams	Landis	Pratt	Wiley
Gill	Laning	Prince	Willett
Gillett	Lassiter	Pujo	Wilson, Pa.
Glass	Law	Reid	Wolf
Godwin	Legare	Rhinock	Woodyard
Goebel	Lenahan	Riordan	
Goldfogle	Lilley	Roberts	

So the motion to adjourn was agreed to.

During the second call of the roll,

Mr. WILLIAMS. Mr. Speaker, I make the point of order that the Clerk is calling the roll in such a way it is absolutely difficult to keep up with it.

The SPEAKER. Every man is having a chance to vote who is paying attention. The Clerk will proceed.

Mr. WILLIAMS. I do not think so.

Mr. PAYNE. I hope the Clerk will not take any instructions from the gentleman from Mississippi.

The Clerk resumed and concluded the call of the roll.

The following additional pair was announced.

On this vote:

Mr. SMITH of Iowa with Mr. SHERLEY.

The result of the vote was then announced, as above recorded.

Accordingly (at 10 o'clock and 9 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, submitting a plan for additional accommodations for the Bureau of Engraving and Printing—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, submitting, in response to the direction of law, a report of an investigation of the claim of the Potawatomi Indians of Wisconsin—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for reconstruction of annex and building of a pier for the New York barge office—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HUMPHREY of Washington, from the Committee on Education, to which was referred the bill of the House (H. R. 16273) to provide for compulsory education of the native children of Alaska, and for other purposes, reported the same with amendments, accompanied by a report (No. 1372), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4260) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, reported the same without amendment, accompanied by a report (No. 1375), which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota, reported the same with amendments, accompanied by a report (No. 1376), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20244) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with out amendment, accompanied by a report (No. 1367), which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON, from the Committee on Pensions, to which was referred the bill of the Senate (S. 6071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same with amendments, accompanied by a report (No. 1368), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12760) to correct the military record of Isaac N. Fordyce, reported the same with amendment, accompanied by a report (No. 1370), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16015) for the relief of Lafayette L. McKnight, reported the same without amendment, accompanied by a report (No. 1371), which said bill and report were referred to the Private Calendar.

Mr. WILEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19871) for the relief of Sanford A. Pinyan, reported the same without amendment, accompanied by a report (No. 1373), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7006) to correct the military record of George W. Hedrick, reported the same with amendment, accompanied by a report (No. 1374), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2, Rule XIII,

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8080) for the relief of James M. Watson, reported the same adversely, accompanied by a report (No. 1369), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 20178) granting a pension to John Muir—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8012) granting a pension to John Hettesheimer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18631) authorizing the Secretary of the Interior to issue patents in fee to the Diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians—Committee on the Public Lands discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. AMES, from the Committee on Pensions: A bill (H. R. 20244) granting pensions and increase of pensions to

certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. GLASS: A bill (H. R. 20245) empowering the Secretary of the Treasury to acquire a new public-building site at Lynchburg, Va., and so forth—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20246) permitting the building of a dam or dams across New River, Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Ohio: A bill (H. R. 20247) to amend section 8 of an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906—to the Committee on the District of Columbia.

By Mr. OLCOTT: A bill (H. R. 20248) to provide for the appointment and compensation of professors and instructors at the Naval Academy—to the Committee on Naval Affairs.

By Mr. REYNOLDS: A bill (H. R. 20249) to increase the compensation of carriers on rural free-delivery mail routes—to the Committee on the Post-Office and Post-Roads.

By Mr. JONES of Virginia: A bill (H. R. 20250) increasing the limit of cost for the acquisition of a site and the construction thereon of a Federal building in the city of Fredericksburg, Va.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 20251) to establish a naval station at Pearl Harbor, Hawaii—to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 20252) for the erection of a public building at Beloit, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 20253) for the relief of persons who participated in the suppression of Indian hostilities in the Territory of Utah, and for other purposes—to the Committee on Claims.

By Mr. CANNON: Resolution (H. Res. 320) directing the Attorney-General to transmit to the House certain information concerning wood pulp and print paper—to the Committee on the Judiciary.

Also, resolution (H. Res. 321) directing the Secretary of Commerce and Labor to transmit to the House certain information concerning wood pulp and print paper—to the Committee on the Judiciary.

By Mr. LASSITER: Resolution (H. Res. 322) requiring information as to whether the recent dismissal of skilled employees has relation to the proposed four battle ships now in contemplation—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 20254) granting a pension to George N. Baxter—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20255) granting an increase of pension to Harry Remer—to the Committee on Pensions.

Also, a bill (H. R. 20256) granting an increase of pension to Peter Everly—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 20257) granting an increase of pension to William C. Robbins—to the Committee on Invalid Pensions.

By Mr. BYRD: A bill (H. R. 20258) for the relief of the estate of Francis Mayerhoff—to the Committee on Claims.

Also, a bill (H. R. 20259) granting an increase of pension to Mary Anne King—to the Committee on Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20260) granting an increase of pension to William H. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20261) granting an increase of pension to John Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20262) granting an increase of pension to Joseph A. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20263) granting an increase of pension to David W. Davies—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20264) granting an increase of pension to Jerome E. Beck—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 20265) granting an increase of pension to Winfield S. Sarget—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 20266) granting an increase of pension to James H. Watkin—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 20267) granting an increase of pension to Arthur G. McNeill—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 20268) granting an increase of pension to Halcom Tarter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20269) granting an increase of pension to William L. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20270) granting a pension to Susan Murphy—to the Committee on Pensions.

Also, a bill (H. R. 20271) granting a pension to Andrew J. Sturgill—to the Committee on Pensions.

Also, a bill (H. R. 20272) for the relief of Sallie A. Slaven—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 20273) granting an increase of pension to James F. Ivie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20274) granting an increase of pension to William H. Binnix—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 20275) granting an increase of pension to David A. Moore—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 20276) granting an increase of pension to George W. Bowker—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 20277) granting an increase of pension to Henry M. Chase—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 20278) for the relief of George W. Conatser—to the Committee on War Claims.

Also, a bill (H. R. 20279) to remove the charge of desertion standing against James Wilkey—to the Committee on Military Affairs.

By Mr. LANDIS: A bill (H. R. 20280) granting an increase of pension to Albert O. McNulty—to the Committee on Pensions.

By Mr. LEWIS: A bill (H. R. 20281) granting an increase of pension to James Denham—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 20282) granting a pension to Elizabeth Fromme—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 20283) granting an increase of pension to Charles O. Brown—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 20284) granting an increase of pension to Catherine Hanigan—to the Committee on Pensions.

By Mr. McCREARY: A bill (H. R. 20285) to remove the charge of desertion from the record of John Fleming—to the Committee on Military Affairs.

By Mr. McGUIRE: A bill (H. R. 20286) granting an increase of pension to Cornelius Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20287) granting an increase of pension to Jacob T. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20288) granting an increase of pension to George McIntire—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 20289) for the relief of the heirs of Calvin T. Wood, deceased—to the Committee on Military Affairs.

By Mr. MAYNARD: A bill (H. R. 20290) granting a pension to John C. Quinn—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 20291) granting an increase of pension to Andrew Michaelson—to the Committee on Invalid Pensions.

By Mr. RANDELL of Texas: A bill (H. R. 20292) for the relief of the heirs of Cirley Fairchilds—to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 20293) granting an increase of pension to Henrietta S. Kimball—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 20294) granting an increase of pension to John Stuard—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 20295) for the relief of the heirs of Jacob J. Foreman, deceased—to the Committee on War Claims.

By Mr. THISTLEWOOD: A bill (H. R. 20296) granting an increase of pension to Martin H. Ozment—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20297) granting an increase of pension to Riley S. Hartwell—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 20298) granting an increase of pension to Patrick Gillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20299) granting an increase of pension to William B. Gere—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 20300) granting an increase of pension to Bradford F. Darling—to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 20301) for the relief of the heirs of Lewis E. Parsons, deceased—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 20302) granting an increase of pension to Henry Bredbenner—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 20303) for the relief of Joseph M. Padgett and others—to the Committee on Claims.

By Mr. ADDISON D. JAMES: A bill (H. R. 20304) to remove the charge of desertion from the military record of Robert N. Stewart—to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 20305) to remove the charge of desertion now existing on the records of the War Department against George M. Camp—to the Committee on Military Affairs.

Also, a bill (H. R. 20306) to remove the charge of desertion now existing on the records of the War Department against John W. Clark—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the German-American Alliance of New York and 160 other similar organizations, protesting against any legislation restricting interstate commerce in beer, wine, etc.—to the Committee on the Judiciary.

By Mr. ASHBROOK: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, paper to accompany bill for relief of Harry Reemer—to the Committee on Pensions.

Also, petition of residents of Holmes and Clark counties, Ohio, against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BATES: Petitions of Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., against H. R. 225 and S. 5787 and in favor of H. R. 14941, amending section 4463 of Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Sacred Heart of Jesus Society of Pennsylvania, against any further legislation to restrict immigration to the United States—to the Committee on Immigration and Naturalization.

Also, petition of Young Men's Society of Stanislaus Church, of Erie, Pa., against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

Also, petition of Pomona Grange of Crawford County, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Greenfield Grange, of North East, Pa., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of John Blass & Son, of Erie, Pa., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of L. H. Salisbury, of Albion, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. R. Betts and others, of Spartansburg, Pa., against the Burton amendment to nine-hour telegraphers' law—to the Committee on Interstate and Foreign Commerce.

Also, petition of legislative committee of National Grange, for the creation of a national highways commission, and for an appropriation for the construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of citizens of Waterford, Pa., for the Sherwood pension bill (H. R. 7625)—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: Paper to accompany bill for relief of James C. McDaniel, heir of William G. McDaniel—to the Committee on War Claims.

By Mr. BURLEIGH: Petitions of citizens of Maine and Anson Grange, No. 88, for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Anson Grange, No. 88, favoring S. 5122, for a rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDERHEAD: Petitions of Marine Engineers' Beneficial Association, No. 35, and California Harbor, No. 15, Masters, Mates, and Pilots, of San Francisco, Cal., against H. R. 225 and S. 5787, and in favor of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Topeka, Kans., State Federation of Women's Clubs, favoring bill pertaining to the sane treatment of tuberculosis, bill referred to being in charge of Senator CRANE in the Senate and Representative DALZELL in the House (H. R. 18445)—to the Committee on Appropriations.

Also, petition of citizens of Kansas, favoring passage of bill for a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of J. J. and W. F. Muenzenmayer, of Junction City, Kans., against passage of S. 3023 (Aldrich currency bill)—to the Committee on Banking and Currency.

By Mr. CLARK of Florida: Petition of Jacksonville Board of Trade, against the Frye joint resolution (S. R. 40), providing for transportation by sea of material and equipments for the Panama Canal exclusively in American ships—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of M. H. Pride—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William H. Murray (H. R. 16300)—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Petition of Du Lac Grange, No. 92, Patrons of Husbandry, of Milton, Wis., for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. CRAIG: Petition praying for reference of the claim of Lewis E. Parsons to the Court of Claims—to the Committee on War Claims.

By Mr. CURRIER: Petitions of Eagle Grange, of Chatham, N. H., and Beaver Grange, of East Springfield, N. H., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. EDWARDS of Kentucky: Paper to accompany bill for relief of Henderson Smith—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Halcom Tarter and William S. Brown—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Andrew J. Sturgill—to the Committee on Pensions.

Also, petition of Whitley County civil war soldiers, favoring the Sherwood pension bill (H. R. 7625)—to the Committee on Invalid Pensions.

Also, petition of H. F. Reed and 47 others, against enactment of S. 1518, revising section 3893 of Revised Statutes of United States (Penrose bill)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Susan Murphy—to the Committee on Pensions.

By Mr. ENGLEBRIGHT: Petition of citizens of Placerville, Cal., against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FLOYD: Paper to accompany bill (H. R. 12020) for relief of James R. Atkins—to the Committee on Invalid Pensions.

By Mr. FORNES: Petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Association, No. 35, of San Francisco, Cal., for H. R. 14941—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Bear Valley Post, No. 162, of Redlands, and Hartford Post, No. 155, of Lodi, Department of California, Grand Army of the Republic, for H. R. 220—to the Committee on the Judiciary.

Also, petition of Medical Society of County of New York, for a proper pension for the widows of Dr. James W. Lazear and Dr. James Carroll—to the Committee on Pensions.

By Mr. FOSTER of Vermont: Petitions of Gleaner Grange, of Brownsville; Deermont Grange, of Mendon, and Bennington Grange, all in the State of Vermont, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. FULLER: Petition of J. Q. Adams, of Marseilles, Ill., for H. R. 19250—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of David A. Moore—to the Committee on Invalid Pensions.

Also, petition of Chicago Credit Men's Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GARDNER of Massachusetts: Petition of automobile manufacturers and owners of Massachusetts, favoring H. R. 428, providing for a national system of registration and identification—to the Committee on the Judiciary.

By Mr. GOEBEL: Petition of Queen City Council, No. 145, Commercial Travelers of America, protesting against passage of parcels-post bill (H. R. 255)—to the Committee on the Post-Office and Post-Roads.

By Mr. GOLDFOGLE: Petition of Merchants' Association of New York City, for the Fowler currency bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Maritime Association of the Port of New York, for H. R. 31 (establishment of a light and fog signal in New York Bay, on Governors Island)—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Photoengravers' Union, asking for repeal of duty on white paper, wood pulp, etc.—to the Committee on Ways and Means.

By Mr. GOULDEN: Petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Grange, Patrons of Husbandry, of Concord, N. H., favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of D. C. Seitz, urging passage of the Stevens bill, placing print paper and wood pulp on the free list—to the Committee on Ways and Means.

Also, petition of Melbert B. Cary, for the reenactment of the Burton bill, restricting the use of Niagara River for business purposes—to the Committee on Rivers and Harbors.

Also, petition of Merchants' Association of New York City, against passage of any bill changing the present statutes relative to injunctions and restraining orders—to the Committee on the Judiciary.

Also, petition of W. E. Griffin, of New York City, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petitions of D. C. Brodie and William Cunningham, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petition of Bear Valley Post, No. 162, of Redlands, and Hartford Post, No. 155, of Lodi, Department of Californa, Grand Army of the Republic, for H. R. 220—to the Committee on the Judiciary.

By Mr. GRANGER: Petition of Rhode Island League for Rural Progress, in favor of H. R. 18204, providing for appropritaion for agricultural and industrial education in secondary schools on these lines—to the Committee on Agriculture.

Also, petition of Rhode Island League for Rural Progress, in favor of H. R. 15837, for a national highway commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of Rhode Island League for Rural Progress, in favor of S. 5115, for increase in the limit of weight of fourth-class matter, and in favor of S. 5122, providing for rural delivery parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL of Connecticut: Petitions of Litchfield Grange, No. 107, and Farmill River Grange, No. 130, of Shelton, Conn., for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

Also, petition of Emmet Club, of Bridgeport, Conn., against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petition of Robert Emmet Club, of Norwalk, Conn., against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of residents of Red Bank, N. J., and vicinity, urging the dredging of North Shrewsbury River—to the Committee on Rivers and Harbors.

By Mr. HUFF: Petition of J. M. Guffery Division, Brotherhood of Locomotive Engineers, of Youngwood, Pa., favoring passage of H. R. 17036 and 17137 and S. 3307, relating to liability bill, anti-injunction bill, and Clapp free-pass bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petitions of Division No. 5 and Division No. 2, Ancient Order of Hibernians, against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. KEIFER: Petition of J. M. Fetters and 15 others, residents of Laura, Ohio, against H. R. 4897, to protect the first day of the week as a day of rest in the District of Columbia, and against H. R. 4929, prohibiting labor on buildings in the District of Columbia on the Sabbath day, or any like measure—to the Committee on the District of Columbia.

By Mr. LANDIS: Petition of citizens of Franklin and Middletown, Ind., against H. R. 4897 and 4929, to protect the first day of the week as a day of rest in the District of Columbia and prohibition of labor, etc., on said day—to the Committee on the District of Columbia.

By Mr. LEE: Papers to accompany H. R. 20223, for relief of Charles Jones—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Charles P. McLain (H. R. 20222); Duncan Murchison (H. R. 20221); heirs of James M. Lawrence (H. R. 20220); William Adams (H. R. 20219), and D. M. McCurrey (H. R. 20218)—to the Committee on War Claims.

By Mr. LEWIS: Paper to accompany bill for relief of James Denham—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, for enactment of H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Grange, of Concord, N. H., favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways—to the Committee on Agriculture.

Also, petition of Frank & De Keyser, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of John H. McGee, favoring H. R. 18122 (Maimed Soldiers' League bill, introduced by Mr. MOORE of Pennsylvania)—to the Committee on Invalid Pensions.

Also, petition of many citizens of Brooklyn, N. Y., against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of J. H. Hein and H. H. Meyer, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Master Steam and Hot Water Fitters' Association, against all legislation favoring labor unions, particularly the Pearre anti-injunction bill—to the Committee on Labor.

Also, petition of Indian Rights' Association, for amendment of S. 5586 and H. R. 15641, that propose to remove restrictions from alienation or incumbrance of certain lands in Oklahoma allotted to members of the Five Civilized Tribes—to the Committee on Indian Affairs.

Also, petition of Nathan T. Folwell and others, favoring the Moore currency bill—to the Committee on Banking and Currency.

Also, petition of Thomas P. Peters, favoring H. R. 12432 (consolidation of and evidence in actions for libel)—to the Committee on the Judiciary.

Also, petition of Albert Firmin, of the Allied Board of Trade, approving bill for widening Wallabout channel—to the Committee on Rivers and Harbors.

Also, petition of Mrs. George D. Blossom, for enactment of the "widows' pension bill," giving $12 per month—to the Committee on Invalid Pensions.

Also, petition of Melbert B. Cary, favoring the Burton bill, relative to restriction of Niagara power for business purposes—to the Committee on Rivers and Harbors.

Also, petition of Henry A. Barker, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of citizens of New York and vicinity, for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. LINDSAY: Petition of board of directors of the Merchants' Association of New York, against all injunction legislation affecting relations between employer and employee—to the Committee on the Judiciary.

Also, petition of E. A. Weimber, advocating the metric system—to the Committee on Coinage, Weights and Measures.

By Mr. LITTLEFIELD: Petition of Crystal Lake Grange, Patrons of Husbandry, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Milo, Me., for the passage of H. R. 40, to prevent the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LORIMER: Paper to accompany bill for relief of Charles O. Brown—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition of citizens of Hurfville, N. J., favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. OVERSTREET: Petition of Abraham Lincoln School, of Indianapolis, Ind., for the enactment of H. R. 17295, to aid the Lincoln Farm Association of New York to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

By Mr. SPERRY: Petitions of Division No. 2, Ancient Order of Hibernians, and Ladies' Auxiliary, of Derby; Robert Emmet Club, of New Britain; Division No. 2, Ancient Order of Hibernians, of Wallingford, and John Mitchell Literary and Debating Society, of Wallingford, all in the State of Connecticut, against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Unity Grange, No. 117, of Deep River, Conn., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Interstate Local Assemblies of Ansonia, Derby, and Shelton, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 20)—to the Committee on Agriculture.

Also, petition of Woman's Club of Wallingford, Conn., against passage of Crumpacker bill, for appointment of employees to take the Thirteenth Census—to the Committee on the Census.

Also, petition of Hartford Council, No. 210, United Commercial Traders of America, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petition of citizens of Girard, Ohio, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. UNDERWOOD: Papers to accompany bills for relief of Patrick Gillen and William B. Gere—to the Committee on Invalid Pensions.

By Mr. WANGER: Petition of Sunbury (Pa.) Lodge, No. 43, Brotherhood of Railway Trainmen, favoring the Clapp free-pass amendment to S. 4260—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pineville (Pa.) Grange, No. 50, Patrons of Husbandry, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. WHEELER: Petition of James O. Fleming and 20 other citizens of Pennsylvania, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 3, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. FITZGERALD. Mr. Speaker, I desire to correct the Journal.

Mr. PAYNE. I move that the Journal be approved.

Mr. FITZGERALD. I desire to correct the Journal, Mr. Speaker.

The SPEAKER. The gentleman's colleague is recognized.

Mr. FITZGERALD. I rise to a privileged motion.

Mr. PAYNE. I move that the Journal stand approved. If the gentleman will yield to a suggestion——

Mr. FITZGERALD. I wish to correct the Journal in good faith.

Mr. PAYNE. If the gentleman will suggest it to me I will include that in my motion.

Mr. FITZGERALD. On page 4461 of the RECORD——

The SPEAKER. But this is the Journal.

Mr. FITZGERALD. I wish to state the facts so that I can be understood. It is announced that I am paired with Mr. LANDIS of Indiana. I had no knowledge of that, and subsequently——

The SPEAKER. Pairs do not go into the Journal.

Mr. FITZGERALD. But, Mr. Speaker, I wish to have the Journal amended so as to show——

The SPEAKER. Pairs do not go into the Journal. They dwell only in the RECORD.

Mr. FITZGERALD. But the record of the votes is in the Journal. I wish, Mr. Speaker, to have that corrected. I suggest that on all the subsequent votes where I am recorded as not voting one way or the other that I shall be recorded as answering "present."

Mr. PAYNE. Mr. Speaker, I modify my motion in that respect, to approve the Journal with the correction my colleague has indicated; that the gentleman from New York shall be marked as "present" instead of voting.

The SPEAKER. Without objection, the motion will be modified in that respect. The question is on the motion of the gentleman from New York, as modified, that the Journal stand approved.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 130, noes 74.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 267, nays 3, answered "present" 8, not voting 110, as follows:

YEAS—267.

Adair	Douglas	Humphreys, Miss.	Parker, S. Dak.
Adamson	Draper	James, Addison D.	Parsons
Aiken	Driscoll	James, Ollie M.	Patterson
Alexander, Mo.	Durey	Jenkins	Payne
Alexander, N. Y.	Dwight	Johnson, Ky.	Perkins
Allen	Ellerbe	Johnson, S. C.	Peters
Ames	Ellis, Oreg.	Jones, Va.	Pollard
Anthony	Englebright	Jones, Wash.	Pou
Ashbrook	Esch	Kahn	Pray
Bannon	Favrot	Keliher	Prince
Barclay	Ferris	Kennedy, Iowa	Randell, Tex.
Bartholdt	Fitzgerald	Kimball	Ransdell, La.
Bartlett, Ga.	Floyd	Kitchin, Claude	Rauch
Bartlett, Nev.	Focht	Knopf	Reeder
Bates	Foss	Knowland	Reid
Beale, Pa.	Foster, Ill.	Küstermann	Reynolds
Beall, Tex.	Foulkrod	Lafean	Richardson
Bede	Fowler	Lamar, Mo.	Roberts
Birdsall	Fuller	Lamb	Robinson
Bonynge	Fulton	Langley	Rodenberg
Booher	Gaines, Tenn.	Laning	Rothermel
Bowers	Gardner, Mich.	Lawrence	Rucker
Boyd	Garner	Leake	Russell, Mo.
Brodhead	Garrett	Lee	Russell, Tex.
Brownlow	Gillespie	Legare	Scott
Brundidge	Gillett	Lever	Sheppard
Burgess	Glass	Lewis	Sherley
Burke	Goebel	Lindbergh	Sherwood
Burleigh	Goldfogle	Littlefield	Sims
Burleson	Gordon	Lloyd	Slayden
Burnett	Granger	Longworth	Slemp
Burton, Ohio	Greene	Loud	Smith, Iowa
Butler	Gregg	Lovering	Smith, Mich.
Byrd	Hackett	Lowden	Smith, Tex.
Calder	Hackney	McCall	Snapp
Calderhead	Hall	McCreary	Southwick
Caldwell	Hamill	McGavin	Sparkman
Campbell	Hamilton, Iowa	McGuire	Sperry
Candler	Hamilton, Mich.	McHenry	Spight
Capron	Hamlin	McKinlay, Cal.	Stafford
Carter	Hammond	McKinley, Ill.	Stanley
Cary	Hardwick	McKinney	Stephens, Tex.
Caulfield	Hardy	McLachlan, Cal.	Sturgiss
Chapman	Harrison	McLain	Sulloway
Clark, Fla.	Haskins	McLaughlin, Mich.	Talbott
Clark, Mo.	Haugen	Macon	Tawney
Clayton	Hawley	Malby	Taylor, Ala.
Cockran	Hay	Mann	Taylor, Ohio
Conner	Heflin	Marshall	Thistlewood
Cook, Colo.	Helm	Maynard	Thomas, N. C.
Cook, Pa.	Henry, Conn.	Mondell	Thomas, Ohio
Cooper, Tex.	Henry, Tex.	Moon, Pa.	Tirrell
Cooper, Wis.	Higgins	Moon, Tenn.	Tou Velle
Cousins	Hill, Conn.	Moore, Tex.	Underwood
Cox, Ind.	Hill, Miss.	Morse	Volstead
Craig	Hitchcock	Mouser	Wanger
Cravens	Holliday	Mudd	Washburn
Crawford	Houston	Murdock	Watkins
Crumpacker	Howell, N. J.	Murphy	Webb
Cushman	Howell, Utah	Needham	Weeks
Dalzell	Hubbard, Iowa	Nelson	Wiley
Davidson	Hubbard, W. Va.	Nicholls	Williams
Dawson	Huff	Norris	Wilson, Ill.
De Armond	Hughes, N. J.	Nye	Wood
Denby	Hull, Iowa	O'Connell	Woodyard
Denver	Hull, Tenn.	Padgett	Young
Diekema	Humphrey, Wash.	Page	

NAYS—3.

Gill	Hobson	Sulzer

ANSWERED "PRESENT"—8.

Bennet, N. Y.	Dixon	Goulden	Howland
Currier	Gaines, W. Va.	Griggs	Shackleford

NOT VOTING—110.

Acheson	Burton, Del.	Edwards, Ga.	Gardner, N. J.
Andrus	Carlin	Edwards, Ky.	Gilhams
Ansberry	Chaney	Ellis, Mo.	Godwin
Barchfeld	Cocks, N. Y.	Fairchild	Graff
Bell, Ga.	Cole	Fassett	Graham
Bennett, Ky.	Cooper, Pa.	Finley	Gronna
Bingham	Coudrey	Flood	Haggott
Boutell	Darragh	Fordney	Hale
Bradley	Davenport	Fornes	Harding
Brantley	Davey, La.	Foster, Ind.	Hayes
Brick	Davis, Minn.	Foster, Vt.	Hepburn
Broussard	Dawes	French	Hinshaw
Brumm	Dunwell	Gardner, Mass.	Howard

Hughes, W. Va.	Livingston	Porter	Sterling
Jackson	Lorimer	Powers	Stevens, Minn.
Keifer	Loudenslager	Pratt	Townsend
Kennedy, Ohio	McDermott	Pujo	Vreeland
Kinkaid	McMillan	Rainey	Waldo
Kipp	McMorran	Rhinock	Wallace
Kitchin, Wm. W.	Madden	Riordan	Watson
Knapp	Madison	Ryan	Weems
Lamar, Fla.	Miller	Sabath	Weisse
Landis	Moore, Pa.	Saunders	Wheeler
Lassiter	Olcott	Sherman	Willett
Law	Olmsted	Small	Wilson, Pa.
Lenahan	Overstreet	Smith, Cal.	Wolf
Lilley	Parker, N. J.	Smith, Mo.	
Lindsay	Pearre	Steenerson	

So the motion was agreed to.

The Clerk announced the following pairs:

For this session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. KNOPF with Mr. WEISSE.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BENNETT of Kentucky with Mr. FORNES.

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

Until April 14:

Mr. COOPER of Pennsylvania with Mr. KIPP.

Until April 4:

Mr. HOWLAND with Mr. ANSBERRY.

Until further notice:

Mr. MOORE of Pennsylvania with Mr. EDWARDS of Georgia.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. OVERSTREET with Mr. DIXON.

Mr. FRENCH with Mr. DAVENPORT.

Mr. ACHESON with Mr. BELL of Georgia.

Mr. ANDRUS with Mr. CARLIN.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. KNAPP with Mr. LINDSAY.

Mr. MILLER with Mr. PUJO.

Mr. OLCOTT with Mr. LIVINGSTON.

For this day:

Mr. COUDREY with Mr. SABATH.

Mr. WATSON with Mr. WOLF.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. POWERS with Mr. PRATT.

Mr. FAIRCHILD with Mr. WALLACE.

Mr. BRICK with Mr. WM. W. KITCHIN.

Mr. DUNWELL with Mr. GODWIN.

Mr. FASSETT with Mr. LAMAR of Florida.

Mr. GRAHAM with Mr. MCDERMOTT.

Mr. GRONNA with Mr. SMITH of Missouri.

Mr. MCMILLAN with Mr. WILLETT.

Mr. FOSTER of Vermont with Mr. FLOOD.

Mr. GILHAMS with Mr. HOWARD.

Mr. HUGHES of West Virginia with Mr. LENAHAN.

Mr. OLMSTED with Mr. BROUSSARD.

Mr. STEVENS of Minnesota with Mr. RHINOCK.

Mr. WHEELER with Mr. RYAN.

Mr. HARDING with Mr. SMALL.

Mr. HEPBURN with Mr. WILSON of Pennsylvania.

Mr. MADDEN with Mr. SAUNDERS.

On this vote:

Mr. BARCHFELD with Mr. LASSITER.

Mr. PEARRE with Mr. RAINEY.

Mr. DAVIS of Minnesota with Mr. SHACKLEFORD.

Mr. HELM. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. HELM. I was present in the House and listening when my name should have been called.

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. HELM was called, and he voted aye, as above recorded.

Mr. SHACKLEFORD. Mr. Speaker, I find that I am paired. I voted in the negative and I desire to be recorded as "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. SHACKLEFORD, and he answered "present," as above recorded.

Mr. STEENERSON. Mr. Speaker, I would like to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

The result of the vote was announced as above recorded.

URGENT DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, by direction of the Committee on Appropriations I submit a privileged report upon the bill H. R. 19955, an act making appropriation to supply certain additional urgent deficiencies in the appropriation for the fiscal year ending June 30, 1908, with Senate amendments. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of the Senate amendments and that they be considered in the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from consideration of the amendments to the bill indicated and consider the Senate amendments in the House.

Mr. TAWNEY. And pending that request, Mr. Speaker, I want to state to the House that this is the urgent deficiency bill carrying a deficiency appropriation of $2,000,000 for armor and armament, and that unless the bill can be passed speedily the employment of the men in the Gun Factory at Washington Navy-Yard will necessarily be interfered with and the services of many of them will have to be dispensed with.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object I wish to state that I think this matter——

The SPEAKER. Does the gentleman object? Neither gentlemen are in the status of recognition for yielding.

Mr. WILLIAMS. Reserving the right to object——

Mr. TAWNEY. I do not yield the floor.

The SPEAKER. The gentleman from Minnesota does not have the floor except for one purpose, and that is to ask unanimous consent, and all other things that follow touch unanimous consent.

Mr. WILLIAMS. I permitted the gentleman from Minnesota to make a statement.

The SPEAKER. The gentleman from Mississippi can ask the House for unanimous consent to make a statement if he desires.

Mr. WILLIAMS. Mr. Speaker, it has been quite usual on the floor to reserve the right to object.

The SPEAKER. Is there objection?

Mr. DALZELL. The regular order!

Mr. WILLIAMS. I object.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Senate amendments to the urgent deficiency bill reported to the House.

The question was taken, and on a division (demanded by Mr. WILLIAMS), there were 140 ayes and 80 noes.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 268, nays 1, answered "present" 9, not voting 110, as follows:

YEAS—268.

Adair	Cooper, Wis.	Haggott	Lamar, Mo.
Adamson	Cousins	Hall	Langley
Aiken	Cox, Ind.	Hamill	Laning
Alexander, Mo.	Craig	Hamilton, Iowa	Law
Alexander, N. Y.	Cravens	Hamilton, Mich.	Lawrence
Allen	Crawford	Hamlin	Leake
Ames	Cushman	Hardwick	Lee
Anthony	Dalzell	Hardy	Legare
Ashbrook	Darragh	Haskins	Lever
Bannon	Davidson	Haugen	Lewis
Barclay	Davis, Minn.	Hawley	Lindbergh
Bartholdt	Dawson	Hay	Littlefield
Bartlett, Ga.	De Armond	Heflin	Lloyd
Bartlett, Nev.	Denby	Helm	Longworth
Bates	Denver	Henry, Conn.	Loud
Beale, Pa.	Douglas	Henry, Tex.	Lovering
Beall, Tex.	Draper	Higgins	Lowden
Bede	Driscoll	Hill, Miss.	McCall
Bell, Ga.	Durey	Hitchcock	McCreary
Birdsall	Dwight	Hobson	McGavin
Bonynge	Ellerbe	Holliday	McHenry
Booher	Ellis, Mo.	Houston	McKinlay, Cal.
Bowers	Englebright	Howell, N. J.	McKinley, Ill.
Boyd	Esch	Howell, Utah	McKinney
Brodhead	Favrot	Hubbard, Iowa	McLachlan, Cal.
Brownlow	Ferris	Hubbard, W. Va.	McLain
Brundidge	Fitzgerald	Huff	McLaughlin, Mich.
Burgess	Floyd	Hughes, N. J.	Macon
Burke	Focht	Hull, Iowa	Malby
Burleigh	Foss	Hull, Tenn.	Mann
Burleson	Foster, Ill.	Humphrey, Wash.	Marshall
Burnett	Foulkrod	Humphreys, Miss.	Maynard
Burton, Ohio	Fuller	Jackson	Miller
Butler	Fulton	James, Addison D.	Mondell
Byrd	Gaines, Tenn.	James, Ollie M.	Moon, Pa.
Campbell	Gaines, W. Va.	Johnson, Ky.	Moon, Tenn.
Candler	Gardner, Mich.	Johnson, S. C.	Moore, Tex.
Capron	Garner	Jones, Va.	Mouser
Carlin	Garrett	Jones, Wash.	Mudd
Carter	Gill	Kahn	Murdock
Cary	Gillespie	Keliher	Murphy
Caulfield	Gillett	Kennedy, Iowa	Needham
Chapman	Glass	Kennedy, Ohio	Nelson
Clark, Mo.	Goebel	Kimball	Nicholls
Clayton	Gordon	Kinkaid	Norris
Cockran	Granger	Kitchin, Claude	Nye
Conner	Greene	Knopf	O'Connell
Cook, Colo.	Gregg	Knowland	Padgett
Cook, Pa.	Hackett	Küstermann	Page
Cooper, Tex.	Hackney	Lafean	Parker, N. J.

Parker, S. Dak.	Richardson	Smith, Iowa	Thomas, N. C.
Parsons	Roberts	Smith, Mich.	Thomas, Ohio
Patterson	Robinson	Smith, Tex.	Tirrell
Payne	Rodenberg	Snapp	Tou Velle
Perkins	Rothermel	Southwick	Underwood
Peters	Rucker	Sparkman	Volstead
Pollard	Russell, Mo.	Sperry	Waldo
Pou	Russell, Tex.	Stafford	Wanger
Pray	Scott	Stanley	Washburn
Prince	Shackleford	Steenerson	Watkins
Rainey	Sheppard	Stephens, Tex.	Webb
Randell, Tex.	Sherley	Sturgiss	Wiley
Ransdell, La.	Sherwood	Sulloway	Williams
Rauch	Sims	Sulzer	Wilson, Ill.
Reeder	Slayden	Tawney	Wood
Reid	Slemp	Taylor, Ohio	Woodyard
Reynolds	Smith, Cal.	Thistlewood	Young

NAYS—1.

Harrison

ANSWERED "PRESENT"—9.

Bennet, N. Y.	Dixon	Goulden	Hammond
Calderhead	Goldfogle	Griggs	Howland
Currier			

NOT VOTING—110.

Acheson	Edwards, Ky.	Keifer	Pratt
Andrus	Ellis, Oreg.	Kipp	Pujo
Ansberry	Fairchild	Kitchin, Wm. W.	Rhinock
Barchfeld	Fassett	Knapp	Riordan
Bennett, Ky.	Finley	Lamar, Fla.	Ryan
Bingham	Flood	Lamb	Sabath
Boutell	Fordney	Landis	Saunders
Bradley	Fornes	Lassiter	Sherman
Brantley	Foster, Ind.	Lenahan	Small
Brick	Foster, Vt.	Lilley	Smith, Mo.
Broussard	Fowler	Lindsay	Spight
Brumm	French	Livingston	Sterling
Burton, Del.	Gardner, Mass.	Lorimer	Stevens, Minn.
Calder	Gardner, N. J.	Loudenslager	Talbott
Caldwell	Gilhams	McDermott	Taylor, Ala.
Chaney	Godwin	McGuire	Townsend
Clark, Fla.	Graff	McMillan	Vreeland
Cocks, N. Y.	Graham	McMorran	Wallace
Cole	Gronna	Madden	Watson
Cooper, Pa.	Hale	Madison	Weeks
Coudrey	Harding	Moore, Pa.	Weems
Crumpacker	Hayes	Morse	Weisse
Davenport	Hepburn	Olcott	Wheeler
Davey, La.	Hill, Conn.	Olmsted	Willett
Dawes	Hinshaw	Overstreet	Wilson, Pa.
Diekema	Howard	Pearre	Wolf
Dunwell	Hughes, W. Va.	Porter	
Edwards, Ga.	Jenkins	Powers	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. HALE with Mr. HAMMOND.

Mr. MADISON with Mr. WEISSE.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. LANDIS with Mr. LAMB.

For the balance of the day:

Mr. JENKINS with Mr. CLARK of Florida.

Mr. CHANEY with Mr. TALBOTT.

Until further notice:

Mr. KEIFER with Mr. TAYLOR of Alabama.

Mr. LOUDENSLAGER with Mr. SPIGHT.

Mr. BARCHFELD with Mr. GOLDFOGLE.

Mr. LILLEY with Mr. LASSITER.

Mr. McGUIRE. Mr. Speaker, I would like to ask how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. McGUIRE. I would like to be recorded.

The SPEAKER. Was the gentleman listening when his name was called?

Mr. McGUIRE. I was in the House trying to give attention, but some one was talking with me and my name slipped by without my noticing it.

The SPEAKER. The gentleman hardly brings himself within the rule.

The result of the vote was announced as above recorded.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19955, the urgent deficiency bill, with Senate amendments thereto.

The CHAIRMAN. The Clerk will read the Senate amendments.

The Clerk read the Senate amendments.

Mr. TAWNEY. Mr. Chairman, the first amendment of the Senate is the deficiency of $50,000 for the transportation of contract surgeons and officers of the Army. The amendment was made in the Senate because of the fact that the appropriation for the transportation of officers and contract surgeons of the Army is practically exhausted, or will be in the course of a week or ten days. The other deficiencies are small items—one for the purpose of supplying the police department with fuel and other items of subsistence, and the other is in relation to one of the wards in the Garfield Hospital, in the District of Columbia. I shall, when these amendments are read under the five-minute rule in Committee of the Whole, move to concur in all of them, and am directed by the Committee on Appropriations so to do.

I now move that the committee rise for the purpose of closing debate on this amendment.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question? I do not know that there is to be any difficulty about closing general debate. I should like, however, to ask two questions before the gentleman does that, if he will yield.

Mr. TAWNEY. I yield for a question.

Mr. FITZGERALD. The amendment respecting mileage in the Army provides for a deficiency of $50,000?

Mr. TAWNEY. Yes.

Mr. FITZGERALD. Does that arise from these extraordinary horseback tests that the President has been holding during the present year?

Mr. TAWNEY. Ten thousand dollars is in consequence of what the gentleman from New York calls the extraordinary horseback tests.

Mr. FITZGERALD. I would be delighted to characterize them in any other way, if the gentleman can suggest some expression.

Mr. TAWNEY. Oh, I do not need to suggest anything to the gentleman from New York.

Mr. FITZGERALD. When the deficiency bill was before the House the gentleman from Minnesota, acting upon the testimony of the Secretary of the Navy, stated that the $2,000,000 for armor and armament must be appropriated in order to prevent the dismissal of men from the Gun Factory at the navy-yard here. Since the bill passed the House, a large number of those men, 250 I am informed, have been furloughed for ninety days. Now, is there any prospect that if the appropriation is made these men will be restored to work before the expiration of the furlough?

Mr. TAWNEY. In answer to the gentleman from New York I will read from page 9 of the hearings a statement made by Secretary Metcalf:

> Mr. METCALF. Understand me: We have on hand at the present time sufficient money to meet every obligation of the Department. There is no deficiency at the present time. Now, we can take this money; with it we can pay for armor when it is delivered, but we have practically to stop work at the Washington Gun Factory and at some of the navy-yards of the country. We purchase the rough forgings, the gun mounts, and things of that kind, and then the finished product is turned out by the Washington Navy-Yard. We can pursue one of two courses. We can take the money on hand at the present time and meet the obligations, but in that case we would have to stop work at the navy-yards and discharge the men. Or we can continue the work at the navy-yard in the manufacture of armament, and so on, and help up the bills. It is for Congress to decide which of these two courses we shall pursue.

In accordance with that statement the Committee on Appropriations within two days after the estimate was submitted to the committee, through the Speaker of the House, reported out this urgent deficiency bill, carrying $2,000,000, the amount of the deficiency estimated for the purpose of continuing if possible the employment of the men in the Gun Factory in Washington Navy-Yard. The bill was passed promptly by the House. It went to the Senate. It was returned here with three or four amendments, the principal one of which is the mileage amendment for the Army. Consent was asked, by myself, of the House to consider these amendments in the House instead of in the Committee of the Whole, and that was denied by the minority leader of the House. The bill then went to the Committee on Appropriations and has now been reported with the Senate amendments and is now awaiting favorable action by the House itself. When that action is taken, Congress will have provided for the payment of the armor and the employment of the men in the Gun Factory, if the Navy Department desires to continue their employment.

Mr. FITZGERALD. Is the gentleman from Minnesota able to explain the action of the Department? The House within two days reported a bill. It was passed promptly and went to the Senate, and within three or four days the bill went through both Houses. Within a day or two it will become a law. Yet, although the Secretary states that this appropriation will enable the Department, and was intended by the Department, to keep employed the men at this navy-yard in Washington, he has furloughed a large number of men for ninety days. I suggest that that is not keeping faith either with the gentleman from Minnesota or with the House.

Mr. TAWNEY. I can only explain or answer the gentleman by saying that the Secretary of the Navy, having once served in the House of Representatives and being familiar with the delays incident to the tactics that are now being employed by the minority and have been for several days, came to the conclusion that rather than risk continuing the employment of

men without money to pay for their services he would adopt the other policy of furloughing them. [Applause on the Republican side.] Mr. Chairman, I insist upon my motion.

Mr. WILLIAMS. Will the gentleman from Minnesota yield to me for a question?

Mr. TAWNEY. I insist upon my motion that the committee do now rise.

Mr. WILLIAMS. I merely want to ask the gentleman a question——

Mr. TAWNEY. I have not yielded.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 112, noes 61.

So the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19955, and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill, and that all debate on the bill and Senate amendments be closed.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill with Senate amendments, and, pending that motion, moves that all debate be now closed.

Mr. TAWNEY. And on that I move the previous question.

Mr. SPEAKER. And on that the gentleman from Minnesota moves the previous question.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 136, noes 80.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Mississippi demands tellers.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I will ask for the yeas and nays. [Laughter.]

The yeas and nays were ordered.

The question was taken, and there were—yeas 148, nays 94, answered "present" 12, not voting 134, as follows:

YEAS—148.

Adair	Dawson	Hull, Iowa	Murdock
Alexander, Mo.	Denby	Humphrey, Wash.	Needham
Alexander, N. Y.	Diekema	James, Addison D.	Nelson
Allen	Douglas	Jones, Wash.	Norris
Ames	Draper	Kahn	Nye
Anthony	Durey	Keifer	Parker, N. J.
Ashbrook	Dwight	Kennedy, Iowa	Parker, S. Dak.
Bannon	Ellis, Mo.	Kennedy, Ohio	Parsons
Barclay	Esch	Knopf	Payne
Bartholdt	Focht	Knowland	Perkins
Bates	Foss	Küstermann	Pray
Beale, Pa.	Foulkrod	Langley	Prince
Bede	Fowler	Laning	Reeder
Birdsall	Fuller	Law	Reynolds
Bonynge	Gaines, W. Va.	Lawrence	Roberts
Booher	Gardner, Mich.	Lindbergh	Rodenberg
Brownlow	Gill	Longworth	Smith, Mich.
Burke	Gillett	Lovering	Southwick
Burleigh	Gobel	Lowden	Sperry
Burton, Ohio	Gordon	McCall	Stafford
Butler	Greene	McCreary	Sterling
Campbell	Haggott	McGavin	Sturgiss
Capron	Hamilton, Iowa	McGuire	Sulloway
Cary	Hamilton, Mich.	McKinlay, Cal.	Sulzer
Caulfield	Hamlin	McKinley, Ill.	Tawney
Chapman	Hammond	McKinney	Thistlewood
Conner	Haskins	McLachlan, Cal.	Thomas, Ohio
Cook, Pa.	Haugen	McLaughlin, Mich.	Tirrell
Cooper, Pa.	Hawley	Malby	Tou Velle
Cooper, Wis.	Helm	Mann	Volstead
Cousins	Henry, Conn.	Marshall	Waldo
Cox, Ind.	Higgins	Miller	Washburn
Crumpacker	Hill, Conn.	Mondell	Weeks
Cushman	Holliday	Moon, Pa.	Wilson, Ill.
Dalzell	Howell, Utah	Morse	Wood
Darragh	Hubbard, Iowa.	Mouser	Woodyard
Davis, Minn.	Hubbard, W. Va.	Mudd	Young

NAYS—94.

Aiken	Carter	Glass	Houston
Bartlett, Ga.	Clayton	Granger	Hughes, N. J.
Bartlett, Nev.	Cooper, Tex.	Hackett	Hull, Tenn.
Beall, Tex.	Cravens	Hackney	Humphreys, Miss.
Bell, Ga.	Crawford	Hamill	James, Ollie M.
Bowers	Denver	Hardwick	Johnson, Ky.
Brodhead	Ellerbe	Hardy	Johnson, S. C.
Brundidge	Fitzgerald	Harrison	Keliher
Burgess	Floyd	Hay	Kitchin, Claude
Burleson	Foster, Ill.	Heflin	Lamar, Mo.
Burnett	Gaines, Tenn.	Henry, Tex.	Leake
Byrd	Garner	Hill, Miss.	Lee
Candler	Garrett	Hitchcock	Legare
Carlin	Gillespie	Hobson	Lever
Lewis	O'Connell	Robinson	Smith, Tex.
Lloyd	Padgett	Rothermel	Spight
McHenry	Page	Rucker	Stanley
McLain	Peters	Russell, Mo.	Stephens, Tex.
Macon	Pou	Russell, Tex.	Thomas, N. C.
Maynard	Rainey	Shackleford	Watkins
Moon, Tenn.	Ransdell, La.	Sheppard	Webb
Moore, Tex.	Rauch	Sherley	Williams
Murphy	Reid	Sherwood	
Nicholls	Richardson	Slayden	

ANSWERED "PRESENT"—12.

Adamson	Currier	Goulden	Lamb
Bennet, N. Y.	Dixon	Howland	Sims
Cockran	Ferris	Jenkins	Slemp

NOT VOTING—134.

Acheson	Ellis, Oreg.	Jones, Va.	Randell, Tex.
Andrus	Englebright	Kimball	Rhinock
Ansberry	Fairchild	Kinkaid	Riordan
Barchfeld	Fassett	Kipp	Ryan
Bennett, Ky.	Favrot	Kitchin, Wm. W.	Sabath
Bingham	Finley	Knapp	Saunders
Boutell	Flood	Lafean	Scott
Boyd	Fordney	Lamar, Fla.	Sherman
Bradley	Fornes	Landis	Small
Brantley	Foster, Ind.	Lassiter	Smith, Cal.
Brick	Foster, Vt.	Lenahan	Smith, Iowa
Broussard	French	Lilley	Smith, Mo.
Brumm	Fulton	Lindsay	Snapp
Burton, Del.	Gardner, Mass.	Littlefield	Sparkman
Calder	Gardner, N. J.	Livingston	Steenerson
Calderhead	Gilhams	Lorimer	Stevens, Minn.
Caldwell	Godwin	Loud	Talbott
Chaney	Goldfogle	Loudenslager	Taylor, Ala.
Clark, Fla.	Graff	McDermott	Taylor, Ohio
Clark, Mo.	Graham	McMillan	Townsend
Cocks, N. Y.	Gregg	McMorran	Underwood
Cole	Griggs	Madden	Vreeland
Cook, Colo.	Gronna	Madison	Wallace
Coudrey	Hale	Moore, Pa.	Wanger
Craig	Hall	Olcott	Watson
Davenport	Harding	Olmsted	Weems
Davey, La.	Hayes	Overstreet	Weisse
Davidson	Hepburn	Patterson	Wheeler
Dawes	Hinshaw	Pearre	Wiley
De Armond	Howard	Pollard	Willett
Driscoll	Howell, N. J.	Porter	Wilson, Pa.
Dunwell	Huff	Powers	Wolf
Edwards, Ga.	Hughes, W. Va.	Pratt	
Edwards, Ky.	Jackson	Pujo	

So the previous question was ordered.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. SLEMP with Mr. CRAIG.

For this vote:

Mr. SNAPP with Mr. RANDELL of Texas.

Mr. SCOTT with Mr. GREGG.

Mr. DAVIDSON with Mr. CLARK of Missouri.

Mr. CALDER with Mr. SPARKMAN.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. VREELAND with Mr. FAVROT.

Mr. SMITH of Iowa with Mr. UNDERWOOD.

Mr. HUFF with Mr. JONES of Virginia.

Mr. HOWELL of New Jersey with Mr. DE ARMOND.

Mr. SMITH of California with Mr. FERRIS.

For balance of day:

Mr. CHANEY with Mr. TALBOTT.

Mr. TOWNSEND with Mr. PATTERSON.

Mr. BURTON of Delaware with Mr. FULTON.

Mr. TAYLOR of Ohio with Mr. SIMS.

Mr. LONGWORTH with Mr. COCKRAN.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 124, noes 75.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 138, nays 98, answered "present" 16, not voting 136, as follows:

YEAS—138.

Adair	Burton, Ohio	Darragh	Gaines, W. Va.
Alexander, N. Y.	Butler	Davis, Minn.	Gardner, Mich.
Ames	Campbell	Dawson	Gardner, N. J.
Anthony	Capron	Denby	Gillett
Bannon	Carter	Diekema	Goebel
Barclay	Cary	Douglas	Greene
Bartholdt	Caulfield	Draper	Haggott
Beale, Pa.	Chapman	Driscoll	Hale
Birdsall	Conner	Durey	Hamilton, Mich.
Bonynge	Cook, Pa.	Dwight	Haskins
Boyd	Cooper, Wis.	Englebright	Haugen
Bradley	Cousins	Fordney	Hawley
Brownlow	Crumpacker	Foss	Hay
Burke	Cushman	Foulkrod	Henry, Conn.
Burleigh	Dalzell	Fuller	Higgins

Hill, Conn.	Laning	Mudd	Stafford
Holliday	Law	Murdock	Steenerson
Howell, N. J.	Lindbergh	Needham	Sterling
Howell, Utah	Lovering	Nelson	Sturgiss
Hubbard, Iowa	Lowden	Norris	Sulloway
Hubbard, W. Va.	McCall	Nye	Sulzer
Hull, Iowa	McCreary	Parker, N. J.	Tawney
Humphrey, Wash.	McGavin	Parker, S. Dak.	Taylor, Ala.
James, Addison D.	McGuire	Parsons	Thistlewood
Jones, Wash.	McKinlay, Cal.	Payne	Thomas, Ohio
Kahn	McKinley, Ill.	Perkins	Tirrell
Keifer	McKinney	Pollard	Tou Velle
Kennedy, Iowa	McLachlan, Cal.	Pray	Volstead
Kennedy, Ohio	Malby	Prince	Washburn
Kinkaid	Mann	Reeder	Weeks
Knopf	Marshall	Reynolds	Wilson, Ill.
Knowland	Miller	Rodenberg	Wood
Küstermann	Mondell	Scott	Woodyard
Lamb	Moon, Pa.	Smith, Iowa	
Langley	Mouser	Snapp	

NAYS—98.

Aiken	Garner	Humphreys, Miss.	Rauch
Bartlett, Ga.	Garrett	James, Ollie M.	Reid
Bartlett, Nev.	Gill	Johnson, S. C.	Richardson
Beall, Tex.	Gillespie	Jones, Va.	Robinson
Bell, Ga.	Glass	Keliher	Rothermel
Bowers	Goulden	Kitchin, Claude	Rucker
Brodhead	Granger	Lamar, Mo.	Russell, Mo.
Brundidge	Gregg	Leake	Russell, Tex.
Burleson	Hackett	Lee	Saunders
Byrd	Hackney	Legare	Shackleford
Candler	Hamill	Lever	Sheppard
Carlin	Hamilton, Iowa	Lewis	Sherley
Clark, Mo.	Hamlin	Lloyd	Slayden
Clayton	Hammond	McHenry	Smith, Tex.
Cox, Ind.	Hardwick	Maynard	Sparkman
Cravens	Hardy	Moon, Tenn.	Spight
Crawford	Harrison	Moore, Tex.	Stanley
De Armond	Helm	Murphy	Stephens, Tex.
Denver	Henry, Tex.	Nicholls	Thomas, N. C.
Ellerbe	Hill, Miss.	O'Connell	Watkins
Favrot	Hitchcock	Padgett	Webb
Fitzgerald	Hobson	Page	Wiley
Floyd	Houston	Peters	Williams
Foster, Ill.	Hughes, N. J.	Pou	
Gaines, Tenn.	Hull, Tenn.	Randell, Tex.	

ANSWERING "PRESENT"—16.

Adamson	Ferris	Jenkins	Sims
Bennet, N. Y.	Griggs	Longworth	Smith, Mich.
Currier	Heflin	Macon	Talbott
Dixon	Howland	Rainey	Wanger

NOT VOTING—136.

Acheson	Davey, La.	Huff	Pearre
Alexander, Mo.	Davidson	Hughes, W. Va.	Porter
Allen	Dawes	Jackson	Powers
Andrus	Dunwell	Johnson, Ky.	Pratt
Ansberry	Edwards, Ga.	Kimball	Pujo
Ashbrook	Edwards, Ky.	Kipp	Ransdell, La.
Barchfeld	Ellis, Mo.	Kitchin, Wm. W.	Rhinock
Bates	Ellis, Oreg.	Knapp	Riordan
Bede	Esch	Lafean	Roberts
Bennett, Ky.	Fairchild	Lamar, Fla.	Ryan
Bingham	Fassett	Landis	Sabath
Booher	Finley	Lassiter	Sherman
Boutell	Flood	Lawrence	Sherwood
Brantley	Focht	Lenahan	Slemp
Brick	Fornes	Lilley	Small
Broussard	Foster, Ind.	Lindsay	Smith, Cal.
Brumm	Foster, Vt.	Littlefield	Smith, Mo.
Burgess	Fowler	Livingston	Southwick
Burnett	French	Lorimer	Sperry
Burton, Del.	Fulton	Loud	Stevens, Minn.
Calder	Gardner, Mass.	Loudenslager	Taylor, Ohio
Calderhead	Gilhams	McDermott	Townsend
Caldwell	Godwin	McLain	Underwood
Chaney	Goldfogle	McLaughlin, Mich.	Vreeland
Clark, Fla.	Gordon	McMillan	Waldo
Cockran	Graff	McMorran	Wallace
Cocks, N. Y.	Graham	Madden	Watson
Cole	Gronna	Madison	Weems
Cook, Colo.	Hall	Moore, Pa.	Weisse
Cooper, Pa.	Harding	Morse	Wheeler
Cooper, Tex.	Hayes	Olcott	Willett
Coudrey	Hepburn	Olmsted	Wilson, Pa.
Craig	Hinshaw	Overstreet	Wolf
Davenport	Howard	Patterson	Young

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. WALDO with Mr. BOOHER.

Mr. LITTLEFIELD with Mr. UNDERWOOD.

Mr. GRAFF with Mr. SHERWOOD.

Mr. BRUMM with Mr. MCLAIN.

Mr. SOUTHWICK with Mr. COOPER of Texas.

Mr. VREELAND with Mr. BURNETT.

Mr. HUFF with Mr. BURGESS.

Mr. DAVIDSON with Mr. RANSDELL of Louisiana.

Mr. BEDE with Mr. ALEXANDER of Missouri.

Mr. BATES with Mr. HEFLIN.

Mr. ALLEN with Mr. ASHBROOK.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. PORTER with Mr. JOHNSON of Kentucky.

For balance of day:

Mr. SMITH of Michigan with Mr. GORDON.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GAINES of West Virginia in the chair). The question recurs on the motion of the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. That the House resolve itself into Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The gentleman from Minnesota moves——

Mr. TAWNEY. Now, Mr. Speaker, the previous question was ordered on the motion——

Mr. FITZGERALD. Regular order.

Mr. TAWNEY. To limit debate or close debate.

Mr. WILLIAMS. Mr. Speaker, regular order.

Mr. TAWNEY. And go into Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. The House has closed debate.

Mr. FITZGERALD. It was that motion to close debate that the previous question was demanded upon.

Mr. TAWNEY. The previous question was demanded on both.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY] to go into Committee of the Whole House on the state of the Union——

Mr. WILLIAMS. This is general debate.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Minnesota.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 95, noes 65.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 225, nays 7, answered "present" 16, not voting 140, as follows:

YEAS—225.

Adair	Draper	James, Addison D.	Page
Aiken	Durey	Johnson, S. C.	Parker, N. J.
Alexander, Mo.	Dwight	Jones, Va.	Payne
Alexander, N. Y.	Ellerbe	Jones, Wash.	Perkins
Allen	Englebright	Keifer	Peters
Ames	Esch	Kennedy, Iowa	Pou
Anthony	Favrot	Kennedy, Ohio	Pray
Bannon	Fitzgerald	Kinkaid	Prince
Barclay	Floyd	Kitchin, Claude	Rainey
Bartholdt	Foss	Knopf	Randell, Tex.
Bartlett, Ga.	Foster, Ill.	Knowland	Ransdell, La.
Bartlett, Nev.	Foulkrod	Küstermann	Rauch
Bates	Fowler	Lafean	Reeder
Beale, Pa.	Fuller	Lamb	Reid
Beall, Tex.	Gaines, Tenn.	Langley	Reynolds
Bell, Ga.	Gaines, W. Va.	Law	Richardson
Birdsall	Gardner, Mich.	Lawrence	Roberts
Bonynge	Gardner, N. J.	Leake	Robinson
Bowers	Garner	Lee	Rodenberg
Boyd	Gillett	Legare	Rucker
Brownlow	Glass	Lewis	Russell, Mo.
Brundidge	Goebel	Lindbergh	Russell, Tex.
Burgess	Granger	Longworth	Scott
Burke	Gregg	Loud	Shackleford
Burleigh	Hackett	Lloyd	Sheppard
Burleson	Hackney	Lovering	Sherley
Burnett	Haggott	Lowden	Sherwood
Burton, Ohio	Hale	McCall	Slayden
Butler	Hall	McGuire	Slemp
Byrd	Hamill	McHenry	Smith, Iowa
Caldwell	Hamilton, Iowa	McKinlay, Cal.	Smith, Tex.
Campbell	Hamilton, Mich.	McKinley, Ill.	Southwick
Candler	Hamlin	McKinney	Sperry
Capron	Hammond	McLachlan, Cal.	Spight
Carlin	Hardwick	McLain	Stafford
Caulfield	Hardy	McLaughlin, Mich.	Stanley
Chapman	Haskins	Macon	Steenerson
Clayton	Haugen	Malby	Stephens, Tex.
Conner	Hawley	Mann	Sulloway
Cook, Colo.	Hay	Marshall	Sulzer
Cook, Pa.	Heflin	Maynard	Tawney
Cooper, Tex.	Helm	Miller	Thistlewood
Cooper, Wis.	Henry, Tex.	Mondell	Thomas, N. C.
Cousins	Higgins	Moon, Tenn.	Thomas, Ohio
Cox, Ind.	Hill, Miss.	Moore, Tex.	Tou Velle
Crumpacker	Hitchcock	Morse	Volstead
Cushman	Hobson	Mouser	Washburn
Dalzell	Houston	Mudd	Watkins
Darragh	Howell, Utah	Murdock	Weeks
Davidson	Hubbard, Iowa	Murphy	Williams
Davis, Minn.	Hubbard, W. Va.	Needham	Wilson, Ill.
Dawson	Huff	Nelson	Wood
De Armond	Hughes, N. J.	Nicholls	Woodyard
Denby	Hull, Iowa	Norris	Young
Denver	Hull, Tenn.	Nye	
Diekema	Humphrey, Wash.	O'Connell	
Douglas	Jackson	Padgett	

NAYS—7.

Harrison	James, Ollie M.	Keliher	Rothermel
Humphreys, Miss.	Johnson, Ky.	Lamar, Mo.	

ANSWERED "PRESENT"—16.

Adamson	Craig	Goulden	McGavin
Bennet, N. Y.	Currier	Griggs	Sims
Carter	Dixon	Holliday	Wanger
Cary	Ferris	Jenkins	Webb

NOT VOTING—140.

Acheson	Edwards, Ky.	Hughes, W. Va.	Powers
Andrus	Ellis, Mo.	Kahn	Pratt
Ansberry	Ellis, Oreg.	Kimball	Pujo
Ashbrook	Fairchild	Kipp	Rhinock
Barchfeld	Fassett	Kitchin, Wm. W.	Riordan
Bede	Finley	Knapp	Ryan
Bennett, Ky.	Flood	Lamar, Fla.	Sabath
Bingham	Focht	Landis	Saunders
Booher	Fordney	Laning	Sherman
Boutell	Fornes	Lassiter	Small
Bradley	Foster, Ind.	Lenahan	Smith, Cal.
Brantley	Foster, Vt.	Lever	Smith, Mich.
Brick	French	Lilley	Smith, Mo.
Brodhead	Fulton	Lindsay	Snapp
Broussard	Gardner, Mass.	Littlefield	Sparkman
Brumm	Garrett	Livingston	Sterling
Burton, Del.	Gilhams	Lorimer	Stevens, Minn.
Calder	Gill	Loudenslager	Sturgiss
Calderhead	Gillespie	McCreary	Talbott
Chaney	Godwin	McDermott	Taylor, Ala.
Clark, Fla.	Goldfogle	McMillan	Taylor, Ohio
Clark, Mo.	Gordon	McMorran	Tirrell
Cockran	Graff	Madden	Townsend
Cocks, N. Y.	Graham	Madison	Underwood
Cole	Greene	Moon, Pa.	Vreeland
Cooper, Pa.	Gronna	Moore, Pa.	Waldo
Coudrey	Harding	Olcott	Wallace
Cravens	Hayes	Olmsted	Watson
Crawford	Henry, Conn.	Overstreet	Weems
Davenport	Hepburn	Parker, S. Dak.	Weisse
Davey, La.	Hill, Conn.	Parsons	Wheeler
Dawes	Hinshaw.	Patterson	Wiley
Driscoll	Howard	Pearre	Willett
Dunwell	Howell, N. J.	Pollard	Wilson, Pa.
Edwards, Ga.	Howland	Porter	Wolf

So the motion to go into the Committee of the Whole House on the state of the Union was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. POLLARD with Mr. LEVER.

Mr. MCGAVIN with Mr. WEBB.

On this vote:

Mr. MOON of Pennsylvania with Mr. SPARKMAN.

Mr. DAWES with Mr. LLOYD.

Mr. COCKS of New York with Mr. GILLESPIE.

Mr. CALDER with Mr. GILL.

Mr. COLE with Mr. GARRETT.

Mr. GRAFF with Mr. CRAWFORD.

Mr. BRUMM with Mr. CRAVENS.

Mr. VREELAND with Mr. CLARK of Missouri.

Mr. BEDE with Mr. BRODHEAD.

Mr. LITTLEFIELD with Mr. UNDERWOOD.

Mr. WALDO with Mr. BOOHER.

Mr. STERLING with Mr. ASHBROOK.

Mr. KAHN with Mr. CARTER.

Mr. HOLLIDAY with Mr. WILEY.

Mr. BENNETT of Kentucky with Mr. TAYLOR of Alabama.

Mr. MAYNARD. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER pro tempore (Mr. GAINES of West Virginia). The gentleman is not recorded.

Mr. MAYNARD. I desire to vote.

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. MAYNARD. I was present and listening and did not hear my name called.

The SPEAKER pro tempore. Call the gentleman.

The name of Mr. MAYNARD was called and he voted "aye."

The result of the vote was then announced, as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Senate amendments to the bill (H. R. 19955), the urgent deficiency bill. By order of the House, general debate on this bill and Senate amendments is closed.

Mr. TAWNEY. I ask the Clerk to read the first Senate amendment.

The Clerk read as follows:

WAR DEPARTMENT.

Pay of the Army: "For mileage to officers and contract surgeons when authorized by law, $50,000."

Mr. FITZGERALD. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, the deficiency in the annual appropriation——

Mr. GAINES of Tennessee. A parliamentary inquiry.

The CHAIRMAN. The gentleman will suspend. The gentleman will state his parliamentary inquiry.

Mr. GAINES of Tennessee. I do not want to block anything, but if there is going to be any debate, I think that we should have it on both sides.

The CHAIRMAN. The gentleman will suspend.

Mr. GAINES of Tennessee. There has been no debate on the Senate amendment.

The CHAIRMAN. Gentlemen will suspend. Under order of the House general debate upon the Senate amendments is ended; but the committee is entitled to debate under the five-minute rule upon a motion either for concurrence or nonconcurrence in the Senate amendments.

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. Will the gentleman please state his motion?

Mr. TAWNEY. I simply want to state——

Mr. FITZGERALD. I rise to a question of order. If the gentleman has the floor he must submit a motion. I rise for the purpose of making a motion.

Mr. TAWNEY. I was about to make a motion that all debate on the Senate amendment just read be closed in five minutes.

Mr. FITZGERALD. I make the point of order that that motion is not now in order.

The CHAIRMAN. The gentleman can not make that motion until five minutes' debate.

Mr. TAWNEY. I have already debated the amendment.

SEVERAL MEMBERS. Oh, no!

Mr. TAWNEY. I move that the House recommend concurrence in the Senate amendment.

The CHAIRMAN. The gentleman moves that the House concur in the Senate amendment.

Mr. FITZGERALD. I rise to make a preferential motion. I move that the House concur in the Senate amendment with an amendment striking out "fifty" and inserting "forty," so that it will read "$40,000," and upon that I wish to be heard.

The CHAIRMAN. The gentleman will send his motion in writing to the Clerk's desk to be read.

Mr. FITZGERALD. I move to concur in the Senate amendment with an amendment striking out "fifty thousand" and inserting "forty thousand."

The CHAIRMAN. The Chair can not wait too long. The gentleman must have his amendment ready.

Mr. FITZGERALD. Well, I have the amendment.

The CHAIRMAN. The gentleman will send his amendment to the Clerk's desk.

Mr. FITZGERALD. It is to strike out "fifty" and insert "forty."

Mr. HULL of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Iowa will state his parliamentary inquiry.

Mr. HULL of Iowa. Does not a motion to concur, which will bring the two Houses together, take precedence over a motion to concur with an amendment?

The CHAIRMAN. The Chair thinks the motion to concur with an amendment takes precedence.

Mr. FITZGERALD. There is no disagreement here.

The CHAIRMAN. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

Concur with an amendment striking out the word "fifty" and inserting in lieu thereof "forty."

Mr. FITZGERALD. The object of this amendment is, if possible, to put a stop to a very improper practice that has been initiated by the President of the United States. This amendment of the Senate carries $10,000 for the purpose of supplying a deficiency in the mileage of the Army, caused by the extraordinary so-called "horseback tests," to which the Army officers were subjected during the past year. I have in mind a case where a distinguished officer in the Engineer Corps, stationed at the city of New York in charge of harbor work, was ordered by a strenuous Executive to take this 15-mile ride. This gentleman happens to weigh something over 300 pounds. [Laughter.] He is engaged entirely in engineering work. When he is not sitting in his chair in his office, he is being carried about the harbor of New York in a boat. [Laughter.] And yet in order to determine whether he was qualified to perform the duties of his office, a strenuous President, pictures of whom seated on a horse leaping barriers have been circulated throughout the country—pictures taken by placing the camera upon the ground, so as to emphasize the height of the jump [laughter]—directed this man to go to the place appointed and if possible emulate if not outdo him in horseback riding tests. I wish I had or could use the correspondence that I am informed is on file in the War Department on this question of compelling this officer to take this test. I have been informed that the officer, when asked if he thought he could stand the ride, replied that he could, but he was not so sure about the horse. [Laughter.]

What folly! Not only do we now put surgeons in command of ships, but we make them ride horses in order to find out if they are qualified physicians. Not only do engineer officers pass examinations to see if they are qualified to conduct the ordinary engineering operations, but they must be so skilled in horseback riding that they will outdo the most proficient of that distinguished military organization known as the "Rough Riders." [Laughter.]

Mr. Chairman, I should have liked yesterday if my colleague had been in good humor, to have discussed another subject not particularly germane to this paragraph, but affecting to some extent the Chief Executive of the Union. I am inclined to believe that my colleague from New York had some information that I had a seething speech buried within my vitals upon the subject of the Chief Executive, and to prevent me being relieved of that speech he conducted a seven-hour filibuster.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for five minutes.

Mr. TAWNEY. Mr. Chairman, I must object, and I move that all debate on the amendment, and amendments thereto, be closed in two minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate upon the pending Senate amendments and the amendments thereto be closed in two minutes.

The motion was agreed to.

Mr. TAWNEY. I yield the two minutes to the gentleman from New York. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I wish that my speech were a two-minute speech, but it would be impossible to do justice to the things I had in mind. But I wish now to call the attention of the House to this fact, that yesterday, during the excitement of the proceedings, I moved to strike out one of the paragraphs of the resolution introduced by the gentleman from New York [Mr. PAYNE] to distribute the President's message.

I have read that message carefully, the message of January 31, and I have been unable to find any reference in it to the election of the President or Vice-President or Representatives in Congress. I wished to criticise at some length the attitude of the President of the United States, his insincerity and his hypocrisy, regarding the publication of campaign contributions, and it was upon the motion to strike out that paragraph that my remarks would have been made. I think that my colleague should either read these messages himself when he prepares such resolutions or else he should be sure that the men who read them for him will read them knowingly and intelligently, and know what is in the message when preparing his resolution of distribution.

Mr. Chairman, of course I do not hope to have the motion offered by me adopted. I know that the President, as Commander in Chief of the Army, can order these rides, can coerce officers into taking them, can put upon the retired list, and thus make an unnecessary additional burden to the people the men well qualified to perform duties required of them. If this practice is to be extended, just think of the spectacle that will be presented when the President will command my distinguished colleague, the Republican leader, to mount a horse, go to Chevy Chase, and on horseback emulate him over the steeplechase course. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I withdraw the motion that I made.

The CHAIRMAN. The question now is on the motion offered by the gentleman from Minnesota, to concur in the Senate amendments.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Page 2, after line 14, insert:

DISTRICT OF COLUMBIA.

Police court: For fuel, gas, laundry work, stationery, printing, preservation of records, mops, brooms, buckets, removal of ashes and refuse, telephone service, and all other incidental expenses not otherwise provided for, $500.

Mr. TAWNEY. Mr. Chairman, I move that the Committee of the Whole House on the state of the Union recommend concurrence in the Senate amendment.

The CHAIRMAN. The gentleman from Minnesota moves that the Committee of the Whole House on the state of the Union recommend concurrence in the Senate amendment.

Mr. SHERLEY. Mr. Chairman, that is not in order. I understood the gentleman to couple with it the motion shutting off debate.

The CHAIRMAN. The gentleman did not make that motion.

Mr. TAWNEY. Mr. Chairman, I will state that the Senate amendment involves a deficiency of $5,000——

Mr. GAINES of Tennessee. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GAINES of Tennessee. We have agreed to shut off debate and made a rule that debate is not in order.

The CHAIRMAN. The committee agreed to close debate on the first Senate amendment. This is the second Senate amendment.

Mr. TAWNEY. Mr. Chairman, the purpose of the amendment is to supply a small deficiency in the supplies and fuel for the police department of the District of Columbia. I do not think further explanation or discussion is necessary, and I move that all debate on this Senate amendment be closed in three minutes.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question. Who is responsible for this deficiency?

Mr. TAWNEY. The police department of the District of Columbia is responsible to a certain extent in that they did not, it seems, contemplate all of the expenditures in the estimates that would be necessary for the fiscal year.

Mr. CLARK of Missouri. Are these persons amenable to that celebrated statute you had passed making it a criminal offense to create a deficiency?

Mr. TAWNEY. They are not.

Mr. CLARK of Missouri. Why not?

Mr. TAWNEY. Because this is not one of the appropriations that is included in the antideficiency statute.

Mr. GAINES of Tennessee. Why was this omitted from the statute?

Mr. TAWNEY. Mr. Chairman, I move that all debate upon this amendment and the amendments thereto be closed in two minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending Senate amendment and amendments thereto be closed in two minutes.

The question was taken, and the motion was agreed to.

Mr. CARLIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Concur with the following amendment: "That the Secretary of the Navy shall not use any portion of the sum appropriated for armor and armament until all the men now under furlough at the Washington Navy-Yard be restored to work.

Mr. TAWNEY. Mr. Chairman, while I sympathize with the embarrassment of the gentleman from Virginia on account of the attitude of his side of the House toward the passage of this bill, the appropriation of $2,000,000 for armor and armament is not before the Committee of the Whole House on the state of the Union, and the amendment is not germane. I therefore make a point of order.

The CHAIRMAN. The Senate amendment which is now before the House for consideration relates to the police court of the District of Columbia. In the opinion of the Chair, the amendment offered by the gentleman from Virginia in relation to the manufacture of armor is not germane to an amendment relating to the police court in the District of Columbia, and the Chair sustains the point of order.

Mr. CARLIN. Mr. Chairman, I think the Chair must have misread what I sent to the desk. It must be some other paper he has read from. Perhaps it is some irrelevant matter at the head of the paper which I sent to the desk. I should like to have the Chair have read the amendment that I intended to be read.

The CHAIRMAN. The amendment which the gentleman heard read by the Clerk was an amendment relating to armor and the Secretary of the Navy.

Mr. CARLIN. Yes.

The CHAIRMAN. It has no relation whatever to supplies in the police court.

Mr. CARLIN. Are we discussing the question of supplies in the police court?

The CHAIRMAN. Yes. The question is on the motion of the gentleman from Minnesota——

Mr. CARLIN. Mr. Chairman, have I not two minutes in which to discuss that motion?

The CHAIRMAN. The two minutes have expired.

Mr. CARLIN. But I have not had any time.

The CHAIRMAN. Those in favor of the motion of the gentleman from Minnesota will say "aye"——

Mr. SHERLEY. Mr. Chairman, I rise to a point of order. The time in which debate was to close can not be considered as having expired while the committee has been engaged in the discussion of a point of order. The Chair does not mean to make any such rule as that, I am sure. I insist that the gentleman from Virginia [Mr. CARLIN] is entitled to two minutes in which to discuss the motion before the committee.

Mr. CARLIN. I do not care to ask for any time, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that the committee recommend that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will read the next Senate amendment.

The Clerk read as follows:

Page 2, after line 14, insert:
"Garfield Hospital: For additional amount required for isolating ward for minor contagious diseases at Garfield Hospital, $2,000."

Mr. TAWNEY. Mr. Chairman, I move that the committee recommend that the House concur in the Senate amendment just read.

Mr. FITZGERALD. Mr. Chairman, I wish to acquire information for people who have asked me recently whether when these amendments are concurred in by the House and this bill is signed the Secretary of the Navy will put back to work the 250 men laid off for ninety days on the 1st of April?

Mr. TAWNEY. I will state that what the Secretary of the Navy may do after he gets this appropriation is not within my province to state. I do not know. I only know what he said when before the committee he would do in the event the appropriation was granted.

In regard to the amendment, Mr. Chairman, that is now under consideration, I have a letter from the Commissioners of the District and also one from one of the trustees of the Garfield Hospital, showing the necessity for this deficiency appropriation of $2,000 on account of maintaining the isolating ward in that institution during the balance of the current fiscal year. The hospital authorities in replying to the request of the Commissioner for information state that at present that deficiency appropriation is not only needed, as shown by the accompanying statement, but that the funds provided for the maintenance of the isolating ward are about exhausted and that immediate relief is necessary.

Mr. Chairman, I now move to close all debate on the pending Senate amendment and amendments thereto, unless some gentleman desires a minute or two.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that all debate on the pending Senate amendment and amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from Minnesota that the committee recommend concurrence in the Senate amendment.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 2, after line 14, insert:
"One-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated."

Mr. TAWNEY. Mr. Chairman, I move that the committee recommend concurrence in the amendment just read.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman a question. What was the necessity of this? Is not this a part of the general law, anyway?

Mr. TAWNEY. No; it is not.

Mr. WILLIAMS. To what part of the expenditures does this refer?

Mr. TAWNEY. It refers to the $500 appropriated to supply a deficiency in the appropriation for fuel and supplies for the police department, and $2,000 for the Garfield Hospital for the maintenance of the isolating ward. When appropriations like this are made, unless this provision is carried, the money would all be paid out of the Treasury instead of half out of the Treasury and half out of the revenues of the District.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that the committee recommend concurrence in the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. TAWNEY. Mr. Chairman, that is the last of the Senate amendments, and I move that the committee do now rise and report the amendments of the Senate to the House, with the recommendation of the committee that the House concur in the Senate amendments.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to ask the gentleman, before we get out of the committee, what is the cause of this deficiency in armor? Why is it? We have it every year

Mr. TAWNEY. Mr. Chairman, I do not know where the gentleman from Tennessee was when the urgent deficiency bill passed the House. The matter was fully gone into at that time, and there has been so much unnecessary delay in the passage of these Senate amendments to-day that I do not care to take up time with any further explanations.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. Mr. Chairman, I would like the gentleman to yield to me for a minute and I will tell where I was and what I was doing.

Mr. TAWNEY. I have not the time to yield.

The CHAIRMAN. Debate can proceed only by unanimous consent. The question is on the motion of the gentleman from Minnesota that the committee do now rise and report the amendments of the Senate to the House, with the recommendation that the Senate amendments be concurred in.

The question was taken, and the motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19955, the urgent deficiency bill, with Senate amendments thereto, and had directed him to report the same back to the House with the recommendation that the House concur in the Senate amendments.

The SPEAKER. Is there objection to taking the vote upon these amendments en bloc? [After a pause.] The Chair hears none. The question is on concurring in the Senate amendments.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, upon that I desire a yea-and-nay vote.

The yeas and nays were ordered.

The question was taken, and there were—yeas 236, answered "present" 15, not voting 137, as follows:

YEAS—236.

Adair	Cushman	Hay	Lindbergh
Aiken	Dalzell	Heflin	Lloyd
Alexander, Mo.	Dawson	Helm	Lovering
Alexander, N. Y.	De Armond	Henry, Conn.	Lowden
Allen	Denby	Henry, Tex.	McCall
Ames	Denver	Higgins	McCreary
Bannon	Diekema	Hill, Conn.	McGuire
Barclay	Draper	Hill, Miss.	McKinlay, Cal.
Bartholdt	Durey	Hitchcock	McKinley, Ill.
Bartlett, Ga.	Dwight	Hobson	McKinney
Bartlett, Nev.	Ellis, Mo.	Holliday	McLachlan, Cal.
Bates	Englebright	Houston	McLain
Beale, Pa.	Esch	Howell, N. J.	McLaughlin, Mich.
Beall, Tex.	Favrot	Howell, Utah	Macon
Bede	Fitzgerald	Hubbard, Iowa	Malby
Bell, Ga.	Floyd	Hubbard, W. Va.	Mann
Bennet, N. Y.	Foss	Huff	Marshall
Birdsall	Foster, Ill.	Hughes, N. J.	Maynard
Bonynge	Foulkrod	Hull, Iowa	Miller
Booher	Fowler	Hull, Tenn.	Mondell
Bowers	Fuller	Humphrey, Wash.	Moore, Tex.
Boyd	Gaines, Tenn.	Humphreys, Miss.	Morse
Brodhead	Gaines, W. Va.	Jackson	Mouser
Brownlow	Gardner, Mich.	James, Addison D.	Mudd
Brundidge	Gardner, N. J.	Johnson, Ky.	Murdock
Burgess	Garner	Johnson, S. C.	Murphy
Burleigh	Garrett	Jones, Va.	Needham
Burleson	Gillespie	Jones, Wash.	Nelson
Burnett	Gillett	Kahn	Norris
Burton, Ohio	Glass	Keifer	Nye
Butler	Goebel	Keliher	O'Connell
Caldwell	Granger	Kennedy, Iowa	Padgett
Campbell	Greene	Kennedy, Ohio	Page
Candler	Gregg	Kimball	Parker, N. J.
Capron	Hackett	Kinkaid	Parsons
Carlin	Hackney	Kitchin, Claude	Payne
Carter	Haggott	Knopf	Perkins
Cary	Hale	Knowland	Peters
Caulfield	Hall	Küstermann	Pou
Chapman	Hamill	Lafean	Pray
Clark, Mo.	Hamilton, Iowa	Lamar, Mo.	Prince
Conner	Hamilton, Mich.	Lamb	Rainey
Cook, Colo.	Hamlin	Langley	Randell, Tex.
Cook, Pa.	Hammond	Laning	Ransdell, La.
Cooper, Tex.	Hardwick	Law	Reeder
Cooper, Wis.	Hardy	Lawrence	Reid
Cousins	Harrison	Leake	Reynolds
Cox, Ind.	Haskins	Lee	Richardson
Crawford	Haugen	Legare	Robinson
Crumpacker	Hawley	Lewis	Rodenberg

Rothermel	Slayden	Sturgiss	Washburn
Rucker	Smith, Tex.	Sulloway	Watkins
Russell, Mo.	Snapp	Sulzer	Weeks
Russell, Tex.	Southwick	Tawney	Wiley
Saunders	Sperry	Thistlewood	Williams
Scott	Stafford	Thomas, N. C.	Wilson, Ill.
Sheppard	Stanley	Tou Velle	Wood
Sherley	Steenerson	Volstead	Woodyard
Sherwood	Stephens, Tex.	Vreeland	Young

ANSWERED "PRESENT"—15.

Adamson	Davis, Minn.	Goulden	Sims
Ashbrook	Dixon	Howland	Smith, Mich.
Clayton	Douglas	Jenkins	Talbott
Craig	Ferris	McHenry	

NOT VOTING—137.

Acheson	Edwards, Ky.	Landis	Riordan
Andrus	Ellerbe	Lassiter	Roberts
Ansberry	Ellis, Oreg.	Lenahan	Ryan
Anthony	Fairchild	Lever	Sabath
Barchfeld	Fassett	Lilley	Shackleford
Bennett, Ky.	Finley	Lindsay	Sherman
Bingham	Flood	Littlefield	Slemp
Boutell	Focht	Livingston	Small
Bradley	Fordney	Longworth	Smith, Cal.
Brantley	Fornes	Lorimer	Smith, Iowa
Brick	Foster, Ind.	Loud	Smith, Mo.
Broussard	Foster, Vt.	Loudenslager	Sparkman
Brumm	French	McDermott	Spight
Burke	Fulton	McGavin	Sterling
Burton, Del.	Gardner, Mass.	McMillan	Stevens, Minn.
Byrd	Gilhams	McMorran	Taylor, Ala.
Calder	Gill	Madden	Taylor, Ohio
Calderhead	Godwin	Madison	Thomas, Ohio
Chaney	Goldfogle	Moon, Pa.	Tirrell
Clark, Fla.	Gordon	Moon, Tenn.	Townsend
Cockran	Graff	Moore, Pa.	Underwood
Cocks, N. Y.	Graham	Nicholls	Waldo
Cole	Griggs	Olcott	Wallace
Cooper, Pa.	Gronna	Olmsted	Wanger
Coudrey	Harding	Overstreet	Watson
Cravens	Hayes	Parker, S. Dak.	Webb
Currier	Hepburn	Patterson	Weems
Darragh	Hinshaw	Pearre	Weisse
Davenport	Howard	Pollard	Wheeler
Davey, La.	Hughes, W. Va.	Porter	Willett
Davidson	James, Ollie M.	Powers	Wilson, Pa.
Dawes	Kipp	Pratt	Wolf
Driscoll	Kitchin, Wm. W.	Pujo	
Dunwell	Knapp	Rauch	
Edwards, Ga.	Lamar, Fla.	Rhinock	

So the Senate amendments were concurred in.

The Clerk announced the following additional pairs:

On this vote:

Mr. CALDER with Mr. GILL.

Mr. DAWES with Mr. LLOYD.

Mr. BENNETT of Kentucky with Mr. TAYLOR of Alabama.

Mr. BURKE with Mr. BYRD.

Mr. PARKER of South Dakota with Mr. MOON of Tennessee.

Mr. ROBERTS with Mr. RAUCH.

Mr. FOCHT with Mr. NICHOLLS.

Mr. DARRAGH with Mr. SPARKMAN.

Mr. LITTLEFIELD with Mr. CLAYTON.

Mr. WALDO with Mr. UNDERWOOD.

For balance of the day:

Mr. DAVIS of Minnesota with Mr. SHACKLEFORD.

Mr. MOON of Pennsylvania with Mr. ELLERBE.

Mr. STERLING with Mr. ASHBROOK.

Until further notice:

Mr. BRUMM with Mr. CRAVENS.

For this session:

Mr. WANGER with Mr. ADAMSON.

Mr. BENNET of New York. Mr. Speaker, I have a general pair with my colleague from New York, Mr. FORNES. If my colleague were here, he would vote "aye." My own views are that way, and I have therefore voted on this roll call.

Mr. HOLLIDAY. Mr. Speaker, I desire to change my vote. The gentleman with whom I am paired [Mr. WILEY] is here.

The SPEAKER. Call the gentleman's name.

Mr. HOLLIDAY's name was called, and he answered "aye."

Mr. CLAYTON. Mr. Speaker, I voted on the roll call. I desire to withdraw my vote. I paired with the gentleman from Maine, Mr. LITTLEFIELD.

The SPEAKER. Call the gentleman's name.

Mr. CLAYTON's name was called, and he answered "present."

Mr. ADAMSON. Mr. Speaker, the gentleman with whom I am paired did not answer, and I wish to change my vote.

The SPEAKER. Call the gentleman's name.

Mr. ADAMSON's name was called, and he answered "present."

The result of the vote was announced as above recorded.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately on the adoption of this rule the House shall, without further motion, resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20063, a bill making appropriations for the District of Columbia; the first reading of the bill shall be dispensed with; and then, after two hours of general debate (the time to be equally divided between the majority and minority), the bill shall be considered under the five-minute rule.

Mr. DALZELL. The purpose of this resolution, Mr. Speaker, is to expedite the public business——

Mr. DE ARMOND. Mr. Speaker, I rise to a point of order. Yesterday, on the request of the gentleman from Michigan [Mr. GARDNER], the House, by unanimous consent, fixed eight hours of debate upon this District of Columbia bill, and I make the point of order that what the House by unanimous consent has done can not be undone by report of the Committee on Rules or by the proposed action of the House if it be the action of but a majority. I would ask the Clerk to read the paragraph on page 4461 of the RECORD.

Mr. DALZELL. The very purpose of this resolution is to get rid of that order.

Mr. DE ARMOND. The point I make is that you can not, by a majority or by anything except unanimous consent or a unanimous vote, get rid of something done by the House by unanimous consent. That is the point I make upon the rule, and in order that I may be understood, Mr. Speaker, I would like to have the Clerk read the paragraph.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 20063) making appropriations for the District of Columbia for the ensuing fiscal year, and, pending that motion, I ask unanimous consent that eight hours be allowed for general debate, half of the time to be controlled by the gentleman from Texas [Mr. BURLESON], the ranking member of the minority, and the other half by myself.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the District of Columbia appropriation bill, and, pending that motion, asks unanimous consent that general debate may be limited to eight hours, one-half to be controlled by himself and one-half by the gentleman from Texas [Mr. BURLESON]. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the motion of the gentleman from Michigan.

The question was taken, and the motion was not agreed to.

Mr. DE ARMOND. Now, I make the point of order, Mr. Speaker, that the time of debate having been settled by unanimous consent it can not be settled otherwise by the adoption of a rule unless the rule be adopted unanimously, or unless by the unanimous consent of the House upon request.

The SPEAKER. Does the gentleman hold that what the House does it can not undo?

Mr. DE ARMOND. No; he does not hold that, but he holds that what the House does unanimously the Committee on Rules can not undo, and that can not be undone except by unanimous action of the House. And for one I am opposed to the adoption of the rule, and therefore it can not be unanimous.

The SPEAKER. Does the gentleman think that the unanimous consent given yesterday by the House is of any higher dignity than the vote which has just been announced, namely, 232 yeas to no nays?

Mr. DE ARMOND. No; I do not think that. The point I am making is this, that a proposition to undo by virtue of a rule or in any other way what the House itself has done by unanimous consent can not be entertained if anybody makes a point of order or anybody objects. In making the point of order I object, of course.

The SPEAKER. The Chair is ready to rule, and overrules the point of order. The Chair does not assent to the proposition that what the House may do to-day may not be undone to-morrow. Even to the matter of where there was a vote of 232, which has just been given in the affirmative, and none in the negative, it is quite competent for the House, if it should desire to do so in a proper way, to reverse its action. The Chair overrules the point of order.

Mr. DE ARMOND. Mr. Speaker, I would like to make a parliamentary inquiry in order to understand the position of the Chair. If I understood the Chair, then, the ruling is, that by unanimous vote the House can undo with reference to this matter what it did by unanimous consent yesterday?

The SPEAKER. The House, under the Constitution, can do anything by a majority vote.

Mr. DE ARMOND. Let me ask the Speaker about that, because I would like to understand it if I can. Does the Speaker hold that the House, by a majority vote, can undo what the House by a unanimous consent has established with reference to a particular matter?

The SPEAKER. Yes; it can if the motion is properly made and a majority of the House, a quorum being present, should conclude to undo it.

Mr. DE ARMOND. Now, let me ask the Speaker this: Suppose that immediately after that had been settled by unanimous consent, or five or ten minutes after, there had been a motion made that debate be limited to two hours instead of the eight hours agreed upon, would the Speaker say that a majority of the House could negative the rule established by unanimous consent?

The SPEAKER. It has to be done under a rule, and such motion would not be in order under the rules as they stand, but under the Constitution the House can make its rules and regulations, and change them, or amend them; and this, as the rules provide, is a report from the Committee on Rules, which is a privileged committee, and proposes to the House not only to do away with the unanimous consent, but to impose other terms that would exist under the rules as we now have them; and the very object of the organization of the House, with a Committee on Rules with that privilege, is to give the House an *opportunity* to do anything in the event the House, proceeding in an orderly way, desires so to do. [Applause on the Republican side.]

Mr. DE ARMOND. Mr. Speaker, I would like to appeal from the ruling of the Chair, not captiously, but because I think it wrong.

The SPEAKER. The gentleman can hardly appeal from an answer to a parliamentary inquiry.

Mr. DE ARMOND. I would like to appeal from the ruling of the Chair on the point of order.

Mr. DALZELL. Too late.

The SPEAKER. The Chair settled the point of order; there was no appeal taken; and then the gentleman, after that matter was concluded, made a parliamentary inquiry; and the gentleman in his very interesting manner, and the Chair, to the best of the Chair's ability, in an uninteresting manner, have been holding a private conversation. [Laughter and applause.]

Mr. DE ARMOND. Mr. Speaker, it is very interesting when the Chair decides that a majority can undo what was done unanimously. That is a very interesting proposition.

The SPEAKER. The gentleman from Pennsylvania.

Mr. DALZELL. Mr. Speaker, I think the Speaker might have added as an additional reason for his ruling that this House has gone out of the unanimous-consent business. Now, the object and purpose of this rule is to expedite the public business. It is to enable the House to go into Committee of the Whole by one roll call, and it is to provide also that it shall not be necessary that the bill be read at length, and that there shall be general debate of two hours only. I do not believe I need say anything to the House in justification of this rule. The antics of gentlemen on the other side yesterday and today demonstrate that, absolutely powerless to enact any legislation themselves, they are intending to obstruct and prevent legislation upon the part of the majority. I do not deny, Mr. Speaker, the right of the minority—the constitutional right of the minority—to perform in this manner. They have the right to spend the public time in roll calls because the Constitution has given them that right; but equally, on the other side, exists the right of the majority, charged with legislation, to put into force all its power, all the power that it has, to carry into execution its will. [Loud applause on the Republican side.] I think we will be able to demonstrate from this time out not only that the minority shall not enact any legislation, but that the legislation of the majority will be such as the majority desires to pass, in its own way, and at its own time, by exercise of the rules of this House. [Loud applause on the Republican side.] I now demand the previous question.

Mr. WILLIAMS. I want to ask the gentleman a question.

Mr. BURLESON. I want to ask the gentleman a question.

Mr. DALZELL. Mr. Speaker, I insist upon the previous question. [Loud applause on the Republican side.]

Mr. WILLIAMS. I would like to ask the gentleman a question. The gentleman took part of his time before demanding the previous question. If he will yield that much time to this side——

Mr. NORRIS. I would like to ask the gentleman from Pennsylvania if this general debate must be on the bill?

Mr. DALZELL. In general debate; not necessarily on the bill.

Mr. NORRIS. I would like to ask the gentleman if he would not be willing to yield to a motion to make it on the bill.

Mr. DALZELL. Oh, no.

Mr. WILLIAMS. I would like to ask the gentleman a question.

Mr. BURLESON. On yesterday we entered into a solemn agreement that we should have eight hours of debate. That time has been parceled out——

Mr. MANN. It has been wasted on that side.

Mr. BURLESON. By fair and square deal we ought to have that time.

Mr. MANN. It has been wasted on that side.

Mr. DALZELL. The time of the gentleman on the other side has already been more than wasted by useless roll calls. [Great applause on the Republican side.]

Mr. GAINES of Tennessee. And that side has wasted three months doing nothing, and very little of that.

Mr. WILLIAMS. Mr. Speaker, I ask the gentleman from Pennsylvania to yield for a question.

Mr. DALZELL. I decline to yield, and insist upon the previous question.

Mr. WILLIAMS. I merely wanted to ask if you would give the same time as you have occupied yourself.

(Cries of "Regular order!")

The SPEAKER. The gentleman demands the previous question.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

The House divided, and there were—ayes 150, noes 95.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

Mr. PAYNE. I make the point of order that that is dilatory after the decided vote we have had.

Mr. WILLIAMS. What is the point of order?

Mr. PAYNE. That it is simply dilatory after the vote we have had.

The SPEAKER. The Chair will ask the gentleman from Mississippi and let the gentleman himself determine. Does the gentleman consider his demand as a dilatory proceeding? [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I shall not attempt to usurp the place to which you have been elected. [Laughter.] I will merely reply that it seems curious to me that any intellect, even that of the gentleman from New York, should consider an effort to postpone, even for a short while, an attempt to gag a whole party as being solely dilatory. If there is any parliamentary self-defense under God's law it is that. I ask for tellers, Mr. Speaker.

The SPEAKER. As the preponderance of the vote was so large in favor of the proposition, and as the gentleman from Mississippi declines to state what the Chair, with a very ordinary intellect, as it seems to the Chair, is able to realize, the Chair feels that he is authorized to sustain the point of order. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, I now ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 140, nays 109, answered "present" 13, not voting 126, as follows:

YEAS—140.

Adair	Douglas	Hull, Iowa	Morse
Alexander, N. Y.	Draper	Humphrey, Wash.	Mouser
Allen	Driscoll	Jackson	Mudd
Ames	Durey	James, Addison D.	Needham
Bannon	Dwight	Jones, Wash.	Norris
Barclay	Ellis, Mo.	Kahn	Nye
Bartholdt	Ellis, Oreg.	Keifer	Parker, N. J.
Bates	Englebright	Kennedy, Iowa	Parsons
Beale, Pa.	Esch	Kennedy, Ohio	Payne
Bede	Focht	Kinkaid	Perkins
Birdsall	Fordney	Knopf	Pray
Bonynge	Foss	Küstermann	Prince
Boyd	Foulkrod	Lafean	Reeder
Brownlow	Fowler	Langley	Reynolds
Burleigh	Fuller	Laning	Roberts
Burton, Ohio	Gaines, W. Va.	Law	Rodenberg
Butler	Gardner, Mich.	Lawrence	Scott
Campbell	Gillett	Lilley	Slemp
Capron	Goebel	Lindbergh	Snapp
Cary	Greene	Loud	Southwick
Caulfield	Hale	Lovering	Sperry
Chapman	Hall	Lowden	Stafford
Conner	Hamilton, Mich.	McCall	Steenerson
Cook, Colo.	Haskins	McCreary	Sturgiss
Cook, Pa.	Haugen	McGuire	Sulloway
Cooper, Wis.	Hawley	McKinlay, Cal.	Tawney
Cousins	Henry, Conn.	McKinley, Ill.	Taylor, Ohio
Crumpacker	Higgins	McKinney	Thomas, Ohio
Cushman	Hill, Conn.	McLachlan, Cal.	Tirrell
Dalzell	Holliday	McLaughlin, Mich.	Volstead
Darragh	Howell, N. J.	Madison	Washburn
Davidson	Howell, Utah	Malby	Wilson, Ill.
Dawson	Hubbard, Iowa	Mann	Wood
Denby	Hubbard, W. Va.	Marshall	Woodyard
Dickema	Huff	Miller	Young

NAYS—109.

Aiken	Fitzgerald	Humphreys, Miss.	Rauch
Alexander, Mo.	Floyd	Johnson, Ky.	Reid
Bartlett, Ga.	Foster, Ill.	Johnson, S. C.	Richardson
Bartlett, Nev.	Garner	Jones, Va.	Robinson
Beall, Tex.	Garrett	Keliher	Rothermel
Bell, Ga.	Gill	Lamar, Mo.	Rucker
Booher	Gillespie	Lamb	Russell, Mo.
Bowers	Glass	Leake	Russell, Tex.
Brodhead	Granger	Lee	Saunders
Brundidge	Gregg	Legare	Sheppard
Burgess	Hackney	Lewis	Sherley
Burleson	Hamill	Lloyd	Sherwood
Burnett	Hamilton, Iowa	McHenry	Sims
Byrd	Hamlin	McLain	Slayden
Caldwell	Hammond	Macon	Smith, Tex.
Candler	Hardwick	Maynard	Sparkman
Carlin	Hardy	Moon, Tenn.	Spight
Carter	Harrison	Moore, Tex.	Stanley
Clark, Mo.	Hay	Murphy	Sulzer
Clayton	Heflin	Nicholls	Taylor, Ala.
Cooper, Tex.	Helm	O'Connell	Thomas, N. C.
Cox, Ind.	Henry, Tex.	Padgett	Tou Velle
Craig	Hill, Miss.	Page	Watkins
Cravens	Hitchcock	Peters	Wiley
Crawford	Hobson	Pou	Williams
De Armond	Houston	Rainey	
Denver	Hughes, N. J.	Randell, Tex.	
Favrot	Hull, Tenn.	Ransdell, La.	

ANSWERED "PRESENT"—13.

Adamson	Dixon	Howland	Wanger
Ashbrook	Ferris	Jenkins	
Bennet, N. Y.	Goulden	Shackleford	
Currier	Griggs	Smith, Mich.	

NOT VOTING—126.

Acheson	Fairchild	Knapp	Pratt
Andrus	Fassett	Knowland	Pujo
Ansberry	Finley	Lamar, Fla.	Rhinock
Anthony	Flood	Landis	Riordan
Barchfeld	Fornes	Lassiter	Ryan
Bennett, Ky.	Foster, Ind.	Lenahan	Sabath
Bingham	Foster, Vt.	Lever	Sherman
Boutell	French	Lindsay	Small
Bradley	Fulton	Littlefield	Smith, Cal.
Brantley	Gaines, Tenn.	Livingston	Smith, Iowa
Brick	Gardner, Mass.	Longworth	Smith, Mo.
Broussard	Gardner, N. J.	Lorimer	Stephens, Tex.
Brumm	Gilhams	Loudenslager	Sterling
Burke	Godwin	McDermott	Stevens, Minn.
Burton, Del.	Goldfogle	McGavin	Talbott
Calder	Gordon	McMillan	Thistlewood
Calderhead	Graff	McMorran	Townsend
Chaney	Graham	Madden	Underwood
Clark, Fla.	Gronna	Mondell	Vreeland
Cockran	Hackett	Moon, Pa.	Waldo
Cocks, N. Y.	Haggott	Moore, Pa.	Wallace
Cole	Harding	Murdock	Watson
Cooper, Pa.	Hayes	Nelson	Webb
Coudrey	Hepburn	Olcott	Weeks
Davenport	Hinshaw	Olmsted	Weems
Davey, La.	Howard	Overstreet	Weisse
Davis, Minn.	Hughes, W. Va.	Parker, S. Dak.	Wheeler
Dawes	James, Ollie M.	Patterson	Willett
Dunwell	Kimball	Pearre	Wilson, Pa.
Edwards, Ga.	Kipp	Pollard	Wolf
Edwards, Ky.	Kitchin, Claude	Porter	
Ellerbe	Kitchin, Wm. W.	Powers	

So the previous question was ordered.

The following additional pairs were announced:

For the session:

Mr. BENNET of New York with Mr. FORNES.

On this vote:

Mr. SMITH of Iowa with Mr. CLAUDE KITCHIN.

Mr. PARKER of South Dakota with Mr. OLLIE M. JAMES.

Mr. BURKE with Mr. HACKETT.

Mr. CALDERHEAD with Mr. STEPHENS of Texas.

Mr. WALDO with Mr. GAINES of Tennessee.

Mr. LITTLEFIELD with Mr. UNDERWOOD.

Mr. WATKINS. Mr. Speaker, I would like to ask if I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. WATKINS. I was in my seat and listening when my name should have been called and failed to hear it.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. WATKINS, and he answered "no," as above recorded.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken, and on a division (demanded by Mr. HENRY of Texas) there were—ayes 136, noes 80.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 140, nays 103, answered "present" 11, not voting 134, as follows:

YEAS—140.

Alexander, N. Y.	Bates	Brownlow	Cary
Allen	Beale, Pa.	Burleigh	Caulfield
Ames	Bede	Burton, Ohio	Chapman
Bannon	Birdsall	Butler	Conner
Barclay	Bonynge	Campbell	Cook, Colo.
Bartholdt	Boyd	Capron	Cook, Pa.
Cooper, Wis.	Hamilton, Mich.	Law	Parker, N. J.
Cousins	Haskins	Lawrence	Payne
Crumpacker	Haugen	Lilley	Perkins
Cushman	Hawley	Lindbergh	Pray
Dalzell	Henry, Conn.	Loud	Prince
Darragh	Higgins	Lovering	Reeder
Dawson	Hill, Conn.	Lowden	Reynolds
Denby	Holliday	McCall	Roberts
Diekema	Howell, N. J.	McCreary	Rodenberg
Douglas	Howell, Utah	McGuire	Scott
Draper	Hubbard, Iowa	McKinlay, Cal.	Snapp
Driscoll	Hubbard, W. Va.	McKinley, Ill.	Southwick
Durey	Huff	McKinney	Sperry
Dwight	Hull, Iowa	McLachlan, Cal.	Stafford
Ellis, Mo.	Humphrey, Wash.	McLaughlin, Mich.	Sturgiss
Ellis, Oreg.	Jackson	Madison	Sulloway
Englebright	James, Addison D.	Malby	Tawney
Esch	Jones, Wash.	Mann	Taylor, Ohio
Focht	Kahn	Marshall	Thistlewood
Fordney	Kelfer	Miller	Thomas, Ohio
Foss	Kennedy, Iowa	Mondell	Tirrell
Foulkrod	Kennedy, Ohio	Morse	Volstead
Fuller	Kinkaid	Mouser	Vreeland
Gaines, W. Va.	Knopf	Mudd	Wanger
Gardner, Mich.	Knowland	Murdock	Washburn
Goebel	Küstermann	Needham	Wilson, Ill.
Greene	Lafean	Nelson	Wood
Hale	Langley	Norris	Woodyard
Hall	Laning	Nye	Young

NAYS—103.

Adair	Denver	Hobson	Ransdell, La.
Adamson	Favrot	Houston	Rauch
Aiken	Floyd	Hughes, N. J.	Reid
Alexander, Mo.	Foster, Ill.	Hull, Tenn.	Richardson
Bartlett, Ga.	Gaines, Tenn.	Humphreys, Miss.	Robinson
Bartlett, Nev.	Garner	Johnson, S. C.	Rothermel
Beall, Tex.	Garrett	Jones, Va.	Rucker
Bell, Ga.	Gill	Kimball	Russell, Mo.
Booher	Gillespie	Kitchin, Claude	Russell, Tex.
Bowers	Glass	Lamar, Mo.	Saunders
Brodhead	Granger	Lamb	Sheppard
Brundidge	Gregg	Leake	Sherley
Burgess	Hackney	Lee	Sherwood
Burleson	Hamill	Legare	Slayden
Burnett	Hamilton, Iowa	Lewis	Smith, Tex.
Byrd	Hamlin	Lloyd	Sparkman
Caldwell	Hammond	Macon	Spight
Candler	Hardwick	Moon, Tenn.	Stanley
Carter	Hardy	Murphy	Sulzer
Clark, Mo.	Harrison	Nicholls	Taylor, Ala.
Clayton	Hay	O'Connell	Thomas, N. C.
Cooper, Tex.	Heflin	Padgett	Tou Velle
Cox, Ind.	Helm	Page	Watkins
Cravens	Henry, Tex.	Peters	Wiley
Crawford	Hill, Miss.	Pou	Williams
De Armond	Hitchcock	Randell, Tex.	

ANSWERED "PRESENT"—11.

Bennet, N. Y.	Dixon	Howland	Shackleford
Craig	Ferris	Jenkins	Smith, Mich.
Currier	Goulden	McGavin	

NOT VOTING—134.

Acheson	Ellerbe	Kipp	Pratt
Andrus	Fairchild	Kitchin, Wm. W.	Pujo
Ansberry	Fassett	Knapp	Rainey
Anthony	Finley	Lamar, Fla.	Rhinock
Ashbrook	Fitzgerald	Landis	Riordan
Barchfeld	Flood	Lassiter	Ryan
Bennett, Ky.	Fornes	Lenahan	Sabath
Bingham	Foster, Ind.	Lever	Sherman
Boutell	Foster, Vt.	Lindsay	Sims
Bradley	Fowler	Littlefield	Slemp
Brantley	French	Livingston	Small
Brick	Fulton	Longworth	Smith, Cal.
Broussard	Gardner, Mass.	Lorimer	Smith, Iowa
Brumm	Gardner, N. J.	Loudenslager	Smith, Mo.
Burke	Gilhams	McDermott	Steenerson
Burton, Del.	Gillett	McHenry	Stephens, Tex.
Calder	Godwin	McLain	Sterling
Calderhead	Goldfogle	McMillan	Stevens, Minn.
Carlin	Gordon	McMorran	Talbott
Chaney	Graff	Madden	Townsend
Clark, Fla.	Graham	Maynard	Underwood
Cockran	Griggs	Moon, Pa.	Waldo
Cocks, N. Y.	Gronna	Moore, Pa.	Wallace
Cole	Hackett	Moore, Tex.	Watson
Cooper, Pa.	Haggott	Olcott	Webb
Coudrey	Harding	Olmsted	Weeks
Davenport	Hayes	Overstreet	Weems
Davey, La.	Hepburn	Parker, S. Dak.	Weisse
Davidson	Hinshaw	Parsons	Wheeler
Davis, Minn.	Howard	Patterson	Willett
Dawes	Hughes, W. Va.	Pearre	Wilson, Pa.
Dunwell	James, Ollie M.	Pollard	Wolf
Edwards, Ga.	Johnson, Ky.	Porter	
Edwards, Ky.	Keliher	Powers	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the vote:

Mr. GILLETT with Mr. SIMS.

Mr. LITTLEFIELD with Mr. UNDERWOOD.

Mr. BURKE with Mr. HACKETT.

Mr. PARKER of South Dakota with Mr. OLLIE M. JAMES.

Mr. CALDER with Mr. CARLIN.

Mr. PARSONS with Mr. FITZGERALD.

Mr. FOWLER with Mr. JOHNSON of Kentucky.

Mr. WALDO with Mr. KELIHER.

Mr. HINSHAW with Mr. LASSITER.

Mr. MCMORRAN with Mr. MCHENRY.
Mr. COLE with Mr. RAINEY.
Mr. STEENERSON with Mr. MCLAIN.
Mr. WEEKS with Mr. LLOYD.
Mr. WEEMS with Mr. MOORE of Texas.
Until further notice:
Mr. CALDERHEAD with Mr. STEPHENS of Texas.
Mr. BEDE with Mr. MAYNARD.

The result of the vote was announced as above recorded.

Accordingly, in pursuance of the resolution, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20063, the District of Columbia appropriation bill, with Mr. DALZELL in the chair.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk reported the title of the bill.

The CHAIRMAN. Under the order of the House the first reading of the bill has been dispensed with and general debate for two hours is now in order. The gentleman from Michigan [Mr. GARDNER] is now recognized.

Mr. GARDNER of Michigan. Mr. Chairman, I would not presume on the time of the House to make any extended statement relative to the pending bill were it not that there are some unusual things attending it. In the first place, the bill reports in round numbers $800,000 less for the current expenses for the ensuing year than was allowed for this year, and in round numbers $4,000,000 less than the estimates for the ensuing year. Your committee feels that some statement is due relative to these measures in advance of consideration under the five-minute rule. The revenues from the District for the year for which this bill provides are estimated at $5,900,000. The Federal Government supplements that with like amount. So that the anticipated revenues are $11,800,000. This bill recommends an appropriation of $9,436,289, exclusive of the revenues from the water department. I want to say that this difference is more apparent than real, as affecting the current expenses. Nearly the whole of the $800,000 less in this bill than was carried in the one a year ago is taken up by appropriations made in the bill last year for the completion of projects then under way but not properly chargeable to the current expense fund. For example, $550,000 of the $800,000 was carried in the bill last year for the completion of the municipal building.

The occupancy of that building on or about the 1st of July will save the Government in excess of $10,000 in rents, so that we have $560,000 in that one item. Then there was carried in the bill of last year $80,000 for a new pier at the highway bridge, $66,000 for the Delacarlia reservoir, $44,000 for the completion of a bridge over the Baltimore and Ohio railroad on Monroe street, in the vicinity of the Catholic University, $25,000 more for the placing of metal file cases in the office of the clerk of the supreme court of the District of Columbia. These and several other lesser items, which were in the nature of appropriations for extraordinary projects taken from the amount last year makes the current expenses of the ensuing year about the same that they are this year. From another standpoint of view, however, the discrepancy seems even more marked, but when it is recalled that the estimates asked for $2,000,000 more than the revenues, it leaves only an excess of a little over two million of dollars, counting what the Government gives above what the committee appropriates. You ask me to reconcile that difference. Taking out the Government's appropriation, it will leave in round numbers a million of dollars surplus. Why, is it asked, do you want that amount of surplus? We will endeavor to explain that. In the first place, for twenty-one years preceding 1901 the District government ran within its revenues every year save one, and that year there was a deficit of only $5,000 in round numbers. There were two years during that period in which the excess of revenues over expenditures exceeded $1,000,000. In 1901 the city entered a new era of development. Since that time, namely, within the last seven and one-half years, there have been undertaken and substantially completed several important and, upon the whole, very necessary enterprises. One of these, and the most expensive, was the establishment and installation of the new filtration system.

Another was the completion of the sewage-disposal plant. Another was the completion of the new municipal building, to which reference has been already made. Another was the completion of the present police-court building. Another was the purchase of the extensive grounds out on Fourteenth street and the rearing of a tuberculosis hospital, which will be occupied in the course of a few weeks. Another was the purchase of an extensive tract of ground at Blue Plains and the construction thereon of a home for the aged and infirm, and upon a portion of the same tract has been built a school for colored boys—a sort of reform school. The buildings are already completed, and the school is in operation.

In addition to these there has been the construction of the Connecticut Avenue Bridge, the Highway Bridge, the Massachusetts Avenue Bridge, the Anacostia Bridge, and the Piney Branch Bridge. These cover, substantially, what might be termed the "extraordinary improvements" already made within the last seven and a half years. I left out two important things—the part that the city contributes toward the new Union Station and the elimination of grade crossings. I think that covers all, substantially, what might be termed the "extraordinary improvements." These have aggregated nearly $17,000,000, of which the Government pays one half and the District of Columbia the other half. There will be on the 1st of July an unfunded debt a little in excess of $4,000,000. On the 1st day of July, 1901, there was not a dollar of unfunded debt. In addition to the unfunded, the funded debt amounts to a little over $11,000,000, so that the debt of the District on the 1st of July will exceed $15,000,000.

Now, the money for the unfunded debt was secured in this way: Congress passed some years ago a law authorizing the District to borrow from the Federal Government at 2 per cent for certain improvements, the time to run for five years and payable within that limit. That limit has been extended every year, and each year the aggregate of indebtedness has increased. Your committee has felt, and now feels and recommends accordingly to this body, that inasmuch as these extraordinary improvements have been made and substantially completed, every one of them within the appropriation now allowed, and that inasmuch as there was an agreement on the part of the District to pay back that borrowed money within a specified time, we ought to begin to make good the promise of the District. And so, if this bill carries as the committee recommends, the District will be able to pay in round numbers a million dollars on the unfunded debt from the revenues of this year. It may be asked how that can be done without seriously jeopardizing the interests of the city in its current affairs. The committee believes that it can be done and done without appreciably affecting the current interests of the city. In the first place, I would like to call attention specifically to wherein we propose to make some savings, not only on the estimates, but under the estimated revenues. On page 7 of this report, you have it, if you will observe, for salaries an estimate of $742,000 plus. This bill recommends $649,000 plus, making a saving in the item of salaries of $92,743, and I may say in passing that there are but few salaries increased in the entire District list. One-third of this $92,000, in round numbers is accounted for in the difference between what was asked, namely, $60,835, for the care of the new District building, and the amount recommended by the committee, namely, $30,240, making a difference in the care of the District building of $29,000 plus, and we believe, for the amount recommended, that it can be well cared for, too. If you will refer to page 9 of the report, you will find for "improvements and repairs" that the estimates are $1,239,000, and the bill carries $985,000, making a difference between the estimates and the recommended appropriation of $250,000.

The principal item from which this saving arises is, first, repairs to streets, avenues, and alleys. Last year the Congress was deemed exceedingly liberal and appropriated for this purpose $300,000. The estimates for the ensuing year are $400,000. Your committee recommends $300,000, or the same amount as last year. For repairs of county roads the committee recommends $100,000. The estimates were $125,000, and last year we had, in addition, the construction of the bridge over the Baltimore and Ohio Railroad, to which reference has been made. That does not appear this year. These items make up nearly the whole difference.

Mr. WEEKS. Will the gentleman submit to a question?

Mr. GARDNER of Michigan. Assuredly.

Mr. WEEKS. I understand that there is now an unfunded debt of $4,000,000. Is that entirely carried by the Government?

Mr. GARDNER of Michigan. On the 1st day of July the whole of it will be carried by the Government, and between three and four million dollars at this time.

Mr. WEEKS. Does the District pay the Government interest on this money?

Mr. GARDNER of Michigan. Two per cent. The next item represents a large amount, and I would like to call the attention of the Committee of the Whole House to this. It is found on page 12, and estimates for schools $4,147,590. The amount recommended in this bill is $2,401,000. The difference between the recommended appropriation and the estimates is $1,746,000.

The estimates for new buildings alone call for $1,936,000. The committee recommends in direct appropriation $354,500, and an authorization for enough more to bring this up to $533,500. Last year the Congress gave $535,000 for construction of new buildings—$80,000 in excess of the estimates. The com-

mittee believed then that they had gone to the extreme liberality in this respect. This year, as I say, the estimates are nearly $2,000,000 for this purpose. The committee recommend in direct appropriation an authorization substantially the same as last year. There was another thing that controlled the action of the committee, in part, touching this matter. There was appointed a commission to investigate carefully as to the best type of school buildings and report. That report has not yet been made, and your committee believed that until that report is made and investigated and really accepted, it is better to go conservatively than extravagantly in the matter of new buildings relative to the schools. Then, again, that commission is required to report a general plan for the consolidation of the public schools in the District of Columbia, and the abandonment and sale of such school buildings and sites as may by them be deemed necessary and desirable for the best good of the public school service. So that, for these various reasons, it was thought best to keep within the limits named.

In the Health Department there is a difference between the estimates and the recommended appropriations of $92,000. There is a saving of $70,000 in these four estimates, namely, removal of weeds, site for pound, erection and equipment of pound, and stable for smallpox hospital. Your committee believes that there is not a single one of these but that can go for another year, with the possible exception of the cutting of the weeds, without a special appropriation, and no interest suffer materially thereby.

Mr. CRUMPACKER rose.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] yield to the gentleman from Indiana [Mr. CRUMPACKER]?

Mr. GARDNER of Michigan. Certainly.

Mr. CRUMPACKER. I notice an estimate for the salaries of the Metropolitan police of $1,021,413.25, and that the appropriation recommended is $915,293.35.

Mr. GARDNER of Michigan. What page is that on?

Mr. CRUMPACKER. That is on page 12 of the report.

It follows the item of public schools in the order of arrangement on page 12 of the report. There has been considerable discussion in the newspapers and otherwise in relation to the inadequacy of the police in the city of Washington. I would like to know of the gentleman from Michigan if the safety of people upon the streets of the city was duly considered in recommending the appropriation that is carried in the bill of something over $100,000 less than the estimates made by the Commissioners in the point of salaries?

Mr. GARDNER of Michigan. If the gentleman will allow me, I will be very glad to take that up as the last item instead of in the order it appears here.

Mr. CRUMPACKER. I would not have called the gentleman's attention to it now excepting for the fact that in the arrangement on page 12 it comes after the schools. If the gentleman intends to take it up later, of course that will be satisfactory to me.

Mr. GARDNER of Michigan. Yes; I will be glad to do that later. Another item in which there is very material reduction is that of streets, on page 9 of the report. The committee recommends an appropriation of $491,000. The estimates for this purpose were $904,000. Now, in this we find for playgrounds, the purchase of sites, $186,000; for grading and improving Rosedale site, $5,000; for construction of bath houses and purchase of sites, $94,500; for drilling wells and maintenance of same, $5,000. These several items make up a very large per cent of the difference between the estimates and the recommendations by the committee. It will be remembered that last year the Congress gave $75,000 for the purchase of playground sites. It was then rumored on the floor of the House that there was a purpose in view to expend $1,000,000, at least, in the matter of playgrounds in the city. Many did not give credence to that rumor at the time, but here we have exceeding $200,000 in the estimates for this year in addition to what was given last year for this purpose. And if the estimates are borne out by the Congress, it will not be long until there is a million of dollars invested in playgrounds and playground sites and equipment in the city.

There is a very material saving also in the matter of corrections and charities of $310,000.

Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied twenty-eight minutes.

Mr. GARDNER of Michigan. I thank the Chair. I would like to know when I get within ten minutes of the time allotted, if I do not finish before.

In this item you will find that the estimates carried $100,000 for an additional building to the so-called "municipal hospital," for the purpose of caring for chronic patients. The committee believed that with the various and many hospitals in the city, with the new hospital building just completed out at the municipal plant, and which will release a number of wards now occupied by tuberculosis patients for other patients in the Washington Asylum Hospital, that it is not necessary to build that structure at this time. The same may be said in regard to the workhouse, an additional building recommended at $110,000. These two items alone take the major portion of the difference between the estimates and the amount recommended in the bill.

Now, I would like to recur to the point raised by the gentleman from Indiana [Mr. CRUMPACKER], on page 12 of the report—Metropolitan police. There was, perhaps, no one thing to which the committee gave more careful consideration than this. As the gentleman from Indiana has well said, the press of the city has called attention to the inadequacy of the police force, to its failure to properly protect the people of the District, and to the necessity for a large increase of the force. It was because of that general public interest that the committee gave more than ordinary attention to this feature of the bill.

I want to say, Mr. Chairman, that I desire to present some figures along this line, in no sense to be construed as a reflection upon the police department of the city. We have no quarrel with that department whatever as to its administration; but it is due the House and due the committee to make a statement as to why the clamor of 100 additional policemen was not recognized in the bill. I may say at the outset that there were no additional policemen allowed, the bill carrying the same number as did the bill last year. The committee went carefully into an investigation as to the police in certain cities of relative size and in others having a corresponding colored population. It was contended that it was because of the large colored population that there were so many arrests, that the police were kept so active in the pursuit of their duties, and that the lawlessness of that element in the community required a larger force. We are not prepared to deny that there is something of truth in these declarations. On the other hand, the committee ascertained the cost of the police force in the city of Washington, as compared with other cities of its class, as well as the number of policemen in this city, compared with cities of like population. Among other things we found this: That Baltimore has a population of 508,000 people, that it has a police force of 701, that its police force costs the city of Baltimore $1.95 per capita. Washington, with a population of 278,000—these comparisons are all taken from the Census reports, 1900, and special reports obtained by the Census Department.

Mr. SMITH of Michigan. I would like to ask the gentleman if he claims that the population is only 278,000? When were the comparisons made?

Mr. GARDNER of Michigan. They were all made in 1900, the last census; so that the basis of comparison is absolutely fair, you see. At the time these comparisons were made Washington had 278,000 population, with a police force of 467. It now has a force of 719. It cost the District of Columbia and the United States Government then $3.18 per capita, as against $1.95 in Baltimore. The nearest approach to the number of policemen in any city in the country, investigated and compared with Washington, was Buffalo with a population of 352,000, with a police force of 549 and a per capita cost of $2.14. But it must be remembered that Buffalo is one of the most important ports on the chain of the Great Lakes and has a large element in all of the sailing, and probably in the non-sailing, season that would be classed as turbulent people. We found again that Milwaukee, with 285,000 people, has 247 policemen and a cost per capita of $1.25.

Mr. PERKINS. May I ask the gentleman to what he attributes the very large increased cost per capita for the police in Washington as compared with the cities he has spoken of?

Mr. GARDNER of Michigan. I think I will come to that a little later in the order of my statement.

Mr. PERKINS. I do not want to interrupt the order of the gentleman's statement.

Mr. GARDNER of Michigan. There has been much talk about the colored population. Memphis, 48 per cent colored; Washington 31 per cent. In Memphis they have, with 102,000 population, 76 policemen, at a cost to that city of $1.14 per capita, a small fraction more than a third as much as it costs the city of Washington. Atlanta has a population of 39 per cent colored as against Washington's 31. Atlanta, with 89,000 population, has a police force of 178 and a per capita

cost of $1.78. Richmond has 38 per cent of its people colored. Its police force is 71, far less than Washington in proportion to population. Its cost is $1.34 per capita. Nashville, with a population of 80,000 and 37 per cent colored has a police force of 79—far less than Washington proportionately—and a cost per capita of $1.17.

Now, another thing. It is said that the police here are so vigilant in the matter of arrests. Richmond, with a population of 89,000, had 819 arrests per 10,000, as against Washington's 1,087. Atlanta, with its 178 policemen, had 1,674 arrests to every 10,000. Nashville, with its 79 policemen, made 1,226 arrests to every 10,000. Charleston, with 55,000 people, made 1,527 arrests, with a small force of police. Now, it does not fairly represent the police force of the city when it is said that the Metropolitan police covers the whole, nor does it fairly represent the police force if the impression were left on the minds of the committee that it has the use of the entire Metropolitan force. There are detailed in and about the White House and grounds 44 members of the Metropolitan police, reducing the force by that number. But over against that, the Government polices all its reservations in this city, this Capitol and its grounds, the Smithsonian Institution and its grounds, the Navy, War, and State Department building, and every other department in the city which is under national control, the Congressional Library, the parks, outside of Rock Creek Park, being policed by a force paid in part by the National Government. Now, in addition to that, the railroads police the crossings, wherever the Commissioners determine that policemen are necessary, and they pay for those police. Although these policemen are paid by the railroads, they are required to report to the superintendent of police and are under his direction, and if we did not have them the city would have to provide them.

Mr. AMES. You say the railroads. Do you mean the steam railroads?

Mr. GARDNER of Michigan. Yes; at their crossings.

Mr BONYNGE. Do the street railroads pay the policemen at their crossings?

Mr. SMITH of Michigan. Yes; that is what they complain of.

Mr GARDNER of Michigan. Mr. Smith informs me that the street railways likewise furnish crossings policemen.

Mr. LEAKE. I have noticed on the streets of Washington a number of very elderly gentlemen wearing the uniform of the Washington police, and wearing long flowing coats which look more like petticoats. Now, I want to know whether there is any age limit for the retirement of the police force?

Mr. GARDNER of Michigan. I think on the Metropolitan police force there is, but on the street-crossing police, paid for by the railroads, I am inclined to think there is no age limit.

Mr. LEAKE. These policemen who are paid for by the railroads, do they come under the general supervision of the police department?

Mr. GARDNER of Michigan. They are under the direction of the chief of police and report to him; so that the Government policemen and the railroad policemen more than make good the detail from the Metropolitan police at the White House and grounds.

Mr. TIRRELL. Can the gentleman tell us about what the average increase in population in Washington is yearly?

Mr. GARDNER of Michigan. No; I am sorry to say I gave no attention to those statistics.

Mr. TIRRELL. I have heard it said that the annual increase is about five thousand. Can the gentleman also inform us as to the average number of new buildings that have gone up in Washington yearly during the last few years?

Mr. GARDNER of Michigan. No; I can not tell you that, but the number is large.

Mr. TIRRELL. Does not the gentleman think that if there is that large annual increase, both in population and buildings, and if the number of policemen last year was requisite for the work and just about right, there should be some increase, though it may be small, each year?

Mr. JOHNSON of South Carolina. Has the gentleman from Michigan admitted that we did not have too many last year?

Mr. GARDNER of Michigan. There has been a material increase. I think there are on the force now 719 officers and privates in addition to reenforcement from the two sources to which I have referred.

Mr. TIRRELL. Now, one question more which it seems to me of great importance. Do not policemen in the city of Washington, on account of its large territory compared with the cities of Boston or Baltimore, have to cover a great deal more ground, or else not cover it at all, and therefore is it not necessary that there should be, on account of this being a city of magnificent distances, more policemen to cover that ground than would be necessary in either Baltimore or Boston?

Mr. GARDNER of Michigan. I was coming to that and with it conclude my statement. It is due to the police force and to the Commissioners to say that the scope of their activities is as large as the District of Columbia, and that these outlying points are policed; they have a mounted police and a large force of bicycle policemen, the bicycle policemen, however, being used largely in the city. But when you grant all that it still remains that there is not a city in the United States that has the per capita police force that the city of Washington and the District of Columbia has at this time, nor is there one of its class that costs anything like as much per capita. The next largest is Buffalo, which is more than $1 less per capita in expense. The salaries are higher here, I can not tell you how much, but materially higher than elsewhere.

As will be brought out in the near future, the pension system has grown up to be a great tax upon somebody. Pensions on the force go as high as $100 a month. Widows get as high as $50 a month. Soldiers perforated with bullets get $30 a month. That gentleman's father [pointing to Representative AMES], a major-general in the Army, under the law is entitled to $30 a month if he wants it. A retired police officer who never fired a shot, or perhaps a shot was never fired at him, may draw $100 a month pension. The widow of a soldier dead on the battlefield gets $12 a month if the Sulloway bill becomes a law—as I hope it will—otherwise, she gets $8; but the wife of a dead policeman in Washington may get as high as $50 a month. Widows of the privates get from $20 to $30 per month. Those are some of the reasons why this great expense exists.

Mr. Chairman, I will reserve the balance of my time.

Mr. NORRIS. Mr. Chairman, I would like to ask the gentleman a question or two.

Mr. GARDNER of Michigan. How much time, Mr. Chairman, have I remaining?

The CHAIRMAN. The gentleman has twelve minutes.

Mr. GARDNER of Michigan. I would prefer that the gentleman would ask his questions under the five-minute rule when we reach those subjects.

Mr. NORRIS. Very well; I will postpone them until then.

Mr. BURLESON. Mr. Chairman, I yield to the gentleman from Mississippi thirty minutes, or so much of that time as he wants to occupy.

Mr. WILLIAMS. Mr. Chairman, I do not think I will need that length of time to curry this particular horse. This morning by a parliamentary device—I will not say by a parliamentary trick, because I want to be always courteous—the gentleman from Pennsylvania shut off the privilege of the gentleman from Missouri [Mr. DE ARMOND], and my privilege, as members of the Committee on Rules, of making any response at all to the statement which he made to the country of the present situation in the House, and that course of conduct followed after the gentleman from Missouri [Mr. DE ARMOND] and I had given to the Committee on Rules a quorum to do business, when one Republican member of that committee was too ill to attend and the other two did not constitute a quorum.

Now, Mr. Chairman, some rather strong language has been indulged in, both by the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from New York [Mr. PAYNE]. We have been held up as "filibusterers" before the country. The gentleman from Pennsylvania referred to our resorting to our constitutional right to call for the yeas and nays for the passage of measures through the House as "queer antics before the country."

Mr. Chairman, we have not filibustered. [Laughter on the Republican side.] We have broken no quorum, either in the House or in the Committee on Rules. And nobody is better aware of that fact than the two gentlemen who have used that language. A filibusterer in a parliamentary sense is a man that is engaged in the business of *preventing* legislation. We have been engaged in the business of trying to *force* legislation at the hands of the majority. [Applause on the Democratic side; laughter on the Republican side.] Nobody, no party, can filibuster when furnishing to the floor of the House its own proportion of a quorum. I doubt if all day yesterday and last night the Republican party had here, even if there had been added a sufficient number of Members on the Democratic side to call for the yeas and nays, a quorum in this House, and I know that this morning they had no quorum in the Committee on Rules, the very committee which reported out this rule. Do not understand me as complaining, Mr. Chairman; nor shall I apologize. The minority will exhaust every power it has under the general rules of this House. It will exhaust every power that it has under every special rule that you have the power to bring into this House to force out of you, if it can,

legislation in the interests of the people. [Applause on the Democratic side.] So much in the interest of the people that your own chosen President has in several cases indorsed it, and so much in the interest of the people that your Committee on Ways and Mans and your Committee on Rules dare not permit the very measures we have in our programme stressed to come before this House for fear a majority of the Republican party in this House would adopt them. [Applause on the Democratic side.]

I am glad to see a few first fruits. I hear that an employers' liability bill has been finally reported out of the Judiciary Committee. I congratulate you gentlemen upon the Democratic side upon that fact. [Laughter on the Republican side.] That it might have been reported out at a later date is perhaps true, and that you on the Republican side would have been delighted to have kept it a while longer in committee as a buffer against other much needed and desired and beneficial legislation, also, I have no doubt; but the report of the employers' liability bill out of the Judiciary Committee is the first fruit, but only the first fruit, not the greatest. A new light, as a second fruit, has been shed, which in its effect upon man was never exceeded since Saul of Tarsus was turned into St. Paul on his way to Damascus. The Speaker of this House has seen the light. I see from this morning's paper that the Speaker does not propose to let the Republican Executive have a monopoly of criticising the Republican legislative part of this Government, but that he proposes, as spokesman and head of the legislative branch of the Republican Administration, to do a little criticising himself; this time, of the executive branch. Mr. Chairman, some time ago, in his message, the Executive read the riot act to the legislative part of the Republican party for failure to act and neglect of civic duty. I need not now dwell upon the various things to which he called attention, some of them good and some of them bad, because I have in a previous speech gone all over that.

I agreed with him in a part of his arraignment, and when, this morning or yesterday, by introduction of a resolution into this House, the Speaker of this House accuses the Republican executive department of failure to do its duty in stamping out a predatory trust, I agree also with the Speaker. I am proud of the fact that I can agree, when in their lucid intervals, with both branches of the Republican party. [Laughter and applause on the Democratic side.] The President was right when he said you had neglected your legislative duties in connection with the various measures to which he called your attention, some of which we hope, with his assistance, to corkscrew out of you before this Congress is over [applause on the Democratic side], and the Speaker was exactly right when he said that the executive department had neglected its duty when it had failed to make use of the evidence which the country possessed—perhaps already collected in the Department of Commerce and Labor—to prove the existence of a paper trust in this country and to put an end to the same.

Mr. Chairman, I read from this morning's Post, and I leave it to gentlemen to determine for themselves if this is not a conversion almost as great as that of Saul into St. Paul; the Speaker has introduced a resolution which reads as follows:

Resolved, That the Secretary of Commerce and Labor be directed, if not incompatible with the public service, to transmit to the House all papers and information which may be in the possession of the Department relating to any steps which may have been taken by the Bureau of Corporations to make the "diligent investigation into the organization, conduct, and management of the business of the International Paper Company of New York, and other corporations, joint stock companies, or combinations engaged in the manufacture of wood pulp or print paper, or the sale thereof, as said Bureau of Corporations is authorized to do by law of the United States, and all papers and information in his Department which are the result of such investigation, if any such has been made."

I read now from the article in the Washington Post of this morning:

Much significance is attached to the action of Speaker CANNON yesterday, in his capacity as a Member of the House, introducing a resolution directing the Department of Commerce and Labor to report to the House what investigation, if any, it has made into the business of the International Paper Company or other combination engaged in the manufacture of wood pulp and print papers, and also directing the Department of Justice to report what steps, if any, have been taken looking to the prosecution of these corporations for their alleged violations of the Sherman antitrust law.

The position of the author of these resolutions in the House of Representatives is sufficient guaranty that they will be promptly reported and adopted by the House. These resolutions also are important for the reason they indicate that Speaker CANNON holds to the view that the increase in the cost of print paper is due not so much to the protective tariff as it is to combinations in restraint of trade. Mr. CANNON evidently believes that if the Departments charged with the administration and enforcement of the antitrust law enforce it rigorously this combination can be put out of business, and the price of paper to the publishers, as a consequence, will be greatly reduced.

That is another so-called "Republican piece of proposed legislation" that I have the honor to announce that the Democratic side of this House will support to the full extent. The Democratic members of the committee will take pleasure in reporting out the Speaker's resolution, and the Democratic Members of this House will take pleasure in voting for it when it gets here.

Mr. Chairman, upon the other day the gentleman from New York [Mr. PAYNE] referred to the tactics that we were pursuing upon this side as "puerile" and "hypocritical." I have sometimes thought, and I say it in all good humor, that there is a large degree of comparison, although some degree of contrast, between my friend, the honorable SERENO E. PAYNE, of New York, and that distinguished knight of the days of Prince Hal who was known to his friends as Honest Jack Falstaff and to strangers as Sir John Falstaff. In breadth of girth there is much of comparison. They both "lard the lean earth" as they walk across it. In adopting Sir Jack's maxim that "discretion is the better part of valor," there is much of comparison, because the gentleman the other day, and generally indeed, manages to make the last speech when he is engaged in debate, whenever he can, so that he can not be easily and immediately replied to. Mr. Chairman, they are alike in this, too, that Prince Hal described Sir Jack as being "brave in coming on and halting in coming off" from the various enterprises which he undertook. In another part of Shakespeare's play Jack speaks of himself as being "not only witty in himself, but the cause of wit in others." [Laughter on the Democratic side.] So far as the latter part of this description—autobiographical description—of Sir Jack is concerned, the gentleman from New York resembles him closely. So far as the first paragraph of the description is concerned, it is with sincere regret and pain that I am compelled to say that there is a contrast and not a comparison, because whenever the gentleman from New York attempts to be "witty in himself" he is generally simply rude and awkwardly offensive.

It was not quite parliamentary to speak of the tactics which we were pursuing as "puerile" or "hypocritical." The gentleman should have selected some better word. However, the gentleman did not intend to be offensive in the slightest degree. He thought that he was being funny, and there is nothing funnier in the world than the gentleman from New York when he thinks he is being funny. [Laughter and applause on the Democratic side.] Now, Mr. Chairman, this morning the gentleman from Pennsylvania, who now occupies the chair, said the object of introducing this rule was to "expedite the public business." Mr. Chairman, the real object of introducing that rule was to prevent us from forcing you to expedite public business. [Applause on the Democratic side.] Every time anybody wants to pass any of this reform legislation, so much of which is desired by honest men in your own party, you cry out, "After the election! After the election! After the election!" You remind me a little bit of a piece of poetry my boy picked up the other day somewhere at the public school and brought home and recited to me and his grandmother, and of which, when he got through, his grandmother said, "Kit, you ought never to repeat that any more, because that is just about the same as telling anybody to go to the bad place." That poetry ran after this wise:

When I asked my girl to marry me, she said,
"Go to father."
She knew that I knew her father was dead;
She knew that I knew the life he had led;
She knew that I knew what she meant when she said,
"Go to father."

[Great applause and laughter.]

And you are going back to your people, you Republicans over there—I am not talking of those now who represent "stand-pat" districts of one sort and another—but, for example, gentlemen from Minnesota, one of whose laws was held up not long ago by a mere temporary restraining order of a subordinate court upon ex parte testimony, and some of you gentlemen who live in districts where the people want the tariff revised and do not want it revised by being told to "Go to father;" are you going back home and say to those people, "We were in favor of these things, but in voting against them, as we have done, we were merely following our leaders in the House of Representatives, and we are still going to do them 'after the election,'" I am afraid some of them will respond in the words of my mother-in-law and say, "Boy, do not say that any more; that sounds like telling me to wait until I go to the bad place." You have practiced this deception upon the American people so long that it would seem that "a fool who runneth" could now read it. Every time before an election you say to the people that you propose that "after the election" to do this, that, or the other thing, and then after the election you say, "The people have indorsed our not having done it, and the

people stand with us on our inactivity." [Applause on the Democratic side.]

Now, Mr. Chairman, this session when Mr. Herman Ridder on the outside and many people on the inside of Congress have urged this Congress to pass a bill putting wood pulp upon the free list and print paper there also, or at least to reduce the duty upon the latter, what has been the reply of the Republican leaders? They say, "We can not do it because if we bring a measure into the House putting wood pulp upon the free list, it will open up the whole tariff question, and the Democrats will make all sorts of amendments." I have finally succeeded in driving the majority to a demonstration of the falsity of that pretense, and I hold the demonstration in my hand as a palpable, legible, visible thing in the shape of the rule which you adopted this morning. It illustrates, it demonstrates, that you could by action of your Committee on Rules, under your peculiar general rules conferring the power which that committee has, bring into the House a bill, accompanied by a rule from the Committee on Rules and put that bill through, if you wanted it done, with three minutes' general debate and no time or opportunity for amendment under the five-minute rule at all. Bring in your rule! Let a special rule for once bring some benefit to the people. This whole country will know before this session is over that if remedial legislation can not be secured from this Congress, it will be because the minority under the general rules and under the special rule are as helpless for legislative purposes as a child shooting peas out of a muzzle-loaded shotgun at Gibraltar is impotent in an attempt to destroy the rock.

One thing we propose to demonstrate, and we are going to demonstrate it, is that we shall exhaust in our effort to obtain remedial legislation every power which the minority has under the rules. No man of honor or sense shall claim that we have failed to do that. This rule is "the first squeal," my Democratic friends, upon the Republican side. This rule is the first squeal from the other side, but it will not be the last. Talk about hypocrisy and puerility. What of the hypocrisy and puerility of this pretense that the majority in enacting desired legislation can not protect itself from the minority? They have more rules up their sleeves which they will bring in later, but as far as I am concerned I have enlisted for the war and I will stay with you here until the dog days. [Applause on the Democratic side.] Some of you think that you will intimidate or bribe members of the Democratic party by cutting men off from speeches that they want to make, because, of course, when I refuse you unanimous consent upon that side you will refuse it here, or by cutting them off from bills that they want to pass for their districts. I do not believe there is a man on this side of this Chamber ready to sell his fidelity to a general policy of substantive and beneficent legislation for the sake of a petty speech or a petty local bill. [Applause on the Democratic side.] If there be, I shall be much astonished.

I have heard that you have bruited it about that we should get nothing this session. Why, we are so in the habit of getting nothing and having nothing that it does not hurt us much. [Applause on the Democratic side.]

Wherever one of us will be hurt one and a fraction of you will be injured, and we can stand it better than you can. Most of us who are upon this floor now are from districts where somebody may beat us for the nomination, but where no Republican is going to beat us at the election. [Applause on the Democratic side.] Even when a man sacrifices a seat, he sacrifices only himself; he does not sacrifice his party. But he will not by doing his duty here even sacrifice a nomination. The people will understand. It will be long before the dog days that you will be anxious, you Republicans, to be turning your way homeward to "mend your fences" and to take care of the live new Democrats with progressive spirits who are not letting any grass grow under their feet out West and in the Middle States. [Applause on the Democratic side.] You can not intimidate me, for one, with any special rules or with any threat of any rules. You might pass a general resolution in these words:

Resolved, That no motion or resolution or bill of the Hon. JOHN SHARP WILLIAMS, of Mississippi, shall be granted or become a law for nineteen months, or until the end of this Congress.

And you might bring in a special rule from the Rules Committee to put that resolution upon passage and pass it without amendment in ten minutes, and I might know beforehand that you were going to do it, and it would have just about as much effect upon me—oh, oh, well!—as the manner of the gentleman from New York [Mr. PAYNE] when he is on his feet making a speech. [Applause on the Democratic side.] And that is another respect in which he resembles Sir John Falstaff. He has a bullying verbality, or verbosity, whichever it may be, that does intimidate an ordinary, unaccustomed human being, and long ago it would have intimidated me, too, before I got used to the noise, but I have been standing in the hearing of it for fifteen years. [Applause on the Democratic side.]

Mr. Chairman, when I was a boy, dressed in homemade clothes, made upon the plantation during the war out of wool off of our own sheep and cotton grown in our own field, spun and woven on our hand spindles and looms, when the war had just closed they were carrying me to Memphis to put me in school. I had never seen anything but a plantation and the things that grew upon a plantation—live stock and vegetables of various sorts. We finally got to a little town by the name of Grand Junction. I never knew why it was called "Grand," except, perhaps, that it was grand for that little particular place to be a junction at all. It was at that time populated by some 340 billy goats, some 4 saloons, and a few private residences. It also had one of those old-fashioned eating hotels where the railroad trains stopped for meals. You had to get off there in order to change cars for Memphis. While we were waiting the most unearthly noise I ever heard in all my life broke out upon my ears. Out in front of the piazza of the hotel the railroad tracks were running parallel and crisscrossing, the switch engines were going up and down, but I could not stand that noise behind me, and I made right out in front of the hotel. My old nurse Lucy took after me, caught me after a while amidst the railroad tracks and not far from some of the locomotives, and said, "My God, Mars Johnny, what is the matter with you?" I said, "Why, Lucy, didn't you hear that noise? Judgment day is coming. Everything is going to pieces." "Why," she said, "Mars Johnny, that ain't nothin' but a new-fangled dinner horn." I afterwards found out it was a Chinese gong. It was the first one I had ever gotten acquainted with, but not the last, whether mechanical or human.

Since that time I have never been intimidated by mere swell of breast or rotundity of sound nor by mere—oh, I do not like to say, because I know it is unconscious; it is not intended; I would not like to say insolence of manner. Shall I say, unconscious arrogation of superiority to common mortals? I would not like to say that either, because I think that even is unconscious, a mere oozing out at the pores, like Bob Acres's courage. I shall call it the absolute unpreventability of manner and voice of the gentleman from New York. [Applause on the Democratic side.]

Now, you brought in a rule here, Mr. Chairman, and this rule reads that "the first reading of this bill shall be dispensed with; that after two hours' of general debate, the time to be equally divided," etc., a vote is to be taken. The other day you made an agreement in this House for eight hours upon this special bill. Now, by this rule you say two hours, not eight. The Chair very correctly ruled this morning. Of course the gentleman from Missouri [Mr. DE ARMOND] was merely trying to show the lack of moral conduct, the lack of ethics, on the Republican situation when he made the point of order. That you have the legal power, under a rule or without a rule, by a majority vote to break an agreement there is no doubt. You have the power to pass one thing in Congress one day and repeal it the next day, for that matter; but we have driven you to where you are not only changing your rules to suit your hand, but where you break your plighted word. [Applause on the Democratic side.] That you have the legal right to do it nobody doubts, nobody anywhere. But to repeal a law is one thing and to repeal an agreement amongst men is another thing. [Renewed applause on the Democratic side.]

To take advantage of your power as lawmakers to get out of the attitude of an agreement between one another as men is a totally different thing. However, I do not want to dwell upon that; neither will you hereafter.

Now, a few words to this—the Democratic—side of the House and I shall conclude. We have not much power. The gentleman from New York has taken the trouble to tell us that this Congress would be run without any reference to us by that side of the Chamber. We have, however, some rights. One of them is a right inherent to each Member on this side to object to unanimous consent. It causes some inconvenience. Another is a right luckily secured by the Constitution itself and not destructible by the Committee on Rules, to call for the yeas and nays upon every affirmative proposition of legislation that passes through the House. Then we have some power in a different way. Whenever you dare—whenever you dare let the House consider any of these special bills to which I have referred, we have the power of adding ourselves as a minority to a fraction of the majority and thereby to make a majority of this House. [Applause on the Democratic side.]

I have not very much hope that an opportunity will present itself to exercise that power and to show our utility to the country in that respect, because if there ever was anybody—and

I say it, as you all know, with all due regard and affection, for I have a feeling toward him almost like a son who has been kindly treated has toward his father or uncle—but if there ever was a man bestriding a situation of which he was afraid, and so much afraid that he fully deserved to be named after an Indian chief out in the West, "Old-Man-Afraid-of-His-Horses" [laughter on the Democratic side], that man is the present Speaker of this House at this moment. [Renewed laughter and applause.] There is nobody bestriding anything worse afraid of what he is bestriding at this time unless it be the Hon. SERENO PAYNE, chairman of the Committee on Ways and Means. [Renewed applause on the Democratic side.] Luckily for him, however——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I thank the House for its attention, and shall sit down.

Mr. BURLESON. I can yield the gentleman further time.

Mr. RANSDELL of Louisiana. I will yield the gentleman part of my time.

Mr. WILLIAMS. What I have said is enough.

Mr. BURLESON. I yield thirty minutes to the gentleman from Louisiana.

The CHAIRMAN. The gentleman from Louisiana is recognized for thirty minutes.

Mr. RANSDELL of Louisiana. Mr. Chairman and Gentlemen of the Committee, I propose to discuss one of the most important questions confronting the nation, to wit, that of transportation as affected by the proper improvement of our waterways. Every citizen is interested in cheap transportation because it enters into the daily life of everyone; it affects the food we eat, the clothes we put on, our movements from place to place. The more enlightened and civilized a nation, the more perfect its methods of transportation.

Waterways from the earliest days were the best means of transportation till the advent and development of railroads about eighty years ago, and they are still the cheapest of all known methods. Nearly 60,000,000 tons of freight were carried through the locks on the St. Marys River, connecting lakes Huron and Superior, last year at a freight charge of about .84 of 1 mill per ton per mile, which is about one-ninth of the average railroad rate of 7.48 mills per ton per mile, and water rates on the Ohio and lower Mississippi are about the same as on the Great Lakes. Had the total commerce of the Lakes last year, amounting to about 80,000,000 tons, been carried by rail at the average railroad rates of the entire Union the charges thereon would have exceeded by over $300,000,000 the amounts actually paid for freight. Hence, the improvements on the Lakes, which have cost about $70,000,000, saved last year to the American people more than four times as much as their total cost, and they will continue to save as much and more annually for all time to come.

While actual statistics are not obtainable for all our waterways, I am convinced that water transportation costs only about one-sixth as much as the average cost by rail.

Moreover, in many cases delivery by water is much quicker for heavy, bulky, low-class commodities. Railroad freight cars moved in 1906 an average of only 25 miles in twenty-four hours, and, I believe, an elaborate study would show that boats moved at least 100 miles in the same time.

Railroads are very limited in capacity, and there was fierce congestion on them not many months ago. On well-improved waters, such as Long Island Sound, the Great Lakes, and the Hudson and lower Mississippi Rivers, there is practically no limit to the volume of business that may be carried thereon and no danger of congestion.

Railroads are monopolistic corporations, owned, operated, and controlled for private gain. Competition over any given line is impossible, because the roadbed belongs to the corporation. Waterways are free roadbeds, for the use and enjoyment of all the people. Conditions for competition are perfect on them, and they can never be monopolized. No rate commission is needed to fix freight rates on improved water courses.

Most of the great annual expenditures of our Government are like the rain falling on the parched sands of the desert, only to disappear and leave no trace behind. But waterway improvements are investments which will last forever. The eight millions expended in giving a 35-foot channel to Boston Harbor cheapens ocean rates fully 100 per cent to the grain grower of the West and the cotton producer of the South. The annual saving in freight rates exceeds the total cost of the project, and it will remain a lasting benefit to hundreds of generations of Americans for thousands of years after the *Dreadnoughts* of to-day have decayed into their original elements and been forgotten.

The United States leads the world in many things. In railroads we are far ahead of any other country, but in waterway improvements we are way behind our Canadian neighbors and several European nations. No country on earth is better supplied by nature with waterways than ours, and though they have been sadly neglected in the past, I pray, in the words of Washington, uttered with prophetic wisdom one hundred and twenty years ago, "Would to God we may have the wisdom to improve them."

To sum up this branch of my subject, permit me to say that we should improve our waterways:

First. Because water transportation is much cheaper than by rail, and in many cases much quicker for the heavy, low-class commodities. On well-improved lakes and rivers the cost of transportation is about one-sixth of the average cost by rail.

Second. Because the railroads are congested and unable to handle the commerce of the country. Experts assert that during the past ten years production has increased 126 per cent and railroad facilities for handling it only 22 per cent. Improved waterways would relieve this congestion very materially, if not entirely, and would also furnish healthy competition with resultant cheapening of railroad rates.

Third. Because our commercial competitors—Germany and France—have have so thoroughly developed and improved their waterways and cheapened freight charges that we will be unable to compete with them in the world's markets unless we do likewise.

Fourth. Because Canada now has a 14-foot canal connecting the Great Lakes with the ocean, and is planning a 21-foot canal through Georgian Bay and the Ottawa River, and we must make as good connections with the sea or the commercial supremacy of our great ports is liable to pass to a Canadian city.

Fifth. Because we are spending vast sums at Panama to connect two oceans by a canal 35 feet deep, and make the greatest artificial waterway on earth, and in order to reap its full benefits our rivers must be so improved as to get our commerce to the sea quickly at the lowest rates, and our harbors so deepened that any ship passing through that canal may enter any one of the important harbors on our seaboard.

Sixth. Because waterway improvements are as imperishable as the solid rock and concrete out of which they are constructed. They are permanent investments, returning to the nation every year and for all time a large dividend upon their cost.

Mr. Chairman, this question of waterway improvements has come very prominently before the American people within the past few years. It has been discussed perhaps as much as any other question. It is entirely a nonpolitical one, and I wish to say in advance that I do not intend to treat it along political lines. I wish to point out its importance as a business matter. I wish to suggest to this Congress some constructive business legislation which, in my judgment, sir, we should adopt at this time, and which we will make a serious mistake if we do not pass at this session.

On the 7th of last month I had the honor to introduce in this House a bill to create a new Executive Department, to be known as the "Department of Transportation and Public Works," and whose head shall be a member of the Cabinet. Lack of time prevents me from discussing this bill fully, but I will say, in brief, that it proposes to place under one Department all Federal matters relating in any way to transportation by highways, railways, and waterways, and to such public works of every kind and sort as require the intervention and services of skilled civilian engineers. It would include everything relating to public buildings and grounds, public roads, the Geological Survey, the Reclamation Service, the Coast and Geodetic Survey, the surveys of public lands, a bureau of transportation, with important powers in regard to rail and water terminals and the administrative functions now exercised by the Interstate Commerce Commission, a bureau of waterways, with all powers now delegated to the Engineer Corps of the Army, and many additional powers, and also bureaus of mining, of standards, and coordination.

You will observe that while the scope of the proposed Department is very broad, everything in it is closely allied, either because it relates to transportation or is a branch of the great science of civil engineering. I invite your careful consideration and criticism of this bill as a whole, but for the present must address myself to its waterway features.

The term "civilian engineer" is used in contrast with the engineers of the War Department, who now have charge of all Government works on the waterways of this country, and I wish to say that in my judgment we will never make a great success in improving these waterways until we take them entirely out of the hands of the war engineers. They are trained

for war, not for water, and we must have men thoroughly educated in hydraulics, or water engineering, rather than in the science of war, if we expect to get the best results.

Now, gentlemen, I have the highest regard and esteem for the splendid Engineer Corps of the Army. I do not believe there is a better branch of the public service than these engineers. I do not believe there is a branch which has rendered more faithful, more honorable, more honest, and more painstaking service than they have. I am not criticising them in the least, for they have done their best with the opportunities given them; but I am undertaking to criticise the American Congress, which has thrown upon these engineers the task of carrying on works of improvement on waterways under a most unbusinesslike and inadequate system, from which it was impossible to secure good results—indeed, under a nondescript method of nonaccomplishment, which is absolutely unworthy the name of system.

What is that method? Why, sirs, when any particular waterway is to be improved in any part of the country, its friends come to Congress and ask an order directing the Engineer Corps to make a survey of it. A bill is then passed commanding that it be done under carefully specified limitations, and under that order the engineers make the survey. If everything is favorable and the report satisfactory, Congress may adopt the project and appropriate part of the money necessary for it. The next, or some succeeding Congress, may fail to make appropriations, or some ambitious politician or engineer may bring about a change of plan, and the net result in most cases is interminable delay, with complete failure in many.

There has never yet been any well-defined, comprehensive plan or policy for the improvement of our waters as a whole. The engineers ordered, for instance, to survey the Ohio River with a view of obtaining 9 feet from Pittsburg to Cairo have no power whatsoever to investigate the mighty Missouri, the upper Mississippi, the Illinois, the Tennessee, the Cumberland, the Arkansas, the Yazoo, the Ouachita, or any other of the various rivers of the great Mississippi system, all of which should form part of one comprehensive whole. Why, sirs, when a railroad car is loaded at my home in Lake Providence, La., it can go on a standard-gauge railroad to Boston, to Portland, to Chicago, or to any part of the Union. Now, if we require standards in railroads, we should have standards, or at least as near an approximation to standards as possible, in our waterways. But under our system the engineers have no right to make a general investigation, no right to work out a comprehensive plan, and no right to make recommendations in regard to anything except the one specific project submitted to them. They are mere automatons, mere machine surveyors, ordered by Congress to do thus and so, and their training at West Point as military men compels them to obey orders and do what they are told—no more and no less.

I should like to see a radical change in this matter. I should like to see the Department of Transportation and Public Works created, and in it a Bureau of Waterways, presided over by the greatest hydraulic engineer in the Union, to be called the "Commissioner of Waterways," aided and assisted by a number of high-class civilian engineers. I should like to see sufficient money given to this commissioner so that he might work out through the disconnected surveys already made and new surveys, and so forth, a broad, comprehensive, far-reaching plan for improving every waterway in the country along the seaboard, with its innumerable harbors and intercoastal waters, on the Great Lakes, and every river and connecting canal that is capable of being improved within reasonable cost and that seems to be justified by the present or prospective needs of commerce. [Applause.] When this plan is worked out it should be reported to Congress, and if adopted, in whole or in part, the execution should be committed to the commissioner and ample funds provided for the completion within the next ten years of all such projects as Congress approves.

Mr. LAWRENCE. Will the gentleman yield?

Mr. RANSDELL of Louisiana. I will yield to the gentleman.

Mr. LAWRENCE. I have been following the gentleman's speech closely, for I realize that no Member of the House has given more earnest and enthusiastic study to this great question than he has. I realize, too, that the delay in carrying on the river and harbor work has been very exasperating, in view of the existing demands of commerce. But it has seemed to me that the members of the Engineer Corps of the Army have done magnificent work and that the handicap has been, perhaps, from the fact that there has been such a small force. I would like to ask the gentleman if he does not think that he could accomplish what he wants by a large increase in the engineer force?

Mr. RANSDELL of Louisiana. I agree with your statement that our Army Engineer Corps have done magnificent work, and no man gives them higher credit than I, but I do not believe we can cure the disease by increasing their number. *The trouble goes deeper than that. We must go to the root of the system.* The United States Army engineers are not trained in hydraulics. The ten honor men of the graduating class at West Point, if I am correctly informed, are selected annually and placed in the Engineer Corps. These young engineers, fresh from college, after a brief sojourn in the Army, are then sent out to some work—for instance, on the Mississippi River, where they study the terrible flood, and the levees and caving banks of that great stream—and are kept there from one to three years. Thence they may go to the mouth of the Columbia, where the enormous waves of the Pacific, constantly pouring into that river and meeting its currents and shifting sands, present problems entirely different from those on the Mississippi. After one or two years on the Columbia, they are sent, perhaps, to your own great harbor at Boston, where the problems in rock dredging for the 35-foot channel secured by your efforts are very different from those on the Mississippi and the Columbia rivers. They work with the greatest diligence, as everyone does in Boston, and after two or three years are beginning to get a little understanding of their task when an order comes sending them to Chicago, Detroit, or Cleveland, where they are kept about the same time wrestling with the intricate and difficult problems of the Great Lakes. They then go to Savannah or New Orleans and build jetties to wash the sand off the bars at the mouths of the Mississippi and Savannah rivers under plans devised by the great civil engineer, James B. Eads. From there perchance they are sent to Yellowstone Park to build good roads in that grand playground of America. Then to the Philippines to construct railroads and military roads, at which they are busied for one or two years. Then back to San Francisco, where they build fortifications at the "Golden Gate." Then to Panama to make the great canal. And finally they are moved into active service with the Army, the real business for which they were educated and trained. And in not a single one of these positions, except the Army and fortification work, are they kept long enough to master the problems.

One of our ablest civilian engineers says that it would take the finest kind of an engineer fully fifteen or twenty years to master the problems on most any of our great rivers. I wish to say, after having lived on the banks of the Mississippi for twenty-six years, constantly studying it, and being somewhat of an embryo engineer myself, I do not believe there is a man living who can completely master all the problems of that great river in less than twenty years; and yet these gentlemen of the Army are expected to learn them in two or three years.

I repeat that we must get at the root of this system. If our main purpose in using Army engineers for works on waterways be to give them a broad, liberal education which will be of vast benefit in their military career, the present system is a *bonanza*, but if we seek the best interests of waterways and of commerce it is a *lemon*.

Replying further to your question, Mr. LAWRENCE: On the 28th of last month there were 175 members in the Engineer Corps, and the law authorizes a total of 188. Undoubtedly a large increase in the Corps would ultimately be of some help. They were distributed for duty as follows:

River and harbor, exclusively	24
River and harbor and other duties	36
Total river and harbor	60
Panama Canal	8
Insular possessions, including Cuba	28
Office Chief of Engineers	6
With troops in the United States	38
Light-House Establishment, exclusively	2
Public Buildings and Grounds, District of Columbia	2
District government	3
General Staff	1
Fortification work, exclusively	1
Survey of the Northern and Northwestern lakes	1
United States Military Academy	8
Army School of the Line, as instructors	2
In General Hospital	2
On leave of absence	4
On graduating leave of absence	9
Total	175

In my judgment, sirs, we should adopt the excellent plan followed by Germany and France. These wise nations have great schools where they train their engineers in hydraulics and other branches of civil engineering. All their public works of every kind relating to wharves, docks, waterways, canals, roads, railroads, and so forth, are placed in the hands of these skilled

civilians, who devote their whole lives to the task. Army engineers are not employed in civil works in either France or Germany. Nor do the Canadians use army engineers in improving their great waterways. And every student knows that these three countries are far ahead of the United States in the development and beneficial use of their waters.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. RANSDELL of Louisiana. I will yield to the gentleman.

Mr. HUMPHREYS of Mississippi. Is not one of the difficulties this: That an engineer of the Army is assigned to a project and before it is completed he is removed and put in charge of some other work, another being assigned to this project, who frequently disagrees with the ideas of the engineer who preceded him?

Mr. RANSDELL of Louisiana. Yes, that is literally true; and it sometimes results disastrously, nearly always produces great delay, and occasionally defeats the project.

To illustrate very briefly our unbusinesslike methods: We began to improve the Ohio River over twenty-five years ago so as to get a minimum low-water depth of 6 feet from Pittsburg to Cairo. Nineteen engineers of the corps have expended the sums which Congress doled out in the triennial river and harbor bills, and after the lapse of a quarter of a century of effort less than one-tenth of the work is finished. A recent survey of the river recommends 9 feet instead of 6, and the additional cost is estimated at $63,000,000. If old methods are followed, this 9-foot scheme will be on the boards for over a hundred years. *A complete and radical change is necessary.* Before leaving this topic, I wish to say, in justice to the engineers, that the fault on the Ohio lies entirely with Congress and its parsimonious appropriations—not with the engineers, who spent all that was given them.

Some of my Democratic colleagues have objected to my bill, because, as they say, we have too many executive departments now. It is well for us to look around and see what the balance of the world is doing in this respect. If there be real need for a Department of Transportation and Public Works, and if we can find strong precedent for it in other advanced countries, certainly there is no reason why we should not have it. [Applause.] Especially is that true if we find abroad more members in these departments than nine, which is the number in our Cabinet. In Great Britain there are nineteen members of the cabinet; in Canada, eleven, one of whom is the minister of public works; in Argentine Republic, eight, one of whom is minister of public works; in France, a Republic just like ours, eleven, one of whom is minister of public works; in Japan, nine, one of whom is minister of communications; in Mexico, eight, one of whom is minister of communications and public works; in the Netherlands, nine, one of whom is minister of public works; and in Russia, fourteen, one of whom is minister of ways and communications, so there is plenty of precedent for us. If we wish to add a member to our Cabinet we can find precedent both for the increase and for the creation of a Department of Public Works.

Now, Mr. Chairman, this matter of improving our waterways has been called to the attention of the country most persistently during the last two or three years, and no man has done it more forcefully and intelligently than the President of the United States. In three messages to this Congress he has called particular attention to the necessity of adopting a waterway policy at this session, *the necessity of changing our policy now. Just as he wants other legislation now, he wants waterway legislation now.* Let me read a few of his utterances.

In his annual message on December 3 last, Mr. Roosevelt said:

> Our great river systems should be developed as national water highways. The National Government should undertake this work, and I hope a beginning will be made in the present Congress. The work should be systematically and continuously carried forward in accordance with some well-conceived plan.

Those words have a familiar sound. The national Democratic platform of 1904 contained the first strong declaration in favor of waterway improvements ever adopted by a national party. It reads:

> We favor liberal appropriations for the care and improvement of the waterways of the country. When any waterway like the Mississippi River is of sufficient importance to demand special aid of the Government, such aid should be extended with a definite plan of continuous work until permanent improvement is secured.

Now, Mr. Chairman, do not you think the President must have had before him when he penned his December message that wellspring of patriotic wisdom and statesmanship—the national Democratic platform of 1904? [Applause on the Democratic side.] I think so, because the words and ideas are so similar.

On February 26 last, when transmitting to Congress the preliminary report of the Inland Waterways Commission, the President said:

> Our people are united in support of the immediate adoption of a progressive policy of inland waterway development. Hitherto the national policy of inland waterway development has been largely negative. No single agency has been responsible under Congress for making the best use of our rivers or for enforcing foresight in their development.

My friends, let me emphasize that proposition. No single agency has ever been responsible for our waterways. They have been in all of our history a *mere incident, a side issue with one bureau—the Engineer Corps of the War Department*—a Department which has nothing in common with waterways, only a side issue, with one bureau, in a Department which pays no attention whatsoever to commerce instead of being the main issue in one devoted to transportation and civil works.

Mr. BEDE. And do not have half of that bureau?

Mr. RANSDELL of Louisiana. And not half of that bureau. I thank the gentleman for the suggestion; only a small part of the engineer bureau.

The President continues:

> Frequent changes of plan and piecemeal execution of projects have still further hampered improvements.

Just as my friend Mr. HUMPHREYS suggested.

> The first condition of successful development of our waterways *is a definite and progressive policy.* The second is a concrete general plan, prepared by the best experts available, covering every use to which our streams can be put. *We shall not succeed until the responsibility for administering the policy and executing and extending the plans is definitely laid on one man or group of men who can be held accountable.*

That is what my bill proposes to do; to place this power in the hand of one man and one group of men, who can be held accountable.

> *Adequate funds should be provided, by bond issue, if necessary, and the work should be delayed no longer.* The development of our waterways and the conservation of our forests are the two most pressing physical needs of the country. They are interdependent, and they should be met vigorously, together and at once.

These are strong, wise words. Would to heaven Congress would hearken to them at once!

Only a few days ago, in a special message sent us on the 25th day of March, he says:

> *Ample provision should be made for a permanent waterways commission,* with whatever power is required to make it effective. The reasonable expectation of the people will not be met unless the Congress *provides at this session for the beginning and prosecution of the actual work of waterway improvement and control.*

Now, in line with that last message, gentlemen of the committee, permit me to say that I heartily favor the creation of an Inland Waterways Commission as suggested by the President, but I do not favor giving them any power at this time except that of investigation and recommendation, so that they may advise Congress in regard to the best methods of handling this troublesome question. I think this Commission should visit the old countries of the earth and such parts of North and South America as have taken advanced stands in water improvements. I think they should get the benefit of all the world's lore in regard to this most important business matter, and after a thorough, painstaking investigation they should transmit their findings and recommendations to Congress. With the assistance and advice of this commission of scientists and experts Congress could determine upon a "definite and progressive policy" to be executed under "a concrete general plan," and when that is done, the Department I propose, through its Waterway Bureau, could carry out our statutes on the subject. [Applause.]

Mr. Chairman, on the 4th, 5th, and 6th of last December a great waterways convention was held in this city by the National Rivers and Harbors Congress. Nearly 2,000 delegates were accredited to it, and there were representatives from thirty-seven States of this Union. That convention voiced the opinion of the American people when it declared in favor of a "wise, liberal, and comprehensive waterway policy that will provide for the proper improvement within the next ten years of the rivers, waterways, and harbors of our country the improvement of which is justified by the present and prospective benefits to commerce;" when it asked Congress to view river and harbor appropriations as "an investment in permanent improvements bound to pay increasing dividends from year to year;" when it urged annual appropriations of "not less than $50,000,000" for waterways, and promised its support to a "bond issue, similar in character to that for building the Panama Canal, if same be found necessary." [Loud applause.] It gave expression to the idea dominant in the business world of America *that water transportation is essential to our commercial prosperity and that it should be developed to the utmost without delay.*

The proceedings of this convention met with unanimous approval from the press in every part of the country, and no dissenting voice has been heard. The brief time allowed me permits only a few short quotations, though I have editorial indorsement from over a hundred leading papers.

In the Evening Star, of this city, an editorial in its issue of December 5, 1907, while the convention was in session, says:

The present movement, which is both nonsectional and nonpartisan—national in the truest sense—deserves success. It is in accord with what may be characterized as a general awakening to great national needs, hitherto but imperfectly appraised or else entirely neglected. Our waterways are an asset of incalculable value, and by the proper care may be made to solve many difficulties in the problem of transportation, and every member of either House of Congress can well afford to give his voice and vote for a comprehensive policy of permanent improvement.

It is not a matter of a few years or a few millions. A study of the map shows both the extent and the importance of the undertaking. The larger rivers are long, the smaller crooked. All will call for a liberal outlay if what is in view is to be accomplished. For this reason the greatest importance attaches, as Mr. Root points out, to what is now on the cards. A beginning means a carrying forward of work, and money will be wasted if the beginning is not wisely made. As the Secretary puts it, a policy, not a project, confronts us.

In the Philadelphia Inquirer of December 6, I find:

There must be a fixed plan. There must be a definite sum set aside not spasmodically, but annually. * * *

Fifty millions a year for the next ten years—this is one of the objects aimed at by the great conference of delegates at Washington. * * *

A regular plan and fifty millions a year as a positive fixture—that is a policy which Congress must adopt if it is to consider, first of all, the vital interests of the country.

The Times-Democrat, of New Orleans, La., on December 7, speaks as follows:

Will Congress declare for a definite waterway improvement policy, backing up its declaration of faith with adequate monetary support, or will it refuse the request in which practically the entire nation has joined?

No great public movement was ever more strongly backed by national sentiment. The waterways propaganda has progressed steadily for years. Half measures and patchwork policies have been found expensive and profitless. The belief in the absolute necessity of comprehensive and systematic improvement has been forced upon us by natural and commercial conditions. Even in the ranks of the obstructionists there is hardly a man who will not admit the national need of enlarged waterways. In the demand put forward by the Rivers and Harbors Congress there is neither politics nor sectionalism. Prominent Democrats and leading Republicans are united in its support. Resistence to the movement can not be justified upon grounds of political expediency, and even less by the plea of economy, for the improved waterways system will of itself work economies upon the grand scale. Congress can not dodge the issue. It must give a direct answer to the appeal, and its speech must be "yea, yea," or "nay, nay."

On December 8 the Chicago Inter-Ocean gave its indorsement:

The Rivers and Harbors Convention, the largest and most representative gathering ever held to discuss the subject, at its meeting in Washington last week requested Congress to make a standing or permanent appropriation of $50,000,000 a year for the improvement of the nation's waterways. * * *

The nation's growth has compelled the taking of new thought about the rivers. The nation's production and trade have outgrown railway capacity. Money might be found to build more railways, but it is being seen ever more clearly that the railways can never adequately take the place of the waterway.

No wit of man can make the car as cheap a carrier as the boat. Where rapid transit is not essential, as with the vast bulk of freight it is not, the waterway is superior.

In the News, of Cleveland, Ohio, on January 6 are these strong words:

Waterways cheapen transportation by both water and rail. Cheap transportation is as essential to industry as it is to successful agriculture. There is not one square mile of territory in America whose interests can be absolutely divorced from the waterways problem. The country has, in the Great Lakes, the Mississippi, and other great water courses, the making of the finest system of internal waterways in the world. The future of the country requires that the work go forward.

Let Congress feel that the people demand it.

And in the Philadelphia Inquirer of March 20 is this stinging rebuke to our inaction:

A few cheeseparers and pullbacks in Washington, assuming to be leaders, are possessed with the idea that it is good politics to hold up every possible improvement and thus make a showing of economy. It is a miserly and altogether detestable trick which will not fool anyone. The people are ready to indorse the development of waterways and they look to Congress to start the ball a-rolling.

We believe with Senator KNOX that there is nothing before the country of greater importance than the opening up of these new transportation routes. They mean cheaper rates for all of the people.

But Congress loiters and hesitates. Why?

There is not a single Member from any State in the Union who can give a satisfactory answer.

In addition to the President's messages, the actions of the Rivers and Harbors Congress and many similar waterway conventions, the universal demand of the commercial world, even including railroads, and the united press, we have all the candidates for President clamoring for waterway improvements. Mr. KNOX delivered a speech at Pittsburg recently which is one of the most notable contributions to this subject. Mr. Taft's Ohio platform, adopted March 4, has a very strong waterway plank, and so has the platform of Mr. Bryan at Omaha, March 6. Governor Johnson was one of the star speakers at the Rivers and Harbors Congress. "Uncle Joe" and Mr. FAIRBANKS expressed hearty approval of that convention's resolutions. Mr. Hughes is also a believer. I have not heard from FORAKER and LA FOLLETTE, but have no doubt they are both on the waterway wagon. And there is not a single Member of Congress who dares or wishes to raise his voice in opposition.

What, then, is the trouble, and why do we delay? Do not fool yourselves into believing the country will excuse you because of a probable deficit in the Treasury. It does not require much cash to inaugurate great engineering works, as they progress very slowly, but you should authorize them and let the good work begin; then, if funds are not available in the future, as the work proceeds, bonds may be issued, as in the Panama Canal. I am no advocate of bonds if we can get along without them, but I cheerfully voted authority to the President to issue bonds for the Panama Canal when necessary, and being convinced that the improvement of our internal waterways would benefit us much more than that canal ever will, I will vote bonds for waterways if they can be improved in no other way.

Do not be misled, either, by the statement that there are large unexpended sums on hand for our waterways out of past appropriations and we need no more till those amounts are expended. It is true that most of the money appropriated and authorized in our bill of last year is still unspent, because it takes a long time in many instances to get ready, as, for example, the new lock at Sault Ste. Marie and the new channel on the Detroit River, for which we gave some thirteen millions in the last bill. But it is certain that work can not begin until the project is adopted and authorized by Congress.

Some most meritorious and expensive projects are now ready for Congressional action which were not in shape last year, as, for example, the Ohio River, which will cost over $63,000,000. The report on this project was submitted to Congress on the 13th of last February, and it is very strongly urged by all the engineers connected with it. That gigantic project, which is of interest to the entire country, should be delayed no longer, but it should be adopted at this session and work begun at once. At least six and a half millions should be appropriated or authorized for it now, and Congress should commit itself definitely to a similar sum every year until it is completed. We hope to complete the Panama Canal in ten years from its beginning; surely the Ohio River, if worthy of improvement, as all admit, should not require more time for competition than that great canal.

I use the Ohio merely as an illustration. There are many other waters of great merit, including that grand conception which has the hearty indorsement of the President—a 14-foot channel from the Lakes to the Gulf, on which appropriations could be most wisely made at this session.

Moreover, there are some prospective projects of the first magnitude, such as the Atlantic coast inland waterway from Boston to Florida, on which nothing can be done until surveys and estimates are made. Our friends along the coast will be deeply disappointed if we do not pass a bill and give them the desired survey. Such a survey will take much time—probably two or more years. If we have no bill till next year, and then order a survey, it will probably be three years from now before their claims can be presented for action by Congress. This is an unreasonable and unwise delay. I know nothing of the merits of this proposed intercoastal canal except in the most general way, but if it is half as good as its friends claim it to be, we ought to be in position to act on it as soon as possible.

By all means let us have river and harbor legislation at this session. I beg of you to consider the gravity of this situation, and implore you not to let the session pass without legislation looking to a broad, comprehensive plan for improving all of our waterways.

Mr. Chairman and gentleman, permit me to suggest that this question is up to you, and you must solve it or be held accountable. Like Banquo's ghost, it will not down, but must be settled, or at least placed in the process of adjustment at this session of Congress. You can not delay it or dodge it. You must say "yea, yea," or "nay, nay!" [Loud applause.]

Mr. GARDNER of Michigan. How much time remains on the other side?

The CHAIRMAN. No time remains on the other side, and ten minutes remain to the gentleman from Michigan.

Mr. GARDNER. Mr. Chairman, I yield the remaining time to the gentleman from Ohio [Mr. BANNON].

Mr. BANNON. Mr. Chairman, the leading article in The Saturday Evening Post of March 21 is entitled "The Undiscussed Issue." The article purports to discuss the protective tariff.

The author of it is Will Payne, but he certainly is not a regular subscriber to the CONGRESSIONAL RECORD, or he would not have indulged in such a misnomer. It is possibly needless to say that he has no connection with the Committee on Ways and Means or its distinguished chairman. The Saturday Evening Post is a great journal. Its circulation must be enormous. You meet it everywhere. You find it at every railway station, on all trains, in every hotel, in every village. It goes to the homes of the people. Its contributors are interesting writers, and it occupies a position in this country as a publication which gives standing and character to its utterances. For this very reason any statement of fact made by it from which conclusions are drawn should be most accurate. Otherwise, the reader is misled. In the article I just referred to are many glaring inaccuracies, to which attention should be drawn, lest they be accepted as facts. I will read a paragraph from that article:

Massachusetts leads the United States in production of manufactured goods per capita. There is a protective duty of 25 per cent on boots; but there is another of 20 per cent on sole leather and 15 per cent on hides—the raw materials. There is a leather trust which is an adjunct of the beef trust, and somebody complains that the hide duty puts $1 into the United States Treasury and $4 into the fat coffers of the beef trust.

Massachusetts manufacturers have a machine with which one man sews 250 pairs of shoes in a day; another which enables a single operative, at one stage, to handle 300 pairs daily, against 5 pairs by hand. Some of the manufacturers have concluded, therefore, that with free hides they would take their chances against the pauper labor of Europe. They might then get a chance at the export trade which they are now completely shut out of. Of all manufactures of leather we export $50,000 worth a year; of leather itself and all its manufactures about a hundred thousand dollars' worth, while of leather and its manufactures we import from fifteen to twenty million dollars' worth a year, all paying duty. Last year our imports of hides (dutiable) rose to 135,000,000 pounds. The domestic producer of leather, having erected the tariff fence, can not meet the demand.

The shoe manufacturer, paying 15 per cent duty on hides and 20 per cent on sole leather, has an additional protection for his finished product of only 5 or 10 per cent.

The first statement is that because American shoe manufacturers are operating some wonderful machinery designed to lessen the cost of production some of them are willing to take their chances against the pauper labor of Europe if Congress will repeal the duty on hides. The author, inferentially at least, admits that there is pauper labor in Europe. But why can not this pauper labor operate the same machinery? And if that is done, why will our workmen not still be in competition with them? The foreign manufacturer can get the same machinery Americans use. No trouble about that. The shoe manufacturers have had the proposition put up to them time and again to say whether they desired the admission to our markets, free of duty, of foreign-made boots and shoes, but they have never said they did, and they will not say it in our time.

The article states that with free hides our shoe manufacturers would get a chance at an export trade which they are now completely shut out of. This can not be true. The author states that we export only about $50,000 worth of manufactures of leather a year. He misses it by a little matter of more than eleven and a quarter million of dollars. Instead of exporting $50,000 worth a year, we exported, in 1906, $11,326,011 worth of the manufactures of leather. This article states that of leather itself and all its manufactures we export only about a hundred thousand dollars' worth annually. He misses that by more than $45,000,000. We exported last year leather and manufactures of leather to the value of $45,476,969. Mr. Payne's premises being wrong, how can his conclusions be right? When I read his figures I knew he must have found them somewhere, so I made a search, and I believe I know where he got them. He took them from the tables showing the summary of exports of foreign merchandise. He should have consulted the tables showing the exports of domestic merchandise. His figures represent the values of the merchandise named by him which were manufactured, not in America, but abroad, imported to our country, and then exported—reexports they are commonly called. The figures I give you are the exports of domestic manufactures, which were, of course, made in this country by our labor and our factories. This merely illustrates the danger of accepting too hasty an examination of statistics.

Again, Mr. Payne tells us in The Saturday Evening Post that of leather and its manufactures we import from fifteen to twenty million dollars' worth a year. While we did import last year more than $20,000,000 worth, yet if he will take a period of the last ten years he will find the average nearer eleven millions. He also tells us that 135,000,000 pounds of hides (dutiable) were imported last year. This is true; but we exported more than 15,000,000 pounds.

Mr. Payne refers to sole leather and hides as the raw material out of which shoes are made. Again he is in error. Sole leather is made out of hides, so they are really the same thing. The uppers of shoes are made from horse hides, goat, sheep, kangaroo, and calf skins, all of which are now admitted free of duty and constitute in value three-fourths of our importation of hides.

In this article the author deduces the conclusion that because there is a protective duty of 25 per cent on shoes and a 15 per cent duty on the hides and a 20 per cent duty on the sole leather which enter into the manufacture of shoes that consequently the manufacturer has a protection of but 5 or 10 per cent. In this he is mistaken. The material out of which leather for the uppers of most of the shoes worn in this country is made is admitted free of duty. In almost every shoe that is worn the only portions bearing any duty levied on hides are the soles and heels. Very few shoes are made out of cattle hides, and those that are are worn by the farmers, and they get the benefit of the duty on hides. The duty in the soles and heels is less than 2 cents per pair; so, consequently, it is absurd to presume that hides and sole leather are the only raw materials used and that the duty levied on them reduces the protection given shoes.

I direct the attention of the House to this matter to show you how misleading some of the articles are which appear in our magazines. It is no wonder the public is often given wrong impressions. In many cases, as in this one, the errors are not intentional, but are made through a lack of intimate knowledge of the subjects. Many of these agitations hurt legitimate business. The tariff affects this entire country and every citizen in it. Consequently, in the discussions that are bound to come this fall great care should be exercised to be sure of the grounds upon which you base your conclusions.

The next Republican national convention will, in all probability, declare for tariff revision. To secure a Republican revision the next House of Representatives must be Republican. The effect upon American industries of tariff revision by the Democratic party is illustrated by its position on the duties on cattle hides and on manufactures from leather.

Republican revision means that the difference in wages paid here and abroad shall enter into the settlement of the schedules. Democratic revision would give this difference no consideration. Republican revision means that the American wage-earners' mode of living shall be compared with that of the workmen of foreign lands. Democratic revision pays no heed to that. Republican revision will protect both the high wages and the better mode of living so generally enjoyed in this country. Democratic revision will protect neither. One of the great issues in November, then, will be whether or not Americans want such a revision as will give us a protective tariff or a tariff for revenue only; a revision by protectionists or by free traders; a revision by the friends of protection or by its enemies; a revision by the Republican party or by the Democratic party. That will be the great issue for the American electorate to decide. The history of our country and the experience of our people leave no room to doubt what the result will be. [Loud applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the motion was agreed to.

Accordingly the committee rose, and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20063, the District of Columbia appropriation bill, and had directed him to report that it had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same.

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

WITHDRAWAL OF PAPERS.

Mr. ADAIR, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of James B. Mulford, H. R. 13108, Sixtieth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS. Mr. Speaker, I ask for a division.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise for the purpose of asking a division.

The House divided, and there were—ayes 170, noes 41.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 88, nays 82, answered "present" 16, not voting 202, as follows:

YEAS—88.

Allen	Dawson	Hill, Conn.	Mann
Ames	Denby	Holliday	Morse
Bannon	Diekema	Howell, N. J.	Mouser
Bartholdt	Douglas	Howell, Utah	Mudd
Bede	Draper	Hubbard, Iowa	Murdock
Birdsall	Driscoll	Hubbard, W. Va.	Needham
Bonynge	Dwight	Jones, Wash.	Nye
Brownlow	Ellis, Mo.	Kahn	Payne
Burke	Englebright	Keifer	Pray
Burleigh	Focht	Kimball	Reynolds
Butler	Fowler	Kinkaid	Roberts
Campbell	Fuller	Knowland	Rodenberg
Capron	Gaines, W. Va.	Küstermann	Smith, Iowa
Cary	Gardner, Mich.	Lafean	Snapp
Caulfield	Gardner, N. J.	Laning	Southwick
Chapman	Greene	Lindbergh	Stafford
Conner	Haggott	Lowden	Sulloway
Cook, Colo.	Hale	McCreary	Taylor, Ohio
Cooper, Wis.	Hamilton, Mich.	McGuire	Volstead
Cushman	Haskins	McKinley, Ill.	Vreeland
Dalzell	Hawley	McKinney	Weeks
Davidson	Higgins	McLachlan, Cal.	Young

NAYS—82.

Adair	Cravens	Houston	Pou
Aiken	Denver	Hughes, N. J.	Ransdell, La.
Alexander, Mo.	Favrot	Hull, Tenn.	Rauch
Bartlett, Ga.	Fitzgerald	Humphreys, Miss.	Richardson
Bartlett, Nev.	Floyd	James, Ollie M.	Robinson
Beall, Tex.	Foster, Ill.	Kelliher	Rothermel
Bell, Ga.	Gaines, Tenn.	Kitchin, Claude	Rucker
Booher	Garner	Lamar, Mo.	Russell, Mo.
Bowers	Gillespie	Leake	Sheppard
Brodhead	Gregg	Lewis	Sherley
Broussard	Hackett	Lloyd	Sherwood
Burleson	Hackney	McHenry	Slayden
Burnett	Hamlin	Macon	Stanley
Byrd	Hardwick	Moon, Tenn.	Stephens, Tex.
Caldwell	Hardy	Moore, Tex.	Thomas, N. C.
Carlin	Harrison	Murphy	Tou Velle
Carter	Hay	Nicholls	Watkins
Clark, Mo.	Heflin	O'Connell	Wiley
Clayton	Helm	Padgett	Williams
Cooper, Tex.	Henry, Tex.	Page	
Cox, Ind.	Hill, Miss.	Peters	

ANSWERED "PRESENT"—16.

Adamson	Garrett	Johnson, S. C.	Slemp
Bennet, N. Y.	Goulden	McGavin	Smith, Cal.
Dixon	Howland	Rainey	Smith, Mich.
Ferris	Jenkins	Shackleford	Wanger

NOT VOTING—202.

Acheson	Fairchild	Knapp	Powers
Alexander, N. Y.	Fassett	Knopf	Pratt
Andrus	Finley	Lamar, Fla.	Prince
Ansberry	Flood	Lamb	Pujo
Anthony	Fordney	Landis	Randell, Tex.
Ashbrook	Fornes	Langley	Reeder
Barchfeld	Foss	Lassiter	Reid
Barclay	Foster, Ind.	Law	Rhinock
Bates	Foster, Vt.	Lawrence	Riordan
Beale, Pa.	Foulkrod	Lee	Russell, Tex.
Bennett, Ky.	French	Legare	Ryan
Bingham	Fulton	Lenahan	Sabath
Boutell	Gardner, Mass.	Lever	Saunders
Boyd	Gilhams	Lilley	Scott
Bradley	Gill	Lindsay	Sherman
Brantley	Gillett	Littlefield	Sims
Brick	Glass	Livingston	Small
Brumm	Godwin	Longworth	Smith, Mo.
Brundidge	Goebel	Lorimer	Smith, Tex.
Burgess	Goldfogle	Loud	Sparkman
Burton, Del.	Gordon	Loudenslager	Sperry
Burton, Ohio	Graff	Lovering	Spight
Calder	Graham	McCall	Steenerson
Calderhead	Granger	McDermott	Sterling
Candler	Griggs	McKinlay, Cal.	Stevens, Minn.
Chaney	Gronna	McLain	Sturgiss
Clark, Fla.	Hall	McLaughlin, Mich.	Sulzer
Cockran	Hamill	McMillan	Talbott
Cocks, N. Y.	Hamilton, Iowa	McMorran	Tawney
Cole	Hammond	Madden	Taylor, Ala.
Cook, Pa.	Harding	Madison	Thistlewood
Cooper, Pa.	Haugen	Malby	Thomas, Ohio
Coudrey	Hayes	Marshall	Tirrell
Cousins	Henry, Conn.	Maynard	Townsend
Craig	Hepburn	Miller	Underwood
Crawford	Hinshaw	Mondell	Waldo
Crumpacker	Hitchcock	Moon, Pa.	Wallace
Currier	Hobson	Moore, Pa.	Washburn
Darragh	Howard	Nelson	Watson
Davenport	Huff	Norris	Webb
Davey, La.	Hughes, W. Va.	Olcott	Weems
Davis, Minn.	Hull, Iowa	Olmsted	Weisse
Dawes	Humphrey, Wash.	Overstreet	Wheeler
De Armond	Jackson	Parker, N. J.	Willett
Dunwell	James, Addison D.	Parker, S. Dak.	Wilson, Ill.
Durey	Johnson, Ky.	Parsons	Wilson, Pa.
Edwards, Ga.	Jones, Va.	Patterson	Wolf
Edwards, Ky.	Kennedy, Iowa	Pearre	Wood
Ellerbe	Kennedy, Ohio	Perkins	Woodyard
Ellis, Oreg.	Kipp	Pollard	
Esch	Kitchin, Wm. W.	Porter	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. HALL with Mr. HAMILTON of Iowa.

Until Monday:

Mr. BURTON of Ohio with Mr. RANSDELL of Louisiana.

For the balance of this day:

Mr. GILLETT with Mr. LEGARE.

Mr. FOULKROD with Mr. HAMILL.

Mr. NELSON with Mr. SIMS.

Mr. MILLER with Mr. JOHNSON of South Carolina.

Mr. SCOTT with Mr. GARRETT.

Mr. HULL of Iowa with Mr. RAINEY.

For this vote:

Mr. THOMAS of Ohio with Mr. SPARKMAN.

Mr. WALDO with Mr. CANDLER.

Mr. WOODYARD with Mr. TAYLOR of Alabama.

Mr. WILSON of Illinois with Mr. UNDERWOOD.

Mr. CALDERHEAD with Mr. CRAWFORD.

Mr. BEALE of Pennsylvania with Mr. BURGESS.

Mr. CRUMPACKER with Mr. DE ARMOND.

Mr. DUREY with Mr. GILL.

Mr. ESCH with Mr. GRANGER.

Mr. HUFF with Mr. GLASS.

Mr. LAWRENCE with Mr. HAMMOND.

Mr. LAW with Mr. HITCHCOCK.

Mr. LORIMER with Mr. HOBSON.

Mr. LOUDENSLAGER with Mr. JONES of Virginia.

Mr. MCCALL with Mr. LAMB.

Mr. MCLAUGHLIN with Mr. LASSITER.

Mr. MCMORRAN with Mr. LEE.

Mr. MALBY with Mr. MCLAIN.

Mr. MARSHALL with Mr. RANDELL of Texas.

Mr. PARKER of South Dakota with Mr. REID.

Mr. PARSONS with Mr. RUSSELL of Texas.

Mr. SCOTT with Mr. SMITH of Texas.

Mr. TAWNEY with Mr. SULZER.

Mr. ALEXANDER of New York with Mr. BURNETT.

Mr. LOVERING with Mr. JOHNSON of Kentucky.

Mr. SLEMP with Mr. CRAIG.

The result of the vote was announced as above recorded.

Accordingly (at 6 o'clock and 42 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for installation of machinery in Augusta, Ga., arsenal—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for construction at regimental post at Bagnio, P. I.—to the Committee on Military Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for repair of the water power at Rock Island Arsenal—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for maintenance of anchorage buoys in the port of New York—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Navy, transmitting a recommendation in relation to repairs on the U. S. S. *Maine*—to the Committee on Naval Affairs and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of R. B. Bottom, executor of estate of Henry P. Bottom, against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the rifle range at Fort Des Moines, Iowa—to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6131) to authorize the construction of a bridge across the Rock River, State of Illinois, reported the same without amendment, accompanied by a report (No. 1380), which said bill and report were referred to the House Calendar.

Mr. TAYLOR of Ohio, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16066) providing for the payment of an annual license tax by dealers in all forms of manufactured tobacco in the District of Columbia, reported the same without amendment, accompanied by a report (No. 1381), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 1086) to correct military record of Pleasant Thomas, late of Company B, East Tennessee National Guards, reported the same with amendment, accompanied by a report (No. 1377), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on War Claims, to which was referred the bill of the House (H. R. 14290) for the relief of Ellis W. Joy, reported the same without amendment, accompanied by a report (No. 1378), which said bill and report were referred to the Private Calendar.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3125) for the relief of Jabez Burchard, reported the same without amendment, accompanied by a report (No. 1379), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12390) granting a pension to Martin V. Stanton, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. UNDERWOOD: A bill (H. R. 20307) authorizing the use of 1½-ounce internal-revenue stamps for manufactured snuff and tobacco—to the Committee on Ways and Means.

By Mr. BATES: A bill (H. R. 20308) to establish a naval station at Pearl Harbor, Hawaii—to the Committee on Naval Affairs.

By Mr. ROBINSON: A bill (H. R. 20309) appropriating $1,500 for paving Walnut street and alley adjoining the Federal building at Pine Bluff, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. STERLING: A bill (H. R. 20310) relating to the liability of common carriers by railroads to their employees in certain cases—to the Committee on the Judiciary.

By Mr. TIRRELL: A bill (H. R. 20311) to amend an act entitled "An Act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes," approved June 27, 1902—to the Committee on Ways and Means.

By Mr. SLAYDEN: A bill (H. R. 20312) to create a Bureau of Harbors and Waterways under the Department of Commerce and Labor—to the Committee on Rivers and Harbors.

By Mr. SMITH of Michigan: A bill (H. R. 20313) making drunkenness in the District of Columbia a misdemeanor and to provide a hospital for inebriates, and for other purposes—to the Committee on the District of Columbia.

By Mr. MAYNARD: A bill (H. R. 20314) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land on Hampton Roads, Virginia, and the buildings, structures, piers, and improvements thereon for the use of the Navy Department of the United States as a naval training station and a coaling station, and for other governmental purposes—to the Committee on Naval Affairs.

By Mr. MANN: Joint resolution (H. J. Res. 162) authorizing the Interstate Commerce Commission to test appliances intended to promote the safety of railway operation, and for other purposes—to the Committee on Interstate and Foreign Commerce.

Also, concurrent resolution (H. C. Res. 36) permitting the use of the United States Capitol building by the International Congress on Tuberculosis—to the Select Committee on House Rooms.

By Mr. DALZELL: Resolution (H. Res. 323) amending rules of the House—to the Committee on Rules.

Also, resolution (H. Res. 324) for the consideration of H. R. 19955—to the Committee on Rules.

Also, resolution (H. Res. 325) providing rule for consideration of District of Columbia appropriation bill—to the Committee on Rules.

By Mr. SPERRY: Memorial of the legislature of Connecticut relating to the Platt National Park—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20315) granting an increase of pension to Edwin W. Smith—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 20316) granting an increase of pension to Michael Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20317) granting an increase of pension to Nathaniel M. Holaday—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 20318) for the relief of the estate of John Souder, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 20319) for the relief of the estate of John R. Colvin, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 20320) for the relief of Mrs. Ella V. Gordon, of Culpeper County, Va.—to the Committee on Military Affairs.

Also, a bill (H. R. 20321) for the relief of Nancy Tynan, Christopher Rotchford, and John J. Rotchford, of Fairfax County, Va.—to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 20322) granting an increase of pension to Frederick W. Tappmeyer—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 20323) granting an increase of pension to Francis M. Hicks—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20324) granting an increase of pension to Lottie M. Raynes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20325) granting an increase of pension to Henry H. Pearson—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20326) granting a pension to Eliza A. Burton—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 20327) for the relief of Mrs. Salome Myers Stewart—to the Committee on Military Affairs.

Also, a bill (H. R. 20328) for the relief of the legal representatives of Peter Myers, deceased—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 20329) granting an increase of pension to George W. Huddleston—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 20330) granting an increase of pension to Thomas Burk—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 20331) granting a pension to Mary Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20332) granting a pension to George H. Pretty—to the Committee on Pensions.

Also, a bill (H. R. 20333) for the relief of Mrs. Margaret Hardwick—to the Committee on War Claims.

Also, a bill (H. R. 20334) for the relief of the heirs of William W. Davis, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 20335) for the relief of the heirs of John G. Freeman, deceased—to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 20336) for the relief of Priestley E. Parker—to the Committee on War Claims.

By Mr. SLAYDEN: A bill (H. R. 20337) granting an increase of pension to Thomas Little—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 20338) granting an increase of pension to William H. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20339) granting an increase of pension to Benjamin H. King—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20340) granting an increase of pension to William H. Hall—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 20341) granting an increase of pension to Francis R. Johnson—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 20342) granting an increase of pension to Joseph G. Moreau—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 20343) granting an increase of pension to John A. Grubb—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 20344) granting an increase of pension to John Van Horn—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of National Wholesale Lumber Dealers' Association, for legislation to secure a practical census of the timber of the United States—to the Committee on Agriculture.

By Mr. ANTHONY: Paper to accompany bill for relief of Louisa St. Clair Crall—to the Committee on Pensions.

By Mr. BATES: Petition of American Dramatist Club, for enactment of the Kittredge copyright bill (S. 2900)—to the Committee on Patents.

Also, petition of North American Fish and Game Protective Association, for legislation in the interest of international control of boundary lakes and rivers between Canada and the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Knights of St. Casimer Society, of Erie, Pa., against further restrictive measures touching immigration—to the Committee on Immigration and Naturalization.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., for H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of National Wholesale Lumber Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Board of Trade, favoring reference of currency reform to a currency commission composed of Members of Congress, bankers, and others of experience—to the Committee on Banking and Currency.

Also, petition of National Bank of Erie, Pa., favoring the Dalzell bill (H. R. 6091), to amend national banking laws—to the Committee on Banking and Currency.

Also, petition of Philadelphia Credit Men's Association and Philadelphia Board of Trade, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. BONYNGE: Petition from the governor, State officers, and many other prominent citizens of the State of Colorado, for legislation to provide for an increased coinage of silver and for the remonetization of silver upon a fair and reasonable ratio to gold—to the Committee on Coinage, Weights, and Measures.

By Mr. BOOHER: Petition of Business Men's League of St. Joseph, Mo., favoring H. R. 14934 and S. 4914, to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: Petition of Wawayanda Grange, Patrons of Husbandry, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of citizens of China, Me., for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. BUTLER: Petition of A. S. Gay, for national highways commission and Federal aid in construction of public highways (H. R. 11837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of board of directors of the Merchants' Association of New York, against all legislation to modify existing laws relative to injunctions or restraining orders involving relations of employer and employee—to the Committee on the Judiciary.

Also, papers to accompany bills for relief of Jennie Bennett and Dennis Desmond—to the Committee on Invalid Pensions.

Also, petition of Albert Firmin, of the Allied Board of Trade, approving bill for widening Wallabout channel—to the Committee on Rivers and Harbors.

By Mr. COOK of Pennsylvania: Petition of Butler Builders' Exchange, of Butler, Pa., against the passage of H. R. 15651 (the eight-hour bill)—to the Committee on Labor.

By Mr. DARRAGH: Petitions of H. M. Hemstreet and 9 other residents of Bellaire, Antrim County; Lavern Winright and 6 other members of Greenwood Grange, No. 1217, of Morley, Mecosta County; F. L. De Lamater and 30 other residents of Roscommon County; Thomas Guyer and 7 other residents of Central Lake, Antrim County; and Wilson Grange, No. 719, of East Jordan, Charlevoix County, all in the State of Michigan, for the creation of a national highways commission and appropriation for Federal aid in construction and improvement of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FULLER: Petition of H. H. McDowell, of Pontiac, Ill., for H. R. 19250, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HARRISON: Petition of A. Krizyzanski and others, of Union City, Conn., against the treatment of Polish citizens of Prussia by the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of Rev. F. M. Bronic and other citizens of Farragut, Iowa, praying for legislation giving States control over importation of intoxicating liquors (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of John L. Bashor Post, No. 122, Grand Army of the Republic, of Centerville, Iowa, against legislation abolishing pension agencies—to the Committee on Appropriations.

By Mr. HUGHES of New Jersey: Petition of R. E. Drew and others, for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. KÜSTERMANN: Petition of residents of Fish Creek, Wis., against H. R. 4897, to enforce Sunday observance as day of rest in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAW: Petition of Young Friends Lodge, No. 147, I. O. B. A., against restrictive legislation now pending in Congress touching immigration—to the Committee on Immigration and Naturalization.

By Mr. LITTLEFIELD: Petitions of East Hebron Grange, of Hebron, Me., and Norland Grange, of East Limerick, Me., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. LOUD: Petition of E. P. Vrycholt and others, of Hillman, Mich., for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. McMILLAN: Petition of Pine Plains (N. Y.) Grange, No. 803, favoring a national highways commission and appropriation for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. PAYNE: Petition of young men of the Methodist Episcopal Church of Geneva, N. Y., for enactment of the Littlefield original-package bill (H. R. 4776)—to the Committee on the District of Columbia.

By Mr. ROBERTS: Petition of New England Hardware Dealers' Association, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10456 and 10457)—to the Committee on Agriculture.

By Mr. ROBINSON: Paper to accompany bill for relief of estate of Micajah Lamb—to the Committee on War Claims.

By Mr. SHERWOOD: Petitions in favor of H. R. 7625, known as the "Sherwood bill," to authorize the enactment of a veteran volunteer roll, at the rate of $1 per day, as follows:

New Washington, Ind., 14 veterans;
Post-office address not given, 155 veterans;
Arnica, Cedar County, Mo., 54 veterans;
WESLEY L. JONES's district, Washington, 40 veterans;
Denver, Colo., two, of 80 veterans each;

Danville, Shelley County, Ill., 33 veterans;
Post-office address not given, 66 veterans;
Park Falls, N. Y., 60 veterans;
Jasper, Mo., 50 veterans;
Warren County, 60 veterans;
Loudon County, Ky., 20 veterans;
Miami, Okla., 60 veterans;
Spring Hill, Kans., 30 veterans;
Ogden Post, No. 569, Nova, 12 veterans;
Cape Girardeau, Mo., 115 veterans;
Indiana, 58 veterans;
Lowell, Mass., 60 veterans;
Virginia, Ill., 44 veterans;
Fredericksburg, Ill., 47 veterans;
Troy, Ohio, 99 veterans;
Ruckneyville, Ill., 200 veterans;
De Graff, Ill., 24 veterans;
Tedrow, Ohio, 24 veterans;
Claremore, Okla., 50 veterans;
Blenker Veterans' Association, of New York, 60 veterans;
Crestline, Ohio, 70 veterans;
Post-office address not given, 124 veterans;
Williams County, Ohio, 191 veterans;
Dykes, Mo., 15 veterans;
Zanesville, Ohio;
Monte Vista, Colo., 20 veterans;
Columbus, Ohio, 25 veterans;
Benton Harbor, Mich., 40 veterans;
Wapella, Ill., 12 veterans;
Ladonia, Wis., 12 veterans;
Stockton, Wis., 47 veterans;
McMinnville, Oreg., 60 veterans;
Ponce City, 50 veterans;
Clinton, Ohio, 40 veterans;
Wapakoneta, Ohio, 60 veterans;
Chase, Kans., 10 veterans;
Department of Nebraska, 200 veterans;
Denver, Colo., 50 veterans;
Address not given, 20 veterans;
Zionsville, Ohio, 15 veterans;
Clinton, Ind., 20 veterans;
Lebanon, Ky., 20 veterans;
La Salle, Ill., 19 veterans;
Sandoval, Ill., 20 veterans;
Lincoln, Nebr., 80 veterans;
Iowa, 118 veterans;
Wellston, Ohio, 58 veterans;
Highlands, N. C., 36 veterans;
Reeds, Mo., 20 veterans;
Banner County, Nebr., 40 veterans;
Gravette, Ark., 20 veterans;
Post-office address not given, 32 veterans;
Post-office address not given, 130 veterans;
Macon, Mo., 60 veterans;
Post-office address not given, 38 veterans;
Mount Carmel, Ill., 50 veterans;
Eldorado, Kans., 200 veterans;
Lumberport, W. Va., 50 veterans;
Quincy, Ill., 35 veterans;
Great Bend, Pa., 28 veterans;
Frisco, Okla., 30 veterans;
Joplin, Mo., 80 veterans;
Spokane, Mo., 50 veterans;
Jefferson County, N. Y., 20 veterans;
Gunnell, Iowa, 30 veterans;
Mardin, Okla., 18 veterans;
Quincy, Ill., 32 veterans;
Macomb, Okla., 40 veterans;
Mercersburg, Pa., 60 veterans;
Shawnee, Okla., 30 veterans;
Tixtelle, Pa., 24 veterans;
Eureka Springs, Ark., 100 veterans;
Moorefield, Ohio, 64 veterans;
Macon, Mo., 40 veterans;
Quincy, Ill., 30 veterans;
Marcellus, Mich., 88 veterans;
Post-office address not given, 30 veterans;
Zionsville, Ind., 40 veterans;
Martinsburg, Ohio;
Vermont, 10 veterans;
Rich Hill, Mo., 32 veterans;
Nodaway County, 52 veterans;
Keelon, Mich., 50 veterans;
Dowelton, Pa., 36 veterans;
Covington, Ohio, 32 veterans;
Leipsic, Ohio, 55 veterans;
Spencer, W. Va., two, 92 veterans and 37 veterans;
Thornburg, Ind., 90 veterans;
Post-office address not given, 50 veterans;
Parker, Kans., 40 veterans;
St. Joseph, Mich., 30 veterans;
West Chester, Pa., 28 veterans;
Kansas, 30 veterans;
Cuba, N. Y., 20 veterans;
Sedan, Kans., 30 veterans;
Tremont, Ohio, 64 veterans;
Burkett, Nebr., 300 veterans;
Washington, Kans., 90 veterans;
Clarinda, Iowa, 90 veterans;
Lockport, N. Y., 50 veterans;
Gasport, N. Y., 38 veterans;
Youngsville, Pa., 200 veterans;
Independence, Iowa, 200 veterans;
Cluster Post, Ind., 50 veterans;
Post-office address not given, 50 veterans;
Beaver County, Pa., 50 veterans;
Berg Hill, Ohio, 15 veterans;
Lawrence, Mo., 100 veterans;
Kellogg Post, of Antigo, Wis., 25 veterans;
Washburn, W. Va., 8 veterans;
Newark, Mo.;
Rosemund, Ill., 35 veterans;
Petworth, Ky., 35 veterans;
Johnson County, Mo., 30 veterans;
Sulphur Springs, Ark., 20 veterans;
Harrisonburg, Linn County, Oreg., 22 veterans;
Portland, Oreg., 94 veterans;
Atkins, Ark., 20 veterans;
Lebanon, Kans., 27 veterans;
Grand Army of the Republic post of Tulsa, Okla., 20 veterans;
Aurora, Mo., 24 veterans;
Webster City, Iowa, 27 veterans;
Rings Post, Grand Army of the Republic, of West Unity, Ohio, 67 veterans;
Arcanum, Ohio, 19 veterans;
Long Island, Kans., 70 veterans;
Clinton, Ind., 40 veterans;
Traer, Kans., 20 veterans;
What Cheer, Iowa, 20 veterans;
Baker Post, of Pineville, Mo., 20 veterans;
Mount Valley, Kans., 24 veterans;
Post-office adress not given, two, 25 veterans and 47 veterans;
Denver, Colo., 40 veterans;
Oswego, Kans., 52 veterans;
Corvallis, Oreg., 9 veterans;
Marshall County and Saline County, 120 veterans;
Quincy, Ill., 80 veterans;
Napa County, Cal., two, 125 veterans and 200 veterans;
Post-office address not given, two, 303 veterans and 87 veterans;
Queensboro, Ky., 20 veterans;
Cynget, Ohio, 100 veterans;
Martinsburg, W. Va., 40 veterans;
A. S. Williams Post, of Charleston, Mich.;
Mooers Forks, N. Y., 20 veterans;
Dodge Post, of Nashua, Iowa, 28 veterans;
Newberry, Pa.;
Williamsport, Pa., 50 veterans;
Salt Lake City, Utah;
Mount Vernon, Ill., 20 veterans;
Kelso, Scott County, Mo., 9 veterans;
White Hall, Ill., 53 veterans;
Ohio, 71 veterans;
Columbia City, Ind., 66 veterans;
New Salem, Ill., 44 veterans;
A. H. Cockrum Post, 192 veterans;
Chapman, Kans., 20 veterans;
Weatherwa Post, Grand Army of the Republic, of Michigan, 40 veterans;
Coapling Post, Grand Army of the Republic, of Illinois, 30 veterans;
La Veta, Colo., 50 veterans;
New York, 170 veterans;
Middle Point, Ohio, 50 veterans;
Lewis, Edwards County, Kans., 40 veterans;
Griggs Post, Grand Army of the Republic, of Newton, N. J., 23 veterans;
Cumberland, N. J., 10 veterans;

James Mason Post;
Reese Mitchell Post, of Ohio, 135 veterans;
Sunbury, Ohio, 50 veterans;
Indiana, 34 veterans;
Fulda, Minn., 15 veterans;
Bethlehem, Ind., 34 veterans;
Columbus, Miss., 54 veterans;
Monroe, Ill., 50 veterans;
Great Bend, Pa., 15 veterans;
Cadillac, Mich., 25 veterans;
Macon, Ill., 40 veterans;
Post-office address not given, 3 veterans, 15 veterans, 60 veterans, and 75 veterans;
Corbin, Ky., 18 veterans;
Marshall County, Ind., 1,000 veterans;
Johnson City, Ill., 45 veterans;
Tate Post, Grand Army of the Republic, of Victoria, Ill., 15 veterans;
George Washington Post, of Colorado, 98 veterans;
Cleveland County, Okla., 50 veterans;
Bond Post, Grand Rapids, Ohio;
Warren County, Ohio;
Clermont County, Ohio;
Hamilton County, Ohio, 24 veterans;
William Landon Post, of Knox, Ind.;
Harvey Post, of Harvey, Ill.;
Abilene Post, Department of Kansas;
Reynolds Post, of Blaine, Wash.;
Reno Post, of Roseburg, Oreg., 125 veterans;
Price Post, of Centralia, Wash., 50 veterans;
Butterworth Post, of Coldwater, Mich.;
Dayton, Ohio, 6,000 veterans;
Leavenworth, Kans., two, 400 veterans and 600 veterans;
Marion, Ind., 500 veterans;
Johnson City, Tenn., 500 veterans;
Hampton, Va., 300 veterans;
Bath, Me., 50 veterans;
Lumberport, W. Va., 33 veterans;
New York Grand Army of the Republic posts, 540 veterans;
Buckley Post, of Akron, Ohio, 300 veterans;
Marion, Ind., 350 veterans;
State of Colorado, 50 veterans;
Mount Zion, Ind., 20 veterans;
Charles K. Post, of Garrett, Ind., 22 veterans;
Gove City, Kans., 20 veterans;
Denver, Colo., 20 veterans;
Stockton, Mo., 164 veterans;
Stoutland, Mo., 30 veterans;
Zericho Springs, Mo., 26 veterans;
Longmont, Colo., 60 veterans;
Wellsville, Mo., 50 veterans;
West Middlesex, Pa., two, 80 veterans and 62 veterans;
Palisade, Nebr., 20 veterans;
Isminger Post, of Chariton, Iowa, 50 veterans;
Post No. 483, of McSearboro, Ill., 8 veterans;
Indiana, 28 veterans;
Post-office address not given, 25 veterans;
Angola, Ind., 75 veterans;
Carmen, Ill., four, 20 veterans, 32 veterans, 40 veterans, and 20 veterans;
Russel Post, of Hamilton, Ill., 100 veterans;
Stokenburg, Pa., 37 veterans;
Newark, Mo., 15 veterans;
Reidsville, Ohio, 20 veterans;
Mississippi County, Mo., 20 veterans;
Fort Scott, Kans., 40 veterans;
Illinois, 20 veterans;
Lewisburg, Ky., 26 veterans;
Danville, Ohio, 30 veterans;
Marshall, Mo., 20 veterans;
Yankton, S. Dak., 15 veterans;
Osceola, Miss., 24 veterans;
Wausau, Wis., 80 veterans;
Le Roy, Kans., 20 veterans;
Winchester, Va., 5 veterans;
Fort Haven, Mo., 40 veterans;
Springfield, Oreg., 9 veterans;
Fayetteville, Ark., 20 veterans;
Christian County, Mo., 15 veterans;
Arcadia, Nebr., 180 veterans;
Stoutland, Mo., 20 veterans;
Lakewood, N. J., 64 veterans;
Cincinnati, Ohio, 20 veterans;
Louisiana, Mo., 90 veterans;
Ashland, Iowa, 30 veterans;
Mulhall, Okla., 100 veterans;
Hamilton County, Kans., 20 veterans;
Texas, 47 veterans;
Post-office address not given, 250 veterans;
Michigan, 190 veterans;
Chicago, Ill., 160 veterans;
Tennessee, 560 veterans;
Chelsea, Mass., 100 veterans;
Maine, 50 veterans;
Post-office address not given, 98 veterans;
Sautelle, Cal., 90 veterans;
Grand Army of the Republic post of Clinton, Iowa;
Harvey Post, No. 724, Department of Illinois, of Harvey, Ill.;
George E. Stowe, commander, George Washington Post, Department of Colorado and Wyoming;
John C. Mosley, commander, Seward Nelson Post, No. 251, of Wapello, Ill.;
Grand Army of the Republic post of Clinton, Ind.;
Cedar Gap (Mo.) Post, by John Gilton;
West Middlesex (Pa.) Post, by E. D. Powell, adjutant;
McKinley Post, Knoxville, Tenn.;
Irwin McDowell Post, Enid, Okla.;
James Smith Post, Wellston, Ohio;
State Soldiers' Home, St. James, Mo.;
Veterans of Fort Scott, Kans.;
Grand Army of the Republic post of Humansville, Mo.;
Forsyth Post, Toledo, Ohio;
Volunteer Post, Toledo, Ohio;
Veterans of Wood County, Ohio;
J. B. McPherson Post, Miami, Okla.;
Pacific Branch Veterans, Los Angeles County, Cal.;
Ex-Soldiers, Sailors, and Marines' Protective Association, Toledo, Ohio;
Veterans, by Edger Hayes, Sixth Wisconsin Battery;
Post 20, Rising City, Nebr.;
Eugene Rawson Post, Fremont, Ohio, 31 veterans;
Greenville (Mich.) Post, Grand Army of the Republic, 33 veterans;
Mart Armstrong Post, Lima, Ohio, by G. E. Copeland, post commander; O. H. Hollister, acting adjutant;
Lozure Post, of Wauseon, Ohio, 125 veterans;
Eugene Rawson Post, Fremont, Ohio;
Grand Army of the Republic Post, 83 veterans, of Greenville, Mich.;
George W. Robinson Post, Amelia, Ohio;
J. C. McCoy Post, No. 1, Columbus, Ohio;
Veterans of the Ohio Soldiers and Sailors' Home;
Veterans of Battle Mountain Sanitarium, South Dakota;
De Golyer Post, No. 110, Grand Army of the Republic, Hudson, Ohio;
Veterans of the National Military Home, Kansas;
Veterans of Carver Post, No. 28, Hemlock, Mich.;
A. L. Carver Post, No. 28, Hemlock, Mich.;
William Perrott Post, No. 22, Buchanan, Mich., Department of Michigan, Grand Army of the Republic;
Manhattan Post, No. 271, of Manhattan, Kans., by Col. C. M. Howe;
Lew Gove Post, 91 members;
Veterans of Grand Army of the Republic post, Troy, Ohio;
Veterans, by Harmon A. Jones, Eighth Iowa Cavalry;
Canfield Post, Canfield, Ohio;
Veterans of the Iowa Soldiers' Home, Marshalltown, Iowa;
J. B. Streetman Post, No. 19, Reed City, Mich.; and
Chanute Post, No. 129, Chanute, Kans.—
to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolutions of the Connecticut Federation of Women's Clubs, favoring competitive examinations for appointments in the Census Office—to the Committee on the Census.

By Mr. SHEPPARD: Papers to accompany House joint resolution 160, empowering President to appoint a commission to test arsenization theory for prevention of yellow fever—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of California: Petition of the Imperial Valley Chamber of Commerce, in support of H. R. 13997, asking that the Southern Pacific Railway Company be paid for work done during the break in Colorado River—to the Committee on Claims.

By Mr. WILLIAMS: Paper to accompany bill for relief of Rosa Quine Raley, heir of Julia Quine—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 4, 1908.*

The House met at 12 o'clock m.

The following prayer was offered by Rev. W. H. MCGLAUFLIN, of Chicago:

O God of the ages past, we invoke Thy blessing upon this new day.

May Thy favor and Thy free spirit, operative everywhere, be recognized and sought for by this assembly.

"Surely, except the Lord shall build the house, they labor in vain who build it; except the Lord keep the city, the watchman waketh but in vain."

Here be the consciousness that these hours are for cooperation with Thee in the affairs of a great people. By what is attempted, as by what is accomplished, this day within these walls may helpfulness throughout all our country come to be more helpful, wisdom more wise, justice more just.

And so may the words of every mouth and the meditation of every heart be acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of objecting.

Mr. PAYNE. I move that the Journal stand approved.

Mr. LONGWORTH. Mr. Speaker, I wish to correct the RECORD.

Mr. WILLIAMS. Mr. Speaker——

Mr. PAYNE. I yield to the gentleman from Ohio.

Mr. WILLIAMS. Oh, well.

Mr. LONGWORTH. Mr. Speaker, I had an agreement with the gentleman from New York, Mr. COCKRAN, for a pair after 2.30.

The SPEAKER. But pairs do not appear on the Journal.

Mr. LONGWORTH. But it is in the RECORD——

The SPEAKER. We will take up the RECORD after the Journal is approved.

Mr. COCKRAN. Let it go.

The question was taken on approving the Journal, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I would like to have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 238, nays 4, answered "present" 11, not voting 135, as follows:

YEAS—238.

Adair	Cooper, Wis.	Gordon	Kinkaid
Adamson	Cousins	Granger	Kitchin, Claude
Aiken	Cox, Ind.	Greene	Knowland
Alexander, Mo.	Cravens	Gregg	Küstermann
Allen	Crumpacker	Griggs	Lafean
Ames	Cushman	Hackett	Lamar, Mo.
Anthony	Dalzell	Hackney	Langley
Ashbrook	Darragh	Haggott	Laning
Barclay	Davidson	Hale	Lawrence
Bartholdt	Davis, Minn.	Hall	Leake
Bartlett, Ga.	Dawson	Hamill	Lee
Bartlett, Nev.	De Armond	Hamilton, Mich.	Legare
Bates	Denby	Hamlin	Lewis
Beall, Tex.	Denver	Hammond	Lindbergh
Bede	Diekema	Hardwick	Lloyd
Bell, Ga.	Douglas	Hardy	Longworth
Bennet, N. Y.	Draper	Harrison	Loud
Birdsall	Driscoll	Haskins	Lowden
Bonynge	Durey	Haugen	McCall
Booher	Dwight	Hawley	McCreary
Boutell	Ellerbe	Hay	McGuire
Bowers	Ellis, Oreg.	Heflin	McHenry
Boyd	Englebright	Helm	McKinlay, Cal.
Brownlow	Esch	Henry, Conn.	McKinley, Ill.
Brundidge	Favrot	Henry, Tex.	McLachlan, Cal.
Burgess	Ferris	Higgins	McLain
Burke	Fitzgerald	Hill, Miss.	McLaughlin, Mich.
Burleigh	Flood	Hitchcock	Macon
Burleson	Floyd	Holliday	Madison
Burnett	Focht	Houston	Mann
Butler	Fordney	Howell, N. J.	Marshall
Byrd	Fornes	Howell, Utah	Mondell
Calderhead	Foss	Hubbard, Iowa	Moon, Tenn.
Caldwell	Foster, Ill.	Hubbard, W. Va.	Moore, Tex.
Campbell	Fowler	Huff	Morse
Candler	Fuller	Hull, Tenn.	Mouser
Capron	Fulton	Humphrey, Wash.	Murphy
Carter	Gaines, W. Va.	Humphreys, Miss.	Needham
Cary	Gardner, Mich.	Jonnson, Ky.	Nelson
Chaney	Garner	Johnson, S. C.	Nicholls
Chapman	Garrett	Jones, Wash.	Norris
Clark, Mo.	Gill	Kahn	Nye
Cockran	Gillespie	Keifer	O'Connell
Cook, Colo.	Gillett	Kelliher	Olcott
Cooper, Tex.	Glass	Kennedy, Iowa	Padgett
Page	Rothermel	Sparkman	Thomas, Ohio
Patterson	Rucker	Sperry	Tou Velle
Payne	Russell, Mo.	Spight	Volstead
Perkins	Russell, Tex.	Stafford	Vreeland
Peters	Saunders	Stephens, Tex.	Wanger
Pou	Scott	Sterling	Washburn
Pray	Sheppard	Stevens, Minn.	Weeks
Randell, Tex.	Sherwood	Sturgiss	Weems
Rauch	Sims	Sulloway	Williams
Reeder	Slayden	Sulzer	Wilson, Ill.
Reid	Slemp	Tawney	Wood
Richardson	Smith, Mich.	Taylor, Ala.	Woodyard
Roberts	Smith, Tex.	Taylor, Ohio	Young
Robinson	Snapp	Thistlewood	
Rodenberg	Southwick	Thomas, N. C.	

NAYS—4.

Clayton	Craig	James, Ollie M.	Underwood

ANSWERED "PRESENT"—11.

Currier	Goulden	Howland	Knopf
Dixon	Hamilton, Iowa	Jenkins	Shackleford
Foster, Ind.	Howard	Kimball	

NOT VOTING—135.

Acheson	Ellis, Mo.	Lamb	Powers
Alexander, N. Y.	Fairchild	Landis	Pratt
Andrus	Fassett	Lassiter	Prince
Ansberry	Finley	Law	Pujo
Bannon	Foster, Vt.	Lenahan	Rainey
Barchfeld	Foulkrod	Lever	Ransdell, La.
Beale, Pa.	French	Lilley	Reynolds
Bennett, Ky.	Gaines, Tenn.	Lindsay	Rhinock
Bingham	Gardner, Mass.	Littlefield	Riordan
Bradley	Gardner, N. J.	Livingston	Ryan
Brantley	Gilhams	Lorimer	Sabath
Brick	Godwin	Loudenslager	Sherley
Brodhead	Goebel	Lovering	Sherman
Broussard	Goldfogle	McDermott	Small
Brumm	Graff	McGavin	Smith, Cal.
Burton, Del.	Graham	McKinney	Smith, Iowa
Burton, Ohio	Gronna	McMillan	Smith, Mo.
Calder	Harding	McMorran	Stanley
Carlin	Hayes	Madden	Steenerson
Caulfield	Hepburn	Malby	Talbott
Clark, Fla.	Hill, Conn.	Maynard	Tirrell
Cocks, N. Y.	Hinshaw	Miller	Townsend
Cole	Hobson	Moon, Pa.	Waldo
Conner	Hughes, N. J.	Moore, Pa.	Wallace
Cook, Pa.	Hughes, W. Va.	Mudd	Watkins
Cooper, Pa.	Hull, Iowa	Murdock	Watson
Coudrey	Jackson	Olmsted	Webb
Crawford	James, Addison D.	Overstreet	Weisse
Davenport	Jones, Va.	Parker, N. J.	Wheeler
Davey, La.	Kennedy, Ohio	Parker, S. Dak.	Wiley
Dawes	Kipp	Parsons	Willett
Dunwell	Kitchin, Wm. W.	Pearre	Wilson, Pa.
Edwards, Ga.	Knapp	Pollard	Wolf
Edwards, Ky.	Lamar, Fla.	Porter	

So the motion of Mr. PAYNE was agreed to.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. KNOPF with Mr. WEISSE.

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. HALL with Mr. HAMILTON of Iowa.

Mr. BARCHFELD with Mr. GOLDFOGLE.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. HOWLAND with Mr. ANSBERRY.

Mr. MOORE of Pennsylvania with Mr. EDWARDS of Georgia.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. OVERSTREET with Mr. DIXON.

Mr. FRENCH with Mr. DAVENPORT.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. MCGAVIN with Mr. WEBB.

Mr. KNAPP with Mr. LINDSAY.

Mr. BEDE with Mr. MAYNARD.

Mr. OLMSTED with Mr. BROUSSARD.

Mr. FOCHT with Mr. BRODHEAD.

Mr. FOSTER of Vermont with Mr. HOBSON.

Mr. FOULKROD with Mr. CONLIN.

Mr. HULL of Iowa with Mr. GAINES of Tennessee.

Mr. GILHAMS with Mr. HOWARD.

Mr. POLLARD with Mr. LEVER.

Mr. LOVERING with Mr. JONES of Virginia.

Mr. MALBY with Mr. LAMB.

Mr. LITTLEFIELD with Mr. CRAWFORD.

Mr. MILLER with Mr. LIVINGSTON.

Mr. MUDD with Mr. TALBOTT.

Mr. PRINCE with Mr. LASSITER.

Mr. REYNOLDS with Mr. RHINOCK.

Mr. SMITH of Iowa with Mr. SMALL.

Mr. WALDO with Mr. RAINEY.

Mr. WHEELER with Mr. WATKINS.

Mr. HARDING with Mr. STANLEY.

Mr. PARKER of South Dakota with Mr. SHERLEY.

Mr. ANDRUS with Mr. MCDERMOTT.

Until April 14:
Mr. COOPER of Pennsylvania with Mr. KIPP.
Until Monday:
Mr. BURTON of Ohio with Mr. RANSDELL of Louisiana.
For this day:
Mr. HILL of Connecticut with Mr. SHACKLEFORD.
Mr. HEPBURN with Mr. WILSON of Pennsylvania.
Mr. JENKINS with Mr. CLARK of Florida.
Mr. MCMILLAN with Mr. WILLETT.
Mr. GRONNA with Mr. SMITH of Missouri.
Mr. FASSETT with Mr. LAMAR of Florida.
Mr. DUNWELL with Mr. GODWIN.
Mr. BRICK with Mr. WM. W. KITCHIN.
Mr. FAIRCHILD with Mr. WALLACE.
Mr. POWERS with Mr. PRATT.
Mr. HUGHES of West Virginia with Mr. LENAHAN.
Mr. MADDEN with Mr. HUGHES of New Jersey.
Mr. WATSON with Mr. WOLF.
Mr. COUDREY with Mr. SABATH.
Mr. MOON of Pennsylvania with Mr. PUJO.
Mr. TIRRELL with Mr. RYAN.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On March 26, 1908:

H. R. 14434. An act to validate certain entries of public lands in the State of Colorado;

H. R. 15660. An act to provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public-land laws:

H. R. 16078. An act providing for second desert-land entries;

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands; and

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

On March 27, 1908:

H. R. 16874. An act to amend section 13 of an act entitled "An act to divide the State of Texas into four judicial districts," approved March 11, 1902; and

H. R. 17167. An act authorizing the Woodlawn Cemetery Association, of St. Maries, Idaho, to purchase not to exceed 40 acres of land in the Coeur d'Alene Indian Reservation in Idaho.

On March 28, 1908:

H. J. Res. 101. Joint resolution authorizing the Secretary of War to secure a suitable design for a statue of the late Commodore John D. Sloat at Monterey, Cal.;

H. R. 16493. An act limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof; and

H. R. 19408. An act to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for same.

On March 31, 1908:

H. R. 6902. An act for the relief of Henry Rustan;

H. R. 10671. An act to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to school district No. 36, in Knox County, Nebr.; and

H. R. 13875. An act for the relief of John V. Johnson.

On April 1, 1908:

H. R. 17055. An act to validate certain acts of the thirty-seventh legislative assembly of the Territory of New Mexico;

H. R. 17510. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Portland;

H. R. 17511. An act to authorize the construction of a bridge across Bayou Bartholomew at Parkdale, Ashley County, Ark.; and

H. R. 17512. An act to authorize the county of Ashley, in the State of Arkansas, to construct a bridge across Bayou Bartholomew, Ashley County, Ark., at Wilmot.

On April 2, 1908:

H. R. 13077. An act to authorize the Secretary of War to furnish four condemned brass cannon and cannon balls to the Confederate Monument Association, at Franklin, Tenn.;

H. R. 16471. An act for the relief of George H. Penrose;

H. R. 14772. An act prescribing what shall constitute a legal cord of wood in the District of Columbia;

H. R. 225. An act to amend section 4463 of the Revised Statutes, relating to the complement of crews of vessels and for the better protection of life;

H. R. 6664. An act for the relief of Roman Scholter;

H. R. 10540. An act to amend section 73 of the act to provide a government for the Territory of Hawaii;

H. R. 12292. An act for the relief of A. E. Couch; and

H. R. 15070. An act for the relief of J. Edmund Strong.

On April 3, 1908:

H. J. Res. 134. Joint resolution for the relief of Archibald G. Stirling, recently midshipman, United States Navy;

H. R. 12476. An act to place the name of William S. Shacklette on the retired list of the Navy as pharmacist;

H. R. 13448. An act to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site;

H. R. 14282. An act to authorize the appointment of a deputy clerk at Big Stone Gap, Va.;

H. R. 18615. An act to authorize the Cairo and Norfolk Railroad Company to construct bridges across the Cumberland River; and

H. R. 18616. An act to authorize the Cairo and Norfolk Railroad Company to construct a bridge across the Tennessee River.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS, from the Committee on Foreign Affairs, reported the bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SULZER. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from New York reserves all points of order on the bill.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this rule, and at any time thereafter during the remainder of this session, it shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read, the question shall be at once taken without debate or intervening motion of the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees, without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

And further, for the remainder of this session the motion to take a recess shall be a privileged motion, taking precedence of the motion to adjourn, and shall be decided without debate or amendment.

And further, during the remainder of this session, it shall be in order to close debate by motion in the House before going into Committee of the Whole, which motion shall not be subject to either amendment or debate.

[Applause on the Republican side.]

Mr. SULZER. Mr. Speaker, would it not be well to add to that, "That hereafter the Democrats shall have nothing more to say?" [Laughter.]

Mr. DALZELL. Mr. Speaker, the purpose of this rule, like the purpose of the rule that was introduced yesterday, is to expedite the public business.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Mississippi?

Mr. DALZELL. Yes.

Mr. WILLIAMS. I wish to ask the gentleman a question. I wish to ask, before we proceed, whether the minority members of the Committee on Rules will be accorded the usual twenty minutes?

Mr. DALZELL. They will not.

Mr. WILLIAMS. They will not! I just wanted the House and the country to know that fact before we start this debate.

Mr. DALZELL. As I say, the purpose of the rule is to expedite the public business and release the House from the grasp of this idiotic filibuster inaugurated by the gentleman from Mississippi [applause on the Republican side]; to prevent the waste of public time at the public expense [laughter on the Democratic side and applause on the Republican side]; to enable the majority to consider and enact into law the great

supply bills upon which the existence of the Government depends. [Laughter on the Democratic side and applause on the Republican side.]

Mr. Speaker, let me explain at some length, perhaps, this rule.

Mr. SULZER. It needs explanation.

Mr. DALZELL. I do not think I could make an explanation that would reach the gentleman from New York. [Laughter on the Republican side.]

Mr. SULZER. Not on anything like this.

Mr. DALZELL. When the House is acting in the usual orderly and decent way in the conduct of its business, when a general appropriation bill with Senate amendments comes over to the House it is taken from the Speaker's table by unanimous consent, and the Senate amendments are concurred in or disagreed to. This is the ordinary courteous way of doing business between the two Houses. That is the orderly method whereby the minds of the two Houses are brought together and law is enacted. But if unanimous consent be not granted, if the minority of the House be indulging in useless obstruction of public business in a disgraceful filibuster, then the bill must in the natural course go to the Committee on Appropriations. When it comes back from the Committee on Appropriations a motion to go into Committee of the Whole for the consideration of its report is subject to the statesmanlike demand of the yeas and nays on the motion. Nay, more. There may be possibly three demands for the yeas and nays on the motion to go into Committee of the Whole, on the previous question, and possibly on another motion. After the bill has been treated in the Committee of the Whole and the usual statesmanlike call for tellers and other dilatory proceedings have been indulged in, it comes back into the House and it may be subject to hundreds of calls of the roll if there be so many Senate amendments, and the call of the roll on the adoption of the previous question, a call of the roll on the adoption of the report of the Committee of the Whole, and so it will be observed that it is in the power of the minority in the exercise of an abused constitutional right to obstruct the business of the House, waste the people's time and the people's money, and all for no purpose save delay. [Applause on the Republican side.]

Another provision of this rule is that from this time forward a motion to take a recess shall be a privileged motion and take precedence of the motion to adjourn, and not be subject either to amendment or debate. In this way it will be in the power of the majority to cut off many of these useless roll calls. A further provision is that it shall be in order to close debate by motion in the House before going into Committee of the Whole, which, I think, outside of this rule, would be a sensible rule at all times.

Now, Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] says that he is not indulging in any filibuster. Does he believe that he can fool the people of this country by any such statement as that?

Does he believe that the people in this country can be persuaded that any principle is involved in a demand for the yeas and nays on the approval of the Journal and then voting for the approval of the Journal? Can any man conceive of a more asinine performance than that? [Applause on the Republican side.] Does he believe that he can fool the people of this country; that there is any principle involved in a demand for the yeas and nays on a motion to go into Committee of the Whole to consider the passing of the great supply bills on which the existence of the Government depends? Does he believe that he can persuade the people of this country that there is any principle involved in a call for the yeas and nays on a motion to adjourn at half past 9 in the evening?

The gentleman from New York is complained of because he spoke of this performance as puerile. Nay, it is childish and a disgrace to grown men of full stature. [Applause on the Republican side.] What a sweet little story we heard yesterday about old black Lucy and little Johnny at Grand Junction running away from a Chinese gong! I could not help thinking of what a wave of pride would have passed over that old black Lucy's face could she have foreseen little Johnny rising to the heights of a sublime statesmanship in demanding the yeas and nays on a motion to adjourn in the House of Representatives. [Laughter on the Republican side.]

After playing all day, little Johnny is unwilling to take his dolls and dishes and go home without the exhibition of this last piece of statesmanship in calling for the yeas and nays on a motion to adjourn.

Mr. Speaker, I now move the previous question.

Mr. SULZER. Mr. Speaker, will the gentleman yield to me for two minutes?

Mr. DALZELL. No; I will not yield to the gentleman for two seconds. [Prolonged laughter and applause on the Republican side.]

Mr. SULZER. That is because the gentleman does not dare to do it.

The SPEAKER. The question is on ordering the previous question.

The question was taken.

The SPEAKER. The ayes seem to have it; the ayes have it, and the previous question is ordered.

Mr. WILLIAMS. Mr. Speaker, I call for a division.

The SPEAKER. The gentleman comes too late.

Mr. WILLIAMS. Mr. Speaker, I rose to ask for it as soon as the Speaker's decision was pronounced.

The SPEAKER. Ah, but that is too late.

Mr. WILLIAMS. Unless the Speaker pronounces the result of the aye-and-no vote, a Member can not call for a division until after the Speaker has said that the ayes seem to have it.

Mr. MANN. That is just what the Chair did say.

Mr. WILLIAMS. Which the Speaker omitted to say; or, if the Speaker did say it, I did not hear him. I did not hear the Chair speak the usual phrase, "The ayes seem to have it." Of course, if the Speaker says he did, I know he did.

The SPEAKER. The vote was put, the ayes and the noes, and the Speaker announced, not in a low voice, but in the usual voice, "The ayes seem to have it," and looking at the gentleman, paused a moment, and the gentleman remaining in his seat, the Speaker said, "The ayes have it, and the previous question is ordered."

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. I ask for information. Of course, as a matter of fact, any statement from the present occupant of the chair made to me goes with absolute verity. Did the Speaker say, "The ayes seem to have it," before he said, "The ayes have it?" Did the Speaker say, "The ayes seem to have it?"

The SPEAKER. The Chair can not answer that question, but the Chair did say that "The ayes seem to have it" or "The ayes have it, and the previous question is ordered," waiting a little space of time between the announcement and the announcement that the previous question was ordered.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. Is it not usual for the Speaker to say, first, "The ayes seem to have it," and then afterwards to say, "The ayes have it?" Now then, if in answer to that question the Speaker responds in the affirmative, then I ask the Speaker whether on this occasion he did say, "The ayes seem to have it?"

The SPEAKER. The Chair will get the reporter's notes of what he did say.

Mr. WILLIAMS. Mr. Speaker, so far as I am concerned, I have such absolute confidence in the veracity of the Chair that the Chair does not need to support any statement he makes to me by any notes.

The SPEAKER. The gentleman from Mississippi asked the Chair the question as to whether the Chair said, "The ayes seem to have it; the ayes have it." The Chair did announce that the previous question was ordered after waiting a small space of time and looking at the gentleman.

Mr. WILLIAMS. Mr. Speaker, perhaps the Chair misunderstands me now.

The SPEAKER. No.

Mr. WILLIAMS. I am not disputing any statement of the Chair. I am merely asking the Chair to make a statement of what occurred. If the Chair does not remember, of course the Chair can refer to the stenographer's notes, but I do not want to appear before the country as putting myself in the attitude of even thinking that the Chair needs to support any statement of his by the notes, and I would not want the Chair to think that.

The SPEAKER. The Chair understands that perfectly; there will be no personal difficulties. [Laughter and applause on both sides.] The Clerk will read the copy of the reporter's notes which has been handed to the Chair.

The Clerk read as follows:

The question is on ordering the previous question. The ayes seem to have it; the ayes have it, and the previous question is ordered.

[Applause on the Republican side.]

Mr. WILLIAMS. Now, Mr. Speaker, that being the case, I admit that it was I myself who was at fault and not the Speaker. It is due to him and me both that I should say that much. [Cries of "Regular order!"]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. DALZELL. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 139, nays 119, answered "present" 15, not voting 115, as follows:

YEAS—139.

Alexander, N. Y.	Douglas	Keifer	Pray
Allen	Draper	Kennedy, Iowa	Prince
Ames	Driscoll	Kinkaid	Reeder
Anthony	Durey	Knowland	Reynolds
Bannon	Dwight	Küstermann	Roberts
Barclay	Ellis, Mo.	Lafean	Rodenberg
Bartholdt	Ellis, Oreg.	Langley	Scott
Bates	Englebright	Laning	Slemp
Bennet, N. Y.	Esch	Lawrence	Smith, Cal.
Birdsall	Focht	Lindbergh	Smith, Iowa
Bonynge	Fordney	Longworth	Smith, Mich.
Boutell	Foss	Loud	Snapp
Boyd	Fuller	Lovering	Southwick
Bradley	Gaines, W. Va.	Lowden	Sperry
Brownlow	Gardner, Mich.	McCall	Stafford
Burke	Gillett	McGuire	Steenerson
Burleigh	Goebel	McKinlay, Cal.	Sterling
Butler	Greene	McKinley, Ill.	Stevens, Minn.
Calderhead	Haggott	McLachlan, Cal.	Sturgiss
Campbell	Hale	McLaughlin, Mich.	Sulloway
Capron	Hamilton, Mich.	Madison	Tawney
Caulfield	Haskins	Malby	Taylor, Ohio
Chaney	Haugen	Mann	Thistlewood
Chapman	Hawley	Marshall	Thomas, Ohio
Conner	Henry, Conn.	Mondell	Tirrell
Cook, Colo.	Higgins	Moon, Pa.	Volstead
Cousins	Holliday	Morse	Vreeland
Crumpacker	Howell, N. J.	Mouser	Washburn
Cushman	Howell, Utah	Needham	Weeks
Dalzell	Howland	Norris	Weems
Davidson	Hubbard, Iowa	Nye	Wilson, Ill.
Davis, Minn.	Huff	Olcott	Wood
Dawson	Humphrey, Wash.	Parker, N. J.	Woodyard
Denby	Jones, Wash.	Payne	Young
Diekema	Kahn	Perkins	

NAYS—119.

Adair	Ellerbe	Helm	Peters
Aiken	Favrot	Henry, Tex.	Pou
Alexander, Mo.	Ferris	Hill, Miss.	Rainey
Ansberry	Fitzgerald	Hitchcock	Randell, Tex.
Ashbrook	Flood	Hobson	Rauch
Bartlett, Ga.	Floyd	Houston	Reid
Bartlett, Nev.	Fornes	Hughes, N. J.	Richardson
Beall, Tex.	Foster, Ill.	Hull, Tenn.	Robinson
Bell, Ga.	Fulton	Humphreys, Miss.	Rothermel
Booher	Gaines, Tenn.	James, Ollie M.	Rucker
Bowers	Garner	Johnson, Ky.	Russell, Mo.
Brodhead	Garrett	Johnson, S. C.	Russell, Tex.
Broussard	Gill	Keliher	Saunders
Brundidge	Gillespie	Kitchin, Claude	Sheppard
Burgess	Glass	Lamar, Mo.	Sherley
Burleson	Gordon	Lassiter	Sherwood
Burnett	Goulden	Leake	Sims
Byrd	Granger	Legare	Slayden
Caldwell	Gregg	Lewis	Smith, Tex.
Candler	Griggs	Lloyd	Spight
Carlin	Hackett	McLain	Stanley
Carter	Hackney	Macon	Stephens, Tex.
Clark, Mo.	Hamill	Moon, Tenn.	Sulzer
Clayton	Hamlin	Moore, Tex.	Thomas, N. C.
Cockran	Hammond	Murphy	Tou Velle
Cooper, Tex.	Hardwick	Nicholls	Underwood
Cox, Ind.	Hardy	O'Connell	Watkins
Craig	Harrison	Padgett	Wiley
De Armond	Hay	Page	Williams
Denver	Heflin	Patterson	

ANSWERED "PRESENT"—15.

Adamson	Currier	Jenkins	Lever
Bede	Dixon	Kimball	Nelson
Cary	Foster, Ind.	Knopf	Ransdell, La.
Clark, Fla.	Hamilton, Iowa	Lee	

NOT VOTING—115.

Acheson	Finley	Knapp	Pearre
Andrus	Foster, Vt.	Lamar, Fla.	Pollard
Barchfeld	Foulkrod	Lamb	Porter
Beale, Pa.	Fowler	Landis	Powers
Bennett, Ky.	French	Law	Pratt
Bingham	Gardner, Mass.	Lenahan	Pujo
Brantley	Gardner, N. J.	Lilley	Rhinock
Brick	Gilhams	Lindsay	Riordan
Brumm	Godwin	Littlefield	Ryan
Burton, Del.	Goldfogle	Livingston	Sabath
Burton, Ohio	Graff	Lorimer	Shackleford
Calder	Graham	Loudenslager	Sherman
Cocks, N. Y.	Gronna	McCreary	Small
Cole	Hall	McDermott	Smith, Mo.
Cook, Pa.	Harding	McGavin	Sparkman
Cooper, Pa.	Hayes	McHenry	Talbott
Cooper, Wis.	Hepburn	McKinney	Taylor, Ala.
Coudrey	Hill, Conn.	McMillan	Townsend
Cravens	Hinshaw	McMorran	Waldo
Crawford	Howard	Madden	Wallace
Darragh	Hubbard, W. Va.	Maynard	Wanger
Davenport	Hughes, W. Va.	Miller	Watson
Davey, La.	Hull, Iowa	Moore, Pa.	Webb
Dawes	Jackson	Mudd	Weisse
Dunwell	James, Addison D.	Murdock	Wheeler
Edwards, Ga.	Jones, Va.	Olmsted	Willett
Edwards, Ky.	Kennedy, Ohio	Overstreet	Wilson, Pa.
Fairchild	Kipp	Parker, S. Dak.	Wolf
Fassett	Kitchin, Wm. W.	Parsons	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. MCKINNEY with Mr. TAYLOR of Alabama.

Mr. PARKER of South Dakota with Mr. SPARKMAN.

Mr. MADDEN with Mr. RYAN.

For this vote:

Mr. ACHESON with Mr. JONES of Virginia.

Mr. HULL of Iowa with Mr. LAMB.

Mr. HUBBARD of West Virginia with Mr. CRAVENS.

Mr. MCCREARY with Mr. HENRY.

The result of the vote was announced as above recorded.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20063.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. GARDNER of Michigan. Mr. Speaker, I think we may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 211, nays 29, answered "present" 9, not voting 139, as follows:

YEAS—211.

Adair	Durey	Huff	Patterson
Aiken	Dwight	Hughes, N. J.	Payne
Alexander, Mo.	Ellerbe	Hull, Tenn.	Perkins
Alexander, N. Y.	Ellis, Mo.	Humphreys, Miss.	Peters
Allen	Ellis, Oreg.	Jones, Wash.	Pou
Ames	Englebright	Kahn	Pray
Anthony	Esch	Keifer	Prince
Barclay	Favrot	Kennedy, Iowa	Rainey
Bartholdt	Ferris	Kinkaid	Randell, Tex.
Bartlett, Nev.	Flood	Knowland	Rauch
Bates	Floyd	Küstermann	Reynolds
Beall, Tex.	Focht	Lafean	Richardson
Bede	Foss	Lamb	Robinson
Bell, Ga.	Foster, Ill.	Langley	Rodenberg
Bennet, N. Y.	Fuller	Laning	Rothermel
Birdsall	Fulton	Law	Russell, Mo.
Bonynge	Gaines, Tenn.	Lawrence	Scott
Booher	Gaines, W. Va.	Leake	Sheppard
Boutell	Gardner, Mass.	Lilley	Sherley
Bowers	Garner	Lindbergh	Sherwood
Boyd	Garrett	Littlefield	Sims
Bradley	Gill	Lloyd	Slayden
Brownlow	Gillespie	Lovering	Slemp
Burgess	Gillett	Lowden	Smith, Cal.
Burke	Glass	McCall	Smith, Mich.
Burleigh	Goebel	McGuire	Snapp
Burleson	Gordon	McKinlay, Cal.	Southwick
Butler	Goulden	McKinley, Ill.	Sperry
Byrd	Granger	McLachlan, Cal.	Spight
Calderhead	Greene	McLain	Stafford
Caldwell	Griggs	McLaughlin, Mich.	Stanley
Campbell	Hackett	Macon	Steenerson
Capron	Haggott	Madison	Stephens, Tex.
Carter	Hale	Malby	Sterling
Cary	Hamill	Mann	Sturgiss
Caulfield	Hamilton, Mich.	Marshall	Sulloway
Chaney	Hamlin	Miller	Tawney
Chapman	Hammond	Mondell	Thistlewood
Clark, Mo.	Harrison	Moon, Tenn.	Thomas, N. C.
Clayton	Haskins	Moore, Tex.	Thomas, Ohio
Cooper, Tex.	Hawley	Morse	Tirrell
Cooper, Wis.	Heflin	Mouser	Tou Velle
Cox, Ind.	Helm	Murdock	Volstead
Crumpacker	Henry, Conn.	Murphy	Vreeland
Cushman	Henry, Tex.	Needham	Weeks
Dalzell	Higgins	Nelson	Weems
Davidson	Hinshaw	Norris	Wiley
Davis, Minn.	Hobson	Nye	Williams
Dawson	Houston	O'Connell	Wilson, Ill.
Denby	Howell, N. J.	Olcott	Wood
Denver	Howell, Utah	Padgett	Woodyard
Draper	Howland	Page	Young
Driscoll	Hubbard, Iowa	Parker, N. J.	

NAYS—29.

Ansberry	Fitzgerald	Hitchcock	Lewis
Ashbrook	Fornes	James, Ollie M.	Rucker
Bartlett, Ga.	Gregg	Johnson, Ky.	Russell, Tex.
Brodhead	Hackney	Johnson, S. C.	Sulzer
Broussard	Hardwick	Keliher	Watkins
Burnett	Hardy	Kitchin, Claude	
Candler	Hay	Lamar, Mo.	
Carlin	Hill, Miss.	Legare	

ANSWERED "PRESENT"—9.

Currier	Howard	Knopf	Longworth
Dixon	Jenkins	Lever	Ransdell, La.
Gardner, Mich.			

NOT VOTING—139.

Acheson	Dunwell	Kimball.	Pratt
Adamson	Edwards, Ga.	Kipp	Pujo
Andrus	Edwards, Ky.	Kitchin, Wm. W.	Reeder
Bannon	Fairchild	Knapp	Reid
Barchfeld	Fassett	Lamar, Fla.	Rhinock
Beale, Pa.	Finley	Landis	Riordan
Bennett, Ky.	Fordney	Lassiter	Roberts
Bingham	Foster, Ind.	Lee	Ryan
Brantley	Foster, Vt.	Lenahan	Sabath
Brick	Foulkrod	Lindsay	Saunders
Brumm	Fowler	Livingston	Shackleford
Brundidge	French	Lorimer	Sherman
Burton, Del.	Gardner, N. J.	Loud	Small
Burton, Ohio	Gilhams	Loudenslager	Smith, Iowa
Calder	Godwin	McCreary	Smith, Mo.
Clark, Fla.	Goldfogle	McDermott	Smith, Tex.
Cockran	Graff	McGavin	Sparkman
Cocks, N. Y.	Graham	McHenry	Stevens, Minn.
Cole	Gronna	McKinney	Talbott
Conner	Hall	McMillan	Taylor, Ala.
Cook, Colo.	Hamilton, Iowa	McMorran	Taylor, Ohio
Cook, Pa.	Harding	Madden	Townsend
Cooper, Pa.	Haugen	Maynard	Underwood
Coudrey	Hayes	Moon, Pa.	Waldo
Cousins	Hepburn	Moore, Pa.	Wallace
Craig	Hill, Conn.	Mudd	Wanger
Cravens	Holliday	Nicholls	Washburn
Crawford	Hubbard, W. Va.	Olmsted	Watson
Darragh	Hughes, W. Va.	Overstreet	Webb
Davenport	Hull, Iowa	Parker, S. Dak.	Weisse
Davey, La.	Humphrey, Wash.	Parsons	Wheeler
Dawes	Jackson	Pearre	Willett
De Armond	James, Addison D.	Pollard	Wilson, Pa.
Diekema	Jones, Va.	Porter	Wolf
Douglas	Kennedy, Ohio	Powers	

So the motion to go into Committee of the Whole House on the state of the Union was agreed to.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. HUBBARD of West Virginia with Mr. CRAVENS.

Mr. COCKS of New York with Mr. SMITH of Texas.

Mr. COOK of Colorado with Mr. CRAIG.

Mr. COUSINS with Mr. COCKRAN.

Mr. DIEKEMA with Mr. DE ARMOND.

Mr. ACHESON with Mr. JONES of Virginia.

Mr. MCCREARY with Mr. MCHENRY.

Mr. ROBERTS with Mr. UNDERWOOD.

Mr. STEVENS of Minnesota with Mr. REID.

Mr. TAYLOR of Ohio with Mr. NICHOLLS.

Mr. TOWNSEND with Mr. SAUNDERS.

For balance of the day:

Mr. GARDNER of Michigan with Mr. BRUNDIDGE.

On this vote:

Mr. DARRAGH with Mr. CRAWFORD.

Mr. GARDNER of New Jersey with Mr. LEE.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, namely.

Mr. HENRY of Texas. Mr. Chairman, I move to strike out the first six words of the paragraph.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk read as follows:

Strike out the first six words of the paragraph, being "That the half of the following."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HENRY of Texas. Division, Mr. Chairman.

The committee divided, and there were—ayes 40, noes 60.

Mr. HENRY of Texas. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. GARDNER] and the gentleman from Texas [Mr. HENRY] will take their places as tellers.

The committee again divided, and the tellers reported—ayes 55, noes 67.

So the amendment was rejected.

Mr. PADGETT. On line 3, page 1, I move to strike out the words "sums named, respectively, is hereby appropriated."

The CHAIRMAN. The gentleman will put his amendment in writing and send it to the Clerk's desk. The Chair will not entertain any motion unless the amendments are sent to the desk in writing, under the rule.

Mr. MANN. I move to strike out the last word. Mr. Chairman, it does not seem to me——

Mr. RANDELL of Texas. The gentleman must put his amendment in writing.

The CHAIRMAN. The Chair will exercise discretion about that. [Laughter.]

Mr. MANN. I move to close all debate upon this paragraph.

The CHAIRMAN. The gentleman from Illinois moves that all debate upon the present paragraph be now closed.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. WILLIAMS. Division!

Mr. HENRY of Texas. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas demands a division. The question was taken, and there were—ayes 55, noes 47.

Mr. HENRY of Texas. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Michigan [Mr. GARDNER] and the gentleman from Texas [Mr. HENRY] will take their places as tellers.

The committee again divided, and the tellers reported—ayes 68, noes 53.

So the motion was agreed to.

Mr. PADGETT. I send the amendment to the desk.

Mr. HARDY. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARDY. Is it the ruling of the Chair that Democratic amendments must be in writing and Republican amendments need not?

The CHAIRMAN. The gentleman is out of order.

Mr. WILSON of Illinois. As usual.

The Clerk read as follows:

Page 1, lines 2 and 3, strike out the words "sums named, repectively, is hereby appropriated."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided, and there were—ayes 45, noes 60.

Mr. HENRY of Texas. I call for tellers, Mr. Chairman.

Mr. GARDNER of Michigan. Mr. Chairman, I make the point of order that, having passed upon that twice, it is clear that the motion is dilatory.

The CHAIRMAN. The Chair sustains the point of order.

So the amendment was rejected.

Mr. LEAKE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Strike out of line 4 the words "out of any money in the."

Mr. PAYNE. I make the point of order on this that it is dilatory.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEAKE. Will not the Chair hear me on the other side of the point of order?

The CHAIRMAN. The Chair will not.

Mr. LEAKE. I appeal from the decision of the Chair.

Mr. PAYNE. I make the point of order that the appeal is dilatory.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HENRY of Texas. I offer the following amendment:

Lines 4 and 5, strike out the words "Treasury not otherwise appropriated."

Mr. PAYNE. I make the point of order on that, that it is dilatory.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HENRY of Texas. Will the Chair hear me on my point of order?

The CHAIRMAN. The Chair does not care to hear the gentleman.

Mr. HENRY of Texas. The Chair does not think it is proper, then, to strike out any of the language in the bill?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Plumbing inspection division: Inspector of plumbing, $2,000; seven assistant inspectors of plumbing, one at $1,200 and six at $1,000 each; temporary employment of additional assistant inspectors of plumbing

and laborers for such time as their services may be necessary, $1,200; draftsman, $1,200; sewer tapper, $1,000; three members of the plumbing board, at $300 each; in all, $100,764.

Mr. SULZER. Mr. Chairman, I move to strike out the last word. I want some information. I wish to ask the gentleman in charge of this bill if all these various inspectors are now being employed by the Commissioners of the District of Columbia?

Mr. GARDNER of Michigan. They are all employed, except that one provided for in this bill has been on the per diem list and is transferred to the annual list.

Mr. SULZER. And these inspectors are necessary, are they?

Mr. GARDNER of Michigan. Absolutely so, as it is reported to us; necessary to carry out the provisions of the law already passed.

Mr. SULZER. Mr. Chairman, no one realizes more than I do the importance of this bill. I am very much in favor of doing anything I can within reasonable limits for the District of Columbia. I want to see Washington become the "City Beautiful," one of the greatest, one of the grandest, and one of the most beautiful capitals on earth. Ever since I have been a Member of Congress I have done my best to carry out the original plans and projects of those who laid out and founded this capital city. Let us at every opportunity do our best to complete what they contemplated.

Now, sir, it was a matter of much regret to me that the gentleman from Pennsylvania [Mr DALZELL] reported this morning the rule which he did, which practically cuts off all general debate on this very important bill, and deprives the minority of its inherent rights of discussion under the rules. I am always opposed, in a deliberative and legislative body, to gag rule. Nothing in the long run is accomplished by the majority gagging the minority.

Mr. VREELAND. Mr. Chairman, I make the point of order that the gentleman from New York is not speaking to the amendment.

Mr. SULZER. I am speaking to the amendment, Mr. Chairman. I am talking about the bill, and I am talking about how important this bill is, not only to the people of the District of Columbia, but to the people of the country generally.

Mr. VREELAND. I insist on the point of order.

The CHAIRMAN. The Chair thinks the point of order is well taken. The gentleman must confine himself to his amendment.

Mr. SULZER. Mr. Chairman, I am endeavoring, to the best of my ability, to confine myself to the bill under consideration, notwithstanding the remarks that I am making are not directed particularly to the paragraph which has just been read. I am in favor of this paragraph. I want to see the paragraph adopted. I want to see the men—the skilled mechanics—who are out of work in the District of Columbia get employment. If I had my way, I would have the Government, in so far as it can, inaugurate great internal improvements that would give immediate employment to the hundreds of thousands of idle, honest workmen in the country. We could not do better, and for that reason I am in favor of the provision which has just been read. I want to see the mechanics who are not employed today in this District get employment.

Now, I want to say again that, in my opinion, no progress will be made along the lines contemplated by the majority for partisan legislation, if the majority, taking advantage of its numbers, brings in every morning a special rule to gag the minority, to prevent us from getting our rights, and from securing time to discuss legislation of an important character.

Mr. VREELAND. Mr. Chairman, I again make the point of order that the gentleman is not speaking to his amendment.

Mr. SULZER. I hope my friend from New York will not continually bob up and interrupt my speech.

Mr. VREELAND. Mr. Chairman, I insist on my point of order.

Mr. SULZER. I can not finish what I have to say in five minutes——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. A great deal of my time has been consumed by my colleague from New York, and I ask unanimous consent to address the committee for five minutes more.

Mr. VREELAND. Regular order!

Mr. SULZER. I ask unanimous consent to address the committee for five minutes.

Mr. VREELAND. I object.

The CHAIRMAN. Objection is made.

Mr. BARTLETT of Georgia. Who objects?

Mr. VREELAND. I object.

Mr. BARTLETT of Georgia. The gentleman from New York did not rise in his place and object.

The CHAIRMAN. The Chair heard the objection.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill a question in relation to this paragraph: "Three members of the plumbing board, at $300 each." I would like to ask the gentleman what the duties of the plumbing board are.

Mr. GARDNER of Michigan. They have to license all plumbers in the District.

Mr. MURPHY. I would like to ask the gentleman how the board is constituted. I am asking this for information, and I presume the gentleman can furnish the information.

Mr. GARDNER of Michigan. One is the inspector of plumbing. The other two are outside of what may be called the "plumbing force" of the city.

Mr. MURPHY. Does the gentleman mean that the plumbing board receives an additional compensation for their services rendered as plumbers of the District?

Mr. GARDNER of Michigan. Only one, as I understand it.

Mr. MURPHY. There is one that receives an additional compensation?

Mr. GARDNER of Michigan. I think so.

Mr. MURPHY. What is his compensation?

Mr. GARDNER of Michigan. He is under the regular employment of the city, and gets the compensation as such—I think, about $1,200.

Mr. MURPHY. We are paying two salaries, then, to this man?

Mr. GARDNER of Michigan. Yes; that is done a great many times, because he performs services outside of the duties for which he is paid a salary. That happens repeatedly in other departments of the city. We have already passed several matters of that kind.

Mr. MURPHY. I asked the question for information, and believe it is not good policy.

Mr. VREELAND. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be now closed.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 77, noes 41.

So the motion was agreed to.

The Clerk read as follows:

For assessor's office: For assessor, $3,500, and $500 additional as chairman of the excise and personal tax boards; two assistant assessors, at $2,000 each; two clerks, at $1,400 each; clerk, arrears division, $1,400; four clerks, at $1,200 each; draftsman, $1,200; four clerks, at $1,000 each; assistant or clerk, $900; clerk in charge of records, $1,000; two clerks, at $900 each; license clerk, $1,200; two clerks, at $1,000 each; inspector of licenses, $1,200; assistant inspector of licenses, $1,000; messenger, $600; three assistant assessors, at $3,000 each; clerk to board of assistant assessors, $1,500; messenger and driver, for board of assistant assessors, $600; temporary clerk hire, $500; in all, $43,500.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word. I wish to ask for some information from the gentleman in charge of the bill. This provides, in line 2, page 6, for one draftsman at $1,200 and four clerks at $1,000 each. I want to ask the gentleman exactly what are the duties of this draftsman?

Mr. GARDNER of Michigan. Just exactly what the title indicates. There are buildings in process of construction, and this draftsman contributes materially to the extent of providing plans and specifications.

Mr. MURPHY. Is it necessary to have four clerks at $1,000 each for one draftsman worth $1,200?

Mr. GARDNER of Michigan. We have to get help in addition to that.

Mr. MURPHY. Are these clerks employed on any other duties?

Mr. GARDNER of Michigan. Not to my knowledge.

The Clerk read as follows:

Excise board: For chief clerk, $2,000; clerk $1,200; clerk, $1,000; messenger, $600; in all, $4,800.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. If I can get the attention of the gentleman from Michigan, I want to find out how many licenses are granted or permits issued in the District of Columbia each year.

Mr. GARDNER of Michigan. Mr. Chairman, that is a subject the committee did not go into—a subject the committee did not feel called upon to go into in making the appropriation—and I am not able to say how many.

Mr. JOHNSON of South Carolina. It occurred to me, Mr. Chairman, that four men to look after the permits and licenses that might be issued in the District of Columbia was a pretty large force.

Mr. GARDNER of Michigan. It has been current law for years, and their duties are constantly increasing, rather than diminishing.

Mr. JOHNSON of South Carolina. I want to ask another question, not pertinent to this paragraph, but to the one that precedes and the one that follows the one we are now on. How many taxpayers are there in the District of Columbia?

Mr. GARDNER of Michigan. The gentleman means the number of taxpayers?

Mr. JOHNSON of South Carolina. Yes; real estate and personal.

Mr. GARDNER. That is another subject that the committee did not feel called upon to go into. We were not interested in the number of taxpayers, but rather in what they are paying. We were concerned more about the revenue derived than the number from whom it was derived.

Mr. JOHNSON of South Carolina. I do not know, Mr. Chairman, that the amount of money has much to do with it. A tax assessor may employ as much time in collecting taxes from some citizen who pays on $20 worth of property as it would take him to receive the taxes from some great corporation that pays taxes on $20,000,000. So that the number of taxpayers must necessarily be computed in order to determine how much work these people have to do. For instance, if the Chairman will allow me to state it—and, by the way, I want to congratulate the chairman on this bill, for it suits me better than any District bill I ever saw—for instance, in the county in which I live there are more than 20,000 taxpayers, some of them very small taxpayers and some of them may be very large. Yet one man is required to assess the property of all the taxpayers in that county. He makes his caluculations as to the taxes due by each taxpayer for school purposes, for county purposes, or for any other purpose. Now, it seems to me that in the District of Columbia, where two years ago there were 11,000 taxpayers, a force of something like 100 men to assess the property and collect the taxes and disburse the money is extravagant. I hope my friend in making up the next bill will look into that.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Personal tax board: For two assistant assessors of personal taxes, at $3,000 each; appraiser of personal property, $1,800; clerk, $1,400; assistant clerk, $1,000; three inspectors, at $1,200 each; extra clerk hire, $2,000; in all, $15,800.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word for the purpose of getting the attention, if I may, of the gentleman in charge of the bill, and I desire to say at this time that I agree with the gentleman who preceded me—the gentleman from South Carolina [Mr. JOHNSON]—as to the fact that I believe that the committee has done conscientious work on this bill; but so many officers are provided for in this assessment of personal taxes that I would like to ask the gentleman if he can give us information on the amount of personal-property taxes assessed in the District?

Mr. BURLESON. Does the gentleman mean the amount collected?

Mr. MURPHY. The amount assessed; yes.

Mr. JOHNSON of South Carolina. The amount collected is about $800,000, and at this time I desire to correct the statement I made a moment ago. I said there were 11,000 taxpayers. There were 11,000 taxpayers of real estate. I don't know how many personal-tax payers there are, but they collect $800,000, and this enormous force is kept here to assess property and collect that amount of money. I understand they assess here only once in three years.

Mr. MURPHY. I desired to ask if they assess every year.

Mr. GARDNER of Michigan. They assess real estate every three years.

Mr. BOWERS. Personal property is assessed every year.

Mr. MURPHY. How much of the personal-property tax is delinquent—not collected? Can the gentleman inform me?

Mr. GARDNER of Michigan. No; I do not know, and I don't know that anybody can give that information outside of the collector's office.

The Clerk read as follows:

Hereafter all legal services required by boards organized by law under the government of the District of Columbia shall be furnished by the corporation counsel of the District of Columbia, or one of his assistants.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. It seems to me rather queer wording to begin with. What is the idea of it?

Mr. GARDNER of Michigan. In explanation of this paragraph, Mr. Chairman, I would say that it is well known in the Congress, as well as in the District, and to a considerable extent in the country at large, that during the last year the board of education has had some trouble with some of the officers of the public schools, and on account of that trouble they employed counsel aside from that connected with the corporation counsel force. The school board wanted to have an appropriation made of $1,200 to compensate said counsel. The committee refused to make the appropriation for that purpose, and to avoid going outside for counsel, which is provided for such purposes, they have put this paragraph in the bill, so that in the future the board of education, as the Commissioners and everybody else connected with the District government bringing suit, will go to the corporation counsel, rather than to the United States district attorney or somebody else and then bring in a bill for the Government to pay.

Mr. MANN. A few years ago the school board was appointed by the District Commissioners. Congress saw fit, against my vote, to provide that the District Commissioners should not have control in the school board. The gentleman proposes now to let the corporation counsel run the school board.

Mr. GARDNER of Michigan. Not in the least.

Mr. MANN. Suppose there is a difference of opinion between the District Commissioners and the school board about this. Can they both take advice of the corporation counsel?

Mr. GARDNER of Michigan. There is more than one member of the corporation counsel's office. There is only one corporation counsel, but there is a corps of assistants.

Mr. MANN. None of the assistant corporation counsel would put forth an opinion unless it met the views of the head of the office.

Mr. STAFFORD. Can the gentleman advance any reason why the school board should not take the judgment of the corporation counsel? Is the gentleman acquainted with any municipality where the school board has different counsel from that of the other branches of the city government?

Mr. MANN. I am not acquainted with any large municipality where the legal adviser of the school board is the same as the legal adviser of the city, because there are constant controversies between the so-called "city government" and the school board, and to have the same legal adviser would be, it would seem to me, a queer proceeding.

Mr. STAFFORD. If the gentleman will permit I can say, so far as Milwaukee is concerned, that they have the same legal adviser, and there is no friction between the respective parties.

Mr. CRUMPACKER. The gentleman will observe under this paragraph the members of the school board could not out of their own means employ private counsel. It requires the corporation counsel to represent the board, and if there should be a controversy between the two boards, as the gentleman said a moment ago, the corporation counsel would have to represent both sides. The members of neither board could out of their funds employ private counsel to represent them, because the paragraph says the corporation counsel shall furnish all legal services for all boards.

Mr. MANN. And, I take it, the intention is to furnish the school board no legal adviser, because there is no increase in the appropriation over what it was before, and either the corporation counsel's office was too large before or else he will not be able to furnish the information that will be sought for now.

Mr. STAFFORD. Carrying the argument of the gentleman from Indiana to the logical extreme would result in having legal advisers for the various executive departments, and I hardly think the gentleman would say that it is the best kind of administration for a municipality to have separate departments of legal counsel for the various executive departments.

Mr. MANN. But Congress has seen fit to differentiate between the District government and the school board. It has not made that differentiation between the assessors or other branches of the District government only so far as the method of appointments is concerned, and the school board may be entirely without the appointive power of the head of a municipality over any department connected therewith, and yet that department will have, in case of need of legal services, to call on the corporation counsel for it.

I believe we are all guided somewhat by what obtains at home. In the city which I have the honor in part to represent the school board is appointed by the mayor, but the corporation counsel of the city is not the legal adviser of the school board. The school board has an attorney for itself, and it has not infrequently happened that the school board attorney and the corporation counsel of the city disagree about matters, and it sometimes has to be carried into court, where the court settles the question.

Mr. BOWERS. I desire to correct a misapprehension under which the gentleman seems to labor and call attention to the reason why we decided the corporation counsel should be employed for this particular service. I gather from the remark he made a moment ago that he assumes that the corporation counsel's office was overcrowded and unable to do this. That, as I understand, is not the case, and no increase of appropriation or of force for the corporation counsel's office is made,

because none was deemed necessary at the hearing. We gathered very clearly that the corporation counsel's office would be able to do this work without any additional appropriation and without any increase in force. The object is economy, pure and simple, in order to prevent a recurrence of just what we have had this year, namely, the calling in of one of the officers of the Department of Justice to attend to a particular piece of litigation and thereby creating a sort of demand against the Government. It is to require them to go to the force of legal advisers provided for all municipal affairs.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Illinois [Mr. MANN] a question. Who has been advising this school board here in the last twelve months?

Mr. MANN. I am not able to answer the gentleman. I have taken no special interest and do now take no special interest in what seems to me a very unseemly squabble between somebody and somebody else. Just who the persons are I do not know, and I do not care.

Mr. CLARK of Missouri. What objection have you to the corporation counsel advising that eminent body?

Mr. MANN. I have no objection to the corporation counsel advising the eminent body at all. What I object to is that when Congress attempts to differentiate between the school board and the District Commissioners, and Congress provides that the school board shall be appointed by persons other than the District Commissioners, to require them to take their legal advice from somebody appointed by the District Commissioners.

Mr. BOWERS. The corporation counsel are not appointed by the District Commissioners.

Mr. MANN. Who are they appointed by?

Mr. BOWERS. My understanding is that they are appointed by the President; that is, the chief corporation counsel of the District.

Mr. MANN. Appointed by the President, and confirmed by the Senate?

Mr. BOWERS. I think so.

Mr. MANN. I think not; but I do not know.

Mr. BOWERS. I may be mistaken; but that is my impression.

Mr. MANN. I do not think there are any of these officers appointed by the President except the District Commissioners.

Mr. CLARK of Missouri. If the gentleman from Illinois [Mr. MANN] does not know what I do not know, I had better ask the gentleman from Michigan [Mr. GARDNER]. Can the corporation counsel attend to this business without having another assistant appointed?

Mr. GARDNER of Michigan. There has been no demand for another assistant.

Mr. CLARK of Missouri. Then it ought to be done.

Mr. MANN. There has been no demand to have the work done in this way by the school board? Has the gentleman examined the school board as to whether they need additional counsel?

Mr. GARDNER of Michigan. The point is right here, Mr. Chairman, that they did not go to the corporation counsel to ascertain whether they could have his services or not, but went outside of the counsel that the District provides. Now, if one board can do this another can, namely, the excise board, the automobile board, or the board of charities. Each one of them can employ a legal firm and come up here with bills to be paid by the Congress, when we have a legal board from which they can draw talent in all of these cases to meet the necessities of the District.

Mr. MANN. Now, let us see whether the gentleman is correct or not. Are these boards appointed under a special act of Congress, requiring somebody to appoint them other than the District Commissioners?

Mr. GARDNER of Michigan. The board of charities is appointed, for example, by the President.

Mr. MANN. Does the gentleman propose that they shall be in no case allowed to employ outside counsel?

Mr. GARDNER of Michigan. If they can have counsel to properly represent the interests of that board from the corporation counsel, I should say no.

Mr. STAFFORD. If the Chairman will permit, does it not largely come down to a question whether there is sufficient legal business before the school board to require the services of some separate attorney all the time? For instance, in the city that the gentleman from Illinois [Mr. MANN] represents in part there may be need for having the employment of special counsel there, or more than one counsel to look after specially the work of the school board, but in the city of Washington it may not be necessary to have any one individual——

Mr. MANN. We hope it will not be.

Mr. STAFFORD. Or several individuals to give their exclusive time to that work.

The CHAIRMAN. The Chair would like to know from the gentleman from Illinois if he makes a point of order.

Mr. MANN. I make a point of order, Mr. Chairman, unless somebody wants to be heard.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CLARK of Missouri. I would like to be heard, Mr. Chairman.

Mr. MANN. I reserve the point of order.

Mr. CLARK of Missouri. If the Chair has already ruled on the point of order, that is the end of it. I did not want to argue the point of order, but make some remarks as to who ought to attend to this law business in the city of Washington.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. CLARK of Missouri. Those of us who have been here six, or eight, or ten years, know that this school board has been in a constant row all of that time.

We remodeled this whole system two years ago. Some of the very best men of the House worked at it faithfully and incessantly to revolutionize the system about this school board, and we thought that we had it fixed; but that bill was scarcely passed until they got up a worse row than they had had before; and, so far as I know, it is going on yet. I secured the adoption of an amendment to the bill guaranteeing to every teacher and employee that was put upon examination or trial the right to have either counsel or at least one friend attending; and the first thing anybody knew on the subject, the board had gone to work and by a rule practically nullified the law passed by Congress. I do not know the fact to be that way; I do not know certainly of my own knowledge, but I understand the President of the United States detailed a lawyer from the Department of Justice to help this school board along.

Mr. BOWERS. At their request?

Mr. CLARK of Missouri. At their request. The chances are that if they had been compelled to go to the corporation counsel as they ought to have gone, they would not have had half as much of a row as they have had. It is certainly a great waste of raw material to have a lawyer designated whose sole duty shall be to attend to the school-board business of the city of Washington. I undertake to say, without the fear of successful contradiction, that a reasonably good lawyer could transact all the business that that board ought to have by working at it one day out of the week. The practice should be, to satisfy the gentleman from Illinois, and the suggestion of the gentleman from Wisconsin, that some one of the assistants to the corporation counsel ought to be assigned, not as his whole duty but as part of his duty, to look after the legal affairs of the schools of the District of Columbia, and the quicker that can be done here the better it will be; and if it can not be done under this bill, there ought to be a special bill brought in to that effect. The present arrangement is an extravagance and there is no sense in it.

The CHAIRMAN. The Chair has already sustained the point of order. The Clerk will read.

The Clerk read as follows:

For coroner's office: For coroner, $1,800; morgue master, $720; assistant morgue master and janitor, $480; in all, $3,000.

Mr. SULZER. I move to strike out the last word. I wish to inquire of the gentleman in charge of the bill, What are the duties of the morgue master?

Mr. GARDNER of Michigan. In the first place, the words would indicate themselves what his duties are. The morgue master has charge of the morgue. In case of suicide or drowning or murder or persons who may have died, the bodies are taken to the morgue until they are properly cared for. or until they are claimed or otherwise disposed of. In brief, those are his duties, as I understand it.

Mr. SULZER. Mr. Chairman, just a few words. Of course it is known that there is a morgue in Washington, and, no doubt, there must be a morgue master; but I am impelled to observe, after an experience in the minority here of almost fourteen years, that there should be a morgue committee in the House of Representatives. The majority have killed so many good measures that it seems to me it would be appropriate to have a "committee on the morgue" [laughter], in which all of these good bills in the interests of the people introduced by Democrats generally find their way before a Republican Congress adjourns.

Mr. FITZGERALD. Does not my colleague——

Mr. SULZER. I have only a few moments, but I yield for a question.

Mr. FITZGERALD. I wish to ask my colleague if he does not believe that "official embalmer" would be more appropriate than "morgue master?"

Mr. SULZER. I care not what the gentleman wants to call it; but there is one thing certain, and that is, in the House of Representatives there is a morgue for good bills. I have been trying to find out just what committee is the morgue committee. [Laughter.] My own personal experience is to the effect that there are several committees that have earned the appellation. There is the Committee on the Judiciary. It is a morgue committee for good bills; the Committee on Ways and Means is a morgue committee for good bills, and the Committee on Appropriations is a morgue committee for good bills——

Mr. FITZGERALD. Oh, no.

Mr. SULZER. Then, the Committee on Claims is a morgue committee for good bills; the Committee on Interstate and Foreign Commerce is a morgue committee for good bills, and the Committee on Labor is a morgue committee for good bills—to say nothing about other committees of the House. We all know that a great many bills are introduced every year in Congress—bills that affect the people generally of the entire country, and which the people of the country want reported favorably, and considered in the House in accordance with the rules; and we all know that these bills are referred by the Speaker to these morgue committees, and that is an end of the matter. We can not get a hearing from some of these committees on the bills. They are strangled in these morgue committees, put to sleep in the pigeonholes, and that is an end of it. We do not legislate in accordance with the rules. We do not get an opportunity to consider the bills the people are most deeply interested in, and which would accomplish the most good.

Now, sir, I suggest that the rules of the House be changed, so that there will be one great committee to be called the "Morgue Committee," to which all these great and good bills introduced by Democrats—and opposed by a few Republicans—can be referred. Then we will know what to expect; then we will know that there is no use trying to resurrect them; and then we will know that these bills are absolutely dead.

[Here the hammer fell.]

The Clerk read as follows:

For engineer's office (Record division): For engineer of highways, $3,000; engineer of bridges, $2,100; superintendent of streets, $2,000; superintendent of county roads, $1,500, and $500 additional as assistant engineer in Rock Creek Park; superintendent of sewers, $3,000; inspector of asphalts and cements, $2,400 (*Provided*, That the inspector of asphalts and cements shall not receive or accept compensation of any kind from, or perform any work or render any services of a character required of him officially by the District of Columbia to, any person, firm, corporation, or municipality other than the District of Columbia); assistant inspector of asphalts and cements, $1,500; superintendent of repairs, $1,500; superintendent of trees and parkings, $1,500; assistant superintendent of trees and parkings, $1,000; assistant engineer, $2,200; assistant engineer, $2,100; four assistant engineers, at $1,800 each; one assistant engineer, $1,600; five assistant engineers, $1,500; one assistant engineer, $1,350; one assistant engineer, $1,200; two transitmen, at $1,200 each; one transitman, $1,050; four rodmen, at $900 each; eight rodmen, at $780 each; twelve chainmen, at $650 each; two draftsmen, $1,350 each; two draftsmen, at $1,200 each; one draftsman, $1,050; one general inspector of sewers, $1,300; one inspector of sewers, $1,200; one bridge inspector, $1,200; two inspectors, at $1,500 each; three inspectors of streets, at $1,200 each; three inspectors, at $1,200 each; one inspector, $1,000; one inspector, $900; twelve foremen, at $1,200 each; one foreman, Rock Creek Park, $1,200; three subforemen, at $1,050 each; one foreman, $1,050; ten foremen, at $900 each; one bridgekeeper, $650; three bridgekeepers, at $600 each; two inspectors of property, at $936 each; two property yard keepers, at $1,000 each; one inspector of material, $1,200; chief clerk, $1,900; clerk, $1,800; clerk, $1,600; two clerks, at $1,500 each; permit clerk, $1,500; assistant permit clerk, $900; index clerk and typewriter, $720; two clerks, at $1,400 each; two clerks, at $1,350 each; five clerks, at $1,200 each; one clerk, $1,050; two clerks, at $1,000 each; clerk, $900; clerk, $840; two clerks, at $750 each; clerk, $620; clerk, $600; seven messengers, at $540 each; two skilled laborers, at $600 each; skilled laborer, $625; janitor, $720; principal steam engineer, $1,800; three steam engineers, at $1,200 each; three assistant steam engineers, at $1,050 each; six oilers, at $600 each; six firemen, at $875 each; inspector, $1,400; storekeeper, $900; superintendent of stables, $1,500; blacksmith, $975; two watchmen, at $630 each; two drivers, at $630 each; driver, $540; inspector of gas and meters, $2,000; assistant inspector of gas and meters, $1,000; assistant inspector of gas and meters, $840; messenger, $540; in all, $188,882.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Here is a big road machine, so to speak, located in this bill, under the heading "Engineer's office." I see there is a great deal of road-making machinery. I would ask the gentleman in charge of the bill if these engineers are building "county roads?" If so, how much is paid from the Federal Treasury and how much from the District of Columbia treasury to do the work? Over on page 29 I find something on the same subject in these words:

Repair county roads: For current work of repairs of county roads and suburban streets, $100,000.

Mr. Chairman, I should like to know how these "county roads" are made and who pays for them.

Mr. GARDNER of Michigan. Precisely the same as the pavements here in the city—one half paid for by the Government and the other half paid for by the District of Columbia.

Mr. GAINES of Tennessee. Does the Government of the United States pay to make county roads away out here, say, 10 miles from the Capitol?

Mr. GARDNER of Michigan. All the roads referred to here are within the limits of the District of Columbia.

Mr. GAINES of Tennessee. But this says "county roads."

Mr. GARDNER of Michigan. A part of the District is designated as the county.

Mr. GAINES of Tennessee. I should like to have the gentleman explain fully to the committee, because I am anxious to know. I want to get the information and have the House get the information. I should like to know how it is done, because if the Government of the United States builds county roads in the District of Columbia it looks to me like Congress might do a little bit of work for some of the rural-route roads out in my State, where you can not go with automobiles, where you can hardly walk, ride, or drive; where an eagle has to fly pretty high up to avoid the crags and cliffs, and where rural routes are discontinued because of bad roads. It seems to me that the Government of the United States ought to take a little money and go down to these discontinued routes and see what the trouble is, and see if it can not help the people of the locality to build up these route roads for the purpose of reestablishing the discontinued rural mail routes and help these people out. I should like to get all the information the gentleman can give me on that subject.

Mr. BOWERS. I was going to call the attention of the gentleman to the fact that he has misapprehended what the words "county roads" in this bill mean.

Mr. GAINES of Tennessee. Out in Tennessee——

Mr. BOWERS. Let me finish my statement. Every street in this city outside the old city limits—say, for example, Florida avenue on the north—is called a county road, when, as a matter of fact, the city has long since extended far out beyond those old limits, and these so-called "county roads" are as thickly built up as any other part of Washington. The great majority of these so-called "county roads" are solidly built up streets in the city.

Mr. GAINES of Tennessee. That is because they have taken a county road and put asphalt on it, and at night they run these street sweepers and sprinklers over it when the weather gets hot. There are good roads away out, 10 miles or so, from the city of Washington.

Mr. MANN. That is impossible. You can not go 10 miles from this Capitol without getting outside of the limits of the District of Columbia.

Mr. GAINES of Tennessee. Well, away out from the city of Washington—several miles, anyway—where there are no lights and where there are country houses, and yet you can go with an automobile on a beautiful smooth dirt road. I want to know if that is what is called a "county road," out in the rural section of the District of Columbia? If the Government of the United States can maintain such roads here, I want to know why it can not do something to improve rural-route roads in other parts of the country. We certainly can and should experiment with these abandoned rural-route roads and see if the rural service can not be restored. In the sections where these routes are abandoned are good people, the very kind who need to be aided as a rural service aids them. They are in a more deplorable fix than the section where the rural system actually operates. Let experimental rural-route road fixing or building begin. Let the people be taught how to build a lasting, good rural-route road. That is the point of my contention.

Now, I ask my friend, the chairman of the committee, who pays for building the good roads way out yonder in the country?

Mr. GARDNER of Michigan. I have answered that previously and I can add nothing to it—one half is paid by the District of Columbia and the other half by the General Government.

Mr. MANN. I would like to ask the gentleman a question. My observation has been that outside of the parks you will fail to find the good roads that the gentleman refers to. Can the gentleman tell us where the good roads are outside of the park system?

Mr. GARDNER of Michigan. The gentleman from Illinois had better ask the gentleman from Tennessee. He made the assertion.

Mr. GAINES of Tennessee. My information is that out over the bridge here, out through the groves of hickory, way out yonder for 8 or 9 miles, you will find very good roads, much better than in many sections of Tennessee or Kentucky or else-

where. I want to know if the people outside of the city of Washington are provided with good roads at the expense of the Government?

Mr. MANN. The gentleman evidently refers to his trip to Great Falls.

Mr. GAINES of Tennessee. No, I do not; I have never been to Great Falls.

Mr. BOWERS. Out to Cabin John.

Mr. GAINES of Tennessee. Well, I have been to Cabin John but I went out there in the cars, and a few times on the pike.

Mr. VREELAND. Mr. Chairman, I move that all debate and amendment thereto on the pending paragraph be now closed.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

Special assessment office: For special assessment clerk, $1,700; seven clerks, at $1,200 each; two clerks, at $900 each; and one clerk, $750; in all, $12,650.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word for the purpose of getting a little more information from the genial chairman of the committee. I would like to ask what is included in the words "special assessment."

Mr. GARDNER of Michigan. Where a house is situated on a street, for example, not connected with the water main and they want to connect with the water main or the gas main, they would have to get a special permit, and these special assessments are intended to cover cases like that.

Mr. MURPHY. Is that all that it covers?

Mr. MANN. You can build sewers by special assessment, and that is all covered by this.

Mr. GARDNER of Michigan. Sewers may be built under special conditions. It may run up to a considerable sum in the course of a year.

Mr. MURPHY. I would like to ask a further question, if the gentleman can give the information, What is the amount of the special assessments collected in the District in a year?

Mr. GARDNER of Michigan. From $100,000 to $200,000 a year, and the most of it in small amounts.

Mr. MURPHY. It costs $12,650 to collect that.

Mr. MANN. Not to collect it. This is not for the collection, this is for the work.

Mr. MURPHY. Are not other clerks paid for granting permits and licenses?

Mr. GARDNER of Michigan. This has been current law for many years.

Mr. MURPHY. I do not question that; I am simply asking for information as to what their duties are and what we are paying $12,000 and more for.

Mr. GARDNER of Michigan. I have no question but that this is well expended.

Mr. MURPHY. Mr. Chairman, I withdraw my pro forma amendment.

Mr. GRIGGS. Mr. Chairman, I move to strike out the last word for the purpose of asking that the Clerk read the letter which I send to the Clerk's desk.

The CHAIRMAN. Without objection, the letter will be read in the gentleman's time.

The Clerk read as follows:

OFFICE FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, April 1, 1908.

Hon. J. M. GRIGGS,
House of Representatives.

SIR: In compliance with your verbal inquiry of this date respecting statements received by you to the effect that the expense incident to rural delivery has been the cause of the deficit in the postal revenues of recent years, I write to say that such statements are not confirmed by the records of the Post-Office Department. In 1897, when the expenditure on account of rural delivery was only $14,840, the postal deficit was $11,411,779, while in 1907 the expenditure for rural delivery had increased to $26,755,524, and the deficit had decreased to $6,653,282. These figures seem to demonstrate that the increased expenditure on account of the rural delivery service bears no ratio to the annual deficit. On the other hand, it is certain that the operation of the rural delivery service is responsible for a very large percentage of the increase in the postal receipts. The establishment of a rural delivery route invariably brings with it a great influx of mail to the locality affected, and this is gradually followed by an increase in the outgoing mail. Of course the revenue from the incoming mail goes to swell the receipts of the larger post-offices, so that while the service greatly benefits the rural communities through the convenience afforded, it also accounts for much of the increased revenue shown by the city offices. It should also be borne in mind that since the inauguration of rural delivery there has been a saving of more than $12,000,000 on account of the closing of small post-offices and discontinuance of star routes.

Rural delivery is being managed under definite and business methods, namely: The Department must be satisfied that the territory to be covered is suitable, and that the routes will be patronized to a reasonable extent before service is established. In the early days of rural delivery there were naturally many routes established which have since proved to have been unwarranted. Such routes are now being rearranged by extension, curtailment, or consolidation with other routes, and in cases where such rearrangement can not be effected, and there is no prospect of reasonable patronage, the service is discontinued and the former mail facilities restored. Discontinuance is often avoided, however, by establishing triweekly instead of daily service, with the understanding that daily service will be restored when conditions justify such action.

On March 1, 1908, there were 38,852 routes in operation, and 888 petitions were pending for establishment of rural delivery which had not been acted upon. This is a great falling off in the number of petitions received as compared with a few years ago. The number of routes installed during the fiscal year 1905–6 averaged 304 per month; during the year ended June 30, 1907, the monthly average was 163 routes. At present the average is little more than 100 per month. The diminution in the demand for the service is principally due to the fact that in the older States the territory available for rural delivery has been practically covered. The requirements in these States now consist largely of rearranging and extending existing routes. In the fast developing sections of the West, however, there is an increased demand for rural service. For example, up to October 15, 1902, there were only 19 rural routes in operation in the Territory of Oklahoma, while on March 1, 1908, the State of Oklahoma had 806 routes, with 84 petitions for service pending.

Reports to the Department of the business transacted on rural routes are interesting, as showing the extent to which the service is patronized. In three months during 1907 two routes from Hollywood, Cal., handled 151,434 pieces of mail; one route from Depew, N. Y., 75,756 pieces; Route No. 1, Westchester, Pa., 72,084, the last named yielding cancellations amounting to $920.28. Routes from Nashville, Tenn., Bingham Canyon, Utah, and North Yakima, Wash., each carried between 60,000 and 70,000 pieces during the same period of time.

The recommendation of the Department that a special rate of postage to cover delivery to patrons on rural routes or at the distributing post-offices thereof of books and merchandise not exceeding 11 pounds for 25 cents, 5 cents for the first pound and 2 cents for each additional pound, such rate of postage to apply only to packages transported on a rural delivery route to or from a patron of said route, while not entailing any additional expense, would undoubtedly greatly increase the revenue derived from the rural service. Such a rate of postage would enable rural patrons to have delivered to them small packages of household supplies of little value, which is not possible at this time because the rate of postage on such matter (1 cent an ounce) is practically prohibitory.

Respectfully,
P. V. DE GRAW,
Fourth Assistant Postmaster-General.

The Clerk read as follows:

Board of examiners, steam engineers: For compensation for board of examiners of steam engineers in the District of Columbia, three, at $300 each, $900.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word for the purpose of asking my friend from Michigan how many steam engineers there are?

Mr. GARDNER of Michigan. Three on the board.

Mr. GOULDEN. I ask the gentleman how many engineers there are to be examined yearly by these three men constituting the board?

Mr. GARDNER of Michigan. The number varies with different years.

Mr. GOULDEN. Does the gentleman know what the requirements are for a steam engineer in the District?

Mr. GARDNER of Michigan. No, sir; it is for these gentlemen constituting the board to determine whether they meet the requirements, and the rules are determined by others than the committee.

Mr. GOULDEN. This, then, is existing law and has been found to work successfully, I understand?

Mr. GARDNER of Michigan. Yes; there is no change.

Mr. GOULDEN. I withdraw the pro forma amendment.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry. I would like to ask the gentleman whether he knows the examination required by the board of engineers is the same examination required by the marine board of engineers?

Mr. GARDNER of Michigan. No; I can not say. This law has stood here for years, has been accepted, and there has been no complaint, and the committee has accepted it as meeting the requirements.

Mr. MANN. The ordinary examinations are required here such as are required in every city.

Mr. MURPHY. Mr. Chairman, it seems to me that the salaries that are charged here—$300 each for three members of this board—would not indicate that the examination is a very severe one. Now, I am satisfied that an engineer of a vessel coming into this harbor must pass an examination required by the Government marine board.

Mr. GARDNER of Michigan. The United States Government runs that. This is a District matter.

Mr. MURPHY. And this is the United States Government also.

Mr. STAFFORD. Of course these examinations do not take place every day in the year, but only at stated intervals, and I question whether more than four examinations are held during the year. There will be some competent engineer who will be paid a fee for presiding for that special purpose, so that $300 a year for each member of the board will be more than adequate to meet the condition for the payment of that kind of service.

Mr. MURPHY. Certainly. I simply want information—to

know whether people's lives are imperiled or whether they are properly protected.

Mr. STAFFORD. Does the gentleman know of any instance where they have been jeopardized?

Mr. MURPHY. I do not know but they are jeopardized every day.

Mr. STAFFORD. Does the gentleman know of any concrete instance?

Mr. MURPHY. I can not call to mind any now, but I do in other cities.

Mr. BURLESON. I will state to the gentleman that this board of engineers is under and by authority of law of Congress requiring the inspector of engineers in this city to be the chairman of the board, with two other men appointed for the purpose of examining engineers.

Mr. GARDNER of Michigan. I think I can give the gentleman the information he wants. I read from the hearings of a previous year, from some answers given by Colonel Biddle, who was long a member of the board here, and an engineer of recognized ability. He was asked the question:

Have they an oral examination?

And he answered as follows:

Yes; an oral examination, and they usually make designs. They are asked to draw a boiler with all of its connections and such things as that—a practical examination. The law does not allow anyone to operate a steam engine without a license and unless they have passed this examination.

That is, the examination and requirements are fixed by the board having the matter in charge.

Mr. MURPHY. I would like to further ask the gentleman if he knows whether engineers can be licensed under this board with less knowledge and less requirements than the Government requires for engineers of vessels.

Mr. MANN. Most of these people are engineers in charge of low-pressure boilers.

Mr. MURPHY. I understand that. That is true. I am asking for information, if the gentleman can give it.

Mr. GARDNER of Michigan. I am not able to give that. It is a technical matter.

Mr. MURPHY. I think it is a very important matter.

Mr. GARDNER of Michigan. Mr. Chairman, if the gentleman will allow me, the board could sit twelve months in a year, if it could not intrust important responsibilities to men of technical knowledge, of which the board does not presume to have any knowledge, to discharge certain duties. This is one of them; it was composed of engineers to examine engineers as to their qualifications for the duties they wanted to discharge. Now, that is something that is done over and over again. It is not as to this alone, but it is in a multitude of things. I can not now call to mind all these things specifically. This is current law and has been for years, and it has been found to work well.

Mr. MURPHY. Mr. Chairman, I withdraw the amendment.

Mr. ADAIR. Mr. Chairman, I want to ask the gentleman whether or not this board of examiners are in the employ of the Government and perform other service than this, or whether or not this is all the service they perform for the Government.

Mr. GARDNER of Michigan. Oh, this is a limited salary; this is incidental, I take it, like many other boards.

Mr. ADAIR. They draw a salary, and this is incidental.

Mr. GARDNER of Michigan. Then they draw a salary; yes.

Mr. ADAIR. In some other branch of the Government?

Mr. GARDNER of Michigan. Yes; they may.

The Clerk read as follows:

Department of insurance: For superintendent of insurance, $3,000; examiner, $1,500; statistician, $1,500; clerk, $1,000; stenographer, $600; temporary clerk hire, $1,200; appraisers, $600; in all, $9,400.

Mr. GARDNER of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 15, in lines 5 and 6, strike out "appraisers, $600; in all, nine thousand four," and insert "in all, eight thousand eight."

Mr. PERKINS. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Assuredly, on this matter.

Mr. PERKINS. What is this department of insurance? Why is it necessary in this city to have a department of insurance?

Mr. GARDNER of Michigan. It is necessary to have a department of insurance for precisely the same reason that the State of New York, the State of Michigan, and every other State has a department of insurance. It is one of the anomalies of the city government that we have State functions, county functions, and municipal functions all under one head.

Mr. PERKINS. Then the function of this department is to superintend the insurance companies who are allowed to do business in the District of Columbia?

Mr. GARDNER of Michigan. That is the way I understand it.

Mr. BURLESON. No company is permitted to do business in the District of Columbia without a permit.

Mr. PERKINS. It is like a State, as I understand.

Mr. GOULDEN. Mr. Chairman, I would like to ask the gentleman one or two questions. What are the revenues derived from the various insurance companies to this particular department?

Mr. GARDNER of Michigan. We did not go into that at this time.

Mr. GOULDEN. I ask that because I have another question to follow it. Are they equal to the amount appropriated by this item, viz, the cost of maintaining this necessary and useful department?

Mr. GARDNER of Michigan. Very much in excess.

Mr. GOULDEN. Then does the gentleman consider the salary paid to the superintendent, who is a very efficient and competent man, and who in any State in the Union would obtain a much larger salary—has your committee given due consideration to this question of increasing his salary?

Mr. GARDNER of Michigan. The committee has considered that not only this year, but other years, and while he is a very efficient man, it was thought best not to increase his salary this year; but I can assure the gentleman that if the Members who are now on the subcommittee should be on there next year this matter will be given very careful consideration, with a view of increasing his salary.

Mr. GOULDEN. I am very glad to hear that, because I know it would be an act of common justice to pay that man $5,000 instead of the paltry sum of $3,000 paid him. I know from long experience in the business and my knowledge of the gentleman that he is justly entitled to this consideration. In the hearings I find that Commissioner Macfarland, speaking of the present incumbent, says:

He has made, I may say, a very successful administration under great difficulties, because of lack of help.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word in order to ask the gentleman a question. As I understand, there are some funds paid to the District by the insurance companies?

Mr. GARDNER of Michigan. Yes, sir.

Mr. MANN. Those are covered into what fund in the Treasury?

Mr. GARDNER of Michigan. Into the District fund; they are a part of the revenues of the District.

Mr. MANN. So that we pay half the expense of maintaining the department which, in order to sustain itself, collects a certain amount of money, but all the money it collects is paid in on one side—that is, the District side—and the more money we collect the more it costs the General Government.

Mr. GARDNER of Michigan. Yes; I think——

Mr. MANN. Necessarily.

Mr. BURLESON. Not necessarily; because they are indebted to the Government, because we want to make them pay.

Mr. MANN. Indebtedness is one thing, and an appropriation is another.

Mr. GARDNER of Michigan. I think there are other instances of that kind. As a matter of fact, I will say to the gentleman from Illinois that the Government is exceedingly generous toward the District.

Mr. MANN. Well, I was not discussing that end of it. I was trying to ascertain what the policy was. Here is a provision in the bill about automobile tags. The General Government pays half the expense of making automobile tags. It then deals them out and collects pay for them, but does that come back to reimburse the General Government? Not a nickel of it. It comes back as profit to the District government to relieve the people of the District of Columbia of taxation, and it seems to me it is an utterly unfair appropriation and not in accordance with the agreement between the United States and the District of Columbia.

Mr. VREELAND. Of course the gentleman knows this committee has no authority to change that. That is a legislative function with which this committee is not charged.

Mr. MANN. Well, I am not sure whether it is a legislative function or not. I am not so certain but the gentlemen could report that all of that money should be paid, and I think they could; that all the expense of the insurance department should be paid out of the receipts of that office, and that all of the expenses of the automobile tax should be paid out of the receipts for automobile tax.

Mr. VREELAND. It would all be subject to a point of order, and so we would have to bring it in some day when the gentleman was not in his seat.

Mr. MANN. Mr. Chairman, I had thought I was fairly well posted on points of order, but that is one the gentleman has taught me. I had not discovered before that an appropriation providing that the expenditure should be used to reimburse the appropriation was subject to a point of order. It may be.

Mr. VREELAND. The gentleman, of course, knows that the law at present fixes the relations between the Government and the District, and the amount which each must pay?

Mr. MANN. Well, why does the gentleman put it in his appropriation bill?

Mr. VREELAND. Put what in?

Mr. MANN. That half of this shall be paid by the General Government and half by the District of Columbia. If it is the law without being in the bill, why is it put in the bill?

Mr. VREELAND. It is the law whether it is in the bill or not.

Mr. MANN. It is an agreement which is in nowise binding and never was intended to cover items like this.

Mr. GARDNER of Michigan. Mr. Chairman, I think it is a statute.

Mr. MANN. Oh, yes; I understand.

Mr. GARDNER of Michigan. Statutory law. It is not simply an agreement, but "it is in the bond."

Mr. MANN. But not required. It does not affect this appropriation. The mere fact that you offer an item to this bill that was stricken out of the urgent deficiency bill for the payment of a certain amount of money for the District of Columbia, without saying one-half of it shall be paid by the District and one-half by the General Government, I am inclined to think is not subject to a point of order.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired. The Clerk will read.

The Clerk read as follows:

For keeping the library open fifty-two Sundays from 2 o'clock p. m. to 9 o'clock p. m., five holidays from 9 o'clock a. m. to 9 o'clock p. m., and for extra services three hours on Saturday afternoons during July, August, and September, $1,700.

Mr. STAFFORD. I reserve a point of order for the purpose of asking for information as to the reason the committee recommended the change of the hour of closing on Sundays from 10 o'clock, as provided in the bill last year, to 9 o'clock, as provided in the pending bill? Personally, I believe that no person who wishes to have the opportunity of utilizing the libraries in the evening can get down to real solid work after the evening meal before 8 o'clock, and that the extra hour to 10 o'clock is as beneficial as any of the prior hours of the day.

Mr. GARDNER of Michigan. In reply, Mr. Chairman, I would say that this was recommended by the library board, and conforms also to the hours on secular days. We took the recommendation of the board in this matter. Experience seems to have taught that it was the wise thing to do.

Mr. STAFFORD. Then, on week days no part of the library is open after 9 o'clock in the evening? I believe that in the reference rooms the students can only do good work in the hours between 8 and 10, especially if they are obliged to work in the Departments or at other work, and that additional hour is of great value to them, and it is the rule for hours in our Congressional reading room. The reading room there is open until 10 o'clock on Sunday. Perhaps the librarians, with due regard to those in their employ, would like to close the library an hour earlier, but I believe for the benefit of the patrons of the library it should be kept open until 10 o'clock.

Mr. GARDNER of Michigan. I do not know what the librarian's views are personally. We accepted the judgment of the board in that matter.

Mr. STAFFORD. I withdraw the point of order, Mr. Chairman.

Mr. ADAIR. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Michigan, the chairman of the committee, if in view of the shortening of the hours there was any change made in the salaries of any of the employees of the library, or whether they receive the same compensation for their services as they did before?

Mr. GARDNER of Michigan. Not on that account. We had to exercise a good deal of determination not to increase the salaries in scarcely any instance, in this as in other boards. The pleading was for an increase. Hence, we did not feel justified in cutting down the salaries because they did not work one more hour on Sunday.

Mr. ADAIR. You thought it better to cut down the time rather than cut down the salary?

Mr. GARDNER of Michigan. That did not enter into the consideration.

Mr. ADAIR. But cutting down the time did not amount to cutting down the salary?

Mr. GARDNER of Michigan. That is correct.

The Clerk read as follows:

Miscellaneous, free public library: For purchase of books, $7,500.

Mr. PERKINS. I move to strike out the last word. I would like to ask why the committee put the limit for the purchase of books of $7,500 and what was the amount asked for by the librarian.

Mr. GARDNER of Michigan. The amount asked for was $15,000.

Mr. PERKINS. Does not the gentleman think that in declining to follow the suggestion of the librarian he, perhaps, exercised undue economy?

Mr. GARDNER of Michigan. No, sir.

Mr. PERKINS. Seven thousand five hundred dollars to buy new books; and this is a great city, where the entire budget is $9,000,000. This is a very small amount in all this great sum.

Mr. GARDNER of Michigan. Well, the gentleman must remember that a great many books may be bought for $7,500. I have the impression that the average cost is not over $1 each. There is a building that will stand for the centuries. They have been asking $15,000 a year from the beginning. The committee has gradually raised it up to $7,500. It gave that last year and the year before. Now, personally, and so far as I know, the committee believes that a better selection can be made ultimately by not appropriating such large sums, buying with greater discrimination; and because of that, $7,500 a year—which has been the appropriation now for two consecutive years, and, if this bill carries will make three—will gradually build up a large library there.

Mr. PERKINS. I must say, Mr. Chairman, that I can not agree with the gentleman in charge of the bill. In the first place, the books they are to buy should be good books and proper books, books of permanent value, and the price will average more than $1 a volume. In the second place, in the purchasing of many books it is necessary to have a number of copies, where they are current books, and one copy would be utterly inadequate. Sometimes they will have to have five, ten, or fifteen copies; and I do trust that the committee will yield to the demand for money that has been made upon them for this purpose, which is an entirely reasonable and proper demand, and a very small sum compared to the whole budget, and will make a proper increase for the purpose of buying reading material for the people of this city.

Mr. GARDNER of Michigan. I am sure the committee will consider it.

The Clerk read as follows:

CONTINGENT AND MISCELLANEOUS EXPENSES.

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference and periodicals, stationery; detection of frauds on the revenue; repairs of market houses; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies not otherwise provided for; horseshoeing; ice, repairs to pound and vehicles, use of bicycles by inspectors in the engineer department not to exceed $500, and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, excise board, personal-tax board, harbor master, health department, surveyor's office, sealer of weights and measures' office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, $35,000; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this act shall not be used by the Commissioners for any other purpose than to visit such points within the District of Columbia as it may be necessary to visit in order to enable them to inspect or inform themselves concerning any public work or property belonging to the said District or to do any other act necessary to the administration of its affairs.

Mr. MURPHY. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill for a little information in relation to the matter mentioned in lines 4, 5, and 6, "The care of horses and carriages or buggies not otherwise provided for." I would like to ask the gentleman to give us information, if he will, what horses, buggies, and carriages this applies to, and how many, if he has the information at hand?

Mr. GARDNER of Michigan. There are a good many of these different boards. Each inspector must have a horse to go about the city. The Commissioners must have horses to go about, if we do not get them automobiles. It is simply to economize time, and it is good administration to furnish these, with proper restrictions, which the committee has sought to do; and I may say further that this is simply current law.

Mr. MURPHY. I understand that, Mr. Chairman; but I would like to know how many horses there are kept, if the gentleman can give us the information?

Mr. GARDNER of Michigan. I can not give that. It is another one of those matters of infinite detail we can not go into. You must trust these men on the various boards that they will not abuse the privilege. They are restricted by law, within certain limitations, and if they do abuse the privilege they subject themselves to punishment.

Mr. SCOTT. Mr. Chairman, I would like to ask the gentleman in charge of the bill a question for information. I wish to inquire if the committee has considered the advisability of more carefully itemizing the appropriations instead of lumping so much of it into one sum? I notice, for example, appropriations for $35,000, apparently intended to carry a very large number of items which precede in the bill, and yet, so far as the wording of the bill itself is concerned, I do not see any reason why the entire amount could not be spent for ice, for example, or for——

Mr. MURPHY. I must object to the gentleman making a speech in my time.

Mr. SCOTT. I beg the gentleman's pardon. I thought the gentleman had yielded the floor.

Mr. MURPHY. I had not. I desire to ask some further questions of the chairman of the committee. If he has the information, I think we are entitled to know; and the gentleman is very courteous in giving it. I would like to ask what is meant by this proviso: "That horses and vehicles appropriated for in this act shall not be used by the Commissioners for any other purpose than to visit such points within the District of Columbia as it may be necessary to visit," and so forth?

Mr. GARDNER of Michigan. The Commissioners have their official duties to perform. These horses and carriages are intended for their use in the performance of such official duties, and not for the social recreation of themselves or their families or their friends.

Mr. MURPHY. I thank the gentleman for the information.

Mr. SCOTT. Now, Mr. Chairman, if I may have the floor for a moment, I should like to repeat my inquiry. The gentleman perhaps remembers what it was.

Mr. GARDNER of Michigan. It is as to whether or not all these things should be itemized.

Mr. SCOTT. Yes.

Mr. GARDNER of Michigan. That is another of those cases where even the heads of the Departments can not itemize exactly. For instance, take the matter of ice. The heated term may be longer one season than another, contingencies may arise where there will be a variation from the estimates, and more ice may be demanded one season than another. Or, for instance, take coal. You can not specify exactly how many tons of coal will be used by the District government, and there must be an appropriation approximately meeting that demand.

Mr. SCOTT. Then the gentleman's experience as a member of the Committee on Appropriations has been such as to lead him to the conclusion that there are certain items in an appropriation bill for which it is impossible to make a specific appropriation and that certain lump-sum appropriations are necessary in every appropriation bill, even when it is most carefully and skillfully drawn?

Mr. GARDNER of Michigan. Yes.

Mr. PAYNE. I should like to ask the gentleman from Kansas what his experience has been in reference to the agricultural appropriation bill.

Mr. SCOTT. My experience thoroughly bears out that of the gentleman from Michigan.

The Clerk read as follows:

No part of the money appropriated by this act shall be used for the payment of premiums or other cost of fire insurance.

Mr. GOULDEN. I move to strike out the last word. I should like to ask the gentleman in charge of the bill what is the meaning of that. I do not understand it and I would like to have an explanation. I refer to the provision that no part of the money appropriated by this act shall be used for the payment of premiums or other cost of fire insurance.

Mr. MANN. It seems to me it is worded very plainly. The Government is its own insurer.

Mr. GOULDEN. What is the reason or purpose of putting those words there?

Mr. GARDNER of Michigan. Some years ago the insurance companies cornered the market on the District of Columbia business, raising the rate a very large per cent. It was decided after careful investigation, going over a long series of years, that, judging the future by the past, if the amount proposed to be exacted by the insurance companies was paid, it would cost more for insurance than we would likely lose by fire if we were not insured. Therefore the District followed the example of the Federal Government and it now carries no insurance.

Mr. GOULDEN. I understand it now, Mr. Chairman, and agree with the purpose of it if the charges were exorbitant or if a trust existed. When reading it I could not understand its relevancy. As it is existing law, I withdraw the pro forma amendment.

The Clerk read as follows:

For the erection of suitable tablets to mark historical places in the District of Columbia, to be expended under the direction of the Joint Committee on the Library, the appropriations made for this purpose by the acts of June 27, 1906, and March 2, 1907, respectively, are continued available for the service of the fiscal year 1909.

Mr. SCOTT. I move to strike out the last word, in order that I may ask a question about this appropriation. I notice that the appropriations made for this purpose by the acts of June 27, 1906, and March 2, 1907, respectively, are continued available for the service of the fiscal year 1909. How does it happen that these appropriations have not been expended during the past two years?

Mr. GARDNER of Michigan. Mr. Chairman, after the first appropriation was made the matter of selecting designs for tablets was referred to the Joint Committee on the Library. Now, two appropriations of $500 each have been made. That committee has not yet determined upon a design; at least it has not reported. So the committee thought best to leave the $1,000 already appropriated stand until we know what they are going to do, what they are going to expend it for, before making any further appropriation.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word, simply to ask a question for information. In line 1, page 20, there is a provision for rent of office for department of insurance for July, 1908, $70. I understood the chairman of the subcommittee that the District carries no insurance upon any of its property. If such is the case, what is this charge for office rent for an insurance department?

Mr. GARDNER of Michigan. I think the gentleman did not hear what I said when I explained a few moments ago that the District has its insurance department, the same as any State in the Union has an insurance department. That insurance department must have quarters in which to do business.

Mr. ADAIR. If no insurance is carried on the property of the District, what is the need of an insurance department?

Mr. GARDNER of Michigan. For precisely the same reason that the gentleman's State of Indiana needs an insurance department. It looks to conserving the property owners in that the insurance companies that propose to do business here shall be what they represent themselves to be—solvent.

Mr. ADAIR. That is the information that I wanted.

The Clerk read as follows:

IMPROVEMENTS AND REPAIRS.

Elimination of grade crossings: Toward carrying out the provisions of the acts of Congress providing for the elimination of grade crossings and the construction of a union railroad station in the District of Columbia, approved February 12, 1901, and February 28, 1903, for purchase or condemnation of the land necessary for the plaza and new streets, and for reconstructing, grading, and paving, together with the necessary incidental work in connection therewith, the streets, avenues, and ways changed in line or grade or newly created under the provisions of said acts, including the employment on the approval of this act of special assistant counsel, at a rate not to exceed $3,000 per annum, and one clerk, at a rate not to exceed $1,000 per annum, in connection with the settlement of claims for damages incident to changes of grade, this sum to be expended under the provisions of said acts, and to continue available until expended, $100,000.

The foregoing appropriation shall be available to develop, as a property yard for the use of the District of Columbia, and for other municipal purposes, so much of reservation No. 117 lying south of the toe of slope of standard roadbed betwen the portal of the Virginia avenue tunnel and the east end of the south abutment of the New Jersey Avenue Bridge, and south of the south abutment of the New Jersey Avenue Bridge and east of the toe of slope on the west side of the embankment carrying the approach to the New Jersey Avenue Bridge, when the Philadelphia, Baltimore and Washington Railroad shall release and convey to the Commissioners of the District of Columbia all right and title to the above-described portion of said reservation which the said company may have been granted by the acts of Congress providing for the elimination of grade crossings and the construction of a union station in the District of Columbia, approved February 12, 1901, and February 28, 1903, or by any other act.

For completing the construction of fountains, lamp-posts, and other structures on the plaza in front of the new union railroad station, in accordance with plans to be approved by the Commissioners of the District of Columbia, $50,000, said sum to be expended under the provisions of existing law regarding the elimination of grade crossings and appropriations made therefor: *Provided*, That the total cost to the United States and the District of Columbia shall not exceed $100,000: *And provided further*, That the Washington Terminal Company, its successors or assigns, shall defray the cost of so much of these constructions as lie within the limits of its present property north of Massachusetts avenue.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I would like to have the gentleman in charge of the bill explain it.

Mr. GARDNER of Michigan. The situation in reference to this case is as follows: The Pennsylvania system, in changing its tracks on account of the new Union Station, found two little flatiron pieces of land a little distance beyond the entrance into the tunnel going under the Office Building. They really have no use for those pieces, and they propose to rededicate them to the District of Columbia without cost. The District Commissioners propose to make property yards of them, and they will serve an excellent purpose, and your committee believe that it is simply a good business proposition to accept both tracts.

Mr. MANN. How near is the Office Building?

Mr. GARDNER of Michigan. It is beyond the entrance to the tunnel, and most of it is beyond the bridge on New Jersey avenue going over the railroad—the subway there. It will in no way affect the Office Building, and will not be seen from it at any time. The committee went there and looked it over, and were united in the opinion that it was a good proposition.

Mr. MANN. What compensation or return does the railroad company get for conveying this to the District of Columbia?

Mr. GARDNER of Michigan. It is marvelous to say that we looked for the traditional party in the wood pile and couldn't find him anywhere. [Laughter.]

Mr. MANN. This has no relation to the maintenance of tracks into the navy-yard in violation of law and no reference to the maintenance of the shed in the Mall?

Mr. GARDNER of Michigan. Not in the least; we could find nothing whatever. Major Morrow said in the hearing:

> The sidings are not in here, and we will have to lay them for our service; that will be the consideration for which we will secure this property yard, which will be most useful to us. It will require no crossings of streets or other highways at grade.

Mr. MANN. I accept the gentleman's statement in full faith, although it seems too marvelous to believe.

Mr. GARDNER of Michigan. Previous to investigation, it did to the committee.

The Clerk read as follows:

> Assessment and permit work: For assessment and permit work, $160,000.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill what is the meaning of "assessment and permit work, $160,000?" What does that cover? There are afterwards appropriations for work on streets and various classes of improvement made specifically.

Mr. GARDNER of Michigan. There is a law that people who are asking for the laying of sewers under certain limitations, the laying of pavements in alleys, and the laying of sidewalks shall be assessed half to the property owners, and this is for that work.

Mr. PERKINS. Is it not a fact that a large proportion of the improvements—streets, sewers, and so forth—are paid entirely by the public and there is no local assessment?

Mr. GARDNER of Michigan. That is right.

Mr. PERKINS. For improving the highways and laying the asphalt pavement in the highways, that is ordinarily paid entirely by the District without any local assessment?

Mr. GARDNER of Michigan. That is as I understand it.

Mr. PERKINS. Does the gentleman think that is a judicious procedure? Improvements are asked by those who want them and are not required to pay any part of the expense?

Mr. GARDNER of Michigan. My opinion, after some years of service on the committee, is that it is not a good thing.

Mr. PERKINS. I entirely agree with the gentleman.

Mr. GARDNER of Michigan. It is a good thing for the District, but not a good thing for the Government.

Mr. PERKINS. Very many improvements are asked for and made which would not be made if some portion of the expense was to be defrayed by those who get the benefit of it.

Mr. GARDNER of Michigan. That is true, but we have to take the law as we find it in making the appropriations, and not as we think it ought to be.

Mr. PERKINS. I withdraw the pro forma amendment.

Mr. MANN. May I ask the gentleman in reference to this item. I was told by some gentleman who lives here in this District that this item was for the purpose of having the General Government advance the money for, say, sewers that are to be constructed by special assessment; I think myself that he is mistaken, but I would like to know.

Mr. GARDNER of Michigan. I do not so understand it, and even if it were advanced, the Government would recoup, but I think it does not advance it.

Mr. MANN. Of course, under this item, if the Government advanced it, the Government is out that much.

Mr. GARDNER of Michigan. I am informed that it is payable in three installments, and becomes in the meantime a lien on the abutting property and bears interest at 5 per cent.

Mr. MANN. That is the assessment.

Mr. GARDNER of Michigan. Yes.

Mr. MANN. Has this anything to do with the money that is paid by property owners, or is this simply a contribution made by the Government toward the cost of the work, the other portion of which is paid by the property owners, by special assessment?

Mr. BARTLETT of Georgia. This is the Government's portion, I suppose.

Mr. GARDNER of Michigan. One half will be paid by the Government, I should say, and the property owners would of course pay the other.

Mr. BURLESON. The property is assessed for one-half of the remaining sum, which is covered into the Treasury.

Mr. GARDNER of Michigan. Yes; as I understand it.

The Clerk read as follows:

> For paving roadways under the permit system, $10,000.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill what is meant by lines 9 and 10, "for paving roadways under the permit system, $10,000." Does that relate to where parties have a permit to dig up the pavements for putting in gas lines or lines of any kind, for putting that pavement back? It is usual in other cites to require them to do that for themselves.

Mr. MANN. That is not what it provides for.

Mr. MURPHY. I would like to ask the gentleman in charge of the bill if he can state what it is for?

Mr. GARDNER of Michigan. I understand that this is to do just what the gentleman from New York [Mr. PERKINS] intimated ought to be done a few moments ago, where you get out where the people are anxious for the improvements and are willing to pay for them, and they pay one-half of the cost under this system.

Mr. MURPHY. And this is the half the Government is to pay. Is that what is meant by the permit system?

Mr. GARDNER of Michigan. I explained that just a few moments ago at length.

Mr. MURPHY. I do not so understand that, Mr. Chairman, but if that is the correct explanation, I accept the explanation of the gentleman.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

> Under appropriations contained in this act no contract shall be made for making or relaying asphalt pavement at a higher price than $1.80 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with same depth of base, nor more than $1.80 per square yard for laying standard asphalt block pavement equal to the best laid in the District of Columbia prior to July 1, 1904: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to $2 per square yard.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice that the language of this paragraph provides that not to exceed $1.80 per square yard shall be paid for a quality of asphalt pavement equal to the best laid in the District of Columbia prior to July 1, 1886. I should like to inquire why that date is fixed?

Mr. GARDNER of Michigan. At that date the standard pavement was fixed. At that time it was determined what constitutes a standard pavement, and it dates back to that. They base their estimates upon that.

Mr. SCOTT. A standard was fixed by way of specifications and plans that are still on file?

Mr. GARDNER of Michigan. Yes; and all that appertains to a first-class pavement.

Mr. SCOTT. I did not know but what it was a standard of pavement, a particularly good pavement, that had been laid prior to that time, under the law, for instance, in 1880, and that subsequent pavements should come up to that standard. If such were the case, I thought it might be possible that nobody would be available now for the use of the street service who would remember the kind of pavement that we made in 1886, and the committee ought to be fixing a standard a little later in the century.

Mr. GARDNER of Michigan. The specifications may be the same now that they were then.

Mr. VREELAND. It is a question of formula.

Mr. CRUMPACKER. Has there been any improvement in this pavement since 1886, in quality? There have been in most kinds of material and street improvements.

Mr. GARDNER of Michigan. The theory of this provision of the law is that it will not fall below the standard measure of

excellence required. It may go beyond that, but the formula must be at least equal in its requirements to that upon which the standard pavement is based.

Mr. CRUMPACKER. That comes as near practical perfection as any standard, I suppose, that is known here.

Mr. GARDNER of Michigan. Yes.

Mr. FORNES. At the prices named, is there any guarantee given as to the length of wear this pavement shall give?

Mr. GARDNER of Michigan. The guarantee time limit of good construction is five years of service.

Mr. PAYNE. I would like to ask the gentleman what harm there could be in changing that date about twenty years and putting it 1906, so if there had been any better pavement laid in the meantime or up to that date we could get the benefit of it.

Mr. GARDNER of Michigan. Well, I will answer the gentleman. As I stated a while ago, we will investigate and see if there has been any improvement and report in our next bill if we are on the committee.

Mr. PAYNE. This has been carried for twenty years at that particular date, and if there has been any improvement in the pavement since that time the contractor is not required to come to the higher standard, if there has been a higher standard fixed since then, and I do not see any harm in changing the date.

Mr. VREELAND. There is no formula for 1906.

Mr. PAYNE. This does not say anything about a formula.

Mr. VREELAND. That is the meaning of it. The standard means a formula.

Mr. PAYNE. It says "pavement of the best standard." I think the committee ought to look into it before they bring in another bill.

The Clerk read as follows:

Delaware avenue NE., from B street to C street, $8,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would just like to ask whether the bill provides for pavement around the new Office Building?

Mr. GARDNER of Michigan. Yes; that is exactly what we are reading now. Much of the pavement there is poor, and the other is block pavement, which can be used to great advantage elsewhere.

Mr. GAINES of Tennessee. I would like to ask the gentleman if they use anything like the bithulitic asphalt?

Mr. GARDNER of Michigan. I did not hear the gentleman.

Mr. GAINES of Tennessee. I asked the gentleman if they had used anything here like the bithulitic asphalt, which is quite an improvement on the old asphalt, that has been talked of and read about. I will say to my friend that my information is, from what other people have told me and what I have seen in my own city, that bithulitic asphalt is a great improvement on the other asphalt. It has been used in my city with great success. It wears well and is easily made, and I think, possibly, it is cheaper than the old asphalt.

My friend from Missouri [Mr. BOOHER] tells me it is a great deal cheaper, and I know it makes a beautiful street, easily made with crushed rock and tar and a little water and a whole lot of pressing, and so forth, and I know it has worked well in Nashville.

The Clerk read as follows:

Condemnation of streets, roads, and alleys: For purchase or condemnation of streets, roads, and alleys, $1,000.

Mr. OLCOTT. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman a question. I would like to ask what that means—$1,000 for condemnation of streets, roads, and alleys. Does it refer to some particular road or alley? It is so small an amount of money that I merely wanted to know what it meant.

Mr. GARDNER of Michigan. Mr. Chairman, in reply to that question I will say that the courts have held that before condemnation proceedings can be taken there must be some appropriation available, and this is to comply with that.

Mr. OLCOTT. I withdraw the amendment.

The Clerk read as follows

For suburban sewers, $75,000. And the Commissioners of the District of Columbia are hereby authorized to construct service sewers in Conduit road and levy assessments for the same under the conditions prescribed in the act of April 22, 1904, entitled "An act authorizing the laying of water mains and service sewers in the District of Columbia."

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. May I ask what is the jurisdiction over the Conduit road now? Has that point been determined?

Mr. GARDNER of Michigan. I think it is Federal jurisdiction.

Mr. MANN. I understand that; but who has jurisdiction over it?

Mr. GARDNER of Michigan. The War Department, as I understand it.

Mr. MANN. It has not been turned over to the District Commissioners?

Mr. GARDNER of Michigan. No; I do not so understand it.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The Commissioners of the District of Columbia are hereby authorized and directed to acquire, by purchase or condemnation, a right of way for a trunk sewer in the valley lying north of the proposed line of T street and south of the Naval Observatory grounds, from Wisconsin avenue to Rock Creek, the cost of said right of way and of the sewer to be laid therein to be charged to the appropriation for suburban sewers for the fiscal year 1908.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that paragraph.

Mr. OLCOTT. I was going to make the point of order against that paragraph; I do make a point of order against the paragraph.

The CHAIRMAN. The gentleman from New York makes a point of order against the paragraph.

Mr. GARDNER of Michigan. I hope the gentleman will reserve the point of order.

Mr. OLCOTT. I reserve the point of order with great pleasure.

Mr. GARDNER of Michigan. Mr. Chairman, I would like to give the committee the information on that point. Out toward the Naval Observatory a gentleman lives in a very fine place, and to the rear or back of his home runs a ravine from the vicinity of Wisconsin avenue for some distance toward Connecticut avenue. The Commissioners undertook to lay a sewer in that ravine following the line of least resistance. Instead of following T street proposed and cutting very deep, as they will have to in places in order to lay the sewer, they can lay it at a much less expense in the depression and at the same time serve the property owners as they would if they laid it in the street.

Mr. MANN. Has the gentleman ever been on this ground himself?

Mr. GARDNER of Michigan. Only by the residence where this gentleman lives. Now, I was going to say——

Mr. MANN. I have walked over it frequently.

Mr. GARDNER of Michigan. You have? I have not, I must confess. This is one of the things I have not personally investigated. I was simply giving it from the standpoint of the Commissioners as represented to the committee. I will read here, if you will permit me:

Among the sewers for which the appropriation for suburban sewers for the fiscal year 1908 was intended to provide was the trunk sewer referred to above—

That is this one under consideration—

and a portion of such appropriation has been set aside for the purpose. The Commissioners filed a suit in the supreme court of the District of Columbia for the condemnation of a right of way for this sewer.

I think all have given the right of way except this one individual; at least, I was so informed.

Mr. MANN. What other people are involved?

Mr. GARDNER of Michigan. A number of them. I will read:

Under the general authority contained in the Code of Law for the District of Columbia authorizing them to secure rights of way for sewers when the same were authorized by act of Congress. Objection was made by the owners of property through which this right of way was to be secured and said parties filed a suit to enjoin the condemnation of the right of way. Within the last few days the court has decided that the Commissioners had no authority to secure this right of way, as this sewer was not specifically appropriated for by Congress and no appropriation was made for the right of way.

Those objections raised by the court have been met in this bill.

This is an important sewer and the Commissioners desire to construct it at once, but in order to meet the objections of the court it is necessary to have specific authority to acquire the right of way and to make the general appropriation for suburban sewers applicable for the payment of the cost of such right of way.

Mr. MANN. Now, could the gentleman say what is the importance of this sewer? There is no population there?

Mr. GARDNER of Michigan. Beyond, up on Wisconsin avenue, it serves people, does it not, in that vicinity? It is to be a large trunk sewer.

Mr. MANN. It may serve one house. I think there are no other houses there. This sewer does not run through a whole lot of different people's property. It runs through one park. I judge it may be owned by a dozen people, for all I know, but I think not. It will be absolutely of no value whenever the property is developed. It will run right under the homes whenever it is developed there—run right under the houses.

Now, is it proposed out of the general fund to build a large sewer right where houses will eventually be built, solely for the benefit of one individual? It seems like a remarkable proposition to me.

Mr. GARDNER of Michigan. It would be a remarkable proposition if it were true.

Mr. MANN. Well, what else would it serve?

Mr. GARDNER of Michigan. If I may say to the gentleman, this is simply one of a number of sewers that anticipate the development of the city.

Mr. MANN. Well, it anticipates it so long ahead of the time necessary. This property on the westerly or southwesterly side of Massachusetts avenue there is very much like the property on the other side which they now want to have added to Rock Creek Park—a suitable piece of property for that addition. Now, they propose to run a sewer, not where the street will run, but right where homes will be built, if it ever is developed.

Mr. GARDNER of Michigan. Well, Mr. Chairman, in reply to the gentleman's suggestion, I would say this: That we have here the report of the Engineer Commissioner and the associate Commissioners, who are charged under the law with the construction of a system of sewerage that will serve not simply the immediate, but the prospective needs of the District, and if we can not——

Mr. OLCOTT. Will the gentleman yield for a moment?

Mr. GARDNER of Michigan. Let me finish this sentence. And if we can not rely on the judgment of the Engineer Commissioner touching this matter as to whether it is properly located and whether it will affect the future building of homes, I do not know upon whom we can rely for information.

Mr. OLCOTT. Does the gentleman know that the Supreme Court, in an opinion recently delivered, has stated that the condemnation or expense of condemnation for a new sewer can not be taken from a general appropriation for sewers?

Mr. GARDNER of Michigan. I have just read the decision here.

Mr. OLCOTT. I did not hear the gentleman.

Mr. GARDNER of Michigan. And the comments upon it. I stood with my face the other way.

Mr. OLCOTT. I would say that I have no wish to embarrass the committee by insisting on my point of order. But this sewer is to go through private property, and I recognize the advantage of going through the line of least resistance. If the gentleman and the committee are willing to accept an amendment making provision that the trunk sewer shall be laid within the limits of the streets, existing and proposed, and according to the plans authorized by Congress, I am perfectly willing to withdraw my point of order, but otherwise I shall be obliged to make it.

Mr. MANN. I would not want to accept that proposition. I make the point of order whether the committee accept the amendment or not.

The CHAIRMAN. The gentleman makes the point of order.

Mr. MANN. On line 25, page 30, ending in line 7, page 31.

The CHAIRMAN. The Chair has no doubt the paragraph is subject to the point of order, and therefore sustains it.

The Clerk read as follows:

Disposal of city refuse: For the collection and disposal of garbage and dead animals; miscellaneous refuse and ashes from private residences in the city of Washington and the more densely populated suburbs; for collection and disposal of night soil in the District of Columbia, and for the payment of necessary inspection, livery of horses, and incidental expenses, $179,945.

Mr. KELIHER. I move to strike out the last word. I would like to ask the gentleman in charge of the bill whether here in the District any part of the refuse is removed by private contract?

Mr. GARDNER of Michigan. The Commissioners have it removed under private contract.

Mr. KELIHER. Then the work is all done under the direct supervision of the Commissioners?

Mr. GARDNER of Michigan. This simply follows the contract already made, and carries the appropriation for it.

Mr. KELIHER. What I want to get at is, does the working force of the department of the city or the District of Columbia remove the refuse itself, or is that let out at private contract?

Mr. GARDNER of Michigan. It is done by private contract.

Mr. MANN. It is done by private contract now? For a while it was done by the District this winter; and done abominably, by the way.

Mr. GARDNER of Michigan. It is done by private contract.

The Clerk read as follows:

For the parking commission: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of trees, tree spaces, and miscellaneous items, $30,000.

Mr. MANN. I desire to offer an amendment on the top of the page. Line 1, page 33, after the word "straps"——

Mr. GARDNER of Michigan. I reserve the point of order. I would like to hear the amendment.

The CHAIRMAN. The gentleman will please send his amendment to the Clerk's desk.

Mr. MANN. I am not able to send it to the Clerk's desk. I will reserve the point of order upon the paragraph.

Mr. VREELAND. It is too late for that.

Mr. MANN. I have not offered my amendment yet.

Mr. VREELAND. You have not sent it in writing to the Clerk's desk.

Mr. MANN. Does the gentleman make the point of order that I did not send the amendment to the Clerk's desk?

Mr. VREELAND. The Chairman made the point of order that you had not sent it to the desk.

Mr. MANN. I will reserve the point of order upon the paragraph.

Mr. CRUMPACKER. I suggest it is too late, Mr. Chairman.

Mr. MANN. Why?

Mr. CRUMPACKER. Because the gentleman has proposed an amendment.

Mr. MANN. I have not had chance to offer it yet.

Mr. CRUMPACKER. I think the objection was made here as to the manner in which you proposed the amendment; and I think it is clearly too late to make the point of order.

Mr. MANN. I would have been very happy to have had an opportunity to state my amendment.

Mr. CRUMPACKER. I think that there will be no objection to that.

Mr. GARDNER of Michigan. There was no objection; I simply raised the point of order.

Mr. MANN. I do not see how the gentleman could raise the point of order on an amendment which was not offered.

Mr. CRUMPACKER. I suggest that the gentleman offer his amendment and then the Chair can determine.

Mr. MANN. The gentleman was too hasty about making the point of order on an amendment which had not been offered.

Mr. GARDNER of Michigan. Go ahead.

Mr. MANN. The amendment I want to offer is to insert after the word "straps," in line 1, page 33, the words "tree labels."

Mr. PAYNE. A parliamentary inquiry, Mr. Chairman. The gentleman from Illinois having reserved the point of order against the paragraph, and then offered an amendment, does not the offering of the amendment itself waive his point of order?

Mr. MANN. Undoubtedly, though I would have insisted upon it.

The Clerk read as follows:

In line 1, page 33, after the word "straps," insert the words "tree labels."

Mr. GARDNER of Michigan. What is the object of the gentleman's amendment?

Mr. MANN. I will say to the gentleman what the object is. It will cost a very small amount of money. There are a number of very fine trees in some of the parks in Washington. There is one little Japanese cherry tree in blossom—a perfect beauty—in Dupont Circle, and a thousand people have asked within the last few days, "What is it?" The cost of the label is comparatively nothing.

We label the trees in the Capitol grounds. We have labeled the trees in the Agricultural grounds, and why should not a few of these rare trees that have been gathered here from all over the world be labeled, so that the people may know what they are, the expense being merely nominal?

Mr. VREELAND. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. VREELAND. Does the gentleman intend to have this system cover all the streets of the city, or merely the parks?

Mr. MANN. This only refers to the parking commission, and I would not intend to have it cover the streets at all. It is not obligatory. This would merely permit the appropriation, and I suppose that the Commissioners have judgment enough to label only unusual and rare trees.

Mr. VREELAND. It simply makes it permissible?

Mr. MANN. Merely permissible.

Mr. BARTLETT of Georgia. The gentleman might add to that that the labels be put on in English. I see a great many of them are in Latin.

Mr. MANN. I think the usual way is to use the proper Latin scientific name, and also the English name.

Mr. BURLESON. It is not the gentleman's idea to label all the trees on a street 2 or 3 miles long, notwithstanding the trees may be of the same species? The gentleman does not intend to have every tree labeled. Surely not.

Mr. MANN. I do not think there is anybody crazy enough, even on that side of the aisle, to do that. I am sure there is not on this side.

Mr. BURLESON. I do not know about that. I suspected there might be when the gentleman offered his amendment. [Laughter.]

Mr. GARDNER of Michigan. With the gentleman's explanation, limiting it to rare and unusual trees, I can see no objection to it.

The amendment was agreed to.

The Clerk read as follows:

Playgrounds: For completing equipment of outdoor playgrounds, $1,500.

Mr. OLCOTT. Mr. Chairman, I offer an amendment which I send to the desk.

The Clerk read as follows:

Page 33, line 13, strike out "one thousand five hundred" and insert in lieu thereof "and for their maintenance, ten thousand."

Mr. OLCOTT. I will say in regard to that that we appropriated $75,000 for the purchase of playgrounds last year. We appropriated $5,000 for their maintenance. There was expended on those grounds not only the $5,000 appropriated, but also $8,800 given by an association called the "Children's Playground Association." It seems to me they can not possibly do with less than the sum I have suggested in my amendment for the coming year. There is no object in having these playgrounds, and allowing them to go absolutely to wreck and ruin by not properly maintaining and equipping them. I therefore hope my amendment will prevail.

Mr. GARDNER of Michigan. Mr. Chairman, this matter was gone into with some degree of thoroughness by the committee. It is not a new thing in principle or practice. It is the old story of beginning an enterprise on the part of benevolent and well-minded people, giving it a start, and then letting hands go, and let our Uncle Samuel get behind and do all the pushing. In other words, what was begun as a benevolent enterprise to-day develops in the minds of those who are back of it into a million-dollar plant, which is proposed for this city for playgrounds. We gave $75,000 last year. They wanted $200,000 this year—$185,000 for grounds only, $5,000 for the improvement of grounds—and the committee believed then, and believe now, that this city does so little compared with other cities for the care of its own people that here is a chance to show its faith by its works. To illustrate, I have been able to find but three endowed beds in the hospitals of this city. There may be more. They come to the Treasurer of the United States instead of going to the people of wealth and asking, as they do in other cities, for their help in the care of this benevolent institution. It has become a standard order of things to start an enterprise and then let the Government take hold of it and carry it on, and this is one of those cases, and the committee felt it was time to call a halt. Let the Congress mark time for twelve months and see what the people will do. Let the people see what they can do themselves before they propose to slack their hands and let the Government do it all. I hope the amendment will not prevail. Give them a chance to do something for themselves for at least twelve months.

Mr. BURLESON. Mr. Chairman, I desire to direct the attention of the committee to some of the legislation heretofore carried in District appropriation bills upon this subject. Three years ago we appropriated for equipment and maintenance of playgrounds $2,000. A year thereafter the word "supervision" crept into the paragraph, and we appropriated for maintenance, supervision, and equipment of playgrounds $10,000. Last year we appropriated for maintenance, supervision, and equipment for playgrounds $5,000, aggregating for the three years $17,000. Of that amount how much do you suppose was expended for supervision, paid out in the way of salaries, some of it to benevolent gentlemen, so pretending, who appeared before the committee for the purpose of advocating the purchase on the part of the General Government and the District of Columbia of playgrounds to cost approximately a million dollars?

How much do you suppose was paid by the constituted authorities of this District from these appropriations of three years for supervision of playgrounds already acquired? Only the modest sum of $10,369.77. What would be the cost for maintenance if we made all the purchases these gentlemen recommend?

After the District of Columbia and the General Government had made the first appropriation of $2,000 for the maintenance and equipment of these playgrounds, some one diverted of that amount, without authority of law, as I contend, the sum of $681 for supervision of playgrounds. The next year, as I have said, the word "supervision" crept into the paragraph. This year we strike it out. Remember, gentleman of the committee, in this bill we provide the school children of this city with free text-books, free writing tablets, free pencils, free ink, free material for sewing schools, free material for the cooking schools; in fact, we keep the spoon of governmental pap in their mouths from the beginning of the school year to the end of it, furnishing everything except food and clothing. Now it is proposed by some people in the District of Columbia, and of course vehemently urged by those who are to benefit as supervisors, that we shall expend a million dollars for playgrounds, and in addition to all else that is being done for them by a beneficent Government, to pay people to supervise the children at play, thus keeping them in leading strings even during the holiday period.

Mr. Chairman, I regret exceedingly that this item of $1,500 for equipment is carried in this bill. These children should be permitted to do something for themselves. I now here submit the question to this intelligent body, When are the children of the District of Columbia to learn the lesson of self-reliance, if they are taught, as is the case from the time they are entered in the public schools until they finish at a business high school, that the Government is to care for them; if they are, as is now proposed, to be encouraged in the belief that even during the period when the school is in recess, that when engaged in their sports the same Government shall provide them with balls, vaulting poles, and swings, which they ought to provide themselves? Now, they do not provide for themselves one single thing used by them in school.

We have, as I have shown, appropriated $17,000 for the maintenance and equipment of playgrounds already established. Of this amount we appropriated $10,000 last year, and stipulated in the bill that it was for completing the equipment of playgrounds. And yet these people are back, insisting that the playgrounds are not yet equipped and asking for more and more. Now, we propose, Mr. Chairman, by this bill, to authorize the expenditure of $1,500 more to complete the equipment, and then your committee thinks that the children of this District ought to be permitted to do as you did when you were boys—supervise, look after their own playgrounds, and hereafter provide themselves with their own playthings. I do hope that this amendment will be voted down.

Mr. OLCOTT. Mr. Chairman, notwithstanding the forceful and virulent argument of the gentleman from Texas, I still believe in free schools and public playgrounds.

Mr. NORRIS. Mr. Chairman, it seems to me that what the gentleman from Texas has said about free schoolbooks, free apparatus, and so forth, for which the law of the District provides, is no argument whatever, Mr. Chairman, why we should not provide the school children of this city with playgrounds.

It may be that the benevolent people who ought to open up their hearts and purse strings have not done as they should, but we ought not to let the blame rest upon the innocent children because others have failed to do what the chairman of the committee thinks is their duty. In practically all the cities, I think, the modern way is to provide the children with schoolbooks and with all the other things and necessary apparatus for the proper education of the children. But that is only one branch of their education, and as far as the perpetuity of the Government and its institutions are concerned, it is not the most important one. If you are going to develop the minds of the children you want good, healthy bodies to carry the minds, in order that they may be prepared for citizenship and for the management of the Government that will speedily be put in their hands. It seems to me that, regardless of what the expense may be, we ought to provide proper facilities for the physical development of the school children by necessary playgrounds. If the committee deem it wise they can put a condition on the appropriation that would require the raising of an additional sum to add to it.

Mr. GARDNER of Michigan. That is the thing the committee is after.

Mr. NORRIS. But you have not done it in this bill.

Mr. GARDNER of Michigan. No; not in so many words, but we leave it so that those who have the ability to do it can do it. Let us see if they will meet us halfway.

Mr. NORRIS. The committee could provide in the bill that the money for playgrounds shall not be available until the citizens raise an additional amount to go with it. Let us meet them halfway. It seems to me, Mr. Chairman, that the difficulty with this playground proposition is that the men who are opposed to it have forgotten that they themselves were once children, and have forgotten the fact that it is necessary for the proper development of manhood and womanhood that there must be playgrounds for children, and in this city they do not have them. We can not put up dollars and cents against the physical development of the child.

Mr. VREELAND. Will the gentleman yield for a question?

Mr. NORRIS. Yes.

Mr. VREELAND. Does my friend understand that the item about which he is talking is not for the purchase of playgrounds?

Mr. NORRIS. I do understand that.

Mr. VREELAND. But for the provision and furnishing of equipment.

Mr. NORRIS. I understand that.

Mr. VREELAND. I do not believe my friend when he was a boy had somebody to teach him how to play games and to watch over him.

Mr. NORRIS. No; but I will say that if my friend the gentleman from New York [Mr. VREELAND] had lived in a city like Washington, it would have been necessary for some one to take care of and watch over him in that respect or he would not be with us here to-day with the fine physique and mind that he possesses.

Mr. VREELAND. We have furnished the playgrounds, we have given the boys the place to play. Now, let them go and play.

Mr. NORRIS. But they do not have a place to play. The children of the Capital City are deprived of the healthful privilege of physical development in the open air. The children of to-day will have the management of affairs to-morrow. The future welfare and happiness of the race depends in a great measure upon the healthful physical development of the children of to-day. Give the child a strong body and you have laid the foundation for a strong and vigorous mind.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KELIHER. Mr. Chairman, I want to say to the gentleman from Texas [Mr. BURLESON] that in my home city, Boston, we have expended millions on playgrounds, and we are going to spend millions more. A million expended to-day in Washington will save millions to this District in ten or fifteen years from now, because the public-playground proposition has come to stay. I wish the gentleman could go with me to my city and to the crowded, congested sections of it and see lines of little children on Saturday night going into the public baths to receive their baths free at the expense of the city of Boston. That is an institution also that was once decried as a fad, but is now recognized as a fixture; and as Washington grows and land values increase, by spending a few thousand now you will save millions in the not too far future, for by the best minds, practical and progressive, among those who have given thought to this subject—not faddists, not cranks—it is recognized that money invested in public parks is money well spent. The public park and gymnasium idea is going to develop and last and become a fixture in all great municipalities. I welcome the day, and shall vote for any item that will give to the city of Washington that which is inevitably going to be a municipal necessity—playgrounds in the congested sections of the city.

Mr. GILLETT. Mr. Chairman I wish to speak a word as to the facts in this case, because it does not seem to me that the gentleman from Texas [Mr. BURLESON], although with the very best intentions, has left the House with a full knowledge of the conditions. I am very sorry to be in the attitude of opposing this committee, with which I am generally in entire sympathy. It seems to me in this case, however, that the amendment suggested ought to be adopted. Last year we appropriated $75,000 and bought three playgrounds. One of those three is not now in condition to be equipped. This $1,500 which the bill gives will equip only one of them, and it leaves the second one, which is now ready to be equipped, wholly unfurnished.

Mr. VREELAND. What is the equipment the gentleman wants to furnish?

Mr. GILLETT. It is the swings and sandpits and bars and things of that kind which they say cost about $1,500.

Mr. NORRIS. I would like to ask whether this entire $75,000 has been used?

Mr. GILLETT. I think it has. But the equipment is not expensive. For temporary equipment you can use wooden materials, but it costs about $1,500 to properly equip them permanently; so we need some money for that. The gentleman from Texas [Mr. BURLESON] criticises with much force the expense for supervision, and he also says that the District does nothing. I agree that it is true that there is not much civic pride in the city of Washington, and we are largely responsible for that.

You can hardly expect a city which does not govern itself, whose taxes it has no control over, to develop much civic pride, but at the same time, in the last year, these people, whose civic spirit we are doing all we can to kill, have collected $8,000 for these very playgrounds, and have paid it themselves. So it will be seen there is some public spirit for them, and I have no doubt it will continue. As to this question of salaries, gentlemen must remember that it is not enough to simply provide in a big city like this a lot, and then tell the little children that they can go out there and play. The result of that would be that the biggest boys and the worst boys would get control of the playground and the weak and the small and the timid, the very ones who need it most, would be crowded out.

Mr. VREELAND. Does not the gentleman know that they are providing playgrounds around every schoolhouse in this city for the small children?

Mr. GILLETT. Who is?

Mr. VREELAND. The United States Government is putting in half of it.

Mr. GILLETT. Where is the appropriation for it?

Mr. VREELAND. It is continuing from year to year. Nearly all of them are provided now with playgrounds.

Mr. GILLETT. Oh, the gentleman means just a little bit of a ground around the school?

Mr. VREELAND. I mean playgrounds. Of course I do not mean a big pasture.

Mr. GILLETT. Now, it is a very small and limited ground——

Mr. VREELAND. A place for small children to play.

Mr. GILLETT. But not enough to be a real playground.

Mr. HOLLIDAY. Will the gentleman yield? I would like to know if these playgrounds spoken of here are for the benefit of the school children when attending school or for the benefit of the children during vacation?

Mr. GILLETT. For both school time and vacation. They are open during vacation. Now, what I was going to say was you must have somebody to supervise them. If these playgrounds are to be properly utilized you must have somebody present to supervise the play of the children. It may be true, as the gentleman from Texas says, that he did not have anybody to supervise his play.

I know I did not when I was a boy. Those of us who grew up in the country did not need it. If the big boys take and monopolize one lot, there are plenty others for the small boys. But when you get in a city, with a vicious population and with the habits that some of the larger children have, all experience shows it is indispensable, if you are going to have your playgrounds useful, that you must have them under some sort of supervision. The experience of these big cities all tends to prove that you must have proper and wise supervision—that without it a playground does harm as well as good—and therefore it seems to me it is folly not to appropriate money to supervise them. We have provided playgrounds, and while I am opposed to maintaining them on an elaborate and expensive scale; while I think the sum named in this amendment is unnecessarily large, yet I think we ought to give enough to make sure that the large sums we have invested earn a return in the improved health and morality of the children.

Mr. BENNET of New York and Mr. VREELAND rose.

The CHAIRMAN. The gentleman from New York.

Mr. VREELAND. I was about to move that all debate under this paragraph and amendments thereto be closed.

Mr. BURLESON. I would like to have about four minutes.

Mr. VREELAND. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto close in ten minutes.

Mr. BENNET of New York. I think I have the floor.

The CHAIRMAN. The Chair recognized the gentleman from New York, a member of the committee.

Mr. VREELAND. I move that all debate close in ten minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending paragraph and amendments thereto be closed in ten minutes.

The question was taken, and the motion was agreed to.

Mr. BENNET of New York. Mr. Chairman, we are most of us country born, and insensibly we are affected by that fact. It is perfectly true, as the gentleman from Texas says, that when we grew up as boys we had no supervision over our sports. When we wanted to play baseball, we had a vacant lot or field to play it in. When we wanted to skate in the winter time, we had a mill pond to skate on. Even when the gentleman from Colorado [Mr. BONYNGE] was born in the city of New York and grew up there to that sturdy manhood which adorns this Chamber to-day, he had vacant lots to play in. And so had my friend the six-foot-two man from the Fifteenth District, Mr. OLCOTT, but there is nothing of that kind in a big city. We have progressed toward that condition, as every big city in the country is progressing, in the knowledge that you must supply places for your children to play and that the best investment you can make is to spend reasonable sums of money for these playgrounds. Every big city has them. You have to keep your children off the streets. We found out ten years ago we had to do that in New York, and we are doing it at an expense of millions, with the result that in the last three months in New York City we had the lowest death rate in the history of the

city. It improves the health, it improves the morals, and it improves the population to look after your children.

Mr. GARDNER of Michigan. Mr. Chairman, if the gentleman will allow me, the gentleman would not lead us to believe that children had been using playgrounds in New York in the last three months?

Mr. BENNET of New York. I am talking about the effect that playgrounds have had, but I would not assert, on my own responsibility as a Member, that they have not been using them during that time. I will say——

Mr. SHERLEY. Will the gentleman allow a question?

Mr. BENNET of New York. Certainly.

Mr. SHERLEY. Does the gentleman consider that the conditions in New York City are at all similar, in point of congestion and open-air space, to what they are in Washington, or that they ever will be, no matter how large the District grows?

Mr. BENNET of New York. If the gentleman will walk through the city parks here in Washington and see the "keep off the grass" signs, which he will not find in the city parks of New York, he will find the conditions are worse.

Mr. SHERLEY. Then, I will say to the gentleman, he should offer some proper legislation to abolish the signs; we have plenty of ground.

Mr. TAWNEY. There are none.

Mr. BENNET of New York. There may not be in the winter time——

Mr. KELIHER and several gentlemen rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BENNET of New York. I yield to the gentleman from Massachusetts.

Mr. KELIHER. I would like to ask the gentleman if it is not a fact, bearing upon the question asked by the gentleman from Michigan, that in big cities, such as yours and mine, we utilize the public playgrounds in the winter by flooding them with water, so that the boys and girls can use them in winter for skating, and in consequence there is scarcely a day in the year that these playgrounds are not in use, and in good use.

Mr. BENNET of New York. My colleague from the Eighteenth District [Mr. GOULDEN] nods that it is so, and therefore I know it is so, but not of my own personal knowledge. It is the best investment you can make. Now, the gentleman from Kentucky [Mr. SHERLEY] asked me if conditions in New York and Washington have any comparison. There are people who say that the conditions in the back alleys and slums of Washington are worse than anything that you can find in Chicago, Boston, or New York. I have not any personal knowledge of it, but I have seen pictures of things within gunshot of this Capitol that are worse than anything I have ever seen in New York City. Give the children of Washington a chance, the same chance we had when we were boys. They have not the vacant lots, the open spaces, and they can not get them unless we give them to them by appropriating their own money and some of the Government's money to do it; and when the people of this city, whose civic pride has been crushed by lack of voting power, have raised $8,000 or $9,000 a year, let us go as far as they go.

Mr. CRUMPACKER. I will say that I am with the gentleman on that proposition, but I would like to know if the District is not doing what it can reasonably do in that line? I have a good deal of faith in this committee. Can the gentleman give me any information on that proposition?

Mr. TAWNEY. Mr. Chairman, I just want to call attention to the fact that the subject of purchase of playgrounds is not now before the committee. It is a question of whether the Federal Government is going to take over the supervision and management of the playgrounds which Congress has heretofore authorized the purchase of and appropriated the money for. Originally the proposition presented to Congress was to purchase the playgrounds. The benevolent people who were back of that movement gave assurances then that if Congress would appropriate the money for the purchase of these playgrounds, namely, $75,000, they would see to the supervision of the grounds themselves and also provide a part of the equipment.

Mr. GILLETT. Will the gentleman please tell us who made any such proposition?

Mr. TAWNEY. The man who was instrumental in securing the original appropriation in the committee room made the statement himself to me that if the purchase could be made the city would look after the supervision of the grounds, or that the benevolent people of this city would do so.

Now, Mr. Chairman, the committee proposes to go even beyond the original proposition, and provide the necessary equipment for these grounds and provide for supervision, and I do not think that it is at all conducive to that civic pride which the gentleman from Massachusetts referred to a moment ago for Congress to assume also the parental duty of looking after the children when they are occupying and using the playgrounds which Congress has heretofore authorized and purchased. Why, Mr. Chairman, there is no city in the Union where there are as many open spaces for children to occupy as there are in the city of Washington. One of the chief beauties of the city is the park system available for this purpose.

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Massachusetts?

Mr. GARDNER of Massachusetts. Is the gentleman from Minnesota [Mr. TAWNEY] aware that there is an ordinance which forbids children over 9 years of age to even skate in the public parks of the city of Washington?

Mr. TAWNEY. On roller skates?

Mr. GARDNER of Massachusetts. On roller skates.

Mr. TAWNEY. If there is a provision of that kind, it is not observed nor is it enforced, because we all know that the children of the city of Washington are not to-day alone occupying the open spaces in this city as playgrounds, but they have invaded the streets and the sidewalks of the city and are using them for skating parks on roller skates.

Mr. GARDNER of Massachusetts. Mr. Chairman——

Mr. TAWNEY. Now, Mr. Chairman, I can not yield, as I have only a minute more. Mr. Chairman, I want to say that our solicitude for the children here in the city of Washington is not only uncalled for, but, in my judgment, is a positive detriment to the children. [Applause.] I want to say, Mr. Chairman, that if the Government, State and National, had been as solicitous for the boys who were boys in our day as it is now in regard to providing and equipping playgrounds for their use, there are many faces here to-day that would not be here now under those conditions. [Applause.] The difficulty to-day is that we are encouraging our children to devote too much time to play. Let us endeavor to encourage in them a disposition to work. Let us endeavor to cultivate in them the love of industry, and you will find they will grow physically as well as mentally; that they will have the physical being to furnish and keep alive that mental energy which is so essential to their success in life. [Applause.]

The CHAIRMAN. Time for debate has been closed by order of the committee.

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent for one minute to make a statement.

Mr. BURLESON. I will consent to that if you will give me a minute.

Mr. MANN. And give me one, too. [Laughter.]

Mr. TAWNEY. Then I object.

Mr. ROBERTS. I ask unanimous consent that the time of the gentleman from Minnesota may be extended a minute to answer a question. [Cries of "Regular order!"]

The CHAIRMAN. Objection is made. The question is on agreeing to the amendment.

Mr. BURLESON. Mr. Chairman, I ask to embody in the RECORD a letter from the Assistant Engineer Commissioner showing that streets, squares, circles, triangles, and so forth, summed up as the public reservations in this city and Georgetown, amount to 59.7 per cent of the total area, and that—— [Cries of "Regular order!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. MANN. May we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MANN. Division!

The committee divided, and there were—ayes 32, noes 50.

So the amendment was rejected.

Mr. BURLESON. Mr. Chairman, I think it will be interesting to the members of the committee to see the letters from the Assistant Engineer Commissioner, showing the amount of breathing space we have here and ask permission to embody them in the RECORD without taking the time to read them.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to embody in the RECORD certain letters.

Mr. MANN. I would like to ask if this meets with the approval of the gentleman's leader?

Mr. BURLESON. I have not consulted him.

The CHAIRMAN. Is there objection?

Mr. MANN. If this meets with the approval of the gentleman's leader, I will have no objection.

Mr. BURLESON. He does not seem to object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

OFFICE OF THE ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA,
Washington, March 7, 1908.

Hon. A. S. BURLESON,
House of Representatives, United States, Washington, D. C.

DEAR SIR: Accompanying please find a map on which is indicated the public reservations within what is known as the city of Washington, as well as a statement of the estimated acreage of streets, avenues, and alleys within the same limits. The map in question was compiled, as you will see, in 1894, since which time I understand there have been some slight changes, such changes, however, as would not materially vary the percentage of reservation acreage to that of the total. The computation has been based upon certain assumptions which may not be actually correct, but are thought to be closely so. The result would indicate that within the city of Washington and Georgetown 59.7 per cent of the total area is devoted to reservation and other public purposes.

Very respectfully,

E. M. MARKHAM,
Captain, Corps of Engineers, United States Army,
Assistant to Engineer Commissioner, District of Columbia.

OFFICE OF THE ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA,
Washington, April 1, 1908.

Hon. A. S. BURLESON,
House of Representatives, United States, Washington, D. C.

DEAR SIR: Referring to my letter of March 7, 1908, giving the percentage of area within the city of Washington devoted to public purposes, I have the honor to supplement the same by the following, respecting the county and the combination of both county and city, or, in other words, the entire District:

	Acres.
Amount of land not covered by marsh or water outside the city of Washington	30,350
Amount of land in streets, highways, etc., within the same area	2,854
Area of land used for parks and public institutions easily accessible to the public (being all the space shown in green on the accompanying map with the exception of reservoirs, insane asylum, and naval magazine)	3,083
Total (about 20 per cent of the total area)	5,937
Area of reservoirs, insane asylum, and naval magazine, not accessible to public	717

It is to be observed that the highway system of the county is only projected and that it will be a great many years before its completion, but it can be reasonably stated that upon the completion of present highways plans pertaining to the county, the percentage of such highways, streets, and all parks at present in existence in the county will be approximately 35 per cent of this total county area.

Combining the areas of the county and the city, or, in other words, the entire district exclusive of actual water areas and marsh, we have a total acreage of 36,897, and an acreage devoted to streets, alleys, and accessible public reservations of all kinds of 9,846 or 26.7 per cent of the total area. If we include the inaccessible public areas mentioned, namely, the reservoirs, insane asylum, and naval magazine, the acreage of public space will be 10,563 or 28.6 per cent of the total.

Summarizing, it can therefore be stated that the area of public space in the city of Washington to the total area thereof is 59.7 per cent, that the same percentage as applying to the county is 20 per cent, and that the percentage pertaining to the city and county combined—or, in other words, to the entire District—is 26.7 per cent, considering only accessible public areas, or 28.6 per cent, considering public areas both accessible and inaccessible.

I trust that the above data will satisfy your needs in the matter.

Very respectfully,

E. M. MARKHAM,
Captain, Corps of Engineers, United States Army,
Assistant to Engineer Commissioner, District of Columbia.

The Clerk read as follows:

For constructing public-convenience station to be located on public reservation numbered 8 in the city of Washington, $20,000.

Mr. PERKINS. I reserve the point of order on lines 17, 18, and 19. I have no objection to the object; it is a very commendable one, but the cost of $20,000, for which a man might build a magnificent brownstone-front house, seems to me is high; and I reserve the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, we have two public-convenience stations on Pennsylvania avenue. I believe everybody is familiar now with the large patronage they have, and the real convenience they have given to the public, who are satisfied they are a good thing.

Mr. PERKINS. Is this to be underground?

Mr. GARDNER of Michigan. It is proposed to be put underground near the Carnegie Library, making it as little objectionable as possible.

Mr. PERKINS. Does not the gentleman think that that is quite expensive?

Mr. GARDNER of Michigan. The other cost more than this is going to cost.

Mr. PERKINS. The other did cost more than this is to? The figure of $20,000 strikes me as very large.

Mr. GARDNER of Michigan. Well, have you been in these stations?

Mr. PERKINS. No.

Mr. GARDNER of Michigan. I wish you would go and examine them. I do not say that in any spirit of levity. I think it is a matter of education for any man to inspect either of the public-convenience stations on Pennsylvania avenue. Now, the gentleman asks where this is proposed to be located. On a plat of ground covered in part by the Carnegie Library, but near Seventh street, one of the most congested portions of the city.

Mr. MANN. It will be practically on Seventh street?

Mr. GARDNER of Michigan. Just a bit off Seventh street.

Mr. MANN. Used by the traffic on Seventh street?

Mr. GARDNER of Michigan. Right near that congested corner.

Mr. PERKINS. I withdraw the point of order on the statement made by the gentleman.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

And the jurisdiction and control of such portion of said public reservation No. 8 as may be required for the location and operation of said station and approaches thereto is hereby transferred from the Chief of Engineers of the United States Army to the Commissioners of the District of Columbia, such transfer to take effect from the date of notice by said Commissioners to the Chief of Engineers of the United States Army of the portion of said reservation selected, and said Commissioners are further authorized to make all necessary rules and regulations for the management of said station and fix the charges to be made for the use thereof.

Mr. MANN. Mr. Chairman, I reserve the point of order upon that paragraph.

Mr. GARDNER of Michigan. Mr. Chairman, the necessity for that is this: The ground upon which the proposed public-comfort station is to be located is now under the control of the War Department. It is believed that it will be better to transfer that control to the municipal authorities; and for that reason this provision is made.

Mr. MANN. How much ground is there in this reservation No. 8? How much in the tract?

Mr. GARDNER of Michigan. The whole of that square.

Mr. MANN. Well, it is a public square, in the sense of being a park?

Mr. GARDNER of Michigan. Yes; of which the Carnegie Library building occupies the central portion. It is simply to give better control; that is all.

Mr. MANN. The fear I have is that it will complicate the question as to who has jurisdiction.

Mr. GARDNER of Michigan. No; the limits are fixed there.

Mr. MANN. "The location and the operation of the stations and approaches thereto." I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, livery, horses and harness, washing, blacksmithing, forage, extra labor, new boxes, rent of storeroom, and other necessary items, $12,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word for the purpose of asking a question for information. Can the gentleman in charge of the bill inform me what amount is paid for telephones used by the Government, what the monthly or annual rental is?

The reason I make this inquiry is that three or four years ago the House put an amendment on this appropriation bill, in which it fixed the price at which the telephone service should be conducted, so far as the amount paid by the Government to the telephone company was concerned. That went to the Senate, and in conference it went out of the bill, after a consultation with the officers of the telephone company, in which they said that both the charges would be made reasonable and that the service would be made more efficient and satisfactory. At that time the service was very poor. I do not know that it has improved a great deal, but the officers of the company said at that time that when they had perfected certain improvements the service would be improved and the prices would be made less objectionable. I know the gentleman from Iowa [Mr. HEPBURN] and myself supported the amendment offered to the bill in the House making appropriations for the District of Columbia; but, as I say, it was stricken out after it went to conference. I make the inquiry in order to ascertain if information can be given by the gentleman in charge of the bill what amount the Government pays and what amount is paid by the people of the District for telephone service, so we can find out if the grounds for complaint then existing have been removed.

Mr. MANN. Mr. Chairman——

Mr. GARDNER of Michigan. I yield to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I presume the same rule applies to all Departments of the Government. I think the arrangement in other branches of the Government is the same as it is at the Capitol. The telephone service in the Capitol building, for instance, is fixed upon this basis: There is a charge of $6 a year for each telephone put in operation. We maintain the exchange. For an outgoing call that goes outside of the Capitol exchange a charge is made. I am not sure whether it is 5 cents a message or less than that.

Mr. GARDNER of Michigan. Two cents and a half.

Mr. MANN. The gentleman from Michigan states that it is two cents and a half. No charge is made for a message from one telephone in the exchange to another telephone in the exchange. Now, the Treasury Department exchange reaches to the different branches of the service connected with that Department; the other Departments of the Government are similarly equipped, and I think the District fire and police departments are upon the same basis, which is certainly not above the cost of operation.

Mr. GOULDEN. Who bears the expense of the installation?

Mr. MANN. The company bears the expense of putting up the telephones.

Mr. BARTLETT of Georgia. Can the gentleman inform the committee how much private citizens pay for the telephones in their residences?

Mr. MANN. That is a varying rate. I can only tell from my own telephone service. I am not posted as to others, and would not have known anything about this if it had not been for the fact that the equipment of the House Office Building led me to examine into the matter. I know since my telephone has been maintained in my house the rate has been reduced considerably. I think it is about $4 a month, based, however, upon the actual number of messages which are sent. I get a rebate every year because we are not here during the summer time.

Mr. WILSON of Illinois. It is 5 cents a call, is it not, where they telephone from one of the public buildings to another?

Mr. MANN. I think it is 2½ cents a call.

Mr. WILSON of Illinois. I thought it was 5 cents.

Mr. GARDNER of Michigan. Two and a half cents, under this contract.

Mr. BARTLETT of Georgia. Anyone who calls in a hotel pays 10 cents.

Mr. GARDNER of Michigan. In some hotels 10 and in others 5.

Mr. BARTLETT of Georgia. I never struck one where I did not pay 10 cents.

Mr. GARDNER of Michigan. That matter belongs to the Committee on the District of Columbia rather than to the Committee on Appropriations, because the Committee on Appropriations has no authority to fix the rate.

Mr. BARTLETT of Georgia. I understand that; but the relief that I sought was offered in the form of an amendment upon the appropriation bill by limiting the expenditure. After the explanation has been made I shall not offer any amendment. I am glad to know that some relief and some improvement in the service has been obtained, pursuant to the legislation which was offered by myself some years ago.

The Clerk read as follows:

For electric arc lighting, and for extensions of such service, not exceeding $115,000: *Provided*, That not more than $85 per annum shall be paid for any electric arc light burning from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than 1,000 actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington.

Mr. HARDY. Mr. Chairman, I wish to offer the following amendment.

The Clerk read as follows:

Page 38, line 8, after the word "exceeding," strike out the word "one" and insert the word "two."

Mr. HARDY. Mr. Chairman, that is so the section will read "for electric arc-light extension not exceeding $215,000." I have made a little effort at an analysis of this lighting provision for the city. In my opinion a large part of the robberies that have been committed in the city of Washington grow out of the fact that the city is poorly lighted. It is lighted now by little gas sparks, and it is almost impossible to tell the color of a man you meet when you meet him under a gaslight. I find from this bill that a 60-candlepower gaslight costs $20 per year, while a 1,000-candlepower arc light costs $85 per year. At the rate of the gaslight a thousand-candlepower gaslight would cost $300 per year instead of $85 per year.

I am not well posted on these matters of light cost, but I believe the streets in the residence portion of Washington are absolutely so much in the dark that that is the reason they are the regions of so much robbery in the city of Washington. Of course all robberies do not occur in dark spots, but the habit being started, a citizen is knocked down and the criminal escaping with immunity causes others to take more risk. An arc light will illumine the street, if placed in the center of it, hundreds of feet on either side, and in my opinion no money can be better spent than for the protection of the women of this Capital City by providing these arc lights. This amendment is to make provision for the extension of the arc lights in the city.

As the arc lights are extended, Mr. Chairman, the gas lights will be done away with, and I believe that the streets of the city should be illumined by electric lights rather than by gas lights. I think this is a practical matter. I do not know that the committee took it into consideration. It has occurred to me by reason of the fact that I have seen so much from day to day of robberies in the city of Washington, and it is said that more are committed in this city than in any other city of its size in the United States.

Mr. GARDNER of Michigan. That is not true, as the statistics will show. On that point Washington compares very favorably with any city of its class in the country. In homicides it is very much better than some of the other cities that could be named.

Mr. HARDY. Granting that the gentleman is correct on this matter, upon which I have nothing but newspaper statements, is it not a fact that the arc light would be cheaper and a better light, according to the cost by the bill's own figures, than the gas light? A 1,000-candlepower arc light costs $85 a year, and the same candlepower in gas would cost $300 per year. My purpose is to cheapen the illumination as well as to better it.

Mr. GARDNER of Michigan. Mr. Chairman, I hope the amendment will not be adopted. The Commissioners asked for $124,350. The committee gave them $115,000—within $9,000 of the estimate. Now, it is proposed, while we are under contract in this lighting system, to add almost 100 per cent even to the estimate and change and revolutionize the system here under a five-minute debate. Granting every argument the gentleman from Texas has advanced, I think it would be unwise. I hope the amendment will be voted down.

Mr. GILLETT. Mr. Chairman, in confirmation of what the gentleman from Michigan has stated, I want to say that Washington is an exceedingly bad city for arc lights. It is a forest of trees, and whereas in some cities the arc light is better for the street because it throws its light so far, yet in Washington during six months of the year the streets are so full of foliage that the arc light is almost useless. You must have lights nearer together—either gas or incandescent. In the business street arc lights can be and are used, but in the residence streets, with their thick rows of trees, the light from the arc illumines the sky, but leaves the street mostly in shadow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. GARDNER of Michigan. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20063, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCKINNEY, for an indefinite time, on account of serious illness of mother.

To Mr. CLARK of Florida, for an indefinite period, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. FOSTER of Illinois to withdraw from the files of the House, without leaving copies, the papers in the case of Theodore R. Stearns, H. R. 7520, Fifty-ninth Congress, no adverse report having been made thereon.

CIVIL GOVERNMENT IN CANAL ZONE.

The Speaker laid before the House the following message from the President of the United States, which was referred to

the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the House of Representatives:

A copy of the following resolution has been sent to me:

"*Resolved*, That the President of the United States be, and he is hereby, requested to inform this House, if not incompatible with the public interests, by what authority of law he has exercised the functions of government in the Panama Canal Zone since the date of the expiration of the Fifty-eighth Congress, or by what right or authority the executive, legislative, and judicial functions in the Zone have been performed since that date.

"Attest:

"A. MCDOWELL, *Clerk.*"

In compliance with this request, I have to state as follows:

Civil government has been maintained in the Canal Zone under my direction pursuant to the authority conferred by the treaty between the United States and Panama concluded November 18, 1903, and the acts of Congress approved June 28, 1902; April 28, 1904; March 3, 1905; December 21, 1905; June 30, 1906; March 4, 1907, by which the right to maintain civil government in the Canal Zone was granted to the United States, the duty to maintain it was imposed upon the President, and the means for its maintenance were from year to year expressly and specifically appropriated by Congress.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 4, 1908.*

ADJOURNMENT.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and on a division demanded by Mr. WILLIAMS there were—ayes 75, noes 46.

Mr. WILLIAMS. I demand tellers.

Tellers were ordered.

Mr. GARDNER of Michigan and Mr. WILLIAMS were appointed tellers.

The House again divided, and the tellers reported—ayes 69, noes 57.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 107, nays 82, answered "present" 16, not voting 183, as follows:

YEAS—107.

Alexander, N. Y.	Denby	Küstermann	Rodenberg
Allen	Diekema	Lafean	Slemp
Ames	Douglas	Lawrence	Smith, Cal.
Barclay	Driscoll	Lilley	Smith, Iowa
Bartholdt	Dwight	Lindbergh	Smith, Mich.
Bennet, N. Y.	Englebright	Littlefield	Snapp
Birdsall	Focht	Loud	Southwick
Bonynge	Foss	Lovering	Stafford
Boyd	Gardner, Mass.	Lowden	Steenerson
Brownlow	Gillett	McGuire	Sterling
Burke	Goebel	McKinley, Ill.	Stevens, Minn.
Burleigh	Haggott	Madison	Sturgiss
Butler	Hale	Malby	Sulloway
Campbell	Hamilton, Mich.	Mann	Tawney
Capron	Haskins	Moon, Tenn.	Taylor, Ohio
Cary	Hawley	Morse	Thistlewood
Caulfield	Higgins	Mouser	Tirrell
Chaney	Holliday	Mudd	Volstead
Chapman	Howland	Needham	Vreeland
Conner	Hubbard, Iowa	Nelson	Waldo
Cooper, Wis.	Hubbard, W. Va.	Norris	Washburn
Crumpacker	Huff	Nye	Weeks
Cushman	Jones, Wash.	Olcott	Weems
Dalzell	Keifer	Parker, N. J.	Wilson, Ill.
Darragh	Kennedy, Iowa	Payne	Woodyard
Davidson	Kinkaid	Perkins	Young
Dawson	Knowland	Reeder	

NAYS—82.

Adair	Favrot	Henry, Tex.	Rainey
Aiken	Ferris	Hill, Miss.	Randell, Tex.
Alexander, Mo.	Fitzgerald	Hobson	Rauch
Ansberry	Floyd	Houston	Robinson
Bartlett, Ga.	Fornes	Hull, Tenn.	Rothermel
Beall, Tex.	Foster, Ill.	Humphreys, Miss.	Russell, Mo.
Bell, Ga.	Fulton	Johnson, Ky.	Russell, Tex.
Booher	Gaines, Tenn.	Johnson, S. C.	Sheppard
Bowers	Garner	Keliher	Sherley
Brodhead	Gillespie	Lamar, Mo.	Sherwood
Burgess	Gordon	Leake	Sims
Burleson	Granger	Lloyd	Slayden
Burnett	Gregg	McLain	Smith, Tex.
Candler	Hackett	Moore, Tex.	Spight
Carlin	Hackney	Murphy	Stanley
Carter	Hamlin	Nicholls	Thomas, N. C.
Clark, Mo.	Hardy	O'Connell	Tou Velle
Cox, Ind.	Harrison	Padgett	Watkins
De Armond	Hay	Page	Williams
Denver	Heflin	Patterson	
Ellerbe	Helm	Peters	

ANSWERED "PRESENT"—16.

Ashbrook	Garrett	Jenkins	Macon
Currier	Goulden	Kahn	Ransdell, La.
Dixon	Greene	Knopf	Roberts
Gardner, Mich.	Griggs	Lever	Shackleford

NOT VOTING—183.

Acheson	Bartlett, Nev.	Boutell	Brundidge
Adamson	Bates	Bradley	Burton, Del.
Andrus	Beale, Pa.	Brantley	Burton, Ohio
Anthony	Bede	Brick	Byrd
Bannon	Bennett, Ky.	Broussard	Calder
Barchfeld	Bingham	Brumm	Calderhead
Caldwell	Gilhams	Landis	Pou
Clark, Fla.	Gill	Langley	Powers
Clayton	Glass	Laning	Pratt
Cockran	Godwin	Lassiter	Pray
Cocks, N. Y.	Goldfogle	Law	Prince
Cole	Graff	Lee	Pujo
Cook, Colo.	Graham	Legare	Reid
Cook, Pa.	Gronna	Lenahan	Reynolds
Cooper, Pa.	Hall	Lewis	Rhinock
Cooper, Tex.	Hamill	Lindsay	Richardson
Coudrey	Hamilton, Iowa	Livingston	Riordan
Cousins	Hammond	Longworth	Rucker
Craig	Harding	Lorimer	Ryan
Cravens	Hardwick	Loudenslager	Sabath
Crawford	Haugen	McCall	Saunders
Davenport	Hayes	McCreary	Scott
Davey, La.	Henry, Conn.	McDermott	Sherman
Davis, Minn.	Hepburn	McGavin	Small
Dawes	Hill, Conn.	McHenry	Smith, Mo.
Draper	Hinshaw	McKinlay, Cal.	Sparkman
Dunwell	Hitchcock	McKinney	Sperry
Durey	Howard	McLachlan, Cal.	Stephens, Tex.
Edwards, Ga.	Howell, N. J.	McLaughlin, Mich.	Sulzer
Edwards, Ky.	Howell, Utah	McMillan	Talbott
Ellis, Mo.	Hughes, N. J.	McMorran	Taylor, Ala.
Ellis, Oreg.	Hughes, W. Va.	Madden	Thomas, Ohio
Esch	Hull, Iowa	Marshall	Townsend
Fairchild	Humphrey, Wash.	Maynard	Underwood
Fassett	Jackson	Miller	Wallace
Finley	James, Addison D.	Mondell	Wanger
Flood	James, Ollie M.	Moon, Pa.	Watson
Fordney	Jones, Va.	Moore, Pa.	Webb
Foster, Ind.	Kennedy, Ohio	Murdock	Weisse
Foster, Vt.	Kimball	Olmsted	Wheeler
Foulkrod	Kipp	Overstreet	Wiley
Fowler	Kitchin, Claude	Parker, S. Dak.	Willett
French	Kitchin, Wm. W.	Parsons	Wilson, Pa.
Fuller	Knapp	Pearre	Wolf
Gaines, W. Va.	Lamar, Fla.	Pollard	Wood
Gardner, N. J.	Lamb	Porter	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. HULL of Iowa with Mr. LAMB.

Mr. SCOTT with Mr. GARRETT.

Mr. DAVIS of Minnesota with Mr. RUCKER.

Mr. TAYLOR of Ohio with Mr. LEGARE.

Mr. BEALE of Pennsylvania with Mr. SULZER.

Mr. GARDNER of New Jersey with Mr. LEE.

Mr. MCCREARY with Mr. MCHENRY.

Mr. ANTHONY with Mr. BYRD.

Mr. CALDERHEAD with Mr. CALDWELL.

Mr. LONGWORTH with Mr. CLAYTON.

Mr. COLE with Mr. COCKRAN.

Mr. COOK of Pennsylvania with Mr. COOPER of Texas.

Mr. DUREY with Mr. CRAVENS.

Mr. FORDNEY with Mr. CRAWFORD.

Mr. FOULKROD with Mr. FLOOD.

Mr. HOWELL of Utah with Mr. GILL.

Mr. LANDIS with Mr. HAMILL.

Mr. LANGLEY with Mr. HARDWICK.

Mr. GRAHAM with Mr. HITCHCOCK.

Mr. GRAFF with Mr. OLLIE M. JAMES.

Mr. PRINCE with Mr. GLASS.

Mr. LORIMER with Mr. SMALL.

Mr. MURDOCK with Mr. STEPHENS of Texas.

Mr. PARSONS with Mr. TALBOTT.

Mr. PEARRE with Mr. UNDERWOOD.

Mr. WOOD with Mr. WILEY.

For the balance of the day:

Mr. DRAPER with Mr. MACON.

Mr. GREENE with Mr. RICHARDSON.

Mr. LANING with Mr. ASHBROOK.

Mr. BANNON with Mr. LEWIS.

Mr. KAHN with Mr. CLAUDE KITCHIN.

Mr. SLEMP with Mr. CRAIG.

Mr. PRAY with Mr. HAMMOND.

Mr. FOSTER of Vermont with Mr. POU.

Until further notice:

Mr. REYNOLDS with Mr. HUGHES of New Jersey.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. ENGLEBRIGHT with Mr. BARTLETT of Nevada.

For the session:

Mr. BOUTELL with Mr. GRIGGS.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending an appropriation for repairs of the mint at New Orleans, La.

(H. R. Doc. 848)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, recommending the conveyance of a portion of a certain public building reservation to the city of San Juan, P. R. (H. R. Doc. 849)—to the Committee on Public Buildings and Grounds and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Dunn, administrator of estate of Woodford Dunn, against The United States (H. R. Doc. 850)—to the Committee on War Claims and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Wakulla River, Florida (H. R. Doc. 851)—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LAMB, from the Committee on Expenditures in the Treasury Department, to which was referred the bill of the House (H. R. 16092) to repeal the provisions of the act of July 7, 1884, limiting the compensation of storekeepers and storekeepers and gaugers, in certain cases, to $2 a day, and for other purposes, reported the same with amendments, accompanied by a report (No. 1384), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BATES, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20308) to establish a naval station at Pearl Harbor, Hawaii, reported the same without amendment, accompanied by a report (No. 1385), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases, reported the same without amendment, accompanied by a report (No. 1386), which said bill and report were referred to the House Calendar.

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20111) to amend an act entitled "An act to establish a Code of Laws for the District of Columbia," relating to gambling, bucket shops, and bucketing, reported the same with amendment, accompanied by a report (No. 1387), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5330) for the relief of the Mille Lac band of Chippewa Indians in the State of Minnesota, and for other purposes, reported the same without amendment, accompanied by a report (No. 1388), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COUSINS, from the Committee on Foreign Affairs: A bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909—to the Union Calendar.

By Mr. COOPER of Texas: A bill (H. R. 20346) to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise—to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 20347) to make Petoskey, in the State of Michigan, a subport of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. SLAYDEN: A bill (H. R. 20348) to authorize the Secretary of War to furnish two condemned brass or bronze cannon, with their carriages and a suitable outfit of balls, to the city of San Antonio, Tex.—to the Committee on Military Affairs.

By Mr. COOPER of Texas: A bill (H. R. 20349) to refund the cotton tax to the States wherein collected—to the Committee on War Claims.

By Mr. ESCH: A bill (H. R. 20350) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. LOWDEN: A bill (H. R. 20351) for the purchase of a site for a Federal building for the United States post-office at Rochelle, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 20352) providing for a survey of Rock River between Sterling and Dixon, Ill., and construction of a lock in dam at Sterling, Ill.—to the Committee on Rivers and Harbors.

By Mr. BURTON of Ohio: A bill (H. R. 20353) to prevent the improper disclosure or soliciting of information concerning interstate shipments—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: A bill (H. R. 20381) to provide for circuit and district courts of the United States at Florence, Ala.—to the Committee on the Judiciary.

By Mr. SULZER: Joint resolution (H. J. Res. 163) authorizing the appointment of three additional Army chaplains—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 326) directing the Secretary of Commerce and Labor to send to the House of Representatives certain information concerning one Charles Boardman, of Bellingham, Wash.—to the Committee on Reform in the Civil Service.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20354) granting to the town of Portales, Roosevelt County, Territory of New Mexico, 40 acres of land—to the Committee on the Territories.

By Mr. ASHBROOK: A bill (H. R. 20355) granting an increase of pension to John Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20356) granting an increase of pension to Arthur C. Gregg—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 20357) granting an increase of pension to Henry G. Chamberlain—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20358) granting an increase of pension to Adolph Stockli—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 20359) granting an increase of pension to Isaac P. Force—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 20360) authorizing the Secretary of the Interior to enroll Isabell Cook, née Bell, Richter and her family as Cherokee Indians—to the Committee on Indian Affairs.

By Mr. DE ARMOND: A bill (H. R. 20361) granting a pension to Newton Allison—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 20362) granting an increase of pension to Peter Van Antwerp—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20363) granting an increase of pension to George Fultz—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 20364) granting an increase of pension to Nathaniel Clark—to the Committee on Invalid Pensions.

By Mr. HACKETT: A bill (H. R. 20365) for the relief of E. M. Felts—to the Committee on War Claims.

By Mr. HOLLIDAY: A bill (H. R. 20366) granting an increase of pension to George W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20367) granting an increase of pension to Thomas Thompson—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 20368) for the relief of James H. Owen—to the Committee on Claims.

By Mr. MAYNARD: A bill (H. R. 20369) to place Dr. Henry Smith on the retired list of the Army—to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 20370) granting an increase of pension to Samuel R. Dummer—to the Committee on Pensions.

By Mr. ROBINSON: A bill (H. R. 20371) for the relief of the heirs of John G. Freeman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20372) for the relief of the heirs of William W. Davis, deceased—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 20373) for the relief of the estate of James Allender, deceased—to the Committee on Claims.

Also, a bill (H. R. 20374) for the relief of John Edwards, alias John D. Edwards—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 20375) granting an increase of pension to George W. Spaulding—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 20376) granting an increase of pension to Eugene F. Skiffington—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 20377) granting a pension to Charles S. Bash—to the Committee on Pensions.

Also, a bill (H. R. 20378) granting an increase of pension to George Albright—to the Committee on Pensions.

By Mr. KEIFER: A bill (H. R. 20379) to remove the charge of desertion from the record of Samuel B. Dump, alias Samuel Brown, and grant him an honorable discharge—to the Committee on Naval Affairs.

By Mr. SMITH of California: A bill (H. R. 20380) granting an increase of pension to Elijah H. White—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of T. Travers and others for H. R. 534, for granting aid to agricultural schools—to the Committee on Agriculture.

By Mr. ANTHONY: Petition of citizens of Tonganoxie, Kans., against restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. ASHBROOK: Papers to accompany bills for relief of David J. Jones, Joseph Marshall, and Arthur C. Gregg—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of C. A. Woolsey, of the Fort Wayne Electric Works, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Ida Ackerly, of West Springfield, Pa., for the passage of the postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Crawford, Pa., favoring H. R. 40, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Ballinger & Siggins, of Meadville, Pa., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Cigar Leaf Tobacco Association, favoring the Tawney bill, imposing a tax on redeemable coupons issued with sale of cigars, cigarettes, etc.—to the Committee on Ways and Means.

Also, petition of Society of the Holy Mother of Chenestachau, of Erie, Pa., against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

Also, petition of Building and Loan Association of Western Pennsylvania, for amendment of H. R. 18525 so as to exempt all loan associations which loan money to its own members only—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petition of L. E. Miller and others, of Parkersburg, Iowa, against H. R. 4897, to enforce Sunday observance as day of rest in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of faculty of Leander Clark College, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petitions of A. J. Vogler and others and Bona Fide Lodge, No. 315, Brotherhood of Railway Carmen, protesting against decisions of the Supreme Court relative to labor organizations—to the Committee on the Judiciary.

Also, petition of A. J. Vogler and others, of Iowa, against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Boynton Lodge, No. 138, Brotherhood of Railway Trainmen, of Eagle Grove, favoring passage of H. R. 17036 and 17137, relating to liability bill, anti-injunction bill, and Clapp free-pass bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of citizens of Hartland, Me., for the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of Readfield (Me.) Grange, for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of Frank D. Wells and others, of Cleveland, Ohio, against H. R. 4897 and H. R. 4929—to the Committee on the District of Columbia.

By Mr. CALDER: Petition of Home Savings Bank of Brooklyn, N. Y., favoring the Dalzell bill (H. R. 6091), to amend national banking law—to the Committee on Banking and Currency.

Also, petition of national banks of Chicago, to certain modifications of the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CARY: Petition of Merchants and Manufacturers' Association of Milwaukee, favoring S. 28, for better postal facilities on ocean mail routes to South America and to the Philippines and Japan—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, for H. R. 19538, for a suitable appraisers' warehouse—to the Committee on Public Buildings and Grounds.

Also, petition of Merchants and Manufacturers' Association of Milwaukee, for a life-saving station in Milwaukee Harbor—to the Committee on the Merchant Marine and Fisheries.

By Mr. CHANEY: Petition of D. G. Pitcher and others, of Sullivan, Ind., against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CLARK of Florida: Petition of T. L. Joyce, in behalf of the grape growers of the State of Florida, against certain provisions of proposed prohibition legislation—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the Building and Loan Federation of Western Pennsylvania, for amendment of the Hepburn bill (H. R. 18525) so as to exempt from its operation building and loan associations—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petition of Grand Army of the Republic Post of Glencoe, Minn., against discontinuance of pension agencies—to the Committee on Appropriations.

Also, petition of Builders' Exchange of Faribault, Minn., against H. R. 15651, relating to hours of labor on Government works—to the Committee on Labor.

Also, petitions of Minnesota State Dairymen's Association and Builders' Exchange of Faribault, Minn., approving the Davis bill for establishment of agricultural high schools and in behalf of dairy interests—to the Committee on Agriculture.

By Mr. DAWES: Petition of citizens of Washington County, Ohio, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. DAWSON: Petition of Leander Clark College, of Toledo, Iowa, for the enactment of legislation to establish the White Mountains and Appalachian Forest Reserve—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Chicago national banks, for certain modifications of the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. ESCH: Petition of Merchants and Manufacturers' Association, of Milwaukee, Wis., favoring H. R. 19539, providing for a suitable appraiser's warehouse—to the Committee on Ways and Means.

Also, petition of Ohio Shippers' Association, indorsing H. R. 14934 and S. 4914, which define order bills of lading and provide for their legal status—to the Committee on Interstate and Foreign Commerce.

Also, petition of North America Fish and Game Protective Association, for international control of waters adjoining the United States and Canada—to the Committee on Foreign Affairs.

By Mr. FOWLER: Petition of Local No. 399, International Typographical Union, of Plainfield, N. J., for abolition of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of Protection Lodge, No. 2, of Phillipsburg, N. J., for H. R. 17036 and S. 5307 (La Follette-Sterling anti-injunction bill)—to the Committee on the Judiciary.

Also, petition of Warren Grange, No. 110, Patrons of Husbandry, of Broadway, N. J., for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of James T. Syers and others, for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petitions of Iron Molders' Union No. 8, of Elizabeth; Union No. 320, United Brotherhood of Carpenters and Joiners, of Westfield; Union County Trades Council of Elizabeth; Lambert Riker and others, of Butler, and Local Union No. 638, United Brotherhood of Carpenters and Joiners, of Morristown, all in the State of New Jersey, against enactment of S. 1518, revising

section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Excelsior Lodge, No. 11, of Phillipsburg, N. J., for S. 5407 and H. R. 17036 (the La Follette-Sterling anti-injunction bills)—to the Committee on the Judiciary.

Also, petition of residents of Florham Park, N. J., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FULLER: Petition of national banks of Chicago, for certain modifications of the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of clergymen of New York, against appropriation for four new battle ships—to the Committee on Naval Affairs.

Also, petition of Chicago Local, No. 1, Commercial Telegraphers' Union of America, for H. R. 15123 and 15267 and S. 4395, for accurate showing on each telegram of place from whence it came and time it was received at office from which it was delivered—to the Committee on Interstate and Foreign Commerce.

Also, petition of Maj. J. M. Reynolds, for H. R. 19250 (Fuller bill), for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. HACKETT: Paper to accompany bill for relief of H. M. Wilborn—to the Committee on War Claims.

By Mr. HASKINS: Petitions of Wantastiquet Grange, No. 343, of Londonderry, Vt., and Vernon Grange, No. 228, of Vernon, Vt., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Newfane (Vt.) Grange, No. 299, for enactment of an antipolygamy bill—to the Committee on the Judiciary.

Also, petition of Newfane (Vt.) Grange, No. 299, favoring the Littlefield original-package bill, to protect no-license territory from interstate commerce in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of Central Labor Union and affiliated bodies of St. Johnsbury, for H. R. 10506, to supply relief, etc., incident to accidents in coal mines—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Paper to accompany bill for relief of John W. McAdams—to the Committee on Invalid Pensions.

By Mr. HUFF: Petition of Building and Loan Federation of Pennsylvania, that H. R. 18525 be so amended as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. HINSHAW: Paper to accompany bill for relief of A. H. Fox (H. R. 3156)—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petitions of Grange No. 590, of Adams Center; Daysville Grange, No. 225, of Pulaski; Grange No. 797, of Nicholville, and Grange No. 964, of Chateaugay, all in the State of New York, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of national banks of Chicago, for amendment of certain features of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of the Brooklyn Federation of Labor against all prohibitive liquor legislation—to the Committee on the Judiciary.

Also, petition of editor of the Daily Kuryer Polsk, against the treatment of Polish citizens of Prussia—to the Committee on Foreign Affairs.

Also, petition of Loyal Lodge, No. 406, International Association of Machinists, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Francis M. Johnston, for S. 4812, for protection of the children—to the Committee on the Judiciary.

Also, petition of Home Savings Bank, of Brooklyn, N. Y., favoring H. R. 6091, making it a misdemeanor to circulate rumors affecting solvency of or standing of banking institutions—to the Committee on Banking and Currency.

By Mr. LITTLEFIELD: Petitions of Mystic Valley Grange, No. 313, Patrons of Husbandry; F. E. Pond and others; T. B. Hondlette and others; Benjamin F. Blagdon and others, and Dyers Valley Grange, New Castle, Me., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. MADDEN: Petition of Needham G. Myers, Albert H. Brown, and John Worden, of Chicago, for repeal of section 3 of act of February 6, 1907, refusing compensation to attorneys and for enactment of H. R. 15856 or S. 4756—to the Committee on Invalid Pensions.

By Mr. MANN: Petition of Trades League of Philadelphia, for S. 25 and H. R. 6169, promoting efficiency of the Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chicago Woman's Club, against clauses in H. R. 797, providing for clerical force for the Thirteenth Census through noncompetitive instead of competitive examination—to the Committee on the Census.

Also, petition of Retail Merchants' Association of Illinois, for the repeal of the oleomargarine law—to the Committee on Agriculture.

Also, petition of Travelers' Goods and Leather Novelty Workers, against all prohibitory legislation—to the Committee on the Judiciary.

Also, petition of Philadelphia Credit Men's Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of National Wholesale Lumber Dealers' Association and Lumber Dealers' Association of Connecticut, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 20)—to the Committee on Agriculture.

By Mr. MARSHALL: Petition of C. E. S. Eureka and other citizens of North Dakota, for the passage of H. R. 40, to prevent the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of Local Union No. 4930, of Manvel, American Society of Equity; Independent Grain Shippers' Association of Fargo, and citizens of Landa, all in the State of North Dakota, for passage of the Federal grain-inspection bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of P. L. Arms and other citizens of Rolette, N. Dak., for enactment of the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

Also, petition of Andrew Vatue, of Cooperstown, N. Dak., for H. R. 297, to limit the effect of the regulation of commerce between the several States and with foreign states in certain cases—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Brotherhood of Locomotive Engineers, of Shawnee, Okla., praying for the passage of the so-called "La Follette-Sterling employers' liability bill" (H. R. 17036 and S. 5307)—to the Committee on Interstate and Foreign Commerce.

By Mr. NORRIS: Petition of Sarah F. Mann and others, for pension legislation increasing pensions of widows of veterans of civil war from $8 per month to $12 per month—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Irish-American and Wolfe Tone clubs of South Boston, Mass., against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of John A. Grubb—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of Henry S. Briggs—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition for a circuit and district court of the United States at Florence, Ala.—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of Ernest Neff and 7 others, of Flint (Mich.) Grange, for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. SMITH of Texas: Petition of Cattle Raisers' Association of Texas, indorsing S. 3644, requiring sufficient facilities by railways for dispatch of their business as common carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of Chicago Odontographic Society, favoring S. 4432, to reorganize corps of dental surgeons attached to the Medical Department of the Army—to the Committee on Military Affairs.

Also, petition of national banks of Chicago, for certain modifications of the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. STERLING: Petition of citizens of Bloomington, Ill., against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STURGISS: Paper to accompany bill for relief of James Allender—to the Committee on Claims.

By Mr. SULLOWAY: Petitions of Freedom Grange, of Freedom; Hampstead Grange, of Hampstead, and Saco Valley Grange, of Conway, Patrons of Husbandry, all in the State of New Hampshire, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SULZER: Petition of general assembly of Ohio, for the establishment of a national bureau of health—to the Committee on Appropriations.

Also, petition of national banks of Chicago, for amending certain features of the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. WANGER: Petition of Builders' Exchange, against H. R. 15651, known as the "Gardner eight-hour bill"—to the Committee on Labor.

By Mr. YOUNG: Petition of citizens of Sault Ste. Marie, Mich., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

SENATE.

MONDAY, *April 6, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. TALIAFERRO, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM FLORIDA.

Mr. TALIAFERRO. I present the credentials of William H. Milton, who has been appointed a Senator from the State of Florida, to fill the vacancy created by the death of Senator Bryan. I ask that the credentials be read and placed on file.

The VICE-PRESIDENT. The credentials will be read by the Secretary.

The Secretary read the credentials of William H. Milton, appointed by the governor of the State of Florida a Senator from that State, to fill, until the expiration of the term of the late William J. Bryan or the next meeting of the legislature thereof, the vacancy in the term ending March 3, 1909, caused by the death of Stephen R. Mallory.

The VICE-PRESIDENT. The credentials will be placed on file.

Mr. TALIAFERRO. The Senator appointed is in the Chamber, and I ask that the oath of office be now administered to him.

The VICE-PRESIDENT. The Senator appointed will present himself at the Vice-President's desk and take the oath prescribed by law.

Mr. Milton was escorted to the Vice-President's desk by Mr. TALIAFERRO, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

GROUND FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of February 21, 1908, a report on the price of land and all improvements in certain blocks within the city of Washington, which, on motion of Mr. GALLINGER, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

LOUISE STEWART V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, transmitting a letter from Assistant Attorney-General John Q. Thompson, requesting that the case of Louise Stewart, widow, *v.* United States, No. 10102, Congressional, be returned to the court for further proceedings, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Consistory of Grace Reformed Church, of Knoxville, Md., *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed by the court under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel sloop *Prudent*, Matthew Kemp, master, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its chief clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 19955) making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

The message also announced that the House had passed a bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across Snake River, in the State of Washington; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. MANN, and Mr. RICHARDSON of Alabama, managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 29) to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OLCOTT, Mr. TAYLOR of Ohio, and Mr. MURPHY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 1815. An act for the relief of the estate of D. S. Phelan;

H. R. 13735. An act to correct the military record of Micaiah R. Evans;

H. R. 15444. An act extending the time for the construction of a dam across Rainy River; and

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Chamber of Commerce of the State of New York, praying for the appointment of a commission to investigate the currency and banking systems of the United States and other leading commercial nations and to make a report thereon, which was referred to the Committee on Finance.

He also presented the petition of William L. Lyall, president of the Brighton Mills, of Passaic, N. J., praying for the enactment of legislation to provide for a levy and import duty on Egyptian and other long-staple cotton imported into the United States from foreign countries, which was referred to the Committee on Finance.

He also presented the petition of W. F. Weible, a member of the Mississippi River United States Ram Fleet and Marine Brigade, of Allegheny, Pa., praying for the enactment of legislation to apply the provisions of the act of June 27, 1890, to the men of the Mississippi River Ram Fleet and Marine Brigade, and to their widows and minor children, which was referred to the Committee on Pensions.

Mr. CULLOM presented a memorial of the Commandery of the State of Illinois, Military Order of the Loyal Legion of the United States, of Chicago, Ill., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of sundry volunteer officers of the civil war of Clayton, Ill., and a petition of sundry volunteer officers of the civil war of Rockford, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Farmington, Ill., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Providence, R. I., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. FRYE presented petitions of sundry citizens of Wiscasset, North Castle, South Thomaston, and of the Board of Trade of Bangor, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Huntoon Grange, No. 398, Patrons of Husbandry, of Huntoon Hill; of Chelsea Grange, No. 215, Patrons of Husbandry, of Chelsea, and of sundry citizens of Thomaston, all in the State of Maine, praying for the enactment of legislation to establish a national highways commission, which were referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of sundry citizens of Lisbon, N. H., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Nebraska, Tennessee, New Jersey, Washington, Oregon, Missouri, Minnesota, California, Idaho, and the District of Columbia, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. PLATT presented a petition of the New Century Club, of Cobleskill, N. Y., praying for the enactment of legislation to establish laboratories under State, Federal, and city governments for the scientific study of the conditions of criminal paupers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against certain proposed modifications to the present law relating to injunctions or restraining orders in matters of labor disputes, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Greater New York; of the Shamrock Club, of New York City, and the Robert Emmet Club, of Rochester, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented the petition of A. C. Harris, of Olean, N. Y., praying for the passage of the so-called "postal savings bank bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Irondequoit Grange, No. 849, Patrons of Husbandry, of Irondequoit, N. Y., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the National Veterans' League of New York City, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a memorial of the Central Federation of Labor of Albany, N. Y., and a member of Local Union No. 22, Stampers and Gold Leaf Layers, of New York City, N. Y., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the Social Service Club of the Young Men's Christian Association of New York City, N. Y., praying for the adoption of certain amendments to the present antigambling law of the District of Columbia, so as to prohibit gambling and book making in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented a petition of Putnam Valley Grange, No. 341, Patrons of Husbandry, of Putnam, N. Y., and a petition of sundry citizens of Mountainville, N. Y., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Rome, Utica, Worcester, Richburg, Rochester, Binghamton, Syracuse, Randolph, Newfane, Little Valley, Brooklyn, Oswego, New York City, Pulaski, Elmira, Lockport, Buffalo, Sayville, Adams Center, Williamstown, Cleveland, Schenectady, Saratoga Springs, and Pierpont, all in the State of New York, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a petition of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, of Bridgewater, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Stonington, of Local Division No. 2, Ancient Order of Hibernians, of Wallingford, and of the Emmet Club, of Bridgeport, all in the State of Connecticut, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Irish Benevolent Society of St. Paul, Minn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Linwood, Minn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of members of sundry Grand Army posts of Dawson, Olivia, Faribault, Litchfield, and Excelsior, all in the State of Minnesota, remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

Mr. WARREN presented a memorial of sundry citizens of Jacksons Hole, Wyo., remonstrating against the enactment of legislation to prevent Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented the memorial of R. L. Wildman and sundry other citizens of Toledo, Oreg., and the memorial of T. S. Brown and sundry other citizens of Hemet, Colo., remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WETMORE presented a memorial of the William Orr Literary Association, of Providence, R. I., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Unions of Warren, East Greenwich, and Phenix, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. HEYBURN presented a petition of the Trades and Labor Council of Wallace, Idaho, praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of Lemhi, Bonner, Latah, and Nez Perce counties, all in the State of Idaho, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LONG presented memorials of sundry citizens of Imperial, Cal.; Pleasant View, Ind.; Hamilton and New Haven, in the State of Missouri; Cornelius, Eddyville, Marshfield, Milwaukee, Montavilla, Newberg, Oregon City, Park Place, and Portland, in the State of Oregon; Nashville, Tenn., and Snohomish and Walla Walla, in the State of Washington, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BURKETT presented a memorial of Post A, Travelers' Protective Association of America, of Omaha, Nebr., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Farmers' Cooperative Grain and Live Stock Association of Minden, Nebr., praying for the enactment of legislation providing for the weighing, grading, and inspection of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Railway Mail Association of Omaha, Nebr., praying that an appropriation be made for the necessary expenses incurred by railway postal clerks while away from home in the performance of their duties, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented a memorial of the Robert Emmet Club, of Chicago, Ill., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Trades and Labor Assembly of Taylorville, Ill., praying for the passage of the so-called "McHenry bill" providing for certain governmental assistance in mining accidents, which was referred to the Committee on Mines and Mining.

Mr. CLAPP presented a memorial of the Irish Benevolent Society of St. Paul, Minn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. HALE presented petitions of sundry citizens of Exeter, Corinth, West Ellsworth, Penobscot, Orono, Riverton, and Brownfield, all in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Woman's Christian Temperance Union of Richmond, Ind., remonstrating against the enactment of legislation providing for the construction of the proposed four new battle ships, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Oxford County, Me., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX presented a memorial of sundry citizens of East Downingtown, Pa., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of the Verango Printing Company, of Franklin, Pa., and a petition of the Central Labor Union of Erie, Pa., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Lancaster, Pa., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Encampment No. 1, Union Veteran Legion, of Pittsburg, Pa., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the enactment of legislation requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission and authorizing investigations thereof by the Commission, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Dirigo Council, No. 1026, Junior Order of United American Mechanics, of Philadelphia, Pa., praying for the enactment of legislation to restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Pennsylvania Peace Society, of Philadelphia, Pa., praying that an annual appropriation of $1,000 be made for the support of the International Peace Bureau at Berne, Switzerland, which was referred to the Committee on Foreign Relations.

He also presented a petition of Rear-Admiral H. F. Picking Naval Garrison, No. 4, Army and Navy Union of the United States, of Erie, Pa., and a petition of sundry citizens of Bradford, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which were referred to the Committee on Naval Affairs.

He also presented petitions of the Central Labor Union of Philadelphia, of the Joint Legislative Board of Railway Employees of Lewistown, and of the Telegraphers' Union of Harrisburg, all in the State of Pennsylvania, praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of the Woman's Christian Temperance Union of New Providence, Pa., and a petition of sundry citizens of Williamsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships, which were referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of New Providence, Pa., praying for the enactment of legislation to prohibit the importation and sale of opium, except for medicinal purposes, throughout the United States and its insular possessions, which was referred to the Committee on Finance.

He also presented petitions of James Kent, of Pittsburg; Elmer A. Jacoby, of Pennsburg; the Welsh Manufacturing Company, of Pittsburg; the Linnæan Society, of Lancaster; F. W. Aszmann, of Philadelphia; Carlotta H. Browne, of Philadelphia; of sundry members of the Pennsylvania Forestry Association, of Hazleton; E. D. Mullen, of Philadelphia; J. S. Wilson, of Bradford; Francis R. Cope, of Philadelphia; Roe Reisinger, of Franklin; C. A. Thomas, of Philadelphia; C. A. Woolsey, of Philadelphia; Frank O'Ryan, of Philadelphia; R. W. Harbison, of Pittsburg, and the City Parks Association of Philadelphia, all in the State of Pennsylvania, and of the Massachusetts State Federation of Women's Clubs, and the American Civic Association of Providence, R. I., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of Jerry Spleen and sundry other citizens of Kersey, A. B. Walters and sundry other citizens of Roaring Creek, T. E. Moore and sundry other citizens of Font, L. Campbell and sundry other citizens of Morris, Irwin Dewald and sundry other citizens of Sonestown, George McClelland and sundry other citizens of Burlington, George W. Shont and sundry other citizens of Sabinsville, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection for the dairy interests throughout the country, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Grand Council, Young Men's Institute, of Pittsburg; Knights of St. George, of Pittsburg; State League German Catholic Societies of Pennsylvania, of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation increasing the amount of the Philippine church claim to $500,000, which were ordered to lie on the table.

He also presented petitions of William B. McCahan and sundry other citizens of Mifflin; S. L. Ford and sundry other citizens of Media; G. L. Daily and sundry other citizens of Utica; C. M. Miller and sundry other citizens of Tidioute; Grange No. 165, Patrons of Husbandry, Falls; Grange No. 1088, Patrons of Husbandry, Westfield; Grange No. 83, Patrons of Husbandry, Columbia Cross Roads; Grange No. 155, Patrons of Husbandry, West Burlington; Grange No. 1098, Patrons of Husbandry, Watsontown; Grange No. 1344, Patrons of Husbandry, Sandy Lake; Grange No. 507, Patrons of Husbandry, Tomlinson; Grange No. 110, Patrons of Husbandry, Sparta; Grange No. 878, Patrons of Husbandry, Somerset County; Grange No. 151, Patrons of Husbandry, Milesburg; Millport Grange, Patrons of Husbandry, Millport; Grange No. 1194, Patrons of Husbandry, North Bingham; Grange No. 1239, Patrons of Husbandry, Titusville; J. M. Maurer and sundry other citizens of Pitman; C. H. Smith and sundry other citizens of Wilgus; F. D. Stone and sundry other citizens of Le Roy; L. O. Andrews and sundry other citizens of Lawrenceville; J. C. Walter and sundry other citizens of Roaring Creek, all in the State of Pennsylvania, praying for the enactment of legislation providing for the establishment of a rural parcel post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Farmers' National Bank, of Freeport; The Fourth Street National Bank of Philadelphia; Juniata Valley National Bank, of Mifflintown; The First National Bank of Philipsburg; Franklin National Bank, of Philadelphia; National Bank of Chambersburg; The Belleville National Bank, of Belleville; Henry & West, bankers, of Philadelphia; Johnsonburg National Bank, of Johnsonburg; The Second National Bank of Erie; Penn National Bank, of Reading; Diamond National Bank, of Pittsburg; The National Bank of Western Pennsylvania, of Pittsburg; The Milton National Bank, of Milton; Fidelity Title and Trust Company, of Pittsburg; and the Union National Bank, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation providing for the punishment of any person circulating or transmitting maliciously false statements as to the solvency or financial standing of any national bank, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Pittsburg, Pa., and a petition of sundry citizens of Bradford, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Pennsylvania Peace Society, of Philadelphia, Pa., and a memorial of the Universal Peace Union of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the construction of the proposed four new battle ships, which were referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 60, American Federation of Musicians, of Pittsburg, Pa., praying for the enactment of legislation to prohibit Army and Navy bands from entering into competition with civilian bands, which was referred to the Committee on Military Affairs.

CHARGE OF PEONAGE.

Mr. OVERMAN. Mr. President, in Sunday's issue of the Washington Post I find the following article. I will read a part of it:

There is to be no cessation of the Administration's campaign against peonage in the South, in spite of the investigation ordered by Congress. Under instructions of the President, Charles W. Russell, Assistant Attorney-General, who has charge of the work, is to proceed with prosecutions, irrespective of the wealth of the men and the corporations responsible for this condition of slavery or of the fact that the legislative branch of the Government is making an inquiry into the justice of what has been done.

The Administration is forced to continue this important social campaign because of the conditions which have come to light. In a confidential report to the Attorney-General Mr. Russell gave the following striking description of the situation:

"We have henceforth a fight in the open with those who have combined to thwart our purposes through ownership of the principal Florida newspaper, which has suppressed and misrepresented the truth, and sought by the most extraordinary methods to influence juries and public opinion and to drive us out of the State.

I will not read what the article says about Florida, Tennessee, and Georgia, but I refer to this paragraph in reference to North Carolina:

Mr. Russell found peonage in Charlotte, N. C., and aided in obtaining the punishment of persons in charge of the railroad camps at that point. Upon his return from Charlotte to Jacksonville, he presented cases before the grand jury.

"I was compelled to try a case with such a jury as a stranger may expect to get in a community largely dominated by the persons whose affiliations naturally incline them in favor of either the particular defendants or those who were expected to be attacked later on. The foreman, as it turned out, was one Rogers, who is president of the United Groceries Company, which supplies the commissary stores to the turpentine camps. The commissaries, by swindling prices, keep laborers in debt, and consequently in peonage."

Mr. President, I undertake to say that in the paragraph I have read there is not one word of truth, except that there is such a city in the State of North Carolina as Charlotte—one of the best, most progressive cities in the South, situated in the great manufacturing section of our State. It is not located in any turpentine section. I wish to say also that the turpentine camp, if there is a turpentine camp in that State, is more than 100 miles away.

I want to say, furthermore, that there is no peonage in the State of North Carolina. I have inquired from the judges and from the district attorneys, and I have the report of the Attorney-General himself to show it. In this report of the number of complaints of peonage in the South there are but four cases reported from the State of North Carolina, and here now in some confidential report the Assistant Attorney-General announces to the country that there is peonage in North Carolina.

The facts are, sir, that there were some indictments in the eastern district for peonage. There was a railroad being built in eastern North Carolina which was let to contract to citizens of other States, and the persons hired were not citizens of the State and the persons who were claimed to hold American citizens in peonage were not citizens of North Carolina. When the trial was held there was one man tried, and the Assistant Attorney-General went down himself to assist the district attorney in the trial of the case, and the trial resulted in the acquittal of the defendant. So weak and frivolous were the evidence and charges preferred that the judge upon the bench dismissed every other case where there was an indictment, as I am informed.

There were some indictments and a trial in western North Carolina, in the western district, where a railroad was being constructed from West Virginia through the mountains of North Carolina by a railroad contractor from another State, and there were some charges of peonage there. But I am informed, sir, that there was a verdict of not guilty in that case, and there has been no conviction for peonage anywhere in the State.

Also I wish to say that if the laws we have on the subject of peonage could be in anywise construed to be peonage laws they have been declared unconstitutional by the supreme court of North Carolina.

Now, I want to read what the Attorney-General himself says, contradicting his own statement about peonage laws in the State. And he recites this construction of Judge Clark, the chief justice of our supreme court, upon certain sections in our laws which provide that where a laborer enters into a contract with his landlord and contracts to serve him for a year, and obtains certain advances from him, and the laborer after having obtained the advances fails to perform his part of the contract, shall be guilty of a misdemeanor. I take the following from the report of the Attorney-General in regard to this opinion:

The judges of our superior court, in charging the grand jury, have taken notice of where such indictments lead to, and have advised against prosecutions. In addition to that, the supreme court of this State has recently delivered an opinion in State *v.* Robinson, to be reported in the 143 North Carolina, wherein Chief Justice Clark, in a concurring opinion, goes out of his way to practically say that sections 3365, 3366, and 3367 are unconstitutional; and I herewith inclose you that part of his decision referring to this matter.

Showing, Mr. President, that there is no peonage there, and that this is a slander upon North Carolina. I doubt if the Attorney-General can show a single case where a citizen of the State has ever been indicted and convicted for peonage, and for one I am tired of voting for these appropriations to send out long-haired men and short-haired women to spy upon our people and to make these slanderous reports, a stop should be put to it.

REPORTS OF COMMITTEES.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, to report it with amendments, and I submit a report (No. 464) thereon. I give notice that I shall call up the bill at the earliest possible opportunity for consideration.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4172) providing for the erection of an addition to the court-house of the District of Columbia for the use of the court of appeals, reported it without amendment, and submitted a report (No. 465) thereon.

Mr. ELKINS, from the Committee on Interstate Commerce, to whom was referred the joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law, reported it with an amendment, and submitted a report (No. 466) thereon.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on the Judiciary, which was agreed to:

A bill (S. 6440) to regulate commerce among the several States or with foreign nations, and to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies;" and

A bill (S. 6331) to legalize contracts and agreements not in unreasonable restraint of trade or commerce.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the amendment submitted by himself on the 31st ultimo, providing that hereafter the judges of the district courts of the United States shall be allowed $6 per day as expenses for travel, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. DIXON. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 6159) to establish a permanent national bison range, to report it with amendments, and I submit a report (No. 467) thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. DIXON. I should like to ask that a thousand extra copies of the report be printed for the use of the Senate. With the report are certain statistics gathered by the American Bison Society, showing the present number and condition of the buffalo in different parts of the country. I have attached those statistics to the report, and, owing to the numerous demands already made for copies of the report, I ask that a thousand extra copies be printed for the use of the Senate. The statistics and information, I think, are well worthy of public preservation.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that a thousand additional copies of the report be printed for the use of the Senate. Without objection it is so ordered.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 2405) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported it with an amendment and submitted a report (No. 468) thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 5505) to define and suppress vagrancy within the District of Columbia, reported it with amendments and submitted a report (No. 469) thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5616) to amend section 3744 of the Revised Statutes (Report No. 470); and

A bill (S. 5950) to provide for the disposition of pensions due inmates of the Naval Home (Report No. 471).

Mr. PERKINS. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments, and I submit a report (No. 472) thereon. I give notice that immediately after the disposition of the Army appropriation bill, reported by the Senator from Wyoming [Mr. WARREN] from the Committee on Military Affairs, I shall ask the Senate to take up and consider this bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, reported it without amendment and submitted a report (No. 473) thereon.

Mr. LONG, from the Committee on the District of Columbia, to whom was referred the bill (S. 5429) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, reported it with an amendment and submitted a report (No. 474) thereon.

Mr. SCOTT. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 6105) for the relief of pensioners of the Metropolitan police fund, to report it with amendments. I shall call the bill up at a very early day.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

THEODORE F. NORTHROP.

Mr. FORAKER. I am directed by the Committee on Military Affairs to report back favorably without amendment the bill (S. 2253) for the relief of Theodore F. Northrop, and I submit a report (No. 475) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that Theodore F. Northrop, late first lieutenant, Second Regiment New York Cavalry Volunteers, shall be held and considered to have been a captain of cavalry, in command of scouts in the army of General Sherman, from September 10, 1864, to May 22, 1865; and the Secretary of War is authorized to issue to Northrop a certificate of such service and of honorable discharge in accordance with this act. But no pay, bounty, or other allowance shall become due and payable by reason of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CEMETERY LAND IN DUBUQUE, IOWA.

Mr. NELSON. From the Committee on Public Lands, I report back favorably without amendment the bill (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and to his successors in office, and confirming and establishing title thereto accordingly, and I submit a report (No. 476) thereon. I call the attention of the senior Senator from Iowa [Mr. ALLISON] to the bill.

Mr. ALLISON. I ask unanimous consent that the bill may be now considered. It will take but a moment. It is a technical way of granting a certain tract of land to the Roman Catholic Church, which has been in possession of the land since 1836. It has been used exclusively for a cemetery and will be so used in the future, but there is a technicality required to be removed in order that the title may be in the archbishop of the diocese.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

MISSION LAND IN MINNESOTA.

Mr. CLAPP. From the Committee on Indian Affairs, I am authorized to report back favorably without amendment, except to strike out the preamble, the bill (S. 6462) authorizing the Secretary of the Interior to issue patents in fee to the diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians. It is a local bill, and I ask that it be now considered.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAPP. I move to strike out the preamble.

The motion was agreed to.

STATUE OF JABEZ LAMAR MONROE CURRY.

Mr. WETMORE, from the Committee on the Library, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment, and it was considered, by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Alabama.

BILLS INTRODUCED.

Mr. KEAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6485) granting an increase of pension to William R. Penn; and

A bill (S. 6486) granting an increase of pension to George Carpenter.

Mr. FRYE introduced a bill (S. 6487) to govern seagoing barges, which was read twice by its title and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6488) granting an increase of pension to Seraiah M. Pratt; and

A bill (S. 6489) granting an increase of pension to Evelina H. Sewall.

Mr. HOPKINS introduced a bill (S. 6490) to relieve Charles F. Held of the charge of dishonorable dismissal, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. McLAURIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6491) for the relief of the estate of James S. Wilson; and

A bill (S. 6492) for the relief of Mrs. Louisa M. Bennett, Miss Kate P. Bennett, Mrs. Mary Louisa Ogden, and Calvin S. Bennett.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6493) to provide for the removal of certain railroad sidings in the District of Columbia, and for other purposes;

A bill (S. 6494) making drunkenness in the District of Columbia a misdemeanor, and to provide a hospital for inebriates, and for other purposes; and

A bill (S. 6495) to provide for the incorporation of banks within the District of Columbia (with an accompanying paper).

Mr. KNOX (for Mr. PENROSE) introduced a bill (S. 6496) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army, which was read twice by its title and referred to the Commitee on Military Affairs.

Mr. KNOX (by request) introduced a bill (S. 6497) granting pensions to widows of justices and judges of United States courts, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6498) for the relief of Adam K. Baylor and certain other naval officers and their heirs or legal representatives, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6499) granting an increase of pension to Wesley C. Wells, which was read twice by its title and referred to the Committee on Pensions.

Mr. DEPEW introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6500) granting an increase of pension to Peter Dwyer (with the accompanying papers); and

A bill (S. 6501) granting an increase of pension to Isabella R. Vosburgh (with the accompanying papers).

Mr. GORE introduced a bill (S. 6502) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose, in the State of Oklahoma, which was read twice by its title and referred to the Committee on Public Lands.

Mr. WETMORE introduced a bill (S. 6503) granting an increase of pension to Matthew Donahoe, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 6504) for the relief of William H. Dotson, which was read twice by its title and referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 6505) granting an increase of pension to William H. Cable, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced a bill (S. 6506) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6507) granting an increase of pension to La Salle Corbell Pickett, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6508) granting an increase of pension to Eli H. Young, which was read twice by its title and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 6509) for the relief of Mrs. Katherine Smith, which was read twice by its title and referred to the Committee on Claims.

Mr. CARTER (by request) introduced a bill (S. 6510) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. OVERMAN (by request) introduced a bill (S. 6511) to amend section 15 of the act of February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6512) granting an increase of pension to J. C. Albritton, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6513) granting an increase of pension to Samuel J. Taylor; and

A bill (S. 6514) granting a pension to Elmer K. Coppock.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6515) for preventing the manufacture, sale, or transportation of adulterated or misbranded fungicides, Paris greens, lead arsenates, and other insecticides, and for regulating traffic therein, and for other purposes, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. KEAN submitted an amendment proposing to appropriate $3,000 to enable the Secretary of Agriculture to establish an experimental vineyard in the State of New Jersey, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $7,500 for paving Massachusetts avenue from S street to T street in the city of Washington, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. KNOX submitted an amendment proposing to appropriate $861.11 to pay to Clara A. Carter, the widow of Martin J. Carter, late consul of the United States to Yarmouth, Nova Scotia, who died at his post of duty on October 9, 1905, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $30,000 to enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the cotton-boll weevil in the State of Oklahoma, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BURKETT submitted an amendment authorizing the board of assesors of the District of Columbia to make certain deductions from the assessment of taxes levied against certain lots bordering on the District line in Takoma Park, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BURROWS submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to be printed and, with the accompanying papers, ordered to lie on the table.

HEIRS OF LEON FRANK, DECEASED.

Mr. CULLOM submitted the following resolution, which was referred to the Committee on Claims:

Resolved, That the bill (S. 4357) entitled "A bill for the relief of the heirs of Leon Frank, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I submit the resolution which I send to the desk, and ask for its present consideration.

The VICE-PRESIDENT. The Senator from Ohio presents a resolution and asks for its present consideration. The resolution will be read for the information of the Senate.

The Secretary read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate the names, if any, of the enlisted men of Companies of B, C, and D, Twenty-fifth United States Infantry, discharged without honor from the Army on account of the Brownsville, Tex., shooting affray on the night of August 13, 1906, who applied for reenlistment in the service of the United States under the order of the Secretary of War, dated December 12, 1906, and referred to by the President in his message to the Senate of March 11, 1908; and that he report to the Senate also what testimony or statements may have been submitted by said applicants, respectively, and what action, if any, was taken upon said applications, or any of them.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CULBERSON. I do not care to object to the present consideration of the resolution; that is, I do not care to object to its consideration to-day, but I should like to examine it.

Mr. FORAKER. I think the Senator, on a word of explanation from me, will not have any objection to the resolution. The Senator will remember that in the President's message sent here recently in regard to the Brownsville matter, he stated that on the 12th day of December, 1906, by his direction the Secretary of War made an order under which these men could apply for reenlistment; but before they had made much progress under it an investigation was ordered, and thereupon applications for reenlistment under that order were suspended. This is simply asking that the Secretary of War will send to us whatever applications were made, so that we may know what soldiers, if any, did apply and what statements they submitted in support of their application. I showed the resolution to the chairman of the Committee on Military Affairs [Mr. WARREN], and he saw no objection to it. So I simply call for information that I think the Senate would be glad to have.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. As I indicated a while ago, I have no objection to the present consideration of the resolution submitted by the Senator from Ohio. I simply wanted some explanation of it or an opportunity to read it. In view of the explanation by the Senator, I have no objection to the present consideration of the resolution.

Mr. OVERMAN. Mr. President, I just came into the Chamber; and as I understand, this resolution is to get a list of the discharged soldiers who applied for readmission to the Army?

Mr. FORAKER. Under the order of December 12, 1906. That order was made by the Secretary of War by direction of the President, as we are advised in the President's message.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

ACTION OF NEW YORK CITY BANKS.

Mr. CULBERSON. Mr. President, I submit the resolution which I send to the desk, for which I ask present consideration.

The VICE-PRESIDENT. The Senator from Texas submits a resolution which will be read for the information of the Senate.

The Secretary read as follows:

Resolved, That the Secretary of the Senate be, and is hereby, directed to transmit to the Secretary of the Treasury a copy of the resolution of the Senate adopted February 18, 1908, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate if any national banks outside the city of New York complained by telegrams or letters to the Treasury Department, the Secretary of the Treasury, the Treasurer of the United States, or the Comptroller of the Currency between October 1, 1907, and November 15, 1907, of the refusal of national banks of New York City to pay in cash New York exchange or to respond to calls for reserves; and if so, the Secretary is directed to send to the Senate copies of all such telegrams and letters and answers thereto."

The VICE-PRESIDENT. There appear to be some words added to the original resolution as it passed the Senate.

Mr. CULBERSON. They were added, Mr. President, by the superintendent of the document room. It is an amendment adopted in the Senate on the motion of the Senator from Minnesota [Mr. CLAPP].

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HOPKINS. In the absence of the chairman of the Finance Committee, I think the resolution had better go over under the rule.

Mr. CULBERSON. If the Senator will pardon me a moment——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Texas?

Mr. HOPKINS. I do.

Mr. CULBERSON. This is a resolution adopted by the Senate on the 18th of February. For some reason it has not been answered by the Secretary of the Treasury, and the only purpose of this resolution is to have the Secretary of the Senate transmit to the Secretary of the Treasury a copy of the original resolution, so that it may be determined whether or not the omission to answer is intentional. I presume that the Secretary has overlooked this matter in some way, and my only purpose is to remind him of the existence of the resolution by the transmission of another copy of it to him.

Mr. HOPKINS. Mr. President, I think it will be better to let the resolution go over under the rule, and a personal call upon the Secretary will determine the matter as well as the official action of the Senate. I would prefer, in the absence of the chairman of the Finance Committee, that the resolution go over under the rule.

Mr. CULBERSON. Of course I can not help that objection being made.

The VICE-PRESIDENT. The resolution will go over under the rule.

HOUSE BILL REFERRED.

H. R. 19158. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Agriculture and Forestry.

DONATION OF NEW FLAG TO OKLAHOMA.

The joint resolution (H. J. Res. 148) donating to the Commonwealth of Oklahoma the new flag now floating over the National Capitol was read the first time by its title.

Mr. GORE. I ask for the present consideration of the joint resolution.

There being on objection, the joint resolution was read the second time at length and considered as in Committee of the Whole, as follows:

Whereas the first flag bearing forty-six stars, emblematical of forty-six sovereign States, to-day floats over the National Capitol; and

Whereas the State of Oklahoma is for the first time the proud recipient of equal recognition with the sister States of the Union; and

Whereas the flag has a peculiar value to the State of Oklahoma and her million and a half of citizens residing within her borders; and

Whereas the intrinsic value of the new flag is of minor consequence to the Government of the United States and to the sister States: Therefore

Resolved, etc., That the new flag bearing forty-six stars, now floating over the National Capitol, be, and the same is hereby, donated to the Commonwealth of Oklahoma, to be kept and remain in the archives of the Oklahoma Historical Society of Oklahoma.

Mr. GORE. I desire to offer an amendment to the joint resolution. In line 3 I move to substitute for the words "now floating" the words "first floated."

The amendment was agreed to.

Mr. BURKETT. I should like to ask a question for information. If I remember the law aright, the forty-sixth star can not go on the flag until the Fourth of July. I ask for information, by what authority the flag now comes to have forty-six stars on it?

Mr. GORE. Mr. President, the Senator from Nebraska states that the forty-sixth star can not be officially placed on the flag until the Fourth of July. However that may be, it has been placed on the flag, and the flag has been floated over the Capitol, whether rightly or wrongly, and Oklahoma wants the flag.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. KEAN. I should like to ask the Senator from Oklahoma a question. Does the flag belong the Government of the United States? I have heard that it is the property of a private citizen.

Mr. GORE. Mr. President, I presume that the United States would not have floated above the Capitol a flag belonging to a private individual. But we would like to have a warranty deed from the Government of the United States to that flag.

Mr. KEAN. If the United States has no title to it, how can it give a warranty deed?

Mr. GORE. We are perfectly willing to accept it, and we will relegate to the future all other controversies with reference to the flag. If the Senator knows where the title is vested, I would be glad to be enlightened by him.

Mr. KEAN. I should like to ask the Senator another question: Is the flag at present flying over the Capitol?

Mr. GORE. No, sir; it is not.

Mr. KEAN. The joint resolution so states.

The VICE-PRESIDENT. That has been changed by an amendment.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The preamble was amended by striking out the words "to-day floats" and inserting in lieu thereof the words "and that first floated."

The title was amended so as to read: "A joint resolution donating to the Commonwealth of Oklahoma the new flag that first floated over the National Capitol."

SNAKE RIVER DAM, WASHINGTON.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PILES. I move that the Senate insist on its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. PILES, and Mr. MARTIN as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4260) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The massage also announced that the House had passed a bill (H. R. 20310) relative to the liability of common carriers by railroads to their employees in certain cases, in which it requested the concurrence of the Senate.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The VICE-PRESIDENT. The morning business is closed.

Mr. KEAN. Regular order, Mr. President.

The VICE-PRESIDENT. The Senator from New Jersey demands the regular order, which is the Calendar, under Rule VIII.

The bill (S. 48) to reimburse depositors of the late Freedman's Savings and Trust Company was announced as first in order.

Mr. GALLINGER. I call the attention of the junior Senator from Georgia [Mr. CLAY] to the fact that the bill to reimburse depositors of the Freedman's Savings and Trust Company has just been reached on the Calendar. I trust the Senator is satisfied to let the bill go through.

Mr. CLAY. I am willing that the bill should be taken up and acted upon. By that I do not mean that I am going to vote for it, but I am willing to have it acted on.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. GALLINGER. The bill has been read once or twice.

Mr. FLINT. Have the amendments to the amendment of the committee offered by the Senator from Mississippi [Mr. McLAURIN] been agreed to?

Mr. GALLINGER. The amendments were agreed to.

The VICE-PRESIDENT. Certain amendments to the amendment of the committee have been offered and agreed to, and there is no pending amendment.

Mr. McLAURIN. The amendments that I offered were agreed to, were they not?

The VICE-PRESIDENT. The Chair so understands.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from New Hampshire.

ENLARGEMENT OF HOMESTEADS.

The bill (S. 6155) to provide for an enlarged homestead was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration, the pending question being on the amendment reported from the Committee on Public Lands, in section 1, page 1, line 6, after the word "California," to strike out "Idaho," so as to make the section read:

That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over 1½ miles in extreme length.

The amendment was agreed to.

The next amendment was one heretofore submitted by Mr. CARTER, in section 1, page 2, line 2, after the word "length," to insert the following proviso:

Provided, That no land shall be subject to entry under this act until the Secretary of the Interior shall have ascertained and certified that no water is available or obtainable at reasonable expense for the reclamation thereof by artificial irrigation.

Mr. SMOOT. I ask that that amendment be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was one heretofore submitted by Mr. TELLER, in section 3, page 2, line 19, after the word "lying," to strike out "contiguous to" and to insert "within five miles," so as to make the section read:

SEC. 3. That any homestead entryman now occupying lands of the character hereinafter described, heretofore entered by him, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this act, lying within 5 miles of his former entry which shall not, together with the original entry, exceed 320 acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry.

The amendment was agreed to.

Mr. SMOOT. There is one other amendment, in section 1, page 1, line 9, of the bill, that I should like to have added, which was suggested by the Senator from Idaho [Mr. BORAH].

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 1, page 1, line 9, before the word "nonmineral," it is proposed to insert the word "arid."

Mr. HEYBURN. Mr. President, in committee I offered an amendment that after the word "nonirrigable," in line 9, page 1," the words "arid" and "semiarid" be inserted. That is, I presume, the amendment to which the Senator from Utah refers.

Mr. SMOOT. I refer to the amendment of the junior Senator from Idaho [Mr. BORAH], which proposes to insert only the word "arid," and not "semiarid." The word "arid" is to be put in the bill on line 9 after the word "of."

Mr. HEYBURN. That is, the Senator from Utah accepts a part of the amendment.

Mr. SMOOT. I accept a part of the amendment. The word "arid" I am perfectly willing to accept.

Mr. HEYBURN. But not "semiarid."

Mr. SMOOT. I am perfectly willing to accept "semiarid," but I understood the junior Senator from Idaho [Mr. BORAH] did not wish the word "semiarid" inserted.

Mr. HEYBURN. Mr. President, the amendments I offered were in committee, and I feel at liberty to say that I have not offered any amendment in the Senate because of the amendment in line 6, on page 1, in which "Idaho" was stricken from the bill. As the bill applies to a number of other States, I have taken it for granted that Senators representing the other States would look after the interests of their States, and I did not feel inclined to interfere. My colleague [Mr. BORAH] has conferred with me and with the committee in regard to this matter. I think we are agreed as to the provisions we would require incorporated in the bill before allowing Idaho to be included in it.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. Do I understand that we are discussing now the committee amendments to the bill or the amendments which were offered?

Mr. SMOOT. We are discussing the amendment which was offered by the Senator from Idaho.

Mr. BORAH. The amendment which I offered in the Senate was to insert "arid" only. I understand my colleague [Mr. HEYBURN] offered an amendment in committee to insert "arid and semiarid." I am perfectly willing that the amendment "arid and semiarid" shall prevail; that is to say, I have no objection to it.

Mr. TELLER. Mr. President, that country is designated as "semiarid" in all the Government reports. It is not "arid" anywhere within the strict meaning of that term, and the amendment should read "semiarid."

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho [Mr. HEYBURN] yield further to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I am aware that the Government reports refer to a portion of the State of Idaho as "semiarid." I am also aware of the fact that the supreme court of our State a number of times has referred to the land which is particularly sought to be covered by this kind of an act as "arid land." For that reason, I thought it well to put in "arid and semiarid," and am perfectly willing that it shall be so amended.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. Do I understand, then, that the Senator from Idaho offers an amendment to insert the words "arid and semiarid?"

Mr. HEYBURN. Yes.

Mr. SMOOT. I am perfectly willing to accept that amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. Before the word "nonmineral," in section 1, line 9, it is proposed to insert the words "arid and semiarid," so that if amended the section will read:

That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this act, in the States of Colorado, California, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, 320 acres, or less, of arid and semiarid nonmineral, nonirrigable, unreserved, and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over 1½ miles in extreme length.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho.

Mr. McCUMBER. I want some explanation about the amendment. The Senator from Idaho is on his feet. I do not know whether or not he is going to speak to the amendment.

Mr. HEYBURN. It is my intention to explain my purpose as soon as the amendment has been formally acted upon.

Mr. McCUMBER. I want the amendment explained before it is voted upon; and, if the Senator is willing, I should like to ask him a question or two now.

Mr. HEYBURN. I shall be glad to hear the Senator.

Mr. McCUMBER. I notice that the bill as now amended will apply as well to semiarid as to arid lands. That necessarily brings up two important questions: The first is, What is the proper line of demarcation between "arid" and "semiarid" land, and between "semiarid" land and other characters of land in the United States. I do not know whether the Department has ruled that there must be a rainfall of so many inches a year to make it semiarid, and none to make it arid. If so, what is their ruling? I ask also whether or not there is a difference as to whether the fall of moisture is in winter or in the summer time? Then—and I am asking these questions so that the Senator can take them all up at one time—the next question is, Suppose there are many homestead entries already made in what you call the "semiarid" country? Now, you provide that all future entries in the same section of the country shall contain 320 acres. Is there provision made, then, that those who have taken only 160 acres may have another 160 acres in the same section of country? I shall be much obliged to the Senator from Idaho if he will explain each of these propositions.

Mr. HEYBURN. Mr. President, if I may have the attention of the Senate for a moment, this bill is of much more importance than might be inferred from the amount of attention which it is receiving upon its consideration. I have asked in committee that Idaho be excepted from the provisions of the bill because, before allowing the bill to be applied to the State of Idaho, I should want it amended in some very material particulars which I suggested in the committee.

We passed through the Senate recently what was known as the "dry-farming bill." There is a real necessity existing for such legislation; but it does not follow, because such a necessity exists, that any bill which may come before us will meet the requirements of that necessity. There never was a more important bill before this Senate than the one that is now under consideration. It is just such a bill as was before the Congress of the United States at the time that that distinguished Senator from Massachusetts, Mr. Webster, entered into his famous debate with the distinguished Senator from South Carolina, Mr. Hayne. That question was no more important than the question involved in this bill. That was proposed legislation affecting the disposal of the public lands. While the border of civilization had been advanced not beyond the Mississippi River, the question presented was the same as that which is now presented upon the border of civilization, if I may use that term, which is hardly applicable, but it may be taken in the sense in which I mean it, at the Rocky Mountains.

Mr. President, there is no technical distinction between the term "semiarid" and "arid" lands. Lands that are semiarid this season may be entirely arid next season, and lands that are arid this season may be next season semiarid. The term has no legal significance that distinguishes one class of lands from another. So that in legislating upon it it behooves us to be very careful. There are such vast areas of land to be affected by this apparently unimportant bill—if we may judge of its importance from the amount of consideration that it is receiving from time to time—such vast areas that it seems to me it ought not to have been considered under Rule VIII at all.

I am limited, under that rule, to five minutes in presenting a question which involves an area as large as the whole of the Middle States of the United States, which involves the future disposition and settlement of those lands and the character of titles, and yet, under Rule VIII, we are under five minutes' limitation in explaining it. Inasmuch as Idaho has been stricken from the bill, it might be considered that it would not be important to Idaho what disposition was made of it; but we are here as Senators from every State in the Union, and when you come to discuss the policy of the Government relative to the public lands of the United States every Senator is interested in it. We are met here upon the discussion of the forestry question by the statement that the New England and the Middle and the Southern States have as much interest in and are as much owners of the forests of Idaho as the people who live in Idaho. So it is true we are here as Senators of the United States and not Senators of any particular State, as has been often stated upon this floor; and, inasmuch as I am called upon by other Senators to explain this amendment, I feel that it can not possibly, to the end of wise legislation, be disposed of under Rule VIII. I know the Senator from Utah [Mr. SMOOT] is anxious to see this bill enacted into law, and I know the Senate has passed judgment upon the dry-farming bill. We have passed it and sent it to the other branch of Congress for its consideration, where it is now being considered. We can not undertake to enter into the details here as to the amount of consideration it is receiving or will receive there; but I do know that we do not want upon the statute books two dry-farming bills.

If this bill can be amended so as to meet the requirements of dry-farming legislation and at the same time a resolution may be adopted by the Senate withdrawing the bill we have sent to the other House, then I will cheerfully submit to having Idaho restored to the provisions of this bill and take up this great question for that serious, deliberate, and intelligent consideration that it deserves; but I can not consent that Idaho shall be included within the provisions of a bill ostensibly for the purpose of making provision for dry farming when we have already passed such a bill that presumably will be passed by the other House.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Idaho that it is true a dry-farm bill passed the Senate, but its provisions only applied to dry farm lands, and not to semiarid lands or lands that could be cultivated, even by the storage of water. It was so strict in its provisions that there could be no water upon the land to which it applied; no potable water; no water for domestic purposes. Its provisions were such that the land affected by it had to be dry farm land pure and simple.

After the bill had passed the Senate and went to the House, the House Committee on Public Lands took it up for consideration, and a great many Representatives of the Western States—the States mentioned in the bill—thought that it was a proper thing to hold a conference on the bill. All of the States wanted their dry farm lands cultivated, but they did not feel that wherever water could be stored sufficient for domestic purposes, and perhaps enough to irrigate 40 or 80 acres of the 320 provided for in the bill, an entryman should not be relieved from residing on the land and therefore Mr. President, this bill is virtually a consolidation of the dry farm provision without residence and semiarid farming with residence.

After two or three conferences, held for hours at a time, it was decided that this was the proper wording of a bill to allow the arid and semiarid lands of the Western States to be entered. I believe, Mr. President, that it does meet the needs of the West, and I know, as the Senator from Idaho [Mr. HEYBURN] stated, that it is a most important measure. If it passes it means that hundreds and thousands of acres of land that to-day are parched, dried up, and unproductive will, in the near future, be fields of grain, cultivated under the dry-farming process, as I explained here the other day. I shall ask that the bill be considered to-day, and I certainly hope the Senate will pass it.

Mr. McCUMBER. Mr. President, I have been trying to get some information on the bill. I am not a member of the committee which has had it under consideration. I have asked questions of the Senator from Idaho [Mr. HEYBURN], but in the five minutes' discussion he hardly had time to reply to those questions in detail. It is safe to say that the entire western part of the State in which I live might by some be called "semiarid." I do not know that it would be called such, but I am anxious to know what the effect of this bill will be upon the rights of homestead entrymen in my own State.

We conclude that if we can get a fall of 15 inches per annum in certain sections of the State, if it happens to come at the right time, it is amply sufficient to raise a splendid crop. I do not know any section of the State that will not ordinarily have that much rainfall, and yet there are some sections that may suffer during especially dry seasons.

I am not certain as to whether our people would want to allow the Department to denominate all of this land as semiarid, and that those who take homesteads in the future in the same section shall be allowed twice as many acres as the people who have been taking homesteads for the last ten or fifteen years, who have got them under cultivation, and who have been raising pretty fair crops upon them.

So I should like to get hold of some kind of information that will enable me to know what constitutes "arid land" under the decisions of the Department.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. Certainly.

Mr. SMOOT. In relation to the question the Senator asks as to the entrymen under this bill having an advantage over the entryman who has taken up lands in the past, I will say that the lands that are left in the public domain are certainly the poorest lands, because the entrymen have always in the past selected the best class of land.

Mr. McCUMBER. I want to say to the Senator right there that there is plenty of Government land still in our State which, the moment it is proved upon, is worth $10 an acre and can be sold for that much, yet that might be called semiarid land. I

want to know whether or not a man can take 320 acres of that kind of land.

Mr. SMOOT. Mr. President, "semiarid lands" are lands that are supposed to belong to a class that a profitable agricultural crop can not be cultivated successfully without irrigation.

Mr. McCUMBER. What is the difference, then, between "arid" and "semiarid" land?

Mr. HEYBURN. Mr. President——

Mr. SMOOT. I will say that the term——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Very well; I yield.

Mr. HEYBURN. If the Senator will permit me, the term "semiarid" as applied here is just what the word says. It means lands that are arid at times and at some seasons, and at other seasons are not arid. That is the way the terms were first applied to these lands.

Mr. SMOOT. I will say, that I was going to come to the point the Senator makes; but before doing so, I was going to say something about arid lands. "Arid lands" are understood to be dry lands that are impossible of successful cultivation and never has a rainfall sufficient to produce a crop, or, in other words, there is no chance of securing water sufficient by rainfall or by irrigation to mature a profitable crop. I want to say in relation to the term "semiarid" that it is applied as the Senator from Idaho has stated. Some seasons in some, if not all, of the Western States there is a great deal more rainfall than in others. Sometimes we have 10 and sometimes we have 15 inches of rainfall, and sometimes less. But history has demonstrated the fact that land must have 15 inches of waterfall during the year to make successful crops unless especially adapted for dry farming.

Mr. TELLER. And at the right time.

Mr. SMOOT. And, as the Senator from Colorado suggests, at the right time.

Mr. President, in asking that this bill be passed there is no intention whatever to gobble up the public lands. We think the time has arrived when the lands that are left that are not under the irrigation system or do not fall within a watershed that will provide water for an irrigation system should be made subject to the dry-farming system, which is the only one that can reclaim those lands.

Mr. McCUMBER. Let me ask the Senator who is to determine what land is arid and what land is semiarid, and what is the basis of that determination?

Mr. SMOOT. Mr. President, the basis is, as I said before, lands that are impossible of being irrigated. This bill only relates to nonirrigable lands.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. Mr. President, the word "semiarid" is not entirely a happy term with reference to distinguishing arid and semiarid lands, because the terms "arid" and "semiarid" are used indifferently by the courts to designate that land which will not produce crops without some kind of artificial irrigation.

Mr. McCUMBER. Does the Senator mean, then, that "semiarid" means land that will not produce crops without irrigation?

Mr. BORAH. Without artificial irrigation; and the terms are used, as I say, interchangeably and indifferently by the courts in regard to that subject. The amendment which I suggested was with reference to arid lands alone; but, as has been said by the Senator from Colorado [Mr. TELLER], and truly said, the word "semiarid" has been applied to all those lands out through that country which fail to produce crops or will not produce crops without artificial irrigation. I think, if you will examine the bill, provided this amendment is accepted, you will find that it contains the words "arid, semiarid, nonirrigable," which would cover any land possible to be covered by any terms which would not produce crops without artificial irrigation. The courts throughout our country have not defined precisely what "semiarid" or "arid" means; but, as I say, have used the terms indifferently to designate that class of land.

Mr. McCUMBER. I understood, Mr. President, the Senator from Utah [Mr. SMOOT] to say that it had been ascertained that with less than 15 inches of rainfall in a season good crops could not be produced; and I inferred, therefore, that he considers the Department will hold that any section of country having less than 15 inches of rainfall—I assume during the summer months—would be called "semiarid" or "arid," and that all such land would fall under the provisions of this bill. I want to know if I am right in that, because I want to say to the Senator right in that connection that half of the western portion of the State of North Dakota has less than 15 inches of rainfall in a year, and yet the best crops that we have raised anywhere in the State have been raised in the last seven or eight years on that land. I do not think any section in that northwestern portion has more than 14 inches of rainfall in a year.

Mr. WARREN. Does the Senator include the fall of snow and moisture during the year?

Mr. McCUMBER. I include the entire snow and rainfall during the year.

Mr. WARREN. The moisture during the whole year?

Mr. McCUMBER. Certainly.

Mr. SMOOT. Mr. President, I want to say that when this bill was under discussion I went down to the General Land Office and called upon the Commissioner of the Land Office and also the Secretary of the Interior in relation to the bill, and they thought the words "nonmineral, nonirrigable, unreserved, unappropriated, surveyed public lands" were sufficient in themselves without the word "arid" or the word "semiarid;" in fact we used the words "arid" and "semiarid" in the dry-farm bill, and there seems to be a feeling here that the words "arid" and "semiarid" should be in this bill. I for one have no objection to those words, because it does seem to me that the term "arid and semiarid lands" simply means lands that can not be cultivated without artificial irrigation.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. TELLER. I think in common usage the terms "semiarid" and "arid" mean the same thing. I objected to putting in the word "arid" and leaving "semiarid" out for fear that it would be held to refer to land of a different character. What I want to do is to provide for land that is not irrigable, and the word "nonirrigable," it seems to me, covers the whole ground.

Mr. WARREN. May I ask a question of the Senator from Colorado?

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. Certainly.

Mr. WARREN. My observation has been that, in the common application of the term, when you say "arid land" you mean land that is not only nonirrigable and dry, but land that will produce nothing of consequence, or, in other words, an absolute desert, while "semiarid" refers more particularly to land which is nonirrigable in sections, but upon which there will be a little growth of grass which may be used for grazing.

Mr. TELLER. I have no doubt that would be technically correct, but in the common use of the terms we have treated them as the same in my section of the country, and have spoken of land as being "arid" or "semiarid."

Of course I think that where there is 15 inches of waterfall the land can hardly be called "arid." In some parts of Colorado we will not average more than 4 inches in a year. Of course it is absolutely impossible to raise any crops either by dry farming or anything else on such land. Some grass grows on the hills and in the valleys, but the land is not cultivable and never can be. In other sections we have from 12 to 14 inches of rain, but I do not believe we have ever gone above 14 inches anywhere. But it depends upon when the rain comes. You may get 14 inches and have no crop, because the rain may not come at a suitable time. If your crop is put in and rain follows, you will get a crop; or if you can start a crop of winter wheat and then the winter is damp and a good deal of snow falls you can get a crop of wheat in the spring. It depends entirely upon how much rain you can get and when that rain comes. You may get a full supply and have no crop at all. I have seen in Colorado from May to December when there was not moisture enough to wet your shoes if you went through the grass. It was absolutely dry during the whole time. Then I have seen summers when perhaps every week there would be a shower. So you can not tell exactly how to regulate this thing.

I suppose the purpose of this bill is to take those lands that can not be cultivated in the ordinary way in which land is cultivated in the Mississippi Valley and other sections of the country, and let a man have them so that he may cultivate half this year by what we used to call in western New York when I was a boy "summer fallowing." That will catch the water that comes during the summer, and if the farmer seeds his wheat during the fall and there is a fair season with some moisture, he will get a crop.

Mr. McCUMBER. Mr. President, I can easily understand the two extremes. I can understand that this bill would be very proper for the arid lands, as I understand the word "arid;" I understand that naturally it would not apply where we had sufficient rainfall, but where the line of demarcation between the two is to be fixed I have not any definite information from any member of the Senate as yet.

Mr. DIXON. Will the Senator from North Dakota yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. McCUMBER. I yield.

Mr. DIXON. The Senator from North Dakota was not present at the various meetings of the Western Senators and Representatives when this bill was finally drafted as a compromise bill for all the others that had heretofore been introduced, I believe. That is so, is it not?

Mr. McCUMBER. I was not present.

Mr. DIXON. The terms "arid" and "semiarid" came up for full discussion at all of those meetings; but, owing to the fact that this bill does not in any way disturb the provision of the old original homestead act as to irrigated lands, and not knowing that there were any sections of any of the States enumerated in this bill that were not "semiarid" on account of the somewhat lax method of defining the term, it was thought better to leave out all reference to arid or semiarid lands. At the suggestion of the junior Senator from Idaho [Mr. BORAH], referring to a peculiar condition existing in the northern panhandle portion of Idaho, where certain lands in that State are not arid or semiarid, this amendment was offered here the other day.

I apprehend that the Commissioner of the General Land Office, in the administration of the affairs of the Office and in the permitting of entries under the terms of this bill, would certainly not permit a homestead entry on lands in western North Dakota, which year after year, as the Senator now states, under 15 inches of rainfall annually produce growing crops. It would be subject to contest by any person who attempted to make an entry on that character of land, and certainly, in the administration of the General Land Office, it would not hold as semiarid land that character of land in North Dakota which the Senator has described.

Mr. McCUMBER. Very well, then, Mr. President, if "semiarid" and "arid" mean practically the same thing, if both of them mean lands upon which a crop can not be raised without irrigation, why not make the bill say that, and make it definite and clear, so that we may understand it?

Mr. SMOOT. Mr. President, what is the motion before the Senate?

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Idaho [Mr. BORAH], which the Secretary will state.

The SECRETARY. On page 1, line 9, after the word "of," it is proposed to insert "arid and semiarid."

The VICE-PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] desired an explanation of the effect of the proposed amendment before it was voted on.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. LODGE. I beg pardon. I thought we were under the five-minute rule and that each Senator could speak but once.

Mr. McCUMBER. I yield to the Senator.

The VICE-PRESIDENT. If there is objection, the rule will be enforced. Does the Senator from Massachusetts object?

Mr. LODGE. I do not object, only I thought I had a claim to the floor. I merely wish to say that the introduction of the words "arid" and "semiarid" changes the entire character of the bill. It puts in a term upon which no two Senators who have spoken have been agreed, and it seems to me, opens a vast body of land to dispute, as the Senator from North Dakota [Mr. McCUMBER] has pointed out. This bill proposes to give an opportunity to secure a much larger amount of land than is now granted under the homestead law. Under particular circumstances that no doubt is a good thing, as it seems to me, for lands which are not irrigable and which can not be cultivated without irrigation, which is, as I understand, the kind of land proposed to be affected. To insert the word "semiarid" might open half the public lands in the United States; you would have disputed titles; and it would change the whole character of the bill. The bill is proceeding by unanimous consent, I think, Mr. President, and if it is desired to proceed with it, it would be well to modify that amendment.

Mr. CARTER. Mr. President, it seems to me very important, in the light of the observations made by the Senator from Massachusetts [Mr. LODGE], to reach some understanding as to what the term "nonirrigable" means. "Irrigable land" is; in the common acceptance of the term, land which requires artificial irrigation to produce a crop.

Mr. LODGE. So I understand.

Mr. CARTER. Nonirrigable land is land which may be irrigated, but does not require artificial irrigation to raise a crop. It is manifestly the purpose of this bill to refer to the former and not to the latter. If the bill without the amendment proposed by the Senator from Idaho should become a law, under its terms it would be entirely feasible, without a strained construction, to say that the swamp lands of the country may be entered in 320-acre patches if swamp lands exist in any of the States to which it applies.

Mr. LODGE. Let me ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. CARTER. Certainly.

Mr. LODGE. Is not the purpose of this bill to reach lands which can not be cultivated without irrigation?

Mr. CARTER. That is the purpose, as I understand.

Mr. LODGE. Then why not state it simply in that language in the bill?

Mr. CARTER. I think it should be stated in language so clear and specific as to leave nothing open to construction.

Mr. LODGE. There may be nonirrigable lands which are perfectly cultivable lands and which will grow crops. They may be nonirrigable, but have abundant rainfall.

Mr. CARTER. They may have ample rainfall, but, under the amendment proposed, without some such language as the Senator suggests, the bill would run riot with the part of the public domain remaining undisposed of.

Mr. LODGE. Therefore I think we ought to adopt the phrase of the Senator from North Dakota, which obviously means that this should apply only to lands which can not be cultivated without irrigation.

Mr. SMOOT. Mr. President, I should like to ask the Senator——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. Certainly.

Mr. SMOOT. I should like to ask the Senator from Montana if he does not think when the word "arid" is incorporated in the bill that that word, in connection with the word "nonirrigable," would apply only to arid lands and not to swamp lands?

Mr. CARTER. I hope I made that very clear to the Senator by contending that the amendment of the Senator from Idaho was absolutely essential to the carrying out of the manifest and announced purpose of the bill.

Mr. SMOOT. Mr. President, I should like to say that I am perfectly willing, so far as I am concerned, to accept the word "arid" after the word "of."

Mr. DIXON. "Arid or semiarid."

Mr. SMOOT. No; leave out "semiarid," and just include the word "arid."

Mr. CARTER. Mr. President——

Mr. DIXON. If my colleague will yield to me for a moment——

The VICE-PRESIDENT. Does the senior Senator from Montana yield to the junior Senator from Montana?

Mr. CARTER. I yield.

Mr. DIXON. I think it is known of all men that the technical meaning of the word "arid" is without rainfall; a desert. "Semiarid" is where there is some rainfall, but where the land will not annually produce crops without irrigation. That has been the universal ruling of the General Land Office ever since irrigation was tried in the West.

Mr. KEAN. Mr. President, I should like to ask the Senator from Montana a question.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. DIXON. With pleasure.

Mr. KEAN. The Senator designates "arid land" as land which is entirely without rainfall. What land does the Senator think is entirely without rainfall?

Mr. DIXON. I know of none in this country. I do not think the word "arid" has properly any place in the bill. "Semiarid" is the term of limitation which should have been used. If there is any land in the West that is wholly arid, it is land that I have never heard of. The term "semiarid" would have covered the whole case. Except for some land in western North Dakota and some land in the panhandle of Idaho, there is no land in any State mentioned in this bill where the word "nonirrigable" would not absolutely have covered every possi-

ble phase of the situation and segregated the irrigable lands from the nonirrigable, which we are trying to reach under the provisions of this bill.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I will yield for a question.

Mr. BORAH. I did not notice the Senator had the floor. I will wait until he gets through.

Mr. CARTER. Mr. President, the word "arid," as applied to all these lands of the great tables this side of the Rocky Mountains and between the Sierras and the Rockies, is clearly a misnomer. All of the lands known as "arid lands" raise good grass. It has been for a generation recognized that the region known as "the arid region" is the best grazing country ever encountered on the continent. Grass grows luxuriantly and cures upon the stalk, so that it is said to be true, and I have no doubt it is true, that the cattle will in the winter leave a haystack and go out to eat the grass on the common when the snow will permit them to get at the grass; and the cattle fatten there during the winter season where the snowfall is not such as to prevent them from getting food on the open range. To call a country growing such a luxuriant growth of grass as that country grows "an arid country," is to deal with terms in a very loose and inconsiderate manner. The word "semiarid" may with better propriety be employed. The amount of rainfall and moisture in a given section of country does not even of itself insure the raising of a crop there; it is a question as to the season during which the moisture falls.

The whole purpose of dry farming is to open the pores of the soil, to break the sod so as to permit the little moisture that does fall to remain on the ground, instead of running away in floods. Then dry farming comes into play during the summer time by pulverizing carefully the surface of the soil so as to prevent evaporation. Thus it amounts to a conservation of water that falls in the neighborhood.

I agree fully with my colleague that there is probably nowhere in all the Western country any strictly arid land, except perchance in what is known as the Death Valley in southern Nevada and Arizona, and it sometimes rains in that region. I believe the whole country is overgrown with cactus and sagebrush and other kinds of vegetation which can not grow without some moisture falling at some time.

I should like to see the bill very carefully guarded as to the particular character of land to which it is to apply. The public domain is rapidly becoming settled. There are many people to take up homes and there are few acres left. I should view with regret any law which would give to the few an excessive amount of land and thereby deprive other equally deserving people of an opportunity to make a home or a series of homes on the public domain.

It is true that if the law can be applied strictly to the kind of lands to which Senators have directed their attention, it will prove beneficial; but it should be so guarded that it can not be made the means of absorbing in rapid order, and to no inconsiderable extent for speculative purposes, those portions of the public domain upon which crops can be raised without any special effort or scientific endeavor in the way of dry farming.

I hope the amendment of the Senator from Idaho will be adhered to, and that the word "semiarid" will be inserted, so that no question may be raised as to the land.

Mr. McCUMBER. It seems to me by inserting the word "semiarid" the question is raised, and that is the reason why we are objecting to it. I have no objection to the use of the word "semiarid" provided that we will define in the bill itself the meaning of that word, so that there can be no possible mistake. If we would insert something like this, "semiarid lands shall be construed to mean lands in sections having an insufficient rainfall to raise and mature crops," I would be satisfied with it.

Mr. DIXON. Let me suggest an amendment which I think will cover all the classes of cases. After the word "of" in line 9, page 1, insert:

Arid or semiarid lands that will not successfully produce crops without artificial irrigation.

That will cover the whole scope of the inquiry. In order to get it before the Senate I will move that as an amendment.

The VICE-PRESIDENT. The Senator from Montana proposes an amendment to the amendment of the Senator from Idaho.

Mr. SMOOT. Let the amendment to the amendment be read.

Mr. McCUMBER. Let the section be read with the amendment so that we will understand it.

The SECRETARY. On page 1, line 9, after the word "of" insert:

Arid or semiarid lands that will not successfully produce crops without artificial irrigation.

Mr. TELLER. Would not that mean that a crop shall be produced by irrigation?

Mr. DIXON. It limits the character of lands that can be entered. He can enter semiarid, nonmineral, nonirrigable, unsurveyed, unappropriated public lands, and semiarid lands that can not successfully produce crops without irrigation.

Mr. WARREN. Mr. President, I am of the same opinion as that expressed by the Senator from Colorado, that it would cut out those who intended to pursue dry-farming methods on the ground on which that system of farming is based, namely, that they shall raise only one crop in two years; that the land shall lie fallow one year and conserve the moisture and produce a crop the second year.

As I understand the plan and scheme of this bill, it is to double the amount of land to the farmer who can produce only a possible crop every other year, and therefore it makes him equal to those who can raise a crop every year, so that it will be 160 acres with a crop every year, or 320 acres with a crop once in two years.

I do not think we should rule out the dry-farming interests. There are millions of acres of public domain on which if there ever is to be any outcome, so far as cultivation and settlement are concerned, the land will have to be cultivated and settled under a successful development of the so-called "dry-farming method," because the waters in the arid States, even if stored in reservoirs, will apply irrigation only to a small percentage, a tenth or a twentieth of a quarter, as the case may be, and all the balance must either remain simply a pasture or it must be developed under the system of storing the moisture in the soil as it falls until there is sufficient to produce a crop, which is said to be not oftener than once in two years.

Mr. HEYBURN. Mr. President, there is some difficulty in handling these proposed amendments, resulting from the fact that they are not available in writing. The amendment proposed by the Senator from Montana to the amendment which I offered is to insert:

Lands which shall not successfully produce annual crops without artificial irrigation.

That excludes all the lands in the West, because with artificial irrigation they will all produce crops. If this is intended as a statement of a rule for the classification of the land, the bill would be a Barmecide feast. There are no lands in the West where with irrigation—and when you use the term "irrigation" you mean sufficient irrigation—it will not produce crops. What would be left of the bill? What lands would it apply to?

Mr. DIXON. I can not conceive under what theory of reasoning the Senator is proceeding.

Mr. HEYBURN. I will make it plain, I think, in a moment.

Mr. DIXON. The amendment says that semiarid lands which will not successfully produce annual crops without artificial irrigation may be entered.

Mr. HEYBURN. What arid or semiarid lands will not successfully produce crops with irrigation? If the Senator knows of any such lands he has knowledge of some part of the country of which I have no knowledge.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. The amendment is to the effect that he shall not be permitted to enter any lands which will produce crops without artificial irrigation.

Mr. HEYBURN. Which shall not produce crops.

Mr. BORAH. That is not the language of the amendment.

Mr. HEYBURN. Which will not produce crops.

Mr. BORAH. That is, the only land he can enter will be land which will not produce crops without irrigation.

Mr. HEYBURN. State the converse of it. Lands that will produce crops with sufficient irrigation can not be entered. That is the converse. Do you want to allow him to enter lands that will produce crops with irrigation?

Mr. DIXON. Under the amendment he must enter land that will produce crops with irrigation.

Mr. HEYBURN. I think this question ought to be carefully analyzed. With the courtesy of the Senator from Utah, I have the language employed by the junior Senator from Montana in proposing his amendment. In describing the land he says that they shall be "lands which shall not successfully produce annual crops without artificial irrigation."

Mr. DIXON. Yes.

Mr. SMOOT. It seems to me that that is proper, because in the wording of the amendment is "lands which will not successfully produce annual crops without artificial irrigation."

Mr. HEYBURN. Now, excuse me. The converse of that is land that will produce crops with irrigation.

Mr. SMOOT. It has reference to arid and semiarid land which will not succesfully produce annual crops without artificial irrigation. In other words, the class of lands that is arid and semiarid is not possible of irrigation, but it does not say that if irrigated they would not produce a crop.

Mr. HEYBURN. While I have the floor——

Mr. McCUMBER. I think the Senator from Idaho does not correctly state the reverse of that proposition. He states the reverse of the proposition to mean that it would exclude lands that would produce crops with proper irrigation, but that is not correct. It is land which will not successfully produce annual crops without artificial irrigation. The reverse of that is land which will successfully produce crops with artificial irrigation.

Mr. HEYBURN. Without.

Mr. McCUMBER. No; that is where the Senator makes a mistake in changing the bill from the affirmative to the negative.

Mr. HEYBURN. It is easy enough to say a Senator makes a mistake, as the circumstances under which we are conisdering the proposed amendment are not conducive to a very elaborate and plain expression of our understanding, because we always have five minutes ahead of us. Mr. President, is it not obvious at this time that a bill of this importance should not be considered under the five-minute rule in the United States Senate?

Mr. SMOOT. I understand that there is no special hurry this morning about applying the five-minute rule to the consideration of the bill, and if the Senator wants to take a longer time there will be no objection.

Mr. HEYBURN. But we have a rule for the consideration of the bill, and I am inclined to observe it. We may speak five minutes. I am speaking now under the rule to an amendment. I had exhausted my right to discuss the bill in five minutes. I may speak five minutes upon this amendment, I understand, under the rule. I will ask the Chair if I am correct in my understanding of it. Does the five-minute limitation include the bill and the amendments?

The VICE-PRESIDENT. The rule is very plain. It says:

> At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock; and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question.

Mr. HEYBURN. "Upon any question." Then I am infringing upon the rules of the Senate.

Mr. CLARK of Wyoming. By unanimous consent the Senator from Idaho can proceed in order.

Mr. HEYBURN. I am not asking unanimous consent for an extension of time.

Mr. KEAN. I trust the Senator will proceed. We are all glad to hear the Senator from Idaho, and no one is trying to take him off his feet.

Mr. HEYBURN. That is very courteous and I appreciate it, but I feel sometimes as though I would prefer to proceed because of our right to proceed upon this question. It has not been half considered. There are twenty questions that arise upon the consideration of the bill that have not been suggested, and you are turning loose probably 200,000,000 acres of land for settlement of some kind under the bill. I ask that it may go over under Rule IX.

Mr. DIXON. I am well aware the Senator from Idaho has objections to the theory of the legislation more than to its present consideration. I should like to ask the consent of the Senate that the bill, on account of its extreme importance to every State west of the one hundredth meridian be made the special order for to-morrow after the morning business.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the bill under consideration be made the special business for to-morrow morning after the close of the routine morning business. Is there objection?

Mr. WARREN. Mr. President——

Mr. DIXON. Not to interfere with any appropriation bill.

Mr. WARREN. Except appropriation bills.

The VICE-PRESIDENT. Not to interfere with appropriation bills. Is there objection? The Chair hears none and it is so ordered. The next bill on the Calendar will be announced.

OMNIBUS CLAIMS BILL.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, was announced as the next in order.

Mr. KEAN. Let the bill go over.

Mr. SMOOT. I ask that the bill may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Utah.

CHEYENNE RIVER AND STANDING ROCK INDIAN RESERVATIONS.

The bill (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. McCUMBER. I ask that the bill may go over.

The VICE-PRESIDENT. The bill will go over at the request of the Senator from North Dakota.

LANDS OF ROSEBUD RESERVATION, S. DAK.

The bill (S. 6303) authorizing the allotment of lands to certain Sioux Indians of the Rosebud Reservation, in the State of South Dakota, was considered as in Committee of the Whole.

Mr. GORE. I should like to ask who is the author of the bill?

The VICE-PRESIDENT. The bill was introduced by the Senator from South Dakota [Mr. GAMBLE].

Mr. GAMBLE. The bill was prepared by the Department. The act of Congress of March 1, 1907, allowed allotments to be made to all minor children upon reservations in South Dakota, and on March 2 a law was passed opening the surplus lands on the Rosebud Reservation within the limits of Tripp County, which permitted allotments to be made to the Indians upon that reservation who were then living. It limited the general law as applied to all the reservations. This is simply to put the law back to where it was on the 1st day of March, 1907, and permit allotments to be made to minor children in South Dakota upon these particular reservations as long as there are surplus lands upon which allotments can be made.

Mr. GORE. Is it a Senate or a House bill?

Mr. GAMBLE. It is a Senate bill. It applies only to lands in the State of South Dakota.

Mr. GORE. It was introduced by the Senator?

Mr. GAMBLE. It was introduced by myself.

Mr. GORE. I have a bill pending authorizing the Secretary of the Interior to allot land to one Herman Lehman (Montechema) in the Kiowa and Comanche reservations in the State of Oklahoma. The bill has the approval of the Secretary of the Interior and the Indian Department. I want to offer it as an amendment to this bill if it would not be objectionable to the author of the bill. I do not want to embarrass the bill, and I do not think it would, because the bill I have pending is approved by the Commissioner of Indian Affairs. If the Senator has no objection I should like to offer it as an amendment to this bill.

Mr. GAMBLE. Of course, I would very much prefer that the bill should not be amended. It is a local matter and applies entirely to the Indians upon this particular reservation. Allotments are now being made to minor children, but under the act of March 2, 1907, opening a part of the lands, Indian allottees are permitted to change their allotments. This bill ought to become a law, and I am afraid if amendments are added it would delay it and probably defeat its passage. I very much prefer that the other bill should proceed in its regular way rather than have it as an amendment upon what is purely a local measure.

Mr. CULBERSON. Let the report be read.

The VICE-PRESIDENT. The Secretary will read the report at the request of the Senator from Texas.

The Secretary read the report submitted by Mr. GAMBLE, from the Committee on Indian Affairs, April 1, 1908, as follows:

> Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 6303) authorizing the allotment of lands to certain Rosebud Sioux Indian children in the State of South Dakota, having had the same under consideration, submits the following report, and recommends that the bill do pass.
>
> The accompanying communication from the Secretary of the Interior is submitted as a part of this report, which states fully the necessities for the passage of the measure and reasons why the same should become a law:
>
> DEPARTMENT OF THE INTERIOR,
> *Washington, February 7, 1908.*
>
> SIR: The act of March 1, 1907 (34 Stat. L., 1015, 1048), provides: "That hereafter the President shall cause allotments to be made under the provisions of said act (the act of March 2, 1889, 25 Stat. L., 888) to any living children of Indians affected thereby who have not heretofore been allotted: *Provided*, That the tribe to which said Indian children belong is possessed of any unallotted tribal or reservation lands."
>
> The effect of this act was to authorize allotments to be made to children of Indians belonging on any of the great Sioux reservations so long as the tribe inhabiting the reservation on which they were entitled

to receive an allotment was possessed of tribal land. This affected the Standing Rock, Cheyenne River, Lower Brulé, Crow Creek, Pine Ridge, and Rosebud reservations, in South Dakota, and Standing Rock Reservation, in North Dakota.

The act of March 2, 1907 (34 Stat. L., 1230), provides inter alia for the allotment of—

"One hundred and sixty acres of land to each child of Indian parentage whose father or mother is or was, in case of death, a duly enrolled member of the Sioux tribe of Indians belonging on the Rosebud Reservation who is living at the time of the passage and approval of this act and who has not heretofore received an allotment."

The effect of the wording of this act was to limit the provisions of the act of March 1, 1907, so far as it affected the children of Indians belonging on the Rosebud Reservation to those who were born at the date of the passage of the act; and while the act of March 1, 1907, which is general in its character, provided that the children of Indians belonging on the Rosebud Reservation should receive allotments as long as that tribe was possessed of reservation lands, this provision was in effect repealed so far as it related to the Rosebud Reservation and resulted in discrimination against the children of Indians belonging on the Rosebud Reservation, which, in my opinion, should not exist. I have therefore caused to be prepared a draft of a bill which reenacts the provisions of the act of March 1, 1907, so as to make them applicable to the children of the Rosebud Reservation, and respectfully recommend that it be enacted into law.

Very respectfully, JAMES RUDOLPH GARFIELD, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

A bill.

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized to cause allotments to be made under the provisions of the act of March 2, 1898, entitled "An act to divide a portion of the reservation of the Sioux Nation in Dakota into separate reservations and secure the relinquishment of the Indian title to the remainder, and for other purposes," to any living children of the Sioux tribe of Indians belonging on the Rosebud Reservation affected thereby, and who have not heretofore been allotted, so long as that tribe is in possession of any unallotted tribal or reservation lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The next bills on the Calendar were the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, and the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Mr. LODGE. Let the bills go over under Rule IX.

The VICE-PRESIDENT. Without objection, it is so ordered.

FISH-CULTURAL STATION IN TEXAS.

The bill (S. 6234) for the establishment of a fish-cultural station in Texas was considered as in Committee of the Whole. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Texas, including the purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Susan M. Yeoman, widow of Samuel N. Yeoman, late lieutenant-colonel Ninetieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Jeffers, late of Company C, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry McCall, late of Company K, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Smith, late of Company H, Sixty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Graham Maffett, late of Company H, Twenty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis H. Swift, late of Company I, Fortieth Regiment Massachusetts Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Beckwith, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John O. Evans, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julius M. Dutton, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Kirk Brown, late of Company G, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Arnold, late of Company E, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Carten, alias Carton, late of Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $12 per month.

The name of Edward Marden, late of Company E, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Norris, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Langdon Sherriff, late of Company K, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of De Witt Nash, late of Company D, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Worthington Fringer, late of Company G, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $8 per month.

The name of Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Sheppard, late of Company K, First Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Williams, late of Company F, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Wilson, late of Company E, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Huldah L. Barber, widow of Gershom M. Barber, late captain, Fifth Independent Company Ohio Volunteer Sharpshooters, and lieutenant-colonel One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $15 per month in lieu of that she is now receiving.

The name of George Jenkins, late of Company H, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Gibson, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Titterington, late of Company A, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Barton, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emilie Borchert, widow of Henry Borchert, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Emilie C. I. Borchert, helpless and dependent child of the said Henry Borchert, the additional pension herein granted shall cease and determine: *Provided further,* That in the event of the death of Emilie Borchert the name of said Emilie C. I. Borchert shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emilie Borchert.

The name of John O. Matthews, late second lieutenant Company M, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Miller, late of Company E, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Granville W. Smith, late of Company H, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any reduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of George A. Osborn, late of Company B, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Heisler, late of Company F, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Taylor, late of Company C, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas G. Orr, late of Company C, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Turner, late first lieutenant and regimental quartermaster, Eighteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Stabler, late captain Company C, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Don, alias John Dunn, late of the U. S. S. Grampus, Peri, and Collier, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward P. Howe, late captain Company A, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard H. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Sheppard, late of Company I, Thirty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Rickey, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis N. Brady, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GAMBLE. On page 7, beginning with line 24, the paragraph reads:

The name of Thomas G. Orr, late of Company C, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

I move to amend the amendment by striking out the word "thirty" and inserting the word "forty" before "dollars."

Mr. KEAN. I ask whether that is a committee amendment. We all have that kind of amendments which we should like to have made.

Mr. LODGE rose.

Mr. GAMBLE. I will say to the Senator from Massachusetts and the Senator from New Jersey that I called the attention of the chairman of the Committee on Pensions to this amendment last week. This is an extreme case, and the Senator from North Dakota [Mr. MCCUMBER] suggested to me that when the matter came up before the Senate I should call attention to it; and I feel justified in doing so, even though he may not be here.

Mr. LODGE. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. GAMBLE. I do not want to stand in the way of the general bill, but I felt justified in offering the amendment to the amendment.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from Massachusetts.

Mr. MCCUMBER subsequently said: I understand that the bill (H. R. 1589) granting an increase of pension to Susan M. Yeoman was passed over in my absence. I should like to call it up and proceed with its consideration.

The Senate as in Committee of the Whole resumed the consideration of the bill.

Mr. MCCUMBER. The Senator from South Dakota [Mr. GAMBLE] has an amendment which he desires to have made, in which I concur.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota [Mr. GAMBLE] to the amendment of the committee will be stated.

The SECRETARY. On page 8, line 1, after the words "at the rate of," it is proposed to strike out the word "thirty" and insert the word "forty," so as to read:

The name of Thomas G. Orr, late of Company C, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors."

The bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 6, line 3, before the word "dollars," to strike out "thirty" and insert "twenty-seven," so as to make the paragraph read:

The name of Solomon C. Grim, late of Company D, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 9, before the word "dollars," to strike out "thirty" and insert "forty," so as to make the paragraph read:

The name of Marion B. Patterson, widow of Robert F. Patterson, late lieutenant-colonel Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

SETTLEMENT OF STATE ACCOUNTS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. KEAN. I ask the Senator from South Dakota [Mr. GAMBLE] to agree to lay aside the unfinished business temporarily to finish just the few bills that are on the Calendar.

Mr. GAMBLE. If that will be agreeable to the Senator from Illinois [Mr. HOPKINS], I will not object.

Mr. NELSON. Let us proceed with the Calendar under Rule VIII.

Mr. KEAN. Yes; there are one pension bill and some public-building bills remaining on the Calendar.

Mr. GAMBLE. In compliance with the request of the Senator from New Jersey, I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

PENSIONS AND INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17874) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war.

The next amendment of the Committee on Pensions was, on page 24, line 23, to strike out "Volunteer" and insert "State Militia," so as to make the paragraph read:

The name of Benjamin F. Harris, late of Company D, First Regiment Missouri State Militia Infantry, and Company F, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 18754) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT MASON MILITARY RESERVATION, CAL.

The bill (S. 6189) granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FILTRATION PLANT PARK.

The bill (S. 6309) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 8, after the "boundaries," to strike out "so as to conform with the street line in accordance with the original plan and to provide suitable land for the artistic and convenient approaches, driveways, and walks into and through the public park surrounding said filtration plant, and for such other purposes as may be suitable and appropriate, for the whole of the" and insert the word "any;" in line 3, page 2, after the word "in," strike out "lot 1;" in line 4, after the word "twenty-six," strike out the words "known as No. 2400 First street NW.;" in line 6, page 2, after the words "District of Columbia," strike out the words "containing 2,100 square feet, more or less, of ground, having a frontage (approximately 52 feet) on First street west and a frontage on Bryant street, and adjoining on the north the Government reservation hereinbefore described" and insert "not now owned by the United States or the District of Columbia;" in line 15, after the word "the," strike out "amount" and insert "amounts;" in line 16, after the word "by," strike out "the act of;" and in the same line, after the word "Congress," to strike out "approved March 2, 1907, for the care, maintenance, and operation

of the Washington Aqueduct, District of Columbia," and insert "for a slow sand;" so as to make the bill read:

Be it enacted, etc., That the Secretary of War or other officer having charge of the filtration plant and the Government reservation on which it is situated in the District of Columbia be, and he hereby is, authorized and directed to purchase or cause to be taken for public use, by condemnation or otherwise, as an addition to said reservoir for the purpose of extending its boundaries any land embraced in square 3126, in the city of Washington, D. C., not now owned by the United States or the District of Columbia.

That for the purpose of carrying into effect the provisions of this act the Secretary of War be, and he hereby is, authorized to expend the sum of $8,000, or so much thereof as may be necessary, out of the amounts heretofore appropriated by Congress for a slow sand filtration plant, and for each and every purpose connected therewith.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MIAMI, FLA.

The bill (S. 6083) to provide for the erection of a public building at the city of Miami, in the State of Florida, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds, with amendments, on page 2, line 1, after the word "of," to strike out "two hundred" and insert "one hundred and seventy-five;" and in line 2, after the word "dollars," to strike out the following:

Which said sum of $200,000 is hereby appropriated for said purpose out of any money in the United States Treasury not otherwise appropriated.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said town of largest circulation for at least twenty days prior to the date specified in the advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall come into his possession relating to said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary. And said commission shall, within thirty days after such examination, make to the Secretary written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and traveling expenses of said commissioners and other expenses incident to the selection of the site and for necessary surveys thereof shall be immediately available.

So much of said appropriation as may be necessary for the preparation of sketch plans, drawings, specifications, and detailed estimates for the building by the Supervising Architect of the Treasury Department shall be available immediately upon the approval by the Secretary of the Treasury of such site.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States nor until the State of Florida shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

After the said site shall have been paid for and the sketch plans and detailed estimates for the building shall have been prepared by the Supervising Architect and approved by the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, the balance of said appropriation shall be available for the erection and completion of the building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office, the United States courts, and the United States custom-house and other Government offices, at the city of Miami, in the State of Florida, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $175,000.

The building shall be unexposed to danger from fire by an open space of at least 20 feet on each side, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at the city of Miami, in the State of Florida."

PUBLIC BUILDING AT WALLINGFORD, CONN.

The bill (S. 753) to provide for the purchase of a site and the erection of a public building thereon at Wallingford, in the State of Connecticut, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments on page 2, line 1, after the word "of," to strike out "seventy-five" and insert "sixty-five;" and to strike out, from line 3, page 2, to line 14, page 3, as follows:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said town of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination, and of his recommendations thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission, of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusions in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceeding of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however*, That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices, in the town of Wallingford and State of Connecticut, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $65,000.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WALLA WALLA, WASH.

The bill (S. 592) providing for the erection of a public building at the city of Walla Walla, in the State of Washington, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 9, after the word "city," to strike out "with" and insert "including;" in line 10, after the word "vaults," to strike out "extending to each story" and insert "heating and ventilating apparatus, elevators, and approaches;" on page 2, line 3, after the word "exceed," to strike out "the cost" and insert "in the aggregate the sum;" in line 4, before the word "thousand," to strike out "three hundred and fifty" and insert "two hundred and twenty;" and in line 5, after the word "dollars," to strike out "and the sum of $350,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and completion of said building," so as to read:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase, or acquire by condemnation proceedings, a site for a building to be erected thereon, and to cause to be erected, at the city of Walla Walla, in the State of Washington, a suitable building for the use and accommodation of the United States courts, the post-office, and other Government offices in said city, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches; the site and building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed in the aggregate the sum of $220,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to strike out:

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least sixty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed site, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendations thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission, of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed site, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after such examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department, and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however,* That the said member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

So much of the appropriation herein made as may be necessary to defray the expenses of advertising for proposals, actual traveling expenses of said agent, and the compensation and actual traveling expenses of said commissioners, and other expenses incident to the selection of the site, and for necessary survey thereof, shall be immediately available.

No money appropriated by this act shall be available, except as hereinbefore provided, until a valid title to the site for said building shall be vested in the United States, nor until the State of Washington shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the said State and the service of civil process therein.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to strike out:

In all instances, cost being equal, preference shall be given to bids for the construction of said building that specify the use of building materials produced in the State of Washington; and in the preparation of plans and specifications for said building the Secretary of the Treasury is directed to specify that Washington State building materials shall be used wherever the same can be ultilized to equal or greater advantage than materials from other States or Territories of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase of a site and the erection of a public building thereon at the city of Walla Walla, in the State of Washington."

PUBLIC BUILDING AT MUSKOGEE, OKLA.

The bill (S. 6113) providing for the erection of a public building at Muskogee, Okla., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments. The first amendment was, on page 2, line 3, after the words "sum of," to strike out "five hundred" and insert "two hundred and sixty-five," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by gift, purchase, or otherwise, a site for and cause to be erected thereon a suitable building, including fireproof vaults, elevators, heating and ventilating apparatus, for the use and accommodation of the United States post-office, United States courts and the officials thereof, and all other Government officials, at the city of Muskogee, Okla. The site and building thereon, with its appurtenances, when completed, upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in the aggregate the sum of $265,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 3, to insert:

The building shall be unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the purchase of a site and the erection of a public building thereon at Muskogee, Okla."

PUBLIC BUILDING AT KANSAS CITY, KANS.

The bill (S. 3159) to authorize the extension, enlargement, and alteration of the public building in the city of Kansas City, Kans., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause the public building in the city of Kansas City, Kans., now used for a post-office and for other purposes, to be enlarged and altered at a total cost to the United States of not to exceed $240,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ABBEVILLE, S. C.

The bill (S. 474) to provide for the purchase of a site and the erection of a building thereon at Abbeville, in the State of South Carolina, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, after line 2, to strike out—

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary as to the result of said examination, and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If upon consideration of said report and accompanying papers the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall, within thirty days after said examination, make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed $6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of South Carolina shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, was announced as next in order.

Mr. KEAN. Let that bill go over without prejudice, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from New Jersey.

The bill (S. 5307) relating to liability of common carriers to their employees was announced as next in order.

Mr. KEAN. Let that bill go over without prejudice, Mr. President.

The VICE-PRESIDENT. The bill will be passed over without prejudice, at the request of the Senator from New Jersey.

MEDALS TO INDIAN POLICEMEN, STANDING ROCK AGENCY, N. DAK.

The bill (S. 549) granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak., was considered as in Committee of the Whole. It proposes to appropriate $500 to enable the Secretary of the Interior to provide suitable medals of honor for certain United States Indian policemen of the Standing Rock Agency, N. Dak., survivors of the engagement which took place at Sitting Bull's camp, on Grand River, on December 15, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USE OF DREDGER AT COOS BAY, OREGON.

The joint resolution (S. R. 55) authorizing the use of a dredger in improving the channel of Coos Bay, Oregon, was considered as in Committee of the Whole. The joint resolution

had been reported from the Committee on Commerce with an amendment, on page 2, line 1, after the word "in," to strike out "dredging and improving the channel of Coos Bay, aforesaid," and to insert "maintaining channel depths and dredging in the inner harbor," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to employ and devote the unexpended balance of the appropriation heretofore made for the improvement of the entrance to Coos Bay and harbor, in the State of Oregon, namely, the sum of $25,225.99, or so much thereof as may be necessary, in operating the dredger which is now being constructed for use at the coast harbors of Oregon and Washington in maintaining channel depths and dredging in the inner harbor.

Mr. KEAN. Do I understand this joint resolution changes the appropriation made in the river and harbor bill from an appropriation for dredging and improving that harbor to one for buying dredges?

Mr. FRYE. No. There was a balance left over from the improvement of the harbor of $25,000, and the Secretary of War recommends that it may be used for keeping the channel open.

Mr. KEAN. That is entirely satisfactory; but I do not believe in the United States Government going into the dredging business except under contract.

Mr. FRYE. The Government has the dredge there already.

Mr. KEAN. I think we have too many of them. They ought to be owned by private individuals, and not by the Government.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MINOT, N. DAK.

The bill (S. 384) to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak., was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 10, after the words "sum of," to strike out "one" and insert "two;" in line 10, before the word "thousand," to strike out "fifty" and insert "twenty;" and in line 11, after the word "dollars," to insert "The building shall be unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States postoffice and other Government offices in the city of Minot and State of North Dakota, at a limit of cost not to exceed the sum of $220,000. The building shall be unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. NELSON. I call for the regular order, which is the unfinished business.

Mr. GAMBLE. Regular order, Mr. President.

Mr. BURKETT. I move that the Senate proceed to the consideration of the bill (S. 4032) to establish the direction and control of public education in the District of Columbia.

The VICE-PRESIDENT. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill named by him.

Mr. GAMBLE. Mr. President——

Mr. NELSON. That would displace the regular order.

The VICE-PRESIDENT. The effect of the motion of the Senator from Nebraska, if adopted, would be as the Senator from Minnesota [Mr. NELSON] indicates. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill, the title of which will be stated.

The SECRETARY. A bill (S. 4032) to establish the direction and control of public education in the District of Columbia.

Mr. CULBERSON. I thought we were on the Calendar under Rule VIII, Mr. President.

The VICE-PRESIDENT. The Senate is on the Calendar under Rule IX.

Mr. CULBERSON. Were we not on the Calendar under Rule VIII?

The VICE-PRESIDENT. The Senate completed the consideration of the Calendar under Rule VIII. The question is on the motion of the Senator from Nebraska [Mr. BURKETT] that the Senate proceed to the consideration of the bill named by him.

The motion was not agreed to.

SETTLEMENT OF STATE ACCOUNTS.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. HOPKINS. Mr. President, at the time of the adjournment the other day on this matter the Senator from Georgia [Mr. BACON], I think, had the floor. If he has nothing further to say on the subject, I should like to be recognized to oppose the amendment.

Mr. CLAY. I think, Mr. President, that my colleague at the time of the adjournment of the Senate had asked for the report of the Committee on Claims to be read, and my recollection is that at the time the Secretary began to read the report the Senate went into executive session. My colleague has informed me that he would be glad to have that report read.

Mr. GAMBLE. I will say to the Senator from Georgia that the report was largely read.

Mr. BACON. I beg the Senator's pardon; the report was not read at all.

Mr. GAMBLE. A large part of the report upon this bill, Senate bill No. 415, was read.

Mr. CLAY. The Senator from South Dakota misunderstood me. A large part of the report on this bill was read, but my colleague asked that the report in reference to this amendment which he offered should be read. That amendment had been before a committee where it had been carefully considered and reported to the Senate, and my colleague asked that that report be read. That is my recollection.

Mr. GAMBLE. I simply misunderstood the Senator. I thought he referred to the report accompanying the bill.

Mr. CLAY. No; I did not have reference to that at all.

Mr. HOPKINS. As I have said, when we adjourned the other day, I think the senior Senator from Georgia [Mr. BACON] had the floor. I desire to oppose the amendment; and if the Senator has the floor now, if he desires to say nothing further and will yield to me, I will proceed.

Mr. BACON. Mr. President, at the time the Senate went into executive session the other day this bill was under consideration. The amendment had been offered by me and was pending, and in the course of my remarks, and before I had concluded my remarks, I asked that the House report which had been made upon the bill, which is the same as the amendment offered by me, should be read. It was about to be read when the Senator from Minnesota [Mr. NELSON] moved that the Senate go into executive session. I now ask, Mr. President, that the report be read, again stating that I make this request and desire that it shall be read because of the fact that it is a very clear statement of the grounds upon which the propriety of the passage of this act is rested, with historical narration of the events out of which the claim grows and with citations from the Supreme Court in the cases in which they have decided that this money does not belong to the Government of the United States, but that it does belong to certain parties, for whom the Government holds it in trust. I prefer that the report should be read for two reasons: In the first place, it reflects the opinion of a committee, and is entitled to superior consideration to what I might say individually, and, in the second place, it is a more succinct and clear statement of the case than I or possibly anyone else could make orally to the Senate.

Now, Mr. President, without yielding the floor, except for that purpose, I ask that the report may be read to the Senate, and I do trust that Senators will listen to the report, because, as I said the other day, it is incomprehensible to me how any Senator who hears this report and who weighs the words of it and also weighs the words of the decisions of the Supreme Court of the United States can possibly deny the propriety of that which is sought to be accomplished by this amendment.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. LAW, from the Committee on War Claims, submitted the following report:

[To accompany H. R. 16732.]

The Committee on War Claims have considered the bill (H. R. 16732) to give the Court of Claims jurisdiction of claims for captured and abandoned property which was sold and the proceeds thereof placed

in the Treasury of the United States, and submits the following report and recommends that said bill do pass:

By the act of March 12, 1863, known as the "captured and abandoned property act," and acts amendatory thereof, the Secretary of the Treasury was authorized to appoint special agents to collect captured and abandoned property in the States then in insurrection, the proceeds thereof to be paid into the Treasury of the United States. The act provided that the property to be collected under it "shall not include any kind or description which has been used, or which has been intended to be used, for waging or carrying on war against the United States, such as arms, ordnance, ships, steamboats, or other water craft, and the furniture, forage, military supplies, or munitions of war."

Nine districts were established, and an agent appointed for each. A large amount of property in the States in insurrection was seized and the proceeds, amounting to over $30,000,000, reported to the Secretary of the Treasury. The money was treated as a trust fund under the control of the Secretary. Under joint resolution approved March 30, 1868, it was provided that all moneys derived from the sale of captured and abandoned property "which have not already been actually covered into the Treasury shall immediately be paid into the Treasury of the United States." The balance covered into the Treasury under this resolution was $20,971,790.96.

The third section of the act of March 12, 1863, provided as follows:

"Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of such property, and any other lawful expenses attending the disposition thereof." (12 Stat. L., 820.)

Under this provision a considerable number of claims were preferred to the Court of Claims and judgments recovered.

The following is believed to be a substantially correct statement of the payments that have been made from the amount covered into the Treasury under the said resolution of March 30, 1868:

On judgments under act of March 12, 1863	$9, 852, 956. 95
On judgments against Treasury agents	65, 276. 79
Disbursed for expenses under joint resolution of March 30, 1868	242, 140. 34
Paid on special acts of relief	451, 125. 38
Paid by Secretary of Treasury under act of May 18, 1872	195, 896. 21
On judgment Court of Claims, Duffy, Report C. C., 24275	15, 270. 00
Under private act, 25 Stat., p. 1310	32, 669. 20
Under private act to Briggs, paid March 24, 1894	88, 104. 21
Total	10, 943, 439. 08

Deducting the above amount from the amount covered into the Treasury under the resolution of March 30, 1868, it will be seen that the sum now in the Treasury, and undisposed of, is $10,028,351.88.

The sole purpose of this bill is to extend the limitation upon the jurisdiction of the Court of Claims for a period of two years to entertain suits to recover the proceeds of the property of claimants where it can be established that such proceeds were actually covered into the Treasury of the United States under the act of March 12, 1863, and the acts amendatory thereof, and at the same time to safeguard every right and proper interest of the Government. This money does not belong to the Government. Proper legislation should be enacted with a view to distributing same to its owners.

Many questions arose under the act of March 12, 1863, such as, "What constituted proof of loyalty?" "When was the rebellion suppressed?" and "When did the two years expire within which suit could be commenced?" All of which were vigorously contested, and in which the court ruled strictly and rigidly against the claimants, rendering appeals to the Supreme Court necessary, and by which the owners of the property were delayed or deterred from preferring their claims under the act.

In December, 1869, the Supreme Court of the United States decided, in Anderson *v.* The United States (9 Wall., 56), that the rebellion was suppressed on the 20th of August, 1866, the date of President Johnson's proclamation of pardon and amnesty, with restoration of civil and political rights, and the limitation of the right to commence suit took effect or expired on the 20th of August, 1868. And it thus appears that the period in which the claimants could bring suit to recover the net proceeds of their property had expired more than one year prior to the decision fixing the date of the close of the war was announced and when it was too late for the claimants to derive any benefit from the decision.

It was not till 1871 that the Supreme Court gave full consideration to this act of March 12, 1863. In December of that year, in the case of Klein *v.* The United States (13 Wall., 128), the court decided—

(1) That it was not the intention of Congress by the enactment of that statute that the title to property seized under it should be divested from the loyal owners.

(2) That the proceeds of the property should go into the Treasury without change of ownership.

(3) That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

(4) That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

(5) That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of the owners of such property to the proceeds thereof in the Treasury, and the restoration of the proceeds became the absolute right of the persons pardoned.

(6) And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

And in its opinion the court uses this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act, and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war. Even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon * * *.

"The restoration of the proceeds became the absolute right of the persons pardoned on application within two years from the close of the war. It was, in fact, promised for an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

And then the court adds this strong language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

And in the prior case of The United States *v.* Padelford (9 Wall., 531) the court held that under the proclamation of pardon issued by President Lincoln, dated December 8, 1863, and the act of March 12, 1863, the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

This decision in the Klein case settled the important questions in relation to the owners of captured and abandoned property and their rights under the act of March 12, 1863, and subsequent statutes relating to that subject, and it left nothing for Congress to do but provide a tribunal to which claimants might resort to establish their absolute right, in the language of the Supreme Court, to their share of the fund derived from the sale of such property.

In June, 1873, the case of Haycraft *v.* The United States was commenced in the Court of Claims to recover the net proceeds of certain property of the claimant. The suit was brought more than two years after the suppression of the rebellion, upon the theory that, as the Government held those proceeds in trust, as decided in the Klein case, it was liable outside of the act of March 12, 1863, upon an implied promise to pay to the claimant his portion of the fund; but the Court of Claims decided that the provision in that act limiting the right of the claimant to two years in which to prefer his claim was a limitation upon its jurisdiction, and thereupon it dismissed the petition. In January, 1875, this decision was affirmed by the Supreme Court, which held that the question was one of jurisdiction and not of limitation, and that Congress having legislated upon the subject, the Court of Claims did not possess jurisdiction to entertain suits of this character under an implied contract to refund to claimants the net proceeds of their property in the Treasury. (Haycraft *v.* The United States, 22 Wall., 81.)

While the Haycraft case was pending in the Court of Claims, and before its decision by the Supreme Court, a large number of suits were commenced in the former court upon the theory on which the Haycraft case was based, viz, that the Government was liable to the claimants for the net proceeds of their property, under an implied contract, and these cases were all continued upon the dockets of the court till the decision of the Supreme Court to which we have referred, when they were all dismissed for want of jurisdiction.

Here, then, was the difficulty which existed—parties having rights which they were unable to enforce, for the reason that there was no tribunal to which to resort for their enforcement. It requires no argument to prove that a right may exist where there is no remedy for its enforcement; and this was, and is to-day, the precise predicament of all persons claiming an interest in the captured and abandoned property fund. While the power of the Court of Claims in the premises had ceased to exist, the rights of the claimants had survived; and neither the court nor the claimants, in order to enable each to act, require anything more than this: The one the privilege to sue and the other the right to entertain and determine such suits.

To remedy the wrong which existed in this respect, and in order to make effective the decisions of the Supreme Court to which reference has been made, Congress enacted section 1059 of the Revised Statutes, giving the Court of Claims jurisdiction of four classes of claims. The fourth clause of said section reads as follows:

"Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, 1863, chapter 120, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," or by the act of July 2, 1864, chapter 225, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property, in virtue or under color of said acts, from suit at common law, or any other mode or redress whatever, before any court other than the Court of Claims.

And Congress provided for the payment of any judgment the court might render in favor of claimants under said fourth clause by section 3689 of the Revised Statutes, which, under the head of "Permanent annual appropriations," among other things, provides as follows:

"For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property."

These provisions of the Revised Statutes construed together provided a complete and adequate remedy for the claimants under the act of March 12, 1863, and subsequent statutes relating to the subject. The statutes declare this was the law on the 1st of December, 1873, though they were not approved by the President till June 22, 1874, and were not published till in 1875. These provisions of the statutes were in force, though not published, when the Haycraft case, above cited, was decided by the Supreme Court, and it can hardly be doubted that the decision in that case would have been different if the court had been aware of the existence of the two clauses in sections 1059 and 3689 of the Revised Statutes.

To every unprejudiced mind the language of the fourth clause of section 1059 is clear and unambiguous, and requires no construction to arrive at the intention of the National Legislature. It could have had but one object, and that was to confer upon the Court of Claims a jurisdiction which had once existed and which Congress well knew had expired by limitation. While the provision confers no new rights upon those claiming the fund derived from the sale of their property, but, on the contrary, restricts those rights by making the jurisdiction exclusive, it provides a tribunal before which they can go to enforce existing rights, and that tribunal one specially provided for adjudicating claims against the Government. Acting upon the assumption that the Government can not be sued without its consent, the legal effect of the clause is to give that consent, with the proviso that the claimants shall be confined in the prosecution of their claims to the provisions of the acts of March 12, 1863, and July 2, 1864—that is to say, that they should only recover the net proceeds of the sale of their property after deducting all costs and charges. And this conclusion is strengthened when section 3689 is construed in connection with section 1059.

The act of March 12, 1863, provided for the payment of all judgments rendered under its provisions, and if by the fourth clause of section 1059 it was only intended to continue the jurisdiction of the Court of Claims as to suits then pending before it, then no additional legislation was necessary to provide for the payment of any judgments rendered by the court in favor of the claimants. Besides, the limitation of two years in the act of March 12, 1863, operated upon the claimants rather than upon the court. It gave them the two years in which to prefer their claims to the proceeds of their property, and the act nowhere provided that the jurisdiction of the court should terminate in two years, whether the cases then pending were disposed of or not. But when Congress came to confer a new jurisdiction upon the court, without limitation as to time in which suits might be commenced, in order to make the remedy effective it was necessary to make provision for the payment of any judgments obtained by the claimants, and this Congress did by the enactment of section 3689 of the Revised Statutes.

The Court of Claims, however, adhering to its habit of ruling rigidly against claimants in that court, took a different view of sections 1059 and 3689, and in the case of Mary A. Wade, administratrix, and B. M. Martel, syndic, held that Congress did not intend by the above sections to repeal the two years' limitation in the act of March 12, 1863, and that these sections would not admit of such a construction, thus placing Congress in the ridiculous attitude of conferring jurisdiction upon the court and in the same clause limiting that jurisdiction to a period of time which had expired five years previously. This decision is based upon the ground "that the object of the revision of the statutes was not to change existing law, but to revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature, which shall be in force at the time the commissioners should make the final report of their doings," and that the commissioners, "instead of reenacting the full language, for conciseness and condensation merely referred to the act and provided that the court should have jurisdiction of all claims for the proceeds of captured or abandoned property, as provided in the act of March 12, 1863."

Without stopping to criticise further this decision of the Court of Claims, it is sufficient to say that it completely nullifies the fourth clause of section 1059 of the Revised Statutes and defeats the will of the law-making power as expressed by that provision of the law. So long as that decision stands, even were there no other obstacles in the way, no suits can be maintained in the Court of Claims for the recovery of any portion of the captured and abandoned property fund, and the doors of that court, as well as all other legal tribunals, are closed against the claimants.

This is the condition and state of the law bearing upon this subject at this time as construed and defined by the courts, and it seems apparent that if this captured and abandoned property fund is ever to be distributed to its owners some additional legislation is necessary to that end. If the title of the owners of the property seized and sold under the captured and abandoned property acts has never been divested, if the Government holds the net proceeds of the property thus sold without any legal title thereto and as trustee for the owners, and if the President's proclamation of pardon and amnesty, including restoration to civil and political right, was a decision on the part of the Government which decided affirmatively the right of all owners of the property to the proceeds thereof in the Treasury, as the highest judicial tribunal of the nation has decided, then in equity and good conscience it ought not to retain the money, and the honor and dignity of the nation demand that some provision should be made by which the claimants of the fund may be enabled to enforce their rights thereto. For more than thirty years the Government has had the use of this money.

For more than forty years the claimants have been appealing to Congress for relief, and if Congress in the discharge of more pressing duties has neglected this appeal, or if the remedy it provided has proved inefficacious, the stronger the reason for some action in this direction at the present time. The claimants are fast passing away, leaving as an inheritance to their children the prospect of litigation with their Government; and the witnesses upon whom the claimants must depend to establish their rights are being scattered and lost sight of, and to delay further is simply to rob and deprive these parties of their rights, some of whom are widows and orphans, while others are colored, or men of small means.

That Congress has from time to time felt the necessity for making some provision for the disposition of this fund is evident from the fact that at nearly every session special acts have been enacted for the benefit of claimants of this fund, thus doing justice to some at the expense of others; and it seems to your committee that common justice demands that a general law should be enacted by which all claimants to the fund may be relegated to some tribunal where they can establish their rights according to legal methods and each receive that portion of the fund to which he shows himself entitled.

Time and again favorable reports have been made by one House or the other upon bills having in view the same purpose as the bill now under consideration. In the Fifty-second Congress, first session, the Judiciary Committee of this House made such report on H. R. 455 (Report No. 1377).

In the Fifty-third Congress, second session, the Judiciary Committee upon a number of bills of like character adopted a report of the same committee made in the preceding Congress.

The same in the Fifty-fourth Congress, second session (H. Rep. No. 2568, from the Committee on War Claims, on H. R. 7618).

The same in the Fifty-fifth Congress, third session (S. Rep. No. 1634).

The same in the Fifty-seventh Congress, first session (S. Rep. No. 1292).

The same in the Fifty-eighth Congress, second session (S. Rep. No. 1861).

The same in the Fifty-ninth Congress, first session (S. Rep. No. 3290).

The same in the Fifty-ninth Congress, second session (H. Rep. No. 7540, from the Committee on War Claims, on H. R. 25400).

Your committee report back the bill and recommend its passage.

Mr. CULLOM. Who signs the report?

Mr. BACON obtained the floor.

Mr. CULBERSON. Mr. President——

Mr. BACON. I yield to the Senator from Texas.

Mr. CULBERSON. I will state that in the Fifty-sixth Congress a bill similar to the amendment proposed by the Senator from Georgia was introduced by Senator Cushman K. Davis, and a favorable report was made upon the bill by the then Senator from Illinois, Mr. Mason, and the Senator from Florida [Mr. TALIAFERRO]. In the RECORD of January 23, 1900, there appears a short speech in favor of the measure by the then Senator from Minnesota, Mr. Davis, which I ask may be read at the desk.

Mr. CULLOM. May I ask the Senator who made the report which was just read?

Mr. CULBERSON. That is a House report.

Mr. CULLOM. I know it is; but I am anxious to know who made it in the House.

Mr. CULBERSON. It was made by Mr. Law.

Mr. BACON. It is a report of the committee of the House, and a unanimous report.

Mr. CULLOM. So I supposed.

Mr. CULBERSON. I ask that the speech of Senator DAVIS may be read by the Secretary.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). In the absence of objection the Secretary will read as requested.

Mr. CULBERSON. It begins at the top of page 1068 and ends at the bottom of page 1069.

The Secretary read as follows:

Mr. DAVIS. Mr. President, about a year ago my attention was called to these claims, and I gave them and their history a very careful examination. The result of that examination was that I came to the conclusion that they were not only just, but that it was the bounden duty of Congress to provide for their settlement. I will proceed to state in a very brief way what the history of this business has been and what led me to that conclusion.

Mr. HALE. Let me ask the Senator a question before he goes on with his statement. I notice in reading the bill that it is provided that judgments under the bill shall be paid not as ordinarily by appropriations made by Congress, but out of the fund of captured and abandoned property. Will this bill under any circumstances or any construction cover what have been known and what have been discussed heretofore as the captured and abandoned property claims in the South, for cotton and other kinds of property?

Mr. DAVIS. I think it does.

Mr. HALE. The Senator thinks it covers them?

Mr. DAVIS. Yes, sir.

Mr. HALE. That, Mr. President, amounts to ninety or a hundred million dollars.

Mr. DAVIS. But the amount of the disbursement is strictly limited to the fund in the Treasury.

Mr. HALE. Undoubtedly.

Mr. DAVIS. If the Senator will let me go on now—

Mr. HALE. The Senator has answered my question. I did not suppose it covered the question of captured and abandoned cotton.

Mr. DAVIS. Mr. President, in regard to the captured and abandoned cotton, the claim is strictly limited to what the property produced. In 1863 an act of Congress was passed as to captured and abandoned property, by which it was provided that it should be sold and the proceeds, after paying the expenses of the sale and transportation, should be deposited in the Treasury as a fund, and that within two years from the ending of the rebellion parties having claims could bring their suits in the Court of Claims for the purpose of obtaining judgment against the fund; provided, however, that they should make proof of loyalty, that they had never given aid or comfort to the rebellion.

The result of it was that the net fund produced by the sale of this captured and abandoned property—and I can not impress upon Senators too strongly the fact that this bill is limited to that fund—was $20,000,000 in round numbers. Under the act of Congress to which I have referred, where loyalty had to be proved and where the limitation was two years, suits were brought whereby judgments against that fund of $20,000,000 were rendered for about $9,000,000, and which judgments were paid out of that fund.

In the meantime the two years had elapsed. The provisions in regard to the proof of loyalty were kept in force. Many people whose property unquestionably had gone into this fund were not able to make the proof requisite. They were barred by limitation, and for other reasons. They had not brought their suit, or the suit, if brought, had been thrown out, some on the ground of limitation and some on the ground that they had not furnished proof that they had not given aid and comfort to the rebellion.

So, Mr. President, that fund is in the Treasury, not Government property, not money of the United States at all, a fund impressed by a trust

for the Federal Government, which is its holder, to which citizens have been declared to be entitled by a decision of the Supreme Court, to which I shall presently call the attention of the Senate. It remains there and has remained there for twenty years, the Government having the use of it since the statute of limitations barred it in 1868, I think.

Now, in regard to the nature of this property and the relations of the Government to it, whether it has been covered into the Treasury, to use the common expression, or whether it was a fund impressed by trust, there was much discussion and considerable litigation, until it finally came before the Supreme Court of the United States in the case of Klein *v.* United States, reported in 13 Wall., 138; and it was held:

"1. That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.

"2. That the proceeds of the property should go into the Treasury without change of ownership.

"3. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.

"4. That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.

"5. That the President's proclamation of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.

"6. And that 'the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled.'"

In this opinion the court used this language:

"That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

"We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

"It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States, unless in pursuance of a judgment rendered after due legal proceedings. The Goverment recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war; even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

"We conclude, therefore, that the title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. * * * The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised an equivalent. 'Pardon and restoration of political rights' were 'in return' for the oath and its fulfillment."

The court adds the following language:

"To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom."

Mr. President, bearing in mind that up to a certain time there was a limitation upon the right to sue by the necessity to prove loyalty, I ask the attention of the Senate while I give the history of the proceedings by which proof of that fact became entirely immaterial, and in fact could not be required:

"Under the act of July, 1862, known as the confiscation act, the President was authorized at any time thereafter, by proclamation, to extend to persons who may have participated in rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such time and on such conditions as he should deem expedient for the public welfare.

"On the 8th day of December, 1863, the President issued his proclamation, in which he referred to the act of 1863, relating to captured and abandoned property, and offered pardon and amnesty, with restoration of all rights of property, except as to slaves and property to which third persons had acquired rights, to all persons who had participated in the rebellion who would take an oath to support the Constitution and the laws. Certain classes were excepted from the benefits of pardon and amnesty under that proclamation.

"On the 29th of May, 1865, another proclamation was issued, extending pardon and amnesty, with a full restoration of all property rights, except as to slaves, etc., to all persons who had participated in the rebellion. A similar oath was required, and fourteen classes of persons were excepted from the benefits of the proclamation.

"On the 7th of September, 1867, another similar proclamation of pardon and amnesty was issued, which reduced the excepted classes from fourteen to seven.

"Finally—"

And here is the important point, on the 4th day of July, 1868, after the two years' limitation provided for in the act of 1863 had closed upon the parties who otherwise would have been benefited, another similar proclamation of pardon and amnesty was issued, which reduced the excepted classes from fourteen to seven.

"Finally, on the 4th day of July, 1868, a proclamation was issued by the President extending pardon and amnesty to all, with some exceptions, who had participated in the rebellion, with restoration to all rights of property, except in slaves, and on the 25th day of December, 1868, without exception, unconditionally, and without reservation. No oath was required."

Now, what was the situation, Mr. President? Little by little as time went and the feelings of resentment were assuaged, and wiser views and considerations of public policy, as it was then thought, prevailed, by proclamation after proclamation the President granted amnesty, until finally, on the 4th day of July, 1868, a very appropriate day, universal amnesty, without restriction, without qualification, a clean and clear pardon as was ever granted by ruler to men, was issued by the President of the United States, by which no oath of allegiance, proof of loyalty, or disproof of disloyalty were required.

But in what situation did it leave these parties? Those who had remained under the restriction in the previous proclamation or in the statute of 1863, who did not bring their suits because they knew they could not prove loyalty, by the time the proclamation of 1868 was issued had become barred by the statute of limitations. So the word of promise was held forth to the ear, but broken to the hope. A right was declared and a remedy withheld. The Government is in possession of a fund in the Treasury amounting to $9,000,000 which the Supreme Court has declared is still the property of the owners, from whom it has never been divested, as to which the Supreme Court declared this Government held the relation of trustee. It there remained and has remained for twenty years undisposed of, unappropriated, undistributed, the property of private citizens throughout the United States, made perfectly free and clear to claim their rights in the property as I ever was or any other Senator on this floor.

Now I read from the decision of the Supreme Court of the United States in the Padelford case, reported in 9 Wallace:

"In the case of Garland this court held the effect of a pardon to be such 'that in the eye of the law the offender is as innocent as if he had never committed the offense;' and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings and relieved from any penalty which he might have incurred. It follows, further, that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question at the time of the seizure was perfect, and that it remains perfect, notwithstanding the seizure.

"But it has been suggested that the property was captured in fact, if not lawfully, and that the proceeds having been paid into the Treasury of the United States, the petitioner is without remedy in the Court of Claims, unless proof is made that he gave no aid or comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If in other respects the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit, and having been fully reimbursed for all expenses incurred in that character loses nothing by the judgment, which simply awards to the petitioner what is his own."

Mr. President, I might go on and cite other decisions cumulative in their nature, but to the same effect. This bill has received the favorable reports of committees in four successive Congresses, I think. The report made last year was made while the Senator from Colorado [Mr. TELLER] was chairman of the Committee on Claims. I had some conference with him about it at the time, and he assured me this afternoon of his entire confidence and belief in its perfect justice.

To recapitulate briefly, the situation is just this: There went into the Treasury net $20,000,000, the proceeds of property the title to which had never been divested from the owners, and which has remained and still is a fund representing that property and their title just as much as if it never had been taken from their hands, the Government holding it as a trustee.

This is no mere matter of individual speculation or legislative opinion. Such are the solemn, recorded, and repeated decisions of the Supreme Court of the United States. It was held for a time, so that the loyal owners could recover, and they only, but while that time ran on the Supreme Court said that that which belonged to disloyal owners was held in the same undivested shape of property by the United States as trustee, for the owners who might once have been disloyal might subsequently have become loyal. That time came. Finally, on the 4th day of July, 1868, long after the two years' statute of limitations prescribed by the act of 1863 had closed upon all parties alike, the President of the United States issued a proclamation of general, unconditional, and unrestricted amnesty, which required no oath and put every property owner, loyal or disloyal, in whatever category he might be, upon an equal footing to claim restoration of his property.

But while that was done the statute of limitations had run, and the pending bill is asked for to perfect this act of justice, and no clearer act of justice was ever required of any body of men, in my judgment. When this was done the statute of limitations enacted in 1863 was set up as a bar. Consequently these parties are remediless against a trustee who possesses the power of legislation to open the gates of relief to them. Why should it not be done?

Mr. President, in regard to the apprehension or misapprehension that this bill opens the sluiceway for the letting out of indefinite amounts of money upon so-called "cotton claims," it does nothing of the kind. This bill is limited to the distribution of the $9,000,000 undistributed of that net fund of $20,000,000 which was realized to the Treasury by the capture and sale. That is all there is to it. It sets no precedent whatever for any future legislation as to claims which have not taken the shape of being realized and turned into the Treasury in cash. The kind of claims that have awakened the apprehension of my friend the Senator from Maine are not included, are not contemplated, and can not be covered by this bill.

I have not a particle of interest in this matter more than the general interest and desire to see the right and proper thing done. I do not know that any constituent of mine has the least interest in the world in it. I introduced this bill, the same bill which has been introduced by others before, because upon an examination of what my fellow-citizens were entitled to and what has been denied to them so long by this Government I became thoroughly and perfectly convinced that they were right and were entitled to this measure of long-deferred relief.

Mr. President, I think I have said all I want to say upon this subject.

Mr. WARREN. With the leave of the Senator from Georgia [Mr. BACON], who I understand has the floor, I wish to say

that the pending bill is the unfinished business, and not wishing to disturb it, but desiring to take up the Army appropriation bill, I ask the Senator in charge of that bill if he will not lay it temporarily aside that I may call up the Army appropriation bill.

Mr. HOPKINS. When the time comes I desire to submit some remarks in opposition to the amendment. I will not antagonize the consideration of the Army appropriation bill, because I recognize that the appropriation bills should be early considered in the two Houses of Congress. Therefore, if it is agreeable to the Senator from Georgia, I will yield.

Mr. BACON. I had the floor and I signified my consent to the Senator from Wyoming [Mr. WARREN] that he should make the request of the Senate which he has preferred.

Mr. WARREN. I will say to the Senator from Illinois that the matter will come up exactly as we leave it now, automatically.

Mr. HOPKINS. I understand that it will come up as the unfinished business and I recognize that the appropriation bills should be considered at the earliest practicable moment.

Mr. GAMBLE. With that understanding, let the pending bill be temporarily laid aside.

The VICE-PRESIDENT. The Senator from South Dakota asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Chair lays before the Senate a bill from the House of Representatives.

EMPLOYER'S LIABILITY BILL.

The bill (H. R. 20310) relating to the liability of common carriers by railroads to their employees in certain cases, was read twice by its title.

Mr. DOLLIVER. I ask that the bill may lie on the table. A bill substantially the same has been reported from the Senate committee.

The VICE-PRESIDENT. Without objection, it is so ordered.

ARMY APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed to the consideration of House bill 17288.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, which had been reported from the Committee on Military Affairs with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be dispensed with, and that it may be read for action on the committee amendments.

The VICE-PRESIDENT. The Senator from Wyoming asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Without objection, it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, on page 2, line 6, after the word "expenses," to insert "including $25 per month additional to regular compension to chief clerk of division for superintendence of the War College building," so as to make the clause read:

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, office, toilet, and desk furniture, text-books, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College building, $15,000.

Mr. KEAN. I should like to ask for some explanation of the amendment. This is a bill for the support of the Army, and the amendment, the way it reads, seems to be for civilian help, $25 per month additional compensation. I, personally, am not informed as to whether the employees of the War College are included in the legislative appropriation bill.

Mr. WARREN. I will say to the Senator from New Jersey that the legislative appropriation bill carries appropriations for pay of almost all the civil employees, but there have been for years so many of the civilian employees as are on the General Staff and the Staff Corps about the country provided for in this bill.

Mr. KEAN. This is evidently a civilian employee.

Mr. WARREN. Certainly; and always has been provided for in this bill.

Mr. KEAN. But this is an amendment.

Mr. WARREN. The amendment simply provides that a civilian employee mentioned in another place in the bill and in another way shall have for additional duties the additional sum that has been estimated and that is asked for the same as is provided for other superintendents of public buildings in other Departments.

Mr. KEAN. I should like to ask what compensation this chief clerk receives at the present time?

Mr. WARREN. The present pay is $1,600.

Mr. KEAN. Does that correspond with the pay of a chief clerk in the other bureaus?

Mr. WARREN. It does not. It is lower than in some other bureaus, and will be lower after the amount is raised.

I wish to say in this connection that the 220-odd clerks provided for in the Army appropriation bill receive, on an average, about $120 a year each less than the average of those in any other bureau of the War Department.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief of Staff," on page 3, after line 8, to insert:

Contingent expenses at military posts: For the official entertainment of foreign military and naval representatives and other distinguished guests while visiting officially the military posts of the United States Army, to be expended by the Chief of Staff of the Army under the direction of the Secretary of War, $5,000.

Mr. KEAN. I should like to ask the Senator from Wyoming if that item has ever been in the Army appropriation bill before?

Mr. WARREN. There have been various appropriations made, usually larger than this one and usually for special cases, but it has come to this: That there is no year that some time during the year at some place, usually at some of the large posts, and especially the posts on the coast, such posts or forts are visited by officers of the navy and army and the public officials of other countries and officially representing such foreign governments. It merely amounts to the question whether we will ask the lieutenants and captains, or other officers, to entertain those foreign representatives out of their own pockets, or whether the Government shall provide the necessary funds for official entertainment in such instances as those mentioned when the officers are commanded to take care of foreign visitors.

It is only a matter of $5,000. If the Senator has any objection to it I will let it go out.

Mr. KEAN. I have no objection to it, but I would like to have a little explanation. We are increasing the pay of the Army, but I do not want to increase appropriations as to everything connected with the Army.

Mr. SCOTT. Mr. President, I hope no Senator will object to the amendment. During the Jamestown Exposition it is a fact that at Fortress Monroe a number of young officers asked to be sent to other posts in order to relieve them of the additional expense they were put to in entertaining foreign officers who came ashore. It is an injustice to ask first and second lieutenants out of their meager pay to entertain foreign visitors who come ashore and who expect this great Government of ours to at least show them some little attention. These officers have had to do it out of their own pay.

Mr. BACON. I wish to ask the Senator from Wyoming if I am correct in understanding that this applies to West Point also. Does it include West Point?

Mr. WARREN. No; it does not apply there, because there is a specific sum appropriated in the Military Academy appropriation bill which takes care of that feature.

Mr. BACON. I desired to say something on that subject if it did.

Mr. WARREN. That is contained in another bill.

Mr. CULBERSON. Mr. President, I take advantage of the opportunity, as the reading of the bill has ceased for a moment, to say that I understand the report accompanying the bill, Report No. 464, has not yet been printed, and we have not had an opportunity of examining the changes which have been made. I should be glad if the Senator in charge of the bill would make a brief statement of the changes that have been made in the bill as passed by the House and to state the aggregate increase in the amount, if any increase has been made, in view of the fact that the report is not here, and we have had no opportunity to examine it.

Mr. WARREN. I have the report here, and it may be read from the desk if the Senator wishes.

Mr. CULBERSON. If the Senator prefers to have it read rather than to make a brief statement, that course is agreeable to me.

Mr. WARREN. I will make a brief statement first, and then if the Senator desires it the report may be read. Printed reports are on the way from the Public Printer, and will be distributed to all the Senators in a few moments. However, I will say the estimates originally made and those made later for this bill amount to $103,206,065.11.

The bill as presented to the Senate by the Military Committee calls for $98,820,409.12. When the bill was reported from the Military Committee of the House of Representatives to the

House floor it called for $85,007,566.56. To that there was added on the floor of the House $25,000, carrying it up to $85,032,566.56. From that there was deducted on the House floor, on account of points of order made, the following sums:

Construction and repair of hospitals	$225,000
Shooting galleries and ranges	250,000
Buildings for Engineer School	350,000
Total	825,000

This, deducted from the above total, left the bill as it came to the committee of the Senate from the House, carrying $84,207,566.56. This sum total did not cover the proposed raise of the enlisted men, which in another part of their bill was provided for by the House, nor did it entirely cover the regular estimate for the pay of the Army as it would stand without any raise of pay. It did not provide for the $1,000,000 estimated for maneuvers of the militia of the different States, which we have added.

Now, if the Senator would like to have me make the full statement, there has been added——

Mr. CULBERSON. I do not care to have the report read, but I will ask the Senator a question. If I follow him correctly, the bill does increase the bill as passed by the House by something like $10,000,000.

Mr. WARREN. It increases it $14,000,000—in fact, over $14,000,000.

Mr. CULBERSON. What is the increase by the Senate committee over the appropriation in the Army bill of last year?

Mr. WARREN. I will tell the Senator in a moment. The regular Army appropriation bill of last year carried $78,535,282.75. There was a deficiency, and we have already passed during the present session in the two urgent deficiency bills nearly $4,000,000. There may be yet other deficiencies to cover between now and July 1.

The desire of the committee in making up this bill has been to make the amounts large enough so that there may be no reasonable excuse for deficiencies in the next year, unless caused by subsequent legislation or by unforeseen happenings.

Mr. CULBERSON rose.

Mr. WARREN. One word further, if the Senator will permit me.

Mr. CULBERSON. Certainly.

Mr. WARREN. The bill last year, as it passed Congress, did not comprehend in full the additions made necessary by the passage of the law which increased the Coast Artillery. When the deficiency bill of last year followed, quite a large amount—I do not have it at hand—was added. And thus, as I said before, nearly $4,000,000 has been necessary on the urgent deficiency bills of this year.

Mr. CULBERSON. I wish to make one other inquiry of the Senator from Wyoming.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Texas?

Mr. WARREN. Certainly; but I will ask that the statement I have in my hand be incorporated in the RECORD, so that it may be before all Senators in the morning. The report, however, is on the way here from the Printing Office, and it will be in the hands of Senators very soon.

The statement referred to is as follows:

TREASURY ESTIMATES FOR SUPPORT OF ARMY, FISCAL YEAR ENDING JUNE 30, 1909.

As shown by Book of Estimates (H. Doc. 12)		$89,735,833.75
For roads, walks, wharves, and drainage (S. Doc. 370)	183,750.00	
For water and sewers at military posts (S. Doc. 370)	160,000.00	
For mileage to officers and contract surgeons (S. Doc. 415)	50,000.00	
For extra pay to enlisted men employed in Alaska (S. Doc. 415)	7,000.00	
For military and post roads, bridges, and trails in Alaska (H. Doc. 228)	400,000.00	
For engineer equipment of troops (H. Doc. 229)	32,500.00	
For quarters for officers and nurses at Fort Bayard, N. Mex. (H. Doc. 436)	214,100.00	
For purchase of land for target range, etc., near Washington, D. C. (H. Doc. 469)	250,000.00	
For clothing, camp and garrison equipage (H. Doc. 484)	2,500,000.00	
For transportation of the Army and its supplies (H. Doc. 525)	50,000.00	
For incidental expenses Quartermaster's Department (H. Doc. 525)	50,000.00	
For subsistence (H. Doc. 602)	550,231.36	
For special apparatus and supplies for field medical equipment (H. Doc. 605)	200,000.00	
For equipment for State coast artillery organizations (H. Doc. 674)	25,000.00	
For drill ground at Fort Des Moines, Iowa (H. Doc. 791)	50,600.00	
For construction of regimental post at Baguio, P. I. (H. Doc. 834)	750,000.00	
For additional rifle range at Fort Des Moines, Iowa (H. Doc. 838)	35,850.00	
Total amount regularly estimated for		95,264,865.11
Additional amounts recommended by War Department:		
For pay of the Army (under proposed schedule of increased pay for officers and enlisted men)	$7,000,000.00	
Machine and automatic guns for organized militia	450,000.00	
Machine and automatic guns for mobile Army	500,000.00	
Fence around monument, Big Hole Battlefield, Montana. (Estimated in H. Doc. 188, 57th Cong., 2d sess.)	1,200.00	
		$7,951,200.00
Total		103,216,065.11
Amount of bill as reported to House of Representatives		85,007,566.56
Added on floor of House:		
For material and equipment for use of State coast artillery organizations		25,000.00
		85,032,566.56
Deducted on floor of House:		
Construction and repair of hospitals	$225,000.00	
Shooting galleries and ranges	250,000.00	
Buildings, Engineer School	350,000.00	
		825,000.00
Amount of bill as passed by House of Representatives		84,207,566.56
Increase recommended by Senate committee (see items below)	$14,617,843.56	
Decrease recommended by Senate committee (see item below)	5,000.00	
Net increase		14,612,843.56
Total of bill as reported by Senate committee		98,820,409.12

The increases recommended are in the following items and under the following headings, respectively:

Contingent expenses at military posts	$5,000.00
Telephone systems at interior posts	35,000.00
Telephone systems at coast artillery posts	35,000.00
Pay of officers of the line	168,500.00
Pay of enlisted men	907,078.25
Pay of clerks, messengers, and laborers, etc	15,600.00
Pay of officers in Medical Department	11,300.00
Longevity pay to officers in Medical Department	5,000.00
Extra-duty pay to enlisted men employed as switchboard operators at interior posts	1,200.00
Extra-duty pay to enlisted men employed in Alaska	7,000.00
Mileage to officers and contract surgeons	50,000.00
Increase of pay to officers and enlisted men	7,000,000.00
Militia encampment and maneuvers	1,000,000.00
Subsistence	382,951.45
Regular supplies, Quartermaster's Department	937,156.10
Incidental expenses, Quartermaster's Department	278,237.76
Barracks and quarters	1,472,580.00
Transportation of the Army and its supplies	274,437.00
Roads, walks, wharves, and drainage	94,378.00
Water and sewers at military posts	711,275.00
Construction and repair of hospitals	225,000.00
Shooting galleries and ranges	35,850.00
Special apparatus and supplies for field medical equipment	200,000.00
Field artillery for organized militia	250,000.00
Manufacture of arms	300,000.00
Fence around monument, Big Hole Battlefield, Montana	1,200.00
Quarters for officers and nurses, Fort Bayard, N. Mex.	214,100.00
Total increase recommended	14,617,843.56
Decrease recommended:	
Library, Surgeon-General's Office	5,000.00
Net increase recommended	14,612,843.56

Mr. CULBERSON. I notice on page 3, the matter now before the Senate, an appropriation of $5,000 "for the official entertainment of foreign military and naval representatives and other distinguished guests while visiting officially the military posts of the United States Army, to be expended by the Chief of Staff of the Army under the direction of the Secretary of War."

It seems from the Senator's statement in answer to the Senator from Georgia [Mr. BACON] that there is also an appropriation for official entertainment at West Point. I would be glad if the Senator would state what is the aggregate amount that it is proposed to appropriate this year for this character of social entertainment.

Mr. WARREN. I have not the amount at hand, but it is very likely $1,000 to $2,000 for West Point. I will inform the Senator before we finish the consideration of the bill.

Mr. CULBERSON. The amount carried in this bill is $5,000, and it is not for West Point; but one thousand or two thousand dollars is the extent of the appropriation for that purpose?

Mr. WARREN. Just so. The amount for West Point last year was $2,000.

Mr. GORE. I should like to ask the Senator from Wyoming a question.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Oklahoma?

Mr. WARREN. Certainly.

Mr. GORE. I am a new member, and I wish to inquire whether if a member of the Senate or House should entertain a member of the British Parliament or a member of the German Reichstag, the bill would be paid by the General Government? The payment of such a bill by the Government would seem to be exactly in line with this proposition.

I should like to know further whether these foreign officials are invited or uninvited guests of our Army officers?

Mr. WARREN. I will not be able to inform the Senate what Senators would do on an occasion of that kind, but I will say that this appropriation is intended merely to cover such official visits as may be made by the representatives of foreign governments, their armies, or executive departments, who will visit our posts. I do not suppose there is a government on earth—if so, I do not know of it—that does not provide for the entertainment of such officers as may be detailed by this country to go and visit the maneuvers that are held in such foreign countries. We do not ask and we do not expect to entertain them as royally as ours have been entertained.

So far as the appropriation of $5,000 is concerned, the chairman of the committee is not going to spend any more time on it, and he is perfectly willing to strike it out if the Senate desires it, but I would consider it an outrage if we should strike it out, because if an officer happens to be doing his duty at some point where the representative of a foreign army or navy makes a visit he ought not to be asked to represent this Government and pay the bills of the Government out of his own slender means.

Mr. BACON. Mr. President, I am not in favor of any reckless expenditure of public money. At the same time I think that this can not properly be so classed. I think it is a very proper expenditure.

I asked the Senator from Wyoming if this would cover the expenditures that have to be made at West Point. He replied in the negative. The reason why I asked him that question was that as a member of the board of visitors, twice I have had occasion to look into the question of the great burden upon the officers of that post imposed by the necessity of entertaining the official representatives of foreign governments who come there to visit and inspect our great Military Academy.

I trust the Senator from Wyoming will not indicate a readiness to strike out the appropriation. I think it is a proper appropriation and that it should be insisted upon.

I speak, Mr. President, with some degree of knowledge as to West Point. I do not know about the other posts because I have not visited them. I have no doubt that in a less degree what is true of West Point is true of the other military posts. But as to West Point the propriety of it, it seems to me, could not be questioned for a moment. We have there the Military Academy for the instruction of young officers to be the officers of the Army. It is the place where military instruction is given, and naturally all the civilized governments of the earth are interested in the question as to what is the method of instruction there and what are the material results which are secured.

Consequently, whenever they send their military representatives to this country one of the points inevitably and certainly visited is West Point. They go there and the only persons to receive them are the officers who are there, the superintendents, the professors, and the instructors. There are some seventy or eighty officers who are detailed there for the purpose of instructing the young cadets who are afterwards to become the officers of the Army.

Here comes the representative of a foreign government. He must be received with some degree of consideration. He must be entertained. There is no place to entertain him except at the homes of these officers, in the private houses of the officers. I say private houses. Of course they are Government buildings, but they are occupied by the officers as private houses, in which they pay their own expenses, where they pay for every article of food or refreshment. When the representatives of foreign governments come there they must be properly entertained, and the officers thus entertain them, and have thus entertained them, regardless of whether or not it is a burden upon them.

But it is something which the Government should bear and which these officers should not bear out of their private meager incomes. Therefore I am very greatly impressed by the fact that it is important.

Now, in response to the suggestion of the Senator from Oklahoma [Mr. GORE], I will say this does not apply to every representative of an army of another government who comes visiting this country. It relates merely to those who are here as the official representatives of such a government and who are upon official business. Therefore I am quite sure that my friend from Oklahoma, with that suggestion, will see the difference between the obligation which rests upon the representatives of the Government at that post and those official representatives, and what it would be for a member of the Senate or of the House of Representatives to entertain a visiting member of the British Parliament.

Mr. President, I would have reserved what I have said in regard to West Point until that paricular measure was before the Senate, but the fact that it has become the subject of comment in connection with the specific appropriation in this particular bill made it proper, I thought, that the suggestions which had been made in regard thereto should be replied to at once, and the reply not postponed until that time.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was under the subhead "Office of the Chief Signal Officer," on page 5, line 22, after the word "dollars," to insert the following proviso:

Provided, That the conveyance by Tillie McChesney to the United States of a lot in the town of Fairbanks, Territory of Alaska, donated by said town as a site for a telegraph office and quarters for a detachment of the Signal Corps of the Army, which conveyance was by deed duly executed, acknowledged, and recorded in volume 2 of deeds, Fairbanks precinct, Alaska, is hereby accepted.

The amendment was agreed to.

The next amendment was, on page 6, after line 3, to insert:

For the increase of post telephone systems at interior posts, $35,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to insert:

For the installation of post telephone systems at all garrisoned coast artillery posts, except those located in districts where post telephone systems have already been installed or are in course of installation, $35,000.

Mr. CLAY. With the permission of the Senator from Wyoming, I wish to ask him are not those items on page 6, from line 4 to line 9, inclusive, duplications? I see the first says:

For the increase of post telephone systems at interior posts, $35,000.

The next clause reads:

For the installation of post telephone systems at all garrisoned coast artillery posts, except those located in districts where post telephone systems have already been installed or are in course of installation, $35,000.

Both those items seem to have reference to the installation of telephone systems where they are not now located. It would appear that they would probably have reference to the same thing.

Mr. WARREN. One of these provisions provides for the interior posts for the mobile Army; the other is for the coast artillery, which is handled in an entirely different way. The handling of the big guns, ordnance, and everything in the artillery is through telephonic communication, while in the field with the mobile Army or at interior posts it is of an entirely different nature. The provisions to which the Senator from Georgia refers are not repetitions. It is that much appropriated for each branch. I will say to the Senator that the sum is only a little over half what the estimate called for, but the committee felt that this was as far as we ought to go this year.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 6, line 14, after the word "until," to strike out "the close of the fiscal year 1910" and insert "expended," so as to make the clause read:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extensions and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until expended, from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, $200,000.

Mr. CULBERSON. I ask the Senator from Wyoming how long it is estimated that this appropriation may be extended? Under the Constitution I doubt whether it can go over a period of two years.

Mr. WARREN. What is the Senator's question?

Mr. CULBERSON. Under the Constitution an appropriation for a military purpose can not extend beyond two years. I see that the limitation "the close of the fiscal year 1910" is stricken out, and the word "expended" inserted. So that it reads "to be available until expended," etc.

Mr. WARREN. I will say to the Senator——

Mr. CULBERSON. Of course, if it is estimated that it will be done within two years I have no objection; but I simply call the Senator's attention to it, so that the explanation may go along with this unusual provision in our Army bill.

Mr. WARREN. Conditions are somewhat unusual in Alaska. The seasons are short. If they have, for instance, until the end of the fiscal year, the 1st of July, it is really the beginning of the season there; and it was felt that it was necessary to give them two full seasons.

I will say to the Senator in regard to that appropriation that the largest part of the money comes back into the Treasury in the earnings for business outside of the regular Army business. Heretofore we have on some occasions appropriated the earnings, but it was thought better that they should go into the Treasury; that then the expense should be estimated for and appropriated for regularly. The idea of striking out "the close of the fiscal year 1910" was to give them two full seasons or more.

Mr. CULBERSON. Mr. President, in order that the matter may go into the RECORD, I call the Senator's attention to the fact that the Constitution provides:

> Congress shall have power to raise and support armies; but no appropriations of money to that use shall be for a longer term than two years.

It is not quite clear to me that this comes within that provision of the Constitution; but this is an Army appropriation bill. I only invited attention to it in order to say that, if it is estimated even that this expenditure will not extend beyond two years, let it go; but we ought not to permit the idea to go into the Army appropriation bill that we can appropriate money for a longer term than that provided by the Constitution.

Mr. WARREN. If the Senator from Texas objects to the language, as this bill does not go into force until the 1st of July, we could change it and make it to the end of 1910; it is intended to expend all of the appropriation within the two seasons.

I will also say to the Senator that while the amounts of money appropriated for the Army, like funds for pay, do not go back into the Treasury for two or three years, at the same time, when the 1st of July comes what is unexpended at that time must finally go back into the Treasury unless otherwise provided, and the money that is retained beyond that is only to pay for such contracts as were made and for work done prior to the commencement of the following fiscal year. I think the Senator will be perfectly safe in leaving the language stand as it is.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

Mr. KEAN. Has that amendment been agreed to, Mr. President?

Mr. BACON. I should like to make an inquiry of the Senator from Wyoming before this amendment is passed. The words proposed to be stricken out read "the close of the fiscal year 1910." That is the amendment, the part stricken out. When does the Senator understand the fiscal year 1910 expires?

Mr. WARREN. I should have said "1911," because it is for the fiscal year 1909 that we are appropriating; and so we should include the years 1909 and 1910, at least. I see here it reads "the close of the fiscal year 1910." That covers it.

Mr. BACON. It reads "the close of the fiscal year 1910."

Mr. WARREN. Yes; I do not care——

Mr. BACON. It is a very small matter, except that possibly there is no provision in the Constitution which is more explicit and guarded than that which relates to the appropriation of money for the Army; and while this is a small matter, I think we ought to be scrupulous in the observance of the requirement.

Mr. WARREN. I have no objection to restoring the House language if the Senator wishes it.

Mr. CULBERSON. I ask the Senator from Wyoming if he will not accept an amendment to strike out the words "until expended" and to insert "for two years," so as to make the appropriation available for two years?

Mr. WARREN. That would be exactly the same in effect, because the bill goes into force on the 1st of July.

Mr. CULBERSON. Very well.

The VICE-PRESIDENT. Without objection, the amendment in lines 14 and 15, on page 6, will be disagreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, under the subhead "Pay of officers of the line," on page 7, line 3, to increase the appropriation for pay of officers of the line, from $5,556,200 to $5,724,700.

The amendment was agreed to.

Mr. WARREN. Now, Mr. President, I desire to say that it seems that the other House expects that we shall provide for the increase of pay of the Army. Therefore, they not only did not provide an appropriation to cover the item of the extra pay for enlisted men which they inserted, but they did not appropriate up to the estimates that were made for the Army under the old pay schedules. What we have done is, first, to raise the pay of officers and enlisted men to the estimate as it had been made for the Army under the old schedule, then we sent to the War Department and ascertained how much, if anything, less than that old first estimate we could expect they would expend under old schedule; then we have taken the sum total of the proposed raise and reduced it. So that we have in the bill the estimates before any increase in the pay of the Army shall occur, plus a lump sum of $7,000,000; this to be divided under the law, so that every one of these items will have added to it such part of the $7,000,000 as belongs to it.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was under the subhead "Pay of enlisted men," on page 7, line 10, to increase the appropriation for pay of enlisted men of all grades, including recruits, from $10,000,000 to $10,907,078.25.

The amendment was agreed to.

The next amendment was, on page 7, after line 13, to strike out:

> That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, $75; engineers, $65; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major, sergeants, senior grade, Coast Artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, sergeants, first class, Hospital Corps, electrician-sergeants, first class, sergeants, first class, Signal Corps, and first sergeants, $45; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major, junior grade, Coast Artillery, battalion, quartermaster-sergeants, field artillery, and master gunners, $40; electrician-sergeants, second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, $36; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, sergeants of the Hospital Corps, firemen, and cooks, $30: *Provided*, That mess sergeants shall receive $6 per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics Coast Artillery, $24; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, $21; privates, first class, of engineers, ordnance, Signal Corps, and Hospital Corps, $18; privates, Hospital Corps, $16; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates, second class, engineers and ordnance, $15.
>
> That any soldier who receives an honorable discharge at the termination of an enlistment period and reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, viz, An increase of $3 monthly pay for and during the second and third enlistments each, and a further increase of $1 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That any soldier who receives an honorable discharge at the termination of his first or any succeeding enlistment period and reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they may have had at the date of approval of this act, under existing laws, counting three years to an enlistment: *And provided further*, That any soldier who has been honorably discharged at the termination of his first, second, and third enlistment period, and reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.
>
> That enlisted men now qualified or hereafter qualifying as marksmen shall receive $2 per month; as sharpshooters, $3 per month; as expert riflemen, $5 per month; as second-class gunners, $2 per month; as first-class gunners, $3 per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, $7 per month; as plotters, observers first class, and casemate electricians, $9 per month, all in addition to their pay, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.
>
> That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.
>
> That the pay during first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:
>
> Chief musician, $75; principal musician and chief trumpeters, $40; sergeants and drum majors, $36; corporals, $30; and privates, $24; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.
>
> That nothing in this act shall be construed to increase the pay of enlisted men now on the retired list.
>
> That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.
>
> That section 6 of the act entitled "An act for the better organization of the line of the Army of the United States," approved April 26, 1898, be amended so as to read as follows:
>
> "SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

And to insert:

That the pay of officers of the Army is hereby, and shall hereafter be, increased as follows:

Mr. KEAN. I want to call the attention of the Senator from Wyoming to the fact that on page 12, line 3, before the word "pay," I think there should be an amendment.

Mr. WARREN. Mr. President, on page 12, line 3, after the word "the," I move to amend the amendment by inserting the word "present."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 12, line 3, before the word "pay," it is proposed to amend the amendment by inserting the word "present," so as to read:

That the present pay of officers of the Army is hereby, and shall hereafter be, increased as follows, etc.

The amendment to the amendment was agreed to.

The reading of the amendment was resumed and continued down to line 2, on page 15, as follows:

Of lieutenant-generals, 5 per cent; of major-generals, 10 per cent; of brigadier-generals, 15 per cent; of colonels, lieutenant-colonels, and majors, 20 per cent; of captains, first lieutenants, and second lieutenants, 25 per cent; and the pay of cadets at the Military Academy is hereby, and shall hereafter be, increased 25 per cent: *Provided*, That section 1267 of the Revised Statutes of the United States is hereby repealed: *Provided further*, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section 13 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, shall not be construed as changing the pay of any naval officer by reason of the provisions of this act.

That hereafter, immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less $75 in the case of an officer and $35 in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, $75; engineers, $65; sergeants first class Hospital Corps, $50; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeant-major senior grade Coast Artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, $45; battalion sergeants-major of infantry and field artillery, squadron sergeants-major junior grade Coast Artillery, battalion quartermaster-sergeants, field artillery, and master gunners, $40; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, $36; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, $30: *Provided*, That mess sergeants shall receive $6 per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, Coast Artillery, $24; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers, wagoners, and artificers, $21: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery, while actually performing the duty of horseshoer, shall receive $9 per month each in addition to his pay; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, $18; privates, Hospital Corps, $16; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and private second class, engineers and ordnance, $15.

Mr. McLAURIN. Mr. President, I desire to ask the Senator from Wyoming, in charge of the bill, a question. The amendment provides that "trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance," shall receive $15 per month. What is their pay now?

Mr. WARREN. I will turn to the pay schedules.

Mr. McLAURIN. I see it is increased to $15 by this bill. What I desire to know is——

Mr. WARREN. Where the sum $15 applies to privates, it is a raise from $13 on the first enlistment.

Mr. McLAURIN. Then if it were a 40 per cent increase it would be a raise from $10.71 to $15. What per cent is the increase in the pay of this class of enlisted men of the Army?

Mr. WARREN. I want to say to the Senator that the committee took up the instructions of the Senate to provide as near as may be a 40 per cent average increase in the pay of the enlisted men and noncommissioned officers; but it was thought best to distribute it all the way from zero to 100 per cent, for reasons which are given. Last year we provided for an increase in the pay of certain noncommissioned officers of the Army, electricians, and so forth, holding positions that we were totally unable to fill under the old classification in the artillery. We raised those salaries to such a point as has enabled us to enlist good men for those positions and as high as we thought they ought to be. To that class we have added nothing in this bill. As to other classes, for instance, the privates, instead of adding 40 per cent to the first enlistment, we have added 15.3 per cent by increasing the pay from $13 to $15. In their second enlistment we give them $18; which is a fraction less than 40 per cent increase.

In their third enlistment we give them $3 more, which carries them away above 40 per cent. So they finally get in the seventh, eighth, and ninth enlistments about double, instead of 40 per cent. It was thought best in conducting enlistments in the Army to put some premium up that will cause men that are acceptable to the Department to reenlist. Therefore, instead of applying the increase of 40 per cent all the way through, we have applied it as to renewed enlistments more largely than to the first.

Mr. McLAURIN. Will the Senator allow me to ask him a question there in reference to men who are acceptable to the Department? Are there any men who are honorably discharged who are precluded from reenlisting?

Mr. WARREN. Not at all. If they can pass the physical examination and are honorably discharged, of course they can reenlist.

Mr. McLAURIN. No man can reenlist unless he can pass the physical examination?

Mr. WARREN. Of course not.

Mr. McLAURIN. Mr. President, when the bill was up some days ago in reference to the pay of the Army, I was not satisfied with that bill, because I did not think that there ought to be a provision averaging the per cent of increase of enlisted men; but I thought that every enlisted man's pay ought to be increased at least 40 per cent.

Mr. WARREN. Will the Senator yield to me there for a moment?

Mr. McLAURIN. With pleasure.

Mr. WARREN. The proposed pay for privates runs as follows: For the first year, $15—that is, for the first enlistment of three years——

Mr. McLAURIN. And that is an increase of what per cent?

Mr. WARREN. Between 15 and 16 per cent. At the end of the first enlistment, when a soldier enlists the second time, he gets $18; which is an increase of about 40 per cent, or a fraction less than 40 per cent. When he enlists the third time he gets $21; when he enlists the fourth time he gets $22; the fifth time, $23; the sixth time, $24; and the seventh time, $25; which is nearly double.

Mr. McLAURIN. Mr. President, the thing that troubles me is that a soldier may not reenlist the second time or the third time. I think while the pay of the Army is being increased through all the grades of the service that the enlisted man's pay ought to be increased at least 40 per cent. It is proposed to increase the pay of lieutenant-colonels 5 per cent, of major-generals 10 per cent, of colonels, lieutenant-colonels, and majors 20 per cent, and of captains, first and second lieutenants 25 per cent. Then there is an increase for certain noncommissioned officers; but there is not an adequate increase, in my judgment, of the pay of the enlisted man, the man who is at the foot of a class; in other words, the man who does really the work that is done in the Army, the man who stands sentinel in the rain and sleet and snow or in the heat, the man who goes out and does the drudgery of the work does not get that kind of increase that I think he ought to have in proportion to the others.

I am not going to offer any further amendment. I made some trouble about this when the bill was before the Senate on a previous day.

Mr. BACON. I thought the Senator from Mississippi had then fully made his status known to the country and that nothing further was required of him.

Mr. McLAURIN. Yes; but it is to the Senate I am trying to make my status known. I am trying to get the Senate to do right. I am not trying to make my status known to the country. I am not so much interested in that as I am in getting the Senate to do right.

Mr. BACON. I am quite sure of that, Mr. President.

Mr. McLAURIN. Yes; and I am glad to hear the Senator say that, because I know he would not say it if it were not in his heart to do so.

Mr. SCOTT. Will the Senator from Mississippi permit me to interrupt him a moment?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. McLAURIN. Certainly; with pleasure.

Mr. SCOTT. I know the Senator from Mississippi wants to see this bill made as nearly perfect as possible. The idea of the committee in providing for the increase as it is in the bill was that a man who remains in the Army for a second enlistment and a third enlistment is worth more to the Government than when he serves his first enlistment. He may enlist the first time, as it were, as an experiment, so as to see something of the world, with the intention of only remaining three years in the service and then going back to the farm. But to the young man who enlists with the intention of making the Army his life occupation, we want to offer an inducement for him to remain in the Army, and consequently we have proposed to divide up this increase in that way.

Mr. McLAURIN. Mr. President, that does not appeal to me. I do not think that we ought to have such a big Army anyhow. My idea about it is that an Army of 10,000 men is sufficient in this country in time of peace, and I believe that we ought not to have such a large Army as we have. If, however, we are going to have an Army of sixty or one hundred thousand men and we want to get men to remain in the Army, we must first induce them to go into the Army. You can not get men to remain in the Army unless you first get them to go in. They can not remain unless they first join the Army, and it is the men who join the Army in good faith—not, as the Senator from West Virginia says, as an experiment, because the class of people in this country who join the Army do not join it as an experiment—but if they do stay in the Army during one enlistment and go back to the farm, they ought to have something to take back for their service, and they ought not to be discriminated against.

Mr. CLAY. Mr. President, I want to ask the Senator is it not true that while in this bill—I have run through it only hurriedly—we have provided for an average increase in pay of 40 per cent, there have been increases made in the schedule fixed by the committee in some instances, such as in the case of electricians, and so forth, really ranging from 40 to 100 per cent? Is it not also true that the enlisted men, the privates, instead of getting an increase of 40 per cent, receive an increase of only about 15 per cent?

If I understand this bill—and as I have said, I have been able to go through it only hurriedly, the bill only having been reported to-day and I have just gotten hold of the list giving the amounts drawn by the different officers of the Army at this time—I see there are instances here where there has been an increase, not only of 40 per cent, but even of 80 per cent, if I understand it, and in many instances the increases have not gone any higher than 14 and 15 per cent.

Mr. WARREN. And in some cases there has been no increase at all.

Mr. CLAY. And in some cases there has been no increase at all, as the Senator says. That is correct. At this time the private soldier receives $13 per month. By this bill you give him $15 per month, which is an increase of between 15 and 16 per cent. If you had given the private soldier an increase of 30 or 40 per cent—you could not have gone any higher than 40 per cent—that would have been an increase up to nearly $19 per month.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. CLAY. With pleasure.

Mr. McLAURIN. Why could not the Military Committee give the private soldier more than 40 per cent increase?

Mr. CLAY. I do not say that they could not have done it under that bill, because it provided for an average. That bill provided for a general average, but I am not able to see the justice of these schedules. So far as I have gone, it appears that certain enlisted men of the Army—electricians, engineers, etc.—are given an increase of from 60 to 80 and even up to 100 per cent, but the private soldiers only secure an increase of 15 or 16 per cent.

Mr. WARREN. Now, Mr. President, I know the Senator does not want to make a misstatement.

Mr. CLAY. I do not.

Mr. WARREN. The enlisted men receive as a class the highest consideration of any class in this bill, when you take the course through, if they reenlist and stay, as the officers of the Army have to do to get large pay.

Mr. CLAY. I contend that when a private soldier enters the Army and stays four years at $13 or $15 per month he is not securing enough from the Government for hardly a bare existence. I most cheerfully gave my support and voted in favor of an increase, because I believe that the increase ought to be made. I do not believe that $18 per month is too much money for a private soldier. It is a hard life, and we have a great deal of trouble in getting private soldiers in the Army and securing new enlistments. The Senator himself says that there have been many increases that have gone even to 100 per cent, and in some instances there have been no increases at all. I have not had the time to critically examine the bill; I have only had an opportunity to examine it hurriedly during the last few moments.

Mr. WARREN. If the Senator had paid closer attention to what I said about it, I think he would have received some information from that. Now, those whose salaries have not been raised are those whose pay was raised in a prior bill to the extent, perhaps, of 30 per cent or 40 per cent or even 60 per cent.

Mr. CLAY. That is a good reason for not raising those.

Mr. WARREN. That is one reason. When it comes to the private soldier, he has everything furnished to him free, even to his toothbrush. When he goes into the Army he has not a cent to spend for anything except for paper and postage stamps. When he goes in the first year he has to learn the business. If the Senator wanted help on his farm or in his office or any other place he would not pay a green boy as much the first month or the first six months as he would after he had been there three years.

Mr. CLAY. I will venture the assertion that the Senator could not hire a first-class man to work on a farm in Wyoming for $13 per month.

Mr. WARREN. Mr. President, we have plenty of enlistments in Wyoming of men who accept $13 and go into the Army. But this is the problem. The man who goes into the Army for the first time is of very little use to the Army. He has to learn the business. Usually desertions occur during that period. The hoboes, who sometimes get in, are no good anywhere. Those who are to remain know that if they reenlist at the end of their first enlistment, they can get this extra compensation, which, even in the second enlistment, amounts to 40 per cent, less a mere fraction, and he receives more on subsequent reenlistments, and in the sixth or seventh enlistment goes up as high as almost 100 per cent. Those who enlist in the Army as privates, if they remain and reenlist, usually become noncommissioned officers after a short while and consequently get still more pay. Even if they remain long enough as privates, they receive nearly 100 per cent over what they get during their first enlistment.

The pay of noncommissioned officers has not been raised higher in proportion than that of the privates. The 100 per cent applies, for instance, to only two or three places—privates in the bands. Men educated in music have been receiving only $13 a month. The consequence is that we have scarcely a band in the United States that has anywhere near its full complement. It is impossible to enlist musicians at $13 per month.

Mr. CLAY. Does the Senator hope to get this bill through to-night?

Mr. WARREN. This bill is in the hands of the Senate. The chairman of the committee has no desire only to have the business of the Senate done as rapidly as may be pleasant to the Senate.

Mr. CLAY. I will say to the Senator that I would be glad if he would pass this item over and go on to the next item, so as to give me a few moments to examine it.

Mr. WARREN. Certainly; that is all right. I ask that this amendment be passed over and that the next amendment may be stated.

Mr. SMITH of Michigan. I should like to ask the Senator from Wyoming if it is his expectation that the increase in pay provided for in this bill will promote enlistments in the Army?

Mr. WARREN. I think there is no doubt about it.

Mr. SMITH of Michigan. It is necessary that a higher pay should be given to bring about that result?

Mr. WARREN. I think so.

Mr. SMITH of Michigan. Is it not necessary to offer some additional inducements in order to provide for enlistments and reenlistments?

Mr. WARREN. I think so, and I believe that we are offering inducements in this bill that will not only provide for enlisting men to fill up the ranks, but that will encourage men to make the Army a profession or business, because the pay provided for reenlistments and the opportunities afforded to become noncommissioned officers will help to satisfy a large class of these men,

so that we may have an Army of veterans, of well-educated, of well-disposed, sober, and upright men.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the amendment of the Committee on Military Affairs was resumed and continued, as follows:

That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this act and shall be as follows, namely: For those whose initial pay as provided herein is $36 or more an increase of $4 monthly pay for and during the second enlistment, and a further increase of $4 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is $18, $21, $24, or $30, an increase of $3 monthly pay for and during the second enlistment, and a further increase of $3 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is $15 and $16, an increase of $3 monthly pay for and during the second and third enlistments each, and a further increase of $1 for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they have had at the date of approval of this act, under existing laws, counting three years to an enlistment: *And provided further*, That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive $2 per month; as sharpshooters, $3 per month; as expert riflemen, $5 per month; as second-class gunners, $2 per month; as first-class gunners, $3 per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, $7 per month; as plotters, observers first class, and casemate electricians, $9 per month, all in addition to their pay, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this act shall be construed to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

That increase of pay for service beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, shall be as now provided by law.

That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

Chief musicians, $75; principal musicians and chief trumpeters, $40; sergeants and drum majors, $36; corporals, $30; and privates, $24; and the continuous-service pay of all grades shall be as provided in this act: *Provided*, That Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

That section 6 of the act entitled "An act for the better organization of the line of the Army of the United States," approved April 26, 1898, be amended so as to read as follows:

"SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. KEAN. As I understand, the portion of the amendment at the top of page 18 repeals the sections of the Revised Statutes relating to the contribution of soldiers to the Soldiers' Homes. I should like to ask the reason for that.

Mr. WARREN. Mr. President, it is considered that there is sufficient money to maintain the Homes without these contributions. This arbitrary deduction from the pay of soldiers is considered unnecessary and has been considered unfair.

Mr. KEAN. I do not know whether it was always considered unfair. It may be considered unfair if there is a sufficient fund at the present time; but I should like to ask the Senator whether they have a sufficient fund to maintain the Soldiers' Homes except by direct appropriation from Congress?

Mr. WARREN. The Senate may pass that amendment over, and I will try to get the information for the Senator. It is a House provision. I am quite sure the assessment is not needed.

Mr. KEAN. Very well. May I ask the Senator from Wyoming how this changes existing law?

Mr. WARREN. I do not think it changes it at all, except that it makes it harmonize with the different rates of pay, and so forth. It was reinserted here in this amendment because we cut out the House provision which contained it in another place.

Mr. KEAN. I did not refer to that exactly. That I understand perfectly. I refer to section 6:

SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

How does that change existing law? If the man is a deserter, he can not get a pension.

Mr. WARREN. It does not change it at all. It is a reintroduction, so as to place it in harmonious form. I can look it up for the Senator later.

Mr. KEAN. It is not that I have any objection to it.

The VICE-PRESIDENT. The Chair desires the attention of the Senator from Wyoming. The amendment reported is one amendment and includes two portions which have been passed over. The Chair suggests that the residue of the amendment be passed over.

Mr. WARREN. It is my intention to ask that the entire amendment be passed over for the present until Senators may become better acquainted with the schedules.

Mr. CLAY. I have been going over it, and I am willing to have it acted on now.

Mr. WARREN. The amendment was laid over at the request of the Senator from Georgia and on the suggestion of the Senator from New Jersey. The Senator from Georgia is willing that the amendment should be adopted. I ask the Senator from New Jersey if he is also willing; and if so, I ask that it may be agreed to.

Mr. KEAN. Very well.

The VICE-PRESIDENT. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 19, line 8, before the word "eighty-one," to strike out "at $408 each," so as to make the clause read:

Two hundred quartermaster-sergeants, $81,600.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence Department," on page 19, line 13, after the word "commissary-sergeants," to strike out "at $408 each," so as to make the clause read:

Two hundred post commissary-sergeants, $81,600.

The amendment was agreed to.

The next amendment was, under the subhead "Signal Corps," on page 19, line 19, after the word "electricians," to strike out "at $900 each," so as to make the clause read:

Thirty-six master signal electricians, $32,400.

The amendment was agreed to.

The next amendment was, in the items for the Signal Corps, on page 19, line 21, after the word "sergeants," to strike out "at $540 each," as as to make the clause read:

One hundred and thirty-two first-class sergeants, $71,280.

The amendment was agreed to.

The next amendment was in the items for the Signal Corps, on page 19, line 25, after the word "sergeants," to strike out "at $408 each," so as to make the clause read:

One hundred and forty-four sergeants, $58,752.

The amendment was agreed to.

The next amendment was, on page 20, line 1, after the word "cooks," to strike out "at $240 each," so as to make the clause read:

Twenty-four cooks, $5,760.

The amendment was agreed to.

The next amendment was, on page 20, line 3, after the word "corporals," to strike out "at $240 each," so as to make the clause read:

One hundred and fifty-six corporals, $37,440.

The amendment was agreed to.

The next amendment was, in page 20, line 6, after the word "privates," to strike out "at $204 each," so as to make the clause read:

Five hundred and fifty-two first-class privates, $112,608.

The amendment was agreed to.

The next amendment was, in the items for the Signal Corps, on page 20, line 9, after the word "privates," to strike out "at $156 each," so as to make the clause read:

One hundred and sixty-eight privates, $26,208.

The amendment was agreed to.

The next amendment was, on page 20, line 24, to increase the number of clerks, at $1,800 each, from six to fifteen.

The amendment was agreed to.

The next amendment was, on page 21, line 3, to increase the number of clerks at $1,400 each from twenty-seven to thirty-eight.

The amendment was agreed to.

The next amendment was, on page 21, line 7, to reduce the number of clerks at $1,000 each from 100 to 84.

The amendment was agreed to.

The next amendment was, on page 22, line 1, to increase the total appropriation for pay to clerks, messengers, and laborers at headquarters of divisions and departments and office of the Chief of Staff from $329,040 to $344,640.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and Staff Departments," on page 23, line 23, to increase the appropriation for pay of officers in the Medical Department from $675,000 to $686,300.

The amendment was agreed to.

The next amendment was, on page 24, line 2, to increase the appropriation for additional pay to such officers for length of service, to be paid with their current monthly pay, Medical Department, from $125,000 to $130,000.

The amendment was agreed to.

The next amendment was, on page 25, under the head "Miscellaneous," line 17, after the word "For," to insert "pay of;" and in the same line, after the word "nurses" to insert "(female)," so as to make the clause read:

For pay of 100 nurses (female), $55,020.

The amendment was agreed to.

The next amendment was, on page 24, line 24, after the word "For," to insert "pay of," so as to make the clause read:

For pay of thirty-one dental surgeons, $57,960.

The amendment was agreed to.

The next amendment was, on page 26, line 1, after the word "For," to insert "pay of," so as to make the clause read:

For pay of contract surgeons, $360,000.

The amendment was agreed to.

The next amendment was, on page 27, line 13, before the word "dollars," to strike out "eight thousand" and insert "nine thousand two hundred," so as to make the clause read:

For extra pay to enlisted men employed on extra duty as switchboard operators at each interior post of the Army, $9,200.

The amendment was agreed to.

The next amendment was, on page 27, line 18, before the word "thousand," to strike out "twenty-nine" and insert "thirty-six," so as to make the clause read:

For extra pay to enlisted men of the line of the Army and to enlisted men of the Signal Corps employed in the Territory of Alaska on the Alaskan cable and telegraph system, for periods of not less than ten days, at the rate of 35 cents per day, $36,000.

The amendment was agreed to.

The next amendment was, on page 27, line 20, before the word "thousand," to strike out "five hundred and fifty" and insert "six hundred;" and at the end of the paragraph to insert the following additional proviso:

"*Provided further*, That hereafter when officers of the Army travel in compliance with orders in connection with the procurement, maintenance, or installation of military material, or in connection with the construction of military works, their mileage shall be charged to the appropriations authorizing the purpose with which the travel is connected: *Provided*, That the amount so expended in any fiscal year shall not exceed $50,000," so as to make the clause read:

For mileage to officers and contract surgeons when authorized by law, $600,000: *Provided*, That hereafter actual expenses only, not to exceed $4.50 per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to the officers of the Army, contract surgeons, and dental surgeons, when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska: *Provided further*, That hereafter when officers of the Army travel in compliance with orders in connection with the procurement, maintenance, or installation of military material, or in connection with the construction of military works, their mileage shall be charged to the appropriations authorizing the purposes with which the travel is connected: *Provided*, That the amount so expended in any fiscal year shall not exceed $50,000.

Mr. BACON. I should like to ask the Senator in charge of the bill whether the proviso is limited to expenses which may be incurred in Alaska. Does it relate to that solely?

Mr. WARREN. The Senator means traveling expenses?

Mr. BACON. Yes. It is meant as a general provision?

Mr. WARREN. It is a general provision wherever any officer is sent to inspect or purchase material.

Mr. BACON. I did not make the inquiry for the purpose of objecting to it, but I have a doubt in my mind as to whether the language is sufficient for that purpose, if it is such as is now stated by the Senator.

Mr. KEAN. I think it is limited to Alaska the way it is drawn.

Mr. BACON. That is the object I had in making the inquiry. If it is designed that it should be a general provision, it seems to me that the language following the particular provision with reference to Alaska should be changed.

Mr. WARREN. It is not the intention to confine it to Alaska, and I do not think it is so confined.

Mr. BACON. That is what I am after.

Mr. LODGE. If the Senator will look at the paragraph he will see that it reads:

For mileage to officers and contract surgeons when authorized by law.

Then comes the proviso relating to Alaska, and then another proviso relating to the general subject.

Mr. BACON. That is a fact. It is a second proviso.

Mr. LODGE. It is a substantive proviso.

Mr. BACON. I was thinking of it as a substantive proposition, but I see an additional proviso to the original proposition.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to strike out:

For additional 20 per cent increase to enlisted men on foreign service, $767,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 16, to insert:

For additional 20 per cent increase to enlisted men on foreign service, $767,000: *Provided*, That officers and enlisted men who have served on army transports in the Philippine Archipelago at any time since May 26, 1900, under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States.

Mr. BACON. I should like to ask the Senator if that amendment is intended to supply what is stricken out in lines 11, 12, and 13?

Mr. WARREN. The first part of it. It is merely a different arrangement. The last part of it is to correct a situation which requires the liberation of funds that are in the hands of paymasters. I will not say it is to legalize, but to accept their returns on money that they have paid out. The Auditor, as a rule, under the language where we appropriated this 20 per cent, held that it applied to shore duty, and if a private soldier got on a transport and served there a month or two he could not receive the 20 per cent additional pay.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 31, line 2, after the word "fund," to insert the following proviso:

Provided, That the sum of $7,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying to enlisted men the bonus of three months' pay for reenlistments and the increase in pay for officers and enlisted men, including enlisted men of the Hospital Corps, at the rates provided for in this act: *And provided further*, That the specific appropriations hereinbefore made for the officers and enlisted men in the line of the Army and in the several staff corps and departments, enlisted men in the Hospital Corps, officers and enlisted men in the Porto Rico Provisional Regiment of Infantry, and officers in the Philippine Scouts, being based upon former rates of pay, said specific appropriations are hereby increased to the amounts necessary for payment of such increase of pay at the rates established in this act.

The amendment was agreed to.

The next amendment was, on page 31, after line 18, to insert:

Encampment and maneuvers, organized militia: For paying the expenses of the organized militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until expended, $1,000,000.

Mr. KEAN. I call the attention of the Senator from Wyoming to the words "until expended," in line 3, on page 32.

Mr. WARREN. Of course all of it would be contracted this year, and naturally there would be some settlements to make on what is contracted this year that will run over into another year. If the Senator would like to put a qualifying sentence in there I have no objection. It is not to carry it beyond the next year.

Mr. BACON. I should like to call the attention of the Senator from Wyoming to the fact that while it is scarcely to be anticipated that the power would be abused, the language is a little unfortunate in the mention of the States in the twentieth and twenty-first lines, on page 31. Of course nobody supposes for a moment that the Secretary of War is going to designate the militia of only one State, but it ought not to be expressed as it is. It seems to me it ought to read, "the organized militia of States, Territories, or of the District of Columbia," instead of "any State, Territory, or of the District of Columbia."

Mr. KEAN. It will have to be authorized by the Secretary of War.

Mr. BACON. That is the evident intention of it, and I have no doubt in the world it will be construed by the Department, but it ought to be expressed properly.

Mr. WARREN. I will say to the Senator that some States object to taking part even when invited.

Mr. BACON. I understand that. Every State, of course, will not be included. I am not at all apprehensive that the Secretary of War would pick out one State and vote a million dollars to it. I am simply concerned that we should express ourselves properly. I may be wrong about it, but it seems to me that it ought to be in the plural instead of the singular.

Mr. WARREN. There is no objection to making it plural. I think the language is better as it is, however.

Mr. BACON. I will not insist if the Senator is satisfied with it.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence Department," on page 35, line 7, to increase the total appropriation for the purchase of subsistence supplies from $7,000,000 to $7,382,951.45.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," on page 35, line 24, after the word "posts," to strike out "and on transports;" and in line 25, after the word "appliances," to strike out "of fuel and lights for enlisted men" and insert "for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men," so as to read:

Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations, and United States military prisons; also ranges and stoves, and appliances for cooking and serving food at posts, and repair and maintenance of such heating and cooking appliances; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, and for recruits, etc.

The amendment was agreed to.

The next amendment was, on page 37, line 8, to increase the appropriation for the Quartermaster's Department from $9,000,000 to $9,937,156.10.

Mr. BACON. There is an increase of nearly $1,000,000. I have no doubt it is correct, but I think a statement ought to be made as to what is the occasion for the increase over the amount appropriated by the House of nearly $1,000,000 for this purpose. I suppose that there was a sufficient reason given to the committee.

Mr. WARREN. I will say to the Senator that the House evidently wanted to err, if at all, on the economical side, and did not provide sufficiently or what was estimated for, and did not, perhaps, have some of the evidence before its Members that will be found in the hearings before the Senate committee. Then, again, the House did not insert the appropriation of $1,000,000 for the maneuvers of the militia. The expectation is that the militia will be grouped in maneuvers with certain parts of the Regular Army and that will require extra transportation. That of itself would increase the appropriation somewhat.

The amendment was agreed to.

The next amendment was, on page 40, line 23, to increase the total appropriation for incidental expenses from $2,200,000 to $2,478,237.76.

The amendment was agreed to.

The next amendment was, in the appropriation for the purchase of horses for cavalry, artillery, and engineers, on page 41, line 10, after the word "reasonable," to strike out "provisions for remounts" and insert "provision for replacing unserviceable animals," so as to make the proviso read:

Provided, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provision for replacing unserviceable animals, etc.

The amendment was agreed to.

The next amendment was, in the appropriation for barracks and quarters, on page 42, line 1, after the word "and" to strike out "such heavy permanent furniture for," and in line 3, after the word "and," to insert "the Auditor for the War Department is authorized and directed to remove any suspensions of accounts of quartermasters for the fiscal years 1907 and 1908, for the purchase of furniture where the same has been or may be approved by the Secretary of War," so as to read:

Barracks and quarters: For barracks and quarters for troops, other than Seacoast Artillery, storehouses for the safe-keeping of military stores, for offices, recruiting stations, to provide such furniture for the public rooms of officers' messes and officers' quarters at military posts as may be approved by the Secretary of War, and the Auditor for the War Department is authorized and directed to remove any suspensions of accounts of quartermasters for the fiscal years 1907 and 1908, for the purchase of furniture where the same has been or may be approved by the Secretary of War, etc.

The amendment was agreed to.

The next amendment was, on page 42, line 24, after the words "Secretary of War," to strike out "$3,027,420: *Provided*, That of this amount not over $1,000,000 shall be used for new construction and not over $100,000 of that sum at any one post," and insert "$4,500,000: *Provided*, That no part of the sum herein appropriated shall be used for the construction of officers' quarters at the Army War College," so as to make the proviso read:

Provided further, That the number of and total sum paid for civilian employees in the Quartermaster's Department, including those paid from the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage, shall be limited to the actual requirements of the service, and that no employee paid therefrom shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $4,500,000: *Provided*, That no part of the sum herein appropriated shall be used for the construction of officers' quarters at the Army War College.

Mr. KEAN. I think some explanation ought to be made of that provision.

Mr. WARREN. We provided in former bills that out of this sum appropriated the officers' quarters and men's quarters owned by the United States might be provided with heavy furniture, and in some way we used the words, "permanent heavy furniture." The present Auditor for the War Department is, very properly, exceedingly particular. He does not wish to vary from the law and he has construed it to mean such furniture as is built in as a part of the house, while it was intended to cover such things as dining-room tables, hall racks, and so forth.

To go back to the origin of the appropriation, the officers are allowed a certain amount of baggage, we will say 6,000 pounds. An officer who has his house furnished, and he has to furnish it himself, uses 6,000 pounds of baggage going, we will say, to the Philippines, and when that baggage consists of large furniture, like cupboards or desks or dining tables, it costs the Government a great deal more to transport it over there than it does to buy it and install it in all the houses and permit it to remain permanently. So, as a matter of economy, we provided for furnishing this heavy furniture.

That is as to the first amendment. Now, as to the relief of the accounting officers. The Quartermaster-General last year contracted for certain furniture for posts in the Philippines to be delivered on or after July 1, in order to bring it under the new bill. He had a transport leaving a few days earlier, in which there was plenty of room and no freight to fill it, and it would be followed by transports for a number of months that were crowded. He therefore accepted this furniture and shipped it away before July 1, and the Auditor held up his accounts because the furniture was delivered before the bill was applicable. It is to correct that.

Mr. SMITH of Michigan. The words "has been," I suppose are intended to cover that?

Mr. WARREN. Yes.

Mr. KEAN. If I remember rightly, I think the amendment in regard to heavy furniture was offered by the Senator from West Virginia [Mr. SCOTT] some years ago.

The amendment was agreed to.

The next amendment was, on page 43, line 11, after the word "gymnasium," to insert "including heat and light for the buildings erected at private cost in the operation of the act approved May 31, 1902;" and in line 17, after the word "expended," to insert "in the construction of buildings," so as to make the clause read:

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange school, library, reading, lunch, amusement rooms, and gymnasium, including heat and light for the buildings erected at private cost in the operation of the act approved May 31, 1902, to be expended in the discretion and under the direction of the Secretary of War, $400,000: *Provided*, That not more than $40,000 of the above appropriation shall be expended in the construction of buildings at any one post or station.

The amendment was agreed to.

The next amendment was, on page 43, line 22, after the word "baggage," to insert, "including the cost of packing and crating; for the reimbursement of officers traveling under orders between points inaccessible by common carriers for the cost of hire of transportation between such points when it is impracticable for the Quartermaster's Department to furnish owned transportation; for transportation," so as to read:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for the reimbursement of officers traveling under orders between points inaccessible by common carriers for the

cost of hire of transportation between such points when it is impracticable for the Quartermaster's Department to furnish owned transportation; for transportation of recruits and recruiting parties, etc.

The amendment was agreed to.

The next amendment was, on page 44, line 20, after the word "Army," to strike out "for the payment as provided by law of Army transportation due such land-grant railroads as have not received aid in Government bonds, $3,697,561.65" and insert:

For the hire of employees: For the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for the like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

So as to read:

For transportation of funds of the Army; the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid, etc.

Mr. KEAN. I should like the Senator to explain how that change existing law.

Mr. WARREN. It does not change it at all. It simply reinserts it, because under the construction the Auditor applied last year it was desirable to have it included this year.

Mr. KEAN. It is desirable that it should always apply, because it is a contract, when the Government would have to carry the troops at such a price.

Mr. WARREN. It was considered necessary to reinsert it. During the last year we had it in the bill and it was thought necessary to reintroduce it.

Mr. BACON. It is very difficult to understand the amendment since the sentences are so long and involved. I notice that the House provision carried $3,697,561.65. At the same time there were other items, which are not embraced in the amendment found on page 46, amounting to $2,314,613.75. But the two together will have amounted to something like $6,000,000, whereas the amendment, if I read it correctly, including those same provisions, amounts to over $11,200,000. Am I correct?

Mr. WARREN. No; the $11,000,000 is the whole sum—the original sum of all these added together.

Mr. BACON. I understand. But the original sum, if I read it correctly in the bill as it came from the House——

Mr. WARREN. In the House it was in three divisions. I will explain it to the Senator. Formerly what now comes to us in five provisions was all under the one head of "transportation." We were asked continually why the water furnished the posts, the plumbing in the houses, and all that was charged in transportation. The answer to that is very simple. At the posts established on the frontier or in any new place the water had to be drawn to the place on wagons or by the laying of pipes, so that it became a part of the transportation.

In order to understand it better, we wanted to have it divided. We called on the Department to make a division. They divided it as we wanted they should. The water and the sewerage we have in one amount. They have given us the walks, roads, and so forth in another. Then they went still further and added a division between land transportation, water transportation, rail transportation, and so forth, which we do not deem proper, because it is impossible to tell a year beforehand how much water transportation as against land or how much land as against water may be required. So we grouped those three together.

Mr. BACON. I understand, then, that it includes not only the two sums I have mentioned, but also the $5,000,000 fund at the bottom of page 46.

Mr. WARREN. Yes; it includes all those in one.

The amendment was agreed to.

The next amendment was, on page 46, line 6, before the word "the," to strike out "For" and insert "for;" in line 8, before the word "reasonable," to strike out the letter "a;" in line 9, before the word "replacing," to strike out "the;" and in the same line, before the word "unserviceable," to strike out "of," so as to read:

for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals.

The amendment was agreed to.

The next amendment was, on page 46, line 15, after the word "masters," to strike out $2,314,613.75. For" and insert a semicolon and "for;" in line 20, after the word "transports," to insert "and other vessels," so as to read:

For the purchase and repair of such harness, wagons, carts, and drays as are required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; and for extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans.

The amendment was agreed to.

The next amendment was, on page 46, line 24, to increase the total appropriation for transportation of the Army and its supplies from $11,012,175.40 to $11,286,612.40.

The amendment was agreed to.

The next amendment was, on page 47, line 13, after the word "until," to strike out "the close of the fiscal year 1910" and insert "expended," so as to make the clause read:

For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905, and to be expended conformably to the provisions of said act, $250,000, to remain available until expended.

Mr. BACON. That is the same thing we had before, Mr. President.

Mr. WARREN. Let the amendment be rejected, Mr. President.

The VICE-PRESIDENT. Without objection, the amendment is disagreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, on page 47, line 16, after the word "construction," to insert "and repair;" in line 17, after the word "roads," to insert "walks;" in line 19, after the word "wharves," to insert "for the pay of employees;" and in line 21, before the word "dollars," to strike out "thousand" and insert "and ninety-four thousand three hundred and seventy-eight," so as to make the clause read:

Roads, walks, wharves, and drainage: For the construction and repair by the Quartermaster's Department of roads, walks, and wharves, for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves, for the pay of employees, and for the disposal of drainage, $994,378.

The amendment was agreed to.

The next amendment was on page 47, line 23, after the word "posts," to insert "and stations;" in line 25, after the word "distance," to strike out "and;" in the same line after the word "sewage," to insert "for repairs to water and sewer systems, and for hire of employees;" and on page 48, in line 3, before the word "dollars," to insert "seven hundred and eleven thousand two hundred and seventy-five," so as to make the clause read:

Water and sewers at military posts: For procuring and introducing water to buildings at such military posts and stations as from their situation require it to be brought from a distance; for the disposal of sewage; for repairs to water and sewer systems, and for hire of employees, $2,711,275.

The amendment was agreed to.

The next amendment was, on page 48, line 8, after the word "sites," to strike out "when" and insert "and such additions to existing military reservations as may be," so as to make the clause read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including payment of rents, the acquisition of title to building sites and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $731,022.

The amendment was agreed to.

The next amendment was, on page 49, line 12, after the word "garrisons," to strike out "$320,366" and insert "$545,366:

Provided, That not to exceed the following sums may be used in the erection of modern sanitary hospitals at the posts named: Thirty-five thousand dollars at Boise Barracks, Idaho; $65,000 to enlarge the hospital at Fort D. A. Russell, Wyo.; $50,000 to enlarge the hospital at Fort Sam Houston, Tex.; $40,000 to enlarge the hospital at Fort Slocum, N. Y.; $25,000 to enlarge the hospital at Fort Robinson, Nebr.; $20,000 to complete the hospital at Columbus Barracks, Ohio, and $20,000 to complete the hospital at Jefferson Barracks, Mo.;" so as to make the clause read:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, $545,366: *Provided*, That not to exceed the following sums may be used in the erection of modern sanitary hospitals at the posts named: Thirty-five thousand dollars at Boise Barracks, Idaho; $65,000 to enlarge the hospital at Fort D. A. Russell, Wyo.; $50,000 to enlarge the hospital at Fort Sam Houston, Tex.; $40,000 to enlarge the hospital at Fort Slocum, N. Y.; $25,000 to enlarge the hospital at Fort Robinson, Nebr.; $20,000 to complete the hospital at Columbus Barracks, Ohio, and $20,000 to complete the hospital at Jefferson Barracks, Mo.

The amendment was agreed to.

The next amendment was, on page 50, line 13, to increase the appropriation for shooting galleries and ranges from $156,000 to $191,850.

The amendment was agreed to.

The next amendment was, on page 50, line 18, after the word "Minnesota," to insert the following proviso:

Provided further, That $35,850 shall be immediately available for the acquisition of not less than 358½ acres of land adjacent to the rifle range at Fort Des Moines, Iowa, to be used as an extension of said range.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 52, line 18, after the word "dollars," to insert the following proviso:

Provided, That hereafter the Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia.

Mr. WARREN. I desire to say right there that this is the existing law; but we neglected in the last Army appropriation bill to put in the word "hereafter," so that it only applied to last year. We inserted this amendment for that reason.

Mr. BACON. Mr. President, as I understand the amendment, it leaves it discretionary to the Secretary of War whether he shall send these natives to the asylum in the Philippines or send them, as heretofore, to the Government Hospital for the Insane in the District of Columbia. Am I correct in that?

Mr. WARREN. Yes.

Mr. BACON. I should like to ask—I suppose the committee, of course, considered this, and I am asking simply for information—why that was not made mandatory instead of discretionary? It seems to me that if there are proper Government institutions in the Philippine Islands where these unfortunates can be cared for, it ought to be made a requirement rather than placed in the discretion of the War Department.

Mr. WARREN. I will say to the Senator from Georgia that he gets the same effect here, but he does not put the Secretary in a position where he is compelled to submit to extortion if it should be attempted on the part of private or semipublic hospitals.

Mr. BACON. Is it understood that that is the rule which the Secretary of War must follow?

Mr. WARREN. Yes.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was at the top of page 53, to insert:

For the purchase of special apparatus and supplies for field medical equipment, in addition to those purchased out of the regular appropriation for the Medical and Hospital Department, to be immediately available and to remain available until expended, $200,000.

The amendment was agreed to.

The next amendment was, on page 53, line 11, to reduce the appropriation for the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, from $10,000 to $5,000.

The amendment was agreed to.

The next amendment was, on page 55, line 7, after the word "expenses," to strike out "*Provided further*, That no part of this appropriation shall be used to pay double salaries to any employee of the Engineer School," so as to read:

Provided, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and to provide means for the theoretical and practical instruction at the Engineer School by the purchase of text-books, books of reference, scientific and professional papers, and for other absolutely necessary expenses, $25,000.

Mr. KEAN. What is the proviso which it is proposed to strike out, Mr. President?

Mr. WARREN. I will say to the Senator that this proviso was put in under a misapprehension. It might look, if it had been left in, as if it were necessary to legislate against the payment of double salaries, and so it was thought better to strike the proviso out. It does not mean that anybody is receiving, has received, or shall receive double pay, or anything like that.

Mr. KEAN. I want to compliment the Senator on one reduction in his bill. On page 53 I see he strikes out "ten" and inserts "five" in the item making provision for the library of the Surgeon-General's Office—a peaceful pursuit.

Mr. WARREN. I am very glad to have the Senator's compliment even on one item in the bill.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Military Affairs was, under the subhead "Ordnance Department," on page 56, line 1, before the word "service," to strike out "of" and insert "for," so as to make the clause read:

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, and office furniture, tools, and instruments for service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; and for publications for libraries of the Ordnance Department, including the Ordnance Office, and payment for mechanical labor in the office of the Chief of Ordnance, $300,000.

The amendment was agreed to.

The next amendment was, on page 56, line 23, after the word "service," to insert "and ammunition of older than current models may be issued for target practice and instruction to the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made," so as to make the clause read:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition of older than current models may be issued for target practice and instruction to the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made, $1,300,000.

The amendment was agreed to.

The next amendment was, on page 57, line 5, after the word "material," to insert "and machine and automatic guns, including their carriages, sights, implements, and equipments;" and in line 17, before the word "thousand," to strike out "five hundred and fifty" and insert "eight hundred," so as to make the clause read:

Field artillery for organized militia: For the purpose of procuring field-artillery material and machine and automatic guns, including their carriages, sights, implements, and equipments, for the organized militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the militia of the District of Columbia, to issue said artillery material to the organized militia; and the sum of $800,000 is hereby appropriated and made immediately available until expended for the procurement and issue of the articles constituting the same.

The amendment was agreed to.

The next amendment was, on page 57, line 22, after the word "armories," to insert "and for the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, and equipments;" and, on page 58, line 2, before the word "seventy-eight," to strike out "one million seven hundred and," and insert "two million," so as to make the clause read:

Manufacture of arms: For manufacturing, repairing, procuring, and issuing arms at the national armories, and for the purchase, manufacture, and test of machine and automatic guns, including their carriages, sights, implements, and equipments, $2,078,158.

The amendment was agreed to.

The next amendment was, on page 58, line 20, after the word "dollars," to strike out the following proviso:

Provided, That the trophies and medals herein authorized shall be contested for only by the enlisted men of the Army, Navy, Marine Corps, and the National Guard or organized militia of the several States, Territories, and of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 59, line 7, after the word "dollars," to insert the following proviso:

Provided, That in time of war, or threatened war, such equipment may, in the discretion of the Secretary of War, be withdrawn from armories or other places where it is in use by the State coast artillery organizations, and may be used in the fortifications of the United States.

The amendment was agreed to.

The next amendment was, on page 59, line 16, after the word "them," to insert "to heads of Executive Departments of the Government, and to Members of Congress," so as to make the clause read:

Sales of articles of ordnance property are authorized to educational institutions and State soldiers' and sailors' orphans' homes for maintaining the ordnance and ordnance stores issued to them, to heads of Executive Departments of the Government, and to Members of Congress.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient.

The amendment was agreed to.

The next amendment was, on page 60, after line 3, to insert:

For the construction of a suitable fence of iron or steel about the monument erected in 1883 on the Big Hole Battlefield, State of Montana, for the transportation and other necessary expenses in inclosing and restoring the monument, and for the preservation of the same, $1,200, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 60, after line 10, to insert:

For the construction at Fort Bayard, N. Mex., of the necessary quarters for officers and a suitable building for quarters for Army nurses, $214,100.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CARTER. Mr. President——

Mr. WARREN. The Senator from Montana has an amendment which he desires to offer.

Mr. KEAN. Does the Senator from Wyoming propose to have this bill disposed of to-night?

Mr. WARREN. I rather think the Senate——

Mr. KEAN. I have no objection.

Mr. WARREN. I should like to complete it. There are one or two matters which will take perhaps three or four minutes, and then I will agree to have the bill laid aside if Senators so desire, but I prefer to complete it.

Mr. CARTER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 50, after line 23, it is proposed to insert as a new paragraph the following:

For the purchase of a water right and necessary land connected therewith for a permanent water supply for Fort William Henry Harrison, in Montana, $20,000, or so much thereof as may be necessary.

Mr. WARREN. The committee accepts the amendment.

The amendment was agreed to.

Mr. CARTER. Mr. President, I call the attention of the Senator from Wyoming to page 47, and to line 23 of that page, and suggest that after the word "buildings" the words "and premises" be inserted, for the reason that in bringing a water supply to a post and in confining the use exclusively to buildings, the watering of the parade grounds and walks would probably be excluded.

Mr. WARREN. I will accept such an amendment as the Senator proposes.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 47, line 23, after the word "buildings," it is proposed to insert "and premises," so as to read:

For procuring and introducing water to buildings and premises at such military posts, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. WARREN. Mr. President, there seems to be a desire to conclude the consideration of the bill to-night, and I therefore ask that it be put upon its passage.

Mr. KEAN. I will ask the Senator what disposition has been made of the amendment on page 18 in regard to the Soldiers' Home? I had not noticed before that similar language was in the bill as it came from the House.

Mr. WARREN. The Senator alludes to the first paragraph on page 18?

Mr. KEAN. Yes; it being the item in regard to the repeal of sections 1280, 1281, and 1284 of the Revised Statutes in regard to the Soldiers' Home.

Mr. WARREN. I will say to the Senator that, unless there is a sufficient fund, there will be no misunderstanding and the conferees will, of course, drop that provision out. It is in another place in the House bill, and it is all open to amendment since the committee took out the language of the House bill and put this amendment in.

Mr. KEAN. Yes; I see on page 11 the House inserted the same language that we have now in the bill on page 18.

Mr. WARREN. If the Senator moves to strike it out, I will accept the amendment.

Mr. KEAN. I move to strike it out, not that I have any objection to it, for I do not know about it; but it will be in conference in any event in view of the amendment on page 11.

The VICE-PRESIDENT. The amendment has already been agreed to; but in the absence of objection, it will be considered as open to amendment. The amendment of the Senator from New Jersey to the amendment of the committee will be stated.

The SECRETARY. On page 18, beginning in line 1 of the committee amendment, it is proposed to strike out:

That sections 1280, 1281, and 1284 of the Revised Statutes be, and are hereby, repealed, and so much of section 4819 as pertains to the deduction of 12½ cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAY. With the permission of the Senator from Wyoming, I will say that the estimates made by the War Department for the total expenditures of the Army were $89,755,833.75. The House passed the bill carrying $84,207,566.56, about $5,000,000 less than the estimates made by the War Department. The bill as it is now and as it will probably pass the Senate carries $98,820,409.12, an increase of $14,612,843.56, making the amount that we appropriate about $10,000,000 more than the estimates made by the War Department.

Mr. WARREN. Mr. President——

Mr. CLAY. One moment——

Mr. WARREN. I should like to correct the Senator. The Senator is not right.

Mr. CLAY. Very well.

Mr. WARREN. The Senator states that the estimate of the War Department is $89,000,000 and over. That is true as to the first Book of Estimates made up in the middle of last summer and presented to Congress early in the session; but following that, on the same page of the committee report or the next one, he will find other estimates amounting to $7,951,200, which carry the estimates above $103,000,000.

Mr. CLAY. I was simply reading from the document that I have before me.

Mr. WARREN. Yes; but you did not read all of it.

Mr. CLAY. It is an unusual thing for Congress to pass a bill carrying more money to pay the expenses of a Department than the estimates call for.

Mr. WARREN. This bill does not do that.

Mr. CLAY. Observation teaches me that the estimates in ninety-nine cases out of a hundred are always larger than the appropriations ought to be. For instance, take the fortifications bill. If I remember correctly, the estimates were $38,000,000. The House passed a bill carrying $8,000,000; and there is a bill now before the Senate with recommendations for $10,000,000. It is always best to be below the estimates instead of above the estimates, and it is generally on the safe side to be considerably lower than the estimates.

Mr. WARREN. It is too late to take up much time with the matter the Senator from Georgia refers to, but I will say that this is an annual supply bill, and the aggregate of the estimates is supposed to be exactly what it will cost to supply the Army. The fortifications bill is an estimate of what we might, under certain conditions, need to fortify our coast, and it leaves the matter of how much we should provide in the year given entirely to Congress. As to these estimates, the Senator should remember—and he will see in a moment—that when the $89,000,000 estimate came in, it did not include anything for the increase of pay of the Army.

Mr. CLAY. That accounts for $7,000,000 of it.

Mr. WARREN. It accounts for more than that, because the estimate is for more, but we put it on in different places. The estimates from the Department amount to over $103,000,000, and we are appropriating by this bill something over $98,000,000.

Mr. CLAY. Will the Senator tell us when the supplementary estimates were filed?

Mr. WARREN. They will be found right along in the list from day to day, following the filing of the general estimates.

Mr. CLAY. This document seems to have been made——

Mr. WARREN. That, Mr. President, is this large book of the principal estimates (exhibiting) that was made up in the summer, preceding the opening of the session.

Mr. CLAY. When was the estimate of $89,000,000 filed?

Mr. WARREN. That was made up last summer, and was brought before Congress when it met in December. It had been before the Department prior to that time. Some of the estimates were made perhaps before the end of the last fiscal year, and others were made after the 1st of July.

Mr. CLAY. The Senator knows that the practice of making estimates and sending them to Congress and then coming before the committees a few days before the committees act and filing additional estimates, is not a very good practice.

Mr. WARREN. But it must be held to be a good practice if, for the purpose of enacting legislation, we shall call for them as we did in the case of the increase in the pay of the Army.

Mr. CLAY. I agree with the Senator that the item of $7,000,000 additional pay on account of the increase in the pay of the Army is correct. The estimates for that ought to have been made; but my experience and observation have taught me that, in many instances, a few days before the Committee on Appropriations or the Committee on Post-Offices and Post-Roads, for instance, act on an appropriation bill, we find additional estimates coming in carrying several hundred thousand or a million dollars, and I do not believe that to be a good practice.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 7, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 6, 1908.

PROMOTION IN THE NAVY.

Midshipman Archibald G. Stirling to be an ensign in the Navy from the 13th day of February, 1908, in accordance with the provisions of an act of Congress approved April 3, 1908.

PUBLIC PRINTER.

John S. Leech, of Illinois, to be Public Printer, vice Charles A. Stillings, resigned.

POSTMASTERS.

ARKANSAS.

Charles L. Jones to be postmaster at Junction City (late Junction), Union County, Ark., in place of Charles L. Jones, to change name of office. Incumbent's commission expired March 2, 1908.

FLORIDA.

Roy S. Hanna to be postmaster at St. Petersburg, Hillsboro County, Fla., in place of Roy S. Hanna. Incumbent's commission expires April 28, 1908.

William A. Murat to be postmaster at Apalachicola, Franklin County, Fla., in place of William A. Murat. Incumbent's commission expired March 2, 1908.

ILLINOIS.

Charles W. Taylor to be postmaster at Libertyville, Lake County, Ill., in place of Warren M. Heath, resigned.

IOWA.

D. J. Adlum to be postmaster at Missouri Valley, Harrison County, Iowa, in place of D. J. Adlum. Incumbent's commission expired April 10, 1906.

Stephen M. Brinton to be postmaster at Brighton, Washington County, Iowa, in place of Stephen M. Brinton. Incumbent's commission expires April 19, 1908.

Robert W. Willard to be postmaster at Lost Nation, Clinton County, Iowa. Office became Presidential April 1, 1908.

KANSAS.

Henry S. Mueller to be postmaster at Sedgwick, Harvey County, Kans., in place of Henry S. Mueller. Incumbent's commission expired February 1, 1908.

MARYLAND.

John Buchanan to be postmaster at Williamsport, Washington County, Md., in place of John Buchanan. Incumbent's commission expires April 9, 1908.

MINNESOTA.

John F. McDavid to be postmaster at Chisholm, St. Louis County, Minn., in place of William E. Talboys. Incumbent's commission expired November 23, 1907.

NEW YORK.

Richard H. McIntyre to be postmaster at Saranac Lake, Franklin County, N. Y., in place of Richard H. McIntyre. Incumbent's commission expires April 8, 1908.

OREGON.

Robert Walker to be postmaster at Bandon, Coos County, Oreg. Office became Presidential January 1, 1908.

PENNSYLVANIA.

Charles E. Foringer to be postmaster at Kaylor, Armstrong County, Pa. Office became Presidential January 1, 1908.

Wesley B. McAlpine to be postmaster at South Brownsville (late Cadwallader), Fayette County, Pa., in place of Solomon G. Krepps, resigned, to change name of office.

Joseph S. Taylor to be postmaster at Morrisville, Bucks County, Pa., in place of Joseph S. Taylor. Incumbent's commission expired February 11, 1907.

TENNESSEE.

Luther A. Styles to be postmaster at Copperhill (late McKays), Polk County, Tenn., in place of Luther A. Styles, to change name of office.

VIRGINIA.

Roger G. Dyson to be postmaster at North Emporia (late Belfield), Greenesville County, Va., in place of Roger G. Dyson, to change name of office.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 6, 1908.

Charles L. Jones to be postmaster at Junction, in the State of Arkansas.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1908.

SURVEYOR OF CUSTOMS.

Charles L. Peacock, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee.

APPOINTMENTS IN THE ARMY.

General Officers.

Brig. Gen. Charles B. Hall to be major-general from March 28, 1908.

Col. John B. Kerr, Twelfth Cavalry, to be brigadier-general.

PROMOTIONS IN THE ARMY.

Capt. Leslie R. Groves, chaplain Fourteenth Infantry, to be chaplain, with rank of major, from March 25, 1908.

Infantry Arm.

Capt. Charles H. Muir, Second Infantry, to be major from March 24, 1908.

First Lieut. Walter G. Penfield (now captain, by detail, in the Ordnance Department) to be captain of infantry from March 24, 1908.

First Lieut. George D. Freeman, jr., Twenty-first Infantry, to be captain from March 24, 1908.

Medical Department.

Lieut. Col. Blair D. Taylor, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel, from March 31, 1908.

Maj. Junius L. Powell, surgeon, to be deputy surgeon-general, with the rank of lieutenant-colonel, from March 31, 1908.

Capt. Charles E. B. Flagg, assistant surgeon, to be surgeon, with the rank of major, from March 31, 1908.

POSTMASTERS.

PENNSYLVANIA.

Forrest L. Ferrell to be postmaster at Boswell, Somerset County, Pa.

William W. Greene to be postmaster at Uniontown, Fayette County, Pa.

VIRGINIA.

J. R. Elder to be postmaster at Berryville, Clarke County, Va.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 6, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read.

Mr. PAYNE. Mr. Speaker, I move that the Journal stand approved.

The SPEAKER. The gentleman from New York moves the approval of the Journal.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi demands a division.

The House divided, and there were—ayes 130, noes 80.

Mr. WILLIAMS. Mr. Speaker, I call for tellers.

The SPEAKER. The gentleman from Mississippi demands tellers.

Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is clearly dilatory. It is a very decisive vote.

The SPEAKER. The Chair holds the motion is dilatory.

Mr. WILLIAMS. Then, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 240, nays 34, answered "present" 11, not voting 103, as follows:

YEAS—240.

Adair	Dawson	Huff	Overstreet
Adamson	Denby	Hughes, N. J.	Padgett
Aiken	Denver	Hull, Iowa	Page
Alexander, Mo.	Diekema	Hull, Tenn.	Parker, N. J.
Alexander, N. Y.	Dixon	Humphrey, Wash.	Parsons
Allen	Douglas	Humphreys, Miss.	Patterson
Ames	Draper	Jones, Wash.	Payne
Ansberry	Driscoll	Kahn	Perkins
Anthony	Dwight	Keifer	Pou
Ashbrook	Ellerbe	Kennedy, Iowa	Pray
Barclay	Ellis, Mo.	Kinkaid	Pujo
Bartholdt	Ellis, Oreg.	Kitchin, Claude	Rainey
Bartlett, Nev.	Englebright	Knopf	Randell, Tex.
Bates	Esch	Knowland	Ransdell, La.
Beale, Pa.	Fassett	Küstermann	Rauch
Beall, Tex.	Favrot	Lafean	Reeder
Bede	Ferris	Lamar, Mo.	Reid
Bell, Ga.	Fitzgerald	Landis	Rodenberg
Bennet, N. Y.	Floyd	Langley	Rothermel
Birdsall	Focht	Laning	Rucker
Bonynge	Foss	Law	Russell, Mo.
Booher	Foster, Ill.	Lawrence	Ryan
Bowers	Foster, Vt.	Leake	Saunders
Boyd	Foulkrod	Lee	Scott
Bradley	Fuller	Lewis	Shackleford
Brodhead	Fulton	Lindbergh	Sheppard
Brownlow	Gaines, Tenn.	Littlefield	Sherley
Brumm	Gaines, W. Va.	Lloyd	Sherwood
Burke	Gardner, Mich.	Longworth	Sims
Burleigh	Garner	Loudenslager	Slayden
Burleson	Garrett	Lovering	Small
Burnett	Gillespie	Lowden	Smith, Cal.
Butler	Gillett	McCall	Smith, Iowa
Byrd	Goebel	McCreary	Smith, Mich.
Calder	Gordon	McDermott	Snapp
Calderhead	Graham	McGuire	Southwick
Caldwell	Granger	McKinlay, Cal.	Sperry
Campbell	Greene	McKinley, Ill.	Spight
Candler	Griggs	McLachlan, Cal.	Stafford
Capron	Hackney	McLain	Steenerson
Carter	Haggott	McLaughlin, Mich.	Stephens, Tex.
Cary	Hale	McMillan	Sterling
Caulfield	Hamilton, Mich.	Macon	Sturgiss
Chaney	Hamlin	Madden	Sulloway
Chapman	Hammond	Madison	Tawney
Cocks, N. Y.	Harding	Malby	Taylor, Ohio
Conner	Hardwick	Mann	Thistlewood
Cook, Colo.	Hardy	Moon, Tenn.	Thomas, Ohio
Cook, Pa.	Haskins	Moore, Pa.	Tirrell
Cooper, Tex.	Haugen	Moore, Tex.	Tou Velle
Cooper, Wis.	Hawley	Morse	Volstead
Cousins	Henry, Conn.	Murdock	Wanger
Cox, Ind.	Henry, Tex.	Murphy	Washburn
Cravens	Higgins	Needham	Weeks
Crawford	Hitchcock	Nelson	Weems
Crumpacker	Holliday	Nicholls	Williams
Cushman	Houston	Norris.	Wilson, Ill.
Dalzell	Howell, N. J.	Nye	Wood
Darragh	Howland	O'Connell	Woodyard
Davis, Minn.	Hubbard, W. Va.	Olcott	Young

NAYS—34.

Bartlett, Ga.	Hamill	Keliher	Sulzer
Brundidge	Harrison	Lamb	Taylor, Ala.
Carlin	Hay	Legare	Thomas, N. C.
Clark, Mo.	Heflin	Peters	Underwood
Clayton	Helm	Richardson	Wallace
Flood	Hill, Miss.	Robinson	Watkins
Goulden	Hobson	Russell, Tex.	Wolf
Gregg	James, Ollie M.	Smith, Tex.	
Hackett	Johnson, Ky.	Stanley	

ANSWERED "PRESENT"—11.

Cockran	Hamilton, Iowa	Lassiter	Prince
Currier	Jenkins	Lever	Roberts
Foster, Ind.	Johnson, S. C.	McGavin	

NOT VOTING—103.

Acheson	Edwards, Ky.	James, Addison D.	Pearre
Andrus	Fairchild	Jones, Va.	Pollard
Bannon	Finley	Kennedy, Ohio	Porter
Barchfeld	Fordney	Kimball	Powers
Bennett, Ky.	Fornes	Kipp	Pratt
Bingham	Fowler	Kitchin, Wm. W.	Reynolds
Boutell	French	Knapp	Rhinock
Brantley	Gardner, Mass.	Lamar, Fla.	Riordan
Brick	Gardner, N. J.	Lenahan	Sabath
Broussard	Gilhams	Lilley	Sherman
Burgess	Gill	Lindsay	Slemp
Burton, Del.	Glass	Livingston	Smith, Mo.
Burton, Ohio	Godwin	Lorimer	Sparkman
Clark, Fla.	Goldfogle	Loud	Stevens, Minn.
Cole	Graff	McHenry	Talbott
Cooper, Pa.	Gronna	McKinney	Townsend
Coudrey	Hall	McMorran	Vreeland
Craig	Hayes	Marshall	Waldo
Davenport	Hepburn	Maynard	Watson
Davey, La.	Hill, Conn.	Miller	Webb
Davidson	Hinshaw	Mondell	Weisse
Dawes	Howard	Moon, Pa.	Wheeler
De Armond	Howell, Utah	Mouser	Wiley
Dunwell	Hubbard, Iowa	Mudd	Willett
Durey	Hughes, W. Va.	Olmsted	Wilson, Pa.
Edwards, Ga.	Jackson	Parker, S. Dak.	

So the Journal was approved.

The Clerk announced the following pairs:

On the vote:

Mr. DUREY with Mr. MAYNARD.

For the day:

Mr. GRONNA with Mr. SMITH of Missouri.

Mr. BRICK with Mr. WILLIAM W. KITCHIN.

Mr. DUNWELL with Mr. GODWIN.

Mr. HEPBURN with Mr. WILSON of Pennsylvania.

Mr. BOUTELL with Mr. WILLETT.

Mr. POWERS with Mr. PRATT.

Until Wednesday:

Mr. PRINCE with Mr. GLASS.

Until April 14:

Mr. COOPER of Pennsylvania with Mr. KIPP.

Until further notice:

Mr. ACHESON with Mr. BURGESS.

Mr. STEVENS of Minnesota with Mr. SPARKMAN.

Mr. PARKER of South Dakota with Mr. LENAHAN.

Mr. WATSON with Mr. LIVINGSTON.

Mr. MILLER with Mr. JONES of Virginia.

Mr. MUDD with Mr. TALBOTT.

Mr. HUGHES of West Virginia with Mr. WILEY.

Mr. HILL of Connecticut with Mr. SABATH.

Mr. COUDREY with Mr. LAMAR of Florida.

Mr. FAIRCHILD with Mr. RHINOCK.

Mr. BANNON with Mr. DE ARMOND.

Mr. SLEMP with Mr. GILL.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. MCKINNEY with Mr. MCHENRY.

Mr. WHEELER with Mr. CRAIG.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. OLMSTED with Mr. EDWARDS of Georgia.

Mr. GILHAMS with Mr. HOWARD.

Mr. KNAPP with Mr. LINDSAY.

Mr. POLLARD with Mr. LEVER.

Mr. MCGAVIN with Mr. WEBB.

Mr. HALL with Mr. HAMILTON of Iowa.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. BARCHFELD with Mr. GOLDFOGLE.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. FRENCH with Mr. DAVENPORT.

For the session:

Mr. KNOPF with Mr. WEISSE.

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. BENNET of New York with Mr. FORNES.

The result of the vote was announced as above recorded.

EMPLOYERS' LIABILITY BILL.

Mr. STERLING. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 20310, the employers' liability bill.

Mr. LITTLEFIELD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois [Mr. STERLING] moves to suspend the rules and pass the bill (H. R. 20310), which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases.

Be it enacted, etc., That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering

injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee; and, such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 2. That every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 3. That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

SEC. 7. That the term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8. That nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other act or acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the act of Congress entitled "An act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906.

Mr. LITTLEFIELD. Mr. Speaker, I demand a second.

Mr. HENRY of Texas. Mr. Speaker——

The SPEAKER. Is a second demanded?

Mr. HENRY of Texas. I demand a second.

The SPEAKER. Is the gentleman from Texas against the bill?

Mr. LITTLEFIELD. I am against the bill, and on the committee, and filed a minority view.

Mr. STERLING. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. STERLING] is recognized for twenty minutes, and the gentleman from Maine [Mr. LITTLEFIELD] for twenty minutes.

Mr. STERLING. Mr. Speaker, the bill under consideration is what is known as the employers' liability bill. It relates to common carriers by railroads engaged in interstate commerce, commerce with foreign nations, in the District of Columbia, the Territories, the Canal Zone, and other possessions of the United States. The first two sections of the bill abolish the doctrine of fellow-servant in this line of commerce. Section 3 is a modification of the common-law doctrine of contributory negligence. It provides that contributory negligence shall not bar a recovery, but it further provides that the responsibility of the negligence of the employer and of the employee shall rest upon each. It requires the jury to reduce the damages in proportion to the negligence committed by the injured employee. The proviso in section 3 and section 4 provides that contributory negligence and assumption of risk shall not be charged to the employee where he is injured by reason of the violation of any statute by the employer that has been enacted for the safety of employees. That is to say, where a violation of any such statute contributes to the injury, then contributory negligence or assumption of risk can not be pleaded as a defense to the recovery of damages.

Section 5 of the bill provides that all contracts, rules, and regulations, which seek to exempt the employer, the common carrier, from liability created by this act shall be void so far as it seeks to produce that exemption. But in case the common carrier has paid any benefit or any insurance by virtue of such a contract, he shall be permitted to set it off in any claim for damages made by the employee.

Mr. CRUMPACKER. Will the gentleman allow a question?

The SPEAKER. Will the gentleman yield?

Mr. STERLING. I yield.

Mr. CRUMPACKER. I am in favor, I will say, of the pending bill. I believe it to be a just and a humane measure, but I would like to know if it was the intention of the Committee on the Judiciary that the bill should apply to interurban and street railroads, where it was applicable at all, as well as to street railroads operated by electric power? Would it apply to the street-railroad system in the city of Washington, or the system in Honolulu and Manila, for instance?

Mr. STERLING. I think it does.

Mr. CRUMPACKER. And electric interurban roads operating between States and Territories?

Mr. STERLING. Yes, sir. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, we are about to pass a meritorious bill, in which are embraced the rights of millions of American people. It should have been passed long ago by the present Congress, and I hope there will not be a single vote recorded against it upon the other side, although one gentleman on the Republican side has demanded a second for the purpose of opposing the enactment. We congratulate the country upon the report from the Committee on the Judiciary, and I believe it can be safely promised that every vote on this side of the House will be promptly and cheerfully given in behalf of the measure. [Applause on the Democratic side.]

Mr. Speaker, during the limited time allotted me I can not go into details, but can safely state that we have reported to this House what we deem to be a constitutional law. [Applause.] We have endeavored to embrace within its terms only provisions that refer to commerce between States. We concede that the American Congress has no power and has no right to touch the internal commerce of the States. This bill is fashioned solely with the intention of governing interstate commerce and matters arising out of the same. We can not say what view the Supreme Court of the United States may take of it, because when the last act was before that body four justices believed that Congress was only attempting to deal with interstate commerce, whereas five of them declared that we were undertaking to invade the domain of State jurisdiction and deal with intrastate commerce.

Let me submit in brief language the provisions of this measure, in order that we may thoroughly understand it. At common law there was no right of recovery for damages for death resulting from negligence; by this act we authorize recovery for injury or death. At common law there could be no recovery against the employer for the neglect of fellow-servants engaged in common employment; by this act we abrogate that ancient doctrine and permit recovery for the negligence of the officers, agents, or employees, although the one guilty of negligence is a fellow-servant of the one injured or killed. At common law the one who had contributed by his own negligence to his injury could not recover, and also for the negligence of another which had been the concurring cause; by this law we authorize a recovery in such cases and only demand that the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. Furthermore, if the damage is attributable to the violation of a statute by the employer, contributory negligence can not be imputed to the employee. At common law the employer could bind the employee by contract to renounce his right to damage in cases of injury in the course of employment; we here abrogate that rule of the common law. This statute forbids such contract. We abolish the common-law doctrine of fellow-servant, a doctrine long ago discontinued by many States. Hence we have changed four rules of the common law. These changes are in obedience to the demands of humanity, justice, and the sacred rights of millions of American citizens engaged in hazardous employments.

Therefore, Mr. Speaker, the common law is changed in four respects. Favoring most cordially its every provision, I hope that this bill will be promptly passed. [Loud applause.]

Mr. STERLING. I reserve the balance of my time.

Mr. LITTLEFIELD. Mr. Speaker, this bill, in section 3, practically abolishes the doctrine of contributory negligence and is a very pronounced innovation on existing law. There are but two or three States that have any legislation anything like parallel to this proposition, and it did not appear before the committee that there had been such experience under that legislation as to enable us to judge one way or the other

whether this legislation would be wise or unwise. I should not feel at liberty to vote for this bill for that reason, if there were no other; but my objections to the bill are mainly legal in their character. They are stated as concisely and as briefly as I can state them in the minority views, and I should like to have the Clerk read them, excluding the citations and discussions of the authorities, in support of the views found on pages 79 to 87 and 92 to 94, inclusive. I ask unanimous consent that the remainder may be inserted in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

The SPEAKER. Does the gentleman yield?

Mr. LITTLEFIELD. I do.

Mr. COOPER of Wisconsin. I observe that the bill, as originally introduced by the gentleman from Illinois [Mr. STERLING], applied to all common carriers.

Mr. LITTLEFIELD. Yes.

Mr. COOPER of Wisconsin. The commitee have inserted in the third line the words "by railroad," so that it now reads, "any common carrier by railroad."

Mr. LITTLEFIELD. That is correct.

Mr. COOPER of Wisconsin. Has the gentleman thought whether or not there is a constitutional question here involving a declaration by Congress of a legislative discrimination against one class of common carriers?

Mr. LITTLEFIELD. I did consider that part of the bill. The question of class legislation is discussed in the second paragraph of the minority views.

If the Clerk will read and the House will listen to the views we prepared, they will get a very clear idea of the position of the minority on this legislation.

The Clerk read as follows:

VIEWS OF THE MINORITY.

The undersigned respectfully submit their minority views in connection with H. R. 17036, the committee's draft known as H. R. 20194, and the committee's redraft known as H. R. 20310, as follows:

I.

The first question that properly arises in connection with this proposed legislation is whether or not the changing of the law governing the liability of the master to the servant engaged in interstate commerce is a regulation of interstate commerce. It seems to be settled in the Howard case (Howard, admx., etc., *v.* Ill. Cen. R. R. Co., Jan. 6, 1908) and in the Adair case (Adair *v.* U. S., Jan. 27, 1908) that Congress has no power to regulate "persons because they engage in interstate commerce," and that its power of regulation is "confined solely to regulating the interstate-commerce business which such persons may do." While it is quite true that this question was the first in order discussed and passed upon in the Howard case, and is referred to with approval in the Adair case, in each case it was clearly a dictum, too clear for discussion in the Adair case, and in the Howard case asserted to be a dictum by three eminent members of the court, Mr. Chief Justice Fuller and Justices Peckham and Brewer.

The second proposition in the Howard case upon which the court held the act unconstitutional turned upon an entirely different legal question, with which the first proposition has no connection whatever. The first question passing upon the right to regulate the relation between master and servant was in no sense essential to the result reached in the opinion, which result was reached for an entirely different reason, viz, because the bill understood to control and regulate both interstate and State commerce. As this question is, therefore, still open, we do not think this bill should go from the Judiciary Committee with the exercise of this power to regulate the relation between master and servant as an essential and integral factor of interstate commerce unchallenged. We are unable to see how interstate commerce can be impeded, obstructed, or hindered, or facilitated, promoted, or aided, either directly or indirectly, in the slightest degree in either case, because the doctrine of fellow-servant does or does not apply as a matter of liability between the employer and the employee engaged in interstate commerce.

In the argument of the dictum sustaining this power it is not even intimated that the safety or security of passengers or freight is in any way subserved or that its transportation is in any way facilitated by this effort to regulate and control. To be sure the arbitrary assertion is made in the opinion that such a regulation is a "regulation of interstate commerce," but it is respectfully submitted that, as a matter of reasoning, this is hardly sufficient to establish the proposition. To assert it is one thing and to sustain it by adequate legal reasoning is quite another. The bill provides that the master engaged in interstate commerce is to be liable to his employee also engaged in interstate commerce, notwithstanding the injury was sustained through the negligence of a coemployee. Is that really a regulation of interstate commerce? It is pertinent to inquire in what way does this change of legal relation between the employer and employee, both engaged in interstate commerce, affect the interstate commerce itself, or in what way does it regulate it? That, as we understand it, is the test. Under the existing law, does the fact that the master is not liable to a coemployee for the negligence of a fellow-servant in any way embarrass, impede, or obstruct interstate commerce, or, upon the other hand, does the proposed change tend to facilitate, promote, or expedite such commerce? We are not aware that anyone pretends that either of these consequences follows; on the contrary, the parties who are most earnestly urging this legislation invariably insist that the fellow-servant doctrine has no connection whatever, either theoretical or actual, with the safety of the enterprise to which it applies.

Will any more freight or passengers be carried in interstate commerce or will freight or passengers be carried more rapidly or more safely after this bill becomes a law than now? No one even pretends to claim it. If this change of legal relation between employer and employee is really a regulation of commerce it would seem necessarily that there must be some point of contact between the regulation and the commerce itself, some place or some phase where the proposed regulation will produce some result upon the commerce regulated, at least theoretically or technically, but this place or phase or result no one has ever been able to point out, and in fact no attempt of that kind, so far as we know, has been made. Until it can be shown that there is such point of contact or that the regulation regulates in some way, in some place, or has some connection with some phase of interstate commerce we feel bound to conclude that the proposed bill is an attempt to regulate the carrier because he is engaged in interstate commerce, which the court has held could not be done, and not a regulation of the commerce itself in which the carrier is engaged, and therefore beyond the domain of the Congress. If it is a regulation, must not the regulation be substantial and appreciable, and of such a character that it can be ascertained, at least in theory?

If it is suggested that it is a regulation of an instrumentality of interstate commerce, the same considerations apply. What is the instrumentality that it attempts to regulate, and in what way and in what manner does it regulate the instrumentality? What aid does the instrumentality receive from this alleged regulation of interstate commerce? From what incumbrance is it relieved? We have never heard of any answer to these questions, and until they are answered we do not believe the legislation can be sustained.

We have examined with care the able, exhaustive, and learned opinion of Mr. Justice Moody, and respectfully submit that in all of the legislation to which he refers the effect of the regulation upon interstate commerce was obvious, and that there is no case cited by him where the power to regulate was sustained; where the point of connection with interstate commerce did not clearly appear. As we understand it, the real reason upon which he relies and upon which he fundamentally disagrees with the majority of the court is well indicated when he says: "How poor and meager the power would be if whenever it was exercised the legislator must pause to consider whether the action proposed regulated commerce or merely regulated the conduct of persons engaged in commerce," insisting that the power must extend to "the conduct of persons engaged in commerce."

II.

We think the bill should be confined in its operation to the extrahazardous risks involved in the actual operation of interstate railroads, assuming that Congress has power to regulate the carriers engaged in interstate commerce in the manner proposed. If this were a State statute, unless the language used in the bill is of such an indefinite, uncertain, and indeterminate character as to justify the court in holding that the act applied only to the extrahazardous risks involved in the actual operation of the road, it would, without any question, be held to be unconstitutional as being class legislation and depriving the railroad of the equal protection of the law guaranteed to it by the fourteenth amendment to the Constitution, which provides that no State shall "deny to any person within its jurisdiction the equal protection of the law." In this connection we insert copious extracts from a brief upon this point furnished the committee by Mr. Benjamin D. Warfield, which, as we understand it, states the cases and their effect correctly.

BRIEF SUBMITTED BY MR. BENJAMIN D. WARFIELD.

In G. C. and S. F. R. Co. *v.* Ellis (165 U. S., 150), the Supreme Court of the United States declared a statute void which arbitrarily classified railroad companies exclusively, because the statute violated the fourteenth amendment to the Constitution of the United States.

Again, in Cotting *v.* Kansas City Stock Yards Company, etc. (183 U. S., 79), the Supreme Court of the United States held that a statute of Kansas violated the fourteenth amendment to the Constitution of the United States in that it applied to the Kansas City Stock Yards Company, but did not apply to other companies or corporations engaged in like business in Kansas. The Supreme Court of the United States, in the opinion in the Cotting case, quoted approvingly from the supreme court of Kansas in State *v.* Haun (61 Kans., 146), where a statute of that State, which provided for the payment of laborers in money, etc., was held unconstitutional on the ground that it was obnoxious to the fourteenth amendment to the Constitution of the United States, as follows:

"Everyone has a right to demand that he be governed by general rules, and a special statute which, without his consent, singles his case out as one to be regulated by a different law from that which is applied in all similar cases would not be legitimate legislation, but would be such an arbitrary mandate as is not within the province of free governments. Those who make the laws 'are to govern by promulgated, established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at court and the countryman at plow.' This is a maxim in constitutional law, and by it we may test the authority and binding force of legislative enactments."

In Connelly *v.* Union Sewer Pipe Company (184 U. S., 540) the anti-trust statute of Illinois, 1893, was held to be unconstitutional because if violated the fourteenth amendment to the Constitution of the United States. The statute contained a section exempting from its operation agricultural products or live stock while in the hands of the producer or raiser.

The Supreme Court said:

"The difficulty is not met by saying that, generally speaking, the State, when enacting laws, may, in its discretion, make a classification of persons, firms, corporations, and associations in order to subserve public objects. For this court has held that classifications 'must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without any such basis. * * * But arbitrary selection can never be justified by calling it classification. The equal protection demanded by the fourteenth amendment forbids this. * * * No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government. * * * It is apparent that the mere fact of classification is not sufficient to relieve a statute from the reach of the equality clause of the fourteenth amendment, and that in all cases it must appear not only that a classification has been made, but also that it is one based upon some reasonable ground—some difference which bears a just and proper relation to the attempted classification—and is not a mere arbitrary selection.'"

In Adair *v.* United States, decided by the Supreme Court of the United States January 27, 1908, the court held section 10 of the act of Congress of June 1, 1898, unconstitutional and void. By that section Congress attempted to make it a misdemeanor against the United States for an employer or its officer or agent, among other things, to threaten any employee with loss of employment or unjustly discriminate against any employee because of his membership in a labor organization. During the course of the opinion of the court, delivered by Mr. Justice Harlan, it was said:

"It may be observed in passing that while that section makes it a crime against the United States to unjustly discriminate against an employee of an interstate carrier because of his being a member of a labor organization it does not make it a crime to unjustly discriminate against an employee of the carrier because of his not being a member of such organization."

And again:

"The first inquiry is whether the part of the tenth section of the act of 1898 upon which the first count of the indictment was based is repugnant to the fifth amendment of the Constitution declaring that no person shall be deprived of liberty or property without due process of law. In our opinion that section, in the particular mentioned, is an invasion of the personal liberty, as well as of the right of property, guaranteed by that amendment."

And again:

"We need scarcely repeat what this court has more than once said, that the power to regulate interstate commerce, great and paramount as that power is, can not be exerted in violation of any fundamental right secured by other provisions of the Constitution." (Gibbons *v.* Ogden, 9 Wheat., 1, 196; Lottery Case, 188 U. S., 321, 353.)

While the exact question for which we are here contending has not been adjudicated by the Supreme Court of the United States for the reason that that court has not yet been called upon to decide the question, its decision in Howard *v.* I. C. R. Co., etc., decided January 6, 1907, whereby the employers' liability act of July 11, 1906, was held unconstitutional, having been decided on another ground, we earnestly insist that any statute of the character of the bills now pending in Congress above referred to, in order to withstand the fifth amendment to the Constitution of the United States, must be limited by its terms or construed by the courts as embracing only those interstate employees of interstate carriers who are engaged in extrahazardous employment—i. e., in those employments where the employees are exposed to dangers peculiar to railroading, those occasioned by the movements of engines, cars, and trains on tracks, or directly connected therewith, just as State statutes of similar import have been construed by the courts of last resort of the States enacting the statutes, in order that such statutes should not violate the fourteenth amendment to the Constitution of the United States.

The earliest of the State statutes which attempted to modify and alter the common-law rule of fellow-servants, so far as we are advised, was a statute of Iowa, enacted in 1862, and which will be found in the Iowa code of 1873, section 1707. The statute read as follows:

"Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of agents, or by any mismanagement of the engineers or other employees of the corporation, and in consequence of the willful wrongs, whether of commission or of omission, of such agents, engineers, or other employees, when such wrongs are in any manner connected with use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding."

The supreme court of Iowa, in order to hold the statute just quoted constitutional, has held that it applied only to dangers peculiar to railroading, those occasioned by the movements of engines, cars, and machinery on tracks or directly connected therewith. (Akeson *v.* R. Co., 75 N. W., 676.)

During the course of that opinion this language was used:

"The peculiarity of the railroad business which distinguishes it from any other is the movement of vehicles or machinery of great weight on the track by steam or other power, and the dangers incident to such movements are those the statute was intended to guard against. If, then, the injury is received by an employee whose work exposes him to the hazards of moving trains, cars, engines, or machinery on the track, and is caused by the negligence of a coemployee in the actual movement thereof, or in any manner directly connected therewith, the statute applies, and recovery may be had. Beyond this the statute affords no protection. The purpose of the lawmakers was evidently not to make men, because employed by railroad companies, favorites of the law, but to afford protection owing to the peculiar hazards of their situation."

In the Akeson case the supreme court of Iowa held that the statute did not apply in favor of a person employed to coal engines from coal cars alongside of the engine, by carrying coal from the car to the tender in wheelbarrows, over planks laid as a footway from the car to the tender, and who was injured by the negligence of a coservant in removing a plank over which the wheelbarrows were operated between the coal car and the engine tender.

In Luce *v.* R. Co. (67 Iowa, 75; 24 N. W., 600), the plaintiff was employed in the coal house of a railroad company, and while hoisting coal for the purpose of coaling an engine was struck by the crane by which the coal was hoisted, owing to the negligence of a coservant. It was held that the statute did not apply, the court saying:

"The danger arising from the use of the crane does not appear to have been greater or less by the fact that it was used loading a railroad car, nor does it appear that the plaintiff while engaged in his duty was exposed to any danger from the operation of the road."

To the same effect, see Stroble *v.* R. Co. (70 Iowa, 555; 31 N. W., 63), Reddington *v.* C., M. & St. P. R. Co. (78 N. W., 800), Foley *v.* Chicago, etc., R. Co. (64 Iowa, 644; 21 N W., 124), in the latter of which cases the supreme court of Iowa denied a recovery to a car repairer for injuries received while repairing a car on a sidetrack, by reason of the alleged negligence of a coemployee in failing to block the wheels of the car. Foley was injured by a movement of the car while he was under it engaged in repairing it. In the opinion in the Foley case the supreme court of Iowa declared that with the single exception of Deppe *v.* R. Co. (36 Iowa, 52), in which a recovery was allowed to an employee while shoveling earth onto flat cars, by the caving in of a bank of earth, all of the occasions on which that court had held railroad companies liable under the statute were those where the injury was received by the movement of cars or engines upon the track.

The employers' liability act of Minnesota (chap. 13. Gen. Laws 1887) declares:

"Every railroad corporation owning or operating a railroad in this State shall be liable for all damages sustained by any agent or servant thereof, by reason of the negligence of any other agent or servant thereof, without contributory negligence on his part, when sustained within this State, and no contract, rule, or regulation between such corporation and any agent or servant shall impair or diminish such liability: *Provided*, That nothing in this act shall be so construed as to render any railroad company liable for damages sustained by any employee, agent, or servant, while engaged in the construction of a new road, or any part thereof, not open to public travel or use."

The supreme court of Minnesota, in Lavallee *v.* St. P., M. and M. R. Co. (40 Minn., 249; 41 N. W., 974), Johnson *v.* St. P. and D. R. Co. (43 Minn., 222; 45 N. W., 156; 8 L. R. A., 419), and in Jemming *v.* Great Northern Ry. Co. (104 N. W., 1079), and in other cases has construed the Minnesota statute as applying only to those employees of railroads who are engaged in the operation of railroads.

In the Lavallee case the opinion of the court, by Chief Justice Gilfillan, does not show the precise nature of Lavallee's employment. The opinion does say, however, that he and the persons through whose negligence he received the injury from which he died were fellow-servants. The court, after stating that the question for decision was whether the Minnesota statute includes all employees, agents, and servants of a railroad corporation, without regard to the character of the business in which they were employed, declared that while taken literally the statute did so, that it was evident that the statute could not be taken literally. After referring to the decisions of the courts of last resort of some of the other States, which had enacted similar statutes, and quoting approvingly from R. Co. *v.* Mackey (127 U. S., 205), where the character of the employee injured was such that no question could be made that he came within the operation of the Kansas statute, if it was to be given any effect whatever, and after discussing the power of legislatures to classify subjects of legislation, said, respecting the Minnesota statute:

"Applying this test, it is impossible to avoid the conclusion that the statute, if construed as appellant claims it ought to be, would be class legislation, not applying upon the same terms to all in the same situation, nor having any apparent natural reason for any distinction.

"The frequency and magnitude of the dangers to which those employed in operating railroads are exposed; the difficulty, sometimes impossibility, of escaping from them with any amount of care, when they come; the fact that a great number of men are employed, cooperating in the same work, so that no one of them can know all the others, their competency, skill, and care, so that he may be said to voluntarily assume the risk arising from the want of skill or care by any one of the number—are a sufficient reason for applying a rule of liability on the part of the employer to the employee so employed different from that ordinarily applied between master and servant. But no just reason can be suggested why such difference should be founded, not on the character of the employment, nor of the danger to which those employed are exposed, but on the character only of the employer. We can see why the empolyers' liability should be greater when the business is that of operating a railroad, but can not see why one individual or corporation should be held to a rule of liability different from that applied to another, when the employment and its hazards are precisely the same. We can not illustrate this better than by using an illustration employed by the supreme court of Iowa in Deppe *v.* Railroad Co. (36 Iowa, 52): 'Suppose a railroad company employ several persons to cut the timber on its right of way where it is about to extend its road, and the landowner employs a like number of persons to cut the timber on a strip of equal length alongside such right of way. If one of each set of employees shall be injured by the negligence of a coemployee, and the railroad employee can under the

statute maintain an action against his employer and the other can not, then it is clear that the law does not apply upon the same terms to all in the same situation.'

"The legislature might intend to make such a difference, but it would require unmistakable terms to make us think so. We do not find such to be the character of the terms used in this statute. That language is rather indicative that it was intended to confine its operation to the case of employees engaged in operating a railroad, and necessarily exposed to the hazards attending that business, and not to take in the case of all employees of a railroad company, without regard to the kind of work in which they are engaged."

In the Johnson case, supra, a crew of men, of which the plaintiff was one, was engaged in repairing a bridge on defendant's railroad, and in performing the work it was necessary to leave the draw partly open. Through the negligence of one of the crew the draw was left unfastened and was blown shut by the wind, and injured plaintiff while at work between the stationary part of the bridge and the draw. It was held that the Minnesota statute, supra, did not apply, and that the railroad company was not liable to Johnson. In the course of the opinion, after referring to the fact that in the Lavallee case the court had held that the statute applied only to the peculiar hazards due to the *use and operation of* railroads, that it must be construed as designed exclusively for the benefit of those who are, in the course of their employment, exposed to such hazards, and whose injuries are caused by them, the court said:

"And the more we consider the question, the more we are confirmed in the opinion that it is only when construed as subject to some such limitation that the statute can be sustained as a valid law. As was said in the case referred to, to avoid the imputation of 'class' legislation, the classification, in cases of special legislation, must be made upon some apparent, natural reason—some reason suggested by necessity, by such a difference in the situation and circumstances of the subjects placed in different classes as suggests the necessity or propriety of different legislation with respect to them. If a distinction is to be made as to the liability of employers to their employees, it must be based upon a difference in the nature of the employment, and not of the employers.

"One rule of liability can not be established for railway companies, merely as such, and another rule for other employees, under like circumstances and conditions, unless upon the theory suggested in Railway Co. *v.* Mackey (127 U. S., 205; 8 Sup. Ct. Rep., 1161), that the State may 'prescribe the liabilities under which corporations created by its laws shall conduct their business in the future, where no limitation is placed upon its power in this respect by their charters,' a proposition which, as thus broadly stated, that court, in view of its later utterances, could hardly have intended to announce. Indeed, the particular question now under consideration was not before the court, and, presumably, was not in mind. Neither would it relieve the act from the imputation of class legislation that it applies alike to all railroads.

"It has been sometimes loosely stated that special legislation is not class 'if all persons brought under its influence are treated alike under the same conditions.' But this is only half the truth. Not only must it treat alike, under the same conditions, all who are brought 'within its influence,' but in its classification it must bring within its influence all who are under the same conditions. Therefore, if a distinction is to be made between railway corporations and other employers as respects their liability to their employees, it must be based upon some difference in the nature of the employment, and can only extend to cases where such difference exists. Hence most courts, as notably in Iowa and Kansas, have held that similar statutes, although general in their terms, embrace only 'the peculiar hazards of railroading.' But, when we come to examine the adjudicated cases, we confess we are unable to discover any definite, consistent, or logical rule which the courts have applied in determining whether, upon the facts of a particular case, it fell within or without the statute. In some cases it has been held that the statute applied because the duty of the employees required them to ride upon the cars to the place of work, although the injury was not sustained while thus riding, and was not caused by, or in any manner connected with, the operation of the road. Such a position seems to us wholly illogical. Other cases have been held within the statute because the work being performed was necessary to the use and operation of the road, although the injury sustained was not caused by, or connected with, such use and operation. This, we think, is equally illogical. In fact, the proposition is so broad and indefinite as to bring within the act all employees, regardless of the nature of their employment; for the work of all, even clerks in offices, is, in a sense, necessary to the use and operation of the road.

"Therefore, after mature consideration, our conclusion is that, if any limitation is to be placed by the courts upon the application of this statute (and on constitutional grounds there must be) the only one which will furnish any definite or logical rule is to hold that it only applies to those employees *who are exposed to the peculiar hazards incident to the use and operation of railroads*, and whose injuries are the result of such dangers. We do not mean to say that there may not be reasons suggested by some differences in the nature of the employment which would warrant the legislature in placing some other hazards within the provisions of such a law; but if the courts should attempt to impose upon the general language of this statute any other limitation than the one suggested, they would be all at sea, without either rudder or compass. Applying the test suggested, it is plain that plaintiff's case is not within the provisions of the act. * * * As suggested by counsel for defendant, suppose there had been a wagon bridge over the St. Louis River alongside of this railroad bridge, and one of a crew engaged in repairing it had been injured under like circumstances. He could not have recovered from his employer. Yet the actual situation, both as to the nature of the employment and the cause of the injury, would have been the same in either case."

In Jemming *v.* Great Northern Railroad Company (104 N. W., 1079), decided by the supreme court of Minnesota, November 24, 1905, the plaintiff was injured while in the employ of the defendant railway company as a pitman, being one of a crew of nine men, consisting of an engineer, a crane man, a fireman, two jackmen, and four pitmen, who were operating a steam shovel in a gravel pit, operated by the railway company, and was injured by the negligent manner in which the engineer caused the bucket to swing from the ballast car into the pit. Jemming sought a recovery under the Minnesota statute above quoted; but the supreme court of Minnesota held that the statute did not apply, for the reason that plaintiff and the fellow-servant by whose negligence he was injured were not engaged in operating a railway at the time of the accident, and that Jemming was precluded from recovering because on common-law principles the servant whose negligence caused the injury was his fellow-servant. The court quoted approvingly from the Lavallee and Johnson cases, supra, and said of them:

"The rule, as thus established, that the statute includes only the class of servants exposed to injury by the dangers peculiar to the use and operation of railroads has never since been departed from by this court." (Citing many cases.)

The Minnesota statute was before the Supreme Court of the United States in Minnesota Iron Company *v.* Kline (199 U. S., 593). In that case the supreme court of Minnesota adjudged that Kline came within the operation of the statute. The Supreme Court referred to the fact that the Minnesota court had held that the act was confined to the dangers peculiar to railroads, and did not discriminate against railroad companies merely as such, and held that inasmuch as the statute as thus interpreted was not within the prohibition of the fourteenth amendment the court would not interfere with the construction put upon the statute by the supreme court of Minnesota. The Supreme Court of the United States declared in that case:

"Of course there is no objection to legislation being confined to a peculiar and well-defined class of perils."

In M. K. & T. R. Co. *v.* Medaris (60 Kans., 151; 55 Pac., 875), brought under the fellow-servant statute of Kansas of 1874 (Laws, 1874, chap. 93, sec. 1), the supreme court of Kansas held that the statute did not apply. He was employed in setting a curbing around an office building and depot of the railroad company at Parsons, Kans. The curbstones had been prepared elsewhere and shipped to Parsons and unloaded near the building around which they were to be placed. The men employed to set the curbing dug a ditch, and several of the curbstones were brought up and left on the side of the ditch ready to be placed. While setting a curbstone another one, which had been left standing unsupported on the edge of the ditch, was upset and fell upon the leg of Medaris, causing a permanent injury. In reversing a judgment obtained by him in the trial court the supreme court of Kansas said:

"Whether Medaris is entitled to the benefit of this law depends upon the character of the work in which he was engaged and not on the mere fact that he was an employee of a railroad company. The validity of the law has been sustained as against the charge that it was class legislation, on the ground that the hazardous character of the business of operating a railroad justified the passage of the law for the protection of those engaged in that service. The rule of liability applied under the statute is different from that which ordinarily applies between master and servant; but this difference is founded on the hazardous character of the service and is not intended as a discrimination between employers. The statute would certainly be open to objection if a different rule of liability was applied to a railroad company than is applied to other employers under like circumstances and conditions. The hazards incident to the use and operation of railroads is a natural and reasonable classification, which justifies the exceptional legislation, for if the statute was not given that interpretation, and limited in its operation to the protection of those engaged in the hazardous service, it could not be upheld."

And again:

"Here, however, the service which Medaris was performing did not expose him to the hazards peculiar to the business of using and operating a railroad. He was not at work on a railroad, and his injury was not caused by the operation of a railroad or the use of any railroad appliance. It is true there were railroad tracks near the place where he was at work, but no train was passing or near to the place where Medaris was at work at the time the injury was inflicted. It is true, also, that he was at work for a railroad company and upon the land of a railroad company, but this does not entitle him to the benefits of the act. He can only recover by showing that the service in which he was engaged exposed him to the peculiar perils incident to the operation of a railroad. As the jury specially found, the work in which he was engaged involved no more risk or hazard than it would if the same work was being done for an individual at the same time and place. The benefits of the act can no more be claimed by him than they could by the carpenter who laid the floor in the office building or nailed the shingles on its roof. No stronger claim could be made for him than could for a person injured while hauling the rock from the quarry to the place where the curbing was to be set. As was held by the supreme court of Minnesota, one rule of liability can not be established for a railroad company as such and another for other employers under like circumstances and conditions. To avoid the imputation of class legislation, the distinction must be based upon a difference in the nature of the employment: 'But no just reason can be suggested why such difference should be founded, not on the character of the employment nor on the dangers to which those employed are exposed, but on the character only of the employer. We can see why the employer's liability should be greater when the business is that of operating a railroad, but can not see why one individual or corporation should be held to a rule of liability different from that applied to another when the employment and its hazards are precisely the same.' Lavallee *v.* Railway Co. (40 Minn., 249; 41 N. W., 974). See also Johnson *v.* Railway Co. (Minn., 45; N. W., 156); Deppe *v.* Railroad Co. (36 Iowa, 52); Stroble *v.* Railway Co. (70 Iowa, 555; 31 N. W., 63). It is difficult to see how the validity of the law can be sustained unless it is interpreted, as was stated in Railway Co. *v.* Haley, supra, to 'embrace only those persons more or less exposed to the hazards of the business of railroading.' We feel compelled to hold that the plaintiff below was not engaged in that kind of service when the injury was inflicted, and therefore that no liability against the company, under the statute, arises in his favor."

The Kansas statute was before the Supreme Court of the United States in Missouri Pac. Ry. Co. *v.* Mackey (127 U. S., 205). Mackey was a locomotive fireman on one of the engines of the railroad company and was injured in a negligent collision caused by the engineer of another engine. If the statute was to be given any force whatever, it was bound to be applied in favor of Mackey, because he was unquestionably engaged in a hazardous branch of the railroad service. The Supreme Court of the United States construed the statute in the light of the facts of that case and held that it did not violate the fourteenth amendment to the Constitution of the United States. During the course of its opinion the court used this language:

"But the hazardous character of the business of operating a railway would seem to call for special legislation with respect to railroad corporations, having for its object the protection of their employees, as well as the safety of the public."

The statute was again before the Supreme Court of the United States in Railroad Co. *v.* Pontius (157 U. S., 209), and the court met the argument made on behalf of the railroad company that Pontius, a bridge builder, was not entitled to the benefits of the statute, because it only applied to employees exposed to peculiar hazards incident to the use and operation of a railroad, by saying:

"But the difficulty with this argument is that the State supreme court found upon the facts that, although the plaintiff's general employment was that of a bridge carpenter, he was engaged at the time

the accident occurred, not in building a bridge, but in loading timbers on a car for transportation over the line of defendant's road; and Missouri Pac. Co. *v.* Haley (25 Kans., 35); Union Pacific Rwy. Co. *v.* Harris (33 Kans., 416), and Atchison, Topeka, etc., R. Co. *v.* Koehler (37 Kans., 463) were cited, in which cases it was held that a person employed upon a construction train to carry water with the men working with the train and to gather up tools and put them in the caboose or tool car; a section man employed by a railroad company to repair its roadbed and to take up old rails of its track and put in new ones, and a person injured while loading rails on a car to be taken to other portions of the company's road were all within the provisions of the act in question; and the court said: 'In this case the plaintiff was injured while on a car assisting in loading timbers to be transported over the defendant's road to some other point. The mere fact that the plaintiff's regular employment was as a bridge carpenter does not affect the case, nor does it matter that the road was newly constructed, nor whether it was in regular operation or not. The injury happened to the plaintiff while he was engaged in labor directly connected with the operation of the road, and the statute applies even though it should be given the construction counsel places on it.'"

In 1893 the legislature of Indiana enacted an employers' liability statute (sec. 7083, Burns' Ann. St., 1901), which provided that every railroad or other corporation, except municipal, operating in that State should be liable for damages for personal injury suffered by any employee while in its service, the employee so engaged being in the exercise of due care and diligence in the cases enumerated in the statute.

In So. Ind. Ry. Co. *v.* Harrell (68 N. E., 262), the railway company was engaged in the construction of a railroad bridge over White River. A heavy stone was being lifted by a derrick. Three of Harrell's colaborers were holding the stone away from the railroad track by means of a rope after the stone was raised above the course on which it rested. Two of the men let go the rope, and the third, being unable to hold the stone by himself, also abandoned the rope and sought a place of safety. The boom then swung around, and the chain which held the suspended stone caught on the running board of the pile driver. This caused the stone to swing east, and as it swung back it struck appellee, crushing one of his feet and injuring the other. He sought a recovery under the Indiana statute, but the supreme court of that State held that as to him the statute was no broader than the common law, and that he was not entitled to recover either by virtue of the statute or the common law.

In I. & G. R. Co. *v.* Foreman (69 N. E., 669), the plaintiff, an employee of the railroad company, engaged in the construction of a track, was injured while being transported to his home in the work car of the company, by reason of the negligence of the employees of another train, whereby there was a collision between that train and the work train. The court denied Foreman a right to recover, either under the Indiana statute or at common law, for the reason that he was injured by the negligence of a fellow-servant.

In P., C., C. and St. L. Rwy. Co. *v.* Lightheiser (78 N. E., 1033), in affirming a judgment recovered by an engineer under the statute, and in discussing the former decisions of the court construing the statute of that State, the supreme court of Indiana said of them:

"The classification of railroads by themselves was held proper in the cases above cited on account of the dangerous and hazardous character of the business of operating the railroads. This classification is based, not on the difference in employers, but upon a difference in the nature of the employment. (Indianapolis, etc., Rwy. Co. *v.* Houlihan, 157 Ind., 494, 501; 60 N. E., 943; 54 L. R. A., 787.) * * * Under the decisions cited the character of the employers is not a controlling factor. The statute is to be given at least a reasonable interpretation, one that will carry into effect the legislative intent. As we have shown, the basis of the classification of railroads by themselves was the hazardous and dangerous character of the employment of operating railroads, and this does not depend upon whether railroads are operated by corporations or by one or more persons. * * * The spirit and purpose of the statute must be looked to in interpreting the statute in controversy. As we have seen, the spirit and purpose of the employers' liability act of this State, so far as railroads are concerned, was the protection of employees engaged in the dangerous and hazardous work of operating railroads in this State, and we hold that it applies to every corporation, company, copartnership, or person engaged in the dangerous and hazardous business of operating a railroad, and their employees who are engaged in such dangerous and hazardous work."

In Bedford Quarries Co. *v.* Bough (80 N. E., 529), decided March 1, 1907, the court held that the statute, in so far as it applied to other corporations than railroad companies, violated the fourteenth amendment to the Constitution of the United States, as imposing on corporate employers burdens not imposed on individuals and partnerships. Bough was an employee of a quarry company, and was embraced by the terms of the statute. During the course of the opinion the court used this language:

"It is urged by appellant that said employers' liability act, except as applied to railroads, is in violation of the fourteenth amendment of the Constitution of the United States, and therefore void, for the reason that it imposes burdens upon private corporation employers that are not imposed on individuals and copartnerships employers in the same business, under the same circumstances and conditions, and gives a right of action to the employees of private corporations that is not granted to the employees of individuals and corporations under like conditions. Appellee insists that the legislature has the power of classification for legislative purposes, and that the classification in said act was proper. The legislature may make a classification for legislative purposes, but it must have some reasonable basis upon which to stand. It is evident that differences which would serve for classification for some purposes would furnish no reason for a classification for legislative purposes. Such legislation must not only operate equally upon all within the class, but the classification must furnish a reason for and justify the making of the class—that is, the reason for the classification must inhere in the subject-matter and rest upon some reason which is natural and substantial and not artificial. Not only must the classification treat all brought under its influence alike, under the same conditions, but it must embrace all of the class to which it is naturally related. Neither mere isolation nor mere arbitrary selection is proper classification."

And again:

"While the employers' liability act, so far as it affects private corporations, applies to all within the class named therein, it does not include all of the class to which it is naturally related. Employees of individuals and copartnerships are excluded from the benefit of its provisions. It gives a right of action to an employee for injuries received while in the service of a private corporation in certain cases, but denies the employee of an individual or copartnership engaged in the same business a right of action for an injury arising from the same cause and under the same conditions. It imposes new burdens on private corporations, while natural persons carrying on a like business and under like circumstances and conditions are left without any such burden. The right of action is made to depend upon the character of the employer, and not upon the character of the employment."

The opinion goes on to quote from Ballard *v.* Miss. Oil Co. (81 Miss., 507; 34 So., 533; 95 Am. St. Rep., 476; 62 L. R. A., 407), and which decided that a similar statute of Mississippi was unconstitutional, quoted the Minnesota statute, and from the Lavallee, Johnson, Kline, and Jemming cases, supra; the Iowa statute; and from the Akeson case, supra; the Lightheiser case, and Tullis *v.* L. E. and W. R. Co. (175 U. S., 348; Connelly *v.* Union Sewer Pipe Company (184 U. S., 540, supra), and then used this language:

"In view of this everyone must realize that there is a reasonable ground for the essential idea of the employers' liability legislation; but the fact must not be forgotten that the small industry still exists, and that under the convenient form of corporate capacity men still carry on industrial undertakings which are in no essential particular different from those which are carried on by copartnerships and individuals. It is this fact which makes a classification on the basis of the character of the employer inherently vicious. True, the corporation under our laws and industrial system has in it the seeds of tremendous growth, but as the real evil can be reached by a classification which goes to those elements which to some extent have removed the reason for the coservant rule, there is not even a color of an excuse for imposing burdens on the corporate employer, while its competitor, a natural person, who is carrying on under the same conditions like business, is left without any such burden. If said corporations as such are to have legislative burdens put upon them, as by the law in controversy, then all who ought to be put in their class should be included; or if this appears to the legislative mind as improper owing to differences in the character of employments, then legislation should have for its basis a classification which rests on such differences in the various employments as would make a distinction between them appear to be warranted."

In the Tullis case (175 U. S., 348), while it does not appear from the opinion of the Supreme Court that Tullis was engaged in an extrahazardous branch of railroad service, it does appear in the report of the case as decided by the United States circuit court of appeals for the seventh circuit (105 Fed., 554) that Tullis was employed as a freight-train brakeman, and was injured while so employed and while riding in the cupola of a caboose, and that he was injured by the negligence of the engineer of a pusher engine which was to push Tullis's train over a steep part of the railroad and which engine so violently collided with the caboose as to throw it from the track.

In P. C. C. and St. L. R. Co. *v.* Montgomery (152 Ind., 1), referred to in the opinion of the Supreme Court in the Tullis case, the injured employee was a freight brakeman, and was injured while making a coupling between two cars by the negligence of the engineer in reversing his engine without a signal. Therefore there is nothing in the Tullis case, nor in the Montgomery case, the construction of the Indiana statute in which latter case was accepted by the Supreme Court of the United States in the Tullis case, in conflict with our contention that it has been definitely decided by the supreme court of Indiana that in order to be constitutionally applied the statute must be limited to those railroad employments which are extrahazardous—the right of action must be made to depend upon the character of the employment and not upon the character of the employer.

Under these authorities there can be no question as to the construction this act would receive if it were passed by a State legislature.

If, under such circumstances, it was to be held to necessarily include risks other than extrahazardous, it would clearly be unconstitutional. As to Federal legislation, this bill raises the extremely important and interesting question as to whether Congress is subject to the same constitutional limitations and restrictions as are the States in legislating upon this and cognate questions. That it is not in terms is quite clear. The fifth amendment of the Constitution, so far as applicable, provides:

> No person shall be * * * deprived of life, liberty, or property without due process of law;

and the fourteenth, so far as applicable, provides:

> nor shall *any State* deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The fifth amendment is well understood to be applicable only to the Federal Government. That the proposed legislation, unless confined either by legislative language or judicial construction to the extrahazardous part of the commerce, would be a denial of the equal protection of the law, is clear. Whether, at the same time, the carrier would, by reason of such denial of equal protection of the law, be deprived of "property without due process of law," it must be admitted is not so clear. Does the citizen get the benefit of due process of law under the fifth amendment when he is deprived of the equal protection of the law? The most obvious suggestion that occurs with reference to these two constitutional provisions is that, inasmuch as the language of the fifth and the fourteenth amendments is identical in this respect, until the equal-protection clause is reached, evidently the authors of the fourteenth amendment, believing that under the "due process of law" clause equal protection was not guaranteed, found it necessary to add the specific clause guaranteeing it so far as the States are concerned. It is clear that if this clause was necessary to guarantee that result, then "due process of law" does not include the equal protection of the law, and if it was not necessary, the addition of the clause relative to due protection of the law would be entirely unnecessary and mere rhetoric—a conclusion that would not be hastily assumed.

That legislation depriving citizens of the equal protection of the law would be in violation of the fundamental principles of natural justice is clear. Just how far considerations of that kind can be utilized and relied upon in aid of specific constitutional limitations by the courts in determining whether the legislature has exceeded its power is a matter of doubt, and has been the subject of a great deal of interesting discussion by the courts. The books are full of expressions along those lines. For instance, Mr. Justice Jackson, of the supreme court of Massachusetts, in determining the validity of an act of the Massachusetts legislature, said, among other things:

It is manifestly contrary to the first principles of civil liberty and natural justice and of the spirit of our Constitution and laws that any one citizen should enjoy privileges and advantages which are denied to all others under like circumstances, or that anyone should be subjected to losses, damages, suits, or actions from which all others, under like circumstances, are exempted. (Holden *v.* James, 11 Mass., 404.)

Just how far the Supreme Court of the United States would go in applying the "due process of law" clause of the fifth amendment in connection with fundamental principles of natural justice it is impossible to say. We have not been able to make a sufficiently extensive and exhaustive investigation of the authorities to justify us in stating definitely how far, in our opinion, the court will go in construing this clause, but there can be no question but that if the court applies the construction to this clause or to the provisions of the Constitution generally that is in accordance with the great first principles of the social compact, though perhaps beyond its literal terms, this legislation would be held beyond the power of Congress, unless confined to the extrahazardous features of the employment.

In any event, it is very clear that there can be no moral justification for the enactment by the Congress of any legislation that denies to the citizen the equal protection of the law. Certainly what a State is expressly prohibited from doing as a violation of natural justice it would, from a moral standpoint, be highly improper for the Congress to do, though not expressly prohibited. In this connection it is proper to call attention to the fact that the court has expressly left this interesting question for future determination. In the opinion in the Howard case they say:

We deem it unnecessary to pass upon the merits of the contentions concerning the alleged repugnancy of the statute, if regarded as otherwise valid, to *the due process clause* of the fifth amendment to the Constitution, *because the act classifies together all common carriers.* Although we deem it unnecessary to consider that subject, it must not be implied that we question the correctness of previous decisions noted in the margin, wherein State statutes were held not to be repugnant to the fourteenth amendment, although they classified steam railroads in one class for the purpose of applying a rule of master and servant.

It is to be observed that the decisions referred to by the court were decisions that sustained the legislation because the court construed the legislation in question as applying only to the extrahazardous risks in the employment. So that the whole question upon this branch of the case is clearly open for judicial determination hereafter.

We suggest, in order to relieve the bill of this objection, the following amendment: Insert after the word "commerce" in line 10, page 1, section 1, the following: "in service directly connected with the operation of the road." This language is taken from an opinion of the United States Supreme Court and defines in the most concise language the extrahazardous service to which the legislation should be confined. With this amendment we are satisfied that the bill in this respect could not be attacked as being unconstitutional or in violation of fundamental natural rights.

III.

This bill is subject to the same criticism upon the strength of which the court, in the Howard case, held the statute relating to the same subject-matter unconstitutional. The Howard case held the statute under consideration in that case unconstitutional upon the express ground that it included in its general terms a regulation of interstate and State commerce and was, therefore, a regulation of both. Their conclusion was based upon two reasons, each of which is the inseparable legal concomitant of the other, because as a legal proposition it is an impossibility to increase the rights of the employee with reference to his recovery against the master without at the same time impairing the rights of the employer or imposing upon the employer an additional liability, and the court discussed their reasons from both of these points of view. They said in the first instance that the statute was unconstitutional because it was in favor of all the employees of interstate carriers who were engaged in interstate commerce, and therefore operated in favor of employees who were engaged in State commerce as well as those engaged in interstate commerce, as it is clear that the same carrier at the same time and as a part of the same operation may obviously be engaged in both interstate and State commerce, and has employees for the purpose of prosecuting the common enterprise engaged in each kind of commerce; and second, it imposed a new liability upon the carrier who was engaged in both interstate and State commerce without confining the liability of the carrier to such carriers as were engaged in interstate commerce, which alone Congress had the power to regulate, and so the court said, in the first instance:

As the word "any" is unqualified, it follows that liability to the servant is coextensive with the business done by the employers whom the statute embraces—that is, it is in favor of any of the employees of all carriers who engage in interstate commerce.

That is to say, the carrier who is engaged in interstate commerce might, at the same time, be engaged in State commerce, and would therefore have State employees as well as interstate employees, and as the language "any employees" covered all employees, however engaged, it necessarily operated in favor of State as well as interstate employees, and that was one of the concomitant factors of the whole equation making the act unconstitutional.

As to this indispensable factor in the common equation, the pending bill very properly confines the employees in whose favor it operates to such as are engaged in interstate commerce, and thus eliminates from State commerce one factor of the whole equation. Second, and as to the other indispensable factor of the common equation, imposing the new liability, the court said:

This also is the rule as to the one who otherwise would be a fellow-servant, *by whose negligence* the injury or death may have been occasioned, since it is provided that the right to recover on the part of any servant will exist, although the injury for which the carrier is to be held resulted from "*the negligence of any of its officers, agents, or employees.*"

And here again the court find that the liability feature is imposed without any distinction as to whether the negligence is caused by an employee who is engaged in interstate or State commerce, and for that reason also, that being an inseparable factor of the common equation, the statute was held unconstitutional. In other words, they held that the benefits conferred and the liability imposed must both be confined to interstate commerce. Each proposition is indispensably connected with the other, and the limitation is as important in one case as in the other. You can not have one factor without the other. Because the statute in question confined *neither* of these inseparable concomitants to interstate commerce, the act was held unconstitutional. The bill now pending as to the liability imposed upon the employer or carrier is an exact duplicate of that part of the act that was thus held unconstitutional by the court, and is not, as that was not, confined to interstate commerce; and it must be held unconstitutional by the court unless the court reverses itself in the Howard case and holds that it will be sufficient if one of the indispensable concomitant factors of the equation is within the power, while the other factor of the same equation is outside of and beyond the power of Congress, which we do not think they either will or can do.

In this respect the bill provides for liability for "such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier;" and the act in this respect provided for liability "for all damages which may result from the negligence of any of its officers, agents or employees," being identical with the language used in the bill, so far as the character or class of the employees is concerned through which liability is imposed upon the carrier.

In further elaboration of this idea the court said:

The act then being addressed to *all* common carriers engaged in interstate commerce, and imposing a liability upon them in favor of any of their employees, *without qualification or restrictions* as to the business in which *the carriers* or *their employees* may be engaged *at the time of the injury*, of necessity includes subjects wholly outside of the power of Congress to regulate commerce.

A brief analysis of this statement of the court shows that the court said that the act imposed—

a liability upon * * * carriers * * * without *qualification or restriction* as to the business in which the *carriers* * * * may be engaged *at the time of the injury*—

and that was one of the reasons why it was unconstitutional, and that is precisely what this bill does in terms.

The court also said, presenting the other side of the equation, that the liability was—

in favor of any of their employees without *qualification or restriction* as to the business in which * * * their *employees* may be engaged *at the time of the injury.*

In this particular as to the employee, as we have suggested, the defect has been cured by providing that the employee must, *at the time of the injury*, be engaged in interstate commerce, but as to the carrier, as we have already shown, no such limitation is made. The illustration sometimes used of a carrier en-

gaged at the same time in interstate and State commerce, and having, of course, interstate and State employees, with an injury to an interstate employee caused by the negligence of a coservant who was a State employee, is a conclusive demonstration of the unconstitutionality of this bill, because it attempts to regulate the relations between a master and a servant engaged in State commerce and therefore beyond the power of Congress to control. In the case suggested, without any legislation the common carrier would not be liable, for the simple and obvious reason that, although the employee injured was engaged in interstate commerce and the one doing the injury was engaged in State commerce, they would be the coservants of a common master engaged in a common enterprise, and the injured employee would have no remedy, as the carrier would not be liable for the negligence of a fellow-servant. It is proposed by this bill to make the carrier liable under such circumstances, as the carrier is made liable for the "negligence *of any* (that is, all) of its officers, agents, or employees," and it is too clear for argument that the carrier can not be made liable for the negligence of his employee engaged in State commerce, the coservant of his interstate-commerce employee, without changing the common-law rule and eliminating the fellow-servant limitation of liability, that in the absence of the proposed bill would relieve the carrier from liability, thus regulating State commerce.

When the bill applies, as this does, to "any employees" whose negligence cause an injury, it necessarily includes, under the rule laid down in the Howard case, State employees engaged in State commerce, which, as has been repeatedly stated and held, is beyond the power of Congress. We suggest, in order to relieve the bill of this what seems to us obvious criticism, that there be inserted after the word "carrier," in line 4, on page 2, the words, "who at the time of such negligence are engaged in interstate commerce." With the adoption of this amendment the bill, with reference to both of the indispensable factors making up the common equation, would be within the constitutional limitations laid down in the Howard case.

IV.

Inasmuch as this bill very greatly enlarges the rights of the employee and imposes new and onerous burdens upon the employer, making him practically an insurer, it seems to us that in order to prevent malingering, if this bill is to become a law, the carrier should be provided with at least reasonable facilities to enable him to adequately protect his rights, and we therefore think that the following section should be added to this bill, the justice and wisdom of which has been fully established by the report made by Mr. Bannon in the last Congress on H. R. 10, Report No. 7587, which we quote as a part of these views:

[Section.]

That in any action brought under the provisions of this act for physical injuries not resulting in death the court may, in its discretion, upon motion of the defendant, order and require the party injured, at or in advance of the trial, to submit to a personal physical examination with respect to such injuries by the physicians or surgeons of the opposite party, under such restrictions and upon such terms and conditions as may to the court seem reasonable and proper: *Provided, however,* That said party shall have the privilege of being represented at such examination by his own physician or surgeon and such person or persons as he may designate.

[House Report No. 7587, Fifty-ninth Congress, second session.]

The object of this section is to confer a discretionary power upon Federal courts to order the plaintiff in actions brought to recover for personal injuries sustained to submit to a personal physical examination.

The enactment of the bill is made necessary by the opinion of the court in Union Pacific Railway Company *v.* Botsford (141 U. S., p. 250), wherein it is held that—

"The order moved for, subjecting the plaintiff's person to examination by a surgeon, without her consent and in advance of the trial, was not according to the common law, to common usage, or to the statutes of the United States."

Under this rule the Federal courts are not vested with any discretion whatever relative to such examinations, and the defendant is left in practice to offer as a matter of evidence the demand for an examination and its refusal by the plaintiff as reflecting upon the bona fides of the plaintiff's claim as to the nature and extent of such injuries. But this denies the defendant the equal opportunity with the plaintiff of calling a medical witness as to the character of the injuries, and to that extent, at least, is an injustice.

That a majority of the adjudications in this country are not in harmony with Railway Company *v.* Botsford is manifest from the text found in section 202 of Underhill on Evidence (1894), reading as follows:

"SEC. 202. *Physical examination of the party by experts.*—The question whether the court in civil cases can compel the plaintiff to furnish evidence by submitting to a physical examination by a physician has been differently decided. The affirmative is supported by a majority of the cases, which maintain that the courts have an inherent power to do this, basing their reasoning upon the necessity for the inspection, though there are other cases sustaining the proposition that, while such an inspection may be allowed, it can not in the absence of a statute be compelled."

The following States hold that the court may order reasonable physical examination of the plaintiff to be made before trial by competent physicians and surgeons when such an examination is necessary to ascertain the nature, extent, or permanency of the injuries:

Alabama: Railroad Co. *v.* Hill (90 Ala., 71).
Arkansas: Sibley *v.* Smith (46 Ark., 275).
Arkansas: Railroad Co. *v.* Dobbins (60 Ark., 481).
Georgia: Railroad Co. *v.* Childress (82 Ga., 719).
Iowa: Schroeder *v.* Railroad Co. (47 Iowa, 375).
Kansas: Ottawa *v.* Gilliland (63 Kans., 165).
Kentucky: Belt Line Co. *v.* Allen (102 Ky., 551).
Minnesota: Wanek *v.* Winona (78 Minn., 98).
Missouri: Owens *v.* Railroad Co. (95 Mo., 169).
Ohio: Turnpike Co. *v.* Baily (37 O. S., 104).
Pennsylvania: Demenstein *v.* Richardson (2 Pa., Dist., 825).
Washington: Lane *v.* Spokane Falls (21 Wash., 118).
Wisconsin: White *v.* Railroad Co. (61 Wis., 336).

The following States hold that in the absence of a statute there is no such power:

Illinois: Railroad Co. *v.* Call (143 Ill., 177).
Indiana: Pennsylvania Co. *v.* Newmeyer (129 Ind., 401).
Massachusetts: Stack *v.* Railroad Co. (177 Mass., 155).
New York: McQuigan *v.* Railroad Co. (129 N. Y., 50).
South Carolina: Easter *v.* Railroad Co. (60 S. C., 177).
Texas: Railroad Co. *v.* Kluck (73 S. W., 569).

The States of New York and New Jersey now have statutes similar to H. R. 10, and they have been declared to be constitutional:

Lyon *v.* Railroad Co. (142 N. Y., 298).
Mr. Govern *v.* Hope (N. J. L., 76).

In Camden and Suburban Railway Company *v.* Stetson (177 U. S., p. 172) the New Jersey statute was considered by the court in its answer to the following question:

"Had the circuit court the legal right or power to order a surgical examination of the plaintiff?"

The New Jersey statute confers such power, and the question was whether that statute would be enforced in the Federal courts or not. The answer certified by the court was in the affirmative, thus indicating that the court in the Botsford case did not disapprove of the delegation of such power to the judiciary, but only held that legislation was necessary in order to confer the right. The syllabus in the Stetson case is as follows:

"This was an action brought in the circuit court of the United States for the district of New Jersey against a railway company, for an alleged injury to the plaintiff caused by the neglect of the railway company while the plaintiff was a passenger on one of its cars. *Held*, That that court had the legal right or power under the statute of New Jersey and the United States Revised Statutes to order a surgical examination of the plaintiff."

Section 721 of the United States Revised Statutes (sec. 34 of the judiciary act) was held in Boyce *v.* Tabb (85 U. S., p. 546) not to apply to questions of a general nature not based on a local statute or usage; and in Railway Company *v.* Botsford, in discussing the inherent power to order an examination, the court says, at page 256:

"But this is not a question which is governed by the law or practice of the State in which the trial is had."

Consequently, in the absence of a State statute in those jurisdictions where the courts hold a statute is unnecessary, because the power exists without it, the Federal courts therein follow one rule and the State courts another.

The most recent and exhaustive discussion of this subject is found in Wigmore on Evidence (1904), volume 3, section 2220, in which the case of Railroad Company *v.* Botsford is thoroughly discussed by the author. In speaking of the privilege of exemption from examination it is there said in part:

"It has remained for such privilege to be claimed, and in a few jurisdictions to be acknowledged, in a class of cases in which, above all, there is most detriment and least service in its existence, namely, actions for corporal injuries. Why should all analogies fail here, and exemption be accorded to a plaintiff seeking to conceal from the tribunal the true nature and extent of his injuries? * * *

"There is and will be no end to the variety of frauds invented, and it will be an ill day for justice when the courts cease to meet new frauds by new applications of old remedies. Quite apart from the general impolicy of granting to a party the license to conceal truth by any form of refusal, there is, in this class of cases, the added consideration that corporal injuries are to-day notoriously a subject of frequent fraud and misrepresentation, so that the privilege to withhold the exhibition of the alleged injury may amount in such cases to nothing less than a judicial license for fraud.

"These considerations, together with the absurdity of a judicial declaration that a court lacks the power to control those who seek for their fraud the very aid of the law itself, have weighed emphatically with most of our courts. * * *

"Under some such limitations as these the compulsory exhibition of the party's body will now be ordered in the greater number of jurisdictions. Had it not been for the singular notions of judicial impotence early advanced in New York, and the prestige of the court whose majority pronounced the opinion in United States *v.* Botsford, there would perhaps to-day have been a unanimous concurrence in this doctrine."

In view of the greater weight of authority and the fact that the court pointed out the absence of a statute and the belief on the part of the committee that the judiciary may be relied upon to exercise its discretion wisely and to prevent improper shock to the modesty or feelings or delicacy of an injured party, this bill is recommended for passage as amended.

While there are other features of this bill that are subject to criticism both as to principle and detail, we have decided in these views to point out only the salient and fundamental legal objections thereto which we think ought to prevail.

C. E. LITTLEFIELD.
HENRY T. BANNON.

Mr. LITTLEFIELD. Now, Mr. Speaker, in order to raise this precise question presented by the second question raised by the minority views, I ask unanimous consent to now offer, and have considered as pending, the following amendment, in order that it may appear on the RECORD that this question was spe-

cifically called to the attention of the House before it passed the legislation.

Mr. STERLING. I object, Mr. Speaker.

Mr. LITTLEFIELD. I ask unanimous consent to offer and have pending for that purpose, first, this amendment——

Mr. STERLING. I object.

Mr. LITTLEFIELD. Can I not state the amendment? I will state it in my own time. It is as follows:

Insert after the word "commerce," in line 10, page 1, section 1, the words "in service directly connected with the operation of the road."

I understand that is objected to.

Mr. STERLING. I object.

Mr. LITTLEFIELD. And I further ask unanimous consent for the same reason, so that it may appear that the question was specifically presented to the House, to amend by inserting after the word "carrier," in line 4, page 2, the words:

Who, at the time of such negligence, are engaged in interstate commerce.

Mr. STERLING. I object.

Mr. LITTLEFIELD. Very well. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes.

Mr. LITTLEFIELD. I will reserve the balance of my time.

Mr. STERLING. Mr. Speaker, I now yield two minutes to the gentleman from Arkansas [Mr. REID].

Mr. REID. I yield my time, Mr. Speaker, to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, this side of the House, the country knows, is emphatically in favor of the passage of this bill. We welcome the opportunity to illustrate to the country how quickly and how rapidly we can join in passing genuine remedial legislation. [Applause on the Democratic side.] We will be glad to be furnished with more like it and to repeat the illustration as each remedial bill is furnished to the House. I predict that if there be any opposition to this bill at all it will be upon the Republican side of this Chamber.

Mr. Speaker, this is the first encouragement in some time that the Democratic party has had, and it leads me to read an extract from a newspaper headed "An encouraging revolt."

AN ENCOURAGING REVOLT.

It is a long time since the Democrats in the House have shown the fighting spirit manifested Thursday and yesterday under the leadership of JOHN SHARP WILLIAMS.

They have fallen into the habit of submitting tamely to the fatuous domination of CANNON, PAYNE, and DALZELL. There is little courage or independence on the Republican side. It is too well drilled to subservience. So long as its members disregard conscience and honor and vote solidly, as they did Thursday, against all proposals to consider the repeal of wood-pulp and paper duties and other sound recommendations of President Roosevelt in order to gratify the little clique——

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. Well, I have got to a good stopping place; everybody knows who the "little clique" is. [Applause on the Democratic side.]

Mr. STERLING. Mr. Chairman, I now yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, to illustrate the tactics of the other side, they have delayed the consideration of this bill for half an hour this morning by calling the roll on the approval of the Journal at the demand of the gentleman from Mississippi, which approval he voted for after it had been carried by a viva voce vote. Mr. Speaker, he seems to think that he will make the country believe—because every time he says something he says, "I say this to the House and to the country"—he seems to think that he will make the country believe that the way to facilitate legislation is by a useless demand for a roll call, and so delay the House in performing its functions in passing the supply bills that must be passed.

Why, Mr. Speaker, he has not had anything more to do with bringing about the report from this committee and the consideration of this bill than the boy in the street. It has been the settled purpose of this side of the House and the members of the Judiciary Committee of the whole majority to bring this matter before Congress in order that legislation might be passed. [Applause on the Republican side.] If there is opposition on this side of the House it is because one or two Members believe that the bill is unconstitutional, and may be decided so, as the former bill was. When the former bill was before the House I said to gentlemen around me that I feared it was unconstitutional, but it meets the approbation of the counsel for the locomotive engineers, and therefore I voted for it. I say to-day that I fear this bill may receive the same decision from the Supreme Court of the United States when it gets there, but I shall vote to-day as I voted a year and a half ago in favor of passing an employers' liability act. And, gentlemen, we will go on with the legislation of this country, and the majority will decide in their own good time and despite any let or hindrance from the gentleman from Mississippi and his voting trust, which it is reported he had organized on that side last Saturday to stand by him in every obstructive method to stop legislation; notwithstanding that, we will go on and write on the statute book just what we on this side of the House desire. [Applause on the Republican side.]

Mr. STERLING. Mr. Speaker, I will now yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill comes from the Committee on the Judiciary with a dissent on the part of three members of that committee. I may call the attention of the House to the fact, because if I call the attention of the country to the fact it might offend our worthy friend from New York. [Laughter on the Democratic side.] I call the attention of the House to the fact that that committee is composed of seventeen members; that six Democrats, if they had joined with the three dissenting Republicans, would have reported adversely on this measure. [Applause on the Democratic side.] So that if this legislation is enacted its favorable report to this House is due to the courage, the patriotism, and the far-sightedness of the Democratic members of the Judiciary Committee. [Applause on the Democratic side.]

I am glad that the gentleman from Maine [Mr. LITTLEFIELD] has printed the minority views of himself and the gentleman from Ohio [Mr. BANNON], and I hope that he will also have printed in the RECORD the minority views of the gentleman from New Jersey [Mr. PARKER], the other Republican member of the Judiciary Committee.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. CLAYTON. I have not the time; I can not. I will ask that the gentleman's views be printed in the RECORD. I want them in there. I have not read them; have not had the time. The gentleman writes excellently, always from a Republican standpoint, and I ask that they be printed, not with my indorsement, but to show up the absurdity of the Republican position; and, Mr. Speaker, I ask that the views of the majority, beginning on page 1 of the report, down to and including the words "railroad company, et al.," on page 9, be printed in the RECORD as a part of my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Now, Mr. Speaker, in order to expedite this measure, I hope my time has expired and that we can vote immediately. [Laughter and applause.]

The views of the majority are as follows:

The Committee on the Judiciary, to whom was referred House bill 20310, have had the same under consideration, and report it to the House with a recommendation that it pass.

This bill relates to common carriers by railroad engaged in interstate and foreign commerce and in commerce in the District of Columbia, the Territories, the Canal Zone, and other possessions of the United States. It is intended in its scope to cover all commerce to which the regulative power of Congress extends.

The purpose of this bill is to change the common-law liability of employers of labor in this line of commerce, for personal injuries received by employees in the service. It abolishes the strict common-law rule of liability which bars a recovery for the personal injury or death of an employee, occasioned by the negligence of a fellow-servant. It also relaxes the common-law rule which makes contributory negligence a defense to claims for such injuries. It permits a recovery by an employee for an injury caused by the negligence of a coemployee; nor is such a recovery barred even though the injured one contributed by his own negligence to the injury. The amount of the recovery, however, is diminished in the same degree that the negligence of the injured one contributed to the injury. It makes each party responsible for his own negligence, and requires each to bear the burden thereof. The bill also provides that, to the extent that any contract, rule, or regulation seeks to exempt the employer from liability created by this act, to that extent such contract, rule, or regulation shall be void.

Many of the States have already changed the common-law rule in these particulars, and by this bill it is hoped to fix a uniform rule of liability throughout the Union with reference to the liability of common carriers to their employees.

Sections 1 and 2 of this bill provide that common carriers by railroad, engaged in interstate and foreign commerce, in commerce in the District of Columbia, the Territories, the Panama Canal Zone, and other possessions of the United States, shall be liable to its employees for personal injuries resulting from its negligence or by reason of any defect or insufficiency due to its negligence in its roads, equipment, or methods. It is not a new departure, but rather goes back to the old law which made the master liable for injury occasioned by the negligence of his servant, either to a coservant or to a third person.

The doctrine of fellow-servant was first enunciated in England in 1837, and since that time it has been generally followed in that country and this, except where abrogated or modified by statute. Whatever reason may have existed for the doctrine at the time it was first announced, it can not be said to exist now, under modern methods of commerce by railroad. It is possible that a century ago, under industrial methods and systems as they then existed, coemployees could have some influence over each other tending to their personal safety. It is possible that they could know something of the habits and characteristics of each other. Under present industrial methods and systems this can not be true. Then they worked with simple tools and were closely associated with each other in their work. Now they work with powerful and complex machinery, with widely diversified duties, and are distributed over larger areas and often widely separated from each other.

Under present methods, personal injuries have become a prodigious burden to the employees engaged in our industrial and commercial systems.

The master should be made wholly responsible for injury to the servant by reason of the negligence of a coservant. He exercises the authority of choosing the employees, and if made responsible for their acts while in line of duty he will be induced to exercise the highest degree of care in selecting competent and careful persons and will feel bound at all times to exercise over employees an authority and influence which will compel the highest degree of care on their part for the safety of each other in the performance of their duties.

These sections make the employer liable for injury caused by defects or insufficiencies in the roadbed, tracks, engines, machinery, and other appliances used in the operation of railroads. Over these things the employee has absolutely no authority. The employer has complete authority over them, both in their construction and in their maintenance. It is a very hard rule, indeed, to compel men, who by the exigencies and necessities of life are bound to labor, to assume the risks and hazards of the employment, when these risks and hazards could be greatly lessened by the exercise of proper care on the part of the employer in providing safe and proper machinery and equipment with which the employee does his work. We believe that a strict rule of liability of the employer to the employee for injuries received by defective machinery will greatly lessen personal injuries on that account. The common-law rules of fellow-servants and assumption of risk still prevail in many of the States, and without any apparent good reason. In recent years many of the countries of Europe have adopted new rules of liability, which greatly relieve the harshness of the common law as it still exists in some of the States.

In 1888 England passed an act which abolished the doctrine of fellow-servant with reference to the operation of railroad trains, and in 1897 it extended this law to apply to many of the hazardous employments of the country.

For many years the doctrine in Germany has been yielding step by step to better rules, until for the last quarter of a century it does not apply to any of the hazardous occupations.

In 1869 Austria passed a law making railroad companies liable for all injuries to their employees except where the injury was due to the victim's own negligence.

The Code Napoleon made the employer answerable for all injuries received by his workmen, and this code is still in force in Belgium and Holland.

Other European countries have from time to time made laws fixing the liability of the master for damages caused by the negligent act of his servant.

Many of the States have passed laws modifying the doctrine as changing conditions required it and justice to the employee demanded it.

Alabama in 1885 eliminated the doctrine so far as it relates to railroads, and in other particulars.

Arkansas in 1893 qualified the doctrine as to railroad employment.

Georgia in 1856 entirely abolished the doctrine as to railroads.

Iowa abolished it as to train operatives in 1862.

Kansas did the same thing in 1874.

The latest statute in Wisconsin on the subject abolished the fellow-servant doctrine as to employees actually engaged in operating trains.

Minnesota did the same thing in 1887.

Florida, Ohio, Mississippi, and Texas have changed the doctrine to the advantage of the employee.

North Carolina, North Dakota, and Massachusetts have practically eliminated the doctrine as regards the operation of railroad trains.

Colorado in 1901 abolished the doctrine in toto.

Other States have either abolished or modified it as regards the operation of railroads.

As compared with the law now in force in other countries and in many of the States, the changes made in the law of fellow-servant by this bill are not radical. The doctrine as regards the hazardous occupations is being relegated everywhere.

A Federal statute of this character will supplant the numerous State statutes on the subject so far as they relate to interstate commerce. It will create uniformity throughout the Union, and the legal status of such employer's liability for personal injuries, instead of being subject to numerous rules, will be fixed by one rule in all the States.

It is thought that the adoption of the rule, as provided in this section, will be conducive to greater care in the operation of railroads. As it is now, where the doctrine of fellow-servant is in force, no one is responsible for the injury or death of an employee if caused by the carelessness of a coemployee. The coservant who is guilty of negligence resulting in the injury may be liable, but as a rule he is not responsible, and hence the injury is not compensated. The employee is not held by the employer to such strict rules of caution for the safety of his coemployee, because the employer is not bound to pay the damages in case of injury. If he were held liable for damages for every injury occasioned by the negligence of his servant, he would impose the same strict rules for the safety of his employees as he does for the safety of passengers and strangers. He will make the employment of his servant and his retention in the service dependent upon the exercise of higher care, and this will be the stronger inducement to the employee to act with a higher regard for the safety of his fellow-workmen.

Section 3 is a modification of the common-law rule of contributory negligence. It does not abolish the law. Under its provisions contributory negligence still bars a recovery for personal injury so far as the injury is due to the contributory negligence of the employee, but entitles the employee to recover for the injury so far as it is due to the negligence of the employer. It differs from the act passed by Congress in June, 1906, on this point, in this: That law provided that contributory negligence did not bar a recovery if the negligence of the employee was slight and that of the employer was gross in comparison. That law modified the common-law rule of contributory negligence and also contained a modification of the common-law doctrine of comparative negligence. We are unable to see any justification whatever in the common-law doctrine of comparative negligence anywhere. It is the only rule of negligence that permits an employee to recover damages for injury to which his own negligence contributed. Comparative negligence is absolutely wrong in principle, for the reason that it permits the employee to recover full damages for injury, even though his own negligence contributed to it. It is true, as the law states it, he can only recover damages when his contributory negligence is slight and that of the employer is gross in comparison. But that rule does not undertake to diminish the verdict in proportion to the negligence of the employee. This may be said in behalf of the doctrine of contributory negligence in its common-law purity, and it is the only reason, so far as we know, that has ever been assigned for its existence: It tends to make the employee exercise a higher degree of care for his own safety.

If that is a good reason for the existence of that rule, then we believe that section 3 of this bill is a very great improvement on that doctrine, for the reason that it imposes the burden of the employer's negligence on the employer, and he will thus be induced to exercise higher care in the selection of his employees, and in other ways, for the safety of persons in his employment. If the law imposes on the employee the burden of his own negligence, that is certainly sufficient, and that is what this section seeks to do, and it also seeks to impose upon the employer the burden of his negligence. It provides that contributory negligence shall not bar a recovery for injury due to the negligence of the employer. It provides that the jury shall diminish the damages suffered by the injured employee in proportion to the amount of negligence attributable to such employee.

It is urged by some that such a provision is impracticable of administration and that juries will not divide the damages in accordance with the negligence committed by each. The same objection can be urged against the provision of the bill passed by Congress in 1906, which provided that only slight negligence should not bar a recovery, but that the jury should diminish damages in proportion to such slight negligence. Under that provision the jury would have the same difficulty, if any, in apportioning the damages according to the negligence of each party. We submit, further, that this section of the bill is free from the very unjust principle contained in the common-law doctrine of comparative negligence which allowed the employee to recover full damages for injury to which his own negligence contributed in some degree. It is not a just criticism of a law, conceding the righteousness of its principles, to say that it is impracticable of administration. We submit that the principle in this section is ideal justice, against which no fair argument can be made. It is better that legislatures pass just and fair laws, even though they may be difficult of administration by the courts, rather than to pass unjust and unfair laws because they may be more easily administered by the courts. Courts ought not to be compelled to administer the common-law doctrine of contributory negligence, which puts upon the employee the whole burden of negligence, even though his negligence was slight and that of the employer was gross. That law might to some extent induce higher care on the part of the employee, but in the same degree, and for the same reason, it induces the employer to have less regard and less care for the safety of his employees.

It is urged that juries under this law will wholly ignore the negligence committed by the employee and charge all the injury to the negligence of the employer. We do not believe that this will be the result of the administration of this section. We believe it will appeal to juries as eminently just and they will undertake to enforce it literally to the best of their skill. If juries under the common-law rule of contributory negligence have been disposed to assess damages in spite of the fact that the defendant contributed to the injury by his own negligence, it may be said that the jury recognizes the injustice of the law and undertakes to correct it by what they consider a just and righteous verdict. There is nothing in this law that will induce such a sentiment in the minds of the jury, but it will appeal to them as the true principle, and, in our judgment, they will seek to apply it fairly in the courts.

Beach, in his work on Contributory Negligence, page 136, comments on the law as provided in this section as follows:

"Much may be said in favor of the rule which counts the plaintiff's negligence in mitigation of the damages in those cases which frequently arise, wherein, on one hand, a real injury has been suffered by the plaintiff by reason of the culpable negligence of the defendant, and yet, where, on the other hand, the plaintiff's conduct was such as to some extent contribute to the injury, but in so small a degree that to impose upon him the entire loss seems not to take a just account of the defendant's negligence. In those cases, which may be denominated 'hard cases,' the Georgia and Tennessee rule in mitigation of damages without necessarily sacrificing the principle upon which the law as to contributory negligence rests is a rule against which, in respect of justice and humanity, nothing can be said. Where the severity of the general rule might refuse the plaintiff any remedy whatever, as the sheer injustice of the rule, as laid down in Davis *v.* Mann, would impose the whole liability upon the defendant, it is quite possible to conceive a case where the application of the rule which mitigates the damages in proportion to the plaintiff's misconduct, but does not decline to impose them at all, would work substantial justice between the parties."

Shearman and Redfield on the Law of Negligence, fifth edition, page 158, in speaking of this rule, say:

"This is substantially an adoption of the admiralty rule, which is certainly nearer ideal justice, if juries could be trusted to act upon it."

The United States has adhered much closer to the common-law doctrine of contributory negligence than the leading countries of Europe. The laws of England, Germany, and Italy go much further to discharge the employee from the responsibility of his own act than does the common-law doctrine of comparative negligence.

The laws of France, Switzerland, and Russia are in practical accord with the provisions of section 3 of this bill.

The rule provided for in this section is recognized to some extent in this country. Maryland and some of the other States have passed statutes seeking to divide the responsibility where both parties are guilty of negligence.

The provisions of this section are certainly just. What can be more fair than that each party shall suffer the consequences of his own carelessness? It certainly appeals more strongly to the fair mind than the proposition that the employee shall have no redress whatever, even though his injury is due mainly to the negligence of another. As a consequence of this legislation, we believe there will be fewer accidents. By the responsibility imposed, both parties will be induced to the exercise of greater diligence, and as a result the public will travel and property will be transported in greater safety.

The proviso in section 3 is to the effect that contributory negligence shall not be charged to the employee if he is injured or killed by reason of the violation, by the employer, of any statute enacted for the safety of employees. The effect of the provision is to make a violation of such a statute negligence per se on the part of the employer. The courts of some States have held this as a principle of the common law. Other States have enacted it into statute.

Section 4 provides, in effect, that the employee shall not be charged with the assumption of risk in case he is injured by reason of the violation by the employer of a statute enacted for the safety of employees. This section likewise makes the violation of such a statute negligence per se on the part of the employer, and is already the law in many of the States of the Union.

Section 5 renders void any contract or rule whereby a common carrier seeks to exempt itself from liability created by this act. Many of the States have enacted laws making void such contracts and regu-

lations, and, so far as we are informed, these statutes have been sustained by the courts. The following States have incorporated into their statutes language similar to the language contained in this bill on this question: Arkansas, California, Colorado, Florida, Georgia, Indiana, Iowa, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New York, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Texas, Virginia, Wisconsin, and Wyoming. The supreme court of Ohio held that a contract exempting a railroad company from liability for injuries was void under the common law as against public safety. Likewise the supreme court of Arkansas and the court of appeals of Virginia have held the same doctrine. The courts of New York have held that such contracts, though based on a consideration, are void as against public policy. The statutes of Ohio and Iowa fixing the liability of employer to employees, containing provisions similar to this section, have been held constitutional by the Federal courts, although the cases in which these decisions were rendered did not expressly turn on that question. The courts of Alabama have held such contracts void, regardless of statute. In Georgia and Pennsylvania such contracts have been held valid, but since the decision in Georgia that State has adopted a statute making them void.

This provision is necessary in order to make effective sections 1 and 2 of the bill. Some of the railroads of the country insist on a contract with their employees discharging the company from liability for personal injuries.

In any event, the employees of many of the common carriers of the country are to-day working under a contract of employment which by its terms releases the company from liability for damages arising out of the negligence of other employees. As an illustration we quote one paragraph from a blank form of application for a situation with the American Express Company, and entitled "Rules governing employment by this company:"

"I do further agree, in consideration of my employment by said American Express Company, that I will assume all risks of accident or injury which I shall meet with or sustain in the course of such employment, whether occasioned by the negligence of said company or any of its members, officers, agents, or employees, or otherwise; and that in case I shall at any time suffer any such injury, I will at once execute and deliver to said company a good and sufficient release, under my hand and seal, of all claims, demands, and causes of action arising out of such injury or connected therewith or resulting therefrom; and I hereby bind myself, my heirs, executors, and administrators, with the payment to said express company, on demand, of any sum which it may be compelled to pay in consequence of any such claim or in defending the same, including all counsel fees and expenses of litigation connected therewith."

While many of the States have enacted statutes making such contracts void, yet the United States Supreme Court, there being no Federal statute on the subject, have held a similar contract valid in the case of Voigt *v.* Baltimore and Ohio Southwestern Railroad (176 U. S., p. 498). In this case the railroad company entered into a contract with an express company whereby it agreed to carry the business of the express company, to furnish it with cars and certain facilities over its road, and to carry its messengers, in consideration of which the express company agreed to save harmless the railroad company from all claim for damages for personal injury received by its employees, whether the injuries were caused by the negligence of the railroad company or otherwise.

Voigt entered the service of the express company as messenger, and by the contract of his employment he agreed to assume all the risk of accident and injury and to indemnify and save harmless the express company from all claims that might be made against it for injury he might suffer, whether resulting from negligence or otherwise, and to execute a release for the same.

Voigt was injured and sued. The court said:

"He was not constrained to enter into the contract whereby the railroad company was exonerated from liability to him, but entered into the same freely and voluntarily, and obtained the benefit of it by securing his appointment as such messenger, and that such a contract did not contravene public policy."

In the case of O'Brien *v.* C. and N. W. Ry. Co. (Fed. Rep., vol. 116, p. 502), which involved the statute of Iowa making such contracts invalid, the court said:

"That while such contracts would be effective to protect the railroad company from liability at common law, under such statutory provisions declaratory of the public policy of the State they were invalid and constituted no defense to an action against it for the death of the messenger occurring in the State of Iowa by reason of the wrecking of the express car in which he was employed, through the negligence and want of ordinary care of defendant or its servants, whether the messenger be regarded as an employee of the defendant or not."

This section of the bill, however, provides that the common carrier may set off against any claim for damages whatever it has contributed toward such insurance, relief benefit, or indemnity that may have been paid to the injured employee, which would seem to be entirely fair and all that ought to be required of the employee.

Some of the roads of the country have established what are called "relief departments," which seek to operate a species of insurances for the employee against the hazards of the employment, but, so far as we know, all their forms of contracts, used by these relief departments to insure the employee, discharge the company from every possible liability for personal injuries to the employee. This release is made by its terms of agreement in consideration of the contributions of the company to the relief fund.

The following is one of the paragraphs from the form of application for membership in the relief department used by the Baltimore and Ohio Railroad Company:

"I further agree that, in consideration of the contributions of said company to the relief department and of the guaranty by it of the payment of the benefits aforesaid, the acceptance of benefits from such relief feature for the injury or death shall operate as a release of all claims against said company, or any company owning or operating its branches or divisions, or any company over whose railroad, right of way, or property the said Baltimore and Ohio Railroad Company or any company owning or operating its branches or divisions shall have the right to run or operate its engines or cars or send its employees in the performance of their duty, for damages by reason of such injury or death which could be made by or through me; and that the superintendent may require, as a condition precedent to the payment of such benefits, that all acts by him deemed appropriate or necessary to effect the full release and discharge of the said companies from all such claims be done by those who might bring suit for damages by reason of such injury or death; and also that the bringing of such a suit by me, my beneficiary or legal representative, or for the use of my beneficiary alone or with others, or the payment by any of the companies aforesaid of damages for such injury or death recovered in any suit or determined by a compromise or any costs incurred therein, shall operate as a release in full to the relief department of all claims by reason of membership therein."

The form of application used by other companies are similar in terms to the one cited, and make acceptance of benefits from said fund a release of all claims for damages for injury or death.

By an act concerning common carriers engaged in interstate commerce and their employees, approved June 1, 1898, known as the "arbitration law," it is made a misdemeanor on the part of any employer subject to the provisions of that act—

"To require any employee or any person seeking employment, as a condition of such employment, to enter into a contract whereby such employee or applicant for employment shall agree to contribute to any fund for charitable, sociable, or beneficial purposes; to release such employer from legal liability for any personal injury by reason of any benefit received from such fund beyond the proportion of benefit arising from the employer's contribution to such fund."

The following is a copy of the bill as reported by the committee:

"[H. R. 20310, Sixtieth Congress, first session.]

"A bill relating to the liability of common carriers by railroad to their employees in certain cases.

"*Be it enacted, etc.*, That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

"SEC. 2. That every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

"SEC. 3. That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

"SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

"SEC. 5. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death of which said action was brought.

"SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

"SEC. 7. That the term 'common carrier' as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

"SEC. 8. That nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other act or acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the act of Congress entitled 'An act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees,' approved June 11, 1906."

We believe this bill meets the objections of the Supreme Court to the act of June 11, 1906, known as the "employers' liability act," in the case of Howard, administratrix, etc., *v.* Illinois Central Railroad Company et al.

Mr. STERLING. Mr. Speaker, I yield half a minute to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER of New York. Mr. Speaker, I simply rise to correct the statement of the gentleman from Alabama [Mr. CLAYTON], my colleague on the committee. The membership of our committee is eighteen instead of seventeen, as he said, six Democrats and twelve Republicans. One Democrat was absent. The support of the Democrats present, therefore, was entirely unnecessary to report the bill favorably.

Mr. CLAYTON. But, Mr. Speaker, if the gentleman deducts the one who was absent, that would be eight out of sixteen.

Mr. ALEXANDER of New York. Eight out of seventeen you mean.

The SPEAKER. The time of the gentleman has expired. The Chair did not call to order the gentleman from New York, because the Chair had not called to order the gentleman from Alabama. It is clearly a violation of the rules to state what occurred in committee.

Mr. WILLIAMS. Mr. Speaker, I rise to a parliamentary inquiry. Is it out of order when a report of a committee has been made, and when minority reports have been made and filed in the House, to refer to them in a speech upon the floor? Is that subject to the objection that one is disclosing the secrets of the committee?

The SPEAKER. Committee reports are official, but it is out of order to state what transpired in the committee, and that is all the Chair held.

Mr. WILLIAMS. The gentleman from Alabama clearly referred to the fact that three Republicans signed reports against this bill. [Cries of "Regular order!"] Mr. Speaker, I ask for order. I can not talk to the Speaker while other gentlemen are talking.

Mr. PAYNE. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman rises to a parliamentary inquiry, and proceeds to make a speech——

Mr. WILLIAMS. I am not making a speech.

The SPEAKER. Touching a matter not before the House. He is, therefore, out of order.

Mr. WILLIAMS. Very well, then, I submit; but I never heard before that the minority reports constituted secrets of a committee.

Mr. LITTLEFIELD. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, if the gentleman from Alabama, who referred to my minority views, had read those views, which he said he had not, he would have found that those minority views expressed a desire that this bill in certain respects should be made far stronger. Men who are engaged in hazardous occupations like railroading and mining, in my opinion, should be afforded a definite compensation in case of accident from any cause resulting from that hazardous occupation. Their rights should not be confined, as they are by this bill, to accidents occurring by reason of the negligence of their fellow-servants. On the other hand, I think the bill, as stated by the gentleman from Maine [Mr. LITTLEFIELD], must constitutionally be confined to accidents resulting from the hazardous occupation, and that the employer shall not be distinguished from other employers as to any sort of accident that occurs. There are great questions connected with this whole matter, great questions which ought to have been decided in this House in a long and careful consideration of the bill, wherein we could determine what should be best done, and wherein we would not have been forced to our present action by dilatory tactics, which have forced us to consider this bill under suspension of the rules. I shall vote for the bill. [Applause on the Republican side.] I shall vote for the bill in the hope that it will be amended before it is finally passed, so as to be constitutional and so as to go further in certain matters where it ought to go further.

The SPEAKER. The time of the gentleman has expired.

The dissenting views of Mr. PARKER of New Jersey are as follows:

As I remarked last year on the consideration of the act for employers' liability, lately declared unconstitutional, I sympathize deeply with the movement for a proper extension to an employee of the right to recover a fair compensation for accidents that occur in a dangerous occupation, employing hosts of men, whose negligence may cause irremediable personal injuries to each other. Some modification of the common law should be and will be provided in the various States. While such modification involves important questions as to how far employers should be liable to their employees for the acts of their fellow-servants, the degree of contributory negligence on the part of the person injured that should bar recovery, and the extent to which the contract of employment should govern, the strong considerations in favor of some relaxation of the strict rules of the common law as to such an occupation have caused the passage and amendment of numerous State statutes, in which experience is teaching how the good of the community may be best obtained.

The United States have a full and exclusive jurisdiction in this matter in its Territories and possessions and in the District of Columbia, and for this exclusive jurisdiction we should, if possible, pass a law.

In morals each man is responsible for his own acts and negligence and not for those of another. It is by a fiction of the law adopted for the protection of the community that the employer is held responsible to outsiders hurt by the negligence of his servants. Within the employment itself, as indeed in life, each man assumes all ordinary hazards and answers for what he does or fails to do. He assumes the dangers of his occupation, and no other rule could prevail in small trades where only a few hands are employed. Each must take his own risk.

It is difficult and generally dangerous to modify the rules of the common law, but it is a matter of general consent that some such modification must be attempted in the great and hazardous enterprises of modern times employing dangerous machinery and thousands of men, and that those who work in these enterprises should receive some sort of insurance against accident analogous to the plan by which a pension is given in case of death or disability in the Army or Navy. In most countries this has been done by a compensation act, allowing rates of compensation that are based upon the wage-earning power of the man injured, his expectation of life, and other circumstances, and are adjusted sometimes by pension and sometimes by a single payment. In occupations which are dangerous not only to the workmen, but to others, such as the carriage of passengers, it is against the policy of the law that the negligence of the employee should be wholly excused and, as it were, encouraged, and that he should receive full compensation for damages to himself caused by his own negligence, and yet the risks of such occupations are so constant, varying, and tremendous, the strain of the work is so intense, and human nature is so fallible that it has been in many States found advisable to excuse negligence when it is slight, but not when it is so gross that it seems, as it were, willful, and to allow fixed or limited compensation in the nature of insurance. These compensation acts do not in their essence establish a liability, but are rather in the nature of a mutual insurance, which the profits of the business will have to stand and which must be made up either by an increase of receipts or a decrease of expenses in wages or other lines. Such allowances in the case of accident are made by way of part compensation. In some cases this result has been obtained by the voluntary action of the employer, as in the case of the Krupp Gun Works in Germany; it is more or less secured by means of accident insurance companies and voluntary beneficial associations; it has been attempted with more or less success in agreements between employer and employee, sometimes voluntary and sometimes compulsory, and, as above stated, it has become in many States and countries a matter of careful legislative provision. We must all sympathize with every endeavor in some measure to provide against the accidents of hazardous occupations if thereby we can avoid litigation and settle the amount which should be allowed in each particular case at such sum as will be a fair compensation without encouraging negligence or going beyond the ability of the business to stand.

I. To come to this specific bill, dealing with the hazardous occupation of railroading, it does not seem to me properly to meet the requirements above stated, even as to the territory entirely within United States jurisdiction.

1. It limits compensation to cases of injury by the negligence of coemployees, or defects of machinery, and does not provide for the ordinary hazards and accidents of a hazardous occupation, which are the real reason for making railroads an exception to the ordinary rule.

2. It does not limit recovery to accidents while actually engaged in this hazardous occupation, and the act is likely to be held unconstitutional because in many decisions the difference of hazard is held to be the only ground for any different rule as to master and servant.

3. It leaves the amount of compensation utterly undefined, to the encouragement of litigation and speculative claims.

4. It establishes a rule as to the division of damages in case of contributory negligence, which seems utterly unpractical.

5. It makes void all arrangements for settlement of such insurance as between employer and employee, and such systems, however much abused in the past, are susceptible of great good and should be regulated rather than abolished.

In my opinion section 2 should apply to all accidents, from whatever cause, occurring in the actual operation of the railroad to employees engaged in such operation. The cause of the accident should not be a matter of dispute, and the amount to be recovered by way of pension during temporary disability, or damages for permanent disability or death, should be limited so as to bear some relation to the wage of the employee.

The subject is of no small importance, even as to the exclusive jurisdiction of the United States, which contains large railroad mileage, and the settlement of these principles in this bill must bear upon future legislation as to mines, Government navy-yards, machine shops, and great enterprises like the Panama Canal, where tens of thousands of men, of various races and degrees of intelligence, are working together in a hostile climate. The subject is too complicated for me or anyone else to be sure that his views are right, but it is too important for any legislation to be passed which is manifestly imperfect. It is better to do nothing than to create any system where most of the money paid shall go into the profits of an insurance company or legal expenses or to pass a law which may be held unconstitutional.

II. With reference to territory not within the exclusive jurisdiction of the United States, and the mutual relations of employees and employers engaged in interstate commerce, I have seen no cause to change my opinion, as expressed upon the bill that was held unconstitutional by the Supreme Court. I believe that the question should be left to the law of the State having jurisdiction of the employment, and that the jurisdiction of the contract of service should not be made national because the employer is engaged in interstate commerce. My opinion, as expressed then, was as follows:

"The questions as to how far employers should be liable to their employees for the acts of fellow-servants, the degree of contributory negligence on the part of the person injured that should bar a recovery, and the extent to which the contract of employment should govern, are of the utmost importance, and the considerations in favor of a relaxation of the strict rules of the common law have caused the passage and amendment of numerous State statutes, under which experience is teaching how the good of the community may be best obtained.

"But these questions should be governed by the law of the State having jurisdiction of the employment, and the jurisdiction of the contract of service should not be made national because the employer is engaged in interstate commerce. The attempt to pass such a law will cause inextricable confusion as to where the State and national law should govern, especially in the case of local employees. It will abolish the advantage of practical experience, testing the value of the various State provisions, and the plaintiff will be sent to the distant, crowded, and expensive forum of United States courts, and the cause of the employee is more likely to be hurt thereby than aided by anything contained in this bill."

I sympathize with proper expansion of the right of an employee to recover for accidents in a dangerous occupation, employing hosts of men whose negligence may cause irremediable personal injury to each other; but I think this modification of the common law should and will be provided by the various States and that this bill will be an injury to those that it attempts to benefit. It is a question whether we can legislate as to all employees, as, for example, if a couple of men are shoveling dirt into a railroad car and one happens to hit the other with a shovel. But even in the most pitiful cases of injury it will not help the parties that the railroad should have the right to remove the suit

to a United States court, and thereby to take that suit to a distant court with a crowded calendar which may not be called for years. Pass this bill and it would add 20,000 cases in the United States courts and subject plaintiffs to appeals to the United States courts of appeal which, if these cases be added, might take ten years. I do not believe in that legislation which will cause this result, and I doubt also whether it be constitutional to take all questions between employer and employee away from the State.

Mr. Speaker, there is no contract, except perhaps that of marriage, which goes deeper into those personal rights of man and man which are reserved to the States than the contract of employment and the rights as between employer and employee, as well as the right of suit for personal injury caused by the negligence of another. I can not believe that it is for the benefit of the people of the United States that the jurisdiction of the States over these matters should be infringed. I doubt whether the power to regulate interstate commerce carries with it the power to change this relation between employer and employee. If it be so, and if this were the best bill in the world, the confusion that would take place on a railroad which does some of its business outside of a State and some of its business inside of a State would be inextricable. It would lead to various decisions, varying judgments, and to difficulties which would not tend to the benefit of those whom this legislation attempts to benefit. I therefore am opposed to this legislation, believing that all these questions are being worked out in the various States by various statutes; that the best statute will prove its right to remain, and that the worst will be amended so as to be like the best.

I repeat, that the attempt to pass such a law will cause inextricable confusion as to where the State and national law should govern, especially in the case of local employees. The Supreme Court in their opinion seem to limit any right to employees engaged in interstate commerce at the time of the injury, and possibly to those who are injured by other employees likewise so engaged. The opinion seems to exclude so many cases that there is almost nothing left. I quote from their decision:

"* * * Take a railroad engaged in interstate commerce, having a purely local branch operated wholly within a State. Take, again, the same road having shops for repairs, and it may be for construction work, as well as a large accounting and clerical force, and having, it may be, storage elevators and warehouses, not to suggest besides the possibility of its being engaged in other independent enterprises. Take a telegraph company engaged in the transmission of interstate and local messages. Take an express company engaged in local as well as interstate business. Take a trolley line moving wholly within a State as to a large part of its business and yet as to the remainder crossing the State line.

"As the act thus includes many subjects wholly beyond the power to regulate commerce * * *."

There can be no advantage to the employee in creating so many subjects of litigation as to where the State law should govern and where the United States law, nor in providing Federal questions in each case which will enable appeals to be taken to the United States Supreme Court. I want to aid the many thousands of honest Americans who are working upon our railroads. I think that the United States in its sphere and the various States in theirs should pass statutes granting definite relief in case of accident in such dangerous occupation as work on railroads and in mines. This bill does not cover these hazards, but only part of them. It is not confined to these hazards, but includes others, and the relief provided is not definite, but by uncertain suits on new and uncertain principles for unliquidated damages. I regret that the bill does not come into the House in proper shape. It is to be hoped that this or some measure may be so perfected in the House or in the Senate as to really meet the demands of the time.

RICHARD WAYNE PARKER.

Mr. STERLING. Mr. Speaker, how much time have I remaining?

The SPEAKER. Three minutes and a half.

Mr. STERLING. Mr. Speaker, I yield that time to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I shall vote for this bill with some mental reservations. As I recollect now, I am the only Member of the House here who spoke and voted in the Fifty-ninth Congress against the employers' liability bill, and I had the good fortune, though without having time for reflection, to then state substantially every ground upon which that bill was declared unconstitutional by the Supreme Court of the United States. That is my justification for thus speaking and voting then. Now, an honest attempt has been made by the Committee on Interstate and Foreign Commerce to make this bill constitutional, and I believe that the first section of the bill standing alone will be held to be constitutional. I also believe that unless the third section of the bill is amended before it becomes a law, it is baldly unconstitutional, as was the other bill, for it applies generally to injuries and requires damages against a railroad, although not suffered while the employee was engaged in interstate commerce. That, I hope, will be amended somewhere before the bill becomes a law. I also have an objection——

Mr. STERLING. Will the gentleman permit a question? Do you say you get that proposition from this bill?

Mr. KEIFER. Absolutely from this bill.

Mr. STERLING. I submit that it is not there; it is expressly limited in the words of the Supreme Court and says, "while such common carrier is engaged in interstate commerce."

Mr. KEIFER. Then the print you have is different from the print I have.

Mr. STERLING. That is in all the prints, every one that has been made, and it says that the servant of the common carrier must be injured while he is employed by such carrier in such commerce in order to entitle him to recover.

Mr. KEIFER. But the gentleman refers to section 1 of the bill. The language he has just quoted is not in section 3 of the bill. Section 3 says:

That in all actions hereafter brought against any such common carrier by railroads to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, etc.

And there are no words in section 3 which relate to the injuries resulting while the common carrier is engaged in interstate commerce. Section 1 of the bill is properly limited to damages incurred by an employee while engaged in interstate commerce; not so in the section relating to contributory negligence.

Mr. STERLING. Now, will the gentleman yield to another statement?

Mr. KEIFER. Yes; but my time is very short.

Mr. STERLING. The very first line says, "that every common carrier by railroad while engaged in commerce."

Mr. DIEKEMA. And then says, "such common carrier."

Mr. KEIFER. That is in section 1, but I am reading from section 3.

Mr. STERLING. It says, "such common carrier," limiting it to the same common carrier.

Mr. KEIFER. Mr. Speaker, if I had the time——

Mr. HENRY of Texas. Perhaps the gentleman has a last year's bird's nest that is causing the trouble.

Mr. KEIFER. Well, that is a very cheap, weak thing with which to take up a Member's time when he only has about four minutes.

Mr. HENRY of Texas. Well, I take it back, then.

Mr. KEIFER. I objected before, not on constitutional grounds, to the other bill, but I criticised it because it undertook to make a law relating to actions against common carriers that applied in State courts, which would drive every one of those cases from the State courts by petitions for removal, to the Federal courts where the employees can not afford to go——

The SPEAKER. The time of the gentleman has expired.

Mr. STERLING. Has the time been exhausted on both sides of the House?

The SPEAKER. It has.

Mr. STERLING. I ask unanimous consent for leave for all Members to print on the subject-matter of this bill for three days.

The SPEAKER. The gentleman from Illinois asks unanimous consent for leave of Members to print on the subject-matter of this bill for three days.

Mr. WILLIAMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

Mr. STERLING. Mr. Speaker, I call for a vote.

Mr. SULZER. The ayes and noes, Mr. Speaker.

The SPEAKER. The gentleman from New York demands the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 302, nays 1, answered "present" 7, not voting 79, as follows:

YEAS—302.

Adair	Calder	Ellis, Mo.	Hamill
Adamson	Calderhead	Ellis, Oreg.	Hamilton, Mich.
Aiken	Caldwell	Englebright	Hamlin
Alexander, Mo.	Campbell	Esch	Hammond
Alexander, N. Y.	Candler	Fassett	Harding
Allen	Capron	Favrot	Hardy
Ames	Carlin	Ferris	Harrison
Ansberry	Carter	Fitzgerald	Haskins
Anthony	Cary	Flood	Haugen
Ashbrook	Caulfield	Floyd	Hawley
Barclay	Chaney	Focht	Hay
Bartholdt	Chapman	Fornes	Heflin
Bartlett, Ga.	Clark, Mo.	Foss	Helm
Bartlett, Nev.	Clayton	Foster, Ill.	Henry, Conn.
Bates	Cockran	Foster, Ind.	Henry, Tex.
Beale, Pa.	Cocks, N. Y.	Foster, Vt.	Higgins
Beall, Tex.	Conner	Foulkrod	Hill, Conn.
Bede	Cook, Colo.	Fowler	Hill, Miss.
Bell, Ga.	Cook, Pa.	Fuller	Hitchcock
Bennet, N. Y.	Cooper, Tex.	Fulton	Hobson
Birdsall	Cooper, Wis.	Gaines, Tenn.	Holliday
Bonynge	Cox, Ind.	Gaines, W. Va.	Houston
Booher	Cravens	Gardner, Mass.	Howell, N. J.
Boutell	Crawford	Gardner, Mich.	Howell, Utah
Bowers	Crumpacker	Garner	Howland
Boyd	Cushman	Garrett	Hubbard, Iowa
Bradley	Dalzell	Gillespie	Hubbard, W. Va.
Brodhead	Darragh	Gillett	Huff
Broussard	Davidson	Goebel	Hughes, N. J.
Brownlow	Davis, Minn.	Gordon	Hull, Iowa
Brumm	Dawson	Goulden	Hull, Tenn.
Brundidge	Denby	Graham	Humphrey, Wash.
Burgess	Denver	Granger	Humphreys, Miss.
Burke	Diekema	Greene	James, Ollie M.
Burleigh	Dixon	Gregg	Jenkins
Burleson	Douglas	Griggs	Johnson, S. C.
Burnett	Draper	Hackett	Jones, Va.
Burton, Ohio	Driscoll	Hackney	Jones, Wash.
Butler	Dwight	Haggott	Kahn
Byrd	Ellerbe	Hale	Keifer

Kelliher	Macon	Pujo	Steenerson
Kennedy, Iowa	Madden	Rainey	Stephens, Tex.
Kennedy, Ohio	Madison	Randell, Tex.	Sterling
Kinkaid	Malby	Ransdell, La.	Stevens, Minn.
Kitchin, Claude	Mann	Rauch	Sturgiss
Knopf	Marshall	Reeder	Sulloway
Knowland	Maynard	Reid	Sulzer
Kustermann	Miller	Richardson	Tawney
Lafean	Moon, Tenn.	Roberts	Taylor, Ala.
Lamar, Mo.	Moore, Pa.	Robinson	Taylor, Ohio
Lamb	Moore, Tex.	Rodenberg	Thistlewood
Landis	Morse	Rothermel	Thomas, N. C.
Langley	Mouser	Rucker	Thomas, Ohio
Laning	Mudd	Russell, Mo.	Tirrell
Lassiter	Murdock	Russell, Tex.	Tou Velle
Law	Murphy	Ryan	Underwood
Lawrence	Needham	Saunders	Volstead
Leake	Nelson	Scott	Vreeland
Lee	Nicholls	Shackleford	Waldo
Legare	Norris	Sheppard	Wallace
Lewis	Nye	Sherley	Wanger
Lindbergh	O'Connell	Sherwood	Washburn
Lloyd	Olcott	Sims	Watkins
Longworth	Olmsted	Slayden	Watson
Loud	Overstreet	Slemp	Weeks
Loudenslager	Padgett	Small	Weems
Lovering	Page	Smith, Cal.	Wiley
Lowden	Parker, N. J.	Smith, Iowa	Williams
McCreary	Parsons	Smith, Mich.	Wilson, Ill.
McGuire	Patterson	Smith, Tex.	Wolf
McKinlay, Cal.	Payne	Snapp	Wood
McKinley, Ill.	Pearre	Southwick	Woodyard
McLachlan, Cal.	Perkins	Sparkman	Young
McLain	Peters	Sperry	The Speaker
McLaughlin, Mich.	Pou	Stafford	
McMillan	Pray	Stanley	

NAYS—1.

Littlefield

ANSWERED "PRESENT"—7.

Cousins	Hamilton, Iowa	Lever	Prince
Currier	Hardwick	McGavin	

NOT VOTING—79.

Acheson	Edwards, Ga.	Jackson	Parker, S. Dak.
Andrus	Edwards, Ky.	James, Addison D.	Pollard
Bannon	Fairchild	Johnson, Ky.	Porter
Barchfeld	Finley	Kimball	Powers
Bennett, Ky.	Fordney	Kipp	Pratt
Bingham	French	Kitchin, Wm. W.	Reynolds
Brantley	Gardner, N. J.	Knapp	Rhinock
Brick	Gilhams	Lamar, Fla.	Riordan
Burton, Del.	Gill	Lenahan	Sabath
Clark, Fla.	Glass	Lilley	Sherman
Cole	Godwin	Lindsay	Smith, Mo.
Cooper, Pa.	Goldfogle	Livingston	Spight
Coudrey	Graff	Lorimer	Talbott
Craig	Gronna	McCall	Townsend
Davenport	Hall	McDermott	Webb
Davey, La.	Hayes	McHenry	Weisse
Dawes	Hepburn	McKinney	Wheeler
De Armond	Hinshaw	McMorran	Willett
Dunwell	Howard	Mondell	Wilson, Pa.
Durey	Hughes, W. Va.	Moon, Pa.	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. COUSINS with Mr. HOWARD.

Mr. REYNOLDS with Mr. CLARK of Florida.

Mr. TOWNSEND with Mr. MCDERMOTT.

Mr. MCCALL with Mr. SABATH.

For the balance of the day:

Mr. GILHAMS with Mr. WILLETT.

Mr. BURTON of Delaware with Mr. HARDWICK.

Mr. PEARRE with Mr. GILL.

Mr. GRAFF with Mr. WEISSE.

Mr. COLE with Mr. JOHNSON of Kentucky.

Mr. GAINES of West Virginia. Mr. Speaker, my colleague from West Virginia [Mr. HUGHES] is absent. I am informed if he was present he would vote "aye."

The result of the vote was announced as above recorded.

RAILROAD PASSES AND FREE TRANSPORTATION.

Mr. STEVENS of Minnesota. Mr. Speaker, I move that the rules be suspended and that the bill S. 4260 be put upon its passage.

The CHAIRMAN. The gentleman from Minnesota moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 4260) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

Be it enacted, etc., That paragraph 4 of section 1 of an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, be amended so that said paragraph as so amended will read as follows:

"No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitations: *Provided further*, That the term 'employees' as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term 'families' as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and any amendment thereof."

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, in order to have an explanation of the bill, I demand a second.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota [Mr. STEVENS] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, this is a bill to amend the rate law as to the pass provision by extending somewhat the exceptions, allowing the issuance of passes to the railroad employees. The law as it now stands provides that passes may be issued by common carriers by railroad to the officers, agents, and employees of such common carriers and their families. That is the law as it stands now and has existed for more than twenty years. This measure amends that provision by adding the second proviso on page 3 of this bill, which reads as follows, and I will read the only change that this bill makes in the present law:

Provided further, That the terms "employees" as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier, and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier.

That is the only change in the existing law made by this bill. You will note that there are substantially four different classes of persons added by this provision—first, the term "employees" shall include "furloughed, pensioned, and superannuated employees." My own impression is that all those are already covered by the present law if it be fairly and liberally construed.

Mr. COX of Indiana rose.

The SPEAKER. Does the gentleman yield?

Mr. STEVENS of Minnesota. I yield.

Mr. COX of Indiana. The railroad men in my district, I may state, have been requesting that this law be amended along this line to permit employees who are really out of a job, or work——

Mr. STEVENS of Minnesota. I will come to that in a moment, if the gentleman will just allow me.

Mr. COX of Indiana. Very well.

Mr. STEVENS of Minnesota. The first provision, as I said, covers furloughed, pensioned, and superannuated employees, which, I think, is covered by the present law. The second provision is for persons who have become disabled or infirm in the service of any such common carrier. My own impression is that this class also might be covered by a liberal construction of the present law; but this line makes certain what before was doubtful. The third provision is as to the "remains of a person killed in the employment of a common carrier." That is not covered by existing law, and no one can doubt that it ought to be. There needs to be no further argument on that proposition. Now, the fourth provision is the one mentioned by the gentle-

man from Indiana [Mr. Cox], namely, "ex-employees traveling for the purpose of entering the service of any such common carrier."

The reason for that is this: In different sections of the country there is a much larger business at one time of the year than in another. For example, in the Southwest men may be employed in the spring or in the late fall, and out of employment in the middle of the summer, and the railroad men would then travel from the Southwest to the Northwest and the Northeast, where they could find ample employment during the summer. This is desirable for the men themselves. It is also desirable for the railroads. It is desirable for the localities in which those railroads operate, because it enables those roads to give the best possible service to the public.

Mr. CRUMPACKER. Will the gentleman answer a question?

Mr. STEVENS of Minnesota. I yield to the gentleman from Indiana.

Mr. CRUMPACKER. The provision the gentleman is now discussing, I understand, is limited to ex-employees of the road or the carrier that is authorized to give the pass. Would not that be the construction? What I would like to know is, if an ex-employee of another common carrier could receive a pass in going to seek employment from a road he never has worked upon—a carrier he has never worked for?

Mr. STEVENS of Minnesota. Mr. Speaker, of course the word "ex-employees," in line 13 of the bill, is not particularly limited except as it may refer to the word "employees," in line 3 of the bill. Now, a practical construction of that would be that the railroad would only issue passes to any railroad employees upon a card or certificate that would satisfactorily show that these men were such employees. In practice this is always carefully guarded both by the carriers and by the railroad men themselves. Now, whether or not it would be confined to employees of the railroad issuing the pass, I confess that I have some doubt; but there would be required a satisfactory identification of the man as being an ex-employee of a common carrier to entitle him to have any courtesy from the initial carrier.

Mr. CRUMPACKER. In my judgment the Interstate Commerce Commission, and perhaps the courts, would limit the issue of passes under that provision to ex-employees of the carrier that proposed to issue the pass.

Mr. STEVENS of Minnesota. The only limitation would be by construing it in connection with the words "employees of common carriers," in line 3, and that is not clear as to whether the employees outside of the carrier issuing the pass would be included.

Mr. PADGETT. May I ask the gentleman a question about line 13, where it says "for the purpose of entering the service of such common carrier?" Does not the word "such" limit it?

Mr. STEVENS of Minnesota. It limits it to the common carriers described in this bill—railroads, not steamboats or stagecoaches.

Mr. PADGETT. Would it not have a tendency to limit it to the common carrier issuing the pass?

Mr. STEVENS of Minnesota. No; I think not, Mr. Speaker. My own impression is that it would not work that way. My own impression is that it would work this way: That a railroad man, being an ex-employee, an engineer, who desired employment, applying to a Southwestern road, seeking to go to the Northeast, belonging to some railroad organization or some employment agency of them, and being identified by some of the known employees as in the former service of some carrier by those who knew him, who would personally identify him before an officer of the company, that he would then be given the courtesy provided by this amendment.

Mr. KEIFER. If the gentleman will allow me to state a case, I will ask him whether the bill covers it? It is common for all railroads who have to let contracts for the building of bridges, and perhaps other structures, for the contractor who hires his people to do his work and his machinery—part of it heavy—to have it carried out to the place. Now, does the bill allow the railroad to carry the employees of the contractor who is going to perform that work on their own line of road?

Mr. MANN. That is now authorized by a ruling of the Commission.

Mr. KEIFER. It is not authorized under the former law, because I had a case arising in my own State where the contractor hired his people and took them to Cincinnati, and paid their fare, and they ran away after they had gone down there, and he had to go elsewhere to get more people.

Mr. STEVENS of Minnesota. I think they have changed their ruling on that subject. That would not be covered by this amendment.

Mr. KEIFER. Well, it ought to be covered by it.

Mr. PERKINS. I would like to ask the gentleman a question.

Mr. STEVENS of Minnesota. I yield to the gentleman.

Mr. PERKINS. I would like to ask this question: Suppose a man who had been an employee, say, of the New York Central Railroad, who has become superannuated and is a pensioned employee. Under the provisions of the bill, could he receive a pass from the New York Central? Suppose he wanted to go from Albany to Chicago, could he also receive a pass over the Lake Shore Road, or would this apply only to the company of which he was a superannuated employee?

Mr. STEVENS of Minnesota. The present provision only covers an issue of the pass on the line to whom the application is made. But there is a provision of the act of 1887 which allows an interchange of passes, which has never been changed by any subsequent legislation.

Mr. PERKINS. So that would cover such a case.

Mr. STEVENS of Minnesota. That would cover that case.

Mr. COX of Indiana. I desire to ask the gentleman a question simply for information. I am for his bill and the amendment as presented here. Is it the judgment of the committee that it must be either an employee or ex-employee, or would it be broad enough to allow the issuing of a pass to one who is seeking employment?

Mr. STEVENS of Minnesota. No. This is very clear. The man must either have had previous employment or be an ex-employee of the common carrier, coming under the provisions of this general bill. Now, Mr. Speaker, these four classes——

Mr. MONDELL. I would like to ask the gentleman a question.

Mr. STEVENS of Minnesota. I yield to the gentleman.

Mr. MONDELL. I should like to know whether the Committee discussed the advisability of allowing passes to be given to employees of contractors of a railroad company to a work going to be carried on, along the line of the inquiry of the gentleman from Ohio?

Mr. STEVENS of Minnesota. Yes; we did discuss that, and we discussed a good many other propositions in connection with the pass provision, but we did not think, on the whole, that it was wise to amend the bill as it stands now.

Mr. MONDELL. My understanding is that the railroad companies desire to have authority to carry the employees of those with whom they make contracts for construction and repairs. Is that not true?

Mr. STEVENS of Minnesota. Yes, there is no question about the advisability of it from their standpoint.

Mr. MONDELL. What objection would there seem to be to legislation of that character?

Mr. STEVENS of Minnesota. We did not care to extend these exceptions to the pass law any further than was necessary right now, and as I have said, practically the only extension of this bill is the one that I have just gone over. That is the real substance of this bill.

Mr. WILLIAMS. And their families go, too.

Mr. STEVENS of Minnesota. Yes.

Mr. KEIFER. This is the Senate bill.

Mr. STEVENS of Minnesota. Yes; this is the Senate bill.

Mr. KEIFER. We have not amended it at all.

Mr. STEVENS of Minnesota. The gentleman from Mississippi [Mr. WILLIAMS] asks if the families go, too, and I say, yes. The remaining four lines of the amendment cover the families of these various classes that I have named, as well as the families of persons killed while in the service. Up to this time the families of killed employees were obliged to pay fare, and we thought it only an act of common humanity to allow them to be carried free under this provision.

Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. I yield four minutes to the gentleman from Missouri [Mr. HACKNEY.]

Mr. HACKNEY. Mr. Speaker, I will address myself to the paragraph that is found on page 3, lines 15, 16, and 17. I very much regret that this bill does not go further in extending the benefits to the families of deceased employees. It does go to the extent of allowing transportation to be issued to the families of those persons who are killed in the service, but I presume almost every Member on the floor of this House has in mind some instance where a man has given his life to the service of a railroad company in some capacity that did not necessarily draw him onto the road all of his time whose death was not caused by any casualty, and at the end of his life has left his family practically helpless, and the widow and the minor children are at present barred from the benefits of this privilege.

At the opening of this Congress I introduced a bill to extend the exemption to the widow during her widowhood and to the

minor children of any deceased employee. It seems to me that provision ought to have been engrafted in this bill, and I should like to request unanimous consent now to add an amendment of that kind to this bill. Of course I recognize that it can not be done except by unanimous consent.

In my own district I know of three cases, one particularly of a division superintendent who gave his life to the service of the railroad company, who left his family helpless, and his widow, who had been in the habit of going over the line the greater part of her married life, is unable to go with her little children on the road now without paying fare. The sentiment there in that community is very much in favor of the amendment I suggest. I would not vote against this bill, because I believe it goes far to meet cases that address themselves to the favorable consideration of this legislative body in every section of the country, but I regret that I can not get the provision extended in the direction I suggest. I now renew the request that I be allowed to offer that amendment, to extend this proviso by adding, after the word "carrier," in lines 16 and 17, the words "and the widow during widowhood, and minor children of any deceased employee of such carrier."

Mr. STEVENS of Minnesota. Mr. Speaker, I very much regret that I must object, but the committee does not think it wise that this bill should be amended.

The SPEAKER. What was the request of the gentleman?

Mr. HACKNEY. A request for unanimous consent to amend the bill; and the gentleman from Minnesota has said he could not consent to it. I am not quarreling with the gentleman, but I regret that he can not see his way clear to go to that extent. I think the bill is good as far as it goes. I favor it for what it does, but I regret that we can not go a little further.

Mr. WILLIAMS. I now yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the Committee on Interstate and Foreign Commerce, as well as the other Members of the House and Senate, are constantly besieged with propositions to change the existing pass prohibition in the rate law. Up to the present time neither the Committee on Interstate Commerce of the Senate nor the committee of the House having jurisdiction have been willing to make any report upon any bill which will change the existing provisions, except the bill now before the House.

When the rate law went into effect containing the prohibition against granting passes, it was the expectation that the railroad employees, themselves dependent upon the railroads for their livelihood, might properly be granted free transportation. It was not one of these cases where the railroads grant something to somebody entirely disconnected with the railroad service, but is something in the way of compensation given by the railroad to the employee.

The pending bill, including the item which has been explained so well by the gentleman from Minnesota [Mr. STEVENS], has been prepared and presented by the railroad employees in the country. The gentleman from Missouri [Mr. HACKNEY] thought that something ought to be added. In my judgment, the provision which he refers to is now in the bill, but if it be not in the bill, then the bill as it stands is asked for by the railroad employees. After this bill had passed the Senate the gentleman representing the Conductors' Association and gentlemen representing other associations appeared before our committee and there, so far as they were concerned, asked that this bill might be reported and passed as it now stands, without the crossing of a "t" or the dotting of an "i."

Mr. COX of Indiana. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman for a question.

Mr. COX of Indiana. Suppose an ex-employee starts from New York to San Francisco in the West seeking employment; does the gentleman believe that this bill is broad enough to allow the road to issue a pass to him?

Mr. MANN. I do not know. I have read the section in the bill three or four times and I do not know. It is like all legislation prepared outside of this body. I do not know. I shall vote for the bill on the same theory that I voted for the employers' liability bill—nobody knows whether it is constitutional or not. I doubt if anybody can read the employers' liability bill and tell what it means. I am sure nobody can tell exactly what this means, but in the main it covers the question. It is in the form that the gentlemen asked for it. If this be enacted into law it covers almost every case that can arise. If it shall be construed that it does not cover the case referred to by the gentleman from Indiana [Mr. Cox] and Congress wishes to cover it, it can be done hereafter.

I have been in this body too long to believe that it is possible to enact perfect legislation. I have never seen a bill passed here that did not require construction, amendment, or repeal, and I never expect to. Now, we have not gone outside of the question of employees and their families. There are other classes that properly might be granted passes and exchange of service. These matters are still under consideration by the committee, but in view of the attitude of the Interstate Commerce Commission, properly enough, in construing the law, we thought that the railroad companies might be permitted as a part of the compensation to grant passes to their employees and their families.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. COOPER of Wisconsin. In the original act does there appear the word "agents," in line 7, page 2?

Mr. MANN. There is no change in the law whatever in this bill except the insertion, on page 3, of the proviso beginning on line 7, down to the word "carrier," in lines 16 and 17. That is added to the law, but there is no other change in the law.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. MANN. I will yield to the gentleman.

Mr. GAINES of Tennessee. It says "attorneys at law." It does not say the road's attorneys.

Mr. MANN. That is existing law. We have not amended that provision in regard to anybody except certain classes of railroad employees.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, so far this day has been given, and wisely given, to legislation touching the status of railroad employees of the country. It is to me a matter of extreme regret that bills as important as the one just preceding this should have been considered under a suspension of the rules when debate was limited to twenty minutes on a side and no amendment was in order.

Somewhat of what the gentleman from Illinois has stated, I agree to. Some of it, however, I agree to not as a necessary condition of legislation in Congress, but as a present condition brought about by the way we do legislate, not by the way we ought to or have to legislate. I should like to have called attention in the consideration of the previous bill to the fact that it does not deal, except in a very limited way, with one of the most iniquitous legal rules which, while logical from the standpoint of the logician, is brutal from the standpoint of the humanitarian, and that is the doctrine of assumed risk.

We have just passed a law which provides that the employee shall not be held to have assumed a risk relative to any matter where a statute requires the railroad to do some special thing looking to the safety of employees, but it leaves in full force and effect the doctrine of assumed risk as to other matters not covered by statute. Let me illustrate how harsh that rule is by citing a leading case in Kentucky. The case was that of an Irishman who was working on the stonework of a bridge over the Ohio River. He was wheeling in a wheelbarrow stone over a narrow plank walk one or two feet wide. He went to his boss and said to him, "This is a dangerous plank, a man is liable to be overweighted and thrown into the river and drowned." The boss answered him, "If you don't like your job, you can quit." He went back to work. Within a few hours what he had predicted did happen. The stone overweighted him and he was thrown into the river below and drowned. Upon suit being brought the court held, and rightly held according to that rule, that he had assumed the risk and that his personal representative could not recover. That is good law, but it is barbarous justice. [Applause.] I would like to have seen the employers' liability bill do away with such a rule. I would like to have seen the proper discussion of one of the phrases in the first paragraph of that bill. I do not believe that we are so cramped for time that we can not afford to give a proper consideration to important matters. If we had properly considered the employers' liability bill in the first instance, we would never have had to repass it now. If we had not waited three months since the decision of the Supreme Court before we have a bill presented to us for consideration now, we would not have to put it through under suspension of rules. [Applause on the Democratic side.] I could not let the opportunity pass without making my protest against the unnecessary way that we are legislating upon important matters. I had rather Congress would pass two or three bills that constitute a real equity, that reform a real evil, fully, completely, and constitutionally, than that we should try to humbug the public and the voters by passing through half-baked, undigested legislation. [Applause.]

Mr. WILLIAMS. Mr. Speaker, I now yield three minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Speaker, I wish to add my voice to the protest against passing legislation like this bill in the manner in which it is being passed. There is no opportunity to amend it. It must be rushed through in this manner because the Republican management in this House says it must be done, with only twenty minutes to discuss it and no opportunity to improve it. In reference to the granting of passes prohibited in this bill, the guilty party is denounced and punished by a fine of not less than $100 nor more than $2,000. But the same penalty that would be applied to the railroad company is applied to the party who takes the pass—a very unequal penalty, when you consider the situation—the ability of the parties to pay. It may force the man that rides upon the pass to go to jail. The railroad company would not feel the amount of the fine. It ought, in addition, to provide that, if the violation is willful, the party guilty of issuing the pass should be sent to jail and the penalty for the one receiving the pass ought to be less than is prescribed in this bill. Of course the punishment of those receiving passes protects the railroad company against the information being given against it, because no man will admit that he received or used any such pass, and the guilty companies will escape for lack of evidence. Again, this bill provides that attorneys of the railroad companies can receive passes, can receive the advantages prohibited by other people by the provisions of this bill. Therefore a Member of Congress can simply be an attorney for a railroad and he can have his passes the same as he used to. The Republican party in this House has made a party issue, that a law denouncing the employment of Members of Congress by public-service companies shall not be enacted. You propose to hold that privilege, and now you give yourselves, you that are the representatives of these corporations, the privilege of riding on passes without violating this law. It ought not to be. It is contrary to the principle and spirit of such legislation. It is unfair to the people; it is wrong in its tendency. It ought to be stated in this bill that a Member of Congress riding upon a pass, receiving one in violation of this law, would be subject to penalty, not only of a fine, but by imprisonment, and be deprived of the right to hold office. Such an amendment you would vote down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I yield two minutes to the gentleman from North Carolina [Mr. HACKETT].

Mr. HACKETT. Mr. Speaker, representing, as I do, a large constituency of railroad employees, I desire to add my voice and vote in advocacy of the bill providing for free transportation to railroad employees and their families. As I nuderstand it, this is a bill prepared by the representatives of the railroad employees and of the various organizations and unions with which they have allied themselves, and these men, together with those who represent their interests on this floor and in the Senate of the United States, have among them men of such a high class of ability and probity that they undoubtedly could draft and have drafted a bill which will meet their necessities and give them the well-merited relief. They are asking Congress that this legislation be not delayed. They request that this bill be passed by the House of Representatives immediately, as it has been by the Senate, without the dotting of an "i" or the crossing of a "t," in order that they may have the benefit of the privileges therein contained at once. Mr. Speaker, I favor this course. I am desirous that the railroad employees may know to-morrow that the Congress of the United States realizes the position in which they have been placed by former legislation and stands ready to correct it, so that the railroads may be permitted to give these employees and their families free transportation in the broadest sense, as provided for in this bill.

In view of the fact that, by reason of a Republican panic and the hard times caused thereby, there are now within the United States over 250,000 ex-railroad employees out of a job, without means to support themselves and their families, I especially favor that clause in the bill which permits free transportation to any ex-employee and his family, traveling for the purpose of entering the service of any common carrier, wherever he may be able to find a position. The men at the throttle who, with watchful eyes, fearless hearts, and steady nerves, hold the lives of millions in their safe-keeping, as the vast engines go racing across the country, freighted with their burdens of humanity; the telegraph operators, whose quick ears catch the movements of the swiftly running trains and guide them safely on their way; the mechanics and laborers in the shops, whose skilled training enables them to detect the slightest defect in the machinery and groom the iron horse for another race; the kind-hearted and polite conductors and agents, and all the vast army of railway employees, whose lives are lived in furthering the great transportation facilities of the country and in serving the public equally as well as their employers, deserve the best that their Representatives and Senators in Congress can give them, and I hope this bill will pass without a dissenting vote, so that when the well-earned vacation comes, they can go whithersoever their minds may lead them, whether to the old homestead, or the pleasure resort, carrying their families with them free of cost, thus giving them rest and recreation amid the most pleasant surroundings and enabling them to return to their labors with renewed strength and rejuvenated hearts. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, in the one minute of time left to me I desire merely to say I am very much in favor of the passage of this bill. I can not quite altogether agree with my friend from Illinois [Mr. MANN] when he said that he never saw a bill pass, and never expected to see one pass, that would not have to be either amended or revised later on——

Mr. MANN. Or construed, I said.

Mr. WILLIAMS. Or construed. I think that a bill of just one section repealing the duty on wood pulp, if passed to-morrow, would never have to be construed, or amended, or revised.

Mr. MANN. And the gentleman has never seen it passed.

Mr. STEVENS of Minnesota. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. Seven minutes.

Mr. STEVENS of Minnesota. I yield four minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I do not complain of the committee coming in here through one of its members and moving to suspend the rules and passing this bill. It is a good one, but falls a little short of perfection. It ought to have provided for the carriage free of employees who go upon the lines of railroads for the purpose of doing work for a contract or in building bridges or other structures, but this could not be now done. I agree with my friend from Kentucky [Mr. SHERLEY] that we ought to be more deliberate in passing bills, but he will see, and I hope agrees with me, that so long as Members on that side of the House take up a great deal of our time in calling the roll after 5 o'clock or 6 o'clock to adjourn and otherwise bother us with calls all the time unless they are permitted to select the kind of bills they want, and therefore we are obliged to resort to just this kind of legislation we are now voting for.

Mr. WILLIAMS. Mr. Speaker, will the gentleman permit me a question?

Mr. KEIFER. Certainly.

Mr. WILLIAMS. How much time was wasted in the committee in getting these two bills into the House?

Mr. KEIFER. Mr. Speaker, every Member of any intelligence at all on this floor learned long since that the employers' liability bill was to be submitted this day in the House, and they occupied hours and hours of time calling the roll last week for the purpose of forcing us to bring this bill up now the very time it was known it was to come up.

Mr. WILLIAMS. This is not the only bill we want to bring up.

Mr. KEIFER. Well, the other bills stand in the same relation, I agree with my friend from Kentucky——

Mr. SHERLEY. Will the gentleman yield? The gentleman from Kentucky does not agree with his friend from Ohio——

Mr. KEIFER. I have no time to yield.

Mr. SHERLEY. You can either yield or decline to yield. Do not you know that bringing this bill up under suspension of the rules necessarily limits both debate and the power to amend?

Mr. KEIFER. Both debate and power to amend, but we are obliged to hasten our legislation——

Mr. SHERLEY. Does not the gentleman know it is child's talk now about our saving time——

Mr. KEIFER. Because you have forced us to spend about a week calling the yeas and nays.

Mr. WILLIAMS. I had rather see you get them through by suspension than not get them through at all.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, there has been some criticism that the Committee on Interstate and Foreign Commerce was not diligent in reporting this bill. It passed the Senate on the 13th day of February, and it was referred to the Committee on Interstate and Foreign Commerce on the 14th day of February. Hearings were had on it about the 12th of March, in due course. The committee and the House are familiar with the fact that there are about 100 bills on the Calendar of the Committee on Interstate and Foreign Commerce intro-

duced by Members, and every Member has been interested in his bill, and every Member who desired has had a hearing on his bill, and it does not lie in the mouths of Members on either side of this House to rebuke the members of the Committee on Interstate and Foreign Commerce for not properly reporting this legislation. We did give hearings, and have acted with more than due diligence, considering the pressure upon us by the Members of this House. We did report it on the 2d day of April. We have brought it before this House at the first opportunity. Now, Mr. Speaker, there is one thing——

Mr. BARTLETT of Georgia. May I interrupt the gentleman just a moment?

Mr. STEVENS of Minnesota. I yield to my colleague from Georgia.

Mr. BARTLETT of Georgia. I want the gentleman to state whether there has been any opposition from anybody on that committee to this bill.

Mr. STEVENS of Minnesota. Mr. Speaker, I am glad the gentleman from Georgia made that statement. Every member on the committee favored this bill, every member voted for it and expedited its consideration, and we have had the satisfaction this day of bringing it up by unanimous consent with the evident approval of every Member of the House.

Mr. HARDY. I would like to ask the gentleman, inasmuch as there is a controversy here as to whether Members of Congress might, under this bill, accept free passes, we might not, by unanimous consent, add to this bill, "who shall not be judicial or legislative officers of the United States or of any State of the United States."

Mr. STEVENS of Minnesota. I could not, under instructions from the committee, yield unanimous consent for any amendment to this bill. What the gentleman desires is prohibited now. This bill is only designed to cover one particular thing, to extend the construction of the word "employee," and that is the only object to be desired. It is the only thing that ought to be legislated by this bill. It was for that purpose only that this bill was prepared and has been given consideration.

Mr. HARDY. What I wanted to ask the gentleman was, Does not the bill as it is now really amend the current law so as to let in exceptions to the antifree-pass law, in the nature of attorneys and Members of Congress, that the present law would not permit?

Mr. STEVENS of Minnesota. Not at all. It only covers a certain class of employees really seeking jobs, the bodies of their dead, and their families. That is the only object of this bill. It is the only provision which is covered by it. There ought to be no pass legislation extending the provisions of the present law unless it is clearly in the public interest. Pass legislation ought not to make special classes or separate classes of our people unless it is clearly for the public interest and for the broadest public welfare.

Mr. HARDY. Will the gentleman yield for one question?

Mr. STEVENS of Minnesota. No class of people ought to seek or be permitted to have special privileges like these unless it is clearly evident that the general good is promoted by means of such legislation. It is for the advantage of the public, for the advantage of those running the railroads, that these men and their families should be carried as may be necessary. That it helps the favored individual goes without saying; but beyond that it is a very great convenience to the carriers, and more than all, promotes the public interest by supplying needed and timely labor, distributes it easily and without friction, assists in moving our products, and generally contributes to the public welfare. I yield to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Under the language on page 2, line 8, "attorneys at law," does not that permit any attorney——

Mr. STEVENS of Minnesota. No; Mr. Speaker, it has been settled that it is only the attorneys of the railroad companies, and actually engaged at the time in railroad employment.

Mr. WILLIAMS. That is a repetition of the existing law?

Mr. STEVENS of Minnesota. Certainly. It is the law as it has stood for over twenty years, and is subject to well-known construction and application. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore (Mr. TAWNEY in the chair). The question is, Shall the rules be suspended and the bill be passed?

The question was taken, and in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

NAVAL STATION AT PEARL HARBOR.

Mr. BATES. Mr. Speaker, I move that the rules be suspended and the bill H. R. 20308, a bill to establish a naval station at Pearl Harbor, Hawaii, be passed.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20308) to establish a naval station at Pearl Harbor, Hawaii.

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore acquired for that purpose; and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings, at an aggregate cost of not to exceed $500,000, and to build thereat one graving dry dock capable of receiving the largest war vessels of the Navy, at a cost not to exceed $2,000,000.

SEC. 2. That the sums hereinafter stated are hereby appropriated and made immediately available, to be expended at the discretion of the Secretary of the Navy, to wit: Toward dredging an entrance channel of a depth of 35 feet, $200,000; toward construction of dry dock, $300,000; toward erecting machine shops, storehouses, coal sheds, and other necessary buildings, $100,000; toward yard development, $50,000; in all, $650,000.

SEC. 3. That the Secretary of the Navy may, in his discretion, enter into contracts for any portion of the work, including material therefor, within the respective limits of cost herein stipulated, subject to appropriations to be made therefor by Congress.

The SPEAKER. Is a second demanded?

Mr. PADGETT. Mr. Speaker, I demand a second.

The SPEAKER. The Chair thinks it proper to ask the gentleman from Tennessee [Mr. PADGETT] if he is against the bill?

Mr. PADGETT. I am not.

The SPEAKER. Or the gentleman from Mississippi [Mr. WILLIAMS] if he is against the bill?

Mr. PADGETT. I am a member of the committee, and ask for a second in order to have debate upon the matter.

The SPEAKER. Is the gentleman from Mississippi [Mr. WILLIAMS] against the bill?

Mr. WILLIAMS. The gentleman from Mississippi was not against the bill some time ago.

The SPEAKER. The Chair desires to say that if anybody is against the bill and desires to be recognized, he should be recognized to control the time. Does any gentleman desire to be recognized in opposition to the bill? [After a pause.] In the absence of that the Chair will recognize the gentleman from Tennessee [Mr. PADGETT].

Mr. BATES. The gentleman from Tennessee [Mr. PADGETT] is the ranking minority member of the committee.

The SPEAKER. Precisely. Is a second demanded?

Mr. BATES. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. BATES] is entitled to twenty minutes and the gentleman from Tennessee [Mr. PADGETT] to twenty minutes.

Mr. BATES. Mr. Speaker, this bill is a complete authorization and partial appropriation for the establishment of a naval station at Pearl Harbor, Hawaii. I believe, Mr. Speaker, that the people of this country fully realize at this time the necessity of not only strengthening and confirming our hold upon the Hawaiian Islands, but also that we should make them the means of protection for the whole Pacific coast against any possible enemy in the Far East. The Hawaiian Islands afford the only possible base for a naval station for a distance of 4,000 miles from the Pacific coast. They are located at a distance of 2,100 miles, a little south of west of San Francisco, in an ideal climate, and presenting a splendid harbor for fortifications and naval base. For the past sixty-five years this position has been officially recommended to the United States Government for a fitting naval station and military and naval outpost of the United States.

Mr. TAWNEY. Will the gentleman permit me to ask him a question?

Mr. BATES. Certainly.

Mr. TAWNEY. Can the gentleman state to the House whether prior to this year the Navy Department has ever made any specific recommendation in regard to the establishment of a naval station at Pearl Harbor?

Mr. BATES. I think not. I never heard of any specific recommendation; but this year the President of the United States, the joint committees of defense for both the Army and Navy, and the unanimous vote of the Naval Affairs Committee present and recommend this bill for the consideration of the House and Senate. I was speaking chronologically of the presentation of this matter to the United States Government. Some twenty-two years ago, by a treaty with King Kalakaua, we acquired the right to a naval base. After the annexation of the islands and they became an organized Territory of the United States we acquired some 600 acres of land for a naval base and for fortifications. We have owned the islands absolutely for ten years, Mr. Speaker, and they are as much a part of the United States as is the Territory of Arizona or the Territory of New Mexico,

having complete Territorial government and a full allegiance to the United States of America, of which they are an integral part; and about the time they became an organized Territory of the United States we acquired 600 acres of land in this harbor for the purpose of coast defense and a naval base, for machine shops and a dry dock and the facilities for repairing and coaling vessels of the United States.

The bill proposes, Mr. Speaker, that we take the final step to render this an outpost of the Pacific, for these islands are not only crossroads, but the key to the whole Pacific Ocean. This bill proposes that we should take advantage of the splendid opportunity afforded us of not only strengthening and confirming our grasp upon the Hawaiian Islands and keeping them forever from falling into the hands of any possible maritime enemy, but also to insure against and to possibly prevent any war with any countries in the Far East.

I now, Mr. Speaker, yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, as one of the Representatives from one of the Pacific coast States, I desire to congratulate the Committee on Naval Affairs on having reported this bill. We on the coast feel that the proper fortification of Pearl Harbor and the establishment of a naval station there renders us practically safe from foreign attack. The islands are about 2,500 miles from San Francisco. It is improbable that any foreign foe, unless they held these islands, could ever make a successful attack upon the cities of the Pacific coast, for in order to do so they would have to either carry great numbers of colliers or they would have to travel from 6,000 to 8,000 miles in order to replenish their coal supply and go back again to the attack on the cities of the coast. According to the best naval authorities that is practically an impossibility.

Mr. BARTHOLDT. Will the gentleman permit me to ask him a question?

Mr. KAHN. Certainly.

Mr. BARTHOLDT. Does the gentleman believe that the establishment of a naval station at Pearl Harbor would render unnecessary further fortification on the Pacific coast?

Mr. KAHN. Not at all. I think that the fortification of the Pacific coast ports should still be continued.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question right there?

Mr. KAHN. Certainly.

Mr. BARTHOLDT. The gentleman undoubtedly is aware of the agreement reached at The Hague recently, according to which no unfortified city, town, village, place, or building can be bombarded in the future by an enemy, and consequently will be absolutely immune if not fully fortified?

Mr. TAWNEY. Will the gentleman from California permit me at this place to state to the gentleman from Missouri that it is not the result of any action of The Hague conference, but it is a principle of international law recognized by all countries.

Mr. BARTHOLDT. Not at all.

Mr. KAHN. In addition to that, I want to say to the gentleman from Missouri that all these international agreements only last so long as it is to the interest of the parties to the agreement to adhere to them. They are frequently abrogated. [Applause.]

Mr. BARTHOLDT. Until repealed by all of the parties to the agreement.

Mr. KAHN. Oh, no; by force of arms. In the world's history treaty after treaty has been broken when it has become convenient for one or the other of the high contracting powers to break it.

Mr. BATES. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, there is an old saying that "it is better late than never." What is being done by this bill ought to have been done nine or ten years ago. The argument with which the advocates of the annexation of the Sandwich Islands overrode all opposition in this House in 1898 was that we needed Pearl Harbor in our business; that by the expenditure of a reasonable amount of money it could be made stronger than Gibraltar; that the Sandwich Islands are the key to the Pacific. If those propositions were true then, they are true now. I voted against the annexation of the Sandwich Islands, and did everything on earth I knew how to defeat that measure, and if we had it to do over again I would do the same. But that is not the question at the present time. We have the Sandwich Islands, and it is violating no sort of confidence to say that the chances are we will have them when Gabriel blows his trumpet, unless somebody takes them away from us, which is not very probable. [Applause.] Yet, having annexed them because it was believed we needed them, ten years have elapsed without much being done to make another Gibraltar of Pearl Harbor—a fact which I have urged upon the House from year to year during the last decade. I believe one of two things is true—that we will have a naval base at Pearl Harbor or somebody else will have it there. That being the case, I am in favor of a bill like this, or this bill. I have been in favor of it ever since we annexed those islands. I do not know whether it carries enough money or too much money or too little money. I do not pretend to know anything about engineering. I never saw Pearl Harbor. But engineers say, and those who have been there say, that it is easily susceptible of being made one of the strongest places for a naval base on the face of the globe. That being the case, while we are at peace with all the world we had better place it in such impregnable condition that we will remain at peace with certain people that live over on the other side of the world—nameless here for evermore. I am glad that the Congress is waking upon this subject at last. It is much easier to retain Pearl Harbor by fortifying it adequately than to regain it should anybody take it from us because we have not fortified it. It's another case where an ounce of preventive is worth a pound of cure.

That is all I have to say about it one way or the other. Nearly every American citizen will indorse the proposition of making at Pearl Harbor a naval station and a naval base as strong as it can be made and as speedily as it can be done. [Applause.]

Mr. BATES. Mr. Speaker, I now ask the minority member of the committee [Mr. PADGETT] to use a portion of his time, and I reserve the remainder of my time.

Mr. PADGETT. Mr. Speaker, I do not desire to consume any time personally. The committee considered this very carefully. To look at the map is a demonstration of the need of it and the wisdom of it, and that is all I want to say about it. The committee are unanimous in favor of it. I now yield four minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I want to congratulate the Committee on Naval Affairs on reporting this bill for the establishment of a naval station at Pearl Harbor on the island of Oahu in the Hawaiian Islands. The gentleman from Missouri [Mr. CLARK], who, I distinctly remember, opposed very bitterly the annexation of the Sandwich Islands, complains now that this work ought to have been done long ago, and I heartily concur with him in that complaint. But I want to call his attention and the attention of the House to the fact that, although we have had Pearl Harbor ever since 1884, twenty-four years, the Navy Department has never recommended to the Congress of the United States the establishment of a naval base at Pearl Harbor.

Notwithstanding this fact, Mr. Speaker, Congress has appropriated for the defense of this harbor, and for the defense of Honolulu, in the neighborhood of $3,000,000, and it is a matter of exceeding gratification to me to know that we are at last to begin the work of establishing a naval base on the islands of Hawaii, the buttress of the Pacific coast. When this is fully completed and fortified there will be no longer any necessity for the fortification of the Pacific coast. The fortification of Hawaii and the establishment of a naval base there is the best fortification for the Pacific coast that it can possibly have, because there is no naval vessel afloat to-day that can sail from any oriental country to the Pacific coast and return again with its own coal.

Mr. KAHN. Will the gentleman yield?

Mr. TAWNEY. I will yield to the gentleman from California.

Mr. KAHN. The gentleman says there will be no necessity for fortifying any mainland ports in case this bill goes through. I want to call his attention to the fact that England is in alliance with Japan. Suppose England with Japan got into a war which would involve this country, and suppose the naval station of Great Britain at Esquimault were to be used as a base to send British ships against our ports on the Pacific coast, does not the gentleman think that those ports would have to be fortified?

Mr. TAWNEY. Suppose the world should come to an end to-morrow. There would be no need of fortifying any ports, and one supposition is just as likely to happen as the other. [Laughter.]

Mr. Speaker, I say although it is a matter of gratification that we are about to begin the work, it is a matter of regret that we are not beginning the work on more intelligent, specific estimates for the work than has been presented to this House. After careful investigation I was unable to find that the Department had even submitted any estimate. This movement for the establishment of this base originates with the House of Representatives, with the Committee on Naval Affairs, and I commend the committee for its action. When this naval base is established, equipped, and fortified as proposed no power

on earth can successfully attack that part of our coast that is washed by the surf billows of the Pacific. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, this is a most important matter to the people of the country, and I hope the bill will pass. In 1898 I was one of the few Democrats that advocated on the floor of this House the annexation of the Hawaiian Islands. I then pointed out their strategic importance and suggested that we should own them and establish a strong naval base at Pearl Harbor. The situation of the island makes them the key to the Pacific—the door to the Orient—and the establishment of a strong naval base there will accomplish more in the interest of the peace and the commerce of the United States than any other single thing that can be devised to-day, in my opinion.

Now, sir, when the question of the annexation of the Hawaiian Islands was before this House on the 14th day of June, 1898, I said, among other things:

"In my judgment the Hawaiian Islands are the key to the Pacific and are, and of right ought to be, a part of the sovereign territory of the United States. Their acquisition is absolutely necessary for the protection of our great Pacific coast. They constitute the sentinel of the North Pacific and to us a Gibraltar indispensable to the protection of our Pacific interests. All our great naval and military authorities say this, and there can be no doubt about it in the opinion of any person who will give the question investigation. Our possession of these islands will give us a strategical position in the Pacific that will always be of incomparable advantage to us in case of trouble. The question of the annexation of the Hawaiian Islands is one in which I have taken a very deep interest, and I have given some study and some thought to the matter. For many years I have been a consistent and ardent advocate of the annexation of these Pacific islands. They should have been annexed long ago. There is no good reason why they should not be annexed now; and I congratulate this House and the country upon the fact that they soon will be annexed, forever to remain under the American flag.

"All the military and naval authorities in this country are of the same opinion, and have always been in accord on this subject. To my mind it seems apparent that we must annex these islands as a protection, from a military and naval standpoint, to our Pacific coast. We must hold and govern them for our own preservation. No halfway measures will suffice. The Government must take these islands or else some other great nation will do it.

"Let me say to the business men of America, look to the land of the setting sun, look to the Pacific! There are teeming millions there who will ere long want to be fed and clothed the same as we are. There is the great market that the continental powers are to-day struggling for. We must not be distanced in the race for the commerce of the world. In my judgment, during the next hundred years the great volume of trade and commerce, so far as this country is concerned, will not be eastward, but will be westward; will not be across the Atlantic, but will be across the broad Pacific. The Hawaiian Islands will be the key that will unlock to us the commerce of the Orient and, in a commercial sense, make us rich and prosperous.

"I shall cast my vote in favor of the annexation of the Hawaiian Islands, because we need them as a naval and military necessity now and in the future for the purpose of protecting and defending the territory which we already own. We need the Hawaiian Islands for national defense. They are the key to the Pacific, and the only coaling station in the Pacific between the Arctic Ocean and the Equator, between the continent of Asia and the coast of North America. Not to annex them now would be national folly; to annex them, security, peace, and national insurance."

Mr. Speaker, that is what I said when the question was before this House as to whether or not we should annex the Hawaiian Islands. Time has justified all that I said then. Every prediction I made in that speech in 1898 has come true, or will come true, before this century ends. To-day I want to say—and I regret that my time is so limited—that we not only need a strong naval base at Pearl Harbor, in the Hawaiian Islands, but I agree with the gentleman from California [Mr. KAHN] that we need all the protection that the engineering ingenuity of our military and naval experts can invent for the protection of our great Pacific coast.

We do not want war. We want peace. And the best way to command peace—and lasting peace—is by being prepared for war. We need strong military fortifications and naval bases for protection on the Pacific as well as on the Atlantic. I deprecate the narrow view some of my friends take in regard to this great question of coast defense. I believe in so far as possible all of our great coast line should be protected, and it is just as important to me whether it is on the Atlantic or on the Pacific. We need a strong military and naval base in the neighborhood of San Francisco. We need a naval and military base on Puget Sound. And we should have a strong naval base in the neighborhood of Cordova Bay, in southeastern Alaska. Those who are familiar with our great interests on the Pacific coast know this, and I know whereof I speak. The Pacific will be the theater of the world's events for this century as the Atlantic was during the last century. If anything should happen to our North Pacific fleet, it would have to go for safety and repair to the Hawaiian Islands, or to San Francisco, or to Puget Sound, or to some place in southeastern Alaska. If the American battle ships were crippled in the North Pacific there is no place at present where they could go for shelter and protection and repair unless they could make Pearl Harbor or Puget Sound or San Francisco.

The loss if they could not make one of these ports would be incalculable. A decisive defeat on the Pacific might settle our destiny for years to come. We need a naval base in southeastern Alaska. It has every advantage. In Cordova Bay our entire fleet could ride at anchor and defy the squadrons of the world. It is a natural harbor well suited for a naval base, and sooner or later we will be compelled to establish one there. In northern Pacific waters there is no place now where our fleet in case of necessity could go and be protected. In southeastern Alaska there are several places that would be advantageous for the building of a great naval base, and the Government should build one there as well as in the Hawaiian Islands. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. PADGETT. I now yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, it has been a long time since this Congress has considered a more important matter than the one now before the House. If a great navy is important to the people of this Republic the improvement of Pearl Harbor is of great importance. If we shall have need for a navy or an important naval base within the lifetime of those now living it will be in the waters of the Pacific. The enemy that shall come against the United States shall come from the Orient. We are at peace with the world to-day. There is no probability that we shall ever have war with any nation on our Atlantic side.

We sustain commercial relations with all European countries that makes it highly improbable that these relations shall be broken by war. So I say, therefore, that if a navy is important to the United States, a naval station 2,200 miles out from the Pacific coast is important to the people of the mainland as well as to that part of the people of the United States who live on the Hawaiian Islands. No people of this country are more loyal or patriotic than those citizens who live under the Stars and Stripes in the islands of Hawaii. [Applause.]

Mr. PADGETT. Mr. Speaker, I now yield eight minutes to the gentleman from Alabama [Mr. HOBSON] a member of the committee.

Mr. HOBSON. Mr. Speaker, I expect to see Pearl Harbor, if I live to the average span of human life, not only the greatest naval station in the Pacific Ocean, but the greatest naval station in the world; not only the greatest station of to-day, but the greatest station of all time. I make the statement because I see that that harbor in Oahu presents the one combination of physical conditions that makes a great naval station possible within a radius of 2,500 miles on the Pacific Ocean as a center. It makes it thus not only an outpost for America, but the outpost for the white man. The annihilation of space has suddenly brought all nations and all races together. There must be worked out some basis upon which these nations and these races can live together in peace. The change is sudden. Before this, nations have believed that they lived as natural enemies, according to the law of nature, where one survives by the destruction of the other.

I believe that the same cause that brought about the annihilation of space that has given man control of nature's forces has put him above the great law of destroying his own kind. I believe that man is now finding out that he does not have to destroy his kind in order to live; that the test for survival, in other words, is not might and brute force to destroy, but is the capacity and the willingness to cooperate and serve to control nature's great forces for the common good. The effect of the annihilation of space has been primarily to cause the nations of the earth to leap to arms. We are now in a transition period, a very critical period. All nations realize that those other nations they have regarded as their enemies are at their very

doors. I believe, however, that in the progress of civilization the great nations of the white race have come to realize that they can find a basis upon which they can live in peace. I believe the fact that Germans and French, that English and Dutch, that all the peoples of the earth that hate each other there in their old habitats have come together and mingled their blood in America in a perfect reconciliation, and the fact that here with such a reconciliation we have built up a mighty system, combining the great principle of local self-government with the principle of joint and just cooperation in a common government—I believe that these are leading the white race rapidly to the point where the nations will evolve an international organization that will be adequate for the purposes of peace in the world. But we must not ignore the fact that this same annihilation of space has also brought the white race and the yellow race together. Every page of the world's history shows that when races so far apart, that they are different in color, have met each other, they have invariably met in war, war to extermination. I will not follow these cases in history, but will simply point out that there has never been one exception, and right under our own eyes we have seen a recent instance in the meeting of the Japanese and the Russians in Manchuria. I simply desire to point out that Japan, now heading the yellow race, is just emerging from mediævalism; that feudalism existed in Japan when I was a boy, and the history of the world shows that following the termination of feudalism there always follows a long period of war and conquest.

I simply submit that there is a natural movement on the part of Japan, not only to organize her own people, but the peoples of China and all the peoples of Asia and the yellow races, to move out to what they believe is inevitable, a struggle for the supremacy of the world. I believe, Mr. Speaker, that it is of the utmost importance to mankind, to the future of civilization, that there should be placed, if necessary, a constraining power that will keep the yellow man in his habitat and have him meet the white man in commerce and industry as a friend, not in war as an enemy. [Applause.] I believe that down the march of the ages there goes the hand of Providence. I believe that America has been raised up and placed here between the white race and the yellow race. We do not desire conquest. We have not sought distant islands, and yet by a strange destiny America's feet are placed in the Sandwich Islands, in the Aleutian Islands, in Alaska, in Panama, in Samoa, in Guam, in the Philippine Islands, so that this great nation, the one mighty nation of peace, now spreads out over that whole ocean. I believe that this great continent of America was given to the peoples that have made this nation because they were to be a peace people. I believe that this continent has the mighty resources that produce the world's staples of clothing and food, and ultimately from its iron and coal the great manufactured staples, so that its influence may go to all lands, carrying policies and institutions based on justice and right that may cause the other peoples to meet each other as friends. I believe that America, standing upon the Hawaiian Islands, and with a Navy controlling the Pacific Ocean, can keep the peace there long enough until the white race and the yellow race can get together and work out a system upon which they can live in permanent peace. Therefore, I am in favor of the adoption of this bill. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield the remainder of my time, three and one-half minutes, to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, to those American citizens of pessimistic nature who think that the country is going to the devil through partisanship, it would be a gratifying spectacle to see how quickly the clouds of partisanship roll aside when a measure is proposed which is as broad in its patriotism as the country. When a committee comes forward with a suggestion that we should establish a much-needed naval station at a point that will make for the protection of the entire country, and which, let me say in passing, I hope will allay the nervousness of my Pacific coast friends, every man in this House, whether he come from Maine or from California, from the Gulf or from the Great Lakes, works shoulder to shoulder with every other man in order to carry out that suggestion. Like my friend from Missouri [Mr. CLARK] I opposed the annexation of the Hawaiian Islands, because it brought me and brought my country into contact with the yellow race. I knew that the white and the yellow race could not get together without a spirit of antagonism being present, and I dreaded the contact.

I favor the erection of these great fortifications upon the island because it will put a barrier between them and us which, I think, they can not get around. I sincerely hope, Mr. Speaker, and I believe, too, that the great coast-defense scheme inaugurated under the Administration of Mr. Cleveland when Mr. Endicott was Secretary of War will be prosecuted until every port and every harbor on both the oceans will be completely defended. And that, sir, supplementing this defense placed on the Hawaiian Islands, will remove, as was suggested here the other day by an eminent and venerable Member, the necessity for an exaggerated and costly development of the Navy. I believe that when we have prepared the coast defenses, as undoubtedly they will be prepared, and when we shall have completed the fortifications upon the island of Oahu there will no longer be the necessity for putting upon the people of this country the vast burden for militarism which we have imposed upon them in the last few years. I think, sir, that the mere fact that the Government of the United States, with a Treasury being depleted from day to day, I regret to say, but still overflowing, is prepared to protect every inch of its continental territory against assaults from all the people in the world who may have the audacity to undertake it of itself will operate as a measure for peace and prevent any such assaults. [Applause.] Mr. Speaker, I yield back the balance of my time to the gentleman.

Mr. BATES. Of the nine minutes remaining, I yield one minute to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, one minute is not long enough in which to say much, but this is an old hobby of mine. I do not come within the censure of the gentleman from Missouri, for ever since I have been in the Congress of the United States, since the Territory of Hawaii has been acquired, I have been begging the Committee on Appropriations not to waste money by building fortifications where they were not needed, but to build a great central fortification at Pearl Harbor, and I believe now that we can protect the coast better by fortifying Pearl Harbor than we can by any other method. My understanding is that the coast of California is not now protected, but it will be when we fortify Pearl Harbor.

The SPEAKER. The time of the gentleman has expired.

Mr. BATES. I yield two minutes to the gentleman from Washington [Mr. CUSHMAN].

Mr. CUSHMAN. Mr. Speaker, the bill now before this House for consideration, and I hope for passage, is H. R. 18120, which bill provides for the establishment of a naval station at Pearl Harbor, Hawaii. This bill appropriates $700,000 and practically authorizes the expenditure of a further sum of $2,150,000. While this seems like a large sum of money, in reality the amount is insignificant in comparison with the benefits which, in my judgment, our country will reap from the passage of this bill. I regard this measure as one of the most important that will come before this Congress for determination.

This bill does not merely contemplate the establishment of an ordinary naval station in Hawaii, but a great naval base for the American Navy, including adequate dry-dock facilities, a vast coal depot, and such small amount of dredging as shall be necessary to make the entrance to this harbor easy and safe.

Every American citizen, regardless of political affiliations, is proud of the American Navy. Few more impressive sights have occurred in this nation than that stately line of sixteen American battle ships which a few months ago steamed seaward from the Atlantic coast to circle the world with a display of power, but on a mission of peace. Every American heart throbbed in patriot time an accompaniment to that spectacle.

A great navy is indeed typical of strength, and yet there is nothing more helpless in the world than a battle ship without the accessories that make it effective. A railroad engine is the most helpless thing on earth when it gets off the rails, and an American battle ship, or any battle ship, is the most helpless thing imaginable when separated from dry-dock facilities and from fuel supplies.

This bill is designed, in my judgment, to save the American people humiliation if not defeat some time in the future. Some men there are who think that a conflict is imminent between the American nation and the Asiatic races. Mr. Speaker, I am not one of those. I am not seeing any "yellow" visions these days. The American nation is now at peace with all the world, and I expect it to continue in those friendly relations. But it is the part of prudence to prepare in times of peace for emergencies.

No man who ever studied the map of the Pacific Ocean can have failed to notice the commanding position occupied by the Hawaiian Islands, situated in the very center thereof. These islands have been aptly styled the "Crossroads of the Pacific." They are situated some 2,200 miles west of San Francisco and about an equal distance from the entrance of Puget Sound. An American fleet stationed at that point with adequate facilities would be a great protection to the entire Pacific coast line of the

American continent and a tower of strength to our American possessions in the Philippine islands.

However, I do not agree with the distinguished gentleman from Minnesota [Mr. TAWNEY] that the creation of a naval base in Hawaii would do away with all necessity for the further fortification of the Pacific coast line of the American continent. The establishment of this naval base in Hawaii will be a powerful protection to our entire Pacific coast line, but it will not entirely supersede the necessity for the maintenance of proper fortifications at both San Francisco and the entrance to Puget Sound.

The SPEAKER. The time of the gentleman has expired.

Mr. BATES. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, this bill has been correctly described as one of the most important bills before the House. It is the most important military measure which Congress has to consider at this session, in my opinion. The merest tyro in military or naval strategy must see the importance of maintaining a proper base on the Hawaiian Islands, not only as a protection for our own coast, but as a preventive of that base falling into the hands of an enemy. It is in almost exactly a similar position to Malta in the Mediterranean Sea. England has spent tens of millions of dollars in constructing proper fortifications on Malta for exactly the same purpose that we should spend tens of millions of dollars for the proper protection of this great naval base.

It is not only an important matter itself, but, in my judgment, while it will not prevent the necessity of erecting fortifications on the Pacific coast, it will prevent the necessity of making expenditures so large compared with what it will require to fortify Hawaii that they will seem to be immeasurable. For every reason—and I am glad to see the House is in favor of this measure, basing my opinion on what has been said—for every reason this appropriation ought to be passed, and I wish it was much larger than the amount which has been reported by the committee. [Applause.]

Mr. BATES. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, some years ago Congress appropriated $645,000, with which a site was acquired at Pearl Harbor for a naval station. Since that time Congress has provided practically all the guns required for the defense of Pearl Harbor and of the proposed naval station, and yet so inharmonious has been the plan upon which the Government has proceeded that to-day it is impossible for a larger vessel than a good-sized tug to enter that harbor. If any criticism could be made of the proposed bill, it is that the amounts carried are insufficient for the purposes proposed. I am inclined to believe that the bill carries as much money as it will be possible to utilize during the next fiscal year. But when it is realized that it will require about $2,000,000 to dredge an adequate channel into Pearl Harbor, it is not difficult to see how insignificant an appropriation of $200,000 for that purpose is. For some mysterious reason it has been impossible to obtain a favorable recommendation from the Navy Department to proceed with the work of building this necessary outpost of the United States since the site has been acquired. It is to be hoped that with this bill, Mr. Speaker, that hereafter the Department will submit estimates and that Congress will appropriate all that can be utilized in each succeeding year. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BATES. Mr. Speaker, I yield one minute to the gentleman from Iowa [Mr. DAWSON], a member of the committee.

Mr. DAWSON. Mr. Speaker, as has been so frequently said here this afternoon, this bill takes the first step in one of the most important military movements under the Government. I hope that great speed will occur in the passage of this bill. The real reason for haste in acting favorably on this bill has not been stated, but the fact remains that those islands of Hawaii, the key to the Pacific, the crossroads of the Pacific, lie there now practically defenseless. It was stated before the Committee on Naval Affairs that a single hostile battle ship could come to those islands and in half a day could capture them, occupy them, and hold them. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BATES. Mr. Speaker, in the moment remaining I wish to call the attention of the House to what a disadvantage it would be, taking up the line of argument of the gentleman who preceded me, if some hostile fleet or some hostile battle ship should take possession of Pearl Harbor and of the Hawaiian Islands, to have a coaling station of a possible maritime enemy within 2,100 miles of our coast, and, on the other hand, what an advantage it is that now they must traverse 4,000 miles there and 4,000 miles back again from a coaling base. Any maritime enemy would think twice before approaching our coast under such conditions, especially when our fleet could coal and repair in this almost perfect harbor at Honolulu, namely, Pearl Harbor. I call for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and the Speaker announced that, in the opinion of the Chair, two-thirds had voted in favor thereof.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 246, nays 1, answered "present" 13, not voting 128, as follows:

YEAS—246.

Adair	Denver	Hubbard, W. Va.	Parker, N. J.
Adamson	Diekema	Huff	Parsons
Aiken	Dixon	Hughes, N. J.	Patterson
Alexander, Mo.	Douglas	Hull, Iowa	Payne
Allen	Draper	Hull, Tenn.	Perkins
Ames	Dwight	Humphrey, Wash.	Peters
Ansberry	Ellerbe	Humphreys, Miss.	Pou
Ashbrook	Ellis, Mo.	Johnson, Ky.	Pray
Bartholdt	Englebright	Jones, Va.	Pujo
Bartlett, Ga.	Esch	Jones, Wash.	Rainey
Bartlett, Nev.	Fassett	Kahn	Randell, Tex.
Bates	Ferris	Keifer	Rauch
Beale, Pa.	Fitzgerald	Keliher	Reeder
Beall, Tex.	Flood	Kennedy, Iowa	Richardson
Bede	Floyd	Kinkaid	Robinson
Bell, Ga.	Focht	Kitchin, Claude	Rodenberg
Bennet, N. Y.	Fornes	Knowland	Rothermel
Birdsall	Foss	Küstermann	Rucker
Bonynge	Foster, Ill.	Lafean	Russell, Mo.
Booher	Foster, Vt.	Lamar, Mo.	Russell, Tex.
Bowers	Foulkrod	Lamb	Ryan
Boyd	Fuller	Landis	Scott
Brodhead	Fulton	Langley	Shackleford
Brownlow	Gaines, Tenn.	Laning	Sheppard
Brumm	Gardner, Mass.	Lassiter	Sherley
Brundidge	Gardner, Mich.	Lawrence	Sims
Burke	Garner	Leake	Slayden
Burleigh	Garrett	Lee	Small
Burleson	Gillespie	Legare	Smith, Cal.
Burnett	Gillett	Lindbergh	Smith, Iowa
Butler	Goebel	Lloyd	Smith, Tex.
Byrd	Gordon	Longworth	Southwick
Calder	Graham	Loud	Sperry
Calderhead	Granger	Loudenslager	Spight
Caldwell	Gregg	Lovering	Stafford
Campbell	Griggs	Lowden	Stanley
Candler	Hackney	McLachlan, Cal.	Steenerson
Capron	Haggott	McLaughlin, Mich.	Sturgiss
Carlin	Hale	Macon	Sulloway
Carter	Hamill	Madden	Sulzer
Cary	Hamilton, Mich.	Madison	Tawney
Caulfield	Hamlin	Mann	Taylor, Ohio
Chaney	Harding	Maynard	Thistlewood
Chapman	Hardy	Miller	Thomas, N. C.
Clark, Mo.	Harrison	Mondell	Tirrell
Clayton	Haskins	Moon, Tenn.	Tou Velle
Cockran	Haugen	Moore, Tex.	Underwood
Cocks, N. Y.	Hawley	Morse	Volstead
Conner	Hay	Mouser	Wallace
Cook, Colo.	Heflin	Mudd	Wanger
Cook, Pa.	Helm	Murdock	Washburn
Cooper, Tex.	Henry, Conn.	Murphy	Watkins
Cooper, Wis.	Henry, Tex.	Needham	Watson
Cox, Ind.	Higgins	Nelson	Weeks
Cravens	Hill, Conn.	Nicholls	Weems
Crumpacker	Hill, Miss.	Norris	Wiley
Cushman	Hobson	Nye	Williams
Dalzell	Holliday	O'Connell	Wilson, Ill.
Darragh	Houston	Olcott	Wood
Davis, Minn.	Howell, N. J.	Overstreet	Woodyard
Dawson	Howell, Utah	Padgett	
Denby	Howland	Page	

NAYS—1.

Sherwood

ANSWERED "PRESENT"—13.

Currier	Hardwick	Knopf	Roberts
Foster, Ind.	James, Ollie M.	Lever	
Goulden	Jenkins	McGavin	
Hamilton, Iowa	Johnson, S. C.	Prince	

NOT VOTING—128.

Acheson	Crawford	Godwin	Law
Alexander, N. Y.	Davenport	Goldfogle	Lenahan
Andrus	Davey, La.	Graff	Lewis
Anthony	Davidson	Greene	Lilley
Bannon	Dawes	Gronna	Lindsay
Barchfeld	De Armond	Hackett	Littlefield
Barclay	Driscoll	Hall	Livingston
Bennett, Ky.	Dunwell	Hammond	Lorimer
Bingham	Durey	Hayes	McCall
Boutell	Edwards, Ga.	Hepburn	McCreary
Bradley	Edwards, Ky.	Hinshaw	McDermott
Brantley	Ellis, Oreg.	Hitchcock	McGuire
Brick	Fairchild	Howard	McHenry
Broussard	Favrot	Hubbard, Iowa	McKinlay, Cal.
Burgess	Finley	Hughes, W. Va.	McKinley, Ill.
Burton, Del.	Fordney	Jackson	McKinney
Burton, Ohio.	Fowler	James, Addison D.	McLain
Clark, Fla.	French	Kennedy, Ohio	McMillan
Cole	Gaines, W. Va.	Kimball	McMorran
Cooper, Pa.	Gardner, N. J.	Kipp	Malby
Coudrey	Gilhams	Kitchin, Wm. W.	Marshall
Cousins	Gill	Knapp	Moon, Pa.
Craig	Glass	Lamar, Fla.	Moore, Pa.

Olmsted	Reynolds	Snapp	Vreeland
Parker, S. Dak.	Rhinock	Sparkman	Waldo
Pearre	Riordan	Stephens, Tex.	Webb
Pollard	Sabath	Sterling	Weisse
Porter	Saunders	Stevens, Minn.	Wheeler
Powers	Sherman	Talbott	Willett
Pratt	Slemp	Taylor, Ala.	Wilson, Pa.
Ransdell, La.	Smith, Mich.	Thomas, Ohio.	Wolf
Reid	Smith, Mo.	Townsend	Young

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. SLEMP with Mr. WOLF.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. ALEXANDER of New York with Mr. FAVROT.

Mr. DAVIDSON with Mr. CRAWFORD.

Mr. DRISCOLL with Mr. HAMMOND.

Mr. DUREY with Mr. MCLAIN.

Mr. HUBBARD of Iowa with Mr. REID.

Mr. MCCREARY with Mr. TALBOTT.

Mr. MOON of Pennsylvania with Mr. RANSDELL of Louisiana.

Mr. MOORE of Pennsylvania with Mr. STEPHENS of Texas.

Mr. THOMAS of Ohio with Mr. SAUNDERS.

Mr. WALDO with Mr. HITCHCOCK.

Mr. VREELAND with Mr. TAYLOR of Alabama.

For the balance of the day:

Mr. ANTHONY with Mr. JOHNSON of South Carolina.

Mr. MCCALL with Mr. SABATH.

Mr. SMITH of Michigan with Mr. OLLIE M. JAMES.

Mr. GREENE with Mr. HACKETT.

Mr. MCKINLEY of Illinois with Mr. LEWIS.

The result of the vote was then announced as above recorded.

GRANT MEMORIAL.

Mr. MCCALL. Mr. Speaker, I move to suspend the rules and pass the joint resolution which I send to the Clerk's desk, as amended.

The Clerk read as follows:

House joint resolution 117 concerning the location of the Grant Memorial in the District of Columbia.

Resolved, etc., That the Grant Memorial is hereby located upon the site with reference to which the designs for the memorial were invited and submitted and accepted, being the large circular or elliptical plat between the White House grounds and the Washington Monument.

The SPEAKER. Is a second demanded?

Mr. CONNER. I demand a second.

Mr. MCCALL. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Massachusetts [Mr. MCCALL] is entitled to twenty minutes and the gentleman from Iowa [Mr. CONNER] is entitled to twenty minutes.

Mr. MCCALL. Mr. Speaker, I regret that in offering this resolution I have against me the adverse report of a committee for which I have very great respect, the Committee on the Library. At the same time I regard the matter of such importance that it should be passed upon by the House of Representatives. Of course with whatever verdict you may render I shall be entirely satisfied. I shall not go into the somewhat complicated history of the location of this memorial. The Commission having the matter in charge invited artists to submit designs, and in their invitation they asked that those designs should be especially adapted to the so-called "White Lot," which is the large elliptical tract of land between the White House and the Washington Monument. The designs were made by artists for that location and they were accepted, although the location was not at that time finally decided upon by the Commission. Very shortly a strenuous opposition from some source appeared against having the memorial placed between the White House and the Washington Monument. The committee had accepted the design. They yielded to the opposition, and they then had upon their hands the longest, if not the greatest, work of art in the world.

Mr. Casey and Mr. Shrady, the one the architect and the other the sculptor, had planned this particular memorial for a broad open field, and that means that the memorial was proportioned to the ample sweep of that location. The memorial itself, I should say, is 250-odd feet long by 70 feet wide and covers about 17,000 feet of land, and as one of the Commission, General Dodge, testified before the committee, in order to give it a proper setting it should have an area of 500 by 300 feet, amounting in all to about 150,000 square feet, or nearly 4 acres of land. I think you can see, having a memorial of that sort accepted and having the site for which it was designed taken away from it, that the Commission had a difficult task to find an adequate site. I do not think the gentleman from Iowa [Mr. SMITH], who appeared before the committee, at all overstated the matter when he said that this memorial had been buffeted all about the city; that it was to go back of the State Department and was buffeted out of there; it was to go back of the White House, and it was kicked out of there, and then it was to go out by the new station, and it was kicked out of there. The architect of the station protested that it ought not to be there, probably for the reason that strangers to the city might mistake such a colossal structure for the depot [laughter], and as a result, finally, of this buffeting around of the memorial and the crying demand of room, room, above all things 4 acres of room, it was found that the Botanic Garden, if given up to this purpose, would have the element of room, and, in my opinion, that is the only element that they do possess suitable for a memorial to General Grant.

Then the matter was finally settled, so far as the authority of law was concerned, upon an appropriation bill, on an amendment which first appeared in this House in a conference report in the last hours of a long session of Congress. I do not charge that there was anything at all underhanded in the way that report was put through the House. The fact that it was in charge of my friend from Iowa [Mr. SMITH] would be ample evidence that it was entirely aboveboard and all right as far as he was concerned; but we know that in the last nights of a session all of the various amendments, possibly 100 of them, can not be stated to the House, and there was no debate whatever upon this proposition. So that the first thing the public knew operations were begun in the Botanical Garden, some of the trees were threatened with destruction and a protest arose against the action it was intended to take.

Now, Mr. Speaker, as I have said, the only qualification that this position has for the monument for Grant is that it has the requisite room. It reminds me of a neighbor of mine, Mr. Thomas W. Lawson, who did something that engaged the attention of one of the Russian grand dukes, and this Russian grand duke wished to show Mr. Lawson a courtesy, and so he sent him to Boston a fine speciment of a young polar bear and notified him that it would arrive at a certain time.

One day Mr. Lawson looked out of his office window and saw the streets blockaded in every direction, and a monstrous polar bear engaging the attention of all the boys in that section of the city. The streets were blockaded and the crowd rapidly increasing. He realized that he had something colossal upon his hands. He set men to work upon the telephones to find some place to put the bear, and then he sent out word "For heaven's sake keep him moving until I can find a place to put him in." [Laughter.] It was on that theory that the Grant Memorial was located in the Botanic Garden.

I do not think that is a location that should be given to perhaps the greatest general who has ever commanded the armies of the Republic. It is almost the lowest land in the District of Columbia. It is used for a purpose quite out of keeping with having a monument there, and it will either require the ultimate extinction of that Garden, or the memorial will have surroundings that are most incongruous.

Now, let me say one word as to the Garden. We all know the superintendent, that old Scotchman who has so nobly done his duty there for nearly sixty years, W. R. Smith. It does not pretend to be a national garden. With the Department of Agriculture conducting experiments, either directly or through the different State boards in every State of the Union, and which has every natural variety of climate and soil, we do not want a national garden to do these things at great expense artificially. But this Garden is of great use to the country and to Members of Congress.

We are given each year two or three boxes of plants, and there are hundreds of thousands of trees and rare plants growing in different parts of the country as a result of that work. They are growing in every Congressional district of the United States. I believe that the cost of maintaining that garden is very little more than the cost of maintaining the hothouses in connection with the executive department. This garden is peculiarly for the use of Members of Congress, just as those hothouses are peculiarly for the use of the executive department.

Then, Mr. Speaker, there is the Crittenden oak. I know it is said that that oak was not planted in accordance with an act of Congress, and that in order to make a tree historical there should be some form of legal action in connection with it; but it was planted there by one of the great men of this country, Senator Crittenden, of Kentucky, planted especially to commemorate those famous and well-meant but not successful efforts associated with his name—to preserve the Union without a war between the States. It has grown up there into a beautiful tree, but under a contract which has been made for its removal the soil is completely girdled 30 feet from its base and

they are simply awaiting the action of this House to see whether they shall remove it entirely and possibly destroy it.

Now, I think that oak is more of a monument to peace than this memorial, which in all its bulk and throughout its whole 250 feet of longitude breathes of nothing but war. That tree will be a better monument to the cause for which Grant fought than the memorial it is proposed to erect.

Now, Mr. Speaker, I should hope that if the pending resolution, which was introduced by my friend from Illinois Mr. MANN, were adopted, and if the memorial was ordered to be put upon the site for which it was designed, forces might be put in motion which would result in producing a monument to Grant upon possibly another location, which would speak of him not merely as a soldier, but also as a man and a statesman. Take that battery of cannon, the troop of soldiery, the whole structure; it speaks of war.

There is nothing to indicate that he was ever for eight years the Chief Magistrate at a most important period in the country's history. There is nothing there to indicate that it was under his Administration that the first great step was taken in the cause of international peace, and that the Geneva tribunal was established, that great landmark upon the pathway toward the peaceably settling of international differences and toward doing away with the arbitrament of war. It does not recall in any degree those magnificent words of his—grander than any of his victories—"Let us have peace," or those other words, when he said to the heroes who were surrendering to him, "Keep your horses, boys; you will need them for your spring plowing." [Applause.]

I say that such a memorial does no credit to General Grant, and I care not whether it has been passed upon by fifty Secretaries of War or fifty commissions. I can not give my consent as a Member of the House of Representatives to have such a memorial sanctioned and placed in the location in which it is proposed it shall be placed. [Applause.]

Mr. OLCOTT. Will the gentleman yield?

Mr. McCALL. I will yield to the gentleman from New York.

Mr. OLCOTT. Have not contracts been already entered into in relation to this memorial?

Mr. McCALL. It is undoubtedly true that contracts have been made, and I think the Government might have to pay damages if the work did not go on elsewhere under these contracts. I do not care whether it is true or not; when Congress has its attention called to this matter, it should do the right thing, regardless of a little claim for damages. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. McCALL. I will reserve the balance of my time, and yield two minutes of it to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I yield to no man in this House or this country in reverence for the name of Ulysses S. Grant. This matter has come to me to-day most unexpectedly, but I would consider myself derelict if I did not plead for the cause that the gentleman from Massachusetts has pleaded for.

It is our sentiments after all that move us most, appeal as we will to our reason. It is a sentiment with me that compels me to arise, and to speak for these two minutes in behalf of this bill. For many many years I have cherished the kindliest regard for that venerable old gentleman who makes his home in the Botanic Garden, and who has made it there for fifty-odd years. The destruction of this garden, for that is what it is, means almost death. He has dwelt upon this matter; he has worried sadly over it; he has appealed to Members of Congress about it until it has become almost a matter with him of life and death.

Who is this man that it is proposed to wound so willfully by the location of this memorial in the garden and by tearing up the ground and tearing down the trees he has planted; trees which he has cherished with all that love he is capable of feeling? He is a man that has done more, in my judgment, for the shade trees of this country, more to inculcate in every quarter a love of trees and of nature, than any man in the country. I do hope before anyone votes to destroy what has become to him the dearest spot on earth by locating there this great 250-foot monument, that you will consider the matter with kindly care.

Mr. CONNER. Mr. Speaker, it is true that the Committee on the Library made a very thorough investigation of all the facts surrounding this transaction. It is true that it made a unanimous report, excepting the one member who filed a minority report, and who is in favor of the resolution which has been presented here to-day.

Mr. Speaker, I think the House should understand what is involved in this contention. If favorable action is taken on this resolution, it means the undoing of all that has been done. A commission, made up of very able gentlemen, General Dodge, the Secretary of War, and the chairman of the Committee on the Library of the Senate, undertook to find a suitable place to locate this memorial. Their first thought was to locate it south of the State, War, and Navy building, but they found objections were made to that location. They then undertook to locate it south of the White House, on the White Lot, and objections were made by prominent people to its location at that place. They then sought various other places in the city, and wherever they found one they found objections. They undertook to locate it on the Union Station grounds and objections were made to its location there. Finally, after consultation with artists, architects, and experts, they selected the ground down here in the Botanic Garden. The opinion of the experts, the Secretary of War, General Dodge, and all of the witnesses that appeared before the committee, was to the effect that this was the best location in the District of Columbia. It has already been located there, according to law. The contract has been let for the work and the work is proceeding. Even the contract has been let for the removal of the trees, which the testimony shows can be removed in almost absolute safety. Mr. Speaker, we have a condition existing to-day which argues against the adoption of this resolution and makes it appear unreasonable in the extreme.

I now yield four minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, I propose simply to make a very plain statement of my attitude as a member of the Committee on the Library, which made the report against the removal of the Grant Memorial. The report was prepared and filed by the gentleman from Georgia [Mr. HOWARD] and concurred in by me. The members of the committee, except the chairman, the gentleman from Massachusetts [Mr. McCALL], were of opinion that the Grant Memorial should remain where it is located now under existing law, the sundry civil act of 1907, namely, in the National Botanic Garden. The gentleman from Georgia and I did not want to interfere with any trees. We were unwilling, however, to vote any money out of the Federal Treasury for the purpose of removing trees. We could not justify that before our constituents, we thought, and declined to do so. We found, however, that money was available which would authorize the Grant Commission to remove the trees, and take care of them, and permit the Grant Memorial to remain upon the site in the Botanic Garden selected by the Grant Commission. The testimony was abundant before our committee that the trees could be removed by tree-moving machinery without injuring them at all.

The weight of the testimony before the committee, and the action of the Grand Army of the Republic favoring the location in the Botanic Garden, added to the testimony of the Secretary of War, Mr. Taft, and former Secretary of War, Mr. Root, both of whom were in favor of keeping the location where it is, combined with the fact that the trees could be removed without injury, or additional expense to the Government, decided me to join in the report to keep the memorial in the Botanic Garden. Personally, I could not see my way clear to vote for its removal to the White Lot. That is the lot in which is located the Executive Mansion, which is occupied by all the Presidents of the country of whatever political faith.

I was averse to placing the memorial in front of the Union Station, because I did not think that was the proper location for many reasons which it is not necessary for me to enumerate, and I do not care to enumerate. Therefore, the trees not being destroyed, because they could be removed by proper machinery without one dollar of further tax or expense upon the Federal Treasury, by using a small part of the money which is now appropriated, and the weight of the testimony being in favor of permitting the Grant Memorial to stay where it is now located, under the law, in the Botanic Garden, I voted with my colleague [Mr. HOWARD] and other members of the committee to table the Sherley bill and also the Mann bill. I did not wish to put the memorial on the White Lot occupied by our Presidents.

Mr. SHERLEY. Will the gentleman yield?

Mr. THOMAS of North Carolina. I have not the time.

Mr. SHERLEY. But the gentleman does not want to mislead the House.

Mr. THOMAS of North Carolina. Certainly not. I was also against putting the memorial in front of the Union Station, and hence I voted with the other members, except the chairman, in the committee and decided the memorial ought to remain where it is now located by law.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. The gentleman knows it is not proposed to put it inside the White Lot.

Mr. MANN. He does not know it and that is the reason he made this bad report.

Mr. THOMAS of North Carolina. I ask to have sufficient time to reply to that statement.

Mr. CONNER. I will yield the gentleman half a minute.

Mr. THOMAS of North Carolina. If it is a bad report it was agreed to by Republicans and Democrats, and was a unanimous report, except the chairman. I know exactly, I will say to my friend from Illinois [Mr. MANN], where the memorial is to go under his bill. The gentleman's bill proposes to locate it between the White House and the Washington Monument. Now, that is putting it in the lot which is occupied by the Executive Mansion.

Mr. MANN. But it does not provide for putting it in the White House lot at all.

Mr. THOMAS of North Carolina. It is the ellipse, and that is a part of the White House lot, as I understand it, though I may be mistaken.

The SPEAKER. The time of the gentleman has expired.

Mr. CONNER. How much time have I remaining, Mr. Speaker?

The SPEAKER. Twelve and one-half minutes.

Mr. CONNER. I yield three minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Speaker, it is with some reluctance that I differ with the chairman of the committee on which I have the honor to serve. As a committee we approached this subject, I think, all of us, with absolutely unbiased minds, and in the short time at my disposal I would like to be able to present to the House some of the reasons which actuated the committee in arriving at the conclusions we have arrived at. In the first place, Mr. Speaker, a Commission was originally created composed of the Secretary of War, the chairman of the Senate Committee on the Library, Senator WETMORE, and General Dodge. That Commission was authorized to select design for a memorial and to locate that memorial. First, it was proposed that the memorial be erected upon the ellipse between the White House and the Monument. Objection was made. Thereupon, after careful consideration, the Commission decided that the Botanic Garden was the best site for the location of this memorial. I can do no better, I think, than to state to the Members of this House something of the testimony which influenced our committee. First, Mr. Secretary Root, who was at the time this memorial was selected the chairman of the Commission by virtue of his position as Secretary of War, says:

> Our work was not at all perfunctory; it went rather beyond the ordinary interest of the performance of a statutory duty. We had a competition for design, got some gentlemen to help us to select a design, and canvassed the subject of site very fully. We first thought of the site immediately south of the State, War, and Navy building, and we thought of a site on the White Lot south of the White House, but we were not fully satisfied with either of those, and went all over Washington and looked at every place we could think of, and we discussed every place that we looked at, until finally we came to the conclusion that the monument, or the memorial, as I think the statute calls it, ought to have a definite relation to the public buildings of Washington, and we settled upon a site directly in front of the Capitol as being the best possible site. We considered that we were authorized by the statute to select that site because, although it was within the fence which surrounds the Botanic Garden—the grounds of the Botanic Garden—it was unoccupied. So we selected that by a formal resolution.
>
> In selecting that site, we had a good many things in view. We considered that the statue, which made an appropriation of $250,000 for a memorial to General Grant, meant something more than the ordinary statue which, as Secretary of War, I have been engaged in putting up around the city as a member of similar commissions. We felt that it was the intention of Congress, plainly exhibited by the difference between that statute and the ordinary monument appropriations, to indicate a distinction, and that it was our duty to secure a design and to select a site which would be distinguished, and which would put the memorial to General Grant on a different footing from the memorials to many generals and public men of inferior place in history.

The SPEAKER. The time of the gentleman has expired.

Mr. CONNER. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. LOWDEN].

Mr. LOWDEN. Mr. Speaker, I have the honor to represent the district in which General Grant lived before the war and from which he went to the front. Out in Galena, at Grant's old home, each year on his birthday—a most impressive ceremony—is a celebration in honor of the first soldier of the nineteenth century. Naturally I have been very much interested in this question. I have read the testimony that was given at the hearings carefully, and I have been impelled to the conclusion that it would be a great mistake to move this monument from the Botanic Garden. The Commission that placed it there did so by a unanimous vote, and this was not a perfunctory Commission, but it was a labor of love on the part of its distinguished members, as is perfectly apparent from the testimony that was taken at the hearings. Gen. Grenville M. Dodge, chairman of that Commission, a trusted lieutenant of Grant's, a lifelong friend of Grant's, has given generously of his time to the cause. William H. Taft is a member of the Commission; Elihu Root was a member of the Commission; Senator Wetmore was the other member; and these distinguished gentlemen all unite in favor of the site in the Botanic Garden. At this late day to attempt a removal would be a great mistake.

It is urged that the Botanic Garden contains a historic tree—the Crittenden tree—which should be preserved as a suggestion of peace to the people of this country. I admire the history of the distinguished Senator from Kentucky whose name is associated with this tree. However, I submit that *any* memorial to Grant suggests peace between the North and the South more than any tree that was ever grown. [Applause.] The efforts of Senator Crittenden were abortive, because it was destined that peace should not dawn until Grant and Lee should meet at Appomattox. The Crittenden tree can but suggest the awful years of war in which Americans faced their countrymen. A memorial to Grant, even though the genius who created it should depict scenes of war, as stated by the gentleman from Massachusetts, would speak of peace in all sections of our common country. Strange paradox! The man who planted this tree and who wrought for peace failed. The man of war, whose memorial we seek to erect, brought peace. No monument to Ulysses S. Grant which human hands can make will ever stand for aught but peace.

I also observe from a study of the hearings that nobody except this committee and a few others know or can learn which the Crittenden tree is. For the superintendent of the Botanic Garden stated that if he indicated to the people which it was the leaves would be plucked from it, one by one, until the tree was dead.

I trust, Mr. Speaker, that, in view of the fact that the wishes of the Commission; the Army of the Tennessee, which first brought fame to Grant; the Army of the Cumberland; the Army of the Potomac; the Loyal Legion of Illinois and other States, and the family of General Grant, as I am informed, have united upon a site, this body will acquiesce. [Loud applause.]

Mr. CONNER. Mr. Speaker, I reserve the balance of my time.

Mr. McCALL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman from Massachusetts has five minutes and the gentleman from Iowa has five and a half minutes.

Mr. McCALL. I yield one minute to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, proud of the fact that I am a son of a Confederate soldier who commanded a division in one of the greatest armies that ever fought for its convictions, I rise, sir, in behalf of the resolution offered by the gentleman from Massachusetts. I wish I had time to pay just tribute to the great man whose memory this monument proposes to perpetuate—a man great in war. I should like to speak of his distinguished career as a military commander; I should like to refer to his career in peace; but, Mr. Speaker, in this short discussion we can only recall in a summarized way his achievements as a military commander and we can only remember that sublimest utterance that he ever spoke, when he said from the bottom of his great heart to his distressed country, "Let us have peace." [Applause.] But, sir, not having the time to pay his memory a just tribute by words, I will seek as best I can at this time to do so by voting to give his monument a conspicuous and elevated place, and not to put that memorial to this great general, to this great man, in an obscure corner in a hole in the ground. [Applause.]

Mr. McCALL. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker and gentlemen, a minute does not permit any real discussion, but I shall try to make it sufficient for a summary. This is not a contest between the admirers of General Grant and those who want to preserve certain trees and to keep the Botanic Garden as it is, for it is not the desire of any man to do aught that might disparage the fame and the memory of that great leader. It would be useless; it would be impossible so to do; but we believe that there ought not to be the need of the destruction of these trees in order to place this memorial. We further believe that the Botanic Garden does not afford a proper site for a memorial to General Grant, and it is not doing his name and his fame justice to place it there. We further believe that one of the chief motives that underlay the selection of this site was a

desire to commit Congress to a proposed plan for the beautifying of the whole of Washington, and that had nothing to do with the honoring of General Grant's memory, but simply used the fact of putting this monument there as a means to start a programme along such lines. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, yesterday in this city memorial services were held to pay tribute to a great man—the late Crosby S. Noyes. Every speaker who referred to him spoke eloquently of the great work he did to beautify Washington and make this Capital a "City Beautiful." If he were alive to-day he would be with us in this fight to place the Grant Memorial in a more fitting place than the Botanic Garden—the most obscure and inappropriate place in all Washington.

This great memorial to General Grant should not be erected in the Botanic Garden. The most suitable place in all Washington for it is in the ellipse between the White House and the Washington Monument. There is where it was originally intended to be built; there is where it should be built. There is a great field; plenty of room—just the place for this great memorial. It was General Grant's field. It was his recreation ground. He planned it, and if his spirit could speak to us to-day it would be in favor of this most suitable location. There is no monument there to-day, and the greatest monument that we Members of Congress can put there is this magnificent memorial to General Grant to commemorate his brilliant military victories and patriotic civic achievements. Why were the plans changed? I do not know. A great mistake—a great blunder was made in doing so. But I intend to do all that I can now to rectify that mistake and to carry out the first idea—the original plan—of the men who initiated this memorial as a part of the scheme to beautify the city of Washington. To do this we must protect the Botanic Garden and build this memorial in the ellipse where it properly belongs. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CONNER. I now yield to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, the Army of the Tennessee was the first army commanded by General Grant. In his lifetime there was organized a society composed of all the officers of that army. He was the president of that society. As early as thirteen years ago this society commenced the agitation for the erection of a suitable memorial to General Grant in the city of Washington. There was delay after delay in getting their bill through Congress, but finally it was passed in 1901. Then plans were called for and submitted to an advisory commission to the memorial commission. This advisory commission was headed by St. Gaudens, who has been lauded by the gentleman from Massachusetts [Mr. McCALL], who makes this motion, who approved this design, and there is no question pending at all before the House as to getting a new design. It is solely a question of the location of this memorial.

Now, who put it down here? It was never located anywhere else. It is true that some thought existed of locating it in the ellipse. Objection was made——

Mr. SULZER. By whom?

Mr. SMITH of Iowa. The architect who drew the design said it was unfit for the ellipse; that the site selected was the best suited of any available in the city of Washington.

Congress vested the power to select the site in the Commission composed of General Dodge, Senator WETMORE, and Secretary Root, and subsequently this Commission included Secretary Taft in lieu of Secretary Root. This Commission was not ordered to report back to Congress upon locating the memorial. It located it in 1903—five years ago. The contracts were let. The bronze work is largely done and upon the ground. They are ready to put in the foundations and to construct the base for this gigantic memorial. After it was decided to locate it here the plans were revised and the memorial cut down in length and stairs put up from the rear to adapt it to this location. It is not designed, as even originally proposed, for the ellipse. Who is it that say it ought to go down here in the Botanic Garden? The Society of the Army of the Tennessee, the army from leading which he first won fame. Who signs the committee's report in that society? Gen. O. Howard, who, with General Dodge, constitute the only two surviving Army commanders of the entire Union Army. Who else indorses this site? The Commandery of the Loyal Legion of New York, of which he was president and a member, and the Commandery of the Loyal Legion of Illinois, the State that furnished him to his country. Who else? A collection of experts, summoned to advise the Commission, unanimously located it there. Who else? The American Institute of Architects has declared this as the best location in the city. Who else? The resident members of the International Society of Sculptors say this is the best location in Washington. Who else? The surviving members of the family of General Grant.

These gentlemen have gone over this city with fidelity trying to locate this statue in a suitable place to honor Grant, and everybody who has given substantial investigation agrees that this is the best in the city of Washington. Finally, when the gentleman from Massachusetts offered his resolution here in the early days of this session for its removal, and the resolution went to his own committee, that committee, after a patient and painstaking investigation, by a vote of 4 to 1, said that it ought to remain in the Botanic Garden. I want it to stand there; I want it to be built while Grant's old comrades in arms are living, so that they may participate in its construction and dedication. I protest against continuing these changes and these delays that have for thirteen years continued in opposition to the wishes of the officers of the Society of the Army of the Tennessee. [Loud applause.] If I have any time remaining, I yield it back to my colleague [Mr. CONNER].

The SPEAKER. The gentleman has one minute remaining.

Mr. CONNER. I yield that to the gentleman from Michigan.

Mr. GARDNER of Michigan. Mr. Speaker, they say the place chosen by a majority of the committee at the foot of Capitol hill is an obscure position upon which to locate a monument to General Grant. Is the Capitol of the Republic an obscure building? The patriots who will come to this city for a thousand years, if the Government shall so long endure, will make this building the Mecca of their visits, and of necessity will come close by the monument of the man who, next to Abraham Lincoln, made possible that this building should stand, the magnificent Capitol of a reunited nation. It is not obscure unless the site of the Capitol building itself is obscure. [Loud applause.]

Mr. McCALL. I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I do not wonder that the majority of the Committee on the Library reported against the resolution which I introduced if they had the attitude of mind which the gentleman [Mr. THOMAS] who spoke here this afternoon had when he stated that my resolution proposed to place the memorial in the White House lot. Of course that is not the proposition. Nor do I wonder at the attitude of my distinguished colleague from Illinois, who represents the old Galena district, if he confuses in his mind the difference between the construction of a memorial to General Grant and the location of that memorial. All of those societies which are urging this location have had in mind the construction of a memorial to Grant. Like them, I want to see Grant honored. Mr. Speaker, I was born in Illinois, raised in Illinois, educated in Illinois, have lived in Illinois all my life, and expect to die in Illinois; and I believe that the nation owes to the great men whom Illinois contributed to the country—Abraham Lincoln and Ulysses S. Grant—a proper place for the location of the memorial. [Loud applause.] In the name of Illinois, in the name of the services rendered by the great men of that State, I protest against the burial of this memorial and the dwarfing of it, as it will be, under the Dome of the Capitol, in the lowest spot in the District of Columbia. I appeal to you to locate this memorial up alongside the great monument to Washington, near to the White House, where Grant served his country in a conspicuous and a fitting position, doing honor to a great man who honored his country, who is beloved in the North and in the South. Give him the right place. [Loud applause.]

The SPEAKER. The question is on suspending the rules and passing the resolution.

The question was taken, and the Speaker announced that he was in doubt.

Mr. MANN. Division, Mr. Speaker.

The House divided, and there were—ayes 128, noes 104.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 134, nays 129, answered "present" 14, not voting 111, as follows:

YEAS—134.

Aiken	Bennet, N. Y.	Calderhead	Davis, Minn.
Alexander, Mo.	Booher	Caldwell	Denver
Alexander, N. Y.	Bowers	Candler	Douglas
Allen	Brodhead	Carter	Draper
Ames	Brumm	Clark, Mo.	Favrot
Ashbrook	Brundidge	Clayton	Ferris
Bartholdt	Burke	Cockran	Floyd
Bartlett, Ga.	Burleigh	Cook, Pa.	Focht
Bartlett, Nev.	Burnett	Cooper, Tex.	Foulkrod
Bates	Butler	Cravens	Fulton
Beall, Tex.	Calder	Crawford	Gaines, Tenn.

Garner	Howell, N. J.	Mann	Sherwood
Garrett	Hubbard, W. Va.	Miller	Sims
Gordon	Huff	Moon, Tenn.	Slayden
Griggs	Hughes, N. J.	Moore, Tex.	Smith, Cal.
Hackett	Hull, Tenn.	Murphy	Spight
Hackney	Humphreys, Miss.	Nicholls	Stanley
Hale	Johnson, Ky.	Nye	Sterling
Hamill	Jones, Va.	O'Connell	Sturgiss
Hamlin	Kellher	Page	Sulloway
Hammond	Kitchin, Claude	Parker, N. J.	Sulzer
Harding	Lamar, Mo.	Perkins	Taylor, Ohio
Hardy	Lamb	Peters	Tirrell
Harrison	Landis	Pou	Tou Velle
Haskins	Langley	Pujo	Underwood
Hawley	Lassiter	Rainey	Wallace
Hay	Leake	Reeder	Washburn
Heflin	Lee	Reid	Watkins
Helm	Littlefield	Robinson	Weeks
Henry, Conn.	Lovering	Russell, Mo.	Weems
Henry, Tex.	McCall	Russell, Tex.	Williams
Hill, Miss.	McCreary	Scott	Wood
Hobson	McHenry	Shackleford	
Houston	McLaughlin, Mich.	Sherley	

NAYS—129.

Adair	Driscoll	Hull, Iowa	Nelson
Ansberry	Dwight	Humphrey, Wash.	Norris
Barclay	Ellerbe	Jones, Wash.	Olcott
Bede	Ellis, Mo.	Kahn	Overstreet
Bell, Ga.	Englebright	Kelfer	Padgett
Birdsall	Esch	Kennedy, Iowa	Parsons
Bonynge	Fassett	Kennedy, Ohio	Payne
Boyd	Fitzgerald	Kinkaid	Pray
Bradley	Flood	Knopf	Randell, Tex.
Brownlow	Fornes	Knowland	Ransdell, La.
Burleson	Foss	Lafean	Rauch
Byrd	Foster, Ill.	Laning	Richardson
Campbell	Foster, Vt.	Legare	Rodenberg
Capron	Fuller	Lindbergh	Rothermel
Carlin	Gaines, W. Va.	Lloyd	Sheppard
Cary	Gardner, Mass.	Longworth	Small
Caulfield	Gardner, Mich.	Loud	Smith, Iowa
Chaney	Gillespie	Loudenslager	Smith, Tex.
Chapman	Gillett	Lowden	Snapp
Cocks, N. Y.	Goebel	McGuire	Southwick
Conner	Goulden	McKinley, Ill.	Sperry
Cook, Colo.	Graham	McLachlan, Cal.	Stafford
Cooper, Wis.	Granger	Macon	Steenerson
Cox, Ind.	Gregg	Madden	Tawney
Crumpacker	Haggott	Madison	Thistlewood
Cushman	Hamilton, Mich.	Marshall	Thomas, N. C.
Dalzell	Haugen	Maynard	Volstead
Darragh	Higgins	Mondell	Vreeland
Davidson	Hill, Conn	Morse	Woodyard
Dawson	Holliday	Mouser	Young
Denby	Howell, Utah	Mudd	
Diekema	Howland	Murdock	
Dixon	Hubbard, Iowa	Needham	

ANSWERED "PRESENT"—14.

Currier	James, Ollie M.	Patterson	Wanger
Foster, Ind.	Jenkins	Prince	Wiley
Hamilton, Iowa	Lever	Roberts	
Hardwick	McGavin	Rucker	

NOT VOTING—111.

Acheson	Edwards, Ga.	Kipp	Pratt
Adamson	Edwards, Ky.	Kitchin, Wm. W.	Reynolds
Andrus	Ellis, Oreg.	Knapp	Rhinock
Anthony	Fairchild	Küstermann	Riordan
Bannon	Finley	Lamar, Fla.	Ryan
Barchfeld	Fordney	Law	Sabath
Beale, Pa.	Fowler	Lawrence	Saunders
Bennett, Ky.	French	Lenahan	Sherman
Bingham	Gardner, N. J.	Lewis	Slemp
Boutell	Gilhams	Lilley	Smith, Mich.
Brantley	Gill	Lindsay	Smith, Mo.
Brick	Glass	Livingston	Sparkman
Broussard	Godwin	Lorimer	Stephens, Tex.
Burgess	Goldfogle	McDermott	Stevens, Minn.
Burton, Del.	Graff	McKinlay, Cal.	Talbott
Burton, Ohio	Greene	McKinney	Taylor, Ala.
Clark, Fla.	Gronna	McLain	Thomas, Ohio
Cole	Hall	McMillan	Townsend
Cooper, Pa.	Hayes	McMorran	Waldo
Coudry	Hepburn	Malby	Watson
Cousins	Hinshaw	Moon, Pa.	Webb
Craig	Hitchcock	Moore, Pa.	Weisse
Davenport	Howard	Olmsted	Wheeler
Davey, La.	Hughes, W. Va.	Parker, S. Dak.	Willett
Dawes	Jackson	Pearre	Wilson, Ill.
De Armond	James, Addison D.	Pollard	Wilson, Pa.
Dunwell	Johnson, S. C.	Porter	Wolf
Durey	Kimball	Powers	

So (two-thirds not voting in favor thereof) the motion to suspend the rules and pass the resolution was rejected.

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. WANGER with Mr. ADAMSON.

For the remainder of this day:

Mr. GREENE with Mr. TAYLOR of Alabama.

Mr. BEALE of Pennsylvania with Mr. SABATH.

Mr. MCMORRAN with Mr. RYAN.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. MCKINLAY of California with Mr. WILEY.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6290. An act to amend section 4414 of the Revised Statutes of the United States, relating to steamboat inspectors;

S. 6291. An act to amend section 4438 of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels;

S. 6293. An act for the relief of Robert Davis;

S. 6437. An act authorizing the construction of a bridge across the Okanogan River, Washington;

S. 6441. An act granting to Percival Lowell certain land within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes; and

S. R. 76. Joint resolution relating to homestead designations, made and to be made, of members of the Osage Tribe of Indians.

The message also announced that the Senate had passed without amendment a bill (H. R. 4780) to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same; and

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6441. An act granting to Percival Lowell certain lands within the San Francisco Mountains National Forest, in the Territory of Arizona, for observatory purposes—to the Committee on the Public Lands.

S. 6293. An act for the relief of Robert Davis—to the Committee on Claims.

S. 6291. An act to amend section 4438 of the Revised Statutes of the United States, relating to the licensing of officers of steam vessels—to the Committee on the Merchant Marine and Fisheries.

S. 6290. An act to amend section 4414 of the Revised Statutes of the United States, relating to steamboat inspectors—to the Committee on the Merchant Marine and Fisheries.

S. R. 76. Joint resolution relative to homestead designations, made and to be made, of members of the Osage tribe of Indians—to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4780. An act to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same; and

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 15444. An act extending the time for the construction of a dam across Rainy River;

H. R. 1815. An act for the relief of the estate of D. S. Phelan;

H. R. 13735. An act to correct the military record of Micaiah R. Evans; and

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

WILLIAM H. FONDA.

By unanimous consent, on motion of Mr. GARDNER of Michigan, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of William H. Fonda (H. R. 17918), Sixtieth Congress, no adverse report having been made thereon.

FERDINAND HANSEN.

By unanimous consent, on motion of Mr. HUBBARD of Iowa, leave was granted to withdraw from the files of the House without leaving copies the papers in the case of Ferdinand Hansen (H. R. 2848), Fifty-eighth Congress, no adverse report having been made thereon.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House now take a recess until to-morrow morning at half past 11 o'clock.

The question was taken (and on a division, demanded by Mr. WILLIAMS) there were—ayes 140, noes 92.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 137, nays 105, answered "present" 10, not voting 136, as follows.

YEAS—137.

Alexander, N. Y.	Denby	Hubbard, W. Va.	Needham
Allen	Diekema	Huff	Nelson
Ames	Douglas	Hull, Iowa	Norris
Barclay	Draper	Humphrey, Wash.	Nye
Bartholdt	Driscoll	Jones, Wash.	Overstreet
Bates	Dwight	Kahn	Parker, N. J.
Bennet, N. Y.	Englebright	Keifer	Parsons
Birdsall	Esch	Kennedy, Iowa	Payne
Bonynge	Fassett	Kennedy, Ohio	Perkins
Boyd	Focht	Kinkaid	Pray
Bradley	Foss	Knowland	Reeder
Brownlow	Foster, Vt.	Küstermann	Rodenberg
Brumm	Foulkrod	Lafean	Scott
Burke	Fuller	Langley	Smith, Cal.
Burleigh	Gaines, W. Va.	Laning	Smith, Iowa
Butler	Gardner, Mass.	Lawrence	Snapp
Calder	Gardner, Mich.	Lindbergh	Southwick
Calderhead	Gardner, N. J.	Loudenslager	Stafford
Campbell	Gillett	Lovering	Steenerson
Capron	Goebel	Lowden	Sturgiss
Cary	Graham	McCreary	Sulloway
Caulfield	Haggott	McGuire	Tawney
Chaney	Hale	McKinley, Ill.	Taylor, Ohio
Chapman	Hamilton, Mich.	McLachlan, Cal.	Thistlewood
Cocks, N. Y.	Harding	McLaughlin, Mich.	Tirrell
Conner	Haskins	Madden	Volstead
Cook, Colo.	Haugen	Madison	Vreeland
Cook, Pa.	Hawley	Malby	Washburn
Cooper, Wis.	Higgins	Mann	Weeks
Crumpacker	Hill, Conn.	Miller	Wilson, Ill.
Cushman	Holliday	Moore, Pa.	Wood
Dalzell	Howell, N. J.	Morse	Young
Darragh	Howell, Utah.	Mouser	
Davidson	Howland	Mudd	
Dawson	Hubbard, Iowa	Murdock	

NAYS—105.

Adair	Favrot	Hill, Miss.	Rainey
Aiken	Ferris	Hobson	Randell, Tex.
Alexander, Mo.	Fitzgerald	Houston	Ransdell, La.
Ansberry	Flood	Hughes, N. J.	Rauch
Ashbrook	Floyd	Hull, Tenn.	Reid
Bartlett, Ga.	Fornes	Humphreys, Miss.	Richardson
Beall, Tex.	Foster, Ill.	Jones, Va.	Robinson
Bell, Ga.	Fulton	Kelliher	Rothermel
Bowers	Gaines, Tenn.	Kitchin, Claude	Rucker
Brodhead	Garner	Lamar, Mo.	Russell, Mo.
Brundidge	Garrett	Lamb	Russell, Tex.
Burgess	Gillespie	Leake	Sheppard
Burleson	Gordon	Legare	Sherley
Burnett	Goulden	Lloyd	Sherwood
Byrd	Granger	McHenry	Sims
Caldwell	Gregg	Macon	Small
Candler	Griggs	Moon, Tenn.	Smith, Tex.
Carlin	Hackett	Moore, Tex.	Spight
Carter	Hackney	Murphy	Stanley
Clark, Mo.	Hamill	Nicholls	Thomas, N. C.
Clayton	Hamlin	O'Connell	Tou Velle
Cooper, Tex.	Hammond	Padgett	Wallace
Cox, Ind.	Harrison	Page	Watkins
Cravens	Hay	Patterson	Williams
Crawford	Heflin	Peters	
Dixon	Helm	Pou	
Ellerbe	Henry, Tex.	Pujo	

ANSWERED "PRESENT"—10.

Currier	James, Ollie M.	McGavin	Wanger
Foster, Ind.	Jenkins	Prince	
Hamilton, Iowa	Johnson, S. C.	Shackleford	

NOT VOTING—136.

Acheson	Edwards, Ky.	Lamar, Fla.	Reynolds
Adamson	Ellis, Mo.	Landis	Rhinock
Andrus	Ellis, Oreg.	Lassiter	Riordan
Anthony	Fairchild	Law	Roberts
Bannon	Finley	Lee	Ryan
Barchfeld	Fordney	Lenahan	Sabath
Bartlett, Nev.	Fowler	Lever	Saunders
Beale, Pa.	French	Lewis	Sherman
Bede	Gilhams	Lilley	Slayden
Bennett, Ky.	Gill	Lindsay	Slemp
Bingham	Glass	Littlefield	Smith, Mich.
Booher	Godwin	Livingston	Smith, Mo.
Boutell	Goldfogle	Longworth	Sparkman
Brantley	Graff	Lorimer	Sperry
Brick	Greene	Loud	Stephens, Tex.
Broussard	Gronna	McCall	Sterling
Burton, Del.	Hall	McDermott	Stevens, Minn.
Burton, Ohio	Hardwick	McKinlay, Cal.	Sulzer
Clark, Fla.	Hardy	McKinney	Talbott
Cockran	Hayes	McLain	Taylor, Ala.
Cole	Henry, Conn.	McMillan	Thomas, Ohio
Cooper, Pa.	Hepburn	McMorran	Townsend
Coudrey	Hinshaw	Marshall	Underwood
Cousins	Hitchcock	Maynard	Waldo
Craig	Howard	Mondell	Watson
Davenport	Hughes, W. Va.	Moon, Pa.	Webb
Davey, La.	Jackson	Olcott	Weems
Davis, Minn.	James, Addison D.	Olmsted	Weisse
Dawes	Johnson, Ky.	Parker, S. Dak.	Wheeler
De Armond	Kimball	Pearre	Wiley
Denver	Kipp	Pollard	Willett
Dunwell	Kitchin, Wm. W.	Porter	Wilson, Pa.
Durey	Knapp	Powers	Wolf
Edwards, Ga.	Knopf	Pratt	Woodyard

So the motion was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. LONGWORTH with Mr. COCKRAN.

On this vote:

Mr. WOODYARD with Mr. SLAYDEN.

Mr. HUGHES of West Virginia with Mr. UNDERWOOD.

Mr. MOON of Pennsylvania with Mr. LEE.

Mr. OLCOTT with Mr. SULZER.

Mr. LOUD with Mr. LASSITER.

Mr. BOUTELL with Mr. HARDY.

Mr. DAVIS of Minnesota with Mr. BARTLETT of Nevada.

Mr. LAW with Mr. DENVER.

Mr. HENRY of Connecticut with Mr. BOOHER.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House was in recess until to-morrow at 11.30 a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 9) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermilion, S. Dak., to be placed on the campus of said institution, reported the same without amendment, accompanied by a report (No. 1390), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ENGLEBRIGHT: A bill (H. R. 20382) directing the Secretary of War to cause a survey and examination to be made of the Sacramento River from the mouth of Feather River to Red Bluff, with a view to the improvement of said river for navigation—to the Committee on Rivers and Harbors.

By Mr. CALE: A bill (H. R. 20383) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20384) to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

By Mr. BOYD: A bill (H. R. 20385) to enable the Omaha Indians to protect from overflow their tribal and allotted lands located within the boundaries of any drainage district in Nebraska—to the Committee on Indian Affairs.

By Mr. CHANEY: A bill (H. R. 20386) to establish a court of patent appeals—to the Committee on Patents.

By Mr. PRAY: A bill (H. R. 20387) appropriating money for the improvement of the Missouri River in the State of Montana—to the Committee on Rivers and Harbors.

By Mr. CAMPBELL: A bill (H. R. 20388) suspending the patent and copyright laws of the United States when a patent or copyright on any article or product protected by a patent or copyright is owned, used, or leased by any trust or monopoly in violation of any law in restraint of trade—to the Committee on Patents.

By Mr. HOBSON: A bill (H. R. 20389) to equalize the rank, pay, and allowances of the bandmaster and sword master at the Naval Academy with corresponding positions at the Military Academy—to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 20390) to provide for the removal of certain railroad sidings in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. LINDBERGH: A bill (H. R. 20391) to amend the land laws of the United States so as to reserve the minerals to the States and Territories—to the Committee on the Public Lands.

By Mr. GREENE: A bill (H. R. 20392) to govern seagoing barges—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRADLEY: A bill (H. R. 20430) to authorize the Secretary of War to donate to the Veteran Relief Guard of Newburg, N. Y., fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same—to the Committee on Military Affairs.

By Mr. PRAY: A bill (H. R. 20431) for the purchase of a site for a Federal building for the United States post-office and land office at Miles City, Mont.—to the Committee on Public Buildings and Grounds.

By Mr. BENNET of New York: Resolution (H. Res. 327) requesting the President to transmit to the House certain information relative to dining rooms in public buildings in Washington—to the Committee on Public Buildings and Grounds.

By Mr. HITCHCOCK: Resolution (H. Res. 328) directing the Secretary of Commerce and Labor to transmit to the House certain information concerning live stock and meat products—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 20393) granting an increase of pension to Ebenezer N. White—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20394) granting an increase of pension to Edward P. L. Jones—to the Committee on Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 20395) granting an increase of pension to Thomas B. Stallings—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 20396) granting a pension to Benjamin McCleare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20397) granting a pension to James R. Bennett—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20398) granting a pension to Elizabeth Kearney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20399) granting an increase of pension to Samuel Burkett—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: A bill (H. R. 20400) for the removal of the charge of desertion from the record of Timothy A. Maher—to the Committee on Military Affairs.

By Mr. FLOYD: A bill (H. R. 20401) granting an increase of pension to James Burkett—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 20402) granting a pension to Rienzi Le Valley—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20403) granting an increase of pension to Charles M. Meeker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20404) granting pensions to Ausby D. McCoy, William V. McCoy, Charles McCoy, and Martha B. McCoy—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 20405) granting an increase of pension to Richard S. Hambridge—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 20406) for the relief of heirs of A. Worley Patterson, deceased—to the Committee on War Claims.

By Mr. HACKETT: A bill (H. R. 20407) for the relief of J. A. Denny—to the Committee on Claims.

Also, a bill (H. R. 20408) granting an increase of pension to John Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20409) granting a pension to James W. Culler—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 20410) granting an increase of pension to Phineas M. Hoisington—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 20411) granting an increase of pension to Silas R. Nugen, jr.—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 20412) granting a pension to Charles S. Kinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20413) granting a pension to Andrew Dine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20414) granting an increase of pension to Joseph Case—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 20415) for the refunding of certain moneys—to the Committee on Indian Affairs.

By Mr. PARKER of New Jersey: A bill (H. R. 20416) granting a pension to Frances T. Gaddis—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 20417) for the relief of S. W. Langhorne and H. S. Howell—to the Committee on Claims.

By Mr. REID: A bill (H. R. 20418) granting a pension to Mrs. Henry G. Butts—to the Committee on Pensions.

Also, a bill (H. R. 20419) granting a pension to Martha J. Brooks—to the Committee on Invalid Pensions

Also, a bill (H. R. 20420) granting a pension to Soloman George Bean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20421) granting a pension to John L. C. Adams—to the Committee on Pensions.

Also, a bill (H. R. 20422) to remove the charge of desertion against L. B. Burcham—to the Committee on Military Affairs.

By Mr. SLAYDEN: A bill (H. R. 20423) to confer jurisdiction on the Court of Claims to hear and determine the claim of Luther Sargent, of Eagle Pass, Tex., for cattle taken by the Comanche Indians—to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 20424) granting an increase of pension to C. H. Sedgwick—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20425) granting an increase of pension to Oregon Boughner—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 20426) for the relief of C. W. Beals—to the Committee on War Claims.

By Mr. ANDREWS: A bill (H. R. 20427) to remove the charge of desertion from the military record of John D. Hopper—to the Committee on Military Affairs.

Also, a bill (H. R. 20428) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased—to the Committee on Claims.

Also, a bill (H. R. 20429) to quiet title to certain lands in Dona Ana County, N. Mex.—to the Committee on Private Land Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of United Trades and Labor Council of Erie County, N. Y., favoring H. R. 10556, for alleviating sufferings incident to accidents in coal mines (McHenry bill)—to the Committee on Mines and Mining.

By Mr. ASHBROOK: Petition of Association for the Protection of the Adirondacks, favoring H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of citizens of Thorndike, Me., favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of Treaty Stone Club, Clan-na-Gael, of Kings County, against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Home Savings Bank, of Brooklyn, N. Y., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CHANEY: Paper to accompany bill for relief of James R. Bennett—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: Petition of the South Side Civic League, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: Petition of United Produce Growers and Shippers' Association of Southern Wisconsin, for enactment of a law to establish uniform legal weights per bushel of all farm commodities throughout the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. DRISCOLL: Petition of South Onondaga Grange, of New York, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. DUNWELL: Petition of Clearing House Association, for amendment to the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Brooklyn Federation of Labor, against any prohibition legislation—to the Committee on the Judiciary.

Also, petition of editor of Daily Kuryer Polski, favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

Also, petition of C. A. Van Deusen Company, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Master Steam and Hot Water Fitters' Association, against the Pearre anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Home Savings Bank of Brooklyn, against Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Home Savings Bank, favoring the Dalzell bill, making it a misdemeanor to circulate rumors, etc., affecting

the solvency of banking institutions—to the Committee on Banking and Currency.

Also, petition of Charles R. Schurner Company, against the Hepburn amendment to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Allied Boards of Trade, favoring the bill to widen Wallabout channel, in the East River, New York—to the Committee on Rivers and Harbors.

Also, petition of Emily A. Hutchins, for preservation of the Calaveras big trees—to the Committee on Agriculture.

Also, petition of Chicago national banks, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of National Grange, for the creation of a national highways commission (H. R. 15837) and appropriation for Federal assistance in construction of public highways—to the Committee on Agriculture.

Also, petition of Richard O'Brien, for the Lorimer bill (H. R. 175), for relief of the telegraphers in the civil war—to the Committee on Invalid Pensions.

Also, petition of National Association of Manufacturers, against Hepburn amendment to the Sherman antitrust act (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, against passage of any bills limiting injunctions or restraining orders in labor disputes—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: Petition of L. H. Peterson and 17 others of Mist, Oreg., praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Commercial Association of Western Oregon, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. FLOYD: Paper to accompany bill for relief of James Perrin, jr.—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of Newfane Grange, asking for support of the Hansbrough antipolygamy bill—to the Committee on the Judiciary.

Also, petition of E. H. Allen and others, of Fowler, Vt., favoring the Fowler Currency bill—to the Committee on Banking and Currency

By Mr. FULLER: Petition of Union Furniture Company, of Rockford, Ill., against the Hepburn bill, amending Sherman Act (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of Byron Hewitt, of Rockford, Ill., for the Fuller bill (H. R. 19250), to create a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GARDNER of Massachusetts: Petition of Rowley Grange, No. 204, Patrons of Husbandry, of Rowley, Mass., for a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of Post No. 108, Grand Army of the Republic, of Georgetown, Mass., against abolition of the various pension agencies—to the Committee on Appropriations.

By Mr. GORDON: Paper to accompany bill for relief of estate of Worley Patterson, of Morgan County, Ala.—to the Committee on War Claims.

By Mr. HIGGINS: Petition of Canterbury Grange, of Canterbury, Conn., for a national highways commission and for Federal aid in road construction—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Petition of Marl Ridge Grange, of New Egypt, N. J., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Ancient Order of Hibernians, of Middlesex County, N. J., against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition or memorial of Marl Ridge Grange, of New Egypt, N. J., for a parcels-post law (S. 5122)—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of the State of Washington, protesting against passage of H. R. 4929, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FOSTER of Vermont: Petition of Newfane Grange, of Newfane, Vt., favoring the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

By Mr. KELIHER: Petition of executive council of the Massachusetts State Board of Trade, favoring amendments to the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. KENNEDY of Iowa: Paper to accompany bill for relief of Silas R. Nugent—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of Lorraine (N. Y.) Grange, No. 117, for the Burnham parcels-post bill (S. 5122)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lorraine (N. Y.) Grange, No. 117, praying for legislation for the improvement of the public highways (H. R. 15837)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of John C. Sullivan—to the Committee on Claims.

By Mr. LAFEAN: Paper to accompany bill for relief of Joseph R. Scott—to the Committee on Military Affairs.

By Mr. LAW: Petition of board of directors of Merchants' Association of New York, against enactment of bills relative to injunctions and restraining orders involving relations of employer and employee—to the Committee on the Judiciary.

By Mr. McMILLAN: Petitions of Columbia County Pomona Grange and Edwin R. Johnson, for a national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. MALBY: Petitions of Chateaugay (N. Y.) Grange, No. 964, and Nicholville Grange, No. 797, favoring a national highways commission and appropration for Federal aid in construction and improvement of highways—to the Committee on Agriculture.

By Mr. NEEDHAM: Petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Soquel Grange, No. 349, of California, and E. J. Stacy and others, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. NORRIS: Petition of C. S. Mitchell and others, of Wilsonville, Nebr., favoring all prohibition bills that come before Congress—to the Committee on Alcoholic Liquor Traffic.

By Mr. OVERSTREET: Petition of H. W. Tutewilder, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PRATT: Paper to accompany bill for relief of Samuel R. Dummer (H. R. 30370)—to the Committee on Pensions.

By Mr. RYAN: Petition of Rochester Lodge, No. 99, Brotherhood of Locomotive Firemen and Enginemen, favoring S. 4260, known as the "Clapp free-pass amendment"—to the Committee on Interstate and Foreign Commerce.

Also, petition of United Trade and Labor Council of Buffalo, N. Y., favoring H. R. 10556, to alleviate suffering incident to accidents in coal mines—to the Committee on Mines and Mining.

Also, petition of Empire State Lodge, No. 39, Switchmen's Union of North America, favoring H. R. 13477, relative to the standardization of the automatic coupler—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Warren (N. Y.) Grange, No. 810, for S. 5122 (establishment of a rural parcels post)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Warren (N. Y.) Grange, No. 810, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SHERWOOD: Petition against H. R. 4897, for religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of George W. S. Dodge Post, of Nashua, Iowa, No. 132; Samuel Camran Post, No. 379, Department of New York, Grand Army of the Republic, and E. A. Packer and others, favoring the Sherwood pension bill (H. R. 7625)—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolution of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, of Connecticut, favoring parcels post—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Woman's Educational Club of East Haddam, Conn., relative to appointments in the Census Office (H. R. 7597), against clauses in bill against competitive examination—to the Committee on the Census.

By Mr. STEVENS of Minnesota: Petition of Irish Benevolent Association of St. Paul, opposing treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Shippers' Association of St. Paul, Minn., in favor of bill of lading bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Roadmakers' Association of Minnesota, in favor of good roads—to the Committee on Agriculture.

Also, protest of P. N. Peterson & Co., against H. R. 15651, relative to eight-hour law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Switchmen's Union of North America, in favor of H. R. 13477, relative to a standard coupler on railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Wabash, Minn., in opposition to H. R. 15651, relative to the eight-hour law—to the Committee on Labor.

Also, resolutions of city council of St. Paul, Minn., in favor of improving the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. WOOD: Petition of Lawrenceville Grange, No. 170, Partons of Husbandry, for the creation of a national highways commission and for appropriation to give Federal aid to the States in highways construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Mercer County Board, Ancient Order of Hibernians, of Trenton, N. J., against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *April 7, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

ELLEN L. FAUNCE V. UNITED STATES.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the reformed findings of fact filed by the court April 6, 1908, in the cause of Ellen L. Faunce, widow of Peter Faunce, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its chief clerk, announced that the House had passed a bill (H. R. 20308) to establish a naval station at Pearl Harbor, Hawaii, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 4780. An act to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets and bayonet scabbards for same; and

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.

ENLARGEMENT OF HOMESTEADS.

Mr. HEYBURN. I desire to call attention to the Calendar. In the General Orders, under Rule VIII, I find Order of Business 471, the bill (S. 6155) to provide for an enlarged homestead. I objected to the further consideration of the bill yesterday and asked that it should go under Rule IX. I think that was sufficient to send it under Rule IX.

The VICE-PRESIDENT. The Calendar will be corrected.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Robert Emmet Club, of Chicago, Ill., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the New Jersey State Federation of Women's Clubs, of Newark, N. J., praying for the enactment of legislation providing for an investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented the petition of Theodore G. Nelson, R. R. Beall, C. G. Misserole, and J. A. McCreery, representing 200 grain growers and grain shippers of the United States, praying for the enactment of legislation providing for the inspection and grading of grain under Federal control, which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of E. A. Riley, of Seattle, Wash., remonstrating against the adoption of an amendment to the Constitution to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. PLATT presented a petition of the Chamber of Commerce of Rochester, N. Y., and a petition of Local Branch No. 22, United National Association of Post-Office Clerks, of Rochester, N. Y., praying for the enactment of legislation to promote postal clerks from the fifth to the sixth grade, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of E. A. Riley, of Seattle, Wash., and the petition of G. W. Griesmeyer, of Brooklyn, N. Y., praying for the enactment of legislation to restrict the immigration of Asiatics into the United States, which were referred to the Committee on Immigration.

He also presented petitions of Oalka Falls Grange, No. 394, Patrons of Husbandry, of Le Roy; Gansevoort Grange, No. 832, Patrons of Husbandry, of Saratoga Springs; Tyrone Grange, No. 1007, Patrons of Husbandry, of Tyrone; Adams Center Grange, No. 590, Patrons of Husbandry, of Adams Center; Argyle Grange, No. 1081, Patrons of Husbandry, of Argyle; Macedon Grange, No. 326, Patrons of Husbandry, of Macedon, and of the Commercial Association of Glens Falls, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the adoption of an amendment to the present interstate-commerce law providing for a uniform bill of lading, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Rochester Lodge, No. 99, Brotherhood of Locomotive Firemen and Engineers, of Rochester, N. Y., praying for the passage of the so-called "La Follette-Sterling employers' liability bill," and also for the so-called "Rodenberg anti-injunction bill," which was referred to the Committee on the Judiciary.

He also presented a petition of the Association for the Protection of the Adirondacks, of New York City, N. Y., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Bloomfield, Petaluma, and Fallon, and of the Chamber of Commerce of Santa Barbara, all in the State of California, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry post-office clerks of Pasadena, Cal., praying for the enactment of legislation to equalize the pay of clerks and carriers in the postal service, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Santa Barbara, Cal., praying for the enactment of legislation to establish postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented petitions of the Woman's Christian Temperance Unions of Apponaug, Woodville, Cumberland, and Providence, and of the congregation of the People's Free Baptist Church, of Auburn, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., and a petition of the Twenty-third International Christian Endeavor Convention, of Seattle, Wash., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the congregation of the Calvary Methodist Episcopal Church, of Washington, D. C., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying for the enactment of legislation providing for a reduction in the price of gas in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Oregon, South Dakota, California, Texas, and Washington, D. C., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Citizens' Association, of the District of Columbia, praying that an appropriation be made placing all the school buildings in the District of Columbia in a safe condition, and also requiring

that all school buildings to be constructed in the future shall be fireproof, which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented a petition of the Medical Society of the County of New York, of New York City, N. Y., praying for the enactment of legislation granting pensions to the widows of Dr. James Carroll and Dr. J. W. Lazear, which was ordered to lie on the table.

He also presented a petition of the Social Service Club of the Young Men's Christian Association, of New York City, N. Y., praying for the enactment of legislation to prohibit gambling and bookmaking in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Robert Emmet Club, of Rochester, N. Y., and a memorial of the Treaty Stone Club, of Brooklyn, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of Local Granges Nos. 1039, 1003, 1127, 1070, 60, 846, 830, and 820, of Mansfield, Slate Hill, Hoosick, Fishers Island, Smithville, Hornellsville, South Onondaga, and Coopers Plains, all of the Patrons of Husbandry, and of sundry citizens of Olean, Hinsdale, and Caledonia, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ANKENY presented a petition of Local Grange No. 198, Patrons of Husbandry, of Tekoa, Wash., praying for the enactment of legislation for the creation of a national highway commission, which was referred to the Committee on Agriculture.

He also presented a petition of Local Grange No. 195, Patrons of Husbandry, of Tekoa, Wash., and a petition of South Palouse Grange, No. 151, Patrons of Husbandry, of Colfax, Wash., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of sundry citizens of Eliot, South Eliot, and South Berwick, in the State of Maine, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of sundry citizens of Leavenworth County, Kans., remonstrating against the repeal of the present anticanteen law, which was referred to the Committee on Military Affairs.

He also presented a petition of the Kansas Conference of the Evangelical Association, of Holton, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Topeka Post, No. 71, Grand Army of the Republic, Department of Kansas, of Topeka, Kans., praying for the enactment of legislation making $20 per month the maximum rate of pension at the age of 65 years, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Abilene, Wakefield, Niles, and Winfield, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Olivet, Melvern, and Bucyrus, all in the State of Kansas, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURKETT presented an affidavit to accompany the bill (S. 6344) granting an increase of pension to J. M. Crosby, which was referred to the Committee on Pensions.

He also presented memorials of sundry citizens of Nebraska, remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Nebraska, praying for the enactment of legislation to prohibit the disfranchisement of citizens of the United States on account of sex, which were referred to the Select Committee on Woman Suffrage.

Mr. HEMENWAY presented a memorial of Post Q, Travelers' Protective Association of America, of New Albany, Ind., remonstrating against the enactment of legislation to permit the sale of leaf tobacco to the consumer without the payment of the internal-revenue tax, which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 935, Carpenters and Joiners' Union of America, of Princeton, Ind., praying for the enactment of legislation providing for the construction of the next proposed new battle ship at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

Mr. KEAN presented memorials of sundry citizens of Passaic, Elizabeth, Paterson, and Middlessex and Mercer counties, all in the State of New Jersey, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Bridgeton, N. J., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Georgiana K. Holmes, of Summit, N. J., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented the petition of Brig. Gen. A. R. Buffington, of Madison, N. J., and the petition of Louisa L. Riley, of North Plainfield, N. J., praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

Mr. PILES presented a petition of sundry citizens of Whitman County, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Snohomish, Puyallup, and Kitsap counties, all in the State of Washington, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

WATER-LINE ARMOR BELT.

Mr. HALE. I present a paper, being an extract from Rear-Admiral Evans's report to the Navy Department, dated at sea, en route to Magdalena Bay, March 6, 1908, on the location of water-line armor belt upon United States battle ships. I ask that it be printed in the RECORD, printed as a document, and referred to the Committee on Naval Affairs.

There being no objection, the paper was referred to the Committee on Naval Affairs, ordered to be printed as a document, and to be printed in the RECORD, as follows:

LOCATION OF WATER-LINE ARMOR BELT UPON UNITED STATES BATTLE SHIPS.

[Extract from Rear-Admiral Evans's report to the Navy Department, dated at sea, en route to Magdalena Bay, March 6, 1908.]

Judging from the figures contained in the several replies from commanding officers which relate to this subject, it would appear that better protection might have been afforded had these belts been originally placed between 6 inches and 1 foot higher; this on the theory that the commanding officer would admit sufficient water before an action to sink the belt to within about 18 inches above the water line, but even this is open to question, for it has been noted that even when heavy laden and in the smooth to moderate seas, which have thus far characterized this cruise, the ships frequently expose their entire belt and the bottom plating beneath it. It must be remembered that even a 5 or a 6 inch shell (of which there would be a great number) could inflict a severe and dangerous injury if it struck below the belt, while otherwise the water line, even with the belt entirely submerged, is, on account of the casement, armor, and coal, immune to all except the heaviest projectiles. The fact is that under the sea conditions in which battles may be fought a belt of 8 feet in width, if considered alone, is too narrow to afford the desired protection, wherever it may be placed, and the question becomes an academic discussion, with certain arguments on each side. It is understood that on the latest ships this question is of little import, as the citadel armor is but 1 inch less in thickness than that on the water line, and for those ships already built it is believed that if bridges are removed and all weights which will be landed when war breaks out are taken into consideration, the ship will rise the 6 or 12 inches which is believed to be the maximum that it should be desired to raise them.

REGULATION OF IMMIGRATION.

Mr. FLINT. I move that the speech delivered by the senior Senator from Massachusetts [Mr. LODGE] before the Boston City Club, in Boston, Mass., March 20, 1908, on the subject of immigration, be printed as a document.

The motion was agreed to.

EMPLOYERS' LIABILITY BILL.

Mr. NELSON. I move that Table Calendar No. 14, the bill (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases, passed by the House and now on the table, be referred to the Committee on the Judiciary. It is very important legislation and I think that committee ought to consider the bill before it is acted upon.

Mr. DOLLIVER. I object to that order being made, if an objection carries it over.

The VICE-PRESIDENT. Objection is made to the present consideration of the motion submitted by the Senator from Minnesota.

SUSPENSION OF COMMODITY CLAUSE, INTERSTATE COMMERCE LAW.

Mr. ELKINS. At yesterday's session I reported the joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law, and I find that there is a mistake in the print. The amendment of the committee striking out "May" and inserting "January" ought to come in on page 2, line 12, instead of page 1, line 11. On page 1, line 11 in the print, the word "May" is stricken out and "January" inserted. The word "January" ought to have been put in on page 2, line 12, after the word "to," so as to read "prior to January 1, 1910." I ask that the correction be made in the report. It is merely a clerical error.

The VICE-PRESIDENT. Without objection, it is so ordered.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (S. 1577) for the relief of Sergt. James W. Kingon, reported it without amendment, and submitted a report (No. 477) thereon.

Mr. SMOOT (for Mr. CLAPP), from the Committee on Claims, to whom was referred the bill (S. 6161) for the relief of Rufus Neal, reported it with an amendment, and submitted a report (No. 478) thereon.

Mr. GALLINGER. On yesterday I reported from the Committee on the District of Columbia the bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia. I now report adversely Senate bill No. 5361 on the same subject and submit an adverse report (No. 479) thereon, which I ask may be agreed to and that the bill be postponed indefinitely.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 5252) to provide for the building of a public avenue on the south side of the Potomac River from the city of Washington to Mount Vernon, reported it with amendments and submitted a report (No. 480) thereon.

He also, from the same committee, to whom was referred the bill (S. 5850) to appropriate money for the payment of certain advances made to the United States by the State of Maryland, reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CURTIS introduced a bill (S. 6516) granting an increase of pension to Daniel E. Caswell, which was read twice by its title and referred to the Committee on Pensions.

Mr. BORAH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6517) granting an increase of pension to Elisha Sackett;

A bill (S. 6518) granting an increase of pension to George F. Cook; and

A bill (S. 6519) granting an increase of pension to George S. Warren.

Mr. SCOTT introduced a bill (S. 6520) for the relief of the heirs of James L. Pyne, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 6521) for the relief of Gunner Carrington A. Young, United States Navy, retired, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SUTHERLAND introduced a bill (S. 6522) granting an increase of pension to Charles Crane, which was read twice by its title and referred to the Committee on Pensions.

Mr. CARTER introduced a bill (S. 6523) granting a patent for lands to "The Sisters of the Blessed Sacrament for Indians and Colored People," a charitable corporation organized under the laws of the State of Pennsylvania, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. PLATT introduced a bill (S. 6524) for the relief of the sureties on the official bond of the late Cornelius Van Cott, which was read twice by its title and referred to the Committee on Claims.

Mr. GORE introduced a bill (S. 6525) authorizing the Secretary of the Interior to remove the restrictions on Indian allotments in Oklahoma for school-site purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 6526) for the relief of the heirs of Hugh Rodgers, which was read twice by its title and referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6527) granting a pension to Daniel Martin; and

A bill (S. 6528) granting a pension to Aubrey P. Lawrence.

Mr. FRYE introduced a bill (S. 6529) for the relief of Mary S. Fergusson, which was read twice by its title and, with the accompanying papers, referred to the Committee on the Philippines.

Mr. RAYNER introduced a bill (S. 6530) for the relief of Oscar F. Lackey for injuries sustained by him while acting as assistant engineer in the construction of the Panama Canal, which was read twice by its title and, with the accompanying paper, referred to the Committee on Interoceanic Canals.

Mr. OVERMAN introduced a bill (S. 6531) for the relief of the estate of H. H. Watters, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. PAYNTER introduced a bill (S. 6532) granting an increase of pension to Louisa January, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6533) for the relief of James R. Evans, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6534) for the relief of John L. Martin, administrator of the estate of John B. Wright, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. JOHNSTON introduced a bill (S. 6535) for the proper observance of Sunday as a day of rest in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6536) granting a pension to John P. Hannon; and

A bill (S. 6537) granting a pension to Socrates P. Battle.

He also introduced a bill (S. 6538) for the relief of the estate of Josiah Wrenn, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. ANKENY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Commerce:

A bill (S. 6539) to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the district of Alaska; and

A bill (S. 6540) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the District of Alaska.

Mr. McCUMBER introduced a bill (S. 6541) granting an increase of pension to Alonzo B. Curtis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6542) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, which was read twice by its title and referred to the Committee on Public Lands.

Mr. DIXON introduced a bill (S. 6543) to authorize the expenditure of the unexpended balance of the appropriation for subsistence and civilization of the Northern Cheyennes and Arapahoes for the fiscal year ended June 30, 1907, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a joint resolution (S. R. 78) establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico, which was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (H. R. 12438) to amend the charter of the East Washington Heights Traction Railroad Company, which was ordered to be printed and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. BURKETT submitted an amendment relative to the fixing of the official standards for the grading of grain, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 to enable the Secretary of Agriculture to make demonstrations of the different processes of manufacturing denaturized alcohol at the Corn Exposition to be held at Omaha, Nebr., from December 9 to 19, 1908, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. CLAY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CLAY to the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the acts of March 3, 1883, and March 3, 1887, and commonly known as the "Bowman and the Tucker acts," viz: Insert the following:

"To A. G. McDonald, administrator of Robert H. Green, deceased, of Clayton County, Ga., $595, being the amount found due by the Court of Claims and reported to Congress in House Document No. 846, Fifty-ninth Congress, first session."

FRANCES E. RANSDELL.

Mr. HEMENWAY submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Frances E. Ransdell, widow of Edward S. Ransdell, late a policeman in the employ of Congress, a sum equal to six months' salary at the rate he was receiving at the time of his demise, out of the contingent fund of the Senate, said payment to be considered in full of all funeral expenses or other allowances.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following act:

On April 2:

S. 5589. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

HOUSE BILL REFERRED.

H. R. 20308. An act to establish a naval station at Pearl Harbor, Hawaii, was read twice by its title and referred to the Committee on Naval Affairs.

ARMY APPROPRIATION BILL.

Mr. HALE. Mr. President, I rise to make a privileged motion. I move to reconsider the vote whereby the Senate yesterday passed the Army appropriation bill.

I do not make this motion expecting to interfere with the bill, and I congratulate the Senator from Wyoming [Mr. WARREN] for the ability and skill that he displayed in the management of the bill which passed the Senate yesterday. Having no expectation that the bill would be up or would be passed, I had been called away to the State Department by a very important matter going on there now relating to troubles between the citizens of my own State and those of New Brunswick, and I was not therefore enabled to call the attention of the Senate, which I shall do now, with the leave of the Senate, very briefly, to what was emphasized by the passage of the Army appropriation bill with its many provisions, increasing the military establishment.

It was not the fault of the Senator in charge that the bill embodies so large an increase. It is what is going on constantly without all Senators or the country being aware of it—the enormous increases of the military establishment to the prejudice of all other appropriations and claims.

We can not get, Mr. President, consideration of other bills because, as everybody knows, the revenues are likely to wane, and are now waning, and we are likely to be confronted with a deficit; and not many months ahead we shall be found spending more money than comes into the Treasury from the existing and ordinary sources.

We can not get the omnibus claims bill passed, which has a thousand items that ought to be paid as much as a note of hand ought to be paid; and we are to have no river and harbor bill, with all the benefits that that bill adds to the business of the country, because it is a peace measure. We must have no public building bills, which are of actual and real benefit to the convenience of the country in the transaction of the public business in which every Senator and Representative is engaged, because the military expenses are mounting so rapidly that we can not afford these items that are for peace.

I wish to call attention to the items, that the Senate and the country may realize what we are doing for the military establishment. I mean by that the Army and the Navy and all military appropriations. The Army appropriation bill of last year for 1907–8 covered an appropriation of seventy-eight million and odd hundred thousand dollars. The bill which passed the Senate yesterday under the skillful management of the Senator from Wyoming carries an appropriation of ninety-eight million and odd hundred thousand dollars, almost $99,000,000, an increase of $20,000,000.

Mr. WARREN. May I interrupt the Senator for a moment?

Mr. HALE. Certainly.

Mr. WARREN. The Senator speaks truly, of course, as he always does, when he says the Army appropriation bill carried some $78,000,000 last year. There was also a large sum carried on the general deficiency bill, and we have also already appropriated in urgent deficiency bills this year to piece out last year's appropriations something like $4,000,000 more. I do not know how much more we shall yet have to appropriate to close accounts to July 1, 1908.

On the other hand, I will say that there will be turned back into the Treasury from last year's appropriation on the pay account nearly $2,000,000. Of course it can not be taken from the pay-account fund and used for other purposes. There will doubtless be other balances covered back into the Treasury from other unused funds.

I want to say furthermore that the Committee on Military Affairs, in amending the present bill providing for the fiscal year 1909, have endeavored to put the amount high enough so that if we are fortunate enough to retain the items in conference we may not next year have deficiencies, which I know are so offensive, and properly so, to the Senator from Maine [Mr. HALE]. I shall expect that quite a large amount of the $98,000,000 and over that the bill contains, if we are fortunate enough to hold it, will go back into the Treasury unused. The Department can only expend the funds we provide under the law and in a lawful manner. I think the Senator will agree with me and prefer that we should appropriate more and have no deficiency, and let the residue at the end of the year go back into the Treasury, rather than to be constantly pestered with deficiencies.

Mr. HALE. The Senator is just right. Before he came in I had taken occasion to say that the large appropriations, the startling appropriations, in the bill are not his fault.

I do not find myself in so hopeful a condition as the Senator is about any of the money provided for in this great bill being unexpended and turned into the Treasury. We shall be fortunate if they prevent deficiencies, and in that the Senator is right in making the amount large enough so as to try and prevent deficiencies in the future.

I am not dealing, Mr. President, in a fault-finding way with any particular item being put upon this bill, but I want to show the Senate that not only is here an increase in this part of the military establishment of $20,000,000, but that every item of increase represents great appropriations for the future. Not a single item that I know of in the bill is temporary, but it will be carried into the appropriations for the future.

Mr. WARREN. Mr. President, that statement is generally true; but there are items of quite a considerable amount contained in the bill, which the Senator will realize when he analyzes it closely, as he will, are for permanent purchases, which need not be renewed.

Mr. HALE. I understand that, because I have a list of them here. They are the kind of appropriations that, while distinctive by themselves, may not be repeated next year. Yet the general needs of the establishment every year will call for corresponding items or other items of the kind. So I have no hope of decreased appropriations; and I want the Senate to understand that my protest is not so much against what is appropriated now as because it means not only the same appropriations, but additional appropriations next year.

I have also the figures in the other military branch of the Government, the Navy Department. The showing there, Mr. President, is more startling than in the War Department. The naval appropriations for the last session of the last Congress were ninety-nine million six hundred thousand and odd—almost $100,000,000. This year the appropriations for the Navy Department, when all aggregated—and most of them will be upon the naval appropriation bill—will, I venture to say, be more than $120,000,000. There is another increase of $20,000,000 in this one year in that establishment. Mr. President, I am not reckoning on the basis of what I call the extravagant programme that is afoot for an enormous increase by big battle ships, but a moderate programme, not of four battle ships, but of two battle ships. The appropriations will be $120,000,000 for the Navy.

And, Mr. President, more, perhaps, in the Navy than in the Army; when in building up the Navy you provide for a big ship costing $10,000,000 you have only begun to spend money. By

that you commit the country, necessarily, to the repairs and the expenses of maintenance, and it is a constantly increasing appropriation.

If we go on, Mr. President, as we are going on, the naval appropriations in three or four years will be $150,000,000 annually. The total war and military expenditures of the Government, as it was characterized by the chairman of the Committee on Appropriations in the House, for the present and future and past wars, including the pension bill, which is increasing all the time, amount to 70 per cent of the revenues of the Government. I do not think Senators realize that within a few years, so greatly have the course of expenditures and the demands upon the Treasury increased in the military part of it, to the prejudice of the civil and peaceful part, that 70 per cent of the entire revenues are taken, as the chairman of the House committee states it, for present wars and future wars and past wars.

Now, I do not ask, and I do not expect, and if I had been present yesterday I should not have expected, to change an item in this appropriation bill. It is a part of the general policy that is going on of increasing the Army.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from New Hampshire?

Mr. HALE. Certainly.

Mr. GALLINGER. I want to ask the Senator if his eye caught an article, apparently inspired, I will say, in this morning's Washington Post, which proposes a radical reorganization of the Army with a still further enormous increase of expenditures.

Mr. WARREN. Will the Senator from Maine permit me to ask the Senator from New Hampshire a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. I should like to have the Senator from New Hampshire state whether he considers that an inspired article or not.

Mr. GALLINGER. I suggested that it sounded that way.

Mr. STONE. By whom was it inspired?

Mr. WARREN. I have seen a great many articles under the same authorship in the last year or two that have not been inspired.

Mr GALLINGER. It may not have been inspired, but it sounds as though it was pretty well considered, and that the information must have been obtained from some reliable source. It may not be so, but at any rate it is along the line of this increase of military expenditures that we are getting accustomed to, and I had an impression from reading it that it was probably a correct statement of conditions that we would have to meet in the near future. It may not be so.

Mr. BACON. My recollection is that the article states that it is by authority.

Mr. GALLINGER. Yes; it does.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Rhode Island?

Mr. HALE. I always yield to the Senator.

Mr. ALDRICH. I simply want, by the courtesy of the Senator from Maine, to ask the chairman of the Committee on Military Affairs if I understand him aright in making the statement that he certainly is not in favor of the proposed enormous increase in the Army?

Mr. WARREN. Will the Senator from Maine permit me just a word?

Mr. HALE. Certainly.

Mr. WARREN. The article that the Senator from New Hampshire alludes to is, I assume, an article in this morning's Washington Post, written by a man under his own name. I do not know anything about the fact as to whether he was inspired in writing that article or not, but I know that within the last fifteen months this same man has had columns in the Chicago Tribune in regard to myself, making charges utterly unfounded and untrue, and that he has made other attacks upon other people and States which have been resented by Senators upon this floor.

I assume that the only foundation he has for this Post article may be knowledge of a plan of work laid out in the War Department along with many other plans which would provide, if the Army is to be increased, how it should be increased, and so forth. I have not myself the slightest idea that the article in question is inspired so far as it assumes that the plan of the War Department is that we are going to be asked here in Congress to support and appropriate for an Army of 125,000 regulars at present or in the near future. Certainly I should be very slow in committing myself to any such scheme.

Now, as to this writer of the article mentioned, I do not wish to say that he may not have information or foundation of some kind. He got information last year, I understand, regarding me personally from the feeble-minded secretary of a Department chief or head, and also from the weak-minded or radical and erratic head of the Department himself, a man who is not now one of the Secretaries; not now in the President's Cabinet.

Mr. ALDRICH. My purpose was not to inquire into the personal relations of the Senator from Wyoming with any correspondent, but if we are to have a semiofficial statement on the subject of a radical and enormous increase of the Army, I was anxious that the chairman of the Committee on Military Affairs should make a semiofficial statement, or an official statement, to the contrary, because I think it important that here and elsewhere—that is, among the people who are to decide this question, I suppose, ultimately—there should be statements made that there is no such increase in the Army contemplated.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. I yield to the Senator.

Mr. CULBERSON. Just a moment for an inquiry. Some of us may not be quite clear about this matter, and consequently I desire to ask if this inquiry relates to a statement in the Washington Post of this morning that the Secretary of War is in favor of a reorganization of the Army and of increasing it to 125,000 men?

Mr. HALE. I was just coming to that, and I will state what my view about it is. The appearance of the article for whatever it may be worth is one of the things that brought me to my feet this morning upon this matter.

Mr. WARREN. Will the Senator yield to me a moment right there?

Mr. HALE. Certainly.

Mr. WARREN. I understand perfectly the inquiry of the Senator from Rhode Island, but I take this occasion to say what I think every Senator understands, that it is not always safe to take every proposition that may be seen in print as an absolute fact. I make no accusation in this case against the author of the article. He does not say that this doubling of the Army is to be done. In my opinion, he gets this information as newspaper men usually get a great deal of information, just a little ahead of what actually occurs, and what they suspect may some time occur. And so they take long chances and print it.

I will say, as chairman of the Committee on Military Affairs, that this is the first I have heard that the Secretary of War entertains any such ideas. I have known that, among other things the General Staff figure upon, are plans of reductions and increases and changes, and I am assuming that that information arrived at some point where the very enterprising and talented man I have mentioned has intercepted it and has obtained a glimpse of it, and he publishes it as a matter of interest to the ordinary reader.

I myself hope that the bills for the Army may not be materially increased unless war or something unforeseen occurs.

Mr. HALE. Now, Mr. President, I will go on and finish what I have to say as soon as possible, because I am in the way of the Senator from California [Mr. PERKINS] perhaps.

Mr. WARREN. I beg the Senator's pardon for interrupting him.

Mr. HALE. I am very glad, indeed, to hear from the Senator.

I know nothing about this correspondent, John Callan O'Laughlin, but every reader of the Washington papers, particularly of the Washington Post, knows that he has taken into his jurisdiction almost every conceivable subject during the past winter, and has claimed to speak with authority. Nobody would read the long communications which appear in the Post almost every day but for the assumption in the beginning of each article. This article begins:

This is the judgment of William H. Taft, Secretary of War.

I hope he is wrong; I hope the enormous, unreasonable, and wicked programme that is laid out in this interview is not the judgment of the Secretary of War. But the articles claim so much authority—they claim to speak ex cathedra—that they attract attention and arouse interest and increase the alarm of conservative men over the way that we are going on.

As I said, the appearance of this article, for whatever it is worth, was one of the things that led me to make the statements I have made and draw the conclusions which I am drawing in what I am saying here.

The present Army is 65,000 men. Quite a proportion of that Army—I do not know what the amount is, but I have the number of regiments, infantry, cavalry, and all—are in the Philippine Islands. Perhaps there are three or four thousand

men in Cuba, and the rest are disposed of around in posts and at the cities in this country.

Nobody except the War Department and the General Staff and the officials of that Department is crying for an increase. But if any Senator should go to the General Staff of the Army, as Senators have within a few days, upon a discussion of matters relating to the Army, you will be told at the office of the head of the General Staff that the Army has got to be doubled. That is not Mr. John Callan O'Laughlin, but it is the head of the operating part of the Army, who is practically the authority there in the prolonged and frequent and necessary absences of the Secretary of War.

Mr. OVERMAN. Will the Senator from Maine permit me to interrupt him?

Mr. HALE. Certainly.

Mr. OVERMAN. The writer the Senator speaks of seems to have knowledge that no one else has. It seems that he has the ear of the Administration, and also has the right to look at confidential reports that are made. From the statement I made yesterday, it appears that he had access to the confidential report that was made by a Mr. Russell to the Attorney-General. He also tells what the Administration is going to do in the South. Who is this gentleman that knows so much? He knows all about what the Administration is going to do and what Mr. Taft is in favor of.

Mr. HALE. I think we will dismiss him, except as to the article to which I have referred, which the Senator from New Hampshire called out.

Now, let me read some more. This is not put in doubtful form. It is not prefaced with an "it is said," "it is rumored," "it is believed." It is put authoritatively apparently:

The increase that Secretary Taft wants is that which in his judgment the needs of the country require. He is anxious that the nation shall have ready for service a first line of defense, behind which further mobilization may be effected. Therefore he considers a fair provision—

Not an extravagant provision—

a fair provision would be 65,000 infantry, 25,000 cavalry, 12,500 field artillery, and 22,500 engineers, signal corps, service corps, etc.

I have added this up because they are interesting figures. Mr. O'Laughlin did not add them up and did not need to. The present Army, costing $100,000,000 a year, is 65,000 men.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. If the Senator is to accept the Post's article as the text upon which he bases his remarks, he should reduce the number. The number which that gentleman gives, I believe, is 59,000, as I have figured it up. Perhaps the Senator has it.

Mr. HALE. I am reading from the Post article just as I find it in the text.

So with an army of 65,000 men, if this programme is to be carried out or is to be urged upon Congress, and we are to pass bills in accordance with this urgency, we will have an Army costing $200,000,000 a year.

Mr. President, nothing short of that will satisfy the Army, the General Staff, and the authorities. I am bound to say, Mr. President, that I do not believe the Secretary of War, with all his experience, with his knowledge of public affairs, with his large mind, and generous as he is with reference to appropriations, has ever committed himself to this enormous and unreasonable and, I repeat it, wicked programme.

Why this man has assumed to speak for him I do not know. The Secretary has in some of his speeches indicated that the Army ought to be increased. I do not agree with him in that respect, but I do not yet believe, and I hope I shall not be called upon to believe now or hereafter, wherever the Secretary of War may be, or whatever he may be, that we shall be called upon for this enormous programme. I hope and I believe that to the extent that it is claimed here this author is doing injustice to the Secretary.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Certainly.

Mr. CULBERSON. The Senator, on the inquiry of the Senator from New Hampshire, called attention to the article which appears in the Washington Post, and has suggested that there are phrases in it which indicate that it has been inspired; and he has read one or two paragraphs indicative of inspiration. I call his attention to a more emphatic statement than any to which he has referred so far, and it is this:

It is a big programme Mr. Taft has prepared; but it is one the importance of which can not be too strongly impressed upon the country.

It is a direct statement that the programme suggested in this article had been prepared by the Secretary of War.

Mr. HALE. Well, Mr. President, I still have in my mind a residuum of hope that that is not so, and that the Secretary has not committed himself to this enormous and wasteful expenditure of the resources of the Government drawn by taxation from all the people.

Mr. CULBERSON. Will the Senator permit another interruption?

Mr. HALE. Certainly.

Mr. CULBERSON. It has been suggested to me by the Senator from Georgia [Mr. BACON] and the Senator from Tennessee [Mr. FRAZIER] to call attention to the following sentence in the article:

That Secretary Taft has outlined a plan of comprehensive reorganization which I have been permitted to describe—

That is still more emphatic.

Mr. HALE. I am very sorry that the War Department let—I had almost said the imagination of—this correspondent loose on this subject. I do not know that it is imaginary; I hope it is, but I am sorry that access has been given to anybody who will bring it before the public in a notable way, because an article of this kind in the Washington Post, which is a great newspaper that everybody reads and which is read all over the country, is not like the utterance of an obscure newspaper. It is important; it is worth consideration, and I am sorry if the War Department has furnished Mr. O'Laughlin with any facts that justify his statement of what they propose.

I shall, Mr. President, have accomplished my purpose in calling the attention of the Senate to this one distinctive feature that is going on everywhere in every branch of the Government—the enormous increases of the military establishment of our Government to the prejudice and hurt of appropriations that are peaceful in their kind and which deal, not with soldiers and sailors, and armies and navies, and ranks and grades, and epaulets and paraphernalia——

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. I do.

Mr. MONEY. Mr. President, I have so much respect for the good judgment of the Senator from Maine that I sometimes feel embarrassed in so frequently going to him for information.

Mr. HALE. I hope the Senator from Mississippi will not discontinue that habit.

Mr. MONEY. I have acquired that habit. I want to ask the Senator now what would be the size of the American Army if the foreign policy of this Government shall persist, and if we are to continue the control and subjugation of great colonies, or dependencies rather—for they are not colonies, but dependencies—whether he thinks that the present Army establishment will be sufficient?

Mr. HALE. I think it is not only sufficient, but I think, while we are burdened with that pestilent curse which is on our shoulders—the Philippine Islands—we have got to have considerable of an Army there, and we are appropriating for that, and granting that, granting what we have in Cuba, admitting that at present we have got these burdens upon us and can not rid ourselves just now of them, the present Army is large enough and is larger than is needed. Nobody can tell me in detail where all the rest of the Army is doing any useful service. The General Staff will not let an old, rickety, almost wrecked Army post in the West be abandoned, for the reason that when they come in with this programme of doubling the Army they want those posts in order to show that the Army is all over the country. I defy any Senator to go up to the General Staff and get an old and useless Army post out West abandoned.

Now, somebody may say that I am too severe upon these authorities of the Army; but I have lived long enough to try to see more than one side of a question, and the officers of the Army and the Navy have nothing in their minds—and that is natural—but the two establishments. The Army sees nothing but the Army; and the Army's idea of an immense revenue pouring in for the uses of the Government is that it makes a great reservoir for Army appropriations. With some exceptions, the naval officers have the same idea. Anybody who has listened to the debate for the last day or two in the other branch of Congress will see how this exploiting of enormous appropriations for the Navy is brought out. We must have a Navy; and we have got to-day, practically, in actual force and strength and usefulness the second navy in the world; and yet naval officers and naval boards tell us that we need to double it.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. I do.

Mr. WARREN. Does the Senator believe we ought to drop from the position of second naval power? I am asking for information, because, of course, I am not interested in naval matters directly, and I would like the Senator's opinion about where we ought to stand as a nation as to our naval power.

Mr. HALE. That depends something upon what other nations do. I do not object if we can keep the Navy where it is and not increase it. I am not opposed to keeping it up to where it is now, although it is useless largely, and always will be. The best of it is to-day engaged in a cruise around the world, which will be very expensive and which will help to wear out the Navy, and we shall be called upon to appropriate for repairs and improvements resulting from the cruise, all showing that there is no legitimate use even for the Navy of the extent that we have now; but I am not for cutting it down.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I do.

Mr. BACON. Referring to the inquiry made by the Senator from Mississippi [Mr. MONEY], I think I remember some years since, when the naval establishment was under discussion, hearing the learned Senator from Maine say that, in his opinion, the retention of the Philippine Islands would require a navy 50 per cent larger than would otherwise be required by the American Government. Does the Senator from Maine recall that statement?

Mr. HALE. Yes; and we have got to-day a Navy that is more than double what it was at that time. Senators do not realize how immense——

Mr. BACON. Mr. President, I do not desire the Senator from Maine to understand me as taking issue with the position which he is now advocating, but, on the contrary, I desire to call his attention to something which I thought substantiated what he is now saying——

Mr. HALE. It does.

Mr. BACON. That the Senator had said six or eight years ago, standing where he now stands, within my hearing, that the retention of the Philippine Islands would require, as it has required, the increase of the Navy to an extent at least 50 per cent greater than otherwise would have been required.

Mr. HALE. I do not pretend to be much of a prophet, but my forecast then was wise. We have since that day more than doubled the Navy, and largely on account of our acquisition—such as it is—of those foreign outside insular possessions. But I am not going into that.

I have, Mr. President, as I have said, accomplished my purpose in calling the attention of the Senate and of the country to this condition and to these great increases in appropriations for the military establishment.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. HALE. Certainly.

Mr. CLAPP. Mr. President, the Senator from Maine [Mr. HALE] says that he has accomplished his purpose. With all due deference to the Senator from Maine, it does seem to me that it ought to be carried one step further. Year after year these appropriations grow upon us; year after year we are told that in the future these increases must be stopped. During this present session Members of both Houses have heard great complaint about the growth of these appropriations.

I, for one, while it is a popular thing to talk about a great Army, am in sympathy with what the Senator from Maine says. With my brief service in the Senate, it would be presumptuous for me to undertake to put a stop to this. Somewhere we have got to stop, and it does seem to me that, with the prestige, the service, and the position of the Senator from Maine, at this time we ought to go one step further. We ought to move to reconsider the vote, and if there were but two votes for that proposition, that would be the accomplishment of something. Then, if possible, we should take this bill and begin now and here to exercise the prerogative of the Senate in the disposition of these appropriations. It may be presumptuous for me to suggest this to the Senator from Maine; but, for one, I should like an opportunity, if it were only with one other, to join in an effort beyond the mere criticism of appropriation bills, and take one of these bills and proceed to legislate upon it from the standpoint of the legislative department of this Government.

Mr. HALE. The Senator is quite right. I wish we could do what he has outlined. It ought to be done. I can only say, for his encouragement and for the information of other Senators, that it is a practical question, not merely of criticism, but of what we shall do in the way of extending the other branches of the military department of the Government. The Navy will be before the Senate in the naval appropriation bill, when ample opportunity will be given Senators, like the Senator from Minnesota, not simply to criticise, as he says, which is ineffective, but to legislate and stop and limit appropriations.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Indiana?

Mr. HALE. Certainly.

Mr. BEVERIDGE. The Senator has said a very great deal about the proposed increases, as planned by the War Department, in our military establishment. I want to ask the Senator whether the Department has given no reasons whatever for these proposed increases which have been made?

Mr. BACON. I hope the Senator from Indiana will speak louder, so that we may hear him on this side.

Mr. BEVERIDGE. I asked the Senator from Maine whether or not, in the propositions that we have heard referred to from the War Department for the increase of our military establishment, the War Department had given any reasons for this increase, and if so, what they were?

Mr. HALE. I know generally——

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. Yes.

Mr. SCOTT. The remarks of the Senator from Maine might possibly convey the idea that this was an increase in the Army, but I suppose he means that it is an increase in the appropriation, which, perhaps, as a member of the Military Committee, I can explain by saying that $7,000,000 of the increase in the Army appropriation bill is for the increased pay of officers and enlisted men.

Mr. HALE. I have said that the provisions are necessary, but when we incorporate them in the bill, as we ought to and as we have to, they will be in the bill of next year just the same, and every year they will be added to so much.

Mr. SCOTT. I take it that the Senator would not want to leave the impression that every year we would have to increase the pay of officers and enlisted men.

Mr. HALE. No.

Mr. SCOTT. That is a large item in this bill.

Mr. HALE. But we will have to keep up the increase we make this year.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I do.

Mr. BACON. I desire to make a suggestion, which I hope will be kindly taken by the Senator from Maine. In a practical way I am entirely in sympathy with him in his protest against the tremendous expenditures that are being made, but I want to suggest to the Senator, before he yields the floor, that the question of expenditure is one that the Senate, under the machinery with which we work, find it impossible to practically deal with. The naval establishment and the war establishment are immense affairs, involving a multitude of details, and the appropriation bills, involving hundreds of millions of dollars, are made up of separate expenditures, which only a committee can properly investigate and which the committee alone does investigate.

The Senator is, I may say, one of the principal leading members upon the Appropriations Committee so far as practical work is concerned, and I am sure he will recognize the correctness of the statement which I have just made. These bills come in, and it is impossible for Senators who are not on the committee to be informed of the vast multitude of details which make up this enormous aggregate.

Take the Army appropriation bill with which we dealt on yesterday. Most of the matter comes from the House of Representatives, and I suppose it is in a degree accepted by the Senate as the work of the House, but the committee investigate so far as it is necessary to see whether they approve it. Then they proceed to the consideration of matters which require additional appropriations, and they come before us in the way of amendments. When these bills come before the Senate, as we all know, the custom is practically for nothing to be considered by the Senate except the Senate amendments.

So far as the appropriations are concerned, nineteen-twentieths of them or nine-tenths of them are matters which are not affected by amendments, and there is no opportunity under our practice for Senators to judge of whether or not these vast expenditures made upon these innumerable details are correct or not correct.

I do not know how far the suggestion is practical; but possibly if the Appropriations Committee—the most important in the Senate and the hardest working committee in the Senate, I will say—will take the Senate a little more into its confidence when bills are before the Senate, and not simply limit their information as to the details of amendments and the causes for amendments, but give us some insight into the vast information which they necessarily must have of those things which make up the magnitude of these bills, we shall be in a better position to realize where there may be extravagance and where there may be expenditures which are unnecessary and which may be curbed. Under the present system, however, which practically limits the consideration of an appropriation bill in the Senate to the question of whether amendments are proper or improper, there is no opportunity for Senators to know whether the vast mass of appropriation is within proper limits or whether it exceeds those limits.

Mr. HALE. Mr. President, that is a difficulty which, if it really exists, can not be cured except by Senators. The appropriation bills are reported from the committees with amendments. We have no rules here that limit or shut off debate, and any Senator may inquire of the Senator in charge of an appropriation bill not only with reference to the Senate committee amendments, but as to every provision incorporated by the other House, and it is the business of Senators upon the Appropriations Committee and of Senators in charge of such bills, as yesterday it was the business of the Senator from Wyoming [Mr. WARREN] to answer, as he did, every question.

I may say here, in passing, that this bill does not come from the Committee on Appropriations. It is one of the bills the burden of which was taken, by the consent of the Committee on Appropriations, and given to the Committee on Military Affairs.

Mr. WARREN. Many years ago.

Mr. HALE. Yes, years ago; and I am glad to say, generally, that the committee is growing conservative in its action, and the bill fell into good hands when it fell into the hands of the Senator from Wyoming. I do not think, if any question had been asked him about any matter in the bill, that the Senator would not have been ready, armed, and equipped to answer it.

Mr. BEVERIDGE and Mr. BACON addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Indiana?

Mr. BACON. I fully agree with everything the Senator has said——

The VICE-PRESIDENT. The Senator from Indiana [Mr. BEVERIDGE] was first recognized.

Mr. BACON. I beg the Chair's pardon. I misunderstood.

Mr. BEVERIDGE. It is all right. Let the Senator go ahead. I yield to the Senator.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. I want to say, very briefly, that I fully agree with everything the Senator from Maine has said. It is true that not only the Appropriations Committee proper, but the other committees which have charge of appropriation bills—and I had them in mind when I referred to the Appropriations Committee—are always prepared, and do answer questions; but it is a fact, as I stated, that those questions are generally limited to matters arising out of amendments offered in the Senate.

The suggestion which I was making to the Senator was not that the Senators in charge of such bills should be prepared to answer questions, which are generally limited to amendments, but that in the presentation of these bills to the Senate they would take the Senate at large a little more into their confidence in the explanation of items about which Senators do not make inquiry, because they are really not in a position to make inquiry. Here, for instance, is a paragraph in a bill enumerating a certain class of appropriations, and $10,000,000, it is said, is the total. About all that is read from the Secretary's desk is the heading of that paragraph and the amount appropriated, the rest being skipped. I do not object to skipping, so far as the question of time is concerned. I only state that as an illustration of the utter impossibility of Senators who are not familiar with the details which have been communicated to the Appropriations Committee either to judge in the matter or to make intelligent inquiry regarding it.

Mr. BEVERIDGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Indiana?

Mr. HALE. Certainly.

Mr. BEVERIDGE. Evidently the interruption of Senators has distracted the Senator from Maine from answering the question which I asked him. The burden of the Senator's illuminating remarks, to which I listened with keen interest, was concerning the proposed increase in the Army, and that has taken up a good while. The Senator has said, not only on the authority of this clipping from the Post, but upon statements made to Senators who have gone to the War Department, that the proposition was to greatly enlarge our military establishment. The question I asked was, Does the War Department give no reasons for that proposed increase?

Mr. HALE. Yes.

Mr. BEVERIDGE. And if they do give them, what are they?

Mr. HALE. They give just the reasons that are given in this article.

Mr. BEVERIDGE. I have not read the article.

Mr. HALE. If the Senator will read the article, he will find just what the reasons are—that this increase is necessary to prepare us for a big war.

Mr. BEVERIDGE. And not merely for the consumption of appropriations?

Mr. HALE. It is said that we must have a larger Army and a larger Navy, and the reasons are all given in this article.

Mr. BEVERIDGE. The reason I asked the question was that it seemed to me rather inconceivable that a Department of the Government would propose anything involving a large appropriation of money unless they had substantial and intelligent reasons back of it. I had listened carefully to the Senator from Maine and heard him assign no other reason than that they seemed to think they had to absorb as large appropriations as possible; and I thought they might have more valid reasons for their desire to increase the size of the military establishment.

Mr. HALE. They give the same reasons that are given in the article.

Mr. BEVERIDGE. Well, perhaps that clipping had better be placed on record, in order that not only the criticisms may appear, but that the reasons may appear.

Mr. HALE. Unless some Senator desires——

Mr. ALDRICH. I should like to say a few words before the Senator from Maine withdraws his motion.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Rhode Island?

Mr. WARREN. I understand the Senator from Maine has the floor. If the Senator from Rhode Island [Mr. ALDRICH] is not in a hurry, I should like to say a few words.

Mr. HALE. What I was proposing, Mr. President, was, after Senators had debated this matter to their content, to withdraw the motion and take this matter away from the Senate; but I will not do that at present if Senators desire to speak.

Mr. ALDRICH. I will yield to the Senator from Wyoming, though I only wanted to speak for a moment.

Mr. WARREN. Very well; go ahead.

Mr. ALDRICH. Mr. President, I hope that the timely utterances of the Senator from Maine [Mr. HALE] will have the serious attention of the Senate, especially of Senators sitting upon this side of the Chamber, who are responsible for legislation. Up to this morning we have had in the present fiscal year an excess of expenditures above receipts of $38,000,000. In the corresponding period of last year we had an excess of receipts above expenditures of $52,000,000, making a difference of $90,000,000 as compared with this year. We are certain to have a large deficiency in revenue this year.

But what I especially desire to call to the attention of the Senate is the fact that there are now pending before the Senate and upon the Calendar, or soon to be there, four or five bills that involve unusual and extraordinary expenditures of more than a hundred million dollars; and I am sorry to say that one of those items of expenditure is a proposition offered by the Senator from Georgia [Mr. BACON], who is constantly an economist in observation, involving at least $10,000,000. I hope the Senate will seriously consider these questions of abstracting money from the Treasury of the United States by these enormous expenditures, which are sure to be made a subject of criticism. In the approaching political campaign we shall see the Senator from Georgia [Mr. BACON], the Senator from Texas [Mr. CULBERSON], and other Senators upon the other side upon the stump criticising the Republican party for their enormous expenditures—expenditures made at their suggestion and with their cooperation. I think it is quite time that we should give these questions serious consideration upon this side of the Chamber.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. FORAKER. Before the Senator takes his seat——

Mr. ALDRICH. I yield to either Senator.

Mr. FORAKER. I did not know the Senator from Texas had been recognized. I yield to him.

Mr. CULBERSON. I understand the question before the Senate is on the motion of the Senator from Maine [Mr. HALE] to reconsider the vote by which the Army appropriation bill was passed. I ask the Senator from Rhode Island if he believes that the bill carries a greater appropriation than it should, and further, if he is in favor of that motion?

Mr. ALDRICH. I was discussing another phase of this question—the question of public expenditures.

Mr. CULBERSON. I observed that.

Mr. ALDRICH. I will say in explanation of the manner in which this bill comes here with these increasing appropriations made necessary by an increase in the pay of the Army, which we all voted for perhaps——

Mr. TELLER. No; not all.

Mr. ALDRICH. Well, a large majority.

Mr. WARREN. Mr. President, if there are any repentant sinners here, I hope they will reconsider and put themselves straight.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield further to the Senator from Texas?

Mr. ALDRICH. I do not think it possible, I will say, as a practical question, to reconsider the Army bill and reduce the expenditures in that measure this year, but I do think that, in view of the approaching deficiency, we must stop these extraordinary and unusual expenditures of the public funds.

Mr. FORAKER. Before the Senator takes his seat——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Ohio?

Mr. ALDRICH. I do.

Mr. FORAKER. I wanted to ask the Senator if he would not put into the RECORD, along with his remarks about the deficiency we are likely to have for this year, the statement whether that deficiency will be due to a falling off in the revenues or to an increase of appropriations?

Mr. WARREN. Or both.

Mr. ALDRICH. Both.

Mr. FORAKER. And to what extent, if the Senator can tell us, approximately?

Mr. ALDRICH. I think I can accurately.

Mr. WARREN. I understand the Senator has it there, so that it may all be printed.

Mr. ALDRICH. Yes; I will put it into the RECORD.

Mr. FORAKER. I shall be glad if the Senator will put all of that in the RECORD.

Mr. ALDRICH. I will put the statement in the RECORD.

The statement referred to is as follows:

From the daily statement of the Treasury Department of April 6, 1908.

Receipts and expenditures.	This day.	This month.	This fiscal year.
RECEIPTS.			
Customs	$753,430.48	$3,666,558.65	$226,538,530.96
Internal revenue	1,410,942.75	3,818,897.04	194,004,852.73
Miscellaneous	229,031.88	908,123.41	47,639,971.84
Total (postal receipts not included)	2,393,405.11	8,393,579.10	468,183,355.53
EXPENDITURES.			
Civil and miscellaneous	680,000.00	4,380,000.00	112,885,833.15
War	350,000.00	1,000,000.00	85,123,722.48
Navy	700,000.00	1,500,000.00	89,352,181.01
Indians	10,000.00	60,000.00	10,998,552.36
Pensions	700,000.00	3,000,000.00	119,819,302.32
Public works	160,000.00	1,090,000.00	72,520,838.04
Interest			15,794,468.42
Total (postal expenditures, except postal deficiency, not included)	2,600,000.00	11,030,000.00	503,494,927.78
Excess of expenditures over receipts	206,594.89	2,636,420.00	38,311,572.25
Receipts last year:			
Customs	1,188,381.62	5,602,650.95	255,616,641.37
Internal revenue	886,294.96	4,095,701.80	205,854,861.68
Miscellaneous	163,871.29	777,454.82	40,850,372.48
Total	2,238,547.87	10,475,807.57	502,321,875.53
Expenditures last year:			
Civil and miscellaneous	420,000.00	2,100,000.00	97,367,534.64
War	490,000.00	1,190,000.00	81,088,900.32
Navy	180,000.00	1,910,000.00	73,609,276.50
Indians	10,000.00	140,000.00	12,056,343.83
Pensions	700,000.00	3,500,000.00	109,000,983.90
Public works	60,000.00	420,000.00	55,948,297.83
Interest			20,748,436.53
Total	1,860,000.00	9,260,000.00	449,819,773.55
Excess of receipts over expenditures	378,547.87	1,215,807.57	52,502,101.98

Mr. WARREN. Before proceeding further—and I will only take a moment or two—I think I ought to put myself right as to the matter concerning which I was surprised into speaking of—the press. I am one of those who believe in the press. I do not know that any of us would be here if it were not for the press, or that we could remain here except with the support of the members of the press. I do not know what we would do without them, and many times I feel that I do not know what we are going to do with them. I do not wish to arraign any member of the press who hastens to obtain previous or unborn news, because the appetite of the people seems to be for such reading matter, and I think it finds lodgment in no place where there is more appetite for it than here in the Senate. We seem to wish to believe when we read a flamboyant article in the morning newspapers which undertakes to speak for the President of the United States or a Cabinet officer that it must be ex cathedra.

Now, in speaking of the author of this article and some publishments which he has made heretofore, he evidently has taken hints and little innuendoes and information received from Department employees and heads of Departments and has coined them into fine tales, which furnish excellent yellow reading matter, and probably he was commended by his Western newspaper and perhaps has been wired to get more of the same stuff, because that is what sells the newspapers and what the reading public seemingly wants.

As to the Army, we always love the Army in war and hate it during periods of peace. If there is any one Senator on this floor who has not arisen in his place at some time and asked something of the Army that is outside of strictly war matters, but which costs money, I hope he will rise and let us see the color of his hair. Senators rise alternately on one side and on the other, and sometimes several together, and ask that the War Department shall send surveyors and engineer officers to this State or that to look over this river or that, or where they want a river and propose to make one, so that they may get into the river and harbor bill with a big appropriation.

That is all charged up to the Army, first, as to the survey, and then, when the survey is made, the Army is called upon to furnish the engineers and to furnish the gray matter with which to execute all of this great commercial work, which is not at all a matter of war. It is a matter of civil government and improvement. The matter of improving our rivers and harbors is a part of the general commerce of the country; yet our Army does it.

Mr. HALE. That is not in this bill.

Mr. WARREN. The engineers are not?

Mr. HALE. The rivers and harbors.

Mr. WARREN. The Engineer Corps furnishes, as I said before, the brains, and the brawn, too, for that matter, for all this work, and they are in this bill. The engineers are a part of the Army, and the appropriations for them are in the bill. If we have an earthquake, we call upon the Army to go and protect the property and clean up. We call upon the Army for more than 600 of its officers in continual service at our State and district military and other schools and colleges throughout the country to teach at such schools. We are not only providing for the Army, but we are providing for the great body politic. We are providing for the militia of the several States and Territories. We are providing for a possible larger Army in case of war.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Indiana?

Mr. WARREN. Yes.

Mr. BEVERIDGE. Just at that point I want to ask the Senator a question. He is chairman of the Committee on Military Affairs and I think can answer it.

He spoke of the case of a future war. If we should have a war, I will ask the Senator whether we have now available more than 65,000 regulars and 145,000 militiamen, not trained for the field, and whether, in his judgment, the present military establishment, if war should come, would be adequate to any kind of a defense against even one army corps of trained and equipped troops in the field?

Mr. WARREN. It would not, located as our Army is.

Mr. BEVERIDGE. I wish to ask the Senator upon that point another question, which is, whether in the matter of equipment, the fundamentals of a fight, such as ammunition and other munitions of war, we are, with our present establishment, equipped to maintain a campaign for a single month against a single army corps?

Mr. WARREN. In answer to that——

Mr. GALLINGER. Where?

Mr. HALE. I wish the Senator would tell us where he expects this imaginary army corps is going to get into this country?

Mr. BEVERIDGE. I have not said anything about any imaginary army corps. The Senator referred to a future war. I will ask the Senator whether or not he thinks a future conflict is impossible to this country?

Mr. HALE. Practically.

Mr. BEVERIDGE. Practically impossible?

Mr. HALE. Yes; practically impossible.

Mr. BEVERIDGE. Then the Senator from Maine would be in favor, I take it, logically—if the Senator from Wyoming will permit me—of dismantling our present military establishment?

Mr. HALE. I would have only a sufficient military establishment—not one soldier more than we have at present—and would add nothing whatever to it. The Senator will never see any war.

Mr. BEVERIDGE. I sincerely hope not.

Mr. HALE. And I hope he will live many years of usefulness. This talk and this worry and this imaginary idea that any nation is ever going to invade our shores is to me nothing but sheer nonsense.

Mr. BEVERIDGE. The Senator can address himself upon that subject to the chairman of the Military Committee. It was the chairman of the Military Committee who first suggested what I suppose is in the mind of every Senator when he thinks about our military establishment or its increase. The Senator who is chairman of the Military Committee referred to the future possibility of conflict. I wish myself, if the Senator from Wyoming will permit me a moment, that I could agree with the Senator from Maine upon that subject.

I have not studied it—of course, the Senator has—but this I do know, that the Senator's beatific views are at variance with the views of a large number of very able, careful, cautious, and conservative men of the same careful judgment as that which distinguishes the Senator from Maine. And this other thing should be noted, Mr. President, at this juncture, that we never yet have gone into a conflict, except only one, where the lack of preparedness did not sacrifice hundreds of millions of dollars more than the appropriations would have been adequately to prepare us for the conflict, as well as sacrifice tens of thousands of lives.

I ask again the question that I asked when the Senator from Maine interrupted me, whether or not, with reference to the mere munitions of war, not only with reference to our troops in case of the untoward and unfortunate contingency of conflict, we have enough munitions of war to maintain a single campaign for a single month against a single army corps in case we did have a conflict?

Mr. WARREN. Mr. President, I am about to make a confession, in answer to that question, which I would not make if the conditions as I will state them had not been already partially remedied. There came to a subcommittee of this Senate a bill from another place that provided ammunition for fortifications in a certain part of the United States. It was stated by the Department that the amount allowed for this place would provide ammunition enough for only fifteen minutes for the mortars and not to exceed thirty minutes for the guns, and there would be no ammunition within hundreds of miles with which to replenish the supply. I will say that that matter has been partially remedied by our proposing to increase the allowance fourfold.

Mr. President, as to future wars, I do not expect them, but it is the unexpected that happens. We to-day have, I think—and somebody will correct me if I am wrong—the smallest standing army in the world, unless it be China or Switzerland—I mean a per capita army.

Mr. BEVERIDGE. Oh, Mr. President, per capita we have far and away the smallest standing army in the world. There is no comparison; there is only contrast. Even in the Republic of Switzerland, which by reason of its position as a neutral state is, indeed, practically immune from war, the standing army per capita, I understand, is far greater than our own. Anybody can tell by referring to the Statesman's Year Book. If I am wrong, I will try to correct it later on.

Mr. WARREN. At any rate, I am sorry that the Senator has spoiled my exception, as the exception proves the rule, it is said; but the statement of the Senator from Indiana [Mr. BEVERIDGE] stands—that the United States has the smallest standing army per capita of any nation.

Mr. BEVERIDGE. Except only China.

Mr. GALLINGER. It is naturally better protected.

Mr. WARREN. It is naturally better protected in some respects and worse in others. I do not state this as any argument why we should generally increase the Army at present, nor do I commit myself to that; but I say, as we go along, that when you come to figure up the demands that are made upon the Army, it is a much smaller army than it appears at first blush. Of course, when a man has eaten a hearty meal he is not hungry, and when Senators all about us have had the War Department at their command to survey their rivers and in consequence secure larger appropriations for rivers and harbors, and have had a part of the Army ordered there to build and take care of the improvements, it is quite natural to kick a little about the expenditures, notwithstanding they have received the benefit.

The Senator who usually sits at my left [Mr. CLAPP]—I do not see him in the Chamber now—registered a few moments ago a vow against the Army, and desired that a vote should be taken on the motion to reconsider the vote by which the Army appropriation bill was passed, so as to show his disgust and disapproval of the Army and a desire to cut it down; yet he is interested and engaged at the present in the consideration of an appropriation bill for Indian affairs, and the Chief of that Department is knocking at the door of the War Department for certain troops to be sent to one of the posts out in Wyoming which the War Department had abandoned. They proposed to resist the demand, but they have finally been overcome by the Indian Office setting forth the great terror that it claims exists there; that there may be hundreds of innocent people slaughtered, and so forth. Yet he decries the Army while calling upon it to do unusual duty in protecting citizens against his wards that he has especially in charge.

Now, Mr. President, the Army is called upon to guard the public parks and grounds. You can not obtain a water right at the Falls of Niagara without going to the War Department; you can not build a bridge anywhere across a navigable stream without the permission of the War Department. It has charge of the navigable waters; it has charge of all rivers and harbors; it furnishes officers, as I said before, to every school in this country that is willing to accept military instruction for its pupils. It seems to me therefore that there is something besides provision for war purposes contained in the Army appropriation bill.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from West Virginia?

Mr. WARREN. Certainly.

Mr. SCOTT. I would remind the Senator that there are many Army officers employed on the Panama Canal.

Mr. WARREN. Of course, but the Panama Canal is a small matter compared with the great amount of work done by the Army. It is just one of the little incidents, but we have to take that into consideration.

Now, as to the Secretary of War and as to the War Department urging the increase of the Army up to 140,000 or 150,000 men, as this article in this morning's Post represents, as I said before, I have never heard of it, and I have been in frequent conference with the Secretary of War over Army matters. We have had him before the Committee on Military Affairs, and he has not even hinted at the necessity at the present time of increasing the Army to any such extent as this newspaper article indicates. But I should think very much less of that Secretary of War, and I should think very much less of his aids and of the General Staff, if they did not look far enough into the future so as to arrange figures and tables and proportions in order that, if we should be surprised into any unfortunate war, the preparations for war in the Department should be up-to-date.

Mr. GALLINGER. I ask the Senator from Wyoming if my memory is at fault when I am laboring under the impression that the Secretary of War did in a recent speech, either in Chicago or Omaha, state that he desired a very large increase in the Army of the United States?

Mr. WARREN. Well, I can not say what the Senator might have seen in the newspapers. I did not happen to see it, I will say.

Mr. GALLINGER. I think if the Senator will examine the newspaper files he will discover that such a suggestion was recently made. I do not think I can be mistaken about it.

Mr. WARREN. Possibly so, or possibly it might have been a review. It might have been the headlines.

Mr. GALLINGER. No; I speak of the Secretary's speech. I had no expectation that this would result in so lengthy a discussion over an article by a newspaper correspondent. That is one reason why I suggested that the article in the Washington Post struck me as being inspired, aside from the explicit dec-

laration that the newspaper man himself made. I may be mistaken about it, but I have in mind the recollection of an utterance of that kind recently made by the distinguished Secretary of War.

Mr. WARREN. Mr. President, I presume that the correspondent had sufficient basis for any real live, energetic, sensational newspaper man to hang a report upon, because I presume that somewhere in the Department, in the staff, perhaps, there are figures of that kind being made, but I certainly shall ask, with a good deal of confidence, the Senate to believe that the President of the United States is not backward about communicating with us, nor are his chiefs of Department. If the President of the United States or the Secretary of War had desired any action on the part of Congress toward doubling the Army, it seems to me that we should have had some communication in an official way.

Mr. GALLINGER. But I think the Senator ought to be a little more frank about that. I assume this has reference to the future, not to the present year, and that we are being prepared for this new programme. That is the way it struck me.

Mr. WARREN. I hope the country will be great enough and will be rich enough eventually so that we will feel we ought to have an Army as large as that, I will say to the Senator, and in saying that, I do not commit myself as to the size of an Army or say what I will vote for if a bill comes up. I was not in the Chamber when the Senator from Maine opened his remarks.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. WARREN. In a moment. I was not certain what was the motion that brought this matter up, but I understand now that the Senator from Maine will withdraw a motion to reconsider. I wish to say that so far as the chairman of the Committee on Military Affairs is concerned, I am perfectly willing that the Senate may reconsider the vote whereby the appropriations were made.

Mr. OVERMAN. I will ask the Senator from Wyoming if it is not generally understood that the information this writer gives to the country is obtained from reliable sources?

Mr. WARREN. From what the Senator said yesterday I should think there may be such erroneous belief.

Mr. OVERMAN. The information he evidently got from the Attorney-General, to which I referred yesterday. I wish to ask the Senator another question. I understand that there are only about 45,000 soldiers now, whereas there is a limit of 65,000. Am I correct?

Mr. WARREN. That is relatively true.

Mr. OVERMAN. The appropriation is made for the whole Army?

Mr. WARREN. The appropriation for 1909 is made large enough, with the hope——

Mr. OVERMAN. Of its growing somewhat.

Mr. WARREN. That the Army will probably be filled to the present limit, which is over 60,000 men and officers.

Mr. OVERMAN. And if the Army is not filled to the limit, then the money is returned?

Mr. WARREN. The unused money, as I stated earlier today, will revert to the Treasury.

Mr. BACON. Mr. President, I have no disposition to take part in the discussion so far as it relates to the act, or alleged act, of any particular officer of the Government. In fact, if I had any disposition, the thinly veiled but evidently political turn which it has taken among our friends on the other side in their scarcely concealed family dispute, would warn me that in venturing in I would be trespassing upon ground where I did not belong. So I wish to disclaim anything in what I have said or what I may say as having any reference to any particular officer of the Government, or taking any part in their domestic differences.

In fact, Mr. President, I only rose for the purpose of replying to what needs a reply, because the Senator from Rhode Island [Mr. ALDRICH] named me—not simply referring to measures that I am interested in, or which I have advocated, but specifically naming me.

I want to call attention, Mr. President, to the fact that the Senator from Rhode Island introduced this particular feature of the discussion in connection with the alleged necessity for economy, while urging that we should not pay out the money of the Government when in so doing it would result in a deficiency and when it may be needed for other purposes, and contending that there should not be appropriations of an extraordinary character which, as he said, will carry the appropriations to over $100,000,000 in excess of what they will be for the ordinary needs of the Government.

Mr. President, that would seem necessarily to involve the proposition that the particular measure with which he couples my name was a measure in which there was sought to be collected from the Government either an alleged debt or contested claim, or to secure an appropriation for some purpose which could be honorably and properly and justly denied by the Government.

But, Mr. President, the particular measure the Senator mentioned, and with which he connected my name, is not one of a claim against the Government on account of which an alleged indebtedness arises, and the correctness of which may be properly contested, but it is simply the proposition that the Government shall return to those who legally own it something which does not belong to it, and which the Government is holding under the decision of the Supreme Court of the United States not as its own property, but simply in trust for those to whom it belongs.

I have here the volume of the Supreme Court decisions in which that particular ruling is made—not by any inferior court, but by the Supreme Court of the United States—in a decision pronounced by Chief Justice Chase, in which he says that this money does not belong to the Government, that it never did belong to the Government, and that the Government never intended in taking possession of it to deny it to those to whom it properly belongs.

I wish to read in the hearing of the Senator from Rhode Island the language of the Supreme Court of the United States, if I may have his attention. The Senator is urging economy and urging that the Government shall have the use of funds, including funds which, according to the highest tribunal in this land, do not belong to the Government.

In discussing the question whether or not the Government should return it to those to whom it belongs, Chief Justice Chase, speaking for the court, uses this language——

Mr. ALDRICH. What year was that?

Mr. BACON. The year of the decision?

Mr. ALDRICH. Yes.

Mr. BACON. It was in the term of 1871, and I presume that is the year of the decision. Chief Justice Chase—and I beg the Senator from Rhode Island to give heed to this language; I want the Senator from Rhode Island to hear it.

Mr. ALDRICH. I am listening.

Mr. BACON. No; the Senator is not listening. I do not at all wonder that the Senator is not willing to hear it, and I do not at all wonder that anyone would be unwilling to hear it who objects to the payment of this money.

Mr. ALDRICH. Will the Senator allow me to interrupt him?

Mr. BACON. I will for a question.

Mr. ALDRICH. I have been a member of the Senate for twenty-seven years, and I have heard that citation made in every Congress since I have been a member of the Senate.

Mr. BACON. The more reason why the Senator should endeavor not to hear it again, because every time he hears it it must hurt him badly, taking the position he does that the Government should refuse to pay over this money. But I will read it now. Speaking of the duty of the Government of the United States to return this money to those to whom they say it belongs and to whom it only belongs, Chief Justice Chase, speaking for the court, uses this language in the Klein case:

> To refuse it would be a breach of faith not less "cruel and astounding" than to abandon the freed people whom the Executive had promised to maintain in their freedom.

The Chief Justice of the United States, Chief Justice Chase, could hardly have used language which was intended or which could have had the power to express more forcibly the duty of the Government in this particular.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. HOPKINS. Will the Senator from Georgia allow me?

Mr. BACON. Certainly.

Mr. HOPKINS. The Chief Justice in the case of Haycroft *v.* The United States, cited in 22 Wallace, some years after, giving expression to the statement the Senator has read there, in speaking of this money, did not apply it in the general term in which the Senator now expresses it, but said:

> And again (page 139), that "the proceeds of the property have passed into the possession of the Government, and the restoration of the property is pledged to none except those who have continually adhered to the Government."

Mr. BACON. Well, Mr. President——

Mr. HOPKINS. Making the point clear and distinct that it belonged only to those who came within the limitations of the law that was passed in 1863.

While I am upon my feet, I desire to call the Senator's attention——

Mr. BACON. If the Senator wishes to discuss the question he possibly had better discuss it in his own time. I am perfectly willing to yield to the Senator for the purpose of answering an inquiry.

Mr. HOPKINS. I do not desire to discuss it at any length on this occasion. I simply wanted to correct the Senator on that point, and if the Senator will allow me upon one other point, while I am on my feet——

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Illinois?

Mr. HALE. I ask the Senator from Georgia to yield to me. I am called from the Chamber.

Mr. BACON. I yield to the Senator from Maine.

Mr. HALE. I withdraw the motion to reconsider.

Mr. BURKETT. Before the Senator from Maine withdraws the motion——

Mr. BACON. The Senator from Maine can not withdraw it at this time. I am discussing it before the Senate.

The VICE-PRESIDENT. Does the Senator from Georgia object?

Mr. BACON. I do, until I finish what I have to say.

The VICE-PRESIDENT. Objection is made.

Mr. BACON. The Senator sat still and heard the Senator from Rhode Island make an attack specifically upon this proposition and name me particularly, and now the Senator avails himself of my courtesy in yielding to him the floor to allow him to make an inquiry or suggestion with regard to this discussion for the purpose of withdrawing the motion in order that it may end what I have to say.

Mr. HALE. I do not want to interfere with the Senator from Georgia. I am called necessarily from the Senate, and I wanted to make the formal withdrawal. Of course the Senator understands that an appropriation bill is coming right up, and he can discuss this question and any other question upon that just the same as upon this. I can not stay here.

Mr. BACON. I am replying to what has been said to me in this discussion.

Mr. HALE. I desire to withdraw the motion, and then the Senator can go on if he chooses.

Mr. BEVERIDGE (to Mr. HALE). You do not take him off his feet.

Mr. HALE. I do not take the Senator off his feet. I do not want to take him off his feet.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I yield.

Mr. TELLER. I want to say that, under the rules of the Senate, no Senator can be taken off the floor before he concludes by withdrawing what is before the Senate. That is the rule which has ever been in force here.

Mr. HALE. Undoubtedly; I understand that. I can not withdraw the motion if the Senator objects.

Mr. TELLER. The Senator from Georgia has a right to proceed in his own right until he gets through.

Mr. HALE. Undoubtedly.

The VICE-PRESIDENT. The Senator from Georgia has that right. The Chair asked the Senator from Georgia if he would yield to the Senator from Maine. The Chair understood the Senator from Georgia said that he would. The Senator from Maine then asked leave to withdraw the motion. The Chair understood the Senator from Georgia to object to the withdrawal. The Chair is of the opinion that the motion can not be withdrawn except by leave.

Mr. HALE. Undoubtedly.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. HALE. I do not think when no Senator is on the floor that I would then be forbidden to withdraw my motion. I can do that. But, of course, I can not take the Senator off the floor, and it is only by his consent that I could withdraw it.

Mr. BACON. I do not understand that the Senator from Maine could have had any other object in making the motion except to take me off the floor.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. I do, with great pleasure.

Mr. ALDRICH. I am willing to withdraw my allusion to the Senator from Georgia if that will simplify matters.

Mr. BACON. I have no doubt the Senator finds the discussion extremely unpleasant to him and that he would be glad of anything that would efface it, but I do not intend that the Senator shall have that opportunity.

Mr. HOPKINS. Now, if the Senator from Georgia will allow me.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. BACON. I yield to the Senator from Illinois for the purpose of a question, but not for the purpose of replying at this time to me, because the Senator can do that in his own time.

Mr. HOPKINS. I will state that the purpose of the interruption is to call the Senator's attention to the fact that there is no separate fund in the Treasury known as the "cotton fund;" that if the claim, as the Senator has presented it, should be passed by Congress appropriations would have to be made to meet it the same as appropriations are made to meet the requirements for the support of the Army or the Navy; and that the Secretary of the Treasury a few years ago stated that the only amount of money now that is in the Treasury received from abandoned and captured cotton is cotton that was taken from the Confederate Government.

Mr. BACON. The Senator can state that in his own time.

Mr. HOPKINS. Very well.

Mr. BACON. The Senator will have an ample opportunity.

The VICE-PRESIDENT. The Senator from Georgia declines to yield further to the Senator from Illinois.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I yield to the Senator.

Mr. HALE. I only wish to make a suggestion. Does the Senator object to my making the request, as I am called from the Chamber, that at the close of his remarks——

Mr. BACON. Mr. President, I do object. The Senator can leave with any other Senator the authority to withdraw the motion for him at the proper time. I do not think that at a time when a Senator is discussing the matter it is proper that it should be now interjected.

Mr. HALE. I was only going to suggest that it should be done when the Senator was through.

Mr. BACON. I would have been through long since if Senators had not interrupted me.

Mr. BURKETT. I will say to the Senator from Maine that——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. Very well.

Mr. BURKETT. Before the motion is withdrawn I want to have an opportunity to say a few words.

Mr. HALE. Well, let the matter go.

Mr. BACON. Now, Mr. President, I did not rise for the purpose of any elaborate discussion of the question at this time. I only rose because the Senator from Rhode Island had specified a particular matter now before the Senate, and not merely before it, but which is pending as the unfinished business, and had pointed out as a matter of extravagance a proposition which I favor, and had, I think, done me the probably undeserved honor of saying that I was a great advocate of economy. I am afraid I am not as much so as I should be, and I am rather inclined to think that Senators on the other side of the Chamber will recognize the fact that it was an undeserved compliment which the Senator from Rhode Island paid me at that time.

But I wish to say that the Senator from Rhode Island, assuming to speak in the interest of the Government and for the conservation of its resources, pointed out the fact that there would be probably a deficiency, and that he advocated as one means by which that deficiency could be avoided, in part at least, that the Government should keep money and use money which the Supreme Court of the United States had solemnly said did not belong to the Government; that the Senator from Rhode Island desired to put the Government of the United States in the position of a man who had in his pocket money that the Supreme Court had decided was not his, and who, in spite of such decision, would continue to maintain his style and his luxury by the use of another man's money rather than pay it over to the rightful owner, when he knew that there was no possible appeal from the final decision of the fact that the money did not belong to him. That is the position the Senator from Rhode Island is willing and urges that the Government of the United States shall occupy.

It matters not, Mr. President, that this money had been covered into the Treasury; the fact as stated by the Senator from Illinois is known to us all. It is no new fact, it is not discovery on the part of the Senator from Illinois, that while this fund does not belong to the Government of the United States, it has been mixed with a general fund. That does not change the proposition.

Mr. President, if I were not unwilling to detain the Senate I could illustrate what is the rule of law where a trustee mingles the property of a cestui que trust with his own funds. Does that relieve him of the responsibility or does it increase it? Every tyro in the law knows the answer to the question.

Mr. President, I do not desire to continue the discussion longer than simply to reply to the suggestion of the Senator from Rhode Island that we are in a position to honestly keep up our resources by the use of those funds which the Supreme Court of the United States has solemnly said do not belong to the Government of the United States and never did belong to it, Mr. President.

The Supreme Court of the United States has said, and the words of the act of 1863 bear them out, that it was never the intention of the Government of the United States to retain this money; that they gathered it in the fortunes and the necessities of war, and that as the Army progressed and property without claimants there on the ground fell into the hands of the Army, it was taken possession of in order that it might be preserved and that in due time and in a proper way it might be restored to those who were entitled to it.

It is true that in the beginning, under the act of 1863, it was provided that it should be restored only to those who had been loyal to the Government. But afterwards, under the general amnesty which was promulgated by the proclamation of the President of the United States, under this decision of the Supreme Court of the United States every man who fell within the clemency of that proclamation was entitled to the benefits of that act.

Can that be reversed? Has there even been an attempt of the Government of the United States to secure a rehearing by the Supreme Court of the United States to reverse it?

No wonder, Mr. President, that Senators are familiar with the facts of these cases, because while the learned Senator from Rhode Island has been here for twenty-seven years this question has been here for forty years; and for forty years Senators sitting on that side of the Chamber have denied to the people that which the Supreme Court of the United States, with not a man on the court from the section particularly interested, have decided did not belong to the Government of the United States, but that it belonged to the original owners. Senators, I say, during those forty years have sat here and denied this act of justice in the face of the decision of the Supreme Court finally and forever settling the question of right.

Mr. President, I have said to one of them this morning in private conversation that I was astonished at him, and I am astonished at him—a small matter as it is compared to other expenditures before us, a small matter as it is compared to other claims which are recognized by the Government continually, and a matter which, whether great or small, is one in which the right has been finally adjudicated by the Supreme Court.

Mr. President, there are tender women and dependent children to-day, the daughters and the grandchildren of the people to whom this money originally belonged and to whom it belonged during their lives, who to-day are suffering because of the fact that the Government of the United States—the great, wealthy Government of the United States—has in its coffers, and refuses to deliver up, $5,000,000 that the Supreme Court of the United States says does not belong to the Government and does belong to these people. Am I excused in saying that I am astonished that any Senator will sit in his seat in the face of this decision and say that he does not think that that money ought to be paid out to those to whom it belongs?

Mr. OVERMAN. Will the Senator from Georgia yield to me?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. BACON. I do.

Mr. OVERMAN. I hold in my hand a report of the committee of this body showing that in the Fifty-fifth, Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses it recommended this bill favorably to the Senate after a thorough investigation, and I hold a very able report in my hand by the Senator from Minnesota [Mr. CLAPP] giving all the facts and the opinion on the subject.

Mr. BACON. Not only so, Mr. President, but in addition to those Senate reports, in four Congresses, four committees of the House of Representatives, twice the Committee on the Judiciary of the House of Representatives, twice the Committee on War Claims of the House of Representatives, have, after a most careful consideration and examination, reported solemnly to the House of Representatives that this money was in the Treasury of the United States and did not belong to the Government of the United States, but does belong to these people; and then, as stated by the Senator from North Carolina, four reports from four committees of this body, one of them made by my honored friend the Senator from Colorado [Mr. TELLER], four separate reports without a dissenting voice, not simply saying the Government of the United States ought to pay the claimants, not simply saying that it was a debt that the Government owed, but saying positively and specifically in the language of the Supreme Court of the United States that the Government of the United States has money in its Treasury vaults that does not belong to it.

Why, Mr. President, it is bad enough when the Government of the United States refuses to pay a just debt; it is bad enough when it turns a deaf ear to a just claim where there may be some ground for contention; but how does it comport with the dignity and the credit and the honor of the Government of the United States to have within its coffers and refuse to deliver to its owners money that the supreme tribunal of the country has said does not belong to it? That is the ground on which we appeal to Senators.

Mr. MONEY. Will the Senator from Georgia yield to me?

Mr. BACON. With pleasure.

Mr. MONEY. By the courtesy of the Senator from Georgia, I want to address the Senate on this subject for a few moments only.

Mr. BACON. If the Senator will pardon me, I have said as much as I want, and the Senator can have the floor.

Mr. MONEY. Thank you.

I do not intend, Mr. President, to take up the legal or judicial side of this controversy. I think I have read a hundred times all the literature connected with this case, all the decisions of the Court of Claims and of the Supreme Court of the United States. I know the legislative history of it. I have read every solitary report that has ever been made, and there never has been a minority report. I have introduced this bill ever since I have been in the Senate one term after another. I fought for it when I was in the House twenty-five years ago, and Judge Culberson, the chairman of the Judiciary Committee, made upon it what I considered one of the ablest reports that I ever read in my life on any subject.

I do not intend to speak to the honorable Senators as to what the Supreme Court says as to whether this is or is not public money or private trust funds, but I want to say something for the honor of the United States of America, perhaps the greatest Government in the world, and, being governed by its own citizens, it should be the best Government in the world. I want to say, gentlemen, that when you deny the authority of the Supreme Court that is well enough; let it go; but when you come to consider the position in which you place this Government to which you owe allegiance, and whose honor you have sworn to protect, you say that you will place the United States in the rank of robbers and thieves, which you do by your action in this matter.

For two hundred years or more no international law or laws of war have permitted any hostile army to plunder private citizens on land. That has been outlawed centuries ago. No government to-day that claims a civilization has for more than two hundred years ever captured the private property of people on land during the progress of war.

And I want to say that the United States of America has covered herself with imperishable glory in the affairs of nations by attempting to have this beneficent rule of action in time of war transferred to the high seas and to make private property at sea just as sacred as it has been for over two centuries on land. The convention at Paris in 1856 was not signed by the United States and Spain. Alone of all the thirty-six signatories to that convention they refused to sign for what reason? The United States, through her delegates at that convention, intended to enforce upon nations as their law that private property should be respected at sea as well as on land. It was not admitted by that convention, and consequently the United States of America, followed by Spain, refused to sign that convention, but declared privateering piracy.

Now, that is the glorious history of the United States, and here are these gentlemen who would put us in the ignoble attitude of having plundered private persons and private property in time of war, of having brought to her strong box the money that belongs to other people, and are now holding it with the tenacity of death itself, for fear the rightful owners will come in possession of it.

It is a shameful attitude in which the Government of the United States is being placed to-day by her servants. This Government can not afford to do wrong to anyone anywhere on the broad globe where the shining sun looks down upon it; much less can it afford to plunder the wretched, the miserable, and the poor.

Since when has the ignoble doctrine entered in the minds of men sitting in this Chamber? I recollect hearing a distinguished gentleman on that side say that this is the last little bit of booty which the United States asks. Is the United States to be classed with the wretched scroundrels who lingered between the flags of both armies and pillaged with equal hand both friend and foe?

Gentleman, you can not afford to do it. If you can do it, the Government of the United States can not afford to follow the action which you apply. This is a just demand. The Supreme Court has decided in tones that can not be mistaken nor misrepresented by any decision that may be quoted here. Look at the Klein case, the Armstrong case, the Pargoud case, the Padelford case, and any other number of cases where the court decided that the amnesty proclamation wiped away every sin of rebellion and that the claimant stood exactly in the attitude of those who had been strictly loyal during the war and who had already recovered over $9,000,000 of this money.

Now, gentlemen, I have nothing more to say on the subject, but I hope the Senator from Georgia will succeed in his efforts to have consideration at this time.

Mr. FRYE. At the request of my colleague [Mr. HALE], I move to lay on the table the motion to reconsider.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. NELSON. I call for the regular order.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. FRYE. I should like to have the unfinished business laid aside.

Mr. GAMBLE. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. FRYE. I renew my motion.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. FRYE. I move that the motion to reconsider, made by my colleague, and I do it at his request, be laid on the table.

Mr. BURKETT. I will ask the Senator from Maine to yield.

Mr. FRYE. I think this discussion has been profitless and has been long enough in all conscience.

Mr. BURKETT. It has been all one-sided, I will say to the Senator from Maine.

The VICE-PRESIDENT. Does the Senator from Maine insist on his motion? It is not debatable. The question is on the motion of the Senator from Maine to lay on the table the motion made by his colleague to reconsider the vote by which the Army appropriation bill passed. [Putting the question.] The "noes" seem to have it. The "noes" have it.

Mr. BURKETT. Mr. President——

Mr. FRYE. I shall renew the motion as soon the Senator from Nebraska finishes his speech.

Mr. BURKETT. I will say to the Senator I am very much obliged to him. I shall take but a minute or two, but I want to submit to the Senate that the motion that has just been made, together with the motion which it is sought to lay upon the table and the discussion that has been had upon this question, is not one entirely in keeping with the high character of this great body.

If, sir, a young member of this body or a member of the minority of this body had made that motion to reconsider and had followed it up with the character of addresses that have been made here to-day, it might have been overlooked, but for a man of the standing and the character of the Senator who made the motion to make it and then at once serve notice that as soon as he had offered some remarks upon it he proposed to withdraw it, anybody who reads his remarks will observe that the motion was not made in good faith, but was made that the purpose for which his remarks were made might be carried out.

That motion was made for one single purpose, in my opinion, from what followed, and that was to furnish an opportunity to criticise some particular man who is just now attracting some attention in this country. The very remark and insinuation that the Secretary of War was called away from his office frequently and prolonged, and so forth, carried with it an insinuation that no member of this body, it seems to me, should attribute to a man occupying that distinguished position.

Then, also, quoting from this particular article, which had no bearing whatever on the appropriation bill or the consideration of it, injected into this debate a political turn that, in my opinion, neither the Senator from Maine nor any other Senator occupying the position that he occupies has any right to inject into this debate and into this body. Then, as soon as his and other critical remarks were over, by withdrawing himself and absenting himself from the Chamber, shows that his motion was not marked by that fairness that should characterize such a motion.

Mr. President, I agree with the Senator from Maine that there are some reasons for making a motion to reconsider the bill. The Army appropriation bill was reported here yesterday morning, as the RECORD shows, and yesterday afternoon it was taken up and considered with only a half dozen Senators on the floor. It followed a long discussion on some other bills that were not of very much interest to a great many Senators. When the 5 per cent bill was up notice was practically served that that was to occupy the afternoon. I took some pains to make inquiry at the time I left the Chamber after 2 o'clock. There was a long report being read. Senators in general understood that the reading of reports and the discussion was to occupy the afternoon. Then at a time when there were very few members in the Senate the Army appropriation bill was taken up and passed.

I speak as one member. I had some amendments I would have been glad to offer to the bill. There are no doubt others who would have offered amendments if they had been here. The bill went through without the consideration that it should have had.

Now, when the Senator from Maine made his motion to reconsider the bill it was certainly a very proper motion if he had put it in good faith, and as I rather thought the Senator was making the motion when he first made it. I am certain the Senate would have agreed with him and perhaps would have reconsidered it and given opportunity for a reconsideration of any matters that went into the bill. After occupying the whole morning hour with a continued and prolonged talk, which simply amounted to a political assault upon a political candidate in the country, then simply withdrawing the motion and withdrawing himself from the Chamber, it seems to me does not mark the candor and fairness that ought to characterize the action of the Senator from Maine.

The morning hour has passed. At the beginning of it we have our resolutions and our bills and our reports, and so forth. The Senator comes in and injects business that is entirely foreign to the business of the Senate and criticises a great Department of the Government.

Now, let me just make a suggestion, and I am through. The increases for the Army and the Navy that have been made here in the years that are past, and they have been very great and they are alarming, I may say, for I can remember that ten years ago when I came to Congress I think our Navy appropriation bill amounted only to something like $25,000,000. To-day it is four times that many millions of dollars. The appropriation bills are increasing, but let me say to the Senator that if this bill is wrong, if it is an increase out of proportion to what it ought to be, there is no member who is more responsible for it than the Senator from Maine. He, like any other Senator on the floor, has the right to raise a question at the time the bill is being considered.

The Senate and the other branch of Congress are responsible for the appropriation bills. The Secretary of War is not responsible. He is at the head of that great Department. It is his duty, and those who are serving under him, to prepare for Congress the estimates for the Army and to keep pace perhaps with the growth and development of this great Republic; and because in response to their duty, in response to the enthusiasm you might call it that naturally characterizes any man who is devoted to a specific line of work, they make the estimates larger than they ought to be, that is no reason why Congress should appropriate more money than ought to be appropriated.

So I say it comes with poor grace from a Senator occupying the position the distinguished Senator from Maine does, to criticise the head of a great Department, and to criticise him in practically a political way, I may say, to criticise him for that for which the Secretary of War has never been responsible in any shape or manner.

If any of the funds that Congress has appropriated from year to year have ever been misappropriated by the Department, if there has been a leakage in the amount of money, if there have been any false accounts rendered, if there has been any maladministration of the law by the Department, we can well afford to hold up the chief of the Department for wrongdoing before this body and the country, but with the increased appro-

priations for that Department the head of that Department has nothing more to do than to submit at the beginning of each session of Congress what is desired by the Army for the building up of the Army, keeping pace with the growth and development of the country.

When the present Secretary of War came into the administration of the War Department it was when after a long number of years the Army appropriations had been increasing year by year. He had a right to suppose that as Congress year by year had kept up that increase it would keep up that self-same gradual increase to meet the requirements of a growing Republic. He made the recommendation. If Congress is dissatisfied with it, it is the duty of Congress and it is in the power of Congress to reduce the estimates whenever Congress wants it done.

I submit that it is altogether improper for this branch of the Government to criticise another branch of the Government for a thing that this Department of the Government has under its control, but it is more highly improper to criticise it in the manner of the criticism that has been lodged against the Secretary of War this afternoon.

Mr. President, it is all well and good to go to the country with a criticism of the work of our Army. I am not one of those who ever believed in a great standing Army to compare in any measure or manner with some of the great standing armies of the world. It has been brought out here to-day that we have the smallest Army in all the world. In fact, as those familiar with the matter know, we have scarcely enough of an Army to-day to attend to the duties that are required of the Army as imposed upon it by the legislative branch of the Government of the United States.

We have got it scattered everywhere, dredging rivers and dredging harbors; we have it digging canals and watching Indians; we have it in all portions of the country in development work from the Atlantic to the Pacific and even in some of the islands of the sea. They have all that work to do, which is imposed by the legislative branch of this Government, and I submit that it is not a proper thing to do to come in here and make this criticism upon a Department that is simply carrying out the work that Congress has laid out for that Department to do.

So I say that if this bill is wrong the Senator owes it to this body and to himself to insist on his motion to reconsider, and then to point out the errors, or else, by withdrawing his motion, he is convincing all of us that he never did offer it in good faith and never did intend to press it and never wanted to reconsider the bill, and he did not care whether he was here yesterday when the bill was considered or not, but that he simply made the motion to get up here and to lampoon and lambast some other Department of the Government.

I say a Senator occupying the position he does owes it more to himself and to the Senate than to occupy our time in calling the attention of the country to sins of omission or commission, or whatever they may be, of a certain Department of the Government, and then, having done it, to withdraw the motion and retire from the Chamber.

So I submit in his absence to his colleague that in my opinion his colleague owes to himself more than to take this precipitate action.

If these things are wrong, let the distinguished Senator rise here and criticise them, and if the appropriation ought to be reduced, tell us why it should be reduced, and if it ought not to be reduced, let us say so; but let it not go out to the world as if some great wrong had been perpetrated here, and get behind a motion or something of that kind and then not be willing to stand up here and point out anything wrong.

The pay has been raised of the officers and men, and that accounts, perhaps, for nine or ten million dollars in the bill. It may be wrong in the judgment of some members of this body. If it is we have a right to express an opinion against it; but neither the Senator who made this motion nor the other Senators who have spoken would stand up here and say that in their opinion it was wrong to raise the pay of the officers and the men of the Army.

Mr. FRYE. Mr. President, I do not think that the criticism made by the Senator upon my colleague for making the motion to reconsider and then immediately withdrawing is at all just.

My colleague made the motion to reconsider, and it has been pending now for two hours. He did not ask leave to withdraw it until nearly two hours had been occupied with discussion, not of the Army appropriation bill, but of almost everything else.

I now renew the motion, at his request, to lay the motion to reconsider on the table.

The VICE-PRESIDENT. The Senator from Maine moves that the motion entered by his colleague [Mr. HALE] to reconsider the vote by which the Army appropriation bill was passed be laid upon the table.

The motion was agreed to.

FOREST SERVICE RECEIPTS.

Mr. HEYBURN. Mr. President, I send to the Secretary's desk a resolution for which I ask present consideration.

The VICE-PRESIDENT. The resolution submitted by the Senator from Idaho, for which he asks present consideration, will be read.

The Secretary read as follows:

Resolved, That the Secretary of Agriculture is hereby directed to send to the Senate classified and detailed reports of all receipts by the Forest Service during the year 1907. Also to furnish the Senate with full information as to all money on hand on July 1, 1907, on account of the Forest Service, giving the source from which such money was received; and, further, to report all sums of money received on account of the Forest Service since July 1, 1907, and from what source such money was received, and what money has been paid into the Treasury of the United States on account of the Forest Service, and to classify the same.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HEYBURN. I think a word of explanation is due.

Mr. President, at the last session of Congress it was provided in the agricultural appropriation bill as follows:

Provided, That hereafter on or before the 1st day of January of each year the Secretary of Agriculture shall submit to Congress classified and detailed reports of all receipts by the Forest Service and classified and detailed estimates of all expenditures intended for this Service for the next fiscal year and detailed reports of all expenditures under any appropriation for such Service during the preceding fiscal year: *Provided further*, That all money received after July 1, 1907, by or on account of the Forest Service, for timber, or from any other source of forest-reservation revenue, shall be covered into the Treasury of the United States as a miscellaneous receipt.

That is a law. I have made inquiry at the office of the Secretary of the Senate and caused inquiry to be made in the other branch of Congress, and am advised that no such report has been made and that no attempt has been made to comply with this provision of the law. I have, however, found, through the courtesy of clerks having charge of some documents in the Capitol, a typewritten statement, which I have on the desk before me, without any effort at classification such as is required by the act which I have just read, which has not been printed or presented to this body at all and which was not sent to the Senate; in other words, it was not sent to Congress.

Now, I am going to ask not only that this resolution be adopted, but I am going to follow it by asking that a portion of this document which I have be printed, and then I will ask that the resolution be submitted.

The VICE-PRESIDENT. The question is on agreeing to the resolution submitted by the Senator from Idaho.

The resolution was agreed to.

Mr. HEYBURN. Mr. President, I have on my desk a statement which on its face purports to be "Expenditures of the Department of Agriculture for the fiscal year ended June 30, 1907, prepared under the direction of the Secretary of Agriculture by A. Zappone, chief of the division of accounts and disbursements," and then the table of contents. Among the contents of this document, which has not been printed at all, I ask that the part commencing on page 348 and extending to page 452, inclusive, be printed for the use of the Senate in the consideration of the agricultural appropriation bill; and I give notice that if these documents, which were required to be printed by the last appropriation bill, are not before the Senate or available when the agricultural appropriation bill comes up, there will be some cause for delay in the consideration of that appropriation bill.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. I wish to ask the Senator from Idaho if he will, in a general way, make a statement as to what is contained in the document that he asks to have printed?

Mr. HEYBURN. It is a typewritten statement which is sent by the Department of Agriculture, containing in an unorganized form a statement, I presume, of all of the employees of the Forestry Service, but not so classified as was required by the act of Congress, and it, of course, would not be available for general use by being in the shape it appears upon my desk. I would say that it is not a very large document and that it will be absolutely necessary in the consideration of the agricultural appropriation bill.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. CARTER. I inquire of the Senator from Idaho what, if any, objection exists to the publication of the entire report?

Mr. HEYBURN. Mr. President, I have no objection to that. It covers every department of agriculture. I presume that there is a great deal of material in this report that would not be controverted or be subject to controversy; but if any Senator thinks that the whole document had better be printed, I have no objection whatever to that being done.

Mr. CARTER. I ask the Senator to modify his request so as to include the printing of the entire document.

Mr. HEYBURN. At the request of the Senator from Montana, I will enlarge my request, and ask that the entire document be printed and that it be indexed.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the entire document presented by him be printed, together with an index, as a public document.

Mr. CLARK of Wyoming. I should like to ask the Senator from Idaho, who has made an examination of this report, whether or not it contains items of other expenditures than salaries?

Mr. HEYBURN. It contains markedly items of traveling expenses and items of a limited class.

Mr. CULBERSON. Mr. President——

Mr. HEYBURN. The examination of it would be a large task, and I have only spent a few hours over it. I have spent some hours in an examination of it.

Mr. CULBERSON. I would like to inquire what is before the Senate, Mr. President?

The PRESIDING OFFICER (Mr. CARTER in the chair). The question before the Senate is the request of the Senator from Idaho [Mr. HEYBURN] that the document which he presents be printed as a Senate document.

Mr. CULBERSON. What is the document?

Mr. HEYBURN. It is a report of the Department of Agriculture.

The PRESIDING OFFICER. Of expenditures.

Mr. CULBERSON. Is it in answer to a Senate resolution?

Mr. HEYBURN. I am asking for a Senate resolution, and I desire that this document may be available when we are considering the agricultural appropriation bill.

Mr. CULBERSON. I desire to ask, if this document from the Agricultural Department is in response to a resolution of the Senate, what is it?

Mr. HEYBURN. It is not in response to a Senate resolution; neither is it in compliance with the law that we enacted at the last Congress.

Mr. CULBERSON. How much will it cost to print the document?

Mr. HEYBURN. I can not estimate. I am not familiar with estimating the cost of printing.

Mr. CULBERSON. Ought we not to have some idea, Mr. President, as to the cost of printing this document and what is in it before it is ordered to be printed?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I understand that this is a report of the Forester and that it was sent to the House of Representatives.

Mr. HEYBURN. It is the report of the Secretary of Agriculture and necessarily includes the other.

Mr. SMOOT. Let me ask if the Senator knows whether the House document was printed?

Mr. HEYBURN. It was not printed in the House.

Mr. CULBERSON. I suggest to the Senator from Idaho to have the matter referred to the Committee on Printing, or to secure an estimate as to the cost; and, in addition to that, Mr. President, that some person should examine it and state in a measure what it contains. I understand the Senator from Idaho himself is not able to say what is in it. We got into some trouble a few days ago by printing a document without knowing what was in it.

Mr. HEYBURN. Mr. President, I can say that I know something of what is in it; and the portion that I asked originally to be printed is not very much. I hold the pages here [exhibiting] so that you may inspect them. I accepted the suggestion of the Senator from Montana [Mr. CARTER] because I could not give any good reason for not accepting it. I am not especially interested in the printing of any part of the document except the few pages which I hold in my hand, and which would meet all the requirements, so far as I am interested.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I take it that this is the report in conformity, or is supposed to be in conformity, with the law that was passed last year?

Mr. HEYBURN. I do not think it was intended to be in conformity with that law.

Mr. SMOOT. Then, Mr. President, I think if any part of the report is printed the whole of it ought to be printed.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. It seems to me that all of that report ought to be printed.

Mr. BEVERIDGE. Ought it not go to the Committee on Printing, Mr. President?

Mr. TELLER. This class of reports we never send to the Committee on Printing. It is a report from the Department of their expenditures, and I have never known such a report sent to the Committee on Printing. They are printed nem. con.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the document presented by him be printed.

Mr. HEYBURN. With an index.

The PRESIDING OFFICER. With an index thereto attached. In the absence of objection——

Mr. CULBERSON. Mr. President, I understand the Senator only requests the printing of that portion which he has in his hand.

Mr. HEYBURN. I accepted the amendment of the Senator from Montana [Mr. CARTER]. The Senator from Montana and the Senator from Colorado [Mr. TELLER] have both suggested that it was quite worth while to print the entire document. My original request was only for the portion to be printed which I have indicated, but I repeat that I have accepted the suggestion of those Senators.

Mr. CULBERSON. In view of the fact that the amendment was proposed by the present occupant of the chair [Mr. CARTER], I will not object.

The PRESIDING OFFICER. In the absence of objection, the manuscript referred to will be printed as a Senate document, together with an index.

ADJOURNMENT TO THURSDAY.

Mr. ALDRICH. I move that when the Senate adjourns today it adjourn to meet on Thursday next.

The motion was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I ask that the Senate proceed to the consideration of House bill 19355, being the fortifications appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. The Senator from California asks that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. In the absence of objection, it is so ordered. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment of the Committee on Appropriations was, under the head of "Fortifications and other works of defense," on page 1, line 11, to increase the appropriation for construction of gun and mortar batteries, Engineer Department, from $300,000 to $1,135,000.

The amendment was agreed to.

The next amendment was, on page 2, line 24, to increase the appropriation for construction of fire-control stations and accessories, including purchase of lands and rights of way, and for the purchase and installation of necessary lines and means of electrical communication, etc., from $270,256 to $369,891.

The amendment was agreed to.

The next amendment was, on page 3, line 2, to increase the appropriation for supplying current for power and lighting at seacoast fortifications, from $100,000 to $348,888.

The amendment was agreed to.

The next amendment was, on page 3, line 8, before the word "dollars," to strike out "thousand" and insert "and twenty-

one thousand and forty-eight;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That not more than $21,048 of said amount shall be paid to any person for property at, near, or adjoining Fort Armistead, Anne Arundel County, Md.: *And provided further*, That no part thereof shall be so paid until such person receipts in full for all claims of every kind against the United States.

So as to make the clause read:

For the procurement or reclamation of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses, $121,048: *Provided*, That not more than $21,048 of said amount shall be paid to any person for property at, near, or adjoining Fort Armistead, Anne Arundel County, Md.: *And provided further*, That no part thereof shall be so paid until such person receipts in full for all claims of every kind against the United States.

The amendment was agreed to.

The next amendment was, on page 4, line 18, to increase the appropriation for construction of sea walls and embankments from $35,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 18, to insert:

For construction of a sea wall and fill for the protection of the military reservation at Fort Travis, Galveston, Tex., $350,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under the Chief Signal Officer," on page 5, line 7, to increase the appropriation for operation and maintenance of fire-control installations at seacoast defenses from $50,000 to $145,578.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 6, line 4, to increase the appropriation for the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, etc., from $273,000 to $651,013.01.

The amendment was agreed to.

The next amendment was, on page 7, line 11, to increase the appropriation for the alteration and maintenance of the mobile artillery, including the purchase and manufacture of machinery, tools, etc., from $30,000 to $50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 15, after the word "arsenals," to insert "and ammunition of older model than current may be issued for the instruction and target practice of students at the institutions to which the issue of artillery is authorized," so as to make the clause read:

For the purchase, manufacture, and test of ammunition, subcaliber tubes, and other accessories for mountain, field, and siege artillery practice, including the machinery necessary for their manufacture at the arsenals, and ammunition of older model than current may be issued for the instruction and target practice of students at the institutions to which the issue of artillery is authorized, $90,000.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "thousand," to insert "and seventy-five," so as to make the clause read:

For the alteration and maintenance of the Seacoast Artillery, including the purchase and manufacture of machinery, tools, materials necessary for the work, and expenses of the civilian mechanics and extra-duty pay of enlisted men engaged thereon, $475,000.

The amendment was agreed to.

The next amendment was, under the head of "Fortifications in insular possessions, Engineer Department," on page 9, line 18, to increase the appropriation for construction of seacoast batteries in the Hawaiian Islands from $400,000 to $669,400.

The amendment was agreed to.

The next amendment was, on page 9, line 20, after the word "Islands," to insert "not to include Subic Bay or Olongapo," so as to make the clause read:

In the Philippine Islands, not to include Subic Bay or Olongapo, $954,000.

The amendment was agreed to.

The next amendment was, on page 9, line 23, to increase the total appropriation for construction of seacoast batteries in insular possessions from $1,354,000 to $1,623,400.

The amendment was agreed to.

The next amendment was, on page 10, line 4, after the word "Islands," to insert "not to include Subig Bay or Olongapo," so as to make the clause read:

In the Philippine Islands, not to include Subig Bay or Olongapo, $115,000.

The amendment was agreed to.

The next amendment was, on page 11, line 5, before the word "thousand," to strike out "seventy" and insert "one hundred and twenty-nine," so as to make the clause read:

For the construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories at the defenses of the Hawaiian Islands, $129,000, to be expended by the Engineer Department.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to strike out:

For the procurement of one torpedo planter for the Hawaiian Islands, $175,000.

And in lieu thereof to insert:

For the procurement of one torpedo planter and two launches for the Hawaiian Islands, $181,000.

For the procurement of one torpedo planter and six launches for the Philippine Islands, not to include Subig Bay or Olongapo, $193,000.

The amendment was agreed to.

The next amendment was, on page 11, line 20, after the word "Islands," to insert "not to include Subig Bay or Olongapo," so as to make the clause read:

For procurement or reclamation of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works for fortifications and coast defenses in the Philippine Islands, not to include Subig Bay or Olongapo, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 12, line 2, to increase the appropriation for the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals from $704,000 to $933,400.

The amendment was agreed to.

The next amendment was, on page 12, line 7, before the word "fifty," to insert "two hundred and," so as to make the clause read:

For purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $250,000.

The amendment was agreed to.

The next amendment was, on page 12, line 9, after the word "artillery," to insert "and the mechanical supervision of its installation;" and in line 14, before the word "thousand," to strike out "five" and insert "twenty," so as to make the clause read:

For the alteration and maintenance of the seacoast artillery and the mechanical supervision of its installation, including the purchase and manufacture of machinery, tools, materials necessary for the work, and expenses of the civilian mechanics and extra-duty pay of enlisted men engaged thereon, $20,000.

The amendment was agreed to.

The next amendment was, on page 12, line 18, before the word "Islands," to strike out "and Philippine;" and in line 19, before the word "dollars," to strike out "two hundred thousand" and insert "sixty thousand nine hundred and ninety-four," so as to make the clause read:

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to the principal seaports of the Hawaiian Islands, $60,994.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to insert:

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to the principal seaports of the Philippine Islands, not to include Subig Bay or Olongapo $328,620.

Mr. ANKENY. I should like to ask the chairman of the committee to give us a little information about the appropriation in regard to the fortifications of Puget Sound.

Mr. PERKINS. I will state to the Senator from Washington that the committee have increased the appropriations in the bill about $1,600,000 for additional fortifications on Puget Sound. After hearing the reports of various bureaus of the War Department, the Chief of Engineers, the Chief of Ordnance, the Chief of Artillery, and the Chief of the Signal Service, we have provided, as I have said, about $1,600,000 for the fortifications of Puget Sound. I think I can perhaps better answer the Senator from Washington by asking the Secretary to read a communication addressed to the committee by the Chief of Ordnance, which I send to the desk.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary proceeded to read the letter.

Mr. PILES. I suggest that in order to save time the letter be inserted in the RECORD without further reading. It is a very important matter, and we are anxious to have the letter put into the RECORD.

The PRESIDING OFFICER. In the absence of objection it will be so ordered.

Mr. TELLER. Mr. President, what is before the Senate?

The PRESIDING OFFICER. The Senator from California [Mr. PERKINS] requested that a certain letter be read from the Secretary's desk, and subsequently the Senator from Washington [Mr. PILES] asked that it be inserted in the RECORD without further reading, and that order has been made.

Mr. PERKINS. I will state to the Senator that the letter relates principally to the fortifications on Puget Sound, and

gives in detail the work that the Government is now doing at that point.

The entire letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, March 30, 1908.

Hon. GEORGE C. PERKINS,
Committee on Appropriations, United States Senate,
Washington, D. C.

SIR: 1. In accordance with your request, and in continuation of my hearings had before your subcommittee in charge of the fortifications bill on the 28th instant, I have the honor to send you the following information in regard to the coast defenses of Puget Sound.

2. The board on fortifications and other defenses, commonly known as the "Endicott board," appointed in pursuance of the act of March, 1885, in making its report in 1886 did not include any defenses for this district, but as the work of fortifying the seacoast, which was commenced in accordance with the general plans of this board in 1888, proceeded it became apparent that the growing importance of Puget Sound and of the country in its neighborhood demanded an adequate defense of this sheet of water, and it is now considered, in defensive matters, one of the most important regions in the United States. Ten years ago or more the defense of the mouth of the Sound by fortifications was commenced, and considerable progress had been made with the plans which had been prepared by the Engineer Department when, in January, 1905, the National Coast Defense Board, sometimes spoken of as the "Taft board," was appointed by the President to revise the recommendations of the Endicott board in the light of the progress which had been made in the defense of the coast and of the change of ideas which had accompanied the progress in military affairs. The National Coast Defense Board recommended that the entire defenses of the district, including those which were installed or in progress at the time of the report, should consist of seven 14-inch guns, six 12-inch guns, eighteen 10-inch guns, three 8-inch guns, twenty-seven 6-inch guns, eight 5-inch guns, twenty-four 3-inch guns, and forty-eight 12-inch mortars, together with the necessary searchlights, power plants, fire-control installation, and other accessories. The total cost of this installation, exclusive of ammunition, would be something over $10,000,000.

3. Of the defenses recommended there have already been provided for in appropriations, and are either in place or under construction, four 12-inch guns, eighteen 10-inch guns, three 8-inch guns, twenty 6-inch guns, eight 5-inch guns, twenty 3-inch guns, forty 12-inch mortars, and the necessary fire control installation for these pieces, leaving still to be provided for seven 14-inch guns, two 12-inch guns, seven 6-inch guns, four 3-inch guns, eight 12-inch mortars, the fire control installation for these guns, practically all of the power plant installation, and practically all of the searchlight installation. The cost of the defenses already installed has been $5,000,000; that of those remaining to be installed is something over $5,000,000.

4. The above is exclusive of ammunition, of which the proper reserve supply for war purposes corresponding to the completed project of these defenses would cost about $3,500,000. The appropriations for ammunition for the seacoast service have been applicable to the entire United States, and their amount is such that, without partiality to the Puget Sound district, about 65 per cent of the ammunition estimated as necessary could be assigned to it.

5. It should be borne in mind that the defenses projected are coast defenses, and are intended to exclude vessels of war from the waters which they are designed to protect. Their character is such as to compel an enemy to make a landing in order to gain access to any of these waters, or the cities or other organizations on or near them. If such a landing should be made in force it would be necessary to take care of the troops thus operating by other means than these seacoast fortifications, which would not be useful against them. It should also be borne in mind that only such places are fortified as are deemed of sufficient military or commercial importance to warrant protection against attack, and that no effort is made to protect all property which might be subject to destruction by a hostile raid, but whose destruction or possession by the enemy could not exercise an important influence on the outcome of a war, or justify the enemy in putting forth expensive effort for its accomplishment. This principle is exemplified in the Puget Sound district by the projection of fortifications such as are intended only to exclude hostile vessels from the waters of the sound itself. The entrance to the sound being wide, the current and depth too great to permit the use of submarine mines, and the region being subject to fogs, the possibility of hostile ships getting past the fortifications has been considered, and in order to meet it batteries are projected farther up the sound, so that an approaching enemy might know that he would have these to deal with even after passing those at the entrance, while he would always have the hazardous risk of getting out again if he should run in under cover of a fog, leaving the fortifications at the entrance unimpaired.

6. The guns which are installed are all good, and, although the carriages upon which they are mounted are not all of the best type, they are all serviceable or can and are being made so. Nine of the 10-inch guns are on disappearing carriages, which is considered the most efficient type of mounting; the nine remaining 10-inch guns and the 12-inch guns are on barbette carriages, with which the exposure is greater and the rate of fire slower. It would be worth while to replace these barbette carriages with disappearing carriages were it not for the fact that the expense of altering the emplacements would be almost as great as that for constructing new ones. It is therefore considered proper policy to continue these barbette carriages in service, but all new guns to be installed will be upon the standard type of disappearing carriage. The mortars are all thoroughly efficient, but in order to use their full power it will be necessary to strengthen their carriages, which were designed for using the mortars at a lower power than that which they are found capable of. This is an important matter and is covered by the appropriation for the "alteration and maintenance of the seacoast artillery," which is found on page 7 of the current fortifications bill as it passed the House of Representatives, commencing with line 3. The estimate of this department under this item of appropriations was $550,000, which contemplated the distribution of the strengthening of these carriages and other work of alteration over a series of years. The estimate was reduced to $400,000 in the bill as it passed the House of Representatives. I think that this amount ought to be increased.

Very respectfully,

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance, United States Army.

Mr. TELLER. Mr. President, has the bill been read through?

The VICE-PRESIDENT. The bill has been read through with the exception of the last paragraph, which the Secretary will read.

The Secretary resumed and concluded the reading of the bill.

Mr. TELLER. If the bill has been read through and the amendments have been adopted, I want to ask the chairman of the subcommittee a question or two.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. FLINT. I merely want to offer an amendment.

Mr. TELLER. I yield for that purpose.

Mr. FLINT. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, after line 14, it is proposed to insert:

For the procurement of land needed for the site, location, and construction of works for fortifications and coast defenses and emplacements therefor at Point Fermin, Los Angeles County, Cal., $500,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. PERKINS. I ask my colleague if he has any definite information in connection with the amendment?

Mr. TELLER. I yield to the Senator.

Mr. FLINT. In reference to the amendment I desire to say that this matter was referred by the Secretary of War to the board on fortifications. They have made a report as to the cost of fortifying this point. The amount of the estimate for fortifying Point Fermin is $975,300. At the time the report was made it was stated that the land now owned by the Government about Point Fermin was not suitable or in the right location for these fortifications. I have included in the amendment a memorandum for the purchase of additional land for putting in emplacements, and eliminated the amount of the estimate for ordnance and search lights.

Mr. TELLER. How much does the amendment propose to appropriate?

Mr. FLINT. Five hundred thousand dollars.

Mr. PERKINS. I will state that no estimates were laid before the committee for this purpose. Had they been, I doubt not the committee would have favorably considered the matter. If my colleague has a recommendation from the War Department which will enable us to present the matter satisfactorily to the conferees on the part of the other House, I think the committee will not object to the adoption of the amendment.

Mr. FLINT. Mr. President, I wish to impress upon the Senate the importance of adequately fortifying this point. The Government has been expending large sums of money in the construction of a breakwater, in deepening and generally improving the San Pedro Harbor, in order to make of it a suitable port for the accommodation of the commerce of the city of Los Angeles and contiguous territory.

The city of Los Angeles alone has a population of about 300,000 people, and in addition to this it is estimated that there are at least 200,000 more inhabitants in the rich and populous country surrounding this city within a radius of fifty miles.

It will therefore be seen that there are fully 500,000 people, millions of dollars in property, and all the improvements which the Government has made at this place, to say nothing of the now large and rapidly increasing commerce of the port, absolutely without protection of any kind from the attacks of a foreign foe, should our country become involved in another war.

Mr. CLAY. Mr. President, just a word. I always regret to oppose anything offered by the Senator from California [Mr. FLINT], but this bill as it came from the House carried over $8,000,000, and the Senate committee, after thoroughly examining the estimates, have increased the appropriations by $3,200,000, making the total amount carried about $11,000,000. In examining the amounts carried by previous fortification appropriation bills, I find that they have never carried even in the neighborhood of as much as this bill carries.

Mr. President, it is certainly a very serious thing to adopt an amendment carrying $500,000 without that amendment having been examined by the Committee on Appropriations. When amendments carrying great items involving large amounts are presented, they ought at least to be referred to the Committee on Appropriations, and that committee ought to examine them carefully and have some estimate from the Department in regard to them.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. CLAY. Certainly.

Mr. FLINT. I will advise the Senator from Georgia that, as a matter of fact, the committee did have an estimate and a report from the Board of Ordnance estimating the amount to be $975,300; but the plans and specifications had not been received at the time the committee had completed their labors.

Mr. CLAY. The estimates of the War Department on this bill amount to $38,000,000, an amount, I presume, the committee never dreamed of appropriating. If we had appropriated up to the entire estimates, this bill, instead of carrying $11,000,000, would have carried $38,000,000.

We have heard economy preached here to-day; in fact, I believe I heard the Senator from Maine [Mr. HALE] make his usual annual speech in favor of economy, and yet I believe that the naval appropriation bill, which comes under the jurisdiction of the Committee on Naval Affairs, of which the Senator from Maine is chairman, has increased from fifteen million to one hundred million dollars since I have been in the Senate. Mr. President, it is one thing to preach economy and it is another thing to practice economy, to put into operation exactly what you talk about.

If we are going to put on this $500,000 without the Appropriations Committee examining this matter and passing upon it, there are other items, amounting to millions of dollars, which were presented and pressed before that committee and were refused that will probably be urged in the Senate.

My good friend, the Senator from California, tells us that this amendment was before the committee and that an estimate has been made for this item. The presumption is that the Committee on Appropriations did their duty, and if the Committee on Appropriations declined to accept this amendment, it is the best evidence that it ought not to be inserted in the bill.

The senior Senator from California [Mr. PERKINS] is a member of the Committee on Appropriations. He has charge of this bill. His influence is felt in that committee every time we pass upon an appropriation bill, and if the Senator from California, with his usual energy, did not secure the insertion in this bill of this item, it is the highest evidence, in my judgment, that we ought not to agree to the amendment.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. CLAY. Certainly; with pleasure.

Mr. FLINT. Mr. President, I appeared before the subcommittee of the Committee on Appropriations, and did not ask to have this item included in the bill for the reason that the plans and specifications for this work had not then been received; but I stated to the committee that I would offer this amendment in the Senate.

Mr. CLAY. If the senior Senator from California was a member of the Committee on Appropriations that considered this bill, and if the junior Senator from California appeared before that committee, and, with the influence they possess they did not secure the placing of this item in the bill, I repeat it is the highest evidence to my mind that it ought not to go on this bill.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. CLAY. Certainly.

Mr. FLINT. The Senator keeps repeating that my influence or my colleague's influence was not able to have this item included in this bill, and I repeat to him that I did not ask to have the item put in this bill, for the reason that we did not then have the plans and specifications, and I would not ask for it until they were received.

Mr. CLAY. Does not the Senator think that an item of this kind, involving an amount of $500,000, ought to be considered by a committee and passed upon by the committee before we adopt it in the Senate? Is it not true that it is unusual, in passing upon an appropriation bill in the Senate, to adopt an item of such a large amount without consideration at the hands of the Appropriations Committee? I assure the Senator that I would be glad to see the Senator's State secure everything it needs. This bill carries $11,000,000, and about 78 per cent of this entire appropriation goes to the Pacific coast, and it is well that it should, for I realize that the Pacific coast needs more appropriations for fortifications than the remainder of the country; but we have already increased this bill nearly three and a half million dollars; and surely we ought not to increase it another half million without consideration by the Committee on Appropriations.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from California.

Mr. TELLER. Let the amendment be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 3, after line 14, it is proposed to insert as a separate paragraph the following:

For the procurement of land needed for the site, location, and construction of works for fortifications and coast defenses and emplacements therefor at Point Fermin, Los Angeles County, Cal., $500,000.

The amendment was agreed to.

Mr. TELLER. Mr. President, I wish to ask the chairman of the subcommittee what amount the bill appropriates for the use of the Philippine Islands?

Mr. PERKINS. The bill contains an appropriation of $954,000 for the Philippine Islands.

Mr. TELLER. Does that include all the Philippine items?

Mr. PERKINS. It includes all for the Philippine Islands.

Mr. TELLER. How much to the Hawaiian Islands?

Mr. PERKINS. We have increased the amount for the Hawaiian Islands $199,000. I will state to the Senator from Colorado for his information, although he is quite familiar with it, perhaps, that we have discontinued, on the recommendation of the joint military and naval board, any improvements on Subig Bay or Olongapo. The appropriations now in the bill for the Philippine Islands are as follows:

For the construction of two emplacements for two 14-inch guns on Cabello Island, Manila Bay; this is a new project; for emplacements for eight 12-inch mortars on Cabello Island, Manila Bay; for emplacement for one 10-inch gun on Corregidor Island; and to complete emplacement for 10-inch gun on Corregidor Island.

This provides for emplacements for 12-inch guns at an average of, approximately, $80,000 each. It is the plan of the Department to fortify the two islands at the entrance of Manila Bay. We made an appropriation for Corregidor two years ago, and that is nearly completed. This is to fortify the island of Cabello, 7 miles farther up on the opposite side of the bay, and it completely protects the entrance into the bay of Manila.

Mr. CLAY. With the Senator's permission——

Mr. TELLER. I yield to the Senator from Georgia.

Mr. CLAY. Do I understand the Senator from California to say that this bill gives to the Philippine Islands $954,000?

Mr. PERKINS. Nine hundred and fifty-four thousand dollars for secondary batteries in Manila Bay.

Mr. CLAY. As I understand the Senator, that one item is $954,000. If I have made the calculation correctly, and I think I have, the bill carries for our insular possessions, about 72 per cent of which is for the Philippine Islands, $2,925,890.

I call the attention of the Senator to one item of $669,400 for the Hawaiian Islands. There is another item of $954,000 for the Philippines, then $20,000 for the Philippines, then $15,000, then $243,000, then $47,500, then another item of $80,000, then an item of $129,000, then $181,000 for the Hawaiian Islands, and $193,000 for the Philippines, $5,000 for the Philippines, $6,990 for the Hawaiian Islands, and $328,000 for the Philippines, making a third of the entire appropriation.

Mr. PERKINS. The Senator is mistaken in a part of his statement, I think.

Mr. CLAY. I have the bill before me, and I have taken these items from the bill.

Mr. PERKINS. In addition to the $954,000 which I have explained, we have provided for what is called a "torpedo planter"—a steamer, costing $175,000. We have provided for eight steam launches, which are torpedo planters, for the purpose of placing submarine mines and torpedoes. We have also made an appropriation for ammunition and for torpedoes and submarine mines, which, of course, increases the amount to nearly or quite the sum the Senator has stated.

The appropriation of $954,000, as I explained to the Senator from Colorado, applies to the fortification of Corregidor Island and Cebello Island, in the bay of Manila. There is no appropriation in the bill for fortifications in Subig Bay or Olongapo or any other place in the Philippine Islands, of which I have knowledge except these two islands and for the submarine mines and torpedoes to which I have referred.

Mr. TELLER. Mr. President, I have no quarrel with this bill. I am upon the Committee on Appropriations, and we considered the bill. I have no fault to find with it. It is a moderate, modest bill.

This is to be added to the war expenses. We had before us a bill yesterday appropriating practically $100,000,000. We have a bill here to-day to add eleven or twelve million dollars more,

and, with the amendments, I think about $12,000,000. We had a discussion this morning, in which I did not take any part, as to the Army appropriation bill. Somebody claimed here that our friends had taken advantage of the circumstances to attack the Secretary of War.

Mr. President, I do not suppose anyone would attack the Secretary of War on this appropriation bill, because he is like any other officer, simply carrying out the laws that we have made. A few years ago we increased the Army. The Senator from Rhode Island said he supposed we all voted for it. I wish to put in a caveat; I did not vote for it. I did not believe then and I do not believe now that we need an Army of the number we have.

But I do not think it is quite fair to complain of the committee for bringing in a bill here simply to carry out the provisions of the law that we have passed. If the Army is too big, it is not the fault of the Secretary of War nor of the Executive; it is the fault of Congress.

Of course whether the Secretary of War intends to recommend to us an increase of the Army and double the appropriations, so that next year it will be two hundred million instead of one hundred million, I do not know. But I am inclined to think he does. I think the Secretary of War on various occasions has indicated that the Army is dangerously small in his judgment. I do not know whether he is one of those who thinks that we are facing a very dangerous condition and that some nation is going to make an attack on us or not. I have heard that some members of the present Administration have been greatly disturbed for fear that we would have war with Japan. I do not believe it is possible for Japan ever to commence a war against us, and I know we will not commence a war against Japan; at least I think not.

But, Mr. President, if you double the Army you will double the expense and you will probably have some incentive on the part of a large number of people to get up a difficulty, if possible, with some nation so that they may be useful and that the avenues of preferment and distinction may be opened to them.

We have a tremendous Army and Navy expense and it requires continued effort on the part of members of this body to keep down the expenses in that line. Last year our total Army expense was $117,946,692, practically $118,000,000. It will be considerably more than that this year with all these various items, I presume. The expense of our Navy last year was $110,474,000. I understand that it will be considerably larger than that this year. But I do not think that the Committee on Military Affairs and the Committee on Naval Affairs, unless they bring in a great number of new projects, ought to be criticised particularly. I believe that the Committee on Naval Affairs of the Senate have been fairly modest, considering the demand that has been made on them. I understand they are going to report only two battle ships, while the demand on them is for four.

Mr. President, I am not one of those who believe we need a great army, or especially a great navy, but of the two I should prefer a great navy to a great army, because I think sometimes we might make the Navy useful, and I do not know of any way by which you can make the American Army particularly useful. I am one of those who believe that peace and order ought to be maintained in this country, not with the American soldiers, but with the civil authorities. I believe that that can be done in every part of this country. I remember but once or twice in my lifetime since the war that I have seen a condition existing anywhere in the country where, in my opinion, the use of the American Army was justified.

Away back, soon after I came into this body, a provision came from the House in one of the appropriation bills, as I recollect it, that the American Army should only be used where there was a positive provision of law for its use. That was passed through the Senate by a bare majority, as it came from the House, with four Republican votes. I was siting then on the Republican side, and four of us voted with the Democrats on that proposition, and it became a law.

Mr. President, I believe that that ought to be the law. I believe that the States ought to take care of the strikes and difficulties that occur in the different sections of the country; and this demand, whether it be in Kentucky or somewhere else, for an American Army is a mistake.

Mr. McCREARY. Will the Senator allow me to ask him a question?

Mr. TELLER. Certainly.

Mr. McCREARY. I wish to know if there has been a demand made in Kentucky for the Army.

Mr. TELLER. I will say for the credit of Kentucky, I believe they have not made that demand, but if that trouble had existed in some other sections of the country I have no doubt the General Government would have been called upon to intervene.

I was struck by the statement made by the chairman of the Committee on Finance this morning, that we were approaching a very large and serious deficit in our financial affairs, which I suppose everybody knew except, perhaps, as to the exact details which he gave. I think the admonition which he gave need not be addressed to this side of the Chamber at all. It ought to be addressed to his own side, that care should be taken in these various proposals for an expenditure of money to keep within bounds. Of course we can stand it for a year or two; we have a large amount of money on hand, $250,000,000 or so and we can overrun; but is that good administration? Is that wise? I think no one will contend that it is.

In every department of the Government every year we have had to meet this condition. We add to the appropriations. We add new bureaus to the various Departments, and new divisions. It looks to me sometimes as if the executive officers in some branches of the Government spend their time mostly in seeing how they can devise means of increasing the expenditures. I know that a good many of them expend more money than is beneficial to the country.

Mr. President, I have always been in favor of a liberal treatment of the farmers of this country, and we have built up a great Agricultural Department—no longer a bureau, but a Department of the Government. We have gone into all sorts of expenditures, immense in number and not always beneficial, but frequently absolutely hurtful. Yet the expenses have climbed up.

I was struck the other day in looking over an appropriation bill now pending in another place, if it has not got through yet—the agricultural appropriation bill. It does not go to the Committee on Appropriations of which I am a member, and I do not expect to have any criticism to make on it except when it comes here. In 1896 there was established in that Department a Bureau of Soils. Just exactly what the Bureau of Soils was to do I think no one at that time knew. We have out in the Western country all sorts of soils, and I suppose a few pounds were sent down to the Department here to determine whether they were really soils that would raise crops or whether they were not.

At all events, the next appropriation was made, and that appropriation was $15,000. That would look like it was a rather large sum of money for the purpose of determining the ingredients of the soil in the different sections of the country. In 1898 we added $15,000 again. In the next year the Department said they needed more money, and as this was a very valuable thing to the farmers, they declared that they must have it, and Congress gave them $26,000. The next appropriation made was $109,000. From $26,000 it went up to $109,000. Does anyone believe that that Bureau has grown to the extent that it needed an increase from $26,000 in 1900 to $109,000 in 1902? The next appropriation was $169,000. The next appropriation was $214,000. The last appropriation was $204,000. By some accident $10,000 was dropped out.

I will venture to say that there is not a Senator here who knows really what the Bureau of Soils does. I know there is not one who can show that the Bureau of Soils has benefited the country to the extent since it has been organized of nearly three-quarters of a million of dollars.

That is one of a dozen things that come before us. We started a few years ago with a little provision in the statute that under certain circumstances the President of the United States might withdraw from sale certain lands and make forest reserves. We had expected that that would occur on the top of the mountains, where the timber was not commercial and where no person would make a home, and where there was nothing except rocks and a few trees and a great deal of snow at certain seasons of the year. I think the appropriation was from three to five thousand dollars the first year. This year it will be over $3,000,000, besides what they have taken in, and I do not know how much that is. When the Senator from Idaho [Mr. HEYBURN] gets the statement printed we may be able to find out. Up to this time I have never been able to find out.

The Government of the United States has established a system of forest reserves. The people in some sections of the country have gone wild about the forest reserves. They tell us that we have burnt up the timber and that we have wasted it and the only salvation now is the protecting hand of the National Government. The States of New York, Maine, New Hampshire, Vermont, if they are not here officially, their people are here, some of them at least, and people from other sections, begging us to establish down in the South a great big national reserve, with millions and millions of acres of land now in private

ownership to be bought by the Government of the United States and to be put into a timber reserve.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. TELLER. I do.

Mr. CLARK of Wyoming. Will it interrupt the Senator if I ask him to recur to the section of the act of last year which provided for the Bureau of Soils. I want to get the appropriation that was made last year.

Mr. TELLER. In 1906 it was $204,000. That is the way it was reported, I believe, in the House.

Mr. CLARK of Wyoming. I want to say to the Senator the present bill as it passed the House and is now before the committee of this body appropriates $368,000.

Mr. TELLER. The bill has not gotten over here and I did not know how much it was. That is a rather rapid increase, from $204,000 to $368,000. But, Mr. President, this is not quite as large as the appropriation for the preservation of the American forests. I am one of those who believe——

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. I yield to the Senator.

Mr. HEYBURN. I can give the Senator from Colorado the figures on the appropriation as it passed the House for the Forestry Service. It is $3,796,200.

Mr. TELLER. That is a little larger than I supposed it was, but I am not at all surprised, because I know that practically we have surrendered the control of the forests and other lands to the forest-reserve authorities. The American who wants to make a home on the public lands has nothing to say about it, Mr. President.

I do not complain. Some people have taken an interest in forest reserves, but is it worth all the money that it costs? We are told every few days that in twenty-eight years the forests will be exhausted in the United States, and then we shall look to some foreign country for our relief. Yet if anybody should suggest that there was a great big country lying north of us anxious to sell us the finest timber in the world that we by our tariff keep out, I suppose the forest-reserve people who have now gone into the lumber business would be greatly outraged if we should conclude to remove the duty on timber coming from Canada and British Columbia. It seems to me it would be wisdom, if we are likely to run out of timber in a few years, to husband our resources and buy some for a time where it can be had and where the people are not so choice with their lumber as we are here.

Mr. President, there is another thing that we have gone into.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. TELLER. In a moment. We have of course a great army of these caretakers in the forests. Not only are they taking care of the forests, but we are told that they are planting trees, and the Government is in the nursery business as well as in the lumber business. I do not know how many there are. I undertook to find out last year how many employees the Forest Reserve Service had, and if we find out at all it will be when the report is printed that the Senator from Idaho had up a few minutes since.

We have to-day, I will venture to say, more special agents than any other country in the world. We have made vast appropriations every year for the special caretakers of the public land and special agents to go out and see that the people do not rob the Government. How many there are I do not believe anybody knows, but that is one of the expenses that you have every year and that you increase every year, like the appropriations for the Bureau of Soils. It will be $100,000 one year and $200,000 the next.

If you are going to economize, you have got to get down to these small items. One hundred thousand dollars; oh, that is nothing—put it in the bill. Ten hundred thousand dollars is a million, and a million is a million taken out of the people who work and who create the wealth of this country. It does not come out of the rich; it comes out of the industry of the country, and it is a tax upon it.

I received a letter some time ago from the Director of the Forest Reserves, in which he congratulated me that Colorado would receive $12,000, generously allowed to us by the General Government out of the revenues of the Forest Reserve Service. When Congress, against my vote and protest, put that provision in the statute, they put also a provision in which I deny their right to do, and provided that 10 per cent of whatever was taken in should be paid to the State. Then they provided, with an arrogance that I have never seen before in any of my public service, that the State should use that money for school purposes and for roads.

Mr. President, if it went at all into the treasury of the State, it belonged to the State and the State has a right to use it. That was a sop supposed to be given to our people, so that they would be satisfied with taking areas of country as big as some of the States and dooming them to solitude and silence, as the saying is, keeping human habitations away from them and making it impossible for any man connected with the State to derive any benefit from it whatever, and to put a troop of Government officers into the reserves for the purpose of securing to the Government a revenue from that which heretofore had been common to all the people of this country.

I do not know, Mr. President, of that vast sum, $12,000, which Colorado received last year, how much came from the grazing of cattle on the public lands. I do not know how much of it came from the honest miner who had paid the Government for the right to cut timber and put it in his mine. I do not know how much of it came from the man who built a cabin on the edge of the timber on a prairie farm and took timber to make his cabin. A very well-known settler said to me, "I drove on the forest reserve my horses and wagon, and I picked up a load of pine knots, and when I drove off there was a forest ranger there who said: 'You must pay for these pine knots.' And I finally gave him a quarter of a dollar to avoid arrest."

Mr. President, I have made some complaint about this matter before. I want to make it again. I mean to continue to make it. I do not want to have anybody here make speeches in favor of economy unless he begins at the proper place, and that is in these small items. The question is whether you are going to buy all the Appalachian Range and pay $5 or $10 an acre for it and put it in a forest reserve. Are States supposed to be willing to cede their jurisdiction? Old Story, who was at one time supposed to be a lawyer and a good judge, declared that the General Government had no right to buy land unless it was to exercise on it a public function. No man can show me authority for it. I deny the right of the Government to buy land and make a forest reserve out of it.

Possibly the Government has authority to reserve land from sale under the law and thus establish forest reserves within the constitutional provisions; but, Mr. President, it is a violation of the principles upon which all the States were admitted into the Union when we provided that while the Government held the lands we would not tax them, because we supposed the Government was doing what the Supreme Court of the United States declared again and again it was doing, holding the lands in trust for the public to use and not for its own gain, except what it might get out of the sale of them.

Mr. President, I do not care to continue this line, except I want to say when the appropriation bill to which I referred comes here I shall endeavor to cut down some of the extraordinary appropriations that are under the paternal idea that we can not do anything for ourselves and the Government has got to do it all. I am one of those who believe a man who does not help himself does not deserve being helped. If the State can not take care of its own forests and take care of everything that belongs to it, it ought not to be a State. I am disgusted and irritated when a man comes in and says, "You ought to do this; we can not do it; the State can not do it as well as the General Government." Why not abolish State lines if that is the fact?

Mr. President, there is not a man here who would dare to think of abolishing State lines. Everybody would know practically that it would be a dissolution of this Government when we had abolished State lines.

But you are willing, some of you, at least, to shear the States, or if you are not here, in some of the other branches of the Government they are anxious to shear the States of all the power and gather in the hands of the Executive of the nation the powers that belong to the people of the States by the very words and letters of the Constitution and by every principle that underlies a free government.

Mr. SIMMONS. Mr. President, I desire to offer an amendment. On page 4, in line 9, I move to insert what I send to the desk.

The VICE-PRESIDENT. The Senator from North Carolina proposes an amendment, which will be stated.

The SECRETARY. On page 4, in line 9, insert as a separate paragraph the following:

For the repair and construction of needful buildings and the construction and installation of suitable modern armament, with a view to strengthening and modernizing Fort Macon, N. C., $250,000.

Mr. SIMMONS. Just one word in explanation.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from California?

Mr. PERKINS. I ask the Senator from North Carolina if there is any estimate from the War Department for that appropriation?

Mr. SIMMONS. There has been none. I introduced a bill covering this amendment, but there has been no report upon it and no estimate. I trust that the Senator from California will not make a point of order against the amendment, because I think I can satisfy him in a few minutes that the work which the amendment provides for is very much needed in the public interest.

Fort Macon is an old fort, built many years before the war at a cost of something over $400,000, and is located at the entrance of Beaufort Harbor. One of the first naval battles of the war was an attack upon this fort. The Government still keeps a few men there, but the fort itself is out of repair, and, I might say, in a state of decay. Its armament is old and obsolete. In its present condition in times of war it would be of no service for the purpose of defense.

Beaufort is an important harbor on the North Carolina coast; in fact it is the only harbor on that coast, except by way of the Cape Fear River, which a vessel of any considerable draft can enter. Ocracoke and Hatteras have in recent years been practically closed to all except very light-drafted vessels.

I do not know why the Government has practically abandoned Fort Macon since the war, but I suppose it is due largely to the fact that Beaufort Harbor was not considered of any great commercial or strategic importance. But recently this has been changed. Beaufort Harbor has become the terminus of a very important railway system, and in a short time it will be connected by a canal of 10 feet depth, which the Government is now preparing to construct and for which an appropriation of $550,000 was made by the last Congress, with the system of sounds extending along the North Carolina coast from Beaufort Harbor to near the Virginia line. These sounds and the rivers which empty into them represent about 2,500 miles of navigable water. When this canal is finished, in times of war, unless Beaufort Harbor is fortified, not only Beaufort Harbor, but all the territory which can be reached by this 2,500 miles of navigable water would be at the mercy of the enemy. Light-drafted vessels of war could penetrate through these sounds and the five or six bold rivers flowing into them 150 miles in different directions into the very interior of the State.

I submit that this situation makes it important that this old fort should be repaired, modernized, and put in readiness against the day of possible danger to the large interests which would be jeopardized in case of war by the failure of the Government to protect this approach.

Mr. PERKINS. Mr. President, my friend from North Carolina [Mr. SIMMONS] is aware that the Board of Ordnance and Fortification was organized in March, 1885. It consisted of nine members, I think—the General of the Army, the Chief Engineer, the Chief of Artillery, the Chief of Ordnance and Fortification, two members of the Navy, and a distinguished civilian. They planned, I think, to fortify twenty-eight different ports of the United States at that time. Every year they have made their estimates to Congress and we have appropriated from time to time until to-day we have $72,000,000 that has already been expended upon these fortifications that was authorized by the Board of Ordnance and Fortification and which was ratified under an act of Congress.

It has been the policy of these boards not to designate in the bill any particular place, but they have distributed their fortifications after consultation where they believed it would be for the best interests of the country. So it is a departure for your committee to recommend any particular fortification, except in some instances like Galveston, Mobile, and Pensacola, which were visited by hurricanes and tornadoes which swept everything away.

I will state further that in 1906, I think, the President organized this board, and the Secretary of War sent a communication to Congress with the report of this Board of Ordnance and Fortification. It consists of Maj. Gen. J. Franklin Bell, Chief of Staff, president; Brig. Gen. William Crozier, Chief of Ordnance; Brig. Gen. A. Mackenzie, Chief of Engineers; Brig. Gen. Arthur Murray, Chief of Artillery; Lieut. Col. George F. E. Harrison, Coast Artillery Corps; Lieut. Col. Erasmus M. Weaver, Coast Artillery Corps; and Gen. Thomas J. Henderson, civilian member. Maj. Lawson M. Fuller, Ordnance Department, continues as recorder.

They made their estimates to Congress amounting, as I have said before, to $38,000,000 in round numbers. Your committee, in considering the recommendations, reduced the estimate which they gave to Congress from $38,000,000 to $11,000,000 in round numbers. Yet in those liberal appropriations I find no recommendation for the improving or rehabilitating of Fort Macon, unless it is contained in this section:

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, $225,000.

The testimony before your committee was that that covers all the estimates of the Department for repairs that were necessary to maintain the different fortifications that were under the direction of the Board of Ordnance and Fortification; and in these liberal estimates there has been none made for Fort Macon. I do not feel like making a point of order against my friend's amendment, however.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. PERKINS. Certainly.

Mr. SIMMONS. Do I understand the Senator to say that the appropriation that he has just referred to is of something over $200,000 for fortifications——

Mr. PERKINS. Two hundred and twenty-five thousand dollars for repairs of fortifications.

Mr. SIMMONS. Would be available for the repairs?

Mr. PERKINS. It will be available for this purpose, if my friend from North Carolina can convince the Board of Ordnance and Fortification that it is necessary to use part of this sum on Fort Macon for its repair.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Wyoming?

Mr. PERKINS. Certainly.

Mr. WARREN. This is an amendment not comprehended by the report of the committee.

Mr. PERKINS. And not estimated for.

Mr. WARREN. And not estimated for.

Mr. PERKINS. Nor submitted to our committee.

Mr. WARREN. I will say to my colleague on the committee that I feel compelled, I think, to make the point of order, because we have here an estimate of nearly $40,000,000. There are other things that might be done and ought to be done and probably will be done to greatly increase that amount.

Now, aside from a few special appropriations, as indicated by the Senator, all of these appropriations are in lump and left to the discretion of the Secretary.

The statement of the Senator from North Carolina appeals to me very strongly, as many another statement regarding other localities do. It seems to me we must ask the Senator to be more patient, to take for those places so much as the Department may see fit to allot, until we can move along year by year and build it up in time.

I shall be compelled, Mr. President, to make the point of order against the amendment proposed by the Senator from North Carolina.

Mr. SIMMONS. I ask the Senator to withhold his point of order for one minute.

Mr. WARREN. Certainly; I withhold it for any remarks the Senator may wish to make.

Mr. SIMMONS. Of course I am aware at the present time that this amendment is open to the point of order, but I trust——

Mr. PERKINS. If the Senator will permit me, it will be in order for the Senator to move to increase the amount, if he has any data which justifies it.

Mr. SIMMONS. I have no data except some information that quite a considerable sum would be necessary in order to repair and rehabilitate this particular fort.

If I understood the Senator from California aright a few moments ago, he said that the board of which he spoke authorized the taking into consideration of these various projects. This is not a new project. It is not a project which has been submitted to a board and passed upon, but it is exactly analogous to the case of the port of Mobile, which immediately precedes in the bill the place where I propose to insert my amendment.

I call the attention of the Senator from California to the fact that this bill contains two provisions for appropriations exactly of the character of the one which my amendment proposes.

On page 4, there is an appropriation made of $589,000—

To complete the repair and restoration of batteries and other structures appurtenant to the defenses of Mobile, Ala., etc.

Now, what I propose here is exactly that thing. We have the fort. It is probably between fifty and seventy-five years old,

and is now in a way kept by the Government. The Government has its officers there. All I desire is a reasonable appropriation to repair, arm, and modernize it, so that in case of war it would serve the purpose for which it was constructed. In its present condition it would be utterly useless for purposes of defense.

I hope the Senator from Wyoming [Mr. WARREN] will not insist upon the point of order against the amendment.

Mr. CLAY. The question is on the point of order, as I understand it, Mr. President.

The VICE-PRESIDENT. Will the Senator from Wyoming [Mr. WARREN] state what is the ground of his point of order?

Mr. WARREN. Mr. President, the point of order is made on the ground that the item is not estimated for and has not been reported favorably from any committee.

The VICE-PRESIDENT. The Chair thinks the point is well taken, and therefore sustains the point of order.

Mr. BACON. Mr. President, I was unavoidably absent from the Chamber when the bill was taken up and during a large part of its consideration. I am therefore unable to determine, without making inquiry, as to whether there is any provision in the bill made in accordance with an estimate from the Chief of Ordnance to the Secretary of War relative to the small appropriation necessary in order that a previous appropriation made for the Augusta Arsenal can be made effective. I do not know whether it is in the bill or not. If not, I want to ask the Senator in charge of the bill to give me the opportunity to present it. Is there anything, I would ask the Senator from California, with his permission, relative to the Augusta Arsenal in this bill?

Mr. PERKINS. Not any more so than there is for any other arsenal. I think that arsenal is included in the appropriation on page 3, commencing in line 18, which reads:

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, $225,000.

Mr. BACON. If the Senator will pardon me, I have in my office, and will send for it immediately, a copy of an estimate and recommendation of the Chief of Ordnance, asking for an appropriation of $6,000 in order that the previous appropriation of $50,000 may be made practically available. The appropriation heretofore made was for the purchase of machinery and the renovation of the Augusta Arsenal in some particulars, so as to put it in a shape where it would be of practical use to the Government, where certain work is needed. That money has been properly expended, but there is nothing in the appropriation which would allow the use of any part of it for the installation of machinery and for certain changes which are necessary in the building in order that such machinery may be installed.

I would not make the suggestion to the Senator if it were not that this is strictly in accordance with the rules of the Senate in the reception and consideration of amendments. There is—and I have a copy of it in my office, as I have said—a distinct recommendation for this specific appropriation of $6,000 for this identical purpose.

Mr. PERKINS. I will say to the Senator from Georgia that on the recommendation of the Chief of Ordnance and the Chief of the Signal Corps, under whose direction the supervision of this work is done, your committee increased the appropriation on page 3, "for supplying current for power and lighting at seacoast fortifications," from $100,000 to $348,888. That money will be available for this purpose if the Chief of the Bureau, with the approval of the Secretary of War, sees proper to so apply it. Therefore I think it is unnecessary to further amend the item.

Mr. BACON. Mr. President, if the Senator will pardon me, might not the other estimates exhaust the amount of the appropriation?

Mr. PERKINS. They might have done so, Mr. President, had not your committee nearly trebled the appropriation for this purpose as the bill came from the other House. We have anticipated the wants of the arsenal to which the Senator from Georgia refers by increasing this appropriation, as I have stated, from $100,000 to $384,888.

Mr. BACON. I understand from the Senator, then, that I may rest in perfect confidence in the fact that the $6,000 recommended in the estimate of the Chief of Ordnance can be paid out of this fund?

Mr. PERKINS. Your committee understood the Chief of the Bureau of Ordnance, General Crozier, when he appeared before the committee, that he could use this appropriation for purposes which embrace the one which has been enumerated by the Senator from Georgia. At all events, he appeared before us and made a specific recommendation for this purpose.

Your committee must necessarily, Mr. President, rely upon the recommendations of chiefs of bureaus of the respective Departments of the Government for the information necessary to enable them intelligently to make such appropriations, and none is superior certainly in point of ability to our present Chief of Ordnance. We gave him all he asked for, all that it was absolutely necessary for him to have in order to carry out the improvements along the lines on which my friend from Georgia has been making his argument.

Mr. BACON. Mr. President, if I recollect aright—I have sent for the paper and I hope it will be here in a moment—this was a supplemental estimate, and it comes within the class designated by the Senator from California, of an appropriation recommended by that officer. It is for a specific purpose.

I desire to say, Mr. President, in that connection, that it is not only important from an ordinary standpoint that the $6,000 should be appropriated, but that until that amount is available to the Chief of Ordnance the $50,000 heretofore appropriated two or three years ago for the purpose of getting the necessary machinery, etc., is absolutely of no effect and can not be made of any practical benefit.

I have here now, which has just been brought to me, the estimate. I have a copy which was sent to me by General Crozier which I shall read. It is not necessary that I should read the heading, which is the usual blank with the printed provisions of law which relate to matters of this kind, and it is, as I recollected, denominated "Supplemental Estimates of Appropriations Required for the Service of the Fiscal Year ending June 30, 1909, by the Ordnance Department, United States Army."

On the left of the column there is the heading:

General object.
Title of appropriation.

And under that the words "Augusta Arsenal, Augusta, Ga." Then the next heading is "Detailed objects of expenditures, and explanations."

For the installation of machinery and for changes in buildings to receive it. Note.—

Now comes the explanation, and I trust the Senator from California will mark the importance of it—

NOTE.—The amount asked for is necessary for the installation of the new machinery provided for by the appropriation of $50,000 in the sundry civil bill approved March 3, 1905, and for changes in the existing buildings to receive the plant, the terms of the appropriation making it available for machinery only. If the additional appropriation is not made, it will be necessary to change that of March 3, 1905, so as to make $6,000 of it available for the purpose herein mentioned. Although this necessity developed some time ago, it was not before the regular estimates were submitted.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance, United States Army.

ORDNANCE OFFICE,
Washington, D. C., March 31, 1908.

Mr. WARREN. Mr. President——

Mr. BACON. The Senator from Wyoming will pardon me for just a moment. The Senator from California will note the fact that this item is said in this estimate to be a necessary appropriation—the word "necessary" is used—and the explanation is given why it was not included in the original estimate, and that explanation is this:

Although this necessity developed some time ago, it was not before the regular estimates were submitted.

Then there is stated opposite to it—

Estimated amount which will be required for each detailed object of expenditure, $6,000.

I will now yield with pleasure to the Senator from Wyoming.

Mr. WARREN. The Senator should present that amendment to the sundry civil appropriation bill. Arsenals are provided for on the sundry civil appropriation bill, and such appropriations in the main are made there.

Mr. BACON. I want to say to the Senator from Wyoming that if I am in error in offering this amendment at this time, I am in error because of the information which I received from the Senator from Wyoming. I went to him when the Army appropriation bill was up and asked him what particular bill this provision should go upon, and I understood him to say it should go on the fortifications bill.

Mr. WARREN. I thought so myself this morning, but on looking over the matter to verify my statement I find that while once there was a provision in regard to arsenals carried in the Army bill, and while possibly there may have been something relating to arsenals in the fortifications bill, yet arsenals proper have been taken care of on the sundry civil bill. I will say that the chairman of the subcommittee on the fortifications bill is a member of the subcommittee on the sundry civil bill. I think I am right in saying that what I heretofore told the Senator was a mistake, and that his amendment really belongs upon the sundry civil bill.

Mr. BACON. Of course, I must yield to the superior knowledge of the Senator from Wyoming, the chairman of the Committee on Military Affairs, but inasmuch as we have the matter up, and I do not think it is inappropriate on this bill, and as the matter has now been explained to the Senate and the absolute propriety of it made manifest, I would be very glad if it could be put upon this bill, and let us get through with it, so that I will not have to repeat what I have already said.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do, with pleasure.

Mr. PERKINS. I was about to remark, Mr. President, that I think the Committee on Appropriations, in connection with the sundry civil appropriation bill, probably have jurisdiction over this matter; but if the Senator from Georgia desires to press it, we will accept it and let it go into conference, where we can consider it.

Mr. BACON. I hope the Senator will do so, and I appreciate very much his courtesy in the matter. It is an appropriation which is manifestly proper. The question of its being upon this or the other bill is not of vital importance, I presume. I therefore, Mr. President, would be glad to have the amendment agreed to. I have not reduced it to writing; but if the Senator from California will indicate at what point in the bill he would prefer to have the amendment come in, I should be glad.

Mr. WARREN. In the meantime I think the Senator will notice that by the statement he has read the original appropriation was carried on the sundry civil bill.

Mr. BACON. It was; that is true.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

Mr. BACON. If the Senator from California will indicate to me the point at which it comes in I will simply use the language of the estimate, namely:

For the installation of machinery and for changes in buildings to receive it at the Augusta Arsenal, at Augusta, Ga., $6,000.

Mr. PERKINS. I think the amendment should come in on page 4, after the word "dollars," in line 4, and that it should be a new paragraph.

Mr. BACON. I thank the Senator very much.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be stated.

The SECRETARY. On page 4, after line 4, it is proposed to insert as a new paragraph the following:

For the installation of machinery and for changes in buildings to receive it at the Augusta Arsenal, at Augusta, Ga., $6,000.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

Mr. BURKETT. Mr. President, I should like to ask the Senator in charge of this bill a question with reference to the Senate amendment on page 4, lines 19, 20, and 21, for the construction of a sea wall at Galveston. As I recall, there were three sections of that sea wall contemplated originally, or rather the wall was divided into three sections. As I remember, the Government built one; the city built one, and I remember several years ago there was some contention between the two as to who should build the other section. Is this amendment to put in something that was washed out, or is it to put in the third section, or what is the object of it?

Mr. PERKINS. It is estimated for in the Book of Estimates by the Secretary of War and recommended by the Department. It is simply a question of policy and expediency. The committee, on considering the matter, had in view the fact that Galveston had been visited by a great tornado; that millions of dollars' worth of property and hundreds of lives had been lost, and yet the people of Galveston had shown indomitable will, energy, and force, and had rebuilt the city at their own expense, taxing themselves enormously for that purpose. We therefore believed that the Government should act upon this matter in a liberal manner, and so we unanimously recommended this appropriation.

Mr. BURKETT. I do not think the Senator understands my question. I am not questioning the advisability of it. I am inquiring what portion of this wall this appropriation is for.

Mr. PERKINS. It is to protect some of the Government fortifications there; but I have not the geography of the harbor photographed on my memory at this time, and so I am unable to give the exact location.

Mr. BURKETT. I remember, Mr. President—and I was interested in this matter because I was on the committee that had charge of it when the original section of the wall was built by Congress—that after the flood at Galveston the engineers determined upon a sea wall. The city built the first section of it. It was a tremendous undertaking and constructed at an enormous expense, and the city of Galveston showed a good deal of pluck and a good deal of loyalty to their particular community in undertaking to build up the town. The Government built at that time a sea wall in front of the Government property. There was, as I recall, a section of about a mile to be built of the other sections, not quite so much perhaps as the city of Galveston had built between the ends of these two walls. There was some controversy at that time, I remember, as to whether the wall should be extended north along the east side of the Government property to protect it, or whether they should hitch the east end of the Government wall and the west end of the city wall together. I remember the ground of the controversy at that time was that, it not being on Government property or in front of Government property, the Government would be without authority to build a wall to connect the two sections together, which seemed the best thing to do from an engineering standpoint. I was wondering whether this provision was to build around the corner or whether it was to connect those two sections.

Mr. KEAN. It says "to build on the Government reservation."

Mr. BURKETT. If the Senator from Texas were here, he would be able to explain it.

Mr. SIMMONS. Mr. President, on page 3, line 20, I move to strike out the word "two," before the word "hundred," and insert the word "three" in place thereof.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 20, before the word "hundred," it is proposed to strike out "two" and insert "three," so as to read:

For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, $325,000.

Mr. SIMMONS. Mr. President, I understood the Senator from California [Mr. PERKINS] to say a little while ago that this was intended to provide for just such cases as that embraced in my amendment. I do not think the amount appropriated by this bill as it now stands will be sufficient, and I simply desire to increase it.

Mr. PERKINS. The question is simply one of policy for the Senate to determine; and, therefore, if the Senate shall determine, as a question of expediency, to increase the amount $100,000, your committee will abide by the will of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADDITION TO DISTRICT OF COLUMBIA COURT-HOUSE.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (S. 4172) providing for the erection of an addition to the court-house in the District of Columbia for the use of the court of appeals.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $200,000 for the construction of an addition to the court-house of the District of Columbia for the use of the court of appeals of the District.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NORTHERN PACIFIC RAILWAY COMPANY.

Mr. BURKETT. I am directed by the Committee on Pacific Railroads to report favorably with amendments Senate resolution No. 93, and I submit a report (No. 481) thereon. I call the attention of the Senator from Idaho [Mr. HEYBURN] to the matter.

The VICE-PRESIDENT. The Senator from Nebraska, from the Committee on Pacific Railroads, reports a resolution, which will be read.

The Secretary read the resolution which had been submitted by Mr. HEYBURN on February 6, 1908, as follows:

Whereas the Northern Pacific Railway Company, a Wisconsin corporation, claims ownership of all the property and estate formerly of the Northern Pacific Railroad Company, a corporation created by

Congress, and in certain litigation instituted by the United States Government in the United States circuit court for the district of Minnesota for the enforcement of the act of Congress of August 7, 1888 (Rev. Stat., sec. 5269), relative to the exercise of telegraphic franchises, the said Wisconsin corporation, opposing the enforcement of said statute and of the duties and obligations imposed by Congress as to the Northern Pacific Railroad and telegraph line, asserted and averred that by reason of certain foreclosure proceedings and of the purchase of the Northern Pacific estate thereunder on and subsequent to July 25, 1896, the said Wisconsin corporation and the said property are relieved from any of the obligations created by the various acts of Congress which were set forth in the bill of complaint of the United States; and

Whereas said Wisconsin corporation has certified to the Interstate Commerce Commission that its capital stock of $155,000,000 was issued "for the purchase of the Northern Pacific Railroad Company's property," and from the statement of said Wisconsin corporation filed with the State of Montana (a certified copy of which is annexed to this resolution) it appears that all of said stock was issued on and prior to July 13, 1896, before any of said judicial sales occurred, and that, with the exception of forty-three shares thereof, all of said stock was issued in payment for the "stocks, bonds, and securities formerly of or belonging to the Northern Pacific Railroad Company, or of interests therein," which stocks, bonds, and securities, it was recited in said statement, "had a cash value exceeding $40,000,000;" and

Whereas it is a matter of public concern that it should be ascertained whether the ownership by the said Wisconsin corporation of the Northern Pacific Railroad land grant and telegraph line is acquired by virtue of valid foreclosure sales divesting the title of the Northern Pacific Railroad Company or whether the same is acquired by purchase of certain securities of the latter company, to the end that it may be determined whether the legal title to the property itself—the railroad, telegraph line, and lands—is vested in a State corporation or in a corporation of Congressional creation over which Congress is possessed of direct and immediate legislative and visitorial power; and

Whereas to enable a vast and unwarranted increase to be made in the issuance and marketing of new stocks and bonds it is alleged that the said Wisconsin corporation upon acquiring the possession of the Northern Pacific estate at once placed upon the same a valuation many millions of dollars in excess of the actual cost thereof, as well as many millions in excess of the valuation which had been reported and returned for the same property immediately prior thereto whilst in the possession or ownership of the Northern Pacific Railroad Company:

Resolved, That the President be, and he is hereby, requested to furnish to the Senate such information as may be obtainable from the Department of Justice, the Department of the Interior, and the Interstate Commerce Commission, upon the matters herein referred to, and to inform the Senate whether on behalf of the Government, through the Department of Justice or otherwise, any investigation has ever been made as to the method of the so-called "reorganization" of the Northern Pacific Railroad Company, under which the Wisconsin corporation, known as the "Northern Pacific Railway Company," claims to have acquired the title to the Northern Pacific estate; and if so, with what result.

Mr. HEYBURN. Mr. President, the proposed amendments have not been stated.

The VICE-PRESIDENT. The Secretary will state the amendments reported by the committee.

Mr. NELSON. Mr. President, the resolution has been read to-day, and it had better go to the Calendar.

Mr. HEYBURN. Before that is done, I desire to say that the committee, recommending the striking out of the preamble and the recitals, have merely reported the resolution in favor of calling upon the President to furnish to the Senate information. It seems to me there could be no objection to having the information; and when the information is in, then I imagine there will be some discussion; but I ask unanimous consent for the present consideration of the resolution asking for information. The recitals have all been stricken out.

Mr. NELSON. I shall have to ask that the resolution go over. I want to examine it.

The VICE-PRESIDENT. The resolution will go to the Calendar, at the request of the Senator from Minnesota.

Mr. HEYBURN. The amendments reported by the committee were not read. The resolution as reported by the committee is not the resolution as introduced. Is it not customary under the rule that the resolution as reported be read?

The VICE-PRESIDENT. It is usual to read a resolution as it was originally introduced. The amendments are considered when the resolution is taken up for action.

Mr. NELSON. I should like to have the resolution printed, so that it will show how it was in its original form and how it has been amended by the committee.

The VICE-PRESIDENT. It will be so ordered.

Mr. BURKETT. The preamble, Mr. President, as the report shows, is stricken out.

Mr. HEYBURN. Did the Senator state that the report on the resolution was favorable, with amendments?

Mr. BURKETT. I stated that the resolution was reported favorably with amendments.

PENSIONERS OF THE METROPOLITAN POLICE FUND.

Mr. SCOTT. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 6105) for the relief of pensioners of the Metropolitan police fund.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, in line 3, after the word "of," to strike out "fifteen thousand six hundred and forty-nine dollars and eighty-eight" and to insert "sixteen thousand seven hundred and eleven dollars and sixty four;" in line 9, after the word "June," to strike out "thirtieth" and insert "first;" and on page 2, line 1, after the word "fund," to insert "in case of the death of any beneficiary under the provisions of this act, the amount due such beneficiary shall be paid to the legal representative thereof," so as to make the bill read:

Be it enacted, etc., That the sum of $16,711.64 be, and the same is hereby, appropriated, out of the revenues of the District of Columbia, to pay the amount withheld from pensioners of the police fund on account of deficiencies in said fund during the period from June 1, 1894, to May 31, 1896; and the Commissioners of the District of Columbia are hereby authorized and directed to adjust and settle all claims for said deficiencies in the payment of allowances made by them to pensioners of said police fund. In case of the death of any beneficiary under the provisions of this act, the amount due such beneficiary shall be paid to the legal representative thereof.

The amendments were agreed to.

Mr. BURKETT. Mr. President, I should like to have the Senator in charge of the bill explain just a little about it. I do not understand it.

Mr. SCOTT. Mr. President, there is nothing at all wrong about the bill. It relates to the Metropolitan police fund of the District of Columbia. The bill gives the Commissioners of the District of Columbia the right to pay this fund out to the people to whom it is due. It has been due for some time, but payment has been held up. The Commissioners have furnished a list of the amount coming to each one of the beneficiaries under this bill, and the amounts vary, I think, from $19, probably, up to $150. It is absolutely a just bill, and these people are entitled to the money.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEATH OF REPRESENTATIVE ABRAHAM L. BRICK.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. ABRAHAM L. BRICK, late a Representative from the State of Indiana, and transmitted resolutions of the House thereon.

Mr. BEVERIDGE. Mr. President, I ask that the resolutions of the House be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the resolutions of the House, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
April 7, 1908.

Resolved, That the House has heard with profound sorrow of the death of Hon. ABRAHAM L. BRICK, a Representative from the State of Indiana.

Resolved, That a committee of sixteen Members of the House be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions; and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect, this House do now recess until Wednesday, April 8, at 11:30 a. m.

The Speaker announced the appointment of Mr. OVERSTREET, Mr. WATSON, Mr. CRUMPACKER, Mr. HOLLIDAY, Mr. CHANEY, Mr. FOSTER of Indiana, Mr. GILHAMS, Mr. DIXON, Mr. COX of Indiana, Mr. GILLETT, Mr. GRAFF, Mr. BOWERS, Mr. HAMILTON of Michigan, Mr. COLE, Mr. LLOYD, and Mr. ALEXANDER of New York.

Mr. BEVERIDGE. Mr. President, on behalf of my colleague [Mr. HEMENWAY] as well as myself, I submit resolutions and ask for their present consideration.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. ABRAHAM L. BRICK, late a Representative from the State of Indiana.

Resolved, That as an additional mark of respect to the memory of the deceased the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Indiana.

The resolutions were unanimously agreed to, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Thursday, April 9, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 7, 1908.

APPOINTMENTS IN THE ARMY.

Cavalry Arm.

Second Lieut. Charles B. Amory, jr., First Infantry, to the Cavalry Arm, with rank from June 15, 1904.

Infantry Arm.

Second Lieut. Arthur J. Davis, Ninth Cavalry, to the Infantry Arm, with rank from June 15, 1904.

POSTMASTERS.

CALIFORNIA.

Thomas H. Hughes to be postmaster at Calexico, Imperial County, Cal., in place of Adolphus M. Shenk, resigned.

COLORADO.

Preston Holbrook to be postmaster at Blackhawk, Gilpin County, Colo., in place of Preston Holbrook. Incumbent's commission expired March 2, 1908.

INDIANA.

Frank Daly to be postmaster at Lynn, Randolph County, Ind. Office became Presidential April 1, 1908.

IOWA.

Edward T. Mills to be postmaster at Buxton, Monroe County, Iowa, in place of C. H. Mendenhall, resigned.

Frederick N. Taylor to be postmaster at Jewell, Hamilton County, Iowa, in place of Gilbert Knudson. Incumbent's commission expired January 11, 1908.

KANSAS.

W. A. Fleming to be postmaster at Summerfield, Marshall County, Kans. Office became Presidential January 1, 1908.

William H. Smith to be postmaster at Colby, Thomas County, Kans., in place of William H. Smith. Incumbent's commission expires April 27, 1908.

MICHIGAN.

Charles N. Spear to be postmaster at Pittsford, Hillsdale County, Mich. Office became Presidential April 1, 1908.

MINNESOTA.

Charles H. Pierce to be postmaster at Northfield, Rice County, Minn., in place of Charles H. Pierce. Incumbent's commission expires April 27, 1908.

MISSOURI.

Elwood Alley to be postmaster at Chaffee, Scott County, Mo. Office became Presidential April 1, 1908.

John T. Farmer to be postmaster at Atlanta, Macon County, Mo. Office became Presidential April 1, 1908.

NEBRASKA.

Thomas J. Taylor to be postmaster at Wilber, Saline County, Nebr., in place of Thomas J. Taylor. Incumbent's commission expires April 8, 1908.

NEW YORK.

William E. Clark to be postmaster at Fredonia, Chautauqua County, N. Y., in place of William E. Clark. Incumbent's commission expired March 16, 1908.

Charles L. Dix to be postmaster at Forestville, Chautauqua County, N. Y., in place of Charles L. Dix. Incumbent's commission expires April 19, 1908.

OHIO.

Wilson A. Korns to be postmaster at New Philadelphia, Tuscarawas County, Ohio, in place of Wilson A. Korns. Incumbent's commission expired March 4, 1908.

PENNSYLVANIA.

Thomas D. Davis to be postmaster at Girardville, Schuylkill County, Pa., in place of Louis Biltz. Incumbent's commission expired April 3, 1906.

William H. Fulton to be postmaster at Stewartstown, York County, Pa., in place of William H. Fulton. Incumbent's commission expires April 19, 1908.

James E. Hunter to be postmaster at Turtle Creek, Allegheny County, Pa., in place of James E. Hunter. Incumbent's commission expired March 2, 1907.

WASHINGTON.

Thomas Harries to be postmaster at Renton, King County, Wash. Office became Presidential October 1, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 7, 1908.

INDIAN AGENT.

Ernest Stecker, of Baltimore, Md., to be agent for the Indians of the Kiowa Agency in Oklahoma.

POSTMASTERS.

MINNESOTA.

S. B. Scott to be postmaster at Zumbrota, Goodhue County, Minn.

NEW YORK.

Judson A. C. Knapp to be postmaster at Churchville, Monroe County, N. Y.

James B. McEwan to be postmaster at Albany, Albany County, N. Y.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 7, 1908.*

[*Continuation of legislative day of Monday, April 6, 1908.*]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6303. An act authorizing the allotment of lands to certain Sioux Indians of the Rosebud Reservation, in the State of South Dakota;

S. 6234. An act for the establishment of a fish-cultural station in Texas;

S. 2253. An act for the relief of Theodore F. Northrop;

S. 6189. An act granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California;

S. 6309. An act to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes;

S. 6083. An act to provide for the purchase of a site and the erection of a public building thereon at the city of Miami, in the State of Florida;

S. 753. An act to provide for the purchase of a site and the erection of a public building thereon at Wallingford, in the State of Connecticut;

S. 592. An act providing for the purchase of a site and the erection of a public building thereon at the city of Walla Walla, in the State of Washington;

S. 6113. An act providing for the purchase of a site and the erection of a public building thereon at Muskogee, Okla.;

S. 3159. An act to authorize the extension, enlargement, and alteration of the public building in the city of Kansas City, Kans.;

S. 474. An act to provide for the purchase of a site and the erection of a public building thereon at Abbeville, in the State of South Carolina;

S. 549. An act granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.;

S. R. 55. Joint resolution authorizing the use of a dredge in improving the channel of Coos Bay, Oregon;

S. 384. An act to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak.;

S. 48. An act to reimburse depositors of the late Freedman's Savings and Trust Company;

S. 6363. An act granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly; and

S. 6462. An act authorizing the Secretary of the Interior to issue patents in fee to the Diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 7618) to authorize the Benton Water Company, its successors or assigns, to construct a dam across the Snake River, in the State of Washington, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. PILES, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the statue of Jabez Lamar Monroe Curry, presented by the State of Alabama to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the

State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of Alabama.

The message also announced that the Senate had passed with amendment bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 1589. An act granting an increase of pension to Susan M. Yeoman;

H. R. 17874. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of soldiers of said war; and

H. J. Res. 148. Joint resolution donating to the Commonwealth of Oklahoma the new flag now floating over the National Capitol.

SENATE BILLS AND RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6303. An act authorizing the allotment of lands to certain Sioux Indians of the Rosebud Reservation, in the State of South Dakota—to the Committee on Indian Affairs.

S. 6363. An act granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly—to the Committee on the Public Lands.

S. 6234. An act for the establishment of a fish-cultural station in Texas—to the Committee on the Merchant Marine and Fisheries.

S. 6189. An act granting a right of way to the Southern Pacific Railroad Company across the Fort Mason Military Reservation in California—to the Committee on Military Affairs.

S. 6309. An act to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes—to the Committee on Public Buildings and Grounds.

S. 6083. An act to provide for the purchase of a site and the erection of a public building thereon at the city of Miami, in the State of Florida—to the Committee on Public Buildings and Grounds.

S. 753. An act to provide for the purchase of a site and the erection of a public building thereon at Wallingford, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

S. 592. An act providing for the purchase of a site and the erection of a public building thereon at the city of Walla Walla, in the State of Washington—to the Committee on Public Buildings and Grounds.

S. 2253. An act for the relief of Theodore F. Northrop—to the Committee on Military Affairs.

S. 6113. An act to provide for the purchase of a site and the erection of a public building thereon at Muskogee, Okla.—to the Committee on Public Buildings and Grounds.

S. 3159. An act to authorize the extension, enlargement, and alteration of the public building in the city of Kansas City, Kans.—to the Committee on Public Buildings and Grounds.

S. 474. An act to provide for the purchase of a site and the erection of a public building thereon at Abbeville, in the State of South Carolina—to the Committee on Public Buildings and Grounds.

S. 549. An act granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.—to the Committee on Indian Affairs.

S. R. 55. Joint resolution authorizing the use of a dredger in improving the channel of Coos Bay, Oregon—to the Committee on Rivers and Harbors.

S. 384. An act to provide for the purchase of a site and the erection of a public building thereon at Minot, N. Dak.—to the Committee on Public Buildings and Grounds.

S. 6462. An act authorizing the Secretary of the Interior to issue patents in fee to the Diocese of Duluth of the Protestant Episcopal Church in the United States of America for certain lands in Minnesota set apart for the use of said church for missionary purposes among the Chippewa Indians—to the Committee on Indian Affairs.

S. 48. An act to reimburse depositors of the late Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 20063) making provision for the District of Columbia for the ensuing year.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 100, noes 75.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

Mr. PAYNE. I make the point, Mr. Speaker, that that is dilatory.

Mr. BARTLETT of Georgia. No quorum, Mr. Speaker.

The SPEAKER. The gentleman from Georgia makes the point of no quorum. The Sergeant-at-Arms will close the doors and notify absent Members, the yeas and nays are ordered under the rule——

Mr. BARTLETT of Georgia. I will withdraw the point of no quorum.

The SPEAKER. The gentleman from New York also makes it.

Mr. PAYNE. No, Mr. Speaker; I made the point of order that the call for tellers was dilatory.

Mr. WILLIAMS. The gentleman from New York did not make the point of no quorum.

The SPEAKER. It is as broad as it is long.

Mr. TAWNEY. I make the point of order.

The SPEAKER. The Chair will make the point of order, and take notice that there is no quorum present. [Laughter.] The doors will be closed, the Sergeant-at-Arms will notify absent Members, the yeas and nays are ordered under the rule, and as many as are in favor of the motion of the gentleman from Michigan when his name is called will answer "aye," and those opposed will answer "no;" those present will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 205, nays 56, answered "present" 12, not voting 114, as follows:

YEAS—205.

Adair	Denby	Jones, Va.	Payne
Adamson	Denver	Jones, Wash.	Perkins
Alexander, Mo.	Diekema	Kahn	Peters
Alexander, N. Y.	Dixon	Keifer	Porter
Allen	Ellerbe	Kennedy, Iowa	Rainey
Andrus	Ellis, Mo.	Kennedy, Ohio	Randell, Tex.
Ansberry	Ellis, Oreg.	Kinkaid	Ransdell, La.
Anthony	Englebright	Knowland	Rauch
Ashbrook	Esch	Küstermann	Reeder
Barclay	Fassett	Lafean	Richardson
Bartholdt	Favrot	Langley	Rothermel
Bartlett, Nev.	Floyd	Laning	Russell, Mo.
Bates	Focht	Law	Russell, Tex.
Beall, Tex.	Fornes	Lawrence	Saunders
Bede	Foss	Leake	Scott
Bennet, N. Y.	Foster, Ill.	Lilley	Shackleford
Birdsall	Foster, Vt.	Lindbergh	Sherley
Bonynge	Foulkrod	Littlefield	Sherwood
Booher	French	Longworth	Slayden
Boyd	Fuller	Loud	Smith, Cal.
Bradley	Fulton	Loudenslager	Smith, Iowa
Brodhead	Gaines, W. Va.	Lovering	Smith, Mich.
Brownlow	Gardner, Mich.	Lowden	Southwick
Burke	Godwin	McCall	Sparkman
Burleigh	Goldfogle	McGavin	Stafford
Butler	Goulden	McGuire	Sterling
Calder	Graff	McHenry	Sturgiss
Calderhead	Graham	McKinlay, Cal.	Sulloway
Caldwell	Hackett	McKinley, Ill.	Tawney
Campbell	Hale	McLachlan, Cal.	Taylor, Ala.
Capron	Hamill	McLain	Taylor, Ohio
Cary	Hamilton, Mich.	McLaughlin, Mich.	Thistlewood
Caulfield	Hammond	McMillan	Thomas, N. C.
Chaney	Harding	Macon	Thomas, Ohio.
Chapman	Haskins	Madden	Tirrell
Clark, Mo.	Haugen	Malby	Tou Velle
Cockran	Hawley	Mann	Volstead
Conner	Heflin	Miller	Waldo
Cook, Colo.	Helm	Mondell	Wanger
Cook, Pa.	Henry, Conn.	Moon, Pa.	Washburn
Cooper, Tex.	Higgins	Moon, Tenn.	Watkins
Cooper, Wis.	Holliday	Moore, Pa.	Watson
Cox, Ind.	Houston	Mouser	Webb
Cravens	Howell, N. J.	Mudd	Weeks
Crumpacker	Howell, Utah	Needham	Weems
Cushman	Howland	Nelson	Wiley
Dalzell	Hubbard, Iowa	Nicholls	Wilson, Ill.
Darragh	Hubbard, W. Va.	Norris	Wood
Davidson	Huff	Nye	Young
Davis, Minn.	Hughes, N. J.	Olcott	
Dawson	Hull, Iowa	Parker, N. J.	
De Armond	Humphrey, Wash.	Patterson	

NAYS—56.

Aiken	Garrett	Hobson	Page
Bartlett, Ga.	Gill	Hull, Tenn.	Pujo
Bowers	Gillespie	Humphreys, Miss.	Reid
Brundidge	Gordon	James, Ollie M.	Robinson
Burgess	Granger	Johnson, Ky.	Ryan
Byrd	Gregg	Kelliher	Sheppard
Candler	Hackney	Kitchin, Claude	Sims
Carter	Hamlin	Lamar, Mo.	Smith, Tex.
Clayton	Hardwick	Lassiter	Spight
Craig	Hardy	Legare	Stephens, Tex.
Ferris	Harrison	Lloyd	Sulzer
Fitzgerald	Hay	Moore, Tex.	Underwood
Flood	Henry, Tex.	Murphy	Wallace
Garner	Hitchcock	O'Connell	Williams

ANSWERED "PRESENT"—12.

Bell, Ga.	Foster, Ind.	Johnson, S. C.	Lee
Cousins	Hamilton, Iowa	Knopf	Roberts
Currier	Jenkins	Lamb	Sherman

NOT VOTING—114.

Acheson	Durey	Kimball	Powers
Ames	Dwight	Kipp	Pratt
Bannon	Edwards, Ga.	Kitchin, Wm. W.	Pray
Barchfeld	Edwards, Ky.	Knapp	Prince
Beale, Pa.	Fairchild	Lamar, Fla.	Reynolds
Bennett, Ky.	Finley	Landis	Rhinock
Bingham	Fordney	Lenahan	Riordan
Boutell	Fowler	Lever	Rodenberg
Brantley	Gaines, Tenn.	Lewis	Rucker
Broussard	Gardner, Mass.	Lindsay	Sabath
Brumm	Gardner, N. J.	Livingston	Slemp
Burleson	Gilhams	Lorimer	Small
Burnett	Gillett	McCreary	Smith, Mo.
Burton, Del.	Glass	McDermott	Snapp
Burton, Ohio	Goebel	McKinney	Sperry
Carlin	Greene	McMorran	Stanley
Clark, Fla.	Griggs	Madison	Steenerson
Cocks, N. Y.	Gronna	Marshall	Stevens, Minn.
Cole	Haggott	Maynard	Talbott
Cooper, Pa.	Hall	Morse	Townsend
Coudrey	Hayes	Murdock	Vreeland
Crawford	Hepburn	Olmsted	Weisse
Davenport	Hill, Conn.	Overstreet	Wheeler
Davey, La.	Hill, Miss.	Padgett	Willett
Dawes	Hinshaw	Parker, S. Dak.	Wilson, Pa.
Douglas	Howard	Parsons	Wolf
Draper	Hughes, W. Va.	Pearre	Woodyard
Driscoll	Jackson	Pollard	
Dunwell	James, Addison D.	Pou	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. BANNON with Mr. BURLESON.

Mr. BEALE of Pennsylvania with Mr. BURNETT.

Mr. PARSONS with Mr. CARLIN.

Mr. BRUMM with Mr. CRAWFORD.

Mr. DRAPER with Mr. HILL of Mississippi.

Mr. DRISCOLL with Mr. LEWIS.

Mr. DUNWELL with Mr. MCDERMOTT.

Mr. GILLETT with Mr. MAYNARD.

Mr. GREENE with Mr. POU.

Mr. HUGHES of West Virginia with Mr. RUCKER.

Mr. MCCREARY with Mr. SABATH.

Mr. STEVENS of Minnesota with Mr. SMALL.

Mr. WOODYARD with Mr. STANLEY.

Mr. DWIGHT with Mr. GAINES of Tennessee.

For the balance of the day:

Mr. GILHAMS with Mr. WILLETT.

For the day:

Mr. GRONNA with Mr. SMITH of Missouri.

Mr. HEPBURN with Mr. WILSON of Pennsylvania.

Mr. POWERS with Mr. PRATT.

Until Wednesday:

Mr. PRINCE with Mr. GLASS.

Until the 14th:

Mr. COOPER of Pennsylvania with Mr. KIPP.

Until further notice:

Mr. JENKINS with Mr. CLARK of Florida.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. FAIRCHILD with Mr. RHINOCK.

Mr. WHEELER with Mr. DAVENPORT.

Mr. COUDREY with Mr. WILLIAM W. KITCHIN.

Mr. DUREY with Mr. LAMAR of Florida.

Mr. COUSINS with Mr. HOWARD.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. HALL with Mr. HAMILTON of Iowa.

Mr. POLLARD with Mr. LEVER.

Mr. KNAPP with Mr. LINDSAY.

Mr. OLMSTED with Mr. EDWARDS of Georgia.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. SLEMP with Mr. WOLF.

Mr. BARCHFELD with Mr. LIVINGSTON.

Mr. PARKER of South Dakota with Mr. LENAHAN.

Mr. MCKINNEY with Mr. PADGETT.

Mr. RODENBERG with Mr. TALBOTT.

For the session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. CURRIER with Mr. FINLEY.

Mr. KNOPF with Mr. WEISSE.

Mr. SHERMAN with Mr. RIORDAN.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20063, the District of Columbia appropriation bill, with Mr. DALZELL in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For care, including salaries of all necessary employees, maintenance, and operation of the Washington Aqueduct, District of Columbia, filtration plant, and for each and every purpose connected therewith, $82,000: *Provided*, That of the appropriation for these purposes for the fiscal year 1908 not exceeding $6,000 may be used for parking the grounds at the Washington City reservoir.

Mr. GARDNER of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 40, after the word "reservoir," in line 3, insert the words: "To be available until the close of the fiscal year 1909."

Mr. MANN. Mr. Chairman, what does the gentleman mean by that—to make it immediately available?

Mr. GARDNER of Michigan. No; available during the coming year. They can not do this work at this time. They have the money, and simply want to use it when they can do the work.

Mr. TAWNEY. It is a prior appropriation.

Mr. GARDNER of Michigan. A prior appropriation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Attendance officers: For two attendance officers, authorized by the act providing for compulsory education in the District of Columbia, approved June 8, 1906, at $600 each; one attendance officer, $900; in all, $2,100.

Mr. PETERS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Amend by inserting after line 6, page 41, the following: "That from and after the passage of this act the labor of children"——

Mr. MADDEN. Mr. Chairman, on that I make a point of order.

Mr. PETERS. I would ask the gentleman to reserve his point of order.

Mr. MADDEN. Oh, I think we ought to make the point of order and get through with it. I make a point of order—well, I will reserve the point of order.

The CHAIRMAN. The Clerk will report further, until the Chair can determine what the amendment is.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry. This, as I understand it, is offered as an amendment, and the first part of it seems to be an entirely separate and independent bill. That being the case, I do not think that it is in order to offer a bill as an amendment in the body of an appropriation bill.

The CHAIRMAN. As soon as there is sufficient of the amendment read to indicate what the purpose is, the Chair will rule on the point of order. The Clerk will continue the reading.

The Clerk read as follows:

That from and after the passage of this act the labor of children in the District of Columbia shall be subject to the following regulations—

The CHAIRMAN. The Clerk will cease reading. That is clearly out of order. It is legislation, pure and simple. The point of order is sustained.

Mr. PETERS. Mr. Chairman, I move to strike out the last word. The amendment I have offered is to incorporate substantially the provisions of H. R. 16373, a bill introduced by myself and entitled, "A bill for the regulation of child labor in the District of Columbia and the Territories," as an amendment to the bill before the House. A bill including the Territories would, as an amendment, clearly be subject to a point of order, so I have drawn the amendment to include alone the District of Columbia.

This amendment provides in substance that no children under 14 years of age shall be employed in factories or workshops, and that children between the ages of 14 and 16 years shall be employed only when a certificate is filed. This certificate must show that they can read and write, have attended school, and are physically able to perform the work for which they are employed. The hours of labor in which children under 16 can work are restricted to forty-eight per week, and no children are allowed to labor between 6 p. m. and 7 a. m. Provisions are also made for proper inspection to assure the carrying out of these regulations. These provisions are, in general, those now in force in Massachusetts.

The President of the United States, in his special message to Congress on March 25, 1908, calls the subject of child labor particularly to its attention, saying:

Child labor should be prohibited throughout the nation. At least a model child-labor bill should be passed for the District of Columbia.

It is unfortunate that in the one place solely dependent upon Congress for its legislation there should be no law whatever to protect children by forbidding or regulating their labor.

The great number of children employed in the factories all over the United States indicates the necessity for their protection and the great need for immediate consideration of the problem of child-labor legislation. Of a total of 4,852,427 children, as shown in the last census, there are employed in all occupations 1,750,178 children between the ages of 10 and 15 years, of whom about one-half are 14 or 15 years old. Of the total number of children between 10 and 15 years of age who are earning money regularly by work, contributing to the family support, or appreciably assisting in mechanical or agricultural industry, there are 1,264,411 males, or 26.1 per cent of all the male children, and 485,767 females, or 10.2 per cent of all the female children in the United States.

The need of proper child-labor laws in the United States is one of the most pressing problems which confronts our people to-day. Taken up by various States in different conditions and at different times, we have child-labor laws ill-considered and, for the most part, drawn with little thought and ineffective in their results. The democracies of Massachusetts, New York, and Illinois lead the States in the regulation of child labor, but the United States as a whole utterly fails to rank in this respect with the enlightened countries of Europe. Child labor in the United States is actually increasing. England, Germany, France, Holland, and Switzerland all have labor legislation guarding the children which is far advanced over that of the United States, which, as a whole, should be ranked with Russia in this particular rather than with any of the enlightened countries referred to.

The necessity of adequate protection for the children is something which should appeal not only through principles of humanity, but through principles of expediency, to the citizens of the United States. A democracy based upon universal suffrage gains its strength from the intelligence of its people. It is essential, therefore, to the welfare of the state that its citizens should be educated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to extend my remarks on this subject in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on this subject.

Mr. PAYNE. Mr. Chairman, I regret very much, in view of what has been done on the other side, that I shall have to object.

Mr. SHERLEY. Mr. Chairman, I ask five minutes additional time for the gentleman from Massachusetts.

Mr. MADDEN. Mr. Chairman, I object.

Mr. PAYNE. Mr. Chairman, I make the point of order against that.

Mr. SHERLEY. That is the gentleman's privilege and it is my privilege to ask it.

Mr. PAYNE. I object, Mr. Chairman.

The Clerk read as follows:

For principals of normal, high, and manual training schools, nine in all, at a minimum salary of $2,000 each.

Mr. LITTLEFIELD. Mr. Chairman, I would like to ask the gentleman in charge of the bill why the language "minimum salary" is used all along through this paragraph?

Mr. MADDEN. I will say to the gentleman it is because under the law we have a graduated salary. At first teachers are appointed at a minimum salary and then they are gradually increased.

Mr. LITTLEFIELD. Is there an affirmative limitation in the statute taking care of the amount of salary?

Mr. MADDEN. Yes.

Mr. LITTLEFIELD. So this minimum proposition does not make it unlimited?

Mr. MADDEN. No; that is to be appropriated for under the law and then a lump-sum appropriation to take care of the increases as they come along.

Mr. LITTLEFIELD. In other words, there is existing legislation that makes these salaries definite?

Mr. MADDEN. Yes.

The Clerk read as follows:

For assistant directors of music, drawing, physical culture, domestic science, domestic art, and kindergartens, six in all, at a minimum salary of $1,300 each.

Mr. PETERS. Mr. Chairman, I move to strike out the last word. This principle is universally recognized in public education throughout the United States——

Mr. PAYNE. I make the point of order that the gentleman is not speaking to his amendment.

The CHAIRMAN. The gentleman from New York makes the point of order that the gentleman from Massachusetts is not speaking to his amendment.

Mr. SHERLEY. Mr. Chairman, I submit the gentleman has not said enough to indicate whether he is speaking to it or not, and the gentleman from New York is making the point of order without any basis of fact.

Mr. PAYNE. The gentleman is talking upon a child-labor bill.

Mr. SHERLEY. But the gentleman raises the point of order without any knowledge. He is simply assuming what the gentleman is speaking to——

Mr. PAYNE. That is hardly worthy of the gentleman from Kentucky.

Mr. SHERLEY. I think it is equally as worthy as the interruption of the gentleman from New York.

Mr. PAYNE. The gentleman from Kentucky heard what the gentleman said——

The CHAIRMAN. The Chair will ask the gentleman from Massachusetts whether he is continuing the speech which he started to make.

Mr. PETERS. Mr. Chairman, what I intend to say bears on the subject of this paragraph. The first line in the paragraph says, "for directors of music, drawing, physical culture, domestic science, domestic art." Taking up physical culture, what I shall have to say bears very directly, Mr. Chairman, on that subject. [Applause on the Democratic side.]

This principle is universally recognized by public education throughout the United States, but in allowing the employment of children most of the States have fallen to the cupidity of certain manufacturers, and the temptation of poor families to exploit their children for their own benefit by sending them to work without an education has proven too much for them. The omission of education is a disregard of one of the essential protections of democracy. To protect itself the State should see that these children are prevented from working at an age which precludes them from getting an education and which also inevitably injures them physically, developing from children who are exploited in the unrestricted hours of the factory men and women lacking in education and broken down in body who are unable properly to bear the responsibilities of citizenship and who handicap by their development the progress of our country.

The discrepancies in State laws also work a great unfairness in allowing manufacturers who have factories where children are exploited to compete on equal terms with their products against the products of factories in States where proper child-labor regulation exists, and not alone the State, but the United States as a whole, suffers by the inadequate development of the children in poorly protected jurisdictions.

The United States stands to-day far behind the rest of the civilized world in the protection of its children. It is in the stage of England of many years ago. There are many reforms to-day in which opinions may differ and views fail to coincide, but child-labor regulation is one of many proposed reforms upon which all can agree and which must appeal to every right-thinking person and the demand for which is most urgent. Reform can be accomplished only through the enactment of legislation by Congress for the territory under its jurisdiction and by the various States for their own territories. Child-labor laws can be passed and their terms be made effective only by the support of an enlightened public sentiment in their favor. Congress should act in this matter not alone for the sake of the protection of the children of the District of Columbia, but also to support and aid by its example an enlightened public sentiment throughout the country which is endeavoring in the various States to bring about for our children the enactment of proper legislation. [Applause on the Democratic side.]

The Clerk read as follows:

In all, for teachers, $1,283,925.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer the following amendment:

On page 42, strike out the word "eighty-three," commencing in line 25, and insert in lieu thereof the word "forty-five."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, strike out the word "eighty-three," commencing in line 25, and insert in lieu thereof the word "forty-five."

Mr. GARDNER of Michigan. Mr. Chairman, it is simply to correct the total. It is an error in printing the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. GARDNER].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided further, That the salaries of all teachers and clerks and librarians in the high and manual training schools, duly elected, whose services commence with the opening day of school and who shall perform their duties, shall begin on the 1st day of September and shall be paid in ten monthly installments, the first payment to be made on the 1st day of October, or as near that date as practicable, and the payment for the month of June to be made upon the completion of the school term in June: *Provided*, That the salaries of other teachers shall begin when they enter upon their duties.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that section for the purpose of obtaining information. I believe, as the report discloses, this is a new provision in the pending appropriation bill.

Mr. GARDNER of Michigan. It is simply ratifying what has been the usage, in connection with another provision following, for years.

Mr. STAFFORD. Will the gentleman explain why the distinction in limiting this to teachers and clerks and librarians in the high and manual training schools and not extending it to the teachers of the graded schools?

Mr. GARDNER of Michigan. It says, "All teachers and clerks and librarians." "Teachers," it should be. That is an error. It is not properly punctuated. It should read, "That the salaries of all teachers," and then a comma should be inserted, and then read "and clerks and librarians in the high and manual training schools." It is intended to include all teachers.

Mr. STAFFORD. In reading the provision I gained the impression that the provision was limited merely to the teachers in the high and manual training schools, and am now assured by the chairman of the committee that there was no such purpose, and that it was intended to apply to all teachers without regard to their being in the high schools or the graded schools. Therefore, Mr. Chairman, I withdraw the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, to remove any doubt I move to amend, on line 19, "that the salaries of all teachers," after the word "teachers" to insert a comma. That makes the meaning clear, as was intended by the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 19, after the word "teachers," insert a comma.

Mr. GARDNER of Michigan. Mr. Chairman, at this point I desire to insert the following:

On page 45, after line 2, insert:
"No part of any money appropriated by this act shall be paid to teachers in group B of class 6 who are not heads of departments of high and manual training schools.
"Hereafter no promotions or transfers shall be made from group A to group B in class 6, except the teachers to be heads of departments in high and manual training schools."

The CHAIRMAN. The gentleman from Michigan [Mr. GARDNER] offers an amendment which the Clerk will read:

The Clerk read as follows:

Page 45, after line 2, insert:
"No part of any money appropriated by this act shall be paid to teachers in group B in class 6 who are not heads of departments in high and manual training schools.
"Hereafter no promotions or transfers shall be made from group A to group B in class 6, except the teachers to be the heads of departments in high and manual training schools."

Mr. GARDNER of Michigan. Under the law it says, "heads of departments in high and manual training schools, group B, class 6." This is the highest class, running from $1,900 to $2,200. Now, we find that there have been transfers from group A, class 6, to group B, class 6—for example, of nine teachers.

Mr. GARRETT. Is that a committee amendment?

Mr. GARDNER of Michigan. Yes, sir; the subcommittee. There are now, we understand, ten persons slated to be transferred from this group A, class 6, to group B, class 6. Some of these transfers have been made from lower salaries—as low, I am told, as $1,100 in group A to $1,900 in group B; so that while the law intends to provide that they shall be eight years in reaching the maximum of group A, under this process of transfer they can reach the maximum of $2,200 in group B in four years, defeating the very purpose of the law.

Mr. MANN. We have a very liberal law in regard to the pay of teachers and principals. Does this extend the liberality of the law or restrict it?

Mr. GARDNER of Michigan. It is to carry out the spirit of the law, as I understand it.

Mr. MANN. I know; but nobody knows what the spirit of the law is, as I understand.

Mr. GARDNER of Michigan. It simply restricts the transfer from group A, class 6, into group B, class 6, which is the highest class. In other words, there may be in time as many as 200 transfers from group A, class 6, to group B, class 6.

Mr. MANN. I withdraw the point of order.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Hereafter the following rules for division of time and computation of pay for services rendered are hereby established: Compensations of teachers and librarians and clerks in the high and manual training schools shall be divided into ten equal installments, one of which shall be paid for each school month, and in making payments for a fractional part of a month one-thirtieth of one of such installments shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with the compensation of teachers and librarians and clerks in the high and manual training schools, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the 31st day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to the date of entry: *Provided*, That for one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited.

Mr. MANN. Mr. Chairman, I reserve the point of order. May I ask the gentleman if this is the exact provision now in the law in reference to Government employees?

Mr. GARDNER of Michigan. Mr. Chairman, this is simply a restatement of the usage for years.

Mr. MANN. Oh, well, the gentleman is mistaken about that. It is not the usage. We enacted a law, I think, about two or three years ago as to Government employees generally. Will the gentleman inform us, is that a reproduction of that law?

Mr. GARDNER of Michigan. If you will allow me, I will say that this simply carries forward the custom of paying teachers that has been followed for many years. There is no variation, but it puts it beyond cavil.

Mr. MANN. What is the object of putting it in the law?

Mr. GARDNER of Michigan. We simply put it where there can be no cavil.

Mr. MANN. It reads to me very much like the law that was put into operation two or three years ago, containing the proposition that all Government employees who are paid on division of twelve months of thirty days a month, regardless of the number of days in the month, which law, while in the main correct, works a very great hardship in many cases, and the Comptroller has repeatedly requested that it should be amended. I am not willing that they should put it in the same form.

Mr. MADDEN. When Mr. Tweedale, the auditor for the District, was before the committee—it will be found on page 177 of the hearings—he said:

The practice has been, since the old appropriation, to pay the teachers in tenths, and when the question was presented to the Comptroller he held that they were in a class by themselves, not a part of the Federal Government, and therefore he did not feel like disturbing the practice that had existed for all of these years. For that reason he said that payment in tenths was legalized by custom.

Mr. MANN. I have no objection to the payment in tenths, and that is the custom, but this provision goes away beyond that. That is not it at all. On page 46, line 2, there is a reproduction of existing law in reference to the payment on the basis of thirty days a month and twelve months in the year, regardless of the actual number of days, and cutting off anyone who works on the 31st of the month.

Mr. GARDNER of Michigan. The teacher gets the month's pay; and the teacher knows when he enters into the contract just exactly what he gets.

Mr. MANN. Some time ago I prepared a brief on this subject, based upon the decision of the Comptroller, which shows how completely inadequate the law is as it now stands. In many cases it pays a man twice where he works only one day, and in many cases pays nothing at all where they work a day.

Mr. GARDNER of Michigan. Mr. Chairman, if the gentleman will allow me, I will say that the Comptroller has held that the law to which he makes reference does not apply to schoolteachers.

Mr. MANN. That is exactly the reason you are putting it in here.

Mr. GARDNER of Michigan. Oh, no.

Mr. MANN. What other object have you for putting it in?

Mr. GARDNER of Michigan. Simply, as the gentleman from Illinois [Mr. MADDEN] has stated, that the auditor for the District of Columbia says it fixes the time. Beyond any question the school-teacher knows precisely what he is to receive when he enters upon a contract.

Mr. MANN. Now, I will say to the gentleman that if he will read the decisions of the Comptroller in reference to the construction of the existing law he will ascertain that no employee can tell what he is going to receive during the course of a year.

Mr. STAFFORD. Will the gentleman permit me?

Mr. MANN. Certainly.

Mr. STAFFORD. This same question was submitted to the Committee on the Post-Office and Post-Roads when the difficulty of paying substitutes who entered the service on the 31st day of a month having thirty-one days was presented; and last year, if I remember correctly, not only in the post-office appropriation bill, but also in the general deficiency bill, which was reported by the Committee on Appropriations, there was a provision carried which perfected the original law of two years ago, whereby that hardship was obviated. I can readily see where there is need of having such a provision carried in this bill, but I do not see where there is provision made for the payment of substitutes, and I should like to ask the chairman of the committee what the method is for the payment for substitutes for teachers who are absent from service on the 31st day of the month? That was the difficulty that confronted the postal service.

Mr. MANN. They get no pay.

Mr. GARDNER of Michigan. Such a teacher will get one-thirtieth of a part of a month's pay, because the teacher for whom he substitutes can not possibly get more than thirty days' pay if he serves thirty-one days. He does not serve the full thirty-one days, and therefore his substitute would get one-thirtieth of a month's pay.

Mr. MANN. Suppose a teacher serves thirty days. Under this provision that teacher is entitled to a full month's pay for thirty days' service.

Mr. GARDNER of Michigan. No.

Mr. MANN. Your provision says so.

Mr. GARDNER of Michigan. No; thirty days make a month for that teacher, but in that month he is required to serve thirty-one days. Now, he does not serve the thirty-one days, but he does serve thirty days. Therefore his substitute would receive one-thirtieth of the pay for thirty-one days' service.

Mr. STAFFORD. This, as I understand it, is merely for the convenience of bookkeeping?

Mr. GARDNER of Michigan. That is all.

Mr. STAFFORD. To aid the auditor in the payment of school-teachers' accounts?

Mr. GARDNER of Michigan. It is at the request of the auditor.

Mr. MANN. I think I shall withdraw the point of order. I withdrew it when the provision went into the general law, and very much regretted afterwards that I had done so, because I have a stack of Comptroller's decisions explaining how that law works to the detriment of the employees of the Government and to the dismay of the accounting officers of the Government.

Mr. GARDNER of Michigan. I am very glad to have the gentleman withdraw the point of order, because there is a difference between the payment of the regular employees and the payment of the school employees in that respect.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Night schools: For night schools for pupils (and teachers and janitors of night schools may also be teachers and janitors of day schools), $10,000.

Mr. ADAIR. Mr. Chairman, I move to strike out the last word. I do this for the purpose of getting some information from the chairman of the committee in relation to teachers who are employed for day service and night service. I should like to know of the chairman if it is the practice in the District of Columbia to employ teachers to teach during the day and also to teach at night, and whether or not it is regarded as good practice.

Mr. GARDNER of Michigan. It is the custom to do that, and not only that, but it is really necessary in order to get competent teachers for the night schools.

Mr. ADAIR. Does the chairman think that a teacher who teaches during the day is competent to teach also at night?

Mr. GARDNER of Michigan. If he or she be competent to teach during the day, and in good health, just like anybody else who can work overtime without injury, if necessary.

Mr. ADAIR. Is the supply of teachers so limited that teachers for night schools can not be obtained?

Mr. GARDNER of Michigan. Of course, a teacher could not give his or her time simply to teaching at night, but must have some other occupation besides. Now, a teacher who teaches during the day, being qualified by common consent for teaching, is qualified for teaching at night, if he or she has the physical endurance, that is all.

Mr. ADAIR. If they are physically able to stand the work.

Mr. GARDNER of Michigan. Yes; and the presumption is that they are, for they have been doing successful work for years.

Mr. ADAIR. Well, if it is successfully done, all right. It occurred to me that a teacher who taught school during the day was hardly in a condition to teach at night.

Mr. GARDNER of Michigan. Perhaps I ought to say that the night school lasts but two hours. They do not have a long session.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman what proportion of the teachers engaged in the schools during the day are also engaged in teaching night schools?

Mr. GARDNER of Michigan. A very small per cent.

Mr. GOULDEN. Mr. Chairman, I want to say, in answer to the question propounded by the gentleman from Indiana, that in the city of New York we have discussed fully this matter of providing a different set of teachers for the day and night schools and found it impracticable to do so, and hence we were obliged to take the day school-teachers to do the same duty at night, and we found it worked successfully and to our entire satisfaction.

Mr. ADAIR. I have no objection, Mr. Chairman, if the teachers can do the work.

Mr. STAFFORD. Will the gentleman from Michigan explain what the method is for the payment of substitutes in place of teachers absent without leave?

Mr. GARDNER of Michigan. The pay is in thirtieths.

Mr. STAFFORD. Suppose they work on the 31st of the month; what is their compensation?

Mr. GARDNER of Michigan. I endeavored to explain that. If the substitute works on the 31st day of the month, he or she would receive one-thirtieth of a month's salary, because thirty days to the teacher make a month and not thirty-one.

The Clerk read as follows:

For one assistant engineer at the McKinley Manual Training School, $600.

Mr. MURPHY. Mr. Chairman, I move to strike out the last word, for the purpose of inquiring of the gentleman in charge of the bill what qualifications are required of the assistant engineer mentioned on page 47, line 8—"assistant engineer to the manual training school." What are his duties?

Mr. GARDNER of Michigan. He must of necessity be a competent engineer who has demonstrated to the proper committee, by whom he was examined, that he possesses those qualifications. Specifically what he must do I am unable to say.

Mr. MURPHY. Is he an instructor in manual training?

Mr. GARDNER of Michigan. Yes; I so understand it.

Mr. MURPHY. Is he required to have a license other than the license he receives from this board of engineers in the District, or any other qualifications?

Mr. GARDNER of Michigan. He would have a license for a stationary engineer because he has to do or may have to do with stationary engines in the course of his instructions.

Mr. MURPHY. It strikes me that it is requiring rather limited qualifications in a man to instruct in the manual training school.

Mr. MADDEN. These engineers are not all instructors.

Mr. MURPHY. So the gentleman from Michigan informs me.

Mr. GARDNER of Michigan. Those under discussion are instructors, but the gentleman from Wisconsin will bear in mind that they must have all the mental qualifications to enable them to teach in the department of which they make a specialty, plus a technical knowledge of the thing they propose to teach.

Mr. MURPHY. I will say to the gentleman that I judge from the wording in line 9, page 47, that no very great mental qualifications can be required of a man who only gets a salary of $600. It strikes me that we are giving poor instruction or——

Mr. FITZGERALD. I do not think that this man is an instructor.

Mr. GARDNER of Michigan. He is an assistant instructor.

Mr. MADDEN. I do not think they are instructed; they are only janitors. They may be assistant instructors, but they are only employed a short time during the day.

Mr. GARDNER of Michigan. Let me read:

For one engineer and instructor in steam engineering at the McKinley Manual Training School, $1,200.

Now, the point under discussion follows:

For one assistant engineer at the McKinley Manual Training School, $600.

He is an assistant to the engineer and an instructor; hence he may be called to be an assistant in instruction, and he ought to be qualified. As to the matter of salary, he can grow in salary if he continues in the service.

Mr. MURPHY. I would like to ask the gentleman what provision there is for him to grow in salary. I do not desire to embarrass the gentleman if he has not the information at hand.

Mr. MADDEN. Does the gentleman refer to the assistant engineer?

Mr. MURPHY. There are a number of engineers provided for in the bill.

Mr. MADDEN. This particular one that the gentleman has reference to is not an instructor at all. He is simply an assistant engineer.

Mr. MURPHY. The same thing occurs later on as to all the schools.

Mr. MADDEN. All the engineers and assistant engineers in the school service are required to have a license and to pass an examination as to their qualifications as engineers. They are required to know just exactly how to operate an engine, how to put it together and take it apart, and how to do everything connected with an engineer's service, and they can not be a party to the service unless they have these qualifications.

Mr. MURPHY. I thank the gentleman for the information.

The Clerk read as follows:

For fuel, gas, and electric light and power, $85,000.

Mr. WILSON of Illinois. Mr. Chairman, I have an amendment which I desire to offer, but before offering it I should like to ask the chairman of the committee a question. I would like to know what part of that $85,000 is for gas.

Mr. GARDNER of Michigan. Mr. Chairman, in response I will say that I do not know how much, but not a very large percentage.

Mr. WILSON of Illinois. Is all of this gas provided for in this appropriation used in the school buildings of the District of Columbia, or is it used in the District generally?

Mr. GARDNER of Michigan. It is used over the entire District of Columbia. This bill makes provisions for the schools of the entire District, and, of course, light follows a building wherever electricity or gas can be used.

Mr. WILSON of Illinois. Does this provide for contract gas? I am not very familiar with this, but I wish the gentleman would explain how the gas is purchased here in this city.

Mr. GARDNER of Michigan. At $1 a thousand feet.

Mr. WILSON of Illinois. Then it is not under contract—by the year?

Mr. GARDNER of Michigan. Not for the school purposes, but for lighting the streets it is under contract.

Mr. WILSON of Illinois. One dollar per thousand.

Mr. GARDNER of Michigan. For streets it is under contract at so much a light. For school purposes it is paid by the thousand cubic feet.

Mr. WILSON of Illinois. Then in all the buildings of the Government it is purchased at the rate of $1 per thousand cubic feet?

Mr. GARDNER of Michigan. So I understand. They pay, in other words, for what they use.

Mr. WILSON of Illinois. Then, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "dollars," on page 50, line 21, add the following: "*Provided*, That no part of this sum so appropriated shall be expended for gas at a greater price than 75 cents per thousand cubic feet."

Mr. GARDNER of Michigan. Mr. Chairman, I make a point of order, or rather I will reserve the point of order.

Mr. WILSON of Illinois. I have authorities here, if the gentleman desires to discuss the point of order.

Mr. GARDNER of Michigan. I simply want to hear the gentleman's reasons for offering the amendment.

Mr. WILSON of Illinois. Mr. Chairman, I have been looking into this question of gas a little of late, and it seems to me that the people in the District of Columbia and the people outside, who pay a part of this appropriation to conduct the business here, pay entirely too much for gas. There are many cities in this country where the gas is sold at a much less rate than it is in the District of Columbia. Take the city of Milwaukee. There they pay only 60 cents. In Cincinnati they pay only 50 cents a thousand cubic feet, and in Cleveland 60 cents a thousand cubic feet, and in St. Louis 60 cents a thousand cubic feet.

Mr. SMITH of Michigan. I would like to ask the gentleman a question. What is the candlepower of gas in those different cities?

Mr. WILSON of Illinois. I do not know; but the population is about the same as it is here. I know of no reason why the people in this city and the people of the nation generally who pay half the expenses of this Government should pay any more than the people in these other cities.

Mr. SMITH of Michigan. Does the gentleman take the position that it does not make any difference what the candlepower is, so far as the price is concerned?

Mr. WILSON of Illinois. No; I do not take that position. I understand from authorities in the Census Bureau of this Government that gas can be made and sold at a profit at 40 cents per thousand cubic feet; and if that is so, I see no reason why the people should pay $1 a thousand cubic feet for gas in this city. I know that in the city of Chicago gas is much cheaper than it is here, and in many other cities. I have a large list of cities where the gas is sold at much less than a dollar per thousand cubic feet. It seems to me that the people in this city are paying more than they ought to pay, and it seems to me it is the duty of every Member of Congress to see that the appropriation for the District of Columbia is cut down as much as possible. We pay a part of this appropriation—that is, the people outside of the District—for the District pays only one-half, and it is our duty, it seems to me, to see that any extravagant price that is paid should be reduced.

Mr. ADAIR. Will the gentleman permit a question?

Mr. WILSON of Illinois. Gladly.

Mr. ADAIR. I should just like to ask, Is this gas furnished by a local company?

Mr. WILSON of Illinois. I understand so; yes.

Mr. ADAIR. Suppose we reduce the appropriation to 75 cents per thousand feet and this company would refuse to furnish the gas at that price; what would the schools do?

Mr. WILSON of Illinois. I would like to have the company refuse to furnish gas to the schools of this city or any other city in this country on that account.

Mr. ADAIR. Does the gentleman understand by reducing this appropriation and fixing this amount at 75 cents a thousand feet that it would compel the gas company to furnish gas at that price?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. WILSON of Illinois. I am frank to say I believe without a doubt that the gas companies of this city would furnish the schools of this city gas at 75 cents a thousand feet if this Congress adopted the amendment which I have introduced at this time.

Mr. ADAIR. I am heartily in favor of the amendment, and I think the company ought to furnish it at 75 cents a thousand feet, but I would not like to adopt an amendment that will embarrass the schools in the event they can not get the gas.

Mr. WILSON of Illinois. I do not believe that schools will be embarrassed nearly so much as the gas company might be embarrassed. [Applause.]

Mr. MANN. The gentleman understands it would not close the day schools.

Mr. ADAIR. Only might interfere with the night schools.

Mr. WILSON of Illinois. I have an interesting report that has been filed in Congress to show something about the profits of this gas company which might be of interest to some Members of this House, and as it is only a few lines I will read what I have here. I will not take the time to read it, but from some calculations which I have made I have found the dividends which the gas companies here in Washington paid in thirteen years were 305 per cent. In one year they paid 55 per cent, in another year they paid 60 per cent, in another 15 per cent, in another year 10 per cent, and that was the lowest paid in any one year.

Mr. SCOTT. That is on the capitalization?

Mr. WILSON of Illinois. Yes.

Mr. SCOTT. Does the gentleman know what proportion the capitalization bears to the property?

Mr. WILSON of Illinois. I do. I understand from the investigation which I have made that it is overcapitalized now. The company originally was capitalized for $50,000, $42,500 of which was paid in, and then it was increased until it is at its present capitalization.

Mr. SCOTT. Of what?

Mr. WILSON of Illinois. I have forgotten the exact amount.

Mr. BOWERS. May I ask the gentleman from Illinois what is the present capitalization?

Mr. WILSON of Illinois. I was just looking for that.

Mr. BOWERS. The gentleman's colleague advises me it is $2,600,000.

Mr. WILSON of Illinois. I was about to remark it is $3,000,000 or $2,600,000.

Mr. MURPHY. I would like to ask the gentleman one question, which may explain this a little. Is it not a fact that they are now asking to have a large increase in the capital stock legalized?

Mr. WILSON of Illinois. I was just about to remark about that. They are; and they have had bills before Congress for many sessions just for that purpose, for the purpose of legalizing an increase of the capital stock of that company.

Mr. GAINES of West Virginia. Would the gentleman allow me to ask a question?

Mr. WILSON of Illinois. Certainly.

Mr. GAINES of West Virginia. Would the gentleman's investigation enable him to state to the committee what the real value of the property of these companies is?

Mr. WILSON of Illinois. No; I can not state as to that; but I understand that the real value of this property and all improvements of the property have been made and paid for out of the profits of the gas company, besides the dividends that have been paid.

Mr. GOULDEN. I would like the gentleman to give——

Mr. GARDNER of Michigan. Mr. Chairman, I would like to know under what rule we are proceeding? I supposed it was the five-minute rule.

The CHAIRMAN. The gentleman from Illinois had his time extended by unanimous consent.

Mr. GOULDEN. I would like the gentleman [Mr. WILSON] to give the figures for the thirteen years of which he spoke.

Mr. WILSON of Illinois. I can give some of them. In 1874 they paid a dividend of 55 per cent; in 1875, 20 per cent; in 1876, 60 per cent; in 1878, 15 per cent; in 1879, 15 per cent; in 1880, 15 per cent; in 1881, 10 per cent; in 1882, 10 per cent; in 1883, 50 per cent; in 1884, 10 per cent; in 1885, 12½ per cent; in 1894, 10 per cent; in 1896, 23 per cent. I was unable to get all of the years and the per cent of the dividends that they paid during all the time.

Mr. GOULDEN. Has the gentleman anything later than 1896?

The CHAIRMAN. The gentleman's time has expired.

Mr. GARDNER of Michigan. I will not press the point further, but I would like to say the situation resolves itself into this: We have agreed to pay a dollar a thousand for gas. Not only that, but in making that agreement we simply follow the law. Now, the gentleman does not propose to change the law by his amendment. He simply proposes to pay 75 per cent of the stipulated price, which is fixed by statute.

Mr. WILSON of Illinois. I limit it.

Mr. GARDNER of Michigan. Of what we have agreed to pay—100 per cent.

Mr. WILSON of Illinois. Will the gentleman submit to a question? Have you contracted with the gas company at a dollar a thousand for the year, or do you take the same position that all the people in Washington do in paying a dollar a thousand each month, according to the meter?

Mr. GARDNER of Michigan. As I understand it, the law requires the payment of a dollar a thousand. We have no election in the matter.

Mr. MANN. Will the gentleman cite us to that law?

Mr. GARDNER of Michigan. I am told an independent law passed five or six years ago touching this subject.

Mr. MANN. Does the law require us to buy gas?

Mr. GARDNER of Michigan. No, sir; but it requires——

Mr. MANN. Then, if the law does not require us to buy gas, can not we say how much we shall pay for gas?

Mr. GARDNER of Michigan. And to pay the price fixed.

Mr. MANN. We have not bought any gas for the next fiscal year, have we?

Mr. JOHNSON of South Carolina. Does not the law simply provide that we shall not charge exceeding $1 per thousand? In other words, the law limits the gas company in the charges that it can make for gas, but the law does not say that anybody shall pay that price.

Mr. GARDNER of Michigan. Can you cite the law for that? I wish you would.

Mr. JOHNSON of South Carolina. It was a law that we passed on the subject. We limited the gas company's right to charge the people in excess of a dollar a thousand.

Mr. GARDNER of Michigan. The gentleman from New York [Mr. OLCOTT] is a member of a committee that has been investigating this subject, and I assume that he is fresh upon the points of law and of fact in the case. I would like to hear from him.

Mr. OLCOTT. Mr. Chairman, I do not know that there are any particular points of law involved in the matter, but I do think it is unfortunate at this time to have this matter come up. As a matter of fact, the District of Columbia Committee, through a subcommittee, is now investigating the entire question, their action being predicated on a bill that has been introduced to reduce the price of gas to 75 cents. Now, it seems to me, to put this on this appropriation bill when there is to be a hearing granted to citizens of Washington is an unfortunate thing. I am just as much in favor as any of the gentlemen from Illinois of reducing the price of gas.

Mr. WILSON of Illinois. Does not the gentleman think that if this amendment was adopted by the House, it would be a great benefit to him in the hearings?

Mr. OLCOTT. I think if this amendment was adopted by the House there would not be much use for our having any further hearings. I think that might do a considerable injustice.

Mr. MANN. Does the gentleman understand what the amendment is?

Mr. OLCOTT. The amendment is a provision, as I understand it, that no more than 75 cents shall be paid for gas.

Mr. MANN. I thought the gentleman was mistaken. The provision is that in the schools the Government shall not pay more than 75 cents for its gas. It does not affect the general proposition.

Mr. OLCOTT. Then, if it comes to that question, I am absolutely opposed to the Government of the United States getting their gas cheaper than the citizens of the city of Washington.

Mr. MANN. Even though it equaled the price to the citizens?

Mr. OLCOTT. I do not want the Government to have its price reduced if the price to the citizen is not reduced.

Mr. MANN. The gentleman is not willing to take a part if he does not get all of it at once?

Mr. OLCOTT. I am unwilling to have this matter come up in this way when it is being orderly and expeditiously treated in the Committee on the District of Columbia.

Mr. MANN. Does not the gentleman think that when the Government gives the gas company the use of the streets, the title of which is in the Government, the Government might properly exact gas at a lower rate than the citizens who do not furnish the streets?

Mr. OLCOTT. No; I am not willing to say that, because the people of the country own the streets.

Mr. MANN. The gentleman does not believe, then, in a tax upon public utilities?

Mr. OLCOTT. Yes; I do.

Mr. MANN. The tax always goes to the Government, and not to the citizen.

Mr. OLCOTT. That is not the point at all.

Mr. MANN. That is the exact proposition here. What is the difference between the paying a tax of money for the use of the streets and paying a tax in the reduction of the charge to the Government for the use of the street?

Mr. OLCOTT. Mr. Chairman, that is quite a different proposition. I have no hesitation in saying that I believe there will be a reduction in the price of gas made necessary by an act of Congress in this Congress.

The CHAIRMAN. The gentleman from New York has the floor.

Mr. OLCOTT. Mr. Chairman, I am willing to yield to any gentleman; I have nothing further to say on the subject.

Mr. JOHNSON of South Carolina. Will the gentleman allow me to ask him a question before he sits down?

Mr. OLCOTT. Certainly.

Mr. JOHNSON of South Carolina. I understand the gentleman to say that the gas question is being investigated in an orderly and proper way in the District Committee or some other committee. Can the gentleman inform the House when we will probably have an opportunity to pass upon a bill in an orderly way?

Mr. OLCOTT. My own personal belief is, although I can not say exactly what the committee will do, that the fourth Monday of April will see a gas bill on the Calendar. That is the best we can do. We could get it earlier if we did not have so much to do.

Mr. MANN. That will go along as rapidly into enactment as universal transfer has gone.

Mr. OLCOTT. I have nothing to do with that. That is a matter more with the Senate than the House.

Mr. MADDEN. I move to strike out the last word.

It has been stated here that the government of the District has a contract with the gas company for the gas it uses. The fact is that the government has no contract for any given price for any gas that is consumed in the schools of the District. The government, unfortunately, has a contract under which it is obliged to pay for the gas it consumes in the street lamps at a price far in excess of what is believed to be an

equitable price. The District Subcommittee on Appropriations last year in the consideration of this question fixed the maximum price that could be paid for gas for street lighting purposes at 75 cents a thousand. Prior to that time the District paid a dollar a thousand for all gas it consumed in the street lamps. All of the lamps that were lighted by gas were of the open-flame burner character, except thirty-six lamps. Those thirty-six lamps at the time this price was fixed had what is known as "incandescent mantles" attached to them. For incandescent mantle lamps a price of $22.40 a year, or something like that, was paid. When the committee inquired why all the lamps were not incandescent mantle lamps, it was stated that the gas company of the District did not own the incandescent mantle, that it could not buy it, and that the District Commissioners were obliged to contract with an outside company that controlled the incandescent mantle. A contract was let to this company to furnish the gas, and this company bought the gas from the gas company and furnished it to the District of Columbia. It was stated to the District Commissioners that the mantle could be bought by anybody, but they denied the statement. However, a contract was authorized to be let for open-flame burners at 75 cents a thousand. That price was modified when it went to the Senate. I do not remember the exact price which the two Houses agreed upon for gas street lighting, but it was less than a dollar. When the Appropriation Committee met the succeeding year it found that all the streets of Washington were lighted with the incandescent mantle lamps at the high price; and when inquiry was made as to why this change took place, the committee was informed by the District Commissioners that they had authority under the law to let the contract for three years instead of one year; and they took advantage of their right under that law to evade the reduction in the price of gas made by Congress and paid the higher price to the gas company through the authority to light the streets with the incandescent mantle lamp.

Now, an open-flame lamp burns 5 feet of gas per hour. The average number of hours per year these lamps are burned in the city of Washington is 4,000. Four thousand multiplied by five would make 20,000 feet of gas. Twenty thousand feet of gas at a dollar would be $20. That was the price that had been uniformly charged for these lamps. An incandescent mantle lamp burns 3½ cubic feet an hour. Four thousand hours would make the amount 14,000 feet per annum. At the price of a dollar a thousand feet that would make these lamps worth only $14 a year, whereas under the contract they are paying something over $20 per annum for them. So that instead of reducing the price, as Congress thought it was when it enacted that law, the Commissioners by entering into these contracts have evaded the instruction given to them by Congress.

Mr. MANN. I ask unanimous consent that my colleague may proceed for five minutes more.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. MADDEN. This contract, into which the District Commissioners have entered with the gas company for the sole purpose, it must be concluded, of paying a higher price than Congress wanted to pay, will expire at the conclusion of the next fiscal year. There is a provision in this bill which seeks to repeal the authority of the District Commissioners to enter into a contract for a longer period than one year at any one time, and if the House and Senate agree with the recommendations made by the District subcommittee of the Appropriations Committee, next year the House will be able to do with street lighting what is proposed to be done by the amendment offered by my colleague from Illinois [Mr. WILSON] with relation to the schools.

Now, there is a vast difference between selling gas to the District of Columbia and selling it to a private individual. It requires several hundreds, yes, thousands, of private individuals to make up the amount paid to the gas company by the District government. Where the gas company has only one bill to make out to the District government it may have 5,000 bills to make out to the people of the District to make up the same amount of money. It costs vastly less to sell to a great consumer than it does to a small consumer. Every house into which gas is supplied must have a meter. This meter costs money.

You can not buy a meter for less than $11, and they run up as high as $100; so that every time the gas company connects its pipes with a small residence it has to expend a lot of money in order that it may be able to measure the commodity that it furnishes to this residence, whereas it has no such investment to make for the gas supplied to the District government. Each lamp fixes the quantity of gas consumed. The burner on the lamp measures the amount it burns, and the gas company knows beyond any question whatever exactly how much gas it furnishes to the District government, and it does not care whether it furnishes more or less to a private individual, because whatever it furnishes is measured by the meter. Now, it is compelled to furnish not only clerk hire, but stationery, collectors, meters, and pipe connections, as well as readers of the meters, in the furnishing of gas to private consumers, whereas the company makes a lump-sum bill to the District government.

The District government gives life to the gas company. It owns breathing power. It should be able to control its method of breathing. It ought to able to control the price that it pays to this monopoly. This gas company has a capitalization of $2,600,000, on which my colleague says it has paid more than 300 per cent in dividends in thirteen years. It has $2,600,000 of unfunded debt—certificate debt, if you please, capitalization unauthorized—and on which it pays dividends in the form of interest. It has this capitalization without a dollar of investment. To say that the people of the District of Columbia have no right to demand honest treatment and fair prices is to say that the government of the District of Columbia is owned and controlled by the gas monopoly, and I do not think anyone would be willing to concede that.

Mr. GARDNER of Michigan. Mr. Chairman, I think there is no difference of opinion among the members of the Committee on Appropriations and the Committee of the Whole as to the desirability of having gas furnished at 75 cents a thousand; but as the question has arisen about the law in the case, I should like to read from the statute, as follows:

> After the 1st day of July, 1896, the Washington Gaslight Company of the District of Columbia shall furnish to the United States Government and the District of Columbia gas at the rate of $1 per thousand cubic feet.

It is not a sliding scale, as the gentleman from South Carolina suggested.

Mr. MADDEN. Will the gentleman allow me a question right there?

Mr. GARDNER of Michigan. Certainly.

Mr. MADDEN. I want to know whether the gentleman concludes, from the reading of that statute, that the Government or the District of Columbia is obliged to pay the price that the company is authorized to collect?

Mr. GARDNER of Michigan. The law fixes the price. Neither the Government nor the District of Columbia is obliged to use any gas.

But if you use the gas, and the law fixes the price of the gas, you are compelled to pay the price until the law is changed, or a suit would lie for breach of contract, would it not?

Mr. MANN. Let us have the suit, then.

Mr. WILSON of Illinois. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. I will yield to the gentleman.

Mr. WILSON of Illinois. Does not the statute that the gentleman is reading from provide the maximum amount that the gas company shall charge, and any sums under that amount, of course, would be acceptable?

Mr. GARDNER of Michigan. I will read it again; it is as plain as language can make it:

> After the 1st of July, 1896, the Washington Gas Light Company of the District of Columbia shall furnish to the United States Government and to the District of Columbia gas at the rate—
>
> Not more, nor less—
>
> at the rate of $1 per thousand cubic feet.

Mr. WILSON of Illinois. They will furnish gas at that rate, but there is nothing in the law to prohibit or prevent them from selling it to the people in the District of Columbia for less than $1 per thousand feet.

Mr. GARDNER of Michigan. It is not permissive—it is mandatory. It says "shall."

Mr. WILSON of Illinois. Mandatory that the gas company shall not charge more than $1 per thousand, but that is not mandatory on the gas company that it shall not sell gas cheaper or offer it for less than a dollar a thousand.

Mr. GARDNER of Michigan. The gentleman does not do himself justice when he says that the law says they shall not charge more. It does not say that they shall not charge more, and it does not say that they shall not charge less. It says they shall furnish it at $1 per thousand cubic feet.

Mr. PERKINS. Will the gentleman from Michigan yield for a question?

Mr. GARDNER of Michigan. I will yield to the gentleman from New York.

Mr. PERKINS. I would like to put a question which I think states the legal status. The company has the right to charge $1 per thousand feet to the Government. On the other

hand, the Government has the right, as any individual has, to say to the company, "I will take your gas if you will furnish it at 75 cents per thousand." The company can do one of two things—it can refuse to furnish the gas on the offer made to pay 75 cents and no more, but if it furnishes the gas, it can only collect the 75 cents. Its remedy is, if it is not willing to sell gas at that price, to say "We will furnish no gas," and the Government could not compel them to furnish it. Any man has a right to say "I will give you so much for your commodity," and if you do not want to sell it at that price you can refuse to sell it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. GARDNER of Michigan. We contend for nothing else. The law fixes the price, Congress fixes the price at $1 per thousand feet. There is no qualification. Now, we can take the gas at that price or not, as we see fit.

Mr. PERKINS. Suppose you say that we will take it at 75 cents, and pay no more. The company must furnish the gas at that price or furnish none.

Mr. GARDNER of Michigan. We do not need the amendment in order to do that.

Mr. KEIFER. Will the gentleman yield to me?

Mr. GARDNER of Michigan. I will yield to the gentleman from Ohio.

Mr. KEIFER. I want to inquire whether there is any existing contract between the District of Columbia or the school authorities and the gas company requiring the gas to be furnished by the company?

Mr. GARDNER of Michigan. I do not so understand it. As has been explained earlier in the debate upon this question, the District pays for gas for school purposes for what it uses as registered by the meters.

Mr. KEIFER. That is all right; but is there a contract which requires the company to furnish gas under the law?

Mr. GARDNER of Michigan. Not for school purposes, but there is for street purposes.

Mr. KEIFER. Is not that all there is of the question? If the school authorities do use the gas without a contract, they must pay by law $1.

Mr. GARDNER of Michigan. There is no question about it in my mind. It is absolutely fixed by the statute.

Mr. KEIFER. The school authorities might make a contract, if they could, for a less price.

Mr. MANN. What law is it that the gentleman from Michigan refers to?

Mr. GARDNER of Michigan. The act of July 1, 1901.

Mr. MANN. That is an act amendatory?

Mr. GARDNER of Michigan. It is an act "relating to the sale of gas in the District of Columbia."

Mr. MANN. That is an act amendatory of the gas charter, a requirement on the gas company in an amendment to their charter.

Mr. GARDNER of Michigan. That does not change the right to change that rate, if we fix the rate at a dollar a thousand.

Mr. MANN. It changes the relationship of the law very decidedly.

Mr. GARDNER of Michigan. It says, "shall furnish to the United States Government gas at $1 per 1,000 cubic feet."

Mr. MANN. That is a requirement upon the gas company only. Before that they charged more. Here was a requirement upon the gas company. There is no requirement that the Government shall pay $1 a thousand.

Mr. GARDNER of Michigan. But, supposing the gentleman had brought in his amendment to charge but 75 cents a thousand, a change of existing law; that would have gone out in a moment.

Mr. MANN. Certainly.

Mr. GARDNER of Michigan. We can do the same thing without the amendment as with it.

Mr. MANN. Oh, no. If we endeavor to say to the gas company that they must furnish gas at 75 cents a thousand, that is an amendment of their charter, which, if it is not confiscatory, they must comply with; but we can say to them, We will pay you only 75 cents, and they are not compelled to furnish the gas. In the one case they must comply, and on the other hand they need not do it.

Mr. GARDNER of Michigan. On this general subject, to recur to the remarks made by the gentleman from New York [Mr. OLCOTT], the matter is now under careful investigation by the committee to which it properly belongs. We have this statement that it will be brought before the House in a bill within a comparatively short time and take its place on the Calendar, and, I have no doubt, become a law—to use the gentleman's own words—"in an orderly way." I hope that the amendment will not prevail, for this reason.

Mr. ALEXANDER of Missouri. I move to strike out the last two words. The gentleman from New York [Mr. OLCOTT] says this bill will come in from the Committee on the District of Columbia about the last of April and take its place on the Calendar, and he might as well have said died in the ordinary course of human events.

Mr. MANN. Oh, no; it is a District bill, and would have right of way.

Mr. ALEXANDER of Missouri. There can not be any question here that this is a limitation on an appropriation and is not subject to a point of order. This is a splendid time to get the opinion of this House on this question. It has been mooted through the public press and discussed from time to time since Congress assembled. I think the opinion is universal that the company is charging too much for gas. This amendment simply provides that the school board shall not pay more than 75 cents for gas. The law simply provides that the company shall not charge more than $1 for gas. The company may charge less.

Mr. GARDNER of Michigan. It does not say that.

Mr. ALEXANDER of Missouri. Now, the school board would be authorized to pay only 75 cents, and if the company is not willing to furnish the gas at 75 cents, then the board must provide some other means of illumination. That is all there is to it.

Mr. GARDNER of Michigan. That is right.

Mr. ALEXANDER of Missouri. Under the circumstances, I say it is a good time for this body to put itself on record in favor of 75-cent gas. Only a little, I imagine, is used for these night schools, and we might dispense with it altogether if we could, under this amendment, get favorable expression of the House on this question.

Mr. BARTLETT of Georgia. Mr. Chairman, I am in favor of this amendment and I hope it will be adopted. During this session we have seen in one of the papers of this city, the Times—true, it was not the principal morning paper, as it is understood that the proprietor of the gas company is one of the chief owners of the morning paper of the city—many leading editorials and attacks upon the gas company of the District, in which it was demonstrated, to me, at least, that the city was paying more for gas than it ought to. The gas is furnished by a company which is chartered by the representatives of the people, and it is a monopoly in the capital of the nation. This amendment is a simple thing in its way. It is simply intended to be an entering wedge, that the people of the District may understand that Congress is of a mind to give them relief from the extortionate prices now made upon the entire people of the District as well as upon the Government in the price charged for gas. This amendment simply provides that the school board shall not pay more than 75 cents per 1,000 cubic feet of gas, which is acknowledged to be a reasonable price. It is but a small attack upon a gigantic monopoly, and I trust that the House, having this opportunity to give expression to its views, will let it be known that when the opportunity shall be offered properly we will give to the people of the District of Columbia and of the Government relief from the extortion they are now subjected to from this monopoly in the furnishing of gas to the Government and the people.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. NEEDHAM having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17288. An act making appropriation for support of the Army for the fiscal year ending June 30, 1909.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For purchase of pianos for school buildings and kindergarten schools, at an average cost not to exceed $225 each, $1,000.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling the attention of the committee especially in charge of this bill, as well as the Committee of the Whole House, to a bill introduced by myself known as "H. R. 16971," providing for a superintendent of

buildings and supplies on the board of education for the city of Washington, D. C. That bill, it seems to me, in looking over the various appropriations for improvements, repairs, supplies, and so forth, which run up to over a quarter of a million of dollars yearly that there should be some steps taken in the direction of having a responsible head to look after these important matters. Here you are expending a large sum each year for these various items without anyone directly responsible for it or anyone to look after it carefully, as should be done. This bill provides as follows:

That a superintendent of buildings and supplies shall be appointed by the board of education of the city of Washington, in the District of Columbia, whose compensation shall be $3,000 per annum, as hereinafter provided, and who shall give bond for at least $10,000 and such additional security for the faithful performance of the duties of his office as the said board of education shall prescribe. He shall be an architect or civil engineer. He shall be responsible for the condition and care of all school buildings and premises. He shall appoint such deputies and other subordinates as are hereinafter provided, and shall possess, so far as applicable, all powers and rights respecting the appointment and transfer of the same as are conferred upon the superintendents of schools with respect to his subordinates by this act. The subordinates to the superintendent of buildings and supplies, including janitors, engineers, their assistants and helpers, shall receive compensation as provided for by the board of education of the District of Columbia, or as prescribed by act of Congress, and shall discharge their duties under the direction and to the satisfaction of the superintendent of buildings and supplies: *Provided*, That individuals performing such duties as are assigned to subordinates of the superintendent of buildings and supplies under the provisions of this act, including janitors, engineers, their helpers and assistants, employed in the public schools of the District of Columbia at the time of the passage of this act, shall not, save for cause, be displaced by the provisions of this act.

In this connection allow me to say that in other cities where they have a well regulated system of education, we find that that office is an absolute necessity. So far as my own city, which I have the honor to represent in part, is concerned we find a superintendent of buildings and supplies, who is regarded as a most important officer. We have saved hundreds of thousands of dollars by having at the head of such a department a thoroughly competent architect or engineer; I therefore trust that this committee and the Committee on the District of Columbia having charge of this matter will take it up and see that something is done in the future. I simply desire to call attention to it at this time so that the committee can not claim that it has not been informed of so important and necessary position as that of superintendent of buildings and supplies. Mr. Chairman, I now withdraw the pro forma amendment.

The Clerk read as follows:

For extending the telephone system to one 16-room building in the "first division," one 12-room building in the "eighth division," including the cost of the necessary wire, cable, poles, cross arms, braces, conduit connections, extra labor, and other necessary items to be expended under the electrical department, $600.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word with a view of getting some information from the gentleman in charge of the bill. We have now nearly finished the provision which provides for the expenses of the public schools in this District. No one surely desires there should be any undue economy in reference to the education of the young here or elsewhere, but, on the other hand, Mr. Chairman, I am sure no one, and certainly not the members of this committee, desire that there should be any undue expenditure in proportion to the benefits which are to be realized. I am led to make these remarks because I received this morning the tax levy of the city of Rochester, in which city I live. That city, I will assume, is no better run nor worse run than any other well-managed American city, and for the coming year the appropriations for schools for all purposes are $800,000. The city of Washington is larger. There are certain conditions which probably render a larger scale of expenditures necessary here than in some other cities; but, Mr. Chairman, if we obtain the same services in Rochester that we do in Washington——

Mr. MADDEN. Will the gentleman yield for a question?

Mr. PERKINS. Certainly.

Mr. MADDEN. How many pupils have you in Rochester?

Mr. PERKINS. There are about 200,000 people——

Mr. MADDEN. But I asked how many pupils.

Mr. PERKINS. The number that would usually go with 200,000 population I can not state; but I know the schools are fully attended in that city in proportion to the population. Now, I see in the bill which we have now to pass the entire appropriations for schools for the District of Columbia are nearly $2,500,000, which is three times the amount that is raised in the city of Rochester. It ought not to be over twice as much.

Mr. MADDEN. Will the gentleman yield for one other question?

Mr. PERKINS. Assuredly.

Mr. MADDEN. How many teachers are there?

Mr. PERKINS. I can not give the number. I can only say that we have a school system for a population of 200,000, and then, I wish to say, Mr. Chairman, in answer to the suggestion made by the gentleman from Illinois, that the expenses of this city are three times as much, and the results are much the same. If there is here a superior school system, if better results are obtained, that would justify, that would account for a larger proportion of expense; but I say, after some observation, without any fear of contradiction from any member of this committee, that the school system of Rochester is fully equal to that of Washington—I would not go too far if I said it was superior—but surely it is fully equal, and is, indeed, a complete system of education, beginning with kindergartens and going through to the high schools that fit one for entrance to any university, and equal to any system which we find in this city.

Now, money is properly spent here, and should be properly spent in reference to furnishing not only education, but health to the young. There are equal facilities furnished in Rochester. I think the best test is to take the death rate, as that fairly represents the average health of the community, young and old alike, and the death rate in Rochester is lower than in Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. May I ask unanimous consent that my time be extended for five minutes?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. What is the minimum salary paid to the teachers in Rochester?

Mr. PERKINS. I must say to the gentleman from New York that I can not furnish the details of the budget of the schools in Rochester.

Mr. FITZGERALD. How is it possible to make comparisons if the gentleman can not tell the number of pupils, the minimum salaries, or any of the other details?

Mr. PERKINS. It is perfectly possible to make the comparison. The best comparison possible is made by taking the average population of a city, and the expenses should be, other things being equal, in proportion to the population if similar results are obtained. My friend will certainly not question that statement. It may be, and it doubtless is the fact, that the school system of Rochester is more economically conducted than the school system of Washington all along the line.

Mr. FITZGERALD. May it not also be a fact that the teachers of the schools in Rochester are grossly underpaid, and that that accounts for the small amount appropriated for schools?

Mr. PERKINS. I should hardly think that the case because of the results. If any city systematically underpays its employees the difference will be shown in the results. Where you have for twenty-five years a constantly improving school system, satisfactory to the entire community, satisfactory in its results, then surely it can not be said that in that system there is any defect that impairs the work to be done.

The same thing applies to the entire expenses of the city of Rochester, since we are on comparisons, and which are about $3,000,000. They are three times as large in this city. The same difference that appears in the school budget appears in the entire budget, and I venture to say when we take the results in lighting, in government, in order, and in health, there is no such difference between the condition of Washington and the condition of Rochester as should make the expense of this city larger, after allowing for the difference in population. I have called these figures to the attention of the committee not with any desire of complaining of the Appropriation Committee, but certainly they are significant and notable, and it does seem to suggest the question as to whether it would not be possible, not in any way to lessen efficient service, but to obtain the same results in this city with a less pro rata cost.

Mr. MADDEN. I would like to ask the gentleman from New York what he thinks would be a reasonable per capita cost per pupil per annum?

Mr. PERKINS. In answer to that I can only say—and I base my opinion not upon scientific knowledge, but upon experience—that in the city of Rochester, where there is a thoroughly satisfactory system and facilities for every child that wishes to be educated, it costs $4 per head of the population. A population of 200,000 people pays $800,000 for their school system. In Washington it costs about $8 per head.

Mr. MADDEN. I mean the per capita cost per pupil. I do not mean the people. I mean how much per pupil?

Mr. PERKINS. Will the gentleman tell me what, in the city of Chicago, is the percentage of the entire population that attend the schools?

Mr. MADDEN. We have about 2,000,000 people and there is an average attendance of 250,000 pupils.

Mr. PERKINS. My recollection would be that the average attendance in Rochester would be nearly 30,000. It may not be more than in Chicago—12½ per cent.

Mr. MADDEN. That would make it about $25, according to your figures?

Mr. PERKINS. No. If there were 30,000 pupils and the entire expense was $800,000, it would make it about $27 per pupil.

Mr. MADDEN. The gentleman knows that the larger the town is the more it costs, because the more facilities you have to have the more you have to pay for property.

Mr. PERKINS. I do not see why there should be an increase, as the proportionate expense, as my friend knows, of a great corporation is less than a small corporation.

Mr. GARDNER of Michigan. Mr. Chairman, I would like the indulgence of the committee for a moment at this point. I am very glad that the gentleman from New York has called attention to this matter. The committee will perhaps be criticised at this point more than any other one in framing the bill in reducing the cost the coming year below the estimate. This fact ought to be borne in mind—no gentleman has raised the point, that I remember, but it adds materially to the total expense—and that is that we have a duplicate school system here in everything but superintendents on account of the large colored population; and that adds much to the expense year by year, and will continue to do so as long as the races are separate, and that probably is for all time; certainly for our time.

Mr. CRUMPACKER. Let me suggest one thing to the gentleman, on the criterion suggested by the gentleman from New York: The State of Massachusetts expends over $5.50 per capita for educational purposes, and that is more than twice the average expenses per capita for educational purposes in the balance of the Union taken together. Does that argue extravagance in the administration of the public schools in Massachusetts? In some States the expenditure is less than 80 cents per capita of population. In Massachusetts it is $5.50, which is more than twice the average paid for education purposes in any State.

Mr. MADDEN. In the city of Chicago $2,500,000 per annum is expended on the public school system. If we assume that Chicago has a population of 2,000,000 that would make $6.25 per capita. So that Chicago is spending more per capita than Massachusetts on the schools, where the average cost per capita runs to about $5.50.

Mr. PERKINS. What does the gentleman regard as the present population of Washington?

Mr. MADDEN. Three hundred and twenty thousand.

Mr. PERKINS. And the amount paid for schools is $2,400,000, which is very nearly $8 per capita, while under the well-managed school system of Massachusetts it is only $5.50.

Mr. CRUMPACKER. It all goes to show that the expenditure per capita is not always a reliable criterion in determining whether there is a proper and efficient administration of the public schools.

The Clerk read as follows:

All school buildings authorized hereunder, and all school buildings constructed or being constructed in the District of Columbia shall have all exits with doors opening outward, and the necessary alteration of exits in buildings not now so constructed shall be made within thirty days after the passage of this act; all exits in said buildings shall be unlocked and otherwise unfastened each school day from one-half hour before until one-half hour after school hours; janitors violating the foregoing provision shall be summarily removed from employment.

Mr. MANN. I reserve the point of order on the paragraph.

Mr. KEIFER. Let me offer an amendment to the whole paragraph.

Mr. MANN. I have no objection to having the gentleman have his amendment read for information, but I think it is a very poor provision to put into the law.

Mr. KEIFER. It is a most important item to go into the law; but it is subject to the point of order, if the gentleman is going to insist upon it.

Mr. MANN. I think I shall. It is more a matter of regulation that ought not to be done by Congress. It ought to be done by a school board.

Mr. KEIFER. If the gentleman reserves his point of order I desire to say a word or two about the matter.

Mr. MANN. I will reserve the point of order.

Mr. KEIFER. It is said that this ought to be done by some general legislation.

Mr. CRUMPACKER. Or regulation.

Mr. KEIFER. Or regulation. It is done in a sense by regulation, but this amounts to nothing effective. Two of the greatest calamities in modern times have arisen under the provisions of law or regulations that ought to have been and seemed to be quite sufficient. The most recent and most startling—no, not more startling than the other one—has occurred in the city of Cleveland, in the State of Ohio, where there has been a law for forty years, stronger in its provisions than the one proposed to be put in here. But it was a law like this clause here, if it is enacted, and it is to that I wanted to make an amendment, making it effective. It was a law that required exit doors to public buildings to open outward. I understand the same situation applies to the city of Chicago, where by regulation or of law exit doors to theaters or other public buildings were required to open outward. Now, what happened in both the city of Chicago at the time of the burning of the Iroquois Theater, and the recent fire which took the lives of 150 or more innocent children in the city of Cleveland? There was a law in Ohio, as I recollect, that required exit doors to open outward. The difficulty, Mr. Chairman, was that the law did not require all doors that were used for entrance and exit to these buildings to open automatically outward, but left it to somebody to say, "This door is an exit door" and "This door is not." So that when the fire started in each of the cases, the occupants rushed to a door that was not called an "exit door," and as they could not pass out, they struggled and were burned to death for want of an exit.

Another objection to these laws is that they have been directory in the past to the extent of saying that certain things should be done, but nobody was held responsible if they were not done. The provision that the point of order is made against is subject to that objection. The provision that I desire to have put in this bill puts a penalty upon those whose business it is to control these buildings, and to require all exit and entrance doors that can be used or are used for the admission or exit of children to open automatically outward, so that it will be impossible for such an accident to happen in one of the schools here, if the law is complied with, as happened in the city of Cleveland only a month ago. I should be glad if we could have general legislation and general regulations about these matters, but I think that here is presented one of those extraordinary things that we should legislate about, and most drastically, when we are appropriating for schools. We are interested in educating the minds of these children and we should be peculiarly interested in preserving their lives. I should like to have my amendment read to show how I would amend the bill if the point of order is not insisted upon.

Mr. CRUMPACKER. Before the amendment is read I should like to suggest this to him, and I want the gentleman from Illinois [Mr. MANN] to hear it, that in the adoption of a regulation there can be no adequate penalty.

Mr. KEIFER. That is the trouble.

Mr. CRUMPACKER. And there ought to be a penalty upon those who administer the school laws and superintend the construction of school buildings; an adequate penalty, so that the buildings shall be constructed and equipped in such a way that the facilities for escape in times of exigency shall be ample to avoid such awful tragedies as that which occurred recently at Cleveland.

Mr. KEIFER. Now, I should like to have the Clerk read my proposed amendment.

The Clerk read as follows:

Strike out paragraph on lines 7 to 16, inclusive, page 55, and insert in lieu thereof the following:

"All school buildings authorized hereunder and all school buildings constructed or being constructed in the District of Columbia shall hereafter have all doors which are, may, or can be used for entrance or exits thereto, or for entrance or exits to any and all rooms therein which are, may, or can be used or occupied by school children as school rooms, so constructed as to open automatically outward; and the necessary alteration of all school buildings now ready for or in use in the District of Columbia not now constructed in conformity with this paragraph shall be made to conform thereto within thirty days after the passage of this act, and any violation of this provision by any person having the control or the right to control any school building in the District of Columbia shall be deemed to be a misdemeanor, and upon conviction thereof in a court of competent jurisdiction shall be fined in the sum of not more than $1,000 or by imprisonment for not more than six months, or by both fine and imprisonment. All exits in said buildings shall be unlocked and otherwise unfastened each school day from one-half hour before until one-half hour after school hours, and janitors violating this provision shall be summarily removed from employment."

Mr. MANN. I understand this amendment is only read for information.

Mr. KEIFER. That is all true. I should have no right to have it read otherwise; but I hope the gentleman from Illinois will withdraw his point of order.

Mr. COOPER of Wisconsin. That amendment would permit the use of turnstile doors, would it not, in school buildings?

Mr. KEIFER. It refers to doors that open automatically outward. I do not think that would include turnstile doors.

Mr. COOPER of Wisconsin. There ought not to be any "do not think" about it. It ought to be absolute.

Mr. KEIFER. We use them here in the Capitol temporarily, but I agree with the gentleman that they ought not to be used in school buildings.

Mr. COOPER of Wisconsin. Attention was drawn to this the other day in an editorial which I saw in a New York paper, suggesting that in the event of a panic in a building containing a large number of people the turnstile door, strongly constructed, would amount to a perfect death trap.

Mr. KEIFER. I think that is true. My provision would not apply to a turnstile door at all.

Mr. COOPER of Wisconsin. It would not prohibit a turnstile door.

Mr. KEIFER. Yes; I think my amendment would.

Mr. CLARK of Missouri. I should like to ask the gentleman from Illinois if he is going to insist on his point of order?

Mr. MANN. I think I shall.

Mr. CLARK of Missouri. Then there is no sense in debating it.

Mr. MANN. I want to say just one word. I believe the school board of the District of Columbia is the only governmental function in the District consisting exclusively of residents of the District. They have the authority to make such regulations as they please in reference to these buildings, and if anyone is interested, they ought to be. In addition to that the Committee on the District of Columbia is the only committee of this House which regularly, every two weeks, has a day set apart for its exclusive benefit, for the consideration of bills reported from that committee. So that on the one hand, without this provision in the law, we have the school board, composed of residents of the District, with full authority to protect the lives of their own children, and on the other hand we have a legislative committee with a right to have a bill covering the subject considered in the House as privileged matter. I do not know what an automatic door is, such as the gentleman from Ohio proposes to have provided.

Mr. KEIFER. Will the gentleman allow me to show him one? He can see it in operation at the entrance at the right of the Speaker's desk.

Mr. MANN. If that is all there is to an automatic door opening outward, that is a door which is not automatic and opens both ways, and certainly could not be used for the outside door of a school building. For these reasons I feel constrained——

Mr. GARDNER of Michigan. I hope the gentleman will withhold the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. GARDNER of Michigan. I hope the gentleman from Illinois will not insist on the point of order. The committee considered this with a good deal of care, and after the statement was made in the committee to this effect——

Mr. MANN. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Yes.

Mr. MANN. Why did the gentleman's committee, having no legislative jurisdiction over the subject, "consider the matter with a great deal of care," when we have a committee appointed for the special purpose of considering legislation relating to the District?

Mr. GARDNER of Michigan. I will tell the gentleman. In the course of the investigation by that committee we visited one of the schools of the District. In connection with that school is a dormitory, a hospital, a dining room, a bathroom, all in one building, in which at times there are a large number of boys and girls. Going down where these children have gone year after year for a long time, I noticed, and called the attention of my colleagues to it, that the footstone on which the door closed was worn fully one-half in two by the tread of the children's feet. The other half had apparently never been stepped on, as far as the wear was concerned. Upon trying to open the door, we could not do it; it was not only fast that day, but had been fast for many years. In case of fire and a panic in that building, there would have been, or, at least, might have been, precisely what occurred on a larger scale in the city of Cleveland. It had been overlooked year after year. It might never have happened and it might happen within forty-eight hours.

Now, with these things in mind, with the public attention aroused and parents in earnest about the safety of their children and asking that we look after their children's protection, we thought it no more than our duty to throw around them at this time an emergency measure, if you please, to provide against the possibilities of accidents such as shocked the whole country in these recent weeks. This is all there is of it, and I hope the gentleman will not insist on his point of order. It can do no harm, and it may result in great good. There is no regulation now for it.

Mr. CLARK of Missouri. Mr. Chairman, I would like to add my supplication to what the gentleman from Michigan has said.

Mr. MANN. Mr. Chairman, I insist upon the point of order. It has no business in this bill.

Mr. JOHNSON of South Carolina. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Insert as a new paragraph, after line 6, page 55, the following:
"No part of any appropriation herein provided for the construction or maintenance shall be used unless all school buildings authorized hereunder, and all school buildings constructed or being constructed in the District of Columbia shall have all exits with doors opening outward, and the necessary alteration of exits in buildings not now so constructed shall be made within thirty days after the passage of this act."

Mr. MANN. I make a point of order on that amendment. This is not confined as a limitation on the appropriation at all.

Mr. JOHNSON of South Carolina. I have used precisely the same language that was used in the paragraph that has just gone out on the point of order, but I have introduced the paragraph by providing that no part of the appropriation for the construction and maintenance of the school building shall be used unless these things are done.

Mr. MANN. Unless the law is changed.

Mr. JOHNSON of South Carolina. In other words, it is a limitation on the use of the money. There is no law on the subject.

Mr. MANN. Then it is a change of law.

Mr. JOHNSON of South Carolina. It states certain things that shall be done.

The CHAIRMAN. In the opinion of the Chair, if the gentleman's amendment referred only to the construction of new schoolhouses, it might be in order; but so far as the amendment is made to the existing paragraph, it certainly is not a limitation, and therefore is subject to the point of order.

Mr. GARDNER of Michigan. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert as a separate paragraph, after line 6, page 55, the following:
"School buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits and entrances opening outwards."

Mr. JONES of Washington. Mr. Chairman, I offer the following amendment to that amendment.

The Clerk read as follows:

Add the following words to the amendment: "And if feasible, each of said buildings shall have at least four exits."

Mr. JONES of Washington. Mr. Chairman, it seems to me that we ought to have as many exits in the buildings used for school purposes as possible, commensurate with the size of the building and the persons accommodated. My observation is that the real difficulty is in people trying to get out of one exit or on one side of the building. We want to do everything possible to prevent the horrors that have shocked the people of this country in the last year, and if it is feasible to have exits on each side of the building we ought to have them. It is well enough to have the doors opening outward, but if the people or children all rush to one side you will, even if the doors open outward, have the calamities duplicated.

My observation has been that the trouble has not been so much from the fire as it has been from the panic and the people trampling one over another. This is especially true in these school buildings, where there are small children and larger children. If a small child falls down the others trample it, one after the other. But whether that is true or not, if it is feasible to have four exits in these school buildings, they will furnish the greater opportunity for the children to get outside and escape the danger. Instead of having to rush to one exit they may divide and try to escape at several, thereby relieving each one from congestion.

Mr. MANN. Suppose there are places in the District where they may put up a small school building. Does the gentleman propose to have four exits, all with doors unlocked during the entire time school is in session, and for half an hour before and after, as has been suggested; and if so, will the gentleman propose to have four policemen to guard the doors to see that nobody steals anything inside?

Mr. JONES of Washington. I do not think any reason for that exists. I do not know just how large the schoolhouses are here, but my observation has been that they are pretty good-sized buildings.

Mr. MANN. But the gentleman is now talking about the schools in the city of Washington. This applies to the whole District.

Mr. JONES of Washington. I am referring more particularly to the school buildings in the city of Washington.

Mr. MANN. Did the gentleman himself go to a country school?

Mr. JONES of Washington. Yes.

Mr. MANN. How many exits did it have?

Mr. JONES of Washington. One. We had windows that we could get out of on each side and jump to the ground without any danger.

Mr. MANN. Would the gentleman have all the schoolhouses in the country changed and an exit put at each end and on the sides?

Mr. JONES of Washington. I do not ask that this shall apply to the country schoolhouses.

Mr. MANN. But that is what it does apply to.

Mr. JONES of Washington. It would not do much harm there. If we can preserve the lives of those children, we ought to have them, and I would put in there "feasible in all buildings in the city of Washington."

Mr. MANN. I did not make the point of order on the gentleman's amendment, although it was subject to the point of order.

Mr. JONES of Washington. I will leave the amendment as it is. It can be fixed up when it gets to the Senate. This matter ought to be attended to in some way. Many of the churches and school buildings in this city are nothing but death traps. Regulations requiring more exits should be applied to all places of public gathering, and nowhere so much as in our schoolhouses. If the amendment needs modification so as to apply to the city, this can be done and should be done in the Senate.

Mr. CRUMPACKER. I would like to have the amendment to the amendment reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again reported the amendment to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Washington to the amendment of the gentleman from Michigan.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Michigan as amended.

The question was taken, and the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "act," in line 12, page 55, insert:
"No turnstile door shall be constructed or used in any school building in said District."

Mr. MANN. Mr. Chairman, I make a point of order. That paragraph has already gone out.

The CHAIRMAN. The Chair would say to the gentleman from Wisconsin that that paragraph has gone out.

Mr. CRUMPACKER. Mr. Chairman, I offer an amendment as a new paragraph following the one just adopted, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after the amendment just adopted the following:
"No part of any appropriation carried in this bill shall be used for the maintenance of schools in any building unless all outside doors thereto shall open outward and be kept unlocked every school day for one-half hour before and until one-half hour after school hours."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I offer the amendment which I sent to the Clerk's desk a moment ago as a separate paragraph to go at the end of the amendment just adopted.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Insert as a new paragraph the following:
"No turnstile door shall be constructed or used in any school building in said District."

Mr. MANN. Mr. Chairman, I make a point of order on that, but I will reserve it if the gentleman wishes.

Mr. COOPER of Wisconsin. Mr. Chairman, I am led to offer this amendment because of a forceful editorial which I read in a New York daily the other day, suggesting that in the event of a panic in a crowded school building containing turnstile doors such doors would amount practically to death traps.

They all "open outward," they are "unlocked," and therefore they would not, under the bill as it now stands, come within the provisions of the law. In other words, they may lawfully be put in a school building in this District. The bare fact that probably they will not be so put ought not to prevent us from making the provision mandatory that they shall not be put in any school building. I can not conceive of anything much worse than would be one of the ordinary revolving doors with two or three hundred frightened children trying to get out of it during a fire. It would be blocked and many would be burned or smothered to death of course. Such doors "open outward," they are "unlocked," but they are unsafe in a schoolhouse. It ought not to be left to the discretion of the school board to put them in or leave them out, but a provision should be inserted in the law prohibiting under severe penalty the use of turnstile doors in any school building in this District.

Mr. MANN. Mr. Chairman, I have no doubt the turnstile door to which the gentleman refers saves hundreds of thousands of lives every year by the prevention of tuberculosis, pneumonia, and other diseases that come from taking cold. I am not willing to see them abolished in the Capitol or elsewhere where they may be properly used, and therefore I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Miscellaneous: For rent of substation and stable at Anacostia, $480;
For fuel, $4,000;
For repairs to stations, $4,750;
For miscellaneous and contingent expenses, including the purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, and periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, horse and vehicle for superintendent, bicycles, police equipments and repairs to the same, harness, forage, repairs to vehicles, van, and patrol wagons, saddles, and expenses incurred in the prevention and detection of crime, repairs to rented buildings, and other necessary expenses, $33,000; of which amount a sum not exceeding $500 may be expended by the major and superintendent of police for the prevention and detection of crime under his certificates approved by the Commissioners of the District of Columbia, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the War Department may furnish the District Commissioners for the use of the police, upon requisition, such unserviceable mounted equipment as may be repaired;

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is "unserviceable mounted equipment?" Why do District police officers use unserviceable equipment?

Mr. GARDNER of Michigan. Sometimes the War Department changes the type of saddles, the same as they change the type of uniforms or of arms for their soldiers, and they become unserviceable in the War Department, and may be and have been very serviceable to the mounted policemen of the District.

Mr. MANN. I thought maybe they turned over their second-hand stuff which they had worn out on these long riding expeditions to the mounted police of the District.

Mr. GARDNER of Michigan. It is simply a matter of economy to the District, and no harm to the General Government.

Mr. MANN. I withdraw the pro forma amendment.

The Clerk read as follows:

HEALTH DEPARTMENT.

For health officer, $3,500; chief clerk and deputy health officer, $2,200; clerk, $1,400; four clerks, two of whom may act as sanitary and food inspectors, at $1,200 each; two clerks, at $1,000 each; clerk, $600; chief inspector and deputy health officer, $1,800; fifteen sanitary and food inspectors, at $1,200 each; one inspector, $1,000; one inspector $900; sanitary and food inspector, who shall be a veterinary surgeon and act as inspector of live stock and dairy farms, $1,200; five sanitary and food inspectors, who shall be veterinary surgeons, at $1,000 each, and five sanitary and food inspectors, at $900 each, to assist in the enforcement of the milk and pure food laws and the regulations relating thereto; sanitary and food inspector, who shall inspect dairy products and shall be a practical chemist, $1,800; messenger and janitor, $600; driver, $540; poundmaster, $1,500; and for laborers, at not exceeding $40 per month, $2,400; in all, $53,740.

Mr. ADAIR. Mr. Chairman, I move to strike out the last word. It occurs to me that this is an enormous expense in connection with this department, and I would like to ask the chairman of the committee if this bill makes provision for additional help to what has heretofore been employed? Are the employees mentioned in this bill the same as have heretofore been carried in the appropriation bill? I notice this bill provides here for deputy health officer and health officer and a number of clerks, and then, a little farther down, it provides for an inspector, who is also a deputy health officer, and I should like to know whether there has been an increase in the number of men employed in this department or whether these positions specified in this bill have been heretofore carried in this appropriation?

Mr. GARDNER of Michigan. I will say that there have been two additional inspectors relating to milk inspection provided for, and, in line with the gentleman's thought, the appropria-

tion is only about 60 per cent of what was asked for, but it carries as much as it did last year, plus the salaries of these two additional inspectors.

Mr. ADAIR. In other words, there are just two additional inspectors carried in this bill?

Mr. GARDNER of Michigan. Yes.

Mr. ADAIR. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For special services in connection with the detection of the adulteration of drugs and of foods, including candy and milk, $100.

Mr. COX of Indiana. Mr. Chairman, I would ask the gentleman in charge of this bill a question. Beginning with line 17, page 65, "For special services in connection with the detection of the adulteration of drugs and of foods;" what does that refer to, "special services?" The appropriation is small, but I do not understand it.

Mr. GARDNER of Michigan. The object of that is that certain parties may be sent out; for instance, there is a doubt about whether a confection sold at some place is what it represents itself to be, and this appropriation enables them to give a man a dollar or half a dollar, as the case may be, to go out and get a sample or samples of that confection in order to inspect it.

Mr. COX of Indiana. To make a special test?

Mr. GARDNER of Michigan. That is the point.

Mr. COX of Indiana. Mr. Chairman, I will withdraw the pro forma amendment.

The Clerk read as follows:

For contingent expenses incident to the enforcement of an act to regulate the sale of milk in the District of Columbia, and for other purposes, approved March 2, 1895; an act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, approved June 30, 1906, $1,000.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the gentleman from Michigan, in charge of the bill, whether he regards that as a sufficient amount in order to bring about a correct examination and investigation of these very important subjects, viz, to regulate the sale of milk and of the sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and so forth. It seems to me to be a very small amount, and I ask the question merely for information.

Mr. GARDNER of Michigan. They are here, as are nearly all the recommendations of the committee, below the estimates, but they are equal to the estimates of all previous years, save one, namely, 1893, and have met apparently the necessities of the case up to this time.

Mr. GOULDEN. Can the gentleman tell us just how much below the estimates the figures carried in this item are?

Mr. GARDNER of Michigan. The estimate this year were $3,000 and the appropriation $1,000. The estimates in all preceding years were $1,000, save one year, several years ago, when they were $1,500.

Mr. GOULDEN. Does the gentleman, who is a man of large experience and good judgment, think $1,000 is sufficient to secure a proper and efficient inspection and investigation of these matters?

Mr. GARDNER of Michigan. I would hardly want to give my judgment alone, but it is the judgment of the committee having the matter in charge; they were unanimous in their report.

Mr. GOULDEN. That is all I wish to know.

The Clerk read as follows:

Juvenile court: For judge, $3,000; clerk, $2,000; chief probation officer, $1,500; probation officer, $1,200; janitor, $540; in all, $8,240.

Mr. GOULDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 2, on page 67, after the word "thousand," insert the words "six hundred," so as to read:
"Juvenile court: For judge, $3,600."

Mr. GARDNER of Michigan. I make a point of order on that.

Mr. GOULDEN. Will the gentleman reserve the point of order?

Mr. GARDNER of Michigan. Surely.

Mr. GOULDEN. Mr. Chairman, the judge of the juvenile court, which is a police court, is certainly entitled to recognition the same as is proposed to be given to the police-court judges in the sections following this one. The reason advanced for this proposed increase, Mr. Chairman, is that the services and the demands upon the judge here in his supervision of the children on probation make the increase asked for only equitable. The salary provided for the judges of the juvenile courts of Colorado is $4,000, that of Brooklyn $6,000, New York City $9,000, Chicago $10,000. Doctor Hastings says of the judge of the Chicago juvenile court that he is a jurist of the highest standing, receiving a salary of $10,000, and it is recognized that no man is too wise or too eminent to deal with children's cases. This is equally true of the gentleman now sitting in the District juvenile court.

Mr. ADAIR. Will the gentleman yield to a question?

Mr. GOULDEN. Certainly.

Mr. ADAIR. Are you taking into consideration the fact that these are Chicago children?

Mr. GOULDEN. Yes; I will say that I am. In answer to the gentleman from Indiana [Mr. ADAIR], I believe that Chicago children are no worse or no better than the children of Washington or other cities.

Mr. BOWERS. Why was not this suggestion or an application for an increase in the salary of this office submitted in the usual way to the Committee on Appropriations, in order that they might make some investigation?

Mr. GOULDEN. I am unable to answer the question of the gentleman, Mr. Chairman, but I do submit this: That if you propose, as the committee does in this bill, to increase the salaries of the police judges—and I think they are entitled to it—I have no fault to find whatever. However, if you are going to give it to those gentlemen, you have a right to give it to one who is doing equally as much work. And in this connection I desire to say that I have visited the juvenile court and witnessed the work done by the very able and zealous gentleman who now presides over that court. And if the members of this committee could see the work as I have seen it, the admirable manner in which he presides over the court and the many cases decided and the great good accomplished to society, there would be no question whatever, Mr. Chairman, in granting him this increase.

Mr. BOWERS. Does the gentleman press that increase on the Committee of the Whole without any opportunity at all on the part of the Appropriations Committee to inquire into the matter? I see the gentleman holds in his hand a paper, a copy of which other gentlemen received—I know I had one, as I recall, two days ago—long after this bill was reported to the House, and the inquiry I want to press is the one I made a moment ago, if he expects to insist on the Committee of the Whole House on the state of the Union taking up this material increase without any opportunity of having it considered by the Committee on Appropriations and hearings had on it?

Mr. GOULDEN. I was not aware of the fact that the committee had not considered it. I assumed that a committee composed of intelligent members as this great committee is, had considered all question of this character fully.

Mr. MADDEN. Does the gentleman know that the salary of the judge to whom he has referred is fixed by law at $3,000?

Mr. BURLESON. And fixed only two years ago.

Mr. MADDEN. That is the fact, and the salary of the police court judges to whom he has referred are fixed at $4,000; but as a matter of fact the Committee on Appropriations has been appropriating less than that. That is one instance where the appropriation is less than the statute provides.

Mr. GOULDEN. Will the distinguished gentleman tell me why?

Mr. MADDEN. Because they did not think the service was worth as much as the statute fixed.

Mr. GOULDEN. A closing word. I simply want to call the attention of the committee to the fact that I believe the gentleman presiding over the juvenile court is entitled to exactly the same consideration that the police-court judges are to receive; and they are all worthy of the sum which is to be given them. They should be given that as an act of justice.

Mr. ADAIR. Will the gentleman allow me to ask him a question?

Mr. GOULDEN. Certainly.

Mr. ADAIR. That is whether or not he has any information that leads him to believe that the judge of the juvenile court would probably tender his resignation if his salary was not increased, and whether he thinks it would not be possible to procure a gentleman who would gladly take his position who would be equally suitable for this place?

Mr. GOULDEN. In answer I would state that in the first place, I had no conference with the gentleman on either subject. In the second place, I do not believe that you could duplicate the gentleman who fills that position in the city of Washington on that salary or find a better informed in the law or one more eminently fitted to discharge the important duties, than the judge now occupying that position.

Mr. GARDNER of Michigan. Mr. Chairman, I hope that the gentleman from New York will withdraw his proposed amendment for the following reasons: In the first place, as has been stated, this court is just getting fairly established; in the second place, there is an orderly way by which to get at these changes. There was nothing brought before the committee in the extended hearings we had.

Mr. GOULDEN. I hope the gentleman is not insinuating that I am doing anything in a disorderly way. I only desire the gentleman's definition of the word.

Mr. GARDNER of Michigan. There was no application for an increase of the salary of this judge, as I recall; otherwise we would have been glad to have investigated it, and reported upon that if we thought a change was necessary. Now, another year is coming, when this can be brought up and considered and reported on as other proposed changes are reported on.

Then, again, while I am on my feet, the gentleman speaks of this being on all fours with the police court. The police court has been in existence here for forty years or more. One of these men has been serving for many years, another a less time. The net receipts of their court turned back to the Government were more than $60,000 last year. They sit every day in the week, Sunday alone excepted, and on every holiday. And I will also state, while I am on my feet, that these judges have had long service, which the committee thought worthy of recognition.

Mr. GOULDEN. I believe that the police-court judges are entitled not only to what you recommend, but what the law gives them—$4,000. I wish to be clearly understood upon this subject—that I am not opposed to granting that increase to the police court judges, but am heartily in favor of it.

Mr. GARDNER of Michigan. I do not want to insist upon the point of order, but I will state to the gentleman if he will not withdraw it, I shall have to so insist.

Mr. GOULDEN. My colleague from New York [Mr. FITZGERALD] wishes to be heard, and after that I will consider the question of withdrawing it.

Mr. FITZGERALD. Mr. Chairman, if there be any official in the District of Columbia whose compensation should be increased, in my judgment it is the man who presides over the children's court. Those who have given any attention to the great work done by children's courts realize that it requires a man of exceptional tact and information to properly discharge the duties of the office. Prior to the establishment of the children's courts it had been the practice to bring small children charged with petty offenses—offenses for which they should not, in my judgment, in many instances be brought before magistrates—into courts where were brought the hardened and habitual criminals. The association of young children with these hardened habitual criminals was very disastrous to the children. Under the new system there is now provided a court to which are brought children charged with all kinds of offenses. It is not the purpose of the court to endeavor to mete out punishment in strict conformity with the law so much as it is to exercise an influence that will not be exercised by the police court magistrate over the criminal—a refining, elevating influence, that will tend to prevent the child having any association at all with the criminal. I am personally acquainted with the gentleman who fills this office. He is a refined, cultured, well-educated gentleman, as well as a good lawyer.

He devotes as much time to the discharge of the duties of his place as do the police-court magistrates. In my judgment, he devotes more time. He does not discharge the duties of his office in a purely perfunctory and routine manner, such as is customary in some police courts, but every case that is brought before him is considered carefully and intelligently, and an effort is made to ascertain the facts surrounding the child brought before him and to have those civilizing influences that are now extended by charitably disposed people reach out so as to better the condition of the child in his home. This man should not only be placed in a position where he can keep himself decently, in conformity with the requirements of the position, but this court should be placed upon a plane that will make those appearing before it feel that it is not inferior to the police courts. In my judgment, it is of more importance to the welfare of the people of the community in the work that it does than the police courts, and if my colleague is disposed to permit any increases of salary to be made upon this bill, I sincerely trust that he will not make it impossible to have this increase in this salary, particularly since the committee, on investigation, has found it advisable to recommend an increase in the salary of the police-court judges.

There is not much that can be said in addition to what has been stated already regarding the place. I trust that the importance of this court will not be minimized in the estimation either of the public or of those who unfortunately are compelled to have business there by making it appear that this judge occupies a position inferior to the police-court judges of this community.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. GARDNER of Michigan. I regret exceedingly, Mr. Chairman, while agreeing in the main with what has been said, that I feel constrained to insist on the point of order, believing that we can rectify anything along this line in the future.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For rent, $240.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, for the purpose of inquiring of the gentleman in charge of the bill what this rent is for.

Mr. GARDNER of Michigan. For the building that is used for this court.

Mr. WILLIAMS. For the juvenile court?

Mr. GARDNER of Michigan. For the juvenile court.

Mr. WILLIAMS. Is there no building belonging to the District of Columbia where this court might hold its sessions?

Mr. GARDNER of Michigan. Not at this time. There was a room provided in the new police-court building for the juvenile court, but it was thought upon further reflection not advisable to hold both courts under one roof, because of the association with the children.

Mr. WILLIAMS. Association of the children with older criminals?

Mr. GARDNER of Michigan. That is it.

Mr. WILLIAMS. And there is no other place in the District, in a building belonging to the District, where this court could be held?

Mr. GARDNER of Michigan. Not that I am advised of; no.

Mr. WILLIAMS. It seems to me it is a little unnecessary for us to be paying so much rent for the District. We have spent a great deal of money for a great building, and we have the old building, and I hope the rents will cease after a while, at any rate.

The Clerk read as follows:

Writs of lunacy: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder in all cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of existing law, $2,500.

Mr. BRODHEAD. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill for some information in regard to this paragraph. It seems to appropriate $2,500 for expenses attending the execution of these writs. I desire to ask whether that includes any provision for attorney or counsel fees.

Mr. GARDNER of Michigan. I understand it does not.

Mr. BRODHEAD. Who, if anybody, looks after the interests of the District of Columbia in these proceedings? Is there any counsel, learned in the law, who attends to the matters relating to writs of lunatico inquirendo in the interests of the District of Columbia?

Mr. GARDNER of Michigan. The corporation counsel.

Mr. BRODHEAD. Is that part of his duty?

Mr. GARDNER of Michigan. Part of his duty as the law officer of the District.

Mr. BRODHEAD. How many writs were issued last year, or how many cases are there of indigent insane, on an average, per annum?

Mr. GARDNER of Michigan. I do not recollect that the matter of the number of writs was gone into particularly. The number of insane is easily obtainable, because we pay the asylum on a basis of numbers. It is a contract matter.

Mr. BRODHEAD. I read this bill yesterday and I came across this paragraph.

Mr. GARDNER of Michigan. I am told there is in the neighborhood of a thousand from the District, but how many committed within the last twelve months we do not know.

Mr. BRODHEAD. I took pains myself to inquire at the office of the corporation counsel to ascertain who looked after the interest of the District of Columbia in these matters, and I was informed by that office that neither of the assistant counsel at present in the office of the corporation counsel looked after it. They said that no one of the four assistants had time to do so, and this astounding piece of information was given to me that the interest of the District of Columbia in all of these matters was looked after by the stenographer of that office; that he attended to it.

Mr. GARDNER of Michigan. The stenographer of what office?

Mr. BRODHEAD. In the office of the corporation counsel; he happens to be a member of the bar.

Mr. GARDNER of Michigan. He is a lawyer?

Mr. BRODHEAD. Yes; but his office is that of stenographer, but his time is given up to a great extent in looking after these matters. It seemed to me that it was a matter of great importance to the District, because the District is very much interested in the matter. Unless it is properly looked after from the point of the District, it would seem to me possible for the surrounding country to dump their indigent insane into the District for the purpose of being taken care of, or it might be possible for an insane person to be committed as indigent insane who, in point of fact, is not indigent. In such a case as that the District of Columbia would suffer.

It therefore occurs to me that it would be proper to designate somebody to look after that business in the interest of the District of Columbia. I have a formal amendment which, if the gentleman agrees with me in the general line, would perhaps meet the emergency, and I will send it to the Clerk's desk to be read.

The Clerk read as follows:

Amend, on page 69, line 7, by striking out the period after the word "dollars" and insert a comma; and following the comma insert "and the further sum of $1,500, or so much thereof as may be necessary, to be expended under the direction of the corporation counsel for the employment of counsel to conduct, in the interest of the District of Columbia, all the proceedings incident to such writs of lunatico inquirendo."

Mr. MANN. To that I reserve a point of order.

Mr. BRODHEAD. I ascertained that last year there were 365 cases of indigent insane looked after by the stenographer of the corporation counsel's office. Ordinarily an attorney's fee of $5 in each case like that would be a very modest sum, and that would make $1,825.

Now, the situation, as I understand it, is that there is nobody in the office of the corporation counsel whose duty it is to look after this matter except the stenographer; that is, it is not looked after by any one of the regular assistants. The District of Columbia is directly interested in the matter, not only to see that there is no person committed too hastily and no injustice done to the individual, but that there is no injustice done to the District by imposing upon the District the support and maintenance of persons committed as indigent insane who come here from the surrounding country for that very purpose. Now, fortunately, the stenographer in question is versatile. I ascertained that he took upon himself to examine into two or three cases where the indigent person was, in point of fact, not indigent, and that the office recovered in one case the sum of $1,000. Had it not been looked after, had it not been discovered by the stenographers, it would have been lost completely. Probably that office will not always have such an efficient stenographer, as it is no part of his duty or qualification to be a member of the bar.

Mr. MADDEN. Does not the gentleman think that there might be more danger of putting more people in the asylum if you have more officers to deal with?

Mr. BRODHEAD. No; we must go upon the assumption that everything is carried out in good faith.

Mr. MADDEN. The proposition of the gentleman is to create another position.

Mr. BRODHEAD. My proposition is that the matter is of sufficient importance to have some one look after it.

Mr. MADDEN. There are plenty of people to look after it.

Mr. BRODHEAD. Just one word more, Mr. Chairman. I looked over the hearings of the committee, and, as I recall it, the office of the corporation counsel did ask for an additional assistant, and that such additional help to that office was recommended by the Commissioners.

I do not recall that this particular point that I am now asking about was raised before the committee or whether or not this committee ever considered this point, to wit, that there is nobody whose particular and special duty it is to look after the interests of the District of Columbia in the matters of the commitment of the indigent insane.

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman I want to say, first, that the question of commitment of insane is still under the direction of the corporation counsel. He may delegate it to a lawyer who is a stenographer. That is his business. It is not for us to criticise his administration, but it is his duty to see that the commitments are properly made. I think on that there can be no dispute.

Mr. MADDEN. And as a matter of fact, it would follow that any recommendation of any assistant of corporation counsel would not be final until acted upon and approved by the corporation counsel.

Mr. GARDNER of Michigan. That is also true. If the work is not properly looked after, the corporation counsel is at fault. Now, again, for fear there may be impositions upon the District—and undoubtedly there are, not confined to Washington, but it is everywhere in the United States, the people desire to unload their undesirable citizens, if I may use that modern phrase, upon somebody else——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARDNER of Michigan. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Does the Chair understand that the gentleman reserves a point of order?

Mr. GARDNER of Michigan. The gentleman from Illinois reserves a point of order. I am not raising a point of order. I hope the gentleman from Pennsylvania will not insist on his amendment after he hears me. The District has located at the asylum some one who is charged with the duty of guarding the interests of the District by discovering any who may not be insane or who may have been committed in the name of the District and who do not belong there, and I may say that deportations out of the District are occurring constantly. We provide a fund in the bill to pay for expenses of just such cases as that. Then, again, the corporation counsel did not ask, nor did the Commissioners, for this officer. The fact that they asked for additional funds is something that is duplicated in almost every Government Department, but they did not set out that it was necessary at this time to have additional counsel or to add to the number already in the corporation counsel's office. So that the committee having investigated and reported as they did, I do not feel that the gentleman's reasons as alleged have been sufficient to warrant the incorporation of his amendment, and I hope he will withdraw it.

Mr. MANN. Mr. Chairman, I do not see how it can possibly be that the trial of indigent insane in the District could occupy more than one day in two weeks. I know something from observation of the trial of insane people, and I think that the stenographer of the corporation counsel's office, if he has been admitted to the bar and knows anything about law at all, is the very person to represent the District in these matters. Mr. Chairman, the amendment contemplates the creation of a new office not authorized by law, not now provided for, and it seems to me it is subject to the point of order. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BRODHEAD. Mr. Chairman, just one word. I move to strike out the last word. I think it is only proper for me to say that this amendment was entirely original with me and not at any suggestion directly or indirectly from the corporation counsel's office. The corporation counsel did not ask me to do this, but it occurred to me in looking on page 8, I think it is, where the appropriation is made for the salary of the corporation counsel's office, that the sum appropriated was a very small amount for such an enormous and important business. Upon inquiry I found at that office that they did not look after these writs of lunacy, excepting through a stenographer. Three hundred and sixty-five cases in one year in the District of Columbia attended to in one day a week, as the gentleman from Illinois suggested, is a rapidity that is dangerous. It is certainly a misfortune, but not necessarily a crime to be indigent, but it may become very dangerous to be indigent in the District of Columbia, if the indigent insane are going to be disposed of in a manner which might be described as "railroading."

Mr. MADDEN. Does the gentleman understand from the corporation counsel's office that the indigent insane are "railroaded" to the detention hospital?

Mr. BRODHEAD. No; I was anticipating a condition from the remarks of the gentleman from Illinois [Mr. MANN], who suggested these things could be done one day in the week.

Mr. MANN. One day in two weeks. How long does the gentleman think it takes to try the ordinary insane case?

Mr. BRODHEAD. Well, the question of sanity and insanity is a very important matter, and it seems to me some judicial consideration ought to be given to it.

Mr. MANN. An ordinary insane case does not require any consideration—one minute's testimony of a physician.

Mr. BRODHEAD. Some of us would be in much danger if that is true and we did not have a chance to answer. There have been one or two cases in this District where persons have been rapidly committed as indigent insane and kept at the expense of the District for several years and subsequently found out that they were not indigent at all. There may be cases now where they are restrained, having been too hastily adjudged

insane, where, in point of fact, they are not insane and have not got a chance to be heard because they are indigent.

Mr. MANN. The gentleman does not think anyone is interested—in an insane asylum or any other place—in keeping an indigent sane person in an insane asylum as an indigent insane person. Nobody is interested in keeping a sane person in an asylum who has not property. There is some point, it is true, that side of the House deserves to be——

Mr. BRODHEAD. I am afraid we will have many indigent insane if this Republican panic keeps up much longer.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman in charge of the bill used the much-used words a moment ago, "undesirable citizens." President Roosevelt is not the first man or the first great officer to use the term, the governor of Illinois being at least earlier than the President. But that is not what I want to talk about.

Is there any law on the District of Columbia statute books regulating vagrancy? That is the thought I have in mind, and I would like to know if there is any law on the local statute books against vagrants? Can anybody answer that question?

Mr. BOWERS. The gentleman should go to the District of Columbia Committee, which has authority to legislate upon the subject, and not call upon this committee.

Mr. GAINES of Tennessee. I am willing to inquire of any committee, so I get the information. I want to know whether we have any law against vagrants in the District of Columbia, and I want to ask, if there is such a law, if the law is enforced? If there is such a law, I do not believe it is.

Mr. BURLESON. Inquire of the District of Columbia Committee.

Mr. GAINES of Tennessee. I think there are more loafers, "hangers-on," idlers, vagrants, trying to "slip up on a living" to the square inch in Washington City than in any city I ever saw in my life. The people which are, or which become, members of this class seem to "blow in" here from all sections of this country, including foreign countries. There is another class, who are promised, directly or indirectly, usually before elections, that they will get jobs here after the elections if they will come to Washington. They come. They are unfortunate in failing to get a job; they get out of money, have or make but few friends; they will not return home or do manual labor, and they hang around here until they have no money and really have no visible means of support. Some of them, I am forced to believe, later on become professional idlers and invade the arteries of society from the bottom up, and sooner or later become a menace to the community. But wherever they come from and whoever they are and why they are here, the fact is, I believe, there are many professional idlers or vagrants in this city; and hence I make the very serious inquiry as to the vagrancy laws of this city and District, and I would like to know if we have any and if they are enforced.

Mr. GARDNER of Michigan. Mr. Chairman, in reply to the gentleman from Tennessee I will say we have a vagrancy law and it is enforced, and as an evidence of it the workhouse and jail are full, they being committed to them under that vagrancy law.

Mr. GAINES of Tennessee. It must be a feeble law or a very strong law feebly enforced, from the information I have and from my observation.

Mr. BURLESON. It is an imperfect law.

Mr. GAINES of Tennessee. My friend from Texas, who is very well versed in these matters, says it is a very imperfect law, but just a moment, Mr. Chairman. In the State of Tennessee, I want to say, we were compelled a few years ago to strengthen our vagrancy laws and appeal to the courts of the State and municipal officers to vigorously enforce it, to get rid of vagrants and professional idlers hanging around the streets making it unpleasant for busy women and men to walk along the pavements. We got rid of the vagrant, this professional idler without visible means of support, and made him go to work—and there was plenty of work to do—or leave the State, and now we have a much better condition than we have had for years.

Now, these idlers are at work and but few vagrants are seen, and I think that if such a law as that was made to apply to Washington City we would have a better citizenship than we now have and we would have fewer women assaulted upon the streets and fewer brawls upon the highways, and we would have some peace and quiet and less talk on the subject. I am on the side of law and order. I want no man to make a living except by the sweat of his face, and when he thus makes it I want him to be—and he usually is—a good citizen. I say again, if we have a vagrancy law in this city, I do not believe it is enforced; and, if it is enforced, I say the law ought to be strengthened, and I have the word of my distinguished friend from Texas [Mr. BURLESON] to bear witness to the fact that the law that we now have on the statute books is insufficient.

The Clerk read as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, $975,408.

Mr. FORNES. Mr. Chairman, I move to strike out the last word for the purpose of inquiring whether there are any revenues derived in the District from public utilities or market privileges paid into the sinking fund?

Mr. MADDEN. Not paid into the sinking fund. They are paid into the treasury of the District.

Mr. FORNES. No revenues whatever paid into the sinking fund for the purpose of redemption of city bonds?

Mr. MADDEN. They are paid into the regular treasury of the District.

The Clerk read as follows:

Court-house, District of Columbia: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: Engineer, $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and three messengers, at $720 each; in all, $10,080, to be expended under the direction of the Attorney-General.

Mr. ADAIR. Mr. Chairman, I move to strike out the last word. I notice this provision here provides for an engineer at $1,200; three watchmen, at $720 each; three firemen, at $720 each; five laborers, at $480 each; and three messengers, at $720 each; in all, $10,080. Now, it seems to me, Mr. Chairman, this is a tremendous figure and an enormous expense for the care of a building of this kind. If all of these people are necessary, well and good; but it does seem to me that in the public buildings here in the District of Columbia, and, in fact, in all the Government buildings in the city of Washington, a much larger force is employed than is necessary to care for these buildings. There is a man at every door, every entrance, and every exit. In fact, in many instances, they are so thick and numerous they are actually in the way.

We all remember that not long ago there was a resolution introduced in the House asking that thirty-four men be employed to police the Office Building over here—the House Office Building. It was argued upon this floor that thirty-four men were needed; that they were necessary to police the building, to guard the entrances and keep order on the various floors. We all remember the fight that was made upon the floor in reference to the matter. An amendment was offered reducing it to ten, but it was argued that ten was not sufficient, and that many more than ten men were needed to care for this Office Building. The motion was lost. Then later, another amendment was offered making it fifteen, and that amendment prevailed. Fifteen men were employed to police the House Office Building, and those of us who have been occupying that building for the last three or four months have learned that even that number was unnecessary; that fifteen were twice as many as were really needed to care for that building. Now, I believe, Mr. Chairman, that all of the public buildings of this city should be carefully guarded and all taken care of. But I do not believe that it is right and proper, that it is economical, that it is fair to the people that pay the taxes of this country, to fill all the space in these public buildings with men drawing salaries at the expense of the people, when their services are not needed, and I believe that this amount of expense for caring for the court-house in the District of Columbia is unnecessary, is exorbitant, and should not be permitted to continue.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last two words. I know the gentleman from Indiana [Mr. ADAIR] means to be fair and to make correct statements on the floor of the House. I will acquit him from any intention otherwise. The Committee on Appropriations brought in a bill to provide for thirty instead of thirty-four officers of the Office Building.

Mr. ADAIR. I will accept the amendment.

Mr. GOULDEN. Afterwards the Committee on Accounts brought in a measure asking for twenty-one, which was cut down to fifteen, as stated by the gentleman from Indiana. I desire to make this correction because I know the gentleman wants to have it correctly reported. I want to say that many of us differ from him so far as the proper officering of that building is concerned at the present time, and I do not believe that it is with the number of men which has been granted by the House.

Mr. MANN. No doubt about that. It has got too many officers who do nothing.

The Clerk read as follows:

REFORMATORIES AND CORRECTIONAL INSTITUTIONS.

For Washington Asylum: For superintendent, $1,600; visiting physician, $1,080; resident physician, $480; clerk, $840; property clerk, $1,000; baker, $600; principal overseer, $1,400; fifteen overseers, at $600 each; engineer, $720; assistant engineer, $480; second assistant

engineer, $480; engineer at hospital for seven and one-half months, at $50 per month; engineer at new workhouse for seven and one-half months, at $50 per month; two watchmen, at $480 each; two night watchmen, at $548 each; blacksmith and woodworker, $500; carpenter, $500; driver for dead wagon, $365; hostler and driver, $240; keeper at female workhouse, $300; keeper at female workhouse, $180; hospital cook, $600; chief cook for workhouse, $600; four assistant cooks, at $180 each; trained nurse, who shall act as superintendent of nursing, $720; two graduate nurses, at $425 each; graduate nurse for receiving ward, $425; two nurses for tuberculosis wards, at $600 each; six orderlies, at $300 each; pupil nurses, not less than twenty in number (nurses to be paid not to exceed $120 per annum during first year of service, and not to exceed $150 per annum during second year of service) $2,625; registered pharmacist, who shall act as hospital clerk, $720; gardener, $540; herdsman, $365; florist, $300; tailor, $180; housekeeper, $300; laundryman, $600; temporary labor, not to exceed $2,400; in all, $38,416.

Mr. GARDNER of Michigan. I offer the following amendment.

The Clerk read as follows:

On page 73, in line 9, strike out "tuberculosis wards, at six hundred" and insert "annex wards, at four hundred and twenty-five;" and in line 22 strike out "four hundred and sixteen" and insert "and sixty-six."

Mr. GARDNER of Michigan. In explanation of that amendment, Mr. Chairman, I wish to state that the tuberculosis patients will be transferred to the tuberculosis hospital early in the next fiscal year, and the two nurses are desired in the annex that is now being prepared.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Reform School for Girls: Superintendent, $1,200; treasurer, $600; matron, $600; three teachers, at $600 each; overseer, $720; six teachers of industries, at $480 each; engineer, $600; assistant engineer, $420; night watchman, $365; two laborers, at $300 each; in all, $9,785.

Mr. GARRETT. I move to strike out the last word. Can the gentleman state how many girls there are in this reform school?

Mr. GARDNER of Michigan. Between 70 and 90, I think.

Mr. GARRETT. Is that the average number?

Mr. GARDNER of Michigan. Somewhere near the average. A very excellent institution, by the way.

The Clerk read as follows:

Hospital for the Insane: For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District, as provided by law, $280,000.

Mr. BRODHEAD. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill if he knows the condition of the Hospital for the Insane—that is, whether or not it is unduly crowded. I noticed that the appropriation here is $280,000, whereas the Secretary of the Treasury recommends a larger amount. I want to know if the gentleman was informed whether the hospital was large enough and they were being properly taken care of or unduly crowded?

Mr. GARDNER of Michigan. I think an affirmative answer may be made to the first two propositions and a negative answer to the last; that they are not unduly crowded and that they are taken as good care of as is given in first-class asylums of the kind throughout the country.

Mr. BRODHEAD. Then the gentleman was convinced that the amount recommended by the Secretary of the Treasury was too large?

Mr. BOWERS. The Secretary of the Treasury made no recommendation.

Mr. BRODHEAD. He transmitted the estimates, did he not?

Mr. BOWERS. The Secretary of the Treasury transmitted the estimates made by the District Commissioners without comment.

Mr. BRODHEAD. And in the opinion of the committee the amount of the estimate was too much?

Mr. GARDNER of Michigan. The committee gave to this question, as it gave to all others, careful investigation, and recommended an appropriation which they thought would meet the necessities.

The Clerk read as follows:

For continuing the extension of and maintaining the high-service system of water distribution, laying necessary service and trunk mains for low service, and purchasing, installing, and maintaining water meters on services to such private residences as may be directed by the Commissioners of the District of Columbia, said meters at all times to remain the property of the District of Columbia, to include all necessary land, machinery, buildings, mains, and appurtenances, and labor, and the purchase and maintenance of horses, wagons, carts, and harness necessary for the proper execution of this work, so much as may be available in the water fund during the fiscal year 1909, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Mr. GARRETT. I move to strike out the last word for the purpose of asking a question of the gentleman from Michigan or the gentleman from Illinois. I remember two years ago, or last year, the policy of instituting meters was adopted. Some objections were made to that at the time. I should like to ask the gentleman how that policy has worked. Has it proven satisfactory?

Mr. GARDNER of Michigan. The policy of installing meters is gradually being carried out. About 20 per cent of the takers of water are using meters, and the result is entirely satisfactory from the standpoint of saving in the consumption of water.

Mr. GARRETT. It saves in economical use of the water?

Mr. GARDNER of Michigan. Yes, sir.

Mr. GARRETT. Has there been any complaint? I remember it was urged here it would work a hardship, particularly during the summer months, upon the poorer people of the city. Has it been tried with them, and can the gentleman say whether it has in fact worked any hardship on them?

Mr. GARDNER of Michigan. In reply to that, I can only say that no complaint, so far as I have knowledge, has been brought to the attention of the committee, nor do I know of any elsewhere.

Mr. MANN. I think, if the gentleman will permit, complaint when the matter first came up was that the poorer people would be inclined not to use as much water as would be good for them if they paid for it by meter.

Mr. GARRETT. That was the point that was made.

Mr. MANN. They are not likely to make complaint and urge that they be required to use more water.

Mr. TAWNEY. Mr. Chairman, I will say that it does appear to the committee that the poorer people, or the people who are using meters, are using as much water as ever, and at half the expense it has heretofore cost them. Some of the users inform us that their water bills have been cut in two in the middle.

Mr. GARRETT. I understood from the gentleman from Mississippi that the meters had not yet really been installed except in the places of business of large users, so that really they have not reached that class concerning which I was seeking information.

Mr. TAWNEY. I remember a number of small users—ordinary residences.

Mr. NORRIS. What was the provision of law as to the installation of meters?

Mr. MADDEN. The introduction of meters is altogether under the direction of the Commissioners. The purpose is to make the water service more adequate for the needs of the District.

Mr. NORRIS. They expect ultimately that every house will have a meter?

Mr. MADDEN. The intention is that ultimately every house shall have a meter.

Mr. NORRIS. Is there any limitation as to when this shall be done?

Mr. MADDEN. They are putting them in as fast as it can be done with the money which they can afford to spend for that purpose.

Mr. NORRIS. They use their discretion as to where the meters shall be put in?

Mr. MADDEN. Yes.

Mr. NORRIS. I should like to inquire of the gentleman in charge of the bill what is the cost to the consumer of water under the meter system?

Mr. GARDNER of Michigan. It costs about 4 cents for a thousand gallons.

Mr. NORRIS. Is that a sufficient amount, so that there is no loss to the District?

Mr. GARDNER of Michigan. It is a gain to the District.

Mr. NORRIS. It is a profit, even at that?

Mr. GARDNER of Michigan. Yes.

Mr. MANN. I think the gentleman is mistaken about that.

The Clerk read as follows:

SEC. 6. From and after the approval of this act all per diem employees and other day laborers of the District of Columbia who have been continuously employed for five working days next preceding the first Monday of September in each year (commonly called Labor Day), and whose employment continues through and beyond said day, may, in the discretion of the Commissioners of the District of Columbia, be granted leave of absence with pay for said day.

Mr. MACON. I make a point of order against the provision of the bill just read.

Mr. MANN. Which provision is that?

Mr. MACON. Section 6, page 97.

Mr. GARDNER of Michigan. Mr. Chairman, we do not contend that this is not subject to a point of order, but we do feel that it is just to the laborers that on this day they have the same privileges extended to them that they would have if they were in the employ of private corporations, and that for Labor Day they receive their pay from the Government the same as laborers in private employment. I hope the gentleman will not press his point of order.

Mr. MACON. Mr. Chairman, does the gentleman contend that every private corporation which has had a man in its em-

ploy for five days only extends to him a holiday and pays him for the day, too?

Mr. GARDNER of Michigan. That does not cover the question.

Mr. TAWNEY. It says through that day.

Mr. GARDNER of Michigan. It says, "and whose employment continues through and beyond said day."

Mr. MACON. I withdraw the point of order.

The Clerk concluded the reading of the bill.

Mr. GARDNER of Michigan. I move that the committee do now rise and report the bill to the House with the pending amendments and with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20063, the District of Columbia appropriation bill, and had instructed him to report the same back to the House with sundry amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 6, 1908:

H. R. 9079. An act to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise; and

H. R. 10075. An act for the relief of Copiah County, Miss.

On April 7, 1908:

H. R. 19955. An act making appropriations to supply certain additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1908.

ENROLLED BILL SIGNED.

The Speaker announced his signature to an enrolled bill of the following title:

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted:

To Mr. LEVER, for one week, on account of sickness.

To Mr. BURTON of Ohio, for one day, on account of important business.

DAM ACROSS SAVANNAH RIVER AT CHEROKEE SHOALS—VETO MESSAGE.

The Speaker laid before the House the following message from the President:

To the House of Representatives:

I return herewith, without my approval, House bill 16621.

This bill is returned for the reason that the title does not correspond to the substance of the act. The bill, by title, merely extends the time for the construction of a dam across Savannah River at Cherokee Shoals; but, as a matter of fact, it changes the designation of the grantee and repeals the original act, thus practically making a new measure. It is not quite clear what the effect of these changes would be; but the form of the bill is so defective that it should not in any event be signed. An opportunity was afforded to withdraw it to correct these defects, but was not availed of.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 7, 1908.*

Mr. WILLIAMS. Mr. Speaker, what disposition has been made of that?

The SPEAKER. It is not disposed of.

EXTENSION OF WASHINGTON RAILWAY AND ELECTRIC COMPANY AND OTHER COMPANIES.

Mr. SMITH of Michigan. Mr. Speaker, I submit a conference report on the bill S. 902, authorizing certain extensions to be made in the lines of the Washington Railway and Electric Company, the Anacostia and Potomac River Railroad Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, to be printed in the RECORD under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 902) "An act authorizing certain extensions to be made of the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes," having met, after full and free conference have been unable to agree.

S. W. SMITH,
P. P. CAMPBELL,
T. W. SIMS,
Managers on the part of the House.
J. H. GALLINGER,
CHESTER I. LONG,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The conferees upon the part of the House after several conferences with the conferees of the Senate have come to no agreement.

S. W. SMITH.
P. P. CAMPBELL.
T. W. SIMS.

DEATH OF REPRESENTATIVE BRICK.

Mr. OVERSTREET. Mr. Speaker, it is my painful duty to announce to the House the death of my colleague, the Hon. ABRAHAM L. BRICK, Representative from the Thirteenth Congressional District of Indiana. At a later date I shall ask the House to set apart a suitable time to listen to appropriate testimonials on the life, character, and public services of the deceased. I now offer the following resolutions:

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ABRAHAM L. BRICK, a Representative from the State of Indiana.

Resolved, That a committee of sixteen Members of the House be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now recess until Wednesday, April 8, at 11.30 o'clock a. m.

The SPEAKER. The question is on agreeing to all the resolutions save the last.

The question was taken, and the resolutions, except the last, were unanimously agreed to.

In accordance with the resolution the Chair appointed as a committee to attend the funeral Mr. OVERSTREET, Mr. WATSON, Mr. CRUMPACKER, Mr. HOLLIDAY, Mr. CHANEY, Mr. FOSTER of Indiana, Mr. GILHAMS, Mr. DIXON, Mr. COX of Indiana, Mr. GILLETT, Mr. GRAFF, Mr. BOWERS, Mr. HAMILTON of Michigan, Mr. COLE, Mr. LLOYD, and Mr. ALEXANDER of New York.

The SPEAKER. The question now is on agreeing to the last resolution.

The question was taken, and the resolution was unanimously agreed to.

Accordingly (at 4 o'clock and 6 minutes p. m.), the House was in recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a copy of a letter from the Chief of Ordnance, a report of tests of iron and steel and other materials for industrial purposes, made at the Watertown Arsenal, during the fiscal year ended June 30, 1907 (H. R. Doc. 854)—to the Committee on Manufactures and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the sloop *Prudent*, Matthew Kemp, master—to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 4049) authorizing a credit in certain accounts of the Treasurer of the United States, reported the same with amendment, accompanied by a report (No. 1392), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20430) to authorize the Secretary of War to donate to the Veteran Relief Guard, of Newburgh, N. Y., fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same, reported the same without amendment, accompanied by a report (No. 1396), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20432) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1391), which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the Senate (S. 4427) for the relief of Hastings Steamboat Company, reported the same without amendment, accompanied by a report (No. 1393), which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the Senate (S. 5207) for the relief of William Radcliffe, reported the same without amendment, accompanied by a report (No. 1394), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the Senate (S. 6293) for the relief of Robert Davis, reported the same without amendment, accompanied by a report (No. 1395), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 15085) granting an increase of pension to Jula Walker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17175) granting an increase of pension to Samuel Godsey—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18409) granting an increase of pension to James R. Byrd—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SULLOWAY, from the Committee on Invalid Pensions: A bill (H. R. 20432) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. SMITH of Michigan: A bill (H. R. 20433) to regulate the practice of chiropractic, to license chiropractic physicians, and to punish persons violating the provisions thereof in the District of Columbia—to the Committee on the District of Columbia.

By Mr. COOPER of Texas: A bill (H. R. 20434) to amend section 863, United States Revised Statutes, relating to taking depositions de bene esse—to the Committee on the Judiciary.

By Mr. MADDEN: A bill (H. R. 20435) to aid the Lincoln Farm Association, of New York, to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on the Library.

By Mr. CARY: A bill (H. R. 20436) appropriating $100,000 for the building of an iron, brass, and steel foundry at the Government navy-yard at Washington, D. C.—to the Committee on Naval Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 20437) directing the Secretary of War to continue the survey of the Sacramento River, in the State of California, from the mouth of Feather River to Red Bluff—to the Committee on Rivers and Harbors.

By Mr. BEALL of Texas: A bill (H. R. 20438) to authorize the Secretary of War to donate to the Veteran Guard, of Waxahachie, Tex., fifty obsolete Springfield rifles, with bayonets, bayonet scabbards, and ammunition belts for same—to the Committee on Military Affairs.

By Mr. CRUMPACKER: Joint resolution (H. J. Res. 164) directing the Secretary of War to cause to be made an examination and survey of the harbors upon the south shore of Lake Michigan and of the Grand Calumet River—to the Committee on Rivers and Harbors.

By Mr. CARY: Resolution (H. Res. 330) providing for the appointment of a committee to investigate conditions and report upon the feasibility of the Government establishing its own iron, brass, and steel foundry at the navy-yard, Washington, D. C.—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 20439) granting a pension to Lina A. Breckinridge—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 20440) granting an increase of pension to Lewis Houser—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20441) granting a pension to Seonisco Martin—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20442) granting an increase of pension to Robert Johnson—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20443) granting an increase of pension to Charles A. Robinson—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20444) granting an increase of pension to Stewart Rexroat—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20445) granting an increase of pension to George H. Wagner—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 20446) granting a pension to Francis M. Browning—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 20447) granting an increase of pension to Burr Parsons—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 20448) granting a pension to William R. Watson—to the Committee on Pensions.

By Mr. CUSHMAN: A bill (H. R. 20449) granting a pension to Charles D. Vawter—to the Committee on Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 20450) providing for an increase of salary for the appraiser of merchandise at the port of New Orleans—to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: A bill (H. R. 20451) granting an increase of pension to Henry Willard—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 20452) for the relief of Mary V. Doyle—to the Committee on Claims.

By Mr. HALE: A bill (H. R. 20453) granting a pension to Jane Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20454) granting a pension to Jacob Mulkey—to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 20455) granting a pension to Otto Gimm—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 20456) for the relief of the heirs of James Tandy, deceased—to the Committee on War Claims.

By Mr. HUBBARD of Iowa: A bill (H. R. 20457) granting an increase of pension to Tempest Meyers—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20458) granting an increase of pension to George H. Ricker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20459) granting a pension to Mary Colcord—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 20460) for the relief of the heirs of Mary E. Neale—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: A bill (H. R. 20461) to correct the military record of Charles Knause, alias Dell—to the Committee on Military Affairs.

Also, a bill (H. R. 20462) granting an increase of pension to Jerome B. Leidy, jr.—to the Committee on Invalid Pensions.

By Mr. OVERSTREET: A bill (H. R. 20463) for the relief of Charles H. Dickson—to the Committee on Claims.

By Mr. RODENBERG: A bill (H. R. 20464) to relieve Charles F. Held of the charge of dishonorable dismissal—to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: A bill (H. R. 20465) granting an increase of pension to James Hall—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 20466) for the relief of Mary J. Manning—to the Committee on Claims.

By Mr. SPARKMAN: A bill (H. R. 20467) granting an increase of pension to Duncan McCraney—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 20468) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 20469) for the relief of Asel B. Griggs—to the Committee on War Claims.

By Mr. WILSON of Pennsylvania: A bill (H. R. 20470) granting an increase of pension to Margeret McCoy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Lina A. Breckenridge—to the Committee on Invalid Pensions.

Also, petition of Keystone Drill Company, of Beaver Falls, Pa., against H. R. 19745—to the Committee on the Judiciary.

By Mr. AIKEN: Petition of Retail Hardware Association of the Carolinas, favoring H. R. 17824, for preventing the manufacture, sale, or transportation of adulterated or unlabeled paint, turpentine, or linseed oil—to the Committee on Interstate and Foreign Commerce.

By Mr. ANSBERRY: Petition of Association for Protection of the Adirondacks, favoring H. R. 10457, for acquiring forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Maumee Valley Grange, of Texas, Ohio, for a national highways commission and making appropriation for construction and improvement of public highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of Thomas Kidman Horner, of Cleveland, Ohio, for a repeal of section 3 of service-pension act of February 6, 1907, and provision made for allowance of the payment of a reasonable attorney's fee—to the Committee on Invalid Pensions.

Also, petition of C. E. Memorial Church, of Cleveland, Ohio, in favor of Littlefield bill (H. R. 4776)—to the Committee on the Judiciary.

By Mr. CALDER: Petition of Association for the Protection of the Adirondacks, favoring H. R. 10457, for acquiring forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of city of Richmond, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

By Mr. CHANEY: Paper to accompany bill for relief of Francis M. Browning—to the Committee on Invalid Pensions.

By Mr. COOK of Pennsylvania: Petition of Chamber of Commerce of City of Richmond, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. DAWSON: Petition of Mark Matthews, of Clinton, Iowa, for pension legislation to give all soldiers' widows pension without reference to date of marriage—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of Newton Allison (H. R. 20361)—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Petition of E. G. Palmer and 9 others, of Condon, Oreg., favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. FITZGERALD: Petition of the Association for the Protection of the Adirondacks, for H. R. 10457, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Allied Boards of Trade and Taxpayers' Association of Brooklyn, N. Y., for appropriation to widen the entrance to Wallabout channel in Brooklyn—to the Committee on Rivers and Harbors.

Also, petition of national banks of Chicago, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Treaty Stone Club of the Clan-na-Gael, of Kings County, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. FORNES: Petition of national banks of Chicago, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Association for the Protection of the Adirondacks, favoring H. R. 10457, for forest reservation in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. FULLER: Petition of Capt. Robert Oliver, of Rockford, Ill., for Fuller bill (H. R. 19250), creating a volunteer retired list—to the Committee on Military Affairs.

Also, petition of Trades and Labor Council of Peru, Ill., favoring the McHenry bill establishing a Bureau of Mines (H. R. 10556)—to the Committee on Mines and Mining.

By Mr. FULTON: Paper to accompany bill for relief of William E. Woodward (H. R. 19908)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of E. N. Gaston and others, of Haskberry, Ala. (H. R. 6100)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary E. Brent (H. R. 20147)—to the Committee on War Claims.

By Mr. GOULDEN: Petition of the Association for the Protection of the Adirondacks, favoring H. R. 10457—to the Committee on Agriculture.

By Mr. HALE: Petition of S. H. McCartt and other citizens of Glenmary, Tenn., against the Burton amendment to the telegraphers' nine-hour law—to the Committee on Interstate and Foreign Commerce.

By Mr. HASKINS: Petition of St. Johnsbury District Preachers' Association, of St. Johnsbury, Vt., favoring the Hepburn-Dolliver bill and the Littlefield original-package bill (H. R. 4776) and all bills of a kindred nature—to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Shetucket Grange, of Scotland, Conn., for H. R. 15837, to create a national highways commission—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of Division No. 382, Amalgamated Association of Street Car Employees of America, of Salt Lake City, against the Penrose bill (H. R. 1518), amending section 3893 of Revised Statutes—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petition of Passaic Grange, No. 141, Patrons of Husbandry, for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of St. Patrick's Alliance, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petition of national banks of the city of Chicago, in opposition to the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Encampment No. 51, Union Veteran's Legion, and soldiers and citizens of Fort Wayne, Ind., for an appropriation of $200,000 for construction of an armory on ground where Gen. Anthony Wayne built a fort in 1794—to the Committee on Public Buildings and Grounds.

By Mr. HULL of Tennessee: Paper to accompany bill for relief of James R. Byrd (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of Asiatic Exclusion League of North America, of California, for enactment of legislation excluding Asiatics from the United States, excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of Orwell (N. Y.) Grange, No. 66, for Federal assistance of construction of national highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. LOUDENSLAGER: Petition of Iona (N. J.) Grange, for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. McDERMOTT: Petition of the Chicago Architectural Club, favoring resolutions by the Washington Chapter of American Institute of Architects of November 1, 1907, as to location of Grant Memorial and comprehensive group plan as recommended by Park Commissioners, etc.—to the Committee on Public Buildings and Grounds.

By Mr. MARSHALL: Petitions of Farmers' Improvement League, of Charlson; E. E. Lawrence and other citizens and voters; W. A. Manning and other citizens; Andrew G. Rokne and other residents and electors of Ward County; G. L. Chamberlin and other citizens; James McNulty and other citizens; Charles E. Thompson and other citizens; A. E. Bowen and other citizens; and Henry Soderberg and other citizens, all of the State of North Dakota, protesting against the so-called "Penrose bill," relating to the use of the mails by the newspaper press (H. R. 1518, to amend section 3893 of the Revised Statutes)—to the Committee on the Post-Office and Post-Roads.

By Mr. MOON of Tennessee: Paper to accompany bill to amend act relating to sale of gas in the District of Columbia (H. R. 18784)—to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Paper to accompany bill for relief of Jerome B. Leidy, jr.—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of Asiatic Exclusion League of North America, against Asiatic immigration to the United States—to the Committee on Immigration and Naturalization.

Also, petition of Lodge No. 226, Switchmen's Union of America, of Buffalo, N. Y., favoring H. R. 13477, relative to the standardization of the automatic coupler—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Wholesale Lumber Dealers, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., against H. R. 225 and S. 5787, and favoring H. R. 14941, amending section 4463 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of Richmond, Va., and Philadelphia Credit Men's Association, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

By Mr. WASHBURN: Paper to accompany bill for relief of Asel B. Griggs—to the Committee on War Claims.

By Mr. WILSON of Pennsylvania: Petitions of residents of Potter County; citizens of Potter and McKean counties; Aurora Grange, No. 874, of Mansfield; citizens of Wellsboro; O. L. Graham and 19 others, of Tioga County; John C. Craig and 18 others, of Lycoming County, and Joseph Swineker and 8 others, of Tioga County, all of the State of Pennsylvania, for S. 3152, providing for additional protection to the dairy interests—to the Committee on Agriculture.

Also, petition of Mitchells Mills Grange, of Tioga County; Grange No. 1149, of Galiton, Potter County; Millport Grange, of Potter County; Grange No. 1194, of North Gingham, Potter County, and Lawrence Grange, No. 937, of Lawrenceville, Tioga County, all of the State of Pennsylvania, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of West Bingham Grange, No. 328, of West Bingham, Pa., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Local Union No. 72, Brotherhood of Painters, Decorators, and Paperhangers, of Allegheny County, Pa., for building of battle ships in Government navy-yards—to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 8, 1908.*

[*Continuation of legislative day of Monday, April 6, 1908.*]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

NAVAL APPROPRIATION BILL.

Mr. FOSS, from the Committee on Naval Affairs, by the direction of that committee, reported the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, which was read a first and second time and, with accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GREGG reserved all points of order on the bill.

Mr. GREGG. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. HOBSON] be permitted to file minority views on the naval bill during the day.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DAM ACROSS SAVANNAH RIVER AT CHEROKEE SHOALS.

The SPEAKER. The question now is, Will the House reconsider the passing of the bill (H. R. 16621) vetoed by the President in a message read before the recess yesterday?

Mr. MANN. Mr. Speaker, will it not be in order to send the bill back to the Committee on Interstate and Foreign Commerce?

Mr. PAYNE. It can go back to the committee by unanimous consent, and I do not object to it.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill referred to, vetoed by the President, be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. WILLIAMS. Mr. Speaker, I shall be forced, under the circumstances, to object. I may not later, after I understand it.

Mr. MANN. If the gentleman from Mississippi will pardon me, the veto message of the President calls attention to the fact, which I believe is a fact——

Mr. WILLIAMS. What bill is it?

Mr. MANN. It is a bill permitting the building of a dam across the Savannah River at Cherokee Shoals.

Mr. WILLIAMS. Concerning that matter, Mr. Speaker, I shall make no objections.

The SPEAKER. The Chair hears no objection, and the bill is referred to the Committee on Interstate and Foreign Commerce.

WILLIAM WILMOT WHITE.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval House bill No. 4763, entitled "An act transferring Commander William Wilmot White from the retired to the active list of the Navy."

I inclose herewith copy of the reports of the Secretary of the Navy and of the Chief of the Bureau of Navigation adverse to the signature of this bill. The report of the Chief of the Bureau of Navigation gives the precedents which this bill follows. In each case special reasons were believed to exist at the time why a special exception should be made, but actual experience has shown that in each case the restoration served as a precedent for the restoration of somebody else where the cause was not quite so strong. Commander White was transferred to the retired list three years ago on his own application. He now seeks reinstatement. All the advantages that should be derived from the legislation under which he was retired will be lost if the various individuals who take advantage of it are encouraged to believe that whenever they desire to undo their action that end can be achieved by supplemental special legislation. I agree entirely with Admiral Pillsbury's statement that legislation of this character does not contribute to the best interests of the service. I accordingly return the bill without my approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 7, 1908.*

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the President's veto to the contrary notwithstanding?

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. Some of the Members of the House did not have an opportunity to hear the message, and I will ask the gentleman from New York [Mr. PAYNE] to explain.

Mr. PAYNE. This man was on the retired list, and the bill puts him on the active list.

Mr. WILLIAMS. And the President vetoed the bill?

Mr. PAYNE. Yes.

Mr. HULL of Iowa. And it was a good veto, too.

The SPEAKER. The Constitution requires that this vote shall be taken by yeas and nays.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be reported to the House.

The SPEAKER. If there be no objection, the bill may be reported for information.

Mr. PAYNE. Mr. Speaker, I have no objection to its being reported, although the message shows clearly what it is.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized to appoint, by and with the consent of the Senate, William Wilmot White, now a commander on the retired list of the Navy, a commander on the active list of the United States Navy, to take rank next above Commander Emil Theiss, United States Navy: *Provided*, That the said William Wilmot White shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That the said William Wilmot White shall not by the passage of this act be entitled to back pay of any kind: *And provided further*, That the said William Wilmot White shall pass a physical examination before said transfer, showing his fitness to enter the active service of the Navy.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the President's veto to the contrary notwithstanding? and the Clerk will call the roll.

The question was taken, and there were—nays 258, answered "present" 15, not voting 114, as follows:

NAYS—258.

Adair	Bede	Burnett	Clark, Mo.
Adamson	Bell, Ga.	Burton, Del.	Clayton
Aiken	Bennet, N. Y.	Butler	Cockran
Alexander, Mo.	Birdsall	Byrd	Cocks, N. Y.
Alexander, N. Y.	Bonynge	Calder	Cole
Allen	Booher	Calderhead	Conner
Ames	Boutell	Caldwell	Cook, Pa.
Andrus	Bowers	Campbell	Cooper, Tex.
Ansberry	Boyd	Candler	Cooper, Wis.
Anthony	Bradley	Capron	Cox, Ind.
Ashbrook	Brodhead	Carlin	Craig
Barclay	Brownlow	Carter	Cravens
Bartholdt	Brundidge	Cary	Crumpacker
Bartlett, Ga.	Burgess	Caulfield	Cushman
Bartlett, Nev.	Burke	Chaney	Dalzell
Beall, Tex.	Burleigh	Chapman	Darragh

Davidson	Hardy	Lindsay	Rucker
Davis, Minn.	Haskins	Lloyd	Russell, Mo.
De Armond	Haugen	Lovering	Russell, Tex.
Denby	Hawley	Lowden	Sabath
Denver	Hay	McGavin	Saunders
Diekema	Heflin	McGuire	Scott
Dixon	Helm	McKinlay, Cal.	Sheppard
Douglas	Henry, Conn.	McKinley, Ill.	Sherley
Dwight	Henry, Tex.	McLachlan, Cal.	Sherwood
Ellerbe	Hill, Conn.	McLain	Sims
Ellis, Mo.	Hill, Miss.	McMillan	Slayden
Englebright	Hitchcock	Macon	Small
Esch	Hobson	Madden	Smith, Cal.
Fassett	Holliday	Madison	Smith, Iowa
Favrot	Houston	Malby	Smith, Mich.
Ferris	Howell, N. J.	Mann	Smith, Tex.
Fitzgerald	Howell, Utah	Miller	Snapp
Flood	Howland	Mondell	Southwick
Floyd	Hubbard, Iowa	Moon, Pa.	Sparkman
Focht	Hubbard, W. Va.	Moon, Tenn.	Spight
Fornes	Hughes, N. J.	Moore, Tex.	Stafford
Foster, Vt.	Hull, Iowa	Mouser	Stanley
Foulkrod	Hull, Tenn.	Murdock	Steenerson
French	Humphrey, Wash.	Murphy	Stephens, Tex.
Fuller	Humphreys, Miss.	Needham	Sterling
Fulton	James, Ollie M.	Norris	Stevens, Minn.
Gaines, Tenn.	Johnson, Ky.	Nye	Sturgiss
Gaines, W. Va.	Johnson, S. C.	O'Connell	Sulloway
Gardner, Mich.	Jones, Va.	Olcott	Sulzer
Gardner, N. J.	Jones, Wash.	Overstreet	Tawney
Garner	Kahn	Page	Taylor, Ala.
Garrett	Keifer	Parker, N. J.	Taylor, Ohio
Gillett	Kelliher	Patterson	Thistlewood
Godwin	Kennedy, Iowa	Payne	Thomas, N. C.
Goebel	Kennedy, Ohio	Pearre	Tirrell
Gordon	Kinkaid	Perkins	Tou Velle
Goulden	Kitchin, Wm. W.	Peters	Townsend
Graff	Knowland	Porter	Volstead
Graham	Küstermann	Pou	Waldo
Granger	Lafean	Pray	Wanger
Gregg	Lamar, Mo.	Pujo	Washburn
Hackett	Landis	Randell, Tex.	Watson
Hackney	Langley	Ransdell, La.	Webb
Hale	Laning	Rauch	Williams
Hamilton, Mich.	Law	Reeder	Wilson, Pa.
Hamlin	Leake	Reid	Wood
Hammond	Lee	Richardson	Young
Harding	Legare	Robinson	
Hardwick	Lindbergh	Rothermel	

ANSWERED "PRESENT"—15.

Cousins	Hamilton, Iowa	Loudenslager	Shackleford
Currier	Howard	Nicholls	Sherman
Dawson	Jenkins	Rainey	Underwood
Ellis, Oreg.	Longworth	Roberts	

NOT VOTING—114.

Acheson	Foss	Knopf	Parsons
Bannon	Foster, Ill.	Lamar, Fla.	Pollard
Barchfeld	Foster, Ind.	Lamb	Powers
Bates	Fowler	Lassiter	Pratt
Beale, Pa.	Gardner, Mass.	Lawrence	Prince
Bennett, Ky.	Gilhams	Lenahan	Reynolds
Bingham	Gill	Lever	Rhinock
Brantley	Gillespie	Lewis	Riordan
Broussard	Glass	Lilley	Rodenberg
Brumm	Goldfogle	Littlefield	Ryan
Burleson	Greene	Livingston	Slemp
Burton, Ohio	Griggs	Lorimer	Smith, Mo.
Clark, Fla.	Gronna	Loud	Sperry
Cook, Colo.	Haggott	McCall	Talbott
Cooper, Pa.	Hall	McCreary	Thomas, Ohio
Coudrey	Hamill	McDermott	Vreeland
Crawford	Harrison	McHenry	Wallace
Davenport	Hayes	McKinney	Watkins
Davey, La.	Hepburn	McLaughlin, Mich.	Weeks
Dawes	Higgins	McMorran	Weems
Draper	Hinshaw	Marshall	Weisse
Driscoll	Kluff	Maynard	Wheeler
Dunwell	Hughes, W. Va.	Moore, Pa.	Wiley
Durey	Jackson	Morse	Willett
Edwards, Ga.	James, Addison D.	Mudd	Wilson, Ill.
Edwards, Ky.	Kimball	Nelson	Wolf
Fairchild	Kipp	Olmsted	Woodyard
Finley	Kitchin, Claude	Padgett	
Fordney	Knapp	Parker, S. Dak.	

So the veto of the President was sustained.

The Clerk announced the following pairs:

For to-day:

Mr. JACKSON with Mr. FOSTER of Illinois.

Mr. GILHAMS with Mr. WILLETT.

Mr. GRONNA with Mr. SMITH of Missouri.

Mr. POWERS with Mr. PRATT.

Mr. LONGWORTH with Mr. HARRISON.

Until Wednesday:

Mr. PRINCE with Mr. GLASS.

Until April 14:

Mr. COOPER of Pennsylvania with Mr. KIPP.

Until further notice:

Mr. BANNON with Mr. CRAWFORD.

Mr. FOSS with Mr. MCHENRY.

Mr. BEALE of Pennsylvania with Mr. GILL.

Mr. COUDREY with Mr. GILLESPIE.

Mr. HUGHES of West Virginia with Mr. GRIGGS.

Mr. DRAPER with Mr. LASSITER.

Mr. DRISCOLL with Mr. HAMILL.

Mr. KNAPP with Mr. RYAN.

Mr. MCCALL with Mr. CLAUDE KITCHIN.

Mr. MCCREARY with Mr. WILEY.

Mr. MCLAUGHLIN of Michigan with Mr. LAMB.

Mr. MCMORRAN with Mr. LEWIS.

Mr. MOORE of Pennsylvania with Mr. MAYNARD.

Mr. MUDD with Mr. SHACKLEFORD.

Mr. NELSON with Mr. WATKINS.

Mr. VREELAND with Mr. UNDERWOOD.

Mr. WOODYARD with Mr. WALLACE.

Mr. MCKINNEY with Mr. PADGETT.

Mr. DAWSON with Mr. BURLESON.

Mr. HEPBURN with Mr. GOLDFOGLE.

Mr. WHEELER with Mr. DAVENPORT.

Mr. FAIRCHILD with Mr. RHINOCK.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. DUREY with Mr. LAMAR of Florida.

Mr. COUSINS with Mr. HOWARD.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. HALL with Mr. HAMILTON of Iowa.

Mr. POLLARD with Mr. LEVER.

Mr. OLMSTED with Mr. EDWARDS of Georgia.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. SLEMP with Mr. WOLF.

Mr. BARCHFELD with Mr. LIVINGSTON.

Mr. PARKER of South Dakota with Mr. LENAHAN.

Mr. RODENBERG with Mr. TALBOTT.

Mr. DUNWELL with Mr. MCDERMOTT.

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. CURRIER with Mr. FINLEY.

Mr. KNOPF with Mr. WEISSE.

The result of the vote was announced as above recorded.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

PERSONAL PRIVILEGE.

Mr. SHACKLEFORD. Mr. Speaker, a question of privilege.

Mr. GAINES of West Virginia. Mr. Speaker, a question of personal privilege.

The SPEAKER. The gentleman from West Virginia.

Mr. GAINES of West Virginia. Mr. Speaker, the newspapers of this morning very generally report that upon yesterday in the Committee on Election of President, Vice-President, and Representatives in Congress there occurred a personal difficulty between members of the committee.

Mr. WILLIAMS. Mr. Speaker, I make the point that that is not a question of personal privilege.

The SPEAKER. The Chair is unable to state, so far.

Mr. WILLIAMS. The gentleman has stated the gravamen of the case, to wit, that "the newspapers had stated there was a personal difficulty in the room of the Committee on Election of President, Vice-President, and Members of Congress." Now, I submit that whether there was or was not, is not a question of privilege for the gentleman to raise in the House.

The SPEAKER. Under the circumstances it seems to the Chair if the difficulty touched public business pending before a committee of the House that it might be. The Chair does not say at this time whether it would be a question of privilege or not, but the Chair can conceive that it might be.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry.

Mr. GAINES of West Virginia. If the gentleman will permit me a moment.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry. I believe a parliamentary inquiry has precedence, and the gentleman must allow the minority some few of such rights as they have left—a parliamentary inquiry, Mr. Speaker. If the Chair shall rule or does rule that the question raised by the gentleman from West Virginia is a privileged question, then could gentlemen upon this side also rise to a question of personal privilege to explain what they regard as their side of the controversy?

The SPEAKER. The Chair can not state as to that. It does not necessarily follow that a debating school is to be organized, but the Chair states that under the precedents questions of high privilege from time to time—even in one case a difficulty between Members on the portico of the Capitol was held to be a question of high privilege. The Chair can not state at this time. The gentleman from West Virginia will proceed.

Mr. GAINES of West Virginia. Mr. Speaker, it might clear the atmosphere a little bit if I would state that what I propose to say is a mere statement of facts and is known to gentlemen on the minority side and to those most concerned. I shall not take the time of the House to read or to have read at length any newspaper article upon this subject. I do not deem that anything I have seen deserves to be dignified by being quoted in the RECORD.

In order, however, to designate the articles to which I have referred, I will read but one sentence from a newspaper of this morning, as follows:

Statesmen forgot their dignity and made violent efforts to do bodily injury to other statesmen.

Mr. SULZER. What is the name of the newspaper?

Mr. FITZGERALD. I make the point of order that it does not reflect on the gentleman in his representative capacity.

The SPEAKER. It seems to the Chair that it does, or that it may, if it be a difficulty, as alleged, over the public business by a committee of the House. The gentleman from West Virginia is recognized.

Mr. GAINES of West Virginia. The fact is, Mr. Speaker, that no such thing occurred or anything like it.

Mr. SULZER. What is the name of the newspaper?

Mr. GAINES of West Virginia. There were no blows delivered, there were none aimed, none dodged, and the situation did not even approach personal difficulty in any sense whatever.

Now, Mr. Speaker, if I have any time, I yield one minute to the gentleman from Georgia [Mr. HARDWICK], a minority member of the committee.

Mr. HARDWICK. I just want to say, in support of the gentleman's statement, that while at this committee meeting there might have been political and parliamentary differences there was not the slightest personal difficulty or anything that approached it, and that part of these newspaper articles to which the gentleman from West Virginia [Mr. GAINES] has referred are entirely and absolutely without foundation in fact. [Applause.]

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit a privileged report from the Committee on Rules. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

Resolved, That on this day and on Thursday of this week the House shall take a recess at 5 o'clock p. m. until 11.30 a. m. of the next Calendar day; that on Friday, April 10, at 11.30 a. m., the Speaker shall declare the House in Committee of the Whole House on the state of the Union for the consideration of H. R. 20471, the naval appropriation bill; that at 5 o'clock p. m. on Friday, April 10, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 a. m. on Saturday, April 11; that at 5 o'clock p. m. Saturday, April 11, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 o'clock a. m. on Monday, April 13.

That general debate on the naval appropriation bill shall close not later than at 5 o'clock p. m., Saturday, April 11; the time to be equally divided between the majority and minority and controlled by the chairman of the Naval Committee and by the senior member of the minority: *Provided*, That if general debate shall be concluded prior to 5 p. m. on Saturday the 11th, the Chairman of the Committee of the Whole shall at once declare the committee in recess until Monday, April 13, at 11.30 a. m.

Mr. DALZELL. Mr. Speaker, I ask for the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Pennsylvania [Mr. DALZELL] were appointed as tellers.

The House divided, and there were—ayes 142, noes 112.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 158, nays 129, answered "present" 11, not voting 89, as follows:

YEAS—158.

Alexander, N. Y.	Burton, Del.	Dalzell	Foulkrod
Allen	Butler	Darragh	French
Ames	Calder	Davidson	Fuller
Andrus	Calderhead	Davis, Minn.	Gaines, W. Va.
Anthony	Campbell	Dawson	Gardner, Mich.
Barclay	Capron	Denby	Gardner, N. J.
Bartholdt	Cary	Diekema	Gillett
Bates	Caulfield	Douglas	Goebel
Bede	Chaney	Dwight	Graff
Bennet, N. Y.	Chapman	Ellis, Mo.	Graham
Birdsall	Cocks, N. Y.	Ellis, Oreg.	Haggott
Bonynge	Cole	Englebright	Hale
Boyd	Conner	Esch	Hamilton, Mich.
Bradley	Cook, Colo.	Fassett	Harding
Brownlow	Cook, Pa.	Focht	Haskins
Burke	Crumpacker	Foss	Haugen
Burleigh	Cushman	Foster, Vt.	Hawley
Henry, Conn.	Laning	Moore, Pa.	Stafford
Higgins	Law	Mouser	Steenerson
Hill, Conn.	Lawrence	Mudd	Sterling
Holliday	Lindbergh	Needham	Stevens, Minn.
Howell, N. J.	Loud	Nelson	Sturgiss
Howell, Utah	Lovering	Norris	Sulloway
Howland	Lowden	Nye	Tawney
Hubbard, Iowa	McCall	Olcott	Taylor, Ohio
Hubbard, W. Va.	McGavin	Overstreet	Thistlewood
Huff	McGuire	Parker, N. J.	Thomas, Ohio
Hull, Iowa	McKinlay, Cal.	Payne	Tirrell
Humphrey, Wash.	McKinley, Ill.	Pearre	Townsend
Jones, Wash.	McLachlan, Cal.	Perkins	Volstead
Kahn	McLaughlin, Mich.	Porter	Waldo
Keifer	McMillan	Pray	Wanger
Kennedy, Iowa	Madden	Reeder	Washburn
Kennedy, Ohio	Madison	Scott	Watson
Kinkaid	Malby	Sherman	Weeks
Knowland	Mann	Smith, Cal.	Wilson, Ill.
Küstermann	Marshall	Smith, Iowa	Wood
Lafean	Miller	Smith, Mich.	Young
Landis	Mondell	Snapp	
Langley	Moon, Pa.	Southwick	

NAYS—129.

Adair	Fitzgerald	James, Ollie M.	Riordan
Adamson	Flood	Johnson, Ky.	Robinson
Aiken	Floyd	Johnson, S. C.	Rothermel
Alexander, Mo.	Fornes	Jones, Va.	Rucker
Ansberry	Fulton	Keliher	Russell, Mo.
Ashbrook	Gaines, Tenn.	Kitchin, Claude	Russell, Tex.
Bartlett, Ga.	Garner	Kitchin, Wm. W.	Ryan
Bartlett, Nev.	Garrett	Lamar, Mo.	Sabath
Beall, Tex.	Gillespie	Lamb	Saunders
Bell, Ga.	Godwin	Leake	Shackleford
Booher	Goldfogle	Lee	Sheppard
Bowers	Gordon	Legare	Sherley
Brodhead	Goulden	Lewis	Sherwood
Brundidge	Granger	Lindsay	Sims
Burgess	Gregg	Lloyd	Slayden
Burnett	Hackett	McHenry	Small
Byrd	Hackney	McLain	Smith, Tex.
Caldwell	Hamill	Macon	Sparkman
Candler	Hamlin	Moon, Tenn.	Spight
Carlin	Hammond	Moore, Tex.	Stanley
Carter	Hardwick	Murphy	Stephens, Tex.
Clark, Mo.	Hardy	Nicholls	Sulzer
Clayton	Hay	O'Connell	Taylor, Ala.
Cooper, Tex.	Heflin	Page	Thomas, N. C.
Cox, Ind.	Helm	Patterson	Tou Velle
Craig	Henry, Tex.	Peters	Underwood
Cravens	Hill, Miss.	Pou	Watkins
De Armond	Hitchcock	Pujo	Webb
Denver	Hobson	Randell, Tex.	Williams
Dixon	Houston	Ransdell, La.	Wilson, Pa.
Ellerbe	Hughes, N. J.	Rauch	
Favrot	Hull, Tenn.	Reid	
Ferris	Humphreys, Miss.	Richardson	

ANSWERED "PRESENT"—11.

Boutell	Foster, Ind.	Jenkins	Rainey
Cockran	Hamilton, Iowa	Knopf	Roberts
Currier	Howard	Longworth	

NOT VOTING—89.

Acheson	Durey	Kimball	Pollard
Bannon	Edwards, Ga.	Kipp	Powers
Barchfeld	Edwards, Ky.	Knapp	Pratt
Beale, Pa.	Fairchild	Lamar, Fla.	Prince
Bennett, Ky.	Finley	Lassiter	Reynolds
Bingham	Fordney	Lenahan	Rhinock
Brantley	Foster, Ill.	Lever	Rodenberg
Broussard	Fowler	Lilley	Slemp
Brumm	Gardner, Mass.	Littlefield	Smith, Mo.
Burleson	Gilhams	Livingston	Sperry
Burton, Ohio	Gill	Lorimer	Talbott
Clark, Fla.	Glass	Loudenslager	Vreeland
Cooper, Pa.	Greene	McCreary	Wallace
Cooper, Wis.	Griggs	McDermott	Weems
Coudrey	Gronna	McKinney	Weisse
Cousins	Hall	McMorran	Wheeler
Crawford	Harrison	Maynard	Wiley
Davenport	Hayes	Morse	Willett
Davey, La.	Hepburn	Murdock	Wolf
Dawes	Hinshaw	Olmsted	Woodyard
Draper	Hughes, W. Va.	Padgett	
Driscoll	Jackson	Parker, S. Dak.	
Dunwell	James, Addison D.	Parsons	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. HEPBURN with Mr. BURLESON.

Mr. BRUMM with Mr. COCKRAN.

Mr. MCCREARY with Mr. MAYNARD.

Mr. BOUTELL with Mr. GRIGGS.

For the balance of the day:

Mr. COOPER of Wisconsin with Mr. WILEY.

The result of the vote was then announced as above recorded.

Mr. SHACKLEFORD. Mr. Speaker, a question of privilege.

The SPEAKER. The gentleman from Pennsylvania.

Mr. SHACKLEFORD. A parliamentary inquiry.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes. The gentleman from Missouri rises to a parliamentary inquiry.

Mr. SHACKLEFORD. Mr. Speaker, I have tried four times this morning to get recognition to call up a privileged resolution. I ask when I may call it up?

The SPEAKER. The House has been engaged in privileged business ever since the hammer fell this morning. [Laughter and applause.]

Mr. DALZELL. Let us have order, Mr. Speaker.

The SPEAKER. All gentlemen will be seated and cease conversation.

Mr. DALZELL. Mr. Speaker, this resolution is intended to provide the order of business for the House from now until next Monday. According to the terms of the rule, the House will take a recess this evening at 5 o'clock until half past 11 to-morrow, and to-morrow evening will take a recess at 5 o'clock until half past 11 o'clock on Friday. On Friday the Speaker will declare the House in Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, and on Friday evening the Committee of the Whole House on the state of the Union will take a recess until Saturday morning at half past 11 o'clock, and on Saturday evening at 5 o'clock—or, possibly, by the terms of the rule, a little earlier—the House will take a recess until Monday morning at 11.30. General debate on the naval appropriation bill will close not later than 5 o'clock on Saturday evening, and should it close earlier than 5 o'clock the Chairman of the committee will declare the committee in recess until Monday morning. The time for debate on the naval appropriation bill is to be equally divided between the two sides, to be controlled on this side of the Chamber by the chairman of the Committee on Naval Affairs and on the other side of the Chamber by the senior representative of the minority on that committee. I reserve the balance of my time, Mr. Speaker. [Applause on the Republican side.]

Mr. WILLIAMS. I yield to my colleague on the committee, the gentleman from Missouri [Mr. DE ARMOND], for nine minutes. [Loud applause on the Democratic side.]

Mr. DE ARMOND. Mr. Speaker, those who made the Constitution, a long number of years ago, were improvident enough to include in that instrument a provision by virtue of which one-fifth of the Members present could have a yea-and-nay vote. Doubtless they thought at the time that it was wisdom and that there would be good in results from this provision.

The rule which we are considering, and no doubt about to adopt by a partisan vote, is to negative as far as may be possible that provision of the Constitution. It is offensive to the gentlemen on the other side to have a yea-and-nay vote upon propositions to be passed upon. This is a device to escape that yea-and-nay vote as far as possible. The gentlemen desire to keep off the record whenever it is possible to keep off the record.

It may be suggested that the purpose of this rule is to economize time. What a beautiful suggestion, and how artful that must be, coming from the other side. How long since was it that time was wantonly wasted here? Bills were brought forward and kept before the House for the sole purpose of consuming time and preventing the consideration of other matters. Adjournments were taken three days at a time in order to get rid of time, to dispose of that useless commodity. Now, the gentlemen have reached that stage in the progress of legislation when it becomes very important, they would have the country believe and would have us believe, to economize time; and the mere circumstance that a provision of the Constitution intervenes of course is a circumstance easily brushed aside by the gentlemen by virtue of that rule.

The gentlemen perhaps are furnishing an illustration and conveying information to the country beyond their purpose, and possibly it may turn out later on to their sorrow. [Applause on the Democratic side.] When rules such as this may be adopted—and no doubt this will be adopted by a partisan vote—when rules likes this can be adopted for the purpose of economizing time, as it may be pretended, and to get around a provision of the Constitution in actual fact, the gentlemen who adopt it demonstrate to the House and demonstrate to the country beyond the possibility of mistake or misunderstanding that whatever legislation the majority here sees proper to pass, the majority here can pass. [Applause on the Democratic side.] It must appear further that whatever is not passed here the majority distinctly and purposely prevents the passage of. [Applause on the Democratic side.] No longer will the ordinary excuse avail that there was a lack of time, so that this measure could not be reached upon the Calendar, and that measure could not be brought out of committee. You are furnishing now an absolute demonstration, from the conclusiveness of which there is no escape, that there is not a solitary measure pending in committee or in the House that you can not pass if you choose to pass it. [Applause on the Democratic side.] And it will be demonstrated with equal clearness that whatever is not passed is that which you deliberately, purposely, defiantly decide shall not pass. Now, the test can be made very easily, and later on, as I suggested, it may be made to your sorrow.

When the question is asked anywhere in the country—and it will be asked—why was not this measure considered, why was not that measure passed, why was not the other measure brought up? there is one answer, and only one: Because the Republican majority in this House willed that it should not be considered, should not be brought up, should not be passed. We can stand upon that record. It is well known that there is pressure in the country, and very great pressure, for the consideration and passage of a number of important measures. It is well known that a large majority of the voting strength of the country is insistent upon the consideration and the passage of important measures. Do not go to them again, as you have done so often and so successfully, and endeavor to delude them into the belief that somehow you could not get consideration for the measure and somehow you could not pass it. You can have consideration, because you have the power to enforce it; and, so far as meritorious measures are concerned, as has been demonstrated here more than once and will be demonstrated again, and abundantly demonstrated, you have only to express the will, you have only to give the opportunity, and if you lack the votes upon that side, as you do not, there will be an abundant addition here. And there are a good many measures which would receive practically, and some of them actually, every vote upon this side. [Applause on the Democratic side.] Take the employers' liability bill which passed the other day, 300 ayes to 1 no. There are other measures that would pass with almost equal unanimity if there were opportunity to pass them. They would get a large vote, because a good many—a majority—desire to pass them, and because a good many, but not a majority, dare not vote against them. [Applause.]

Now, the process of strangulation will no longer be a secret process. You may conclude that you can strangle measures in committee, and you may conclude that you can delude the country into believing that you can not act upon them, but your hope will be vain. You are now demonstrating, you demonstrate over again by this rule, as you have demonstrated repeatedly, that what the majority wills to do, the majority can do, and what the majority wills shall not be done, that and that only can not be done in this House. [Applause on the Democratic side.]

You have brought the responsibility which rests upon you into the light so clear and so glaring that all men must judge you by what you do and by what you refuse to do, because it is a refusal direct and positive. [Applause on the Democratic side.] You now refuse the roll call, you are now economizing time by going through the provisions of the Constitution as so much waste paper. You will be called to the test and you will have to stand it. You are responsible for the failure of everything that fails to pass. If it be a good thing not to pass a bill you can take the credit for killing it; you have the power of life and death over it. Wherever a meritorious measure fails of passage or fails of consideration it fails because you will not give it consideration, and it fails of passage because you will not permit of its passage. You kill it just as completely and just as clearly as if you employed a manlier course and submitted it to vote and voted against it. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eighteen minutes.

Mr. DALZELL. I now yield nine minutes to my colleague, the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, the solicitude of the honorable gentleman from Missouri [Mr. DE ARMOND] on behalf of himself and his colleagues for the sanctity of the Constitution of the United States is decidedly refreshing. It is within the memory of most of us in this Chamber, and those in whose memory it is not have read in history, that the time was, Mr. Speaker, not so very long ago when the Democratic party was not so solicitous for the Constitution as my honored friend from Missouri appears to be to-day. Their solicitude to-day seems to be over the matter of having useless roll calls. The absence of solicitude half a century ago was in reference to a question of vastly greater consequence, a question which involved not a mere matter of procedure, but the matter of the life of the nation, and I am glad that the time has at last come when our Democratic friends are so solicitous that the Constitution should be sacredly lived up to. [Applause on the Republican side.]

The gentleman from Missouri intimates that the Republican side of the House desires to do away with the roll calls because

of some fear of making a record upon some question before the House. Mr. Speaker, the Republican party in this House, the Republican party in this nation, is prepared to-day to accept full responsibility, not only for everything that is done, but for that which is not done in the way of legislation and administration. [Applause on the Republican side.] We recognize the fact, sir, that this Government to-day is Republican in all its branches. We recognize the fact that we have a Republican President, brave, wise, and courageous. We recognize that we have a Republican majority in the Senate, that we have a Republican majority in this House that is ready to resort to every legal, every proper constitutional right to enact such legislation as it deems for the best interest for the greatest number of our people, and which is willing and ready to accept full responsibility for all those measures which are introduced here and which are not enacted into law. [Applause on the Republican side.]

We are not anxious, Mr. Speaker, to avoid responsibility. The Republican party has always been ready to accept full responsibility when it has been in power, and in that respect I must say to my honored friend from Missouri that it is in direct contrast to the Democratic party, which, even when it has had the power, has lacked the courage to carry out its declared policies. [Applause on the Republican side.]

The rule which has been proposed here, Mr. Speaker, is nothing extraordinary; it is a method laid down by the House procedure by which the majority can enact such legislation as it deems wise. It is practically and substantially the same procedure that was carried out in the Fifty-second and Fifty-third Congresses, when our Democratic friends were in a majority and when they were responsible for legislation. They invoked the action of the Committee on Rules, properly so, and that is what the Republican party in this House do to-day, Mr. Speaker; they resort, not to unusual methods, but to methods laid down by the rules, laid down by the law, to enact legislation, and not waste the time in useless and senseless roll calls.

The Democratic party, Mr. Speaker, under its present leadership in the House, I assume, believes that they are making great political capital by the filibuster of the past two weeks; but, Mr. Speaker, in my judgment they are not deceiving the country. The country knows that the way to progress is not to put on the brakes. The country knows, even if the Democratic party does not know, Mr. Speaker, that the way to move forward is to move forward and not attempt to block the wheels of progress.

But it is Democratic policy; it has been heretofore, and I assume it will be long afterwards for many years yet to come, to attempt to move forward as the crab does—by moving backward. [Applause and laughter on the Republican side.] That is not Republican policy. The country is not deceived. The country is looking to the Republican party to enact certain legislation. It is looking to the Republican party to enact the great appropriation bills for carrying on this Government, and it is looking to this House to enact those laws in the speediest possible time, and to adjourn this House, and that is what the Republican party proposes to do. Our Democratic friends will discover, I expect, one of these days that they have not made the political capital out of the maneuvers of last week that they supposed they would. Democratic hindsight is always superior to Democratic foresight, Mr. Speaker. In that respect I think their situation can be described in the little verselet about the bug, with which we are all familiar, and which runs:

> The lightning bug is brilliant; but it has not any mind;
> It stumbles through existence, with its headlight on behind.

[Laughter and applause on the Republican side.]

That is just what the Democratic party is doing now. Its headlight is on behind. It seems to see nothing in the future; it seems to be attempting to deceive the country with the idea that it is accomplishing undesirable legislation, forcing the Republican party to do that which that party does not deem to be wise, forcing it in its forward progress by hanging on to the wheels of progress, attempting to prevent that vehicle from moving forward. But, Mr. Speaker, the Republican party, mindful of its obligation to the country, will, as the gentleman from Missouri [Mr. DE ARMOND] admits, adopt this rule and proceed, accepting full responsibility for its every act, and enact such legislation as it deems wise, pass the great appropriation bills, and then go to the country upon the record that it has made here, confident that the country understands the whole situation and will approve what has been done. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, I desire to ask the gentleman from Pennsylvania whether he expects to use all of his remaining time in one speech?

Mr. DALZELL. Yes; in one speech.

Mr. WILLIAMS. Mr. Speaker, my friend from New York [Mr. SHERMAN], who has just taken his seat, says that the Republican party is "ready to enact" remedial legislation; that it is "ready to assume responsibility." Mr. Speaker, a little poem which I shall entitle "Ready to enact," being after Thomas Bailey Aldrich, might, perhaps, interest the House, might interest the country, too, although that phrase—the country—outrages the sensibilities of the gentleman from New York [Mr. PAYNE]. It reads as follows:

"READY TO ENACT."

(After Thomas Bailey Aldrich.)

I wonder what day of the week,
I wonder what month of the year—
Will it be winter or summer,
And who of us then will be here?

What a glorious fancy to dream!
How full of delight and of lure!
How soft is the Congressman's speech,
And yet how entrancingly sure!

The thought gives a thrilling of joy,
Inspiring the doubter with cheer—
But * * * I wonder what day of the week,
I wonder what month of the year!

Mr. Speaker, as is well known to all of you, I am a very remarkably good-natured man, and in view of that fact it is not strange that this huge, balky, bulky, undecided, halting, hesitating, hammered, screaming, screeching, "cussing," and, as it would have the country believe, helpless, majority has finally succeeded in exciting my commiseration, aye, my pity. [Laughter and applause on the Democratic side.] Already with the power of recognition, already with two men to one on every committee, with the power of closing debate whenever it chooses, with the Reed rules in full force back of them, these rules that were said to be perfect "to do business," having already cut off prayer even when we meet [laughter on the Democratic side], thereby acknowledging themselves beyond redemption [laughter], this great, huge, unwieldy majority, handled, as you would have the country believe, so skillfully by the triumvirate, has had to resort to three special rules. Mr. Speaker, even there the boasts of your side have gone by the board. The other day the gentleman from New York [Mr. PAYNE], like Sir Bombastes Furioso, rose upon the floor and wanted the world to know that the majority would consider what it pleased, when it pleased, and vote on nothing except what it pleased.

During the same legislative day we knocked that boast off of his lips [applause on the Democratic side], because we forced him and that side whether he and it would or not, to vote upon a proposition to secure free wood pulp, and upon another to secure a modification of the injunction laws in the interest of the reservation of the rights of the States, and upon a proposition for the modification of the injunction laws in the interests of labor. Upon these propositions every Democrat present rose on division and later passed through the tellers in favor of each proposition and every Republican against each of them. None of you then present can deny truthfully the fact that you had the opportunity to vote and did, as a matter of fact, vote against each of these measures and were forced to vote. [Applause on the Democratic side.] We were just ready to make you vote again upon a campaign contribution publicity bill when the gentleman from New York [Mr. PAYNE] rose to his feet and moved that the committee "do now rise." So that even the idle boasts have fallen to the ground.

Mr. Speaker, I feel sorry for you, especially. The cartoonists find it difficult, Mr. Speaker, to make pictures of you or me uglier than ordinary photographs of us, but they have gotten to a point where you have to such a degree excited their pity that they have succeeded. I hold in my hand a picture—I will call it a photograph, it looks so natural—of you, Mr. Speaker, with your hat flying in the air, your cigar turned downward, which shows perturbation upon your part. You are riding upon the rear haunches of the elephant, while the elephant is spouting back through his trunk in your face. How much of the Republican membership of the House constitutes the spouting or rebelling trunk, I can not say.

The Speaker is riding upon saddlebags and upon the visible or hither side of the saddlebags we see a "Roosevelt budget." Out of the budget has already dropped the employers' liability bill that you Republicans kept in committee for three months. [Applause on the Democratic side.] I see emerging from it the titles of the other things to which we on this side have called the attention of the country, and the perspiration is rolling down the Speaker's face like great drops of water in an August shower. I find, Mr. Speaker, another picture [show-

ing it], and I would ask unanimous consent to be allowed to insert this in the RECORD. [Great applause on the Democratic side.]

Mr. Speaker, the other day the newspapers undertook to report what had happened in the House after I had made a quorum—which I was by no means compelled to do—of the Committee on Rules, because I thought that a nice sense of honor required me to do it, although the pair with my sick friend, Mr. SHERMAN of New York, in committees did not, and although literally I was not compelled to do it, but because, he being sick and at his house, I wanted him to feel no mental anxiety. Then the gentleman from Pennsylvania came in afterwards, after that courtesy extended to the Republicans in the committee, and cut me off even from the poor opportunity to reply to what was an insulting speech—insulting to this entire side. In reporting this, however, the paper says, "Mr. WILLIAMS is fighting mad."

Why, Mr. Speaker, no paper ever made a greater mistake. Nothing could make me grow angry with the gentleman from Pennsylvania. My temper is so good I seldom grow angry with anybody, and when I do I do it with the captain, not with the lieutenant—with the principal and not the agent. When I do, *it is* with Sir John Falstaff himself, not with his page. [Applause on the Democratic side.] How could I grow angry with a mere appendage? The time never existed in the House or in the State of Pennsylvania when my very dear friend the Hon. JOHN DALZELL ever had a separate command of any description.

Mr. Speaker, it is perhaps necessary for me to recur to a few words said the other day. The gentleman indulged in some language which shows he was driven beyond good nature, argument, and reason. You on that side had previously to that changed your rules of the game to suit your hand; you had previously to that broken your plighted word, and then the gentleman broke his temper as well and said that this side had indulged in a plan of campaign that was "idiotic," that was "asinine," that was "disgraceful for grown men." Mr. Speaker, I do not indulge in language of that sort, but if I were disposed to do it I might in a way ask the country—the country, I hope the gentleman from New York will understand, as well as the House—ask the country whether anything could be more "idiotic," whether anything could be more genuinely and truly "asinine," whether anything could be more of a "disgrace to grown men" than to lose one's temper where great parties are fighting one another, each according to its notion of what is right and possible to secure or to prevent the passage of great measures. [Applause on the Democratic side.]

Mr. Speaker, I merely ask those questions. I hope there is nobody who really has lost his temper, but if there be any on either side of the Chamber, what a great fool he has been, what a fool would I be, for example, to lose my temper because the leaders on the other side do not want the President and us to legislate, but the President and we are going to legislate a little bit before we get through, all the same. [Applause on the Democratic side.] I predict now we will get out a woodpulp bill this Congress. I can not predict we will get a campaign contribution publicity bill because it is too near election when Republicans need all the secretly contributed campaign funds they can get. [Applause on the Democratic side.] Late information from the newspapers as to what has been happening around the Capitol is that the Republicans, either under instructions or without them, I know not which——

A MEMBER. With them.

Mr. WILLIAMS (continuing). Will resort to every sort of obstructive tactics to keep the Republicans of this House from getting an opportunity to vote in favor of a campaign contributions publicity bill. Mr. Speaker, I had here a moment ago a cartoon of a great cone turned upside down, and under it a lot of legs are just protruding and the Speaker of the House is holding the cone down. Here it is. The cone is marked "Special rule." Do you know whose legs those are that are hampered within the cone held by the Speaker and just protruding here?

Do you think they are Democratic legs? Why, no. You could have rendered us harmless—"cabined, cribbed, and confined" us without any special rules. You did not need them. You have power to control us under the Reed rules. Everybody knows it. These legs are the legs of Members of Congress who are Republicans, squelched and deprived of voice and visible legislative efficacy by the Speaker and the Committee on Ways and Means. [Loud and long continued applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I shall not enter into any dispute with the gentleman from Mississippi [Mr. WILLIAMS] as to my rank in this House or in the State of Pennsylvania or elsewhere. "I had rather be a doorkeeper in the House of my God than to dwell in the tents of wickedness." [Loud applause on the Republican side.] On every occasion when the gentleman from Mississippi has addressed the House since he inaugurated this unseemly filibuster he has appealed not only to the House, but to the country. I want to appeal to the country toward its enlightenment in the few words I shall say here at this time. This filibuster is not only unseemly, but it is unjustifiable and indefensible. And I shall preface what I have to say by reading an account of an interview published in the Washington Post of yesterday, as follows:

A prominent Democrat spoke his mind very freely against the JOHN SHARP WILLIAMS tactics, and in substantially this language:

"I am a Democrat, and I favor Democratic measures, especially if decided by caucus, but this filibustering does not strike me as the proper way to do, as statesmen, nor by way of rebuke. Now, when some great question is involved, as in the times when the Republican House attempted to give the country a bad dose of the "force bill," it is not only pardonable, but commendable, for the Democratic leaders to resort to every imaginable medium of obstruction and delay.

"While it is true that the Republicans were inclined to disregard the expressed wishes of the President and were slow to pass legislation that was admittedly good, yet these measures are and were all the time Republican, and it was not our business to obstruct in order to go ahead. Besides, the Congress is largely Republican, and that party is held responsible to the country for all needed legislation. We could not pass anything, if we wanted to, unless the Republican side of the House was willing. What's the use in Democrats fooling themselves by calling any of these important Administration bills Democratic? I intend to stick to my crowd, but I do not favor the methods we have been pursuing."

[Applause.]

Now, Mr. Speaker, possibly there are times when a filibuster is justifiable, as in the Fiftieth Congress, when there was a filibuster against the direct tax; as in the Fifty-second Congress, when the Republican minority, by filibuster, compelled the Democrats to adopt the Reed rules in order to count a quorum, when, as this Democrat says, there was an attempt to pass a force bill upon the Democratic party. But in this Congress there has been no possible excuse for a filibuster or the obstruction of legislation. The majority has proceeded in an orderly, decent way to pass the great appropriation bills, upon which the very existence of the Government depends. No right has been denied to the minority. There has been no limitation upon debate. For every recognition by unanimous consent, recognition by the Speaker of a Republican, there has been a corresponding recognition of a Democrat upon the other side of this House. There is no possible excuse, I say. The business of the House is further advanced than was the business of the House at a similar period in the last Congress. I have here a comparative statement.

Mr. Speaker, I want to be interrupted when I have consumed all but three minutes of my time.

In the Fifty-ninth Congress six of the twelve annual appropriation bills had been reported to the House—the Army, fortifications, Indian, legislative, pension, and post-office. In this Congress eight of the twelve regular annual appropriation bills have been reported to the House, namely, agriculture, Army, District of Columbia, fortifications, Indian, legislative, pension, and post-office. In the last Congress two had passed the Senate, namely, the fortifications and the pension appropriation bills. In this Congress all have passed the House except the District of Columbia appropriation bill, which is now ready to pass, and two bills have passed the Senate, namely, the Indian and the legislative bill. So that, Mr. Speaker, what I say is absolutely, mathematically correct. There exists no possible excuse and there exists no possible justification for this unseemly filibuster.

The SPEAKER. The gentleman has three minutes remaining.

Mr. DALZELL. I shall not repeat what I said the other day at any great length as to the childishness of the performance that we have seen enacted here within the last few days. I will only call attention to the antics of the gentlemen on the other side in the Committee of the Whole the other day when the gentleman from Texas [Mr. HENRY] moved to strike out the first six lines of the paragraph. Was not that a childish proceeding? Why, the gentleman is down in his autobiography as a lawyer, and if there be any doubt on the subject the Speaker has given him the benefit of the doubt and put him on the Committee on the Judiciary; and the gentleman is 44 years of age. I would like to know when a Texas statesman gets out of his childhood. [Applause on the Republican side.]

Mr. HENRY of Texas. I would like to ask if the gentleman from New York [Mr. PAYNE] did not move to strike out "Congress" the other day? [Applause on the Democratic side.]

Mr. DALZELL. I would go on if I had the time and cite the other amendments that were offered, but I have not the time.

The gentleman from Mississippi [Mr. WILLIAMS] himself is over 50 years of age. It must have been fifty years ago since that pathetic scene took place at Grand Junction when little Johnny and his black nurse were there. And, as the gentleman from Mississippi quotes poetry, I trust he will allow me to indulge in the same amusement.

There was a dear little boy named Johnny,
And he had a dear old nurse named Luce.
They were on their way to Grand Junction
When a Chinese gong broke loose.

"Heavens," said Luce,
"What's that, d'yo suppose?"
"Never mind," said Johnny,
"It's only a call for ayes and noes."

And when at length Johnny grew up
And shed his homespun clothes,
To Congress he went and became so great
That he could call for the ayes and noes.

And when his head had swelled so large
That he had no mind for repose,
The little fellow 'round looked on with delight,
While Johnny called for the ayes and noes.

Oh, great is Johnny of Grand Junction,
Much greater than you would suppose,
But he is greatest of all in his function
Of calling for the ayes and noes.

Dear old Lucy! She is ashes,
But the fame of her Johnny still grows,
While day by day he surpasses
In calling for the ayes and noes.

And when his life shall be written
And he in his tomb shall repose,
Posterity will learn that he was greatest
When he was calling for the ayes and noes.

[Loud applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I ask for a division of the resolution. I call the attention of the Speaker to Rule XVI, paragraph 6, which provides:

On the demand of any Member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

In this resolution there are at least six distinctive propositions, any one of which being taken away, a distinct substantive proposition remains. The only precedent on this point as collated in the Digest is one where a resolution was introduced providing for the adoption of the rules of one Congress as the rules of the succeeding Congress.

The SPEAKER. Will the gentleman from New York be kind enough to state the different substantive propositions?

Mr. FITZGERALD. The rule provides that at 5 o'clock today and 5 o'clock on Thursday of this week the Speaker shall declare the House in recess until 11.30 o'clock the next calendar day. That is one substantive proposition. That at 11.30 on Friday of this week the Chair shall declare the House in Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill. That is the second distinct substantive proposition. That at 5 o'clock on Friday the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 on Saturday. That is the third distinct substantive proposition. And at 5 o'clock on Saturday of this week that the Chairman of the Committee of the Whole House on the state of the Union shall declare the House in recess until 11.30 o'clock on Monday of next week.

Then there is a provision, Mr. Speaker, a distinct substantive provision, that if the general debate shall not be concluded on the naval appropriation bill at 5 o'clock on Saturday of this week, that the Chairman of the committee shall then declare the committee in recess. Now, these are distinct substantive propositions, any one of which being taken from the resolution, other distinct substantive propositions remain. Under this rule of the House, which the Committee on Rules has not yet abrogated, a Member of the House is entitled to demand, before the question is put, that a separate vote be taken upon each substantive proposition in this resolution. Since the majority has exercised the power under the rules of the House to strip the minority of all its rights, some of the minority will insist upon the few rights that are still left under the rules for the rest of this session. [Loud applause on the Democratic side.]

Mr. DALZELL. This resolution is nothing more nor less than a programme of legislative proceedings, and it is absolutely impossible to make any distinction and take away part of it.

Mr. FITZGERALD. The gentleman does not mean to say that the rules recognize a programme?

Mr. DALZELL. I do.

Mr. FITZGERALD. And to pass any resolution which contains distinct substantive propositions, which, if one were taken away, leaves a distinct substantive proposition?

Mr. DALZELL. It is a substantive proposition for legislative proceedings for the week.

Mr. FITZGERALD. I call the attention of the Chair, if he desires, to the only precedent existing, a ruling of a Speaker, at that time a Republican. It was on a resolution for the adoption of the rules of a previous Congress; the first part of the resolution was held to be one substantive proposition. That very resolution contained other statements, and the Speaker admitted a division of the resolution and separate votes upon each substantive proposition in it.

Mr. KEIFER. Mr. Speaker, I do not desire to discuss this question. If it were not for this rule, that permits forty minutes' debate after the previous question is ordered, no debate would be in order at all. We have but one proposition here, and that is a rule.

Mr. MANN. Mr. Speaker, if I can have attention for one moment, it seems to me that the gentleman from New York is in error when he thinks there are seven different substantive propositions contained in this resolution. He says that this proposition to take a recess on Friday night is a substantive proposition; that the proposition to take a recess on Saturday night is a substantive proposition. Ah, Mr. Speaker, they all depend each on the other. It would not be possible for the House under the rules, to provide that the Committee of the Whole should take a recess on Friday if we did not include that with the rest of the resolution.

Mr. FITZGERALD. The gentleman does not mean that, because the rule provides that the House shall take a recess in two cases and that the House go into Committee of the Whole, and thereafter the Committee of the Whole should take a recess, that these are not distinct propositions.

The SPEAKER. The Chair is prepared to rule. On a careful examination of this rule, the Chair finds that there are five substantive propositions and five only, so that if the gentleman demands a separate vote upon either or all of them, a separate vote will be taken.

Mr. FITZGERALD. I do so demand a separate vote on each of them.

Mr. MANN. I move to suspend the rules and pass the resolution.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the previous question having been ordered, it is not in order to move that.

Mr. MANN. I withdraw the motion. [Applause on the Democratic side.]

The SPEAKER. The Clerk will report the first substantive proposition.

The Clerk read as follows:

Resolved, That on this day and on Thursday of this week the House shall take a recess at 5 o'clock p. m. until 11.30 a. m. of the next calendar day.

The SPEAKER. As many as are in favor of agreeing to the portion of the resolution just read will say "aye," those opposed "no." [The vote being taken.] The "ayes" seem to have it.

Mr. FITZGERALD. Division!

Mr. WILLIAMS. Mr. Speaker, tellers!

Mr. WATSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 149, nays 128, answered "present" 7, not voting 103, as follows:

YEAS—149.

Alexander, N. Y.	Crumpacker	Haugen	McGavin
Allen	Cushman	Hawley	McGuire
Ames	Dalzell	Henry, Conn.	McKinlay, Cal.
Andrus	Darragh	Higgins	McKinley, Ill.
Anthony	Davidson	Hill, Conn.	McLachlan, Cal.
Barclay	Davis, Minn.	Holliday	McLaughlin, Mich.
Bartholdt	Dawson	Howell, N. J.	McMillan
Bates	Denby	Howell, Utah	Madden
Bede	Diekema	Howland	Madison
Bennet, N. Y.	Douglas	Hubbard, Iowa	Malby
Birdsall	Dwight	Hubbard, W. Va.	Mann
Bonynge	Ellis, Mo.	Huff	Marshall
Boyd	Ellis, Oreg.	Hull, Iowa	Miller
Bradley	Englebright	Humphrey, Wash.	Mondell
Brownlow	Esch	Jones, Wash.	Moon, Pa.
Burke	Fassett	Kahn	Moore, Pa.
Burleigh	Focht	Keifer	Mouser
Burton, Del.	Foss	Kennedy, Iowa	Murdock
Butler	Foulkrod	Kennedy, Ohio	Needham
Calder	French	Kinkaid	Norris
Calderhead	Fuller	Knowland	Nye
Campbell	Gaines, W. Va.	Küstermann	Olcott
Capron	Gardner, Mich.	Lafean	Parker, N. J.
Cary	Gardner, N. J.	Landis	Payne
Caulfield	Goebel	Langley	Perkins
Chaney	Graff	Laning	Porter
Chapman	Graham	Lawrence	Pray
Cocks, N. Y.	Haggott	Lindbergh	Reeder
Cole	Hale	Littlefield	Scott
Conner	Hamilton, Mich.	Lowden	Sherman
Cook, Pa.	Haskins	McCall	Smith, Cal.

Smith, Iowa	Sulloway	Volstead	Weems
Smith, Mich.	Tawney	Vreeland	Wilson, Ill.
Snapp	Taylor, Ohio	Waldo	Wood
Southwick	Thistlewood	Wanger	Young
Stafford	Thomas, Ohio	Washburn	
Steenerson	Tirrell	Watson	
Sterling	Townsend	Weeks	

NAYS—128.

Adair	Ellerbe	Houston	Rainey
Adamson	Favrot	Hughes, N. J.	Randell, Tex.
Aiken	Ferris	Hull, Tenn.	Ransdell, La.
Alexander, Mo.	Fitzgerald	Humphreys, Miss.	Rauch
Ansberry	Flood	James, Ollie M.	Reid
Ashbrook	Floyd	Johnson, Ky.	Richardson
Bartlett, Ga.	Fornes	Johnson, S. C.	Riordan
Beall, Tex.	Fulton	Jones, Va.	Robinson
Bell, Ga.	Gaines, Tenn.	Keliher	Rothermel
Booher	Garner	Kitchin, Claude	Rucker
Bowers	Garrett	Kitchin, Wm. W.	Russell, Mo.
Brantley	Gill	Lamar, Mo.	Russell, Tex.
Brundidge	Gillespie	Lamb	Ryan
Burgess	Godwin	Leake	Sabath
Burleson	Goldfogle	Lee	Saunders
Burnett	Gordon	Legare	Sheppard
Byrd	Goulden	Lindsay	Sherley
Caldwell	Granger	Lloyd	Sherwood
Candler	Gregg	McHenry	Sims
Carlin	Hackett	McLain	Slayden
Carter	Hackney	Macon	Small
Clark, Mo.	Hamill	Maynard	Smith, Tex.
Clayton	Hamlin	Moon, Tenn.	Spight
Cockran	Hammond	Moore, Tex.	Stephens, Tex.
Cooper, Tex.	Hardwick	Murphy	Sulzer
Cox, Ind.	Hardy	Nicholls	Taylor, Ala.
Craig	Hay	O'Connell	Thomas, N. C.
Cravens	Heflin	Page	Tou Velle
Crawford	Helm	Patterson	Watkins
De Armond	Henry, Tex.	Peters	Webb
Denver	Hill, Miss.	Pou	Williams
Dixon	Hobson	Pujo	Wilson, Pa.

ANSWERED "PRESENT"—7.

Brodhead	Jenkins	Nelson	Sturgiss
Cousins	Knopf	Prince	

NOT VOTING—103.

Acheson	Fairchild	Kimball	Parsons
Bannon	Finley	Kipp	Pearre
Barchfeld	Fordney	Knapp	Pollard
Bartlett, Nev.	Foster, Ill.	Lamar, Fla.	Powers
Beale, Pa.	Foster, Ind.	Lassiter	Pratt
Bennett, Ky.	Foster, Vt.	Law	Reynolds
Bingham	Fowler	Lenahan	Rhinock
Boutell	Gardner, Mass.	Lever	Roberts
Broussard	Gilhams	Lewis	Rodenberg
Brumm	Gillett	Lilley	Shackleford
Burton, Ohio	Glass	Livingston	Slemp
Clark, Fla.	Greene	Longworth	Smith, Mo.
Cook, Colo.	Griggs	Lorimer	Sparkman
Cooper, Pa.	Gronna	Loud	Sperry
Cooper, Wis.	Hall	Loudenslager	Stanley
Coudrey	Hamilton, Iowa	Lovering	Stevens, Minn.
Currier	Harding	McCreary	Talbott
Davenport	Harrison	McDermott	Underwood
Davey, La.	Hayes	McKinney	Wallace
Dawes	Hepburn	McMorran	Weisse
Draper	Hinshaw	Morse	Wheeler
Driscoll	Hitchcock	Mudd	Wiley
Dunwell	Howard	Olmsted	Willett
Durey	Hughes, W. Va.	Overstreet	Wolf
Edwards, Ga.	Jackson	Padgett	Woodyard
Edwards, Ky.	James, Addison D.	Parker, S. Dak.	

So the first substantive proposition of the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. STURGISS with Mr. SHACKLEFORD.

Mr. KNAPP with Mr. HITCHCOCK.

Mr. MCCREARY with Mr. SPARKMAN.

Mr. MORSE with Mr. STANLEY.

Mr. DRISCOLL with Mr. THOMAS of North Carolina.

Mr. BANNON with Mr. UNDERWOOD.

Mr. HEPBURN with Mr. BARTLETT of Nevada.

Mr. OLLIE M. JAMES. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. OLLIE M. JAMES. I was present and did not hear my name.

The SPEAKER pro tempore (Mr MANN). Was the gentleman in the Chamber and listening when his name should have been called and failed to hear it?

Mr. OLLIE M. JAMES. I was.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. OLLIE M. JAMES, and he voted "no," as above recorded.

The result of the vote was then announced, as above recorded.

The SPEAKER. The Clerk will read the next substantive proposition.

The Clerk read as follows:

That on Friday, April 10, at 11.30 a. m., the Speaker shall declare the House in Committee of the Whole House on the state of the Union for the consideration of H. R. 20471, the naval appropriation bill; that at 5 o'clock p. m. on Friday, April 10, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 a. m. on Saturday, April 11; that at 5 o'clock p. m., Saturday, April 11, the Chairman of the Committee of the Whole House on the state of the Union shall declare the committee in recess until 11.30 o'clock a. m. on Monday, April 13.

The SPEAKER. The Chair will state that on a hasty examination of the substantive proposition the Chair was inclined to be of the opinion that there were four, but on a second and more careful consideration the Chair is of opinion that there are but three substantive propositions.

Mr. FITZGERALD. If the Chair will indulge me a moment, not captiously, there is a substantive proposition that the Chair shall declare the House in Committee of the Whole for the consideration of a certain bill. Now, that is a substantive proposition which the House should vote on and determine.

The SPEAKER. Seemingly so, but in fact not so. The Clerk will read the ruling of the Chair.

The Clerk read as follows:

The Chair, on reexamination of the rule, is inclined to think that there are only three substantive propositions. The Chair is willing to admit that the question is somewhat close and that several clauses may be segregated each of which makes a grammatical proposition, but not a substantial proposition in the sense that it makes a substantive rule for action of the House. Thus, one or two clauses in what may fairly be considered the second portion make, it is true, grammatical propositions, but they do not make substantive propositions within the intent of the resolution, which is to provide a rule of action. Thus those clauses provide for the Committee of the Whole to take a recess, but hardly make a substantive rule without the other clause, which provides that there shall be a Committee of the Whole at the time the recess is to be taken.

Mr. FITZGERALD. Since the Chair deems it a close question, I respectfully appeal from the decision of the Chair.

Mr. MANN. I move to lay that appeal on the table.

Mr. DALZELL. I suggest that the appeal is dilatory.

Mr. FITZGERALD. It is not dilatory to appeal from a close decision of parliamentary law.

The SPEAKER. The Chair holds that it is dilatory in substance and in fact.

Mr. FITZGERALD. I deny that the appeal is dilatory.

The SPEAKER. The question is on the second substantive proposition.

The question was taken, and on a division (demanded by Mr. FITZGERALD) there were—ayes 67, noes 70. [Applause on the Democratic side.]

Mr. ALEXANDER of New York. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays.

Mr. SULZER. No quorum, Mr. Speaker.

The SPEAKER. The point is made that there is no quorum.

Mr. FITZGERALD. I make the point of order that the roll has just been called and disclosed a quorum.

The SPEAKER. The point of no quorum is made. The doors will be closed, the Sergeant-at-Arms will notify absent Members, the yeas and nays are ordered under the rule, and as many as are in favor of the second substantive proposition will, when their names are called, answer "aye," and those opposed will answer "no;" those present will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 148, nays 119, answered "present" 9, not voting 111, as follows:

YEAS—148.

Alexander, N. Y.	Denby	Huff	Norris
Allen	Diekema	Humphrey, Wash.	Nye
Ames	Douglas	Jones, Wash.	Olcott
Andrus	Dwight	Kahn	Overstreet
Anthony	Ellis, Mo.	Keifer	Parker, N. J.
Barclay	Ellis, Oreg.	Kennedy, Iowa	Payne
Bartholdt	Englebright	Kennedy, Ohio	Pearre
Bates	Esch	Kinkaid	Perkins
Bede	Fassett	Knowland	Porter
Bennet, N. Y.	Focht	Küstermann	Pray
Birdsall	Foss	Lafean	Reeder
Bonynge	Foster, Vt.	Landis	Scott
Boyd	Foulkrod	Langley	Sherman
Bradley	French	Laning	Smith, Cal.
Brownlow	Fuller	Law	Smith, Iowa
Burke	Gaines, W. Va.	Lawrence	Smith, Mich.
Burleigh	Gardner, Mich.	Lindbergh	Snapp
Burton, Del.	Gardner, N. J.	Littlefield	Southwick
Butler	Gillett	Lowden	Stafford
Calder	Goebel	McCall	Steenerson
Calderhead	Graff	McGavin	Sterling
Campbell	Graham	McGuire	Sulloway
Capron	Haggott	McKinlay, Cal.	Tawney
Caulfield	Hale	McKinley, Ill.	Taylor, Ohio
Chaney	Hamilton, Mich.	McMillan	Thistlewood
Chapman	Harding	Madden	Thomas, Ohio.
Cocks, N. Y.	Haskins	Madison	Volstead
Cole	Haugen	Malby	Vreeland
Conner	Hawley	Mann	Waldo
Cook, Pa.	Henry, Conn.	Marshall	Wanger
Crumpacker	Higgins	Miller	Washburn
Cushman	Holliday	Moon, Pa.	Watson
Dalzell	Howell, N. J.	Moore, Pa.	Weeks
Darragh	Howell, Utah	Mouser	Weems
Davidson	Howland	Mudd	Wilson, Ill.
Davis, Minn.	Hubbard, Iowa	Murdock	Wood
Dawson	Hubbard, W. Va.	Needham	Young

NAYS—119.

Adair	Fitzgerald	Humphreys, Miss.	Randell, Tex.
Adamson	Flood	James, Ollie M.	Rauch
Aiken	Floyd	Johnson, Ky.	Reid
Alexander, Mo.	Fornes	Johnson, S. C.	Rhinock
Ansberry	Fulton	Jones, Va.	Richardson
Ashbrook	Gaines, Tenn.	Keliher	Riordan
Bartlett, Ga.	Garner	Kitchin, Claude	Robinson
Bartlett, Nev.	Garrett	Kitchin, Wm. W.	Rothermel
Beall, Tex.	Gill	Lamar, Mo.	Rucker
Bell, Ga.	Gillespie	Lamb	Russell, Mo.
Booher	Godwin	Leake	Russell, Tex.
Bowers	Goldfogle	Lee	Ryan
Brodhead	Gordon	Legare	Sabath
Brundidge	Goulden	Lewis	Sheppard
Burleson	Granger	Lindsay	Sherley
Byrd	Hackett	Lloyd	Sims
Caldwell	Hackney	McHenry	Small
Candler	Hamill	McLain	Smith, Tex.
Carlin	Hamlin	Macon	Spight
Carter	Hammond	Maynard	Stanley
Clark, Mo.	Hardwick	Moon, Tenn.	Stephens, Tex.
Clayton	Hardy	Moore, Tex.	Sulzer
Cox, Ind.	Hay	Murphy	Taylor, Ala.
Cravens	Heflin	Nicholls	Thomas, N. C.
De Armond	Helm	O'Connell	Tou Velle
Denver	Hill, Miss.	Page	Underwood
Dixon	Hobson	Patterson	Webb
Ellerbe	Houston	Peters	Williams
Favrot	Hughes, N. J.	Pou	Wilson, Pa.
Ferris	Hull, Tenn.	Rainey	

ANSWERED "PRESENT"—9.

Cousins	Hull, Iowa	Knopf	Shackleford
Currier	Jenkins	Prince	Sturgiss
Foster, Ind.			

NOT VOTING—111.

Acheson	Dunwell	James, Addison D.	Pollard
Bannon	Durey	Kimball	Powers
Barchfeld	Edwards, Ga.	Kipp	Pratt
Beale, Pa.	Edwards, Ky.	Knapp	Pujo
Bennett, Ky.	Fairchild	Lamar, Fla.	Ransdell, La.
Bingham	Finley	Lassiter	Reynolds
Boutell	Fordney	Lenahan	Roberts
Brantley	Foster, Ill.	Lever	Rodenberg
Broussard	Fowler	Lilley	Saunders
Brumm	Gardner, Mass.	Livingston	Sherwood
Burgess	Gilhams	Longworth	Slayden
Burnett	Glass	Lorimer	Slemp
Burton, Ohio	Greene	Loud	Smith, Mo.
Cary	Gregg	Loudenslager	Sparkman
Clark, Fla.	Griggs	Lovering	Sperry
Cockran	Gronna	McCreary	Stevens, Minn.
Cook, Colo.	Hall	McDermott	Talbott
Cooper, Pa.	Hamilton, Iowa	McKinney	Tirrell
Cooper, Tex.	Harrison	McLachlan, Cal.	Townsend
Cooper, Wis.	Hayes	McLaughlin, Mich.	Wallace
Coudrey	Henry, Tex.	McMorran	Watkins
Craig	Hepburn	Mondell	Weisse
Crawford	Hill, Conn.	Morse	Wheeler
Davenport	Hinshaw	Nelson	Wiley
Davey, La.	Hitchcock	Olmsted	Willett
Dawes	Howard	Padgett	Wolf
Draper	Hughes, W. Va.	Parker, S. Dak.	Woodyard
Driscoll	Jackson	Parsons	

So the second substantive proposition was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. CARY with Mr. HENRY of Texas.

Mr. PEARRE with Mr. GREGG.

Mr. MORSE with Mr. BURGESS.

Mr. BANNON with Mr. BURNETT.

Mr. HEPBURN with Mr. CRAWFORD.

Mr. DRISCOLL with Mr. RANSDELL of Louisiana.

Mr. LOVERING with Mr. SAUNDERS.

Mr. REYNOLDS with Mr. SHERWOOD.

Mr. STEPHENS of Minnesota with Mr. CRAIG.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TAWNEY). The Clerk will read the next proposition.

The Clerk read as follows:

That general debate on the naval appropriation bill shall close not later than at 5 o'clock p. m. Saturday, April 11; the time to be equally divided between the majority and minority and controlled by the chairman of the Naval Committee and by the senior member of the majority.

The SPEAKER pro tempore. The question is on agreeing to the proposition just read.

The question was taken, and on a division (demanded by Mr. FITZGERALD) there were—ayes 86, noes 73.

Mr. FITZGERALD. Mr. Speaker, I demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point of order that that proceeding is dilatory, the Chair having carefully counted the House and there being a decided majority.

Mr. FITZGERALD. Mr. Speaker, the vote is very close.

The SPEAKER pro tempore. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 146, nays 121, answered "present" 7, not voting 113, as follows:

YEAS—146.

Alexander, N. Y.	Douglas	Jones, Wash.	Nye
Allen	Dwight	Keifer	Olcott
Ames	Ellis, Mo.	Kennedy, Iowa	Overstreet
Andrus	Ellis, Oreg.	Kennedy, Ohio	Parker, N. J.
Anthony	Englebright	Kinkaid	Payne
Barclay	Esch	Knowland	Perkins
Bartholdt	Fassett	Küstermann	Porter
Bates	Fitzgerald	Lafean	Pray
Bede	Focht	Landis	Reeder
Bennet, N. Y.	Foss	Langley	Scott
Birdsall	Foster, Vt.	Laning	Sherman
Bonynge	Foulkrod	Law	Smith, Cal.
Boyd	French	Lawrence	Smith, Iowa
Bradley	Fuller	Lindbergh	Smith, Mich.
Brownlow	Gardner, Mich.	Loud	Snapp
Burke	Gardner, N. J.	Lowden	Southwick
Burleigh	Goebel	McCall	Stafford
Butler	Graff	McGavin	Steenerson
Calder	Graham	McGuire	Sterling
Calderhead	Haggott	McKinlay, Cal.	Sturgiss
Campbell	Hale	McKinley, Ill.	Sulloway
Capron	Hamilton, Mich.	McLachlan, Cal.	Tawney
Caulfield	Harding	McLaughlin, Mich.	Taylor, Ohio
Chapman	Haskins	McMillan	Thistlewood
Cocks, N. Y.	Haugen	Madden	Thomas, Ohio
Conner	Hawley	Madison	Tirrell
Cook, Colo.	Henry, Conn.	Malby	Townsend
Cook, Pa.	Higgins	Mann	Waldo
Crumpacker	Hill, Conn.	Marshall	Washburn
Cushman	Holliday	Miller	Watson
Dalzell	Howell, N. J.	Moon, Pa.	Weeks
Darragh	Howell, Utah	Moore, Pa.	Weems
Davidson	Howland	Mouser	Wilson, Ill.
Davis, Minn.	Hubbard, Iowa	Mudd	Wood
Dawson	Hubbard, W. Va.	Murdock	Young
Denby	Huff	Needham	
Dickema	Humphrey, Wash.	Norris	

NAYS—121.

Adair	Ellerbe	Hughes, N. J.	Reid
Adamson	Favrot	Hull, Tenn.	Richardson
Aiken	Ferris	Humphreys, Miss.	Riordan
Alexander, Mo.	Flood	Johnson, Ky.	Robinson
Ansberry	Floyd	Jones, Va.	Rothermel
Ashbrook	Fornes	Keliher	Rucker
Bartlett, Ga.	Fulton	Kitchin, Wm. W.	Russell, Mo.
Bartlett, Nev.	Gaines, Tenn.	Lamar, Mo.	Russell, Tex.
Beall, Tex.	Garner	Lamb	Ryan
Bell, Ga.	Garrett	Leake	Sabath
Booher	Gill	Lee	Sheppard
Bowers	Gillespie	Legare	Sherley
Brodhead	Godwin	Lindsay	Sherwood
Brundidge	Goldfogle	Lloyd	Sims
Burgess	Gordon	McHenry	Small
Burleson	Goulden	McLain	Smith, Tex.
Burnett	Granger	Macon	Spight
Byrd	Hackett	Maynard	Stanley
Caldwell	Hackney	Moon, Tenn.	Stephens, Tex.
Candler	Hamill	Moore, Tex.	Sulzer
Carlin	Hamlin	Murphy	Taylor, Ala.
Carter	Hammond	Nicholls	Thomas, N. C.
Clark, Mo.	Hardwick	O'Connell	Tou Velle
Clayton	Hardy	Page	Underwood
Cooper, Tex.	Hay	Patterson	Watkins
Cox, Ind.	Heflin	Peters	Webb
Craig	Helm	Pou	Williams
Cravens	Henry, Tex.	Rainey	Wilson, Pa.
De Armond	Hill, Miss.	Randell, Tex.	
Denver	Hobson	Ransdell, La.	
Dixon	Houston	Rauch	

ANSWERED "PRESENT"—7.

Cousins	Jenkins	Lewis	Shackleford
Foster, Ind.	Knopf	Prince	

NOT VOTING—113.

Acheson	Edwards, Ga.	Johnson, S. C.	Pollard
Bannon	Edwards, Ky.	Kahn	Powers
Barchfeld	Fairchild	Kimball	Pratt
Beale, Pa.	Finley	Kipp	Pujo
Bennett, Ky.	Fordney	Kitchin, Claude	Reynolds
Bingham	Foster, Ill.	Knapp	Rhinock
Boutell	Fowler	Lamar, Fla.	Roberts
Brantley	Gaines, W. Va.	Lassiter	Rodenberg
Broussard	Gardner, Mass.	Lenahan	Saunders
Brumm	Gilhams	Lever	Slayden
Burton, Del.	Gillett	Lilley	Slemp
Burton, Ohio	Glass	Littlefield	Smith, Mo.
Cary	Greene	Livingston	Sparkman
Chaney	Gregg	Longworth	Sperry
Clark, Fla.	Griggs	Lorimer	Stevens, Minn.
Cockran	Gronna	Loudenslager	Talbott
Cole	Hall	Lovering	Volstead
Cooper, Pa.	Hamilton, Iowa	McCreary	Vreeland
Cooper, Wis.	Harrison	McDermott	Wallace
Coudrey	Hayes	McKinney	Wanger
Crawford	Hepburn	McMorran	Weisse
Currier	Hinshaw	Mondell	Wheeler
Davenport	Hitchcock	Morse	Wiley
Davey, La.	Howard	Nelson	Willett
Dawes	Hughes, W. Va.	Olmsted	Wolf
Draper	Hull, Iowa	Padgett	Woodyard
Driscoll	Jackson	Parker, S. Dak.	
Dunwell	James, Addison D.	Parsons	
Durey	James, Ollie M.	Pearre	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDRUS with Mr. JOHNSON of South Carolina.

Mr. KAHN (in favor of) with Mr. CLAUDE KITCHIN (against).
Mr. CARY with Mr. OLLIE M. JAMES.
The result of the vote was announced as above recorded.
Mr. FITZGERALD. Mr. Speaker, I move to reconsider the last vote.
The SPEAKER pro tempore (Mr. TAWNEY). Under the roll calls that have been had——
Mr. DALZELL. Mr. Speaker, what was the result of the vote?
The SPEAKER pro tempore. The last vote was, yeas 146, nays, 121.
Mr. DALZELL. Then, Mr. Speaker, I make the point of order that the motion to reconsider is dilatory.
The SPEAKER pro tempore. The Chair sustains the point of order.
Mr. FITZGERALD. Mr. Speaker, I hope the Chair will indulge me a moment on the ruling——
The SPEAKER pro tempore. The Chair has already decided the motion.
Mr. FITZGERALD. It is the universal practice to move to reconsider a vote by which resolutions are adopted, the rules make it a privileged motion, and——
The SPEAKER pro tempore. The Chairman has decided——
Mr. FITZGERALD. If the Chair desires to hold that privileged motions are dilatory, let the country know it. I move that the House do now adjourn.
The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.
Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.
Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is dilatory.
The SPEAKER pro tempore. The Chair sustains the point of order.
Mr. FITZGERALD. That it is a dilatory motion?
The SPEAKER pro tempore. That it is a dilatory motion.
Mr. FITZGERALD. No; it is not a dilatory motion.

WOOD PULP AND PRINT PAPER.

Mr. JENKINS. Mr. Speaker, by unanimous direction of the Committee on the Judiciary, I ask for present consideration of a privileged resolution.
The SPEAKER pro tempore. The gentleman from Wisconsin offers the following privileged report from the Committee on the Judiciary, which the Clerk will report.
The Clerk read as follows:

The Committee on the Judiciary have had under careful consideration House resolution No. 320 and have directed me to report the same back to the House with the recommendation that the same be adopted.

The Clerk also read:

Resolution 320.

Resolved, That the Attorney-General be directed to transmit to the House, if not incompatible with the public service, such papers and information as may be in possession of his Department showing what steps, if any, have been taken to investigate the action of the International Paper Company, of New York, and other corporations, joint stock companies, or corporate combinations engaged in the manufacture of wood pulp or print paper or the sale thereof; and what steps have been taken to prosecute the said corporation or corporations, joint stock companies, or combinations for violation of the law in case reasons for such prosecutions may have appeared from investigation, information from the Department of Commerce and Labor, or otherwise.

Mr. JENKINS. Mr. Speaker——
Mr. CLAYTON. Mr. Speaker, does the gentleman from Wisconsin [Mr. JENKINS] yield to me?
Mr. JENKINS. How much time does the gentleman from Alabama desire?
Mr. CLAYTON. Five minutes.
Mr. JENKINS. I yield five minutes to my colleague on the committee [Mr. CLAYTON].
The SPEAKER pro tempore. The gentleman from Alabama [Mr. CLAYTON] is recognized for five minutes.
Mr. CLAYTON. This House resolution No. 320 and House resolution No. 321 I may as well speak of together, as they both came from the committee practically at the same time and both relate to the same subject. House resolution No. 320, as the reading discloses, asks the Attorney-General, if not incompatible with the public service, to communicate to the House what investigation, if any, he has made of the alleged criminal trade conspiracy in regard to the manufacture and sale of paper, and what steps, if any, he has taken to prosecute that criminal trade conspiracy if such has been found to exist. The other resolution requires the Bureau of Corporations to report to the House what investigation it has made; in other words, if it has made a diligent investigation into the organization and conduct and management of the business of the International Paper Company, of New York, and other corporations or combinations engaged in the criminal trade conspiracy affecting the paper industry of the country. It requires the Secretary of Commerce and Labor to report the information he has gathered on that, if not incompatible with the public service.
Mr. Speaker, the minority of the Committee on the Judiciary, as well as the minority on this side, demanded substantial relief at the hands of this Congress from this trade conspiracy. Some Members on this side have introduced measures seeking to put wood pulp and other material for the manufacture of paper upon the free list. The majority in control of this House strangled those bills. You have strangled the efforts of the people to get relief from this trade conspiracy [applause on the Democratic side], and instead of relief, the best thing that the minority can exact of you is that when the "Big Stick" in the White House gets busy, and in conjunction with the minority in this House, the Speaker of this House is compelled, himself, to introduce these two resolutions on this important subject. [Applause on the Democratic side.] And instead of getting relief, the proposition is to give us information. I hope these two Departments will give us such information as will prick the conscience of that side of this Chamber, so that the country may be relieved from the oppression of this criminal trade conspiracy. [Applause on the Democratic side.]
Mr. Speaker, these resolutions come from the Committee on the Judiciary with an unanimous report. We on this side give it our hearty approval, and we hope, though we may be disappointed, that these two great Departments in our Government may give us some information, at least, although there is some doubt about that. But I hope the swish of the "big stick," together with the filibuster, if you please, of the minority, may be effective to force the leaders of that side to bring the bills out of the Committee on Ways and Means and into this House, [Applause on the Democratic side.]
I yield the rest of my time to the gentleman from Mississippi [Mr. WILLIAMS].
The SPEAKER pro tempore. The gentleman has half a minute remaining.
Mr. CLAYTON. Mr. Speaker, I ask the gentleman from Wisconsin [Mr. JENKINS] to give the gentleman from Mississippi [Mr. WILLIAMS] five minutes.
Mr. JENKINS. Mr. Speaker, I yield to the gentleman from Mississppi [Mr. WILLIAMS] five minutes. [Applause on the Democratic side.]
Mr. WILLIAMS. Mr. Speaker, I sincerely appreciate the courtesy of extending my time.
This is one of the things that we on this side of the Chamber are emphatically in favor of. This is one of the things to which I referred the other day when I said that as rapidly as you could bring in remedial legislation along these lines we would help you to illustrate how quickly the House could legislate.
But, Mr. Speaker, this resolution itself illustrates how quickly a bill or a resolution sent to a standing committee of this House can come out of it whenever the Speaker of this House is in favor of its coming out. [Applause on the Democratic side.] This resolution was sent to this committee, if I mistake not, some three days ago. It is now before this House for consideration. I dislike to seem ungracious, but in this connection I must read an editorial letter from the New York World, which strikes me as just. It reads as follows:

SPEAKER CANNON'S HUMBUG RESOLUTION.

Does "Uncle Joe" CANNON think that he can play the double part of a stand-pat Speaker and a tariff-revisionist candidate for President without being exposed?

Speaker CANNON'S resolution is very significant.

That is the resolution we are now considering.

He has seen how little the prosecution of manufacturers for entering into illegal combinations affects their power arbitrarily to fix prices, and he favors that harmless method of dealing with them. What he opposes is effective revision of the tariff duties—

[Applause on the Democratic side.]

that afford shelter to the trust. This means that, if when the Republicans eventually undertake to revise the Dingley rates "Uncle Joe" CANNON is Speaker, it is fair to assume that his influence will be used with his Committee on Ways and Means to retain the Dingley duties under which the paper trust and other trusts have so heavily oppressed consumers and other producers.

In an interview upon this subject the Speaker said that he did not see how anybody could contend that a price of paper, which was at a higher level than the expense of production, plus a fair profit, plus the tariff duty, could be produced by the tariff, and yet the reply is very simple. A trust which is formed under the shelter of the tariff has not only the power to raise prices when it wants to exploit consumers, but it has the power to lower prices temporarily whenever it desires to rout an invading adversary. It therefore invariably raises them above the level of the tariff duty when an opportunity to raise is presented. A competitor abroad knows that the moment he starts a shipment, that the moment that shipment gets into the

American market, this trust—which has had its birth behind the shelter of the tariff, and could not have it in any other place—will immediately reduce the price to such an extent as to make it unprofitable for him to sell the goods he has exported into the United States. So that all that he can sell is limited to the quantity that he sells by contract at a fixed price and profit before they leave the foreign country. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, in his present frame of mind it seems impossible for the gentleman from Mississippi to be just for a single moment. He knows, or ought to know, that a resolution of this class is privileged, and unless the committee reports it in seven days it can be called up. He ought to know that that accounts for the celerity with which this resolution has come from the committee, and he ought not to have insinuated that the Speaker of the House having introduced the resolution that was the reason it came to the House. [Applause on the Republican side.] The gentleman from Nebraska [Mr. HITCHCOCK], in a speech he made a month or two ago asserted, and came nearer to demonstrating the proposition than any proposition I ever heard him make before or since, that the price of paper was lower in this country two or three years ago because the Government broke up the paper trust. He produced the dates and the figures. I simply refer to his speech upon that subject. I know that he has been trying to repair it since, but fortunately his speech is in the RECORD and is on record. There is some clamor in this House and outside of it——

Mr. HENRY of Texas. Will the gentleman yield to me for one question?

Mr. PAYNE. I have only five minutes. (Continuing.) For the taking off of the duty on paper and pulp and passing a bill that simply leaves, in case an export duty is put upon logs—pulp logs, coming from Canada—an equal duty on pulp and one-tenth of a cent a pound for each dollar of export duty that is put upon these pulp logs. We are importing now about 9,000 tons of paper from Canada. They are making what they want there, and they export but a trifle anywhere in the world. We produce in this country over 1,000,000 tons of paper, used in printing newspapers. Does anyone suppose by the passing of a bill putting pulp and paper on the free list in the twinkling of an eye you can transfer an industry from the United States to Canada? Or that under those circumstances the Canadian Parliament, which has been agitating this question for several months, and is only kept from imposing an export duty on pulp logs because we have this duty of three-tenths of a cent upon paper, to be increased by one-tenth of a cent for every dollar export duty on logs—does anyone suppose for a moment that the Canadian Parliament will not immediately avail itself of the revenue it would get by putting an export duty of a dollar a cord upon logs; and if they did that, where would you get your relief? Where would you get your cheaper paper? Where, in the name of common sense, would you benefit anybody in this country?

I know there has been some cheap talk about a tax on intelligence. Why did not the gentleman from Mississippi go to his own State and ask the legislature to take the local taxes from newspaper plants, because it is a tax upon intelligence? Why not be consistent? Why not treat these subjects as intelligent men and discuss them as intelligent men, and not go into hysterics over the matter? The difficulty is you feel there are too many votes behind the newspaper people in this country who, under the protection which comes not from the tariff, but from locality, have a monopoly of the newspaper business in the United States, and try to rush Congress into the idea, without investigation, without looking into the facts, without determining whether it would deprive 38,000 people of a means of livelihood, the men who are employed in this paper industry, that they would have us remove the tax, or say they are trying to force us to remove the tax by calling the yeas and nays. [Applause on the Republican side.]

Mr. HENRY of Texas. I would like to have just two minutes, and should like the gentleman to yield me five minutes, if he will give me that much.

Mr. JENKINS. I should be very glad to if I could, but I can not.

Mr. HENRY of Texas. I am a member of the committee, and would like to be recognized.

Mr. JENKINS. I yield to the gentleman from Texas one minute.

Mr. MANN. We will give him two minutes if that side will not ask for a roll call.

Mr. JENKINS. I will yield two minutes to the gentleman.

Mr. HENRY of Texas. Mr. Speaker, I am not willing that the statement of the gentleman from New York should go to the country unchallenged, because he has "innocently" perverted the facts. The gentleman from Mississippi [Mr. WILLIAMS] referred to him the other day as Sir John Falstaff, but it seems that he is now entitled to the cognomen of "Foxy Grandpa" as well. [Laughter.] The truth of the business is that this resolution would not have been privileged for seven days. If it had been submitted by the minority leader from Mississippi it would not have been reported until the end of the seven days, and then only by reason of being privileged. But coming from the Speaker of the House, when it came to the committee, in less than five minutes after it was called to the attention of that committee to-day, upon the motion of the gentleman from Alabama [Mr. CLAYTON], a Democrat, every member of the committee voted in favor of its report. [Applause.] It was not the fact that it was a privileged resolution that so promptly brought it before this House, but because it was a meritorious resolution and should have been promptly reported to the House, as many other meritorious measures now pending should be reported. The impelling cause of its favorable report was not its privileged character, but the merit of the resolution itself. That is the point of vital concern here. Such are the simple facts, and no committee secrets are betrayed in stating them, and the country is entitled to know the truth. [Applause on the Democratic side.]

Mr. JENKINS. Mr. Speaker, I want to correct the statement of my colleague on the committee, the gentleman from Texas [Mr. HENRY], and I also want to correct a statement made by the gentleman from Mississippi [Mr. WILLIAMS] with reference to the time when this resolution was introduced. It was introduced more than three days ago. The time limit expires to-night, and to-morrow morning both these resolutions would be privileged in this House. I think that disposes of the statement that the committee was governed by reference to what the Speaker had said.

Now, I do not know where the gentleman from Mississippi gets his information as to what the Speaker had said to the committee, but I want simply to say to the gentleman from Mississippi and to the gentlemen on the floor of the House that as chairman of that committee, the Speaker never spoke to me, directly or indirectly, with reference to this matter. [Applause on the Republican side.] I want to say to my very just and able colleague on the committee, the gentleman from Texas, that he knows full well that this resolution followed the usual course in the committee. It was considered briefly a week ago and laid over until to-day. It followed the same course that every privileged resolution in that committee has always followed, that within the time limit it has always been reported out either favorably or unfavorably.

I ask for the adoption of the resolution.

The SPEAKER pro tempore [Mr. TAWNEY]. The question is on agreeing to the resolution.

Mr. CLAYTON. I hope there will be no demand for a division.

The resolution was agreed to.

INTERNATIONAL PAPER COMPANY, OF NEW YORK.

Mr. JENKINS. Mr. Speaker, by unanimous direction of the Committee on the Judiciary I respectfully report a privileged resolution.

The SPEAKER pro tempore. The gentleman from Wisconsin reports the following privileged resolution from the Committee on the Judiciary, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of Commerce and Labor be directed, if not incompatible with the public service, to transmit to the House all papers and information which may be in possession of his Department relating to any steps which may have been taken by the Bureau of Corporations to make the "diligent investigation into the organization, conduct, and management of the business" of the International Paper Company, of New York, and other corporations, joint-stock companies, or combinations engaged in the manufacture of wood pulp or print paper or the sale thereof, as said Bureau of Corporations is authorized to do by law of the United States; and all papers and information in his Department which are the result of such investigation, if any such has been made.

Mr. JENKINS. Mr. Speaker, I ask for the adoption of the resolution.

The question was taken, and the resolution was agreed to.

Mr. SHACKLEFORD. Mr. Speaker, I desire to call up a privileged resolution.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I submit another privileged report from the Committee on Rules.

The Clerk read as follows:

Resolved, That during the remainder of this session whenever a general appropriation bill shall have been reported favorably from the Committee of the Whole, it shall be in order to apply to it in the House a motion to suspend the rules under all the conditions prescribed in Rule XXVIII, except that the vote shall be majority instead of two-thirds.

Mr. DALZELL. Mr. Speaker, the purpose of this resolution, like the resolution that preceded it, is to expedite the public business and get rid of this senseless, childish obstruction. [Laughter on the Democratic side; applause on the Republican side.]

Mr. WILLIAMS. May I ask the gentleman not to debate the question before he calls for the previous question, because he will shut off the twenty minutes' debate and the right to respond to it on this side.

Mr. DALZELL. That is the very object of my speaking. [Laughter on the Republican side.]

Mr. WILLIAMS. Then, I move the previous question.

Mr. DALZELL. The gentleman from Mississippi has not the floor.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. DALZELL. The House will understand that when a general appropriation bill comes into the House reported from the Committee of the Whole, it is possible to have a roll call on the previous question, it is possible to have a roll call on the engrossment and third reading, upon the motion to recommit and upon its final passage; but that is not all; it is possible to have a roll call on every amendment reported to the House from the Committee of the Whole. So that, for instance, when we bring in the sundry civil bill and it is reported from the committee—comes into the House with fifty or sixty or seventy amendments—if the minority was allowed to carry on their childish antics, we would have fifty or seventy roll calls. The purpose of this resolution is to correct that.

Mr. MANN. Will the gentleman yield for a question?

Mr. DALZELL. I will.

Mr. MANN. The District of Columbia bill is a concrete illustration reported to the House with various amendments. Under this rule can a motion be made to concur, or will a motion be made to concur in the amendments?

Mr. DALZELL. A motion will be made to suspend the rules and agree to the amendments.

Mr. MANN. Concur in the amendments and pass the bill as amended?

Mr. DALZELL. Yes. Mr. Speaker, I ask for the previous question.

Mr. WILLIAMS. Before the gentleman asks for the previous question I would like to ask him a question. In the case cited by the gentleman from Illinois, if I understand the rule correctly, there will be no power on the part of the House to secure a separate vote on any particular amendment?

Mr. MANN. Certainly they can, by not agreeing to the motion.

Mr. WILLIAMS. Yes; by voting down the bill. I understand that unless we vote down the bill we can not get a separate vote on any amendment.

Mr. DALZELL. Yes; the gentleman understands it.

The SPEAKER. The question is on the demand for the previous question.

The question was taken, and on a division (demanded by Mr. WILLIAMS), there were—ayes 150, noes 128.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers.

Mr. DALZELL. I make the point of order, Mr. Speaker, that that is dilatory.

The SPEAKER. The Chair will sustain the point of order.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 146, nays 124, answered "present" 12, not voting 105, as follows:

YEAS—146.

Alexander, N. Y.	Calder	Diekema	Gillett
Allen	Calderhead	Douglas	Goebel
Ames	Campbell	Dwight	Graff
Anthony	Capron	Ellis, Mo.	Graham
Barclay	Caulfield	Ellis, Oreg.	Haggott
Bartholdt	Chaney	Englebright	Hale
Bates	Chapman	Esch	Hamilton, Mich.
Bede	Cocks, N. Y.	Fassett	Harding
Bennet, N. Y.	Cole	Focht	Haskins
Birdsall	Cook, Colo.	Foss	Hawley
Bonynge	Cook, Pa.	Foster, Vt.	Henry, Conn.
Boyd	Crumpacker	Foulkrod	Higgins
Bradley	Cushman	Fowler	Hill, Conn.
Brownlow	Dalzell	French	Holliday
Burke	Davis, Minn.	Fuller	Howell, N. J.
Burleigh	Dawes	Gaines, W. Va.	Howell, Utah
Burton, Del	Dawson	Gardner, Mich.	Howland
Butler	Denby	Gardner, N. J.	Hubbard, Iowa
Hubbard, W. Va.	McCall	Murdock	Sulloway
Huff	McGavin	Needham	Tawney
Humphrey, Wash.	McGuire	Norris	Taylor, Ohio
Jones, Wash.	McKinlay, Cal.	Nye	Thistlewood
Keifer	McKinley, Ill.	Olcott	Tirrell
Kennedy, Iowa	McLachlan, Cal.	Payne	Townsend
Kennedy, Ohio	McLaughlin, Mich.	Perkins	Volstead
Kinkaid	McMillan	Porter	Vreeland
Knowland	Madden	Pray	Waldo
Küstermann	Madison	Reeder	Wanger
Lafean	Malby	Scott	Washburn
Landis	Mann	Sherman	Watson
Laning	Marshall	Smith, Cal.	Weeks
Law	Miller	Smith, Iowa	Weems
Lawrence	Mondell	Smith, Mich.	Wilson, Ill.
Lindbergh	Moon, Pa.	Snapp	Wood
Littlefield	Moore, Pa.	Southwick	Young
Loud	Mouser	Steenerson	
Lowden	Mudd	Sturgiss	

NAYS—124.

Adair	Dixon	Houston	Randell, Tex.
Adamson	Ellerbe	Hughes, N. J.	Ransdell, La.
Aiken	Favrot	Hull, Tenn.	Rauch
Alexander, Mo.	Ferris	Humphreys, Miss.	Reid
Ansberry	Fitzgerald	Johnson, Ky.	Richardson
Ashbrook	Flood	Jones, Va.	Riordan
Bartlett, Ga.	Floyd	Keliher	Robinson
Bartlett, Nev.	Fornes	Kitchin, Wm. W.	Rothermel
Beall, Tex.	Fulton	Lamar, Mo.	Rucker
Bell, Ga.	Gaines, Tenn.	Lamb	Russell, Mo.
Booher	Garner	Leake	Russell, Tex.
Bowers	Garrett	Lee	Ryan
Brodhead	Gill	Legare	Sabath
Brundidge	Gillespie	Lewis	Shackleford
Burgess	Godwin	Lindsay	Sheppard
Burleson	Goldfogle	Lloyd	Sherley
Burnett	Gordon	McHenry	Sherwood
Byrd	Goulden	McLain	Sims
Caldwell	Granger	Macon	Small
Candler	Hackett	Maynard	Smith, Tex.
Carlin	Hackney	Moon, Tenn.	Spight
Carter	Hamlin	Moore, Tex.	Stanley
Clark, Mo.	Hammond	Murphy	Stephens, Tex.
Clayton	Hardwick	Nicholls	Taylor, Ala.
Cockran	Hardy	O'Connell	Thomas, N. C.
Cooper, Tex.	Hay	Page	Tou Velle
Cox, Ind.	Heflin	Patterson	Underwood
Craig	Helm	Peters	Watkins
Crawford	Henry, Tex.	Pou	Webb
De Armond	Hill, Miss.	Pratt	Williams
Denver	Hobson	Rainey	Wilson, Pa.

ANSWERED "PRESENT"—12.

Andrus	Griggs	James, Ollie M.	Knopf
Cary	Hamilton, Iowa	Jenkins	Prince
Foster, Ind.	Hull, Iowa	Kahn	Slayden

NOT VOTING—105.

Acheson	Edwards, Ga.	Kitchin, Claude	Powers
Bannon	Edwards, Ky.	Knapp	Pujo
Barchfeld	Fairchild	Lamar, Fla.	Reynolds
Beale, Pa.	Finley	Langley	Rhinock
Bennett, Ky.	Fordney	Lassiter	Roberts
Bingham	Foster, Ill.	Lenahan	Rodenberg
Boutell	Gardner, Mass.	Lever	Saunders
Brantley	Gilhams	Lilley	Slemp
Broussard	Glass	Livingston	Smith, Mo.
Brumm	Greene	Longworth	Sparkman
Burton, Ohio	Gregg	Lorimer	Sperry
Clark, Fla.	Gronna	Loudenslager	Stafford
Conner	Hall	Lovering	Sterling
Cooper, Pa.	Hamill	McCreary	Stevens, Minn.
Cooper, Wis.	Harrison	McDermott	Sulzer
Coudrey	Haugen	McKinney	Talbott
Cousins	Hayes	McMorran	Thomas, Ohio
Cravens	Hepburn	Morse	Wallace
Currier	Hinshaw	Nelson	Weisse
Darragh	Hitchcock	Olmsted	Wheeler
Davenport	Howard	Overstreet	Wiley
Davey, La.	Hughes, W. Va.	Padgett	Willett
Davidson	Jackson	Parker, N. J.	Wolf
Draper	James, Addison D.	Parker, S. Dak.	Woodyard
Driscoll	Johnson, S. C.	Parsons	
Dunwell	Kimball	Pearre	
Durey	Kipp	Pollard	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LANGLEY with Mr. SULZER.

Mr. KAHN with Mr. CLAUDE KITCHIN.

Mr. HEPBURN with Mr. CRAVENS.

Mr. STERLING with Mr. HAMILL.

Mr. STEVENS of Minnesota with Mr. PUJO.

Mr. CONNER with Mr. LAMB.

The result of the vote was announced as above recorded.

Mr. SHACKLEFORD rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. I want to call up a privileged resolution.

The SPEAKER. But there is a privileged matter now under consideration. The question is on agreeing to the resolution.

The question was taken, and there were—ayes 140, noes 120.

Mr. WILLIAMS. Mr. Speaker, I call for tellers.

Mr. DALZELL. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. Then, Mr. Speaker, I shall fall back upon the Constitution and call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 142, nays 118, answered "present" 12, not voting 115, as follows:

YEAS—142.

Alexander, N. Y.	Douglas	Jones, Wash.	Overstreet
Allen	Dwight	Keifer	Payne
Ames	Ellis, Mo.	Kennedy, Iowa	Perkins
Anthony	Englebright	Kennedy, Ohio	Porter
Barclay	Esch	Kinkaid	Pray
Bartholdt	Fassett	Knowland	Reeder
Bates	Focht	Küstermann	Scott
Bede	Foss	Lafean	Sherman
Bennet, N. Y.	Foster, Vt.	Landis	Smith, Cal.
Birdsall	Foulkrod	Laning	Smith, Iowa
Bonynge	Fowler	Lawrence	Smith, Mich.
Boyd	French	Lindbergh	Snapp
Brownlow	Fuller	Littlefield	Southwick
Burke	Gaines, W. Va.	Lowden	Steenerson
Burleigh	Gardner, Mich.	McCall	Sterling
Burton, Del.	Gardner, N. J.	McGavin	Sturgiss
Butler	Goebel	McGuire	Sulloway
Calderhead	Graff	McKinlay, Cal.	Tawney
Campbell	Graham	McKinley, Ill.	Taylor, Ohio
Capron	Haggott	McLachlan, Cal.	Thistlewood.
Caulfield	Hale	McLaughlin, Mich.	Thomas, Ohio
Chaney	Hamilton, Mich.	McMillan	Tirrell
Chapman	Harding	Madden	Townsend
Cocks, N. Y.	Haskins	Madison	Volstead
Conner	Haugen	Malby	Vreeland
Cook, Pa.	Hawley	Mann	Waldo
Crumpacker	Henry, Conn.	Marshall	Wanger
Cushman	Higgins	Miller	Washburn
Dalzell	Holliday	Mondell	Watson
Darragh	Howell, N. J.	Moon, Pa.	Weeks
Davidson	Howell, Utah	Mouser	Weems
Davis, Minn.	Howland	Mudd	Wilson, Ill.
Dawes	Hubbard, Iowa	Needham	Wood
Dawson	Hubbard, W. Va.	Norris	Young
Denby	Huff	Nye	
Diekema	Humphrey, Wash.	Olcott	

NAYS—118.

Adair	Dixon	Houston	Ransdell, La.
Adamson	Ellerbe	Hughes, N. J.	Rauch
Aiken	Favrot	Hull, Tenn.	Reid
Alexander, Mo.	Ferris	Humphreys, Miss.	Richardson
Ansberry	Fitzgerald	Johnson, Ky.	Riordan
Ashbrook	Flood	Johnson, S. C.	Robinson
Bartlett, Ga.	Floyd	Jones, Va.	Rothermel
Bartlett, Nev.	Fornes	Keliher	Rucker
Beall, Tex.	Fulton	Kitchin, Wm. W.	Russell, Mo.
Bell, Ga.	Gaines, Tenn.	Lamar, Mo.	Russell, Tex.
Booher	Garner	Lamb	Ryan
Bowers	Garrett	Leake	Sabath
Brodhead	Gill	Lee	Shackleford
Brundidge	Gillespie	Lewis	Sheppard
Burgess	Godwin	Lindsay	Sherley
Burleson	Goldfogle	Lloyd	Sherwood
Burnett	Gordon	McHenry	Sims
Byrd	Goulden	McLain	Small
Caldwell	Granger	Macon	Smith, Tex.
Candler	Hackett	Moon, Tenn.	Spight
Carlin	Hackney	Moore, Tex.	Stephens, Tex.
Carter	Hamlin	Murphy	Thomas, N. C.
Clark, Mo.	Hammond	Nicholls	Tou Velle
Clayton	Hardwick	O'Connell	Underwood
Cooper, Tex.	Hardy	Page	Watkins
Cox, Ind.	Hay	Patterson	Webb
Craig	Heflin	Peters	Williams
Crawford	Helm	Pratt	Wilson, Pa.
De Armond	Henry, Tex.	Rainey	
Denver	Hill, Miss.	Randell, Tex.	

ANSWERED "PRESENT"—12.

Andrus	Currier	Jenkins	Prince
Boutell	Hamilton, Iowa	Kahn	Roberts
Cary	James, Ollie M.	Knopf	Slayden

NOT VOTING—115.

Acheson	Ellis, Oreg.	Kipp	Parker, S. Dak.
Bannon	Fairchild	Kitchin, Claude	Parsons
Barchfeld	Finley	Knapp	Pearre
Beale, Pa.	Fordney	Lamar, Fla.	Pollard
Bennett, Ky.	Foster, Ill.	Langley	Pou
Bingham	Foster, Ind.	Lassiter	Powers
Bradley	Gardner, Mass.	Law	Pujo
Brantley	Gilhams	Legare	Reynolds
Broussard	Gillett	Lenahan	Rhinock
Brumm	Glass	Lever	Rodenberg
Burton, Ohio	Greene	Lilley	Saunders
Calder	Gregg	Livingston	Slemp
Clark, Fla.	Griggs	Longworth	Smith, Mo.
Cockran	Gronna	Lorimer	Sparkman
Cole	Hall	Loud	Sperry
Cook, Colo.	Hamill	Loudenslager	Stafford
Cooper, Pa.	Harrison	Lovering	Stanley
Cooper, Wis.	Hayes	McCreary	Stevens, Minn.
Coudrey	Hepburn	McDermott	Sulzer
Cousins	Hill, Conn.	McKinney	Talbott
Cravens	Hinshaw	McMorran	Taylor, Ala.
Davenport	Hitchcock	Maynard	Wallace
Davey, La.	Hobson	Moore, Pa.	Weisse
Draper	Howard	Morse	Wheeler
Driscoll	Hughes, W. Va.	Murdock	Wiley
Dunwell	Hull, Iowa	Nelson	Willett
Durey	Jackson	Olmsted	Wolf
Edwards, Ga.	James, Addison D.	Padgett	Woodyard
Edwards, Ky.	Kimball	Parker, N. J.	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

For balance of day:

Mr. HUGHES of West Virginia with Mr. MAYNARD.

Until Friday:

Mr. GILLETT with Mr. COCKRAN.

Until further notice:

Mr. ACHESON with Mr. TAYLOR of Alabama.

Mr. HINSHAW with Mr. HOBSON.

Mr. LAW with Mr. HAMILL.

Mr. MURDOCK with Mr. LEGARE.

Mr. NELSON with Mr. POU.

Mr. MORSE with Mr. STANLEY.

The result of the vote was announced as above reported.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20063) making appropriations for the District of Columbia as amended and reported from the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the bill, H. R. 20063, with amendments thereto as reported from the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I desire to ask whether or not there will be any opportunity for a separate vote upon any of the amendments.

The SPEAKER. There will not, under this motion. If a majority of the House votes for this motion it passes the District of Columbia appropriation bill with the amendments that were reported from the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS. I agree with the Speaker; but I wanted it understood.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. The gentleman has not moved the previous question, and I rose to ask recognition.

Mr. DALZELL. There is no previous question on a motion to suspend the rules.

The SPEAKER. Does the gentleman demand a division?

Mr. UNDERWOOD. Yes, sir.

The House divided and there were—ayes 141, nays 120.

Mr. FITZGERALD. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken, and there were—yeas 208, nays 44, answered "present" 17, not voting 118, as follows:

YEAS—208.

Adair	Denby	Higgins	Mann
Adamson	Denver	Hitchcock	Marshall
Aiken	Diekema	Hobson	Miller
Alexander, N. Y.	Douglas	Holliday	Moon, Pa.
Allen	Dwight	Howell, N. J.	Moon, Tenn.
Ames	Ellerbe	Howland	Moore, Tex.
Anthony	Ellis, Mo.	Hubbard, Iowa	Mouser
Ashbrook	Ellis, Oreg.	Hubbard, W. Va.	Murdock
Barclay	Englebright	Huff	Murphy
Bartholdt	Esch	Hughes, N. J.	Needham
Bates	Fassett	Hull, Tenn.	Nelson
Bede	Ferris	Humphrey, Wash.	Nicholls
Bell, Ga.	Fitzgerald	Humphreys, Miss.	Norris
Bennet, N. Y.	Flood	Johnson, Ky.	Nye
Birdsall	Focht	Johnson, S. C.	O'Connell
Bonynge	Fornes	Jones, Wash.	Olcott
Boyd	Foss	Keifer	Parker, N. J.
Brodhead	Foster, Vt.	Keliher	Payne
Brownlow	Foulkrod	Kennedy, Iowa	Perkins
Burke	Fowler	Kennedy, Ohio	Porter
Burleigh	French	Kinkaid	Pray
Burleson	Fuller	Knowland	Rainey
Butler	Fulton	Küstermann	Randell, Tex.
Calderhead	Gaines, Tenn.	Lafean	Ransdell, La.
Campbell	Gaines, W. Va.	Landis	Rauch
Capron	Gardner, Mich.	Laning	Reeder
Caulfield	Gardner, N. J.	Lawrence	Reid
Chaney	Gillespie	Leake	Richardson
Chapman	Goebel	Lee	Riordan
Clark, Mo.	Goldfogle	Lindbergh	Robinson
Clayton	Gordon	Lindsay	Rothermel
Cocks, N. Y.	Graff	Lloyd	Russell, Mo.
Cole	Graham	Loud	Ryan
Conner	Granger	Lowden	Scott
Cook, Colo.	Hackney	McCall	Sheppard
Cook, Pa.	Haggott	McGavin	Sherley
Cox, Ind.	Hale	McGuire	Sherman
Craig	Hamilton, Mich.	McHenry	Sherwood
Crumpacker	Hammond	McKinlay, Cal.	Sims
Cushman	Harding	McKinley, Ill.	Smith, Cal.
Dalzell	Hardwick	McLachlan, Cal.	Smith, Iowa
Darragh	Haskins	McLaughlin, Mich.	Smith, Mich.
Davidson	Hawley	McMillan	Snapp
Davis, Minn.	Hay	Madden	Southwick
Dawes	Heflin	Madison	Stanley
Dawson	Henry, Conn.	Malby	Steenerson

Sturgiss	Thomas, Ohio	Waldo	Weems
Sulloway	Tirrell	Wanger	Williams
Tawney	Tou Velle	Washburn	Wilson, Ill.
Taylor, Ohio	Townsend	Watkins	Wilson, Pa.
Thistlewood	Volstead	Watson	Wood
Thomas, N. C.	Vreeland	Weeks	Young

NAYS—44.

Alexander, Mo.	Candler	Hardy	Page
Ansberry	Carter	Helm	Patterson
Bartlett, Ga.	Cooper, Tex.	Henry, Tex.	Peters
Bartlett, Nev.	Crawford	Hill, Miss.	Pou
Beall, Tex.	De Armond	Houston	Russell, Tex.
Booher	Dixon	Jones, Va.	Small
Bowers	Floyd	Kitchin, Wm. W.	Smith, Tex.
Brundidge	Garner	Lamar, Mo.	Spight
Burgess	Godwin	Lewis	Stephens, Tex.
Burnett	Hackett	McLain	Underwood
Byrd	Hamlin	Macon	Webb

ANSWERED "PRESENT"—17.

Andrus	Goulden	Kahn	Shackleford
Boutell	Hamilton, Iowa	Knopf	Slayden
Caldwell	Howard	Prince	
Currier	James, Ollie M.	Rucker	
Foster, Ind.	Jenkins	Sabath	

NOT VOTING—118.

Acheson	Fairchild	Kitchin, Claude	Parsons
Bannon	Favrot	Knapp	Pearre
Barchfeld	Finley	Lamar, Fla.	Pollard
Beale, Pa.	Fordney	Lamb	Powers
Bennett, Ky.	Foster, Ill.	Langley	Pratt
Bingham	Gardner, Mass.	Lassiter	Pujo
Bradley	Garrett	Law	Reynolds
Brantley	Gilhams	Legare	Rhinock
Broussard	Gill	Lenahan	Roberts
Brumm	Gillett	Lever	Rodenberg
Burton, Del.	Glass	Lilley	Saunders
Burton, Ohio	Greene	Littlefield	Slemp
Calder	Gregg	Livingston	Smith, Mo.
Carlin	Griggs	Longworth	Sparkman
Cary	Gronna	Lorimer	Sperry
Clark, Fla.	Hall	Loudenslager	Stafford
Cockran	Hamill	Lovering	Sterling
Cooper, Pa.	Harrison	McCreary	Stevens, Minn.
Cooper, Wis.	Haugen	McDermott	Sulzer
Coudrey	Hayes	McKinney	Talbott
Cousins	Hepburn	McMorran	Taylor, Ala.
Cravens	Hill, Conn.	Maynard	Wallace
Davenport	Hinshaw	Mondell	Weisse
Davey, La.	Howell, Utah	Moore, Pa.	Wheeler
Draper	Hughes, W. Va.	Morse	Wiley
Driscoll	Hull, Iowa	Mudd	Willett
Dunwell	Jackson	Olmsted	Wolf
Durey	James, Addison D.	Overstreet	Woodyard
Edwards, Ga.	Kimball	Padgett	
Edwards, Ky.	Kipp	Parker, S. Dak.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. POWERS with Mr. PRATT.

Mr. HINSHAW with Mr. SHACKLEFORD.

Mr. REYNOLDS with Mr. LEGARE.

Mr. LOUDENSLAGER with Mr. LAMB.

Mr. LORIMER with Mr. GARRETT.

Mr. CALDER with Mr. CARLIN.

For balance of this day:

Mr. MUDD with Mr. GILL.

The result of the vote was announced as above recorded.

SUBTREASURY AT ST. LOUIS, MO.

Mr. SHACKLEFORD. Mr. Speaker, I desire to call up the privileged resolution which I now send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Missouri [Mr. SHACKLEFORD] calls up the following privileged resolution which the Clerk will report.

Mr. PAYNE. Mr. Speaker, I make the point of order that you can not call up a resolution that has not been reported.

The SPEAKER. The Chair supposed it was reported.

Mr. WILLIAMS. What was the point of order?

The SPEAKER. Has the resolution been reported?

Mr. SHACKLEFORD. It has not. It has been introduced and it is a privileged resolution.

The SPEAKER. Then the gentleman moves to discharge the committee from its further consideration?

Mr. SHACKLEFORD. I do, sir; to discharge the committee from further consideration and take it up.

Mr. KEIFER. Has the period expired for the report?

The SPEAKER. The gentleman from Missouri [Mr. SHACKLEFORD] moves to discharge the committee from further consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Resolution 248.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the House of Representatives the following information, if not incompatible with the public interest:

First. Such information, facts, and documents as the investigation by his Department has ascertained or procured as to whether during the year 1906 there was discovered a shortage in the cash, coin, or currency in the subtreasury at St. Louis, Mo., and, if so, what was the amount of such shortage.

Second. Such information, facts, and documents as the investigation by his Department has ascertained or procured as to whether Hon. Thomas J. Akins, assistant United States treasurer in charge of said subtreasury, had given his personal attention to the supervision of said subtreasury, and also the number of days he was absent from said subtreasury during the year 1906 prior to the 1st day of November.

Third. Such information, facts, and documents as the investigation by his Department has ascertained or procured as to whether or not during the year 1906 the said Thomas J. Akins, D. P. Dyer, jr., or M. B. Ferguson had been engaged in speculating in stocks, bonds, grain, cotton, or other commodities, and if so, whether they sustained losses.

Fourth. Whether or not said Secretary of the Treasury has directed action to be commenced on behalf of the Government to recover the amount of such shortage, if any.

Mr. PAYNE. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER. What motion does the gentleman make?

Mr. SHACKLEFORD. He can not make that motion; I have the floor.

The SPEAKER. The Chair recognizes that the motion to lay on the table takes precedence.

Mr. SHACKLEFORD. Well, but the gentleman has not the floor to make the motion.

Mr. PAYNE. It is a privileged motion, you know.

Mr. SHACKLEFORD. A privileged motion is no good when another Member has the floor.

Mr. PAYNE. That is just how you have gotten the floor.

Mr. SHACKLEFORD. And having gotten the floor, I have a right to be heard on it. Let the gentleman make his motion in his own time.

The SPEAKER. The Chair is of the impression that the motion to lay on the table takes precedence, even extending to the recognition that is given to the gentleman. The Chair has verified his recollection. Under the rule a motion to discharge the committee is not debatable, and a motion to lay on the table takes precedence. Neither motion is debatable, so far as that is concerned.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SHACKLEFORD. Division, Mr. Speaker.

The House divided, and there were—ayes 138, noes 123.

Mr. SHACKLEFORD. I ask for tellers.

Mr. PAYNE. I make the point of order that that is dilatory.

Mr. SHACKLEFORD. Then, I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 126, nays 123, answered "present" 8, not voting 130, as follows:

YEAS—126.

Alexander, N. Y.	Denby	Hubbard, Iowa	Parker, N. J.
Allen	Diekema	Hubbard, W. Va.	Payne
Ames	Douglas	Huff	Perkins
Andrus	Dwight	Humphrey, Wash.	Porter
Barclay	Englebright	Jones, Wash.	Pray
Bartholdt	Esch	Keifer	Reeder
Bates	Fassett	Kennedy, Iowa	Scott
Bennet, N. Y.	Focht	Kinkaid	Sherman
Birdsall	Foss	Knowland	Smith, Cal.
Bonynge	Foster, Vt.	Lafean	Smith, Mich.
Brownlow	Foulkrod	Landis	Snapp
Burke	Fowler	Laning	Southwick
Burleigh	French	Lilley	Steenerson
Burton, Del.	Fuller	Lowden	Sterling
Butler	Gaines, W. Va.	McGuire	Sulloway
Calderhead	Gardner, Mich.	McKinlay, Cal.	Tawney
Capron	Gardner, N. J.	McLachlan, Cal.	Taylor, Ohio
Caulfield	Goebel	McMillan	Thistlewood
Chaney	Graham	Madden	Thomas, Ohio.
Chapman	Haggott	Malby	Tirrell
Cocks, N. Y.	Hale	Mann	Volstead
Cole	Hamilton, Mich.	Marshall	Vreeland
Conner	Harding	Miller	Waldo
Cook, Pa.	Haskins	Mondell	Wanger
Crumpacker	Haugen	Moon, Pa.	Washburn
Cushman	Hawley	Mouser	Watson
Dalzell	Henry, Conn.	Needham	Weeks
Darragh	Higgins	Nelson	Wilson, Ill.
Davidson	Hill, Conn.	Norris	Wood
Davis, Minn.	Holliday	Nye	Young
Dawes	Howell, N. J.	Olcott	
Dawson	Howland	Overstreet	

NAYS—123.

Adair	Bowers	Clayton	Fornes
Adamson	Brodhead	Cooper, Tex.	Fulton
Aiken	Brundidge	Cox, Ind.	Gaines, Tenn.
Alexander, Mo.	Burgess	Craig	Garner
Ansberry	Burleson	De Armond	Garrett
Anthony	Burnett	Denver	Gillespie
Ashbrook	Byrd	Dixon	Godwin
Bartlett, Ga.	Caldwell	Ellerbe	Goldfogle
Bartlett, Nev.	Campbell	Ferris	Gordon
Beall, Tex.	Candler	Fitzgerald	Graff
Bell, Ga.	Carter	Flood	Granger
Booher	Clark, Mo.	Floyd	Hackett

Hackney	Kellher	Nicholls	Shackleford
Hamlin	Küstermann	O'Connell	Sheppard
Hammond	Lamar, Mo.	Page	Sherley
Hardwick	Leake	Patterson	Sherwood
Hardy	Lee	Peters	Sims
Hay	Legare	Pou	Small
Heflin	Lindbergh	Rainey	Smith, Tex.
Helm	Lindsay	Randell, Tex.	Spight
Henry, Tex.	Lloyd	Ransdell, La.	Stanley
Hill, Miss.	McGavin	Rauch	Stephens, Tex.
Hitchcock	McHenry	Reid	Taylor, Ala.
Hobson	McKinley, Ill.	Richardson	Thomas, N. C.
Houston	McLain	Riordan	Tou Velle
Hughes, N. J.	Macon	Robinson	Underwood
Hull, Tenn.	Madison	Rothermel	Watkins
Humphreys, Miss.	Moon, Tenn.	Rucker	Webb
Johnson, Ky.	Moore, Tex.	Russell, Mo.	Williams
Johnson, S. C.	Murdock	Ryan	Wilson, Pa.
Jones, Va.	Murphy	Sabath	

ANSWERED "PRESENT"—8.

Currier	Goulden	Kahn	Prince
Foster, Ind.	Jenkins	Knopf	Slayden

NOT VOTING—130.

Acheson	Edwards, Ky.	Kipp	Parsons
Bannon	Ellis, Mo.	Kitchin, Claude.	Pearre
Barchfeld	Ellis, Oreg.	Kitchin, Wm. W.	Pollard
Beale, Pa.	Fairchild	Knapp	Powers
Bede	Favrot	Lamar, Fla.	Pratt
Bennett, Ky.	Finley	Lamb	Pujo
Bingham	Fordney	Langley	Reynolds
Boutell	Foster, Ill.	Lassiter	Rhinock
Boyd	Gardner, Mass.	Law	Roberts
Bradley	Gilhams	Lawrence	Rodenberg
Brantley	Gill	Lenahan	Russell, Tex.
Broussard	Gillett	Lever	Saunders
Brumm	Glass	Lewis	Slemp
Burton, Ohio	Greene	Littlefield	Smith, Iowa
Calder	Gregg	Livingston	Smith, Mo.
Carlin	Griggs	Longworth	Sparkman
Cary	Gronna	Lorimer	Sperry
Clark, Fla.	Hall	Loud	Stafford
Cockran	Hamill	Loudenslager	Stevens, Minn.
Cook, Colo.	Hamilton, Iowa	Lovering	Sturgiss
Cooper, Pa.	Harrison	McCall	Sulzer
Cooper, Wis.	Hayes	McCreary	Talbott
Coudrey	Hepburn	McDermott	Townsend
Cousins	Hinshaw	McKinney	Wallace
Cravens	Howard	McLaughlin, Mich.	Weems
Crawford	Howell, Utah	McMorran	Weisse
Davenport	Hughes, W. Va.	Maynard	Wheeler
Davey, La.	Hull, Iowa	Moore, Pa.	Wiley
Draper	Jackson	Morse	Willett
Driscoll	James, Addison D.	Mudd	Wolf
Dunwell	James, Ollie M.	Olmsted	Woodyard
Durey	Kennedy, Ohio	Padgett	
Edwards, Ga.	Kimball	Parker, S. Dak.	

The following additional pairs were announced:

On this vote:

Mr. LAWRENCE with Mr. RUSSELL of Texas.

Mr. HAYS with Mr. FAVROT.

Mr. FORDNEY with Mr. CRAWFORD.

The SPEAKER. On this question the yeas are 126, the nays 123, present 8. The ayes have it, and the motion prevails.

Mr. WILLIAMS. Mr. Speaker, that seems to be a very close vote. I ask for a recapitulation of the vote.

The SPEAKER. It is a close vote. The gentleman asks that there be a recapitulation. The Clerk will recapitulate the vote.

The vote in the affirmative was recapitulated.

Mr. SHACKLEFORD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. I want to ask if I may at this time call attention to errors in the announcement of those who voted in the affirmative. I desire to challenge the accuracy of that vote.

The SPEAKER. It appears to the Chair after the recapitulation is completed corrections can be made.

Mr. SHACKLEFORD. Very well.

The Clerk resumed and concluded the recapitulation of the vote.

Mr. SHACKLEFORD. Mr. Speaker, I desire to know how the gentleman from Missouri [Mr. BARTHOLDT] is recorded?

The SPEAKER. In the affirmative.

Mr. SHACKLEFORD. I make the point of order that he was not present. I also ask how the gentleman from Kansas [Mr. CALDERHEAD] is recorded?

The SPEAKER. In the affirmative.

Mr. SHACKLEFORD. I make the point of order that the gentleman was not present when his name was called, either on the first or second roll call.

The SPEAKER. The Chair will hear from the gentleman from Kansas [Mr. CALDERHEAD] on that.

Mr. CALDERHEAD. They told me I was not present at the first roll call. I was in the corridor, and came in when the second roll call was made. The Clerk may have misunderstood me, but I intended to vote aye.

Mr. SHACKLEFORD. The gentleman is recorded aye, but I understood he was not present.

The SPEAKER. The gentleman did vote aye, did he?

Mr. CALDERHEAD. I think so.

Mr. FITZGERALD. Mr. Speaker, the gentleman must make a positive statement as to whether he answered or not, when his name was called, under the rules of the House.

The SPEAKER. The testimony at the desk is that the gentleman voted.

Mr. CALDERHEAD. I voted "aye."

Mr. SHACKLEFORD. Then how about the gentleman from Missouri [Mr. BARTHOLDT]?

The SPEAKER. One moment——

Mr. GAINES of Tennessee. Mr. Speaker, I make the point of order that everybody should sit down. It is impossible to hear what is being said.

The SPEAKER. The gentleman from Tennessee makes the point of order that everybody should sit down. The Chair sustains the point of order.

Mr. WILLIAMS. I have risen for the purpose of making an inquiry. I wish to ask how the gentleman from Mississippi [Mr. BOWERS] is recorded.

The SPEAKER. In the negative.

Mr. SHACKLEFORD. Now I make the point of order that the gentleman from Missouri [Mr. BARTHOLDT] was not present at either roll call.

The SPEAKER. Is the gentleman from Missouri [Mr. BARTHOLDT] present? Does any gentleman remember seeing him or hearing him vote?

Mr. WALDO. I saw the gentleman from Missouri [Mr. BARTHOLDT] here only a short time ago. I can not say that I heard him vote.

The SPEAKER. Did the gentleman see him during the roll call?

Mr. WALDO. I can not say as to that. I saw him here within a few minutes.

The SPEAKER. Does the gentleman from Missouri [Mr. SHACKLEFORD] state that the gentleman [Mr. BARTHOLDT] was not present?

Mr. SHACKLEFORD. I am informed by those who were keeping some eye on that side that the gentleman from Missouri [Mr. BARTHOLDT] was not present during the roll call.

The SPEAKER. That statement is on information and not the gentleman's personal knowledge.

Mr. SHACKLEFORD. I have not kept him under my eye, Mr. Speaker.

Mr. COLE. Mr. Speaker, I saw the gentleman from Missouri [Mr. BARTHOLDT] pass out of this door only a short time ago, and the best of my judgment is that it was after the roll call had begun.

The SPEAKER. His name ought not to be recorded if he did not vote, but the Chair is reluctant to order the name stricken from the roll unless some gentleman makes a positive statement on the subject.

Mr. FRENCH. Mr. Speaker, the clerk at the cloakroom advises me that the gentleman from Missouri [Mr. BARTHOLDT] did vote, and that he then, after voting, remarked that he would now take his hat and coat and go.

The SPEAKER. Who makes that statement?

Mr. FRENCH. The attendant at the cloakroom.

Mr. HAMLIN. In relation to that matter I have this distinct recollection, that the name of the gentleman from Missouri [Mr. BARTHOLDT] was called on the second roll call. I did not notice when the roll was first called, but on the second call his name was called, and, knowing his friendship for Mr. Akins, I listened for his vote, but did not hear him vote. Neither did I see him in the hall. That was on the second roll call. He may have voted on the first call, I do not know.

The SPEAKER. The Chair is informed at the desk that the gentleman was recorded on the first call. With this conflict between the affirmative and negative, and what seems to be hearsay from the Doorkeeper, the Chair does not feel authorized to cause the name to be stricken from the roll. On this vote the ayes are 126, the noes 123. The ayes have it, and the motion prevails.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted:

To Mr. PEARRE, for three days, on account of important business.

To Mr. WILEY (at the request of Mr. CLAYTON), indefinitely, on account of sickness.

EULOGIES ON THE LATE REPRESENTATIVE MEYER.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives shall meet at 2 o'clock p. m., on Sunday, May 10, 1908, for the purpose of having eulogies on the life, character, and public services of the Hon. ADOLPH MEYER, late a Representative in Congress from the First District of Louisiana.

The resolution was agreed to.

CHANGE OF REFERENCE.

By unanimous consent the reference of the bill S. 3722, to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904, was changed from the Committee on Claims to the Committee on the Public Lands.

Mr. GOLDFOGLE. Mr. Speaker, I failed to hear the title of the bill which was just sent to the Committee on Claims.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

S. 3722, to amend section 3 of the act entitled "An act providing for second and additional homestead entries, and for other purposes," approved April 28, 1904.

Mr. GOLDFOGLE. How does it go to the Committee on Claims?

The SPEAKER. The Chair does not know.

Mr. GOLDFOGLE. The Committee on Claims has hundreds of bills before it now and does not appear to be reporting any, and I am loath to have any more bills sent to that committee.

The SPEAKER. The bill is taken from the Committee on Claims and sent to the Committee on the Public Lands; it is relieving the Committee on Claims of the bill.

RECESS.

The SPEAKER. The hour of 5 o'clock having arrived, in pursuance of the resolution already adopted the Chair declares the House in recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of appropriation for salaries of employees, public buildings and grounds (H. Doc. 855)—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the General Superintendent of the Life-Saving Service submitting an estimate of appropriation for carrying out the provisions of the act to increase the efficiency of the personnel of the Life-Saving Service (H. Doc. 854)—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk and referred to the several Calendars therein named, as follows:

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 12899) to provide for a disbursing officer for the Government Hospital for the Insane, reported the same without amendment, accompanied by a report (No. 1401), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19087) to authorize the Secretary of War to furnish two condemned cannon to the Elgin Academy, Elgin, Ill., reported the same without amendment, accompanied by a report (No. 1402), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20348) to authorize the Secretary of War to furnish two condemned brass or bronze cannon, with their carriages and a suitable outfit of balls, to the city of San Antonio, Tex., reported the same without amendment, accompanied by a report (No. 1403), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBERTS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 8615) to correct the naval record of Edward T. Lincoln, reported the same with amendment, accompanied by a report (No. 1399), which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1407), which said bill and report were referred to the Private Calendar.

Mr. MOUSER, from the Committee on Claims, to which was referred the bill of the House (H. R. 8982) for the relief of David W. Stockstill, reported the same without amendment, accompanied by a report (No. 1409), which said bill and report were referred to the Private Calendar.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 10187) for the relief of R. A. Sisson, reported the same without amendment, accompanied by a report (No. 1410), which said bill and report were referred to the Private Calendar.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 17960) for the relief of Marcellus Butler, reported the same without amendment, accompanied by a report (No. 1411), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 19653) for the relief of T. C. Wakefield, reported the same without amendment, accompanied by a report (No. 1412), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. BURKE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 15018) to restore Second Lieut. Winslow Hart Reaves to the rank and pay of a lieutenant and retire him for physical disability, reported the same adversely, accompanied by a report (No. 1400), which said bill and report were laid on the table.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9339) for the relief of William H. Sloan, reported the same adversely, accompanied by a report (No. 1404), which said bill and report were laid on the table.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 18637) to authorize the appointment of Sergt. John Mahnkin Hall as a second lieutenant on the retired list of the Army, reported the same adversely, accompanied by a report (No. 1413), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 16823) granting an increase of pension to Benjamin F. Horn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17097) granting a pension to Christopher Alonzo De Hart—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18232) granting an increase of pension to Enoch Wimberly—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18401) granting a pension to Lorenzo D. Buttram—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes—to the Union Calendar.

By Mr. MARSHALL: A bill (H. R. 20472) for preventing the manufacture, sale, or transportation of adulterated or unlabeled paint, turpentine, or linseed oil—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A bill (H. R. 20473) to amend chapter 3914, approved June 30, 1906—to the Committee on the Judiciary.

By Mr. SCOTT: A bill (H. R. 20474) to promote the safety of passengers and employees upon railroads engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: A bill (H. R. 20475) to amend section 2 of an act entitled "An act to regulate the practice in civil and criminal cases in the western district of Arkansas"—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 20476) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances"—to the Committee on the District of Columbia.

By Mr. HUMPHREY of Washington: A bill (H. R. 20477) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon Trail—to the Committee on the Library.

By Mr. AIKEN: A bill (H. R. 20478) authorizing the building of a dam across the Savannah River at Cherokee Shoals—to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS (by request): A bill (H. R. 20479) to provide a scientific money system—to the Committee on Ways and Means.

By Mr. BIRDSALL: A bill (H. R. 20480) providing for the erection of a public building at Iowa Falls, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. COOK of Pennsylvania: A bill (H. R. 20481) to place upon the list of the retired officers of the Army the names of the surviving officers of the First Corps, United States Veteran Volunteers (Hancock's Corps)—to the Committee on Military Affairs.

By Mr. BENNETT of Kentucky, from the Committee on Pensions: A bill (H. R. 20482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. SHEPPARD: A bill (H. R. 20483) making an additional appropriation for a Federal building at Texarkana, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 20513) concerning the growers of and the sale of tobacco—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20484) granting an increase of pension to Levi Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20485) granting an increase of pension to Thomas W. Blunt—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 20486) granting an increase of pension to Michael Agee—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 20487) granting a pension to William H. Whiteside—to the Committee on Pensions.

By Mr. CARLIN: A bill (H. R. 20488) granting a pension to H. T. C. Hough—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20489) granting an increase of pension to Frederick Hortin—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 20490) granting an increase of pension to Miner E. Fish—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 20491) granting an increase of pension to Jesse Heaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20492) granting a pension to John Belk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20493) granting a pension to Celestine Marquis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20494) granting an increase of pension to William Muster—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 20495) to place the name of Solomon P. Brockway on the retired list of the Army—to the Committee on Military Affairs.

By Mr. GARDNER of New Jersey: A bill (H. R. 20496) granting an increase of pension to Charles McDavitt—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 20497) granting a pension to Cleopatra Henshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20498) granting a pension to Robert G. Tindle—to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 20499) granting a pension to Otto Gimm—to the Committee on Pensions.

By Mr. HARDWICK: A bill (H. R. 20500) granting a pension to Martin F. Purcell—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: A bill (H. R. 20501) for the relief of Allen V. Reed—to the Committee on Naval Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 20502) granting a pension to Jessey Cooper—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 20503) granting an increase of pension to Henry Birdsong—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 20504) to correct the military record of J. H. Lewis—to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 20505) for the relief of the estate of Francis A. Owen, deceased—to the Committee on War Claims.

By Mr. COLE: A bill (H. R. 20506) granting an increase of pension to Milton J. Koogle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20507) granting an increase of pension to George P. Conyers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20508) granting an increase of pension to Matilda Mixon—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 20509) granting a pension to George W. Derby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20510) granting a pension to Thomas Dolan—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20511) granting an increase of pension to Sarah A. Coons—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 20512) for the relief of H. M. Burd—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Pittsburg Association of Credit Men, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. ASHBROOK: Paper to accompany bill for relief of David Wills—to the Committee on Pensions.

By Mr. BATES: Petition of Brehm Brothers, of Erie, Pa., against the Currier copyright bill (H. R. 243)—to the Committee on Patents.

Also, petition of St. Joseph's Branch, No. 25, of Polish Roman Catholic Union of the United States, against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

Also, petition of Union Veterans' Legion Encampment, of Fort Wayne, for appropriation of $200,000 to assist in building an armory building at Fort Wayne, Ind.—to the Committee on Appropriations.

Also, petition of H. W. Canfield, of Cambridge Springs, Pa., favoring S. 5122, for rural-delivery parcels post on rural-delivery routes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie City Iron Works and Philadelphia Board of Trade, against the Hepburn amendment to Sherman antitrust law (H. R. 17290)—to the Committee on the Judiciary.

Also, petition of Cigar Makers' Union No. 107, of Erie, Pa., against H. R. 40, to prevent sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of National Association of Credit Men of Pittsburg, Pa., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of C. A. Woolsey, for the Fort Wayne Electric Works, of Philadelphia, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of Link Belt Company, of Philadelphia, against H. R. 19745 (Hepburn amendment to the Sherman antitrust act)—to the Committee on the Judiciary.

Also, petition of Mrs. Samuel Simple, for the Woman's Club of Titusville, Pa., for H. R. 7554, for creation of Calaveras Big Tree National Forest—to the Committee on Agriculture.

Also, petition of Journeyman Barbers' Union No. 149, of Erie, Pa., against prohibition law for the District of Columbia (H. R. 40)—to the Committee on the District of Columbia.

By Mr. BONYNGE: Petition of Timothy Hawkins and others, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Samuel Charles Hampton—to the Committee on Naval Affairs.

By Mr. BURKE: Petition of Group 8, Pennsylvania Bankers' Association, and First National Bank of Pittsburg, favoring the Dalzell bill (H. R. 6091) to amend national banking laws—to the Committee on the Judiciary.

Also, petition of Corn Exchange National Bank, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Consumers' League of Philadelphia, for favorable consideration of S. 4812 (regulating child labor in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of National Association of Manufacturers and Link Belt Company, against Hepburn amendment to the Sherman antitrust act (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of Building and Loan Federation of Western Pennsylvania, for amendment of H. R. 18525 so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of citizens of Lamoine, Me., favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. CAPRON: Petition of William Orr Literary Association, of Rhode Island, protesting against a ratification of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Rhode Island League for Rural Progress, in favor of H. R. 18204, for agricultural and industrial education—to the Committee on Agriculture.

Also, petition of Rhode Island League for Rural Progress, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of Pawtucket (R. I.) Typographical Union, against prohibition in the District of Columbia (H. R. 40)—to the Committee on the District of Columbia.

Also, petition of Rhode Island Woman's Suffrage Association, against increasing the number of battle ships—to the Committee on Naval Affairs.

Also, petition of Merchant's Association of Pawtucket, R. I., for appropriation for the defense of Narraganset Bay—to the Committee on Appropriations.

Also, petition of citizens of Westerly, R. I., against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of sundry church congregations of the Woman's Christian Temperance Union of Rhode Island, favoring passage of the Sims bill for prohibition in the District of Columbia (H. R. 40)—to the Committee on the District of Columbia.

Also, petition of Rhode Island League of Rural Progress, for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

By Mr. COX of Indiana: Paper to accompany bill for relief of James W. Jacobs—to the Committee on War Claims.

By Mr. DIXON: Petition of National Association of Clothiers, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill—to the Committee on Banking and Currency.

Also, petition of J. C. Hall and 40 other citizens of Fourth Congressional District, for a national highways commission and for Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Alfred H. Pitkin and 38 other citizens of Columbus, Ind., favoring H. R. 40, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of 40 soldiers of Jackson County, Ind., and 40 soldiers of Ripley County, Ind., for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. FLOOD: Petition of citizens of Clifton Forge, Va., against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of David R. Jamison—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Patrick C. Flaherty—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Peleg R. Walker, for the Fuller bill (H. R. 19250) to create a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of First National Bank of Morris, Ill., Farmers and Merchants' National Bank, and Grundy County National Bank, against sections 8 and 11 of the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GOULDEN: Petition of Merchants' Association of New York, against passage of any bill changing the present statutes relative to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Corn Exchange National Bank, of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Consumers' League of Philadelphia, for S. 4812, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Asiatic Exclusion League of North America, against any amendment or treaty provision to extend right of naturalization, etc.—to the Committee on Immigration and Naturalization.

Also, petitions of National Association of Manufacturers of United States and Link Belt Company, against the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Building and Loan Federation of Western Pennsylvania, for amendment of H. R. 18525 (Hepburn bill), so as to exempt building and loan associations that make loans to their members only—to the Committee on Ways and Means.

By Mr. HAWLEY: Paper to accompany bill for relief of Enoch Wimberly (H. R. 18232)—to the Committee on Pensions.

By Mr. HILL of Connecticut: Petition of Pomona Grange, No. 16, of Bridgewater, Conn., for S. 5122 (establishment of a rural parcels post)—to the Committee on the Post-Office and Post-Roads.

Also, petition of Central Labor Union of Hartford, Conn., favoring H. R. 10556, for alleviating sufferings incident to accidents in coal mines (McHenry bill)—to the Committee on Mines and Mining.

By Mr. HUFF: Petition of National Guard Association of Pennsylvania, against wearing of the uniform of the regular and the volunteer soldier of the United States by unauthorized persons—to the Committee on Military Affairs.

Also, petition of Link Belt Company, against H. R. 19745 (the Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Chamber of Commerce of city of Richmond, against the Aldrich currency bill (S. 3023) and favoring the Fowler bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of the Union Veteran Legion Encampment and citizens of Fort Wayne, for an appropriation of $200,000 for an armory building on site of old fort built by Gen. Anthony Wayne—to the Committee on Appropriations.

Also, petition of Association for the Protection of the Adirondacks, favoring H. R. 10457 (for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Home Savings Bank of Brooklyn, N. Y., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of James Perrin, jr.—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Petitions of Chelsea Grange, No. 215, and Fryeburg Grange, No. 297, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. LIVINGSTON: Paper to accompany bill for relief of heirs of John C. Lee—to the Committee on War Claims.

By Mr. LOUD: Petitions of Fiske Grange, No. 790, Patrons of Husbandry, and Coleman Grange, of Coleman, Mich., for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. McCALL: Petition of Appalachian Club, against H. R. 16086 and H. R. 16784, relative to impairing the beauties of Niagara Falls—to the Committee on Agriculture.

By Mr. McMILLAN: Petition of L. S. Silliman and others, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

By Mr. MARSHALL: Petitions of Commercial Club of Westhope; citizens of Fairmount, Richland County; citizens of Aneta; citizens of Oriska; and Frank C. Baska and others, all of the State of North Dakota, protesting against passage of

parcels-post bill (H. R. 255)—to the Committee on the Post-Office and Post-Roads.

By Mr. O'CONNELL: Petition of New England Shoe and Leather Association, favoring the present bankruptcy act—to the Committee on the Judiciary.

By Mr. OVERSTREET: Petition of George W. Lancaster, of Indianapolis, Ind., for a volunteer officers' retired list (H. R. 19250)—to the Committee on Military Affairs.

Also, petition of Manufacturing Perfumers' Association, against section 218 of Annual Code (S. 2982), relative to exclusion from the mails of certain liquids if carried in glass—to the Committee on Revision of the Laws.

Also, petition of Alma Pattman, for the enactment of H. R. 17295, to aid the Lincoln Farm Association of New York to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

Also, petition of W. B. Westlake, urging passage of the Stevens bill, placing print paper and wood pulp on the free list—to the Committee on Ways and Means.

By Mr. PETERS: Petition of Appalachian Mountain Club, against further impairment of the scenic beauty of Niagara Falls (H. R. 16086 and 16784)—to the Committee on Rivers and Harbors.

By Mr. PORTER: Petition of Caledonia Grange, of Livingston County, N. Y., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committtee on Agriculture.

By Mr. ROBINSON: Papers to accompany bills for relief of heirs of William W. Davis and heirs of John G. Freeman—to the Committee on War Claims.

By Mr. STEENERSON: Paper to accompany bill for relief of James Meehan (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. WEEKS: Petition of Appalachian Mountain Club, for legislation to protect Niagara Falls from further scenic injury—to the Committee on Rivers and Harbors.

By Mr. WILLIAMS: Paper to accompany bill for relief of Rosa Quine Raley, heir of Julia Quine—to the Committee on War Claims.

Also, paper to accompany bill for relief of Francis A. Owen—to the Committee on War Claims.

By Mr. WOOD: Petition of directors of Lambertville National Bank, against both the Aldrich bill (S. 3023) and the Fowler currency bill (H. R. 12677), and in favor of the McKinney bill (H. R. 15262)—to the Committee on Banking and Currency.

SENATE.

THURSDAY, *April 9, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

EXPENDITURES OF THE DEPARTMENT OF AGRICULTURE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of the expenditures of the Department of Agriculture for the fiscal year ended June 30, 1907, which was read.

Mr. HEYBURN. One set of the papers accompanying this communication is identical with those which were presented by me to the Senate on last Tuesday, and which at that time were ordered printed as a document. This being the case, there will be no necessity for a reprint.

The VICE-PRESIDENT. The communication will be printed and, with the accompanying papers, referred to the Committee on Agriculture and Forestry.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 6th instant, a list of names of enlisted men of the Twenty-fifth Infantry discharged without honor on account of the Brownsville, Tex., shooting affray, who have applied for reenlistment under the order of the Secretary of War, etc., which, on motion of Mr. FORAKER, was, with the accompanying papers, referred to the Committee on Military Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Church of Christ, of Acworth, Ga., a corporation, successor to the congregation of the Christian Church of Acworth, Ga., claimant, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; and

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of John J. Hannahan, grand master of the Brotherhood of Locomotive Firemen and Enginemen, in behalf of a meeting of general chairmen held at Chicago April 6, representing thirty-four railroads from the west, northwest, and southwest of Chicago, praying for the enactment of legislation to promote the safety of railroad employees by having adopted a self-dumping ash pan on locomotives, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial and Industrial Association of Selma, Ala., praying that an appropriation of not less than $500,000,000 be made during the next ten years for the improvement of the waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of the Wisconsin Federation of Women's Clubs; praying for the enactment of legislation providing for an investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. KEAN. I present a memorial from the commander and past department commanders of the Grand Army of the Republic, Department of New Jersey. It is very short, and I ask that it be read and referred to the Committee on Pensions.

There being no objection, the memorial was read and referred to the Committee on Pensions, as follows:

HEADQUARTERS OF THE DEPARTMENT OF NEW JERSEY,
GRAND ARMY OF THE REPUBLIC.

To the Honorable Senate and House of Representatives in Congress assembled:

We, the commander and the past department commanders of the Department of New Jersey, Grand Army of the Republic, most respectfully protest against the passage of a bill now pending in Congress, introduced by the Hon. J. WARREN KEIFER, the object of which is to abolish all the pension agencies throughout the land and consolidate them all in one agency at Washington, D. C.

We feel that the rights, as well as the convenience, of the pensioners, who are the wards of this nation, should be considered. The only reason advanced for the passage of this bill is a matter of economy, and it is a question for debate as to whether or no it is for the purpose of economy or whether it is for the purpose of retaining in the present office in the Pension Bureau at Washington, on a false plea of economy, the high-salaried clerkships, instead of the many low-salaried clerkships in the pension agencies, who do the work.

Yours, most respectfully,

N. M. Nevius, post commander, Department of New Jersey, Grand Army of the Republic; Arthur W. Tench, department commander, Grand Army of the Republic, New Jersey; Ernest C. Stahl, past department commander of New Jersey; E. C. Richards, past department commander of New Jersey; James M. Atwood, past department commander, New Jersey; Samuel Hufty, past department commander, New Jersey; H. L. Hartshorn, past department commander, New Jersey; George Barrett, past department commander, New Jersey; Charles Benson, past department commander and quartermaster-general, Grand Army of the Republic; Samuel G. Hoyter, past department commander; William C. Smith, past department commander; John Lawrence, past department commander.

Mr. KEAN presented a petition of sundry citizens of the State of New Jersey, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Plainfield, Hackensack, and of the Morris County Society for the Prevention of Cruelty to Children, of Morristown, all in the State of New Jersey, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

Mr. GALLINGER presented memorials of sundry citizens of Washington, Nebraska, South Dakota, Oregon, Minnesota, and Idaho, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of sundry volunteer officers of the civil war of Clay City, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented memorials of the Wolfe Tone Literary Association, of River Point, R. I.; of sundry citizens of Philadelphia, Pa., and of the Irish-American Progressive Society, of Denver, Colo., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. PLATT presented memorials of the United Irish Societies of Yonkers; the Ancient Order of Hibernians of Erie County; the Treaty Stone Club, Clan-na-Gael, of Kings County, of Brooklyn, and of sundry citizens of New York City, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of Lodi Lodge, No. 213, Patrons of Husbandry, of Lodi; of Oak Hill Grange, No. 574, Patrons of Husbandry, of South Dansville, and of Huguenot Grange, No. 1028, Patrons of Husbandry, of New Paltz, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was referred to the Committee on Education and Labor.

Mr. WETMORE presented petitions of the Woman's Christian Temperance Unions of Kingston, Hope Valley, Middletown, Woonsocket, Providence, Pawtucket, and Carolina, and of the congregations of the Baptist churches of Hope Valley, Providence, Phenix, and Carolina, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Sarsfield Literary Association, of Woonsocket, R. I., and a memorial of the Wolfe Tone Literary Association, of River Point, R. I., remonstrating against the ratification of a treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BRIGGS presented the petition of William D. McRae, State secretary of the New Jersey Young Men's Christian Associations of Newark, N. J., praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of the National Banking Company of Salem, of the National Bank of Hackettstown, and of the First National Bank of Morristown, all in the State of New Jersey, praying for the enactment of legislation providing for the punishment of derogatory statements affecting national banks, which were referred to the Select Committee on National Banks.

He also presented a petition of the Credit Men's Association of Newark, N. J., praying for the adoption of certain amendments to the national bankruptcy law, which was referred to the Committee on the Judiciary.

He also presented the petition of William L. Lyall, president of the Brighton Mills, of Passaic, N. J., praying for the enactment of legislation to provide for a levy and import duty on Egyptian and other long-staple cotton imported into the United States from foreign countries, which was referred to the Committee on Finance.

He also presented memorials of sundry local divisions, Ancient Order of Hibernians, of Trenton, Elizabeth, Perth Amboy, Paterson, Dover, Hibernia, Passaic, and Morris County, all in the State of New Jersey, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of Hinton Lodge, No. 236, Brotherhood of Locomotive Firemen and Enginemen, of Hinton, W. Va., praying for the enactment of legislation to promote the safety of railroad employees by having adopted automatic self-dumping and self-cleaning ash pans on locomotives, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the State Board of Agriculture, of Charleston, W. Va., praying for the passage of the so-called "Burnham rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DICK presented petitions of sundry citizens of Marlboro, Wauseon, Grove City, and Macksburg, all in the State of Ohio, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Queen City Council, No. 145, United Commercial Travelers' Association of America, of Cincinnati, Ohio, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Division, Ancient Order of Hibernians, of Cleveland, Ohio, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. ANKENY presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CLAY presented sundry papers to accompany the bill (S. 6534) for the relief of John L. Martin, administrator of the estate of John B. Wright, deceased, late of Johnson County, Ga., which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 4223) for the relief of the estate of W. H. Kemp, deceased, which were referred to the Committee on Claims.

Mr. PERKINS presented a petition of sundry citizens of Campbell and San Jose, in the State of California, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Clearing House Association of San Francisco, Cal., remonstrating against the passage of the so-called "Aldrich currency bill," and praying for the appointment of a currency commission, which was referred to the Committee on Finance.

Mr. CURTIS presented a petition of the General Council of the Choctaw Nation of Indians, of the Indian Territory, praying that an appropriation of $5,000 be made out of their fund now in the custody of the Government to aid the Old Goodland Presbyterian Missionary School at Goodland, in that Territory, which was referred to the Committee on Indian Affairs.

Mr. STEWART presented a petition of Banner Grange, Patrons of Husbandry, of East Georgia, Vt., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of sundry citizens of Avondale, Md., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX (for Mr. PENROSE) presented petitions of sundry citizens of Pennsylvania praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

VOLUNTEER RETIRED LIST ROLL.

Mr. BURROWS. I present a letter from the executive committee of the Volunteer Retired List of the Army, relative to the creation in the War Department of a roll to be known as the "Volunteer retired list roll," together with resolutions of the legislatures of Illinois, Ohio, and New York indorsing the creation of this roll. I move that it be printed as a document and referred to the Committee on Military Affairs.

The motion was agreed to.

ALLEGED STRUCTURAL DEFECTS IN UNITED STATES BATTLE SHIPS.

Mr. HALE. I present a paper (an extract from the Scientific American) on the alleged structural defects in United States battle ships. I move that it be printed in the RECORD, printed as a document, and referred to the Committee on Naval Affairs.

There being no objection, the paper was referred to the Committee on Naval Affairs, ordered to be printed as a document, and to be printed in the RECORD, as follows:

The Senate hearing on the alleged defects in the vessels of our Navy was held with a view of ascertaining the exact facts regarding the freeboard, position of water line armor, height of guns, and other features of our battle ships as compared with those of the leading foreign navies. The proceedings were very exhaustive, and resulted in the presentation of a vast amount of information, accompanied with detailed plans bearing upon these important points. The people of the United States will be gratified to learn that the evidence which has thus far transpired is not only a complete vindication of the excellence of the ships of our Navy, *but it proves them to be, in some respects, decidedly superior to foreign ships of the same date and type.*

It was evident from the testimony given by certain seagoing officers who have been active in criticism of our ships, that they indorsed the allegations made in what is known as the Reuterdahl article. Now, the charge made in that article (and it is well to be perfectly clear on this point) was not so much that our ships could be made better than they are (a fact which everybody is prepared to admit), *but that our ships are inferior, and greatly inferior, to the ships of foreign navies.* It is with this last statement in particular that we have always taken decided issue. *The Scientific American claims (and not a word of truth has been adduced to show the contrary) that our battle ships of any given type and date are as efficient as foreign battle ships of the same type and date, and, in respect of their armament, are greatly superior.*

The official cross sections of a large number of typical foreign battle ships, which were presented in the recent Senate hearing, prove that this contention is absolutely correct. Compared with the British and Japanese ships our armor belts are as thick, and sometimes thicker; they are in the same position with regard to the water line; our freeboard is as great, and in some cases greater; our broadside guns are carried as high, and generally higher; our rate of ammunition supply is as rapid, and in many ships more rapid; and (greatest surprise of all) the open ammunition hoist to the turrets is not peculiar to our own Navy, but is found in several of the crack battle ships and cruisers of other navies.

That the above comparison is a high testimony to the quality of our ships will be recognized, when we mention that the cross sections cited are of such ships as the British *Royal Sovereign, Majestic, King Edward* and *Dreadnought*, and the Japanese *Asahi, Mikasa, Kashima*, and *Aki;*" and we may mention just here that even in the case of the two crack battle ships, *Mikasa* and *Asahi*, of the Japanese fleet, the broadside guns are only about 12 feet above the water line, as against from 14½ to 15¼ feet on our own ships. So also in the comparison with contemporaneous French ships it is found that the thickness and position of our armor belts is fully as satisfactory; that the armoring of the top sides is greatly superior, and that in respect of the freeboard only and the height at which the guns are carried have the French ships any so-called advantage. That lofty guns and towering top sides have been adopted at the expense of stability is shown by the fact that, with one exception, the French type Russian battle ships which fought in the battle of the Sea of Japan proved their top heaviness by turning turtle and going to the bottom. Furthermore, the one French type ship, the *Orel*, which was captured by the Japanese, was changed by them to the American type, by cutting down her decks and lowering her gun positions.

According to press dispatches, Rear-Admiral Evans has sent to the Department a report upon the behavior of our ships during the Pacific cruise, in which certain suggestions are made with reference to the questions of armor belts, turrets, freeboard, etc., which are now in debate. The report contains the opinion of a naval constructor detailed especially to watch the behavior of the vessels, and of various seagoing officers in charge of the ships. In due course, when this report becomes available, we hope to give a review of its salient features. According to press dispatches, Naval Constructor Robinson noted that, although, in the main, the voyage was made in quiet weather, the ships at times rolled sufficiently *to expose the unarmored bottom below the belt*, and hence the suggestion of some of the officers that the belt be made wider *is accompanied with the stipulation that the bottom of the belt be left in its present low position.* It is suggested that the additional weight due to wider belts be compensated for by the removal of "what is termed superfluous weight." We believe that no small reduction of weight can be made in this way; for it is a notorious fact that our ships carry, in the way of comforts and conveniences for officers and men, much weight that is not to be found in foreign battle ships. It is also stated that Rear-Admiral Evans "recommends taking off the after-bridges," though why he should do this, when it was at his earnest insistence and in opposition to the strong wish of the Construction Department that an extra flying bridge was built aft on the *Connecticut* for his special use, we are at a loss to understand. Commenting on the suggestion of some of the commanding officers that the belts might be raised from 6 inches to a foot higher (which, by the way, would bring them just where they were designed to be before extra weights were added during construction), Admiral Evans says:

"But even this is open to question, for it has been noted that even when heavily laden and in the smooth to moderate seas which have thus far characterized this cruise the ships frequently expose their entire belt and the bottom plating beneath.

"It must be remembered that even a 5 or a 6 inch shell, of which there would be a great number, could inflict a severe and dangerous injury if it struck below the belt, while otherwise the water line, even with the belt entirely submerged, is, on account of the casemate armor and coal, immune to all except the heaviest projectiles.

"The fact is that under the sea conditions in which battles may be fought a belt of 8 feet in width, if considered alone, is too narrow to afford the desired protection wherever it may be placed, and the question becomes an academic discussion with certain arguments on each side.

"It is understood that on the latest ships this question is of little import, as the citadel armor is but 1 inch less in thickness than on the water line, and for those ships already built it is believed that when the bridges are removed and all weights, which would be landed should war break out, are taken into consideration, the ship will rise to the 6 to 12 inches, which is believed to be the maximum that it could be desired to raise them."

If, as is reported, the Admiral states that the broadside guns "can only be used to advantage when the battle ships are not steaming more than 10 knots," we can only say that bad, indeed, must be the case of the battle ships of other navies, the majority of which carry these guns from 1 to 3 feet nearer the water than do our own ships.

The country is to be congratulated on the fact that the recent wild and baseless criticism of our ships should have been made just when the fleet was starting for the Pacific. In spite of the fact that most of it was either false or grossly exaggerated, it has done an incalculable amount of good; for as a result of the discussion and investigation which has followed, a large amount of information has been made public regarding our ships which scarcely could have become known in any other way. Not only have they now a more intelligent knowledge of our Navy, but the confidence of the people of the United States in the excellence of our ships has been greatly strengthened. As a further indorsement, there has come the brilliant success achieved by Admiral Evans and his officers and men in bringing that fleet through its 14,000-mile trip in perfect order and two days ahead of the schedule time.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 6033) to provide for the resurvey of certain townships in Colorado, reported it with amendments, and submitted a report (No. 484) thereon.

Mr. BORAH, from the Committee on Education and Labor, to whom was referred the bill (S. 915) to prevent the sale of intoxicating liquors in buildings, ships, navy-yards, and parks and other premises owned or used by the United States Government, reported it with amendments and submitted a report (No. 485) thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 157) providing for the erection of a public building in the city of Hinton, W. Va., reported it with amendments and submitted a report (No. 486) thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 5581) pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes, reported it without amendment and submitted a report (No. 487) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 18930) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 488) thereon.

He also, from the same committee, to whom were referred certain bills granting pensions and increase of pensions, submitted a report accompanied by a bill (S. 6569) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 6. Daniel J. Fox.
S. 71. Sue Webb Cooke.
S. 79. Alfred W. Gilkinson.
S. 702. James K. Brewer.
S. 785. Samuel V. List.
S. 840. William C. Beebe.
S. 888. Sumner L. Warner.
S. 892. Thomas Burton, jr.
S. 927. Sarah L. Procter.
S. 937. Elisha Johnson.
S. 1144. Oliver Bruch.
S. 1243. Lyman M. Aldrich.
S. 1249. John T. Hutchins.
S. 1255. William Stevens.
S. 1540. May de Forest Young.
S. 1611. Anna Shaw.
S. 2062. Alice C. Risley.
S. 2070. Thomas B. Fogle.
S. 2354. Caroline Lankford.
S. 2432. John Byrns.
S. 2535. Christopher Urich.
S. 2861. Freeland Young.
S. 2894. Gudson Revis.
S. 3060. Alice A. Johnson.
S. 3097. Samuel H. Slaught.
S. 3111. Eurith Knight.
S. 3249. Henry R. Stevens.
S. 3270. William E. Barnes.
S. 3274. David A. Stewart.
S. 3377. Joseph G. Shank.

S. 3481. John W. Childers.
S. 3606. Hugh R. Schoonover.
S. 3611. John P. Martin.
S. 3616. James McLaughlin.
S. 3654. John W. Kidd.
S. 3678. Oscar F. Miller.
S. 3783. William A. Wallace.
S. 3785. John Trezise.
S. 3916. Thomas Keys.
S. 4102. Asa Wren.
S. 4114. Rhoda Bissell Thomas.
S. 4218. Johnson Hinton.
S. 4243. John Rodgers.
S. 4284. Gustaf Alstrand.
S. 4315. Lucy E. Suzer.
S. 4673. William H. Isenberg.
S. 4674. Perry Harter.
S. 4697. Catherine Greelish.
S. 4714. Reuben A. Ketchum.
S. 4750. William L. West.
S. 4780. Ormond D. Kimball.
S. 4823. James R. Moses.
S. 4893. William C. Brooks.
S. 4926. Tyra Montgomery.
S. 5029. Edwin J. Barber.
S. 5124. Edward C. Emerson.
S. 5147. Elisha W. Cross.
S. 5176. Stephen A. Reid.
S. 5182. William H. Thompson.
S. 5193. James M. Zumwalt.
S. 5313. Cassius C. Wertz.
S. 5390. Timothy Hayne.
S. 5489. William Milford Ingraham.
S. 5503. William A. Stewart.
S. 5506. John Murray Murch.
S. 5534. Maria B. Wheaton.
S. 5541. Edwin A. Chase.
S. 5564. James S. Wheeler.
S. 5573. John F. Leach.
S. 5578. William Mitchell.
S. 5579. Henry W. Howe.
S. 5605. Harriet E. Noble.
S. 5609. George H. Pettis.
S. 5644. Seymour Camp.
S. 5645. James Gorman.
S. 5882. Rolando S. Fuller.
S. 5909. Alexander Burleigh.
S. 5998. Anna A. Foster.
S. 6010. Grace F. Jacobs.
S. 6020. Jasper Taylor.
S. 6036. William F. Willis.
S. 6050. Ella Richmond Shaw.
S. 6054. William Tremper.
S. 6063. Henrietta S. Kimball.
S. 6088. Abraham J. Buckles.
S. 6140. Watson R. Gribbin.
S. 6146. Cornelia Foster.
S. 6219. Fred Reed.
S. 6224. Ira W. Wheeler, alias Charles Smith.
S. 6229. Tabitha Evaline Dumond.
S. 6249. Hannah T. Maddox.
S. 6263. Margaret Allison.
S. 6265. Charles F. French.
S. 6333. James T. P. Bucklin.
S. 6339. Randolph Holding.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5945) to provide for the appointment of a commission to select sites for certain public buildings on lands owned by the Government in the city of Washington, and to procure and report to Congress preliminary plans and estimates of cost therefor, submitted an adverse report (No. 489) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HEYBURN. I am instructed by the Committee on Public Buildings and Grounds to make a supplementary report to accompany the bill (S. 122) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes. I ask that it be printed as a part of report No. 9, heretofore submitted by me from that committee.

The VICE-PRESIDENT. Without objection it is so ordered.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 6447) giving Herman Lehman (Montechema) an allotment, asked to be discharged from its further consideration and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2734) to provide for the erection of a public building in the city of Milledgeville, Ga., reported it with amendments, and submitted a report (No. 490) thereon.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1933) to provide for the erection of a public building at the city of Plattsmouth, Nebr., reported it with an amendment, and submitted a report (No. 491) thereon.

He also, from the same committee, to whom was referred the bill (S. 3093) to provide for the enlargement of the present site, or the purchase of a new site, and the erection thereon of a building for subtreasury purposes at San Francisco, in the State of California, reported it with amendments, and submitted a report (No. 492) thereon.

Mr. SIMMONS, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 75) authorizing and directing the Secretary of War to make a survey and examination for a continuous waterway from Boston, Mass., by various routes to Wilmington, N. C., reported it without amendment, and submitted a report (No. 494) thereon.

Mr. BOURNE, from the Committee on Fisheries, to whom was referred the bill (S. 6335) to establish a fish-cultural station in the State of Minnesota, reported it without amendment and submitted a report (No. 495) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 16770) granting land to Anna Johnson (Report No. 496); and

A bill (H. R. 17005) authorizing the Secretary of the Interior to issue patents in fee to the Board of Missions of the Protestant Episcopal Church for certain land in the State of Idaho (Report No. 497).

NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. PLATT, from the Committee on Printing, to whom was referred the communication from the Secretary of the Smithsonian Institution, transmitting the tenth annual report of the National Society of the Daughters of the American Revolution, reported favorably thereon, and moved that the report be printed, which was agreed to.

COMPLETING PEDIMENT OF HOUSE WING OF THE CAPITOL.

Mr. WETMORE. I report back from the Committee on the Library, without amendment, the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol, and I submit a report (No. 483) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. Let it be read.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the expenditure of $75,000, or so much thereof as may be necessary, be, and the same is hereby, authorized for the purpose of completing the pediment of the House wing of the Capitol by placing suitable statuary thereon, said expenditure to be made under the direction of the Speaker of the House, the Joint Committee on the Library, and the Superintendent of the Capitol.

Mr. CULBERSON. From what committee does the bill come?

The VICE-PRESIDENT. From the Committee on the Library. It is a House bill.

Mr. WETMORE. I ask that the report be read.

The VICE-PRESIDENT. The Senator from Rhode Island asks for the reading of the report. It will be read.

The Secretary read the report this day submitted by Mr. WETMORE, as follows:

Mr. WETMORE, from the Committee on the Library, submitted the following report (to accompany H. R. 17983):

The Committee on the Library, to whom was referred the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol, have had the same under consideration, and report it back without amendment.

In reporting this bill favorably on February 26, 1908 (H. Rep. 1090, 60th Cong., 1st sess.), the Committee on the Library of the House of Representatives says:

"The Senate pediment was decorated in 1862 by appropriate groups of allegorical statuary, and it was intended at that time to place on the corresponding pediment above the east portico of the House of Representatives a similar group representative of our history and life, but this intention has never been carried out. The work provided for by the bill is necessary to the completion and beauty of the Capitol building."

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT AMERICUS, GA.

Mr. CLAY. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4788) to provide for increasing the limit of cost of the public building authorized to be erected at Americus, Sumter County, Ga., to report it favorably with an amendment, and I submit a report (No. 482) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 7, before the word "thousand," to strike out "one hundred" and insert "seventy-five," so as to make the bill read:

Be it enacted, etc., That the limit of cost prescribed in the act approved June 30, 1906, for the purchase of a site and the erection of a United States post-office at Americus, Sumter County, Ga., be, and the same is hereby, increased to the sum of $75,000, and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of the building to be erected upon the site heretofore acquired by the United States for the erection of a United States post-office at Americus, Sumter County, Ga., within the limits herein provided for.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED ADJOURNMENT TO SATURDAY.

Mr. HALE. Mr. President, I move that when the Senate adjourns to-day it be to meet on Saturday next.

Mr. CULBERSON rose.

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Certainly.

Mr. CULBERSON. I want to suggest to the Senator from Maine that there are important matters on the Calendar which ought to be considered. Among others to which I invite the attention of Senators is the employers' liability bill. It occurs to me that the Senate can very well devote the day suggested for adjournment over to the consideration of that bill, among others.

Mr. HALE. I will say to the Senator that I think an opportunity will be given to the Senate to-day to take up that measure, and quite likely pass it.

Mr. CULBERSON. I suggest then, as is suggested by the Senator from Georgia [Mr. BACON] in my hearing, that the Senator from Maine might postpone until later in the day the motion to adjourn to Saturday.

Mr. HALE. I am entirely willing to do that. I made the motion at the suggestion of several Senators and in conference with the Senator who is in charge of the unfinished business, and for the convenience of Senators who desire to do work in committees. But I have no objection whatever, Mr. President, to withholding the motion for the present, and we will see what is done during the day.

The VICE-PRESIDENT. The Senator from Maine withholds the motion to adjourn until Saturday.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6544) to remove the charge of desertion from the record of William H. Atkins, which was read twice by its title and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. SMOOT introduced a bill (S. 6545) granting an increase of pension to Thomas Handly, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. du PONT introduced a bill (S. 6546) to correct the military record of Dennis Kane, alias Joseph Warren, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. TELLER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (S. 6547) removing the charge of desertion from the name of Byard Hickman; and

A bill (S. 6548) authorizing the appointment of James Moynahan to the rank and grade of major on the retired list of the United States Army.

Mr. CULLOM introduced a bill (S. 6549) granting an increase of pension to Henry C. Yetter, which was read twice by its title and referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 6550) granting an honorable discharge to Thompson B. Pollard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6551) granting an increase of pension to Elizabeth B. Eckersley (with an accompanying paper);

A bill (S. 6552) granting an increase of pension to Margaret Thompson; and

A bill (S. 6553) granting an increase of pension to Catherine E. Bennett (with accompanying papers).

Mr. CURTIS introduced a bill (S. 6554) for the erection of a monument to the memory of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo., which was read twice by its title and, with the accompanying papers, referred to the Committee on the Library.

Mr. SCOTT introduced a bill (S. 6555) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. BURROWS introduced a bill (S. 6556) granting an increase of pension to Henry R. Warren, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6557) granting an increase of pension to Mary L. Morrow, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6558) to extend the limitation fixed by the act of April 27, 1904, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6559) for the suppression of usury in the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 6560) repealing section 2508 of the Revised Statutes, commonly known as the St. John River act, as amended by the act approved February 27, 1877, and the act approved March 16, 1866, which was read twice by its title.

Mr. HALE. I move that the bill be referred to the Committee on Commerce, and I call the attention of my colleague to it, as it is a very important bill.

The motion was agreed to.

Mr. McLAURIN introduced a bill (S. 6561) to require interstate railroad corporations to make certain statements to the Interstate Commerce Commission, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. FRAZIER introduced a bill (S. 6562) for the relief of heirs or estate of A. Worley Patterson, which was read twice by its title and, with an accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6563) granting an honorable discharge to John W. Scott, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. WETMORE introduced a bill (S. 6564) granting an increase of pension to William A. Champlin, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BURKETT introduced a bill (S. 6565) for the relief of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6566) for the relief of Patrick J. Sullivan, Jeremiah McCarthy, and Bartholomew Shea, and for the relief of the heirs and legal representatives of John B. Dillon, which was read twice by its title and referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 6567) granting an increase of pension to Mary C. Hayes, which was read twice by its title and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 6568) granting an increase of pension to James B. Simmons, which was read twice by its title and referred to the Committee on Pensions.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6570) granting an increase of pension to E. T. C. Lord, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6571) granting an increase of pension to Cyrus Wellington, which was read twice by its title and referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 6572) to authorize the Ruston, Natchitoches and Northeastern Railroad Company to

construct a bridge across Bayou D'Arbonne, in Louisiana, which was read twice by its title and referred to the Committee on Commerce.

Mr. MARTIN introduced a bill (S. 6573) for the erection of a monument to ex-President John Tyler, which was read twice by its title and referred to the Committee on the Library.

Mr. BOURNE introduced a bill (S. 6574) for the relief of William H. Townsend, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6575) granting a pension to Jennie Hammond, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment proposing to appropriate $5,500 for the installation of a system of automatic temperature regulation in the court-house, custom-house, and post-office building now under construction in the city of Seattle, Wash, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $4,608,862 for transportation of foreign mail, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. FRAZIER submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

Mr. MARTIN submitted four amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

LIQUOR TRAFFIC IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent that 1,000 additional copies of the bill (S. 6264) to regulate the sale of intoxicating liquors in the District of Columbia be printed for the use of the Document Room. The earlier edition is already exhausted and there are a great many calls for the bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I desire to give notice that next Tuesday, April 14, at the conclusion of the morning business, I will, with the indulgence of the Senate, submit some remarks upon the Brownsville matter, and the legislation that has been proposed in connection therewith.

SUPPRESSION OF ANARCHY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Judiciary and ordered to be printed:

To the Senate and House of Representatives:

I herewith submit a letter from the Department of Justice which explains itself. Under this opinion, I hold that existing statutes give the President the power to prohibit the Postmaster-General from being used as an instrument in the commission of crime—that is, to prohibit the use of the mails for the advocacy of murder, arson, and treason; and I shall act upon such construction. Unquestionably, however, there should be further legislation by Congress in this matter. When compared with the suppression of anarchy, every other question sinks into insignificance. The anarchist is the enemy of humanity, the enemy of all mankind, and his is a deeper degree of criminality than any other. No immigrant is allowed to come to our shores if he is an anarchist, and no paper published here or abroad should be permitted circulation in this country if it propagates anarchistic opinions.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 9, 1908.*

HOUSE BILL REFERRED.

H. R. 20063. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. PARKER of New Jersey, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY managers at the conference on the part of the House.

ARMY APPROPRIATION BILL.

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the Army appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17288) making appropriation for the support of the Army for the fiscal year ending June 30, 1909, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments and grant the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice-President appointed Mr. WARREN, Mr. LODGE, and Mr. TALIAFERRO as the conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice-President appointed Mr. PERKINS, Mr. WARREN, and Mr. CLAY as the conferees on the part of the Senate.

EMPLOYERS' LIABILITY BILL.

The VICE-PRESIDENT. The morning business is closed.

Mr. DOLLIVER. I ask unanimous consent to call up from the table the bill (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Iowa that the Senate proceed to the consideration of the bill indicated by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. NELSON. Mr. President, I desire to make a brief statement.

Day before yesterday I made a motion to refer the bill, which the Senator from Iowa has now called up for consideration, to the Committee on the Judiciary. I did that for the purpose that at the time I feared there might be some questions involved in the bill on which the Supreme Court would find another ground for pronouncing it to be unconstitutional. Since that time I have carefully examined the bill, and I have come to the conclusion, in my feeble way, that the bill is a good one and a wholesome one, and I do not think that it can be said to violate any provision or principle of the Constitution.

I can see no objection to the bill, and as I am at present advised I shall be glad to see the bill put upon its passage immediately.

The VICE-PRESIDENT. The Senator from Minnesota withdraws his motion to refer to the Committee on the Judiciary?

Mr. NELSON. I withdraw my motion.

Mr. HOPKINS. Which bill is under consideration, the House bill or the bill reported by the Senate committee?

The VICE-PRESIDENT. The House bill is the one that is under consideration.

Mr. CULBERSON. Mr. President, there is no report accompanying the House bill, and I assume the Senator from Iowa, in charge of the bill, will explain it to the Senate.

Mr. DOLLIVER. Mr. President, I will be very glad to explain the bill briefly.

This bill is intended to correct a defect in a bill on a similar subject passed in the latter days of the last Congress, known as the employers' liability act. On the 6th of January that act was declared unconstitutional by the Supreme Court upon one main ground, namely, that it undertook to apply its provisions to all common carriers engaged in interstate commerce, regardless of the fact that injuries may often happen to employees of such carriers who are not at the time of the injury engaged in forwarding interstate commerce. The Supreme Court by a de-

cision, in which the court was divided four to five, held that the failure of Congress to separate the employees who are engaged in interstate commerce at the time of the injury from the mass of the employees of the common carrier was sufficient to destroy the validity of the act.

Now, all of the bills which have been introduced in the present Congress have been intended, in good faith, to correct that error in the act of 1906. There is, however, a difference between the House bill, which is now up for consideration, and the bill reported from the Senate Committee on Education and Labor, which is upon the Calendar of the Senate, and if the Senate will bear with me for a moment I will point out the substantial differences between these two measures.

The House bill confines its application entirely to the employees of railways engaged in interstate commerce, whereas the act of 1906 was applicable not only to railways, but to all common carriers engaged in those forms of commerce over which the jurisdiction of Congress extends. The Senate bill reported from the Committee on Education and Labor follows the act of 1906 and covers the employees of all common carriers engaged in those forms of commerce which the power of Congress to regulate commerce reaches. That is the fundamental difference between the pending House bill and the Senate bill which is upon our Calendar.

There is another difference. In the section referring to contributory negligence the Senate bill contains this sentence: "All questions of fact relating to negligence shall be for the jury." That sentence appeared in substance in the act of 1906, although in a crude form. It said, "All questions of negligence shall be for the jury," overlooking the fact that questions of negligence may be questions of law as well as of fact. So I think the Senate bill which is upon the Calendar is an improvement over the act of 1906 in that respect.

I will now briefly state to the Senate exactly what this bill proposes. It contains four substantive propositions.

First, it modifies the old law of the negligence of coemployees. The old law, which took root in the United States two generations ago, was to the effect that an employee injured by the negligence of a fellow-workman could not recover. That was based upon a decision, I understand, rendered by Chief Justice Shaw of the supreme court of Massachusetts as far ago as 1842, a decision which Judge Dillon in an article in the American Law Review says is the fountain head of American jurisprudence on that subject, except in so far as it rests on immemorial precedent.

The proposition was that an employee injured by the negligence of a fellow-workman could not recover. This bill abolishes that doctrine and gives the employee the right to recover for injuries arising from the negligence of his fellow-workman. That is the first proposition.

The second proposition modifies the law whereby in other generations workmen were held by the court to assume the risks arising from defective machinery. That was an inheritance, I reckon, of the common law, and at the time the courts originally established the doctrine it had some sense in it and a little justice. There was some reason why a man working with simple machinery should look to it that the machinery with which he worked was in good order. But that doctrine is obsolete as applied to the present-day occupations of those workmen who are employed by the common carriers of the world. It would require a brakeman to know all about the machinery of a freight train, though it may be half a mile long, as he goes out upon his day's work. Everybody with a moderate sense of justice must see that the common law applicable to the assumption of risks for deficient machinery has no rational application to the complex industrial concerns of our own time.

In the third place, this proposed statute modifies radically the law of contributory negligence. As administered by our courts it has been uniformly held that an employee suffering an injury to which his own negligence contributed can not, by reason of that participation in the injury, have any recovery at law. This proposed statute liberalizes that doctrine of the law. It is based upon the theory that where an injury occurs partly by reason of the negligence of the employer and partly by reason of the negligence of an employee the jury ought to determine what portion of the injury arises from the negligence of the plaintiff and take away from the sum total of his damages allowed that part which can properly be apportioned to his own negligence. That principle has been called in some of the books the "doctrine of comparative negligence."

In the fourth place, this proposed bill undertakes to modify somewhat the common law applicable to certain agreements or contracts made between employers and their workmen in which the latter agree, in consideration of some form of insurance or indemnity fund, to give up the right to sue in the courts. It has been held, as a matter of public policy, that a workman can not contract himself out of his right or the right of his legal representatives to recover for damages. That is to say, the courts have held that it is against public policy to sustain a contract by which a workman merely by consideration of his wages and his employment agrees to withhold any claim for damages in case of his injury. But many insurance societies have grown up in connection with the operation of our railways which not only undertake to repay a man for damages arising out of injuries, but have also certain other features in the nature of sick benefits and other insurance. These have been regarded by the courts as valid and binding agreements.

This proposed law means simply that when a workman sues for injury for which he is entitled to recover he shall not have his recovery defeated by reason of one of these insurance agreements; but it also says that in case the railway has contributed anything to the insurance fund which he has enjoyed the amount that the railway has contributed shall be deducted in the calculation of the damages which he is entitled to recover.

These are the four propositions contained in this bill, and I have an idea that there is not a member of the Senate who does not recognize the equity and justice involved in all four of them.

The fact is we have been at least a generation behind the world in the adoption of the doctrines and principles to which I have referred. Outside of England there has not in modern times been a country in Europe that does not now give its workmen all the advantages that are provided by this bill. There is hardly an American State in these recent years which has not taken this step forward in industrial justice.

The codes of nearly all the countries in Europe were derived, directly or indirectly, from the civil law, and wherever the civil law crossed the water these doctrines which we are introducing into the United States courts in this bill have found acceptance. This is so in the courts of Quebec. The recent English compensation acts illustrate the present-day reaction against the severity of the common law. The fact is that every country in the world has been engaged in the careful study of the relations of its working millions to its prosperity and to its civilization, and this bill proposes to do for workingmen seeking the protection of the courts of the United States what the enlightened jurisprudence of all the modern nations has already done for their workmen under similar conditions.

I will call the attention of the Senate again to the two distinctions which I have referred to between the bill before us and the bill which the Senate committee has proposed. The bill before us has been narrowed so that it is applicable only to railways. The Senate bill which is upon our Calendar leaves the application of the law exactly as it was in the act of 1906, making it cover all common carriers engaged in those forms of commerce over which the jurisdiction of the United States prevails. I intend at the proper moment to move that the Senate bill upon the Calendar be substituted as an amendment for the House bill.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. CLAY. I want the attention of the Senator from Iowa to two or three things about this bill. This proposed law is similar to the law we have in Georgia fixing the liability of railroads to employees. Now, suppose a train on the Southern Railway engaged in interstate commerce, leaving Atlanta for Washington, and an employee on that train was injured in Georgia—that would be an interstate-commerce trip?

Mr. DOLLIVER. Yes.

Mr. CLAY. Would that employee be compelled to sue in a Federal court in the event of the passage of this act, or could he exercise his option and sue in a State court for the purpose of enforcing his rights?

Mr. DOLLIVER. I think he would be entitled to sue in either forum.

Mr. CLAY. Now, if there were no law fixing the liability in the State courts, in order to sue for the purpose of recovering his rights under this act he would necessarily have to sue in the Federal court, would he not? In other words, this law, if enacted by Congress, fixes the rule of liability for trains engaged in interstate commerce. Now, if an employee desires to avail himself of the provisions of this law, would he not be compelled to sue in a Federal court?

Mr. DOLLIVER. It may be, if he desired the benefits of this law.

Mr. CLAY. But if there is a statute in the State fixing the liability, the Senator thinks the employee can exercise his option to sue either in the Federal or State court?

Mr. DOLLIVER. Possibly so.

Mr. President, I move the substitution of the——

Mr. FORAKER. Before the Senator makes the motion——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. Before the Senator from Iowa closes his remarks, I want to ask him, simply for information—I have had no opportunity, this bill having passed the House only two or three days ago, to read the report which was made in the House in support of the bill—what reason the House gave for limiting the application of this law to carriers by rail, instead of applying it, as we did in the law of 1906, to all interstate carriers, whether by rail or by water or otherwise?

Mr. DOLLIVER. I have read, Mr. President, the House report with some curiosity on that question, and I regret to say that nothing appears, so far as I remember, in the report to indicate why the House took that action; but in view of the fact that a question of the constitutionality of the act, because it was made applicable to railways to the exclusion of other interstate carriers, was afterwards raised in the House, I have thought that maybe somebody not particularly interested in the ultimate success of the statute may have secured the limitation measure in that way. Although I do not think that the law is any less constitutional because it is made applicable to railways only, I think it ought to be made applicable to all common carriers over whom we have jurisdiction, because there ought to be uniformity—uniformity along the broad lines of justice.

Mr. BACON and Mr. FORAKER addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. BACON. If the Senator from Ohio desires to ask the Senator from Iowa a question on that same line, I shall defer what I have to say.

Mr. FORAKER. I do.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. DOLLIVER. Certainly.

Mr. FORAKER. The Senator from Iowa has suggested a very important point in connection with this legislation, and that is, whether or not we render the act unconstitutional by undertaking to classify and make this statute applicable to only one class of carriers; and I was very anxious because of what he suggested to know what view had been taken by the House committee. I suppose it was the Judiciary Committee of the House which reported the bill?

Mr. DOLLIVER. Yes.

Mr. FORAKER. I suppose there is a printed report, and I am a little bit surprised to learn from the Senator's statement that the committee passed over that point in silence. That, I think, is a very important point, and one that we ought to consider very carefully before we agree to the House proposition. Is there nothing in the record which shows that?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. DOLLIVER. Certainly.

Mr. BACON. Mr. President, I wish to recur to the suggestion made by my colleague [Mr. CLAY] as to the effect of the passage of this proposed law in case of an accident occurring upon an interstate-commerce train. I hope I may have the attention not only of the Senator from Iowa [Mr. DOLLIVER] but of all the lawyers in this body to the question which I am now about to propound. I presume it will be recognized as an indisputable proposition that, if there is authority to enact this legislation, it is authority derived from the clause of the Constitution which gives to Congress the right to regulate interstate commerce. I understood the Senator from Iowa to say that, in case there was an accident upon a train engaged in interstate commerce, actually at that time engaged in the transportation of interstate commerce, if there were a law of the State prescribing the rules of liability and also this law prescribing the rules of liability, it would be within the discretion or the choice of an employee to avail himself of either the State law or the Federal law. I want to say to the Senator from Iowa that, while I have the very greatest and profoundest respect for his legal learning, I must differ most radically from him on that conclusion.

Mr. DOLLIVER. I undertake to say that he could avail himself of the jurisdiction of the State court or of the United States court, subject, of course, to the right of the defendant to remove the cause to the Federal court under the statutes governing such matters.

Mr. BACON. That was not what I understood to be the question of my colleague. My colleague has stated what is a fact, that the law of the State of Georgia now prescribes, and has for sixty years prescribed, almost the identical rules of liability which are laid down in this House bill.

Mr. DOLLIVER. But, if the Senator from Georgia will permit me, if a citizen of Georgia should sue in the State courts under the law of Georgia it would lie with the defendant to transfer the controversy to the United States court after a proper showing under our judiciary statutes.

Mr. BACON. No; I beg the Senator's pardon.

Mr. FORAKER rose.

Mr. BACON. I hope the Senator from Ohio will pardon me a moment, until I can properly develop the proposition which I was stating.

Mr. FORAKER. I want to ask the Senator from Georgia a question.

Mr. BACON. I shall be ready to answer, or at least to attempt to answer, the question, but I want to make a suggestion to the Senator from Iowa; and I think it is a grave matter which should receive the consideration of the lawyers of this body. I understand the proposition of the Senator from Iowa [Mr. DOLLIVER] to be that in case there is a State law and a Federal law, if an employee who is injured elects to go into the State court, he will go in for the purpose of having the State law enforced. Am I correct in that?

Mr. DOLLIVER. That is true, if I understand the Senator.

Mr. BACON. Well, Mr. President, in that I think the Senator is radically and essentially wrong, for the reason I shall state. My proposition is this—and as a proposition of law I do not think I can possibly be mistaken in it—that whenever the Congress of the United States has the jurisdiction to enact a law for the regulation of interstate commerce, it necessarily nullifies the law of a State passed upon the same subject, and that when you pass this law no law of any State prescribing the rules of liability for an employee engaged in interstate commerce is any longer of any force or effect. That is necessarily so, and whether it can be enforced in a State court or in a Federal court, the law thereafter must be this law and no other law. It can be enforced in either court, but only this law can be enforced. The day it is passed every State law which prescribes a rule of liability for an employee engaged in interstate commerce is annulled, and it is the same as if it had been the repeal of the law of the State.

Mr. BEVERIDGE. Our power is exclusive when we act.

Mr. BACON. Absolutely so. There is no doubt about that in the world. It is only a question of jurisdiction to act.

Mr. BEVERIDGE. Certainly.

Mr. BACON. If we have the jurisdiction to act and do act, the Federal law is supreme, and it nullifies every State law on the subject. Now, I am ready to hear the Senator from Ohio.

Mr. FORAKER. The question I want to ask the Senator is simply this—and I want to ask it only that I may understand him: Has the Senator any doubt that a complainant, anyone having suffered injury, may sue in either the State court or the United States court if the jurisdictional facts exist in his favor? That is to say, if the Senator will allow me to complete the question, suppose a right of action should arise under the State law of Georgia in favor of an employee; could not that employee, if the other party to the suit, the defendant, were a nonresident of Georgia, sue on the ground of diverse citizenship in the United States court as well as in the State court?

Mr. BACON. You mean under the laws that now exist?

Mr. FORAKER. If he should sue in the State court the defendant would, of course, have the right of removal the same as in any other case. So it is as to the right of action arising under this proposed United States statute. If we pass this bill, the suit may be brought in the State courts, or it may be brought in the United States court, or wherever a court may be found that has jurisdiction to entertain such an action.

Mr. BEVERIDGE. Only under this law, but not under the State law.

Mr. FORAKER. Mr. President, the Senator from Indiana certainly has spoken without thinking carefully of what he has said. Suppose the right of action should arise under the State law, why should there not be a suit in the United States court if the defendant be a citizen of another State, as a corporation organized outside of Georgia would be? The ground of diverse citizenship would exist.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. FORAKER. Certainly.

Mr. BEVERIDGE. The Senator did not understand me. I merely said that the right would arise, in case this law were passed, only under this law, and not under the State law, which the Senator from Georgia is entirely accurate in saying would be practically nullified by the passage of this bill, since our power over interstate commerce is exclusive when exercised. For example, to bring out clearly what I mean, suppose we should pass this bill and the State were to pass a law directly to the contrary, it could not exist, because our power, once exercised, is exclusive. If this bill becomes a law, of course the complainant could bring suit either in the State or the Federal court under its provisions, but under its provisions the State law no longer exists, so far as interstate commerce is concerned.

Mr. FORAKER. What may be the effect of a national statute upon a State statute will be for the courts to determine. I apprehend that we are not going to desist from enacting such legislation as we may approve on the ground of its effect upon some legislation that some State may have undertaken to enact. We may have a difference of opinion as to the effect of this legislation. I do not know that we will have; but, whether we have or not, it is immaterial, for if we enact this proposed legislation that will be for the courts to determine. I only wanted that there might be a clear understanding, instead of the confusion that seems to exist as to the right of action under this and as to the court that would take jurisdiction of the question.

Mr. BACON. The Senator from Ohio asked me a question without giving me an opportunity to reply, but he went on discussing it.

Mr. FORAKER. I thought the Senator had concluded.

Mr. BACON. Oh, no.

Mr. FORAKER. I sought to interrupt the Senator, but he said he did not want to be interrupted, and I waited until I thought he had concluded.

Mr. BACON. I had no objection to being interrupted.

Mr. FORAKER. I beg the Senator's pardon.

Mr. BACON. On the contrary, I consented to the Senator's interruption. But, Mr. President, the Senator asked me a question about a matter that I have not contended for. I was not discussing the question as to whether there was a concurrent jurisdiction in the courts. I was discussing the question which I understood to be suggested by the proposition of the Senator from Iowa, whether a man could go into a State court and endeavor to enforce his rights under the State law, or could, at his election, go into the Federal court and attempt to secure his rights under the Federal law. I was not taking issue with the fact that he could go into either court, but my proposition is that, whichever court he went into, there was but one law that he could claim any right under, and that would be the Federal law, because the Federal law, being enacted in pursuance of the authority to regulate interstate commerce, necessarily nullified every State law upon that subject the day that it was passed.

Mr. OVERMAN. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. BACON. My colleague [Mr. CLAY] wanted to interrupt me, and I asked him to wait a moment. I now yield to him.

Mr. CLAY. What I want to get clear in my mind is this: My idea was that when this bill should become a law all laws in the States fixing the rule of liability of common carriers engaged in interstate commerce would be superseded by virtue of this law, and whenever an employee proceeds against a railway company for injuries suffered he must look to this statute to fix the rule of liability, and not to statutes of the State. Again, Mr. President, with my colleage's permission, my idea is that if an employee is allowed to sue in the State courts for the purpose of fixing his rights under this proposed law and should attempt to do so, then the railroad unquestionably would have a right to transfer that case to the Federal courts, because the Federal law fixes the rule of liability, and a Federal law is involved. Undoubtedly, therefore, the defendant would have the right to transfer his case to the Federal court.

If we fix a rule of liability by Congress and an injured employee of a railroad company attempts to enforce his rights in the State court thereunder, inasmuch as a Federal statute is involved, I believe the defendant would have the right to transfer the case to the Federal courts. I believe if this law be passed that the employees of the railway companies hereafter must expect to try their cases in the Federal courts, and not in the State courts.

Mr. BORAH. Mr. President, the question which was suggested by the Senator from Georgia has been pretty well settled——

Mr. CLAY. My colleague has the floor, I believe.

Mr. BACON. No; I have yielded the floor.

Mr. CLAY. I thought that my colleague had the floor.

The VICE-PRESIDENT. The Senator from Iowa [Mr. DOLLIVER] is entitled to the floor.

Mr. DOLLIVER. I yield to the Senator from Idaho.

Mr. BORAH. I was simply going to suggest, in answer to the suggestion made by the Senator from Georgia, that the question which was presented by his interrogatory has been pretty well settled by the authorities. If a party is engaged at the time of his injury in interstate commerce, his rights and obligations must undoubtedly be settled by the law which we shall pass. If he should be engaged in State commerce or intrastate commerce, the State law would obtain. In other words, this proposed law would only annul the State law in so far as it affects interstate commerce.

Mr. CLAY. I think the Senator is eminently correct. The statute of Georgia, fixing a liability against railroad companies in favor of employees relating to commerce within the State, would not be changed by the passage of this statute. It would simply affect the employees engaged at the time of the accident in interstate commerce. I do not think there is any question about that.

Mr. BORAH. That is correct; but, then, the question of what court the suit shall be brought in depends upon other propositions, upon the question of diverse citizenship, and the question of whether or not there is a Federal question involved in the controversy. If so, it might be removed, even though the liability is under the State law, or it might be tried by the State court, even though the liability is under the Federal law.

Mr. FORAKER. Simply to avoid any misunderstanding in anything I have said, I want to state that I recognize, as I think everyone here must, that in enacting this legislation there will remain a question for the courts to determine as to how far the Congress can go in regulating the relations of master and servant, employer and employee. I want to say to the Senators who have raised that question that I do not acquiesce in the idea—at least, I am not fully convinced they are right, and I do not see how they can be—that it lies with Congress to say whether a State statute shall be valid or invalid by simply acting or not acting on a particular subject. The power to regulate commerce is conferred on Congress. That is unquestioned, but whether or not the Congress, failing to act, can add to the powers of a State to act on the subject is a question about which there is a great difference of opinion; and that will be one of the questions which will arise and which the courts will have to determine. I do not know of any way by which we can settle it here definitely, in view of our differences of opinion.

Mr. DOLLIVER obtained the floor.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. DOLLIVER. Certainly.

Mr. CULBERSON. With the permission of the Senator from Iowa, I will read a paragraph from the opinion of the Supreme Court of the United States in the case in which the law enacted in the last Congress was declared void.

> Before coming to consider the contentions concerning the constitutionality of the act, we notice certain suggestions which proceed upon the assumption that they may concern the issue for decision. It is said that the statute inordinately extends the power of Congress and unduly diminishes the legislative authority of the States, since it seeks to exert the power of Congress as to the relation of master and servant, a subject hitherto treated as being exclusively within the control of the States, and that in practice its execution will cripple the State and enlarge the Federal judicial power, since its effect will be to cause every action concerning an injury to a servant employed by a common carrier who may engage in interstate commerce to cease to be a matter of State jurisdiction and to be cognizable in the Federal courts. Moreover, it is said, the statute will create confusion and uncertainty as to the rights of those dwelling within the States, that it will operate injuriously upon all who choose to engage in interstate commerce as a common carrier, since those who so do will become subject to the liability which the statute creates, to be tested by the rules of negligence which the statute embodies, although such rules be unknown to the laws of the several States. Besides, the statute, it is urged, discriminates against all who engage as common carriers in interstate commerce, since it makes them responsible without limit as to the amount to one servant for an injury suffered by the act of a co-servant, even in a case where the negligence of the injured servant has contributed to the result, hence placing all employers who are common carriers in a disfavored and all their employees in a favored class. Indeed, it is insisted the statute proceeds upon contradictory principles, since it imposes the increased responsibility just stated upon the master presumably in order to make him more careful in the selection of his servants, and yet minimizes the necessity for care on the part of the servant by allowing recovery, although he may have been negligent.

But without, even for the sake of argument, conceding the correctness of these suggestions, we at once dismiss them from consideration as concerning merely the expediency of the act and not the power of Congress to enact it. We say this since, in testing the constitutionality of the act, we must confine ourselves to the power to pass it and may not consider evils which it is supposed will arise from the execution of the law, whether they be real or imaginary.

I read this, Mr. President, for the purpose, and only for the purpose, of showing that the question to which the Senators from Georgia have adverted was raised in the Supreme Court of the United States and left undetermined, so far as that case was concerned.

Mr. DOLLIVER. Mr. President, of course the questions raised by the decision the Senator has read are fundamental; and if those considerations should defeat this proposed legislation, that is one view of it. I do not think they would make any difference. It certainly is no particular hardship for anyone to go into a United States court under a statute like this to enforce statutory rights. I do not know what the ultimate decision of the court would be on the question, if it were presented, of the power of Congress over the relation of master and servant in the States. So far the decisions indicate that, if we confine our jurisdiction to injuries arising in the course of interstate employment, the jurisdiction of Congress over the subject-matter is complete.

I now move that the Senate bill 5307 on the Calendar, as reported by the Committee on Education and Labor, be substituted for the House bill.

The VICE-PRESIDENT. The Senator from Iowa moves to strike out all after the enacting clause of the House bill and to insert what will be read by the Secretary.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu thereof to insert the following:

That every common carrier, while engaging in commerce between the several States or between any Territory or Territories and any State or States or with foreign nations, or between the District of Columbia and any State or States or with foreign nations or with any of the possessions of the United States, shall be liable in damages to any person suffering injuries while he is employed by such carrier in such commerce, or in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then to the next of kin dependent upon such employee, for all such injuries or death resulting in whole or in part from the negligence or mismanagement of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency of its cars, engines, appliances, machinery, track, roadbed, works, ships, boats, wharves, or other equipment. That every common carrier in the Territories, the District of Columbia, or the Panama Canal Zone shall be liable in damages to any person suffering injuries while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for all such injuries or death resulting in whole or in part from the negligence or mismanagement of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency in its cars, engines, appliances, machinery, track, roadbed, works, ships, boats, wharves, or other equipment.

SEC. 2. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, the fact that such employee was guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in accordance with the amount of negligence they may find is attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee. All questions of fact relating to negligence shall be for the jury to determine.

SEC. 3. That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee.

SEC. 4. That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That upon the trial of any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 5. That no action shall be maintained under this act unless commenced within one year from the day the cause of action accrued.

SEC. 6. That the term "common carrier," as used in this act, shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

Mr. ELKINS. Mr. Presiednt, I think it is my fault, but I have not had time to read this bill, and I think it is a little unusual to move to substitute a Senate bill for a House bill, especially on a subject of this importance. I am not prepared to say that I approve this bill. I have never heard it read until now, so I do not understand it and do not want to vote on it now. I would prefer, if it is in order, that House bill 20310 be referred to the Committee on the Judiciary. I do not know in what way to dispose of this bill from a parliamentary standpoint.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. Yes.

Mr. DOLLIVER. I am exceedingly anxious that the Senator from West Virginia should not add an element of comedy to this situation. This bill was originally referred to the Judiciary Committee.

Mr. ELKINS. Which bill?

Mr. DOLLIVER. The employers' liability bill, in the last Congress. It was unloaded by the Judiciary Committee onto the Interstate Commerce Committee, of which my honored friend is chairman, and rested there peaceably for a few months, with nobody reading it, until one morning my honored friend came in here with a motion to unload it back onto the Judiciary Committee. Motions were made to dispose of it otherwise, and finally, in the midst of great trouble, we got a hurried vote on the bill in the closing days of the last Congress.

This bill has been carefully considered by everybody interested in the subject now for three or four years, and I do not desire to appear by silence to acquiesce in the notion that it needs any further treatment by any committee. The bill ought to be passed. Everybody is in favor of it, and all that is necessary is to read it over carefully and vote for it.

Mr. ELKINS. Mr. President, I should like to have time to read the bill carefully, and I should like that the vote on the motion be postponed at least until to-morrow. I will not press my motion to refer the House bill to the Judiciary Committee, where I think it belongs.

Mr. DOLLIVER. They solemnly reported to the Senate in the last Congress that the bill did not belong there.

Mr. ELKINS. I object to the present consideration of this bill, if that is in order.

Mr. HOPKINS. Mr. President, will the Senator allow me right there?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Illinois?

Mr. ELKINS. Certainly.

Mr. HOPKINS. I will say to the Senator that if he had been in the Senate when the Senator from Iowa [Mr. DOLLIVER] was explaining the bill, it seems to me he would not have made this motion in order to procure more time to understand the bill. There are only four propositions involved in it; and they are as clean and open as the king's highway. It does not require any time to understand them nor does it require the Judiciary Committee to interpret them. Anybody who understands the English language can understand the propositions involved in this bill; and it is a waste of the time of the Senate to refer it to a committee. I trust that the Senator in charge of the bill will insist on its present consideration.

Mr. ELKINS. Mr. President, what is the parliamentary situation? Would a motion to refer House bill 20310 get rid of this bill now?

The VICE-PRESIDENT. Under Rule XXII when a question is pending no motion shall be received but those enumerated in the rule, among which is the motion to recommit. A motion to recommit is in order, but the consideration of the bill can not be postponed by a mere objection.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. ELKINS. Yes.

Mr. FORAKER. I want to say for the benefit of the Senator from West Virginia that I was a member of the Committee on Interstate Commerce when this original proposition was considered there, and I was a member of the Judiciary Committee when, having been sent to that committee, it was considered there. I think this legislation has been as carefully considered as any legislation that has been proposed since I have been a member of the Senate, and I think anyone who voted for the bill we passed in 1906 might vote for this bill without any hesitation whatever.

Mr. ELKINS. You mean the bill offered by the Senator from Iowa—the Senate bill?

Mr. FORAKER. I mean the bill that we enacted into law in 1906, which was recently held by the Supreme Court of the United States to be unconstitutional. It was held to be unconstitutional, so far as the main point was discussed; and the point upon which the decision rested was because it applied to intrastate as well as interstate common carriers. The only difference between the bill as passed by the House and the bill

as proposed by the Senator from Iowa having this bill in charge, who offered the substitute, is that the bill as passed by the House was confined in its application to common carriers by rail, to railroads; and the substitute applies to all common carriers, whether by rail, by water, or otherwise. I quite agree that the legislation should be made applicable to all carriers, and I have some curiosity to know why in the House they should have restricted it in the way they did.

When we had under consideration the rate bill—if I may refer to that without any impropriety—Senators will remember that it was my contention all the way through that, whatever legislation on that subject was enacted by Congress, whether constitutional or not, should apply to all carriers, and should not be restricted to any class of carriers; not because I feared it would be unconstitutional if confined to a particular class, because we all know it would not be. The present interstate-commerce act is confined to interstate carriers by rail; it does not apply to water carriers, and yet it has been held to be constitutional. We might confine this bill to one particular class, without, I think, endangering the constitutionality of the law; but, as a matter of principle, as a matter of right, and as a matter of justice, I do not think there should be one rule applied to one class of carriers and a different rule applied to every other class. Therefore I hope the Senator from West Virginia will not make any further objections, but will allow the substitute to be adopted, for I think it is better in that particular, and that is the only difference I could discover, as the Senator read it, between the two bills, except some difference in length. I hope we may pass it.

Mr. ELKINS. The Senator has given this matter a great deal of thought and consideration before the Interstate Commerce Committee and has followed it through its misfortunes and disasters in the Supreme Court of the United States. Will the Senator say that there is no material difference except the one he has stated between the House bill and the bill reported from the Committee on Education and Labor? Is that substantially the same as the House bill?

Mr. FORAKER. They are substantially the same. The Senator has interpolated a word so as to read "negligence or mismanagement." I do not think that the word "mismanagement" adds anything. I suppose the Senator had some good reason for adding it. Whether it does or not, I would not stop to amend by taking it out.

I think there is a far more important question lying behind all this legislation than any such question as that would be, and that is the question whether Congress has the right to regulate the relations between master and servant. If we have a right to regulate those relations in one respect unquestionably we would have the right to regulate them in all respects. If we have a right to say that an employee shall have a right of action against his employer without regard to the question of negligence or contributory negligence, we have a right to say that the common carrier shall pay an engineer $150 a month wages or a brakeman $40 a month, or to do anything else by a statute enacted by Congress that would bear upon the relations of employer and employee.

That, Mr. President, is one great question that lies behind this, and that is a question of supreme importance. I know that the Senator from Iowa appreciates the importance of it. I know that the statute will raise that question. I do not pretend to submit an opinion upon it at this time. I only mean to call attention to the fact that there is a serious question, one which will arise, and because we have avoided in this legislation the point upon which the Supreme Court rested its decision in the other case, it does not follow that this legislation will be constitutional.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Utah?

Mr. ELKINS. I have the floor. I do not see how I got off the floor. I yielded to the Senator from Ohio, and he has just finished.

The VICE-PRESIDENT. Then does the Senator from West Virginia yield to the Senator from Utah?

Mr. ELKINS. I should like to ask the Senator from Ohio a question, and then I will yield to the Senator from Utah. Does the bill now under consideration on motion of the Senator from Iowa extend or attempt to extend the liability to all corporations or to carriers by rail?

Mr. FORAKER. The bill as passed by the House applies only to carriers by rail. By the bill the Senator from Iowa offers as a substitute the provision of law will apply to all common carriers engaged in interstate commerce.

Mr. ELKINS. Intrastate as well as interstate?

Mr. FORAKER. Oh, no; all common carriers engaged in interstate commerce.

Mr. DOLLIVER. The language of the proposed substitute is this: "That every common carrier, while engaging in commerce between the several States," and so forth.

Mr. ELKINS. Let me see that.

Mr. SUTHERLAND. Mr. President——

Mr. ELKINS. I want to understand the bill. I must understand it before I vote on it.

Mr. SUTHERLAND. I have been trying for some time to call the attention of the Senator from Ohio and the Senator from West Virginia and the Senator from Iowa to the fact that the Senate bill does differ in some essential respects from the House bill in addition to that to which the Senator from Ohio has called attention. The Senator says, as I understand him, that the only difference between the two bills is that the House bill applies to railroads only, while the Senate bill applies to all common carriers of interstate commerce.

Mr. FORAKER. I said the only important difference.

Mr. SUTHERLAND. I was going to call the Senator's attention to one or two provisions of the bill which differ from the House bill and ask him whether he does not think they are important differences. I followed the reading of the bill as it was read by the Secretary, and perhaps some of the differences escaped me, but some of them I noticed.

Mr. ELKINS. Let me ask the Senator a question right there.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. SUTHERLAND. I do.

Mr. ELKINS. In my own time I am asking the question, because I yielded to the Senator from Utah. I understand that this bill was introduced by the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Am I right about that?

Mr. SUTHERLAND. So I understand.

Mr. ELKINS. That Senator is not in the Chamber. We are dealing with him, carving him up, administering on him and his assets, and he is looking after the vote of Wisconsin. I am willing he should do that, but I do not think it is proper respect for the Senator from Wisconsin to consider this bill in his absence unless there has been an understanding with him that it should be taken up. If the Senator from Wisconsin has no such understanding, he may have some important amendment or thought to submit on this subject.

Mr. SUTHERLAND. If the Senator from West Virginia will permit me——

Mr. ELKINS. Certainly.

Mr. SUTHERLAND. I should like to conclude.

Mr. ELKINS. The Senator was speaking with my permission.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. ELKINS. No; I want the Senator from Utah to finish first.

Mr. SUTHERLAND. I was about calling the attention of the Senator from Ohio to one or two differences that I noticed in the bills. Section 1, page 2, of the House bill, beginning on line 2, reads:

> For such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency.

Now, I call the Senator's attention to this language:

> Or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

In the Senate bill which is offered as a substitute the words——

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. There is too much confusion in the Chamber.

Mr. TELLER. It is practically impossible to know what is going on in the Chamber. Here is a legal discussion proceeding, and we Senators who do not know much law would like to hear what is being said.

The VICE-PRESIDENT. The Chair will request Senators to kindly refrain from audible conversation. The Senator from Utah will proceed.

Mr. SUTHERLAND. In the Senate bill the words "due to its negligence" are entirely omitted.

Mr. BURROWS. Where is the Senator reading?

Mr. SUTHERLAND. I am reading from page 2 of the House bill, and the same section appears on page 6 of the Senate bill. As I understand that, it makes a very material difference. According to the House bill a carrier can not be held responsible

unless the defect or insufficiency in its appliances is due to its negligence. In the Senate bill the carrier may be held responsible, although the defect or insufficiency in the appliances is entirely without its fault. I think we ought to consider a question of that kind.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. In just a moment. I ask the Senator from Iowa what reason there was for making that change.

Mr. DOLLIVER. The reason is very plain, Mr. President. We desired to put the workmen of the road in exactly the same legal relation to the carrier that the passengers would have. We simply desired to relieve the workmen of the necessity of proving up that the defective machinery was due to negligence, the insufficiency of machinery being conclusive so far as the claim is concerned. That is the difference between the two bills, but a difference which makes in favor of the workmen.

Mr. SUTHERLAND. The Senator may be entirely correct about that, but I was calling attention to it because it does exhibit a very radical difference between the two bills, a difference which it seems to me the Senate should consider carefully before adopting the substitute.

Mr. FORAKER. I wish to suggest to the Senator that he incorrectly says the Senator from Iowa is right when he said it would simply put the workman upon the same footing with the passenger. The carrier is not liable to a passenger who is injured by a defect that is latent, with respect to which it has not been guilty of any negligence whatever and concerning which it has exercised that high degree of care which carriers of passengers are required to exercise in supplying themselves with machinery. So I think that ought to be changed.

I want to say that when I remarked there was no substantial difference I did not have the bill before me at that time, and the word "negligence" does occur here in that almost immediate connection. But the Senator is right in saying that it does not apply to deficiencies in machinery due to negligence. I want to correct my statement in that respect.

Mr. SUTHERLAND. I think that the Senator from Ohio will agree with me that it would not be wise to dispose of a matter like this, which does constitute a very radical difference between the two bills, without due consideration.

Another difference which I observe from a hasty reading of the two bills is in section 4 of the proposed substitute. The language is:

> That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee.

In this bill the language is:

> Where the violation of any *law* for the promotion of the safety—

And so forth.

While in the corresponding section of the House bill, occurring on page 3 of the bill, the language is:

> Shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any *statute* enacted for the safety of employees.

It seems to me that that might constitute a very radical difference between the two bills. The word "law" certainly has a broader signification than the word "statute." The word "law" in the Senate bill may be held to include common-law principles; and while I am not undertaking to say the one is to be preferred over the other, I am simply calling attention to the fact that the differences are radical and that things of this kind occurring in the two bills admonish us that we ought to proceed with caution and not pass upon this matter hastily. I quite agree with what the Senator from West Virginia says, that we at least ought to postpone the vote upon the measure until to-morrow so that we may be given an opportunity to look into it.

Of course the committees that have had these bills before them have had this opportunity. The committee of which the Senator from Iowa is chairman has had an opportunity of comparing these bills; the Judiciary Committee has had the same opportunity; but those of us who are members of the Senate and not members of those committees have not yet had that opportunity.

Mr. ELKINS. Mr. President, I agree entirely with the Senator from Utah. Our duties lead us to the consideration of bills before our respective committees. I confess I never had read this substitute, and I never had heard of it until this morning. I notice that the Senator from Wisconsin [Mr. LA FOLLETTE] introduced a bill coverning ten sections and that every one of them is stricken out, and there is not even an amendment made to the measure he proposed. Every word and line of his bill is stricken out. He is not here to defend his own bill. I think it is only fair to him to wait until he returns to see what he has to say about thus ruthlessly dealing with his bill.

Then another thing, we want to avoid if possible having the Supreme Court of the United States declare the substitute unconstitutional. I see that the word "mismanagement" has crept into the bill. I do not know the effect of that word. I know that there are doubts about it. I have heard doubts just now expressed by good lawyers. I know that some distinguished Democrats who always want to be heard on these questions are absent to-day, and they are good lawyers, and they might enlighten the Senate, as well as the Senator from Wisconsin. I think it is only reasonable in a matter of this importance to allow the bill to go over to-day at least and let us vote on it after we have had a chance to consider it.

The House bill, so far as I can see, seems to be a reasonable bill, free from objection. It has been carefully considered and reported by the House Judiciary Committee. As I understand it, I prefer voting for the House bill, probably with one or two amendments.

I do not say that I would not vote for the Senator's substitute after I have time to read and carefully consider it. I can not understand a bill read from the desk. I can hardly understand the effect of it at all without asking some of the distinguished lawyers of the Senate, because I have been a long way from the law. We have the Senate full of constitutional lawyers. I have been unable to discuss these questions with them. The proper thing to do it seems to me would be to send the House bill to the Judiciary Committee and get a regular report on it, with amendments or without amendment. The Senate then, I think, could vote more intelligently and with a better understanding of the subject. I do not want to vote on a bill, and to vote against it perhaps, that I do not understand; a bill that I have not had time to consider, that I have not read, none of the provisions of which I have studied. I am not prepared to vote on it.

I agree with the Senator from Utah [Mr. SUTHERLAND]. It is not unreasonable, it seems to me, to ask that the bill may go over, and I hope the Senator from Iowa will agree to let it go over until to-morrow.

Mr. DOLLIVER. Why?

Mr. ELKINS. Well, in view of all that I have said, and the short notice we have had about the bill. I ask if a motion to postpone the further consideration of the bill until to-morrow would take precedence of his motion?

The VICE-PRESIDENT. A motion to postpone to a day certain will take precedence of the pending question under Rule XXII.

Mr. ELKINS. I will make that motion now. I move that the bill be postponed until to-morrow. That is a short time. After I read the bill I will have no desire to avoid voting on it, either for or against it.

Mr. TELLER. Mr. President, this is a bill of very great importance. A bill has come to us from the House which has received the approbation of that body after it was properly considered, and so far as I have been able to see, I think I should prefer the House bill to the Senate bill.

I do not see why there is any particular haste in rushing this bill through to-day. We passed a bill on a former occasion with some enthusiasm and some interest, and the court declared it was absolutely worthless for the purpose for which it was enacted. The court passed, I think, upon the principle of the House bill, although the House bill differs somewhat in some particulars from the bill that we passed June 11, 1906, besides the defects that the court found in that act.

Mr. President, it is not worth while for us to pass a bill here for the purpose of saying to the working people of the country who are interested in this matter that we have passed a bill. Let us pass a bill that will stand the criticism of the court, or else it will be of no benefit to the working people, but a harm.

I doubt whether in an hour or two in the desultory discussion, with the noise and confusion here, you can determine just what ought to be in the bill. If there were any immediate signs of the adjournment of Congress, we might make haste. I think the bill ought to be set down for some day in the immediate future—say, next Monday—and then let it be taken up and discussed.

I want to call the attention of the Senate to the House bill. I call the attention of the Senator from Iowa, who has the bill in charge, to the third section of the House bill which came over here, and which is incorporated in the Senate bill.

Mr. ELKINS. Which section is it?

Mr. TELLER. It is the third section, on page 2:

That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

Mr. President, to what extent his misconduct contributed is absolutely impracticable and impossible of a proper determination. In this respect the act that we did pass, I think, is very much better. I do not understand why that should not have been followed in both the Senate and the House bills. Section 2 of the act of June 11, 1906, provides:

That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

It is a modification which it seems to me may be very important in the passage of this law. The negligence may be slight; or suppose his negligence contributed absolutely and entirely to the disaster. Does anyone suppose that any court would be willing to administer the law to that extent? It would say, "Well, this man brought it upon himself." But the law says it shall be no bar. The old rule we have adopted in our courts has been that where contributory negligence was slight, even then the courts have recognized the liability of the common carrier. Whether the jury has ever taken it into consideration in diminishing the verdict or not is another question that I do not care to go into. But where there is an absolute negligence on his part that brings about the injury, it seems to me that there he is not entitled to recover. This qualification in the act of 1906 ought to have been put in the bill of this year.

Mr. President, I am anxious to see come out of this bill, whether it be the Senate bill or the House bill, something that will meet the demands that are being made not only by the people, but the demands of justice. I can not quite concede, however, that if a man has brought the disaster on himself and the company have not had any liability in bringing it about he is entitled to recover.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. TELLER. In a moment.

I doubt whether we are at liberty to say every time a man goes into the employ of a common carrier that we insure him against accident. I am willing, where the accident does not arise from his misconduct, that the company shall be so treated. Now, I will yield to the Senator from Idaho.

Mr. BORAH. I was just going to suggest to the Senator from Colorado that reading the entire bill will disclose a condition which he suggests could not arise under the act. There must necessarily be in the first instance negligence upon the part of the railroad company or the carrier before any liability exists at all.

Mr. TELLER. The only reason why the Senator is justified in saying that is because the committee used the words "contributory negligence."

Mr. BORAH. No; I beg the Senator's pardon. The act discloses that there is no liability upon the part of the common carrier at any time until the negligence upon the part of the common carrier is first established. Then if it should occur that the employee also contributed to it, the negligence is compared or weighed as between them; but there can not be such a thing as suggested by the Senator, a recovery where the employee was solely and absolutely the one contributing to the injury. There must be in the first instance a liability arising on the part of the employer by reason of negligence.

Mr. TELLER. I do not intend to go into that. That simply shows there is a condition here which ought to be carefully considered in order that we may secure, if possible, the enactment of a law that will stand the test of the courts.

I insist that this is one of the most important laws that has been proposed for a good many years. It has been under discussion for many years, and the courts have gradually extended the liability of the common carriers year after year. Yet there is much of it left in doubt, and the railroad companies have a right to demand of us that we should take this matter up deliberately and carefully and consider it.

It is brought in here this morning, Mr. President. The Senate is in absolute confusion. I have not been able to hear, sitting here nearly in the middle of the Chamber, more than half the discussion that has gone on. One Senator will be on the floor talking, while other Senators will be talking in the neighborhood as loud as he is talking on the floor.

I am not prepared to vote as between the House bill and the Senate bill. I feel like the Senator from West Virginia [Mr. ELKINS]. I want to have an opportunity to weigh the two measures. We are now brought by the motion of the Senator from Iowa [Mr. DOLLIVER] squarely to determine whether we will take the House bill or the Senate bill.

I say, as a lawyer of experience, that no man can settle a legal proposition like this in an hour. We ought to have a day fixed, and I am willing to fix the first day the Senate is likely to be in session—next Monday. Then we would have an opportunity between this time and that to sit down and examine and carefully consider the bills, and then we could vote whether we will take the House bill or the Senate bill, or we might find it necessary to add some amendments of our own before we get through with it.

I am in favor of the bill, Mr. President. I expect to vote for it. I voted for the act that was declared unconstitutional. I criticised it, and believed then that it was not a wise provision, but I did not feel like voting against it. I thought possibly the court might say that while it apparently includes commerce that is not within the control of Congress, yet if a case comes before the court which shows that the accident happened in commerce entirely within our jurisdiction, the court might hold that that was sound.

I believe one of the first cases that was determined on this question was determined in the case of the State of Colorado, where the district judge held that we had exceeded our authority, just as the Supreme Court held later. I simply appeal to the Senate that we may have this matter set down for consideration at an early day. If it is necessary to hold a session to-morrow for this purpose, let us hold a session to-morrow.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. TELLER. I do.

Mr. CARTER. I inquire of the Senator from Colorado if he has any objection to proceeding with the consideration of the bill to-day? If the consideration is not concluded to-day, it will, of course, be projected in to-morrow's session. I can not at present perceive any real cause for the motion of the Senator from West Virginia, if it pleases other Senators here present to now continue to address themselves to the merits of the measure and the substitute offered for it.

Mr. TELLER. I do not hesitate to say that I feel as a lawyer that I should like a little time to examine these different measures. I shall probably vote for the bill, even if it has any defects in it, if I am compelled to vote; but I should like to satisfy myself, if possible, that the Senate is getting a bill such as we ought to pass.

Mr. CARTER. I submit to the Senator from Colorado that the objection would go to the taking of a vote to-day rather than to the continued consideration of the measure at this time. Other Senators who are present may desire to address the Senate with reference to the bill and the substitute.

Mr. TELLER. I do not desire to interfere with anybody, if Senators want to discuss it, only I say I am not prepared myself to vote on it. I have before me another bill which was committed to the Judiciary Committee. It was introduced by the Senator from Pennsylvania [Mr. KNOX]. I have read that bill, and it seemed to me it was a pretty good bill. I had rather supposed that would be the bill presented to us.

I do not want to reflect on the committee that reported the bill, Mr. President, but if there has been any bill before Congress in ten years that ought to come from the Judiciary Committee, or that at least ought to have the revision and examination of the Judiciary Committee, this is the bill.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. I do.

Mr. DOLLIVER. This bill or a bill on the same subject was in the last Congress referred to the Judiciary Committee in the lifetime of the late Senator Hoar, and it was reported back to the Senate for another reference on the express ground that the Judiciary Committee had no interest in it or jurisdiction that they desired to exercise in respect to it.

While it is true that the Judiciary Committee is composed of very great lawyers, and that probably one of the greatest lawyers among us has introduced a bill on this subject, yet it is also true that the bill to which my honorable friend has referred is now before the Judiciary Committee and has been for more than three months. I do not desire to do anything to disturb anybody's happiness; I am perfectly willing to abide the order of the Senate, but I feel that it is my duty to ask the Senate to proceed now to the consideration of this bill and

get through with it as soon as we can. I should hope we might be able to dispose of it to-day. We have already received four distinct vigorous messages from the President on this subject, and the country is of the opinion that no amount of time would enable us to satisfy our own minds completely as to what ought to be done.

Mr. ELKINS. Let me ask the Senator——

Mr. TELLER. I should like to say——

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business which will be stated by the Secretary.

The SECRETARY. A bill (S. 415) regulating the settlement of the accounts between the United States and the several States relative to the disposition of the public lands, and for other purposes.

Mr. HALE. I ask that the unfinished business may be temporarily laid aside.

Mr. GAMBLE. I ask that the unfinished business be temporarily laid aside.

Mr. BACON. Does that require unanimous consent?

The VICE-PRESIDENT. The unfinished business can be laid aside by unanimous consent or upon motion.

Mr. BACON. I call for the regular order.

The VICE-PRESIDENT. The Senator from Georgia demands the regular order.

Mr. DOLLIVER. I move to proceed to the consideration of the bill known as the employers' liability bill.

The VICE-PRESIDENT. The Senator from Iowa moves that the Senate proceed to the consideration of a bill, the title of which will be stated.

Mr. NELSON. The House bill or the Senate bill?

The VICE-PRESIDENT. The House bill. The Secretary will state the title.

The SECRETARY. A bill (H. R. 20310) relating to the liability of common carriers by railroad to their employees in certain cases.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. TELLER. Mr. President, there has been a question raised here to-day that I think requires some consideration. By this bill do we practically nullify the State laws on this subject? I heard a Senator say that there is no doubt about it. If that is so, Mr. President, it is of still greater concern that we should give the bill careful attention. I am not quite certain that we shall nullify the State laws. I believe that the State I in part represent here has a good law on the subject, a better law, I think, than this is, and we have so far had no trouble about it. I think that is a thing to be considered before we vote for this bill.

Mr. SCOTT. Will the Senator from Colorado yield to me a moment?

Mr. TELLER. Certainly; I yield to the Senator from West Virginia.

Mr. SCOTT. Mr. President, I think the remarks of the Senator from Colorado are very pertinent. There are some few of us here who do not pretend to know very much about the Constitution, and we have to take advice from those we have confidence in who are learned in the law. For myself, while I am heartily in favor of this bill or some other bill covering the same ground, I should like to have an opportunity to present it to friends who are learned in the law and ask their opinion as to the extent of the bill and the effect it would have on the different States, and also the effect that they think it would have if it should come before the Supreme Court. While I have no objection to the discussion to-day, I should like the vote to go over until some future day, so that those of us who, as I said, are no lawyers may have time to investigate it.

Mr. TELLER. Mr. President, I understand the bill is before the Senate, and I suppose if the Senator who has it in charge insists upon a vote, we shall have to vote on it to-day. As far as I am concerned, I am not prepared to vote on it, although I shall vote if I have to do so.

Mr. NELSON. Mr. President, I understand that the Senator from Iowa is about to offer or has offered the Senate bill as a substitute for the House bill. Am I correct?

Mr. DOLLIVER. That is correct.

Mr. NELSON. That being the case, I want to call the Senator's attention just a moment to one feature of the Senate bill which I think is open to the same constitutional objection that invalidated the law we passed in 1906. The Senate bill provides—

That every common carrier, while engaged in commerce, etc., shall be liable in damages to any person suffering injuries while he is employed by such carrier in such commerce.

That does not specify from what cause or in what manner. If, while a man is employed in interstate commerce, he suffers any injury or is killed by any cause, it makes the company liable. Now, the House bill is very clear and specific on this point. It makes it strictly within the law. This is the language of the House bill:

For such injury—

Speaking of the liability——

Mr. HOPKINS. What line?

Mr. NELSON. Commencing in line 2, page 2:

For such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

Now, that is perfectly clear and within constitutional and legal limits, but the Senate bill covers any injury that may happen to an employee while engaged in the service, no matter from what cause.

The point I desire to make is this, and I think it is apparent to Senators: The act of 1906 was held unconstitutional because we covered too much ground in that case; because we covered interstate and State commerce. This section of the Senate bill is liable in principle to the same objection, because it covers too much ground. It not only covers injuries received from negligence or from defective machinery or defective roadbed, but it covers every case of injury that may happen to anybody in the service from any cause whatsoever.

Now, may not the court do as they did in that other case and say this covers all kinds of injuries? May not the court apply the same argument they did in the former law, and say this covers much more than it is within the jurisdiction of Congress to enact, and hence on that ground we can not separate what is legal and constitutional from what is illegal and unconstitutional, and therefore the act is not legal?

To my mind the House bill is carefully guarded. I have examined it carefully and I think it is a perfectly safe bill. I believe it would be a great mistake and involve the legislation in jeopardy to pass the first section of the Senate bill.

Mr. DOLLIVER. Mr. President, I may not comprehend exactly what the Senator from Minnesota says, but my understanding is that the Supreme Court invalidated the act of 1906 because it undertook to deal with all the employees of an interstate carrier rather than to confine its application to those employees of carriers engaged in interstate commerce, who are actually engaged in forwarding such commerce.

That was the only point the Supreme Court decided. The jurisdiction of Congress to establish this law of negligence was not disputed in the court. The Senate bill obviously overcomes the criticism of the Supreme Court, because it confines this proposed jurisdiction to the employees of interstate commerce carriers while they are in such commerce. That was the point the Supreme Court made, as I understand it.

Mr. ELKINS. Mr. President, I am working under pressure the best I know how to read this Dolliver substitute as it is named. I do not mean any disrespect to the distinguished junior Senator from Iowa when I call it the Dolliver substitute. But if I had to vote on these two propositions right now I would take the House bill as the better measure. However, I see that the Senator has followed the House bill in section 3, I think, literally, or almost so. I will read from his bill:

That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, the fact that such employee was guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in accordance with the amount of negligence they may find is attributable to such employee.

The language seems to be identical or substantially the same in the two bills. It appears to me that two employees by slight negligence might bring on an accident that would kill 50 or 100 passengers; they would contribute the negligence that produced the accident and they would recover for their own negligence. That is absolutely true, if I understand the bill, and we do not want to pass such a bill. It is almost putting a premium upon a conspiracy among employees to be guilty of negligence that they can take advantage of their own negligence and kill a hundred people besides. That is the effect of the bill. I do not know whether you can escape the Supreme Court——

Mr. DOLLIVER. The Senator from West Virginia——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. Yes.

Mr. DOLLIVER. The Senator from West Virginia says the two provisions are the same in that particular.

Mr. ELKINS. Substantially.

Mr. DOLLIVER. He has already announced his desire to vote for the House bill.

Mr. ELKINS. I say the defects are the same, and there are a great many other objections I can find. I am not prepared to agree with the junior Senator that public opinion has crystallized around his substitute. I never heard of it until to-day. I do not know how public opinion has had a chance to get at his ideas and views. Where do you get this public opinion; from newspaper clippings, or where?

Mr. DOLLIVER. I am sorry that my friend has preoccupations that have prevented him from observing the course of opinions here. These bills have been pending a long time. I certainly do not want to press anybody to decide a thing that he is not prepared to decide; but I respectfully say that this matter has been pending here long enough to give everybody a general prejudice either for or against the measure, and that we ought to dispose of it.

Mr. ELKINS. I want to say to the Senator frankly that I have been expecting, as I think a number of Senators have, that a bill drawn by the Judiciary Committee and probably by the distinguished junior Senator from Pennsylvania [Mr. KNOX] would be before the Senate to be considered along with all these bills. Somehow or other it has not been here. We have been looking forward to seeing that bill before the Senate. I think we need some public statement about this whole question, following the decision of the Supreme Court. We have looked to that Senator for guidance as to how to avoid the action of the Supreme Court in the future in declaring the act unconstitutional.

Now, the Senator from Iowa has not reflected public opinion as to his particular bill by saying that it has been before Congress for three or four years. I admit that, but in the form that the Senator has submitted it I do not think there is any public opinion about it yet. The Senator does not answer—I wish he would, because he is a distinguished lawyer—the point I made about negligence by employees, that they may bring on a disaster that may lose one hundred lives.

Mr. DOLLIVER. Mr. President——

Mr. ELKINS. Wait a minute. I want to get this correctly in your mind. Those two employees may have contributed this negligence, each 50 per cent, which is 100 per cent, the whole cause of the disaster and they may sue for damages. Now, am I right or not in that.

Mr. DOLLIVER. I do not think the Senator states the case which is applicable to any circumstances that could possibly arise in the bill.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. DOLLIVER. Certainly.

Mr. SMITH of Michigan. I have been looking section 3 over carefully——

Mr. ELKINS. That is the one I am talking about.

Mr. SMITH of Michigan. It suggests the very anomalous situation that a passenger pays his fare, and if he contributes to his own injury he can not recover, while two employees paid to conduct him safely may by their negligence cause an accident and kill many persons, and yet they can recover. I think the employees of railroad companies are skillful and painstaking, that they are selected with great care, and should be fully protected in their hazardous employment as far as we are able to do so within the limits of the Constitution, and in justice to the carrier we should, however, avoid the judicial pitfall into which we fell in our last effort to relieve them.

Mr. ELKINS. That is the point I have made, and I have asked the Senator from Iowa [Mr. DOLLIVER] to answer it.

Mr. SMITH of Michigan. Congress undoubtedly has made up its mind to enact some legislation upon this subject, as we did two years ago, and it ought to do so with care, and it ought to enact a bill that will meet the situation fairly and stand the test of the courts. Otherwise it would reflect seriously upon the legal intelligence of this body and benefit no one. I should like to ask the Senator from Iowa whether the passage of this bill will facilitate interstate commerce?

Mr. DOLLIVER. It is intended to promote the rights of the employees of interstate carriers.

Mr. SMITH of Michigan. That was not my question. The question was whether the passage of this bill will facilitate transportation and interstate commerce, or whether our failure to pass the bill would impede, obstruct, or hinder the movement of interstate commerce. If those two questions are answered in the negative and the bill deals with persons and not with commerce, where, I ask the Senator from Iowa, is the constitutional warrant for this legislation?

Mr. DOLLIVER. Mr. President, those exact questions are involved in the act of 1906. Its constitutionality was disputed in the Supreme Court by seven of the most famous lawyers in our country, and the suggestion to which my friend refers was not thought of importance enough to appear in their briefs.

Mr. SMITH of Michigan. It may not be important at all, and therefore if the Senator from Iowa dismisses both of them——

Mr. DOLLIVER. I do not.

Mr. SMITH of Michigan. If the Senator from Iowa dismisses both of my questions as unimportant, and the courts should consider the action of Congress in the light of contemporaneous debate upon this measure, I fear our action to-day may be futile and profitless to the vast army of trainmen in whose interest we are attempting to legislate.

Mr. DOLLIVER. I am unwilling to have the intelligence of Congress disparaged by a constant reference to this decision of the court. The act of 1906 was well considered by the great lawyers over whom the honorable Senator from West Virginia [Mr. ELKINS] presided on the Committee on Interstate Commerce. The fact that the Supreme Court found it defective is no disparagement to Congress. It simply illustrates the difficulty and intricacy of the subject when fine-spun Constitutional limitations are debated. Five of the great judges of the Supreme Court stood against the constitutionality of that act and four equally famous in jurisprudence stood squarely and firmly in favor of its constitutionality in every particular. So it is not a reproach to Congress that we finally agreed upon a bill that divided that great tribunal in so nearly equal numbers.

Mr. SMITH of Michigan. Now, Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further?

Mr. DOLLIVER. Certainly.

Mr. SMITH of Michigan. I do not desire to be placed in a wrong light in regard to this matter. I voted for the bill which the House passed two years ago on this subject, and I think that we may very appropriately legislate upon this subject now; but we ought to legislate upon it appropriately. We are by this act abolishing the principle of contributory negligence and the principle of fellow-servant by one stroke of the pen. We are practically guaranteeing by a system of legal insurance employment in hazardous occupations. That being the situation, we ought to approach it carefully and deliberately, and when finally agreed upon the form of the legislation let it be simple, plain, direct, and effective for all the purposes for which it is intended, and entirely within the limits of the Constitution.

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from West Virginia?

Mr. ELKINS. As I understand it, the Senator from Iowa [Mr. DOLLIVER] interrupted me to obtain permission to ask a question. Is that the situation before the Senate? Is this my time, Mr. President, and am I on the floor? [Laughter.] I do not object. I should like to hear the argument of the Senator from Michigan, but other Senators desire to ask questions.

The VICE-PRESIDENT. The Chair is under the impression that the Senator from Iowa [Mr. DOLLIVER] has the floor.

Mr. DOLLIVER. That being so, I desire to submit a few remarks.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. DOLLIVER. I do.

Mr. SMITH of Michigan. I simply wish to say, if the Senator will permit me, that I understood I was properly recognized for the purpose of interrupting the Senator from Iowa.

The VICE-PRESIDENT. The Senator from Michigan is recognized.

Mr. SMITH of Michigan. If so, I do not wish to pursue the matter except to set myself right with the Presiding Officer and the Senator from Iowa, who yielded to me for a question.

Mr. DOLLIVER. I yield very gladly to the Senator.

The VICE-PRESIDENT. The Senator from Iowa yields to the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President——

Mr. ELKINS. I should like to say to the Senator that I thought I was making a speech.

Mr. DOLLIVER. Certainly.

Mr. ELKINS. I do not believe I have heard an explicit answer to the question I proposed, and I should like to have the benefit of the legal opinion of the Senator from Iowa on it; that is to say, where the employees of a railroad are guilty of negligence—it may be slight, but it may be such negligence that they contribute that would bring on an accident and kill

fifty passengers—does not this bill authorize them to sue upon their own negligence and recover? Now, say "yes" or "no."

Mr. DOLLIVER. No.

Mr. ELKINS. I have not as much respect for the Senator's legal opinion as I had before.

Mr. DOLLIVER. The trouble, Mr. President, is that the Senator is dealing with a question of fact. It has often been stated here that we are doing a revolutionary, a radical, and a destructive thing in abolishing the law of fellow-servants and the law of contributory negligence. The facts are that we are simply bringing our jurisprudence up to the liberal interpretations that have prevailed all over the world and that now prevail in the admiralty courts of the United States.

The Supreme Court itself, in the case called the Max Morris case, where a sailor sued a shipowner for damages occasioned by his falling down into a hatchway which was unguarded, had exactly this question of contributory negligence before it. In deciding the case the court pointed out the fact that from time immemorial it had been the maritime law that in case of an accident of that sort the parties should bear the results of the injuries in proportion to the negligence which they had contributed to it. The case is interesting because the Supreme Court, instead of dealing with that doctrine as a revolutionary and destructive thing, took occasion to say, quoting from the district judge and approving his words:

> As stated by the district judge in his opinion in the present case, the more equal distribution of justice, the dictates of humanity, the safety of life and limb, and the public good, will be best promoted by holding vessels liable to bear some part of the actual pecuniary loss sustained by the libellant, in a case like the present, where their fault is clear, provided the libellant's fault, though evident, is neither willful, nor gross, nor inexcusable, and where the other circumstances present a strong case for his relief. (137 U. S., p. 1.)

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. DOLLIVER. Certainly.

Mr. SMITH of Michigan. I have not read the case referred to by the Senator from Iowa, but I venture the prediction that it is not out of the ordinary run of decisions; that somewhere in the case it was laid down specifically that the master was present, giving personal attention to the direction of affairs, and that, being present, there was a higher degree of legal responsibility than there otherwise would have been.

Mr. DOLLIVER. No; it was a case——

Mr. SMITH of Michigan. A man can not under the common law run into an open hatchway with his eyes in his head and recover for any injury he may sustain. That is an impossibility. But if the master is present and tells him the way is safe, that is a vastly different proposition, and instantly reverses the ordinary rule of responsibilty, as it should do, in justice to the employee.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. DOLLIVER. I do.

Mr. PILES. Mr. President, I desire to say to the Senator from Michigan [Mr. SMITH] that, as I understand the admiralty law, it is altogether different from what he contends for. The rule of admiralty law is this, as it has been decided by the Supreme Court of the United States: That if an injury occurs on board ship, or one which has relation to the courts of admiralty, the court divides the damage between the ship and the person who received the injury. It is not necessary that the master should have seen the accident; that he should have stood there, or that anyone representing the master of the ship was present. If the hold of the ship is left open, and a seaman on board that ship, through his own negligence, in the absence of the master, carelessly passes along the deck and falls into an unlighted hold or hatchway, he can recover damages against the ship in an action in rem for whatever he may be entitled to, deducting therefrom, as the court will, the amount that the court thinks should be deducted by reason of his own negligence. In other words, the court will find in an admiralty case, under the circumstances I have stated, and altogether in the absence of the master, the amount of damages the complainant or libelant is entitled to. If it be $10,000, and the court finds that one-half of that was the result of the libelant's own negligence and the other half was the result of the negligence of the ship, its master or mate, then, on account of his own contributory negligence in the case, the court would deduct $5,000 from the amount which the libelant otherwise would be entitled to recover. It does not necessitate the presence of anyone on board the ship, representing the ship, directing him to go into it to entitle him to recover.

Mr. SMITH of Michigan. I did not say that it did. That was not my proposition at all. The Senator is speaking of comparative negligence and the equitable distribution of responsibility in admiralty. I was speaking of the common-law rule.

Mr. PILES. Then I clearly misunderstood the Senator.

Mr. HEYBURN. Mr. President, I desire simply to call attention to something that is common to both of these bills that seems to require consideration. In line 9, in the House bill—I particularly desire the attention of the Senator in charge of the bill—the word "while" is used. It of course relates entirely to time. The same word is used in the Senate bill on page 6, line 9, and is also used relating entirely to time. It is my intention to propose an amendment by inserting, after the word "injuries," the words "in the course of such employment;" otherwise, if a person was engaged in interstate commerce, an employee of the medium of interstate commerce, were assaulted by an outside person or his injuries should occur during the time the word "while" would apply to him. Of course it is obvious that the committee in both the House and the Senate intended that the injury should result from the employment, and not the injuries that might result from some cause entirely outside of the employment. In other words, it was not intended that the employer should insure the safety of the employee against outside attack or the result of injuries from some cause not included in the employment. I think the insertion, after the word "injury," of the words "in the course of such employment" might be sufficiently comprehensive.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I call the attention of the Senator from Idaho to the latter part of that section, which I think is a limitation upon the entire section. It is as follows:

> For such injury or death resulting in whole or in part——

Mr. HEYBURN. From what page is the Senator reading?

Mr. SUTHERLAND. I am reading from the House bill, page 2, line 2—

> for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier.

That clause which provides that the carrier shall be liable for the negligence of its officers, and so on, is a limitation upon the entire section, as I understand.

Mr. HEYBURN. Mr. President, it seems to me that the words of that portion of the section the Senator considers a limitation applying to the word "while" are scarcely definite enough to meet the necessities of protecting the employer against liability for injury not occurring because of the employment or in the course of the employment. The words of limitation are indefinite, and they are not directed for a moment to the portion of the section to which I have suggested the amendment. I will read the first section, leaving out the description of the parties for whose benefit the suit may be maintained. It would read this way:

> That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce.

I will omit the designation of those who may maintain the action. Then follows:

> For such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

The words of limitation to which the Senator directs my attention apply only to the acts of the employer and to the things being done by the employer. They are not broad enough to cover the suggestion which I have made, which would be covered by the words relating to the injured party. The language is not broad enough to cover the case of the injured party. It certainly could do no harm to make it more definite by inserting the words "that the injury must be in the course of his employment." That refers to the party injured, and the words of limitation apply only to the employer.

I merely suggest that for the careful consideration of the Senator in charge of the bill. The criticism is applicable both to the House bill and to the Senate bill. They are both defective in that particular.

While I am on my feet, I desire to make another suggestion. There is a great public demand for legislation by Congress upon this subject, but the public does not seem to be advised of the fact that they are, as has been suggested by the Senator from

Indiana, substituting Federal legislation for the legislation of their own States. So far as any act that Congress may pass is concerned, it will be exclusive of the right to legislate by any State upon that subject.

Mr. BEVERIDGE. So far as the interstate traffic is concerned.

Mr. HEYBURN. Yes; I am referring to the subject under consideration. So that when we legislate, from that time on whatever rights and remedies that are provided for by this bill must be enforced in the United States courts, and not in the State courts.

That probably does not seem a very serious statement to those Senators who live in thickly settled communities where distances are not great, but in the States on the Pacific coast a person may be injured at a point 500 miles distant from the place where a Federal court sits. For example, at present about 4,000 men are working in a certain portion of Idaho in our vicinity, many of them in connection with the railroads. Practically all of them are interstate railroads. We will say a man is injured at the town of Mullan, which is close to the line between Montana and Washington. As the trains come down that enormous grade a man is injured. That road is engaged in interstate commerce.

There can be no question about it, because it practically crosses the line between those two States with those great trains that are run upon the Northern Pacific Railroad. That injured man, in order to enforce his rights against the railroad company, must go to either Moscow, Idaho, or to Boise, or to Pocatello. Moscow is probably 125 miles away. I think that is the mileage allowed to officers. In order to get there from Mullan you pass out of Idaho into the State of Washington and back again into the State of Idaho farther south. Going to Boise it is 515 miles, and going to Pocatello it would be close to a thousand miles.

It is a very serious question as to the wisdom of this legislation. I am not going to oppose it further than to indicate—so that it may go out with the enactment of this bill—that it is not an unmixed blessing.

A personal-injury suit against the railroad company at Mullan would be tried almost within sight of where the injury occurred, at comparatively no expense to the complainant for witnesses or the other ordinary sources of expense; and when those people realize—and I am only using that community to illustrate the conditions—when they realize that their right to prosecute an action for damages in the State court has been taken away by this act of Congress, they may say, "Why did not those to whom we intrusted the duty of legislating for us or of protecting our rights see to this when this legislation was proposed?" I do not propose that it shall go out that we did not see the danger.

Mr. BEVERIDGE and Mr. BURKETT addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I yield to the Senator from Indiana [Mr. BEVERIDGE], as he first asked me to do so.

Mr. BEVERIDGE. I merely want to ask the Senator what employers' liability law his State has. If his State has none and there are many States that have none, the passage of his bill and its enactment into law would furnish for the employees engaged in interstate commerce a law on this subject. The Senator is absolutely right, of course, when he says it is exclusive.

Mr. BURKETT. Mr. President——

Mr. HEYBURN. I will yield to the Senator from Nebraska in a moment.

All it would do in our State would be that it would furnish a new rule of evidence. That would be the limit of the operation of this law. I now yield to the Senator from Nebraska.

Mr. BURKETT. Mr. President, it seems to me that the objection the Senator is trying to press to this bill is more imaginary than real. For at least eight or ten years this sort of legislation has been sought and undoubtedly those who have had opportunities for securing damages have given this particular subject attention. Does the Senator know of anybody out in his State interested in this kind of legislation who is objecting on account of the long distances that they might have to travel to reach a court?

Mr. HEYBURN. I do not know who will next be injured in the State of Idaho.

Mr. BURKETT. The Senator knows who is working for this legislation, does he not?

Mr. HEYBURN. Now, Mr. President, if it is the intention of the Senator from Nebraska to throw out the idea that I am opposing legislation upon this subject by Congress, then he is far afield. I am not only not opposing it, but I think it is the duty of those who legislate upon questions of this kind to engage in such public consideration of the measure that all the people of all the country may know the thoughts that actuated members of the Senate in their legislative action and that it may not appear to have been adopted merely in response to an edict or a demand of some person, power, potentate, or constituency.

Mr. President, so far as I am concerned, it is my intention to vote for a proper bill upon this subject on my judgment and my responsibility as a Senator in this body, but I am not prepared merely to take something that is handed to me with the statement, "We have sat up all night preparing this for you; it is all right; vote for it." I entered into no such obligation when I stood at the Vice-President's desk upon my entrance into this body, and my duties have not changed since that time. I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. HEYBURN. I yield to my colleague.

Mr. BORAH. I simply want to ask the Senator a question on a matter of law for information, as I am considerably interested in the proposition suggested by my colleague. Do I understand that the Senator is of the opinion that, in case a corporation engaged in interstate commerce was a resident of the State of Idaho and that the employee was a resident of the State of Idaho, he would still have to go to the Federal courts?

Mr. HEYBURN. If we enact this bill, and enact it because we have control over the corporation in this particular respect, under the Constitution of the United States it is exclusive of legislation upon the same subject by any State.

Mr. BORAH. I agree with my colleague upon that proposition, but why would the jurisdiction to enforce the law be taken away from the State courts?

Mr. HEYBURN. It would be in the United States courts.

Mr. BORAH. That would depend entirely upon the question of whether there was diverse citizenship.

Mr. HEYBURN. It would depend upon whether or not the question was one of Federal character; in other words, whether it was a question arising under the laws or the Constitution of the United States within the language of the judiciary act.

It is not worth while to overlook that question, because we are going to put the State courts out of business very largely so far as the prosecution of this class of cases is concerned, and we want to do it carefully. It is clear that the State courts would have no jurisdiction to hear and determine a case that arises because of the act of Congress. The Federal courts would have jurisdiction of it.

Mr. BEVERIDGE. A State court would have jurisdiction, too, but the case could be removed upon application of either party.

Mr. HEYBURN. That is merely another way of stating the fact that it is Federal jurisdiction.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. HEYBURN. Yes; I yield.

Mr. BORAH. If the State court has jurisdiction in the matter, it could enforce the Federal law just the same as if it were a Federal court. Then as to whether or not it had jurisdiction would depend upon the question of citizenship or the proposition being a Federal question, and if the statute had been construed there, under the authorities there would no longer be any Federal question.

Mr. HEYBURN. Mr. President, under the law governing the removal of cases there is not a particle of room for doubt but that any case arising under the provisions of this law involving a jurisdictional amount might be removed to the United States court upon the motion of the party sued, which would be the railroad company of course, because the bill applies only to common carriers by rail. There is no question about that at all.

There are two grounds upon which a case may be removed. One is diverse citizenship, and the other is that it necessarily depends upon the interpretation of a law of Congress or of the Constitution. We have all had too much practice in the removal of causes to Federal courts to be in doubt in regard to that question. So the defendant would always remove the case to the United States court, in order to make it burdensome to the litigant.

I do not intend to be put in the position of an antagonist to this legislation at all. It is my privilege, and I conceive it to be my duty, to explain my understanding of this bill before I vote upon it, and then what I say will go out with my vote. When this bill is in such shape as would seem to accomplish

the purpose, I will vote for it. I am not here as an antagonist of it. I think it should be amended so as to remove any possible doubt in the regard that I first mentioned, because, as I pointed out, the language is not sufficiently broad to make it applicable alike to the employer and the employee, and the insertion of those words will remove that possible doubt.

I merely wanted to send out to the people this message, that they were not getting an unmixed blessing in this class of legislation. The jury is given the right to weigh the negligence of the plaintiff against the injury, and as has been suggested to me, the jury may find that the negligence outweighs the injury. That remedy still remains under the provisions both of the House bill and the Senate bill. Under this bill it is a question of comparative negligence, even to the extent of eliminating altogether the right to recover in damages. If we send this bill out with a fair, full, and free discussion of it, the people will not have cause to say that we rushed a bill through here under the whip, a proceeding to which I am not at any time in favor of being a party.

Mr. HALE. Mr. President, what is the question before the Senate?

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa [Mr. DOLLIVER].

Mr. HALE. What is that motion?

The VICE-PRESIDENT. It is practically to substitute the Senate bill for the House bill.

Mr. NELSON. I move to lay that motion on the table, in order to pass the House bill.

The VICE-PRESIDENT. The Senator from Minnesota moves to lay the motion of the Senator from Iowa on the table.

Mr. DOLLIVER. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLAY. I ask the Chair to again state the question to the Senate.

The VICE-PRESIDENT. The Senator from Iowa [Mr. DOLLIVER] has moved to strike out all of the House bill after the enacting clause and to substitute the bill reported to the Senate in lieu of it. The Senator from Minnesota [Mr. NELSON] moves to lay that motion on the table. On that the Senator from Iowa has demanded the yeas and nays, and the yeas and nays have been ordered.

Mr. FORAKER. If the motion to lay on the table prevails, then the question recurs on the House bill?

The VICE-PRESIDENT. The question recurs on the House bill.

Mr. BACON. I understand that the substitute the Senator from Iowa has moved in place of the original House bill is the bill which was introduced by the Senator from Wisconsin [Mr. LA FOLLETTE].

The VICE-PRESIDENT. It is an amendment to the bill introduced by the Senator from Wisconsin.

Mr. BACON. It is the bill of the Senator from Wisconsin as reported back by the committee?

The VICE-PRESIDENT. Yes; as reported back by the committee. That is correct. The Secretary will call the roll.

Mr. BORAH. I was not in the Chamber when the question was stated. I should like to have it repeated.

The VICE-PRESIDENT. The Senator from Iowa [Mr. DOLLIVER] proposed an amendment in the nature of a substitute for the House bill. That amendment was the bill introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] as reported back to the Senate by the Committee on Education and Labor. The Senator from Minnesota [Mr. NELSON] moves to lay the motion of the Senator from Iowa upon the table. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. I do not know how he would vote if he were present, and therefore I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. Not being advised as to how he would vote, and not seeing him present, I withhold my vote.

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]. I do not see him present, and therefore I withhold my vote until he may come in. I will say, however, that I am in favor of the House bill.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained by illness. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY]. I do not know how he would vote if present, and therefore I withhold my vote.

Mr. FRAZIER (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. KITTREDGE]. He is absent, and I do not know how he would vote on this question. I therefore withhold my vote.

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote on this particular question if he were here, I withhold my vote.

The roll call was concluded.

Mr. FOSTER. I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent. I do not know how he would vote if he were present, and therefore I withhold my vote.

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the junior Senator from Missouri [Mr. WARNER]. He not being present, and not knowing how he would vote, I withdraw my vote.

Mr. DEPEW. I transfer my pair with the Senator from Louisiana [Mr. MCENERY] to the senior Senator from New York [Mr. PLATT] and vote. I vote "yea."

The result was announced—yeas 35, nays 22, as follows:

YEAS—35.

Ankeny	Depew	Johnston	Simmons
Bacon	Dick	Kean	Smith, Mich.
Brandegee	du Pont	Knox	Stone
Burnham	Foraker	Long	Sutherland
Burrows	Frye	Nelson	Taliaferro
Carter	Gallinger	Paynter	Teller
Clark, Wyo.	Gary	Perkins	Warren
Culberson	Hale	Richardson	Wetmore
Curtis	Heyburn	Scott	

NAYS—22.

Allison	Brown	Flint	Money
Bankhead	Burkett	Gore	Piles
Beveridge	Clapp	Guggenheim	Smoot
Borah	Clarke, Ark.	Hopkins	Stephenson
Bourne	Dixon	McCreary	
Briggs	Dolliver	McLaurin	

NOT VOTING—35.

Aldrich	Elkins	Lodge	Penrose
Bailey	Foster	McCumber	Platt
Bulkeley	Frazier	McEnery	Rayner
Clay	Fulton	Martin	Smith, Md.
Crane	Gamble	Milton	Stewart
Cullom	Hansbrough	Newlands	Taylor
Daniel	Hemenway	Nixon	Tillman
Davis	Kittredge	Owen	Warner
Dillingham	La Follette	Overman	

So Mr. NELSON's motion to lay Mr. DOLLIVER's motion on the table was agreed to.

Mr. CARTER. Mr. President, the junior Senator from Michigan [Mr. SMITH] propounded an inquiry to the Senator in charge of the bill, the junior Senator from Iowa, which, if he answered as the Senator from Michigan conceived it must be, would end this entire discussion and debar the Congress of any jurisdiction over the subject-matter concerning which we propose to legislate to-day.

As I understand the Senator's question, directed to the Senator from Iowa, he said, "Is it the understanding of the Senator from Iowa that the protection of the employee under the terms of this bill facilitates interstate commerce? If that is answered in the negative, our jurisdiction must fail."

I think, Mr. President, the Supreme Court, in passing upon the employers' liability act of 1906, fairly settled the question propounded by the Senator from Michigan. It will be found that in the course of the opinion in that case the court said:

1. The proposition that there is an absolute want of power in Congress to enact the statute is based on the assumption that as the statute is solely addressed to the regulation of the relations of the employer to those whom he employs and the relation of those employed by him among themselves it deals with subjects which can not under any circumstances come within the power conferred upon Congress to regulate commerce.

That is a square statement of the question presented by the Senator from Michigan. In response to that proposition the Supreme Court makes these observations:

As it is patent that the act does regulate the relation of master and servant in the cases to which it applies, it must follow that the act is beyond the authority of Congress if the proposition just stated be well founded. But we may not test the power of Congress to regulate commerce solely by abstractly considering the particular subject to which a regulation relates, irrespective of whether the regulation in question is one of interstate commerce. On the contrary, the test of power is not merely the matter regulated, but whether the regulation is directly one of interstate commerce, or is embraced within the grant conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce. We think the unsoundness of the contention, that because the act regulates the relation of master and servant, it is unconstitutional, because under no circumstances and to no extent can the regulation of such subject be within the grant of authority to regulate commerce, is demonstrable. We say this because we fail to perceive any just reason for holding that Con-

gress is without power to regulate the relation of master and servant, to the extent that regulations adopted by Congress on that subject are solely confined to interstate commerce, and therefore are within the grant to regulate that commerce or within the authority given to use all means appropriate to the exercise of the powers conferred. To illustrate: Take the case of an interstate railway train; that is, a train moving in interstate commerce, and the regulation of which therefore is, in the nature of things, a regulation of such commerce. It can not be said that because a regulation adopted by Congress as to such train when so engaged in interstate commerce deals with the relation of the master to the servants operating such train or the relations of the servants engaged in such operation between themselves, that it is not a regulation of interstate commerce. This must be, since to admit the authority to regulate such train, and yet to say that all regulations which deal with the relation of master and servants engaged in its operation are invalid for want of power would be but to concede the power and then to deny it, or, at all events, to recognize the power and yet to render it incomplete.

It appears to me that this language of the Supreme Court is a sufficient and conclusive answer to the Senator from Michigan on that particular point.

One word, Mr. President, upon another phase of this question. I have just cast my vote in favor of the bill of the House, practically as against the substitute offered by the Senator from Iowa, and for a reason which I deem it important to state. To begin with, it must be known to all men, whether lawyers or not, that it is extremely difficult at best to legislate upon the subject before us within strict constitutional lines. The Congress exercising its best judgment failed so to do on a former occasion. Therefore, it seems to me it becomes the duty of Congress in attempting to legislate upon this subject within the constitutional limitation fixed to confine itself to the simplest possible application and expression of the law.

The bill of the House relates wholly to persons engaged in interstate commerce on steam railways. The substitute proposed to apply the law to all forms of interstate commerce and foreign commerce as well. To that broad expanse I objected, because I know, as every lawyer knows, that in invading the domain of maritime jurisdiction and foreign commerce as conducted upon shipboard we are obtruding our enactment into a body of law as ancient as commerce itself. The great body of maritime law is made up of parliamentary enactments, judicial legislation, and the views of publicists and jurists upon the subject.

It is largely built upon custom dating back into the dim and remote days of antiquity, adjusted slowly but surely and effectively to the growth of commerce in each and every age that has passed. Ships were plying on the sea and maritime law was in force before any man dreamed of a railroad train or motive power by steam or electricity.

That great volume of that law relating to contracts for and treatment in service applies to conditions and subjects wholly dissimilar from the relations of a railroad employee to the company conducting the corporate business. It is well known that the relation of master and servant, or rather of seaman and master on board vessels, is a peculiar relation from the very nature of the work and the manner of doing it. A certain paternalism exists. A certain arbitrary control is of necessity enforced and recognized as proper and necessary on board a ship. There is the duty of the master to provide proper food, the duty of the master to provide proper medical attention, the duty of the master to enter into a written contract, the application of the statute of frauds to that contract, and all the multiplicity of peculiar arrangements growing out of control in port and the navigation of a vessel on the high seas. Then jurisdiction changes. The 3-mile limit passed a rule which, applied within, is not applicable without that limit.

Mr. President, we could proceed here by the hour to show that where we might make an enactment intended for the relief of the railroad employees of the country apply to seamen on the high seas we would inevitably chance making the law unconstitutional and void, because there is as much difference between the relationship of the seaman to the vessel and the relationship of the railroad man to the train as there is between night and day. A rule of law entirely suitable in the one case might well be held utterly intolerable as to the other.

If we shall ever deem it necessary to take up the subject of seamen engaged in foreign commerce as conducted on shipboard it will be necessary to pursue investigations of which none of these committees have ever dreamed in connection with any of these bills. Then, indeed, would the Senator from West Virginia [Mr. ELKINS] be justified in rising again in his place and saying that he knew nothing about the subject and wanted more time to consider it. None of us would know much about it without a painstaking investigation and special care in order to adjust the enactment of Congress to a body of law and a state of facts more ancient than all the Congresses in Christendom.

For the reason that this bill, if made applicable to foreign commerce as conducted in vessels, would have brought a complication into the enactment which might and probably would be fatal to it when put to the test, I felt that it was better to vote down that substitute and confine our activities and best judgment to the subject-matter which challenges the attention of the country to-day and deal with that in the simplest possible fashion.

We do know that the enactments of the States of late years have liberalized, and properly so, the ancient and rigid rules of the common law with reference to the liability of the master for negligence, the doctrine of contributory negligence, and the rules relating to fellow-servants. These rules have outlived their usefulness. The rules had become harsh as applied to modern conditions, and we are but following the States as far as we can along interstate-commerce lines.

I desire that this enactment shall apply to the great army of men who are engaged in operating trains in interstate commerce. If we succeed in getting through the Congress an enactment which will be approved by the Supreme Court on that subject, we will have achieved a great triumph, and we can later take up the subject of the rights of seamen on board the ships. The mechanism of the ship is very materially different in different cases. The steam vessel, the sailing vessel, and the rules and regulations applicable to each will have to be considered then. The adjudications under maritime law will be the subject of investigation, and it will prove a most instructive line of inquiry when we reach that branch of the subject.

At present, Mr. President, I desire to cooperate with my fellow-Senators here in the passage of a bill which relates to railroad employees alone, and I hope that the bill as it came from the House will pass the Senate without being complicated by needless extension to other and less pressing subjects.

Mr. CLARK of Wyoming. Mr. President, for information I should like to ask the Senator from Iowa the significance of section 8 of the bill now under consideration. Section 8 of the House bill seems to preserve certain rights under a law that has been plainly declared unconstitutional by the Supreme Court.

Mr. DOLLIVER. I think that the section referred to has no significance, and it ought not to be left in the bill.

Mr. CLARK of Wyoming. Then I hope the Senator will eliminate that.

Mr. DOLLIVER. I may later offer an amendment to that effect.

Mr. President, I move to substitute for section 3 of the House bill the corresponding section in the Senate substitute which has just been voted upon.

The VICE-PRESIDENT. The Senator from Iowa moves to strike out section 3 of the bill and to insert what will be read by the Secretary.

The SECRETARY. It is proposed to strike out section 3 of the House bill and in lieu thereof to insert:

That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to or the death of any of its employees, the fact that such employee was guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in accordance with the amount of negligence they may find is attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee. All questions of fact relating to negligence shall be for the jury to determine.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. BACON. I should like the Senator to point out the distinction. Of course I know there is one, but having heard it hurriedly read he had better point it out.

Mr. DOLLIVER. In the House provision, in section 3, the limitation of the law to a subject over which we have jurisdiction seems to have been neglected. It says:

That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee.

Without confining it to the subject of which we have jurisdiction, and I fear it might give rise to exactly the question which the Supreme Court passed on adversely.

Mr. TELLER. I wish to ask the Senator from Iowa if it is the purpose of his amendment simply to confine it to interstate commerce?

Mr. DOLLIVER. Yes, sir.

Mr. TELLER. I think it is a good provision.

Mr. NELSON. I have carefully compared the two sections. The only material difference I can find in the legal effect of the

two sections is in the last sentence of section 3 in the Senate bill, which reads:

All questions of fact relating to negligence shall be for the jury to determine.

That is about the only material change.

Mr. BACON. I have endeavored to find the language to which the Senator refers. In the hurried reading by the Secretary it is not practicable to locate it.

Mr. DOLLIVER. In section 3 of the House bill this language is used:

That in all actions hereafter brought against any such common carrier by railroad to recover damages for personal injuries to an employee.

In the section which I have offered as an amendment the following language is used:

That in any action brought against any common carrier under or by virtue of any of the provisions of this act.

Mr. BACON. I think the Senator is overcautious. I think the court would rule that anyhow. I do not think there is a possible question about it.

Mr. HOPKINS. It would be better to adopt the amendment.

Mr. BACON. I do not see any material objection to it, except that if the bill is correct as it is, we ought not to unnecessarily change it. Section 3 must necessarily have reference to the subject-matter of the bill, and while it does express it more definitely, I do not hesitate in the opinion—I may be wrong—that any court in the world would necessarily hold that section 3 was limited entirely to cases arising under interstate-commerce jurisdiction.

Mr. HALE. I think I am more interested in the last part of the amendment. I wish the Senator in charge of the bill would state what is the effect of it as compared with the House bill which has been taken up by the Senate.

Mr. DOLLIVER. That sentence is not found in the corresponding House section.

Mr. HALE. Will not the Senator read it as it would read if amended?

Mr. BACON. I think I can suggest to the Senator what is the meaning and purpose of that provision. It is a well-known fact that in Federal courts judges exercise very much more liberty in stating to the jury what has been proved or has not been proved than they do in the State courts. I presume that that section is undoubtedly designed to restrain the liberty and power of the Federal judges in that regard as it is now exercised by them. I can not imagine any other reason, because the general jurisdiction of the facts, as Senators know, is one always within the province of the jury. So if it has not some such special meaning as that it would be surplusage.

Mr. HALE. That is why I called the attention of the Senator to it. I wish he would read the section as it would read if his amendment should prevail.

Mr. DOLLIVER. The latter part of the section would read:

Provided, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation of any law for the promotion of the safety of employees by such common carrier contributed to the injury or death of such employee.

Then follows this sentence, which does not appear in the House bill:

All questions of fact relating to negligence shall be for the jury to determine.

The law of 1906 contains this sentence at the end of that section:

All questions of negligence and contributory negligence shall be for the jury.

Mr. HALE. It is substantially the same.

Mr. DOLLIVER. No; "all questions of fact relating to negligence shall be for the jury to determine." I will say candidly to the Senate that the purpose of it is to remind our judges that questions of fact under our system of jurisprudence are for the jury. The old commentators have pointed that out as the chief element of the stability in our system of the administering of justice, but in many courts of the United States the custom has grown up for the judge not only to instruct the jury as to questions of law but to make a distinct finding as to what the evidence shows as to each matter connected with the case, and then wind up his instructions with a cheerful suggestion that the questions of fact arising from the evidence are for the jury. I wanted this sentence so put in here as a sort of protest from the legislative department of the Government that we desire the old precepts of the law to be observed, and that the judges should abstain from interfering with the jury's undoubted constitutional right to determine the facts in the case.

Mr. HALE. I supposed that was the object. The Senator has stated it very clearly.

Mr. SUTHERLAND. Mr. President, it seems to me that the provisions of the House bill are preferable to those of the Senate bill. It does not seem to me that it is at all necessary to provide in section 3, as suggested by the Senator from Iowa, that hereafter "any action brought against any common carrier under or by virtue of any of the provisions of this act," and so on, because the section in the House bill refers only to the actions which are already provided for in the bill. Section 3 of the bill does not define the jurisdiction. The jurisdiction is already defined in the preceding section; and when in section 3 we speak of an action hereafter brought, it means such an action as is defined by the preceding section of the bill.

I think the language of the House bill is preferable in another respect. The language of the House bill is that "the damages shall be diminished by the jury in proportion to the amount of negligence," while that proposed by the Senate is that "the damages shall be diminished by the jury in accordance with the amount."

I think the word "proportion" in that connection is preferable to the words "in accordance." In addition to that there is a proviso in the House bill—

That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety, etc.

While the Senate bill provides that "in any case where the violation of any law for the promotion of the safety," and so forth. I think evidently what is intended by the Senate bill is to limit the operation to cases arising under statutes, while the use of the word "law" in the section might be given altogether too broad a construction. In other words, it might be held to apply to the principles of the common law, which we do not, I think, intend to incorporate here, or it might apply to city ordinances.

Mr. BACON. I hope the Senator from Iowa will not insist upon that change. I see no reason whatever for it. If the suggestion that it is necessary was at all tenable, then, of course, I would offer no objection. But I do not think it can possibly be that any lawyer, upon consideration, will for a moment hesitate in the opinion that the section as found in the House bill is applicable only to the question of interstate commerce. It seems to me there could be no possible doubt about that.

Why should we change a provision in the bill unnecessarily? The harmonious nature of the bill is preserved by not amending it except where it is necessary. I should myself feel constrained to vote against it, and I would be more than glad if the Senator would not put me to the necessity of voting against his proposition in that regard.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. DOLLIVER].

The amendment was rejected.

Mr. HEYBURN. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 1, line 9, after the word "injury," insert the words "in the course of such employment."

Mr. HEYBURN. Mr. President, I will add only a word, as to this amendment, to what I already have said. I think it goes to the question of the constitutionality of the act. I do not think it is competent for us to enact that anybody shall be liable for an injury the result of accident at the hands of somebody else. I think that it reintroduces into the bill the very objection which was the spirit of the Supreme Court's decision.

It will be clear, upon an examination, that the words at the end of the section do not cover this defect, because they relate only to the employer and not to the employee, and the words contained in the amendment relate to the employee and not to the employer. If the accident happens in the course of such employment then it is directly connected with the employment, but if an employee while employed or standing inside the window of a shop were shot through the window by an outside party or hurt with a rock or anything else incident to a riot, it would not be intended, under this provision, that the employer should be liable for that injury, because it is not an injury received in pursuit of the employment. I think you will find it is necessary to adopt this language in order to cover that defect.

Mr. CLARKE of Arkansas. Mr. President, I offer a substitute for the amendment proposed by the Senator from Idaho.

Mr. SUTHERLAND. Let the amendment be read.

Mr. BACON. I hope the Secretary will read the original amendment and then the substitute offered by the Senator from Arkansas.

The SECRETARY. The amendment proposed by Mr. HEYBURN is, in section 1, page 1, line 9, after the word "injury," to insert the words "in the course of such employment."

Mr. CLARKE of Arkansas. I move to strike out, in lines 9 and 10, the words "he is employed by such carrier in such commerce," and to insert what I send to the desk.

I think the objection raised by the Senator from Idaho [Mr. HEYBURN] is meritorious and goes to the very life of the bill, and a failure to correct it at this time will subject the bill, if we pass it, to the same sort of decision that nullified the act in the first instance. It seems to me as though in the preparation of the bill it might have been expressly designed that it should again fall under the condemnation of the courts, as it did when the act was passed in 1906.

The only kind of liability that we can create against an interstate carrier is in favor of the employees who are actually engaged in interstate commerce at the time the injury is inflicted. The mere relation to the interstate carrier does not create a liability of which we can take cognizance and against which we can provide.

The relation of the carrier is a source of jurisdiction here. We can not seize upon the mere incident that the corporation is sometimes engaged in interstate commerce, or is habitually engaged in interstate commerce, and make that the ground of liability regardless of the particular circumstances out of which the particular injury grew. That is the plain language of the decision of the United States court. It seems to me it would be an unwise policy for us to leave that question fairly open here.

Mr. CULLOM. Let the amendment proposed by the Senator from Arkansas be read.

Mr. CLARKE of Arkansas. I beg pardon; I thought it had been read. I ask that it be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from Arkansas will be read.

The SECRETARY. In section 1, page 1, line 9, after the word "while," strike out the words "he is employed by such carrier in such commerce" and insert:

Actually engaged as an employee of such carrier in assisting said carrier in carrying on such commerce, the said injury or death being so inflicted on such employee by or from causes incident to his so assisting said carrier in carrying on such commerce and while so actually engaged.

The VICE-PRESIDENT. The Chair would suggest that in order to avoid confusion the Senate shall first consider the amendment proposed by the Senator from Idaho. The question is first on that amendment.

Mr. HEYBURN. Is not the amendment of the Senator from Arkansas an amendment to the amendment? I suggest that it is all contained in the words that I have proposed, I submit to the Senator.

The VICE-PRESIDENT. The amendment proposed by the Senator from Idaho comes in at a point independent entirely of the amendment proposed by the Senator from Arkansas. The question is first on agreeing to the amendment proposed by the Senator from Idaho.

Mr. CLARKE of Arkansas. Before the vote is taken upon that amendment, I will state that it leaves the matter doubtful, whereas the substitute I offer removes all doubt about it, and we understand exactly what we are voting for. The Senator from Idaho proposes to insert "in the course of such employment." That does not necessarily mean he must be engaged in it. It leaves the doubtful words the meaning of which has not been settled colloquially or in law to be determined by the court, when it ought not to be left in any state of doubt. The court may say those words are to have some meaning assigned to them by a process of interpretation of the statute and it may make the statute doubtful. I do think at this stage of the consideration of the measure and in this presence, we ought to understand what we want to do and we should do it in such specific terms that nobody may hereafter have any doubt about what we may have done.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

The amendment was rejected.

The VICE-PRESIDENT. The Senator from Arkansas proposes an amendment, which the Secretary will again state.

The SECRETARY. On page 1, line 9, after the word "while," strike out the words "he is employed by such carrier in such commerce" and insert in lieu thereof the following:

Actually engaged as an employee of such carrier in assisting said carrier in carrying on such commerce, the said injury or death being so inflicted on such employee by or from causes incident to his so assisting said carrier in carrying on such commerce and while so actually engaged.

Mr. BEVERIDGE. I wish to ask the Senator from Arkansas a question. Would his proposed amendment cover such a case as this: An interstate carrier engaged in interstate commerce has a man in charge of a water tank located exclusively within a State. The water tank, of course, feeds the engines that are engaged in interstate commerce. The employee at the water tank is injured by the neglect of a fellow-workman. Does the Senator think that his amendment would exclude such a case? Such a man ought to recover.

Mr. CLARKE of Arkansas. It is not intended to exclude anybody.

Mr. BEVERIDGE. I am inclined to agree with the Senator. I think he has raised the most important point that has been raised here, and that is that we are likely in our haste to put through a bill which, as the Senator says, may be designed to fall under the court's condemnation.

Mr. CLARKE of Arkansas rose.

Mr. BEVERIDGE. I will make my question clear, if the Senator will permit me.

Mr. CLARKE of Arkansas. Certainly.

Mr. BEVERIDGE. An interstate carrier has some men engaged 100 miles away over on the line chopping down timber for ties or anything of that kind. Such an employee would be excluded by the Senator's amendment in order to save the bill, but would he think that an employee engaged in the occupation in my question as first put would be excluded?

Mr. CLARKE of Arkansas. The limitations of the doctrine have never been permanently fixed by the court. We simply know that if we undertake to extend the remedy to persons who are not actually engaged in interstate commerce we would simply render the whole attempt nugatory.

I have not any way of saying what particular cause of action will be covered by the bill, because I do not have the last say about it. I do not know what the court might say about the particular causes of action covered by it, but I am perfectly advised that if we include any cause of action not within the competency of Congress we nullify the entire legislation.

Mr. HOPKINS. Does not the Senator think it would be safer legislation to take the action of the committee that has carefully considered this subject, rather than to formulate amendments here on the floor without mature deliberation?

Mr. CLARKE of Arkansas. Most obviously.

Mr. HOPKINS. The committee maintains that the bill as it is framed at the present time covers the very objection that the Senator has made. That section has been framed with great care by great lawyers, and why not leave it as it is rather than attempt to go into the domain of speculation by adopting amendments which have not received full consideration?

Mr. CLARKE of Arkansas. I do not consider that anything the committee has done or can do can nullify what Judge White said in the majority opinion in the case before the Supreme Court. He said in express terms that we must limit our legislation to such injuries as occur in the actual conduct of interstate commerce. Of course I only desire to present it to the Senate. It is a matter of indifference to me personally whether it is adopted or not. I believe if the court adhere to the text of its decision it will nullify the bill if it is permitted to pass in its present form.

Mr. DOLLIVER. Mr. President, it looks to me as if the phraseology in this section is perfectly responsive to the criticism of Mr. Justice White in the decision of the employers' liability act. This does limit it to any person suffering injuries while he is employed by such carrier in such commerce—that is to say, in that form of commerce over which we have jurisdiction.

I have never been able to understand where these fine figures of speech come from which make out that the carrier can be held responsible for damages occurring by outsiders, by tramps, and so forth; by persons throwing rocks through the windows, and all that sort of thing. All this phraseology is limited by the last six lines of the section, and the damages are distinctly said to be "for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier."

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. The language to which the Senator from Arkansas objects, and which he proposes to amend, is as follows:

Shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce.

I gave an illustration in my question to the Senator from Arkansas a moment ago which I will repeat to the Senator from

Iowa. An interstate railroad—such, for instance, as the Union Pacific—is engaged in interstate commerce. It has in its employ a group of men located in a timber region, 100 miles away, let us suppose, who are engaged in felling trees, getting ready ties, or anything else. There are such gangs of men. Does not the Senator think that if one of those men is injured in the felling of trees he would be covered by the terms of the bill, because plainly he is employed by a carrier of interstate commerce?

Mr. DOLLIVER. That is not the term of the bill. The bill says not "employed by a carrier of interstate commerce," but "employed by such carrier in such commerce."

Mr. BEVERIDGE. Let us see. It reads:

While he is employed by such carrier in such commerce.

Now, would not the case which I have supposed be governed by the bill? The men are employed by carriers in this commerce.

Mr. DOLLIVER. But are they employed in such commerce, in interstate commerce?

Mr. BEVERIDGE. That is the very point the Senator from Arkansas proposes to make clear by his amendment.

Mr. DOLLIVER. I think it is clear now.

Mr. BEVERIDGE. I put it to the Senator, and he has not yet answered it, in an illustration such as I have given—of men employed by a carrier in interstate commerce. What the Senator from Arkansas proposes to do is to clearly limit it to an accident occurring while they are engaged in the work of interstate commerce.

Mr. DOLLIVER. Does the Senator understand that a man cutting wood in Minnesota is engaged in interstate commerce?

Mr. BEVERIDGE. He is employed by a company which is engaged in the carriage of interstate commerce. Now, that is the question.

To my mind, Mr. President, the Senator from Arkansas has put his finger upon an exceedingly questionable feature of the bill. I do not go so far by any manner of means as the Senator from Arkansas in suggesting that this may have been framed in the bill for the purpose of invalidating it again before the Supreme Court of the United States.

Mr. CLARKE of Arkansas. If I made any statement that it was deliberately done, I was misunderstood and I did not express the idea in my mind. I said it might have that effect when there is a difference of opinion about it, and if I was preparing it for the express purpose of bringing it in conflict with that decision I would employ some such language as is employed here.

Mr. BEVERIDGE. As one of those who are equally earnest with the Senator from Iowa [Mr. DOLLIVER] in the wish to see a bill passed that will not again fall under the condemnation of the court, and as an interested listener to this debate, I suggest that the amendment of the Senator from Arkansas [Mr. CLARKE]—whose legal acumen and learning have so often been illustrated upon this floor for us not to take it weightily—is worthy of the Senator's consideration. I am in favor of the strongest law we can pass, and we should be careful that no provision is included which might again subject it to defeat in the courts. I hoped that the act of 1906 would stand; it failed. This act must not fail. It is humane, just, and necessary. I wish it might cover all employees. Since the court has decided that it can not, we must be very careful that we furnish no excuse for again overthrowing it. It is because the Senator from Arkansas has raised this doubt that I shall vote for his amendment. It makes the bill more surely valid.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas [Mr. CLARKE].

Mr. TELLER. Let the amendment be read, Mr. President.

The VICE-PRESIDENT. The amendment will be again stated, at the request of the Senator from Colorado.

The SECRETARY. On page 1, line 9, after the word "while," it is proposed to strike out the words "he is employed by such carrier in such commerce" and to insert "actually engaged as an employee of such carrier in assisting said carrier in carrying on such commerce, the said injury or death being so inflicted on such employee by or from causes incident to his so assisting said carrier in carrying on such commerce and while so actually engaged."

Mr. SMITH of Michigan. Mr. President, if that amendment is to be voted on, is an amendment to the amendment now in order?

The VICE-PRESIDENT. It is.

Mr. SMITH of Michigan. Then I should like to move an amendment to the amendment. I move to strike out all after the word "his" in the amendment and to insert the word "occupation." The language after that is a repetition. I should like to have the amendment now reported as proposed to be amended.

The VICE-PRESIDENT. The Senator from Michigan proposes an amendment to the amendment proposed by the Senator from Arkansas, which will be stated.

The SECRETARY. It is proposed to amend the amendment by striking out all after the word "his," being the words "so assisting said carrier in carrying on such commerce and while so actually engaged," and inserting the word "occupation."

Mr. CLARKE of Arkansas. Let the amendment be read as proposed to be amended.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. As proposed to be amended the amendment would read:

Actually engaged as an employee of such carrier in assisting said carrier in carrying on such commerce, the said injury or death being so inflicted on such employee by or from causes incident to his occupation.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. SMITH of Michigan. I trust the Senator from Arkansas will accept it.

Mr. CLARKE of Arkansas. I do not catch the scope of the modification proposed by the Senator from Michigan from hearing it rapidly read at the desk. I had it in view to observe the statement made by Judge White, in his opinion, when he said substantially that it was not within the competency of Congress to regulate the persons who are engaged in interstate commerce, but it could only so regulate them while actively engaged in such commerce, and then only in connection with the thing they were so actually doing.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Michigan?

Mr. CLARKE of Arkansas. Certainly.

Mr. SMITH of Michigan. If the Senator will permit me, the object of my amendment is to make the sentence more concise.

Mr. CLARKE of Arkansas. If the Senator's amendment does not sacrifice any of the clearness of my amendment, I have no objection, to be sure, to conciseness.

Mr. SMITH of Michigan. If I have accomplished that, that is all that I aim at. It is not my intention to weaken the amendment in any particular.

Mr. CLARKE of Arkansas. Mr. President, after examining the amendment to my amendment proposed by the Senator from Michigan [Mr. SMITH], I will state that it is satisfactory.

The VICE-PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Arkansas [Mr. CLARKE] as amended.

Mr. DOLLIVER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE], who is necessarily absent from the Senate. Were he present, I should vote "yea."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY]; but I transfer that pair to the senior Senator from New York [Mr. PLATT] and vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the senior Senator from South Carolina [Mr. TILLMAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. FOSTER (when his name was called). In the absence of the Senator from North Dakota [Mr. MCCUMBER], with whom I am paired, I withhold my vote.

Mr. FRAZIER (when his name was called). I again announce my pair with the junior Senator from South Dakota [Mr. KITTREDGE]. If he were present, I should vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote on this question, I will withhold my vote for the present. If he were present, I should vote "nay."

Mr. JOHNSTON (when his name was called). I have a pair with the junior Senator from New Jersey [Mr. BRIGGS], and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "yea."

Mr. SIMMONS (when his name was called). I inquire if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. SIMMONS. I have a general pair with that Senator, who is absent, and I therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. GAMBLE. Since my name was called an arrangement has been made whereby I transfer my pair with the Senator from Nevada [Mr. NEWLANDS] to the Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

The result was announced—yeas 21, nays 31, as follows:

YEAS—21.

Bacon	Depew	Martin	Taliaferro
Beveridge	Elkins	Money	Teller
Brandegee	Gallinger	Nelson	Wetmore
Burnham	Gary	Owen	
Clarke, Ark.	Gore	Paynter	
Culberson	McCreary	Smith, Mich.	

NAYS—31.

Bankhead	Curtis	Gamble	Perkins
Borah	Dick	Guggenheim	Richardson
Bourne	Dixon	Hale	Scott
Brown	Dolliver	Hemenway	Smoot
Burkett	du Pont	Hopkins	Stephenson
Burrows	Flint	Kean	Sutherland
Carter	Foraker	Knox	Warren
Cullom	Frye	Long	

NOT VOTING—40.

Aldrich	Daniel	La Follette	Piles
Allison	Davis	Lodge	Platt
Ankeny	Dillingham	McCumber	Rayner
Bailey	Foster	McEnery	Simmons
Briggs	Frazier	McLaurin	Smith, Md.
Bulkeley	Fulton	Milton	Stewart
Clapp	Hansbrough	Newlands	Stone
Clark, Wyo.	Heyburn	Nixon	Taylor
Clay	Johnston	Overman	Tillman
Crane	Kittredge	Penrose	Warner

So the amendment of Mr. CLARKE of Arkansas as amended was rejected.

Mr. CULBERSON obtained the floor.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CULBERSON. I do.

Mr. HEYBURN. I want to ask a question. Is it not now in order, under the rules, that the amendment, the substitute for which has been voted down, be resubmitted to the Senate?

Mr. GALLINGER (to Mr. HEYBURN). Your amendment was voted down.

Mr. HEYBURN. My amendment could not have been voted down until the substitute was disposed of.

The VICE-PRESIDENT. The Chair does not understand the Senator.

Mr. HEYBURN. Is it not in order now, under the rules, that the amendment, the substitute for which has been voted down, shall be resubmitted to the Senate?

The VICE-PRESIDENT. There was no amendment proposed in the nature of a substitute. The amendment proposed by the Senator from Idaho [Mr. HEYBURN] was independent of the amendment proposed by the Senator from Arkansas [Mr. CLARKE]; or, in other words, the amendment proposed by the Senator from Arkansas, while dealing with the same general subject embodied in the amendment proposed by the Senator from Idaho, was offered to a different portion of the bill, and not as an amendment in the nature of a substitute.

Mr. HEYBURN. Mr. President, I think the RECORD will disclose the fact that the Senator from Arkansas stated when he rose and addressed the Chair that he offered it as a substitute for the amendment which I had offered.

The VICE-PRESIDENT. If that was so, it was an inaccurate statement on the part of the Senator from Arkansas, because the Senator from Idaho offered his amendment to come in on line 9, following the word "injury." The amendment proposed by the Senator from Arkansas followed the word "while," in the same line. The amendments offered were addressed to different parts of the bill.

Mr. CULBERSON. Mr. President, I desire to offer an amendment. After the first section I move to insert the following:

Provided, That suits instituted in State courts for injuries or death resulting from the negligence of common carriers organized under State laws, or from the negligence of their officers, agents, or servants while engaged in interstate or foreign commerce, shall not be removable to the courts of the United States.

Several criticisms of this bill have been made——

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. CULBERSON. Yes.

Mr. BURROWS. Would not the Senator permit his amendment to be read from the desk?

Mr. CULBERSON. Certainly.

The VICE-PRESIDENT. The Secretary will state the amendment offered by the Senator from Texas.

The SECRETARY. At the end of section 1 it is proposed to insert the following proviso:

Provided, That suits instituted in State courts for injuries or death resulting from the negligence of common carriers organized under State laws, or from the negligence of their officers, agents, or servants, while engaged in interstate or foreign commerce, shall not be removable to the courts of the United States.

Mr. CULBERSON. Mr. President, if I may have the attention of the Senate for a moment, I desire to say that many criticisms have been made of this bill, and many suggestions have been made for its improvement. Many inquiries have been made concerning the effect and operation of the provisions of the bill. Without reference to all of these, I desire to call the attention of the Senate to one question. This is a bill fixing the liability of railway corporations in certain cases. In some respects it will doubtless be claimed as the source of authority upon which suits will be instituted against railway corporations for the recovery of damages for injuries to persons, whether resulting in death or not.

The Federal judiciary act provides that the circuit courts of the United States shall have jurisdiction, among other cases, where the amount in controversy is over $2,000, in all cases arising under the laws of the United States. The act of Congress in regard to the removal of suits from State to Federal courts provides that suits of that character—that is, suits involving over $2,000 and arising under the laws of the United States—may be removed by defendants to the United States courts.

Without going into this matter at length, I want to invite attention to the extraordinary result that may follow from the passage of this bill unless the amendment which I have proposed shall be adopted, and that is this: A railway corporation of the State of Texas which may happen to have on its train interstate articles of freight may be sued in the United States courts of Texas by a citizen of Texas for injuries or death which may result from the operation of such a train on the ground that the cause of action arises under this act of Congress. That is one result of this bill in the view expressed by some that this act will be exclusive of State authority if it shall become a law. Not only that, but if a citizen of Texas shall sue a railway corporation organized under the laws of Texas whose line of railway does not even extend beyond the limits of the State, if the act occurred by which the injuries resulted while that train was, though within the limits of Texas, carrying interstate commerce, that Texas corporation under this bill may remove the case to the United States court to have it determined there, because not only may it be said that the right of action so far as this law is concerned arises under this act, but it may be that the corporation will declare in its pleadings that its defense rests upon a proper construction of this act of Congress.

All I ask the Senate to do at this time is at least to confine the removal of the cases to those other than those between a citizen of a State and a domestic corporation of a State.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Texas.

Mr. BEVERIDGE. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be again stated.

The Secretary again read the amendment submitted by Mr. CULBERSON.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. CULBERSON. Certainly.

Mr. BORAH. I was going to ask the Senator from Texas, who offered this amendment, what would be the effect if the parties had diverse citizenship? You could not prevent them under the Constitution from removing the cause by statutory declaration.

Mr. BEVERIDGE. Certainly not.

Mr. CULBERSON. I will state frankly to the Senator from Idaho, Mr. President, that this amendment does not contemplate an exclusion of the right of removal when that right depends upon diverse citizenship.

Mr. BORAH. I ask to have the amendment again read, Mr. President.

Mr. CULBERSON. The amendment was written hastily by me, and it may not cover the case exactly.

The VICE-PRESIDENT. The amendment will again be stated, at the request of the Senator from Idaho.

The Secretary again read the proposed amendment of Mr. CULBERSON.

Mr. BORAH. Mr. President, I will merely suggest to the Senator from Texas that as the amendment is drawn, in my opinion, it is in contravention of the Constitution of the United States, section 2, Article III.

Mr. CULBERSON. What is that provision?

Mr. BEVERIDGE. That is the judiciary section.

Mr CULBERSON. I understand that, but I should like to have the Senator from Idaho point out the respect in which it is in violation of the Constitution.

Mr. BORAH. It would prevent parties from removing who are living in different States; that is, it would undertake to do so, and, under the Constitution, they have a right to remove if there is a question of diverse citizenship.

Mr. CULBERSON. Mr. President, there is no constitutional right to remove a case from a State court to a United States court. It is entirely statutory. The Senator reads from the declaration in the Constitution as to the extent of the judicial power. Judicial power can not be exerted unless an act of Congress is passed conferring jurisdiction upon some court, and no removal from a State court to a court of the United States can be made except under an act of Congress. But, as I stated, there is no purpose here to affect the right of removal, except with reference to this particular statute, and I am willing to add an amendment providing "except upon the ground of diverse citizenship."

Mr. BORAH. I merely suggested the matter for the consideration of the Senator.

Mr. BEVERIDGE. Mr. President, the section of the Constitution to which the junior Senator from Idaho [Mr. BORAH] referred, it seems to me, practically settles this proposed amendment. It is the judiciary section.

> The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, etc.

Now, the removal act, as everybody knows, is to give effect to that provision of the Constitution; it is vitalizing that provision of the Constitution.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. BEVERIDGE. Of course.

Mr. CLARKE of Arkansas. May I call the attention of the Senator from Indiana to the fact that the right of removal now is confined to nonresident defendants? The language of the Constitution, observe now, limits the right to nonresident defendants, but under the jurisdiction act of 1875 the plaintiff or defendant, either one, might have a cause removed.

Mr. BEVERIDGE. This amendment does not go to that.

Mr. CLARKE of Arkansas. I understand that; but the right of removal is not a constitutional right. It is a subject to be regulated by Congress, and by this Congress as much as any other Congress that ever assembled.

Mr. BEVERIDGE. That is not the point I made. I suppose neither the Senator nor any other lawyer will contravene the statement that the removal act is to give effect to this section of the Constitution, and that is the reason why it was put in there.

Mr. CLARKE of Arkansas. To give effect to so much of it as, in the judgment of Congress, it is worth while for them to give effect to.

Mr. BEVERIDGE. It gets all its vitality from that. That is the reason it was passed, and, to that extent it is, as it were, reading into the Constitution, as the Constitution has authorized us to do, applications of the jurisdiction. Now, the amendment of the Senator from Texas [Mr. CULBERSON], as the Senator from Idaho [Mr. BORAH] pointed out, is in contravention to that. That is very clear.

Mr. CLARKE of Arkansas. I submit if there were no act of Congress providing for the removal, the Constitution itself would not give it in any case.

Mr. BEVERIDGE. No; nor does the Constitution give rights in many instances, except where Congress provides the machinery for carrying them into effect.

Mr. BACON. Mr. President, aside from the learned discussion the Senators are now indulging in, I think that a very slight consideration of the amendment offered by the Senator from Texas will disclose the fact that the question of diverse citizenship can not arise in any proceeding to remove a case, for the reason that the defendant in the case is distinctly specified to be one who would be a citizen or resident of Texas, to wit, a domestic corporation of Texas, which corporation can not have any right to remove.

The suit may be brought by the plaintiff, who is either a resident or a nonresident. If he is a nonresident of Texas, he would have his right, in the first instance, to seek the Federal jurisdiction, and therefore there would be no question of removal, because he would already be in that court. If he is a resident of Texas, he can not exercise the right to remove, because both he and the defendant corporation would be residents of the State of Texas.

Mr. BEVERIDGE. If that is so, the amendment is not necessary.

Mr. BACON. No; not at all. The Senator from Indiana, I think, jumps at too speedy a conclusion. As I understand the purpose of the amendment offered by the Senator from Texas, it is to guard against the proposition that this right of action, being founded upon a Federal statute, there may be asserted a claim of right of removal on that ground; and it is to negative that possibility, as I understand, that the Senator from Texas has offered this amendment. It is impossible that a question of diverse citizenship can arise under the amendment.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. Certainly.

Mr. CLARK of Wyoming. Before the Senator takes his seat I will say that I have totally misapprehended the amendment if it is as the Senator from Georgia states. The impression I gathered from the amendment was that it referred to railroad corporations organized under State laws; that is, under the laws of any State.

Mr. BACON. Oh, no; under the law of the State of Texas, if it were in Texas.

Mr. CLARK of Wyoming. The inference that I draw was that it referred to a corporation organized under State law as distinguished from a corporation organized under national law. If the Senator will bear with me just a moment, in order that we may have that definitely settled, I should like to have the amendment again read.

Mr. CULBERSON. I have the amendment, Mr. President, in my hand and I will read it. It is as follows:

> *Provided*, That suits instituted in State courts for injuries or death resulting from the negligence of common carriers organized under State laws, or from the negligence of their officers, agents, or servants, while engaged in interstate or foreign commerce, shall not be removable to the courts of the United States.

Mr. CLARK of Wyoming. I think that is the way I understood it when it was first read—"corporations organized under State laws."

Mr. BACON. I may have misconstrued it, but I construed it to mean corporations organized under the laws of the State in which the suit should be brought.

Mr. BORAH. I simply want to say, Mr. President, that when the amendment was first read I did not hear the first clause of it, which refers to suits to be begun in State courts, and therefore I desire to modify the statement which I made in reference to it.

Mr. BACON. Upon inquiry of the Senator from Texas, he tells me that the construction which I put upon it was the one which he intended.

Mr. CLARK of Wyoming. I have no doubt of that, but it shows that the amendment is open to misconstruction, inasmuch as we have two sorts of railway corporations, one organized under State laws and the other organized under national laws. So, when you speak of corporations organized under State laws, it seems to me that it necessarily refers to the class which I have mentioned.

Mr. CLARKE of Arkansas. Mr. President, I hope the Senator from Texas will not modify his amendment to make it in conformity to the understanding of the Senator from Georgia. Two-thirds of the railway mileage in the State of Arkansas is operated by corporations organized in States other than the State of Arkansas, and there is no reason why these cases should be removed any more than why the cause of action against a national bank should be removed. When the national banking system was instituted there was no limitation upon the right of national banks to try in the Federal courts all actions that related to them or their affairs or actions brought against them. That proved to be such a manifest inconvenience that it amounted to an injustice, and in 1882 Congress passed an act providing that no such ground of jurisdiction in the Federal courts should exist. It has not operated to the disadvantage of the national banks. It has rather tended to popularize them, in the negative sense, by the removal of one of the sources of unpopularity under which at times they rested.

I can see no reason why that same wholesome rule should not be applied to causes of action that may arise under this proposed law. It is a great inconvenience to try a lawsuit at a point distant from where the accident occurred. It involves considerable outlay, and it necessitates occasionally the employment of an additional attorney. It is a burden which is not compensated by any good that comes out of it.

So far as the Federal courts are concerned, I have no prejudice

against them. I believe trials in Federal courts are more expeditious; they are usually conducted with more intelligence; and there are many reasons, so far as litigation in which I am personally interested is concerned, that they should be tried there if I had any preference about it; but I know the history of a number of these damage cases, and I know that it will amount to an absolute inconvenience, and an inconvenience that will in many cases amount to a denial of justice, unless some fair limitation is placed upon the jurisdiction of the Federal courts. I think the Senator from Texas ought to press his amendment in the form in which it is written, and ought not to modify it so as to simply provide that where a lawsuit is brought against a corporation created by the laws of a State in which the suit is brought, it shall not be removed because the action arose under the Constitution and laws of the United States. I think that the right of removal ought to be denied regardless of the citizenship of the corporation, the defendant.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. CULBERSON].

Mr. CULBERSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], and therefore withhold my vote.

Mr. CLAY (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. Were he present I should vote "yea."

Mr. DEPEW (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. MCENERY]. As he is not present I withhold my vote.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. In his absence I withhold my vote.

Mr. ELKINS (when his name was called). I have a general pair with the junior Senator from Texas [Mr. BAILEY], and therefore withhold my vote.

Mr. FOSTER (when his name was called). I am paired with the Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote. If he were present I should vote "yea."

Mr. FRAZIER (when his name was called). I again announce my pair with the junior Senator from South Dakota [Mr. KITTREDGE]. If he were present I should vote "yea."

Mr. GAMBLE (when his name was called). I make the same statement I made preceding the last roll call, and under the same arrangement in regard to the transfer of pairs I will vote. I vote "nay."

Mr. BANKHEAD (when Mr. JOHNSTON's name was called). My colleague [Mr. JOHNSTON] is paired with the junior Senator from New Jersey [Mr. BRIGGS]. My colleague is necessarily absent from the Chamber. I do not know how he would vote if present.

Mr. MONEY (when his name was called). I am paired with the Senator from Wyoming [Mr. WARREN], who is absent from the Senate on important business. I therefore withhold my vote.

Mr. OVERMAN (when his name was called). I am paired with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 16, nays 34, as follows:

YEAS—16.

Bacon	Brown	Gary	Paynter
Bankhead	Clarke, Ark.	Gore	Simmons
Borah	Culberson	McCreary	Taliaferro
Bourne	Dixon	Martin	Teller

NAYS—34.

Ankeny	Dick	Hale	Richardson
Brandegee	Dolliver	Hemenway	Scott
Burkett	du Pont	Heyburn	Smith, Mich.
Burnham	Flint	Hopkins	Smoot
Burrows	Foraker	Kean	Stephenson
Carter	Frye	Knox	Sutherland
Clapp	Gallinger	Long	Wetmore
Cullom	Gamble	Nelson	
Curtis	Guggenheim	Perkins	

NOT VOTING—42.

Aldrich	Depew	McCumber	Platt
Allison	Dillingham	McEnery	Rayner
Bailey	Elkins	McLaurin	Smith, Md.
Beveridge	Foster	Milton	Stewart
Briggs	Frazier	Money	Stone
Bulkeley	Fulton	Newlands	Taylor
Clark, Wyo.	Hansbrough	Nixon	Tillman
Clay	Johnston	Owen	Warner
Crane	Kittredge	Overman	Warren
Daniel	La Follette	Penrose	
Davis	Lodge	Piles	

So Mr. CULBERSON's amendment was rejected.

Mr. DOLLIVER. I said a few moments ago that I would offer an amendment striking out section 8, but in view of the lateness of the hour and my anxiety to get the measure to a final vote, I will withhold the amendment. I intended to move to strike out the section because it is unnecessary, but it does no harm, and I will not propose the amendment.

Mr. BACON. Mr. President, I am reluctant, in view of the suggestion of the learned Senator from Iowa that the hour is late, to further trespass upon the Senate, but there are some difficulties in my mind that I am anxious to have the Senator from Iowa remove, if he will be so kind as to do so.

I want to say in advance that I am not unfriendly to the purpose of this bill; in other words, I am not unfriendly to the object of having applied to railroads the rule of liability to their employees which is prescribed in the bill. The same rule of liability, so far as I can now recall from memory, is now the law of my State, and has been since the year 1863. It has been some thirteen years since I have been in the active practice of law, and therefore my recollection may not be absolutely accurate in this regard; but so far as I am able to recollect, in the examination of this bill the terms, so far as they go, are identical with the present law of Georgia. While I was for a long time in the legislature of my State this was the law.

There was no effort made to change it. It was satisfactory to our people, to the people of the State at large, and, as well, to the railroad employees in particular. I state that in order that my attitude in regard thereto may not be misunderstood. I am in favor of preserving that State law to the railroad employees in Georgia, and I am anxious that nothing shall be done here to destroy that State law.

The troubles which are on my mind, Mr. President, are not those which relate to the question of the propriety of applying these particular rules of liability, but the questions in my mind arise out of some considerations which were suggested by the Senator from Ohio [Mr. FORAKER] and by others as to complications which will arise on account of the enactment of this bill into law as a piece of Federal legislation. It is a matter which raises some questions in my mind now upon which I should like to have some information from the Senator from Iowa.

Mr. President, I have not had the opportunity to make any detailed examination of this question, for while I am upon the Committee on the Judiciary this bill has never been considered by the Committee on the Judiciary. A bill similar to this one was referred to the Committee on the Judiciary in either the Fifty-seventh or the Fifty-eighth Congress, I have forgotten which, while the late Senator Hoar was chairman of the committee, and at his suggestion, as has been narrated here to-day, it was returned to the Senate in order that it might go to the Interstate Commerce Committee. Therefore, I have not had the duty imposed upon me of making an investigation of it. But it is a most important subject and the bill a most far-reaching one, and I assume that the committee, which has been charged with its consideration, and which now presents it to the attention of the Senate with a favorable report for its enactment, has made an examination of all the various difficult and intricate questions which the bill necessarily raises. It is with a view to some of these questions that I want to make a few inquiries of the Senator from Iowa.

In the first place, I am not at all satisfied as to the constitutionality of this bill, but I can scarcely expect careful consideration of that question when men of all parties, here or elsewhere, are tumbling over each other in the effort to appear as its chief advocates. Naturally after this we are to have acts of Congress defining the liability of railroads to interstate passengers, and then to interstate shippers, and so on ad infinitum, until nothing is left to State jurisdiction.

But passing these by, I should like to know whether the Senator from Iowa, speaking for his committee, is able to say definitely, not as a matter of general opinion, but as the result of careful examination, whether the enactment of this bill into a law nullifies all the legislation of each and every State upon the subject of the liability of a railroad to its employees upon any train engaged in interstate commerce?

Mr. DOLLIVER. Mr. President, while I would not regard it as really necessary to the disposition of the question before us to answer that question, I have no reluctance in giving the honorable Senator my own view about it.

Congress has jurisdiction to regulate interstate commerce. If it exercises the jurisdiction, as I understand it, it does not necessarily nullify, but in a practical sense supersedes State legislation dealing with the same subject.

Mr. BACON. Will the Senator kindly differentiate between

the supersession of a statute by another statute and the nullification of a statute by another statute?

Mr. DOLLIVER. That is an easy question. To nullify a statute means to disregard and disobey it, and to supersede it means to overlay it with a superior jurisdiction.

Mr. BACON. I should say, Mr. President, that the Senator with the use of the wealth of language that always, I will say, characterizes him, has covered this up in a way that has succeeded in obscuring it by a distinction without a difference. There is no such difference, Mr. President.

I am, however, very glad that the Senator has even gone as far as he has in enlightening me, because so far as he has gone he has accorded with the view which I have had; and I wanted to suggest to the Senator a difficulty in regard to the matter, to find out whether I am correct in it, which has occurred to me.

As I have said, this is now the law of Georgia; and speaking in the interest of the laboring men in my State, and particularly in the interest of railroad employees, many of whom I number among my personal friends and many of whom have been for many years amongst the best friends I have ever had—speaking from that standpoint, I wish to make a suggestion to the Senator from Iowa to see whether I am correct in my conclusion or not.

The power in Congress to enact this legislation, which will either supersede or annul, it matters not which—it is the same thing in effect—State legislation in this regard, necessarily involves and recognizes and contemplates the power in Congress to change this law after it has been enacted. It not only assumes, in this instance, to make a rule of liability for the employees of railroads, but it necessarily recognizes and contemplates that this may not be a finality, but that there may be changes by Congress in the future, and that there may be changes in a direction not in the interest of the employees of railroads.

And when changes are made by Congress in the future it may be that in any State where we now have a satisfactory law which protects employees of railroad companies, as we have in Georgia, this comes within the recognized field of proper Federal legislation. The time may come, and it is to be apprehended that it will come, when not the employees of railroads will be those who will influence and control legislation in this regard, but when these great railroad corporations will control legislation and enact laws which shall not be in the interest of these employees. When this is done, the Federal law will control and will prevent States from enacting laws and enforcing laws which shall be in the interest of these employees.

Mr. President, these gigantic railroad corporations have great power. The railroads in the United States are estimated to be $15,000,000,000 in value. This proposed legislation will vitally affect that vast property interest. These corporations, not because they are corporations, but because they control this immense aggregation of wealth and wield the consequent immense influence, have great power in elections. They have great power in putting men in office who are to legislate and who are to execute the laws. It is not to be supposed—can anyone be possibly so credulous as to suppose?—that when legislation of this kind, so directly and vitally affecting them, is recognized as something which is to control the relation of these railroad corporations and their employees, they will be indifferent to that legislation, or that they will fail to put in operation with every power at their command the machinery which shall bring about legislation in their particular interest, such legislation as they desire for the protection of their own interest, and not such legislation as we now have in contemplation for the benefit of these employees, and which it is now sought to enact in accordance with the will and wishes of these employees.

Mr. President, as an illustration of the power of these corporations and of those who control these corporations to influence elections, it will be recognized that it is difficult for the community made up of separate individuals to gather together a large fund which shall be used under an emergency in an election; but we know it is a matter of simple operation for those who control these large corporations, with their enormous aggregate wealth, to put suddenly into a campaign a fund which shall control an election.

We have had within the past year or so, through the newspaper press, a statement that in the campaign of nearly four years ago—I think it was in 1904—when the question of the election in the State of New York hung in the balance, and it was apprehended that it might go in a direction adverse to the wishes of some of large influence and power, there was a representative—a controlling representative—of the largest railroad aggregation in the United States summoned to Washington by a telegram or a letter—I have forgotten which—and asked to raise a sum of money which should be used in the New York election for the purpose of saving it from a result which was contrary to the political wish of the party that made the request.

Now, I am not going to say who that was and what high railroad officer it was, but it is a matter of notoriety that in one day that high railroad official came to the city of Washington, and upon the alleged request of a high official of this Government went back to New York and in one day raised $500,000 and put it in the campaign and controlled the election.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I do.

Mr. FORAKER. Does not the Senator think he owes it to the high official against whom that charge has been made to say that the official has denied it?

Mr. BACON. Mr. President, I am not assumed to know who that high official was. Possibly the Senator from Ohio knows.

Mr. FORAKER. The Senator from Georgia stated a few moments ago that it was not necessary for him to mention names, because everybody knew the name of the person to whom he referred.

Mr. BACON. I do not recall that I said that, but if I did, I will stand by that proposition. If everybody knows it, it is not necessary for me to name him.

Mr. FORAKER. It was the statement of the Senator from Georgia, I supposed I understood him, that I ought to know the name of the person to whom he referred, and I thought I ought to call his attention to the fact, so he would not omit to state that the high official contradicted the story, and with an ugly word, to the man who set the story in motion.

Mr. BACON. Mr. President, there is a certain very famous club in this country, which by reason of the number of those who have been assigned to its membership—I will not say who have applied for membership, but who have been assigned to its membership—and because of the character of some of them, at least, who have been assigned to its membership, has become a most respectable club.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. BACON. I do.

Mr. GORE. In order that I may contribute something to the literature on this subject, I ask to have the letter read which I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[New York Tribune, April 3, 1907.]

OCTOBER 4, 1904.

MY DEAR HARRIMAN: A suggestion has come to me in a roundabout way that you do not think it wise to come on to see me in these closing weeks of the campaign, but that you are reluctant to refuse, inasmuch as I have asked you. Now, my dear sir, you and I are practical men, and you are on the ground and know the conditions better than I do.

If you think there is any danger of your visit to me causing trouble, or if you think there is nothing special I should be informed about or no matter in which I could give aid, why, of course, give up the visit for the time being, and then, a few weeks hence, before I write my message, I shall get you to come down to discuss certain Government matters not connected with the campaign.

With great regards,

Sincerely, yours, THEODORE ROOSEVELT.

Mr. BACON. Mr. President, I am not responsible for the bringing in of the name of the President.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. Certainly.

Mr. GALLINGER. Will not the Senator from Georgia agree with me that it ought not to have been brought in in this connection?

Mr. BACON. I will not assume to say that.

Mr. GALLINGER. I will state it, then, on my own responsibility. I think it is very improper.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. BACON. I do.

Mr. GORE. I assume all the responsibility for the introduction of this letter. I do not think that the President of the United States ought to write a letter that he is unwilling for the Senate and the country to hear read.

Mr. BACON. Mr. President, I want to call the attention of the Senate to the fact that the main purpose I have in alluding to this matter is not to take part in any controversy as to the particular influence which caused the subscription of $500,000. I am simply trying to illustrate the danger of this

legislation to the employee class, and I illustrated it, not by calling anyone's name, but by a fact which was known to everybody, that whether that $500,000 was called for in the way that it was charged it had been called for or not there was no dispute about the fact that the money was collected hurriedly and put in the campaign.

I am not in a position to say anything one way or the other upon it, because I am not in the confidence of either of the parties. It may be utterly untrue that $500,000 was asked for by anyone here in Washington, but there is one fact which is not disputed by anybody, and that is that the railroad official did, within the limited time of a day or two before the election, in his vast power over aggregate wealth in the control of these very corporations about which we are now legislating, get up the $500,000 which did control the election in New York. That is the point I am after; and it is only by way of inducement that I speak of the way in which it was set in motion or alleged to have been set in motion. It may not be true that it was set in motion in response to the influence which was charged, but there is no doubt about the fact that it was set in motion, and no doubt about the fact and no dispute by anybody that within a day or two that official, by virtue of his great power in the control of this aggregate wealth, did raise the half million dollars and saved the election for a certain party in the State of New York.

Now, the illustration is to the point that this legislation, vitally affecting these corporations to the extent of many millions annually, is not legislation which it is to be supposed in the future these corporations will be indifferent to or neglectful of. It is not to be supposed for a moment that these corporations will idly sit still and fail to use their utmost power in the effort to have legislation enacted on the line which shall be in accordance with their wishes and in accordance with their interests, and not in accordance with the wishes of these employees or in accordance with the interests of these employees.

When they accomplish that, Mr. President, when they accomplish legislation which shall reach the entire United States, and be in force throughout the United States, they will have absolutely checkmated all effort on the part of the States to protect the interests of employees by proper legislation.

They will by Federal legislation nullify any legislation which may be had in any State for the protection of their employees. It will be easier for these corporations to procure the legislation they wish from one Congress than from the legislatures of forty-six States. And when that day comes, sir, the railroad employees in the United States will curse the day that they invoked legislation of this kind at the hands of Congress.

I repeat, this legislation can not do the railroad employees in my State any good. It can not do them any good, because they have now a satisfactory State law which prescribes a rule of liability which fully protects them, a law which heretofore, according to recognized rule, no Federal legislation would interfere with; but if we establish the precedent that Federal legislation shall prescribe a rule by which employees shall seek redress for injuries received in their employment, then Federal law controls thereafter, and the State is powerless to protect them by State legislation. We need not hope that legislation by Congress will always be in the interest of the employees.

Now, Mr. President, I will not detain the Senate by any elaboration of that; but I want to ask the Senator from Iowa another question. Of course the Senator will recognize the fact that on a railroad which may be altogether within a State—in other words, which does not cross a State line—any train which carries upon it any freight or any passengers destined for a point beyond the State line is engaged in interstate commerce, and although it is going to be transferred to another railroad it will be subject to the provisions of this act. Am I correct in that?

Mr. DOLLIVER. I think the Senator is correct.

Mr. BACON. Very well. Now, I want to ask the Senator a question by way of illustration. Of course, never mind how large a train may be and how full of goods it may be, all the balance of it may be intrastate freight, but if upon that train there is one single box that is to cross the line it makes that train engaged in interstate commerce.

I want to illustrate it to the Senator by a concrete case. We will suppose that a train starts from Richmond to Alexandria. Those are the terminal points for that train. It has freight consigned exclusively to Alexandria or to points between Richmond and Alexandria. That makes it altogether out of the jurisdiction of this bill; but if at Orange Court House, on the way, a man puts on it a box of cigars which is consigned to a party in Baltimore, that would immediately change the character of the train, would it not, and make it after that a train engaged in interstate commerce?

Mr. DOLLIVER. Does the Senator desire my information on the subject?

Mr. BACON. I said to the Senator that I had not had the opportunity to examine this bill, but I knew in a matter of this importance, of course, the Senator's committee has necessarily examined in all of its details every feature of it and is prepared to give us the information, and I am trying to get it from the Senator.

Mr. DOLLIVER. The Senator also said the bill had not been considered by the Judiciary Committee.

Mr. BACON. It has not.

Mr. DOLLIVER. It has been before that committee more than three months, and the Senator's opportunity to propound questions on the subject has been equal to mine.

Mr. BACON. I will say to the Senator that the Judiciary Committee has not been able to do anything for the last three months, outside of the nominations which have been sent in, except to consider the Senator's liquor bill.

Mr. DOLLIVER. I regret that the committee has been limited to that.

Mr. CLARK of Wyoming. I wish to correct my colleague upon the committee. I think it is not quite just for him to say that of the committee. A part of the committee, the subcommittee of which he is a member, has been concerned entirely with the liquor business. Other members of the committee have been concerned with the bill involving the same question, perhaps, that is involved in this bill, but totally different in many of its provisions.

Mr. BACON. I will say to the Senator I am asking questions in good faith, and I ask them because I have not had consideration of the subject. I myself have had my time entirely occupied by the Senator's bill on the subject of interstate commerce in liquors, and I have had no time so far to give to the bill on this subject.

Mr. DOLLIVER. I will say to the Senator, if I understand correctly the decisions of the Supreme Court, they are to the effect that a railroad that is entirely within a State, but carrying commerce destined to points outside the State, is engaged in interstate commerce and is subject to the interstate-commerce act.

Mr. BACON. That is a clear statement of the law. Then I am correct in the suggestion that on a train leaving Richmond and coming to Alexandria, those being terminal points, having no freight except for Alexandria and intermediate points, if when it reached Orange Court House a box of cigars were put on it, consigned to Baltimore, it would be converted at once from a train not subject to the provisions of this act into one that is subject to it. Am I correct in that, I ask the Senator from Iowa? I am correct in the conclusion that at Orange Court House it will be converted into a train the employees of which would become engaged in interstate commerce, and everything would be subject to this law at that point and from there to Alexandria.

Mr. DOLLIVER. I have no doubt that is true.

Mr. BACON. Very well. The point I want to ask the Senator is this: If on the line of road between Richmond and Orange Court House an accident occurs, the rule of liability would be determined by the law of Virginia, because there would be no interstate commerce; but after the box of cigars had been put on at Orange Court House if an accident and an injury occurred between there and Alexandria, although it was the same train and the same crew and the same people, the rule of liability would be determined by this law. If the injury was incurred before the train reached Orange Court House, the case would go into the State court and be determined by Virginia law. But after the box of cigars had been put on the train at Orange Court House, if an injury occurred to the crew of the same train, the case would go into the Federal court and be determined by the act of Congress as to the rule of liability. Am I correct in that?

Mr. DOLLIVER. If the court will agree with the judgment of the Senator.

Mr. BACON. I just simply wished to know the opinion of the Senator. These are intricacies of the law which I thought it was well the Senator should inform us about.

Mr. DOLLIVER. All those questions have been discussed in the court and the laws between interstate and State commerce fairly well defined.

Mr. BACON. That would be the effect in this particular case.

Now, I want to ask the Senator another question, with his permission. Something was said in the early part of this debate to-day about whether both Federal and State courts would, under this Federal law, have jurisdiction in regard to injuries which arose in the operation of interstate trains.

I am not, Mr. President, entirely clear on that point. I presume there are decisions which determine it, but I have had no

occasion to look into the matter. I have consulted with some of my brethren around me here, some of whom are eminent lawyers, and they are in doubt on the subject. Therefore I should like to know from the Senator from Iowa whether that question was entirely and conclusively considered by the committee, and whether the Senator is in a position to say definitely, as the result of that examination, what the law on that subject is?

Mr. DOLLIVER. Mr. President, I do not think that my opinion about that would give very much light upon the question which is before us.

Mr. BACON. I think it would.

Mr. DOLLIVER. But I do not hesitate to say that I understand that a citizen of Georgia can bring a suit in the State court of Georgia for the enforcement of his rights under this act, and would remain in the State court of Georgia unless the defendant exercised his right under the judiciary act and transferred the controversy to the Federal court.

Mr. BACON. The Senator thinks that a defendant, without a further act, would have the right to transfer to the Federal court?

Mr. DOLLIVER. I think he would have all the rights that he now has under the judiciary act.

Mr. BACON. But I am speaking about whether he would have the right to transfer by reason of the fact that the cause arose under a law of the United States.

Mr. DOLLIVER. I would defer a question like that to great and learned lawyers. I do not regard it as essential to the question here.

Mr. BACON. I want to explain to the Senator——

Mr. DOLLIVER. If the Senator from Georgia will not feel hurt about it, I would advise him not to cultivate too many objections to this bill, lest they might undermine the resolution he has expressed to cast his vote in favor of it.

Mr. BACON. Mr. President, I have never expressed any such intention. The Senator from Iowa is mistaken about that. He never heard that from me. I am in favor of the principle involved in this bill, but I am not in favor of the enactment of a law of this kind by the Federal Government. I am not in favor of the Federal Government having power to destroy a law just like this proposed law that we now have in Georgia. I have too much regard for the interests of the railroad employees in Georgia to be willing to see the Georgia law destroyed which now protects those interests.

Mr. HEYBURN. I should like to ask the Senator from Georgia a question.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. I should like to know, is it not of some importance to consider whether or not the State courts in Georgia would observe the rules of evidence established by this proposed law, rather than the rules of evidence that they now have under the existing laws of Georgia? Would not that also be likely to be an embarrassing question?

Mr. BACON. I think there are a great many questions of that kind which would be embarrassing, but I want to say to the Senator from Iowa [Mr. DOLLIVER], in order that it may appear that I am not asking these questions idly, that the question which I have last propounded is one of intense interest to the laboring men in my State.

I will tell the Senator why. I am inclined to agree with the suggestion of the Senator that the State courts would have jurisdiction to administer this law, but I have not looked into it, and I am not prepared to say with certainty—but it is of immense importance that if they would not have it, and if it is possible to amend this bill so as to give it to them, that we should do it for this reason—I illustrate by my own State, but, of course, there are other States in a similar position. There are 146 counties in my State, and there is scarcely a county through which a railroad does not run. Under our law, in any county in that State in which an accident occurs, there is jurisdiction for the trial of that case; in other words, there is the opportunity for the injured employee to try his case close at home, where the witnesses can be had easily and without expense, and where it is convenient for him to try it.

If, on the contrary, he has to go to a Federal court to try it, he will, in some instances, have to go over 100 miles to attend that court. It is a matter of extreme importance, not only in that particular, but when he tries the case in the State court the expenses are small; the costs are small. If he loses his case in the first court he can, without expense of any material character, go to the appellate court to try his case. But if he has to go to the Federal court the costs are immense and almost prohibitory to him; and when it comes to the question of whether he shall go to an appellate court, perhaps in another State, the court of appeals, or ultimately, if you please, to come to the Supreme Court of the United States for the adjudication of his rights, the expenses are prohibitory to him. Therefore it is of immense importance that, if there is any doubt under the provisions of this bill as to that jurisdiction, it should be so amended that the jurisdiction should be given to the State courts, in order that parties may have the opportunity to avail themselves of it.

Now, I will illustrate, to show in what way that is regarded by the laboring men in my State—employees of railroad companies. I will state, first, that most of the railroads in my State have foreign charters and, under the diverse-citizenship clause, have the right and opportunity to transfer cases to the Federal court in case the amount involved exceeds $2,000. In almost every instance where the injury is of a small character the employee will bring his suit for $1,999, in order to get his case in the State court and in order to prevent the railroad company from having an opportunity to transfer it to the Federal court, where it would involve an expense which he can not well bear and where he does not have the same opportunity for convenient trial as he has in that case.

I state that for the purpose of showing that I am not asking these questions with a view to any factious opposition. I am not unfriendly to the purpose of the bill, but there are a great many law questions which arise in this case, and questions of practical operation, which make it a very serious matter, and one which I think ought to be very carefully examined into, and not one to be passed, as this is proposed to be passed this evening, without an opportunity for due consideration as to what amendments may be needed.

Mr. President, there are other questions that I am troubled about, but I dislike to trespass upon the time of the Senate.

I would like to ask another question, however, Mr. President. I should like to know if it has been considered by the committee, of which the Senator from Iowa is chairman, whether the fact that it is a liability dependent upon a Federal law of itself, without diverse citizenship, gives to either party the right of removal to a Federal court?

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I do. I asked the question in the utmost good faith, because it was a matter that I have not had an opportunity to examine.

Mr. DOLLIVER. Mr. President, I am afraid the committee gave no consideration to that question, and my own experience in the Federal courts in recent years has been somewhat limited; but I am going to take the liberty of asking my friend, the Senator from Ohio [Mr. FORAKER], to answer that question.

Mr. FORAKER. Mr. President, I was otherwise occupied when the question was asked, and I do not know what the question was. I shall have to have it repeated.

Mr. DOLLIVER. The question was whether when a suit is brought in a State court under this act, to gain the advantage of this act it could be taken to a Federal court by the allegation that it was a question arising under an act of Congress.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. BACON. I do.

Mr. FORAKER. I should think, without stopping to examine the statute, that the cause would be removable on the ground suggested.

Mr. BEVERIDGE. Without any other law?

Mr. FORAKER. On the ground that it is a case arising under the law of the United States.

Mr. BEVERIDGE. But it is not included, if the Senator please, in the removal law.

Mr. FORAKER. I will say that I have not read the statute on that particular point. It would undoubtedly be removable on any statutory ground that might be prescribed.

Mr. BACON. If that is the case, it is important that we should have an amendment made to the bill. If the Senator from Ohio is correct in his judgment of the law—I express some doubt on the subject—if the Senator from Ohio is correct in his opinion of the law, then it would not at all depend on the amount involved, and no railroad employee could bring a suit in any State court for any minor injury without liability to removal to a Federal court, whereas if the proper amendment were put on the bill limiting it to $2,000, as in other cases, he could, for minor injuries at least, seek and obtain redress in State courts.

Mr. President, these are serious questions——

Mr. BEVERIDGE. Does the Senator mean to say that you can not go to a State court now?

Mr. BACON. I did not say so. The Senator from Ohio said so.

Mr. FORAKER. No; Mr. President, what I intended to say positively was that such a suit would be removable upon any ground provided by the Federal statute if that ground existed. I do not know the particular ground, except that which the Senator suggested. Whether or not that particular ground was provided in the statute of removal, I can not tell without looking at the statute. Senators about me have examined the statute, and I understand the Senator from Montana [Mr. CARTER] can answer the question from the statute that he has before him.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Montana?

Mr. FORAKER. Certainly.

Mr. CARTER. Mr. President, if the Senator from Georgia desires, I will read the pertinent portions of two sections of the statutes relating to the subject under consideration. The act of March 3, 1901, in so far as it is directly applicable, reads:

That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States, or treaties made, etc.

The section which relates to the removal of causes, in so far as it is applicable here, says:

Any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section and which are now pending or which may hereafter be brought in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein, being nonresidents of that State.

Mr. BACON. Mr. President, I am reasonably familiar with the terms of that statute. It has been on the statute book for some time, in one form or another, and it has been amended since I have had the honor of a seat on this floor; but my inquiry was addressed to the question whether, under the terms of this particular bill and in view of the suggestion of the learned Senator from Indiana [Mr. BEVERIDGE], that jurisdiction was given by reason of the fact that it arose under the powers conferred by the Constitution, which I say——

Mr. BEVERIDGE. I made no such suggestion, Mr. President.

Mr. BACON. I understood the Senator made that suggestion in commenting upon the amendment offered by the Senator from Texas [Mr. CULBERSON].

Mr. BEVERIDGE. Quite the reverse.

Mr. BACON. I beg the Senator's pardon; I misunderstood him.

Mr. BEVERIDGE. I think the question the Senator is asking about is pretty well settled; and I am surprised to hear the Senator suggest that under this proposed law a citizen of Georgia would not have the right to go into the State courts and stay there, if he wanted to, before he could get into the Federal courts at all.

Mr. BACON. I have not made any such suggestion. I have been, in the language of our distinguished friend from South Carolina [Mr. TILLMAN], who is not here now, "seeking light," and would be very glad to have some from the Senator from Indiana.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. BACON. Certainly.

Mr. OVERMAN. Suppose an employee of a railroad in North Carolina should bring a suit against a North Carolina domestic corporation for damages, and suppose a petition on the part of the railroad were filed suggesting that a Federal question was involved, would the case not be removed under this proposed statute?

Mr. BEVERIDGE. Certainly not; unless there was a question of diverse citizenship involved.

Mr. OVERMAN. I mean without regard to diverse citizenship or the amount involved.

Mr. BACON. I do not profess to be so familiar with this bill as to give any opinion in regard to that point. My object in rising was to try to get some information. I think, Mr. President, that the inquiries which have been made are sufficient to demonstrate the fact that the questions which are involved are very numerous and very grave, and I agree with Senators who think that the bill ought to be more carefully considered than it can possibly be considered this afternoon. I do not think, in a matter so far-reaching as this, that there should be action in a way which will leave it altogether uncertain what we have done or what we have not done, or what the effects of our action are to be.

Mr. OVERMAN. Mr. President, I will offer an amendment without debating it. I was very much impressed by the argument of the Senator from Georgia [Mr. BACON], and as doubt has been suggested in regard to this matter, I should like to remove all doubt. It may be that no suit can be brought by a citizen of a State against a domestic corporation. Therefore I think we can settle it without endangering the bill by adopting the amendment which I send to the desk.

Mr. FORAKER. Mr. President, if the Senator from North Carolina will withhold the amendment for a moment, I will call the attention of the Senator from Georgia [Mr. BACON] to the provision of section 640 of the Revised Statutes, which provides that a suit brought against any corporation—

may be removed for trial in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States.

That would seem to cover the case.

The VICE-PRESIDENT. At what point does the Senator from North Carolina wish his amendment to come in?

Mr. OVERMAN. At the end of the last section in the bill.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from North Carolina.

The SECRETARY. At the end of section 8, on page 4, it is proposed to insert the following:

Provided, That nothing in this act shall be so construed as to be a cause for a removal from the State to the Federal court of any suit brought by a citizen of a State against a domestic corporation, or a suit by one citizen of a State against a foreign corporation joined with a citizen of the same State.

Mr. DOLLIVER. Mr. President, I showed a modest reluctance to settle the question of the statutory law, but I have spent a good many months lately studying the general Constitution of the country; and among other things that I made up my mind as reasonably certain is that it is not in accordance with our jurisprudence to create two classes of litigants, sending one into the courts under one statute and another under another, and I very greatly fear that if such an amendment were adopted the bill would be swamped in the constitutional interpretation of it. I therefore move to lay the amendment on the table.

Mr. TELLER. I do not desire to detain the Senate very long, but I want to call attention to a provision of the bill, and I should like to have the chairman of the committee explain to me why it is put in. It is the provision on page 1, commencing in line 13, as follows:

For the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee.

Mr. President, I myself supposed that it was a well-established principle that the distribution or inheritance of property depended entirely upon State laws and not upon the laws of the General Government. I should like to ask the chairman how this distribution will be made? This provision would not be in accordance with the laws of some of the States; I do not know how it is with all of them; but, Mr. President, it strikes me that the provision to which I have referred has nothing to do with the principle for which we are contending here. Therefore I think it ought to go out and the matter be left to the State courts.

Mr. DOLLIVER. Mr. President, I do not think there is anything wrong about that. That is the exact language of the act of 1906.

Mr. TELLER. I know it is; but that is one of the defects of that act.

Mr. DOLLIVER. I know; but that act ran the gantlet of criticism in the highest court, and that question was raised neither by the court nor by the great counsel who were engaged in the trial of that case.

Mr. TELLER. It did not get to the question of distribution and they could not raise it there very well. It was not considered. When the plaintiff gets his judgment, Mr. President, if he ever does—and he will always have some trouble to get it—then the State law should determine how it should be distributed. The States provide for that and provide the agencies, such as the surrogate court in New York, or, as we say in the West, the probate court. There is no machinery of the Federal Government by which that can be done.

I only call attention to this, Mr. President, to indicate that this bill, I think, has not been carefully examined and that we are pushing it through here to-night in great haste, as if there were no time to consider it, and all of the important questions which have been raised here have been but partially considered.

Mr. DOLLIVER. I move to lay the amendment of the Senator from North Carolina on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Iowa to lay the amendment proposed by the Senator from North Carolina [Mr. OVERMAN] on the table.

The motion was agreed to.

Mr. BACON. Mr. President, I offer the amendment which I send to the desk. I can not indicate the particular section which it should follow, but it is immaterial, as it will be an independent section.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add as a new section the following:

That no action brought in a State court under this act shall be transferred to a Federal Court, except by reason of diverse citizenship.

Mr. BACON. Mr. President, it seems to me that is absolutely reasonable, and I hope the Senate will agree to that much.

Mr. DOLLIVER. I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Iowa moves to lay the amendment proposed by the Senator from Georgia on the table.

The motion was agreed to.

Mr. GORE. Mr. President, I desire to serve two purposes in rising. I desire to say in regard to the Roosevelt-Harriman letter, which I had read to the Senate, that I am responsible for the reading of that letter to the Senate, and that I would rather be responsible for the reading than for the writing of that letter. Now, sir, if that were a proper letter for the President of the United States to write to an "undesirable citizen," there certainly could be no impropriety in my having it read to this Senate. If that were an improper letter for the President to write to Mr. Harriman, then, sir, I am sorry that the President wrote the letter. That is my apology.

Now, I desire to offer an amendment to the pending bill at the close of section 3 by adding these words:

Provided, That all questions of fact relating to negligence shall be determined by the jury.

I desire to claim the floor to speak to that amendment.

The VICE-PRESIDENT. The Senator will be recognized as soon as the Secretary has stated the amendment. The amendment will now be stated.

The SECRETARY. At the end of section 3, on page 3, it is proposed to add the following:

Provided, That all questions of fact relating to negligence shall be determined by the jury.

Mr. GORE. Mr. President, that amendment presents the vital distinction between the pending House bill and the Senate bill upon this subject. That amendment is a matter of vital importance to the efficacy of this measure. It is of vital consequence to the successful enforcement of this measure. The amendment raises this question, Shall all issues of fact relating to negligence be determined by the jury, or shall the Federal court have the power in effect to withdraw such causes from the jury and give a peremptory instruction in behalf of the defendant?

This measure has been attended with a considerable flourish of trumpets. It is being passed professedly in response to the demands of the laboring people of this country for remedial and protective legislation. For my part, I desire to carry out the demands and the desires of the laboring men in good faith. I am unwilling to hand them either a serpent or a stone. I have reasons to think, sir, that the laboring people of this country desire to have this clause incorporated in this bill; and, if it is not in it when they come to gather the fruit of this legislation, it will turn to ashes upon their lips.

I presume that everybody has more or less faith in the Federal courts. The laboring people of this country, however, are willing for a jury of their peers to determine their rights and their interests, and I presume that the railroads are willing to commit their rights and their interests to the same tribunal. For that reason I submit the amendment.

Mr. DOLLIVER. If the Senator will permit me, it will be remembered by the Senate that a similar amendment already has been offered and rejected by the Senate.

Mr. GORE. As I understand, the Senator from Iowa offered a section from the Senate bill as a substitute for this entire section in the House bill. There were other differences besides this, and perhaps the negative vote went off on the other propositions.

Mr. DOLLIVER. It will be recalled by those who have read the decision of the Supreme Court that their judgment as to the constitutionality of a similar clause in the old law of 1906 was expressly reserved. I have given a good deal of study to the question, and do not regard that section as essential. The truth is that the relation of the court and the jury in trials under our system is rather definitely fixed by the Constitution, which, in Article VII says:

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

That appears to me to be a sufficient protection of the rights of litigants. If this were pending here as an original bill I would favor such a measure, but this is a House bill which needs only the favorable action of the Senate to become a law without further proceedings, and at the present stage of the session I very much prefer the friends of the bill to have it enacted rather than to have it perfected at the risk of being tied up in the closing hours of the session.

I move to lay the amendment on the table.

The VICE-PRESIDENT. The Senator from Iowa moves to lay on the table the amendment proposed by the Senator from Oklahoma [Mr. GORE].

Mr. GORE. I should like to have the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I desire to announce my pair with the senior Senator from Missouri [Mr. STONE], and I withhold my vote.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "nay."

Mr. DEPEW (when his name was called). I again announce my pair with the Senator from Louisiana [Mr. MCENERY].

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I will transfer to the Senator from Washington [Mr. PILES] and vote. I vote "yea."

Mr. FOSTER (when his name was called). In the absence of the Senator from North Dakota [Mr. MCCUMBER], with whom I am paired, I will withhold my vote.

Mr. FRAZIER (when his name was called). I again announce my pair with the junior Senator from South Dakota [Mr. KITTREDGE]. If he were present, I should vote "nay."

Mr. GAMBLE (when his name was called). I make the same announcement as to pairs and transfers that I did on the last vote, and vote "yea."

Mr. BANKHEAD (when Mr. JOHNSTON'S name was called). My colleague [Mr. JOHNSTON] is paired with the junior Senator from New Jersey [Mr. BRIGGS].

Mr. OVERMAN (when his name was called). I again announce my pair with the junior Senator from Missouri [Mr. WARNER]. If he were present, I should vote "nay."

Mr. CLARK of Wyoming (when the name of Mr. PILES was called). The Senator from Washington [Mr. PILES] during the afternoon was unavoidably called from the city because of illness in his family, and he desired that fact to be announced on the floor. As stated by the Senator from Vermont [Mr. DILLINGHAM], the Senator from Washington stands paired with the Senator from South Carolina [Mr. TILLMAN].

Mr. WARREN (when his name was called). I announce my general pair with the Senator from Mississippi [Mr. MONEY], who is absent from the Chamber. I withhold my vote.

The roll call having been concluded, the result was announced—yeas 37, nays 13, as follows:

YEAS—37.

Ankeny	Curtis	Gamble	Perkins
Beveridge	Dick	Guggenheim	Richardson
Bourne	Dillingham	Hale	Scott
Brandegee	Dixon	Hemenway	Smoot
Brown	Dolliver	Heyburn	Stephenson
Burkett	du Pont	Hopkins	Sutherland
Burrows	Flint	Kean	Wetmore
Carter	Foraker	Knox	
Clapp	Frye	Long	
Cullom	Gallinger	Nelson	

NAYS—13.

Bacon	Culberson	Martin	Teller
Bankhead	Gary	Paynter	
Borah	Gore	Simmons	
Clarke, Ark.	McCreary	Taliaferro	

NOT VOTING—42.

Aldrich	Depew	McEnery	Rayner
Allison	Elkins	McLaurin	Smith, Md.
Bailey	Foster	Milton	Smith, Mich.
Briggs	Frazier	Money	Stewart
Bulkeley	Fulton	Newlands	Stone
Burnham	Hansbrough	Nixon	Taylor
Clark, Wyo.	Johnston	Owen	Tillman
Clay	Kittredge	Overman	Warner
Crane	La Follette	Penrose	Warren
Daniel	Lodge	Piles	
Davis	McCumber	Platt	

So Mr. GORE'S amendment was laid on the table.

The VICE-PRESIDENT. If there be no further amendments proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE SENATORS FROM ALABAMA.

Mr. BANKHEAD. Mr. President, a few days ago I gave notice that on the 11th of April, immediately following the routine morning business of that day, I would ask the Senate to consider resolutions commemorative of the life, character, and public services of the Hon. JOHN T. MORGAN and the Hon. EDMUND W. PETTUS, late Senators from the State of Alabama.

After conferring with Senators on both sides of the Chamber, it has been deemed best to postpone those resolutions until a week from next Saturday; that is, until April 18.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

SITES FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. Mr. President, I wish to give notice that on Monday next, after the routine morning business, I wish to submit a few remarks on the bill (S. 122) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until Monday, April 13, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 9, 1908.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. George R. Smith, deputy paymaster-general, to be assistant paymaster-general, with the rank of colonel, from April 7, 1908, vice Muhlenberg, retired from active service.

Maj. Francis L. Payson, paymaster, to be deputy paymaster-general, with the rank of lieutenant-colonel, from April 7, 1908, vice Smith, promoted.

Cavalry Arm.

Second Lieut. Arthur G. Fisher, Fourteenth Cavalry, to be first lieutenant from April 6, 1908, vice Sturges, Thirteenth Cavalry, dismissed.

Infantry Arm.

First Lieut. William E. Hunt, Eighth Infantry, to be captain from April 3, 1908, vice Wassell, Twenty-second Infantry, deceased.

PROMOTIONS IN THE NAVY.

Lieut. Walter S. Turpin to be a lieutenant-commander in the Navy from the 30th day of January, 1908, vice Lieut. Commander Robert B. Higgins, promoted.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade:

Stephen C. Rowan,
Samuel M. Robinson,
Ernest Friedrick.
Lamar R. Leahy,
Harold R. Stark,
William Ancrum, and
Charles E. Smith.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Stephen C. Rowan,
Samuel M. Robinson,
Ernest Friedrick,
Lamar R. Leahy,
Harold R. Stark,
William Ancrum, and
Charles E. Smith.

Asst. Naval Constructor Henry Williams to be a naval constructor in the Navy from the 4th day of April, 1908, upon the completion of four years' service in present grade.

William S. Shacklette to be a hospital steward on the retired list of the Navy with the rank and three-fourths the sea pay of a pharmacist, in accordance with the provisions of an act of Congress approved April 3, 1908.

POSTMASTERS.

MAINE.

Fred H. Atwood to be postmaster at Rumford (late Rumford Falls), Oxford County, Me., in place of Fred H. Atwood, to change name of office.

NEW HAMPSHIRE.

Forrest W. Peavey to be postmaster at Wolfeboro (late Wolfboro), Carroll County, N. H., in place of Forrest W. Peavey, to change name of office.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 9, 1908.

PROMOTION IN THE NAVY.

Midshipman Archibald G. Stirling to be an ensign in the Navy from the 13th day of February, 1908, in accordance with the provisions of an act of Congress approved April 3, 1908.

POSTMASTERS.

FLORIDA.

Roy S. Hanna to be postmaster at St. Petersburg, Hillsboro County, Fla.

William A. Murat to be postmaster at Apalachicola, Franklin County, Fla.

ILLINOIS.

Charles W. Taylor to be postmaster at Libertyville, Lake County, Ill.

IOWA.

D. J. Adlum to be postmaster at Missouri Valley, Harrison County, Iowa.

Stephen M. Brinton to be postmaster at Brighton, Washington County, Iowa.

Robert W. Willard to be postmaster at Lost Nation, Clinton County, Iowa.

KENTUCKY.

Miles M. J. Williams to be postmaster at Eminence, Henry County, Ky.

MARYLAND.

John Buchanan to be postmaster at Williamsport, Washington County, Md.

MINNESOTA.

John F. McDavid to be postmaster at Chisholm, St. Louis County, Minn.

PENNSYLVANIA.

Wesley B. McAlpine to be postmaster at South Brownsville (late Cadwallader), Fayette County, Pa.

TENNESSEE.

James Rogers, jr., to be postmaster at Dyer, Gibson County, Tenn.

WISCONSIN.

Henry J. Goddard to be postmaster at Chippewa Falls, Chippewa County, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 9, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 7, 1908:

H. R. 3822. An act for the relief of James Behan.

On April 8, 1908:

H. R. 1815. An act for the relief of the estate of D. S. Phelan; and

H. R. 13735. An act to correct the military record of Micaiah R. Evans.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19355. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4172. An act providing for the erection of an addition to the court-house of the District of Columbia for the use of the court of appeals; and

S. 6105. An act for the relief of pensioners of the Metropolitan police fund.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4172. An act providing for the erection of an addition to the court-house of the District of Columbia for the use of the court of appeals—to the Committee on Public Buildings and Grounds.

S. 6105. An act for the relief of pensioners of the Metropolitan police fund—to the Committee on Appropriations.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move to recommit the conference report on the Indian appropriation bill to the conference committee.

The SPEAKER. The gentleman from New York moves to recommit the conference report on the Indian appropriation bill to the conference committee.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 62, noes 46.

Mr. WILLIAMS. I ask for tellers.

Mr. PAYNE. I make the point——

Mr. WILLIAMS. I ask for the yeas and nays, Mr. Speaker.

The SPEAKER. Does the gentleman from Mississippi make the point of no quorum?

Mr. PAYNE. I make the point of no quorum.

Mr. WILLIAMS. I hope the gentleman from New York will not make the point of no quorum and delay the business of the House. [Laughter.]

Mr. PAYNE. The gentleman from Mississippi ought to understand by this time that making a point of no quorum will expedite the business of the House.

The SPEAKER. The point of no quorum will get a rather more speedy proceeding.

Mr. WILLIAMS. I make the point of order that notwithstanding the general rules of the House the point of no quorum being made is dilatory. [Laughter.]

The SPEAKER. That there is no quorum in the House disables the House from doing business because there is no House present. Therefore, under the rule, the Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, the Clerk will call the roll, and as many as are in favor of the motion will, when their names are called, answer "aye," and those opposed "no," and those present will answer "present."

The question was taken, and there were—yeas 249, nays 3, answered "present" 14, not voting 121, as follows:

YEAS—249.

Adair	Caulfield	Fulton	Hubbard, Iowa
Adamson	Chaney	Gaines, Tenn.	Hubbard, W. Va.
Alexander, Mo.	Chapman	Gaines, W. Va.	Hughes, N. J.
Alexander, N. Y.	Clark, Mo.	Gardner, Mich.	Hull, Iowa
Allen	Clayton	Garner	Hull, Tenn.
Andrus	Cocks, N. Y.	Garrett	Humphrey, Wash.
Ansberry	Conner	Gillespie	Humphreys, Miss.
Anthony	Cooper, Tex.	Godwin	James, Ollie M.
Ashbrook	Cox, Ind.	Goebel	Johnson, Ky.
Bartholdt	Craig	Goldfogle	Johnson, S. C.
Bartlett, Ga.	Cravens	Gordon	Jones, Va.
Bartlett, Nev.	Crawford	Goulden	Jones, Wash.
Bates	Crumpacker	Graff	Kahn
Beall, Tex.	Cushman	Gregg	Keifer
Bell, Ga.	Davidson	Hackett	Keliher
Birdsall	Davis, Minn.	Hackney	Kennedy, Iowa
Bonynge	Dawes	Haggott	Kennedy, Ohio
Booher	Dawson	Hale	Kinkaid
Boutell	De Armond	Hamilton, Mich.	Kitchin, Claude
Bowers	Denver	Hamlin	Kitchin, Wm. W.
Boyd	Diekema	Hammond	Knowland
Bradley	Dixon	Harding	Küstermann
Brodhead	Douglas	Hardwick	Lamar, Mo.
Brownlow	Dwight	Hardy	Lamb
Brundidge	Ellerbe	Haskins	Landis
Burgess	Ellis, Mo.	Haugen	Laning
Burke	Ellis, Oreg.	Hawley	Lawrence
Burleigh	Englebright	Hay	Leake
Burnett	Esch	Heflin	Lee
Burton, Del.	Fassett	Helm	Legare
Burton, Ohio	Favrot	Henry, Conn.	Lindbergh
Butler	Ferris	Henry, Tex.	Lindsay
Byrd	Fitzgerald	Higgins	Littlefield
Calderhead	Flood	Hitchcock	Lloyd
Caldwell	Floyd	Hobson	Longworth
Campbell	Foster, Ill.	Holliday	Loud
Candler	Foster, Vt.	Houston	Loudenslager
Capron	Fowler	Howell, N. J.	Lowden
Carter	French	Howell, Utah	McCall
Cary	Fuller	Howland	McDermott
McGavin	Olcott	Russell, Tex.	Sturgiss
McGuire	Overstreet	Ryan	Sulloway
McKinlay, Cal.	Padgett	Sabath	Talbott
McKinley, Ill.	Parker, N. J.	Saunders	Taylor, Ala.
McLachlan, Cal.	Patterson	Scott	Taylor, Ohio
McLain	Payne	Shackleford	Thistlewood
McLaughlin, Mich.	Pearre	Sheppard	Thomas, N. C.
Macon	Perkins	Sherley	Tou Velle
Madden	Peters	Sherman	Townsend
Malby	Porter	Sherwood	Volstead
Mann	Pou	Slayden	Wanger
Marshall	Pray	Small	Washburn
Maynard	Pujo	Smith, Cal.	Watkins
Moon, Tenn.	Rainey	Smith, Mo.	Watson
Moore, Tex.	Randell, Tex.	Smith, Tex.	Webb
Mouser	Rauch	Sperry	Weeks
Murphy	Reeder	Spight	Williams
Needham	Rhinock	Stafford	Wilson, Ill.
Nelson	Richardson	Stanley	Wilson, Pa.
Nicholls	Riordan	Steenerson	Young
Norris	Robinson	Stephens, Tex.	
Nye	Rucker	Sterling	
O'Connell	Russell, Mo.	Stevens, Minn.	

NAYS—3.

Harrison	Sulzer	Underwood

ANSWERED "PRESENT"—14.

Cockran	Fornes	Jenkins	Roberts
Cooper, Wis.	Foster, Ind.	Knopf	Sims
Cousins	Griggs	Lever	
Currier	Hamilton, Iowa	Prince	

NOT VOTING—121.

Acheson	Durey	Kimball	Pollard
Aiken	Edwards, Ga.	Kipp	Powers
Ames	Edwards, Ky.	Knapp	Pratt
Bannon	Fairchild	Lafean	Ransdell, La.
Barchfeld	Finley	Lamar, Fla.	Reid
Barclay	Focht	Langley	Reynolds
Beale, Pa.	Fordney	Lassiter	Rodenberg
Bede	Foss	Law	Rothermel
Bennet, N. Y.	Foulkrod	Lenahan	Slemp
Bennett, Ky.	Gardner, Mass.	Lewis	Smith, Iowa
Bingham	Gardner, N. J.	Lilley	Smith, Mich.
Brantley	Gilhams	Livingston	Snapp
Broussard	Gill	Lorimer	Southwick
Brumm	Gillett	Lovering	Sparkman
Burleson	Glass	McCreary	Tawney
Calder	Graham	McHenry	Thomas, Ohio
Carlin	Granger	McKinney	Tirrell
Clark, Fla.	Greene	McMillan	Vreeland
Cole	Gronna	McMorran	Waldo
Cook, Colo.	Hall	Madison	Wallace
Cook, Pa.	Hamill	Miller	Weems
Cooper, Pa.	Hayes	Mondell	Weisse
Coudrey	Hepburn	Moon, Pa.	Wheeler
Dalzell	Hill, Conn.	Moore, Pa.	Wiley
Darragh	Hill, Miss.	Morse	Willett
Davenport	Hinshaw	Mudd	Wolf
Davey, La.	Howard	Murdock	Wood
Denby	Huff	Olmsted	Woodyard
Draper	Hughes, W. Va.	Page	
Driscoll	Jackson	Parker, S. Dak.	
Dunwell	James, Addison D.	Parsons	

So the motion was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. COOPER of Wisconsin with Mr. WILEY.

Mr. GILHAMS with Mr. WILLETT.

Mr. POWERS with Mr. PRATT.

Until Wednesday:

Mr. PRINCE with Mr. GLASS.

Until Friday:

Mr. GILLETT with Mr. COCKRAN.

Until the 14th:

Mr. COOPER of Pennsylvania with Mr. KIPP.

Until further notice:

Mr. TAWNEY with Mr. ROTHERMEL.

Mr. SOUTHWICK with Mr. REID.

Mr. SMITH of Michigan with Mr. PAGE.

Mr. SMITH of Iowa with Mr. MCHENRY.

Mr. MUDD with Mr. GILL.

Mr. MCKINNEY with Mr. LEWIS.

Mr. MCCREARY with Mr. SULZER.

Mr. KNAPP with Mr. SPARKMAN.

Mr. HUGHES of West Virginia with Mr. HILL of Mississippi.

Mr. FAIRCHILD with Mr. HEFLIN.

Mr. DRISCOLL with Mr. HAMILL.

Mr. DALZELL with Mr. RANSDELL of Louisiana.

Mr. COUDREY with Mr. GRANGER.

Mr. CALDER with Mr. CARLIN.

Mr. HEPBURN with Mr. BURLESON.

Mr. BANNON with Mr. AIKEN.

Mr. DRAPER with Mr. LASSITER.

Mr. WOODYARD with Mr. WALLACE.

Mr. WHEELER with Mr. DAVENPORT.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. DUREY with Mr. LAMAR of Florida.

Mr. COUSINS with Mr. HOWARD.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ADDISON D. JAMES with Mr. KIMBALL.
Mr. HALL with Mr. HAMILTON of Iowa.
Mr. POLLARD with Mr. LEVER.
Mr. BARCHFELD with Mr. LIVINGSTON.
Mr. PARKER of South Dakota with Mr. LENAHAN.
Mr. SLEMP with Mr. WOLF.
Mr. ROBERTS with Mr. BROUSSARD.
Mr. OLMSTED with Mr. EDWARDS of Georgia.
For the session:
Mr. CURRIER with Mr. FINLEY.
Mr. KNOPF with Mr. WEISSE.
Mr. BENNET of New York with Mr. FORNES.
The result of the vote was announced as above recorded.

ARMY APPROPRIATION BILL.

The SPEAKER. The Chair lays before the House the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909, with Senate amendments, which amendments the Clerk will report.

The Senate amendments were read.

During the reading of the Senate amendments,

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. To make a parliamentary inquiry, if I may be allowed. I desire to know if any of these paragraphs are subject to debate? Can I move to strike out the last word for the purpose of asking a question?

The SPEAKER. No debate is in order, and the Clerk will read.

The Clerk resumed and concluded the reading of the amendments.

The SPEAKER. The Clerk will read that part of the rule which bears upon this matter now before the House.

The Clerk read as follows:

That immediately upon the adoption of this rule, and at any time thereafter during the remainder of this session, it shall be in order to take from the Speaker's table any general appropriation bill returned with Senate amendments, and such amendments having been read, the question shall be at once taken without debate or intervening motion on the following question: "Will the House disagree to said amendments en bloc and ask a conference with the Senate?" And if this motion shall be decided in the affirmative, the Speaker shall at once appoint the conferees without the intervention of any motion. If the House shall decide said motion in the negative, the effect of said vote shall be to agree to the said amendments.

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask a conference with the Senate?

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. Did the Speaker state, Will the House disagree to the Senate amendments and ask a conference with the Senate?

The SPEAKER. The Chair will again state the question. Will the House disagree to said amendments en bloc and ask a conference with the Senate?

Mr. WILLIAMS. I merely thought the Speaker had left out part of the question; that is all.

Mr. SLAYDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. Mr. Speaker, you will pardon some lack of familiarity with the rules, but if the House votes "no" on this proposition will the effect be to pass the bill?

The SPEAKER. If the House votes to agree to the Senate amendments, it would pass the bill.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Is there any opportunity under the rules to vote upon the several Senate amendments according to their merits or demerits, or will we be compelled to vote to disagree to all of them?

The SPEAKER. The Chair takes great pleasure in sending to the gentleman from Mississippi a Calendar. The gentleman will find on the first page of the Calendar all the information which the Chair has just caused to be read to the House. [Applause on the Republican side.]

Mr. WILLIAMS. The object of the parliamentary inquiry was to correct a misapprehension that might have been caused by the previous explanation. [Laughter and applause on the Democratic side.]

The SPEAKER. The question is, Will the House disagree to the Senate amendments en bloc and ask for a conference with the Senate?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS and Mr. FITZGERALD. Division, Mr. Speaker.

The House divided, and there were—ayes 140, noes 80.

Mr. WILLIAMS. Mr. Speaker, I ask for tellers upon the proposition.

Mr. PAYNE. Mr. Speaker, in view of the vote, I make the point of order that that request is dilatory.

The SPEAKER. The Chair is compelled to sustain the point of order.

Mr. WILLIAMS. The Chair sustains the point of order? Then I ask for the yeas and nays. I had no idea the Chair would sustain the point of order. [Laughter on the Democratic side.]

The yeas and nays were ordered.

The question was taken, and there were—yeas 138, nays 116, answered "present" 17, not voting 116, as follows:

YEAS—138.

Alexander, N. Y.	Dawes	Hubbard, Iowa	Nelson
Allen	Dawson	Hubbard, W. Va.	Norris
Ames	De Armond	Hull, Iowa.	Nye
Andrus	Diekema	Humphrey, Wash.	Olcott
Anthony	Douglas	Johnson, Ky.	Overstreet
Ashbrook	Ellis, Mo.	Jones, Wash.	Parker, N. J.
Bartholdt	Ellis, Oreg.	Kahn	Payne
Bates	Englebright	Keifer	Pearre
Bede	Esch	Kennedy, Iowa	Perkins
Birdsall	Foster, Ill.	Kinkaid	Porter
Bonynge	Foster, Vt.	Knowland	Pray
Brownlow	Foulkrod	Küstermann	Reeder
Burke	Fowler	Langley	Scott
Burleigh	French	Laning	Smith, Iowa
Burton, Del.	Fuller	Law	Smith, Mich.
Burton, Ohio	Gaines, W. Va.	Lawrence	Snapp
Butler	Gardner, Mich.	Lindbergh	Southwick
Calderhead	Gardner, N. J.	Longworth	Sperry
Caldwell	Goebel	Lowden	Stafford
Campbell	Graff	McCall	Steenerson
Capron	Haggott	McGuire	Sterling
Cary	Hale	McKinlay, Cal.	Stevens, Minn.
Caulfield	Hamilton, Mich.	McKinley, Ill.	Sturgiss
Chaney	Hammond	McLaughlin, Mich.	Sulloway
Chapman	Harding	McMillan	Taylor, Ohio
Cocks, N. Y.	Haskins	Macon	Thistlewood
Cole	Haugen	Madden	Thomas, Ohio
Conner	Hawley	Malby	Volstead
Cook, Colo.	Helm	Mann	Waldo
Cooper, Tex.	Henry, Conn.	Miller	Wanger
Crumpacker	Higgins	Moon, Pa.	Washburn
Cushman	Holliday	Moore, Pa.	Weeks
Darragh	Howell, N. J.	Mouser	Young
Davidson	Howell, Utah	Murdock	
Davis, Minn.	Howland	Needham	

NAYS—116.

Adair	Fitzgerald	Kitchin, Claude.	Riordan
Adamson	Floyd	Kitchin, Wm. W.	Robinson
Aiken	Fulton	Lamar, Mo.	Rucker
Alexander, Mo.	Gaines, Tenn.	Lamb	Russell, Mo.
Ansberry	Garner	Leake	Russell, Tex.
Bartlett, Ga.	Garrett	Lee	Ryan
Bartlett, Nev.	Gill	Lewis	Sabath
Beall, Tex.	Gillespie	Lloyd	Saunders
Bell, Ga.	Godwin	McDermott	Shackleford
Booher	Goldfogle	McLain	Sheppard
Bowers	Gordon	Maynard	Sherley
Brodhead	Granger	Moon, Tenn.	Sherwood
Brundidge	Hackett	Moore, Tex.	Sims
Burgess	Hackney	Murphy	Smith, Mo.
Burnett	Hamlin	Nicholls	Smith, Tex.
Byrd	Hardwick	O'Connell	Sparkman
Candler	Hardy	Padgett	Spight
Carter	Harrison	Page	Stanley
Clark, Mo.	Hay	Patterson	Stephens, Tex.
Clayton	Heflin	Peters	Sulzer
Cox, Ind.	Henry, Tex.	Pou	Talbott
Craig	Hitchcock	Pujo	Taylor, Ala.
Cravens	Hobson	Rainey	Thomas, N. C.
Crawford	Houston	Randell, Tex.	Tou Velle
Denver	Hughes, N. J.	Ransdell, La.	Underwood
Dixon	Hull, Tenn.	Rauch	Watkins
Ellerbe	James, Ollie M.	Reid	Webb
Favrot	Jones, Va.	Rhinock	Williams
Ferris	Keliher	Richardson	Wolf

ANSWERED "PRESENT"—17.

Boutell	Goulden	Humphreys, Miss.	Roberts
Cooper, Wis.	Gregg	Johnson, S. C.	Slayden
Cousins	Griggs	Legare	
Currier	Hamilton, Iowa	Lever	
Fornes	Howard	Prince	

NOT VOTING—116.

Acheson	Dalzell	Gillett	Knopf
Bannon	Davenport	Glass	Lafean
Barchfeld	Davey, La.	Graham	Lamar, Fla.
Barclay	Denby	Greene	Landis
Beale, Pa.	Draper	Gronna	Lassiter
Bennet, N. Y.	Driscoll	Hall	Lenahan
Bennett, Ky.	Dunwell	Hamill	Lilley
Bingham	Durey	Hayes	Lindsay
Boyd	Dwight	Hepburn	Littlefield
Bradley	Edwards, Ga.	Hill, Conn.	Livingston
Brantley	Edwards, Ky.	Hill, Miss.	Lorimer
Broussard	Fairchild	Hinshaw	Loud
Brumm	Fassett	Huff	Loudenslager
Burleson	Finley	Hughes, W. Va.	Lovering
Calder	Flood	Jackson	McCreary
Carlin	Focht	James, Addison D.	McGavin
Clark, Fla.	Fordney	Jenkins	McHenry
Cockran	Foss	Kennedy, Ohio	McKinney
Cook, Pa.	Foster, Ind.	Kimball	McLachlan, Cal.
Cooper, Pa.	Gardner, Mass.	Kipp	McMorran
Coudrey	Gilhams	Knapp	Madison

Marshall	Powers	Smith, Cal.	Weisse
Mondell	Pratt	Tawney	Wheeler
Morse	Reynolds	Tirrell	Wiley
Mudd	Rodenberg	Townsend	Willett
Olmsted	Rothermel	Vreeland	Wilson, Ill.
Parker, S. Dak.	Sherman	Wallace	Wilson, Pa.
Parsons	Slemp	Watson	Wood
Pollard	Small	Weems	Woodyard

So the Senate amendments were disagreed to.

The Clerk announced the following additional pairs:

For remainder of this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. FASSETT with Mr. LEGARE.

Mr. COUDREY with Mr. FLOOD.

Mr. DALZELL with Mr. MCHENRY.

Mr. MCCREARY with Mr. SMALL.

Mr. KNAPP with Mr. WILSON of Pennsylvania.

Mr. WATSON with Mr. LINDSAY.

For balance of this day:

Mr. FOSS with Mr. GREGG.

On this vote:

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

For the session:

Mr. BOUTELL with Mr. GRIGGS.

The result of the vote was announced as above recorded.

The SPEAKER announced the following conferees:

Mr. HULL of Iowa, Mr. PARKER of New Jersey, and Mr. HAY.

THE FORTIFICATIONS APPROPRIATION BILL.

The SPEAKER. From the Speaker's table the Chair lays before the House the bill (H. R. 19355) making appropriation for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, with Senate amendments. The Clerk will read the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is, Will the House disagree to said amendments en bloc and ask a conference with the Senate?

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

Mr. MANN (during the count). Mr. Speaker, to save time, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 142, nays 109, answered "present" 19, not voting 117, as follows:

YEAS—142.

Allen	De Armond	Kahn	Pearre
Ames	Denby	Keifer	Perkins
Andrus	Diekema	Kennedy, Iowa	Porter
Anthony	Dwight	Kennedy, Ohio	Pray
Bartholdt	Ellis, Mo.	Kinkaid	Reeder
Bates	Ellis, Oreg.	Knowland	Reid
Bede	Englebright	Küstermann	Scott
Birdsall	Esch	Landis	Sherman
Bonynge	Foulkrod	Langley	Smith, Cal.
Boyd	Fowler	Law	Smith, Iowa
Bradley	French	Lilley	Smith, Mich.
Brownlow	Fuller	Lindbergh	Snapp
Brundidge	Gaines, W. Va.	Littlefield	Southwick
Burke	Gardner, Mich.	Longworth	Sperry
Burleigh	Gardner, N. J.	Lowden	Stafford
Burton, Del.	Goebel	McCall	Steenerson
Burton, Ohio	Graff	McGavin	Stevens, Minn.
Butler	Haggott	McKinlay, Cal.	Sturgiss
Calderhead	Hale	McKinley, Ill.	Sulloway
Campbell	Hamilton, Mich.	McLaughlin, Mich.	Tawney
Capron	Harding	McMillan	Taylor, Ohio
Caulfield	Haskins	Macon	Thistlewood
Chaney	Haugen	Madden	Thomas, Ohio
Chapman	Hawley	Malby	Tirrell
Cocks, N. Y.	Henry, Conn.	Mann	Tou Velle
Cole	Higgins	Moon, Pa.	Volstead
Conner	Hill, Conn.	Moore, Pa.	Waldo
Cook, Pa.	Howell, N. J.	Mouser	Wanger
Cooper, Tex.	Howell, Utah	Murdock	Washburn
Crumpacker	Howland	Needham	Watson
Cushman	Hubbard, Iowa	Nelson	Weeks
Darragh	Hubbard, W. Va.	Norris	Wilson, Ill.
Davidson	Hull, Iowa	Nye	Woodyard
Davis, Minn.	Humphrey, Wash.	Olcott	Young
Dawes	Jones, Va.	Parker, N. J.	
Dawson	Jones, Wash.	Payne	

NAYS—109.

Adair	Caldwell	Floyd	Hamlin
Adamson	Candler	Foster, Ill.	Hammond
Aiken	Carter	Fulton	Hardwick
Alexander, Mo.	Clark, Mo.	Gaines, Tenn.	Hardy
Ansberry	Clayton	Garner	Harrison
Ashbrook	Cox, Ind.	Garrett	Hay
Bartlett, Ga.	Craig	Gill	Heflin
Bartlett, Nev.	Cravens	Gillespie	Helm
Beall, Tex.	Denver	Godwin	Henry, Tex.
Bell, Ga.	Dixon	Goldfogle	Hitchcock
Booher	Ellerbe	Goulden	Hobson
Bowers	Favrot	Granger	Houston
Brodhead	Ferris	Griggs	Hughes, N. J.
Burnett	Fitzgerald	Hackett	Hull, Tenn.
Byrd	Flood	Hackney	Humphreys, Miss.
James, Ollie M.	Murphy	Richardson	Smith, Tex.
Johnson, Ky.	Nicholls	Riordan	Spight
Keliher	O'Connell	Robinson	Stanley
Kitchin, Claude	Padgett	Rucker	Sulzer
Kitchin, Wm. W.	Page	Russell, Mo.	Thomas, N. C.
Lamar, Mo.	Patterson	Russell, Tex.	Underwood
Leake	Peters	Sabath	Watkins
Lewis	Pou	Shackleford	Webb
Lloyd	Pujo	Sheppard	Williams
McDermott	Randell, Tex.	Sherley	Wolf
McLain	Ransdell, La.	Sherwood	
Moon, Tenn.	Rauch	Sims	
Moore, Tex.	Rhinock	Smith, Mo.	

ANSWERED "PRESENT"—19.

Boutell	Fornes	Lee	Rainey
Cary	Gregg	Legare	Roberts
Cooper, Wis.	Hamilton, Iowa	Lever	Ryan
Cousins	Howard	Lindsay	Slayden
Currier	Jenkins	Prince	

NOT VOTING—117.

Acheson	Edwards, Ga.	Kimball	Overstreet
Alexander, N. Y.	Edwards, Ky.	Kipp	Parker, S. Dak.
Bannon	Fairchild	Knapp	Parsons
Barchfeld	Fassett	Knopf	Pollard
Barclay	Finley	Lafean	Powers
Beale, Pa.	Focht	Lamar, Fla.	Pratt
Bennet, N. Y.	Fordney	Lamb	Reynolds
Bennett, Ky.	Foss	Laning	Rodenberg
Bingham	Foster, Ind.	Lassiter	Rothermel
Brantley	Foster, Vt.	Lawrence	Saunders
Broussard	Gardner, Mass.	Lenahan	Slemp
Brumm	Gilhams	Livingston	Small
Burgess	Gillett	Lorimer	Sparkman
Burleson	Glass	Loud	Stephens, Tex.
Calder	Gordon	Loudenslager	Sterling
Carlin	Graham	Lovering	Talbott
Clark, Fla.	Greene	McCreary	Taylor, Ala.
Cockran	Gronna	McGuire	Townsend
Cook, Colo.	Hall	McHenry	Vreeland
Cooper, Pa.	Hamill	McKinney	Wallace
Coudrey	Hayes	McLachlan, Cal.	Weems
Crawford	Hepburn	McMorran	Weisse
Dalzell	Hill, Miss.	Madison	Wheeler
Davenport	Hinshaw	Marshall	Wiley
Davey, La.	Holliday	Maynard	Willett
Douglas	Huff	Miller	Wilson, Pa.
Draper	Hughes, W. Va.	Mondell	Wood
Driscoll	Jackson	Morse	
Dunwell	James, Addison D.	Mudd	
Durey	Johnson, S. C.	Olmsted	

So the Senate amendments were disagreed to.

The following additional pairs were announced:

Until further notice:

Mr. ALEXANDER of New York with Mr. RYAN.

Mr. HEPBURN with Mr. BURLESON.

Mr. FOCHT with Mr. BURGESS.

Mr. BRUMM with Mr. CRAWFORD.

Mr. GREENE with Mr. GORDON.

Mr. HAYES with Mr. JOHNSON of South Carolina.

Mr. LAWRENCE with Mr. LINDSAY.

Mr. MILLER with Mr. MAYNARD.

Mr. MUDD with Mr. TALBOTT.

Mr. MONDELL with Mr. ROTHERMEL.

Mr. MORSE with Mr. SAUNDERS.

Mr. TOWNSEND with Mr. STEPHENS of Texas.

Mr. VREELAND with Mr. TAYLOR of Alabama.

Mr. WEEMS with Mr. WALLACE.

For the balance of the day:

Mr. CARY with Mr. SPARKMAN.

Mr. HOLLIDAY with Mr. LAMB.

Mr. GORDON. Mr. Speaker, am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. GORDON. I would like to be marked "present."

The SPEAKER. Was the gentleman present and in his seat and listening when his name should have been called and failed to hear it?

Mr. GORDON. No, sir; I was in the Senate at the time. I was not in the House.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. COX of Indiana. Mr. Speaker, I was present on the second call, and my name was not called.

The SPEAKER. Was the gentleman present and in his seat and listening when his name should have been called and failed to hear it?

Mr. COX of Indiana. I was, and did not hear it.

The SPEAKER. The Clerk will call the name of the gentleman.

The name of Mr. Cox of Indiana was called and he voted "no."

Mr. SHEPPARD. Am I recorded, Mr. Speaker?

The SPEAKER. The gentleman is not.

Mr. SHEPPARD. I was listening when my name should have been called.

The SPEAKER. Was the gentleman listening when his name should have been called and failed to hear it?

Mr. SHEPPARD. I was.

The SPEAKER. Call the name of the gentleman.

The name of Mr. SHEPPARD was called and he voted "no."

The result of the vote was then announced as above recorded.

The Speaker announced the appointment of Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY as conferees.

PERSONNEL OF THE REVENUE-CUTTER SERVICE.

Mr. MANN. Mr. Speaker, I move to suspend the rules, to discharge the Committee of the Whole House on the state of the Union from the further consideration of Senate bill 24, and pass the bill with the committee amendments.

The SPEAKER. The gentleman from Illinois moves to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill, and pass the bill. The Clerk will report the bill as amended.

The bill was read, as follows:

A bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service.

Be it enacted, etc., That on and after the passage of this act the President be, and is hereby, authorized to appoint in the Revenue-Cutter Service, by and with the advice and consent of the Senate, one captain commandant for a period of four years, who may be reappointed for further periods of four years each, who shall act as chief of the division of Revenue-Cutter Service, with the rank of a colonel in the Army and a captain in the Navy, and who shall have the pay and allowances of a colonel in the Army; six senior captains, who shall perform duty in connection with the construction of vessels and the inspection of their armament and crews and such other duties as the Secretary of the Treasury or the President may prescribe, each with the rank of a lieutenant-colonel in the Army and a commander in the Navy, and who shall each have the pay and allowances of a lieutenant-colonel in the Army; one engineer in chief, for a period of four years, who may be reappointed for further periods of four years each, with the rank of a lieutenant-colonel in the Army and a commander in the Navy, and who shall have the pay and allowances of a lieutenant-colonel in the Army; and six senior engineers, who shall perform duty in connection with the construction and inspection of the machinery of vessels and such other duties as the Secretary of the Treasury may prescribe, each with the rank of a major in the Army and a lieutenant-commander in the Navy, and who shall each have pay and allowances of a major in the Army: *Provided*, That the position vacated by an officer appointed captain commandant or engineer in chief shall be filled by promotion according to existing law. That any officer who shall hereafter serve as captain commandant shall, when retired, be retired with the rank of captain commandant and with the pay of a colonel in the Army on the retired list, and that an officer whose term of service as captain commandant has expired may be appointed a senior captain and shall be an additional number in that grade, but if not so appointed, he shall resume the lineal position he would have held in his previous grade, as an additional number: *Provided further*, That any officer who shall hereafter serve as engineer in chief shall, when retired, be retired with the rank of engineer in chief and with the pay of a lieutenant-colonel in the Army on the retired list, and that an officer whose term of service as engineer in chief has expired may be appointed a senior engineer and shall be an additional number in that grade, but if not so appointed he shall resume the lineal position he would have held in his previous grade, as an additional number. Additional numbers in the grades of senior captain and senior engineer shall at no time exceed two in each grade on the active list.

SEC. 2. That the captain commandant shall be selected from the active list of line officers not below the grade of captain; that the six senior captains shall be made by promotion from the active list of captains in the order of seniority; that the engineer in chief shall be selected from the active list of engineer officers not below the rank of first lieutenant; that the six senior engineers shall be made by promotion from the active list of engineer officers of the rank of first lieutenant in the order of seniority. When a vacancy occurs in any of the grades created by this act, it shall be filled in accordance with the provisions of this section.

SEC. 3. That when the appointments herein provided are made the active list of captains in the Revenue-Cutter Service shall be reduced by six and the active list of engineer officers with the rank of first lieutenant by six, and the said lists shall remain thereafter at thirty-one and twenty-eight, respectively.

SEC. 4. That the examinations and requirements for promotion provided in section 8 of the act approved April 12, 1902, entitled "An act to promote the efficiency of the Revenue-Cutter Service," shall not be required for promotion to the grades created by this act.

SEC. 5. That any officer of the Revenue-Cutter Service with a creditable record who served during the civil war in the land or naval forces of the United States shall, when retired, have the rank and receive three-fourths of the duty pay and increase of the next higher grade; and the provisions of this section shall apply to officers of the said Service now on the retired list.

SEC. 6. That the captain now on the retired list who served as chief of the division of Revenue-Cutter Service for ten years and until March 26, 1905, shall have the rank and receive three-fourths of the duty pay and increase of the highest grade provided for in this act.

SEC. 7. That a constructor or surgeon, with the rank of first lieutenant, after fifteen years' service in the Revenue-Cutter Service shall have the pay and allowances of a captain.

SEC. 8. That the pay of the enlisted force of the Revenue-Cutter Service shall be increased 20 per cent over the pay that they are now receiving. That all warrant and petty officers of the Revenue-Cutter Service shall receive 10 per cent increase of pay for every five years of service as such warrant or petty officers, such increase not to exceed 40 per cent of the pay of their grade or rating: *Provided*, That no warrant or petty officer shall be appointed or rated as such without a suitable examination or period of probation to determine his fitness for his grade or rating. That an enlisted man or a warrant or petty officer who has served thirty years in the Service shall, upon suitable application, be placed on waiting orders and receive 75 per cent of the pay and increase of his grade or rating: *Provided*, That such enlisted man, warrant or petty officer may be assigned to such duties as he may be able to perform.

SEC. 9. That a third lieutenant or an engineer officer with the rank of third lieutenant who has served five years in his grade shall, upon passing the examination now required by law, be eligible to promotion to the next higher grade: *Provided*, That there shall be no increase in the total number of lieutenants nor in the total number of engineer officers below the rank of first lieutenant authorized by law: *Provided further*, That nothing in this section shall be construed to prevent promotions to fill vacancies as now provided by law.

SEC. 10. That engineer officers who now have or who may hereafter have the rank of captain, first lieutenant, second lieutenant, or third lieutenant in the Revenue-Cutter Service shall hereafter have the title of captain of engineers, first lieutenant of engineers, second lieutenant of engineers, and third lieutenant of engineers, respectively, and the titles of chief engineer, first assistant engineer, and second assistant engineer are hereby abolished. That precedence between line and engineer officers of the same rank shall be determined by length of continuous service as a commissioned officer.

SEC. 11. That an enlisted man upon first entering the Revenue-Cutter Service shall have credited to his account the sum of $45, and upon each subsequent enlistment the sum of $20, for uniform clothing, and such amount shall be paid to said enlisted man at the expiration of his term of enlistment if he has served a full term as prescribed by the Secretary of the Treasury and has received an honorable discharge.

SEC. 12. That the presidents and recorders of Revenue-Cutter Service courts and commanding officers of vessels of the Revenue-Cutter Service be, and are hereby, authorized to administer oaths of allegiance and such other oaths as may be necessary for the proper conduct of said Service; and that commanding officers of vessels of the Revenue-Cutter Service be, and are hereby, authorized to administer oaths generally in Alaska.

SEC. 13. That the number of officers allowed in the grades of second lieutenant and third lieutenant and second lieutenant of engineers and third lieutenant of engineers is hereby increased five in each of said grades.

SEC. 14. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. WILLIAMS. Mr. Speaker, I ask for a second.

Mr. MANN. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to a second being considered as ordered?

Mr. WILLIAMS. Mr. Speaker, I shall feel compelled to object.

The SPEAKER. The gentleman objects. The gentleman from Illinois [Mr. MANN] and the gentleman from Mississippi [Mr. WILLIAMS] will take their places as tellers.

Mr. UNDERWOOD. Mr. Speaker, this is a very important bill. I think it should be considered by a quorum of the House. It is evident that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER. We have had a roll call, and it shows a marked increase over a quorum.

Mr. UNDERWOOD. That is some time ago.

The House divided, and the tellers reported—ayes 80, noes 69.

Mr. UNDERWOOD. Mr. Speaker, I insist upon the point of order that I made that there is no quorum present. The vote just taken sustains the proposition that I made before.

Mr. MANN. In view of the attitude of the House, I desire to withdraw my motion.

Mr. FITZGERALD. I make the point of order that the motion having been seconded, the gentleman can not withdraw it without unanimous consent.

Mr. WILLIAMS. The gentleman can not withdraw it without unanimous consent, and I object to his withdrawing it.

The SPEAKER. The Doorkeeper will close the doors; the Sergeant-at-Arms will notify absent Members; those that are in favor of ordering a second will answer "yea," those opposed "nay," and those present and not voting will answer "present." The Clerk will call the roll.

The Clerk proceeded to call the roll.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The roll call is proceeding.

Mr. WILLIAMS. I understand that. The vote is upon the question whether or not the motion shall be seconded?

The SPEAKER. Oh, precisely.

Mr. WILLIAMS. But many gentlemen did not understand that.

Mr. MANN. And many gentlemen who just voted "no" against ordering a second will now——

Mr. FITZGERALD. Regular order!

The SPEAKER. The regular order is demanded.

The question was taken, and there were—ayes 170, nays 74, answered "present" 23, not voting 120, as follows:

AYES—170.

Adair	Bowers	Cole	Ellis, Oreg.
Adamson	Boyd	Conner	Englebright
Aiken	Brownlow	Cook, Pa.	Esch
Allen	Burke	Cooper, Tex.	Foster, Vt.
Ames	Burleigh	Crumpacker	Foulkrod
Andrus	Burton, Del.	Cushman	Fowler
Anthony	Butler	Darragh	French
Bartholdt	Calderhead	Davis, Minn.	Fuller
Bartlett, Ga.	Campbell	Dawes	Gaines, W. Va.
Bates	Capron	Dawson	Gardner, N. J.
Beall, Tex.	Carter	Denby	Garrett
Bede	Caulfield	Diekema	Goldfogle
Birdsall	Chaney	Douglas	Graff
Bonynge	Chapman	Dwight	Granger
Boutell	Cocks, N. Y.	Ellis, Mo.	Hackney

Haggott	Kitchin, Wm. W.	Mouser	Small
Hale	Knowland	Murdock	Smith, Cal.
Hamilton, Mich.	Küstermann	Murphy	Smith, Iowa
Harding	Landis	Needham	Smith, Mich.
Hardwick	Langley	Nelson	Snapp
Harrison	Lawrence	Nicholls	Southwick
Haskins	Leake	Norris	Stafford
Haugen	Lilley	Nye	Stanley
Hawley	Lindbergh	O'Connell	Steenerson
Henry, Conn.	Littlefield	Olcott	Stevens, Minn.
Higgins	Longworth	Overstreet	Sulloway
Hill, Conn.	Loud	Padgett	Sulzer
Hobson	Lowden	Parker, N. J.	Taylor, Ohio
Howell, N. J.	McGavin	Patterson	Thistlewood
Howell, Utah	McKinlay, Cal.	Payne	Thomas, N. C.
Howland	McKinley, Ill.	Pearre	Thomas, Ohio
Hubbard, Iowa	McLachlan, Cal.	Peters	Tirrell
Hubbard, W. Va.	McLaughlin, Mich.	Porter	Volstead
Hughes, N. J.	McMillan	Pou	Waldo
Humphrey, Wash.	Madden	Pratt	Wanger
Humphreys, Miss.	Malby	Pray	Washburn
Jones, Wash.	Mann	Ransdell, La.	Watson
Kahn	Maynard	Rauch	Williams
Keifer	Miller	Reeder	Wilson, Ill.
Kennedy, Iowa	Mondell	Rodenberg	Woodyard
Kennedy, Ohio	Moon, Pa.	Scott	Young
Kinkaid	Moon, Tenn.	Sheppard	
Kitchin, Claude	Moore, Tex.	Sherman	

NAYS—74.

Alexander, Mo.	Ellerbe	Heflin	Rucker
Ansberry	Favrot	Helm	Russell, Mo.
Ashbrook	Ferris	Henry, Tex.	Russell, Tex.
Bartlett, Nev.	Fitzgerald	Hull, Tenn.	Sabath
Bell, Ga.	Flood	James, Ollie M.	Saunders
Boober	Floyd	Johnson, Ky.	Shackleford
Brodhead	Foster, Ill.	Johnson, S. C.	Sherley
Brundidge	Fulton	Jones, Va.	Sherwood
Burnett	Garner	Keliher	Sims
Byrd	Gill	Lamar, Mo.	Smith, Mo.
Caldwell	Gillespie	Lewis	Smith, Tex.
Clark, Mo.	Godwin	Lloyd	Stephens, Tex.
Clayton	Gordon	Macon	Taylor, Ala.
Cox, Ind.	Griggs	Page	Tou Velle
Cravens	Hackett	Randell, Tex.	Underwood
Crawford	Hamlin	Reid	Watkins
De Armond	Hammond	Rhinock	Webb
Denver	Hardy	Riordan	
Dixon	Hay	Robinson	

ANSWERED "PRESENT"—23.

Burgess	Goulden	Lee	Rainey
Cousins	Hamilton, Iowa	Legare	Richardson
Currier	Houston	Lever	Ryan
Fassett	Howard	Lindsay	Sparkman
Fornes	Jenkins	Olmsted	Talbott
Gaines, Tenn.	Knopf	Prince	

NOT VOTING—120.

Acheson	Draper	Huff	Morse
Alexander, N. Y.	Driscoll	Hughes, W. Va.	Mudd
Bannon	Dunwell	Hull, Iowa	Parker, S. Dak.
Barchfeld	Durey	Jackson	Parsons
Barclay	Edwards, Ga.	James, Addison D.	Perkins
Beale, Pa.	Edwards, Ky.	Kimball	Pollard
Bennet, N. Y.	Fairchild	Kipp	Powers
Bennett, Ky.	Finley	Knapp	Pujo
Bingham	Focht	Lafean	Reynolds
Bradley	Fordney	Lamar, Fla.	Roberts
Brantley	Foss	Lamb	Rothermel
Broussard	Foster, Ind.	Laning	Slayden
Brumm	Gardner, Mass.	Lassiter	Slemp
Burleson	Gardner, Mich.	Law	Sperry
Burton, Ohio	Gilhams	Lenahan	Spight
Calder	Gillett	Livingston	Sterling
Candler	Glass	Lorimer	Sturgiss
Carlin	Goebel	Loudenslager	Tawney
Cary	Graham	Lovering	Townsend
Clark, Fla.	Greene	McCall	Vreeland
Cockran	Gregg	McCreary	Wallace
Cook, Colo.	Gronna	McDermott	Weeks
Cooper, Pa.	Hall	McGuire	Weems
Cooper, Wis.	Hamill	McHenry	Weisse
Coudrey	Hayes	McKinney	Wheeler
Craig	Hepburn	McLain	Wiley
Dalzell	Hill, Miss.	McMorran	Willett
Davenport	Hinshaw	Madison	Wilson, Pa.
Davey, La.	Hitchcock	Marshall	Wolf
Davidson	Holliday	Moore, Pa.	Wood

So a second was ordered.

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. GOEBEL with Mr. MCLAIN.

Mr. GARDNER of Michigan with Mr. MCDERMOTT.

Mr. GRAHAM with Mr. PUJO.

Mr. POWERS with Mr. RAINEY.

Mr. MCCREARY with Mr. WOLF.

Mr. WEEKS with Mr. LINDSAY.

Mr. MCMORRAN with Mr. RICHARDSON.

Mr. COOK of Colorado with Mr. CANDLER.

Mr. BEALE of Pennsylvania with Mr. CRAIG.

Mr. BURTON of Ohio with Mr. GAINES of Tennessee.

Mr. DAVIDSON with Mr. HITCHCOCK.

Mr. HEPBURN with Mr. BURLESON.

Until Monday:

Mr. HULL of Iowa with Mr. SLAYDEN.

Balance of day:

Mr. STURGISS with Mr. SPIGHT.

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors. A second is ordered. The gentleman from Illinois is entitled to twenty minutes and the gentleman from Mississippi to twenty minutes.

Mr. MANN. Mr. Speaker, a few years ago Congress passed a law providing for an increase in the efficiency of the Revenue-Cutter Service, and that law provided for the creation of a retired list in the Revenue-Cutter Service. Some gentlemen in the House who were here at that time will remember that I opposed that bill through two or three terms of Congress as vigorously as I could. In the end, however, it became a law and is the law now. In the course of the consideration of the bill I offered an amendment, which was accepted and agreed upon and became a part of the law, providing that there should be no increase in the number of commissioned officers in the Revenue-Cutter Service above the number then in the Service.

There were at that time, and are now, in the neighborhood of thirty-seven officers of each of the different grades, in no grade more than thirty-seven, and in some less than thirty-seven.

We are now constructing seven new revenue cutters and will have a considerably larger number of revenue cutters soon than we have ever had before. More than half the revenue cutters are now without the services of a captain, some of them are commanded by second lieutenants, there not being enough first lieutenants to command in every case. The present bill, in one of its aspects, seems to me absolutely necessary to be enacted into law, as it makes a slight increase in the number of officers. The bill provides for an increase of five second lieutenants, of five third lieutenants, of five second lieutenant engineers, and of five third lieutenant engineers.

That is one aspect of the bill. The Revenue-Cutter Service is authorized to pay the enlisted men of the Service the same wages as are paid to similar men in the merchant marine. The duties in the Revenue-Cutter Service, under the discipline in that Service, are much more arduous than in the merchant marine, and the result has been, and is now, that it is practically impossible to maintain a sufficient number of enlisted men in the Service to properly man the revenue vessels, and this bill authorizes the Revenue-Cutter Service to increase the pay of the enlisted men 20 per cent.

The longevity-pay system is now in force in the Revenue-Cutter Service as to the commissioned officers, but not as to the noncommissioned officers. It is desirable to have the warrant officers in the Revenue-Cutter Service equally efficient with the warrant officers in the naval service, and it has been thought that the easiest way, and most economical way, of keeping the warrant officers and enlisted men in the Service for a period of years is to introduce the longevity system of pay as to the warrant officers, and this bill contemplates that.

There are, Mr. Speaker, in the Revenue-Cutter Service between 225 and 250 commissioned officers. There are something over 1,500 men in the Service. The entire Service is presided over by a captain detailed from the line as chief of the division of the Revenue-Cutter Service. He is in charge of that division of the Government answering to one of the divisions either in the Army or in the Navy, and he receives no increase of rank and no increase of pay; he is simply one of the thirty-seven captains taken out from among the others and awarded the position.

Our committee has thought it was desirable, as the Senate and Secretary of the Treasury also have thought, to increase the rank and the pay of this one officer. We have made no great increase. In the other branches of the Service, in the Army and in the Navy, a similar officer would have the rank and pay of brigadier-general. In the bill we provide that the Chief of the Revenue-Cutter Service may be detailed from among the captains and serve for a period of four years, and while acting as Chief of the Service he shall have the rank and pay of colonel in the Army, the same rank and pay that an officer of the Army would have who was in charge of a regiment or a corresponding officer in the Navy.

In addition to that we have provided that of the number of captains in the Service—thirty-seven—six shall be called "senior captains" and shall have the rank and pay of a lieutenant-colonel in the Army. We have provided that of the thirty-four chief engineers in the Service, six shall be called "senior engineers" and have the rank and pay of a major. We have provided that the engineer in charge of the engineer service shall be detailed by the President and be called "engineer in chief" and that he shall have the rank and pay of a lieutenant-colonel in the Army. We have made no great

changes. The rest of the changes apply primarily to the question as to precedence between the line and engineer officers.

I may say, Mr. Speaker, I have had no prejudice in behalf of the Revenue-Cutter Service. Gentlemen here will remember probably that I may have become unduly prejudiced against the Service. I know, at any rate, I gave considerable attention to the Service at the time of the fight before, and have ever since. I can say conscientiously that I believe now that the Revenue-Cutter Service is the best trained, the best disciplined, service on the sea that can be found anywhere in the world. [Applause.] We have most skillful navigators in the Revenue-Cutter Service; we have the best captains and other officers in charge of the ships who can be found anywhere. It should be remembered that entrance into the Revenue-Cutter Service is not by favor. Entrance to Annapolis is by favor, and entrance to West Point is by favor. Entrance into the Revenue-Cutter Service is absolutely on merit. All over the United States, whenever there are vacancies in that Service, examinations are held for appointment at the little school over here at Arundel, Md. At that place the men who secure the appointment are given a thorough training in the school, so that when they come out they are fairly proficient and go in at an older age than they do into the Navy or into the Army, with more advanced education than in the Army or Navy they are required to have. Through this school they come out prepared to take charge on the one side of the machinery in the engine rooms, and on the other side to take charge of the deck and charge of the vessel.

We do not in the Revenue-Cutter Service attempt to do what, in my judgment, is the impossible thing now attempted in the Navy, namely, to teach a boy of 16 years of age in four years all there is to know about navigation, gunnery, machinery, languages, diplomacy, and everything else conceivable. In the Revenue-Cutter Service we try to turn out of the school men who are able to navigate the vessel, on the one hand, and, on the other, men who are competent to go into the engine room where they belong and operate the machinery of the vessel. We make no great changes in this bill. There is no general increase of salaries in the bill. There is no proposition to increase the pay of the line officers except as I have mentioned.

Mr. UNDERWOOD. I would like to ask the gentleman a question. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. UNDERWOOD. What is the law now on the statute books in reference to the retirement of the Revenue-Cutter Service officers?

Mr. MANN. They are retired in the same way precisely that they are in the Army and Navy.

Mr. UNDERWOOD. I notice a provision in this bill for the retirement of certain officers specified in there, evidently putting them on a different basis from other officers. I would like to know where the distinction is that is attempted to be made.

Mr. MANN. Does the gentleman refer to section 5?

Mr. UNDERWOOD. I think it is section 5.

Mr. MANN. Section 5 of the bill places the officers now on the retired list who had service in the civil war on retired pay on the basis of the next higher grade, in the same way as has been applied to the Army and Navy.

Mr. UNDERWOOD. What I want to know is on what basis are they retired now. Are they receiving any retired pay now?

Mr. MANN. They receive now three-fourths pay. It does not increase the amount of pay except as it increases the rank upon which they are retired one grade, and of course to that extent increases the pay. These men are all now on the retired list on three-fourths pay under existing legislation.

Mr. UNDERWOOD. And the bill promotes them a grade since they retired.

Mr. MANN. That is true.

Mr. UNDERWOOD. And gives them the pay for the promoted grade.

Mr. MANN. That is true; and I will be very frank with the gentleman about it, as I always endeavor to be with the House. I think that feature of the bill to some degree is objectionable. I certainly would not have been willing to have it reported into the House if it were an original proposition, but the House having accepted, against the vote of myself and probably of the gentleman from Alabama [Mr. UNDERWOOD], the principle of retired pay in the Revenue-Cutter Service, and having put that Service upon the same basis as the Army and Navy as to the principle of retired pay, I see no reason for making a distinction between the officers in the Revenue-Cutter Service who had civil war service and those officers in the Army and Navy who had civil war service, and that proposition has already been applied to them in the Army and Navy.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. ADAIR. Not having had time to examine this bill carefully, do I understand the gentleman to say that the pay of the enlisted men is increased 20 per cent in this bill?

Mr. MANN. There is to be an increase of 20 per cent.

Mr. ADAIR. And that the increase in the pay of the officers will be due to the advancement in the ranks?

Mr. MANN. Purely. There is no increase in the pay of the different ranks.

Mr. ADAIR. No increase in the pay of the ranks.

Mr. MANN. Of the commissioned officers.

Mr. ADAIR. But it does advance the rank of the officers, which, in effect, increases the pay.

Mr. MANN. It advances the rank only as to one captain commandant, one engineer in chief, six senior captains, and six senior engineers.

Mr. BOWERS. Fourteen men, altogether.

Mr. KEIFER. Just one question. I notice the bill provides that there shall be placed to the credit of every enlisted man, I believe, at the time of his enlistment $45, and then later something else. Is that the law now with reference to enlistments in the Revenue-Cutter Service?

Mr. MANN. That is not the law now. That is applying to the Revenue-Cutter Service as to pay for clothing the same principle that is applied to the other branches of the military service.

Mr. KEIFER. Not in the same way?

Mr. MANN. Practically in the same way.

Mr. ADAIR. Just one other question. Can the gentleman tell what the pay of the enlisted men is at the present time?

Mr. MANN. The average pay is $33 a month.

Mr. BOWERS. Does that include the warrant officers?

Mr. MANN. I believe it does.

Mr. ADAIR. Under the provisions of this bill the increase pay would amount to about $6.60 a month for the enlisted men, but what would be the increased pay of the officers whose rank has been advanced?

Mr. MANN. The six senior captains will be increased from the pay of a major in the Army to the pay of a lieutenant-colonel.

Mr. ADAIR. I understand that; but the percentage of increase is much greater, is it not, in the pay of the officers than it is for the enlisted men by reason of their drawing much larger salaries?

Mr. MANN. The gentleman is mistaken about that. The pay would be increased from $2,500 to $3,000 a year, a smaller percentage, or exactly the same percentage.

Mr. ADAIR. In other words, the increase to them would be $500 a year, while the increase to the enlisted men would be about $80 a year. In all of these increases the relative increase is always in favor of the officer as a rule.

Mr. MANN. I have just said to the gentleman the relative increase was not in favor of the officer. If the gentleman will figure it out he will see that it is not. The 20 per cent increase to the enlisted men is no smaller percentage of increase than the increase from $2,500 to $3,000.

Mr. THOMAS of North Carolina. Will the gentleman allow me to interject a statement at this point?

Mr. MANN. I will, if it will not take up much time.

Mr. THOMAS of North Carolina. I want to say to the gentleman from Missouri that——

Mr. MANN. He thinks you are from Missouri.

Mr. ADAIR. You have to show me.

Mr. THOMAS of North Carolina. I want to say to the gentleman from Indiana [Mr. ADAIR] that so far as the enlisted men of the Revenue-Cutter Service are concerned the percentage of increase for the enlisted men of the Revenue-Cutter Service under this bill, which is a very meritorious bill, is much less than the percentage of increase of the pay of enlisted men of the Army and Navy.

Mr. ADAIR. That may be true; but nevertheless this fact remains, that the increase of the enlisted men is only about $80 per year and the increase of the officers is about $500 per year.

Mr. MANN. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. MALBY). Eighteen minutes.

Mr. MANN. I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I did not demand a second nor did I demand a roll call upon this bill because I was opposed to its passage. I am not opposed to it. Independently of the other provisions of the bill, that provision which raises the pay of the enlisted men 20 per cent appeals to me in favor of the bill very strongly indeed. It is an arduous and fatiguing and sometimes a dangerous service, and it seems to me that these men are being paid too little and ought to have more.

I also demanded a second for the purpose of giving those who are opposed to the bill—some of them—an opportunity to discuss it and the House an opportunity to hear them. How much time have I exhausted in the remarks I have made, Mr. Speaker?

The SPEAKER pro tempore. One minute.

Mr. WILLIAMS. Now, Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. JOHNSON].

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I am opposed to this bill not because I would not be willing to vote for a bill to increase the pay of the enlisted men 20 per cent. If that were the only proposition involved in the bill the chances are that nobody would be opposed to it, but to my mind, Mr. Speaker, this bill contains something else. It is creating, in a small way a retired or pension list of the civil employees of the Government. It will be treated as a precedent for future legislation. When we considered the proposition in the first session of the Fifty-seventh Congress of retiring the officers of the Revenue-Cutter Service, we had the services of the distinguished gentleman from Illinois [Mr. MANN] against that proposition. In a very admirable address on that occasion he pointed out that the Revenue-Cutter Service deserved no more at the hands of Congress than the Life-Saving Service, the Railway Postal Service, or the Light-House Service, all of which were engaged in hazardous work, all of whose employees endangered their lives, and that when we placed the revenue-cutter people on the retired list it was only a question of time when all these other departments would be knocking at the door of Congress. There is no use to attempt to conceal the fact that there are influences that work all the time in this House and out of it to create a civil pension roll here in Washington. My distinguished friend from Illinois in explaining his bill said nothing on this feature of it. Perhaps in the limited time at his command he is excusable, but I wish to call the attention of the House to the language in line 15, page 5:

> An enlisted man or a warrant or petty officer who has served thirty years in the service shall, upon suitable application, be placed on waiting orders and receive 75 per cent of the pay and increase of his grade or rating.

It is not called a civil pension. But what is it? In all candor and in all honesty, when you provide that a civil employee of the Government may be placed upon a waiting list at 75 per cent of his pay you mean to put him upon a pension list. That is what it means. These people who believe in a civil pension list can vote for the bill. I shall vote against it. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, I regard this bill as a meritorious measure. I think it ought to be passed. It has not only passed the Senate, but it has also the unanimous report of the Committee on Interstate and Foreign Commerce of the House of Representatives. This bill is not an increase of pay bill, except that it increases the pay of the warrant officers, who are the petty officers, and the enlisted men, of the Revenue-Cutter Service. That is the main feature of the bill, as I understand it.

Mr. JOHNSON of South Carolina. Mr. Speaker——

Mr. THOMAS of North Carolina. I would rather not be interrupted just now; later on I will yield.

Mr. JOHNSON of South Carolina. I would like to ask a question.

Mr. THOMAS of North Carolina. Very well.

Mr. JOHNSON of South Carolina. Are you willing to retire people in all the Departments in Washington on 75 per cent pay?

Mr. THOMAS of North Carolina. I am not in favor of such a civil-service pension list, nor am I in favor of a general retirement bill for employees of the Government. But so far as retirement is concerned as to the Revenue-Cutter Service, that question has already been passed upon by the Congress of the United States.

Mr. JOHNSON of South Carolina. As to the officers.

Mr. ADAMSON. Will the gentleman permit me to make a suggestion?

Mr. THOMAS of North Carolina. I must decline just now.

Mr. ADAMSON. It is on the point made by the gentleman from South Carolina [Mr. JOHNSON].

Mr. THOMAS of North Carolina. I have only five minutes.

Mr. ADAMSON. The Revenue-Cutter Service is not exclusively a civil institution and its roll is not purely a civil list. They fight in every war.

Mr. THOMAS of North Carolina. I am coming to that. Congress has already passed a bill providing for the retirement of the officers of the Revenue-Cutter Service. That is behind us, and that is not the question we are to pass upon to-day. The effect of this bill is to advance the rank of the chief of the Revenue-Cutter Service, who now has the rank of a captain, to that of a colonel in the Army, and certainly he merits that promotion, in my humble opinion; and it also gives the engineer in chief of the Revenue-Cutter Service the rank of a lieutenant-colonel. Then, there are some other slight promotions, mentioned by the gentleman from Illinois [Mr. MANN]. Now, with the exception of these promotions, which I believe are merited, the question of retirement, so far as the officers of the Revenue-Cutter Service are concerned, having already been disposed of by Congress, the material feature of this bill is the increase of the pay of the enlisted men and the petty or warrant officers.

Congress has already increased the pay of the enlisted men of the Army and the Navy, and the percentage of increase of the pay of the warrant or petty officers and the enlisted men of the Revenue-Cutter Service under this bill is much less than the increase in the pay of the enlisted men in the Army and Navy. The whole additional amount which this bill would carry per annum, as a charge upon the Federal Treasury, in order to give this, I think, merited increase in pay to these enlisted men and warrant officers, would be $200,000 per annum.

Mr. BOWERS. That is all the bill carries.

Mr. THOMAS of North Carolina. That is all the bill carries, as my friend from Mississippi [Mr. BOWERS] says.

Now, what are the duties of this Revenue-Cutter Service? Why, Mr. Speaker, as laid down in the committee's unanimous report, the Revenue-Cutter Service is one of the most valuable branches of the Government service.

They enforce the revenue laws, they prevent smuggling, they suppress piracy, they search for wrecked and missing vessels, and derelicts in the pathways of ships on the high seas; they inspect the life-saving stations, and drill the life-saving crews; they enforce the laws as to seal and other fisheries in Alaskan waters, and have many other important duties.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. I will yield one minute more to the gentleman from North Carolina.

Mr. THOMAS of North Carolina. They enforce the laws of the United States upon the high seas and navigable waters. Their duty extends not only to the Atlantic and Pacific and the Gulf coasts, but to the Arctic and Bering seas. The Revenue-Cutter Service is not only one of the most meritorious branches of the Government service, but it cooperates with the Navy and Army. The history of the wars of the United States involves in large measure the history of the Revenue-Cutter Service. In the war with Spain it was the revenue cutter *Hudson*, that, in the fight at Cardenas, rescued our torpedo boat the *Winslow*, of the Navy, when in imminent danger. And the Revenue-Cutter Service has been most gallant in every war of the country from Revolutionary times down to the war with Spain. [Applause.]

Mr. WILLIAMS. I yield four minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I can not make an argument in four minutes such as the provisions of this bill warrant. There are some meritorious features in this bill. I have no objection to the increased pay to men who are justified in receiving increased pay; but I have not heard one argument made by the gentleman from Illinois in charge of this bill, going to show any facts to sustain the proposition that the increased pay is needed. There is one radical defect in this bill, that I never intend to vote for as long as I am a Member of this House. It is absolutely undemocratic, it is absolutely un-American, it is absolutely against the spirit of our people and our Government, that is the provision creating a civil-service pension list. [Applause.] You can call it what you please; you can say it is "retirement pay," or it is "on waiting orders;" but the bill provides, and is intended to provide, that when a man has served thirty years in this service he can go out of the service, do no other work, and draw full pay.

Mr. JOHNSON of South Carolina. Seventy-five per cent.

Mr. UNDERWOOD. It says 75 per cent, but the bill provides he shall be promoted to the next higher rank, and then draw three-fourths pay of that rank, which, as a rule, will probably retire him at the end of thirty years at full pay.

Mr. BOWERS. Does the gentleman insist that that which he has just stated applies to the enlisted men?

Mr. JOHNSON of South Carolina. Certainly it does.

Mr. UNDERWOOD. Certainly it does.

Mr. BOWERS. Will you kindly state at what portion of the bill that is provided?

Mr. UNDERWOOD. I will read it. I have but four minutes, but I want the House to understand it, if the gentleman will allow me:

That an enlisted man or a warrant or petty officer who has served thirty years in the service shall, upon suitable application, be placed on waiting orders and receive 75 per cent of the pay and increase of his grade or rating.

Now, what can that mean but that he shall be promoted? And if he is retired on the next higher grade and receives 75 per cent of the salary of the next higher grade it will amount to his being retired practically on full pay. Now, if that does not create a civil pension list I do not know what it does. They say that these men collect the revenue and that they sometimes have to fight. Why, the United States marshals collect the revenue and they sometimes have to fight. They say it is a dangerous business. Why, the men who carry the mails on the railroads throughout the country are engaged in a far more dangerous service, and the number of deaths and accidents among them are far greater than they are in the Revenue-Cutter Service. The hardships of their lives are greater. If you are going to put these men, by Democratic votes, on a service-pension list then you may as well open the door and say that you will pension every deputy marshal who is injured when collecting the revenue and that you are going to put on the pension list or retired list every railroad mail clerk that receives injuries or serves in the service a certain number of years. I say that this bill is vicious in that respect, that it is undemocratic, un-American, and, as under the procedure of this House we are unable to amend the bill and consider it in any other way, unless we vote for it as a whole, I say it is our duty to vote it down now, until the Republican party are willing to bring it before this House in a form in which we can offer amendments to it and eradicate the vicious portions of the bill. [Applause.]

Mr. WILLIAMS. I yield four minutes to the gentleman from Mississippi.

Mr. BOWERS. Mr. Speaker, so far as I have heard any objections to this bill they are urged only against that portion which might be designated as the "retirement feature," rather than to any other provision. I believe that it is pretty generally conceded that it is fair and just that the rank of the senior and commanding officer of this Service should be increased from that which he now holds to a rank corresponding to that of colonel. Certain it is that by comparison with the other services of this Government that increase is fair and right, because the Marine Corps, which has practically the same number of officers and the same number of enlisted men as the Revenue-Cutter Service, has as its chief officer a brigadier-general. I have heard no serious objection against those provisions of the bill which increase the grade of the chief engineer, of the six senior captains, and six senior engineers one grade each. The work of this Service is arduous and important. To quote from the report on this bill:

The Revenue-Cutter Service is the police arm of the Government at sea. It is the strong arm of the Treasury Department upon the waters. In time of peace it is constantly active and energetic. It is always busy. When the sea is calm it is attending to its ordinary duties of protecting the customs, inspecting ships, attending to anchorage grounds, patrolling the coast, etc. In time of storm or bad weather at sea, it puts out to be ready to find vessels in distress and render them prompt and needed aid. It keeps its vigilant eye on the coast both along the Atlantic, the Gulf, and the Pacific, and also at Porto Rico, Hawaii, Alaska, and the Great Lakes. The record of its services on the coast of Alaska and its succor to icebound vessels and their crews constitutes a history of heroism and bravery rarely equaled and never excelled. It is the guardian of the fur-seal fisheries and their only protection from prompt destruction.

The only point made against it, as I said a moment ago, is as to the retired list. Now, as to the officers of the Service, that retired list is a matter of existing law, and to retire them as proposed by this bill merely carries out the provisions of the existing law and it puts them merely on a parity with the naval and military services of the United States in the matter of retirement.

Now, I come to the question of the enlisted men, and I want to be fair with the House and say that the words to which the gentleman from Alabama called my attention, the concluding words, as to retirement of enlisted men "and increase of his grade or rating," had escaped me up to the time that he read them. I confess that I do not understand them, but I do not believe, upon a cursory examination of them, that they are sufficient to warrant a retirement at an increased or advanced grade. I believe that that language as it now is in this bill is entirely too indefinite and will be held to be entirely insufficient to retire any enlisted man or warrant officer at an advanced grade.

Mr. JOHNSON of South Carolina. But it will retire them.

Mr. BOWERS. Oh, yes.

Mr. GARRETT. And will retire them on pay.

Mr. BOWERS. Oh, yes; they will be retired on 75 per cent of their pay.

Mr. JOHNSON of South Carolina. And would it not create a civil pension list?

Mr. BOWERS. No. If I believed this was creating a civil pension list, I would never vote for it as long as I live; but I regard this Service as a part of our fighting establishment. It is at least a semimilitary or more correctly speaking a branch of our naval force.

Mr. ADAMSON. They have always fought in all our wars.

Mr. BOWERS. Always. They fought in the Revolutionary war, in the war of 1812, in the war between the States, and in the Spanish-American war. This Service has taken part in all our wars and is virtually a part of our military and naval establishment.

Mr. JOHNSON of South Carolina. Everybody fought.

Mr. LANDIS. Did not the enlisted men fight?

Mr. BOWERS. Certainly.

Mr. LANDIS. And if you are going to retire the officers on one grade higher, why not permit the enlisted men to be retired on one grade higher?

Mr. BOWERS. I confess that argument strikes me with force, but I was trying to meet the point made by the gentleman from Alabama [Mr. UNDERWOOD] and those gentlemen who seemed to find something in it. I do not believe it would warrant it, but, assuming that it does, I do not see any good reply to the inquiry which the gentleman from Indiana [Mr. LANDIS] has put to me. I am advised, however, that the language I have read does not contemplate retirement at any advanced grade, but refers only to longevity pay.

Mr. LANDIS. I would not vote for the bill if I did not think it did warrant that construction.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BOWERS. Can the gentleman from Illinois [Mr. MANN] yield to me a minute or two?

Mr. MANN. I only have two minutes remaining.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for two minutes.

Mr. MANN. Mr. Speaker, I think the gentlemen are mistaken in thinking that this bill creates a civil retirement list or a civil pension list. Congress has already adopted the policy of a retirement list in the Revenue-Cutter Service, and all that this bill does in that direction is to give to the enlisted men and the warrant officers the same footing that the commissioned officers now have. Do the gentlemen from South Carolina and Alabama propose to give a retired list to the commissioned officers and refuse it to the warrant officers? Let them answer by their votes on that question.

Mr. UNDERWOOD. I will say to the gentleman——

Mr. MANN. Let the gentleman answer by his vote.

Mr. UNDERWOOD. The gentleman asked me a question.

Mr. MANN. I say, answer by your vote. If the gentleman proposes to make a distinction between the commissioned officer and the enlisted man, let him vote "no." If he wants to put the enlisted man and the warrant officer upon the same footing as the commissioned officer, he will be compelled to vote "aye."

Mr. ADAIR. Does this bill do that?

Mr. MANN. Now, Mr. Speaker, I do not want to be interrupted in the two minutes that I have.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. MANN. That is all there is to the voluntary retired list. The arguments which the gentlemen make are very good ones. They are copied from the arguments which I made to the House six years or four years ago.

Mr. JOHNSON of South Carolina. You made a better speech then than you are making now.

Mr. MANN. After hearing my argument then Congress took the other position, and, having taken the other position, I am only following it.

Mr. ADAIR. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ADAIR. I would like to have the gentleman from Illinois state——

The SPEAKER pro tempore. The gentleman from Illinois has no more time; debate is closed, and the question is on the motion to suspend the rules and pass the bill as amended.

The question was taken, and on a division (demanded by Mr. WILLIAMS, Mr. UNDERWOOD, and Mr. FITZGERALD) there were—ayes 112, noes 32.

Mr. UNDERWOOD. Mr. Speaker, I call the attention of the Chair to the fact that there is not a quorum present.

The SPEAKER pro tempore. The Chair will take notice that there is no quorum present, and the Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, the yeas and nays are ordered, and those in favor of the motion to suspend the rules and pass the bill will, when their names are called, vote "aye," those opposed "no," and those present will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 183, nays 57, answered "present" 22, not voting 125, as follows:

YEAS—183.

Adair	Ellis, Mo.	Kinkaid	Peters
Adamson	Englebright	Kitchin, Claude	Porter
Aiken	Esch	Kitchin, Wm. W.	Pratt
Alexander, Mo.	Fassett	Knowland	Pray
Allen	Favrot	Küstermann	Randell, Tex.
Ames	Foster, Vt.	Landis	Ransdell, La.
Andrus	Foulkrod	Langley	Rauch
Anthony	Fowler	Laning	Reeder
Bartholdt	French	Law	Richardson
Bartlett, Ga.	Fuller	Leake	Rodenberg
Bartlett, Nev.	Gaines, W. Va.	Lee	Ryan
Bede	Gardner, Mich.	Legare	Scott
Bell, Ga.	Gillespie	Lindbergh	Sherley
Birdsall	Godwin	Lindsay	Sherman
Bonynge	Goebel	Longworth	Slemp
Bowers	Gordon	Loud	Small
Boyd	Graff	Lowden	Smith, Cal.
Bradley	Granger	McCall	Smith, Iowa
Brodhead	Griggs	McGavin	Smith, Mich.
Brownlow	Hackney	McKinlay, Cal.	Southwick
Burke	Haggott	McKinley, Ill.	Sperry
Burleigh	Hale	McLachlan, Cal.	Stafford
Burnett	Harding	McLaughlin, Mich.	Stanley
Burton, Del.	Harrison	Madden	Steenerson
Butler	Haskins	Malby	Sterling
Byrd	Hawley	Mann	Stevens, Minn.
Campbell	Heflin	Maynard	Sulloway
Candler	Henry, Conn.	Miller	Sulzer
Carter	Higgins	Mondell	Talbott
Caulfield	Hobson	Moon, Pa.	Taylor, Ohio
Chaney	Holliday	Mouser	Thistlewood
Chapman	Howell, N. J.	Mudd	Thomas, N. C.
Cocks, N. Y	Howell, Utah	Murdock	Thomas, Ohio
Cole	Howland	Murphy	Tirrell
Conner	Hubbard, Iowa	Needham	Townsend
Cook, Colo.	Hubbard, W. Va.	Nelson	Volstead
Cook, Pa.	Hughes, N. J.	Nicholls	Waldo
Cushman	Humphrey, Wash.	Norris	Wanger
Darragh	Humphreys, Miss.	Nye	Washburn
Davidson	Jones, Va.	O'Connell	Watson
Davis, Minn.	Jones, Wash.	Olcott	Weeks
Dawes	Kahn	Olmsted	Williams
Dawson	Keifer	Padgett	Wilson, Ill.
Denby	Kellher	Page	Wilson, Pa.
Diekema	Kennedy, Iowa	Parker, N. J.	Woodyard
Dwight	Kennedy, Ohio	Payne	

NAYS—57.

Ansberry	Ferris	Houston	Russell, Tex.
Ashbrook	Fitzgerald	Hull, Tenn.	Saunders
Beall, Tex.	Floyd	Johnson, Ky.	Sheppard
Booher	Foster, Ill.	Johnson, S. C.	Sherwood
Brundidge	Fulton	Lamar, Mo.	Smith, Mo.
Burgess	Garrett	Macon	Smith, Tex.
Caldwell	Gillett	Moon, Tenn.	Stephens, Tex.
Clark, Mo.	Hackett	Moore, Tex.	Tawney
Clayton	Hamlin	Patterson	Tou Velle
Cooper, Tex.	Hammond	Rainey	Underwood
Cox, Ind.	Hardwick	Reid	Watkins
Craig	Hardy	Riordan	Webb
De Armond	Hay	Robinson	
Denver	Helm	Rucker	
Ellerbe	Henry, Tex.	Russell, Mo.	

ANSWERED "PRESENT"—22.

Boutell	Fornes	Haugen	Sabath
Cockran	Garner	Hill, Conn.	Shackleford
Cooper, Wis.	Goldfogle	Jenkins	Sims
Cousins	Goulden	Knopf	Sturgiss
Currier	Gregg	Lever	
Dixon	Hamilton, Iowa	Roberts	

NOT VOTING—125.

Acheson	Cooper, Pa.	Foss	Hughes, W. Va.
Alexander, N. Y.	Coudrey	Foster, Ind.	Hull, Iowa
Bannon	Cravens	Gaines, Tenn.	Jackson
Barchfeld	Crawford	Gardner, Mass.	James, Addison D.
Barclay	Crumpacker	Gardner, N. J.	James, Ollie M.
Bates	Dalzell	Gilhams	Kimball
Beale, Pa.	Davenport	Gill	Kipp
Bennet, N. Y.	Davey, La.	Glass	Knapp
Bennett, Ky.	Douglas	Graham	Lafean
Bingham	Draper	Greene	Lamar, Fla.
Brantley	Driscoll	Gronna	Lamb
Broussard	Dunwell	Hall	Lassiter
Brumm	Durey	Hamill	Lawrence
Burleson	Edwards, Ga.	Hamilton, Mich.	Lenahan
Burton, Ohio	Edwards, Ky.	Hayes	Lewis
Calder	Ellis, Oreg.	Hepburn	Lilley
Calderhead	Fairchild	Hill, Miss.	Littlefield
Capron	Finley	Hinshaw	Livingston
Carlin	Flood	Hitchcock	Lloyd
Cary	Focht	Howard	Lorimer
Clark, Fla.	Fordney	Huff	Loudenslager
Lovering	Moore, Pa.	Pujo	Weems
McCreary	Morse	Reynolds	Weisse
McDermott	Overstreet	Rhinock	Wheeler
McGuire	Parker, S. Dak.	Rothermel	Wiley
McHenry	Parsons	Slayden	Willett
McKinney	Pearre	Snapp	Wolf
McLain	Perkins	Sparkman	Wood
McMillan	Pollard	Spight	Young
McMorran	Pou	Taylor, Ala.	
Madison	Powers	Vreeland	
Marshall	Prince	Wallace	

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ALEXANDER of New York with Mr. GOLDFOGLE.

Mr. CRUMPACKER with Mr. DIXON.

Mr. HAMILTON of Michigan with Mr. LLOYD.

Mr. CALDERHEAD with Mr. CRAVENS.

Mr. HAYES with Mr. EDWARDS of Georgia.

Mr. CAPRON with Mr. GILL.

Mr. ELLIS of Oregon with Mr. LEWIS.

Mr. GARDNER of Massachusetts with Mr. LAMB.

Mr. HINSHAW with Mr. MCLAIN.

Mr. LAFEAN with Mr. POU.

Mr. LAWRENCE with Mr. RHINOCK.

Mr. LITTLEFIELD with Mr. TAYLOR of Alabama.

For the rest of the week:

Mr. HILL of Connecticut with Mr. SHACKLEFORD.

Mr. ACHESON with Mr. OLLIE M. JAMES.

The result of the vote was then announced as above recorded and the doors were opened.

CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I present the conference report on the Indian appropriation bill, and I move to suspend the rules and adopt the report.

The SPEAKER. Does the gentleman from New York desire to include in that a request that the statement be read?

Mr. SHERMAN. No, sir.

Mr. WILLIAMS. I demand a second.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15219, an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, and 104, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made and delivered in the same manner as now provided by law for other tribal property: *Provided*, That when practicable preference right shall be given to the State, counties, and municipalities of Oklahoma to purchase said lands and improvements at the appraised value: *And provided*, That pending such appraisement and sale the Secretary of the Interior may temporarily lease said buildings and lands for the benefit of the tribes respectively to which they belong."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2,

after the word "and," strike out the words "purchase of;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, two million one hundred and fifteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his Office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "ninety" and insert in lieu thereof the word "eighty-five;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 4 strike out the word "may" and insert in lieu thereof the word "shall;" in the same line strike out the words "from this" and in line 5 the word "appropriation;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: At the end of said amendment add the following: "*Provided*, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: After the word "reservation," in line 10, add: "*Provided*, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections 1, 2, and 12, township 46 north, range 4, west, Boise meridian; sections 35 and 36, township 47 north, range 4 west, Boise meridian; all of those portions of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, township 46 north, range 3 west, Boise meridian, lying south and west of the St. Joe River in said township; all of those portions of sections 31 and 32, township 47 north, range 3 west, Boise meridian, lying south and west of the St. Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park; said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 2, after the word "authorized," insert the words "in his discretion;" and in line 6, after the word "purchase," strike out the words "in his discretion;" in line 9, after the word "Iowa," strike out the balance of said amendment; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2, after the word "to," strike out the words "use and;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 2 strike out the words "and directed" and insert in lieu thereof the words "in his discretion;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: After the word "conclusive," in line 10, insert: "*Provided*, That the expense thereof shall be paid out of the moneys found due said Indians in said cause;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 1, after the word "implements," insert the words "other equipment;" in line 9, after the word "Interior," insert the words "*Provided*, That said expenditures shall be made;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 4, after the word "upon," insert "public lands, if available, in the judgment of the Secretary of the Interior, or upon;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "make," in line 10, and insert in lieu thereof the following: "such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such reserved lands: *And provided further*, That to meet the necessary cost of carrying out this legislation the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding $13,000;" and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 2 strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following: "For construction of concrete walk, driveways, and grading, $2,500;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 1 strike out the word "twenty" and insert in lieu thereof the word "six;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 2 strike out the word "five" and insert in lieu thereof the word "three;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, $36,700;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 2, after the word "Jack," insert the words "Choctaw allottees;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 2 strike out the words "and directed" and insert in lieu thereof the words "in his discretion." At the end of said amendment add: "*Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of $600, in full settlement of a promissory note given by Mo-ko-ho-ko and Ke-waquah, chiefs of the Sac and Fox Indians, and Ketch-e-Cush, a councilman;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike

out all of proposed amendment, and on page 36, in line 21, after the word "patents," strike out "and conveying," and in line 22 strike out the word "same;" and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes and attorneys employed by them to secure their restoration to said rolls shall be valid and enforcible when approved by the Secretary of the Interior in their original or in such modified form as he may deem equitable, and not otherwise; and such contracts as are approved as herein provided, when recorded in the county where such land is located, shall be a lien in the event of the restoration of such persons to the rolls against allotted lands or tribal funds of the persons so restored to or given rights upon said rolls."

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor, at the rate of $1,500 per annum from March 4, 1906, so long as he shall legally serve as such governor."

And the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof: "and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1909;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word "two;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu of the amount proposed "$12,000;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a 6-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress."

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding $75,000, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the Absentee Utes, and the amount so expended for each individual Absentee shall be made a matter of record to be charged against and deducted from the share said Absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: On line 8 of said amendment strike out "Uinta" and insert "Uintah."

Transpose entire amendment to page 48 and place after amendment 101; and the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
ROBT. L. OWEN,
Managers on the part of the Senate.

Mr. SHERMAN. Mr. Chairman, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from New York asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Speaker, I will occupy but a moment of the present time to explain that the conference report now presented and which has been read is identical with the report which was published in the RECORD two weeks ago on Monday, except in reference to amendment No. 88. That amendment, by an inadvertence, was so drawn that it apparently validated contracts made between attorneys and claimants for title to certain tribal lands, whether the contracts were approved by the Secretary or not. It was not the intention of the conferees to make any such provision, and it was because of the apparent effect of that proviso that I asked this morning that the conference report be sent back to the conferees, and we have now presented a new amendment, No. 88, which makes it clear beyond question that such contracts are validated only as are approved of by the Secretary, either in their original form or in such modified form as the Secretary of the Interior deems equitable. Otherwise the report is identical with that which has been in the hands of every Member of the House for the past two weeks. I reserve the balance of my time.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to the motion to suspend the rules and agree to this conference report, not that I am opposed to the bill or to the report of the committee, but because I am opposed to this side of the House contributing votes to enable that side of the House to pass anything under the special rules that have been adopted. If the motion to suspend the rules and agree to this conference report is voted down, the effect will be to compel the printing of this report in the RECORD, as provided by the rules of the House; then it will be in order under the rules, in an orderly and proper and decent manner, to call up this report for consideration at any time, and the House will have an opportunity to agree to the report. The Committee on Rules has brought in a number of special rules, not for the purpose of expediting the business of the House, but in order to embarrass and coerce the minority of the House to do the will of the majority.

The gentleman from New York [Mr. PAYNE], the leader of the Republican majority, announced last week that the majority of the House would do what business it pleased, in its own way, and at its own sweet will. Mr. Speaker, the majority will have an opportunity to carry out that programme without votes from this side of the House. What is sauce for the goose is sauce for the gander, and that side of the House will be the gander on this occasion. We shall see now how our Republican friends like special rules; we shall see how the application of the gag rule will delight the Republican Members of the House. Let us see how they will appreciate having the Committee on Rules abrogate all of the rules of the House that they desire and vote the rest of the House like a lot of sheep. I wonder, Mr. Speaker, how many Members on that side of the House read the very excellent speech printed in the RECORD on the 23d day of March by the gentleman from Pennsylvania [Mr. DALZELL]. He paid a great compliment to the membership of this House. He said the trouble was that very few, practically none of the Members, knew anything about the rules; and he said that after he had insisted, on the opening day of the session, upon the majority Members of the House voting for the rules which he himself declares they know nothing about. The gentleman has complained that the minority has been filibustering. Oh, the gentleman from Pennsylvania knew that we have not been filibustering. He was here in the past when the House was in a filibuster. The rules provide that pending the adoption of the report from the Committee on Rules one motion to adjourn is in order. No Member on this side of the House has attempted to waste the time of the House by having a roll call on a motion

to adjourn pending the adoption of any one of the several reports made by the Committee on Rules. [Applause on the Democratic side.] The minority Members here have certain rights which, unfortunately, as Members on that side of the House now think, were preserved to them by the men who formulated the Constitution under which this country exists. Exercising their constitutional rights, the minority Members have simply asked that the majority take the time to remain here to prosecute the public business; and they can be compelled to remain here only by forcing them to vote on these questions.

The SPEAKER. The time of the gentleman has expired.

Mr. STEPHENS of Texas. I yield five minutes more to the gentleman.

Mr. FITZGERALD. I just want a few minutes more. The gentleman from Mississippi [Mr. WILLIAMS] announced two things as part of the programme that would be followed by the minority Members of the House. One was that he would exercise his constitutional right to have a roll call upon certain matters. The other was that he would object to business being done by unanimous consent. That announcement was made after the gentleman from Pennsylvania put his very excellent speech in the RECORD. I shall read just what the gentleman from Pennsylvania said:

> There is no doubt that a great many measures of questionable character are passed by unanimous consent——

The gentleman from Pennsylvania said that, although the Speaker carefully scrutinizes every bill that is brought to him before he gives recognition for unanimous consent—

> Members can not keep run of all bills reported and are loath to object, both because of ignorance of the merits of the particular measure proposed and because they may have measures of their own to be considered, and they fear a reciprocity of objection. In a majority of cases the only real intelligent objection made to measures proposed for unanimous consent is that made by the Speaker, who has had opportunity to examine, as was his duty, the bill.

And yet in spite of that statement the gentleman from Pennsylvania insists that under the practice of legislating by unanimous consent, in spite of the scrutiny of the Speaker, many very objectionable measures pass. After reading that statement over carefully the gentleman from Mississippi [Mr. WILLIAMS] decided that he would protect the Speaker against himself. [Applause on the Democratic side.] No more "very objectionable measures" will pass in that way. The rules of the House provide the manner in which legislation can be enacted; not since this Congress convened last December has there been a call of the committees of the House for the consideration of bills upon the Calendar. Stop legislation by unanimous consent and do not abrogate the rest of the rules that are still in existence, and perhaps, perhaps, unless the Committee on Rules has another session overnight, some time before the Cnogress adjourns it may be possible to have the committees called and to have bills considered in an orderly, proper manner. Mr. Speaker, nobody here has ever heard me protest against the rules of this House. I have some fair conception of them; I believe that within certain limits they do enable business to be transacted in an orderly manner, but it is the brutal exercise of the power, unjustifiably conferred by those rules upon the Committee of Rules which creates all the abuse against which we complain. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. Well, I hope this side of the House will defeat this motion and compel business to be done in an orderly way. [Applause on the Democratic side.]

Mr. STEPHENS of Texas. Mr. Speaker, I desire to address the House briefly upon the conference report on the bill before it. As a member of the conference committee I am in favor of the adoption of the report. We found to-day in our last conference with the Senate conferees but one matter of disagreement between the two Houses, and that is the eighty-eighth amendment, put upon the bill by the Senate, which I desire to read, and which is as follows:

> That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, and attorneys employed by them to secure their restoration to said rolls, shall be valid and enforcible when approved by the Secretary of the Interior in their original or in such modified form as he may deem equitable, and not otherwise; and such contracts as are approved as herein provided when recorded in the county where such land is located shall be a lien, in the event of the restoration of such persons to the rolls against allotted lands of tribal funds of the persons so restored to or given rights upon said rolls: *Provided*, That the name of no person stricken from the final roll by the Secretary of the Interior shall be restored to said roll who was not originally entitled under the law to be enrolled.

This amendment was made necessary because many contracts had been made between attorneys in the Indian Territory and persons who are entitled to enrollment, and have had, or are entitled to have, lands allotted to them under the laws enacted heretofore by Congress, and it seems there were no means by which the attorneys could secure their fees unless there could be a lien established against the land, and it was this amendment that called us—the conferees of the House and the Senate—together again on this, the annual Indian appropriation bill; and when we met to-day this is the report we have made, it being unanimously agreed upon and signed by the conferees. I believe, with this amendment reported by us to the House, that the bill should pass.

Mr. SHERMAN. Mr. Speaker, I will take just a minute. My honored colleague from New York [Mr. FITZGERALD], formerly a member of the Committee on Indian Affairs and a most admirable Member of the House, always doing his full share of the work, who has seemingly of late made a special study of the rules, and made that study with considerable care and success, it seems to me, says that he admires the rules, and yet, Mr. Speaker, for the past ten minutes he has been continuously violating the rules, which he must know and does know well, because nobody could know better than the gentleman from New York, nobody does know better than the gentleman from New York that he was in order only, Mr. Speaker, in discussing the conference report, and if he made allusion to the conference report after the first sentence I failed to hear it.

Now, the theory of the rule, Mr. Speaker, that a conference report must be printed in the RECORD before it is acted upon in the House is that no conference report ought to be acted upon without every Member of the House having the fullest opportunity to understand everything that is contained therein. Conference reports, of course, are more or less complicated. This particular bill had 104 amendments. It goes without saying that outside of the members of the conference committee, with the single reading at the desk all the Members of the House can not at once comprehend the full meaning of every amendment, and, therefore, a Republican Congress provided by its rules that a conference report must be presented and printed in the RECORD over night before it should be acted upon.

Now, Mr. Speaker, this particular conference report was presented two weeks ago last Monday and printed in the RECORD, so that it was entirely possible for every Member of the House to commit every word of it to heart before now, and any Member who does not understand fully every provision of every amendment is himself to blame, because it has been before him in print all of this time, not only in the RECORD, but as a separate document in the document room, all except this single amendment, No. 88, which my colleague from Texas [Mr. STEPHENS] has just read and which I attempted in my feeble way to explain in the moment which I took at the beginning of this discussion, and which changes the original amendment as presented in the RECORD two weeks only in this particular, that it now makes clear and certain that we do not intend to validate any contract made between an Indian and attorney until that contract has been scrutinized by the Secretary of the Interior and approved by him. That was the intent of the original provision. My distinguished friend from New York [Mr. FITZGERALD] called my attention to the fact, when I returned after an absence of a couple of weeks from the House, that seemingly the amendment did not do what it intended, and on careful reading of it I concluded the gentleman from New York was right. And so we have to-day been back to conference and made it perfectly clear that the amendment does exactly what we intended it to do, to wit, compel every contract, before it shall be validated, to be scrutinized and approved by the Secretary of the Interior. That is the only change there is from the report as presented two weeks ago, and which has been within the reach of every single Member of the House from that minute down to the present. Now, I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FITZGERALD. Division, Mr. Speaker.

The House divided.

The SPEAKER. On this vote 101 have voted in the affirmative and 75 have voted in the negative, not a quorum. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, as many as are in favor will answer "yea," and as many as are opposed will answer "nay," those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 133, nays 97, answered "present" 20, not voting 137, as follows:

YEAS—133.

Allen	Bates	Boyd	Burton, Del.
Ames	Bede	Brownlow	Butler
Andrus	Birdsall	Burke	Campbell
Bartholdt	Bonynge	Burleigh	Carter

Caulfield	Hackney	Lowden	Reeder
Chaney	Haggott	McCall	Rodenberg
Chapman	Hale	McGuire	Scott
Cocks, N. Y.	Harding	McKinlay, Cal.	Sherman
Cole	Haskins	McKinley, Ill.	Slemp
Conner	Haugen	McLachlan, Cal.	Smith, Cal.
Cook, Colo.	Hawley	McLaughlin, Mich.	Smith, Mich.
Cook, Pa.	Henry, Conn.	Madden	Snapp
Cushman	Howell, N. J.	Madison	Southwick
Davidson	Howell, Utah	Malby	Sperry
Davis, Minn.	Howland	Mann	Steenerson
Dawes	Hubbard, Iowa	Marshall	Stephens, Tex.
Dawson	Hubbard, W. Va.	Mondell	Sterling
Denby	Humphrey, Wash.	Moon, Pa.	Stevens, Minn.
Diekema	Jones, Wash.	Moore, Pa.	Sulloway
Douglas	Kahn	Mouser	Taylor, Ohio
Dwight	Keifer	Murdock	Thistlewood
Ellis, Mo.	Kennedy, Iowa	Needham	Townsend
Englebright	Kennedy, Ohio	Nelson	Volstead
Esch	Kinkaid	Norris	Vreeland
Fassett	Knowland	Nye	Waldo
Foster, Vt.	Küstermann	Olcott	Wanger
Foulkrod	Landis	Olmsted	Washburn
French	Langley	Overstreet	Watson
Fuller	Laning	Parker, N. J.	Weeks
Gaines, W. Va.	Law	Payne	Wilson, Ill.
Gardner, Mich.	Lilley	Pearre	Woodyard
Gardner, N. J.	Lindbergh	Perkins	
Goebel	Longworth	Porter	
Graff	Loud	Pray	

NAYS—97.

Adair	Ferris	Humphreys, Miss.	Richardson
Adamson	Fitzgerald	Johnson, Ky.	Robinson
Aiken	Floyd	Jones, Va.	Rucker
Alexander, Mo.	Foster, Ill.	Kelliher	Russell, Mo.
Ansberry	Fulton	Kitchin, Claude	Russell, Tex.
Ashbrook	Garner	Kitchin, Wm. W.	Ryan
Bartlett, Ga.	Garrett	Lamar, Mo.	Sabath
Bartlett, Nev.	Gillespie	Lamb	Sheppard
Beall, Tex.	Godwin	Leake	Sherley
Bell, Ga.	Gordon	Lee	Sherwood
Booher	Hackett	Legare	Sims
Bowers	Hamlin	Macon	Small
Brodhead	Hammond	Maynard	Smith, Mo.
Brundidge	Hardwick	Moon, Tenn.	Smith, Tex.
Burgess	Hardy	Moore, Tex.	Stanley
Byrd	Harrison	Murphy	Thomas, N.C
Caldwell	Hay	Nicholls	Tou Velle
Candler	Heflin	O'Connell	Underwood
Clark, Mo.	Helm	Page	Watkins
Cooper, Tex.	Henry, Tex.	Patterson	Webb
Cox, Ind.	Hitchcock	Peters	Williams
Craig	Hobson	Pou	Wilson, Pa.
De Armond	Houston	Rainey	
Denver	Hughes, N. J.	Randell, Tex.	
Ellerbe	Hull, Tenn.	Rauch	

ANSWERED "PRESENT"—20.

Cooper, Wis.	Gillett	Johnson, S. C.	Reid
Cousins	Goulden	Knopf	Riordan
Currier	Gregg	Lever	Saunders
Dixon	Hamilton, Iowa	Lindsay	Shackleford
Fornes	Jenkins	Padgett	Sturgiss

NOT VOTING—137.

Acheson	Draper	Hinshaw	Parker, S. Dak.
Alexander, N. Y.	Driscoll	Holliday	Parsons
Anthony	Dunwell	Howard	Pollard
Bannon	Durey	Huff	Powers
Barchfeld	Edwards, Ga.	Hughes, W. Va.	Pratt
Barclay	Edwards, Ky.	Hull, Iowa	Prince
Beale, Pa.	Ellis, Oreg.	Jackson	Pujo
Bennet, N. Y.	Fairchild	James, Addison D.	Ransdell, La.
Bennett, Ky.	Favrot	James, Ollie M.	Reynolds
Bingham	Finley	Kimball	Rhinock
Boutell	Flood	Kipp	Roberts
Bradley	Focht	Knapp	Rothermel
Brantley	Fordney	Lafean	Slayden
Broussard	Foss	Lamar, Fla.	Smith, Iowa
Brumm	Foster, Ind.	Lassiter	Sparkman
Burleson	Fowler	Lawrence	Spight
Burnett	Gaines, Tenn.	Lenahan	Stafford
Burton, Ohio	Gardner, Mass.	Lewis	Sulzer
Calder	Gilhams	Littlefield	Talbott
Calderhead	Gill	Livingston	Tawney
Capron	Glass	Lloyd	Taylor, Ala.
Carlin	Goldfogle	Lorimer	Thomas, Ohio
Cary	Graham	Loudenslager	Tirrell
Clark, Fla.	Granger	Lovering	Wallace
Clayton	Greene	McCreary	Weems
Cockran	Griggs	McDermott	Weisse
Cooper, Pa.	Gronna	McGavin	Wheeler
Coudrey	Hall	McHenry	Wiley
Cravens	Hamill	McKinney	Willett
Crawford	Hamilton, Mich.	McLain	Wolf
Crumpacker	Hayes	McMillan	Wood
Dalzell	Hepburn	McMorran	Young
Darragh	Higgins	Miller	
Davenport	Hill, Conn.	Morse	
Davey, La.	Hill, Miss.	Mudd	

The following additional pairs were announced:

Until further notice:

Mr. BRUMM with Mr. CRAVENS.

Mr. DARRAGH with Mr. BURNETT.

Mr. DUNWELL with Mr. CLAYTON.

Mr. SMITH of Iowa with Mr. SULZER.

Mr. HUFF with Mr. CRAWFORD.

Mr. TAWNEY with Mr. GOLDFOGLE.

Mr. THOMAS of Ohio with Mr. ROTHERMEL.

Mr. KNAPP with Mr. RANSDELL of Louisiana.

Mr. HIGGINS with Mr. REID.

Mr. ALEXANDER of New York with Mr. RYAN.

Mr. MUDD with Mr. TALBOTT.

Until Friday:

Mr. GILLETT with Mr. COCKRAN.

For the balance of the day:

Mr. BEALE of Pennsylvania with PADGETT.

Mr. ANTHONY with Mr. FAVROT.

The SPEAKER. On this question the ayes are 133, the noes 97, "present" 21. Two-thirds not having voted for the motion, the motion is lost. [Applause on the Democratic side.]

Mr. SHERMAN. Mr. Speaker, I desire to present the conference report and the accompanying statement to be printed in the RECORD.

The conference report and statement are as follows:

CONFERENCE REPORT NO. 1417.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, and 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, and 104, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Strike out all of said amendment and insert:

"The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made and delivered in the same manner as now provided by law for other tribal property: *Provided*, That when practicable preference right shall be given to the State, counties, and municipalities of Oklahoma to purchase said lands and improvements at the appraised value: *And provided*, That pending such appraisement and sale the Secretary of the Interior may temporarily lease said buildings and lands for the benefit of the tribes respectively to which they belong."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2, after the word "and," strike out the words "purchase of;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, $2,115,000;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "ninety" and insert in lieu thereof the words "eighty-five;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 4 strike out the word "may" and insert in lieu thereof the word "shall." In the same line strike out the words "from this" and in line 5 the word "appropriation;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: At the end of said amendment add the following: "*Provided*, That this appropriation shall be so expended as to make further appropriation for this purpose unnecesary;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: After the word "reservation," in line 10, add:

"*Provided*, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated."

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: Strike out all of said amendment and insert:

"That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian lying south and west of the Saint Joe River in said township; all of those portions of sections thirty-one and thirty-two, township forty-seven north, range three west, Boise meridian, lying south and west of the Saint Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 2, after the word "authorized," insert the words "in his discretion," and in line 6, after the word "purchase," strike out the words "in his discretion" In line 9, after the word "Iowa," strike out the balance of said amendment; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2, after the word "to," strike out the words "use and;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 2 strike out the words "and directed" and insert in lieu thereof the words "in his discretion;" and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: After the word "conclusive," in line 10, insert "*Provided*, That the expense thereof shall be paid out of the moneys found due said Indians in said cause;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 1, after the word "implements," insert the words "other equipment;" in line 9, after the word "Interior," insert the words "*Provided*, That said expenditures shall be made;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 4, after the word "upon," insert "public lands, if available, in the judgment of the Secretary of the Interior, or upon;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "make," in line 10, and insert in lieu thereof the following: "such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such reserved lands: *And provided further*, That to meet the necessary cost of carrying out this legislation, the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation, an amount not exceeding thirteen thousand dollars; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 2 strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following: "For construction of concrete walk, driveways, and grading, $2,500;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 1 strike out the word "twenty" and insert in lieu thereof the word "six;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 2 strike out the word "five" and insert in lieu thereof the word "three;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, $36,700;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 2, after the word "Jack," insert the words "Choctaw allottees;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 2, strike out the words "and directed" and insert in lieu thereof the words "in his discretion." At the end of said amendment add:

"*Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of six hundred dollars, in full settlement of a promissory note given by Mo-ko-ho-ko and Ke-wa-quah, chiefs of the Sac and Fox Indians, and Ketch-e-Cush, a councilman."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all of proposed amendment, and on page 36, in line 21, after the word "patents," strike out "and conveying," and in line 22 strike out the word "same;" and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof:

"That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, and attorneys employed by them to secure their restoration to said rolls, shall be valid and enforceable when approved by the Secretary of the Interior in their original or in such modified form as he may deem equitable and not otherwise; and such contracts as are approved as herein provided, when recorded in the county where such land is located shall be a lien, in the event of the restoration of such persons to the rolls against allotted lands or tribal funds of the persons so restored to or given rights upon said rolls."

And the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor, at the rate of fifteen hundred dollars per annum from March fourth, nineteen hundred and six, so long as he shall legally serve as such governor."

And the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof ", and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July first, nineteen hundred and nine;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word "two;" and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu of the amount proposed "twelve thousand dollars;" and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a 6-inch main thereon to said school building and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress."

And the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding $75,000, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the Absentee Utes, and the amount so expended for each individual absentee shall be made a matter of record to be charged against and deducted from the share said absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: On line 3 of said amendment, strike out "Uinta" and insert "Uintah." Transpose entire amendment to page 48 and place after amendment 101; and the Senate agree to the same.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
ROBT. L. OWEN,
Managers on the part of the Senate.

STATEMENT.

The Senate made 104 amendments to the bill and added to the amount appropriated, in round figures, $1,800,000. In conference the Senate has agreed to recommend receding from twenty-six amendments and has consented to the modification of many others, so that of the amount the bill was increased in the Senate, the conferees propose to recede from something over one million dollars and to leave in the bill an increase of something less than eight hundred thousand dollars.

The Senate receded from amendments numbered 21, 22, 23, 24, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100, leaving the bill, in so far as these amendments are concerned, in the form in which it passed the House.

The House receded from Senate amendments numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, 104, and from all other amendments the House receded with amendments.

Amendments numbered 1, 7, and 8 make immediately available a part of the appropriation for allotments under the act of 1887 and for irrigation and survey and subdivision of Indian reservations.

Amendments Nos. 18, 19, and 20 make continuous certain administrative features of the bill, which, with the exception of No. 20, have been in the Indian appropriation bill for many years.

Amendment No. 2 authorizes the purchase of supplies and the letting of contracts for irrigation work, where the expenditure does not exceed $5,000, without advertisement. This provision in substance has been in the Indian appropriation bill for ten years or more, but without limitation as to amount. The provision has been of convenience and value, especially where work was to be done on reservations remote from trade centers.

Amendment No. 3 provides that where a new bond is required of an officer of the Bureau, the old bond may be canceled.

Amendment No. 4, as agreed to in conference, grants authority to the Secretary of the Interior to dispose of buildings and lands now owned by any of the Five Civilized Tribes and heretofore used for tribal and school purposes, and to deposit the proceeds to the credit of the several tribes in the Treasury. The amendment also provides that pending a sale of such property the same may be leased for the benefit of the tribe affected.

The appropriation for "ditches and reservoirs," as presented to the House, contained the words "and so forth," and these words having been stricken out in the House, amendment No. 5 inserts the words "irrigating tools and appliances," which was intended to be covered by the objectionable words stricken out.

Amendments Nos. 6 and 9 are corrections in phraseology.

Amendment No. 10 increases by $15,000 the amount appropriated for suppression of the liquor traffic.

Amendment No. 11 increases by $100,000 the amount appropriated for the support of day and industrial schools.

Amendment No. 12 is the correction of total made necessary by the adoption of the previous amendments.

Amendment No. 13 authorizes the Commissioner of Indian Affairs to conduct experiments in reference to soil, climate, cultivation of grain and vegetables, etc., on school and agency farms.

Amendments Nos. 14 and 15 strike out words which were believed to be superfluous, and do not change the intent of the provisions.

Amendment No. 16 authorizes officers who have the disbursement of funds for Indians to deposit them in any convenient national bank, providing the officers making such deposits require from the bank so used a sufficient indemnity bond.

Amendment No. 17 authorizes the Commissioner of Indian Affairs to negotiate agreements with any Indian tribe having a present agreement with the United States for perpetual annuities for the surrender of these perpetual annuities, such agreements to be effective only when approved by Congress.

Amendments Nos. 25 and 26 make provision for the appointment of practical farmers and practical stockmen, subject only to such examination as the Secretary of the Interior prescribes.

Amendment No. 27 increases by $10,000 the appropriation for contingent expenses.

Amendment No. 28 provides for the Government paying the premium for bonds which it requires of disbursing officers.

Amendment No. 29 appropriates $9,000 and makes it immediately available for the improvement of the power and heating plant at the Phoenix, Ariz., school.

Amendment No. 30 is a change of total, made necessary by the adoption of amendment No. 29.

Amendment No. 31 appropriates $50,000 for purchasing homes for the Indians of northern California; provided that it is expressly understood that this shall be the final appropriation for this purpose.

Amendment No. 32 reappropriates $1,000 unexpended balance, heretofore appropriated for the purpose of removing obstructions in the bed of a stream flowing through the Round Valley Reservation, in California.

Amendment No. 33 appropriates $10,000 for the construction of a wagon road for the use of the Indians of the Hoopa Valley Indian Reservation, in California. The amendment as modified in conference provides that no part of this sum shall be expended until the proper officers of the Bureau shall certify that

the amount herein appropriated will fully complete the work under contemplation.

Amendment No. 34 appropriates $15,000, to be expended by the Secretary of the Interior for the use of the Yuma and Colorado River Indians, and provides that the amount thus expended shall be reimbursed to the Treasury from the sale of lands provided for in the amendment.

Amendment No. 35 provided for the setting apart of a certain portion of the Coeur d'Alene Reservation, in Idaho, for a public park, transferring the same to the State of Idaho, and made appropriation for the payment to the Indians in compensation therefor. The amendment as agreed to in conference authorizes the Secretary of the Interior to sell the land therein described to the State of Idaho for park purposes. Upon receiving therefor such compensation as the Secretary of the Interior considers adequate, the amount so received to be held for the use and benefit of the Indians whose land is taken.

Amendment No. 36 authorizes the issuance of a patent to the Episcopal Church for certain lands now occupied by said church for church purposes on the Coeur d'Alene Reservation in Idaho, the patent to be issued only upon the consent of the Indians.

Amendment No. 37 makes available for the next fiscal year the unexpended balance of an appropriation heretofore made for the survey of the Lemhi Reservation in Idaho.

Amendment No. 38, as it passed the Senate, directed the Secretary of the Interior to expend $62,000 out of the funds of the Sac and Fox Indians, held in trust, in the manner described in the amendment for the benefit of said Indians. As agreed to in conference this amendment authorizes such expenditure in the discretion of the Secretary of the Interior.

Amendment No. 39 is really a part of amendment No. 38, but it authorizes the further expenditure of $5,000 for the benefit of the same Indians in the manner described in the amendment.

Amendment No. 40 appropriates $600 for the purpose of putting in respectable condition an old Indian cemetery in Kansas.

Amendment No. 41 authorizes the Secretary of the Interior to lay out highways on a section of land in the Pottawatomie Reservation in Kansas. It does not involve any expense on the part of the Government.

Amendment No. 42, as passed by the Senate, directed the Secretary of the Interior to pay to the Iowa Indians in Kansas the balance of their trust fund in the Treasury. The amendment, as agreed to in conference, authorizes the Secretary, in his discretion, to make such payment.

Amendment No. 43 authorizes the Secretary of the Interior to make a roll of the Ottawa and Chippewa Indians who are entitled to participate in the funds to which the Court of Claims has held that they are entitled. In the conference a provision was added to this amendment charging the fund with the expense of making the roll.

Amendment No. 44 makes appropriation for the pay of the Indian agent at the White Earth Agency, Minn.

Amendment No. 45 is a change of total made necessary by amendment 44.

Amendment No. 46 is a reenactment of a provision in the last appropriation bill providing for a payment out of the funds of the Chippewas of Minnesota. By error in the last bill these Indians were described as "the Chippewas of Mississippi." This amendment is simply to correct that error.

Amendment No. 47 authorizes the Secretary of the Interior to pay the expenses, out of the funds of the White Earth band, for an annual celebration which this band is accustomed to hold and which celebration is rather in the nature of a fair than anything else.

Amendment No. 48 modifies a statute providing for the payment of annual installments to the Red Lake Indians in the spring instead of in the fall.

Amendment No. 49 increases by $300 the compensation to be paid the Indian agent at Fort Berthold Agency, Mont. The House receded instead of the Senate.

Amendment No. 50 appropriates $10,000 for the construction of a saw and flour mill for the Flathead Indians to take the place of one destroyed by fire, the amendment providing that the amount thus expended should be reimbursed to the Treasury from the sale of lands of these Indians to be made after allotments are completed.

Amendment No. 51 makes an appropriation of $25,000, to be expended in the purchase of machines, tools, animals, etc., for the Fort Belknap Indians in Montana, and provides that said money shall be reimbursed to the Treasury from the proceeds of the sale of lands now being made.

Amendment No. 53 as passed by the Senate made an appropriation of $30,000, to be expended in the discretion of the Secretary of the Interior to locate the Rocky Boy's band on some reservation where the Indians on the reservation would agree to the same. As agreed to in conference, provision is made for locating these Indians upon public lands if there be suitable public lands available in the judgment of the Secretary of the Interior.

Amendment No. 59 makes provision for charging Indian lands directly benefited by irrigation work done by the Reclamation Service with their proportion of the cost of such work, but especially provides that no lien shall be created against the lands which would by any possibility deprive the Indians of the title thereto. The amendment also authorizes the Secretary of the Interior to pay from the general irrigation fund appropriated in this bill the maintenance charge within the prescribed limit for a given period for this service.

Amendment No. 67 is simply a transposition.

Amendment No. 70 appropriates $5,000 for the purchase of live stock, seeds, farm implements, and machinery for the Wahpeton Indian School, North Dakota, and amendment No. 71 appropriates $2,500 for the making of walks and driveways and grading at the same school.

Amendment No. 72 makes an appropriation of $6,000 for the erection of a school hospital at the Wahpeton School, North Dakota, and amendment No. 74 appropriates $3,000 for the equipment of a laundry, workshop, and school buildings at said school.

Amendment No. 76 is a change of total made necessary by the adoption of prior amendments.

Amendment No. 77 appropriates $1,800 for the agent of the Fort Berthold Agency, this work having heretofore been done by the superintendent of the school, which has now been destroyed by fire.

Amendment No. 78 authorizes the sale of 640 acres of land set aside for reservation purposes at the Cheyenne and Arapahoe Agency in Oklahoma, and further authorizes the use of the money derived from such sale in improving and extending the school facilities provided for the Cheyenne and Arapahoe Indians.

Amendment No. 79 authorizes two Choctaw allottees to sell an acre of their allotments upon which alienation is restricted, the purpose of such sale being to provide a site for a church.

Amendments Nos. 80 and 83 are simply transpositions of totals.

Amendment No. 81, as passed by the Senate, directed the Secretary to disburse $100,000 of the trust funds of the Sac and Fox Indians of Mississippi for their benefit. As agreed to in conference, this payment is authorized in the discretion of the Secretary, in whose discretion, also, is left the payment of a note of $6,000, which is apparently a just charge upon the funds.

Amendment No. 82 provides for the payment of $215,000 as a full and complete settlement of all differences growing out of all treaties between the United States and the Mexican Kickapoo Indians, and provides that the receipt of said money shall be a discharge in full of all claim and demand of said Indians against the United States.

Amendments Nos. 84 and 86 are purely phraseological.

Amendment No. 87 extends the power of the Secretary of the Interior in investigating as to the allotted lands of the Five Civilized Tribes; not merely the leasing thereof, but powers of attorney, contracts, deeds, or agreements given in reference to the sale thereof.

Amendment No. 88 makes provision for the collection of attorneys' fees where contracts therefor have been approved by the Secretary of the Interior in actions brought to recover lands of the Five Civilized Tribes, and it makes these fees a lien upon the lands about which the action was carried on.

Amendment No. 89 authorizes the payment to one Samuel Brown of $7,384.94 from the funds of the Creek Nation, the Department having made investigation as to the justice of this claim and reported in favor thereof.

Amendment No. 90, as agreed to in conference, provides for the payment to Governor Johnson, governor of the Chickasaws, of $1,500 per year from March 4, 1906, until the day he ceases to act as such governor. Governor Johnson has not drawn compensation as governor, the salary heretofore fixed having been $1,500, the Chickasaw council having passed an act increasing this compensation to $3,000, and the President not having approved the same.

Amendment No. 91 increases from $150,000 to $300,000 the appropriation for schools for children other than Indian children living in what has heretofore been the Indian Territory.

Amendment No. 92 directs the Secretary of the Interior to bring to completion by July 1, 1909, the work now being done by the Commission to the Five Civilized Tribes.

Amendment No. 93 appropriates $108,000 to pay the claim of the Klamath Indians for lands formerly within their reservation, but erroneously allotted by the United States to settlers.

Amendment No. 95 increases by $100 the compensation of the agent at the Lower Brule Agency.

Amendment No. 96 increases by $400 the compensation of the agent at the Pine Ridge Agency.

Amendment No. 97 is a change of the total made necessary by amendments Nos. 95 and 96.

Amendment No. 98, as passed by the Senate, appropriated $5,000 for the development of certain springs on the farm of the Rapid City School, South Dakota. The amendment, as agreed to in conference, authorizes the Commissioner of Indian Affairs to invite proposals for the construction and completion of a water system for the schools, to be supplied from said springs.

Amendment No. 101 authorizes the Secretary of the Interior to expend of the trust funds of the Ute Indians an amount not to exceed $75,000 to relieve their present distressed condition.

Amendment No. 102 appropriates $300,000 for payment to the Colville Indians, as provided by the agreement with them ratified in 1906.

Amendment No. 103 permits the leasing of lands of the Unitah and Uncompahgre Indians in Utah, which are susceptible of irrigation, under the supervision of the Secretary of the Interior. In receding from this amendment the House made provision for the transfer of the amendment from its erroneous place in the bill under the State of Wyoming to the proper point in the bill under the State of Utah.

Amendment No. 104 authorizes the Secretary of the Interior, with the consent of the Indians of the Wind River Reservation in Wyoming, to transfer to the Catholic Church the lands now occupied by the said church for church and school purposes.

J. S. SHERMAN,
T. F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

The SPEAKER. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 19355) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARREN, and Mr. CLAY as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17288) making appropriations for the support of the Army for the fiscal year ending June 30, 1909, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. LODGE, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4788. An act to provide for increasing the limit of cost of the public building authorized to be erected at Americus, Sumter County, Ga.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17983. An act for completing the pediment of the House wing of the Capitol.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4788. An act to provide for increasing the limit of cost of the public building authorized to be erected at Americus, Sumter County, Ga.—to the Committee on Public Buildings and Grounds.

SAFE TRANSPORTATON OF EXPLOSIVES.

Mr. WANGER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17228) with the committee amendment.

The Clerk read as follows:

A bill (H. R. 17228) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation.

Be it enacted, etc., That it shall be unlawful to transport, carry, or convey any dynamite, gunpowder, or other explosive between a place in any foreign country and a place within the United States, or a place in any State, Territory, or District of the United States, and a place in any other State, Territory, or District thereof, on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire: *Provided*, That it shall be lawful to transport on any such vessel, or vehicle, small arms ammunition in any quantity, and such fuses, torpedoes, rockets, or other signal devices as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel or vehicle; but such samples shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers for hire: *And provided further*, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels or vehicles.

SEC. 2. That within ninety days of the passage of this act the Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives, and said regulations shall be binding upon all common carriers engaged in interstate commerce which transport explosives by land, and violations of them shall be subject to the penalties hereinafter provided. The Interstate Commerce Commission, on its own motion or upon application made by any interested party, may make changes or modifications of the regulations for the safe transportation of explosives, made desirable by new information or altered conditions, and such changed regulations shall have all the force of the original regulations. The regulations for the safe transportation of explosives referred to in this section shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. The regulations for the safe transportation of explosives shall take effect three months after their formulation and publication by the Interstate Commerce Commission, and shall be in effect until reversed, set aside, or modified.

SEC. 3. That it shall be unlawful to transport, carry, or convey liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive between a place in a foreign country and a place within the United States, or a place in one State, Territory, or District of the United States and a place in any other State, Territory, or District thereof, on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water.

SEC. 4. Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof, and it shall be unlawful for any person to deliver, for interstate or foreign transportation, to any common carrier engaged in interstate or foreign commerce by land or water, or to cause to be delivered, or to carry, any explosive, or other dangerous article, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made.

SEC. 5. That every person who knowingly violates, or causes to be violated, any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine not exceeding $2,000, or by imprisonment not exceeding eighteen months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 6. That this act shall take effect immediately, and all acts or parts of acts in conflict therewith are hereby repealed, except section 4422 of the Revised Statutes of the United States, which shall remain in full force and effect.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second, Mr. Speaker.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. I shall be compelled to object to that.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Pennsylvania [Mr. WANGER] will take their places as tellers.

The House divided, and the tellers reported—ayes 104, noes 66.

The SPEAKER. The yeas have it, and a second is ordered.

Mr. WILLIAMS. Mr. Speaker, I am sorry to note that there is no quorum.

The SPEAKER. Well, there has been a roll call within ten minutes which showed 251. The Chair had gentlemen in his eye who did not vote, and the point is not well taken.

Mr. WILLIAMS. We have just this moment taken a vote by tellers.

The SPEAKER. Oh, certainly.

Mr. WILLIAMS. And every man present on the floor, so far as I know, passed through the tellers.

The SPEAKER. There were those present who did not pass between the tellers.

Mr. WILLIAMS. Except those who were paired.

The SPEAKER. There were Members present who did not pass through the tellers; and the Chair overrules the point of order.

Mr. WILLIAMS. Do I understand the Speaker to overrule the point of no quorum?

The SPEAKER. The Chair takes the evidence of the roll call which has taken place within the last ten minutes as against the record that was made by gentlemen passing through the tellers, the Chair having knowledge that in some instances Members present did not pass through the tellers.

Mr. WILLIAMS. Members present who were paired did not pass through the tellers.

The SPEAKER. A quorum is present.

Mr. WILLIAMS. The Chair holds——

The SPEAKER. The Chair holds that a quorum is present.

Mr. WILLIAMS. The Chair holds that the record discloses a quorum and the Chair will rule that the point is dilatory, I understand?

The SPEAKER. The Chair rules that a quorum is present. The gentleman from Pennsylvania [Mr. WANGER] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. WANGER. Mr. Speaker, the purpose of this bill is, as stated in its title, to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation. The existing laws governing this matter are very antiquated and inadequate, and the great traveling public is in considerable peril from a lack of suitable regulations to provide for the proper transportation of explosives. There will always be danger incident to their transportation; but it was the thought of the committee—and, as I understand, the bill is unanimously reported by the committee—that this measure covers the ground about as well as can be done at this time, and without imposing any undue hardship upon these carriers or anybody else. I reserve the balance of my time.

Mr. SHERLEY. Mr. Speaker, before the gentleman takes his seat, I desire to ask him here if he can state to the House the existing law in regard to the transportation of nitroglycerin and other explosives?

Mr. WANGER. I can not, further than that this section of the Revised Statutes, which is excepted out of the repealing clause that reads, "from transportation on vessels unless they have suitable chests in which to carry them."

Mr. SHERLEY. Is the gentleman aware that section 5353 of the Revised Statutes now forbids the shipments of nitroglycerin, and so forth, and does the gentleman intend by this act to repeal that section, or has his committee considered that section at all?

Mr. WANGER. I assume that the committee considered that section, although personally I am unable to state.

Mr. SHERLEY. I am not undertaking to ask the gentleman questions for any purpose of annoyance, but we had this subject up before the Committee on the Revision of the Laws, and considered it in some detail, and there is now existing a law covering this matter. Whether it is complete or not is for the House to determine, but I think the House should consider the existing law, together with the proposed law, in determining the question.

Mr. WANGER. The legislation is very incomplete, according to the judgment of the experts who appeared before the committee.

I reserve the balance of my time.

Mr. WILLIAMS. I yield five minutes to the gentleman from Indiana [Mr. COX.]

Mr. COX of Indiana. Mr. Speaker, in the main I believe that the legislation aimed at in this bill is very commendable, but I desire to call the attention of the House to a part of section 2 and to the penalty provided in section 5. Section 2 of the act provides:

> That within ninety days from the passage of this act the Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives, and said regulations shall be binding upon all common carriers engaged in interstate commerce which transport explosives by land, and violations of them shall be subject to the penalties hereinafter provided.

Section 5 provides:

> That every person who knowingly violates, or causes to be violated, any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine not exceeding $2,000, or by imprisonment not exceeding eighteen months, or by both such fine and imprisonment, in the discretion of the court.

The part I desire to object to is the making of departmental law. For one I object to giving the Departments of the Government the power to make statutes and then imposing a penalty upon persons or individuals for a violation of the rules or regulations made by the Department. I believe that Congress ought to legislate along this line, but I do sincerely object and protest against centering power in the hands of a Department and giving that Department complete authority to make rules and regulations and then follow those rules and regulations up by an act of Congress making it a violation, not of the act of Congress, but of a rule or regulation passed by a Department of the Government, and thereby subjecting an individual to the penalty of a fine or a fine and imprisonment also.

As I said a while ago, I believe it is a subject upon which Congress should legislate, and I believe it should give it careful and scrutinizing attention. A couple of years ago, in my own State, in the city of Terre Haute, a car of dynamite exploded and killed and crippled a great many people.

Therefore I commend the object and purpose of Congress in attempting to legislate upon this subject, but I do not agree with the provisions of this bill, delegating the power of Congress to some Department of the Government, and then saying that a violation, not of the statute alone, but of a rule or regulation of a Department, shall be punished as a penal offense. I believe it to be the duty of Congress to prescribe the rules and regulations itself, thereby making it a plain, positive statute. The presumption of law is that everyone is presumed to know the law, but I do not believe that the presumption obtains to the extent that everyone is presumed to know the rules and regulations of a Department. The idea of convicting any one and imposing a heavy fine or a sentence in a prison for violating a rule or regulation of a Department is, in my judgment, not only wrong, but is a dangerous precedent. I earnestly object to this part of the bill.

Mr. WILLIAMS. Mr. Speaker, I wish to yield three minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. I am much obliged to the gentleman, but I do not wish to occupy time at this moment.

Mr. WILLIAMS. I wish to yield, then, five minutes, to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I should like to have read in my time an amendment which I propose to offer.

The Clerk read as follows:

Amend by adding, after the word "court," in line 19, page 5, the following:

"SEC. 6. That every common carrier engaged in interstate commerce shall keep a record of all vinous, spirituous, malt, and intoxicating beverages transported by it from one State into another, which record shall show the names of the consignor and consignee, the kind and quantity of liquor contained in each package, the name of the party to whom delivered, and the date of delivery, and such record shall be open to inspection by the peace officers of the county in which the office of delivery is situated.

"SEC. 7. That it shall be unlawful for any common carrier engaged in interstate commerce to transport or accept for transportation from one State into another any package containing vinous, spirituous, malt, or intoxicating beverages unless there shall be plainly marked thereon in large, clear letters the name of the consignee and the kind and quantity of liquor contained therein.

"SEC. 8. That it shall be unlawful for any common carrier engaged in interstate commerce to deliver to any person in one State any vinous, spirituous, malt, or intoxicating beverage transported by it from another State unless the package containing it shall be marked or labeled as required by section 2 of this act, and no such package shall be delivered to any person except the consignee whose name appears thereon as such or upon his written order.

"SEC. 9. That whoever, for the purpose of having delivery made to him or his agent, shall falsely pretend to any agent or employee of any common carrier that he is the consignee of any vinous, spirituous, malt, or intoxicating beverage transported from another State, or shall, under any assumed or fictitious name, or any name not his own, make or utter any order for such beverage, or receipt for or accept delivery thereof, shall upon conviction be punished by imprisonment for not more than six months.

"SEC. 10. That whoever shall deliver to any common carrier for transportation into another State any package containing any vinous, spirituous, malt, or intoxicating beverage without having plainly marked thereon the name of the consignee and the kind and quantity of beverage it contains shall upon conviction be imprisoned for not more than six months."

Mr. HUMPHREYS of Mississippi. If I am permitted to offer that as an amendment under the rules of the House, I shall do so when this bill is taken up for consideration. It is an amendment which every man in the House who is in favor of the due process of law and really wants the laws properly enforced will be in favor of. I introduced a bill some time ago which is in the exact language of this amendment. It relates purely and simply and solely to interstate commerce, but for some reason unknown to me—perhaps because I am not skilled in parliamentary procedure, at any rate, for some reason—this bill, as were all similar bills, was referred, not to the Committee on Interstate and Foreign Commerce, which under the rules has exclusive jurisdiction over such matters, but to the Committee on the Judiciary, where they doubtless sleep the sleep that knows no waking. [Laughter.]

Being of the minority, I am helpless, and therefore must get the subject-matter before the House as best I can. The only way I can get it before the House is to offer it as an amendment, and when this bill is taken up for consideration I shall do so in order to give the Members of this House an opportunity to express themselves on a proposition which must commend itself to their judgment. [Applause.]

I understand that under the rules of this House, which we on this side of the Chamber, however, had no hand in making, this amendment can be ruled out of order. Just why, I confess I do not understand; but, like the peace of the Lord, the rules of this House passeth all understanding. Under them a bill proposing to regulate interstate shipments of intoxicating liquors is not referred to the Committee on Interstate and Foreign Commerce—which is generally believed here, I may add, to look with favor upon such legislation—but to the Committee on the Judiciary, which does not rest under any such suspicion. The bill which we are now considering and which I desire to amend proposes to regulate interstate shipments of dynamite and other explosives, and I submit that under all the rules of reason and

orderly procedure—I am, of course, not referring to the rules of this House, which have nothing to do with either reason or orderly procedure—it is germane to so broaden its scope by amendment as to include in its regulation interstate shipments of intoxicating liquors. Be that, however, as it may, Mr. Speaker, I can do my duty in the matter and present the amendment, believing as I do, that its enactment into law would deal a veritable deathblow to the illicit liquor traffic, and then let it meet such fate as may be meted out to it in this House, whose rules and procedure are determined absolutely and changed daily by the "party of great moral ideas." [Applause.]

I now yield back the balance of my time to my colleague, the gentleman from Mississippi.

Mr. WANGER. Mr. Speaker, the gentleman from Mississippi, as I understand, had that read simply for information?

The SPEAKER. That is all.

Mr. WILLIAMS. Mr. Speaker, I yield two minutes to the gentleman from New Jersey [Mr. LEAKE] in order that he may ask a question of the gentleman in charge of the bill.

Mr. LEAKE. Mr. Speaker, I secured the time for the purpose of asking the gentleman from Pennsylvania whether the purpose of this bill was not to allow the transportation of gunpowder, dynamite, and nitroglycerin with less restrictions upon the railroad companies than the laws of many States in this country now permit. I recollect that in the State of New Jersey the regulations about the transportation of nitroglycerin are much more rigorous than the provisions of this bill. If this bill be passed, it will override the reserved rights of the States to protect the public health and safety which are recognized in many cases and which in the matter of the shipment of dynamite in interstate commerce, while primarily for Congressional legislation, has been transferred to the States by Congress by construction in the case of Jervey (66 Fed. Rep., 960). The purpose of this legislation is to change the existing law and allow the shipment of dynamite with much less regulation than now generally required by the States in protecting the health of their citizens.

Mr. WANGER. I will say to the gentleman that I know of no such purpose, and I do not think it could be accomplished, because the gentleman will remember that the State laws only refer to State commerce.

Mr. LEAKE. I understand that thoroughly, but I wanted to know whether this was not the purpose of the bill.

Mr. WANGER. No; the main purpose is to secure the proper marking and billing of these articles. As the case is now, articles are falsely billed. The railroad company receives them, supposing them to be entirely harmless, and there appears to be no penalty against it. A large quantity of explosives are carried by gentlemen with dress suit cases in passenger cars.

Mr. LEAKE. Mr. Speaker, I shall have to vote against the bill, because I am opposed to a provision of law under the interstate-commerce clause allowing the transporattion of these dangerous articles, dangerous to life and limb of the people of my State, changing the existing law, which Congress in its wisdom thought might be more properly exercised by the States. The sovereign States have never surrendered their police power to protect the health and life of its citizens, and many cases hold that the State under its police regulations may incidentally affect interstate commerce by regulations. The States know best how to protect their citizens in this matter, and I prefer to leave the statute which permits them to exercise that right in the shipment of dynamite and explosives unrepealed and unchanged by this new measure before the House.

Mr. WILLIAMS. Mr. Speaker, I now yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. I do not know that I desire all that time, but I want to call to the attention of the gentleman who has the bill in charge the fact that in one particular the bill is defective. The bill, of course, is based on the commerce clause of the Constitution, but it does not cover all cases of interstate and foreign commerce which are possible. It does not provide for shipments made from any of the foreign possessions of the United States to America. For instance, a shipment from any State in the Union to Porto Rico, a shipment to the Philippines, or from the Philippines to Porto Rico, or Porto Rico to Alaska—none of these are covered by the words of this act.

Mr. WANGER. Is it not covered by the section of the Revised Statutes?

Mr. SHERLEY. If the gentleman will notice in the first paragraph, the language provides that—

> It shall be unlawful to transport, carry, or convey any dynamite, gunpowder, or other explosive between a place in any foreign country and a place within the United States, or a place in any State, Territory, or District of the United States and a place in any other State, Territory, or District thereof.

Now, the Philippine Islands are neither a State, Territory, or District, and the language used here is not sufficient to designate them, or to designate Porto Rico, and it would not cover those cases. This matter is one of considerable difficulty to cover by the use of proper language, and the Committee on Revision of the Laws in considering the subject undertook to cover it by use of this language:

> Or places noncontiguous to, but subject to the jurisdiction thereof.

That is, subject to the jurisdiction of the United States. We believe that the insertion of that language would cover those cases growing out of commerce between the foreign possessions of the United States and the United States proper. I mention this, not for the purpose of opposing the bill, but for the purpose of calling attention to it, so that when the bill is considered in the other branch of Congress if the point I now make is well taken, it can be there corrected. I regret that it is necessary to consider this bill with this limited opportunity for debate, and without opportunity for amendment. The existing law is perhaps not complete, and how far it may or may not be repealed by this proposed law I am unable on a hasty examination to determine, but I have satisfied myself that in the particulars pointed out the bill is defective. It will not cover those cases, and they ought certainly to be brought within the purview of this law.

Mr. WILLIAMS. Mr. Speaker, I came into the House this morning with the idea in my mind from what I had heard about the contents of this bill, not having read it, that I would support it. After having heard it read, it strikes me that it is entirely too weighty in its possible consequences to be passed by the House with as little explanation, consideration, and opportunity for a full understanding as the House has had or can have under a motion to suspend the rules, with only twenty minutes on a side.

Now, Mr. Speaker, a few moments ago I made the point that a quorum was not present. The Constitution of the United States guarantees to the minority the right to have a quorum to do business. That has been construed to mean a quorum, whether by vote or by count. The Speaker a moment ago ruled it to mean that where an absence of a quorum was affirmatively disclosed by count through the tellers he could yet rule that there was a quorum present without counting the Members to confirm his judgment and contradict the tellers under Rule XV.

Mr. SHERMAN. I rise to a point of order.

Mr. WILLIAMS. And without counting to add to those who had voted others who were present, if any there were, sitting in their seats and not passing through the tellers.

Mr. SHERMAN. Mr. Speaker, under the rule I rise to a point of order, that the gentleman from Mississippi [Mr. WILLIAMS] is entitled to speak upon the bill before the House, and upon that bill only.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. The remarks of the "gentleman from Mississippi" are addressed to this or any other bill before the House. In discussing any bill that may be before the House the "gentleman from Mississippi," I take it, has a right to say that the House itself, in the sense of the Constitution, is not, or when the point was made was not, present, and the House, not being present, that legislation can not be carried on. The minority having been overridden by a ruling declaring the House present, or, in other words, a quorum to do business, when it was not, Mr. Speaker, that is a reason why this particular legislation or any other being transacted, even if right in itself, should be voted against by the minority upon this floor—not that an adverse vote will defeat the legislation, but that it will make it to come up at some other time in the regular way and meet with full consideration when the proper rights shall be accorded to the minority in its consideration. [Applause on the Democratic side.]

The SPEAKER. Did the Chair understand the gentleman from Mississippi to make the point that no quorum is present?

Mr. WILLIAMS. The "gentleman from Mississippi" made the point of no quorum immediately after the record of a vote by tellers disclosed the fact that no quorum was present. Now, the gentleman makes this point——

The SPEAKER. Does the gentleman make the point that no quorum is present?

Mr. WILLIAMS. I do not care to make that point now. I am talking about the time when it was made, and the "gentleman from Mississippi" calls the attention of the Speaker to the fact that although the Speaker said——

The SPEAKER. The gentleman will suspend.

Mr. WILLIAMS. The others were present——

The SPEAKER. The gentleman will suspend.

Mr. WILLIAMS. He did not note their names, as Rule XIV requires——

The SPEAKER. The gentleman will suspend. Does the gentleman from Mississippi make the point that no quorum is present?

Mr. WILLIAMS. The "gentleman from Mississippi" does not *now* make the point of no quorum, because he believes a quorum is now present. It has come in since.

The SPEAKER. The gentleman from Pennsylvania [Mr. WANGER] is recognized.

Mr. WANGER. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PAYNE.]

Mr. PAYNE. The gentleman from Mississippi who has just addressed the House claimed he was speaking in order because he said he had made a point of order a few moments ago that no quorum was present——

Mr. SHERLEY. I make the point of order, Mr. Speaker, that the gentleman from New York is not speaking to the bill. [Applause on the Democratic side.]

Mr. PAYNE. If the gentleman from Mississippi spoke to the bill or——

Mr. WILLIAMS. The gentleman from Mississippi was not allowed to speak——

Mr. MANN. The gentleman from Mississippi kept talking when his time was exhausted and he is still talking.

The SPEAKER. The gentleman from New York will suspend. The Chair sustains the point of order [applause on the Democratic side] and trusts that the gentleman from New York, the Chair having sustained the point or order, will set a good example to the House by proceeding in order. [Great laughter and applause.]

Mr. PAYNE. Mr. Speaker, it is not necessary for the Speaker of the House to make any such suggestion to the gentleman from New York, the Speaker having ruled that the gentleman from New York was not in order in the line in which he answered the gentleman from Mississippi. This is a very important bill, Mr. Speaker. It is a bill looking to the protection of human life. It is a bill that would insure the safety of the public when coming in contact or in proximity to any interstate vehicle in the United States conveying any dangerous explosives such as powder, dynamite, or other dangerous explosive. The gentleman from Kentucky criticises it in that it does not apply to all the territory belonging to the United States. The gentleman from Kentucky is always solicitous about the Philippine Islands; he has been so ever since he and I had an opportunity of visiting those islands and studying the conditions there. I think, perhaps, the criticism of the gentleman from Kentucky is just, so far as the bill is concerned, and the bill would be improved if it could be amended.

Of course it can not be under this proposition; but I understand there are still left laws that would perhaps protect the transportation of this dangerous material to the Philippine Islands. There are other statutes upon the statute books which are not repealed. But this does affect all these dangerous explosives brought from any portion of the country into any portion of continental United States, and also it protects all the transportation of these explosives by any vehicle whatever in interstate commerce between the States and Territories and the District of Columbia. My friend from New Jersey is unduly exercised because he fears that it does not cover the transportation of explosive material in the State of New Jersey. That would be intrastate commerce, not interstate commerce; and of course only the State of New Jersey could take care of that matter, and the gentleman should study the Constitution of the United States and observe the difference between the powers of the Federal Government and the powers of the several sovereign States——

The SPEAKER. In pursuance of the order of the House, the hour of 5 o'clock having arrived, the Chair declares the House in recess until to-morrow at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, submitting an estimate of appropriation for a roadway in Potomac Park (H. R. Doc. 856) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 14047) to establish a United States Court of Patent Appeals, and for other purposes, reported the same with amendments, accompanied by a report (No. 1415), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19893) for the relief of Thomas J. Shocker, reported the same without amendment, accompanied by a report (No. 1416), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 1230) granting a pension to Elmira H. Ludlam—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13043) granting an increase of pension to Quince Record—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14567) granting an increase of pension to Benjamin Kelsey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19785) granting an increase of pension to Andrew J. Haslam—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19440) granting an increase of pension to Mary M. Baker—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19441) granting a pension to Sarah Rebecca Mobray—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19442) granting a pension to Elizabeth A. Blades—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19443) granting a pension to Elizabeth Brown—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 19444) granting a pension to Susan E. Bowman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CHANEY: A bill (H. R. 20514) to provide for the establishment of judicial divisions in the district of Indiana, and for other purposes in connection therewith—to the Committee on the Judiciary.

Also, a bill (H. R. 20515) providing for advanced rank of first sergeants of the civil war—to the Committee on Military Affairs.

By Mr. FULTON: A bill (H. R. 20516) granting building at Alva, Okla., to State of Oklahoma—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 20517) to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20518) to authorize the city of Bemidji, in the State of Minnesota, to construct a highway bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: A bill (H. R. 20519) for the establishment of a probation and parole system for the District of Columbia—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 20520) to amend section 2730 of the Revised Statutes, relative to salary of the appraiser at the port of St. Louis—to the Committee on Ways and Means.

By Mr. RANSDELL of Louisiana: A bill (H. R. 20521) to authorize the Ruston, Natchitoches and Northeastern Railroad Company to construct a bridge across Bayou D'Arbonne in Louisiana—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: A bill (H. R. 20522) to authorize and direct the Secretary of War to cause a survey to be made of Bayou Teche, Louisiana—to the Committee on Rivers and Harbors.

By Mr. MADDEN: A bill (H. R. 20523) for improvement of Chicago River—to the Committee on Rivers and Harbors.

By Mr. WOODYARD: A bill (H. R. 20524) to provide for the purchase of additional land for the enlargement of the site of the post-office building in the city of Parkersburg, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. BYRD: A bill (H. R. 20525) to prohibit dealing in future contracts on agricultural products by forbidding the use of the mails, interstate commerce, and bank facilities to dealers—to the Committee on Banking and Currency.

By Mr. CALDERHEAD: A bill (H. R. 20526) to authorize the Secretary of War to donate to Lyon Post, No. 9, Grand Army of the Republic, of Kansas, at Marysville, Kans., not to exceed 100 obsolete Springfield rifles, bayonets, and bayonet scabbards for same—to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 20527) to provide for payment of interest on judgments rendered against the United States for money due on public work—to the Committee on the Judiciary.

By Mr. STEENERSON: A bill (H. R. 20528) to amend article 4 of an agreement with the Red Lake Indians for the sale of a part of their reservation in Minnesota as amended and ratified by the act of Congress approved February 20, 1904—to the Committee on Indian Affairs.

By Mr. WATSON: A bill (H. R. 20529) for the erection of a public building at Connersville, Ind.—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20530) granting an increase of pension to Jesse D. Scott—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 20531) to correct the military record of John Gibson—to the Committee on Military Affairs.

By Mr. BOOHER: A bill (H. R. 20532) granting an increase of pension to Charles Thorp—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R. 20533) granting an increase of pension to Henry D. Hashberger—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 20534) granting a pension to John W. Crafton—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 20535) for the relief of Mrs. Mary Trayler—to the Committee on War Claims.

By Mr. CARLIN: A bill (H. R. 20536) for the relief of the estate of Edgar E. Matthew, deceased—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 20537) granting an increase of pension to Robert Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20538) granting an increase of pension to Alferd I. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20539) granting an increase of pension to Samuel South—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20540) granting an increase of pension to Joseph A. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20541) granting an increase of pension to Robert Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20542) granting an increase of pension to Henry T. Hatch—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 20543) granting an increase of pension to James S. Lea—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 20544) granting a pension to Charles F. Luebner—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 20545) granting a pension to William Craft—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 20546) granting an increase of pension to John C. Hamer—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20547) granting an increase of pension to James M. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20548) granting a pension to Mary A. Brown—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 20549) granting an increase of pension to Roland Burnett—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 20550) for the relief of the Court Street Presbyterian Church, of Memphis, Shelby County, Tenn.—to the Committee on War Claims.

By Mr. HITCHCOCK: A bill (H. R. 20551) granting a pension to William H. Gray—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20552) to correct the military record of J. W. Stiles—to the Committee on Military Affairs.

By Mr. KEIFER: A bill (H. R. 20553) granting a pension to Mary Ella Judy—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 20554) granting a pension to Anna A. Hayden—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 20555) to amend the military record of Augustus W. Coffin—to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 20556) granting an increase of pension to Andrew M. Donald—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 20557) granting an increase of pension to Lafayette Brashear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20558) granting a pension to Edward S. Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20559) granting a pension to William H. Edwards—to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 20560) granting a pension to John Brown—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20561) for the relief of the estate of Elizabeth A. Hoffler, deceased—to the Committee on War Claims.

By Mr. SMITH of Michigan: A bill (H. R. 20562) granting an increase of pension to Philander G. West—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 20563) granting an increase of pension to Seneca S. Daniels—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20564) granting an increase of pension to Charles O. Rankins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20565) granting an increase of pension to Lyman Jackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20566) granting an increase of pension to William H. Littlefield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20567) granting an increase of pension to Joseph H. Prime—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20568) granting an increase of pension to Edwin C. Copeland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20569) granting an increase of pension to James Kaime—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20570) granting an increase of pension to George F. Lord—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20571) granting an increase of pension to Roxanna Rines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20572) granting an incerase of pension to Charles H. Stackpole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20573) granting an increase of pension to Charles A. Jones—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 20574) granting an increase of pension to Carrie L. Greig—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 20575) granting an increase of pension to Solon Hyde—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 20576) granting an increase of pension to Moritz Schultz—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20577) granting an increase of pension to James B. Dutch—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 20578) granting a pension to George W. Bennum—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 20579) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20580) granting a pension to Eliza M. Burke—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 20581) granting an increase of pension to Rufus H. Brittell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Henry Marzolf, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. ANSBERRY: Petition of the national banks of St. Louis, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Hiram Louden Post, Grand Army of the Republic, indorsing the widows' pension bill ($8 to $12 per month)—to the Committee on Invalid Pensions.

By Mr. ANTHONY: Petition of Lodge No. 12, Switchman's Union of North America, of Topeka, Kans., for enactment of H. R. 13477, relating to the standardization of automatic couplers—to the Committee on Interstate and Foreign Commerce.

Also, petitions of secretary of the St. Casimer's Society of Leavenworth; secretary of the Polish National Alliance of America, of Leavenworth; and secretary of the Polish Roman Catholic Union, all of the State of Kansas, asking that Congress adopt resolutions of sympathy for the Poles of Prussia—to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of St. Louis national banks, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. BATES: Petition of Corn Exchange National Bank, of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of National Association of Manufacturers of United States, against H. R. 19745 (the Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Adirondack Protective Association, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of St. Stanislaus Society, of Erie, Pa., against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

By Mr. BONYNGE: Petition of citizens of Colorado, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BROUSSARD: Paper to accompany bill for relief of Caroline Pierront—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of Eugene Danforth and other citizens of North Anson, Me., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. BURNETT: Paper to accompany bill for relief of Silas Crump—to the Committee on War Claims.

By Mr. BURTON of Delaware: Petition of Coolspring Grange, No. 43, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. CARY: Petition of Merchants and Manufacturers' Association of Milwaukee, Wis., asking for the reestablishment of the light-house at North Point, Lake Michigan, and for establishment of a light-ship and fog signal—to the Committee on Rivers and Harbors.

By Mr. CALDER: Petition of Chamber of Commerce of New York, against the Fitzgerald bill (H. R. 19245) to amend section 3 of an act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York—to the Committee on Rivers and Harbors.

Also, petition of Central Federated Union, for the building of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of national banks of the city of St. Louis, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Chamber of Commerce of the State of New York, approving S. 4355 and 4356, for increasing salaries of district and circuit court judges—to the Committee on the Judiciary.

Also, petition of committee on finance and currency of the Chamber of Commerce of the State of New York, urging passage of the bill creating a currency commission (H. R. 15849)—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of Frank E. Pierce—to the Committee on Pensions.

By Mr. COUDREY: Papers to accompany H. R. 6548, for the relief of Bartholomew Buckley—to the Committee on Military Affairs.

By Mr. CURRIER: Petitions of Frontier Grange of West Stewartstown, N. H., and H. F. Bronson and other citizens of Lisbon, N. H., favoring a national highway commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of Thomas E. Kelley and William H. Steele—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of South Division Civic Association of Milwaukee, against increased diversion of water from Lake Michigan into the Chicago River—to the Committee on Rivers and Harbors.

By Mr. FORNES: Petition of Chamber of Commerce of New York, favoring an increase of salaries for United States district and circuit judges (S. 4355)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Retail Merchants' Association of Illinois, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULTON: Paper to accompany bill for relief of William E. Woodward (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. GOEBEL: Petition of Local Union No. 44, International Association of Bridge and Structural Iron Workers, of Cincinnati, Ohio, against H. R. 40, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GORDON: Paper to accompany bill for relief of Court Street Presbyterian Church, of Memphis, Tenn.—to the Committee on War Claims.

By Mr. GOULDEN: Petition of H. W. Dodsworth, in support of Stevens bill, placing print paper and wood pulp on the free list—to the Committee on Ways and Means.

By Mr. HARRISON: Petition of Italian-American Democratic Union of Greater New York, for the bill making the 12th of October a holiday and to be called "Columubs Day"—to the Committee on the Judiciary.

By Mr. HULL of Iowa: Petition of W. P. Brown and others, for enactment of the Littlefield original-package bill (H. R. 4776)—to the Committee on the Judiciary.

By Mr. KÜSTERMANN: Petition of residents of the Ninth Congressional District, for the McCumber Federal inspection bill—to the Committee on Agriculture.

By Mr. LINDBERGH: Petition of mass meeting of citizens held at Brainard, Minn., against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. LINDSAY: Petition of sundry citizens of Brooklyn, N. Y., favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of national banks of St. Louis, Mo., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. LITTLEFIELD: Petition of sundry citizens of Maine, praying for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

By Mr. LOUD: Petition of N. C. Miller and others, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. McMILLAN: Petition of Mahopac Grange, No. 840, of Mahopac, N. Y., for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. MALBY: Petition of Wadhams Mills and West Chazy (N. Y.) granges, Nos. 1015 and 979, respectively, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

Also, petition of West Chazy (N. Y.) Grange, No. 979, for the establishment of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of Minnesota Road Makers' Association, for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Interstate and Foreign Commerce.

Also, petition of students of Walla Walla, Wash., against H. R. 4897, for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. OLCOTT: Petition of Manhattan Camp, No. 1, Spanish War Veterans, for construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition against the passage of any bills limiting injunctions or restraining orders in labor disputes—to the Committee on the Judiciary.

By Mr. OLMSTED: Petition of H. S. Mohler, William Smith, and others, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. PORTER: Petitions of Stafford Grange, No. 418; Dansville Grange, No. 178; Cyrus A. Lee and others, of Avon, N. Y.; South Avon Grange, No. 428; John H. Parmalee and others; Linwood Grange, No. 1084, and John McNaughton and others, of Caledonia, N. Y., for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Newfane and Mansfield, N. Y., against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of S. Chester Towne and other citizens of New York, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. RYAN: Petition of County Board of Ancient Order of Hibernians of Erie County, N. Y., against ratification of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Petition of Railroad Telegraphers of the United States, against the enactment of H. R. 19238—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERWOOD: Petition of soldiers of the civil war and members of Fairchild Post, No. 16, Grand Army of the Republic, and other soldiers of Tulsa and of Claremore and vicinity, Okla., favoring the Sherwood pension bill, providing a pension of $1 per day for all honorably discharged Union soldiers—to the Committee on Invalid Pensions.

By Mr. SPERRY: Resolution of New Haven Lodge, No. 21, Order B'rith Abraham, of New Haven, Conn., against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of National Association of Manufacturers of United States, against the Hepburn amendment to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of St. Louis national banks, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Chamber of Commerce of New York, against H. R. 19245, to amend section 3 of an act entitled "An act to prevent obstructive deposits in New York Harbor and adjacent waters"—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of New York, for S. 4355 and 4356, to increase salaries of district and circuit judges—to the Committee on the Judiciary.

Also, petition of the Union Veteran Legion Encampment and citizens of Fort Wayne, for an appropriation of $200,000 for an armory building on site of old fort built by Gen. Anthony Wayne—to the Committee on Appropriations.

By Mr. TAWNEY: Petition of numerous manufacturing establishments and business houses of Winona, Minn., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. TAYLOR of Ohio: Petition of Charles Green, on behalf of 300 District of Columbia prisoners confined in West Virginia penitentiary, for the benefits of the parole law (sec. 5539, R. S.)—to the Committee on the Judiciary.

By Mr. WANGER: Petition of Rev. John F. Sheppard and other citizens of Conshohocken, Pa., for legislation to restrain impurity, intemperance, Sabbath breaking, and gambling; for the Littlefield original-package bill, and the Tirrell bill—to the Committee on the Judiciary.

By Mr. WASHBURN: Paper to accompany bill for relief of Maritz Schultz—to the Committee on Invalid Pensions.

Also, petition of Frank H. Benedict and others, of Sutton, Mass., for highway improvement (H. R. 15837)—to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 10, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by the Speaker.

NAVAL APPROPRIATION BILL.

The SPEAKER. Under the order of the House the Chair declares the House in Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill under the terms of the rule adopted, and the gentleman from Illinois [Mr. MANN] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20471, the naval appropriation bill. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

Mr. FOSS. I understood that under the rule which was adopted the first reading of the bill was dispensed with in regard to all appropriation bills.

The CHAIRMAN. The Chair is informed that the rule contains nothing on the subject.

Mr. FOSS. Well, Mr. Chairman, in the absence of any language on the subject, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. WILLIAMS. Mr. Chairman, what is the request?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the naval appropriation bill be dispensed with.

Mr. WILLIAMS. Under the special rule that would cut off debate just to that extent, and I shall not object.

The CHAIRMAN. The Chair hears no objection.

Mr. FOSS. Mr. Chairman, the naval appropriation bill carries an appropriation for the fiscal year ending June 30, 1909, of $103,967,518. The estimates which were submitted by the Department to this House and referred to the Committee on Naval Affairs amounted to $125,041,349, but the committee, after hearings and careful consideration of the needs of the different bureaus of the naval service, reported this bill with a reduction from these estimates amounting to $22,518,831. I have submitted an extensive report upon the appropriations carried in this bill, and upon the projected naval programmes of foreign countries, but there is one mistake in the report which I desire to correct at this time, and that relates to the naval programme of England for the coming year.

I have received this letter from the Office of Naval Intelligence correcting the statement which appears upon page 24 in the report on the English programme for 1908. It is stated there that the naval programme for England is two battle ships, four medium-sized armored cruisers, one large seagoing destroyer, and some ocean-going destroyers, and so forth. In place of that I desire to insert that the naval estimates that have just been submitted to Parliament, in England, provide for one battle ship, one large armored cruiser, eight fast protected cruisers, and sixteen torpedo-boat destroyers, and a number of submarines, to cost $2,433,250.

Now, Mr. Chairman, one word in regard to the personnel of the Navy. As Farragut once said, "It takes two things to make up a navy—first, men, and then ships, but the most important is men." I will say that to-day we have a shortage of officers. In order to officer all the ships which are now being built for the Navy it will be necessary to have a considerable increase in the number of officers, but in view of the fact that we have increased the number of midshipmen at the Naval Academy, and these large classes will be graduating from now on, we will be able to make up this shortage which now exists.

Now, in regard to the men in the Navy. Under our present law we have 36,000 men in the Navy. Never before perhaps in the history of the new Navy have we had our quota filled until this year. The recruiting has been exceptionally good, and when the Secretary of the Navy appeared before the committee he stated in his hearing that the Navy was within 600 of the full quota of men authorized by law. During the last year there were a great many applicants for admission into the Navy; more than 45,000 men applied for admission; and to show you with what care men are selected, I will state what appears in the report of the Chief of the Bureau of Navigation, that of these applicants only about 14,000 were actually taken into the Navy. Not only that, but the character of the men who are coming into the Navy to-day is better than ever before. They are coming from the Western farms and prairies; and while they come into the Navy without any knowledge of naval affairs, yet, under the course of training which is pursued at our different naval training stations, in a short time they become expert seamen. And there has never been a time in the history of the American Navy when the personnel stood so high in character, intelligence, and in patriotism as it does at this hour. [Applause.]

Another thing that I will say for the American Navy is that our desertions during the past year has been falling off—a less percentage than we had last year. Then also the citizenship of the Navy is improving. A number of years ago there were a great many foreigners in our Navy, but to-day, as the Chief of the Bureau of Navigation reports in his report as it appears on page 20, the Bureau during the year has gone even further to reduce the number of aliens in the Navy by providing that no one can enter the Navy on the first enlistment who is not a full citizen of the United States. To-day we have a number of foreigners, but a very small percentage, and that percentage is growing less and less as the years run on. For instance, among the petty officers the percentage of American citizens is 96.5; among the enlisted men it is 93.2, and among the citizens, taking in the whole

enlisted force of the Navy—citizens of the United States—it is 94.2 per cent, showing an increase in what might be called the "work of Americanizing the American Navy."

Now, another thing I desire to state, also in reference to the personnel of the Navy, and that is that our target practice to-day is better than it has ever been since we started in to build up the new Navy. There are more hits, there is better marksmanship, and higher records have been made, records which I think will not only compare favorably with the records made in foreign navies, but, I think, if I were to divulge the confidential character of the reports, they would even be better than that of any navy in the world.

Now, Mr. Chairman, the first paragraph of this bill relates to the pay of men in the Navy. It makes an appropriation of $27,000,000 for that purpose. And I desire to say a word about the pay of officers and men in the Navy. Until the personnel bill was passed, on March 3, 1899, the pay of officers in the Navy was less than the pay of officers in the Army.

But that bill provided that the pay of officers from then on on the active list of the Navy should be much the same as that of officers of corresponding rank in the Army. In that personnel act, however, a provision was made that the Army pay should be cut 15 per cent to officers when on shore duty. That, however, was rectified by the act of Congress of June 29, 1906, when this 15 per cent which had been lopped off the pay of officers serving on shore was restored, and the officers of the Army and Navy were paid the same on shore as on sea. Now, so much for the pay of officers in the Navy.

In regard to the pay of the men, I would state that the pay of the enlisted force in the Navy, with the exception of two or three corps—that of the paymasters' clerks and the mates and warrant officers—is fixed by the President of the United States. A law was passed as far back as 1814, which is known as section 1569 of the Revised Statutes, and provides as follows:

> The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal heavers in the naval service shall be fixed by the President: *Provided*, That the whole sum to be given for the whole pay aforesaid and for the pay of officers and for the said bounties upon enlistment shall not exceed for any one year the amount which may in such year be appropriated for such purposes.

The pay for the men in the Navy, including the petty officers, with the exception of the few classes which I have enumerated, is fixed, then, by the President of the United States, subject to the limitation of the appropriations by Congress.

Now, in all the years since authority has been given to the President of the United States to fix the pay of the men in the Navy, I may say that no Executive has ever abused that authority or discretion. While the Army appropriation bill was under consideration, it was stated, I think, by some gentleman upon the floor that the pay of the men in the Navy had been recently increased. I want to state that I do not find that to be the fact. There has been no general increase in the pay of the men in the Navy since 1884. That was under the Administration of President Arthur. When a man enters or enlists in the Navy, he goes in first as a landsman, at $16 a month. Then later he becomes an ordinary seaman, at $19 a month, whereas in the Army he enlists at the present time at $13 a month. But I think it is hardly a fair proposition to make a comparison between the Army and the Navy. The Army is upon the land; the Navy is upon the sea. The life of a sailor is more laborious than that of a soldier. He is away from home; he has to suffer more discomfort than the soldier. But if we wish to make a comparison of the pay between the Army and the Navy, we can compare, perhaps, more profitably the pay in the Navy with the pay to the seamen in some of our little navies, the infant navies of the Republic, which are connected with some of the different Departments. For instance, we have in connection with the War Department a navy called the "transport service." Now, it may seem strange, perhaps, to you, if you have not looked up the question; but we have a navy in connection with the transport service of the War Department which is greater in tonnage than we had in commission at the opening of the civil war. I refer simply to the vessels that were in commission at the time of the outbreak of the civil war. When the civil war broke out, we had forty-two vessels in commission, and they had a total tonnage of 45,847 tons. In the Army transport service to-day we have a tonnage of 68,404 tons—a larger navy in the Army transport service than we had in commission at the outbreak of the civil war, and some of the vessels in the Army transport service have a larger tonnage than the vessels that were in the civil war. Now, compare the pay of the men in the Navy with the pay of the seamen in the Army transport service—that would be a fair comparison—and if we do that we would find that the seamen in the Army transport service are paid much more than the men in the Navy. Not only that, but if we wanted to make a still further comparison in regard to some of these little navies of the Republic, we could take the Light-House Service, and the Light-House Service to-day has in it forty-six vessels and a tonnage of over 18,000 tons of ships—and I am speaking simply of the tender service of the Light-House Service, not the stationary ships.

Then we might go still further and inquire as to the Revenue-Cutter Service. We have forty-one vessels in that navy, which has a tonnage of over 19,000 tons and 1,288 seamen. Also we have a little navy in connection with the United States Coast Survey. Also we have other navies connected with the Public Health and the Marine-Hospital Service, with the Engineer Department of the Army, with the Coast and Geodetic Survey, with the Bureau of Fisheries, and also the Bureaus of Navigation and Naturalization. We have outside of the Regular Navy of the country all these little infant navies, and if we were to make a comparison between the pay of the men in the Regular Navy and the pay of the men in these little navies, you would find that the pay of the men in the Regular Navy is very much less indeed.

Now, Mr. Chairman, I desire to pass on, having spoken upon the subject of the pay of the Navy, but before doing so I desire to give notice here that when this paragraph is reached in the bill I shall offer an amendment to make the pay of the officers the same as that of the officers of corresponding grade in the Army.

When the Army appropriation bill was before the House, you will recall that an amendment was put on it increasing the pay of the enlisted force in the Army. When it went to the Senate it was reported, and has already passed the Senate with an amendment increasing the pay of the officers in the Army 25 per cent in the lower grades and down to 5 per cent in the higher grades. In view of this fact, that it is quite likely that some provision of law will be passed at this session in the Army bill increasing the pay of the officers of the Army, I desire to state that I shall offer at the appropriate time a provision increasing the pay of the officers in the Navy.

The provision I shall offer has already been reported to this House by unanimous report from the Naval Committee, and will be found in House bill 17527, which provides:

> A bill (17527) to equalize and fix the pay of the Navy and the Marine Corps, and for other purposes.
>
> *Be it enacted, etc.*, That hereafter the pay and allowances, except forage and mileage, which shall be governed by existing law, of all officers of the Navy and the Marine Corps shall be the same as the pay and allowances of officers of corresponding rank in the Army.
>
> SEC. 2. That the pay of midshipmen, warrant officers, mates, and paymasters' clerks is hereby increased 25 per cent: *Provided*, That the pay and allowances of midshipmen after graduation at the Naval Academy shall be the same as that provided for second lieutenants of the Army, not mounted.
>
> SEC. 3. That the pay of all commissioned, warrant, and appointed officers, and enlisted men of the Navy and the Marine Corps on the retired list shall hereafter be based on the pay, as herein provided for, of commissioned, warrant, and appointed officers, and enlisted men of corresponding rank and service on the active lists.
>
> SEC. 4. That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man on either the active or retired list of the Navy or Marine Corps, and that all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Everyone recognizes that the two services should be treated alike. So I give notice of my intention in this respect to submit this bill as an amendment upon the naval appropriation bill at the end of the first paragraph in the bill.

Now, Mr. Chairman, I wish to speak with reference to the material of the Navy, and I would like the attention of the committee at this time. In my report will be found a statement showing the number of ships already built for the Navy, and also a statement showing the number of ships now in process of construction for the Navy. When all of these vessels are built we will have twenty-nine battle ships, twelve armored cruisers, forty-four cruisers, twenty-one destroyers, thirty-two torpedo boats, and twenty submarines. Our Navy will rank third among the navies of the world.

The statement has appeared in the public press that we rank second. It happens at this time, taking into consideration only the ships already built, that we are ahead of France, but it is not an accurate statement of the situation. Taking into consideration the ships already built and those building we will rank third among the navies of the world.

Now, we have provided in this bill, under the head of "Increase of the Navy," an appropriation of $23,963,915 for ships already authorized and in process of construction. In order to complete these ships it will be necessary to authorize some more appropriations, not this year, but next. To complete these ships fully it will be necessary to appropriate next year the sum of $9,313,974. That will complete the ships which have already been authorized.

The committee this year have authorized some new construction. The Secretary of the Navy appeared before the committee and recommended a naval programme of four new battle ships, four scout cruisers, ten destroyers, four submarines, one ammunition ship, one repair ship, two mine-laying ships, four fleet colliers—a programme amounting to $69,000,000.

The General Board of the Navy Department recommended practically the same programme, but the Committee on Naval Affairs, after a careful consideration of the subject, recognizing that there are other Departments of the Government which necessarily must receive appropriations this year, and taking into consideration also the condition of our revenues and our expenditures, came to the conclusion that the recommendation of two battle ships, duplicates of ships which have already been authorized under the appropriation act of last year, would meet with the fair sense and judgment of this House.

And so in this bill we have recommended the building of these two battle ships of 20,000 tons each. They will cost in the neighborhood of $10,000,000 each. In addition to that we have recommended the construction of ten torpedo-boat destroyers, each to cost about $800,000, and eight submarines—a naval programme which will cost in the neighborhood of $30,000,000, a little less than one-half of that which is recommended by the Secretary of the Navy and the General Board.

Mr. Chairman, I desire now to speak a little upon the cost of our Navy. This is a great year in the history of the new Navy. It was twenty-five years ago that we started in to build up the new Navy under the Administration of President Arthur. March 3, 1883, was the birthday of the new Navy. That year, at that time, we authorized the *Atlanta*, the *Boston*, the *Chicago*, and the *Dolphin*, sometimes called the A, B, C, and D of the new Navy. Since that time we have been going on, year after year, building cruisers, battle ships, and destroyers, until to-day we have a good Navy. Now, it may interest some of the Members of this House to know how much this Navy has cost, how much we have expended in the construction of these ships. The cost of all these battle ships which we have authorized amounts to $309,000,000. We have appropriated for the Navy during the last twenty-five years $1,244,657,000. Of this, as I say, $309,000,000 have gone into the construction of the new ships, leaving a balance of $935,000,000, which have gone to the maintenance of the naval establishment during the last twenty-five years. This has been an average per year of $37,000,000 for maintenance. This is what the new Navy has cost us.

March 3, as I said, 1883, was the birthday of the new Navy. We started in then to build our first new ships, which were cruisers, but it was not until 1890 that we authorized the first battle ship, which was the *Indiana*. That battle ship had a tonnage of 10,288 tons. Its freeboard was about 11 feet and 6 inches. It has armor plate upon its sides 18 inches thick. Its speed was less than 16 knots. That was the first battle ship that Congress authorized, and it cost in the neighborhood of about $6,000,000.

To-day we are building greater battle ships—two of them, the *Delaware* and the *North Dakota*. They have each a tonnage of 20,000 tons. The armor plate upon their sides is only 9 inches thick, but better armor, and their freeboards are much higher—twice as high as those of the *Indiana*—all of which goes to show that during the last eighteen years there has been a mighty and tremendous development in the construction of the American battle ship. The guns upon the *Indiana* were built to fire only once every five minutes, but upon the new battle ships the large guns, the 12-inch guns, will each fire twice every minute if necessary. In fact, there is hardly anything which the hand of man has contrived during the last twenty-five years which has undergone such a tremendous revolution and change as the great battle ship, the instrument of warfare, the instrument of the nation's defense. If you look at the character of our battle ships first authorized by Congress and as we authorize them to-day, you will be struck by the fact that they illustrate the policy of Congress. The *Indiana* has a low freeboard of about 11 feet and 6 inches. What was the idea of the Navy back at the time when the *Indiana* was built? Then we were building up this Navy, but not with the idea of an aggressive navy. It was a navy for defense, and up to the time of the Spanish-American war—yes, up to the time of the naval appropriation bill of 1900—every authorization for an American battle ship carried these words, "coast-line battle ship." The policy of Congress had been, up to 1900, to build up what? A navy for defense, a navy to hug the shore line, a navy to defend the coast line. But the Spanish-American war came on and it opened up a larger door of greater opportunity to this country. Then the policy of the American Navy and of Congress changed. What has it been from that time on? To build up a navy for defense; yes, but in recognition of another principle, that the best defense is the ability to make an aggressive offense; and so, from 1900, in every appropriation bill authorizing the building of an American battle ship you will find those words "coast line" stricken out, and the authorization reads, "a seagoing battle ship"—a battle ship capable of fighting the enemy out on the high seas and not simply defending the coast line. So we have been building up this Navy upon that theory since 1900—a navy for defense; yes, and a navy for offense if necessary.

Mr. CLARK of Missouri. I would like to ask the gentleman a question for information.

The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. Yes.

Mr. CLARK of Missouri. That line that was put into the preceding bills about coast-line defense was a fiction, was it not?

Mr. FOSS. No; there has been a change in the policy, I will say to the gentleman.

Mr. CLARK of Missouri. Any of those ships can be sent around the world?

Mr. FOSS. Yes; they can be.

Mr. CLARK of Missouri. Then it was all a fiction, was it not?

Mr. FOSS. No; not necessarily a fiction, but they were built with reference to the policy of a defensive navy, to guard and protect our coast line.

Mr. CLARK of Missouri. Is there any difference between one that is fixed up for coast-line defense and one that is fixed up for deep-sea fighting?

Mr. FOSS. Yes; I think there is quite a difference. The old *Monitor*, I will say to my friend, the ships that were built at the close of the war and the ships following that were all of the *Monitor* type, like the *Monadnock* or the *Miantonomoh*—they were ships where the freeboard was only a few feet above the water line.

But gradually, as the policy of the Navy has developed, we have given our ships a higher freeboard, we have given them greater speed, recognizing the principle that we were building up a navy that would be able to hold its own out on the high seas as well as along our harbors and coast line.

Now, Mr. Chairman, there have been a great many criticisms which have been made during the last few months about the construction of our ships—criticisms made by people who did not know very much about naval construction and criticisms made by men who ought to know something about it—and I want to say to you that the Committee on Naval Affairs have had important hearings upon this subject of ship construction, and the Senate Committee on Naval Affairs have also had extensive and exhaustive hearings, and I think that everyone who has read those hearings has come to the conclusion that our ships have been honestly and properly constructed during these years and that they will compare favorably with ships constructed by foreign nations during the same period.

There is no man to-day in the American Navy who is so generally regarded as a man of authority, a man of intelligence, a man of ability, and a man of fairness, as Admiral Converse. I should say that he is to-day probably our greatest living naval authority. He has been chief of three of the important bureaus of the Navy Department, the Bureau of Equipment, the Bureau of Ordnance, and the Bureau of Navigation. He has gone through all of this whole matter of press criticism and magazine criticism with reference to the construction of our ships and made a report in which he brushes away these criticisms, which were largely misstatements of facts, as one would brush away the cobwebs and the dust out of a room; and the report which he makes to the Secretary of the Navy in regard to the construction of our ships is that they are not inferior to those in foreign services. He says:

> We have made compromises in our designs of battle ships, because it is impossible to construct a perfect battle ship; such compromises have, perhaps, detracted from the desired perfect ship in some respects, but at the same time have made it possible to improve upon some other existing disadvantages, and, on the whole, the compromises, each and all, have tended toward a nearer approach to the desired perfect finality.
>
> Other nations have labored and will, like ourselves, continue to labor under this same difficulty in endeavoring to approach as near as possible to that impossibility—a perfect battle ship. In making compromises in the building of our ships, I am satisfied that in every instance all concerned in the work have acted honestly and patriotically, and only with the desire to produce the best ship possible. The result has been in each case, ship by ship and year by year, an improvement upon all that have preceded, and no ship has been built by us inferior to those of any nation designed at the same time.
>
> The quality of the matériel of our Navy is inferior to none; in quantity of vessels alone are we lacking. With an increase in number of ships the American Navy will have been supplied the only feature necessary to make it second to none in all that tends toward fighting efficiency, and when the stress of actual combat, if such should ever unfortunately come, brings the only really practical test, our country

need have no misgivings or fear but that our battle ships will give an excellent account of themselves and prove themselves all that we have designed them for and know them to be.

That is the final expression of Admiral Converse at the end of an exhaustive report upon these criticisms that have appeared in the public press and in public magazines.

In addition to that I might also read you the testimony of the Chief Constructor of the Navy, Admiral Capps, and I want to say to you that in my judgment there has been no man who has been Chief Constructor of the Navy who was abler than the present Chief Constructor. He ranks the equal of any in the world. He has constructed our ships now for the last four or five years, and he has produced ships which have been commented on favorably by the naval authorities of the leading foreign navies.

In a publication which is produced every year of fighting ships called, "Jane's Fighting Ships," an English publication, I read this:

> The extraordinary high figures for United States ships afford food for considerable thought, for both in ships with high-powered guns, or impervious to vital injury at long range, the United States fleet is superior to any other navy in the world. Even by the inclusion of 40-caliber 12-inch types, extinct so far as new ships are concerned, the United States Navy is an extremely good second, and the corresponding lead in invulnerability outside of 7,000 yards is considerably increased.

Again in this publication, after a word on the new designs of the *South Carolina* and *Oregon*, the following positive statement is made:

> There is good reason to believe that, taking all things into consideration, the *South Carolina* type is the best all-big-gun ship yet put in hand.

This is the expression of others. Now, we will have finished in a few years the *South Carolina* type, and we have gone on building the *Delaware* and *North Dakota*, which are better still. I could read you to-day the expressions of naval authorities, of naval architects in other navies of the world, all commendatory of the ships we have been building during these years in which we have been constructing the American Navy.

Now, Mr. Chairman, a few months ago when the President of the United States gave the order that sent the fleet through the Strait of Magellan out into the Pacific we heard a great deal of criticism from the public press, particularly in the vicinity of New York. The fleet has passed through the Strait of Magellan out into the Pacific and we hear no criticism now. A fleet of sixteen battle ships, aggregating 223,000 tons, commanded and officered by 14,000 men, the greatest fleet of recent years, which could be duplicated only by England herself, has passed safely from the Atlantic around into the Pacific. We had criticism a few months ago; we have none now because everybody recognizes that it was a good order which the President made. What use is it to build up ships unless we have them in fleet formation? What use is it to build up a navy unless we send that navy out on long cruises where the men can be properly disciplined and trained? What do you think Rojestvensky would have given if he could have made the cruise from Cronstandt to Tsushima in time of peace before he was compelled to do so in time of war? Do you not think his fleet would have been in better condition to meet the enemy in the Sea of Japan if he had made the cruise at least once before in time of peace? This cruise of the American fleet through the Strait of Magellan has been very profitable to the American Navy, because it has disciplined and trained our personnel and our officers. They have been able to find out the weaknesses in our personnel, if any exist, and not only that but it has been of great benefit also to the matériel of the American Navy. They have learned whether our ships were good for anything or not, and the word just coming back to us from Magdalena Bay has been that our ships were even better than when they started on the cruise and the personnel more highly trained and better disciplined than when they first set sail from Hampton Roads.

Another thing which this cruise has called to the attention of the American people is that the American Navy is a national institution; that we are building up a navy for the protection of the Pacific as well as the Atlantic; that we are a two-oceans country; and necessarily, if the American Navy is to be the instrument of our national defense, we must have a two-oceans navy—a fleet upon the Pacific as well as a fleet upon the Atlantic. [Applause.]

This cruise of the Navy into the Pacific has called the attention of the country to another important thing. Wherever that fleet has gone it has been met in every port with the hospitality and the cordiality for which the people of the South American countries are famous. It has tended to cement in closer bonds the relations between our country and the South American Republics. It has given force and efficacy to the words of our able Secretary of State, who made a visit to the leading Republics of South America a few months ago, and it has bound those Republics to us by closer ties than any single thing which could have happened.

The people of South America recognize that we are bound together in one common destiny, and that the American Navy and the American people propose to maintain and uphold the Monroe doctrine and have the ability to do so. Not only has the cruise been beneficial in that respect, but, Mr. Chairman, it has called the attention of the country also to the fact that we are moving westward in our national development. All our history has been along the shores of the Atlantic, all our wars have been along the shores of the Atlantic. Our war for national independence and our war for the freedom of the seas have been largely along the shores of the Atlantic. But we are passing now in our national development from the Atlantic westward to the Pacific. We are beginning to realize what William H. Seward said on the floor of the American Senate fifty years ago, that the Pacific Ocean, its islands and its shores and the great region beyond, would some day be the chief theater of events in the world's great hereafter.

Now, this passing of the fleet from the Atlantic to the Pacific has called to the attention of every American citizen the onward growth of American thought and American development. And let me say to you that no country to-day stands higher in its influence and power in the Pacific than our own nation, and it has come by a long and logical course of events. It was in 1852 that Perry sailed with his little fleet into the Bay of Yeddo and knocked at the gates of old Japan—that Japan which had been closed for hundreds of years to foreign treaty, to foreign commerce, or to foreign intercourse. But Perry lay there knocking, knocking, knocking at the gates of old Japan until finally the gates flew open. Flew open to what? Flew open to commerce, flew open to treaty, flew open to the new and rising nation of Japan. It was an American fleet which opened the door. And a few years ago, when I had the pleasure of visiting Tokyo and was a guest in the Taft party of the secretary of state, the Japanese secretary of state on that occasion alluded to that visit of Commodore Perry more than fifty years ago, and said that was the beginning of the development of the new and modern Japan.

It was only about ten years ago that the United States acquired the Hawaiian Islands, the key of the Pacific, and here the other day this House passed a bill establishing a naval station at Pearl Harbor in recognition of the fact that the Hawaiian Islands are the great key of strategy of the whole Pacific Ocean.

And so, I say, our influence in the development in the Pacific has been moving on. The next stepping-stone in the American development in the Pacific was when the fleet of Dewey left Hongkong and sailed into the Bay of Manila on that bright May morning and destroyed Spanish sovereignty in those islands. The next stepping-stone in the development of American influence was when the Congress of the United States established a government over the Philippine Islands under an American flag, a flag that never waved over any people but to bless and to save. The next stepping-stone in the development of American influence in the Pacific was the splendid and matchless diplomacy of John Hay, late Secretary of State, in insisting upon the preservation of the integrity of China and opening up the ports to the commerce of the world. The next stepping-stone in the development of American influence in the Pacific was when the Congress of the United States authorized the building of the great Panama Canal, which will bring these two great oceans, the Atlantic and the Pacific, into everlasting fellowship. The last stepping-stone in the development of American influence was when the President of the United States invited the representatives of Russia and Japan, who were then engaged in war, to come to our own shores and here, in a Government navy-yard, settle their dispute. And it was so successful that the name and influence of the American nation is greater to-day all over the Pacific than that of any other country in the world. [Applause.]

The CHAIRMAN. The gentleman has consumed one hour. Of course the gentleman is entitled to consume more time, but it is customary to call attention to the fact at the end of one hour.

Mr. FOSS. Mr. Chairman, I will ask the gentlemen upon the other side to go ahead.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, in my absence my colleague on the committee [Mr. PADGETT] has had the responsibility of listening to the appeals of Members for time, and I think he should have the disposition of it under the circumstances. I therefore yield to him to control the time, which, I believe, under the rule under which we are operating, was placed with me.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is recognized to control the time on behalf of the minority.

Mr. PADGETT. Mr. Chairman, I will ask that the Chair notify me at the expiration of forty minutes.

Mr. Chairman, the Committee on Naval Affairs has submitted a bill making appropriations for the support of the Navy for the fiscal year 1909. The committee has given to the consideration of the bill wise, deliberate, careful, and painstaking care and investigation. I come to the discussion of the measure not in a partisan spirit, not as a Democrat, not as a representative of the minority, but as an American citizen. I do not believe that there is any more politics in a battle ship than there is in a sweet potato. I come to discuss the question as a friend of the Navy. I believe it was General Scott whose Whiggery was questioned, and his reply was: "I am a Whig, but I am not a damn-fool Whig." I am, if I may be permitted to paraphrase the expression, a friend of the Navy. [Applause.]

The Committee on Naval Affairs submits this bill to the judgment and to the scrutiny and the careful and painstaking investigation of the House and of the country, and it invites scrutiny and criticism. We believe that our action has been conservative. We believe that we have acted prudently, and at the same time we believe that we have been liberal to the Department. I may say that if there is any criticism which might be leveled at the action of the committee, it is that we have erred on the side of liberality rather than on the side of parsimony.

There has been criticism of the action of the committee. Many of the press of the country have criticised its action, because the committee declined to report four immense battle ships. It has been said that the committee was niggardly and parsimonious. I stand by the action of the committee, and say that we have been liberal. It is said that the United States is rich, and that we ought to spend the money. I desire to call attention to the fact that the only source of revenue the United States has is the taxing power of the Government, and that all the money in the Treasury is tax money. It is not the province, nor is it the duty, of Congress to arrogate to itself the assumption that the United States is rich, and therefore Congress may be extravagant. It is our duty to remember and to legislate along the line of the theory and the policy that every dollar in the Treasury is tax money, levied upon the toil, the labor, the industry, and the production of the American people, and that the Congress is charged with the duty of a wise, a just, and a conservative expenditure of that money. [Applause.]

It is said that we should build ships in order to spend the money in the Treasury, to give employment to labor, to build up industry, and to put money in circulation. I can not subscribe to or indorse that political theory or doctrine. That is an advanced step in the doctrine of paternalism which I do not believe the Congress of the United States is even to-day prepared to take; and I am glad to know that it has never yet been adopted as a policy of the Government, that it shall exercise the taxing power of the Government and lay a tax upon the many in order to distribute it in the employment of the few or the select.

In reply to the criticism that has been made of the committee for its refusal to sanction such a principle and such a policy, I wish to say the committee has repudiated any such principle and policy of government upon which to predicate its report and pass this bill, which it submits to your intelligent consideration.

I desire to call your attention to the fact that ship advocacy—the advocacy of the building of ships—has become an industry in this country. Every year at a certain season much of the press is filled daily and weekly advocating extravagance in the building of ships. It has become an industry. It is not hard to trace the origin or the motive. When we consider that the expenditure each year of $20,000,000 or rather, as claimed by some, $40,000,000 in one year, there is a strong inducement upon the part of some to manufacture public sentiment to go behind the committee and the country to urge us beyond safe and conservative action, and I stand here in defense of the committee to say that your committee, in the consideration of this matter, have not been influenced by the hue and cry that is the product of the advocacy of ship construction, which has become an industry in this country.

Mr. HENRY of Connecticut. Will the gentleman permit me to interrupt him? I heartily agree with what the gentleman has said. Will the gentleman inform us why his committee, pursuing a conservative policy, recommends the construction of two battle ships in place of four, as recommended by the Department, and at the same time recommends the construction of twice the number of submarine torpedo boats recommended by the Department?

Mr. PADGETT. If the gentleman will permit me, I will not take very much time on that. In the first place, eight submarines would cost about two and a half millions of dollars, all told. The Department recommended four and the committee has recommended eight, so that the increase, in round numbers, is one and a quarter million dollars, whereas one single battle ship would cost $10,000,000. In the next place, the President of the United States in his messages heretofore has called attention to the woeful deficiency in and lack of submarines; the Secretary of the Navy has in his report of last year called attention to and emphasized the necessity for more submarines; and, in the next place, our seacoast line requires that we should have some along our coast. But in order that I may explain my position to the gentleman, I will say that personally, for reasons that appear sufficient to me, I voted against the whole submarine proposition in committee; but I did it not because I was opposed to submarines, not because there was anything wrong, because, I say frankly, that I would have voted for the eight submarines had there not been limitations placed upon the purchase. England has thirty-nine, France has forty-one, Russia has twenty-five, and the United States has twelve. England has twenty-one building, France is building sixty-three, and the United States is building seven. So the action of the committee in recommending eight was not extravagant or unreasonable in the light of the above facts.

I want to be entirely frank, and I will say that while I voted against it because I thought the policy of the limitations was improper, I would have voted for the eight had those limitations not been upon the purchase.

Mr. HENRY of Connecticut. The gentleman understands that I am not criticising him at all.

Mr. PADGETT. I understand.

Mr. HENRY of Connecticut. But do I understand the gentleman to say that the President now recommends eight of these boats?

Mr. PADGETT. I do not. I said that the President had called attention in his former messages to our deficiency and lack of these matters.

Mr. HENRY of Connecticut. But at this time he has approved of the Department's estimates of four.

Mr. PADGETT. He does not say anything, as I remember, especially on the subject, except speaking in general terms of the need of these things; but he does not say four, or eight, or any other number.

Now, if I may return to the discussion of this question, I want to call attention to another matter, and that is the exciting of public apprehension. We all remember a year or two ago the racket was worked on Germany, and every fall at the meeting of Congress we were told of the threatening and appalling danger of disaster and conflict with Germany. It was worked and reworked and worked over and over again until it became as frazzled as a last year's whip cracker, and then that was abandoned and they substituted in lieu of it poor old Japan in the Orient. Now, they are working and trying to excite the fears and the apprehensions of the American people over our relations with the Japanese Empire, the same old scheme that was worked with Germany, and they will work it until it becomes frazzled, and then switch off to something else. The committee has withstood this, and submits its action, based upon sound and fundamental reasons.

Mr. HOBSON. Mr. Chairman——

Mr. PADGETT. Will the gentleman excuse me? I have only about forty minutes, and I have consumed nearly twenty minutes of that time. I can not submit to interruption.

I want to speak of the United States. One hundred and twenty-five years we have existed. We began as a Government in a wilderness, and through that one hundred and twenty-five years we have marched on the upward line of progress and developed a civilization, and to-day our ninety millions of people, with their civilization, their production, and their resources, are a nation of power. We have lived these one hundred and twenty-five years; we have escaped all the pitfalls and the snares and the dangers. In our infancy we were not ensnared. In our boyhood we were not engulfed. In our young manhood we were not beaten; but now they come and raise the cry that because we have gotten to be a great and a strong and a mighty and a powerful nation, the greatest and the grandest and the noblest and the most powerful in all the world's history and civilization, therefore we are in danger. I do not subscribe to it and I do not believe it. [Applause.] Who is going to strike us? No nation on the face of the earth is going, voluntarily, to strike the Government of the United States. The very power of our Government, the intelligence of its citizenship, the magnitude of its resources, its manhood, and its civilization stand as a guaranty and the assurance of its protection. [Applause.]

Mr. Chairman, we have reached the time of decision. This is the crisis in the history of the American Congress. The issue is presented to this Congress and must be met and met frankly and met completely and met positively. We have come to the parting of the ways. Heretofore, during the one hundred and twenty-five years of our existence, our growth, and our development, we have pursued the lines of peace. We have followed the path and the policy of progress and the development and the upbuilding of the resources and the wealth and the civilization of our country; but now we are confronted with the direct proposition that we must depart from that; we must depart from the traditions; we must forget the history of the past; we must embark upon a new policy and a new programme, and we must go into a wild and an extravagant naval programme that would dazzle the nations of the earth, and would levy tribute to exhaustion upon the resources and the labor and the production of American citizenship. I stand here to protest against it.

As I said, here is a plain issue. The President recommends four battle ships. The committee has not followed that recommendation. The committee has only submitted two, and I have said that in doing that we have been liberal.

Now, let me for a moment, if you please, present the issue. I read from the minority report by the distinguished member of the committee, Captain HOBSON, filed as a part of the record.

Says he in the minority report:

The only rational basis for a proper national defense is for us to proceed to guarantee control of the sea against any nation of Asia in the Pacific and against any nation of Europe in the Atlantic, both at the same time; whether we realize it or not, this policy is inevitable. We may have to learn our lesson in the school of suffering, amidst humiliation and defeat, but we will yet learn the lesson that, for the elemental purposes of self-preservation in fulfilling the very first duty that we owe to ourselves, America must be supreme on the ocean. There is no escape. We must, as long as present conditions hold, prepare to create and maintain a navy equal to the combined navies of Great Britain and Japan.

That presents to the American people a question that they must meet and determine in this Congress; for if the committee is overridden and if this Congress authorizes four battle ships this session there will be no end to the question in the years to come.

But let us see whether that is needed or not. In 1905 the Secretary of the Navy made his report, and he says:

The aggregate of our battle ships, armored cruisers, coast-defense vessels built, building, and authorized would seem, according to present indications, sufficient to provide for any contingencies within the limit of probabilities.

That was the statement of the Secretary of the Navy in 1905. The President of the United States in 1905 followed it up in his annual message, in which he says:

We have most wisely continued for a number of years to build up our Navy, and it has now reached a fairly high standard of efficiency. This standard of efficiency must not only be maintained, but increased. It does not seem to me necessary, however, that the Navy should, at least in the immediate future, be increased beyond the present number of units. What is now clearly necessary is to substitute efficient for inefficient units as the latter become worn out or as it becomes apparent that they are useless. Probably the result would be attained by adding a single battle ship to our Navy each year, the superseded or worn-out vessels being laid up or broken up as they are being replaced.

The President stated that one battle ship a year would be sufficient. But that is not all. He followed up that message in 1906 with a similar message reaffirming his statement. He says:

I do not ask that we continue to increase our Navy. I ask merely that it be maintained at its present strength, and this can be done only if we replace the obsolete and out-worn ships by new and good ones the equal of any afloat in any navy.

And then, speaking of the worn-out, antiquated, double-turret monitors, he says:

All these ships should be replaced by others. This can be done by the well-settled programme of providing for the building each year of at least one first-class battle ship equal in size and speed to any that any nation is at the same time building. The armament presumably consists of as large a number as possible of very heavy guns of one caliber, together with smaller guns to repel torpedo attack.

Now, that policy all at once is sought to be overturned, and the enormous programme thrown upon Congress of four battle ships, to cost $40,000,000, in one year.

Let me call your attention to another matter, if you please. What is the condition of our Navy? I say that we have a magnificent navy. I hold here the official sheet issued by the Office of Naval Intelligence, of the date of November 1, giving the naval strength of the powers—Great Britain, France, the United States, Germany, Japan, and other nations. At the present time the United States stands second, England stands first, France stands third, Germany fourth, and Japan fifth. But if the programme now building is completed England will be first, France second, the United States third, Germany fourth, and Japan fifth.

But let me call attention to the tonnage. The United States has built and is building 771,758 tons; Japan, 451,320 tons, or the United States has an excess of 320,000 tons.

At the date of this statement—four or five have been completed since—the United States had twenty-two battle ships built and Japan eleven. The United States had seven building and Japan two.

But I want to call attention to another matter, for I must hurry on. The Secretary of the Navy, when he was before the committee, was asked with reference to the officers. He stated that with the present complement of ships on a peace basis we were 1,686 officers short, and on a war basis, in order to officer the present complement of ships built and building, we were 1,846 officers short. He stated further that Annapolis was graduating each year from 180 to 200, and that we were losing each year by death and retirement about forty, so that we are gaining about 150 officers a year—so that, on a peace basis, with the present complement of ships, it would take us eleven years to get officers enough to officer the ships that we now have, not including the two that we have authorized in this bill and those that we may authorize in the years to come.

Now, I ask you what is the common sense, what is the common justice and honesty, if you please, of going on building ships ahead of the officers when we have no officers to officer them? It takes as long to train an officer as it does to build a ship. It takes longer, if you please, to train and educate an officer competent to manage a ship than it takes to build your ship. We are 1,686 officers short to-day, and it would take eleven years to catch up. What is the necessity of this great haste? But I can answer that question, if you please, by the President's own message, for the President has spoken upon that question. Hear what the President says in his message of 1905:

No fighting ship of the first class should ever be laid up, save for necessary repairs, and her crew should be kept constantly exercised on the high seas, so that she may stand at the highest point of perfection. To put a new and untrained crew upon the most powerful battle ship and send it out to meet a formidable enemy is not only to invite, but to insure disaster and disgrace. To improvise crews at the outbreak of a war, so far as the serious fighting craft are concerned, is absolutely hopeless. If the officers and men are not thoroughly skilled in and have not been thoroughly trained to their duties, it would be far better to keep the ships in port during hostilities than to send them against a formidable opponent, for the result could only be that they would be either sunk or captured.

In 1906 he reaffirms and reasserts that statement. But that is not all. Admiral Winslow was before our committee. He is the Chief of the Bureau of Navigation. He was asked to state what was the shortage in enlisted men, and he stated that upon the present complement of ships now built and building we were 22,701 men short. To meet that in this very bill your committee has authorized an additional enlistment of 6,000 men at an additional annual cost of at least $3,216,000. And that would still leave us 16,701 men short—not counting the two ships that we authorize in this bill. With this condition of affairs, I appeal to you as sensible, thinking, patriotic citizens, who are to dispose of the trust money of the taxpayers of the American people, what is the wisdom or the righteousness of this pellmell rushing into the construction of ships, when we have neither the officers nor the men to man them? [Applause.]

I put that question to the Secretary of the Navy. I asked him:

Mr. Secretary, does not the large shortage of officers which you mention argue that we might hold up building battle ships for a while?

Secretary METCALF. I don't think so, because we need the battle ships. We can put some of the big cruisers in reserve and take the officers and men from those cruisers and put them on the battle ships.

Doubtless he had overlooked what the President had said would almost be treason, to tie up our fighting ships, to put improvised crews upon them if it became necessary to use them.

But I want to call attention very hastily to what we have done and what we are doing. I want to call attention to what the present committee at the present Congress has done. The present bill carries in round numbers—and I will use round numbers and not give the odd dollars and cents—$103,967,000. We have already passed two deficiency bills, $3,611,000. We have authorized in the Pearl Harbor bill an appropriation of $650,000. We have reported a bill for two steel dry docks, $3,500,000. We have reported a bill authorizing the purchase of three steam colliers, $1,575,000. We have reported a bill for the increase of the Marine Corps 1,500 men and officers at an increased annual expenditure of $957,168—amounting in the aggregate to $114,261,000.

But that is not all. In addition to that we have authorized two battle ships of $19,000,000, ten torpedo boats at $8,000,000, eight submarine boats at $3,500,000, three subsurface boats at $445,000, Pearl Harbor project authorized to be contracted for,

$2,050,000, and the estimates to complete the dredging of the channel of the river as stipulated in that bill, though not limited, estimated at $2,500,000, making $35,495,000 additional; or, if you please, a total of $149,756,476—that is at this Congress—not counting the multitude of little bills of several thousand dollars each that I have not taken the pains nor the time to tabulate. In addition, Admiral Capps states that in the fiscal years 1910 and 1911 on existing contracts we will have to appropriate for armor and armament for increase of the Navy, $36,610,048.

Let me call your attention to another matter. In 1883, for the first time, the naval appropriation reached approximately $15,000,000; in 1888 it reached, for the first time, $26,000,000; in 1892 it reached, for the first time, $31,000,000, and in 1897 it was $31,000,000. In 1900, for the first time, the annual appropriation bill reached $53,000,000. Since 1905 it has not been less than one hundred millions, and now, as I have shown you, this Congress is providing appropriations and authorizations for $150,000,000. Is it not time that we were stopping to think and to consider and to reflect? The American people are not mad on this subject. They expect wise and conservative action of this Congress. [Applause.]

It is said that we did not follow the recommendations of the Department. What did the Department submit? They submitted regular estimates of $128,846,000, and they submitted estimates for increase of the Navy of $69,370,000, making what they asked for in estimates $198,116,000, leaving out the Pearl Harbor projects and these other matters that have been mentioned, which I will not take time to reiterate.

Was not the committee to exercise some judgment and put in the pruning knife somewhere? But let me direct your attention again: The total estimates submitted for the Government, exclusive of the estimates for the Post-Office Department, amounted to $766,508,000. The estimates for the Post-Office Department amounted to $230,000,000, making in round numbers a billion of dollars of estimates submitted. The appropriations last year were $929,000,000. This year we are going to reach the billion-dollar mark in one Congress. This very morning the deficiency of revenue was $39,460,763 since the first day of last July. It is said we have $250,000,000 in the Treasury. Yes; but we have used $39,000,000 of it to pay current expenses on a deficiency of an average of about $4,500,000 a month.

The CHAIRMAN. The Chair will state, as requested, that the gentleman's time has expired.

Mr. PADGETT. There are some other matters that I should be very glad indeed to refer to, and I will encoach upon five minutes more of the time and take the liberty of doing that. Another matter I want to call attention to is this: Another policy that is outlined in the minority report that is vital and presents a question to be determined by this Congress is in these words:

> Many are opposed to an adequate programme because it is expensive. The truth is, the more expensive the better, for while other nations have gained their advantage by taking men away from work and organizing armies, we have left our men at work and have the advantage of greater resources, so that we can afford the expense of a great navy and they can not. The whole question is a relative one. The more expensive we make naval power, the quicker military nations that contest our rights to supremacy on the sea must drop behind. The more burdensome we make the carrying of great armaments, the quicker the military nations staggering under the loads will be willing to join us in evolving an adequate system of collective protection, which would enable us all to give up these armaments. The true way to hasten the disarmament of the nations is to speedily increase the burden of the armaments.

That is the logic of the minority report. I frankly, freely, and fully confess that I do not subscribe to it. The ethics of that report is this: A father says to his son, "My son, I am opposed to gambling; gambling is wrong; we want to break up gambling, and as there are some fellows in the community who will gamble, you get to be an expert gambler and win all their money and break them and then they can not gamble any longer." [Applause.] I have always heard the lack of money was a good reason for not gambling. Now, then, one other proposition in regard to comparing our Navy with the navy of Japan.

I have made a synopsis here of the fighting ships of the United States and Japan. The United States had 22 battle ships built at the time these figures were made. We have now 26, but at the time we had 22, Japan had 12. The United States had building 7, Japan 3. On these battle ships the United States had 32 13-inch guns, Japan none. The United States had 104 12-inch guns, Japan 88; 10-inch guns, the United States had none, Japan 40; 8-inch guns, the United States had 144, Japan none; 7-inch guns, the United States had 88, Japan none; 6-inch guns, the United States had 160, Japan 85. That is the battle-ship armament. Now take the armored cruisers. The United States had 13 armored cruisers built, Japan 11. The United States had building 2, and Japan 2; Japan had 1 projected. The armament of those ships were, 12-inch guns, Japan 20, the United States none; 10-inch guns, the United States 16, Japan 9; 8-inch guns, United States none, Japan 56; 6-inch guns, the United States 190, Japan 120; 5-inch guns, the United States 22, Japan none; and yet I read further in this minority report this statement:

> These Japanese *Dreadnoughts* carry 4 12-inch and 12 10-inch guns, or 16 great guns each. The best of our ships only carry 4 great guns each. It is conservative to evaluate each of these Japanese *Dreadnoughts* as the equivalent of 4 of our average vessels.

The gentleman forgets to state that the American ships have eight 8-inch guns each. That is not stated in that proposition. He says that one of these Japanese would be equal to four of the American ships. Now, let us suppose a condition where one of these Japanese ships attacked four American ships, the Japanese ship with sixteen guns could use four guns only on each American ship, and in return the four ships of the American Navy would have sixteen 12-inch guns and thirty-two 8-inch guns with which to fight that Japanese ship. Besides, it is hardly fair to compare the latest ships of the Japanese *Dreadnought* class with our old style of ships. The comparison should be made with the American *Dreadnoughts* of the *Delaware* type, having ten 12-inch guns. Moreover, the 8-inch guns are effective and efficient guns and would do good service. The 8-inch guns are not negligible factors on our ships and should not be omitted in estimating their fighting power. Does any man think that would be an equal contest on the part of the Japanese ship?

Mr. HOBSON. Mr. Chairman——

Mr. PADGETT. Mr. Chairman, inasmuch as I have given the gentleman one hour, which is more time than anybody else, I can not now yield. I have already trespassed now seven minutes on time that I gave to some others, but I felt the importance of this question as a member of the committee and thought I should take a little more time.

The magnitude, the power, the grandeur of the American nation and the American people have been counted for naught. Our resources, in this minority report, have been converted into liabilities, and our strength has been counted simply as weakness. Against these chimerical ghosts and phantasms, erected and imagined, as a boy going through a graveyard whistling to keep up his courage, I place the manhood and the patriotism and the intelligence and the courage, the civilization of the American people; and these vain imaginations can not stand at the bar of the judgment of the sober, thinking people of the American public. [Loud applause.]

Mr. Chairman, our Government has taken an active and prominent part in The Hague conferences and made many professions of its sincere desire for the promotion of peace, international arbitration and in favor of the limitation of armaments. We have declared to the world that the cruise of our fleet to the Pacific and around the world was friendly to all powers and had no element of hostile demonstration or intent. In that we are sincere.

But I ask in all seriousness if we should now, under these circumstances, reverse the policies enunciated by the President in his 1905 and 1906 messages and enter upon this new and fundamentally different policy and authorize the construction of four immense battle ships, could we make our professions square with our acts, and would not other nations have cause at least to suspect the sincerity of our professions?

Mr. Chairman, Congress has other cares and obligations to meet beside the military. I may add that the Army appropriation bill carries $98,000,000, the fortifications bill $12,000,000, and the pension bill carries $151,000,000. These added to the naval budget before mentioned shows the enormous sums of money we are spending by reason of the military and naval establishments of this country. Let me draw a contrast.

For the great Department of Agriculture, which directly touches so many of our people and is doing such a wonderful work for our people, the total appropriation for all the work of this great Department so far proposed for the next year is only the sum of $14,981,346—the cost of one and a half battle ships. Comment is unnecessary. Yet last year the value of farm products exceeded the fabulous sum of $3,000,000,000, sustaining the business and enterprise of the country.

Our rivers and harbors are deserving of and are demanding consideration and improvement. There is the great Lakes-to-the-Gulf project, in which millions of our people and many of the great interior States are vitally interested. There is the great project of the Beaufort Canal and the draining of the Dismal Swamp, in which the Atlantic States are interested. The improvement of the waterways of the great West and of the Pacific slope are worthy of the consideration and help of the Government.

There are the great questions of the preservation of our forests and sources of water supply—for illustration, the White Mountain and Appalachian Forest Reserves. But all of them are denied consideration and help on the ground of lack of money and the cost of the enterprises. All over the country there is a desire for Government buildings for the accommodation of Government work, and yet the same cry—lack of money. But I will not multiply citations. Let us do justice to the Navy. Let every proper consideration be given to its needs, but let us not lose our heads and forget our other duties and obligations.

In a wise, conservative, yet broad and American spirit, let us consider and discharge our whole duty.

Mr. Chairman, I do not know whether it will be done or not, and I do not ask to violate the rules, but if it is going to be granted to others, I want the right to extend my remarks on this bill in the RECORD.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FOSS. Mr. Chairman, I desire to ask that it be extended to all Members who speak on the bill.

The CHAIRMAN. Under the rule, the committee can not give unanimous consent. The gentleman from Tennessee asks unanimous consent to extend his remarks on this subject in the RECORD. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, I ask unanimous consent to extend my remarks on this subject in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks on this subject in the RECORD. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I yield fifteen minutes to the gentleman from Louisiana [Mr. FAVROT].

Mr. FAVROT. Mr. Chairman, the limitation of my time on this vitally important question necessitates brevity in my remarks.

Mr. Chairman, as I understand it, the arguments urged against the building of four battle ships are, in the main, two. The first is the plea of economy. Mr. Chairman, I believe in economy as much as does any gentleman upon the floor of this House, but not in economy on the nation's defenses or at the expense of the nation's safety or the nation's honor. I stand, Mr. Chairman, for an economical administration of public affairs, but when the safety of the country or the honor and the glory of that flag is at stake I do not believe that the question of expense should for one moment be considered. [Applause.]

Mr. Chairman, the second argument against the increase to four battle ships, as I understand it, is that we need a navy no greater than is necessary to repel invasion. Grant, for the sake of argument, that our present Navy is sufficient for that purpose; we still need a greater navy. We have assumed certain obligations—obligations on both oceans, obligations which we can not repudiate, and from the performance of which we can not shrink with honor. The first, the greatest, and, I may say, the most sacred of those obligations is the enforcement of the Monroe doctrine, and I do not believe that there is a gentleman upon this floor who would advocate the repudiation of that doctrine or who does not believe that it is our duty, at all hazards, to uphold it. [Applause.] This Government can not permit a violation of the Monroe doctrine with safety or with honor and without humiliation. And, mind you, that doctrine is unrecognized by international law, is unrecognized by treaty. Its only force is our ability to enforce it. It is simply a threat, a declaration to Europe that "if you attempt to seize upon any American territory we will by force prevent you;" and unless we are prepared to carry that threat into execution, unless we are prepared to make that threat effective, the Monroe doctrine becomes mere bombast and will be respected as such.

And, Mr. Chairman, with the building of the Panama Canal the importance of the enforcement of the Monroe doctrine with reference to the islands in and the territory bordering upon the Gulf of Mexico and the Caribbean Sea becomes accentuated. Not only must that canal be protected, not only must that canal be kept open, but no foreign power must be permitted to secure a naval base within striking distance of that canal. And, mark you, the Monroe doctrine can not be enforced by remaining upon the defensive, by simply guarding our own coast, by simply repelling invasion. The territory to be protected is away from our shores. That doctrine must be enforced away from our shores, and in order to enforce it we must have a navy, and a navy large enough and strong enough to cope with that of any power which seeks to trespass upon it.

Mr. Chairman, we have assumed certain obligations in the Pacific; unwisely, I believe, but nevertheless we have assumed them. We have acquired territory far distant from our shores; and no matter what disposition we may finally make of those islands, as long as we hold them we must protect them. We may at some time in the future give the people of those islands their independence. We may sell those islands, but as long as they are ours we can not without national humiliation and national disgrace permit them to be taken from us. And even if we give these people their independence, we must guarantee that independence and must protect them in it. And I beg leave to remind the gentlemen who oppose a larger increase in our Navy that these far-distant possessions can not be defended, can not be protected by simply repelling invasion from our own coasts.

But, Mr. Chairman, our present Navy is not even sufficient for our own protection. As compared with other powers we have no army, and for the national defense are absolutely dependent upon the Navy. Admit, for the sake of the argument, that our present entire Navy is on a parity with that of France, Germany, or Japan. Our geographical position is such as to necessitate two navies. Our situation differs from that of any other power, European or Asiatic, except it be Russia, to which it is somewhat similar. Not only have we the Monroe doctrine to uphold in both the Atlantic and Pacific, and our island possessions to defend in the Pacific, but these United States front upon both oceans, with about 14,000 miles of foreign waters between our coasts. To transfer a fleet from one coast to the other, even during time of peace and under the most favorable conditions, requires a period of about three months, and in time of war, with every neutral port closed, with the consequent difficulties in coaling, it will be far more difficult and will require a far longer time. On the other hand, Japan's entire navy is in the Pacific. She has no Atlantic interests. Germany's entire coast line of only 800 miles is on the Atlantic, and her whole naval force is in Atlantic waters. Therefore, in comparing our Navy with that of Japan, the only proper basis of comparison is our Pacific Squadron as against Japan's entire navy; and in comparing our Navy with that of Germany, the only proper basis of comparison is our Atlantic Squadron as against Germany's full naval force.

Let me illustrate: If before December last war had broken out with Japan, before our Atlantic fleet could have reached our Pacific coast our island possessions would have been taken from us and our own Pacific coast ravaged, if not invaded. If to-day, Mr. Chairman, while that fleet is far distant in the Pacific, war should come with any European power, we would find the 10,000 miles of our Atlantic coast guarded by only five armored vessels, only two of them battle ships, which would soon be destroyed, and that coast and all the great cities upon it would be at the mercy of the enemy; and before our fleet could reach the scene of action, even if with the help of Providence we should have escaped invasion, the damage done would have been tenfold more than the cost of the combined navies of the world.

But, Mr. Chairman, even if our entire Navy is now upon a parity with those of France, Germany, and Japan, unless we more rapidly increase our Navy it will not long remain so. The naval programme of every power is such—they are building at such a rate—that in a very short time they will have far outstripped us. France has thirty-one armored vessels and is building six; Germany has twenty-seven armored vessels, is building five, and is about to lay down eight more, four this year and four next year. Japan has twenty-four armored vessels and has nearly completed four more, two of them of a type which when completed would equal any four of ours, and they have authorized the construction of seven more—and, mark you, these new vessels are of a class which in tonnage and armament far outclass any of the vessels of our present Navy. Mark you, further, that it requires us a year or two longer to build a battle ship than it does any other naval power. So it will be seen, Mr. Chairman, that unless we make more rapid increase in our Navy we will soon fall from the rank of a first-class to that of a second-class power. If we concentrate every vessel we possess in the Atlantic, leaving the Pacific coast unguarded, our Navy will be far inferior to that of Germany; and if we concentrate our entire Navy in the Pacific, leaving the Atlantic unguarded, our naval force will be far inferior to that of Japan.

Mr. Chairman, it is said here that we are a peaceable people, that because we have no designs on others we are not liable to engage in war. War is liable to be forced upon us at any time. Europe does not love us, not only because of our institutions, but because of our commercial supremacy. This is a commercial age, and commercial rivalry is the most fruitful source of trouble. Territory is seized and the weak are conquered now, not so much for mere expansion of territory, not

so much that subject people may pay tribute to a nation sovereign, but that a subject people may buy a nation's goods; and unless we are prepared to enforce the Monroe doctrine, the temptation to some commercial power to seize territory to the south of us upon this continent and thereby extend its trade will be well-nigh irresistible.

Mr. Chairman, the aim of every commercial nation of Europe and of Japan is to divide China into zones of influence, each with a commercial monopoly, with absolute control of commerce within its respective zone. We stand for the open door. Our commerce and our hope of commercial development and of commercial expansion demand it; but now, unless we are strong enough to make our wishes respected, how long think you will that door remain open to us?

And, Mr. Chairman, over and above all, in that inevitable conflict between the white and the yellow race, in that struggle for mastery which is bound to come, upon us will devolve the duty of maintaining the supremacy of the white race in the Pacific, and we must be prepared to perform that duty. That is our burden. It seems to me, Mr. Chairman, that not only patriotism but common sense and the honor and the safety of this country imperatively demand a more rapid increase in our Navy. The refusal to provide for such increase may now seem economy, but if war should in the future come upon us—and it will come—it will have been worse than folly; it will have been almost treason; almost a crime!

Now, Mr. Chairman, if I have any time left I yield it to the gentleman from South Carolina [Mr. AIKEN].

Mr. PADGETT. The gentleman is not here at this moment, and I ask the chairman of the committee, the gentleman from Illinois [Mr. Foss], to occupy some time.

Mr. Chairman, I now yield twenty minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, that great agnostic, brilliant orator and scholar, Col. Robert G. Ingersoll, on one occasion is said to have declared:

I am aware that there is a prejudice against any man who manufactures alcohol. I believe that from the time it issues from the coiled and poisonous worm in the distillery until it empties into the jaws of death, dishonor, and crime it demoralizes everybody that touches it from its source to where it ends. I do not believe anybody can contemplate the object without being prejudiced against the liquor crime. All we have to do, gentlemen, is to think of the wrecks on either bank of the stream of death, of the suicides, of the insanity, of the ignorance, of the destitution, of the little children tugging at the faded and withered breast of weeping and despairing mothers, of wives asking for bread, of the men of genius it has wrecked, the men struggling with imaginary serpents, produced by this devilish thing; and when you think of the jails, of the almshouses, of the asylums, of the prisons, of the scaffolds upon either bank, I do not wonder that every thoughtful man is prejudiced against this damned stuff called "alcohol." Intemperance cuts down youth in its vigor, manhood in its strength, old age in its weakness. It breaks the father's heart, bereaves the doting mother, extinguishes natural affection, erases conjugal love, blots out filial attachment, blights parental hopes, brings down mourning age in sorrow to the grave. It produces weakness, not strength; sickness, not health; death, not life. It makes wives widows, children orphans, fathers fiends; and all of them paupers and beggars. It feeds rheumatism, invites cholera, imports pestilence, and embraces consumption. It covers the land with idleness, misery, and crime. It fills your jails, supplies your almshouses, and demands your asylums. It engenders controversies, fosters quarrels, and cherishes riots. It crowds your penitentiaries, and furnishes victims for your scaffolds. It is the life blood of the gambler, the element of the burglar, the prop of the highwayman, and support of the midnight incendiary. It countenances the liar, respects the thief, esteems the blasphemer. It violates obligation, reverences fraud and honors infamy. It defames benevolence, hates love, scorns virtue, and slanders innocence. It incites the father to butcher his helpless offspring, helps the husband to massacre his wife, and the child to grind the parricidal ax. It burns up men, consumes women, detests life, curses God, despises heaven. It suborns witnesses, nurses perjury, defiles the jury box, and stains the judicial ermine. It degrades the citizen, debases the legislator, dishonors the statesman, and disarms the patriot. It brings shame, not honor; misery, not safety; despair, not hope; sorrow, not happiness, and with the malevolence of a fiend it calmly surveys its frightful desolation and unsatiated havoc. It poisons felicity, kills peace, ruins morals, blights confidence, slays reputation, and wipes out national honor, then curses the world and laughs at its ruin. It does all that and more. It murders the soul. It is the sum of all villainies, the father of all crimes, the mother of all abominations, the devil's best friend, and God's worst enemy.

Sir, was anything ever more truly or eloquently said? Has he added a lurid color to the picture that should not be there? It is a picture drawn by a master mind. It is not maudlin sentiment. It is his ripe judgment of the evils of alcohol, formed by a long life of wise observation.

Mr. Chairman, the problem of the regulation of the whisky traffic and its absolute prohibition has agitated the minds of the people of the United States for the last fifteen years more than any other one question.

No careful observer of the times will deny that public sentiment against the whisky traffic is growing stronger and stronger every day. Will any Member sitting before me deny this? Has not this mighty sentiment against the traffic and the saloon reached this Capital City and this legislative hall? Only a few years ago barrooms were maintained in this splendid Capitol building. Now not a drop of whisky is allowed to be sold anywhere within its mighty confines. The Congress took this step against the traffic. A few years ago the Army canteen flourished among our soldier boys, but not so now. This Congress has forbidden it.

In 1906 Congress passed a law requiring each collector of internal revenue to place conspicuously in his office for public inspection a list of all persons who have paid a special license tax in his district and to furnish a copy of such list of persons to any prosecuting officer of any State, county, or municipality upon demand by such officer.

The Hepburn-Dolliver bill passed this House by almost a unanimous vote on January 27, 1903, and died in the Senate. I verily believe, sir, that if a vote can be secured on that measure by the present membership of this House, it will pass again by a practically unanimous vote; and if it does so pass, it will not die so easily in the other end of the Capitol.

The minister of God thunders against the traffic because it destroys morality and blights human souls; business men oppose it because it retards prosperity and undermines business ability; the economist condemns it because it destroys $2,000,000,000 annually and gives nothing in return therefor. Even the owners of saloons demand sober men for bartenders. Great labor organizations are against the traffic because it brings poverty to so many of their members and unhappiness to so many homes. In fact, there is scarcely a class of men that will now defend the open saloon.

Those individuals who defend the saloon do so largely on the ground that it is the only way to control the traffic; not that the saloon is a good thing, but that it is the best solution of this vexing question. I have no fault to find with the man who honestly and sincerely believes this, but I do think that his judgment is faulty.

Mr. Chairman, the courts of the United States almost universally have condemned the whisky traffic. I have only time to quote from one judicial tribunal, and that is the Supreme Court of the United States, the greatest law body on earth:

We can not shut out of view the fact, within the knowledge of all, that the public health, the public morals, and the public safety is endangered by the general use of intoxicating liquors; nor the fact established by statistics accessible to everyone that the idleness, disorder, pauperism, and crime existing in the country are largely traceable to this evil.

This is the sentiment of the nine eminent judges who constituted this high court when this opinion in Mugler *v.* Kansas (123 U. S., 205) was written by Mr. Justice Harlan.

And, sir, I will pause long enough to quote from the supreme court of Kansas:

Probably no greater source of crime and sorrow has ever existed than social-drinking saloons. Social drinking is the evil of evils. It has probably caused more drunkenness and has made more drunkards than all other causes combined, and drunkenness is a pernicious source of all kinds of sorrow and crime. It is a Pandora's box, sending forth innumerable ills and woes, shame and disgrace, indigence, poverty, and want, social happiness destroyed, domestic broils and bickerings engendered, social ties sundered, homes made desolate, families scattered, heartrending partings, sin, crime, and untold sorrows, not even hope left, but everything lost, an everlasting farewell to all true happiness and to all nobler aspirations rightfully belonging to every true and virtuous human being.

Let it be understood, Mr. Chairman, that no man has the inherent or natural right to sell whisky. The right to sell it depends on the will of the people, for the United States Supreme Court, in the case of Crowley *v.* Christensen (137 U. S., 86) has declared:

There is no inherent right in a citizen to thus sell intoxicating liquors by retail. (It is not a privilege of a citizen of a State or of the United States.)

Therefore no barkeeper can cry that he is deprived of any inherent or natural right when the people, by their vote, tell him that he must not and shall not sell whisky within the borders of a county or State.

Abraham Lincoln once said:

The liquor traffic is a cancer in society, eating out its vitals and threatening destruction, and all attempts to regulate it will aggravate the evil. There must be no attempts to regulate the cancer. It must be eradicated. Not a root must be left behind (for until this is done all classes must continue in danger of becoming victims of strong drink).

Gladstone, once the great premier of England, said:

The drink traffic has caused more suffering, misery, and death than all the famines, pestilences, and wars during the nineteenth century.

United States Senator Carmack, of Tennessee, recently said:

The saloon, by its insolence, its arrogance, its persistent lawlessness, has forced the issue upon the people, and the people must meet it. (It refuses to be reformed. It must therefore be destroyed. It has proclaimed by its conduct that it would die rather than obey the law. In doing so it has left but one course for self-respecting and law-

respecting people. The time will come when men not now young will live to see the day when there will not be a saloon in any land where men go to church and children go to school.)

The churches are against the liquor traffic, as will witness the following resolution passed by the Methodist Church in its North Carolina annual conference:

We stand against the sale and manufacture of alcoholic liquors anywhere in the State of North Carolina, and for State prohibition. (We most earnestly hope that our lawmakers will procure the enactment of such laws as will fully protect us against the importation into prohibitory territory of any alcoholic stimulants from points without as well as within the State.)

The Baptist Church of North Carolina has also placed itself on record time and again against the whisky traffic. Here is the resolution adopted by the Baptist State convention without a dissenting vote:

We wish again to declare our uncompromising hostility to the liquor traffic as the great enemy of the peace and good morals of the people, the well-being of the home, and the work of the gospel among men. We congratulate the people of North Carolina on the splendid progress made in temperance in the last ten years, on the rising tide at this time to drive the traffic out of the State.

The Presbyterian, Christian, Episcopal, Lutheran, and other churches in North Carolina are equally opposed to the liquor traffic.

Bishop Fitzgerald not long ago stated:

The saloon is the chief and most audacious lawbreaker of the age. It is the arch destroyer of all that is dear to man. It is sleepless, restless, insatiable, mighty.

The great railway systems of the country oppose intemperance. The Baltimore and Ohio Railroad forbids intoxicants at any time, either on or off duty, by dispatchers, trainmasters, engineers, firemen, and conductors; and this great system declares that it has taken this step "for the protection of life, property, and good service." Other great railway systems of the United States have adopted similar rules and will not employ any person who uses intoxicants.

During the recent special session of the legislature in North Carolina a leading cotton-mill man of the State said to the house committee on liquor traffic:

Gentlemen, it is for you to say which you will encourage in North Carolina—cotton mills or liquor mills.

I honestly believe that the number of cotton-mill owners who favor the liquor traffic in the great State from which I come—and it has more cotton mills than any other State in the Union—can be counted on the fingers of one hand. I am equally sincere in the belief that less than 5 per cent of the honest, industrious, home-building cotton-mill operatives in North Carolina are in favor of the liquor traffic. It is the one great curse among them, and they are using their best efforts to stamp it out of existence.

The famous labor leader in England, John Burns, member of Parliament, recently declared to a great audience of workingmen in London, in discussing the liquor question:

I deem it my duty to say that but for drink and its concomitant evils our problem would be smaller and our remedies more effective.

I believe that the best and most simple remedy for drink is abstinence, but this must be supplemented by local or legislative action. One drink-cursed district, Liverpool, has since 1889 added 78,000 to its population, reduced its police drunkenness cases from 16,000 to 4,180, its crimes from 926 to 552 per 100,000, its policemen by 100, at a saving of £8,000 to the rates by the simple remedy of having got rid of 345 licensed places in eleven years. Thirty thousand friendly societies, with 12,000,000 members, have accumulated £40,000,000 in fifty years, or as much only as the nation spent on drink in any three months of last year.

No one knows better than the laboring man the blighting, desolating effects of whisky or to what depths of misery and shame it will drag him.

The following story is taken from one of the daily papers as a news item:

A man on being asked by some companions to go into a saloon and have a drink with them said:

"I won't drink any to-day, boys."

"What's the matter with you, old man?" asked one. "If you've quit, what's up?"

"Well, boys, I'll tell you. Yesterday I was in Chicago. I called on a customer of mine down on Clark street, who keeps a pawn shop in connection with his other business. While I was there a young man came in, wearing threadbare clothes and looking as hard as they make 'em. He had a little package in his hand. He unwrapped it and handed it to the pawnbroker, saying 'Give me 10 cents.' And what do you suppose it was? It was a pair of baby's shoes, little things with the bottoms only a trifle soiled, as though they had been worn only once or twice. 'Where did you get these?' asked the pawnbroker. 'Got 'em at home,' replied the man. 'My wife bought 'em for the baby. Give me 10 cents for 'em; I want to get a drink.' 'You had better take them back to your wife; the baby will need them,' said the pawnbroker. 'No, she won't; she's dead—baby died last night.' And then the poor fellow laid his head on the show case and cried like a child.

"Boys, I have a baby at home, and I'll not take a drink with you to-day."

Mr. Chairman, the merchant opposes the whisky traffic not only on moral grounds, but because he has learned that the saloon is an inveterate foe to thrift and industry and lessens the capacity of his debtor to meet his obligation.

The farmer is opposed to the liquor traffic. He takes the high moral ground that he has no right to license a system whose chief business it is to destroy character, increase crime, enlarge the pauper class, and darken homes. He opposes it on another ground—out in the rural districts, far from the protecting hand of policemen and sheriff, he knows the danger to his wife and daughter from the drunken negro whose blood is heated and whose brain is unbalanced by the use of bad liquor. The negro seems to have inherited an appetite for intoxicants, and, like the tiger when he tastes blood, the negro likewise when he becomes intoxicated becomes enraged. Where is the farmer in the East or in the West who would vote to establish a barroom in his community where every Saturday evening the negroes and trifling whites could congregate for their drunken revels and, dispersing during the afternoon and night, make it unsafe for men and positively dangerous for women to move along the public highways? Every mother and daughter would be filled with fright whenever she saw a drunken negro reeling and staggering along the highway near her home, and her first impulse would be to flee to her room and barricade the door. Let the farmers consult their wives and daughters as to whether or not the open saloon should exist in any country district of our fair State. For that matter, if you will leave the vote to the women of our State as to whether or not the saloon should exist in town or country, I guarantee the whisky traffic would not have one ballot in its favor.

Mr. Chairman, more than one-half of this great Republic of 80,000,000 people has already adopted prohibition laws. The following Commonwealths, aggregating a population of more than 9,000,000 people, have adopted absolute State prohibition, to wit: Alabama, Georgia, Kansas, Maine, North Dakota, and Oklahoma.

There are also fourteen other States in which prohibition campaigns are now being carried on, and each of these States is expected to adopt prohibition. I refer to the following States: South Carolina, Mississippi, Florida, Connecticut, Vermont, New Hampshire, District of Columbia, Tennessee, Arkansas, Iowa, Michigan, Missouri, Delaware, and North Carolina.

I believe that in less than two years prohibition will be adopted by Kentucky, Texas, West Virginia, Ohio, Indiana, Nebraska, Massachusetts, and South Dakota.

The liquor traffic is already outlawed in the following localities: Fifty counties out of 75 in Arkansas, 175 towns and cities in California, 50 towns and cities in Colorado, 75 out of 125 towns and cities in Connecticut, one-half of the State of Delaware, 30 out of 45 counties in Florida, 650 towns and cities in Illinois, 140 towns in Indiana, the entire State of Iowa except 25 cities, 90 out of 119 counties in Kentucky, 20 out of 59 counties in Louisiana, 15 out of 24 counties in Maryland, 125 out of 175 towns in Massachusetts, 400 towns and cities in Michigan, 400 towns and cities in Minnesota, 71 out of 75 counties in Mississippi, 84 out of 115 counties in Missouri, 250 towns and cities in Nebraska, 200 towns and cities in New Jersey, 700 towns and cities in New York, 20 towns and cities in little Rhode Island, 500 towns and cities in Ohio, 600 towns and cities and 20 counties in Pennsylvania, the entire State of South Carolina except about a dozen places, 70 out of 96 counties in Tennessee, 120 out of 246 counties in Texas, 50 out of 106 counties in Virginia, 40 out of 54 counties in West Virginia, 50 towns and cities in the State of Washington, 300 towns and cities in Wisconsin, and about three-fourths of North Carolina.

Sir, what a splendid territory is all this over which floats the white flag of prohibition!

The people of the United States are waking up to the fact that the whisky traffic is the most ruthless and reckless destroyer of property, character, and life that exists in our midst. Hon. Carroll D. Wright, while United States Commissioner of Labor, said:

I have looked into a thousand homes of the working people of Europe; I do not know how many in this country. I have tried to find the best and the worst; and while, as I say, the worst exists, and as bad as under any system, or as bad as in any age, I have never had to look beyond the inmates to find the cause; and in every case, so far as my observation goes, drunkenness was at the bottom of the misery, and not the industrial system or the industrial conditions surrounding the men and their families.

What a terrible arraignment is this! Is it anything short of remarkable that the people will license and tolerate a thing which is constantly destroying and tearing down what thrifty, energetic, and Christian people are building up?

Intoxicating liquors each year cost the people of the United States more than the price of their annual product of cotton,

corn, gold, silver, lead, and precious stones. The tariff taxes collected by the United States Government for a whole year would scarcely pay the liquor bills of our people for ninety days.

There are about 300,000 people engaged in the liquor business of this country, supplying whisky to about 5,000,000 drinkers, among whom about one-fifth are known as "hard drinkers." During one short year 295,000 people in only 140 cities have been arrested for drunkenness alone! Who, then, will gainsay the statement that the drink evil is the besetting curse of this Republic?

The people of the United States spend every year $1,500,000,000 for intoxicants. We can scarcely realize the magnitude of these figures. All of the gold, silver, copper, and nickel coined by the United States Government from its formation to the present time does not exceed $3,500,000,000; and yet the American people in one year's time spend a third of this amount of money for an article which not only does not help them, but which actually harms them in body and soul. Suppose this billion and a half of money were converted into other industries? It would give back to labor $325,000,000 in additional earnings and wages; it would give employment to 850,000 more laborers.

Mr. Chairman, it has been shown that the liquor traffic returns to labor only 6 cents out of every dollar of product and gives but 28 cents out of each dollar back to the owner of raw material, while manufacturers of shoes, boots, clothing, furniture, hardware, woolen and worsted goods return to labor an average of 23 cents out of every dollar and 50 cents for the owner of raw material.

James B. Dunn has summarized the cost of the liquor traffic to the people of the United States in the following figures:

Amount paid for liquors by consumers		$1,000,000,000
Value of grain, etc., destroyed		33,497,644
Cost of crime, insanity, pauperism, etc., chargeable to liquor traffic		137,762,220
Loss of productive labor		1,106,250,000
Shortened lives		147,000,000
Misdirected work		354,000,000
Total		2,678,504,864
Revenue from liquor traffic:		
Internal revenue	$107,695,910	
Customs	9,518,081	
State and local revenue	24,786,496	
		142,000,487
Net loss		2,536,504,377

There are in the United States about 200,000 saloons, costing the entire people the enormous sum of $2,500,000,000; in other words, each saloon costs the people of the community in which it exists an average of $12,000 every year. This is a frightful drain upon the honest industries of our country.

About 75 per cent of the paupers of the country are said to be addicted to the use of liquor. One or both of the parents of about one-half the paupers of the country were intemperate. About 40 per cent of the paupers of the country openly attribute their pauperism to their own intemperate habits.

The whisky traffic is a fruitful source of crime. In nearly 80 cases out of every 100 crime has been committed when the defendant was under the influence of intoxicants. Is it any wonder, therefore, that prohibition sentiment is growing stronger every day?

But some one will say, "I am opposed to prohibition because it does not prohibit." Such a person might as well say that he is opposed to the law against homicides and theft, because these laws do not prohibit such offenses.

Furthermore, the argument that prohibition does not prohibit is not a sound one, as is shown by the experience of those States that have adopted prohibition. Listen to the testimony from Maine. This State adopted prohibition in 1855, and at that time, to use the language of Gen. Neal Dow, she was "one of the most drunken and poorest States in the Union, there being seven distilleries and two breweries in Portland alone." At that time there were only five savings banks throughout the State of Maine, with only $90,000,000 deposits. To-day there are more than sixty of such banks, thirty building and loan associations, forty trust companies, aggregating deposits of more than $120,000,000. She has a greater proportion of school teachers to every 10,000 of her population and a greater proportion of teachers to her school population than any of the forty-five sister States of the Union. Sentences to jail have decreased in the last fifteen years 30 per cent and sentences for drunkenness have decreased 40 per cent in the same length of time. Governors of Maine for the last fifty years have testified to the success of prohibition there. James G. Blaine, Fessenden, Dingley, and Mr. LITTLEFIELD, the present able Representative in Congress from Maine, all testify to the success of prohibition in that State.

Governor Burke, of North Dakota, last year said:

We have had prohibition so long in North Dakota that in some counties there are no jails. There is not much cirme in the State.

Out of 105 counties in the State of Kansas, 21 of them have no paupers and only 25 counties have poorhouses, and in 55 counties there are no prisoners in the jails. In 37 counties there are no criminal cases on the dockets. There is no other State in the Union that has such a small number of paupers in proportion to its population or spends as much money for education in proportion to its population.

The State of Georgia put in operation her State prohibition law on the 1st of last January, and in two months crime had been reduced more than 50 per cent. Atlanta, Ga., is a great and busy city, with more than 100,000 population; and on January 4, 1907, while barrooms existed, there were sixty-three cases reported in the police court, while on January 4, 1908, under prohibition, there were only seventeen cases reported. On January 4, 1907, while barrooms flourished, thirty-two cases of drunkenness were reported to the police courts, while on January 4, 1908, under prohibition, not a single case was reported. The Atlanta Constitution recently said:

It was a transformed Decatur street which Atlantans saw yesterday afternoon and last night. The exchange was not so apparent in the matter of the number of people who were on the streets, but was found in the fact that it was a sober people, intent on business and legitimate amusement, who walked up and down this busy thoroughfare. Not a single person, white or negro, was seen under the influence of intoxicants.

A few months ago the people voted the saloons out of Wadesboro, N. C., and here is the testimony of one of the leading papers of that city:

Since saloons closed business in Wadesboro the police force has been reduced from five to three men, and no citizen here but will say that order here is better than before. If the commissioners find that three men can do the work it required five to do before, they will save the town more than $1,000 during the year.

On the 23d of January, 1908, the National American, a widely circulated newspaper published in Nashville, Tenn., contained a cartoon of a criminal dressed in prison clothes. On him was the inscription "The annual cost of crime to taxpayers of the country is $100,000,000." The convict is represented as making this pungent remark to the taxpayers:

This suit of clothes cost you a pretty penny. Some day you may get it through your head that it is cheaper to prevent crime than to punish it.

As whisky and the whisky traffic are responsible for about 80 per cent of the crime of our State, is it not plain that the best way to prevent crime is to abolish the whisky traffic?

So, Mr. Chairman, from high testimonials we can easily gather that prohibition is a blessing and a benefit morally and industrially to those States that have adopted it. Then, why should not the voters and citizens who love peace, revere the law, hate crime, and weep over sorrow, unite in one grand phalanx and on May 26 drive the saloon forever from the borders of our beloved and fair Carolina?

I know of no better way to close this imperfect address than by quoting from that lovely, loving, and beloved great Georgian, Henry W. Grady, whose untimely death prevented him from seeing his dream realized in prohibition for his Commonwealth, who, in discussing the whisky traffic, said:

To-night it enters an humble home to strike the roses from a woman's cheek, and to-morrow it challenges this Republic in the halls of Congress.

To-day it strikes a crust from the lips of a starving child and to-morrow levies tribute from the Government itself.

There is no cottage humble enough to escape it, no palace strong enough to shut it out.

It defies the law when it can not coerce suffrage.

It is flexible to cajole, but merciless in victory.

It is the mortal enemy of peace and order, the despoiler of men, and the terror of women, the cloud that shadows the face of children, the demon that has dug more graves and sent more souls unshrived to judgment than all the pestilences that have wasted life since God sent the plagues to Egypt and all the wails since Joshua stood beyond Jericho.

It comes to ruin, and it shall profit mainly by the ruin of your sons and mine.

It comes to mislead human souls and to crush human hearts under its rumbling wheels.

It comes to bring gray-haired mothers down in shame and sorrow to their graves.

It comes to change the wife's love into despair and her pride into shame.

It comes to still the laughter on the lips of little children.

It comes to stifle all the music of the home and fill it with silence and desolation.

It comes to ruin your body and mind, to wreck your home, and it knows it must measure its prosperity by the swiftness and certainty with which it wrecks the world.

[Loud applause.]

Mr. FOSS. Mr. Chairman, I now yield fifty minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, I rise to discuss the question of battle ships. With some of us this is a question of money. With others it is a question of business. With me it is a question of principle and conscience, but with no one can it possibly be a question of partisan politics. Consequently every

man on either side of this Chamber will be free to exercise his own conscientious judgment and vote his own personal convictions.

At the outset I desire to call the attention of the House and the country to the fact that the naval programme provided for in this bill is in contravention of the policy which had heretofore been agreed upon as the American naval policy for the present and future. It had been wisely proposed and after much discussion practically decided that beyond the replacing, one by one, of the old hulls by new battle ships, a further increase of the Navy was not necessary. This wise and rational policy had my hearty support, the more so because I had taken a special interest in the movement for international arbitration and peace. Neither I nor any other American friend of that great cause, which contemplates the substitution of judicial decisions for brutal war, would have it said that we were unwilling to grant to our country such means of national defense as might become necessary in an emergency, however remote. I recognized the fact then, as I do now, that war can not be abolished by resolutions, and that as long as arbitration treaties do not extend to all causes of international discord, it is the patriotic duty of every nation to prepare for possible emergencies. And it was for still another reason that I supported that policy. It was to demonstrate that the advocates of peace are not impracticable theorists and dreamers who are ready to swap the safety of their country for a hobby, but men of affairs willing to "render unto Cæsar what is Cæsar's" in return for a cooperation of the governments toward a realization of their own humane and progressive ideas.

Since that time, Mr. Chairman, nothing has occurred which would justify us in departing from the policy we then adopted; hence, for one, I shall be obliged to adhere to it now, and in voting for one battle ship I believe to be as patriotic and as generous toward Cæsar as those who are willing to vote for more. [Applause.] It is not only true that nothing has occurred in the last two years to warrant an increase of naval armaments, but, on the contrary, we also know that a great deal has occurred since we last voted on battle ships which would justify all well-meaning governments in at least calling a halt in naval construction.

It may not be popular at a time when military and naval budgets are being considered to call attention to the great achievements of the Second Peace Conference at The Hague, but, for my part, I could not imagine a more appropriate time to do so; in fact, I hold it to be our solemn duty, before voting away the people's money, to carefully consider actual necessities, especially at a time when the revenues, both internal and customs, are falling off and every dollar we can spare is badly needed for the erection of buildings to house the growing Federal service and for the improvement of the waterways of the country. [Applause.] And, Mr. Chairman, the actual necessities for military and naval armaments have certainly been lessened by The Hague agreements.

It is true that no understanding was reached with regard to a reduction of armaments, but results have been achieved which, to my mind, are of infinitely greater importance. Armaments are, after all, only the symptom, while the men who were assembled at Holland's capital in the name of international peace applied the knife to the cause of their existence by agreements which are bound to hasten the advent of an era in which large armaments will be as unnecessary for the settlement of controversies between countries as they are between States of the Union to-day.

Let me briefly recapitulate what has been done at The Hague. A very much condensed report which I had the honor to submit to a recent meeting of the Arbitration Group in Congress, the American Branch of the Interparliamentary Union, contains this language:

The Second Hague Conference has now passed into history, but its achievements and results are comparatively little known, because of the fact that a large part of the press did not pay the attention to the conference which it deserved.

One far-reaching decision arrived at was that the conference should meet again. This practically assures the permanency of these great international congresses at which the foundation for more enduring peace between the nations is to be laid by a peaceful discussion of the questions which are of common concern to all. Furthermore, the conference practically agreed on the principle of obligatory arbitration, but instead of adopting a general treaty which would be binding for all and would specify the questions which must be settled by judicial decisions the powers agreed to leave the conclusion of such treaties to the separate nations, and it is to be noted with great satisfaction that President Roosevelt has already taken the initiative under these new Hague agreements by proposing arbitration treaties with France, Great Britain, Germany, Portugal, Italy, and other countries. For one, I should like to see Japan included in that list, and I am sure that such a proposition would be hailed with delight by that great oriental nation. The conference also agreed to the establishment of a Hague court on a more substantial basis by providing permanent judges for that great world tribunal. As I say, in principle this plan was sanctioned, but the appointment of the judges caused considerable dissension, which merely goes to show that when it comes to a question of patronage the greatest statesmen of the world can display just as much spirit as the ordinary politicians would over the division of the spoils. A tentative agreement, however, was reached and no doubt the powers will, by diplomatic negotiations, settle the question of these judgeships in the near future.

These are the questions relating to arbitration and to the peaceful settlement of international differences, but a great deal has also been accomplished in other directions, especially in well-meant efforts to make future war more humane. It would take up too much of your time to specify the many conventions concluded at The Hague, and as a great step forward I will mention only the one which provides that no unfortified cities, towns, and villages shall ever be bombarded by an enemy, which, in my humble judgment, makes the fortification of coast lines almost unnecessary. It means that by fortifying they would only invite the fire of the enemy, while they would be perfectly safe and immune if they remained unfortified.

Very few have an adequate idea of the intricacies of the questions which were discussed at The Hague, and while some people wonder why the conference should last so long, it is the greater wonder that it accomplished so much in so little time. There were forty-six nations represented, each with its peculiar interests and claims, and, in my judgment, it is due only to the growing sentiment of the people in favor of arbitration and peace which made agreement possible at all.

Lest I may be accused of undue optimism in thus relating how great an advance has been made in the direction of a state of international peace and order to be based on law and justice, instead of arbitrary force, permit me to supplement this report by cold facts. The Hague Conference approved not less than thirteen so-called conventions, namely, the following:

1. The peaceful regulation of international conflicts.
2. Providing for an international prize court.
3. Regulating the rights and duties of neutrals on land.
4. Regulating the rights and duties of neutrals at sea.
5. Covering the laying of submarine mines.
6. Prohibiting the bombardment of undefended ports, towns, villages, and buildings from the sea.
7. Forbidding the employment of force in the collection of contractual debts until after arbitration has been refused or an arbitral reward set at naught.
8. The transformation of merchantmen into war ships.
9. The treatment of captured crews.
10. The inviolability of fishing boats.
11. The inviolability of the postal service.
12. The application of the Geneva Convention and the Red Cross to sea warfare; and
13. The laws and customs regulating land warfare.

The approval of each of these thirteen conventions required unanimity of all of the forty-six governments represented. But for this requirement three more agreements would have been added to this record of international honor, namely, those providing for obligatory arbitration in specified cases, a supreme court of the world with seventeen permanent judges, and immunity of private property at sea in time of war. As to each one of these most important propositions there were but a few dissenting votes; hence from now on, let me say parenthetically, it will be the mission of all "pacifists" the world over to convert the dissenters. It is plain that this can be accomplished, not by an increase of armaments, but only by educational methods.

A contemporaneous writer has this to say on the Second Hague Conference:

Here was the parliament of man, about which we have been dreaming and singing for generations, actually realized under our eyes in plain prose in the year 1907. For the first real parliament of man it was, a congress in which the official representatives of practically all the nations of the world were gathered to confer and act upon the things which concern the interests of all nations alike. We have heard it called a failure and even a fiasco. It was neither. Its achievements were very great, even if they were not all which the peace workers of the world hoped for; and the meeting of the conference itself, with its earnest deliberations for four months, was something of high significance quite aside from any particular measures which it agreed upon. If we would estimate definitely how far its actual achievements meet the demands of the world's peace party, we must measure them by those demands as formulated by the Interparliamentary Union at its convention in London in 1906, for those London resolutions constitute the working platform of the world's peace party to-day—the platform for which all will steadily work until it is entirely written into international law.

The six demands of the Interparliamentary Union, which consists of 2,500 members of the different national parliaments of the world, men who are devoted all of them to the cause of peace and arbitration, were for (1) a regular international parliament; (2) a general obligatory arbitration treaty; (3) the proportional limitation of national armaments; (4) the inviolability of ocean commerce in war; (5) impartial commissions to investigate and report to the world upon all differences between two nations which can not be settled by diplomacy or arbitration before any declaration of war; and (6) national peace budgets—regular appropriations by the different governments to promote international friendship and good understanding.

The arrangement for the meeting of a Third Hague Conference practically assures a regular international parliament hereafter; and this assurance of a regular international parliament is one great outcome of the Second Hague Conference, as the international tribunal was the memorable outcome of the first conference. A general arbitration treaty was not accepted by all the powers represented at The Hague, such unanimity being necessary for action; but it was voted by an enormous majority, and independent treaties between the different nations are sure now to multiply rapidly until all nations are included. Secretary Root is at this moment negotiating treaties between ourselves and several nations. A great majority of the nations voted in favor of the immunity from capture of all private property at sea in time of war, showing that this is the judgment of the enlightened

world to-day. Definite action to this end was blocked by Great Britain, as discussion of the limitation of armaments was blocked by Germany.

While The Hague Conference should be treated with justice, the fact that there is in large circles in the most progressive nations such general expression of discontent with the outcome of its work is a witness to the large demand which thoughtful people everywhere are now making in the matters which concern the peace and better order of the world. This is most hopeful; and these demands will steadily grow larger and more emphatic until the barbarous old war system of the nations is supplanted by rational methods worthy of to-day's civilization, and quarrels between nations are settled in the courts as a matter of course, as they are now settled between individuals. We Americans, who know the history of our constitutional convention of 1787 and how difficult it was to organize these thirteen States into one Union, will not fail to be properly patient while the vastly greater work of organizing half a hundred nations, with their varying systems of law, prepossessions, and prejudices, goes on. Let us also not fail to do our part in the creation of such an energetic and influential public opinion as shall make the United States a leading and potent factor in the organization of the united world.

Without special reference to the great propositions tending to prevent future war, Gen. Horace Porter, one of the leading American delegates to The Hague, has summarized those results of the conference which are intended to regulate future war in the following language:

The conference has affirmed in many directions the rights of neutrals against those of belligerents. It has placed restrictions upon the use of floating mines, which have been a menace to the commerce of the world, without impairing the right of nations at war to use anchored mines for self-defense. It has peremptorily forbidden the bombarding of undefended seacoast towns and villages. It has prohibited the levying of contributions by threat of bombarding. It has done much to strengthen security against the atrocities which often occur in war. It has shielded the noncombatant. It has strengthened the provisions for the relief of the wounded. It has taken strict precautions against a revival of privateering in naval war by insisting that when merchant vessels are converted into cruisers they shall be formally enrolled on the naval list and placed in command of a duly commissioned naval officer, with a crew subject to naval discipline. Such questions as contraband of war and blockade, though no agreement was reached, and on every important question which came before us we have made a great and truly marvelous advance toward an agreement on more civilized lines. So great indeed has been the growth of international sentiment that it is probable that at the conference of the leading naval powers which England intends to summon in 1908 we shall find ourselves able to settle some questions which have been a source of difference for a hundred years. It was America that proposed the Permanent Court of Arbitral Justice—not a mere court of arbitration, but a judicial court composed of the ablest jurists of all nations, representing all systems of law and all languages.

In view of this testimony who will dare to deny that the results of The Hague Conference, besides mitigating the atrocities of future wars, will also tend—and this concerns us now—to materially lessen the possibilities of war? While causes of friction may continue to exist, their removal by peaceful means and without bloodshed has been made possible by the acceptance, at least in principle, of the judicial mode of settling such differences. Well-meaning governments will readily avail themselves of this weapon—if I may use the word—to save human life, a weapon forged in the heat of that civilization which impels our warfare upon war. It is fully realized by the cabinets of the world that what was accomplished at The Hague was inspired by, and a concession to, the overwhelming sentiment of the civilized nations; hence it is this sublime sentiment, and not the war spirit of the middle ages, which should be the guiding star of modern governments. If European rulers are willing to repudiate the concession they have just made at The Hague to the high moral thought of the twentieth century; if, by increasing their armaments in the wake of the Peace Congress, they wish to commit an act of infidelity and bad faith against themselves, we can not stop them; but let us hope that no American Government may ever be a party to such duplicity. [Applause.]

It was in response to an invitation issued by the United States that the Second Hague Conference met. An American representative wrote the resolution which the Interparliamentary Union adopted on American soil, and upon which President Roosevelt acted by issuing that invitation. The main planks in the platform of the Interparliamentary Union are of American origin, and these same propositions were the principal topics of discussion at The Hague. The project, too, of a permanent court of arbitral justice was substantially an American proposal, as was the agreement to eliminate force in the collection of contractual debts. The official American delegates—and as an observer I was proud of them—occupied the center of The Hague stage, and their influence was practically unlimited because everybody believes in the sublime sincerity of America's peace mission. [Applause.]

As a result, General Porter was justified in saying that—

The great achievement of the conference has been to push forward in every department of international life American principles.

In playing that rôle before the eyes of the world we, on our part, are simply true to American traditions. We are merely obeying the lessons taught us by every President from Washington to Roosevelt. But we have thus created an impression abroad which every instinct of honor impels us to live up to at home. That impression is that our experiment for self-government is a success, inasmuch as it makes for peace and is a sure guaranty of permanent relief from excessive military burdens. As a result, the people of all the world look to the United States for salvation. They have seen us take the lead in a movement for a new dispensation and are taking us at our word. Consequently our prestige depends upon our consistency. The very moment we begin aping the Old World in its mad rivalry for military power and splendor we shall descend to the level of the old monarchies. [Applause.] The difference between popular self-government based on democratic virtues, on the one hand, and monarchical government resting on military power and prowess on the other, will be wiped out. The light of hope which our example had lit in the human hearts everywhere will be extinguished, and we ourselves shall stand convicted of treachery to the most cherished American traditions. [Applause.]

Viewed from this standpoint the question of expense, it is true, becomes a minor issue, and for one I would rather vote for ten times the cost of a dozen new battle ships if I could thereby prevent their construction and thus aid not only in maintaining American prestige the world over, but also in demonstrating the sincerity of our professions, and last, not least, the superiority of republican over monarchical institutions. [Applause.]

Let us take a look around. Germany has recently enlarged her naval budget, but whatever reasons she may have had for her action, they surely do not concern us. Great Britain, though she has twice proposed an arrest of armaments by international agreement, is obliged to follow suit—in fact, William T. Stead insists that England's answer should be two new ships to each one Germany is building. Some do not seem to see it that way, but Stead's purpose is, of course, to demonstrate the absurdity of this continued rivalry, and it is to be hoped that his object lesson may eventually be understood. But whatever the British Government may do, its eyes are certainly on the Continent of Europe and not on us. We have little to fear from any European power, and even less from Japan, all jingo talk to the contrary notwithstanding. [Applause.]

Unless we are all in ignorance as to the true situation—and it is incredible that the Mikado's diplomatic representatives should misrepresent it to us—a simple agreement to arbitrate differences and to mutually guarantee territorial integrity and undisputed home sovereignty would effectually dispose of the Japanese question for all time to come, and not a single battle ship will be needed to secure the benefits of such a treaty.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. BARTHOLDT. I am very sorry, but my time is so limited that I can not yield. There is, then, no cloud in our diplomatic sky, and never before in our history were our relations with the greater powers more friendly than they are to-day. If this were not true, we, as the people's representatives, would certainly know it, for we are happy to have an Administration which from the first has taken the people into its confidence. There is neither political nor commercial necessity for trouble of any kind, and, what is more, the American people have the confidence in President Roosevelt and his great Secretary of States to know, first, that no aggressive war would ever be waged by them; secondly, that our affairs with all the world are being administered on the basis of fair dealing and with even-handed justice to all; and thirdly, that even in case of a controversy with any country, big or small, they would be eager to again furnish an object lesson to the world, as the present Administration has done before, by taking advantage of The Hague judicial machinery for its arbitrament.

Under the circumstances, Mr. Chairman, I believe every Member of the House to be justified, from the standpoint of international obligations as well as that of national security and national honor, in declining to go beyond the naval programme as agreed upon at the two sessions of the last Congress, and which means one new battle ship each year to replace an old one. And I repeat that this is most generous, because since then the possibilities of war have been greatly lessened and the prospects of more lasting peace correspondingly brightened.

We hear so much of late of an adequate navy. Can anyone tell me what that is? Certainly there is no measure by which to gauge it, and there is no principle, scientific or other, governing any change above or below present proportions, except the time-honored American tradition that the United States will neither engage in a war of conquest nor ever take the offensive for any purpose except for national defense. The only rule to guide us, then, is the right of self-protection, and I claim the American Navy in its present strength is adequate to vouchsafe our national security, for in our estimates we must not overlook

those battle ships which have just been completed, namely, the *Mississippi*, the *Ohio*, and the *New Hampshire*, and the armored cruisers *North Carolina* and *Montana*, or those which have been authorized and are now in course of construction, namely, the *South Carolina*, *Michigan*, *Delaware*, and *South Dakota*, all of the latter four being 20,000-ton ships. This makes an addition to our present strength of seven big battle ships and two armored cruisers. It may be argued that since other nations are keeping on building new battle ships we must follow suit in order to maintain a proportionate measure of protection; but, if true, was not this just as true a year and two years ago when we announced we would go no further? In this connection let me ask you, gentlemen, What has protected us and vouchsafed our security since 1812—that is, during the last hundred years? It certainly was not the Navy, because up to the eighties, with the exception of the civil-war period, we practically had none.

If any European nation ever had any designs on us, the time for it to come on would certainly have been during the last few weeks while our battle ships are bottled up in the Pacific Ocean and can not reach the Atlantic in less than two months. For three months our whole eastern coast has been completely exposed to attacks by European navies, but if there was a whisper or a suggestion of such a thing on the part of any power I have not heard of it. Oh, but you say, we now have the Philippines to protect, an obligation which did not exist up to a few years ago. Let me remind you that this obligation did exist when we last agreed on our naval programme, with the advice and consent of President Roosevelt, who said in April, 1906:

> We are no longer enlarging our Navy. We are simply keeping up its strength.

Surely no danger threatens the country to-day that was not known then. America's experience in and with the Philippines has been carefully watched and studied in the cabinets of the world, and from the expressions I have heard on my European trips I am led to believe that not one of the great powers would accept the islands even as a present. In holding them, as we were in honor bound to do, we have made the greatest sacrifices of blood and treasure. [Applause.] But if, on account of them, Uncle Sam is to become one of the war lords; if, for fear of losing them, we are expected to take part in the mad rivalry in naval construction, and if we are to go back on our Hague pledges, I assert frankly that this would entail a sacrifice too great to make, because it involves one of high principle. And, gentlemen, do not let us forget that fully as much as may have been added to our cares by the acquisition of the Philippines has been taken from us in another section of the world. The adoption of the Drago doctrine by The Hague Conference, putting an end to all forcible collection of debts from one nation by another and removing at a stroke most of our real or fancied responsibility for the South American republics, surely cuts off an immense fraction of our own naval needs.

One argument remains to be answered. It is the seductive plea that we should make it our mission to enforce the peace of the world by sheer naval strength. In other words, the United States should declare peace to be the rule of the world and put down war, the exception wherever and whenever it occurs. "Difficile est satiram non scribere!" Our good Uncle Sam is to be a sort of international bully, the universal policeman charged with the duty of enforcing the peace of the world with a big stick bigger than all other big sticks on earth. [Laughter and applause.] But the prophets of "the peace-promoting power of a great navy" appear really to be in earnest. Evidently it has not occurred to them that a navy so powerful as to meet their ideas of adequacy might become a menace not only to the world's peace which they hope to enforce, but also to our own liberties. Besides, it will be difficult to convince the ordinary intellect that two pistols in a man's pocket will better vouchsafe the peace of his neighbors—or his own, for that matter—than one pistol or no pistol at all. And from their view point what would be an adequate navy? If the size of our armaments is to be the only measure of our peace and safety, we would have to have a navy certainly larger than the most powerful now in existence, namely, that of Great Britain, and, in fact, larger than that of all the great powers combined. Otherwise we would be in constant danger of being overawed, because a combination of powers against us is not altogether impossible. I ask you in all seriousness, Is this not the true logic of the plea for a bigger navy if, as its prophets say, the peace and security of the United States depended on it alone?

But do these prophets draw this logical conclusion. Oh, no; their own reasoning evidently seized them with dizziness, for instead of asking for a hundred or a hundred and fifty new *Dreadnoughts*, as they should do, they content themselves with a demand for two, or four, or six, or whatever they can get. But prompted by the reasoning of the Navy boomers, let me ask the foolish question, What is to become of us in the meantime? Even if their most extravagant demands were granted by Congress, and granted annually, it would surely take a quarter of a century before we could cope with England and the united European powers in naval strength. Where would be our security in all these years to come? Would our friends petition Europe to kindly wait until we are ready? Or will they stand idly by while 80,000,000 people shudder and tremble in agonizing terror for twenty-five long years? Certain it is that the same danger which is now threatening us in the imagination of our friends has existed for a hundred years. How fortunate we did not know it!

In civilized society an individual is secure, not because he carries weapons, but because he is honest, law-abiding, righteous, and peaceful. The same is true of a nation, especially since arbitrary power is more and more being curtailed by international obligations. Our own national security from foreign foes has never depended on our immediate military prowess, but was and is the result of righteousness, love of peace, and other civic virtues as much as of our limitless resources, reserved strength, and geographical isolation. This has become an American axiom, and if it was true at a time when might was right without equivocation, how much more must it be true when the nations of the earth, in solemn conclave, have resolved to dethrone arbitrary power and force, and, instead, worship at the shrine of international justice! [Applause.]

Mr. Chairman, contrary to common report, I am by no means a sentimentalist on this question. My course was as practical as the demands of patriotism and the necessities of my country dictated, and I repeat what I said in the beginning, that as in the past I am ready now to support President Roosevelt's policy announced a year ago, namely one battle ship annually, which, to use his own language, means no enlargement of the Navy, but merely "enables us to keep up our strength and make good the units which become obsolete." On this platform I propose to stand, and I shall go no further, believing as I do that even the battle ships we now have will never be needed except for show.

Mr. Chairman, in a remonstrance against further naval increases, which was recently sent to Congress by several hundred of the leading clergymen of the city of New York and by 150 ministers of Boston, I find the following language:

> Sixty-five per cent of the national income is now expended on war, past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard the reduction in the armaments of the world, for which we have so long been waiting. The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties which these demands seem to ignore.

This is the whole case in a nutshell. But do we realize the gravity of the indictment which the church hurls against us in these words, namely, that instead of continuing our peace preparations in deference to American professions at The Hague we are going back on our word and, by our bad example, are stimulating other nations to feverish preparations for war? Is this the mission of a Republic as the fathers have understood that mission? Is it in accord with that American policy, already referred to, which the founders of the Republic have laid down and which, by the baptism of experience, has become a national maxim? No, gentleman, every American impulse drives us in the opposite direction. We thoughtlessly reiterate the phrase that we are building battle ships to preserve the peace. It is the merest cant. Why not be honest? Why not say, "We want them to lick the other fellow in case of trouble?"

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARTHOLDT. Will the gentleman from Tennessee give me three minutes more?

Mr. PADGETT. I would be glad to, but my time is more than promised.

Mr. HOBSON. With the permission of the gentleman from Tennessee in charge of the time, I will yield five minutes of my time to the gentleman from Missouri.

Mr. BARTHOLDT. I thank the gentleman from Alabama.

If we honestly want peace, Mr. Chairman, we should prepare for peace. And of all the nations on earth, we Americans should be the last to accept a peace which is offered only on the points of bayonets, because that peace is the kind despots graciously offered their subjects at all times, even in the darkest periods of the world's history. To secure it we need no arbitration treaties and peace conferences. But in this enlightened age the people are entitled to a peace based on right

and not on might. A new era has dawned upon the human family since in 1899 the nations first came together to proclaim law as a substitute for war. The question is, Shall we go forward or backward? One government must take it upon itself to call a halt in armaments, not by paper resolutions, but by actual example, and there is no country on earth which is in so fortunate a position to do it as is the United States. We have no enemy. We are isolated. Our Navy is big enough for our protection. We have no axes to grind and none except peaceful conquests to make.

No suspicion of weakness could attach to our good example, because all the world knows that we are richer in actual wealth and resources than any other nation. And now is the time, because the development of international law, the better organization of nations in mutual respect, and the multiplication of treaties of arbitration constitute the dominant note in contemporary history. The war against war is the commanding cause of to-day, as the war against slavery was the commanding cause of the period before us—that is, in the language of Andrew Carnegie:

The great duty of our generation is to put a stop to man killing, as the great work of Lincoln's generation was to put a stop to man selling.

May the United States lead in this sacred cause! There is more glory in it in one day than on a hundred battlefields in a thousand years. [Prolonged applause on both sides of the Chamber.]

[Mr. SIMS addressed the committee. See Appendix.]

Mr. PADGETT. Mr. Chairman, I yield thirty minutes to the gentleman from Missouri [Mr. LAMAR].

Mr. LAMAR of Missouri. Mr. Chairman, while we are in the Committee of the Whole House on the state of the Union I desire to submit a few remarks which I trust may not be inappropriate.

Thousands of years ago the command was given to Moses and written upon tables of stone, "Remember the Sabbath day to keep it holy." Almost every State in this Union, if not all, have on their statute books legislation in some form or another prohibiting the violation of the Sabbath day, but it seems that the men who have molded and shaped the legislation of the nation have neglected to enact such a law for the District of Columbia.

Some weeks ago, while looking over the Monday morning's paper, I found that on the day previous a minister in this city had delivered a sermon on Sabbath observance, and had therein made a statement that there is no law in the District of Columbia prohibiting work on Sunday or forbidding the sale of goods, wares, and merchandise on the Sabbath. I was very much surprised and thought that, undoubtedly, the author of the remark must be mistaken. On reaching the Capitol I went to the library and examined the District Code, and could find no law on the subject.

In order to be sure, however, I called up the office of Major Sylvester and inquired about it and received a reply that the minister was correct, and that there was and is no law in the District of Columbia requiring the observance of the Sabbath day. I immediately framed and introduced a bill modeled largely after the statutes of my own State, prohibiting work (except work of necessity and charity) and prohibiting the sale of goods, wares, and merchandise in the District of Columbia on Sunday. That bill is now pending before the Committee on the District of Columbia, and I desire to discuss it to some extent, or, rather, to discuss the reasons why the Sabbath is not reverenced as it once was, and some of the conditions of the present age which are, in my judgment, responsible for the present tendencies to Sabbath desecration.

"But how the subject theme may gang
Let Time and Chance determine;
Perhaps it may turn out a song;
Perhaps it may turn out a sermon."

I would not abandon the improvements and advantages of the age, but in the wake of the good some evils are following; together with the virtues are linked some vices. I confess that all this riotous, confusing, bewildering bustle and energy of the age which our materialistic progress and rapid advance have brought in their wake indicate to me tendencies which I do not believe promote true progress or elevate humanity.

"'Tis not in titles nor in rank,
'Tis not in wealth like London Bank,
Can make us truly blest;
If Happiness ha'e not her seat and center in the breast,
We may be wise or rich or great, but never can be blest."

This seems to be an age of materialism; an age when the notion that happiness must come from without and not from within appears to have seized upon us all; an age when the practical seems to have smothered and strangled the ideal and when the doctrine seems to have gained full acceptance that happiness can only be attained through the acquirement of our most selfish ambitions. With one, perhaps, it is social preferment, with another political honors, and with others professional reputation, and with the great mass the acquirement of wealth; and, forgetting all else, forgetting and neglecting the development of the better elements of humanity, and each goes through the days and weeks and years, chasing this chimera, this phantom of a delusive hope, until the grave claims him, forgetting that—

"The boast of heraldry, the pomp of pow'r,
And all that beauty, all that wealth e'er gave,
Await alike the inevitable hour.
The paths of glory lead but to the grave."

With the evolution of our modern civilization many of the conditions and circumstances which made possible that high development of mental and physical vigor which has characterized American manhood is vanishing, and men are rapidly losing much of that brawny physical development and that spirit of self-reliance which enabled our fathers to carve States out of a virgin wilderness, and to lay the foundations of our present national greatness. Man's life to-day in the busy whirl of the city and in the congested centers of our population is along the line of specifics; to eat and drink and sleep and work, and almost think by some street car time-table; in all of the varied branches of industry large establishments are reaching out and swallowing up the smaller, and the work is apportioned and subdivided, so that it makes a machine of a man.

I am told that more than 200 different men contribute to the work of finishing a single shoe; each has his own particular employment; learns nothing else; knows nothing else, but to toil at a single bench so many hours each day from day to day and year to year. To turn a single crank or do a single piece of work reduces the man to an automaton, destroys his self-reliance and independence, makes of him a machine that unfits him for everything else, saps his vitality, and places the hundreds of thousands of laboring men at the mercy of their employers, and destroys the sturdy spirit of self-reliance which a century ago impelled men to go forth into a wilderness and subdue a continent and lay the foundations for our future civilization. [Applause.]

This tendency not only reaches the day laborer, but embraces within its influences all the varied business interests and the professions. This is an age of specialties and specifics. The broadax is being displaced by the keener and more polished razor blade. In the legal profession, in the cities, much of the work is done by large firms, which employ their men at a salary, each man having his own specific work in the profession and paying no attention to any other; and the young men now graduating from our law schools, in many cases, instead of launching out upon an independent career and relying upon their own strength and resources, are becoming clerks at a salary in the offices of these firms, and enter upon the ceaseless grind of the same routine day after day, until a wrecked constitution and a sapped manhood tell the result at thirty-five or forty.

Day after day they rise, glance over the headlines of a metropolitan paper while at breakfast; pass over the same street car lines, enter the same office at the same time, see the same walls, discuss business at lunch, go home at the same hour every evening, follow a ceaseless routine which robs life of its zest, and takes away its ambitions and aspirations and renders impossible that growth and development which makes an all-round man; and this is the life experience of thousands of busy business men. They have no time for the cultivation of their higher nature; no time to educate the ethical and moral side of their being; and by 35 or 40 they are dyspeptics, their hopes and their ambitions starved and their manhood dwarfed by the conditions attending the spirit of the age.

And this moving, seething, restless, consuming rush to reach the front of the procession and keep in touch with the spirit of the times and maintain their place against the fierce competition of the age; pervades all the industrial and social world, all the avenues of life, and even reaches into childhood with its blighting influences. Children are born amid such surroundings and into this atmosphere. Boys, as soon as they are large enough to wear knee pants and speak distinctly, are put in positions as bell boys, messenger boys, elevator boys, etc., and join the mad rush and whirl and become prematurely old, instead of spending the days of innocent childhood in the development of brain and muscle, inhaling and absorbing strength of mind and body, and developing those powers and faculties which will give them that vigor and strength so necessary for a useful and happy manhood. I am really sorry for the boy that has never known the experience of running through a brier patch

barefooted, of having colic from eating green apples, or has never had a stone bruise on his heel. [Laughter and applause.]

It was in savage time that woman was a slave and served her master in menial tasks. We are fast on the road to a new savagery. The journey began when the discovery of machinery and the factory system took the place of the man and the tool. Greedy employers bade the delicate fingers of womanhood and the dimpled hand of childhood grasp the fallen task, and haggard faces and puny frames are to be seen as the result in our manufacturing cities. But economic conditions know no chivalry.

The census of 1900 shows there were at that time five and one-quarter millions of female breadwinners in the United States, and a majority of them were under the ages of 25 years. There were at that time nearly 500,000 girls between 10 and 15 years of age earning their own living. The great fact of the last decade is the enormous increase of working girls under the age of 18 years. The number of breadwinners among the women in the continent in the United States increased from 2,353,000 in 1880 to 4,833,000 in 1900, an increase of more than 105 per cent.

Twenty per cent, or one-fifth of the women in the country over the age of 16 years, in 1900 were earning their own living. The tendency is toward the labor of women and children because it is cheaper. In 1900 more than 1,000,000 women were engaged in earning their own living who would not have been in such occupations had conditions and tendencies remained the same as they were in 1880.

Women constitute 73 per cent of the teachers and professors in colleges, 83 per cent of the boarding-house keepers, 86 per cent of the launderers, 82 per cent of the servants and waiters, 28 per cent of the clerks and copyists, 31 per cent of the packers and shippers, 76 per cent of the stenographers and typewriters, 81 per cent of the paper box manufacturers, 29 per cent of the telephone operators, 50 per cent of the bookbinders, 62 per cent of the glove manufacturers, 50 per cent of the operatives in textile mills, 42 per cent of the operatives in carpet factories, 48 per cent of the cotton-mill operatives, 72 per cent of the operatives in hosiery and knitting mills, 58 per cent of the silk operatives, 40 per cent of the woolen-mill operatives, 77 per cent of the textile workers, 99 per cent of the dressmakers, 96 per cent of the seamstresses, 77 per cent of the collar and cuff makers, and 69 per cent of the other textile workers.

A large part of the manufacturing of the United States is now done by women. In the meantime we are sapping the strength of the nation by draining the life of its future mothers. We may well be ashamed of the appliances of the age when we remember that they mean the lifeblood and the agony of delicate womanhood, the paralysis of our homes, the stopping and decay of that abounding physical vigor and vitality which has marked us for a century; because America has been hitherto the paradise of woman. Make our women beasts of burden and the doom of our strength is at hand. No army can be more vigorous than the mothers who bore them.

Within the last few years we have had a curious type of woman, a kind of prodigy; "the new woman," who thinks home life and motherhood a disgrace; whose highest ideal seems to be to check and smother and utterly eliminate from her nature all those attributes of tenderness and modesty which have ever been the chief charm of her sex and have always inspired a spirit of reverence and chivalry in manhood. The chief ambition of the new woman seems to be to spend as much time as possible at the club and as little as possible in the home, to clamor for the ballot and the lecture platform, and bestow her affections on a poodle dog. The woman who calls to our minds the thoughts of angels and heaven is not the new woman on the lecture platform, the one marking the ballot, nor the modern club woman, but the one around the hearthstone. The purest altar from which a prayer ever ascended was from a mother's knee, and the holiest, sweetest recollection man ever had were of home, childhood, and mother. If anything on earth, within the range of human possibilities, can move an angel to rejoice and strike the golden harp with a sweeter refrain it is a mother singing lullabies around the cradle of infancy, and making the home what the dear old simple homes of the land were to many of the present generation, a heaven on earth, a paradise of sweet memories for all coming years.

"But forever and forever,
As long as the river flows,
As long as the heart has passions,
As long as life has woes."

Such memories as in after years, when careworn and heartsick, carry us back to the sunny days of childhood, and prompt the plaintive cry of the tried soul—

"Backward, turn backward, O Time in your flight,
Make me a child again, just for to-night."

We may for a passing moment admire the tinsel and the glitter of the fashionable belle; but we worship and revere, and would die for, the mother that taught our infant lips to lisp their first prayer. It is an enigma why women aspire to be masculine. All experience and all history teach us that it is the womanly woman that commands the respect and admiration of her own and succeeding generations. It is that type of woman whom the artists have delighted to paint, and whom the poets have been inspired to describe.

Mrs. Browning's "Aurora Leigh," Tennyson's "Dora," "Ami," "Maud," and "The Princess," Owen Meredith's "Lucile," Longfellow's "Evangeline," Whittier's "Maud Muller," and Burns's "Highland Mary" could never have been conceived or written of the "new woman."

If the new woman had been in fashion when Byron lived, instead of writing the lovely lines—

"She walks in beauty like the night,
Of cloudless climes and starry skies,"

he probably would have written—

She walks in bloomers sorter tight,
The cynosure of staring eyes.

[Applause.]

If Whittier were writing Maud Muller now, instead of saying—

"Maud Muller, on a summer's day
Raked the meadow sweet with hay,"

he probably would write—

Maud Muller, on a summer's day,
Got on her "bike" and sped away,
'Neath her plug hat glowed the wealth
Of manlike beauty and buxom health.

[Applause.]

We are departing from the old landmarks. Not only the old methods and old social customs, but the old literature and the old books are abandoned; and I might say that during this Administration the Constitution of the fathers is unheeded and disregarded. It seems to be an age when we are launching out on a new sea without chart or compass. [Applause.]

The very intellectual atmosphere which surrounds us, and into which our children are born and in which they live and grow to mature years, is surcharged with the spirit of this bewildering restlessness of the twentieth century and perverting the literary tastes of modern society, to satisfy which a sensational press is continually pouring into the homes of the nation literature breathing doctrines and sentiments which half a century ago the fathers and mothers would have banished from their homes as deadly poison. The editions of Trilby and Quo Vadis—the one a biography of a habitué of the Latin Quarter of Paris, and the other depicting scenes of licentiousness and debauchery which would bring a blush of shame to the cheek of a courtesan—run into the hundreds of thousands, set in a flutter the literary folk of two continents; while the old masters who furnished the intellectual food and strength and inspiration of a generation ago are neglected. The presses of the country are continually pouring forth a mass of literature to satisfy the morbid tastes of the present generation. Three Weeks runs into hundreds of thousands, and must be read if one is to discuss literary matters in a fashionable parlor. But does anyone believe his wife, daughter, or sister would be a wiser, purer, or better woman for having read it?

Run over the list of books advertised by the leading publishers of to-day, the editions of some of which run into the hundreds of thousands, and whose sales in the last decade have been at the head of the list, and how barren they are of any thought or sentiment calculated to strengthen the mind or furnish food for the soul. James Lane Allen's Reign of Law is rank infidelity. The Chofer and Life's Shop Window ought to be banished from the mails. A long list of others may engage the fancy for a passing hour, but fail to leave the mind wiser or the heart purer.

Much contained in our popular magazines, those which are supposed to present the cream of the intellectual world, breathes the spirit of iconoclasm destructive of the old landmarks and the faith of our fathers, inculcating notions of materialism and higher criticism and, too often, of absolute infidelity.

How often the old folks at home have toiled and economized and after years of self-denial sent the son in whom their affection centered and whose future held their fondest hopes to the university, that he might have a finished education, and found after a few years in a modern university that, in proportion as he learns football and attends the Greek letter societies he forgets his father's Bible and his mother's faith; that while the things supposed to make him a finished scholar were being crowded into his mind the lessons learned around the hearthstone were smothered out; that with his lessons in science,

as taught to him by the modern lecturer, came the conviction that the account of creation is a myth and the Gospel of the Evangelists a superstition. Not only are these sentiments and notions eating like a cancer into the heart of society and the industrial world, but they are even reaching into the domain of the church, invading the sanctuary and laying hold upon the very horns of the altar. [Applause.]

I noticed in one of the metropolitan papers not many months ago that one of the fashionable churches in New York City had adopted a rule that at each Sunday evening service all the worshipers must appear in full evening dress.

At the congress of religions held in Buffalo during the Pan-American Exposition a divine of the city of Chicago said:

I believe in dancing and card playing; I would turn the church vestry, if I had no other place, into a hall for dancing. I'd have billiard and pool tables, and I'd have card playing under the auspices of the church.

And, no doubt, in a short time we will hear from some other exponent of modern religion that a saloon in the basement and a poker table in the attic are valuable adjuncts to a modern church.

Some of the so-called "evangelists," with their sensational methods, would find a more fitting place on the stage of a cheap vaudeville theater than in a pulpit in a house of worship.

I am sincerely glad that in the rural districts less of these tendencies and influences exist than anywhere else. I am glad that there at least the old simplicity and the old-time virtue that gave strength and vigor to our fathers and our mothers are yet honored and are not forgotten; that the old songs and the old religion and the old faith are not yet relegated to the realms of superstition; and if our nation is to endure and our institutions be handed down unimpaired to the coming generations, it is from these sources that our national vigor and our industrial strength must be fed and nourished. It has been and will ever be from these sources that the great, brawny, sturdy, independent individualities who leave their mark upon the nation and upon the history of the world will come, those who will stand as the sentinels upon the watch-towers of human liberty and whose influences will be felt in shaping the destinies of the nation, the men whose lives will mark the milestones in the pathway by which the human race advances to higher planes of life.

The hope of the nation and of society and of religion lies in the vigor and the honor and the purity and the virtue of these great medial classes found largely in the rural population.

From scenes like these old Scotia's grandeur springs,
That makes her loved at home, revered abroad:
Princes and lords are but the breath of kings,
"An honest man's the noblest work of God."

This is largely the condition, thank God, in the district which I have the honor to represent. Down in the beautiful Missouri Ozarks, where "Dad" and "Mam," and John and Bill, and Sis and Ann meet around the family hearthstone, away from the blighting influences of modern social conditions; away from the hypocrisy and snobbery of modern society, worshiping the God of their fathers, revering the Sabbath Day; physically, morally, and intellectually the equals of any people on God's footstool; every woman a queen; every man a king; bubbling over with sturdy, robust manhood, ready to fight and to die for his family, his honor, his religion, and his country; enjoying happiness in this world and assured of happiness in the world to come.

I have read of the wonder of the ancient world, the hanging gardens of Babylon, which Nebuchadnezzar reared in graceful terraces high above the brazen gates of the city, to remind his Median wife of her mountain home, and I have read in the Odyssey of that land of delight, the island of the lotos-eaters, of which Tennyson draws this beautiful picture:

How sweet it were, hearing the downward stream, with half-shut eyes, to ever seem, falling asleep in a half dream.

But certainly the garden spot of the modern world is in the Mississippi Valley, with its sun-kissed mountains and broad rolling prairies. The paradise of the twentieth century civilization, there in our magnificent, fertile, and majestic Missouri, with her blue sky, her pellucid streams, her balmy air, her gorgeous sunsets, and her everlasting hills. We may visit the famed galleries of the world, and feast our æsthetic tastes upon the masterpieces of Raphael, Rembrandt, and Angelo, Reynolds, and Vandyke, but no painter's brush ever has, or ever can, produce on canvas half the glory and majesty and sublimity of an autumn sunset in the Ozark Hills, with the golden sunlight gilding the tree tops and throwing over and about the variegated foliage its soft and mellow radiance. [Applause.]

Beethoven and Mozart, Mendelssohn and Handel and Wagner have poured forth a flood of melody and harmony which will delight the ears of mankind while civilization lasts, but it can never inspire that feeling of buoyancy and exhilaration, that bubbling joy and gladness which is felt by the barefoot boy as he listens to the morning song of the mocking bird, the robin, and the lark as they flit from limb to limb, while the sunlight glistens on the dew, and the very air he breathes is full of life and gladness. [Applause.]

It is inspiring to know that the great apostle of the Democratic party, he whose name is already inscribed in the hearts of his followers and will be inscribed on our banner in the coming campaign, is an example of all these Christian virtues; is an apostle of a pure life and the believer in a clean literature, an advocate of the old-fashioned home; and it is these virtues and graces, added to his being an exponent of the great economic questions for which his party and the common people stand, that has endeared him to a greater number of American citizens than perhaps any other one man in the history of the country; which has made him the nominee of his party twice and given him the largest popular vote ever received by a Presidential candidate in the United States, and which will again make him the nominee of his party, and will elect him the President of his country and land him in the White House in 1909 a Christian President of a Christian nation. [Applause on the Democratic side.]

Mr. PADGETT. Mr. Chairman, I now yield twenty minutes to the gentleman from Ohio [Mr. TOU VELLE].

Mr. TOU VELLE. Mr. Chairman, one of the characteristics of our civilization is its tendency to honor those who have borne arms in its defense—to build monuments to the men who have gone gallantly to death in their devotion to duty and the higher calls of the soul.

England has planted a triumphal stone on the blood-stained field of Waterloo, while on Trafalgar square, London, an illustrious shaft shoots upward to the sky, an imperishable monument to British heroism, daring, and loyalty. Near Niagara Falls another monument greets the eye, reared to the memory of General Brock and the soldiers who fell at that spot in their contest with American arms. We find them in every civilized country, the monumental signatures of immortality—the tribute of the living to the immortal dead.

Nor have we as Americans been intentionally lax in our tributes of respect to our own immortal dead who were killed in our Revolutionary and other wars. We have built monuments at Saratoga and at Kings Mountain in memory of the brave men who dedicated their lives at these places, the two great turning points in our struggle for liberty. Monuments grace our fair land from one end to the other, attesting the heroism of our soldiers in the war of 1812, the Florida Indian wars, the Mexican war, and the great titanic struggle between the sections in 1861. Monuments at Bennington, Bunker Hill, Savannah, and elsewhere lend inspiration to the living by teaching us how our warriors died. No one can object to any of these, nor to all of them. Certainly to look upon them fills every truly American heart with patriotic pride.

It is a great pleasure for me to ask, not that we build fewer, but that we build more, and the number be made to include a spot which should never become a forgotten page in our history. I have introduced a bill to appropriate $35,000 for the erection of a monument to the illustrious dead who fell fighting on two occasions on the selfsame ground—on the spot which marks the scene of St. Clair's defeat and where afterwards Fort Recovery was erected and so gallantly defended—and in the opinion of every soldier and citizen this body will not only honor the brave men who died on these occasions, but also honor itself by voting for the appropriation I ask.

I come from a region once the home of the Indian to ask the Congress of the United States to build a monument to mark a spot made glorious and deathlessly magnificent by the heroism of the American soldiery in a great struggle which wrested Ohio and Indiana from the control of a savage foe and added their men, their soil, and their influence to the all-conquering power of American civilization. [Applause.]

Lest we forget the heroism of these men and the prize they won for American arms and glory, I beg to be excused for describing these almost forgotten battles, St. Clair's defeat and Wayne's victory, and for enumerating some of the almost forgotten dead.

The West was to be won for civilization, and in pursuance of this decree the Government, through President Washington, sent General St. Clair with two regiments of Regulars and a few Kentucky Militia to establish a military post at the Miami village at the junction of the St. Mary and St. Joseph rivers, now Fort Wayne, Ind., with intermediate points of communication between that point and Fort Washington, now Cincinnati, as a most effectual means of preventing hostilities on the part of the Indians.

After building Fort Hamilton and Fort Jefferson, on the 24th of October General St. Clair began his toilsome march north through the wilderness, cutting that immortal road which has been called "the great Indian trace," or "St. Clair's Wilderness road." On the 3d of November, with a small army of less than 1,500 men, he arrived at a plateau on the east bank of the Wabash River and went into camp. It was General St. Clair's intention to camp here until he could receive supplies and reenforcements. He made the tremendous mistake of not considering the moves of his cunning and bloodthirsty antagonists.

All through the night of the 3d of November the Kentucky Militia complained of "seeing and hearing things," things which to their frontier minds indicated Indian proximity, Indian signs, and Indian danger. So much did these mysterious signs impress them that notice was sent back to General Butler in the night, who held it so slightly and of so little importance as not even to report it to General St. Clair. At daybreak on the 4th of November, 1791, the Indians surprised St. Clair exactly as they had General Braddock forty years before. Two thousand Indians in ambush poured their deadly rifle balls into the ranks of the undisciplined militia, who, seeing no foe, yet beholding their comrades fall on every side, became demoralized and fled to the cover of the Regulars across the river. Brave Colonel Oldham, in a vain effort to rally them, went down to his death.

The Regulars sprang to their arms and fought like heroes against their unseen foes. It was an unequal struggle, however, and they were slowly reduced to the demoralized state of the militia. The Indians had been gathering in great force for weeks on the Miami and Wabash rivers, and combined the fighting braves of the Wyandottes, the Miamis, the Shawnees, Ottawas, Sacs, Foxes, Pottawatomies, and many others from distant Lake Superior. They were commanded by the great chiefs, Little Turtle, Blue Jacket, and Black Eagle, to say nothing of the renegades, Girty and Blackstaffe.

From every side they poured volley after volley into the American ranks, but from no point of the compass was an Indian to be seen. General Butler ordered the cannon to be fired, which was done. Cannon balls crashed through the forest, mowing down trees and scattering undergrowth, without injury to the Indians. The thunderous echoes of the discharge came back upon the ears of our soldiers, coupled with the mocking shouts of the savages, who, from some other point, yelled defiance. The black smoke rose and fell, but the gunners, like the riflemen, saw no target.

Cavalrymen sprang upon their horses and galloped into the woods, but the fire from behind logs and trees soon emptied the saddles, with no one able to see where the firing came from. Regular troops, with cannon in the center and on the flanks, reckless of death, charged among the trees; the warriors melted away before them, and lo, no foe was there! When they fell back upon the mass of the army, however, the Indians swarmed again on every side, their bullets striking on human bodies like the pattering of raindrops on the water.

"Oh, God," groaned a Regular, "If I could only see a single enemy, see something to shoot at," and the next instant that Regular fell dead, shot by a hidden foe.

General Butler was wounded, and General St. Clair, just off a sick couch, was everywhere present rallying his men. Artillery horses were shot down, the groans of the wounded animals being the most pathetic sounds heard on the battlefield. Officers fell like sheep in the shambles, their bravery and epaulets furnishing targets for the savage foe. Step by step the army was driven more and more to the center, steadily down to defeat.

A ball striking General Butler in the side, he fell. Two soldiers carried him to a great heap of knapsacks and propped him up, well knowing that he had met his fate. A savage chief, the great Hoyoquim, the Black Eagle of the Wyandottes, sprang to General Butler's side and with one swift tomahawk stroke clove the General's head to the neck and then quickly escaped to cover. The dead dozens at first became scores and then hundreds. Every one of the Regular officers were killed or wounded. Still the men fought on without officers, fighting bravely for their lives. But the battle was lost beyond all saving, and with over half the army dead or wounded the bugle call for retreat was sounded.

Back over the "Wilderness road" went the fugitives, hard pressed at every step by their victorious foes. The savages knew they had destroyed one-half of the American army, and now redoubled their efforts to destroy the other half. The more experienced frontiersmen shouted, "Every man to his gun and every man to a tree!" and for 5 miles these tactics were employed by our retreating soldiers, until at last the savages gave up the pursuit.

A sad day was that! Gen. Richard Butler dead; Colonel Oldham dead; 3 majors, Ferguson, Hart, and Clark, dead; 12 captains, Bradford Phelan, Kirkwood, Price, Van Swearingen, Tipton, Purdy, Smith, Piatt, Gaither, Crebbs, and Newman, called to their long home; 10 lieutenants, Spear, Warren, Boyd, McMath, Burgess, Kelso, Read, Little, Hopper, and Likens, summoned to their eternal rest; 8 ensigns, Cobb, Balch, Chase, Turner, Wilson, Brooks, Beatty, and Purdy, down to rise no more; 2 quartermasters, 2 adjutants, and 23 other officers, besides 630 American soldiers, had paid the full measure of devotion to their country, and their fate was the Indian tomahawk and scalping knife and their remains left to bleach and rot on that ill-fated battlefield.

If fame is the fragrance of heroic deeds, then are these men entitled to the rewards of fame and a grateful country should hasten to pay the debt it owes. Cicero called gratitude the mother of all virtues, and a virtuous and grateful country can not longer wait to show its affection and reverence for these illustrious men. [Applause.] Gratitude is not only the memory we carry in mind, but the homage of the heart speaking in befitting monuments. An earthly immortality belongs to every brave soldier, and he is entitled to be embalmed with the monuments of his country.

Something more than two years later Gen. Anthony Wayne with his conquering legion recaptured this old battle ground, and on the spot where General St. Clair was defeated erected a double log fort, which, in honor of the event, he named "Fort Recovery." Somewhat later, in 1794, another battle was fought at Fort Recovery, continuing for two days, in which Major McMahon, Captain Hartshorn, Lieutenant Craig, and 19 other officers and 120 soldiers laid down their lives in a victorious defense of the old fort against almost overwhelming odds.

On September 10, 1851, on a day never to be forgotten, 5,000 citizens of this country gathered at Fort Recovery to honor these illustrious dead by a reinterment of their bones.

These citizens provided thirteen gigantic coffins for the reception of the bones. Thirteen caskets! What a remarkable number! The men who once animated these bones were from every State in the Union. These men came from each of the thirteen old Colonies, the magnificent forerunners of the original thirteen States. These heroes had fought for the independence of the Colonies and were citizens of the thirteen States. As ragged Continental soldiers they had upheld the doctrine of American freedom against British aggression and had emerged from that splendid struggle as victorious soldiers of a new-born nation.

They had seen service with Washington, and Greene, and Marion, and were led at the time of their death by the great Revolutionary generals, St. Clair, Butler, and Wayne. These bones, in the aggregate, represented the Continental soldiery of every colony from Massachusetts to Georgia, and in their totality represented the proud glories of Bunker Hill, of Saratoga, Princeton, Trenton, Kings Mountain, Camden, and Yorktown. These were the bones of an illustrious phalanx of Revolutionary heroes, and it was singularly appropriate that thirteen caskets, representing the glorious old thirteen colonies for which they fought in their younger days, and the thirteen States, constituting the latest-born nation of the earth, for which they laid down their lives, should be selected to hold their remains. The assembled bones of these soldiers required caskets of great size and 104 pallbearers for their manipulation. Gen. James Watson Riley directed the ceremonies, and a procession more than a mile in length accompanied the caskets to their last resting place in the graves on the very ground made famous by their death.

It is our supreme duty to preserve the liberties and the institutions for which these heroes laid down their lives. We enjoy these gifts as an inheritance won for us by these illustrious fathers. Living, these patriots were animated by a single purpose; the cause of one was the cause of all.

"In this harmony and unity is crystallized all the poetry and beauty, not only of nationality, but also of social unity and personal brotherhood. Let the youth of to-day be taught to properly appreciate the privileges they enjoy; let them be impressed with the sacrifices these institutions cost; and above all, let them be taught the true principles of government, and the future of our land will be most triumphantly assured." The monuments we rear to our soldier dead are milestones of educative progress for our youth, pointing them to the deeds of their fathers and exhorting them to follow in their illustrious steps. Let them meet arches and memorial shafts everywhere, in order that the fire of patriotism may not be dimmed in their hearts, nor the great American love of country go out forever. [Applause.]

Looking outward across the beautiful Potomac you see spread before you America's magnificent resting place for its illustrious dead—the Arlington of American patriotism and devotion. From the triumphal shafts which mark the graves of the officers we turn aside to look upon the resting place of an army of private soldiers. Beneath the grand old trees these white stones glisten, not so grand and stately, but none the less sacred to the American people.

All honor to Arlington and still greater honor to the sentiment which makes Arlington great.

"They gave their honors to the world,
Their blessed part to heaven,
And sleep in peace."

But is that enough? Shall these deathless heroes be covered with the trappings of glory while the heroes of Fort Recovery rest in the ashes of oblivion and sleep on forever in unmarked graves? Has the devotion which created Arlington fled from the minds of men? Are we as a nation exhausted by the tremendous accomplishments of our past and thereby excluded from further anticipation in deeds of honor and devotion for the future? Has the soul fire of love burned to the socket, reducing future Arlingtons and future monuments to the level of sentimentality? Do we acknowledge ourselves surpassed in deeds of love and sit down to recount our departed glory and strength? God forbid such a fate. Let us hope that what we have done is but the beginning of what we will yet do in the future to prove our appreciation of our heroic dead.

We are a great, a rich, a most powerful nation, with an influence that makes itself felt in every part of the habitable globe. We spend millions of dollars on hundreds of objects to maintain our proud position among the peoples of the earth. Shall we hesitate to spend a few thousand dollars on a monument for our soldier dead? Are we too poor to honor the graves of men who died that our greatness and wealth might be increased a hundred, yes, a thousand fold? What are $35,000 compared with the heroism, the sacrifice, the self-abnegation, and the memory of this immortal thousand that sleep in oblivion on the battle ground of St. Clair's defeat, and the selfsame battle ground of Wayne's decisive triumph? Shall we save money at the expense of our gratitude, at the expense of our devotion, at the expense of all our higher and nobler parts? Shall we forget the dead in order to save our gains? Is the great home in the American hearts not large enough to admit to honorable place the memory of the thousand Revolutionary soldiers that sleep at Fort Recovery, forgotten for more than one hundred years? Of the millions we spent on the Army, the Navy, the Philippines, the Panama Canal, and other worthy objects, can not a crumb be dropped to honor the memory of dead like the illustrious dead at Fort Recovery?

One of our great American poets has said:

And does Columbia love her dead?
No word of praise or honor can be said,
No language has been given to our race,
No monument has majesty or grace,
Naught that can feeling to expression wed,
May say how well we love our soldier dead.

Are these words but flowers of our language gathered into a beautiful bouquet and used by soldiers and citizens on Decoration Days merely, or are they the outpouring of the soul binding us by action and gratitude to heroes we praise and revere? The tenderest and best words become anchors of hope and levers of power when they impel us to proclaim by act and deed a sentiment of devotion for the dead—a sentiment which should nestle proudly and securely in its rightful home, the heart of the true American. [Applause.]

Monuments elongate the memories of heroes and emphasize their transcendent virtues. They are, in fact, beacons planted on the grave of virtue pointing proudly to heaven. Great deeds shall live on and on forever, and this monumental shaft of love insures their perpetuity.

I do not ask for much. My bill calls for a pittance, and a miserable pittance at that. Soldiers who walk boldly into battle for their country and are carried out of it deserve a register greater than the weeds of oblivion, for they loved their country's good more than they loved their lives. They were armed sentinels, guarding liberty, innocence, and right, and deserve the tribute I ask. To honor these men is our present duty, and every duty we omit obscures some truth. Truths are the clothes of the dead, and we shall but pay a tardy debt when we proclaim by the monument that we shall build the truths concerning the heroes of Fort Recovery. [Applause.]

It is to the everlasting credit of the late Senator Hanna, one of Ohio's great statesmen, that he felt the force of this demand. Before his death he introduced a bill having for its object to the very thing that I am asking now.

Mr. Chairman, every man sleeping in these unmarked graves was an American—a hero—every one of them contributed an undying part to the winning of the West; many of them were soldiers of the Revolutionary war—men who, from 1776 to 1783, fought to create the country, at whose after call they gave their lives in 1791 or 1794. They dared the death call of the haughty English foe in our war for independence; they dared the wilderness of the West and died on a field of splendid glory. That field, baptized by tears and dedicated in the blood of our fathers, should be sacred to every American heart and marked by a monument as indestructible as the cause for which they died, and the Government of the United States will not have given these soldiers their just measure of reward until it marks their graves and the ground on which they fell with an imperishable shaft, carrying their memory onward and outward to endless time. [Applause.] Erect it, Mr. Chairman, on the spot where the ashes of these heroes now rest; where they were reinterred with military honors one hundred years after General St. Clair's defeat, and let our country receive the blessings that are bestowed upon the just.

[Senate Report No. 1175. Fifty-eighth Congress, second session.]

For the erection of a memorial structure at Fort Recovery, Ohio.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to erect a suitable memorial structure on the grounds at Fort Recovery, Ohio, where lie buried the remains of Gen. Richard Butler, 630 American soldiers, and 61 officers, who, while under the command of General St. Clair, were slaughtered by the Indians of the Northwest Territory at the battle of Fort Recovery, Ohio, on the morning of November 4, 1791.

SEC. 2. That for the above purpose the sum of $25,000, or as much of said sum as may be necessary, be hereby appropriated, from any moneys in the Treasury not otherwise appropriated. This sum shall be expended by direction of the Secretary of War or such officers as he may designate: *Provided*, That the money hereby appropriated shall be drawn from time to time only as may be required during the progress of the work and under the requisition of the Secretary.

They report the same favorably, with an amendment.

On page 1, line 4, after the word "memorial," strike out the word "structure" and insert in lieu thereof the word "monument."

As amended it is recommended that the bill do pass.

The proposed legislation has for its purpose the suitable marking of the burial place of Gen. Richard Butler, 61 other officers, and about 630 American soldiers who were slaughtered by the Indians at Fort Recovery, Ohio, while under the command of Gen. Arthur St. Clair.

The battle occurred on November 4, 1791, but the killed were not buried until the following January, at which time a detachment of 150 Kentucky volunteers, under the command of Gen. James Wilkinson, was sent to perform that duty.

The following extracts from The Winning of the West (vol. 4) fully set forth the great disadvantage under which the Americans were compelled to conduct hostilities:

"On November 3 the doomed army, now reduced to a total of about 1,400 men, camped on the eastern fork of the Wabash, high up, where it was but 20 yards wide. There was snow on the ground and the little pools were skimmed with ice. The camp was on a narrow rise of ground where the troops were cramped together, the artillery and most of the horses in the middle. On both flanks, and along most of the rear, the ground was low and wet. All around the wintry woods lay in frozen silence. In front the militia were thrown across the creek and nearly a quarter of a mile beyond the rest of the troops. Parties of Indians were seen during the afternoon, and they skulked around the lines at night, so that the sentinels frequently fired at them. * * *

"On November 4 the men were under arms, as usual, by dawn, St. Clair intending to throw up entrenchments and then make a forced march in light order against the Indian towns. But he was forestalled. Soon after sunrise, just as the men were dismissed from parade, a sudden assault was made upon the militia, who lay unprotected beyond the creek. The unexpectedness and fury of the onset, the heavy firing, and the appalling whoops and yells of the throngs of painted savages threw the militia into disorder. After a few moments' resistance they broke and fled in wild panic to the camp of the Regulars, among whom they drove in a frightened herd, spreading dismay and confusion.

"The drums beat and the troops sprang to arms as soon as they heard the heavy firing at the front; and their volleys for a moment checked the onrush of the plumed woodland warriors. But the check availed nothing. The braves filed off to one side and the other, completely surrounded the camp, killed or drove in the guards and pickets, and then advanced close to the main lines.

"A furious battle followed. After the first onset the Indians fought in silence, no sound coming from them save the incessant rattle of their fire, as they crept from log to log, from tree to tree, ever closer and closer. The soldiers stood in close order, in the open; their musketry and artillery fire made a tremendous noise, but did little damage to a foe they could hardly see. Now and then, through the hanging smoke, terrible figures flitted, painted black and red, the feathers of the hawk and eagle braided in their long scalp-locks; but save for these glimpses the soldiers knew the presence of their somber enemy only from the fearful rapidity with which their comrades fell dead and wounded in the ranks. They never even knew the members or leaders of the Indians. * * * It is said that the chief who led them, both in council and in battle, was Little Turtle, the Miami. At any rate, there were present all the chiefs and picked warriors of the Delawares, Shawnees, Wyandots, and Miamis, and all the most reckless and adventurous young braves from among the Iroquois and the Indians of the Upper Lakes, as well as many of the ferocious whites and half-breeds who dwelt in the Indian villages.

"The Indians fought with the utmost boldness and ferocity, and with the utmost skill and caution. Under cover of the smoke of a heavy but harmless fire from the army they came up so close that they shot the troops down as hunters slaughter a herd of standing buffalo. Watching their chance, they charged again and again with the tomahawk, gliding into close quarters, while their bewildered foes were still blindly firing into the smoke-shrouded woods. The men saw no enemy as they stood in the ranks to load and shoot. In a moment, without warning, dark faces frowned through the haze, the war axes gleamed, and on the frozen ground the weapons clattered as the soldiers fell. As the comrades of the fallen sprang forward to avenge them the lithe warriors vanished as rapidly as they had appeared, and once more the soldiers

saw before them only the dim forest and shifting smoke wreaths, with vague half glimpses of the hidden foe, while the steady singing of the Indian bullets never ceased, and on every hand the bravest and steadiest fell one by one. * * *

"Instead of being awed by the bellowing artillery, the Indians made the gunners a special object of attack. Man after man was picked off until every officer was killed but one, who was wounded, and most of the privates also were slain or disabled. The artillery was thus almost silenced, and the Indians, emboldened by success, swarmed forward and seized the guns, while at the same time a part of the left wing of the army began to shrink back. But the Indians were now on comparatively open ground, where the Regulars could see them and get at them, and under St. Clair's own leadership the troops rushed fiercely at the savages with fixed bayonets and drove them back to cover. By this time the confusion and disorder were great, while from every hollow and grass patch, from behind every stump and tree and fallen log the Indians continued their fire. Again and again the officers led forward the troops in bayonet charges, and at first the men followed them with a will. Each charge seemed for a moment to be successful, the Indians rising in swarms and running in headlong flight from the bayonets. In one of the earliest, in which Colonel Darke led his battalion, the Indians were driven several hundred yards, across the branch of the Wabash; but when the colonel halted and rallied his men he found that the savages had closed in behind him, and he had to fight his way back, while the foe he had been driving at once turned and harassed his rear. He was himself wounded and lost most of his command. On reentering camp he found the Indians again in possession of the artillery and baggage, from which they were again driven; they had already scalped the slain who lay about the guns. Maj. Thomas Butler had his thigh broken by a bullet, but he continued on horseback in command of his battalion until the end of the fight, and led his men in one of the momentarily successful bayonet charges. The only Regular regiment present lost every officer killed or wounded. The commander of the Kentucky Militia, Colonel Oldham, was killed early in the action, while trying to rally his men and damning them for cowards.

"The charging troops could accomplish nothing permanent. The men were too clumsy and ill trained in forest warfare to overtake their fleet, half-naked antagonists. The latter never received the shock; but though they fled they were nothing daunted, for they turned the instant the battalion did and followed firing. They skipped out of reach of the bayonets and came back as they pleased, and they were only visible when raised by a charge. * * *

"As the officers fell the soldiers, who at first stood up bravely enough, gradually grew disheartened. No words can paint the hopelessness and horror of such a struggle as that in which they were engaged. They were hemmed in by foes who showed no mercy and whose blows they could in no way return. If they charged, they could not overtake the Indians, and the instant the charge stopped the Indians came back. If they stood, they were shot down by an unseen enemy; and there was no stronghold, no refuge, to which to flee.

"The Indian attack was relentless and could neither be avoided, parried, nor met by counter assault. For two hours or so the troops kept up a slowly lessening resistance, but by degrees their hearts failed. The wounded had been brought toward the middle of the lines, where the baggage and tents were, and an ever-growing proportion of unwounded men joined them. In vain the officers tried by encouragement, by jeers, by blows, to drive them back to the fight. They were unnerved. * * *

"There was but one thing to do. If possible, the remnant of the army must be saved, and it could only be saved by instant flight, even at the cost of abandoning the wounded. The broad road by which the army had advanced was the only line of retreat. The artillery had already been spiked and abandoned. Most of the horses had been killed, but a few were still left, and on one of these St. Clair mounted. He gathered together those fragments of the different battalions which contained the few men who still kept heart and head and ordered them to charge and regain the road from which the savages had cut them off. Repeated orders were necessary before some of the men could be roused from their stupor sufficiently to follow the charging party, and they were only induced to move when told that it was to retreat.

"Colonel Darke and a few officers placed themselves at the head of the column, the coolest and boldest men drew up behind them, and they fell on the Indians with such fury as to force them back well beyond the road. This made an opening through which * * * the troops 'pressed like a drove of bullocks.' The Indians were surprised by the vigor of the charge and puzzled as to its object. They opened out on both sides and half the men had gone through before they fired more than a chance shot or two. They then fell on the rear and began a hot pursuit. St. Clair sent his aid, Denny, to the front to try to keep order, but neither he nor anyone else could check the flight. Major Clark tried to rally his battalion to cover the retreat, but he was killed and the effort abandoned. * * *

"Six hundred and thirty men had been killed and over 280 wounded; less than 500, only about a third of the whole number engaged in battle, remained unhurt. But one or two were taken prisoners, for the Indians butchered everybody, wounded or unwounded, who fell into their hands. * * *

"In the following January Wilkinson, with 150 mounted volunteers, marched to the battlefield to bury the slain. The weather was bitterly cold, snow lay deep on the ground, and some of the volunteers were frost-bitten. Four miles from the scene of battle, where the pursuit had ended, they began to find the bodies on the road and close alongside in the woods, whither some of the hunted creatures had turned at the last to snatch one more moment of life. Many had been dragged from under the snow and devoured by wolves. The others lay where they had fallen, showing as mounds through the smooth, white mantle that covered them. On the battlefield itself the slain lay thick, scalped, and stripped of all their clothing which the conquerors deemed worth taking. The bodies, blackened by frost and exposure, could not be identified, and they were buried in a shallow trench in the frozen ground. The volunteers then marched home.

Mr. FOSS. Mr. Chairman, I now yield twenty minutes to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, during the last few years I have several times introduced bills having for their object changes in the tariff and making modifications with reference to duties which it seemed to me were especially objectionable and especially defenseless. I will say, Mr. Chairman, that in these measures I can not flatter myself that I have received a very large degree of encouragement from the majority of my associates. I have sometimes felt that a bill seeking to modify the tariff, in the Committee on Ways and Means as now constituted, had about the same prospect of a favorable report as a bill imposing a severe penalty on bigamy would have if introduced into a Congress composed of Mormons. [Laughter.] But, Mr. Chairman, I have persevered, and in the present Congress introduced a bill having for its object taking off the duties on lumber of any sort, on print paper, wood pulp, and works of art. I have felt a certain degree of encouragement because the President of the United States has very recently called the attention of Congress and the country to at least one portion of the measure covered by that bill, and that is the duty on print paper and wood pulp.

Now, the President of the United States, Mr. Chairman, as we all know, has long been in sympathy with the cause of tariff reform and tariff revision, and yet I must admit that in that cause he has not shown all the zeal and the ardor which he has displayed in some matters to which he has turned his attention. [Laughter.]

He has proceeded in the attack upon the bulwarks with a certain degree of calm deliberation that has not always been characteristic of him as a commander. [Laughter.]

But, Mr. Chairman, I find no fault. I recognize the fact that introducing a bill by a Republican Member to modify the tariff may be compared to the man that takes part in the charge of a forlorn hope; the forlorn hope is a proper place for the private; the private can go on, and if he loses his life no great harm be done. The commander, on the other hand, the general in chief, judiciously turns his attention to the enterprise in which the probability of success is greater and the possibility of danger is somewhat less.

I desire to say a word about the duty on works of art. This really stands in a very peculiar position. I have never found anyone who either wanted the duty or defended it. Our own artists do not want it. They are eager for its repeal. All patrons of arts, all public institutions, all good citizens join in reprobating it.

It is not required as a productive duty, and yet only as this is it sought to be defended. The richest government in the world, with a surplus on hand of hundreds of millions, certainly does not have to eke out its income by imposing a duty on works of art. We had far better pay a bounty for their introduction than impose a duty that tends to check their purchase.

It is said that this duty is imposed only upon private purchasers and not upon purchases made for public museums. But most of the art wealth, which becomes the property of the public, comes indirectly from private collectors. Rich men buy works of art and enjoy them in their own lifetime, but a large portion of them are finally given to the public. The public galleries are not rich. They must depend upon private generosity if they are ever to obtain large stores of artistic value.

Even so far as works of art remain private property, they furnish pleasure of a high order; they educate, they elevate. A tax on them, together with a tax on books, would seem to be the most ill-advised imposition that a so-called "enlightened government," could impose; and, moreover, the beautiful things which educate the taste of the few sooner or later become the property of the nation. Then they educate the taste; they refine the manners; they add to the happiness of all.

The great art treasures of the Louvre and of the British national gallery would not have been accumulated for the instruction and delight of their nations and of all nations, if taxes had been imposed checking the introduction of works of art into those countries. It has been reserved for our own Congress to select a method of taxation which was never resorted to even by the most stupid of Bourbon kings or the most wrongheaded of Stuart sovereigns. For these many long years this provision has stood on our statute book unhonored, undefended, unrepealed.

Mr. Chairman, the duty on lumber has always seemed to me a strange one to have been imposed, and a still stranger one so long to have continued, because the diminution of our forests is an evil recognized by all. The Forester, Mr. Pinchot, tells us that in twenty or twenty-five years at the present rate of consumption the forests of this country will be largely a thing of the past, a result fraught with untold evil. On the one hand we are spending millions of dollars, and I think spending them wisely, in acquiring a national domain by means of which our forests may be preserved, the supply of our rivers may be continued, the possibility of countless thousands and hundreds of thousands of acres becoming useless may be averted; and on the other hand, when it comes to the consumption of lumber, when it comes to allowing the growing evil to be averted by

the introduction of foreign lumber, we continue to impose a duty upon it.

It is, Mr. Chairman, a thing of more than questionable wisdom. There is another thing to be considered which, in reference to the question of lumber, has always struck me as peculiarly unfortunate. Who are the people upon whom any increase in the price of lumber falls? There is no increase in cost, except possibly an increase in the cost of what is eaten, that falls upon so large a class. Every man who builds a frame house has to pay more if the price of lumber is higher. Every man that puts up a fence around his farm has to pay more if the price of lumber is higher. When it comes to the profits, to those who gain by the imposition of the duty, a thing that always, of course, we should carefully consider, I doubt if there is any great commodity in the country which is in the hands of so small a number of people. A few great corporations, a few multimillionaires, own the great bulk of the timber land of the United States, and so any duty which has for its result to enhance the price of lumber brings an increased gain to a very small class and imposes an increased cost upon every man that lives who builds a wooden house and every man who burns a cord of wood.

For these reasons, Mr. Chairman, it seems to me a duty little to be defended. Of course no one is so foolish as to say that the increase in the price of lumber is entirely caused by the duty, because the decrease in the forests, the diminution in the total amount of timber, is of course the great cause; but so far as we do anything by legislation to increase the cost by one dollar or one cent a cord, certainly to that extent it is injurious legislation. It would be wiser, it seems to me, Mr. Chairman, with a view to preserving the timber of the country, with a view to lessening the price of wood that a man burns in his home and puts in the house that he erects to cover his family, to impose a bounty—if ever bounties were to be offered—on every stick of timber imported into this country from another land, rather than imposing a duty that, so far as it goes, tends to keep out lumber grown in other countries.

Mr. Chairman, I want in the very brief time I have to say a few words in reference to a corporation largely before the country—that is, the International Paper Company, which certainly has been a large consumer of our diminishing stock of wood, and has shown no readiness either to abate the price of the product which it sells or to open the markets more widely to the introduction of resources from other lands. The other day the gentleman from Massachusetts [Mr. TIRRELL], a most genial and charming gentleman as we all know, gave us his views, based somewhat upon personal experience, in reference to the International Paper Company. He himself, it seems, is one of those who had to do with its formation, and I doubt not, and I sincerely hope, profited by its gains.

Mr. TIRRELL. Mr. Chairman, I wish to correct the statement just made by the gentleman. I had nothing whatever to do with the formation of the company.

Mr. PERKINS. At all events, I would like to say a few words in reference to the formation of this corporation, and some particulars of its history which I think are instructive as a part of our financial history. The price of paper years ago was high—the print paper that goes into the newspapers I mean by that. During a long period of years the price of print paper—the paper used for newspapers—tended downward, and that has been the history of many branches of great products. The price of steel rails, for instance, is very much lower than it was thirty or forty years ago. The improvements in manufacture, the improvements in material, the development of commerce and industry, tends, if nothing occurs to check its course, to lessen the price of most of the great manufactured products, and in reference to print paper there were special reasons. Formerly paper was largely made out of rags. Then ingenious persons discovered that paper could be made out of wood pulp. That worked a great diminution in the price. Improvements were made—the improvements that result in every great industry from the ingenuity of man—and as a result the price of paper used for newspapers tended downward.

Now, from that came certain results, partly beneficial, and some of them perhaps less beneficial. The beneficial one, which we will all confess, was the lowering in the price of newspapers. Everybody knows that in late years you can buy a paper for 1 cent or 2 cents, whereas thirty or forty years ago a 1-cent newspaper was a thing almost unknown. I do not know but that it was wholly unknown. That was made possible to a considerable extent by the lowering of the price of paper. There has been another result which, I am free to say, I regard as much less beneficial, because the newspapers which are sold to us of thirty or forty pages, especially on Sundays, have been made possible as commercial enterprises by the lowering of the price of print paper, and whether that is a blessing is a thing to be considered. But at all events the price of print paper tended downward, and that being the case, about ten years ago, in 1898, I think it was, the International Paper Company was organized.

Now, Mr. Chairman, I am not at all, as I am sure my associates in the House know, a person who rants in reference to great enterprises and talks about octopuses, but I think that we may examine, with profit to all, the history of some of them. The first thing that was done prior to the organization of the International Paper Company was to raise the duty. The duty on print paper at that time was $3, which was more than sufficient. It was more than was required to cover any difference in the price of labor between the labor of this country and the labor in Canada or in any other country, because, as a matter of fact, with a duty of $3 no print paper came into the country at all at that period. But, with a prudent regard for future development, the duty, which was already prohibitory, of $3 was raised to $6. Then the duty on wood pulp was raised about 33 per cent, from about $1.28 to about $1.67, and after those changes had been made the International Paper Company was organized.

Now, my friend from Massachusetts the other day, who alluded in such tender terms to its financial history and its career, did not furnish us all its statistics, although those which he did furnish were entirely correct. That company was organized with a capital and bonded indebtedness of about $50,000,000—bonds of about $10,000,000; preferred stock at 6 per cent, $22,000,000, and of common stock they issued about $18,000,000. Those are not the precise figures, but they are near enough, thus making a total capitalization of $50,000,000. My friend said: "Why complain of greed? They have not been able to pay a dividend on their capital of $50,000,000." And they have not; but it is for us to see, Mr. Chairman, what that capitalization represented, how far it represented value and how far it represented water—not water to be used in the manufacture of paper, but water used solely in the manufacture of stock.

Mr. LAMB. Will the gentleman yield?

Mr. PERKINS. Yes.

Mr. LAMB. Just for one question. I see you are talking from your shoulder, and I think now you would be ready to withdraw the point of order you made against the paragraph in the agricultural appropriation bill instructing the Secretary of Agriculture to find new materials for making paper.

Mr. PERKINS. My friend is wrong in his recollection. I did not make the point of order on the amendment as finally offered, that they should simply investigate and see out of what materials paper could be made. I did raise the point of order against their going into the paper business——

Mr. LAMB. Covering the very ground you are now arguing.

Mr. PERKINS. The International Paper Company was made up by a large number of mills. Some of them were good and some of them were bad. Some of them were worth a good deal and a good many were worth nothing, and the capitalization was produced by the process by which they were taken in. There was, for instance, one paper-mill company with a capital of $500,000, a prosperous company. There were issued to it of the securities of the International Paper Company, $2,250,000.

It was taken in at the very comfortable basis of 450. Another company had a capital stock of $500,000, a less prosperous company. It got in securities of the new company $2,000,000. There was another mill that, as those familiar with those things say, had not earned a dividend, and it was impossible to see how it should ever earn a dividend. It was taken in at $800,000, payable in securities. There were large mills and large paper properties in my own State of New York that had much to do with the organization. They were taken in at $8,000,000, and I have never met any man who said that anyone would have been foolish enough to buy them and pay for them in money $4,000,000. In addition to these plants and as illustrating the manner in which this organization was made, there were included in these purchases ninety-eight machines used for making paper. Now, of those machines it is said that more than fifty were old and practically had become obsolete by the progress of the art. But they were all purchased. There was one of the machines at one of the mills up in our own State which Mr. Warner Miller, one of the originators of this company, had worked on, it was said, when he was a boy.

It had, therefore, undoubtedly a great sentimental value to those who formed this corporation. It certainly had no other value, because for years and years its value as a practical machine had ceased. That was among the stock that was included in the property that was turned in to the International Paper Company. Those familiar with mills, and I have talked with

many of them, say that $15,000,000 would have been a fair estimate of the market value of all the mills and plants that were taken into this corporation. It had to earn, and it started to earn, on $50,000,000. My friend from Massachusetts says it has never paid dividends on its common stock. I must contradict my friend, or, rather, say that my friend is mistaken——

Mr. TIRRELL. I made the statement they had paid two dividends in the first two years of their organization, in 1898, but have not paid any since.

Mr. PERKINS. I can speak, Mr. Chairman, from a clear recollection, because I was myself, with a friend, a purchaser, and that is why, to some extent, I am fairly familiar with the International Paper Company. I was the owner of common stock only, unfortunately, instead of being an organizer and an insider like my friend from Massachusetts [Mr. TIRRELL]. I was an outsider to whom a certain amount of this common stock was sold. The $17,000,000 of common stock represented nothing in actual value, but it was divided around among those who put in their properties. Perhaps my friend got some. I do not know whether he did or not. If he did not, other organizers did. Of course I do not think the people in the company ever supposed it would be possible to pay the interest on $10,000,000 of bonds, dividends on $22,000,000 of preferred stock, and also on $17,000,000 of common stock. But it was perfectly possible to sell that to an eager public; and for that purpose, during two years, dividends at the rate of 4 per cent on the common stock were paid, and during that time I have no doubt that all the insiders, my friend included, disposed of their common stock with the greatest rapidity. [Laughter.]

There is a thing which we can always notice, Mr. Chairman, and that is when it comes to some specially profitable provision of any tariff law, to some specially possible combination of business interests, no party lines are drawn. Our friends the Democrats, quite as much as the Republicans, are glad to avail themselves of that opportunity and to reap the profits, and so in the International Paper Company one of the towers of strength in that corporation was Mr. Roswell P. Flower, who was, as we all know, a tower of strength in the Democratic party, a Democratic governor, a great financier down in Wall street and a great banker there. And I remember in connection with this modest investment that my friend and myself made in that common stock that it was selling at 40 to 50 and paying 4 per cent, and it looked nice. I saw an interview in the paper with Mr. Flower at one time where he called attention to the organization of the International Paper Company, wherein he told how cheaply they had gotten their plants, at what low prices they had acquired their property from my friend from Massachusetts and elsewhere, and as a result what future profits would inure, especially on the common stock, after paying the dividends on preferred with the profits of this organization.

I remember that, because on that statement, my friend and myself made our modest investment. A year or two after that, when the stock was selling at 20, when dividends had ceased—and they have ceased from that time to this time—Mr. Flower was called away to his fathers. I remember looking with interest at the inventory of his property, and we discovered that, among other assets, amounting altogether to many millions, there was just exactly, if I remember correctly, one share, worth $100, of the common stock of the International Paper Company. [Laughter.] The stock we bought, I presume, was supplied to us by Mr. Flower or other insiders out of a benevolent desire to let the public into a good thing. I have seen, Mr. Chairman, that four of those who were largely instrumental in the formation of the International Paper Company, died leaving fortunes in excess of $1,000,000, and at such results I am not surprised. Well, now, about the profits, and this illustrates the possibility of profits in our great land, because it was made not only from dividends on the large volume of preferred stock but the $17,000,000 of common stock, which was sold at an average of 40 per cent, was disposed of to the public while dividends were being paid, so that would be called a by-product of this corporation [laughter], and that would yield a profit of $7,000,000, which is not to be despised. [Laughter.]

So the company was launched; it was badly launched, because it had a great number of plants, some of them of very small value, bought at a high price, and it was a badly managed business. Formerly active competition from all the world stimulated activity. The manufacture of paper improved, and the price of paper lessened. As a result of changes in the tariff the possibility of competition from any other country was shut off. It was claimed that in having all of the plants, or a large proportion of the plants, gathered in one whole, there would be great economy and great reform. It has not been made. It is no doubt true they are making more paper than ever, but the fact is that they have not secured economy in making it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PERKINS. Just let me finish this one sentence. These economies were made. It is stated that the salary of the president of the new corporation was fixed at $50,000—a very favorite form of economy. The department managers, who have been receiving $7,500, went into the new company at salaries of $15,000. Such economies blossomed in the International Paper Company, but there were no others. [Loud applause.]

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. PERKINS. It does not seem to me that such a development of American industry needs the interposition of the Government to increase its gains. The price of paper has been increased, and whether we attribute this to the tariff, which operates to the extent of $6 per ton, or to the increase in the price of lumber that results in part from the fact that we shut out foreign lumber and wood pulp, this affects injuriously the newspapers of the land.

If we consider the interests of labor, the newspapers employ forty men to one employed by the manufacturer of print paper. This business, in addition, is one of the most rapid agents in the depletion of our forests. Every year, so the Government Forester tells us, the trees that are cut off in this country to be ground up into wood pulp would cover an area almost as large as the State of Rhode Island. Here also, it seems to me, it would be wiser to pay a bonus on the wood pulp that could be brought in from other countries, and thus save our own forests, than to impose a tariff to keep it out.

I remember seeing that proceedings were to be taken a year or two ago for the dissolution of the International Paper Company. I believe that proceedings are not actually commenced, and it is of very little importance whether they are or not. Love laughs at the locksmith, and the trusts can well laugh at the Attorney-General. In so far as such combinations are the results of business conditions, they will not be put an end to by all the attorneys-general in the world. Fines can be imposed for a violation of the provisions of law, and in such a case as that of the Standard Oil Company they can be so severe as to be serious and, against a weaker combination, destructive; but where a combination of capital naturally results from business conditions, its dissolution will merely mean a new combination, with such changes as may be required to evade the decision. If I am right, the Standard Oil Company in some of its forms has been dissolved by decrees of the court; but while the joint ownership of the property remains, the joint action is sure to go on in some other form.

To no branch of public activity has more attention been given. In no department has there been as ostentatious sounding of trumpets and beating of drums as in proceedings brought to dissolve combinations that were claimed to be contrary to law. I doubt if any branch of public activity has been less important to the public good.

The nation hung in suspense over the decision of the Northern Securities case. The success of the Government was loudly applauded by excited admirers, but the ownership of the railroads affected remained the same. The control has remained the same, except as it has been affected, not by legislation, but by voluntary transfer. If the conditions of railroad travelers or shippers of freight or any other business conditions in the Northwest have been affected by the decision of the court in the Northern Securities case I have yet to find out the fact. Apparently the only people affected were the stockholders. The quotations on their stock advanced enormously after the Government had obtained a legal victory that was supposed to check their illegal desire for undue gain.

The legislation that affects combinations is not found in suits to dissolve charters, which, if the ownership of the property continues the same, usually means only a new job for an astute lawyer in preparing a new charter. But, as these combinations are the outgrowth of conditions, so legislation that affects the conditions will surely affect them. The action to dissolve the International Paper Company, if successful, would mean only the formation of a new international paper company. An action was brought and resulted in the dissolution of a similar combination in the West. The gentleman from Nebraska told us that this resulted in the temporary lowering in the price he paid for his paper, but soon prices were restored, and he met with the same combination of interests that he had before. To adopt the language used by the trade, they soon found that the same parties in interest were carrying on business at the old

stand in the old way in a new shape. In forming any effective combination the restriction of the field is of infinite importance. It is very much easier to combine the interests of one country than it is the interests of all the world. I doubt if anyone thinks that the International Paper Company would have ever been formed if Congress ten years ago had not placed a duty of $6 on paper and $1.63 on wood pulp.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I yield ten minutes to the gentleman from California [Mr. MCKINLAY].

Mr. MCKINLAY of California. Mr. Chairman, I am glad to get an opportunity to say a few words in support of the general proposition of developing a large navy for the United States. But at the same time I want to say that I will be in favor of the recommendation of the minority, which is in favor of four battle ships instead of two. Perhaps it is because I represent a district which fronts for nearly 250 miles upon the Pacific Ocean and which has also 40 miles of bay front on the Bay of San Francisco, that I have given the subject of oriental trade and the prospect of American influence in the Orient special consideration.

In the district that I have the honor to represent there are a great many who are engaged in the coastwise trade of the United States and Alaska, and many others in trade with nations across the Pacific Ocean, and I believe it is the unanimous opinion on the part of those who are best qualified to form an opinion and express it, that the time has come when it is necessary that the Pacific Ocean shall have a squadron of battle ships and cruisers permanently stationed in her waters as strong as that which is maintained upon the Atlantic. It seems to me that there never was a time in the history of the nation when we were so fortuitously situated in regard to an opportunity to secure foreign trade and commerce as we are to-day. And I apply this remark particularly to the developing markets of the countries of Asia.

But I believe that the first element necessary to enable us to secure oriental trade and an output for our products to the lands of the East is to maintain a sufficient degree of naval strength upon the Pacific Ocean, not to invite war, but to guard against it. It will only be under a sense of security and protection against seizure and spoliation growing out of international complications that an American merchant marine will be developed that will furnish the means by which the products of the United States may be distributed throughout the countries surrounding the Pacific Ocean, in which we hope to obtain at some time an extensive market for American products.

In this connection I would like to call the attention of gentlemen to some of the present economic conditions of the United States. Within the last ten years the wealth of the United States has more than doubled. We have been told that in 1897 our national wealth approximated $65,000,000,000. The best statisticians of the country to-day tell us that our wealth is now in the neighborhood of $120,000,000,000. One gentleman on the other side in debate a few days ago fixed the wealth of the United States at $150,000,000,000. This sum, however, I believe to be in excess of the actual present sum total of our national wealth.

But, nevertheless, the accumulation of national wealth within the last ten years has been enormous and never paralleled in the history of any country of the world. This great accumulation of national wealth has multiplied the capital of the country, and out of this increased capital fund have come the necessary means to capitalize the great manufacturing plants of the United States, those industrial factors which have become the phenomena of our industrial development in the last decade. The great increase of national wealth has also placed at the command of enterprise the enormous wage fund necessary to be used in the payment of the army of workers employed in those industries. And the result is that in the wise cooperation of abundant capital and abundant labor the United States has developed her manufactures within the last ten years to such an extent that last year the industries of the nation produced nearly fifteen billions of manufactured products.

The output of the mills and factories of the country during the last year was supplemented by seven and one-half billions of dollars of farm products. To this must be added four or five billions of dollars of products from the mines and the forests. Now, the great proportion of all this output of the productive factors of the United States was consumed at home; but still nearly two billions of it were compelled to find a market abroad. Nearly eight hundred millions of manufactured products were compelled to secure an outside market. In the operation of the industrial systems of the United States, we to-day employ, directly and indirectly, over 15,000,000 wage-earners. Therefore it is most essential that our goods should find a market in order that our manufactures should remain in operation and our workers remain in steady employment. If our products are not sold at home to the limit of our producing capacity or the surplus can not find a market abroad, it means that month by month it will pile up unsold and have a most depressing influence upon industries at home, and ultimately cause their suspension of activity or actual cessation for a time at least. This means, of course, the loss of labor and the consequent loss of wages. Now, out on the Pacific Ocean there is a chance for the United States to avoid the possibility of a surplus product being accumulated in the United States for many years to come by simply seizing the present opportunity and quickly laying the foundation of a future trade with the nations bordering that great ocean.

Over in Asia is the future market of the world, but as yet America seems to be ignoring her possibilities in that quarter. Those who can see the trend of the world's development are beginning to realize at last that the prophecy of Baron von Humboldt, uttered in the year 1800, was a true prophecy, and that the predictions of Seward, uttered over forty years ago, are coming true—that the Pacific Ocean in its relation to the United States, in its relation to the commerce and trade of the world, will some day be the same to America as the Mediterranean was to the Empire of Rome, and that the seats of power of the greatest nations of the earth will be on the Pacific shores.

Around the shores of that ocean, in Asia and Australasia alone, are 823,000,000 of the peoples of the world. I am only giving you the figures from Australia, New Zealand, the French East Indies, British India, Japan, Korea, Persia, Siam, and China, and not speaking of the Philippine Islands or any of the countries along the American continent. Last year those countries imported $1,270,000,000 worth of products. Only $109,000,000 of this product came from the United States.

In this connection I desire to insert in the RECORD a tabulation of the territorial area, the population, the total imports and exports of those countries, and the proportion now secured by the United States. A study of this tabulation should show the unbounded possibilities of oriental trade and the necessity of maintaining a Pacific Ocean fleet adequate to foster and protect that trade.

The events which followed the victory at Manila and our occupation of the Philippine Islands have thrown us into a position in the Pacific Ocean which should, and I believe does, make us, even at this time, the dominating power of Asia. The attitude which our nation took toward China when the Boxer troubles were on in that country, when President McKinley and Secretary Hay held back the greedy hands of the nations of Europe who wished to dismember her—this attitude undoubtedly gave us a standing and a position of influence in China with her four hundred and thirty-odd millions of people that is

	Area.	Population.	Population per square mile.	Year.	Imports.	Imports from United States.	Exports.	Exports to United States.
Australia	2,972,573	4,048,000	1.36	1906	$217,676,000	$22,549,000	$322,648,000	$17,395,000
New Zealand	104,751	889,000	8.49	1905	62,432,000	7,000,000	76,190,000	3,486,000
French East Indies	461,196	18,346,000	39.78	1904	36,792,000		36,073,000	
British India	1,766,642	294,361,000	166.62	1906	334,379,000	7,276,000	513,186,000	42,203,000
China	4,277,176	433,533,000	101.36	1906	349,913,000	36,304,000	193,185,000	29,974,000
Japan	147,655	47,975,000	324.91	1906	208,554,000	34,834,000	211,030,000	62,730,000
Korea	84,000	12,000,000	142.18	1905	15,916,000	985,000	3,438,000	
Persia	628,000	7,654,000	12.19	1904-5	26,943,000	118,000	19,093,000	29,000
Siam	236,000	5,000,000	21.19	1905	17,404,000	277,000	29,043,000	
Estimated total	10,678,387	823,806,000			1,270,009,000	109,343,000	1,403,906,000	146,817,000

enjoyed by no other country of the world, and there is a growing disposition as a consequence on the part of China to trade and do business with the United States.

Again, in Japan there are over 47,000,000 people on a territory of only 140,000 square miles, but still our trade is growing with Japan despite the fears of many that we may have war with that Empire. And despite commercial rivalries growing out of commercial and industrial competition for oriental markets between ourselves and Japan, I believe that our trade will year by year expand in that quarter. So with India, Korea, and Australia our trade must necessarily and naturally increase as the years go on if we now are wise as a people seeking trade and commerce with the world and take proper means to secure our share. I believe the first step necessary is to as quickly as possible to build up a strong, up-to-date navy, a navy large enough to permit the sending of our ships to every port of the Orient, so in time of expected or unexpected danger they may give protection to American citizens and guarantee safety to American interests, and more especially insure to American shippers protection for their goods in American bottoms. A strong navy will be the sure forerunner of a much-desired merchant marine for the United States, which, I am sure, all Americans hope to some day see developed to such a magnitude that it will float our merchant flags upon not only the Pacific, but over all the seas of the world.

Why should America not be the dominating power of the Pacific Ocean? Turn to the map and follow the coast line 3,000 miles along the shores of America proper from Mexico to British Columbia. Then there is Alaska farther north, which ten years ago was counted an asset of little worth. Seward was laughed at forty years ago when he purchased Alaska for $7,200,000; but within the last ten years Alaska has produced $300,000,000 of wealth, which has been turned into the great sum total of the United States. And in Alaska we have untold riches yet undiscovered. That wonderful country has over 26,000 miles of coast line, a coast line which extends from Alaska proper along the Aleutian Island group until the last island almost touches the shores of Japan. On the other side of the Pacific is the Philippine Archipelago, that great group containing over 3,000 islands, 900 of which are inhabited, with a population of 8,000,000 people. The Philippine trade last year amounted to nearly $40,000,000, and yet we secured in the neighborhood of only $6,000,000.

Then toward the center of the Pacific Ocean are the Ladrones and the island of Guam, and between these islands and San Francisco lies the Hawaiian group, which last week only we decided to make the naval outpost of the United States by establishing there a naval station and fortifications that shall be adequate to protect our Pacific coast from the operations of any hostile fleet. To the south is the Canal Zone, a strip of land 10 miles wide extending from the Caribbean Sea to the Pacific Ocean through the Republic of Panama. These positions of strength and strategy from both a commercial and warlike standpoint give the United States the undoubted domination of the Pacific Ocean, and it compels us as a nation and a people to see to it that we maintain our prestige and advantage by quickly laying the foundations of trade and commerce throughout those islands by opening up channels of communication and transportation that shall carry the output of the mills and factories, looms, forges, and farms of the United States to the markets of the Orient and South America.

Therefore I feel it my duty to not only support the recommendations of the Naval Committee, but also to go further and support the minority of that committee in recommending that the number of battle ships provided for by this session of Congress shall be four instead of two. In doing this I am only indorsing the recommendations of the President of the United States, the Secretary of the Navy, and the Naval Board. Not only are these great authorities of the requirements of the Navy in accord in their recommendations for four battle ships, but Secretaries Root and Taft, and many other leading statesmen of the country who have given the subject of American supremacy in the Pacific Ocean consideration, are in favor of measures that shall undoubtedly develop the naval power in the Pacific Ocean until it shall be adequate to guard every interest of the Republic against any danger that may arise, even though the conflicting nations of Asia should enter into a contest for supremacy and dominion that should revolutionize the whole eastern world.

Mr. McKINLAY of California. Mr. Chairman, I desire leave to print an epitome of the trade of Asia, and also to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. CLARK of Missouri. I object.

Mr. FOSS. Mr. Chairman, I yield ten minutes to the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Chairman, there is nothing I am so reluctant to do as to speak of myself, but in order to emphasize what I wish to say I am obliged to give you a part of my life's story.

My cradle stood on the other side of the ocean, and I was nearly of age when the thought struck me to try my fortune in the great country that from my earliest youth I had heard spoken of as offering the greatest opportunities to anyone who was willing to work, who had the necessary energy and a fair education, and who could not be persuaded to swerve from the path of honor, duty, and honesty.

On my arrival in New York my funds had so dwindled that I would not have been allowed to land had it been some years later, when those in favor of restricting immigration succeeded in having a law passed requiring every immigrant to have a certain amount of money in his possession.

Perhaps anticipating that such an unreasonable law might be enacted, aided by the ever alert Immigration Restriction League, I made haste, slipped through, and after a five days' trip on an emigrant train arrived in what I later on found to be one of the best States in the Union—the great State of Wisconsin.

The same good fortune that finally landed me in the Congress of the United States resulted in my securing a position only a few days after my arrival. My success was beyond my expectations, as a result of not being afraid to work and always trying to do my duty.

I learned to love my adopted land as dearly as anyone loved it whose cradle stood within the borders of the United States. [Applause.]

The Star-Spangled Banner—and may it ever remain the emblem of true liberty—has won my admiration, and I shall never cease to love those who stood by it and defended it in the dark hours of the rebellion.

The patriotism with which I had already become enthused when giving the United States the preference over my native land grew steadily as I learned the ways of this country, acquired full knowledge of its institutions, and studied its glorious history.

No one ever felt more proud of his American citizenship than I did when two years ago I visited Independence Hall and stood in the room in which, one hundred and thirty-one years ago, there assembled those great men who, with true courage and inspired by their patriotism, ready to accept the consequences of their deed, signed one of the grandest documents in the world's history, the Declaration of Independence. [Applause.] To those who are lacking in love of our great and good country I would suggest that they go to that shrine of liberty and imbibe the true spirit of patriotism.

You would hardly think it possible that one as enthusiastic as I am over my adopted country and its institutions could have observed conditions that would wound the pride of any American citizen. The incident to which I refer was brought to my notice when visiting the Fatherland last year.

After roaming around a few days in the great city of Berlin the thought struck me that the American ambassador might be curious to inspect a newly elected Congressman from Wisconsin and ascertain just what a Badger looks like. [Laughter.]

I inquired of a number of persons whom I met, also of some of the generally well-posted policemen, where the United States embassy could be found, but while they knew the location of all the other embassies, including the British, the French, the Spanish, and the Russian, they could not tell me where the United States ambassador held forth. But I soon ceased to express surprise at their lack of information, after I finally succeeded in finding the place, which is marked by a miniature specimen of our glorious Stars and Stripes, dangling from the second-story window of a very ordinary-looking building.

Here the ambassador of the greatest and most prosperous country in the world holds forth, directly above what looked to me to be a second-hand book store.

Directly opposite is the Russian embassy, a building reflecting credit upon that great Empire. A little farther up the street is the French embassy, a structure that impresses one with the wealth and importance of our sister Republic.

Next in point of beauty of architecture is the Spanish embassy, while the British have laid more stress on solidity and firmness, indicative of England's power and magnitude.

How proud the citizens of those countries must be who visit Berlin when they see those beautiful structures owned by the Government of the land they hail from.

How proud they must feel of their citizenship when they observe the large flags of their country floating over the building in which their ambassador holds forth.

Citizens of other countries can not but be impressed by the showing made by these countries, and I am sure that the prestige thus gained returns good interest on the investment.

But no American, be he ever so proud of his citizenship, experienced an increase of pride when he gazed at the second-hand book store, the rooms over which are occupied by the representative of the most prosperous nation of the earth. No American ever looked at that tiny banner, the glorious Stars and Stripes, thrown to the breeze from the second-story window and then glanced at the immense banner floating over the Russian embassy across the street without having his pride as an American citizen severely wounded.

A stranger acting on the impression made by the several embassies would in looking at our dingy quarters, arrive at the conclusion that we were the cheapest and poorest nation on earth.

I believe that even Jefferson, with the simple and plain life that he led, would, if he were alive to-day, insist that we keep step with other nations in housing our representatives in foreign countries. [Applause.]

While I have only referred to our embassy in Berlin, those who have seen the offices occupied by our ambassadors in other European capitals report similar conditions.

Every ambassador or minister of every other nation occupies a building owned by his government, and of which no citizen visiting in those countries need feel ashamed. In addition, the representatives of other nations receive salaries that enable them to live as their positions demand, and to represent their countries so as to reflect credit upon them.

The American ambassadors and ministers, with very scant salaries as compared with other representatives, must, in order to make both ends meet, live in a style which is unworthy of a representative of our great nation, and if relying solely upon their salaries, they can not lend that dignity to their high office which is necessary to properly impress the people and officials of the countries to which they have been sent.

Not wishing to humiliate themselves and their country, many of our most brilliant men possessed of but limtied means have refused to accept these positions which otherwise they would have been well fitted for.

Others again, who thought that with the aid of their private means they might be able to do justice to the position, were forced to abandon their place upon ascertaining that to keep up with representatives of other countries they had to sacrifice all and more than they could call their own.

We certainly have a number of men in both Houses of Congress who would do honor to the position of ambassador or minister in foreign countries, but only a few of them—only men of means—can, under present conditions, afford to accept a place of that character and properly represent our country.

The President in filling these places is therefore obliged to make his selection from the rich men of our country who have abundant means, and who do not rely solely upon their salary to secure whatever is needed to lend dignity to the high office to which they have been appointed.

While the offices occupied by our present ambassador in Germany are far from luxurious, he has helped matters along by leasing a residence that is equal to the finest in the German capital and well fitted to entertain the Emperor and other dignitaries. In doing this he helped materially to further the friendly relations existing between the two countries.

His yearly rental for this building is $20,000, while his salary is but $17,500.

It is certainly contrary to all traditions of our Republic to have only men of wealth represent us in foreign countries, but niggardly as we have been in providing for all ambassadors and ministers, it is very fortunate that our Presidents have always succeeded in finding men for these positions who, besides possessing all-around qualifications, had ample funds to supply whatever necessary to lend dignity to their position.

With our constant claim that in the filling of positions the rich man is given no advantage over the one with limited means or over the poor man, proclaiming as we do equal rights to all, it becomes our plain duty to change conditions so that any American citizen, if intellectually fitted for the position, but not financially so, may hold one of these foreign offices.

We must either pay them salaries to cover all necessary expenses of living, without falling back on their own resources, or, if we are opposed to increasing salaries, we must then furnish our representatives in foreign countries with proper quarters and provide funds for maintaining them.

These buildings need not necessarily be palaces, but they ought to be such as to reflect dignity upon our great country.

It would be unwise and altogether too expensive to immediately provide for proper buildings in all foreign capitals, but we can not afford to wait any longer before making a start in that direction.

A bill introduced by me, No. 9238, authorizes the Secretary of State to acquire in Berlin, Paris, London, and St. Petersburg, proper sites and buildings to be used by the United States ambassadors in those cities, the cost in each case not to exceed $500,000.

If he is so authorized, it may be possible for the Secretary of State to secure buildings in those cities that, offered at a reasonable price, would be suitable for the purpose desired.

If the outlay of $2,000,000 for the embassies I mentioned is not considered wise at this time, let a start be made by appropriating $500,000 for an embassy in Berlin.

By so doing you will at least prevent my pride as an American citizen from receiving another shock, which would surely be the case if on my next visit to Berlin I should again be obliged to cast my eyes upon that diminutive specimen of our glorious banner dangling from the second-story window of the United States ambassador's office, located over a second-hand bookstore. [Applause.]

Mr. KÜSTERMANN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. CLARK of Missouri. I object.

Mr. FOSS. Mr. Chairman, I now yield to the gentleman from California [Mr. KNOWLAND] the rest of the time until 5 o'clock.

Mr. KNOWLAND. Mr. Chairman, when the Secretary of the Navy announced from his home city of Oakland, Cal., on the 4th day of July, 1907—a most appropriate date, by the way—that a large fleet of battle ships was to visit the Pacific coast, the news aroused the most violent opposition in certain quarters. To now quote some of these spasms of wrath which appeared in portions of the Eastern press seems almost cruel in view of the fact that at this very moment, with the fleet about to enter California ports, after nearly 14,000 miles have been successfully traversed, the cruise has been triumphantly justified in the minds of the American people.

The New York World, for instance, on the morning of July 6, 1907, gravely warned the Commander in Chief in the following words:

> If President Roosevelt seriously meditates sending the battle-ship fleet to the Pacific there is still ample time to prevent what may prove to be a most disastrous blunder. A long ocean cruise of the battle-ship fleet to the Pacific is wholly unnecessary. * * * It is time for Theodore Roosevelt to turn back the tide. It is time for him as President of the United States to announce to all the world that the battle ships of the United States are not going to the Pacific and that this jingo propaganda must cease.

On the following day the World again thundered forth as follows:

> There is no reason known to sensible government or sensible diplomacy why the battle ships should be sent to the Pacific. * * * One simple, plain duty now confronts the President. It is to announce officially, authoritatively, flatly, and positively that the Atlantic fleet will not be sent to the Pacific.

The New York Evening Post was as fully agitated. On the day following the Secretary's announcement it commented as follows:

> We can not too strongly emphasize the folly of any such action. * * * If the battle ships must have a long sea cruise, by all means let them visit Labrador or the Cape of Good Hope or even Madagascar. But on no ground of discipline or efficiency could a voyage to the Pacific rather than to any other seas be justified. * * * We could hardly have a better example of the way a navy, so far from being a safeguard, can become a grave menace to the peace of the nation.

It can scarcely be wondered at that the people of the Far West, having always had cause to believe that the Pacific as well as the Atlantic coast constituted a part of our common country, should evince the greatest astonishment at the expressions of such pronounced opposition following the announcement that a fleet of American battle ships was to visit the Pacific coast. In voting for an adequate Navy your Representatives in Congress from the Far West have always regarded that Navy as national, believing that the Pacific seaboard had just as much share in it and fully as much right to it as the coast bordering on the Atlantic Ocean.

This opposition is all the more striking when the statement is made that at the very moment the news of the projected cruise was given to the world there was not a single American battle ship in commission in the great Pacific Ocean, nor was

there a single coast-defense vessel in commission, the *Wyoming*, the only vessel of that type then there, being at the yard undergoing repairs.

The most effective ships at that time in commission on the Pacific coast were the three semiarmored cruisers *Charleston*, *St. Louis*, and *Milwaukee*, vessels of 9,700 tons and 22 knots speed, protected by a partial and light belt of 4-inch armor and a 3-inch deck, and carrying a battery of fourteen 6-inch guns. The cruisers *California* and *South Dakota* were on the coast, but not then in commission. The protected cruisers *Chicago* and *Albany*, both old boats, built in 1885 and 1897, were on the coast and in commission. There were a few destroyers and torpedo boats.

In Central American waters was stationed the gunboat *Yorktown*, while on the Asiatic side of the Pacific, a most important station, was an armored-cruiser squadron consisting of four vessels of the *California* class, the *Colorado*, *Maryland*, *Pennsylvania*, and *West Virginia*. There were, in addition, the protected cruisers *Cincinnati* and *Raleigh*, built sixteen years ago, and the *Denver*, *Chattanooga*, and *Galveston*, and a few old monitors and ten gunboats. Three of these gunboats were quite modern, but the seven captured from Spain are out of date. The gunboat *Annapolis* was stationed at Samoa.

To recapitulate, then, our fighting strength in the Pacific Ocean on the 4th day of July, when announcement was made of the projected cruise which called forth the bitter opposition to which I have referred, consisted of not a single battle ship, our naval force being represented by six armored cruisers of the *California* class, three semiarmored cruisers of the *Charleston* class, eight small protected cruisers from 11 to 16 years of age, four modern gunboats, four destroyers, and three torpedo boats.

The Secretary of the Navy is powerless to permanently assign a formidable fleet to Pacific waters if Congress fails to supply the ships.

The entire world, Mr. Chairman, now acknowledges the wisdom and far-sightedness of President Roosevelt and Secretary Metcalf in planning this remarkable and epoch-making cruise, the greatest in the history of this country, a cruise which is placing the American Navy on a high level in the world's opinion. As the mighty fleet of sixteen battle ships, the departure of which from Hampton Roads it was my privilege to witness, steamed down the coast of Central and South America the inhabitants of the commonwealths of Latin America were most profoundly impressed, awakening to a new realization of the tremendous power which insures the maintenance and enforcement of the Monroe doctrine, which only the actual sight of the the mighty and formidable armada could have awakened. What is actually seen is never forgotten. The spectacle will exert a powerful and lasting influence upon these people, inspiring respect for a flag that is too infrequently seen in Central and South American waters owing to the decline of our merchant marine. The emblems of European nations, which are alive to the importance of foreign markets, are far more familiar to our southern neighbors than the Stars and Stripes.

As the fleet passed through the hazardous Straits of Magellan there was brought home to every American citizen a full appreciation of the tremendous importance of the speedy completion of the great Panama Canal. Had this mighty interoceanic waterway been completed the sixteen battle ships could have made the trip from Hampton Roads to San Francisco in twenty-seven days, and it would have been necessary to replenish the coal supply but once. The distance via the canal is approximately 5,258 miles, as against about 13,782 miles through the Straits of Magellan—a saving of 8,524 miles.

When the battle ship *Oregon* made the famous run from San Francisco to join the Atlantic fleet in Cuban waters during the Spanish-American war, the people of California and of the entire country followed the movements of the San Francisco built ship with almost breathless anxiety, the significance of the elements of time and distance entering into the transfer of a fleet from coast to coast being brought home with telling effect.

Every thoughtful American citizen must admit that the Pacific Ocean is the great stage upon which the world's chief drama is to be played in the future, and as the Atlantic fleet headed northward after safely threading its way through the straits a new era in the history of this country began. All eyes are now turned irresistibly westward, the present center of world interest, as the chairman of the Committee on Naval Affairs so eloquently stated a few moments ago. With the fleet where it is to-day, the mastery of the Pacific is settled. So apparent is this fact that there is a growing demand, and one that is rapidly becoming insistent, that a strong fleet be permanently maintained in Pacific waters. [Applause.]

Every competent naval expert maintains that there should be two effective units of the navy—one in each ocean. If our present naval force will not permit of this, then the country should demand, and the Pacific coast in particular, that the necessary increase be made. The President of the United States, the Commander in Chief of the Army and Navy, declares that in his opinion four new battle ships are necessary at this time, appreciating as he does the growing importance of the Pacific. Believing that it is safe to follow the lead of President Roosevelt in this important matter, I shall therefore cast my vote for four battle ships. With the weight of our naval power on the Pacific we are insuring peace. You can no longer neglect the Pacific coast, for such neglect imperils the commercial interests of America. Unconsciously, perhaps, but nevertheless irresistibly, we are being drawn into the very vortex of the Far Eastern question. Maintain a strong fleet in a locality that experts declare to be most vulnerable. The Pacific coast is our door to China, Japan, Australia, the South Seas, the west coast of South and Central America, Alaska, and Mexico. In the development of China the world generally acknowledges that industrially and geographically the United States is in a position to take full advantage of the tremendous opportunities offered.

The Pacific coast is lacking in proper defenses. In a message sent to the Fifty-ninth Congress, first session, by President Roosevelt, he urged in the following language the increasing importance of proper coast defenses:

> The necessity for a complete and adequate system of coast defense is greater to-day than twenty years ago, for the increased wealth of the country offers more tempting inducements to attack and a hostile fleet can reach our coast in a much shorter period of time. The fact that we now have a Navy does not in any way diminish the importance of coast defenses; on the contrary, that fact emphasizes their value and the necessity for their construction. It is an accepted naval maxim that a navy can be used to strategic advantage only when acting on the offensive, and it can be free to so operate only after our coast defense is reasonably secure and so recognized by the country. It was due to the securely defended condition of the Japanese ports that the Japanese fleet was free to seek out and watch its proper objective—the Russian fleet—without fear of interruption or recall to guard its home ports against raids by the Vladivostok squadron. This, one of the most valuable lessons of the late war in the East, is worthy of serious consideration by our country, with its extensive coast line, its many important harbors, and its many wealthy manufacturing coast cities. The security and protection of our interests require the completion of the defenses of our coast.

San Francisco, however, is fast becoming one of the strongest fortified cities in the country. There are defenses at the mouth of the Columbia, at Puget Sound, and San Diego, but except at the places named an enemy could land with little difficulty. San Pedro Harbor, in southern California, is exposed, and the Representatives in Congress from that section of the State are urging that this important point be fortified. The Representatives from the State of Washington justly complain of the inadequacy of the Puget Sound defenses. Alaska and Hawaii, detached Territories, are at the mercy of a hostile fleet. It is to the lasting credit of this House that by a vote of 246 to 1, we, on Monday of this week, passed the following bill providing for a naval station at Pearl Harbor, Hawaii, and making immediately available the sum of $650,000, which bill was unanimously reported by the House Committee on Naval Affairs:

> A bill (H. R. 20308) to establish a naval station at Pearl Harbor, Hawaii.
>
> *Be it enacted, etc.*, That the Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore acquired for that purpose; and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings, at an aggregate cost of not to exceed $500,000, and to build thereat one graving dry dock capable of receiving the largest war vessels of the Navy, at a cost not to exceed $2,000,000.
>
> SEC. 2. That the sums hereinafter stated are hereby appropriated and made immediately available, to be expended at the discretion of the Secretary of the Navy, to wit: Toward dredging an entrance channel of a depth of 35 feet, $200,000; toward construction of dry dock, $300,000; toward erecting machine shops, storehouses, coal sheds, and other necessary buildings, $100,000; toward yard development, $50,000; in all, $650,000.
>
> SEC. 3. That the Secretary of the Navy may, in his discretion, enter into contracts for any portion of the work, including material therefor, within the respective limits of cost herein stipulated, subject to appropriations to be made therefor by Congress.

The isolated Philippines, with their undeveloped wealth, are also inadequately protected, although progress is gradually being made looking to a proper safeguarding of these insular possessions, neglect of which jeopardizes the peace of the Far East. The Atlantic and Gulf coasts are dotted with large repair stations located at Portsmouth, N. H.; Boston, Mass.; Philadelphia (League Island); New York; Norfolk, Va.; Pensacola, Fla.; New Orleans, La., and Charleston, S. C.

On the Pacific coast we have but two repair stations, located at Mare Island, California, and on Puget Sound, Washington. The Mare Island Navy-Yard was established in 1852, and for nearly

fifty years has done practically all the repair work on the Pacific coast for the Navy and also much for the transports of the Army. Strategically there is no yard in the country better located, protected as it is from attack by a hostile fleet. It is generally admitted that the Mare Island Navy-Yard is the second best equipped yard in the country and capable of building almost any character of ship. There is now in course of construction in that yard the 16-knot fleet collier *Prometheus*, rapid and most satisfactory progress being made on this vessel. Mare Island Navy-Yard has been attacked in some quarters because it has been necessary, owing to the increasing draft of naval vessels, to do considerable dredging in the channel leading to the yard. Part of the dredging would be required for the needs of commerce if there was no navy-yard at the present location. In this connection I would like to call attention to the fact that there is not a navy-yard in the country where money has not been spent, and in many it is still being expended, to maintain a sufficient channel depth, as evidenced by the following statement from the Navy Department:

Statement showing amounts spent for dredging at the various navy-yards from the date of their establishment up to the present time:

Boston	$152,501.34
Charleston	108,000.00
Guam	17,500.00
Guantanamo	40,000.00
Key West	101,000.00
League Island	984,159.26
Mare Island	500,699.96
New Orleans	9,225.73
New York	408,561.92
Norfolk	122,658.67
Olongapo	55,500.00
Pensacola	70,000.00
Port Royal	266,000.00
Portsmouth	774,000.00
Puget Sound	50,000.00
San Juan	2,000.00
Washington	25,349.00

From this statement it can be readily seen that in a number of the navy-yards larger sums have been and are still being expended than required for Mare Island, and yet Mare Island is continually being criticised, while expenditures at Eastern yards for like purposes are never referred to. Nearly $17,000,000 have been invested at Mare Island. The yard has done and is still doing splendid construction and repair work. The climate is most equable all the year. The idea of abandoning the yard is preposterous, and not worthy of even serious consideration.

The draft of battle ships has been so rapidly increasing during recent years that there are now many ports throughout the United States that they can not enter with safety, as recently pointed out by the senior Senator from California [Mr. PERKINS] in a speech in the United States Senate on February 21 of this year. Our battle ships draw from 26 to 28 feet of water. The harbor of Portland, Me., has 30 feet of water; Boston, 27; New York, 35; Philadelphia, 23; Baltimore, 30; Norfolk, 28; Savannah, 22; Charleston, 26; Key West, 26; Mobile, 23; New Orleans, 28; Galveston, 27; San Diego, 27½; San Francisco, 33, and Portland, Oreg., about 19 or 20 feet.

With this great awakening in the Pacific, carrying with it the fortification of our home coast and insular possessions, the crying need of a merchant marine equal to that of other nations competing with us for the trade of the Pacific should appeal to every thoughtful American citizen. The knowledge that the coal supplying our fleet has been carried in foreign bottoms brings the question to our attention with mighty force. Each year this question will grow in importance.

This cruise of the battle ships, the greatest in history, is not as yet completed. Twenty-three thousand miles will be covered, according to estimates, after leaving San Francisco. In all, over 37,000 miles will be the record when anchor is finally cast on the fleet's arrival on the Atlantic coast in February, 1909.

England, Australia, Japan, and China have extended invitations to the fleet, and these marked evidences of friendship are of great diplomatic significance. In the Orient our prestige will be vastly increased by the display of fighting ships.

The cordiality of Japan will grow more marked as the fleet approaches the Far East. The visit to Japanese ports under such happy circumstances will lead to a better understanding between the two nations, and the announcement of the acceptance of Japan's invitation has already silenced the last note of opposition to the cruise and taken from the jingo press its last round of ammunition. The cruise was happily conceived by the President and Secretary of the Navy, and its success is proving greater even than they anticipated.

The people of the Pacific coast welcome the fleet, and they ask and insist—and their request is but reasonable—that there be permanently assigned to the far western seaboard of this great nation a fleet of battle ships commensurate with the growing importance of the Pacific. [Loud applause.]

Mr. GREGG. Mr. Chairman, in the absence of the gentleman from Tennessee [Mr. PADGETT], I will yield seven minutes to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. Mr. Chairman, more than forty years have elapsed since the remnants of two great armies met for the last time at Appomattox. Whatever prejudice, whatever bitterness, whatever injustice survived this parting found no lasting place in the hearts of those who had borne the brunt of battle. In the shallow graves of those who did not live to see the dawn of peace blue and gray slept side by side, as do children of the same mother. Honor and valor had exacted the sacrifice, and the true soldier, North and South, standing over these graves, grounded his arms and said, "It is enough."

If those who saved the Union in fact by offering their lives for its existence had also been intrusted with the Government's policy of reconstruction, the legislation that I am going to ask for and that I have proposed in a bill—H. R. 19747—would have been unnecessary. The bill to which I refer is as follows:

A bill (H. R. 19747) to provide for refunding to lawful claimants the proceeds of the cotton tax unlawfully collected.

Be it enacted, etc., That the Commissioner of Internal Revenue shall, immediately upon the passage and approval of this act, compile a statement showing the amount of money illegally collected by the United States Government on account of the tax on cotton for the years 1863, 1864, 1865, 1866, 1867, and 1868, respectively, in the several States, and showing, if possible, the persons, firms, or corporations paying the same, with the amounts so paid, which statement, when properly certified as to its correctness, shall be filed with the clerk of the Court of Claims and a duplicate thereof filed with the Treasurer of the United States.

SEC. 2. That the Court of Claims is hereby clothed with full and complete authority and jurisdiction to hear, try, and adjudicate all claims made under this act by persons, firms, or corporations, or their lawful heirs or representatives, claiming to have paid such tax for any or for all the years herein stated, and when said Court of Claims shall have adjudged a claim just and lawfully made, in the name of the proper party or parties, it shall approve the same, and the clerk of said Court of Claims shall certify said approval and transmit the approved claim to the Treasurer of the United States, who shall pay the same.

SEC. 3. That a sum sufficient to cover the total amount of cotton tax collected, as shown by the statement of the Commissioner of Internal Revenue, is hereby appropriated, out of any funds in the United States Treasury not otherwise appropriated, and the same shall be available for the payment of all approved claims for the refund of said cotton tax, claimants to have five years in which to present and establish their claims, and the unexpended balance accredited to each State, after all approved claims have been paid and pending claims deducted, shall be paid to the treasurer of that State, to be used as a public school fund.

SEC. 4. That this act shall take effect immediately upon its passage and approval by the President.

I refer to the refunding of the cotton taxes illegally collected, mainly from the Southern States.

That this tax was illegal, that it was unjust, from whatever standpoint viewed, there is not a shadow of doubt. In the only case brought before the Supreme Court of the United States the eight judges sitting were divided, four and four. Leading men who have stood in line of battle in the Union Army, notably, Hon. Charles H. Grosvenor, whose ability we all know, whose zeal as a Federalist is unquestioned, whose judgment is worthy of the highest respect, freely state that this tax was wrong, illegal, and unconstitutional. This legislative body admitted its error by repealing the act after 1868, even in the midst of most hostile legislation against the South.

If the act of Congress could have been justified on any possible ground, the spirit of the Federal Government then prevalent would have kept that act on the statutes until the last farthing of the expense incurred in the civil war had been paid. This was nothing more than an indirect effort to exact war indemnity. The quarrel with the South could not be justified, except on the ground of farsighted expediency. From the Northern point of view, the Southern States did not accomplish their withdrawal from the Union, and hence they were necessarily clothed with the same power, entitled to the same privileges, and free from the same exemptions as were all other States. If the Southern States were out of the Union, then they were not amenable to the Constitution. If they were actually, or even technically, at all times a part of the Union, then they were entitled to that fair and indiscriminate treatment that is guaranteed under the Constitution. It was apparent, even to the South's bitterest enemies in Congress at the time, that the cotton tax was unconstitutional, without the semblance of legal justification, and so the acts were repealed.

Can a Government so powerful, so wealthy, so generous in its dealings with dependent subjects in far away islands, refuse to restore to its own citizens that which has been taken in violation of the Constitution? It is estimated that our efforts at subjugation, education, and assimilation in our oriental posses-

sions have cost this Government something like $800,000,000. To refund this cotton tax would require something like $68,000,000. Should we not be a little just before we are so very generous?

If there was no just ground for continuing the cotton tax, if there was even doubt of the legality of the tax, was not the money collected prior to the repeal of the act too questionable to be appropriated finally by a just and powerful nation? May we not hope that justice has been retarded not because of smoldering sectionalism, but because of lack of knowledge of the facts?

Such exhaustive and conclusive arguments have been advanced in recent speeches before this body, proving the illegality of the cotton tax, that I shall not enter extensively into this phase of the subject. But I hope that in the brief review that I shall make of the law and the facts the legislative conscience will be awakened.

All that is contained in the Constitution giving Congress the right to tax is found in the following provisions:

1. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, etc.
2. The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.
3. No capitation or other direct tax shall be laid, unless in proportion to the census of enumeration hereinbefore directed to be taken.
4. No tax or duty shall be laid on articles exported from any State.

Taxes may be divided into two general classes—direct and indirect. Indirect taxes are the duties levied on imports which the consumer pays in buying the imported article.

The best, and yet a most erroneous contention, undertaking to justify this cotton tax, may be found in a letter of Hon. Israel Kimball, once Commissioner of Internal Revenue, in which he alleged that it was an indirect tax, and that it was paid by the consumer. This would be partly true, if the cotton producer fixed the price of his product and could add the tax to the selling price.

But who does not know that the price of cotton is fixed in New York and Liverpool regardless of the producer? Besides, at that time there was no duty on any kind of cotton imported into this country, and the domestic article could not be sold higher than the imported article free of duty. Any attempt to justify the cotton tax on the ground that it was indirect, and hence not paid by the producer, is too absurd to admit of serious argument. But suppose, for sake of argument, that this was an indirect tax, does it conform to that clause of the Constitution which provides:

That all duties, imposts, and excises shall be uniform throughout the United States.

Under the acts levying taxes on cotton for the years mentioned in my bill South Carolina paid $4,172,420.16, while Connecticut paid $193.64 and Delaware paid nothing. It is a well-known fact that climatic conditions confine the raising of cotton to a section of the United States. Congress knew that a tax on all the crops of the Southern States would have been too palpably unconstitutional to receive the sanction of a majority vote, even of biased reconstructionists, and so, by a little legislative circumvention, it was sought to give validity to a clearly unconstitutional act. It was sought to give the acts the appearance of general application by using the following language:

There shall be paid by the producer, owner, or holder upon all cotton produced within the United States, etc.

Suppose a bill were proposed here levying a heavy tax on all sugar, hemp, wheat, or corn—that is to say, on any one of these articles exclusively raised in the United States. Would there not be a howl from the sections raising this article against such unjust discrimination? While these products are confined to certain sections of country, no one of them is so circumscribed as cotton. Cotton is not and can not be raised uniformly throughout the United States, and hence as an indirect tax it can not conform to the main requirement—that it shall be "uniform throughout the United States."

The fact is, the tax on cotton was a direct tax. Let us see what a direct tax is defined to be. Perry, on political economy, uses the following language:

A direct tax is levied on the very persons who are themselves expected to pay it.

The fact is, the producer did actually pay the cotton tax.

An excise is one form of direct tax, and under this specific head the cotton tax properly belonged, if it had been legally levied. Judge Story says:

An excise is an inland imposition or duty; a duty or tax laid on certain articles produced or consumed at home.

Here was an article produced and largely consumed at home. It was properly subject to an excise, if levied in accordance with the Constitution. But hear again the language of the Constitution:

All duties, imposts, and excises shall be uniform throughout the United States.

That is, they shall fall with impartiality on Maine and Texas alike. Does a tax on cotton come within the requirements?

Again the Constitution says:

No capitation or other direct tax shall be laid unless in proportion to the census.

By the census of 1860 the total population of the United States was 31,445,089, and of the eleven cotton States 9,103,333. The total cotton tax collected amounted to $68,072,388.99. Of this amount, eleven cotton States paid $64,701,352.76. Georgia paid over $11,000,000 and Maine paid nothing. How is this for laying the tax in conformity to the Constitution:

In proportion to the census or enumeration.

Again, in the language of the Constitution:

No tax or duty shall be laid on articles exported from any State.

At the time of the collection of the cotton taxes more than half of the entire crop was exported abroad. A strict definition of the word "export" includes shipment from one State to another. In this sense more than four-fifths of the entire crop was exported. Nothing could be clearer than that the cotton tax was, in this respect, violative of the Constitution.

There are some who do not pretend to justify the cotton tax from a legal or constitutional standpoint, but claim that it was a war measure and that the country was justified in suspending the Constitution. While this is the only honest contention that can be set up, it certainly could not be applicable to the taxes collected in 1867 and 1868, amounting to three-fourths of the entire collections, when peace reigned throughout the land. As for the taxes collected during the war, they may have been justified by the rule of might, but not by the rule of right. An army may be justified in confiscating or destroying property, as a legitimate war measure; but that a rich, proud, and powerful government will defy its own prescribed rule of conduct, to tax, under the guise of law, a poor and bleeding people, I refuse to believe.

If, blinded by prejudice and exasperated by the resistance that had for so long set at naught the Federal forces, the Government did in haste that which was unwarranted under the Constitution, has not the day of restitution come?

Perhaps few of the original taxpayers are living to enter their claims. The descendants, in many instances, could establish just claims, and any unclaimed amount might be turned over to the various State treasurers, for use in the common school fund.

This appeal is to the mind, after the passions have subsided. It is not made in the name of charity, nor yet is it a demand, but plainly and unequivocally it is a call to the performance of a duty, which if longer neglected must reflect upon the honesty of the nation. [Loud applause on the Democratic side.]

RECESS.

The CHAIRMAN. The hour of 5 o'clock having arrived, under the order of the House the Committee of the Whole House on the state of the Union will stand in recess until 11.30 o'clock to-morrow morning.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16757) for the incorporation of the Brotherhood of St. Andrew, reported the same without amendment, accompanied by a report (No. 1418), which said bill and report were referred to the House Calendar.

Mr. MOORE of Pennsylvania, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13844) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C., reported the same without amendment, accompanied by a report (No. 1419), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the House

(H. Res. 328) directing the Secretary of Commerce and Labor to transmit to the House information as to prices of meat products monthly during the last two years, reported the same with amendment, accompanied by a report (No. 1420), which said bill and report were referred to the House Calendar.

Mr. FOSTER of Illinois, from the Committee on Mines and Mining, to which was referred the bills of the House H. R. 14013, 12660, 15249, 9130, and 17704, reported in lieu thereof a bill (H. R. 20591) for the appropriation of moneys from the sale of public lands for the establishment and maintenance of schools or departments of instruction in mines and mining in the various States and Territories, accompanied by a report (No. 1421), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 20122) granting an increase of pension to Charles Heywood, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 20582) to amend an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,' approved May 9, 1900"—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 20583) providing for the improvement and repairs to the court-house and post-office building at Paducah, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Pennsylvania: A bill (H. R. 20584) to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against any unlawful restraints and monopolies"—to the Committee on the Judiciary.

By Mr. McGUIRE: A bill (H. R. 20585) for the payment of outstanding warrants against moneys belonging to the Chickasaw Nation for certain purposes—to the Committee on Indian Affairs.

By Mr. GARNER: A bill (H. R. 20586) authorizing Samuel W. Fordyce and others to construct a bridge across the Rio Grande at some point at or near the town of Brownsville, in Cameron County, Tex.—to the Committee on Foreign Affairs.

By Mr. SULZER: A bill (H. R. 20587) to establish a Department of Labor—to the Committee on Labor.

By Mr. LITTLEFIELD: A bill (H. R. 20588) to provide for the payment of water powers and water rights—to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Virginia: A bill (H. R. 20589) to provide for the construction of a light-vessel for Winter Quarter Shoal Station, seacoast of Virginia—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUDENSLAGER: A bill (H. R. 20590) to increase the pensions of widows of soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant pensions to certain widows of such soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois, from the Committee on Mines and Mining: A bill (H. R. 20591) for the appropriation of moneys from the sale of public lands for the establishment and maintenance of schools or departments of instruction in mines and mining in the various States and Territories—to the Union Calendar.

By Mr. CONNER: A bill (H. R. 20592) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbance, and the Seminole war,' approved July 27, 1892."—to the Committee on Pensions.

By Mr. STEPHENS of Texas: Resolution (H. Res. 334) asking why certain Indians are now being imprisoned in Arizona by order of the Interior Department—to the Committee on Indian Affairs.

By Mr. CARTER: Joint resolution (H. J. Res. 165) for the enrollment of certain persons as members of the Osage tribe of Indians, and for other purposes—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills nad resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTLETT of Georgia: A bill (H. R. 20593) for the relief of Alberti Operti—to the Committee on the Library.

By Mr. BENNETT of Kentucky: A bill (H. R. 20594) granting an increase of pension to Elizabeth Wall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20595) granting a pension to Lee Ison—to the Committee on Pensions.

Also, a bill (H. R. 20596) granting an increase of pension to Joseph H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20597) granting an increase of pension to Richard M. J. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20598) granting an inrcease of pension to Perry Kains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20599) for the relief of Harriett Ann Crank—to the Committee on Military Affairs.

Also, a bill (H. R. 20600) for the relief of James H. C. Mann—to the Committee on Military Affairs.

Also, a bill (H. R. 20601) granting an increase of pension to John T. Dean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20602) for the relief of H. P. Elderman—to the Committee on Military Affairs.

Also, a bill (H. R. 20603) granting an increase of pension to John M. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20604) granting a pension to Edward Shields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20605) for the relief of G. W. Darnell—to the Committee on War Claims.

Also, a bill (H. R. 20606) granting an increase of pension to William T. Tomlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20607) granting an increase of pension to John P. Huff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20608) granting an increase of pension to Rebecca A. Gallup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20609) for the relief of Jeremiah Hunt—to the Committee on Military Affairs.

Also, a bill (H. R. 20610) granting an increase of pension to James K. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20611) granting an increase of pension to Clabon W. Stiltner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20612) granting an increase of pension to William H. Ryder—to the Committee on Invalid Pensions.

By Mr. BIRDSALL: A bill (H. R. 20613) to compensate C. W. Smith for services and disbursements made in the war with Spain—to the Committee on War Claims.

Also, a bill (H. R. 20614) granting an increase of pension to Alvin Eck—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 20615) for the relief of Charles P. Ryan—to the Committee on Military Affairs.

By Mr. CARTER: A bill (H. R. 20616) granting an increase of pensions to James Ousley—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 20617) to protect the rights of Jack Risner, an intermarried Choctaw citizen—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 20618) to protect the rights of Laura Stewart, a Choctaw citizen by blood—to the Committee on Indian Affairs.

By Mr. CRAIG: A bill (H. R. 20619) for the relief of the heirs of Jesse Glawson, deceased—to the Committee on War Claims.

By Mr. DENBY: A bill (H. R. 20620) for the relief of Theodore E. Rollett—to the Committee on Claims.

By Mr. EDWARDS of Kentucky: A bill (H. R. 20621) granting an increase of pension to John H. Hail—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 20622) for the relief of James H. Gaines—to the Committee on War Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 20623) granting a pension to Garet Williamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20624) granting an increase of pension to William J. Chandler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20625) granting a pension to Lawrence Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20626) granting a pension to Elie Gaston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20627) granting an increase of pension to Andrew Reibel—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 20628) granting an increase of pension to Edward R. Blain—to the Committee on Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 20629) granting an increase of pension to Edward C. Reed—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 20630) granting an increase of pension to Barzilla Greenwood—to the Committee on Pensions.

Also, a bill (H. R. 20631) granting a pension to Daniel R. Cone—to the Committee on Pensions.

Also, a bill (H. R. 20632) granting an increase of pension to John E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20633) granting a pension to William B. Gilpin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20634) granting an increase of pension to Eleanor McDevitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20635) to correct the military record of Charles W. Becker—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 20636) for the relief of the heirs of George W. Waters, deceased—to the Committee on War Claims.

By Mr. LAMB: A bill (H. R. 20637) granting an increase of pension to Peter Girard—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 20638) for the relief of Frank W. Tucker—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 20639) granting a pension to Delilah Colley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20640) granting a pension to Demia T. Stump—to the Committee on Pensions.

By Mr. McGUIRE: A bill (H. R. 20641) granting an increase of pension to W. H. Riner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20642) granting an increase of pension to William Vanatta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20643) removing the charge of desertion from the military record of Robert Ward—to the Committee on Military Affairs.

By Mr. REID: A bill (H. R. 20644) granting an increase of pension to Alonzo Brashears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20645) granting a pension to Morgan Reasor—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 20646) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against The United States—to the Committee on Claims.

By Mr. SOUTHWICK: A bill (H. R. 20647) granting an increase of pension to Cornelia M. Botts—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20648) granting a pension to William H. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20649) granting an increase of pension to John B. Baker—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20650) granting an increase of pension to Oscar F. Corson—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 20651) granting an increase of pension to Melville C. Sullivan—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 20652) granting an increase of pension to Sarah M. Jones—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Paper to accompany bill for relief of William Smith—to the Committee on Invalid Pensions.

By Mr. ALLEN: Petition of J. T. Hawkes and 22 others, citizens of Westbrook, Me., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. ANTHONY: Petition of Auburn Grange, of Auburn, Me., for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURNETT: Affidavits to accompany H. R. 20535, for the relief of Mittie or Mary Trayler, daughter of Henry T. Butts, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: Petition of South Division Civic Association of Milwaukee, against any increase in quantity of water taken from Lake Michigan into the Chicago Drainage Canal—to the Committee on Rivers and Harbors.

By Mr. DUNWELL: Petition of Furman & Page, favoring H. R. 14934, making shippers, consignees, and transportation companies more careful—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward Smith & Co., against legislation unfavorably affecting sale and interchange of paints—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frank Roman and others, for remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Security Savings Bank, of Cedar Rapids, Iowa, for enactment of a purely emergency currency act—to the Committee on Banking and Currency.

Also, petition of citizens of Brooklyn, N. Y., favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Chamber of Commerce of New York, against H. R. 19245, relative to obstructive material in New York Harbor and adjacent waters—to the Committee on Rivers and Harbors.

Also, petition of Chamber of Commerce of New York, for increase of salaries of judges of circuit and district courts—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of city of Richmond, relative to the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of national banks of St. Louis, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Union Veteran Legion Encampment, for $200,000 for an armory on the site of fort built by Gen. Anthony Wayne—to the Committee on Appropriations.

Also, petition of the Association for the Protection of the Adirondacks, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. DUREY: Petition of Saratoga (N. Y.) Spanish War Veterans, for battle-ship construction in the New York Navy-Yard—to the Committee on Naval Affairs.

By Mr. EDWARDS of Kentucky: Papers to accompany House bill granting a pension to John H. Hail—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of six national banks of Milwaukee, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of national banks of Milwaukee, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. FITZGERALD: Petition of Chamber of Commerce of New York City, N. Y., in favor of additional compensation to United States judges (S. 4356)—to the Committee on the Judiciary.

By Mr. FLOYD: Papers to accompany H. R. 20086, for the relief of W. M. Boyd—to the Committee on Invalid Pensions.

By Mr. FORNES: Petitions of John J. McGovern and James J. Moore, of New York City, against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. FULLER: Paper to accompany bill for relief of Edward R. Blain—to the Committee on Pensions.

By Mr. HOUSTON: Paper to accompany bill for relief of estate of W. T. Garrett—to the Committee on War Claims.

Also, paper to accompany bill for relief of Jacob Dillon—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of James C. Rowlett—to the Committee on War Claims.

By Mr. LINDBERGH: Petition of Minnesota Road Makers' Association, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. McDERMOTT: Petition of Chicago city council, favoring H. R. 15123 and 15267 and S. 4395, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lake Seamen's Union, against H. R. 225, to amend section 4463 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

By Mr. McKINLEY of Illinois: Petitions of J. M. Shehan and others, Bessee Lacke and others, John H. Hearns and others, Alfred Markus and others, and Emil Friend and others, protesting against the atrocities practiced by the Russian Government in its warfare against its own people—to the Committee on Foreign Affairs.

By Mr. PAYNE: Petition of Manchester Grange, No. 501, Patrons of Husbandry, of Manchester, N. Y., for highways improvement (H. R. 15837)—to the Committee on Agriculture.

By Mr. PERKINS: Petition of many citizens of New York State against atrocities of the Russian Government toward its own people—to the Committee on Foreign Affairs.

By Mr. RHINOCK: Petition of W. J. Arnold and other citizens of Kentucky, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of International Association of Bridge and Structural Iron Workers, of Cincinnati, Ohio, against prohibition legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. RYAN: Petitions of Polish Roman Catholic Union of America; Polish Union of America; Polish Patriotic Ladies' Society Manda, 1,150 members; Polish Falcon, No. 6; Central Association of Woodmen of the World, 8 lodges, 1,400 members; Polish Organizations of Black Rock; St. Barbaras Parish, of West Seneca, N. Y.; the Poles of Buffalo in mass meeting assembled, and Kosciuszko Camp, No. 92, Woodmen of the World, against the Polish expropriation act of the Prussian Diet—to the Committee on Foreign Affairs.

By Mr. SABATH: Petition of Lake Seaman's Union, against H. R. 225, amending section 4463 of Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Association for Protection of the Adirondacks, favoring H. R. 10457 (for forest reservations in White Mountains and Southern Appalachian Mountains)—to the Committee on Agriculture.

By Mr. TIRRELL: Petition of A. A. Johnson, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. WILSON of Pennsylvania: Petitions of R. H. Jutt and 21 others, residents of Potter County; H. O. Rice and 16 others, residents of Tioga County; H. S. Burt and 32 others, residents of Potter County; Albert Dunning and 24 others, residents of Tioga County, and A. B. Wheeler and 14 others, residents of Tioga County, all in the State of Pennsylvania, for S. 3152, for additional protection to dairy interests—to the Committee on Agriculture.

Also, petition of David Wurster and 18 others, residents of Lycoming County, Pa., for a national highways commission and for Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. YOUNG: Petition of sundry citizens of Michigan, for amendment of the Sherman antitrust laws—to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 11, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the committee, at 11 o'clock and 30 minutes a. m., was called to order by the Chairman, Mr. MANN.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Chairman, I desire to ask the condition of the time of both sides.

The CHAIRMAN. The gentleman from Illinois has consumed two hours and fifty-four minutes and the gentleman from Tennessee two hours and ten minutes.

Mr. FOSS. Mr. Chairman, then I ask the gentleman from Tennessee to go ahead.

Mr. PADGETT. Mr. Chairman, I now yield thirty minutes to the gentleman from Texas [Mr. GREGG].

Mr. GREGG. Mr. Chairman, the upbuliding of our Navy, like providing all means of national defense, should be, and I believe is, absolutely nonpartisan. There are men on that side of the House and there are men on this side of the House, level-headed, well-balanced men, who do not oppose a navy, but who believe that the naval appropriations should be kept within reasonable limits. [Applause.] They believe that the naval appropriations should not bear any unfair or unjust proportion to the sums of money needed and appropriated to the other branches of the Government. On the other hand, Mr. Chairman, there are gentlemen upon that side and there are gentlemen upon this side who seem to be navy mad. Their thought by day is of much navy, and their dream by night is of more navy. They seem to have no care for the efficient administration of any other branch of the public service. If permitted to have their way, they would cripple the other needs of the Government in order to expend on the Navy more than its just proportion of the nation's revenue.

They would cut short the improvement of our waterways and of our harbors. We are to have no river and harbor bill this year because we have not sufficient funds, but I hear no suggestion from the Navy enthusiasts to in any way economize on the Navy. On the contrary, they are making an effort to increase the appropriation beyond what the Committee on Naval Affairs after careful consideration has determined upon.

They would postpone the completion of our coast defenses.

The War Department this year recommended $38,000,000 for the erection of needed fortifications. The Committee on Appropriations, because of the condition of our finances, appropriated only about $8,000,000. Yet there are men on this floor who want to use twenty millions of that necessary saving in the building of two battle ships more than the number recommended by the Committee on Naval Affairs. They would postpone the erection of public buildings needed by the Government for the proper conduct of its business, and would deny to the underpaid Government employee an increase in salary in order that they may the more rapidly expand the naval establishment. Those of you who have in your districts rivers and harbors which are left unimproved, and who need public buildings which will not be provided for, will be in a pitiable condition before your constituents if you vote all the money to carry out an extravagant naval programme. What will the American people say of the Congress if after raising our own salaries we refuse to raise the salaries of equally as just employees of the Government, where the necessity is just as great, on the ground that we have not the money, when they learn that we waste money on an extravagant naval programme? Those who favor this programme either do not realize that there is a limit to the nation's revenues or they are absolutely indifferent as to other needs of the Government. To such a programme or policy I am unalterably opposed, and would oppose it just as vigorously if recommended by a Democratic Administration as I do when recommended by a Republican Administration. With me it is a question of rational, proper, public policy; it is not a question of partisan politics. [Applause.]

I believe first in providing such coast and harbor defense as will absolutely insure that no hostile force will ever put foot on our shores. With this provided there will, in time of war, be no demand for the Navy to furnish coast protection. Our ships can go out to sea to meet the enemy, and needing none for coast defenses and being able to send our entire fleet where the emergencies demand it, we can do with fewer ships. I believe also in maintaining an army sufficient as a nucleus, and a large, well-trained, equipped, and efficient militia, which in time of trouble can come to the relief of our standing Army while we are mobilizing the volunteers who have always been and who aways will be the bulwark of our defense. These are matters of defense, and I believe in providing them before we provide means of aggression and offense. I believe in a reasonable navy, such a navy as will protect us against dangers reasonably to be expected, while we go ahead attending to our own business, doing justice to and expecting nothing but justice of all other nations on the earth. But I do not believe in building a navy for the purpose of encouraging and engendering a jingo and bullying spirit. [Applause.] I believe that a nation, like a man, will sometimes get into trouble while trying to avoid it. I am firmly convinced that a nation, like a man, when seeking trouble will be sure always to find it. [Applause.]

Every State in this Union has a law prohibiting the carrying of arms. This is based on the theory that men who go unarmed will avoid trouble which they might not seek to avoid if they go armed. [Applause.] Now, is it not a little strange that as to individuals we enact laws upon the theory that a man when unarmed will avoid trouble, but contend that the way for a nation to avoid trouble is to go with the biggest armament in the world? [Applause.] Scorning the idea of building a navy for purposes of offense and regarding it only as a means of defense, I believe that our present Navy is in units sufficient, and that we need only to maintain the present number of units. Now, I have some pretty good authority on that proposition. In his message to the first session of the Fifty-ninth Congress the President said:

> It does not seem to me necessary, however, that the Navy should be, at least in the immediate future, increased beyond the present number of units. What is now clearly necessary is to substitute efficient for inefficient units as the latter become worn out, or as it becomes apparent that they are useless.
>
> Probably the result would be obtained by adding a single battle ship each year.

Again, in his message to the second session of the Fifty-ninth Congress, on December 3, 1906, he said:

> I do not ask that we continue to increase our Navy. I ask merely that it be maintained at its present strength, and this can be done if we replace the obsolete and outworn ships by new and good ones, the equal of any afloat in any navy.

He then proceeds to mention some ships in our Navy which he considers obsolete and outworn, and then he adds:

All these ships should be replaced by others, and this can be done by a well-settled programme of providing for the building each year of at least one first-class battle ship, equal in size and speed to any that any nation is at the same time building.

We took his advice and adopted a well-settled programme of providing for the building each year of a first-class battle ship, equal in size and speed to any which any nation was at the same time building, and I believe in that. Whenever we build a battle ship, build it the equal of anything that any other nation is even contemplating putting upon the waters. [Applause.] But, lo, presto change! We had hardly got settled to this well-settled programme until he unsettles himself and seeks to unsettle us and to unsettle our well-settled programme. This year, without any apparent reason for his change of mind, he recommends the building of four battle ships, and if the same ratio of increase continues next year, we will have to be building sixteen, and if reports are true, he is using the power of his Administration to force upon us this new unsettled programme. I say there is no apparent reason for this change of mind or change of policy. If attempted to be justified on the ground that there is danger of conflict with Japan, I answer that the relations between the United States and Japan were much more acute and much more strained on December 3, 1906, when he said that one battle ship was enough, than they were in December, 1907, when he asked for four. [Applause on the Democratic side.]

If attempted to be justified on the ground that the fleet has been sent to the Pacific and there is no fleet upon the Atlantic, I answer that if we have trouble with Japan it will be upon the Pacific and not upon the Atlantic, and we will need our fleet there and will not need it in the East. But it has been recently determined that the fleet shall be returned to the Atlantic. This, to my mind, is proof conclusive that the Administration does not now, if it ever did, anticipate any trouble with Japan.

I went on the Committee on Naval Affairs in the Fifty-ninth Congress. During that Congress naval officers came before us, and, with closed doors and transoms down for fear a passer-by might overhear, we were told of the danger of war with Germany. This year they come to us and they whisper to us that they were mistaken about Germany, but it is Japan sure this time, and I fear that when this error is dispelled by time, like the error about Germany was, there will be some other nation ready to jump on us. I for one am becoming tired of such tactics. They are an insult to the intelligence of the committee. They are a fraud upon Congress and a fraud upon the American people. [Applause on the Democratic side.] All suggestions of danger of war with Japan beget in me an absolute pity for the suggester. I read recently a certain article written from Tokyo on February 20, 1908, by a correspondent of a number of American newspapers, and it states the position so well that I will simply read an extract from the article.

This was written on February 20, 1908, from Japan:

A critical examination of Japan's national resources and present financial status reveals such a sorry condition of affairs that even the suggestion of war with a power like the United States seems to be the height of absurdity. No matter how well Japan may be prepared for war in a military way, in other respects it is not at all prepared. Modern war means spending money, and in order to spend money one must have resources. Japan is poverty stricken and almost bankrupt. Its total wealth is but one-twentieth of that of the United States, although its population is more than half as great.

If every vestige of wealth in Japan could be turned into cash, the whole amount would not be enough to buy the clothing and furniture used by the people of the United States. The entire income of the Japanese Government is not as great as that of the United States Steel Corporation.

Now, those men who advocate the building of more battle ships than the two recommended by the committee forget that there is a limit to the resources even of this rich nation, and they also seem to forget the many other needs of the Navy, not to mention the needs of other Departments of the Government, and the large amounts of money necessary to supply those needs. I will mention a few of these needs of the Navy. We have not the facilities for docking the large vessels of the *Delaware* class that we are now building. This will require many millions of dollars. We need navy-yards and naval stations on the Pacific, in Hawaii, and in our insular possessions. These will require many more millions of dollars.

The conduct of our navy-yards has been upon the most unbusinesslike basis. Each bureau of the Navy has had its own separate power plant, its own separate machine shop, and its own separate establishment of every kind. This has entailed unnecessary expense. The present Assistant Secretary of the Navy, encouraged by bills introduced in Congress and by suggestions from the Committee on Naval Affairs, has undertaken a system of consolidation by which we will consolidate all the power plants into one, all the different machine shops into one, and all the duplicated establishments into one establishment. This will require many more millions of dollars. But its expenditure will be wise, because the net saving to the Government will justify it. Then, the Gun Factory at Washington needs millions of dollars to so equip it that we can make there the guns and other armament needed for our ships at reasonable cost and within reasonable time. The present annual fixed expenses of the Navy for salaries of officers and of enlisted men and for general administration is $100,000,000. This is exclusive of any increase. Each battle ship adds increases to this fixed annual expense of about $1,000,000.

Now, there is another thing I want to call attention to. The Secretary of the Navy told us in his hearings this year that to equip and properly officer the ships that we now have and that we are now building we are 1,846 officers short. We are graduating annually at Annapolis from 180 to 200. Putting it at 200, making no allowances for death or retirement amongst our present officers, it will require nine years to graduate the officers necessary for the ships we now have. What excuse is there or what use is there in building more ships and putting them in reserve without officers, when by the time we have the officers ready for them they will become obsolete and of no practical use to the Government? [Applause.]

Mr. SCOTT. Will the gentleman permit a question?

The CHAIRMAN. Will the gentleman yield?

Mr. GREGG. I yield.

Mr. SCOTT. In view of the shortage to which the gentleman has called attention, I would like to inquire what is being done now? Are ships tied up at the wharves because they can not be officered?

Mr. GREGG. Yes, sir; they put them in reserve, as they call it. Just lay them up.

Mr. SCOTT. Can the gentleman tell us how many and what ships are in reserve?

Mr. GREGG. I do not know the exact number, but those that they can not officer are placed in reserve, and the programme of these naval enthusiasts is to build more and put them in reserve and let them become obsolete before we have officers to put on them. And that is not all. We have not the men for them. We are short of men for crews and before we can find the men to equip these new ships that they are clamoring for they will have become obsolete.

Our Navy is now, in size, the second in the world—second only to that of England. I believe in maintaining this position, which can be done by a sane, conservative development each year, without any wild risks.

Ours is not only larger than any other navy except England's, but ship for ship and man for man our Navy is superior to that of any other on earth. This superiority added to our superior size gives us an ample margin of superiority. If we are not to be satisfied with maintaining our position of second, then there is only one other thing to do, and that is to enter into a wild scramble to surpass England.

Any other course is useless and extravagant. We are already superior to any nation but England. Now, then, every ship that we add to our Navy in the meantime which does not make us superior to England is useless as far as the other nations are concerned, and of no avail as far as England is concerned. So we are left the alternative of being satisfied to hold our present position, or enter into a wild scramble for superiority with England, and we know that before she will submit to that she will exhaust every resource within her power. We will enter into a wild scramble that will bankrupt both nations, and I trust that the American people, with nothing but pride to base it upon, will never enter upon such a mad, foolish scramble as that. [Applause.]

Mr. Chairman, I reserve what time I have left.

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. PADGETT. Mr. Chairman, I now yield one hour to the gentleman from Alabama [Mr. HOBSON], a member of the committee.

Mr. HOBSON. Mr. Chairman, after the eloquent and illuminating speech of the chairman of the Committee on Naval Affairs, there is hardly need for making further reference to the body of the naval appropriation bill. I beg to call attention, however, to the fact that the large amount of money carried by that bill is due chiefly to the cost of administration and maintenance, and that the attack on the line of expenditure is chiefly directed to new construction. I here make the suggestion that those gentlemen who wish to attack that bill on the basis of the large amount of money should make their attack on the first part of the bill. Proportionately, the amount carried for new construction is very small. I realize that with

the high standard in our Navy the cost of maintenance must always be greater than the relative cost abroad. I believe, Mr. Chairman, that it will be possible to make substantial economies in the cost of administration and maintenance, and I hope to have some part, if possible, in making such economies. There is a movement on the part of the Navy Department that gives promise of substantial returns in economy of administration.

But I beg to earnestly call attention to the fact that the new construction is the most vital part of the bill, and of the new construction the battle ships are the most vital items, not only because these realize the greatest economy in construction, in getting full return for every dollar expended, but also because the battle ship is the unit that determines and secures the purpose for which the Navy exists. In spite of superficial statements to the contrary, it is a fact based on human nature that to be prepared to resist attack tends to ward off attack. The American Navy is not only intended, as are all the other navies, to win the victory when war must come, but it is also intended to enable this nation to live in peace and tranquillity, without molestation from the military and aggressive nations of the world. [Applause.] And when any aggressive nation, with its chief of staff, investigates the question whether a war is to be undertaken or not, that nation does not ask about administration; it does not ask about maintenance; it does not ask about auxiliaries; it asks, How many battle ships has the other nation? [Applause.]

It is scarcely necessary to refer seriously to the remarks of gentlemen as to the effect of shortage in personnel upon the advisability of building more ships, after the chairman of the committee has distinctly pointed out that the present bill will carry 6,000 additional men, enough not only to man the four battle ships that are building, but enough to man the remaining four battle ships, if such are provided in this bill. To take the broad statement of the Secretary of the Navy as to the total number of officers and men required to man every ship in the Navy down to the last monitor, gunboat, yacht, and tug, and say because there are not enough that we ought to stop building battle ships is simply ridiculous.

Mr. FOSS. May I interrupt the gentleman a moment? The gentleman does not mean to state that I said that we provide in this bill for enough men to man the four battle ships for which I understand the gentleman proposes to make a motion in the House?

Mr. HOBSON. Not at all. I have said it is enough, with 800 men per ship, to man the four battle ships and practically four more, if we decide to have them built.

Mr. FOSS. I made the statement that we provide 6,000 men to man the ships already authorized; but it does not provide for ships that will be authorized by this bill.

Mr. HOBSON. I understand that perfectly.

Mr. FOSS. I want to make that clear.

Mr. HOBSON. A shortage of personnel does exist in the Navy, and it is due to the fact that we are not scientific in treating the question. Abroad, whenever a battle ship is authorized, the law carries automatically enough men to man the ship. We have neglected to do this in the past.

Mr. GREGG. Will the gentleman permit me to interrupt him?

Mr. HOBSON. I have a two-hours speech and only one hour of time, but am glad to yield, though yesterday my requests for interruption were all refused.

Mr. GREGG. Does the gentleman know that we have not been able to supply the men required even for the number authorized?

Mr. HOBSON. The gentleman does not know anything of the kind. [Applause.] Recruiting has never been better in time of peace.

Mr. GREGG. Then the gentleman does not know the facts.

Mr. HOBSON. Mr. Chairman, I hope to see this question of personnel treated in a scientific way in the future. Instead of advancing one delinquency, a shortage in men, as a reason for committing another delinquency in a shortage of ships, I hope to see ample provision made for both. At present officers are being added fast enough. The trouble lies in the congestion at the top and the bottom. Reorganization has not kept pace with expansion, and to-day our rear-admirals average less than two years in their grade before retirement, while in foreign services the average is from eight to eleven years. The need for reorganization has become imperative, and I hope to see the necessary legislation, if not at this session, then at the next session. As to the men, if we add 6,000 additional men a year, we shall have as many men as we need before any ship authorized in this bill is in commission.

Mr. Chairman, I am sure the gentleman from Tennessee [Mr. PADGETT] does not wish that his very accurate statement, that the Naval Committee has given earnest consideration to the matters involved in this bill, should mislead the Congress. I therefore believe it is incumbent upon me to state that at least two-thirds of the Naval Committee, including the chairman, believe that we ought to authorize four battle ships this year instead of two. They voted to authorize only two simply because they thought we could not get more than two, and feared that recommending more would lessen the chances of getting the two. Their convictions are for four. The recommendation of two was a matter of policy and expediency.

Mr. Chairman, self-preservation is the first law of nature, whether it applies to a plant, to an animal, to a man, or a nation. Provision may be individual or collective. Men in organized communities have provided collectively for self-defense. Collective provision is infinitely preferable to the individual provision, not only because it is far more effective, but also because it relieves individuals from the more or less injurious task of going armed. Arbitration is infinitely preferable to armaments. But, Mr. Chairman, there must always be adequate provision for self-defense of one kind or the other. No form of life on this earth is left to the benevolence of other life for its preservation. It is wrong; it is flying in the face of the Almighty who created us to ask it to be otherwise. Therefore it simply remains, in providing for national defense, to determine whether adequate collective provision is attainable or whether, as a nation, we must depend upon our own national provision.

I submit that it is the fundamental duty of every man who loves his country, and every man who loves his kind, to use every effort in his power to further the cause of providing a system of collective preservation, of creating among the nations an organization anologous to that provided in civilized communities by which differences are settled by law based upon justice. I believe that we have begun a new era, as the gentleman from Missouri [Mr. BARTHOLDT] yesterday pointed out. I believe we are already upon the path which is going to end in an international organization, where there will be adequate provision for securing the defense of individual nations, thus permitting individual nations to give up their individual armaments. I am glad to bear testimony to the fact that America has taken the leading part in the work as far as it has gone, and that the gentleman from Missouri [Mr. BARTHOLDT], though too modest yesterday to mention the fact, himself penned the resolution of St. Louis, and it was the gentleman from Ohio [Mr. BURTON] who introduced it, the resolution that brought forth the Second Hague Conference, the purpose of which was primarily to provide for periodical conferences at The Hague, to evolve ultimately into an international congress that would make laws for civilized nations to live under.

I am glad to bear testimony to the fact that it was likewise the American delegation and the gentleman from Missouri who had the chief part in the Inter-Parliamentary Union in laying the plank of the platform before the First Hague Conference that resulted in the establishment of the permanent tribunal of The Hague. I am glad to say that America is in the forefront of the peace movements of the world. But no one can deny the fact, which was stated yesterday by the gentleman from Missouri, that up to this point the provision has not been adequate. There is no police provided for out among the nations to protect us or any other nation. There is no adequate tribunal. The permanent tribunal of The Hague is a diplomatic rather than a judicial tribunal. It has no jurisdiction essentially its own, and even if it had, there is no power to bring offending nations to the bar. In fact, there is no international law which can be properly called law. It has not the force of the common law of England.

There is nothing behind it. Each nation interprets it to suit itself. There is no authorized body to-day to make laws for the world. The furthest progress that has thus far been made is to negotiate arbitration treaties between nations by pairs. The proposition of the American delegates at the last Hague conference to have a general mondial arbitration treaty, elastic and automatic, was rejected by the conference, and to-day the arbitration treaties that have just been negotiated between our country and other countries simply provide for what may be called minor questions. Every treaty now in existence between the great powers of the world specifically reserves and eliminates questions of independence, questions of honor, questions of vital interest, from the provision for arbitration. I ask what provision is going to be made for guaranteeing the honor, independence, and vital interests of our nation? They are eliminated from courts of arbitration. What other provi-

sion will you make for them? If provision is important for minor questions, it must be more important for vital questions. Vital questions being excluded from arbitration can have no other recourse but provision through armaments.

Let us do all we can to expand the area of arbitration. I hope this Congress will vitalize its group of the interparliamentary union by giving it official recognition and by providing funds for its use. I hope there will be provision for permanent representation at The Hague conferences and the Pan-American conferences. But after we have done our utmost let us not expect a century plant to bloom in a day, even in small communities. Trial by battle was in vogue for five hundred years after trial by jury was begun. Bear in mind that even to-day among the other great nations of the world honor is still settled by trial by duel. Bear in mind that even here, in the nation where organization for peace is developed to the highest degree yet attained within this generation, there took place between kindred States the greatest war the world ever witnessed.

My countrymen, do not let us be deceived. The question of self-preservation is too vital to be trifled with. Until long years after an international organization is created we must still rely upon ourselves. Until arbitration has been extended to all questions and has proven itself effective we must look to ourselves for national self-preservation. Upon what instrumentalities must we depend? Either armies or navies. Armies involve men in vast numbers, taking them from their work. Navies involve ships, leaving the men at work. Armies are in the midst of the people; navies are far away on the sea. Armies may tend to undermine the institutions of a country. No navy has ever usurped civil power or overturned a government since the world began. On the contrary, navies have been the cradle of liberty, protecting the citizens of a country in their peaceful pursuits and relieving them from the pursuit of arms.

For these reasons all nations of the earth have chosen naval power as far as conditions permitted. Here in America the conditions for naval power are ideal. By controlling the waters that lead to our shores our nation could realize a perfect security and our citizens could continue in tranquillity to work out their glorious destiny.

In provision for a navy, I submit that there should not only be adequate power to win the war, if it must come, but adequate power to prevent the war, if possible, and this means, my countrymen, that in the waters in question there should be a substantial margin of superiority. When navies seem to be about equal, the aggressive power believes in its own and it will take occasion to put it to a test.

I will give you an illustration. In the time of the war with Spain the two navies were estimated as just about equal. Each thought its navy was superior. War came. I do not hesitate to say that if we had had three or four more battle ships the margin of superiority would have enabled the troubles in the West Indies to be settled by diplomacy. Mark you, when you are determining between two battle ships and four, you are trifling with that small vital margin upon which peace and war will hinge, upon which the value of your whole Navy is at stake. Twenty millions of dollars put into battle ships a few years prior to 1898 and there would have been no war. When the war came our coast-line people were thrown into panic, and we spent $50,000,000, threw it away upon mosquito fleets of no use. The Spanish war has cost us in one way, directly and indirectly, about $1,400,000,000. Twenty-five million dollars put into battle ships in advance would have spared it all; and yet the total cost, including pensions, is counted up to the Navy and Army.

Now, let us examine in detail this question and, in a business-like way, establish a scientific basis and reach conclusions that are not matters of opinion, but conclusions that are as unchangeable as the laws of mathematics and the laws of nature.

Take the Atlantic Ocean. Around it are assembled the great maritime powers. Take the powers of Europe. Measuring along the indentations, Great Britain has 2,200 miles of coast line, France has 1,700 miles, Germany has 800 miles, making altogether about 4,700 miles for the three great maritime nations of Europe. Across the ocean America has in the Atlantic Ocean proper 5,400 miles of coast and in the Gulf 4,300 miles. Upon examination you will find that our country is accessible from the water through its entire area east of the Rocky Mountains. Through the St. Lawrence River and Canadian canals over 300 British vessels could pass to the Great Lakes, about which there are 4,700 more miles of coast line.

Up the Mississippi River and its tributaries and the other rivers leading up from the Atlantic waters there are over 15,000 miles of waterways. Do not scoff at the navigation of even inland rivers in time of war, if the enemy has control of the sea and has armies. The civil war will answer any such tendency to scoff. Adding Cuba, 7,000 miles of coast line, and Porto Rico, 500, we have over 35,000 miles of American coast line, compared with 4,700 miles for the three great maritime nations of Europe. But that does not end America's responsibility. We have assumed the Monroe doctrine; we propose to maintain it. Along the eastern coast of Mexico there are 1,700 miles and for Central America 1,500 miles, and on the east coast of South America 12,500 miles, making nearly 16,000 miles added by the Monroe doctrine, and making a total of nearly 50,000 miles for this nation to protect, as against 4,700 for the three principal maritime nations of Europe.

The great European centers have been built inland. America's great centers have been built on her waterways. On her Atlantic coast line alone there are 15,800,000 of American citizens living within gunshot of the water, with seventeen billions six hundred millions of property. On the Gulf there are 1,900,000 people and eight hundred millions of property. On the Great Lakes there are 7,000,000 of people and seven billions two hundred millions of property. On the Mississippi River and its navigable tributaries there are eleven and a half millions of people and eight billions six hundred millions of property. We are the most exposed nation on earth—36,000,000 of our people and thirty-seven billions of our property now lying within gunshot of the water, more citizens exposed than there are citizens exposed in all Europe combined, more property exposed than there is property in all the rest of the world combined.

If you have a trust company or valuables, do you not put a guard over them even in the most civilized community, with the best regulated police force? Would you, then, propose to leave all the vast national interests unguarded out in the world where there is no police, no law, no courts? Let us examine further. Coast fortifications are valuable, but they have never prevented a determined commander from running by. We ought to have coast defenses, but even on the plan laid out by the Board of National Defense, where we have expended eighty-four millions, there remains seventy millions yet to be expended—nearly half is unprovided for, and for the half already built we lack by more than 4,000 men enough to man the guns with half crews.

Of the twenty-seven fortified harbors only five have complete provision for fire control and only one-third have complete searchlight provision. We furthermore lack a mobile land force to protect the rear. No fort that ever existed could withstand an attack from the rear with mobile troops. We have no army that could be mobilized to prevent the seizure of these forts from the rear. We have altogether only 19,000 of Regulars; there are only 9,000 in the United States—less than the police of New York City—and they are scattered far and wide. We have 50,000 trained militia. The largest organization we have is the regiment. We have neither brigade nor division organization.

An expedition can leave Europe from any one of the great maritime powers with less than a hundred and fifty thousand men, and in three weeks that expedition can capture Washington City, Baltimore, Philadelphia, and New York without any possibility of substantial resistance. Furthermore, before we could assemble an army capable of expelling them from one city they could have done what they pleased with all that property and embark practically without loss. The expedition would destroy our shipyards, our navy-yards and arsenals and leave us impotent. We would have to start all over and build a new navy. How long would it take us? Perhaps ten years.

And at how much cost? Untold billions—then we would have to create a stupendous transport service and a great army, turning our citizens from their peaceful pursuits to the profession of arms. Then we would have to go across the ocean, where no base could be found and where a great army would resist any attempt to land. Without a ready army, without bases in Europe, without a merchant marine the United States could be raided without a chance for retaliation. We would win in the end, but at what a cost!

My countrymen, this should not be permitted to continue. As a simple matter of insurance, as a police proposition, America must have a navy capable of controlling the ocean in the Atlantic against any nation of Europe. [Applause.]

Mr. RAINEY. Will the gentleman permit a question? How many battle ships does the gentleman think we ought to have to defend our enormous coast lines?

Mr. HOBSON. I will state that. At the present juncture the British have forty-five battle ships and thirty-three armored cruisers available in the waters of the Atlantic, making seventy-eight. Germany has twenty-one battle ships and six armored cruisers, making twenty-seven in all. France has sixteen battle ships and fifteen armored cruisers, making thirty-one. America has three battle ships and two armored cruisers, making five.

As to the necessity of the future, the British have ten *Dreadnought* ships with their keels laid. She is laying down two more, and there are three Brazilian *Dreadnoughts* in England; the last two South American battle ships which were built were taken over by England—the *Swiftsure* and *Hotspur*. Adding those three Brazilian battle ships with the two she is laying down, she will have five available in addition to the ten now coming on fast. France has six laid down and six more projected, making twelve. Germany has five laid down and has authorized four for this year and four for next year and four for the following year, and so on to about 1917. If we would simply hold our present relative position, we will have to authorize six great battle ships this year and four more each subsequent year until further development.

Mr. RAINEY. How long would it take at this rate before developments occurred that would stop the building of four a year?

Mr. HOBSON. No one can foresee.

Mr. RAINEY. It might go to 200 or 300 battle ships according to the gentleman's position.

Mr. HOBSON. If the other nations built 200 each then we ought to build about 300. Now, please do not interrupt me in order to ask ridiculous questions. I do not yield, Mr. Chairman, for such questions.

Mr. RAINEY. How much will it cost to maintain these battle ships?

The CHAIRMAN. The gentleman from Alabama declines to yield.

Mr. RAINEY. I thought he declined to yield to a ridiculous question and I am not asking ridiculous questions. [Applause.]

Mr. HOBSON. Mr. Chairman, it is puerile for us to assume that we are not in any danger.

Mr. RANDELL of Texas. How long, according to that programme, would it take to bankrupt the world?

Mr. HOBSON. Well, America controls seventeen billions of the world's banking capital, and the rest of the world controls seventeen billions. The other nations have large armies—we have not. It will bankrupt the rest of the world about 2,000 years before it would bankrupt America. [Applause.]

Mr. Chairman, we have, as I say, laid down the Monroe doctrine. The Monroe doctrine lies 5,000 miles from our shores. Any man in earnest about the doctrine must realize that, to make it safe and secure against aggressions from Europe, we must be able to send a fleet there as large as any European power could send.

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. HOBSON. I am sorry I must decline to yield further.

Mr. Chairman, our form of government is peculiar. Within our borders the citizens of foreign nations have to be subjected to the same treatment as American citizens, and therefore are amenable in police cases to local State authority. No nation of the world has consented to that proposition. It has been challenged many times in the Atlantic, and last year it was challenged in the Pacific, and our Government could not guarantee to California security in exercising its constitutional rights. Now, with the fleet in the Pacific it can not guarantee the States of the Atlantic seaboard. In addition, we are the only nation in the world that stands for the equal rights of men. The great governing classes of other nations base their claims upon heredity. We can not assume for a moment that here, with the oceans now bridged with an infinite number of bridges leading from the armies of the monarchies of Europe, we can live in security unless we can control those bridges. The only rational basis for an enduring peace is for America to have control of the sea in the Atlantic. Four battle ships this year would not be sufficient for this.

They would not even maintain our present position relatively to Germany and France. Unless we quicken our pace we shall fall to fourth place.

But another ocean has come upon us. It is unseemly for preachers to send a memorial here to this Congress quoting the President two years ago and failing to quote him to-day, for them to assume that there are no more naval responsibilities to-day than there were two years ago. The fact that the President recommended only one ship two years ago shows that he is anxious to recommend the minimum. This year he has recommended four. Why? Another ocean has been added since two years ago. The Aleutian Islands and Alaska put 5,100 miles of coast line upon us, the Pacific coast 3,100 miles, the Hawaiian Islands 780, Samoa 85, Guam 80, the Philippine Islands 13,600, making 27,000 and odd miles. South America adds nearly 17,000 more, making in all nearly 40,000 miles for America. Japan has 13,000 miles. Japan's coast line is centered all there at home. Ours is scattered over the whole face of the ocean. If our fortifications are imperfect in the Atlantic, they are far more imperfect in the Pacific.

If the nations of Europe have armies that have bridged that ocean and are ready to come upon us when the time arrives, the nations of Asia have done likewise. Japan has 420,000 men under arms. There is not a hostile army within 500 miles. No nation ever carried that many men under arms long. Japan has a million tons of merchant marine. She can put between 150,000 and 200,000 men aboard ship in three days. She has 110,000 citizens in the Hawaiian Islands; America, 7,000. Japan has 100,000 Japanese in continental America, counting 80,000 trained soldiers. Ten thousand soldiers on the Pacific slope are organized into compact clubs. Within a section of only four squares in Oakland Japanese clubs have six shooting galleries. Nine companies of Japanese have been organized in Vancouver. Japan has established a great naval base at Kelung, in Formosa, and one at the Pescadores. She has organized a Filipino-Japanese party in the Philippine Islands. Japan has built up her navy in like proportion. She has now practically ready two *Dreadnoughts*, and laid down two more. This year she is to lay down seven more, making eleven great ships. Some have imagined that the great Japanese preparations were intended for China. They do not need all those *Dreadnoughts* for Chinese gunboats.

There is not an armored ship of any European nation in the Pacific Ocean. I am not talking about war. It is the other side that puts war talk into my mouth. I am giving facts that, as patriots, we have no right to neglect.

We sent sixteen battle ships to the Pacific Ocean. Two more have joined, making eighteen, together with eight armored cruisers, making altogether twenty-six. Japan has eleven armored cruisers and eleven battle ships, making twenty-two. She is adding the *Ibuki* and *Kuroma*, making twenty-four; she has added the *Sitsuma* and the *Aki*, two *Dreadnoughts*. The comparison of the gentleman from Tennessee yesterday of a great ship against four small ones is simply astonishing, as though a great ship with three more knots' speed would let four small vessels assemble around her and, while they concentrate their fire upon her, she would carefully distribute her fire equally among them. The firing of the modern battle ship has been revolutionized.

You can keep your gun on the target all the time and stand off 6,000, 7,000, and 8,000 yards and hit with a majority of the shots. These great ships of Japan that carry sixteen great guns, having three knots an hour more speed, can choose their distance and concentrate all their fire on a single vessel. There are experts who will tell you that the gun fire of one of these ships can destroy any existing fleet that might approach. By a conservative estimate one of these is equivalent to four smaller vessels, and the two would be equivalent to eight, making the total Japanese fleet equivalent to thirty-two. Thus if we should send every ship of the Navy to the Pacific, and absolutely strip the whole Atlantic Ocean, we could not keep pace with Japan in the next five years.

I have pointed out that the minimum basis of our duty in the Pacific and our duty to the Atlantic is six ships for each ocean. Even admitting that a single fleet could serve in both oceans, which it could not do, on account of the vast distance between the oceans, we should have to provide six ships as the minimum this year. A programme of only four is thus down to bed rock and touches the danger point. It is natural that Japan should desire to control in the East. Just emerging from mediævalism, it is natural that she should wish to extend her dominions and to take our possessions. It is natural that she should marshal her own power and the power of China and the power of India—the power of the yellow man—to gain supremacy of the world.

The moment the American fleet leaves the Pacific Ocean they could take our possessions without any resistance. We have no transports to carry our Army to retake them, and we have no army ready. Our fleet could not take them, and the attempt to get them back again would be more futile than it would be to get even with any nation of Europe.

It is not necessary to point out the grave danger that lurks in a race problem between the yellow and white races. Territorial and commercial considerations show the danger of conflict, notably the question of the open-door policy in China. America must be prepared to take care of her own interests.

And if she will take care of her own interests, she will do a great duty to the world. If we had had $50,000,000 worth more of battle ships in 1898 when we called upon Russia to evacuate Manchuria she would have evacuated, and that would have spared the world that war. Every movement of Japan and the European powers tends toward the division of China.

When the partition of China begins this world will be set on fire, and out of that fire the great nations of Europe will discover that the yellow man does not love one white man more than another. While Germany would probably be the next to be thrown out of Asia, and France would follow, and the British last.

The papers Japan is controlling throughout China are teaching the Chinese to hate all foreigners. The dismemberment of China would thus precipitate a great race war. Our investigation thus far has been for the Atlantic Ocean and Pacific Ocean separately. It is necessary to consider them together.

The nations of the white race have hated one another so long that they ask nothing better than to play off another race against them. A nation of Asia, preparing for war with America, would proceed to get an alliance with a nation of Europe.

There is existing to-day a hard and fast, offensive and defensive alliance between Great Britain and Japan. There has been one official interpretation of that alliance. This was by the premier of the Dominion of Canada on February 28. In defending the leaving of the question of immigration of Japanese into Canada to the Japanese Government, he stated that Canada should do that because they would expect the Japanese to come to Vancouver in time of war, and they ought to let them come in time of peace; that he could see how, for defense of common interests in the northern Pacific, the Japanese and British ships would be together, and would weigh anchor from Vancouver. It is true that the public, published part of that Anglo-Japanese treaty specifies the regions of India and of eastern Asia; but no Japanese fleet would come over to Vancouver to start toward India. The British Government has yet to disclaim the interpretation of that treaty by the premier of Canada.

Let me repeat that I am not talking war; I am talking facts. We have 90,000,000 of people. I will take second place to no man in appreciating their strength and their willingness, if necessary, to fight for liberty and for home and country, but the yellow man can fire as straight as the white man. The yellow man can live on one-tenth of what the white man can. We have felt free from danger from invasion from Europe, although we are not free from raids. We may be free from invasion from Europe, but, my countrymen, we are not free from invasion from Asia. The location of our Pacific coast places it, with the open ocean toward Asia, in a dangerous condition, with Japan in alliance with a great maritime power of Europe that would keep the ocean open. The unlimited myriads of Asia could descend upon our shores. We are within reasonable distance of the point where this nation may have to fight for its very existence.

I here proclaim you may refuse to recognize the inevitable facts if you wish, but the time is coming when this nation, not only to do its duty in the world, but to preserve its very existence, will either have to turn the country into a mighty army or it will have to control the sea in the Atlantic Ocean and the Pacific Ocean, both at the same time. Which should be the choice—to turn our citizens into soldiers or a small part of our wealth into ships?

I realize full well that objections exist. I know the question of expense is thrown up at us. The war between Russia and Japan cost the South over $500,000,000 in the slump of cotton. Last year we lost $24,000,000 in the markets for cotton goods alone. I pointed out the cost of the Spanish war.

In 1812 we had a disastrous war. If we had had a substantial navy, the British would never have persisted in violating our rights in the Atlantic Ocean, we would have had no war, Washington City would not have been burned. Before that we paid two and a half million dollars to the Barbary pirates as tribute and ransom. One-half of that would have given us a fleet that would have prevented war and would have insured the security of our commerce. In 1800 France would not even respect our rights as neutrals, and we had a war with France. If we had had a navy there would have been no war. When you come to discuss the question of expense you are dealing with a disease. War is a disease. America's Navy is a preventive, and every dollar in ships will save us hundreds of thousands of dollars that would otherwise be lost in war.

I know there are some who distrust their country. They are afraid if we have a great navy we will abuse the power. I think a man descends pretty low when he chooses to think a mean thing about his own country when there is no occasion for it. I ask any gentleman here, Would your constituents have this nation play the part of a bully, simply because we had a big navy? Of course not. Neither would mine. It is not so abroad. Abroad a czar, an emperor, a monarch, or an ambitious dynasty can have a nation's power turned to conquest and oppression. In America it would have to be the people, and they would not do it. In analyzing the power that there is in 90,000,000 of people you know we have found out that they are the safest guardians of liberty. Do you not realize that those 90,000,000 of people, men who do not hate any other people in the world engaged in peaceful pursuits, are the one repository in this world with which you can trust great power?

Do you trust the British with a navy three times as big as ours more readily than you would trust America? Great Britain and the other nations have enemies—have had enemies down the ages. Their navies are specifically for war. America has no enemy. Her navy is for peace. Somebody has to have the biggest. Which ought it to be? Mark you, and believe me, my countrymen, I am not advocating permanent navies. I am pointing out the path which in the shortest time, with America keeping the peace of the world, her interests justifying her intervention and giving a chance to create an international organization that will be adequate for peace, and thus lead to the point where America and all other nations can give up their navies. But you know, as practical men, that we have not yet reached that point. Nations still have to have navies.

I submit it to you, as long as they have to have navies, then America, the peace nation, ought to have the biggest navy. You can not escape this conclusion. But some say that this is the advocacy of force. It is nothing of the kind. I have lived in Europe, I have lived in Asia, I have seen enough of the reign of might and brute force around the world. The reign of might and brute force is the trouble with the suffering world. It is time some nation of peace and beneficence could have some influence in the great councils of the nations. This is the way in which in the shortest time to put an end to the reign of force in the world. Some say, "Oh, he is a young man who wants war; he has had a taste of war." Mr. Chairman, it cured me, that taste did. I see men before me who in the great war would get up before breakfast and do more fighting than was done in the Spanish war altogether. You ask them if they do not believe me.

I do not care how hot-blooded a man may be before he goes in. Let him go in and get a taste of war, and that will make of him a disciple of peace for the rest of his days. There has never been a greater slander on any men than to say that men of war want war.

I climbed aboard the *Teresa* three days after the battle of Santiago. As I came over the gangway I saw a gun's crew dead, every man at his post. An 8-inch shell had penetrated the armor and exploded and killed them all. Being a naval constructor, I jumped down on the protective deck to examine to see if the structure had been blown up between the upper coal bunkers. It was gloomy. I saw a man in a corner. I wondered what he was doing there. I found that the main steam pipe ran from the boilers forward to the engine room aft underneath the deck, and they had put in a special stop valve and brought a spindle up through the deck, so that if the pipe was cut and it proved impossible to reach the regular stop valve in the engine room, then a man located above the deck in battle using a double ratchet wrench could shut it off from above.

Fire had swept over the ship, and that man had been burned up. Have you ever seen those figures at Pompeii, figures of men and animals, that had been asphyxiated? They were nothing like that man. When he found he was getting weaker, he got down on his knees and he put his chin down on his chest. There he was, burned to a crisp, but the charred bones of his fingers were still grappling his wrench. [Applause.]

When I think of the Spanish war my heart cries out, "How long, how long must noble men continue to slay each other in this way?" When the smoke raised from the battlefields of Manchuria and the martial spirit of the world was aroused, I could see men dead and dying, 500,000 of them. I knew that America, had she done her duty to the world, could have spared the world that war.

I have been out in Japan and in those countries. I have seen the huts and the homes of the peasants. Life is hard at its best. I knew that the women and children there were weeping and wailing for dear ones that never could return. I know that widows and orphans are going through the hard world today without the protection of father, husband, son, or brother. And I know our country could have spared it all. Some one says he talks navy and war because that is his profession. You might as well tell a doctor that he talks surgery because that is his profession. I have gone into these things, my country-

men. The war clouds are gathering. I have gone about America and I have made over 1,700 speeches in the cities pleading for peace.

Four hundred and forty-one audiences, aggregating over 400,000 persons, assembled at representative American cities, situated in forty-two States of the Union have adopted the following resolution practically unanimously:

In the interest of peace and justice: Be it

Resolved by this gathering of representative citizens, That general treaties of arbitration should be negotiated by the United States with all nations, granting jurisdiction to the international court at The Hague over as many classes of controversies as the other contracting power in each case can be induced to transfer from the field of battle to the precincts of courts of justice.

2. That the United States should declare in favor of a permanent international congress, containing representatives from every nation, to assemble periodically and automatically for the purpose of suggesting such changes in the law of nations and in the method of its administration as the current of events may make desirable and practicable.

3. That present conditions call for the immediate adoption of a progressive naval programme that will give the United States a Navy capable of performing its duty, i. e., of protecting our vast seacoast, our great and ever-increasing volume of ocean-going commerce, our growing interests in foreign markets, our distant possessions, and of executing effectively all the just foreign policies of the nation.

4. That the chairman appoint a committee of three to call upon the mayor, who is hereby requested to join with said committee in communicating this resolution to the Representative in Congress of this district, the two Senators from this State, and the President of the United States.

This resolution has likewise been unanimously adopted by the legislature of Georgia and the legislature of New York.

PARTIAL LIST OF CITIES IN WHICH RESOLUTION HAS BEEN ADOPTED SINCE JANUARY 1, 1905.

Meyersdale, Pa.
Coldwater, Mich.
New Hope, Pa.
Gallipolis, Ohio.
New Brighton, Pa.
Anderson, Ind.
Hiram, Ohio.
Washington Court House, Ohio.
Wolcott, N. Y.
Plymouth, N. H.
Hartford, Conn.
Afton, N. Y.
Canajoharie, N. Y.
Ilion, N. Y.
Wakefield, Mass.
Amesbury, Mass.
Alexandria, Pa.
Berwick, Pa.
Connellsville, Pa.
Barron, Wis.
Eau Claire, Wis.
Minneapolis, Minn.
Marshalltown, Iowa.
Primghar, Iowa.
Hampton, Iowa.
Excelsior Springs, Mo.
Fulton, Mo.
Alva, Okla.
Newton, Kans.
San Angelo, Tex.
Tyler, Tex.
Georgetown, Tex.
Southwestern University, Texas.
Gonzales, Tex.
San Marcos, Tex.
Bryan, Tex.
Houston, Tex.
Beaumont, Tex.
Meridian, Miss.
Memphis, Tenn.
Davidson College, North Carolina.
Greensboro, N. C.
Greenville, S. C.
Logansport, Ind.
Camp Point, Ill.
King City, Iowa.
Centerville, Iowa.
Plattsburg, Mo.
York, Nebr.
Lincoln, Ill.
Rochester, Ind.
McConnelsville, Ohio.
Malta, Ohio.
Vinton, Iowa.
Peebles, Ohio.
Freeport, Ohio.
Cadiz, Ohio.
Bloomington, Ill.
Kahoka, Mo.
Paris, Ill.
Defiance, Ohio.
Clarksburg, W. Va.
Cumberland, Md.
Broken Bow, Nebr.
Owensboro, Ky.
Iowa City, Iowa.
Pana, Ill.
Chillicothe, Mo.
Hastings, Nebr.
Charleston, Ill.
Hamilton, Mo.
Hutchinson, Kans.
Peabody, Kans.
Manhattan, Kans.
Salina, Kans.
Topeka, Kans.
Kansas City, Mo.
Paola, Kans.
Council Grove, Kans.
Chanute, Kans.
Henderson, Ky.
Attica, Ind.
Ballinger, Tex.
San Angelo, Tex.
Marshall, Tex.
Nacogdoches, Tex.
Lake Charles, La.
Corsicana, Tex.
Groesbeck, Tex.
Waco, Tex.
Cleburne, Tex.
Oklahoma, Okla.
Sulphur, Ind. T.
Ardmore, Ind. T.
Mineral Wells, Tex.
Denton, Tex.
Greenville, Tex.
Fort Worth, Tex.
Fort Smith, Ark.
Durant, Okla.
Bartlesville, Okla.
Chickasha, Okla.
Hobart, Okla.
Atoka, Okla.
Commerce, Tex.
Temple, Tex.
Tishomingo, Okla.
Ashland, Ohio.
Grove City, Pa.
Gulfport, Miss.
Laurel, Miss.
Yazoo City, Miss.
Water Valley, Ohio.
Hartselle, Ala.
Coatesville, Pa.
Front Royal, Va.
Gainesville, Fla.
St. Petersburg, Fla.
Lancaster, N. H.
Milford, Mass.
Canandaigua, N. Y.
Wooster, Ohio.
Binghamton, N. Y.
St. Peter, Minn.
Stillwater, Minn.
Oshkosh, Wis.
Waukegan, Ill.
Little Rock, Ark.
Itasca, Tex.
Hillsboro, Tex.
Galveston, Tex.
San Antonio, Tex.
Donnellson, Iowa.
Eldon, Mo.
Redfield, S. Dak.
Huron, S. Dak.
Newton, Iowa.
Sedalia, Mo.
Fort Collins, Colo.
Rockford, Ind.
Sioux Falls, S. Dak.
Norfolk, Va.
Richmond, Va.
Harrisburg, Va.
Lexington, Va.
Durham, N. C.
Emporia, Va.
Danville, Va.
Columbia, S. C.
Amery, Miss.
Tupelo, Miss.
Richmond, Ind.
Winfield, Iowa.
Bristol, Va.
Fullerton, Nebr.
Danville, Ill.
Clinton, Iowa.
Mexico, Mo.
Hannibal, Mo.
Bethany, Mo
Auburn, Nebr.
Fairbury, Nebr.
Cedar Rapids, Iowa.
Harlan, Iowa.
Fort Madison, Iowa.
Clinton, Mo.
Dallas, Tex.
New Philadelphia, Ohio.
Perry, Iowa.
Elgin, Ill.
Lexington, Nebr.
Delavan, Wis.
Vincennes, Ind.
Greenfield, Ohio.
Terre Haute, Ind.
Quincy, Ill.
Waxahachie, Tex.
Nevada, Mo.
McAlester, Okla.
Russellville, Ark.
Fayetteville, Ark.
Clinton, Mo.
Fort Scott, Kans.
Iola, Kans.
Independence, Kans.
Springfield, Mo.
Monett, Mo.
Bentonville, Ark.
Pittsburg, Kans.
Neosho, Mo.
Waterloo, Iowa.
Red Oak, Iowa.
McComb, Ill.
Lebanon, Ky.
Beatrice, Mo.
Lead, S. Dak.
Des Moines, Iowa.
Dublin, Ga.
Paducah, Ky.
Elba, Ala.
Atlanta, Ga.
Edgefield, S. C.
St. George, S. C.
Jacksonville, Ala.
New Market, Ala.
Newton, Ala.
Fort Deposit, Ala.
Mount Sterling, Ky.
Martins Ferry, Ohio.
Sharon, Pa.
Bloomfield, W. Va.
Glen Ridge, W. Va.
Petersburg, Va.
Lynn, Mass.
North Adams, Mass.
Stevens Point, Wis.
Cincinnati, Ohio.
Frankfort, Ohio.
Laporte City, Iowa.
Independence, Iowa.
Audubon, Iowa.
Monson, Iowa.
Stanberry, Mo.
McPherson, Kans.
Lincoln Center, Kans.
Sherman, Tex.
Danville, Ky.
West Point, Miss.
De Land, Fla.
Orlando, Fla.
Union, S. C.
Washington, Ga.
Monroe, La.
Americus, Ga.
Dadeville, Ala.
Evergreen, Ala.
Uniontown, Pa.
Warren, Pa.
Erie, Pa.
Peru, Ind.
Newark, Ohio.
Athens, Ohio.
Buckhannon, W. Va.
Cameron, Mo.
Flint, Mich.
Minot, N. Dak.
Carrington, N. Dak.
Coopertown, N. Dak.
Menomonie, Wis.
Watertown, Wis.
Milwaukee, Wis.
Arkansas City, Kans.
Marion, Kans.
Muskogee, Okla.
Cherryvale, Kans.
Baldwin, Kans.
Waverly, N. Y.
Torrington, Conn.
Bangor, Me.
Skowhegan, Me.
Waterville, Me.
Houlton, Me.
Brooklyn, N. Y.
Olean, N. Y.
Springville, N. Y.
New Bedford, Pa.
New Castle, Pa.
Saltsburg, Pa.
Bowling Green, Ky.
Roanoke, Va.
Bristol, Tenn.
Godfrey, Okla.
Winfield, Iowa.
Meadville, Mo.
Maryville, Mo.
Ottawa, Ill.
Sigourney, Iowa.
Fairfield, Iowa.
Goldfield, Iowa.
Clay Center, Kans.
Coshocton, Ohio.
Harrisonburg, Va.
Purcell, Va.
Charles City, Iowa.
Hamilton, Ill.
Nora Springs, Iowa.
Spencer, Iowa.
Glenwood, Iowa.
Farrington, Iowa.
Bedford, Iowa.
Storm Lake, Iowa.
Albert Lea, Minn.
Bloomfield, Iowa.
Oskaloosa, Iowa.
Siloam Springs, Ark.
Muskogee, Okla.
Vinita, Okla.
Tulsa, Okla.
Pittsburg, Kans.
Beatrice, Nebr.
Sac, Iowa.
Jefferson, Iowa.
Missouri Valley, Iowa.
Athens, Ohio.
Creston, Iowa.
Albia, Iowa.
Ottumwa, Iowa.
Tipton, Iowa.
Knoxville, Tenn.
Birmingham, Ala.
Brundidge, Ala.
Hartford, Ala.
Ozark, Ala.
Abbeville, Ala.
Montgomery, Ala.
Eufaula, Ala.
Columbia, Ala.
Andalusia, Ala.
Geneva, Ala.
Camden, Ala.
Linden, Ala.
Selma, Ala.
Centerville, Ala.
Sylacauga, Ala.
Albertville, Ala.
Huntsville, Ala.
Starkville, Miss.
Oxford, Miss.
Florence, Ala.
Patton, Ala.
Auburn, Ala.
Wetumpka, Ala.
Brewton, Ala.
Troy, Ala.
Atmore, Ala.
Stillwater, Okla.
Enid, Okla.
Blackwell, Okla.
Wichita, Kans.
Iola, Kans.
Garnett, Kans.
Parsons, Kans.
Sabetha, Kans.
Kirksville, Mo.
Centralia, Ill.
St. Louis, Mo.
Marion, Ill.
Olney, Ill.
Elkhart, Ind.
Abington, Ill.
Ames, Iowa.
Chicago, Ill.
Louisville, Ky.
Union City, Ind.
Laporte, Ind.
Kewanee, Ill.
Chariton, Iowa.
West Union, Iowa.
Boone, Iowa.
Conrad, Iowa.
Osage, Iowa.
Mankato, Minn.
La Crosse, Wis.
Baraboo, Wis.
Aurora, Ill.
Elkader, Iowa.
Waverly, Iowa.
Muscatine, Iowa.
Sparta, Ill.
Kansas, Ill.
Appleton, Wis.
Fond du Lac, Wis.
Marietta, Ohio.
Ironton, Ohio.

Hillsboro, Ohio.
Rochester, N. Y.
Derby, Conn.
Boston, Mass.
Bellefonte, Pa.
Syracuse, N. Y.
Burlington, N. J.
Citronelle, Ala.
Gainesville, Ga.
Cartersville, Ga.
Cordele, Ga.
Dawson, Ga.
Farrish Springs, Fla.
Quitman, Ga.
Thomasville, Ga.
Fort Gaines, Ga.
Lumpkin, Ga.
Blakley, Ga.
Richland, Ga.
Monroeville, Ala.
Alexander City, Ala.
Montevallo, Ala.
Wetumpka, Ala.
Corinth, Miss.
Jackson, Tenn.
Blue Mountain, Miss.
Decatur, Ala.
Canton, Ohio.
Portland, Ind.
Summit, N. J.
Rockville Center, Long Island.
Atlantic City, N. J.
Albany, Ga.
Marion, Ala.
Talladega, Ala.
Gadsden, Ala.
Athens, Ala.
Spartanburg, S. C.
Florence, Ala.
Wilmington, Del.
Lexington, Va.
New Concord, Ohio.
Chattanooga, Tenn.
Webster City, Iowa.

I have gone tirelessly about the land night and day, just pleading for peace because I see the war clouds are gathering—clouds that would bring not only war between nations of the white race, but a great war between the races of the world, and I see America upon the apex in mid-ocean, the friend of all nations, kin to the other nations, the one great nation without territorial ambitions, standing for the rights of men and for those just policies between nations that make peace, enduring peace, possible. I see America placed here to send the black clouds of war back below the horizon. It is not a dream, not a vision. You and I can do it. Let us begin now by authorizing four battle ships in this appropriation bill.

Mr. FOSS. Mr. Chairman, I yield twenty minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON of Ohio. Mr. Chairman and gentlemen of the committee, notwithstanding the dire forecasts to which we have listened that the world will soon be afire and that the war clouds are gathering, I am gratified to notice that equanimity and contentment still prevail in this Chamber. We are not afraid that the disaster will come upon us, at least until after we conclude the consideration of this bill. But I can not listen to such an address as that which has just been made in the House without words of emphatic dissent, I might even say of rebuke.

The United States is not a country which, like a quarrelsome belligerent, stands with a mailed fist raised aloft, ready to strike the first offender, nor is it a country which will maintain the specious pretense that upon it rests the responsibility of maintaining by force the peace of the world. [Applause.] Our chiefest distinctions are that we are in the forefront of modern civilization; that ours are the triumphs of commerce, of industry, and of science; that here, more than anywhere else on the globe, we have maintained the importance of each individual; and that we give respect and reverence to the teachings of Christianity. We have made peace between nations; and the crowning glory of Theodore Roosevelt's career, when the whole history is written, will be that he brought the warring nations of Japan and Russia together. [Applause.] You would have to search with a microscope to find that one battle ship or twenty battle ships had anything to do with that magnificent achievement in the cause of the world's peace. It was accomplished rather by a reliance upon his fairness, upon the justice and disinterestedness of the American people, factors which would have been swept away if we had those ambitions which belong to a country having a great navy and seeking to dominate the nations of the earth. [Applause.]

The fundamental fallacy in all these arguments is that in this day neither an individual nor a nation is safe unless he goes armed. Just exactly the contrary is true. [Applause.]

Why is life worth living now? Why, it is because a spirit of humanity has so come to possess the people that the weak are protected alike with the strong. [Applause.] The cause of him who is wronged is the strongest cause that can exist under heaven. When sympathy is aroused it is a factor more potent than armies. This is certainly true of the individual. Why is it that chivalry gives such respect to the tenderer sex? Because she is weaker, because she is entitled to the protection of the stronger. Our sheltering, our protecting hand does not go out to the Amazon; she does not need our protection, because she is strong enough already. [Laughter.] So it is with nations. No nation can afford to impose on a weak people. The public opinion of the civilized world is stronger than the armies and navies of the proudest empire. [Applause.]

Suppose some nation of Europe should go to South America and seek to subject a weak people there. In this day those nations to the south have such a degree of civilization that the excuse could not be made that is made in the case of barbarous tribes. Why, the whole civilized world would rise up and legions would crowd to the bar of nations, crying "Hands off! hands off!" [Applause.] Let the strong keep away from the weak. And yet we are not weak. I listened here once to the singing of patriotic songs at a close of a Congress, and in face of the vigor, patriotism, and high aspirations displayed, with the gift of song that was shown in this Chamber, along with a certain glamor and enthusiasm of the occasion, there was one thought that came to me more than any other, and that was, What nation anywhere could stand up against this free America in case of a conflict? War is not a matter alone of armies, but of resources and endurance, and in that particular we stand far ahead of any other nation on the globe. Certain ones say to us—some of those who are most earnest in their advocacy of the battle ship—there will be war with Germany, or war with England, perhaps, or war with France. But those nations can not thrive without the supplies obtained from this country. Why, if you shut off England from obtaining food from this country in six months there would be starvation. Talk about sending battle ships up the difficult channel of the St. Lawrence! There would be no boundary line between the United States and Canada by the time the battle ships got across the Atlantic. [Laughter and applause.]

Some persons talk about war between Japan and China. They talked about war between France and Germany over the Morocco incident. There was a very strong occasion for war between England and Russia over the incident off the Dogger Bank, but the good sense of the nations prevailed over the hysteria of those who were shouting for a war and war did not materialize. There is now a solidarity of interest——

Mr. HOBSON. Will the gentleman yield?

Mr. BURTON of Ohio. If time permits at the close of my remarks I will try to answer the question; my time is very short. There is a solidarity of interest among the nations of the earth—such that war will not be tolerated. It is practically impossible between civilized nations unless some irresistible ground for conflict exists, as did exist in the case of Japan and Russia. I must say as regards Japan that no nation which has made leaps and bounds into the family of civilized nations has behaved with more moderation than the Japanese. [Applause.] Along with their remarkable military triumph there has been a magnificent growth in civilization and in those features which bring them into line with modern life; but if there were to be a contest between this country and Japan, what would it be? It would be a contest between races, and I am not willing to give up the idea that the Caucasian race will be dominant in the world's affairs for all time. [Applause.] There has been a good deal of talk about how Japan was going after the Philippines. A great relief has been given to that alarm within a few days by the talk of designs which Japan has upon Australia. [Laughter and applause.] Why, that is rational; if Japan has designs, it is against the civilization of the western world, so that it is out of the question that there should be any contest in which we would be alone. We have no entangling alliances. I rejoice in the thought that, although if we should be involved in a struggle no marching armies from other nations would keep step for our support, nevertheless in any quarrel of ours with any people of Asia it is not our cause, it is the cause of them all; and you can lay that down as a feature of this situation which will make for our defense and for the protection of the world's peace as well.

I have listened oftentimes to the talk of our becoming peacemakers by building a navy. How absurd that is! Great Britain starts in as a peacemaker and has a navy sufficient to quell disorder anywhere in the world, to make disorderly peoples behave themselves. But Germany thinks that it is not enough; she must also be a peacemaker more than Great Britain. France comes into the list, and she must be a peacemaker; and this competition in peacemaking is a spectacle in the eyes of the world. [Applause.] But these armed peacemakers will not command confidence. The increase of navies is to increase the might and the prestige of the countries which build them, and for each enlargement in our naval programme the whole world will look with an added degree of suspicion upon us, thinking that our designs are not for peace, but for empire and for the enlargement of our dominion.

I have stood here often, and I stand here now, for the principle that this country should take the lead in the paths which lead to peace; that we should take advantage of our magnificent isolation, of the confidence that other nations place in us. Thus we will have the confidence of the world and be able to make peace in proportion as our policy looks to peace.

Several years ago in my wanderings I visited the beautiful town of Samara, in far-off Russia, where the plains bear away toward Asia, where Slav and Tartar combine in making the

population. I was in a garden which looked much like those in western Europe, and there was a band that was playing for the people. They were playing the Marseillaise. It was suggested to the Russian officer that we who were Americans would like to have the band play some American air, the Star Spangled Banner, perhaps. The officer went to the bandstand, put his hand on the shoulder of the leader, and immediately the band stopped their tune and began to play Hail Columbia, Happy Land. [Applause.] There was a scene which would warm any American heart. The swains who were strolling around in the grove drew together and listened with an intense degree of eagerness, demanding a repetition, not once or twice, but thrice. There was an outburst of enthusiasm that made the wanderers feel as if they were at home. [Applause.] It was not the music of Hail Columbia—for that was inferior to some of the other tunes—but the throng recognized that those sweet strains told of a land beyond the mountains and the plains, across the wide ocean, where the watchwords are progress, liberty, truth, and equal opportunity; a land to which the poor and the struggling may look up with hope in the belief that some day, as a beacon light, its beneficence will extend to the darkest portion of the earth. [Great applause.]

So I say it is by seeking peace that we shall maintain our glory, our influence, our prestige among the nations. I would not say that we should abandon our naval strength. Personally I believe in one battle ship and one battle ship only, according to the enunciated programme of several years ago. [Applause.] But I now register my protest, and I hope I shall have opportunity again to register it, against this ambitious programme. What a man earnestly desires in his youth, that sometimes he may have in its fullness in his old age. I have respect for the idealists who look forward to the future. I am willing to be counted as one of them in my advocacy of what I believe to be the truth, in the firm conviction that, not to-day, perhaps, but in the near future, we shall join with other nations by peaceful methods, by arbitration, and by manifestations of reason and good will, as the leaders in a lasting peace which shall diffuse its influence all over the globe. [Loud applause.]

Mr. FOSS. Mr. Chairman, I yield thirty minutes to the gentleman from Connecticut [Mr. LILLEY].

Mr. LILLEY. Mr. Chairman, I propose to introduce a joint resolution which, if adopted, will save the cost of these two odd battle ships every year. It reads as follows:

Joint resolution.

Whereas there has been gross extravagance and lamentable misappropriation of public funds, to the extent of more than $100,000,000, in expenditures on or in navy-yards and naval stations in excess of what business men would have expended to produce the same results; and

Whereas great economies may be effected by the Federal Government by the abandonment and sale of certain navy-yards and naval stations and the reorganization of the others: Therefore be it

Resolved, etc., That the President shall appoint, immediately after the passage of this act, a commission consisting of three members, two of whom shall be men of reputed ability in the management of large industrial affairs, and a retired naval officer who has served as chief of bureau, whose duty it shall be to report to the President and Congress upon the advisability of the abandonment and sale of navy-yards and naval stations at Kittery, Me.; Port Royal and Charleston, S. C.; Key West, Fla.; New Orleans, La., and Mare Island, Cal., and to make such recommendations as they see fit for improving the organization and efficiency of navy-yards and naval stations and eliminating the waste of public moneys in the maintenance of same.

SEC. 2. That the commission shall appoint a secretary, to perform such duties as the commission may designate, and it shall be the duty of the commission to file its final report on or before the 1st day of January, 1909.

SEC. 3. That the commission shall have the power to summon witnesses, administer oaths, and call for papers and accounts.

SEC. 4. That each member of the commission shall receive during the term of service the sum of $3,000, and the secretary the sum of $1,500. The traveling expenses of all members of the commission, including secretary, also all other necessary expenses, shall be paid by the Treasurer upon warrant of the chairman of the commission, and for this purpose is hereby appropriated the sum of $15,000, or such part thereof as may be required, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

In view of the fact that Admiral Goodrich has been appointed to visit all the yards on the Atlantic coast to make an inspection, it may be of interest to hear what he says in the New York Tribune of April 4:

Rear-Admiral Goodrich takes occasion to express himself concerning the existence of certain navy-yards; he has communicated to the Washington authorities the belief that there are too many navy-yards; that only a few are really necessary on each coast and that the others should not only be closed up, but the ground upon which they stand sold or otherwise ceded, so that on no pretext can they ever be opened again.

Mr. Chairman, I desire also to quote a few words from Rear-Admiral Stephen B. Luce, whom naval officers unanimously concede to be one of the ablest business officers, of whom we have very few in the United States Navy:

About twenty years ago the Secretary of the Navy, not satisfied with the business methods of our navy-yards, propounded the following query: Whether a given navy-yard is fully equipped with the necessary appliances for the prompt and economical execution of such work as may be required to place it in proper condition for the probable demands of war?

A portion of the answer of the board of officers to whom the question was addressed is given herewith at length, as it goes to the very root of the matter and shows clearly that the unbusinesslike methods which obtain in our navy-yards have their origin in the defects inherent in the Navy Department. The logical conclusion—the conclusion from which one can not escape—is, as there stated, that reforms in our navy-yard methods must begin in the Department itself.

To a proper understanding of the subject, it should be stated that the present wasteful extravagance in employing so great an excess of nonproducers and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards is but the natural outgrowth of the constitution of the Navy Department itself. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of bureau to which it belongs.

Thus each department has been gradually building itself up so as to be independent of all other departments. Each of the principal departments has its own body of artisans, its own machinery, its own steam generators, and its own peculiar method of doing business.

In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, and it is no exaggeration to say that there is to-day enough machinery of various kinds in either the New York or the Boston yard to do the work of its own particular class of the entire Navy. We habitually speak of a private shipyard as a "plant;" but each of our national shipyards is a segregation of "plants," each having its own separate organization and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several "plants," useless and vexatious delays occur, to say nothing of the waste of time and public money due to such diffusion.

To make such radical changes as we propose was no easy task, nor did we expect that they could be effected without considerable friction, not to say opposition; but supposing the changes to be made on a basis laid down by the commission, it is hardly to be hoped, that under present conditions they will be permanent. For whatever changes may be introduced now, and howsoever beneficial they may be, still the same causes remaining in active operation must inevitably produce the same result, and in time restore the system of independent plants with all its intendent evils. Hence we conclude that to organize our Navy on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing the work, with a proper system of accountability; to secure, in short, in each of our yards, unification, method, economy, and dispatch with an administration of its affairs agreeable to the principles of business as understood in civil life, it is absolutely necessary to begin within the Navy Department itself.

"It must be evident that there is something radically wrong with the Department," wrote the Secretary of the Navy in his annual report to Congress under date of November 30, 1885, and he adds: "The universal dissatisfaction is the conclusive proof of this." He then proceeds to dissect the bureau system as it then existed with merciless precision, and gives to the world a record of mismanagement, of wasteful expenditure, of injudicious and ill-advised disposition of public moneys, such as should have led to immediate and salutary reforms.

For the seventeen years preceding his administration over $75,000,000 had been substantially thrown away.

In 1895 the Secretary still further simplified the business methods of the Navy Department, but left the question of reorganization untouched.

* * * * * * *

The report of the Secretary of the Navy of November, 1903, alludes to the defective organization of his Department in no uncertain terms. He repeats substantially what was said eighteen years ago, of eight bureaus working independently of each other: "The distribution of a business among bureaus independent of and related to each other unquestionably creates a condition out of which grow conflicts of jurisdiction between the bureaus and a tendency to consider the interests of the bureaus rather than the interests of the Navy. The division of business in the bureaus * * * extends to the navy-yards, and even, to some extent, to ships in commission. This leads to excessive and cumbersome organization and lack of harmony of effort, resulting from the fact that there is no coordination, except by the voluntary action of bureau chiefs, short of the Secretary's office itself."

As further evidence of the appreciation of unbusinesslike methods within the Navy itself, I quote from a personal letter written me by a former Chief of the Bureau of Yards and Docks:

"There is a more of less well-grounded opinion that shore stations are unduly expensive. Also everyone in the Navy, as well as out of the Navy, will agree that the shore stations are more numerous than is necessary for the care of the fleet. Those who are acquainted with the internal organization and working of the navy-yards are also aware that there has been duplication of organization and plant."

Such statements from gentlemen whose positions and daily work have made them especially familiar with the needs of the Navy is in itself sufficient to commend to your favorable consideration the resolution which I have presented to you.

But I wish to present to you a few concrete facts in reference to six yards and naval stations that no doubt of the need of business reorganization of the Navy may linger in any mind.

Let us first consider the Mare Island Navy-Yard. The Secretary of the Navy has said that this plant has cost the people $17,000,000. It has a magnificent stone dry dock which cost $1,175,000, but I have at hand a letter from the Secretary in which he states that "the present stone dry dock at Mare Island will not permit the docking of a battle ship," and not only is this true, but a battle ship can not get to the yard. In a letter dated March 11, 1907, the Chief of the Bureau of Yards and Docks wrote to the Secretary of the Navy that "Due to the silt in suspension in the waters of San Pablo Bay, which settles at slack water, the natural tendency of channels in the vicinity is to shoal."

Ten years ago, in June, 1898, Admiral M. T. Endicott, then Chief of the Bureau of Yards and Docks, said in his annual report to the Secretary of the Navy:

"If keeping the navigation open for the depth stated above (28 feet) is impossible without a very large annual expense, amounting to several hundred thousand dollars, then the Government should take early steps to establish a navy-yard on the waters of San Francisco Bay at some point where such difficulties will not be encountered, where the yard will be safe from an attack from fleets on the sea, and where a permanent depth of navigation of 30 feet can be had between it and the sea."

Although Rear-Admiral Endicott practically recommended in these words the abandonment of this yard ten years ago, since that time $728,886.12 has been spent on dredging alone, and $5,124,712.49 has been appropriated and spent on this yard since then.

Mr. KNOWLAND. Mr. Chairman, I desire to ask the gentlemen, Is it not a fact under the same conditions larger amounts of moneys have been expended at League Island and at Portsmouth for dredging than at Mare Island?

Mr. CURRIER. Was ever a dollar expended for dredging at Portsmouth?

Mr. KNOWLAND. More money has been expended at Portsmouth and more money at League Island than has been expended at Mare Island.

Mr. SULLOWAY. I want to say to the gentleman that he can not point to where a penny ever was spent at Portsmouth for dredging. It has 60 feet of low water and 80 to 90 feet when you get out to the bay.

Mr. LILLEY. At low water the depth at the entrance to the channel, Napa creek, at the south end of Mare Island is 20 feet. Consider the depth of the Mare Island channel and compare the draft of our battle ships—a channel of 20 feet for the battle ship *Connecticut*, with its maximum draft of 27 feet 4¾ inches; for the *North Dakota*, with its maximum draft of 29 feet 10 inches, and greater drafts for the battle ships of the future. I note the Scientific American, of February 22, 1908, states that "all of the Pacific fleet started out floating below their official full-load draft," and that "a battle ship can be loaded until she draws 30 or even 35 feet of water."

Of what use, then, is this navy-yard at Mare Island, with its channel of 20 feet, to the battle-ship squadron of to-day, to say nothing of that of the future?

But here are some striking figures of interest and especial significance to any business man. In the year ending 1907 the expenditures for labor were $1,620,678.88, while the total amount of work done was $928,582.97; in other words the workmen alone, with no consideration of the interest on and depreciation of a $17,000,000 plant, were paid in one year $692,095.91 more than the value of their product.

Key West is a place that has cost us $1,238,038.41. It is 6 miles from the straits and the low-water depth in its channel is 26 feet, and $101,000 has been spent there for dredging.

Here we have another of those labor expenditures that would bring a Carnegie out of his chair with a jump. At this yard, in the fiscal year ending in 1907, $94,318.77 was expended for labor and the value of their total product was but $7,126.18, or there might just as well have been tossed on the coral reefs $87,192.59 as far as any return to the Government was concerned, and yet last session Congress voted to throw $44,500 more of good money after the bad.

Portsmouth, N. H., or Kittery, Me., is a plant that has cost us over $10,000,000. Since voters from two States labor here the expenditure for labor will, perhaps, be of interest. In 1907, $792,760.05 was expended for labor and $418,804.12 was the total value of the work done; or, were this a well-to-do corporation, it would mean an invasion of its surplus to the extent of $373,955 for the fiscal year ending in 1907, but for most corporations it would mean bankruptcy before the end of one year.

At Kittery there is a dry dock which cost $1,100,000. The dock is in readiness for the docking of battle ships, but the "approaches are in such a condition as to make it inadvisable to take a battle ship to that yard." This is the statement of the Secretary of the Navy.

Last summer when I visited Portsmouth with other members of the Committee on Naval Affairs aboard the *Dolphin* I was surprised that the captain did not go up to the yard. In answer to my inquiry, the commander, a most excellent and efficient officer, said that it was not safe to take even so small a craft as the *Dolphin* up to the yard, because of the dangers from the swift current and narrow channel. I note that the map of the United States Coast and Geodetic Survey gives warning of the swift currents in the river and states that slack lasts about ten minutes.

Mr. CURRIER. May I ask the gentleman a question? I will ask you if you did not observe, when you went in on the *Dolphin*, that there were colliers nearly as large as battle ships coming in?

Mr. LILLEY. I did not see them.

Mr. CURRIER. I did. I was in Portsmouth, and I saw them.

Mr. LILLEY. It is especially dangerous and impracticable for a battle ship nearly 500 feet long to round Hendersons Point, and the fact remains that the expensive dock has never docked a battle ship, and $244,900 more was appropriated for this place the last session of Congress.

Mr. CURRIER. May I ask the gentleman another question? Does not the gentleman understand that with the removal of Hendersons Point, when that work is completed, the channel will be almost double in width what it is now?

Mr. LILLEY. It will be like the removal of Muscle Shoals, on the Tennessee River. They have spent years in doing that and it has never been completed.

Mr. CURRIER. Ninety-five per cent of this has been completed now. Does not the gentleman know that?

Mr. LILLEY. No; I do not.

Mr. CURRIER. I understand it to be so.

Mr. LILLEY. In answer to that question, I understand it will not affect the conditions at this place.

Mr. CURRIER. It widens the channel about 400 feet.

Mr. LILLEY. In answer to the question, Did they work at the New Orleans Navy-Yard in 1907? I give you these figures: $78,274.05 was spent by the Government for labor, and the total product was $1,046.01.

But the point that the business man would fail to comprehend is that $10,000 was appropriated both sessions of the last Congress for new construction at New Orleans, for what advantage to the United States Navy God only knows.

We have here a dry dock which has cost us $833,625. It has been used twice for battle ships. Fortunately it is a floating dry dock, and may and ought to be towed over to Pensacola or some other place where it may serve some use for the fleet.

It is significant that as long ago as 1876 a board of naval officers, of which the gallant warrior, Admiral David D. Porter, was chairman, recommended that "the naval ground at New Orleans be abandoned and dispensed with."

Since 1900 alone $2,126,971.05 has been spent here. I have not the figures to show how much more would have been saved the people had the representatives of the people in Congress taken Admiral Porter's advice.

In the message from President Harrison to Congress, dated January 19, 1892, there is this statement:

> The requisition for a dry dock, then, are a clear channel to the sea of a depth of at least 26 feet, etc.

Charleston, although built ten years later, after battle ships had already undergone a great increase in size, has but 25 feet of water in its channel.

Mr. LEGARE. Will the gentleman permit me? I just simply want to state that that statement is absolutely untrue, and the gentleman knows it, because the chart shows it has 31 feet at high water.

Mr. LILLEY. You are making your charge against the Secretary of the Navy. Mr. Chairman, I am simply stating this from the chart published by the Government.

Mr. LEGARE. In my opinion, what you are quoting from the Secretary of the Navy is erroneous, incorrect, and untrue, and I told you so before.

Mr. LILLEY. You can state that to the Secretary. Yet Congress has appropriated $1,198,984 to build there a magnificent dry dock. Not only is the channel too shallow, but there is no berthing room for vessels, and no ship of any description has ever been docked there.

The total establishment has cost $3,394,300 and the dredging $108,000. I find the most remarkable showing in the line of labor. Here during the past five years $213,213.75 has been disbursed among laborers, and there has never been done for the Navy one cent's worth of work at this yard. Yet last session of Congress $287,000 more was appropriated for this yard at Charleston.

On page 37 of Senate Document No. 156, Fifty-Sixth Congress, second session, are these words:

> Senator TILLMAN. We will have to keep abreast of these other fellows. League Island now wants an appropriation, and as we have got back into the Union we want our slice, too.
>
> Senator CHANDLER. That is very apparent, Senator, and always has been since you got into the Senate.

I wish to quote you a few words from the report of that gallant officer, Rear-Admiral G. W. Sumner, which may be found in Senate Document No. 188, Fifty-sixth Congress, second session:

> As to Charleston, it appears to me to be a place sui generis, a fossil, an antique, nonprogressive, and woefully and hopelessly in the rear, commercially and otherwise.
>
> The river opposite any proposed site is too narrow for a large vessel to turn or maneuver in.
>
> To accommodate many vessels in the stream, therefore, the water front of the station would have to be of abnormal length or extent.
>
> Its health and sanitary conditions are shocking and disgraceful.
>
> It has no proper sewerage system.
>
> It has no adequate fresh-water supply.
>
> It is the worst hurricane harbor in the coast.

It is not and can not be made a fit harbor for heavy deep-draft vessels, such as are common in this day.

Already over ten years of time and labor and $4,000,000 have been spent on the Charleston jetties, and to what purpose?

From an engineering point of view, it would seem to be an absurdity to locate a naval station anywhere in Charleston Harbor. A harbor with a jetty is not one to select for naval purposes, for reasons already stated.

And I would call your attention to these words, the wisdom of which is now fully realized:

I do strongly advise against any change from Port Royal—especially any removal to any point at or in the vicinity of Charleston, S. C.

It is, indeed, unfortunate that naval officers are not free from Congressional restraint that the Government may be served with their best unbiased judgment in these matters, and it is an especial pleasure to find so able an officer so fearless and outspoken to Congress.

The naval station at Port Royal was removed to Charleston (1900–1903), but as late as 1907 $14,724.66 was spent here for labor, and although abandoned the expenditures will go on to the end of time unless the property is sold, given away, or blown up.

Thirty-two years ago the Naval Board, of which Admiral Porter was chairman, stated:

The board see no propriety in recommending a permanent naval station at Port Royal.

Yet in the last ten years we have expended $1,084,346.26.

The channel depth at Port Royal is 19½ feet. This yard might have been turned into an excellent naval training station, with barefoot weather the year round, at small cost. Congress saw fit instead to go to the Great Lakes, where five months in the year it is so cold that men must be trained for seamanship on house floors. An entirely new plant is necessary here, and the ultimate cost will undoubtedly be $10,000,000. Still another disadvantage is the shoal water near the training station.

Annapolis would have made an excellent naval training station had Congress seen fit to leave the buildings, which were excellent for the purpose of a training station, rather than destroy them, and to move the Academy down the Chesapeake Bay below Annapolis, where there was an ideal site with a harbor that can safely anchor all the battle ships in the world, and thus saved the $10,000,000 that is going to the Great Lakes.

In connection with Annapolis I wish to call attention to a few things, now ancient history, but none the less relevant.

For the construction of buildings at Annapolis the Government made forfeit time-limit contracts, but $724,768.43 due the Government as forfeit for noncompletion within the time limits has been waived to the contractors.

In 1906 some of the ablest business men in the country assisted Congress on the Board of Visitors and gave their time to a thorough investigation. They reported as follows:

We find an unfortunate state of affairs which dates from the inception of the plans of the new academy, and we are impressed with the conviction that a grave error was made both in planning for and in inaugurating the actual work.

After reviewing several noticeable defects they say:

It seems proper to call attention to the frequent ineffectiveness of the recommendations of the Board of Visitors and the apparent disregard of Congress to them.

Annapolis, for which Congress has seen fit to appropriate sums that will reach a total of over $10,000,000, is sunk in the mud. Battle ships can not reach the academy, and the United States Coast and Geodetic Survey reports show that the upper Chesapeake is fast filling up.

I desire to call the attention of the House to a few bills which have been introduced this session.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LILLEY. I would like to have about five minutes more.

Mr. SPERRY. I wish the gentleman might have the five minutes.

The CHAIRMAN. The time is not in control of the Chair.

Mr. LILLEY. Can the Chair tell me in whose control it is?

The CHAIRMAN. In the control of the gentleman from Illinois [Mr. Foss].

Mr. DAWSON. In the absence of the chairman of the committee from the Chamber, I would say that while I have no control over the time, I would gladly yield five minutes of the time that has been allotted to me for later in the day, if the Chair could recognize such an arrangement.

The CHAIRMAN. With that understanding the Chair will recognize the gentleman from Connecticut [Mr. LILLEY] for five minutes more.

Mr. CURRIER. Has the gentleman from Connecticut [Mr. LILLEY] been able to discover anything anywhere that meets with his approbation?

Mr. LILLEY. On December 2 Mr. TAYLOR of Alabama introduced a bill calling for a naval station at or near Fort Morgan, Ala.

On the next day Mr. COOPER of Texas called for the establishment of a dry dock on or near Sabine Pass.

On the 9th of December Mr. LAMAR of Florida came after "not more than $2,000,000 for a dry dock at Pensacola."

On the same day Mr. SULLOWAY, of New Hampshire, was after a million and a half for Portsmouth, although a battle ship can not get to this yard in safety.

On the 12th of December Mr. SMITH of California came into the field with a proposition for a dry dock on the Bay of San Diego, California, for which he called for a million.

On the 19th Mr. GRANGER, of Rhode Island, put in his proposition for a dry dock and repairing station "at a suitable strategic point on the Atlantic."

On January 6 Mr. GREGG presented the demands of Texas for a dry dock at or near Galveston, Tex.

And then on January 20 came the proposition to buy the defunct Jamestown Exposition, fathered by Mr. MAYNARD, of Virginia, which, if adopted, would add $2,500,000 to the grand total of waste on navy-yards.

Each one I imagine, like Senator TILLMAN, wants a "slice for his constituents."

A member of a recent Congress complained to me that although he had secured six millions out of the Treasury for his district an ungrateful constituency were supporting six competitors against him for renomination. I believe and I am certain the American people will believe that he should have given more attention to the country at large, rather than have kept an eye single to his particular district.

A noted professor [Wheeler] of history has made the statement that we had no democracy in this country before the civil war; that even when there was a majority from the North in Congress the superior political finesse of the politicians of the South thwarted their will. To-day political finesse is not dead nor confined to one section. I refer to the committee of conference, which, by time-honored custom, in case of disagreement between the two branches of the Legislature, may fix up these disagreements in this Navy bill to their own satisfaction, and usually they do not overlook their own districts. In case of a disagreement, the naval bill has gone to six gentlemen, a majority of whom have yards or stations in their districts, all of which ought to be abandoned, and one of these gentlemen has two in his district, neither of which, eminent naval experts have testified, should have been started.

Mr. Speaker, it is not likely that the constituents of these gentlemen will complain of pork that comes into their districts from Uncle Sam's barrel; but what about the rest of the country?

Three navy-yards care for Great Britain's large home squadron; we have testimony that New York or Boston could take care of ours. (Admiral Luce.) Compare our large number of yards, many of which are unnecessary, and look to the cause. Are we a national assembly of politicians, or are we here as the directors of the business of this nation for the people of this nation?

Why the waste of money at worthless yards year after year? I propose to you that the facts warrant the contention that no man should be a member of the Naval Committee who has a navy-yard in his district. Do judges try cases in which their own property is in question? Justice and the welfare of the nation can not be looked for when men act with the powerful influence of a navy-yard constituency hanging around them.

I have reference once more to the words of Rear-Admiral Sumner:

He says—

There is no sentiment, no sectionalism, rightfully attaching to a Government work of this kind; it is part of the national defense, a work of the first importance to the whole country.

There is little to be added to his patriotic words.

The incurring of avoidable expense, whether national or individual, does not commend itself to this community at the present time, nor does it commend itself to this country at any time.

Therefore I urge every Member of this House to vote against any appropriations for Charleston, Port Royal, Mare Island, Portsmouth, New Orleans, or Key West—at least not until a commission has investigated.

I ask you to oppose this waste of the people's money, because it is our sworn constitutional duty.

I have pointed out the waste in navy-yards that runs over years, but I would call especial attention to a proposed excessive profit for the Electric Boat Company of $1,471,520 in the naval bill now under consideration.

On submarine boats in the past this Electric Boat Company has received an excess profit of $1,519,738.58, making a past and proposed excessive profit of $2,991,258.58.

These figures are not guesses or conjectures, but are based on

the statements of Admiral Bowles when a United States official, before he became a business man, the builder of these submarines for the electric-boat people.

I submit to the House statements which have gone to the select committee under House resolution 288:

WASHINGTON, D. C., *March 19, 1908.*

Mr. CHAIRMAN: Your committee has, I confess, somewhat to my surprise, permitted witnesses—both those who could by reason of expert knowledge know something of the construction, qualities, and cost of our present submarines, and also those who could have no possible expert or other knowledge as to the construction, performances, efficiency, and cost of these submarines—to give as part of their supposed testimony glowing accounts of the remarkable qualities of the Electric Boat Company's submarines, and having thus established the precedent, and in order that the question of the cost and efficiency of these boats may be presented on both sides, I submit the following, consisting of:

First. Extracts from the testimony of distinguished naval officers as to the cost of these boats, value of patents, etc., all of which testimony is of record in House documents therein referred to.

Second. A number of clippings from leading journals of the country setting forth in more or less detail the failure of the present submarines of the United States Navy in their experimental and other performances, which indicate that they are of but little practical value as defensive or offensive weapons as against any skillfully directed attack of a hostile fleet. It would appear as if the continuing failures of the present type of submarines in actual tests of efficiency is a complete answer to the somewhat ornamental and oratorical exploitation of them by the expert and nonexpert witnesses who thus appeared before your committee.

The newspaper clippings contained in the attached presentation are as follows: Army and Navy Register, March 14, 1908; New York Herald, June 5, 1907; Army and Navy Journal, March 14, 1908; Newport News Press, April 22, 1906; Newport News Press, May 4, 1906; New York World; Army and Navy Journal, October 26, 1907; New York Herald, February 22, 1908; Chicago Examiner, November 15, 1906; New York Sun, February 2, 7, 11, and 20, 1908; Army and Navy Journal, January 20, 1906; also House resolution No. 264.

Respectfully,

GEO. L. LILLEY.

Hon. H. S. BOUTELL,
Chairman Special Committee, House of Representatives.

HEARINGS BEFORE THE HOUSE NAVAL COMMITTEE JANUARY, 1901—HOLLAND SUBMARINE BOATS.

(Page No. 38, notation No. 1:)

"Admiral O'NEIL. Congress already having authorized eight boats of the *Holland* type, at a total cost of about $1,360,000 ($170,000 each), may be said to have fulfilled all its obligations in this respect, and to have dealt liberally with the Holland Torpedo Boat Company, and has by its action afforded the Department ample means for experiment with boats of this particular type."

(Page No. 48, notation No. 2:)

"The CHAIRMAN. What is the cost of one of these boats?

"Admiral O'NEIL. I should think that from $75,000 to $100,000 would be a liberal sum."

(Page No. 53, notation No. 3:)

"Mr. HAWLEY. What is the cost of the French boats?

"Admiral O'NEIL. About $116,000 apiece, I believe.

"Mr. HAWLEY. Are they not paying as much as $150,000?

"Admiral O'NEIL. I think perhaps they are for one or two of their largest boats.

"Mr. HAWLEY. They have one 185 feet long?

"Admiral O'NEIL. I do not remember the cost of that.

"Mr. DAYTON. What is the size of the *Holland?*

"Admiral O'NEIL. Fifty-four feet long.

"Mr. DAYTON. How much longer do they propose to make the new ones?

"Admiral O'NEIL. They are to be 80 feet long, I think.

"Mr. HAWLEY. What size do they propose to make the new boats?

"Admiral O'NEIL. The present boat is 54 feet long, and the new boat is to be 63 feet long. I was mistaken when I said 80 feet. They are to be 11 feet in diameter and 120 tons displacement under water and 104 tons when on the surface.

"Mr. DAYTON. This French boat that you spoke about that costs $150,000—what is its size?

"Admiral O'NEIL. I do not remember.

"Mr. HAWLEY. One hundred and eighty-five feet.

"Mr. DAYTON. Is there any reason why we should pay $170,000 for a torpedo boat 63 feet long, when the French get a boat 185 feet long for $150,000?

"Admiral O'NEIL. As I have said, it depends upon whether you consider the cost of the boat alone or consider the amount of money spent for its development, and what you consider the device worth as a military device."

(Page No. 57, notation No. 4:)

"Mr. KITCHIN. From your estimate of the cost, it seems to me that the Government ought to get these boats at $100,000 apiece.

"Admiral O'NEIL. That probably would be disputed by the company, but from my own observation, I think that would be a very liberal price for the *Holland* or the new *Hollands.*"

REAR-ADMIRAL MELVILLE, CHIEF OF THE BUREAU OF STEAM ENGINEERING.

(Page 66, notation No. 5:)

"The CHAIRMAN. What, in your judgment, is the probable cost of the manufacture of a Holland boat?

"Admiral MELVILLE. Between $50,000 and $70,000; $50,000 for the lowest limit and $70,000 for the highest. I have been calculating upon machinery for the last forty-five years—ships, hulls, and so forth."

(Page 3, notation 6, continued on page 12:)

"The CHAIRMAN. Will you kindly give your name in full?

"Mr. CREECY. Charles E. Creecy, Washington, D. C.

"The CHAIRMAN. Kindly state your business.

"Mr. CREECY. I am a lawyer by occupation. I have been connected with the Holland Torpedo Boat Company ever since some eight or ten years ago, and am thoroughly familiar with the history of it—all of its tribulations and trials—and I think I can answer intelligently any question that you gentlemen may desire to ask me on that subject.

"The CHAIRMAN. Are you the attorney for the company, Mr. Creecy?

"Mr. CREECY. I am the representative of the company in Washington to look after their interests in the Departments and in Congress. I had so much faith in this boat that I have gone on the company's bond to the extent of $60,000. I am a stockholder in the company, and have been connected with it as a stockholder and as its representative, as I have told you, since its inception."

(See also page 12:)

"In assessing the value of such rights said board shall take into consideration not only the value of the property, but also the fact that the United States shall have afforded facilities for the development of the inventions covered by such rights by the appropriation of money to build the *Plunger.*

HEARINGS BEFORE THE HOUSE NAVAL COMMITTEE ON SUBMARINE BOATS, 1902.

(Document No. 123, p. 1, notation 7:)

"Admiral O'NEIL. I know of no reason for changing the opinions expressed by me before this committee on January 15, 1901, with reference to submarine torpedo boats of the *Holland* type."

(Document No. 123, Melville, p. 13, May 26, 1902, on fair cost of Hollands.)

(Document No. 123, Melville, p. 22, notation No. 9:)

"Mr. DAYTON. Now, Admiral, you stated in your hearing before the committee last year that in your judgment the actual cost of a vessel of this kind would not exceed $50,000 to $70,000.

"Rear-Admiral MELVILLE. No, sir; that was my estimate for the *Holland*—the boat completed. The boats which are in course of construction are larger, and have a greater storage battery, and would naturally cost more money."

(Document No. 123, Melville, pp. 29 to 32:)

"Mr. RIXEY. You said a moment ago, in regard to the cost of this Holland boat, that you considered $70,000 as a reasonable cost for it.

"Rear-Admiral MELVILLE. Yes, sir; that was the maximum amount that I estimated as the cost of constructing the *Holland*—that is, the submarine boat which we now possess. I said that the new boats would cost more, as they had more displacement and greater storage.

"Mr. RIXEY. Did that include what ought to be allowed for the use of the patents?

"Rear-Admiral MELVILLE. No, sir. I attach very little value to the patents.

"Mr. RIXEY. What amount do you consider ought to be allowed for the use of the patents?

"Rear-Admiral MELVILLE. In my opinion they do not possess a patent that is of substantial value. The boat is filled with commercial auxiliaries. As for the storage battery, there are quite a number in use, and I hardly believe that you could get an electrical expert who would state that any one type of battery is of such efficiency that it can be sold for an excessive amount.

"They may have a patent on the arrangement of their submerging tanks, and their claims may be allowed as to several arrangements of mechanical movements.

"I do not encourage infringement of valuable patents, but there is often more than one way of securing mechanical results. For this reason I believe it will be possible for a shipbuilder to contract for a boat of the Holland principle without his being compelled eventually to pay royalty of any kind. There is no doubt but that the Holland people believe that they have valuable patents; otherwise the company would not have been formed. As I have been asked my opinion of the value of these patents, I give an opinion that has been formed after considerable careful study.

"Mr. RIXEY. Suppose that these patents would be valid, what ought to be allowed for the use of the patent in the building of each boat?

"Rear-Admiral MELVILLE. I do not know. If the Lake boat should prove to be the superior after competitive test, the patents could not have much commercial value.

"Mr. RIXEY. What would be a reasonable compensation?

"Rear-Admiral MELVILLE. Practically nothing from my standpoint. I recognize the fact, however, that they have some market value, particularly after the boat has been favorably indorsed by conscientious and distinguished naval officers.

"Mr. RIXEY. On the question of a consideration of the use of the patents, I want to ask you this: If this is a valuable invention and the patents are probably owned by this company, do you mean to state that they ought to have nothing for the use of their patents?

"Rear-Admiral MELVILLE. I hardly think I said that. I stated that I did not attach any value to them. Holding the view that I do, it is not probable that I would be asked officially for any opinion upon the matter. This will be a matter for the Secretary of the Navy or the courts to determine.

"Mr. RIXEY. I understand; but suppose they are valuable patents? You are talking about the value of the boat as it stands, the cost of the boat, outside of the question of its use. You stated that $70,000 was a fair price for the boat. Now, I want to know if that included the patents. You said 'No.'

"Rear-Admiral MELVILLE. It was the *Holland* that I referred to as costing $70,000; the new boats, being larger, should cost $90,000. This does not take into consideration at all any royalties that might be due to the Holland Company. My estimation is based upon what I believe is their proper cost.

"Mr. RIXEY. If the boat is of no account, you would not want to pay $70,000 for it; but if it is a valuable boat, what would you include in the price of the boat for the use of the patents?

"Rear-Admiral MELVILLE. I believe that 50 per cent profit over the cost of construction should compensate the company adequately. This sum would include profits as well as pay for the use of the patents. The patents would have to be valuable for the company to ask such profits. For profits alone I would not allow over 25 per cent increase.

"Mr. RIXEY. That would be profit, but would that be compensation for the patents? You take the ordinary contractor who builds a battle ship, and you expect him to make 25 per cent on the cost of the ship, do you not?

"Rear-Admiral MELVILLE. It may be that some of them make that profit. I am quite sure that all of them do not. I can only approximate as to what profit shipbuilding firms make.

"Mr. RIXEY. That does not pay the contractors for any patents.

"Rear-Admiral MELVILLE. No; but he has a plant that has cost him several million dollars, and he takes risks in putting such a large amount of capital in the business.

"Mr. RIXEY. There is profit upon his investment, but it is not for the patents.

"Rear-Admiral MELVILLE. Last year there were firms in this country who were capable of building battle ships who did not do so. The president of one shipbuilding firm told me that he was very indifferent about securing a contract for war ships. He could not have believed that there were such large profits in the work. If there is 25 per cent profit in the business, why is not the competition keener?

"Mr. RIXEY. Suppose a battle ship were invented, protected by patents, you would have to pay something in addition for those patents, and my idea was simply to get at what the Holland boat ought to cost complete.

"Rear-Admiral MELVILLE. I agree with you, Mr. Rixey, that if the patent rights are worth anything they should be paid for.

"Mr. RIXEY. What would be a reasonable compensation for them?

"Rear-Admiral MELVILLE. I will have to go back to what I said before. Personally I attach no value to them. There is a special law whereby inventors of military appliances can be reimbursed for the use of their patents."

STATEMENT OF REAR-ADMIRAL F. T. BOWLES.

(No. 123—Bowles. Notation No. 11, page 4:)

"The CHAIRMAN. I would like to ask you, Admiral, if you have made any investigation as to the cost of these boats?

"Admiral BOWLES. Yes. I have gone carefully into the matter of the cost of these boats.

"The CHAIRMAN. I mean, of course, of the Holland boat.

"Admiral BOWLES. Of the Holland boats. I have made a schedule of the cost of the boats under present construction.

"Mr. LOUDENSLAGER. Excuse me, Admiral, right here. Is that the last boat?

"Admiral BOWLES. The boats now building under contract, and I have prepared a schedule of what I think would be a reasonable price for the boats now building.

"The CHAIRMAN. Would that price give them a reasonable profit?

"Admiral BOWLES. Give them a handsome profit.

"Mr. MEYER. Does it embrace the cost of administration?

"Admiral BOWLES. I was about to say that the cost of a submarine boat largely depends on the amount of experimentation which has to be done. That is certainly very expensive. Now, my calculations show that a reasonable cost, with a handsome profit to the contractor for the boats now building, would be $89,459.

"Of that I have allowed $11,100 for trials and tests. This price includes a fair percentage for the usual margin of general expenses, such as are incurred in manufacturing work, but nothing more.

"Mr. LESSLER. You are going to put that all in, are you not?

"Admiral BOWLES. No. I will answer any question with regard to the cost of the relative parts of the boat, but this is my memorandum.

"Mr. LESSLER. Very well.

"Mr. RIXEY. Admiral, in the statement you proposed a little while ago, the appropriation carries $125,000 for each boat, as I understand you?

"Admiral BOWLES. Yes, sir.

"Mr. RIXEY. You say $89,000 would carry a liberal profit?

"Admiral BOWLES. Yes.

"Mr. RIXEY. Why do you provide an appropriation of $125,000?

"Admiral BOWLES. I provide that because the provision requires the Secretary of the Navy to be satisfied that the boat is a substantial improvement upon anything now building. That, of course, will involve certain experimentation, and the provision says 'four or more;' that is, the price could not exceed $125,000, but it might be less.

"The CHAIRMAN. You have examined the hull of the Holland boats, as I understand it?

"Admiral BOWLES. Yes.

"The CHAIRMAN. What do you estimate as the cost of the hull?

"Admiral BOWLES. I estimate the cost of the hull at $13,835.

"The CHAIRMAN. What machines are there inside of her?

"Admiral BOWLES. The principal machine is the gasoline engine.

"The CHAIRMAN. What is that worth?

"Admiral BOWLES. I have allowed in my estimate $60 a horsepower for that, which is a very liberal price, and that makes the total value $9,600.

"The CHAIRMAN. What is the next important piece of machinery?

"Admiral BOWLES. The next important item is the storage battery.

"The CHAIRMAN. What do you value that at?

"Admiral BOWLES. I value it at $12,000.

"The CHAIRMAN. What is the next important bit of machinery?

"Mr. VANDIVER. Let me ask right there, does that include the dynamo and all?

"Admiral BOWLES. No, sir. The next most important item is the dynamo and motor. They are in one machine. For that I have allowed, with all its fittings, $3,850.

"The CHAIRMAN. What about the steering apparatus?

"Admiral BOWLES. For the steering and driving arrangements I have allowed $4,868.

"The CHAIRMAN. The ventilating apparatus or the tubing for the air?

"Admiral BOWLES. For ventilation I have allowed about $200.

"Mr. LESSLER. Does that include all the tanks necessary for the storage of the air?

"Admiral BOWLES. No.

"Mr. LESSLER. The torpedo apparatus?

"Admiral BOWLES. For the torpedo tube and gear I have allowed $1,100.

"The CHAIRMAN. What are the other pieces of machinery that you have estimated on in a general way?

"Admiral BOWLES. The next largest item that I have not covered in my testimony are the flooding and pumping arrangements, the air-compressing gear, flasks, and piping, amounting to about $13,000. Those are the principal items of the cost of the boat.

"The CHAIRMAN. Would you have any trouble in building this boat in a Government navy-yard, do you think?

"Admiral BOWLES. None whatever.

"The CHAIRMAN. I want to ask you whether the machinery in this boat is or is not merchandisable articles?

"Admiral BOWLES. All the principal machinery can be purchased in the open market.

"The CHAIRMAN. You can go out and buy them in the open market?

"Admiral BOWLES. Yes, sir.

"Mr. RIXEY. Ask him whether he could build the boat without infringing on any patents.

"Admiral BOWLES. It might require a little manipulation. What I mean is this: Every principle that is involved in the building of the submarine boat and its operation is well known. The patents upon the Holland submarine boat are upon detailed methods of accomplishing certain particular things. Now, then, if we do not do those in those particular ways we do not infringe upon their patents.

"Mr. DAYTON. Can they be done in other ways?

"Admiral BOWLES. They can be done in other ways."

At the time Rear-Admiral Bowles made the foregoing statements as to the cost of submarines, he was Chief of the Bureau of Construction and Repair of the Navy Department, and necessarily had much to do with the construction of crafts of this character. At the present time he is in charge of the construction work, etc., of the Fore River Shipbuilding Company, the builders of the *Holland* type of submarines. That he is authority on matters of cost of construction there is no doubt, otherwise a shipbuilding company as large as the one with which he is employed would not intrust their building to him.

Therefore, basing calculations upon the figures which Admiral Bowles states would give "a handsome profit" to the builders of the Holland boats; namely, $89,459 for a 120-ton boat, or $745.45 per ton—it will readily be seen by the following comparative statement that there has been an extra handsome profit of $1,519,738.58 since the United States contracted for the first Holland, the *Plunger*, in March, 1899.

Boat.	Tons.	Cost per boat.	Cost per ton.	Excess over $745.45 per ton.	Total excess profit per boat on a basis of $745.45 per ton.
Holland	105	$150,000	$1,428.57	$683.12	$71,727.60
Adder	120	170,000	1,416.66	671.21	80,545.20
Porpoise	120	170,000	1,416.66	671.21	80,545.20
Plunger	120	170,000	1,416.66	671.21	80,545.20
Pike	120	170,000	1,416.66	671.21	80,545.20
Shark	120	170,000	1,416.66	671.21	80,545.20
Moccasin	120	170,000	1,416.66	671.21	80,545.20
Grampus	120	170,000	1,416.66	671.21	80,545.20
Octopus	274	250,000	912.42	166.95	45,749.78
Viper	170	200,000	1,176.47	431.02	73,273.40
Cuttlefish	170	185,000	1,088.23	342.78	58,272.60
Tarantula	170	185,000	1,088.23	342.78	58,272.60
Octopus type (four boats)	274	285,000	1,040.15	294.70	80,747.80
	274	285,000	1,040.15	294.70	80,747.80
	274	285,000	1,040.15	294.70	80,747.80
	274	285,000	1,040.15	294.70	80,747.80
Octopus type (three boats)	340	362,000	1,064.70	319.25	108,545.00
	340	362,000	1,064.70	319.25	108,545.00
	340	362,000	1,064.70	319.25	108,545.00
Total excess profit on boats to date					1,519,738.58

This brings us up to the proposed submarine legislation as passed upon the House Committee on Naval Affairs, namely:

"The Secretary of the Navy is hereby authorized and directed to contract for eight submarine torpedo boats, in an amount not exceeding in the aggregate $3,500,000, and the sum of one million is hereby appropriated toward said purpose, and to remain available until expended: *Provided*, That all such boats shall be of the same type heretofore determined to be the superior, as the result of the competitive tests held under the provision of the naval appropriation act approved June 29, 1906, and March 2, 1907, unless on or before October 1, 1908, a submarine boat of a different type and of full size for naval warfare shall have been constructed and submitted to the Navy Department for like trial and by such like trial by said Department demonstrated to be not inferior to the best submarine torpedo boat in the competitive competition above referred to."

Computing the excessive profit to the Electric Boat Company from the proposed legislation, as above quoted, on Admiral Bowles's figures, we have:

Eight submarines of the *Octopus* type at a cost of $3,500,000, which means a unit cost of $437,500 for a 340-ton boat, or $1,286 per ton. Deducting from this proposed price the price per ton ($745) recommended by Admiral Bowles, who, as I have stated, is the builder of these boats, and it is seen that the Government would be paying an excessive profit of $541 per ton. In other words, the excessive profit on these eight boats of 340 tons each would be $1,471,520.

It can be readily shown, I think, by the testimony of Admiral Capps, the present Chief Constructor of the Navy Department, if the committee desires to go into the matter of cost of submarines, that the cost to construct these boats does not hold good per ton as the size of the boat is increased; that is to say, any naval expert will testify that the cost per ton decreases in an increasing ratio as the size and tonnage of the boats are increased. For instance, a 200-ton boat would cost per ton considerable more than a 250-ton boat, and a 300, 350, 400, 450, or 500 ton boat would decrease in cost per ton in a continuing and accelerating ratio.

I submit a comparative statement of the bids submitted by the Electric Boat Company and the Lake Torpedo Boat Company for the construction of submarines on April 30, 1907, from which it appears that the submarines to be constructed by the Electric Boat Company are to cost on an average of about $320 per ton more than the prices offered by the Lake Torpedo Boat Company under guarantees required by the Navy Department and subject to the performances of all tests prescribed or to be prescribed by the Navy Department as a condition precedent to their acceptance. By this statement it will also be seen that the lowest price of the Lake Torpedo Boat Company is $800 per ton, which approaches very closely the price given by Admiral Bowles.

EXHIBIT "A."—*Comparative statement of proposals for submarines.*

[Submitted to the Secretary of the Navy April 30, 1907.]

	The Lake Torpedo Boat Co.				The Electric Boat Co.				Lake Co.'s advantage per ton.
	Boats.	Tons.	Price per—		Boats.	Tons.	Price per—		
			Boat.	Ton.			Boat.	Ton.	
85-foot	1	235	$225,000	$957.44	1	274	$323,000	$1,178.83	$221.39
	2	235	210,000	893.61	2	274	317,000	1,156.93	263.32
	3	235	198,000	842.55	3	274	315,000	1,149.63	307.08
	4	235	198,000	842.55	4	274	313,000	1,142.33	299.78
	5	235	198,000	842.55	5	274	312,000	1,138.68	296.13
100-foot, type A	1	275	300,000	1,090.90	1	274	323,000	1,178.83	87.93
	2	275	275,000	1,000.00	2	274	317,000	1,156.93	156.93
	3	275	250,000	909.09	3	274	315,000*	1,149.63	240.54
	4	275	250,000	909.09	4	274	313,000	1,142.33	233.24
	5	275	250,000	909.09	5	274	312,000	1,138.68	229.59
100-foot, type B	1	250	235,000	940.00	1	274	323,000	1,178.83	238.83
	2	250	225,000	900.00	2	274	317,000	1,156.93	256.93
	3	250	220,000	880.00	3	274	315,000	1,149.63	269.63
	4	250	220,000	880.00	4	274	313,000	1,142.33	262.33
	5	250	220,000	880.00	5	274	312,000	1,138.68	258.68

EXHIBIT "A."—*Comparative statement of proposals for submarines*—Continued.

	The Lake Torpedo Boat Co.				The Electric Boat Co.				Lake Co.'s advantage per ton.
	Boats.	Tons.	Price per—		Boats.	Tons.	Price per—		
			Boat.	Ton.			Boat.	Ton.	
100-foot, type A	1	500	$450,000	$900.00	1	340	$395,000	$1,161.76	$261.76
	2	500	425,000	850.00	2	340	385,000	1,132.35	282.35
	3	500	405,000	810.00	3	340	382,000	1,123.52	313.52
	4	500	405,000	810.00	4	340	380,000	1,117.64	307.64
	5	500	405,000	810.00	5	340	379,000	1,114.70	304.70
142-foot, type B	1	425	365,000	858.82	1	340	395,000	1,161.76	302.94
	2	425	350,000	823.53	2	340	385,000	1,132.35	308.82
	3	425	340,000	800.00	3	340	382,000	1,123.52	323.52
	4	425	340,000	800.00	4	340	380,000	1,117.64	317.64
	5	425	340,000	800.00	5	340	379,000	1,114.70	314.70

Pacific coast prices—Lake Company's same for Atlantic, Pacific, and Gulf.

	The Lake Torpedo Boat Co.				The Electric Boat Co.				Lake Co.'s advantage per ton.
	Boats.	Tons.	Price per—		Boats.	Tons.	Price per—		
			Boat.	Ton.			Boat.	Ton.	
100-foot, type A	1	275	$300,000	$1,090.90	1	274	$360,000	$1,313.86	$222.96
	2	275	275,000	1,000.00	2	274	348,000	1,270.07	270.07
	3	275	250,000	909.09	3	274	343,000	1,251.82	342.73
	4	275	250,000	909.09	4	274	341,000	1,244.52	335.43
	5	275	250,000	909.09	5	274	340,000	1,240.87	331.70
142-foot, type B	1	425	365,000	858.82	1	340	438,000	1,288.23	429.41
	2	425	350,000	823.52	2	340	425,000	1,250.00	426.48
	3	425	340,000	800.00	3	340	420,000	1,235.29	435.29
	4	425	340,000	800.00	4	340	418,000	1,229.40	429.40
	5	425	340,000	800.00	5	340	417,000	1,226.47	426.47

Average price per ton of bids by Electric Boat Company $1,198.33
Average price per ton of bids by Lake Torpedo Boat Company 877.56

Average advantage per ton of Lake Torpedo Boat Company's bids 320.77

The foregoing, as well as the following statement of the public press, show clearly that these boats have been most expensive instruments in warfare without rendering or demonstrating any practical value in return.

[Army and Navy Register, March 14, 1908.]

The report of the performance of the three submarines on the trip from New York to Annapolis has led to some question whether the 11-inch cylinder gasoline engines, supposed to be the largest afloat, with which the boats are equipped, are fitted for such work as they are called upon to do as the motive power of this type of vessel. They are suited for light work, such as running out from a dock and back again. The commanding officers of the *Viper, Cuttlefish,* and *Tarantula* will make special reports on this subject, and it is expected that the Navy Department will decide that certain changes should be made before similar engines are installed in the boats contracted for.

This article indicates that the boats are only suited for light work, and that they are having much trouble with their engines, etc.

[New York Herald, June 5, 1907.]

"SUBMARINES ARE USELESS"—SIGSBEE.—REAR-ADMIRAL ALSO DECLARES THAT AIR SHIPS AS ENGINES OF BATTLE ARE ONLY A DREAM.

Baltimore, Tuesday.—That the submarine torpedo boat is only a scarecrow, that battles among air ships in mid-air is a dream, and that every war benefits nations were the ideas expressed by Rear-Admiral Charles D. Sigsbee to-day.

"The submarine," said the Admiral, "is a vessel of opportunity. There may be a time when it will be a powerful engine of warfare, but you will notice that as rapidly as some new method of attack is invented a new method of defense is ready to oppose it.

"For the present nothing is to be feared from or hoped for the submarine. It is a vessel which must sneak up under cover of night, and even then its bubbles can be seen and its course detected so accurately that it is small matter to avoid it.

"I was eight days and eight nights before Santiago, and was not attacked by the torpedoes, and later, when I was attacked, our guns simply sank them and killed eight of the crew, while the rest had a hard time getting ashore with the wreck. No, it must not be assumed in developing an engine of attack that the other fellow is not in the tower. I never slept before Santiago."

"That the submarine torpedo boat is only a scarecrow." "That the submarine is a vessel of opportunity." "That at the present time nothing is to be feared or hoped from the submarine."

[Army and Navy Journal, March 14, 1908.]

The engines for the submarine *Octopus* will soon be completed, and it will not be long now before the boat will be turned over to the Navy Department and placed in commission. While this boat is the standard boat of her type, she has been unfortunate, and the *Cuttlefish* and *Viper*, which were begun after she was laid down, have been in commission six months. The *Octopus* during her acceptance trials at Newport last July sunk and her crew lost control of her, and at one time thought their lives were lost. In trying to get her up the engines were practically ruined. By means of the compressed-air apparatus the boat was got to the surface and a terrible catastrophe was avoided in the nick of time. The *Octopus* had, previous to this adventure, competed in the contest with the Lake boat for the $3,000,000 hung up by Congress to be awarded in contracts to the company having the winning boat. It was on the result of this contest that the proposition was advanced in the House Naval Committee to give contracts for submarines to the makers of the *Octopus,* without competition by any other concern.

[Newport News, Va., Press, April 22, 1906.]

UNCLE SAM'S SUBMARINES AND THEIR DERRICKS.

We note with more or less interest a Washington dispatch which announces that special precautions are to be taken for the safety of the submarine boats now in the Navy, which practical men have come to believe are a menace to the men who handle them. For instance, we are told that "not only will there be with them at their maneuvers a tender, equipped with a powerful derrick and booms for lifting a disabled submarine to the surface, but it is purposed to furnish each submarine with a floating signal, arranged with a spool of light wire carried on the outside of the submarine shell and connected with the interior so that in time of disaster the imprisoned persons may release the floating signal, which will appear on the surface of the water and indicate that the submarine is in distress."

"It has been pointed out," continues the dispatch, "by an expert that a submarine might really be unable to get to the surface, and that by the nature of the exercises no one would be aware of the fact until it was too late to render assistance." We fail to see why it required expert knowledge to arrive at a conclusion established by more than one horrible and soul-sickening catastrophe on the other side of the ocean, and which might have been duplicated here but for the fact that the Navy's submarines have been towed from place to place and have seen very little real service under everyday conditions.

There is evidently something radically wrong with the submarine which requires such elaborate and costly apparatus to prevent it from becoming a death trap even under ordinary conditions following a summer day's maneuvers. Would it have a tendency to encourage the men penned up in such a craft to know that their comrades above knew that they were helpless on the bottom of the sea? Would it have a tendency to encourage that confidence and esprit du corps which is so essential in the satisfactory handling of a war vessel or any other war contrivance?

It seems to us that this trifling with the submarine question has been carried far enough. It is becoming quite apparent that the Navy Department made an egregious blunder in its original selection of a submarine, and all this derrick and signal business is designed to hide the merits of the case and to bolster up and try to make practical a boat which is built on dangerous principles to begin with.

Now, the question is, What does Congress propose to do about the matter? It would be the rankest sort of stupidity to continue buying submarines which have demonstrated their unfitness for practical service and which must be reenforced by derricks and signals, and must always have a convoy close at hand to keep it from being more destructive than the guns of an enemy's ship.

In view of these facts it is surprising that the Navy Department should persistently attempt to shut out any competition which would have a tendency to show a better submarine. Does that mean a lobby and an ultimate submarine scandal as odoriferous and as disgusting as that which sent some Government officials of the Post-Office Department to the penitentiary?

If some Member of Congress could just erect a derrick which would lift the Navy Department out of its preconceived ideas of submarine affairs, a greater service would be performed than by any mechanical contrivance which simply would pull a submarine out of the mud.

[Newport News, Va., Press, May 4, 1906.]

A SUBMARINE EXPLOIT.

An Associated Press dispatch from Newport, R. I., gives interesting details of one of the latest exploits of a Government submarine boat. The story follows:

"The Government tug *Mina* was rammed to-day by the submarine torpedo boat *Porpoise* during the maneuvers in Coddington Cove and the tug was forced to run full speed for the shore to escape sinking.

"The *Porpoise*, Lieutenant Knowton, was making tests in the cove 4 miles above the city in Narragansett Bay, with the *Mina* acting as escort. The *Porpoise*, in coming to the surface at a good speed, struck the *Mina* on the starboard bow below the water line and stove a hole in her a few feet from the bow.

"The forward compartment filled with water, but Chief Boatswain Sullivan, who was commanding the tug, swung her around and headed for the shore, at the same time ringing for full speed. The tug's bow was well down when she grounded on the sandy beach. The *Porpoise* was not injured."

A peculiar and somewhat disconcerting feature of most of the active operations of the particular type of submarines now holding sway in the United States Navy is their tendency to sink ships with which they are supposed to be cooperating and to turn turtle and suffocate the men who man them.

Recently naval experts have recommended that each of the submarines be attended by a convoy fitted out with a derrick, so that if anything should happen to the diver it might be hauled to the surface of the water. The performance of the *Porpoise* suggests that it may be necessary to furnish each submarine with two derrick-equipped convoys, for if there is to be this remarkable uncertainty regarding the course to be taken by a submarine as it comes to the surface, we have no assurance that the attending ship will not be put out of commission at any time. Then, too, the shock of the impact might also put the submarine out of business, in which event there would be pressing necessity for the other convoy with its derrick and its lifeboats.

We trust that the Navy Department will take this matter under consideration, and that the steps necessary to secure the additional convoy and derrick will be taken at once. Of course that would involve a good deal of expense, but if we are bound to have the present type of submarine (despite its shortcomings and its manifest dangers) we must have the necessary safeguards to protect the lives of the submarine crew and the derrick tenders. Besides, what is a little matter of money when it comes to hiding the bad judgment of the men who have been deciding these submarine issues according to their own sweet wills? It would be easier for them to provide the extra convoys and derricks than to admit that they have made a mistake. The taxpayers, however, may some day take a different view of the matter.

[New York World.]

JAPAN IN YEAR WILL BE READY FOR THE WORLD—SO SAYS JOHN P. HOLLAND, WHO COACHED HER ENGINEER IN SUBMARINE BUILDING—NEW CRAFT MARVELS—"WILL GO ANYWHERE A FLEET CAN, AND STRONG ENOUGH TO SMASH EVANS."

John P. Holland found time to-day to sound a note of warning to the warring members of the Naval Committee at Washington and to Uncle Sam regarding the prospects of a sea fight in which our submarines may figure. He said:

"All submarines in use to-day are copies of my original boat, many

of them poor apologies. The submarine fleet of the United States would be utterly useless outside of breaking a harbor blockade. They could not follow a fleet, like those which Japan is turning out every day.

"Japan has incomparably more superior submarine war men than we have. Mr. Matsu Kata, her national engineer, spent a year with me, daily learning the devices and secrets of the *Holland*. He returned to his country when no breath of hostility stirred the air. Unlike most peoples, the Japs work independently and indefatigably. They are building boats designed and fitted to accompany a fleet in any kind of weather for any distance and at any speed. Think of that! Admiral Evans's vast fleet would be blown from the seas with such submarine craft against him.

"Our boats can not travel with a fleet, and they can not venture from a port. Japan's boats work; they don't do stunts. Our submarines, I'm sorry to say, are now a joke. My patterns have been subjected to the treatment of young, inexperienced engineers, who professed to know more about problems I had battled with for years, and ruined.

"It is amazing how the United States Government can spend millions for submarines, and then get really nothing compared to what skillful Japanese engineers are building for their country.

"I am not wealthy, but I manage to keep the wolf from the door. I once had one-half of 1 per cent in the Electric Boat Company and the company which bears my name, but the promoters, men of great wealth, figured that some little schoolboy engineer could produce results with the product of my years of toil, and I was left in the cold.

"The American people are beginning to see the strangely unpatriotic heart which beats in the breast of a corporation. Uncle Sam is the victim, not I. I created a war weapon which, under my care and improvement, would have eclipsed any destructive machine in the world. England tried to improve on my plans and lost three submarine crews and three boats."

Mr. Holland, the inventor of the submarines, now in the service of the United States, and which boats bear his name, states in the above:

"Our submarines, I'm sorry to say, are now a joke. My patterns have been subjected to the treatment of young, inexperienced engineers, who profess to know more about problems I had battled with for years, and ruined."

[Army and Navy Journal, October 26, 1907.]

The Navy Department has not yet accepted the submarine *Octopus*, and some curiosity is shown as to cause for delay, as other boats built by her makers since this boat was completed have been accepted. Department officials explain that during the tests at Newport last spring an accident occurred to the machinery of the *Octopus*, and she went to the bottom and stayed there until by using the compressed-air apparatus the boat came up. As the engines were injured in the attempt to raise the boat on the occasion referred to, there has been delay in accepting her.

[New York Herald, February 22, 1908.]

SUBMARINES POOR, SAYS MR. HOLLAND—INVENTOR CALLS LATEST CRAFT OF ELECTRIC BOAT COMPANY "WORTHLESS"—WOULD STOP BUILDING—SAYS GOVERNMENT SHOULD CONSTRUCT NO MORE, AS THEY ARE "UNNECESSARY EXPENDITURE"—DENIAL OF ISAAC L. RICE—TAKES ISSUE WITH WASHINGTON REPORTS ON THE LESSLER INVESTIGATION BEFORE CONGRESS.

John P. Holland, inventor of the original Holland submarine boat, said yesterday at his home, in Orange, N. J., that he had no knowledge whatever concerning developments in connection with the building of submarine boats for the United States Government. He said that up to April 1, 1904, he had been consulting engineer of the Electric Boat Company, but since then had had nothing to do with that company. He did not want his name used in connection with submarines recently completed or being built, as they did not represent his patents or conform with his original plans.

"If I were placed on the witness stand before a naval investigating committee at Washington," said Mr. Holland, "I would urge that no more submarine boats be built like those that have recently been constructed. To my mind they are worthless as defensive boats, and therefore an unnecessary expenditure. What the people of the Pacific coast are thinking about when, as is reported, they petition for submarine boats I do not understand. Submarines can never effectually defend any coast, as is understood by naval authorities."

Mr. Holland said he saw Baron Matsu Kata last September and again in October, and that the Baron told him that the boats were being built at Kobe, but would not say how many were being constructed. He was given to understand, however, that a big flotilla was being built. Mr. Holland said that these boats would be able to cross the Pacific at a greater speed than Admiral Evans's fleet was now making and would be able to accompany any fleet of battle ships on any cruise. The submarine, Mr. Holland said, was no defense against a submarine and could be used only as a defense against a battle-ship fleet or to attack a battle-ship fleet or land defenses.

Isaac L. Rice, president of the Electric Boat Company, was desirous of getting his side of the alleged bribery in Washington before the public and asked to be allowed to explain the Lessler matter. To a Herald reporter he said:

"In connection with the Representative Montague Lessler matter, I desire to say it was disposed of completely by a very exhaustive examination made by Congress, covering 270 printed pages from House of Representatives Report 3482, Fifty-seventh Congress, second session.

"Your Washington correspondent says in yesterday's issue that 'Lessler came out of the investigation with flying colors, yet the committee reported there was no reliable evidence of corruption.'

"This matter being nearly five years old, and your correspondent probably not having the report before him, I think it only proper to say that any use of the word 'reliable' is not accurate.

"The actual language of the unanimous report was as follows: 'That there is no evidence to sustain the charge of an attempt by the Holland Submarine Boat Company or any of its agents to corruptly influence a member of the Committee on Naval Affairs respecting proposed legislation before said committee and the House.'"

[Chicago Examiner, November 15, 1906.]

EVANS LAUGHS AT SUBMARINES—"FIGHTING BOB" SAYS UNITED STATES NAVY IS BEST IN WORLD—FIRES BROADSIDE OF TALK AT REPORTER—36,000 MEN IN SERVICE ARE NOT ENOUGH FOR SHIPS NOW BUILT.

"Fighting Bob" Evans anchored in Chicago yesterday, and here are some of his ideas:

The principal use of the submarine is to frighten nervous people.
Our Navy is third in size and first in excellence.
If we had a war, we would have to recruit fast.
The battle ship is the backbone of the Navy.
Our traditions are the soul of the Navy.
We need a general staff.
Avast lubber! Fighting Bob Evans is in town.

No; that hitch in his leg is not a sea hitch. It came from a wound received while storming Fort Fisher. He strode the deck at the Virginia Hotel yesterday and piped the Navy for fair. "Piped" is a seagoing word.

It lacked two bells of the time for the dinner flag to go to the masthead at the hotel when the admiral saw a reporter salute the quarterdeck and come aboard. Here is what he said:

"The American Navy ranks third in point of size, but in point of excellence it comes first.

"There is no longer any difficulty in getting first-class men to man ships. If we had a war, however, we would have to do some fast recruiting. Before the Spanish-American war 96 per cent of the Navy was foreign born; now the percentage is exactly reversed.

THIRTY-SIX THOUSAND MEN NOT ENOUGH.

"We have at present 36,000 enlisted men in the service. The number is not sufficient to man the ships that are already built.

"The naval reserve is to the Navy what the National Guard is to the Army, and the naval reserves compares very favorably with the National Guard in organization and in discipline. Its object is to man the auxiliary cruisers in time of war, although it could be used to reenforce the crews of the regular ships.

"I do not see how the present large naval establishment can be managed without the organization of a general staff. We have none at present, but we could not successfully manage a war without one.

"We learned many things from the Japanese-Russian war. However valuable these lessons were, they did not materially alter the theories that have been previously held by naval men.

"They demonstrated beyond a doubt that the battle ship is the backbone of the Navy, and that no number of cruisers, however well handled or fleet, can possibly take the place of the battle ship. The limit in size of the battle ships has been reached, and I do not believe that anything larger than a 20,000-ton vessel will ever be designed for the Navy.

SUBMARINE AN EXPERIMENT.

"The submarine is principally good to frighten nervous people. It has not passed beyond the stage of experiment. The moral effect of these little fellows in war would undoubtedly be great, but their destructive power is yet to be shown.

"Everything has changed in the Navy since I entered it except seamanship, gunnery, and the traditions of the Navy. I came in forty-six years ago. Our traditions are the soul of the Navy. If our crews did not have the courage and the loyalty that animated the crews of the *Bonhomme Richard* and the *Constitution*, the most powerful ships and the most improved armament would not avail us anything."

[New York Sun, February 2, 1908.]

SUBMARINES DO NOT GO OUT—WOULD JUST AS SOON HAVE CALMER SEAS FOR TRIP TO ANNAPOLIS.

The submarines *Tarantula*, *Cuttlefish*, and *Viper*, although it is their habit to navigate the depths far from superficial agitation, did not care to venture out into the southeast gale that was wrinkling the surface of the sea yesterday. They were scheduled to start in the morning, accompanied by the gunboat *Hist*, for Annapolis, on the longest ocean trip ever attempted by craft of their class. The distance, including more than 100 miles of the comparatively quiescent waters of Chesapeake Bay, is 420 nautical miles. Lieut. C. E. Courtney, in charge of the *Hist*, commands the expedition. The twelve men on each of the little ships are mostly machinists and electricians. Lieut. J. F. Daniels commands the *Tarantula*, Lieut. D. C. Bingham the *Viper*, and Lieut. E. J. Marquart the *Cuttlefish*. The submarines are not intended to be storm defiers and that is why Lieutenant Courtney decided to hold them in port until the weather was favorable to test their long-distance capacity. They may not start for Annapolis until to-morrow.

[New York Sun, February 7, 1908.]

SUBMARINES MAKE A START—AND THEN COME BACK AGAIN, FINDING THE SEA TOO ROUGH.

The submarines *Tarantula*, *Cuttlefish*, and *Viper*, preceded by the gunboat *Hist*, flagship of the expedition, bound for Annapolis on the longest trip ever attempted by vessels of their class, made a start for the open yesterday evening. It was the intention to send them away last Saturday, when there was a gale afloat, but Lieut. C. E. Courtney, who commands the *Hist* and is the admiral of the squadron, decided that they could not do the trick in bad weather.

The little ships left the navy-yard yesterday afternoon after maneuvering in the upper bay to see that everything worked shipshape. They headed seaward, passing out at Sandy Hook in a single column, with the *Hist* leading, at 6.05 o'clock. The marine observer at the Hook thought they were off, but they were not. He did not see them again, but Quarantine reported them passing in to anchorage off Tompkinsville at 8.50. Lieutenant Courtney had found very rough weather outside, although it looked placid enough in the lower bay when he headed seaward. He so informed by wireless Rear-Admiral Goodrich, in command at the navy-yard.

Will an attacking hostile fleet wait for fair weather? Of what use can these fair-weather boats be in an engagement fought through storm? Of what moral effect, even, would such boats have when all experts acquainted with our submarines know that about all they have proven is their weakness?

[New York Sun, February 11, 1908.]

SUBMARINES GO INTO DRY DOCK—THE ICE HAS PLAYED THE MISCHIEF WITH THE LIGHT-WEIGHT PROPELLERS.

The lookouts at Cape Henry may have to wait a long time before they get a glimpse of the submarine boats *Cuttlefish*, *Tarantula*, and *Viper*, which a dispatch from Norfolk published yesterday said had not entered the Chesapeake. The three little war ships were put in dry dock yesterday in the navy-yard at Brooklyn to have their twisted propellers straightened out.

They were scheduled to sail ten days ago for Annapolis, but a storm that stirred the coastwise course into unwonted turmoil kept them in. They sailed from the navy-yard on Thursday, and after maneuvering in the upper bay headed for the open, preceded by the gunboat *Hist*, flagship of the squadron, commanded by Lieut. C. E. Courtney. They got outside the Hook, where it was found that one of the submarines had a

twisted propeller blade and that the rest would have to accommodate their speed to that of the damaged ship if it was decided to make the trip. Besides this, the sea outside was a bit lumpy.

Now, one of the objects of the 400-mile trip is to create a speed record for craft of the diving sort, and as that would have been impossible with a disabled vessel, Lieutenant Courtney put back and anchored off Tompkinsville. He found lots of ice there in the next turn of the tide seaward, and it played the deuce with the squadron's propellers, which were not made to battle with arctic seas. He had to call for a tug from the navy-yard to help cut a lane for the submarines through the ice. They were towed to the yard and had more trouble with the ice in making dock.

It was suggested that the submarines might have avoided the ice by plunging under it; but that, the experts said, was impracticable in a crowded harbor like New York, and outside the harbor they do not have to dive, as there is no ice worth mentioning a few miles offshore. Going up the Chesapeake at this season the boats are likely to encounter about as much, if not more, ice than they met down the bay. The ice is sometimes so heavy in the Chesapeake that ice breakers, specially constructed steamers heavily shod with steel, are used to keep navigation open. It looks now as if the trip of the submarines will be postponed until there is a breaking up of the ice—which may not come for several weeks—in this harbor.

Each of the little ships is 93 feet long over all, has a displacement of 175 tons, and carries four Whitehead torpedoes.

[New York Sun, February 20, 1908.]

CRUISER TO AID SUBMARINE—DES MOINES SENT TO FREE HIST AND VIPER, STUCK IN CHESAPEAKE BAY.

WASHINGTON, *February 20, 1908.*

Capt. Charles J. Badger, superintendent of the Naval Academy at Annapolis, Md., telephoned to the Navy Department to-day that the gunboat *Hist*, which is the tender to the flotilla of submarines which left New York last Sunday afternoon, is aground on Cove Point in Chesapeake Bay, about 40 miles below Annapolis, at the mouth of the Patuxent River. The submarine *Viper*, he said, is also aground seven miles below the Naval Academy. The submarines *Tarantula* and *Cuttlefish* are standing by the *Viper*.

The torpedo boat *Bagley*, Captain Badger, is said to have gone to the aid of the *Viper*, and the tug *Standish* left Annapolis yesterday to aid the *Hist*.

It was decided at the Navy Department late this afternoon to send the cruiser *Des Moines*, now at Hampton Roads, to the aid of the *Hist* and the *Viper*. The *Des Moines* will probably arrive early to-morrow morning and the little vessels will be hauled off without difficulty.

A telephone message was received at the Department to-day from Lieut. Charles E. Courtney, in command of the flotilla, saying that the submarines had good weather and made fair speed from the time they left New York Bay until the mouth of the Chesapeake Bay was reached. Upon entering the bay, he added, ice was encountered and there was a heavy snowstorm accompanied by thick weather. The *Hist* was driven ashore and the submarines endeavored to make the remainder of the trip to Annapolis without the tender. On their way up the bay the *Viper* ran ashore on account of a confusion of light-houses.

[Army and Navy Journal, January 20, 1906.]

Rear-Admiral Joseph B. Coghlan, United States Navy, in the course of an address before the Patria Club, of New York, on the evening of January 12, discussed the subject of naval expansion with the same vigor and frankness which have characterized his remarks on the same question on other recent occasions. He declared that while on paper the United States Navy in 1908 would be second in point of strength, yet if vessels now practically obsolete were stricken from the active list, the United States would rank only fifth or sixth among the naval powers of the world. Admiral Coghlan's views on the question of ship types were equally interesting. "There is," he said, "but one kind of fighting ship, and that is the speedy battle ship of the line. All other designs are doubtful quantities. Following the fads of various persons, we find among our twenty-seven fighting ships some millions of dollars wasted on four monitors. In the harbor of Manila I have seen one of them rolling twenty times a minute trying to hit something with a 12-inch gun—much as I have seen a woman trying to hit a hen with a stone. Three submarine ships came to the navy-yard last spring for repairs. Heaven only knows when they will get away. As soon as you repair one end of a craft the other end needs rebuilding. The insides have been wholly rebuilt, and the only thing I can see to do with them is to build new hulls. I shall object to doing that, however, when the subject comes up for consideration. I prefer to let them sink where they are. The battle ship is the ideal sea fighter, because it has the power of protection and the ability to carry its weapons within striking distance. But I consider the modern torpedo boat as the most deadly form of marine craft. I believe that there can be no final type of war vessel; we must always build—always keep repairing and realize that an up-to-date country should not only keep abreast of the times, but a little bit ahead. I believe that we should not follow too closely European standards in the construction of our battle ships. You will be surprised to know how quickly a ship becomes antiquated. Even now Dewey's ship *Olympia* would need a great amount of repairs to bring it up to date. The only man who ever can revolutionize war is He who will abolish it, and we are waiting for His second coming." Admiral Coghlan's remarks on the Naval Militia were equally to the point. He said: "It is often said that a few months will get our men into good shape. Yes; but where is the enemy who will give us even those few months? For such a one we will not need preparation. Some are trying to partly solve the problem by the idea of a naval militia. This may give us a few men, but they will be mostly men whose mode of life does not give them the stamina—physical, of course—to stand the strain and hardships. Even the best of these lack the 'sea habit' which would keep them good men during their first few weeks at sea. And so we are driven to the inevitable conclusion that our recruits in war must come from our deep-sea vessels—vessels engaged in foreign commerce.

"Three submarine ships came to the navy-yard last spring for repairs. Heaven only knows when they will get away. As soon as you repair one end of the craft the other end needs rebuilding. The insides have been wholly rebuilt, and the only thing I can see to do with them is to build new hulls."

The foregoing facts and conditions influenced me to introduce House resolution No. 264, and it is believed that an official statement of the facts asked for therein would go a great way to disabuse the illusions in the mind of the Electric Boat Company and their agents and representatives, technical and nontechnical, as to the practical merits of the boats they claim are so good.

Whereas, first, the following statements have been published in the public press: "It can be readily seen that the programme of the House committee at this session proposes to pay at least $1,286 per ton for the submarines, against a reasonable price named by Mr. Bowles of $745.40 per ton, or $1,476,296.60 more than the present builder said they were worth when he testified before the committee in 1902." Also: "It developed to-day that on the seven Holland submarines commissioned in 1903, at a cost of $1,190,000, the sum of $439,119.09 has been expended in the last four years in maintenance and repairs. Of this amount three vessels alone have taken most of the appropriation. It is further ascertained that the *Grampus* and *Pike*, at Mare Island Navy-Yard, are now laid up, never having worked to the entire satisfaction of the Department, while Congress has just been asked to appropriate the following sums for repairs in addition to materials already purchased: The *Adder*, $24,500; the *Grampus*, $33,500; the *Moccasin*, $38,500; the *Pike*, $33,500. Must keep contracts secret. An investigation of the contracts under which the submarines are purchased by the Government shows there is a confidential paragraph in each contract by which the Government is bound not to reveal any data concerning plans, specifications, models, weight records, speed records, or any other information without specific authority from the manufacturers. In contrast to this secrecy, it is pointed out that millions of dollars of battle ships have been built and their performances and other data are duly chronicled in the Annual Register of the Navy Department." Also: "The trip of the submarine flotilla made up of the *Cuttlefish*, *Viper*, and *Tarantula*, and accompanied by the gunboat *Hist*, from New York to Annapolis Naval Academy has proved somewhat disappointing to naval officials." Also: "The *Octopus* is still in the shipbuilding yard having her engines, which were practically ruined in an accident during the acceptance tests here last spring, rebuilt;" and

Whereas, second, secret Government contracting is against public policy and the specific provisions of the Revised Statutes, sections 512, 515, 3744, 3745, which provide that papers on file may be examined by any person desiring to do so, and that copies thereof shall be furnished upon certain fees: Therefore, be it

Resolved, That the Secretary of the Navy is hereby directed to inform the House of Representatives whether $745.45 per ton is a reasonable price for *Octopus* type of submarines; what price per ton is being paid for *Octopus* type of submarines; whether the sum of $3,500,000 is excessive for eight *Octopus* type of submarines; what repairs have been made on each submarine—why, when, where, and with what results; how many days each submarine has been in active commission; how many days each submarine has been out of commission, and why; what accidents each submarine has had, the nature thereof and causes thereof; what contracts have been made for submarines; what prices have been paid per ton for each submarine built or contracted for; what submarines are available for use; what submarines are not available for use, and why; and to transmit to the House of Representatives verbatim copies of everything on file in the Navy Department relating to submarine boats, with the exception of detailed plans thereof, but not excepting reports relating to the performance of each submarine, accidents thereto, repairs thereon, and condition thereof, and the specifications thereof.

The CHAIRMAN. Mr. LILLEY has also filed with the committee to be incorporated in the record the affidavit of one Clement E. Adams, of Bridgeport, Conn., relating to an article or articles printed by one J. F. C. Archibald, setting forth in this affidavit that Archibald told him the article was prepared at the request of one Lawrence Y. Spear.

At the suggestion of Mr. LILLEY this will be incorporated in the record in full, and any weight or importance attached to it in the way of evidence to be determined upon an examination of the person making it if it is deemed necessary.

BRIDGEPORT, *March 16, 1908.*

STATE OF CONNECTICUT, *County of Fairfield, ss:*

Clement E. Adams, being duly sworn, doth depose and say that he resides in said Bridgeport and that in the summer of 1906 he was engaged in business in the city of Washington, and that during said summer of 1906 one J. F. C. Archibald came to him, the said Clement E. Adams, and represented that he, the said J. F. C. Archibald, was a war correspondent for Collier's Weekly and that he had been appointed by the President of the United States to visit certain cities and towns upon the Pacific coast of the United States to investigate and report to the President of the United States upon the condition of the coast defenses of the Pacific coast of the United States, and later he, the said J. F. C. Archibald, said to the deponent that he, the said J. F. C. Archibald, had visited certain cities and towns upon the Pacific coast of the United States and had reported thereon to the President of the United States, and that he, the said J. F. C. Archibald, had appeared before certain chambers of commerce, boards of trade, and other associations of business men and citizens in various cities and towns in States upon the Pacific coast and had addressed them, the said chambers of commerce, boards of trade, and associations of business men and citizens, upon the advantages to be gained by the States bordering upon the Pacific coast and the citizens of said States by the purchase by the United States Government of submarine torpedo boats, and that certain petitions and addresses made to Congress and the Members thereof by said chambers of commerce, boards of trade, and associations of business men and citizens in said cities and towns in States bordering upon the Pacific coast were caused by the work and efforts of him, the said J. F. C. Archibald, as aforesaid, and at a later time said deponent showed to the said J. F. C. Archibald a newspaper article on the subject of submarine torpedo boats wherein the Lake submarine torpedo boat was criticised, and the said J. F. C. Archibald said to deponent that he, the said J. F. C. Archibald, was the author of said newspaper article and did write the same, and that the criticism of the Lake submarine torpedo boat therein contained was incited and caused by the request to him, the said J. F. C. Archibald, made by one Lawrence Y. Spear, an officer of the Electric Boat Company, and that said request of the said Lawrence Y. Spear, made to him, the said J. F. C. Archibald, was by him, the said J. F. C. Archibald, acceded to because he, the said J. F. C. Archibald, was under obligations to the said Lawrence Y. Spear and the said Electric Boat Company.

CLEMENT E. ADAMS.

Subscribed and sworn to on this 16th day of March, A. D. 1908, before me.

[SEAL.] CARL FOSTER, *Notary Public.*

The CHAIRMAN. Also a letter from Theodore Roosevelt, President of the United States, saying that he received a letter from Mr. Archibald. The clerk will read the letter in full and incorporate it in the proceedings.

(The letter referred to is as follows:)

THE WHITE HOUSE,
Washington, March 18, 1908.

MY DEAR MR. LILLEY: Referring to our conversation of this morning, Mr. Archibald never was appointed or employed by me, nor, so far as I know, was he ever appointed or employed by anyone else connected with the Administration. Some time about a year ago he came in and saw me for about two minutes and said that he was going to make an investigation of the question of submarine defense on the Pacific, especially, I believe, in reference to Puget Sound; and that he was immensely interested in the subject, having been a war correspondent for various papers, and that he would like to send me a report of what he found. I answered him that of course I should be very glad to receive such a report from him or any other man who might investigate the subject. He sent me a letter on the subject some weeks later, which I transmitted to the Secretary of the Navy. I have transmitted dozens of similar letters from men who have told me of investigations that they had made or of facts they had found or of suggestions which they believed were important. It is the usual course; it was followed in this instance exactly as in all similar cases.

Sincerely, yours,

THEODORE ROOSEVELT.

HON. GEORGE L. LILLEY,
House of Representatives.

If Congress insists that we have got to have submarines, let us build them in our own yards and do away with these subterranean methods that have pertained to submarine legislation. [Loud applause on the Republican side.]

I yield back the balance of my time to the gentleman from Iowa [Mr. DAWSON].

Mr. WILLIAM W. KITCHIN. Mr. Chairman, we have to-day heard the ablest and most eloquent speech, perhaps, that ever was delivered in this House in favor of an extraordinary increase in the Navy. I do not believe that I can add anything to the very able answers that have already been made to its argument. No American in a case of necessity would stand back upon expense, but every American ought to take a common-sense view of every proposition, and the matter of expense is one of the things to be considered. The two battle ships carried in this naval bill will cost, in my judgment, $11,000,000 apiece in order to put them in the sea in fighting condition. They will cost annually, probably, $1,000,000 apiece thereafter for maintenance. The cost of these two ships—$22,000,000—would build 440 public buildings in our smaller cities at $50,000 apiece. We expend to-day on our Army and Navy, carried in the naval and military appropriation bills, more money than the 500,000 public school teachers, who teach 12,000,000 children, receive as their compensation. So it seems that the item of expense ought to be considered, although it ought not to be a dominating consideration.

To-day we have a navy that is seven and one-half times as large as our navy was when we declared war with Spain ten years ago. Also we have a navy that is nearly ten times as large as we had when President Cleveland sent his famous Venezuelan message. It is idle for gentlemen to tell us that a larger navy is essential to the preservation of the Monroe doctrine. We have preserved that doctrine for a hundred years nearly. That doctrine is grounded upon right, upon principle, and its correctness is its strength. Why, Mr. Chairman, what would the world have thought of this country twelve years ago if this Venezuelan message, which thrilled every diplomatic circle in the world, had been withheld on account of our small Navy compared with the navies of Europe, and especially with the navy of England, which would confront us in an emergency growing out of its subject-matter?

The history of the country shows conclusively that an immense navy is not essential to the preservation of the Monroe doctrine, for we have not heretofore had such a navy, either actually or relatively, when compared with the navies of Europe.

It strikes me that the error in the argument in favor of an immense increase consists in two or three matters. First, there is an assumption that as we are to-day the armies of Europe or of Asia could be landed on our shores. In my judgment, not a nation in the world or all the nations of Europe combined could land an army here. Our coast and harbor defenses, our submarines, our Regular Army, and our National Guard would prevent such an event. Mr. Chairman, submarines constitute the cheapest and most effective defense a nation can have, and we have to-day very few of them, compared with France and England. For the cost of two such battle ships as are authorized in this bill we could probably construct fifty submarines, which would probably protect, in addition to our present defenses, perfectly every harbor of the old United States as we were ten years ago.

There is no danger of war with England. The cotton fields of the South will guarantee peace with Great Britain. The grain fields of the West, and our beef and pork, and our hundreds of millions of dollars of commerce between England and the United States add additional guaranties of peace between England and the United States. Three thousand miles of Canadian border constitute that Dominion a perpetual hostage against English hostility. So, as has been repeatedly admitted by gentlemen on the other side of this House, when considering the Navy you can safely eliminate the possibility of war with England.

We already have a Navy better and stronger than any other European country. Another error in the gentleman's brilliant and earnest argument is the presumption apparent between its lines that the Japanese have some sinister purposes against us. Why should any country in the world want the United States? If they should take us to-day, they could not hold us to-morrow. The balance of the world could not subjugate the eighty or ninety millions of American citizens. It would not pay them to undertake it. It could not be profitable to hold our brave, resourceful, and liberty-loving people, even if it were possible. Do they merely want war for the sake of a fight? We have a Navy 60 or 70 per cent stronger than that of Japan. Is there any evidence, however, that Japan has any hostile intentions against us. I submit there is not. I am not an apologist for the conduct of Japan——

Mr. HUMPHREYS of Mississippi. Will the gentleman permit me to ask him a question for my information?

Mr. WILLIAM W. KITCHIN. Certainly.

Mr. HUMPHREYS of Mississippi. I am very much interested in this discussion. The gentleman says we have a navy 60 or 70 per cent stronger than the navy of Japan. I understood the statement of the gentleman from Alabama [Mr. HOBSON] this morning to be that Japan's navy is stronger than ours in the Pacific to-day, with all of our fleet there.

Mr. WILLIAM W. KITCHIN. If the gentleman will consult the reports, he will see that the navy of Japan has 451,000 tons and that of the United States 771,000 tons.

I repeat, I am not an apologist of Japan, but I can easily see how, after a great war, in which hundreds of thousands of soldiers were engaged, when those soldiers were disbanded, they would desire and be compelled to seek homes and work. I can easily see how they would be attracted to Hawaii, without their going to that island in great numbers being considered a hostile act. Japan having recently added hundreds of thousands of square miles to her territory and millions of people to her Empire, having added thousands of miles to her coast line, having assumed greater responsibilities than she ever had before, I can see how she could increase her standing army and increase her navy without such increases being considered evidences of any hostile purpose against the United States.

And, as has been well said, in case of a war between Japan and America on account of the race question, there can be no reason to doubt that in such a conflict, for such a cause, the entire navies of Europe would fight on the side of America, because every European nation would know that if the Japs had undertaken to establish the supremacy of the yellow man throughout the world, our defeat, if you can imagine such a thing, would necessarily be followed by the defeat of one European nation after another. And so, if it is an unjust war upon us, and a war upon racial problems, then our knowledge of mankind must lead us to expect that every white race in the world would stand by the side of America against the yellow race in such a combat.

So I submit that the great reasons upon which the argument is based for an immense Navy are themselves in all probability baseless. And if you are going to suppose that England and Japan would ever join forces against us, if you are going to act upon such an improbable and almost impossible idea, why do you not go further and presume that there is probability of the entire balance of the world uniting against us, and then insist that we must have a Navy equal to the combined navies of the great powers of the earth? And again, if there is any imminent danger of a conflict between the yellow race and the white race, why limit your number of battle ships to four or even twelve? If the danger is imminent, if it is to be the policy that we are to have a Navy as large as England and Japan together, then we will require fifty more battle ships.

Why not declare that the policy is to have a navy equal to any two powers of the earth, and then go forward and adopt that programme? If you can satisfy the American people that there is any necessity, the American people will stand for it. We who think that this bill is liberal in providing for two battle ships are not against a great navy. We realize that our country ought to have a great navy. We insist that we do now have such a navy. We are in favor of every ship put upon the seas being the very best ship that skill and money can produce. We are in favor of it being manned by the best soldiers and the best officers. We are in favor of additional ships from time to

time to keep up a strong, great navy of splendid matériel and personnel.

The difference between us and the other side, it seems to me, is that we have more faith in the greatness and spirit of our people. It is the spirit of our people itself which would forbid any country or all countries from desiring to subjugate us if they could, because no nation could hold the American people in subjection profitably, happily, or peacefully; nor could any nation in the world hold the fruits of a possible temporary victory over us in any quarter of the globe. It is not a question, it seems to me, of patriotism, but of judgment. We have confidence in the people and confidence in our position. We have confidence in the principles and traditions which have been preserved to us for a hundred years. We have confidence in our resources and skill in time of emergency.

Again, while the civilized peoples of the world, as shown in their private utterances and as shown by their official representatives, are preaching the doctrine of arbitration and expecting international agreements to preserve the peace of the world, why should the greatest power in the world, with the strongest peace sentiment, with the strongest conditions to justify it in taking the initiative toward positive settlements by arbitration—why should it at this late day in its history undertake to outstrip the nations of the earth in warlike preparations? Why should it not rather, following the spirit of its civilization, take the lead of all the nations of the earth in a movement that will tend to the neutral disarmament of the great powers, that will tend to relieve humanity of the burdens of war, not only humanity in our country, but throughout the world? Why not let us adopt a policy and let the world know that we have adopted a policy that means not merely a profession of the principles of peace, but will mean something practical in the direction of peace and disarmament itself? I am not in favor of one disarmament while other nations keep up their armament, but I am in favor of letting the world know by practice, as well as by precept, that we are opposed to increasing the burdens upon the workers of the world in order to maintain implements of war, and then we only burden our citizens according to our necessities. Implements of war encourage not only opportunities for trouble, but the disposition to find trouble. Nations are not altogether different from individuals.

You would not expect a man in a civilized community to have a Maxim gun in his front yard and to put armor plates around his dwelling. In the uncivilized state you might expect him to carry a gun. In the civilized state, when some danger is imminent, you might expect him to guard himself and carry weapons, but in a civilized state, with no danger threatened, you do not expect him to be carrying an arsenal. One who has weapons is more ready to give offense and is more ready to find offense than if unarmed. I heard a gentleman in the cloakroom remark just now that it has been stated in this debate that if we had had four more battle ships ten years ago than we had at that time we would not have had any war with Spain. His comment on that was that if we had had four less we might not have had any war with Spain. I doubt both statements. I believe that conditions in Cuba had been a menace, and there was hardly an American statesman who did not expect, sooner or later, trouble with Spain over Cuba. That was the last cause of trouble for us with European nations upon this continent. When Spain vacated Cuba and left the Caribbean Sea not another single probable cause of war with any European nation remained on the Western Hemisphere.

While, of course, there is always a possibility of war, there is no reasonable cause to expect trouble with any Asiatic power. You ought not to presume that a civilized nation, such as Japan is, certainly in her ruling classes, a nation that is aspiring to be one of the foremost nations of the earth, whose people are peacefully inclined, that is trying to develop a great internal commerce and enterprise—you must not expect such a nation to be anxious for war with any power, much less with the mightiest power on the face of the globe. I heard with a thrill in my heart the eloquent story of war as depicted by my friend from Alabama [Mr. HOBSON], and I heard him conclude it by saying that any man who had been in war is against war. I could not but think then that these great armies in Japan who had witnessed the same suffering my friend knew of and who had gone through the experiences he depicted, hundreds of thousands of them, under his theory are to-day evangels of peace in Japan and will throw their influence to withhold any warlike movement upon the part of that great country. [Applause.]

Mr. GILL. Mr. Chairman, some time has elapsed since the Secretary of the Navy transmitted to the House the letters, orders, and other papers relating to the appointment of Doctor Stokes to command the hospital ship *Relief* and to the resignation of Admiral Brownson as Chief of the Bureau of Navigation. The facts uncovered by this report should have impelled prompt and vigorous action on the part of the House, but this report still slumbers in the archives of a committee. Therefore, I feel called upon to direct the attention of the Members of the House to two matters shown therein: First, to the injustice done to the veterans of the Army and Navy in the unjust and unfair condemnation by the President of one of their comrades, Admiral Brownson; secondly, to the violation of our laws, that should be just as sacred and inviolable to the highest administrative officers of the Government as we expect them to be to the humblest of our citizens. We should demand justice and fair play, not only in precept, but also in practice; and that he who is loudest in preaching the "square deal" should be foremost in practicing it. We should demand administrative respect for the law. Administrative contempt for the law, Mr. Chairman, is not only inherently vicious, but if permitted to pass unnoticed and unchallenged, is bound to serve as a pernicious precedent for similar conduct in the future, and must exert a corrupting influence upon the whole body politic.

In his letter of the 2d of January, 1908, to Secretary Metcalf, President Roosevelt says:

> The action of the late Chief of the Bureau, Admiral Brownson, in tendering his resignation because he did not agree with the President and the Department regarding an order issued, before he came into the Bureau, by the Secretary of the Navy as to the control of the hospital ships was unseemly and improper. * * *

This reference by the President to an order alleged to have been issued prior to Admiral Brownson's appointment as Chief of the Bureau of Navigation, and as to which Admiral Brownson had disagreed with the President, has created the impression that Admiral Brownson has refused to obey this order. For this supposed refusal Admiral Brownson has been severely criticised in many quarters. As a matter of fact, no such order as is referred to by the President in this letter exists, unless it has been inadvertently or otherwise omitted from the letters, orders, and other papers sent to the House by Secretary Metcalf in answer to the request of the House for all the documents and papers bearing upon the appointment of Doctor Stokes and the resignation of Admiral Brownson as Chief of the Bureau of Navigation. That the President, in thus referring to an order, undoubtedly intended to specify the "indorsement" by Secretary Bonaparte on December 12, 1906, of the recommendations of the joint board of medical officers that naval surgeons should command naval hospital ships, is borne out by the statement in his letter of January 4 to Secretary Metcalf, in which he speaks of an order. But in calling this indorsement an order he was probably misled by seeing only one version of this indorsement—the one in which a vital paragraph was omitted. I desire to call the attention of the House to the fact that in Secreary Metcalf's letter to the House there are two versions of this indorsement—one on page 15 of this letter marked "Indorsement No. 9," which concludes with the following paragraph:

> No immediate action by the Department is deemed necessary in the premises, but its conclusions will be communicated to the bureaus interested and to the general board of medical officers.

On page 18 of Secretary Metcalf's letter to the House the second version appears, under the head of "Precedents."

From this indorsement of Secretary Bonaparte the paragraph just recited was omitted. The concluding paragraph of the original indorsement stating that no immediate action by the Department, on the recommendations of the joint board of medical officers, is deemed necessary, expressly characterizes Secretary Bonaparte's approval of these recommendations merely as an approval of policy, and is a distinct disavowal of any intention by the Department to take immediate action upon these recommendations. It, therefore, can in no sense be considered an order. Why this concluding paragraph was omitted from Secretary Bonaparte's indorsement as it appears on page 18 of Secretary Metcalf's letter I do not know. This omission, however, gives to Secretary Bonaparte's indorsement the color of an order rather than a declaration of what the Department proposed to do when the proper time arrived, and the proper time could arrive only when the President and the Secretary of the Navy were duly authorized to act upon these recommendations by Congress, as such action is clearly prohibited by existing law.

Admiral Brownson, then, did not disagree with the President as to any order concerning the appointment of surgeons to command naval hospital ships, and could not have refused, as many have supposed, to obey any order issued by the Secretary of the Navy before he was appointed Chief of the Bureau of Navigation. Indeed, so far as is shown by the letter of Secretary Metcalf no order was ever issued appointing surgeons to command naval hospital ships until Secretary Metcalf issued

an order on December 30, 1907, appointing Doctor Stokes to command the *Relief*, six days after Admiral Brownson had resigned and his resignation had been accepted. Undoubtedly Admiral Brownson differed with the Secretary of the Navy and with the President as to the wisdom and legality of putting into execution the recommendations of the joint board of medical officers that surgeons be put in command of naval hospital ships. That he had an undoubted right to do. Nay, more. As the Chief of the Bureau of Navigation, Admiral Brownson was the naval adviser of the Secretary of the Navy and of the President, and when he saw that this proposed policy appointing surgeons to command naval hospital ships was about to be put into execution, a course which he believed to be illegal, it was his duty to so advise the Secretary of the Navy and the President; and upon finding his advice rejected and finding himself out of harmony with his superiors he should have relieved them and himself, as he did, by resigning as Chief of the Bureau of Navigation. Could anyone expect a man possessing Admiral Brownson's firmness of character, devotion to duty, and exalted sense of honor to permit himself to be an instrument in the violation of the law which both he and his superiors have sworn to obey?

The honor and glory which Admiral Brownson has earned by forty-six years of diligent and faithful service in the Navy, the conspicuous courage and gallantry which he displayed in the capture and destruction of the pirate vessel and crew off the coast of Mexico, his judicious and vigorous conduct in the harbor of Rio de Janeiro, in resenting an insult offered the American flag—all this did not deter the President from reflecting on his good name. Conduct less meritorious and gallant than Admiral Brownson's has elicited for naval officers the thanks and commendations of Congress and has won for them the sword and medal—tokens of a nation's gratitude and appreciation. But for Admiral Brownson has been reserved, at the end of his active career, the badge of disloyalty, placed on his breast by the Commander in Chief of the Army and Navy. Shall we permit this condemnation and degradation, where honor and promotion should have been granted? Shall the charge of disloyalty to the interests of the Navy pass unnoticed and unchallenged by the representatives of the American people? Or are we restrained from the performance of our duty because, forsooth, there may be some who demand from us the recognition of some higher law than our Constitution and statutes, perhaps some unwritten law of lese majeste, a law which stamps opposition to the policies of the President as disloyalty to the country, a law which prescribes the dogma that the President, like the kings of old, can do no wrong? The doctrine of a higher law has been announced by the President, but it is a doctrine which the American people will never accept, nor will they recognize any law as higher or more sacred than our statutes, our Constitution, and the laws of God. [Applause.]

Mr. GOULDEN. Will the gentleman yield?

Mr. GILL. Certainly.

Mr GOULDEN. What was the rank of Doctor Stokes when he was appointed to command the *Relief?*

Mr. GILL. I do not know his actual rank, but he ranks in the Navy as a surgeon. He has the actual rank with line officers, but this provision of law prevented him from exercising command as a line officer, as he must necessarily do as commander of the hospital ship. I have not the time to go into this matter so thoroughly as I would like.

Mr. GOULDEN. When was the authority given to President McKinley to make new rules?

Mr. GILL. In March, 1901; it was appended to the naval appropriation act of that year.

With Admiral Brownson I challenge the right of the President and of the Secretary of the Navy to issue an order like that of December 30, 1907, appointing Doctor Stokes to command the naval hospital ship *Relief*. With Admiral Brownson I claim that the issuance of such an order is a direct violation of the statutes of the United States.

Mr. Chairman, the country has most generously established and maintained a naval academy, where young men seeking to enter the naval service as line officers are thoroughly grounded in the various branches of naval science, in navigation, in seamanship, in gunnery, and of late in engineering. It is absolutely essential that officers of the line should possess, and only officers of the line are required to possess, a thorough knowledge of these subjects. Therefore the exercise of any command in the Navy which demands a knowledge of navigation or seamanship or gunnery or engineering is a military command or a command in the line. The command of any of the vessels or ships of the Navy, including hospital ships, necessarily requires a knowledge either of all or some of these branches, which only line officers are required to be proficient in, and are naval military commands or commands in the line, as much so as a command of a fort or a company or a regiment in the Army is a military command and command in the line of the Army. This view has always been sanctioned by naval practice, by naval regulations, and by statute law, which have permitted the command of all naval vessels only to line officers and prohibited the exercise of military command to officers of the Staff Corps. Before staff officers were given relative and actual rank with line officers they were excluded from the command of vessels by the provisions of section 1529 of the Revised Statutes, which reads as follows:

> The vessels of the Navy of the United States shall be divided into four classes, and shall be commanded as nearly as may be as follows: First rates by commodores, second rates by captains, third rates by commanders, fourth rates by lieutenant-commanders.

But after staff officers were given relative and actual rank with line officers, the staff officers were prohibited from exercising any military command or command in the line or other staff corps by section 1488 of the Revised Statutes:

> The relative rank given by the provisions of this chapter to the officers of the Pay, Medical, and Engineer corps shall confer no authority to exercise military command.

And by the act of March 3, 1899, chapter 413, known as the "Personnel act," which provides:

> That all sections of the Revised Statutes which, in defining the rank of officers or positions in the Navy, contain the words "the relative rank of" are hereby amended so as to read "the rank of;" but officers whose rank is so defined shall not be entitled in virtue of their rank to command in the line or in other staff corps.

By the appropriation act of March 3, 1901, the President was authorized to establish and to modify a classification of the vessels of the Navy and to formulate appropriate rules governing the assignments to command vessels and squadrons. Under no circumstances can this act of March 3, 1901, be construed as withdrawing the right to command from the officers of the line, or as conferring upon the President authority to assign any but line officers to command vessels of the Navy. This act merely gives the President the right to change the classification of the vessels of the Navy and to formulate appropriate rules governing the assignment of line officers to the respective vessels of the Navy. Under the authority conferred upon him by this act President McKinley in 1901 reclassified the vessels of the Navy and designated hospital ships as third-raters, to be commanded, under section 36 of the Navy Regulations, by lieutenant-commanders, officers of the line. Up to the present time President Roosevelt has followed in the footsteps of President McKinley in this regard. He has himself approved these regulations which designated lieutenant-commanders to command third-raters, including hospital ships. Under sections 21 and 22 of these regulations, issued by Secretary of the Navy Morton on the 30th day of June, 1905, and approved by the President, we find the following:

> Art. 18, sec. 1. Officers of the line exercise military command.
> Art. 21, sec. 2. No officer shall by virtue of rank and precedence have additional right to quarters, nor shall they have authority to exercise command except in their own corps.

And further, under the title of "Law and decisions on command and rank," article 53, section C, we find that—

> The right of military command and to additional quarters is restricted by law.

It is quite clear, then, that under these statutes and regulations no staff officer may command a naval hospital ship. True, the President may change the rules for designating commands or assignments in the Navy, but such changes must be within the limitations established by the law as to military command. They must not conflict with the statutes prohibiting military command to officers of the staff. That the President can not issue any regulations on the subject which in any way conflict with the acts of Congress has been definitely established by the Symonds case (120 U. S., 146). Justice Harlan, delivering the opinion of the court, said:

> The authority of the Secretary of the Navy to issue orders, regulations, and instructions, with the approval of the President, in relation to matters connected with the naval establishment, is subject to the condition, necessarily implied, that they must be consistent with the statutes enacted by Congress in reference to the Navy. He may, with the approval of the President, establish regulations in execution of or supplementary to, but not in conflict with, the statutes defining his powers or conferring rights upon others.

At the international Hague conference of July 29, 1900, and at the Geneva conference of October 20, 1868, in both of which this country participated, two distinct kinds of hospital ships were recognized—military and nonmilitary hospital ships. Military hospital ships were at those conferences described as ships fitted out by a government solely and specially for the purpose of assisting the sick, wounded, and shipwrecked, and nonmilitary hospital ships as those fitted up by societies such as the Red Cross or by individuals, with the sanction of a government,

for a similar purpose. The *Relief*, then, manifestly belongs to that class of vessels distinctly recognized in the treaties to which the United States is a party as military hospital ships. How, then, could the command of a naval military hospital ship be anything but a naval military command? Under these treaties a military hospital ship, when commanded by a surgeon, is not entitled to any greater immunities or exemptions than it is when commanded by a line officer. The *Relief* in time of war would not, under its present command, be entitled to any greater consideration than would be accorded it if it were commanded by an admiral.

Now, Mr. Chairman, having demonstrated that it is illegal for medical officers of the Navy to be assigned to command hospital ships, I do not propose in any way to discuss the policy, assuming it were legal, of enlarging the duties of the medical officers of the Navy so that they should embrace the command of hospital ships with civilian navigators. That is a matter which should be determined by the old sea dogs of our Navy, our admirals and our captains, not by landsmen like myself or the Secretary of the Navy or our late colonel of cavalry, Theodore Roosevelt. The illegality of the appointment of a surgeon to command a naval hospital ship was fairly put by Admiral Brownson both in his letter of resignation and in his memorandum of November 18, 1907. "It is directly contrary to law for a medical officer to exercise military command in any other than his own corps," said Admiral Brownson. To this warning President Roosevelt replies with an order appointing Doctor Stokes to command the *Relief*. No opinion on the subject seems to have been sought from the President's constitutional adviser, the Attorney-General—not even an opinion from the legal adviser of the Secretary of the Navy, the Judge-Advocate-General. But that is not all. Without the intervention of a court-martial, the President, by the publication of his extraordinary letter, in which he admits that there may be an honest difference of opinion on this subject, proceeds to punish and condemn one of the most faithful and respected officers of the United States Navy by lashing him with such terms as "unseemly," "improper," "childish," "reprehensible," "personal pique," "wounded vanity," "factional feeling," "ruffled temper," "disloyalty to the interests of the Navy, and therefore to the country as a whole"—classical terms and phrases, indicating the use not of the simple muck-rake of the "Pilgrim's Progress" days but of an up-to-date and modern muck rake whose operations are directed by a greatly heated and sensational mind.

"Disloyalty to the interests of the Navy, and therefore to the country as a whole," is the President's verdict concerning the conduct of this faithful veteran who has given forty years of his life to the service of his country! But fortunately it is left to the people of this country to judge whether this verdict is just; whether this charge, most damaging to the character and good name of Admiral Brownson, if true, should be permitted to stand unrefuted. Shakespeare says:

> Good name in man and woman, dear my lord,
> Is the immediate jewel of their souls:
> Who steals my purse, steals trash; 'tis something, nothing;
> 'Twas mine, 'tis his, and has been slave to thousands;
> But he that filches from me my good name
> Robs me of that which not enriches him
> And makes me poor indeed.

The good name of a soldier or sailor grown gray in his country's service, who by the faithful performance of that service sacrifices every opportunity to acquire either legitimate or predatory wealth, is his chief and most precious possession. The filching of that good name leaves him more abject than the poorest serf.

It seems, Mr. Chairman, that one violation of the law leads to another. The Secretary of the Navy, in his eagerness to place a naval hospital ship under the command of a surgeon, has violated our coastwise commerce law, known as the act of March 1, 1817, confining the coastwise transportation of merchandise to the American merchant marine. I understand from a statement made on the floor of this House by the chairman of the Committee on Appropriations that the Secretary of the Navy, in order to put the *Relief* in commission, has seen fit to put two of the Government naval colliers out of commission. This left the Navy Department no alternative other than that of employing foreign vessels to carry coal for the fleet in place of those colliers put out of commission, as the Secretary of the Navy says that no American ship can be chartered at a reasonable price for this purpose. The employment of foreign vessels, as has been stated on this floor by the distinguished lawyer from Maine [Mr. LITTLEFIELD], is a violation of the law which I have just cited. It is the violation of one law for the purpose of facilitating the violation of another law. Moreover, the country is treated to the interesting spectacle in which the Secretary of the American Navy is helping to maintain the auxiliaries of foreign navies, which in time of war may be utilized in an attempt to exterminate the American Navy.

Another striking illustration of administrative disregard of the law is presented to us in the appointment of Mr. Rossiter to supersede the Public Printer, Mr. Stillings, who was recently suspended by the order of the President. On presenting his commission at the Treasury Department for the purpose of being bonded, Mr. Rossiter was informed by a judicious and courageous official that his appointment was not in conformity with the law and that therefore he would not bond him. How soon will the head of this law-respecting official follow that of Admiral Brownson into the Presidential decapitation basket?

These repeated violations of the law are not the kind of examples that can be fashioned into clubs with which to "whack" the heads of undesirable citizens to beat into them a wholesome respect for the law.

These violations of our statutes and the carelessness with which they are regarded are dangerous, not only as vicious examples, but as corrupting precedents which may sap the very foundations upon which our dual form of government rests. It is but one step from the violation of the provisions of the statute law to the violation of the most sacred provisions of our organic law. If we connive at the contemptuous spirit in which our laws are dealt with in high administrative circles, it will not be long before attempts will be made by the Federal Government to usurp the powers clearly reserved by the Constitution to the several States. If we recognize the wisdom which animated our patriotic forefathers when they erected the framework of our Government, if we appreciate the blessings of a Government founded upon law and order, if we are eager to conserve the security and well-being of the people of this great country, then we must boldly and unflinchingly demand of our high administrative officers the same respect and veneration for our laws as we expect from the humblest citizen in the land.

In conclusion, Mr. Chairman, I wish to say that though the President of the United States has twice asserted his determination not to be a candidate for a third term, it is currently reported throughout the country that his last message was a bid for renomination. Indeed, so strong is the impression among the masses that President Roosevelt is seeking a third term that it has become the source of topical songs in our music halls, the refrain of one of them being—

> It's Taft or I,
> And that's the cry
> In Washington.

By many it is claimed that the President is the only man who can harmonize the clashing interests and tendencies of the reactionary and the progressive camps into which the Republican party is split. On one occasion, Mr. Chairman, Mr. Gladstone was asked to explain the difference between the words "misfortune" and "calamity." He replied with this illustration:

Suppose that Disraeli fell into the river Thames—that would be a misfortune; but suppose that somebody dragged him out—that would be a calamity.

If the Republican party should nominate President Roosevelt for a third term that would be a misfortune to the Republican party. If, however, President Roosevelt should be reelected for a third term it would be a calamity for the country. [Applause.]

I append the following letters of Admiral Brownson to the Secretary of the Navy:

INCLOSURE A.

DECEMBER, 24, 1907.

SIR: In April last I was detached by your order from the command of the United States Asiatic fleet and ordered to Washington and appointed Chief of the most important Bureau in the Navy Department, the Bureau which under the Secretary is charged with matters relating to the personnel, the discipline, and the efficiency of the fleet.

This transfer from a command which ranks second in importance afloat, to one which is second to none on shore, coming on the eve of my retirement from active service while not to my personal liking was deeply gratifying to me as it appeared to be an evidence of your confidence in my professional ability.

In order, however, that any efforts of mine to maintain a high standard of efficiency and discipline in the service be attended with success, it is absolutely essential that I should have the confidence of the service at large as well as that of higher authority. The efficiency of the fleet can only be maintained when the officers and men feel that the Chief of the Bureau of Navigation has the confidence of the Commander in Chief of the Army and Navy and when a strong military spirit exists in the service. Anything that shows a lack of confidence or that tends to break down this military spirit, which has been the safeguard and principal asset of the Navy since its beginning, can but impair such efficiency.

The recent order placing a medical officer in command of a hospital ship is, in my opinion, and as I have endeavored on several occasions to point out to you, clearly opposed to the intent of the law; is a radical departure from established naval usage and is fraught with danger to the efficiency of the fleet, will tend I believe to break down the military spirit of the service and shows a want of your confidence in my advice regarding a matter so vital to the best interests of the service.

I am left, therefore, with no alternative but to tender my resignation as Chief of the Bureau of Navigation, much as I regret to sever my active connection with the service to which I have been devoted and to which I have given my best efforts for over forty-six years.

Very respectfully,

W. H. BROWNSON,
Chief of Bureau.

INCLOSURE 7.

NOVEMBER 18, 1907.

COMMISSIONING OF THE "RELIEF" FOR DUTY AS A HOSPITAL SHIP.

Respectfully forwarded to the Department.

The Bureau appreciates the fact that at the present time the necessary accommodations for the sick on the Pacific coast are inadequate, and, as stated in a recent indorsement by this Bureau on a communication from the Bureau of Medicine and Surgery, the Bureau intends to recommend the commissioning of the *Relief* as a hospital ship in order that the vessel may be available when the battle ships arrive at Magdalena Bay.

The Bureau earnestly requests that the question of providing the officers and crew for the *Relief*, particularly as regards the command of the vessel, be reconsidered by the Department, and begs to submit the reasons which, in the opinion of this Bureau, should influence the Department in reversing its previous decision.

An examination of the accompanying papers shows that the decision of the Department dated December 12, 1906, which states, among other things, that a hospital ship when placed in commission shall be under the command of a medical officer, appears to be the outcome of the recommendation of a joint board of medical officers of the Army and Navy, convened by order of the Secretary of War. This board was appointed to "consider improvement in the first-aid dressings and uniformity of equipment in the medical departments of the two services."

While the Bureau freely admits that the question of the medical equipment of a hospital ship is one on which the medical officers of the Army and Navy are eminently qualified to express an opinion, the Bureau begs to submit that the question of manning a seagoing vessel is one which sea line officers of the Navy are best qualified to decide.

While a hospital ship is a vessel of peculiar international status and can only be employed in time of war for a specific purpose, the fact still remains that, whether it is a hospital ship or not, it is a seagoing vessel, and in order to accompany the fleet to fulfill the purposes for which it is designed, it must be navigated and handled in the same seamanlike manner which is required of all vessels to insure safety on the high seas.

The Bureau begs to submit that, however qualified medical officers may be in their profession, there is, on the other hand, nothing in the training of a medical officer which fits him to command a seagoing vessel.

The contention of the Surgeon-General that a medical officer should command a hospital ship appears to be based entirely upon the assumption that such a ship is a floating hospital, as he states: "It must be borne in mind that a hospital ship is a floating hospital and that the most finished professional training in navigation, ordnance, and seamanship does not render line officers well fitted to command hospitals."

The Bureau is well aware that it does not require professional training in navigation, ordnance, and seamanship to command a hospital, provided such hospital is located on shore, or even if such a hospital were a hulk securely and safely moored and not required to move; but the fact must not be lost sight of that the use to which a vessel is put has no effect whatever in lessening the dangers which will be encountered in navigating such a ship in all kinds of weather and under various circumstances.

It requires just as skillful a navigator to pilot a hospital ship as it does to pilot a man-of-war, a mail steamer, or a yacht. The difficulties of pilotage, navigation, and handling a vessel are wholly independent of its internal arrangements or the uses to which the vessel may be put.

The statement of the Surgeon-General that a hospital ship "is not a man-of-war, but a hospital," does not give a complete statement of the case. Without doubt a hospital ship is not a man-of-war, but has a peculiar status which is clearly defined by the Geneva convention. On the other hand, to call it a hospital does not fully describe the ship. It would be more nearly correct and descriptive of its true character to state that a hospital ship is a seagoing vessel having a large hospital on board, and it is for the general administration, navigation, and handling of the seagoing vessel that a sea line officer should be ordered to command. As to the control and administration of the medical department of such a vessel, existing regulations give medical officers all necessary authority to control and care for their department on board ship.

The Surgeon-General again states that "the command of the medical officer should be absolute" and that the captain should not be a naval officer, but should belong to the merchant marine and should have entire control of the navigation of the ship and of the civilian crew and regulate discipline and matters pertaining to them. It would seem from this statement that in the opinion of the Surgeon-General the navigation, safe conduct, and general administration of a seagoing vessel are secondary as regards the responsibilities of command.

Telegraph operators or cable engineers are not put in command of cable ships nor are postmasters put in command of mail steamers. A battle ship can with propriety be called a floating fort, but artillery officers are not fitted for the command of them. It must not be forgotten that a ship is an inanimate object and requires at all times a competent officer in command to insure the safety of the vessel at sea.

Long experience with merchant crews and officers on board naval colliers, tank ships, transports, supply vessels, etc., shows that officers of the merchant marine do not perform this duty as efficiently as naval officers.

Some years ago on the Asiatic Station the auxiliaries were manned in three different ways: First, a number with full naval crews; second, others with merchant crews, and third, several with a merchant crew and officers and one line officer of the Navy in command. In addition to the line officer there was a paymaster.

As the result of experience with the various systems all in force at the same time and under similar conditions officers who have had experience with naval auxiliaries agree that the most efficient organization is obtained when these vessels are manned with a full naval crew, and it is only the fact that at present there is such a shortage of officers and men that naval auxiliaries are not so manned.

Of the three systems above noted that which caused the greatest number of complications and was the least efficient was the third, i. e., a naval officer in command with a full merchant crew and officers. On board such vessels the crew and officers are amenable only to the navigation laws of the United States. They are shipped and discharged in the presence of a United States naval officer or the shipping commissioner, or in a foreign port in the presence of a United States counsul or United States naval officer. Neither the United States Navy Regulations nor the navigation laws of the United States contemplate any such division of authority as exists on board a vessel so manned. The following is an extract from a letter addressed by the commander in chief of the United States Asiatic Fleet to the naval officers in command of the colliers *Iris* and *Nanshan*, defining the status of the officer in command and the master:

"The naval officer in command will be held responsible for the navigation, safety, movement, preservation, and cleanliness of the vessel to which he is attached, and he shall relieve the master of such responsibilities whenever he finds it necessary to assume direct control himself.

"There are peculiar conditions existing on the Government vessels carrying merchant officers, with naval officers on board who have been placed there in the interest of the Government. By merchant laws all punishments, shippings, and discharges of crew must be made by the master under existing laws. In addition to these, there are many functions on board these vessels that may not be exercised by the naval officer in command. But the naval officer in command is to be obeyed in all orders that he sees fit to give, and he will be held responsible for any orders promulgated by him that are incompatible with the merchant laws of the United States, except as set forth in paragraph 1 of this letter, which are essential for the best interests of the Government.

"The foregoing instructions being absolute, the naval officer in command will endeavor to arrange matters, through the master, so that everything may work harmoniously, and that the master may not seem to lose any of the privileges or authority due him by the merchant shipping laws of the United States.

"A copy of this letter shall be furnished the master of the vessel you command. He must agree to the conditions herein set forth, or be discharged from his position if he is not satisfied with these decisions."

The following letter was also addressed by the commander in chief to the masters of these vessels:

"A commissioned line officer of the United States Navy having been ordered to command the vessel of which you are master, you are hereby informed that all functions, duties, and responsibilities regularly belonging to you as a duly installed master, under the laws governing the merchant marine of the United States, are retained by you.

"The naval officer in command is, however, a higher authority, and you will obey him, as the representative of the commander in chief, in the same manner that you would obey a private owner of the vessel. All orders, however, from outside authority regarding the vessel will be given to the commanding officer; and you will also make reports and communications concerning her to him."

Notwithstanding the fact that these instructions appear to be explicit, complications constantly arose, not only as regarding the navigation of the vessels but also in respect to the administration of affairs including relations with the crew.

As regards the navigation of the vessel, the case of the *Iris* running ashore on Sikijor Island may be cited and the case of a disturbance created by the second officer of the *Nanshan* in the harbor of Hongkong may also be mentioned as regards the relations of the naval officer with the crew.

A brief description of both these instances may be of interest. The U. S. S. *Iris* was, in 1901, making a passage from Cebu to Tacloban, in the Philippine Islands, and ran ashore on Sikijor Island. A board appointed to investigate the grounding found it due to the ship's overrunning the patent log, westerly current and leeway, thick weather, and poor judgment in setting the course. The board also found that the naval officer in command "did not take all precautions to assure himself of the proper navigation of the ship, but owing to the anomalous position of a naval officer on board the *Iris* with a merchant crew and officers, subject to the orders of the master, and owing to the duties and responsibilities and authority given the master by the United States laws for the merchant service, the board is of the opinion that no further action should be taken in the case of * * * , but that master * * * should be discharged."

Owing to the fact that there was divided authority on board the *Iris*, the commander in chief and the Department approved the finding of the board. In this connection it may be stated that the naval officer was an officer of experience and unquestioned professional ability.

The case of the *Nanshan* was as follows: The *Nanshan* was at anchor in the harbor of Hongkong. The second officer during the evening became intoxicated and noisy. The naval officer in command sent word to the master for him to pipe down. This the second officer not only declined, but failed to do. After several warnings, the naval officer directed the master to put the second officer in irons. This the master declined to do, stating that his crew and officers were shipped under the navigation laws, which prohibited such action on his part while the vessel was in port. The naval officer then asked the master what he would do were he in actual command of the vessel without a naval officer on board. The master replied that he would send for the harbor police. The naval officer then directed him to request the harbor police to take charge of the second officer. The harbor police declined to interfere, as the *Nanshan* was a Government vessel under the command of the naval officer. At this juncture the second officer retired to his room, locked the door, and threatened to shoot anybody who tried to force an entrance. After firing four shots through the door the naval officer took the law into his own hands, broke down the door, and disarmed the second officer.

It will be noted from the foregoing that a situation existed on board the *Nanshan* which no one was legally competent to cope with.

Owing to the legal complications involved, the only action taken was to discharge the second officer the following day in the harbor of Hongkong.

If a hospital ship were merely a floating hospital, as the Surgeon-General states in his indorsement, and the ship were securely moored and not called upon to move from point to point, it would perhaps be well not to have any sea line officers on board. It would appear, however, that in addition to the navigation of the vessel and ship administration connected therewith the discipline of the crew has been entirely lost sight of. Both the law and the Navy Regulations state that officers of the line exercise military command. On board a hospital ship when in commission for sea service and cruising in company with a fleet, there will always be a certain number of enlisted men of the Navy, Marine Corps, and, perhaps, of the Army, who are convalescent, many of them practically well and nearly ready for duty. The temptation for these men to commit infractions of discipline will be various on board a hospital ship, and in addition to ordinary infractions they will be liable to get into difficulties with the merchant crew of the vessel; the latter

(if the vessel is manned in accordance with the recommendation of the Surgeon-General) are amenable only to the navigation laws of the United States. The Bureau fails to see how there can be any complete control over the discipline of the personnel on board a hospital ship when part of such personnel is amenable only to one set of laws, the other to the Navy Regulations; the officer in command being an officer who by law is forbidden the right of exercising military command except in his own corps, the master of the ship being a civilian with no legal right to control men in the Navy.

Officers intrusted with the command of United States vessels, whatever their rank, must, while properly in such command, have full command, authority, and precedence over all officers and persons of whatever rank serving in such vessels. The efficiency of every military organization requires of the commanding authority, besides the general duties of command and direction, the additional duties of organization, police, and inspection; all these appertain to and go with the command. The officer in command of a vessel is not authorized to delegate his power, except for the carrying out of the details of the general duties to be performed by his authority. The command is his, and he can neither delegate the duties of it to another nor avoid its burdens, nor escape its official responsibilities, which can not be assumed by or fall upon any other person.

By the force of naval law, and regulations made in conformity therewith, the above principles are established and exist as essentials of all naval military service, without which there can be neither command, discipline, nor responsibility.

The following extracts from the statute law of the United States have a direct bearing on the exercise of military command by medical officers:

The act of Congress approved March 3, 1871 (Stat. L., vol. 16, p. 537), states:

"Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command * * *."

Section 4 of the act of Congress approved August 5, 1854, fixing the rank of medical officers of the Navy, states:

"This order confers no authority to exercise military command and no additional right to quarters."

Section 7 of the "personnel act" (which became a law March 3, 1899), in amending the Revised Statutes so as to confer upon staff officers positive rank with the line, contains the limiting clause:

"But officers whose rank is so defined shall not be entitled in virtue of their rank to command in the line or in other staff corps."

These laws are prohibitive of the full exericse of command by a medical officer, and he could not, therefore, legally command the paymaster, the crew, the commissary force, etc., which the vessel, as an adjunct to the fleet or acting singly, must necessarily have.

A comparison of the system advocated by the Surgeon-General and that recommended by this Bureau as regards discipline speaks for itself. Assume that a hospital ship (manned as reccmmended by the Surgeon-General) has on board: (*a*) Merchant crew and officers; (*b*) Hospital Corps of the Navy; (*c*) enlisted men of the Navy (patients); (*d*) enlisted men of the Marine Corps (patients); (*e*) enlisted men of the Army (patients); (*f*) enlisted men of the Navy (commissary branch); (*g*) officers of the Navy (patients); (*h*) a pay officer.

The merchant crew and officers are amenable only to the navigation laws of the United States and subject only to the orders of the master.

The Hospital Corps men are amenable to Navy Regulations and subject to orders from the medical officers, but in case of a disturbance they would be subject to the orders of the senior line officer present (should there be one embarked as a patient).

The enlisted men of the Navy, Marine Corps, and Army are all amenable to the Navy Regulations while embarked, but the law and regulations do not permit a medical officer to exercise military command, nor do they permit the civilian master to enforce Navy Regulations.

With a line officer of the Navy in command (with a full Navy crew and officers), any situation that might arise is not only fully covered by the Navy Regulations and the officer in command is one who by his training is fully competent to handle the situation.

The Surgeon-General states that "with a medical officer in command occasions for conflicts and differences of opinion on questions of expediency and methods of procedure affecting the ship as a hospital would be removed."

The Navy Regulations clearly define the exact status of medical officers on board ship as regards their duties, prerogatives, and responsibilities. With a line officer in command no situation can arise which is not fully covered by the Regulations, but with a medical officer in command a situation is at once created which is not only contrary to existing law, but which has no precedent in our service.

It appears clear to the Bureau that by removing the line officers the "occasions for conflicts of authority" will be multiplied instead of diminished.

Revised Statutes of the United States define the master of a vessel as follows:

"In the construction of this title (Rev. Stat., 4501–4613), every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the 'master' thereof * * *;" and also:

"The word 'master,' as used in this title (Rev. Stat., 2517–3129), may include any person having the chief charge or command of the employment and navigation of a vessel."

From the foregoing it will be seen that the Revised Statutes regard the master as intrusted with the chief charge or command of a vessel, and the law holds him responsible for the enforcement of certain rules and regulations, not only in relation to the navigation of the vessel, but in enforcing discipline. The law, however, only contemplates that he will be required to enforce discipline as regards civilians.

The Surgeon-General again states "the discipline of the medical branch should be in the hands of the medical officer in command."

The Surgeon-General seems to have overlooked or disregarded the question of the control of the paymaster, the disciplining of the enlisted men embarked in the hospital ship as patients and the members of the crew of the vessel.

The Bureau takes strong exception to the following statement of the Surgeon-General:

"The command is eminently a noncombatant one, is consequently not desired by officers of the line, and falls naturally to a medical officer whose knowledge and experience in all matters relating to the administration of quarters for the sick and the treatment and handling of patients fit him for the command of a ship which is not a man-of-war, but a floating hospital."

The Bureau is of the opinion that the above is not a logical deduction, for were it so that "knowledge and experience in all matters relating to the administration of quarters for the sick and the treatment and handling of patients" fit a man for the command of a seagoing vessel (employed as a hospital ship) it would also follow that the manager of a large, well-run hotel would be competent to command a large trans-Atlantic liner engaged in the passenger trade, which is also not a man-of-war but a floating hotel.

The Bureau concurs with the Surgeon-General in the opinion that "experience in such matters is a better guide than theory," and begs to quote from the annual report of the present Surgeon-General for the year 1898:

"The *Solace* is fitted out under the requirements of the Geneva convention and flies the Geneva cross flag. She is the pioneer in her work, and indicates a step in advance that it well became the United States to take. * * * The vessel has been fortunate in her personnel. Commander Dunlap is an ideal commander, and the medical officers of the vessel, Surgeon Streets and Passed Assistant Surgeons Stokes, Smith, and Bogert, have shown themselves thoroughly competent and efficient in caring for the many sick and wounded who have been under their charge. Three hospital stewards, one of whom was a skilled embalmer, 8 trained nurses, a cook, 4 messmen, and 2 laundrymen were especially designated in the medical department."

Extract from the report of Surgeon Streets, the senior surgeon on board the *Solace*, 1898:

"I can not give too much credit for the good results obtained to my able assistants, Passed Assistant Surgeons Charles F. Stokes, G. Tucker Smith, and Edward S. Bogert. Every member of the Hospital Corps has performed his duties in the most efficient manner. Every effort of mine has been cordially seconded by Commander A. Dunlap, United States Navy, the commanding officer of the *Solace*."

The experience gained with naval auxiliaries on board of which divided authority existed is fully set forth in the inclosed report from the senior squadron commander of the Asiatic fleet and has a direct bearing on the present point at issue. It would appear, therefore, that if, as stated by the Surgeon-General, "experience in such matters is a better guide than theory," the result of experience in our Navy shows beyond a shadow of a doubt that naval auxiliaries (of which hospital ships are not the least important) are least efficient when manned as recommended by the Bureau of Medicine and Surgery.

From the foregoing it will be apparent that the commissioning of a hospital ship for sea service as recommended by the Surgeon-General will be fraught with endless complications, the chief of which are as follows:

1. It is directly contrary to the law for a medical officer to exercise military command in any other than his own corps.
2. Divided responsibility leads to confusion and poor administration.
3. Experience both with the *Solace* in the Spanish-American war and with auxiliaries on the Asiatic Station shows conclusively that the only organization for the fleet auxiliary is to have a full naval crew and officers.
4. A seagoing ship to be efficient must of necessity be commanded by a seagoing officer.

In conclusion, the Bureau has to state that this is a matter of vital importance to the naval service, and it is requested that the Department's former decision be revoked and that instructions be issued for the commissioning of the *Relief* with a full Navy crew and officers.

Very respectfully,

W. H. BROWNSON,
Chief of Bureau.

The SECRETARY OF THE NAVY.

Mr. DAWSON. Mr. Chairman, we have heard the naval subject discussed here this afternoon from a scientific standpoint, a sentimental standpoint, and, I am almost tempted to add, from a hysterical standpoint. I would like to ask the committee at this hour to consider it from the business standpoint, and to direct attention to one of the most important questions in the whole naval service—the question of naval administration.

Mr. Chairman, this is not a sentimental proposition; this is a great business proposition, involving as it does the expenditure of the $100,000,000 which we appropriate annually for this great arm of the national defense. Upon this problem of administration rests the question of whether these millions are expended economically and wisely or whether they shall be expended wastefully and extravagantly. But this question of naval administration, Mr. Chairman, is even more than a business proposition. It is a question which goes to the very root of the efficiency of the naval service itself; it has a most important bearing upon the efficiency of the material of the Navy; it is vital to whether or not we will have good guns, good ammunition and good ships; it is vital likewise to the personnel of the Navy, because on the question of administration depends the esprit de corps of the officers and men of the entire Navy.

It may be a matter of surprise to some Members of the House to know that the present administrative organization of the Navy Department is almost seventy years old. Is it any wonder, Mr. Chairman, with the tremendous advances that have been made, both in naval and in commercial matters, during these seventy years that the present administrative system in the Navy Department does not measure up to present-day business standards? I say, is it any wonder that this system of administration is outworn, out of date, and obsolete?

The present plan of administration in the Navy Department was adopted in 1842, and the law has been only slightly amended since. At that time, upon the recommendation of Secretary Upshur, Congress passed a law creating five bureaus in the Navy Department. Since that time three other bureaus have been added, with some rearrangement and readjustment of duties, and now we have in the Navy Department eight separate bureaus, as follows:

Navigation, having charge of the personnel and the movements of the fleet, under the direction of the Secretary of the Navy.

Yards and Docks: The construction and maintenance of public works in navy-yards and at naval stations.
Supplies and Accounts: Provisions, clothing, small stores, accounts, and pay of the Navy.
Medicine and Surgery: Its name explains its duties.
Construction and Repair: The ships' hulls, turrets, ammunition hoists, etc.
Steam Engineering: Steam-propelling machinery of the ships.
Ordnance: Guns, ammunition, and parts of the electrical machinery on the ships.
Equipment: Equipment of ships, and supplying most of their electrical apparatus.

It should be remembered, Mr. Chairman, as we go along, that the Bureau of Construction and Repair, the Bureau of Steam Engineering, the Bureau of Ordnance, and the Bureau of Equipment are the ones principally concerned in the construction and the repair of ships.

Under the law as it stands now it is provided that the orders of these chiefs of bureaus, pertaining to their respective duties, shall be considered as emanating from the Secretary of the Navy, and "shall have full force and effect as such." Mark that. The orders of each chief of bureau shall have the full force and effect as though the orders had been issued by the Secretary of the Navy himself. In other words, instead of one head of Department we have under this old organization nine heads operating within one Department.

There is nothing in existing law which provides for any co-operation or any coordination among those several bureaus. Each is entirely independent, subject only to the Secretary himself. They all stand on an equal footing. Under the law each bureau may proceed in its own way according to the chief's idea of what is for the best interest of that bureau. The system is lacking in that one feature that is most essential for good administration and best results—there is no single controlling influence below the Secretary to corelate the work of the different bureaus. Thus responsibility is divided among eight different heads, which has the effect of there being practically no responsibility at all for the work as a whole. Secretary Moody, when he was at the head of that great Department, recognized and set forth in his annual report some of the defects of the system as he found them. What did he say?

The distribution of business among bureaus independent of and correlated to each other (except through the action of the Secretary) unquestionably creates the condition out of which grow conflicts of jurisdiction between the bureaus, sometimes injurious, and a tendency to consider the interests of the bureaus rather than the interests of the Navy. The division of business in the bureaus extends to the navy-yards and even to some extent to ships in commission. This leads sometimes to excessive and cumbersome organization, and lack of harmony of effort resulting from the fact that there is no co-ordination except by the voluntary action of the bureau chiefs.

That is testimony of one who was in the Department long enough to familiarize himself with conditions there. But, Mr. Chairman, how does this system operate, both in the Department and in the navy-yards throughout the country? Perhaps we can best determine the character of its operation by examining its work in the repair of ships, which is conducted at these navy-yards. Last summer the Committee on Naval Affairs made a tour of inspection of all the navy-yards on the Atlantic coast from Norfolk north to Portsmouth, and we went in and examined carefully the condition at each of these yards. This examination disclosed a wasteful duplication and multiplication of plants, buildings, and equipment which can not be otherwise than extravagant in the expenditure of the public money, and it emphasized the necessity for some consolidation of bureaus. Each of the four bureaus which have to do with the repair or the construction of ships had at the different navy-yards a separate and independent plant. Each had sought to build up its own bureau there, that it might be entirely independent of all the others. Thus, at every one of these navy-yards, instead of finding one complete, fully organized, well-trained enterprise, we found what was virtually four separate plants at each yard.

Each of the bureaus has its own force of workmen, each has its own machinery, its own buildings, and its own peculiar method of doing business. For instance, at the navy-yard at New York we found that the Bureau of Construction and Repair had a paint shop, and so did the Bureau of Yards and Docks, the Bureau of Equipment, and the Bureau of Steam Engineering—Equipment maintaining a shop with three painters, while the Steam Engineering had another shop in which was employed one lone painter. The same was true of the carpenter shops, except the Ordnance Bureau had one in addition to these other four, making five carpenter shops in a single yard. Of those five shops, three were employing less than ten men each. And so it went. What was true of paint shops and carpenter shops was equally true of pattern shops, blacksmith shops, coppersmith shops, and foundries.

Will anyone contend that this is anything except a most wasteful and extravagant method of carrying on a purely industrial business, because the repair of ships is not military in its character, it is purely the industrial side of the Navy? Such a plan of course requires a useless duplication of machinery, of buildings, and of supervising force. But this condition is only the natural result of a system which makes each bureau independent of the other, and where at every navy-yard each bureau is watching every other bureau with jealous eye. With Congress making separate appropriations for each of these bureaus, it becomes, as one naval officer tersely stated it, simply a game of "grab." If a given bureau has secured an appropriation for a new building at a certain yard, the following year each of the other bureaus are supplicating Congress to treat it with like liberality.

This whole bureau system, as exemplified at the navy-yards, is unbusinesslike; it is cumbersome and extravagant and, as Secretary Long so well said in one of his official reports while he was Secretary of the Navy, "No private business in the world would be run on such a wasteful and inharmonious plan."

But how does the present bureau system operate in the Navy Department itself? The public has had many striking instances within the last year of the friction and contentions that arise in that Department by reason of the fact that there are eight separate and independent bureaus, each practically supreme in the duties which are assigned to it by the Secretary of the Navy. The heads of these bureaus are but human, and it is too much to expect that they will not take advantage of every opportunity which occurs that will increase the magnitude or the importance of their respective duties. As Secretary Moody says, the operation of the system has a tendency to cause the bureau chiefs to consider "the interests of the bureaus rather than the interests of the Navy."

I hope gentlemen will understand that I am not criticising individuals. I am simply offering these suggestions regarding a system which prevails, in the hope that we can accord to the Navy Department in due course better and more modern machinery with which to conduct the work of that great Department.

I need not relate in detail the incidents which have arisen from time to time, and some of which have been alluded to in this debate, showing the clashing of interests and authority under this system of independent bureaus, each, mind you, with the power to issue independent orders of the same authority as those issued by the Secretary of the Navy himself.

If we are in any doubt as to the workings of this system in the Department, let us summon a witness here who is eminently qualified to speak with authority, one who by experience, by knowledge, and by courage is entitled to the consideration of this House. I allude to the Hon. John D. Long, who for five years was Secretary of that great Department, and it might be added parenthetically, that he was in charge of that Department for a longer period than any other man who has held that portfolio in the last decade. He was there long enough to understand the workings of that Department and to master its defects. He recognized the faults of the existing bureau system, and in his annual report for 1899 he recommended that three of these bureaus, these three bureaus that have to deal with the construction and fitting out of vessels, should be merged into a single bureau. That recommendation was as follows:

CONSOLIDATION OF BUREAUS.

In the opinion of the Department it would be in the interest of good business organization and economy to consolidate the three Bureaus of Construction and Repair, Steam Engineering, and Equipment under one head—the Bureau of Ships. These Bureaus have to do with the construction and fitting out of vessels; in one word, the material of the ship. It is an integral work. When a contract is made for the construction of a ship, it is made with one builder. It is not given part to a constructor of hulls, part to a steam-engine manufacturer, and part to an outfitting firm. Whatever various trades enter into the work are all under one head. This is the method of private shipyards which build the largest ships and which are not left to the administration of three heads between whom delicate questions of respective authority and responsibility are liable to arise, resulting in delays and too often in friction and lack of harmony of cooperation.

Each of the above Bureaus has now, during the construction of naval vessels, its separate inspectors at each yard. A consolidated bureau could, of course, be run much cheaper than three bureaus, and a great saving made by a reduction of the now three separate working forces, both clerical and mechanical, especially in our navy-yards. Fewer naval officers would be needed, as there would be but one staff instead of three, so that more officers would be available for other duty. Under the present system one Bureau brings its work to the point of readiness for the work of another, which is not always ready for it. There is necessarily a lack of that adaptation and harmony of movement which one head would secure.

If this consolidation were effected, the matter of furnishing coal and other current supplies, which is now under the direction of the Bureau of Equipment, could be easily transferred to the Bureau of Supplies and Accounts, and such other incidental changes made as became necessary.

The foregoing suggestion is made solely with a view to an improvement in departmental organization, and with the highest appreciation of the ability and dutifulness with which these Bureaus have been administered under their present heads. Efficient as they have been, however, their consolidation is recommended, because it is believed that if consolidated under the direction of any one of their present heads,

or of any competent officer, that efficiency would be still greater, less expense incurred, and a better business organization would succeed.

The terms of office of the chiefs of the three Bureaus will all expire in a little more than a year, one of those officers then going upon the retired list, and it is due to them all, as an assurance that the change is recommended on systematic and not personal grounds, to suggest that if made, it shall not go into effect until the beginning of the fiscal year after the expiration of their said terms.

It is most interesting, in the consideration of the workings of the present system, to note what he has to say in his annual report for the year 1900 when he renewed that recommendation. Here is what he said:

CONSOLIDATION OF BUREAUS.

The recommendation heretofore made that the organization of the Navy Department be simplified by the consolidation of the three Bureaus of Construction and Repair, Steam Engineering, and Equipment is renewed. Under the present system, from the inception of its design until completed and placed in commission, the plans and specifications of a naval vessel are in the hands of three bureaus, each with a distinct organization, each having exclusive jurisdiction within certain lines, and all charged with the duty of carrying on work within, but not beyond, their respective provinces, as nearly as may be at the same time.

Such a system is, in practical administration, cumbrous and expensive, and from its very nature tends to develop controversies respecting the scope of each bureau's duties and to occasion friction, delay, and want of harmony in doing whatever approaches border lines of jurisdiction. It is to the credit of the officers in charge of the bureaus concerned that work upon ships now under construction has been carried on without more friction; but the system itself is none the less objectionable, and is a source of inconvenience, delay, largely increased cost, and occasional confusion.

The present divided organization is the outgrowth of conditions which no longer exist. The hull, the propelling machinery, and the articles of equipment of a modern steamship no longer constitute simple, distinct, and separable elements in construction, but, on the contrary, in their multiplicity of details are so interwoven as to render embarrassing their supervision by three sets of independent administrative officials.

The union of these three bureaus, the chief function of which is to deal with the material of the ship, into one bureau, which might appropriately be called the "Bureau of Ships;" the consolidation of their several corps of assistants and inspectors, and the conduct of the really integral work of building and equipping vessels, under the management of one responsible chief instead of three chiefs, would promote the efficient and economical administration of this important part of the business of the Navy Department.

A chief of bureau is practically an assistant secretary. The proposed consolidation would not only reduce three of these assistants to one, but in like manner reduce the supervising, mechanical, and clerical forces in every navy-yard, and thus save great and unnecessary expense. At present each of these bureaus in question has at each yard its separate shops, inspectors, foremen, and workmen, all often doing the same kind of work. No private business is run on such a wasteful and inharmonious plan. I renew the recommendation in this respect of my last annual report.

Let me cite to the House one or two instances to show the complications arising out of the present divided organization in the Navy Department to which Secretary Long alluded. In the installation of the fire-control apparatus on a battle ship—and you all understand what the fire-control apparatus is; it is, in comparison with the other elements of the ship, a very simple matter—it would naturally be supposed that one bureau would be sufficient to install the fire-control apparatus, and yet under the existing system three separate and distinct bureaus have cognizance of the installation of this apparatus on a battle ship. Again, we find that the Bureau of Steam Engineering owns the steam pipes on the pumps and the engines which are under the jurisdiction of the Bureau of Construction and Repair. The Bureau of Steam Engineering likewise controls the deck hatches and gratings leading to the boiler and engine rooms, and also that part of the hull-drainage pipes that drain these compartments. Countless other instances might be cited to show that the lines of authority between the different bureaus within a single battle ship are mixed in bewildering confusion. These are not faults of the bureau method, but they are faults of the bureau system which, in its present form, can not be adjusted to suit the natural divisions in shipbuilding which have come about by reason of the change from wooden sailing vessels to steel steamships.

I am not one of those Members of this House who believe that he has done his duty in any matter when he has pointed out the defects. It is easy enough to criticise; anybody can find fault. I believe it is equally a part of his duty to come forward with some remedy to correct existing defects as he may find them. In my judgment, Mr. Chairman, the remedy for the present situation which exists in the administration of the Navy Department rests in reorganization and in the consolidation of certain bureaus in that Department. [Applause.] And after a careful examination of the whole subject I prepared and introduced on January 7 last a bill seeking to put the Navy of the United States upon a business basis, both as a weapon of war and as an industry. The bill to which I refer is as follows:

A bill (H. R. 12425) to reorganize the Navy Department of the United States.

***Be it enacted, etc.*, That the business of the Department of the Navy shall be distributed by the Secretary of the Navy between a Division of Personnel and a Division of Material.**

SEC. 2. That the Division of Personnel shall comprise all that relates to the Navy personnel, its training, discipline, and detail; all of the officers, enlisted men, and cadets, ashore or afloat, and such civilian clerks as may be provided by law for departmental work in said division, and of material of every kind and description that is transferred to the Division of Personnel for use in the service until it is by said division returned to the Division of Material, to be put out of commission or for repairs or for sale by condemnation proceedings.

SEC. 3. That the Division of Material shall comprise all that relates to the design, construction, equipment, and maintenance of ships, ordnance, machinery, yards and docks, and all material of every kind and description, or the purchase and manufacture of the same and the control of the same until it is transferred to the Division of Personnel for use.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint two Assistant Secretaries of the Navy. The First Assistant Secretary of the Navy shall be a naval officer not below the grade of captain, who shall have charge of the Division of Personnel.

That there shall be created in said Division of Personnel three bureaus, as follows: The Bureau of Navigation, the Bureau of Medicine and Surgery, and the Office of Judge-Advocate-General of the Navy. The Bureau of Navigation shall perform the duties and business of the present Bureau of Navigation, and in addition thereto shall have charge of the Naval Observatory, the Nautical Almanac, and the Hydrographic Office; and the Chief of the Hydrographic Office shall hereafter be called the Hydrographer of the Navy.

That the Chief of the Bureau of Navigation shall be appointed from the lists of line officers not below the rank of captain and junior in grade of the Assistant Secretary.

There shall be at such navy-yards and naval stations as the Secretary of the Navy may designate, a naval officer who shall be known as the Commandant of Personnel, who shall have charge of the personnel that may be ashore, under such regulations as to the use of any portions of said navy-yards or naval stations as the Secretary of the Navy may prescribe, not in conflict with any portion of this act.

That the Bureau of Medicine and Surgery shall perform the same duties as the present Bureau of Medicine and Surgery, and the Office of Judge-Advocate-General of the Navy shall perform the same duties as the present Office of the Judge-Advocate-General.

SEC. 5. That the Second Assistant Secretary of the Navy shall be a civilian, and he shall have charge of the Division of Material. In the Division of Material there shall be three bureaus, as follows: The Bureau of Ship Construction, the Bureau of Ordnance, and the Bureau of Supplies and Accounts.

That the duties and business heretofore performed and transacted by the Bureaus of Construction and Repair, Steam Engineering, Equipment, and Yards and Docks shall be performed and transacted by the Bureau of Ship Construction.

That in the Bureau of Ship Construction there shall be three divisions, to be called, respectively, the division of construction, the division of machinery, and the division of yards and docks.

That the duties and business of the Bureau of Ship Construction shall be distributed among the three divisions as the Chief of the Bureau, under the supervision of the Secretary of the Navy, may direct.

That the Chief of the Bureau of Ship Construction shall be appointed from the lists of line offices or naval constructors not below the grade of commander, and if below the grade of rear-admiral shall, while holding said office, have the rank of real-admiral. The chief of the division of construction shall be appointed from the list of naval constructors, the chief of the division of machinery from the list of line officers having skill as engineers, and the chief of the division of yards and docks from the list of line officers, in each case not below the grade of commander, and shall, while holding said office, receive the highest pay and allowances of a captain in the Navy; and if below the grade of captain have the rank of captain.

That the provisions of law and appropriations for establishing, maintaining, and conducting, and all authorities, jurisdiction, and powers vested in the Bureaus of Construction and Repair, Steam Engineering, Equipment, and Yards and Docks shall, except as they conflict with the provisions of this act, remain in full force, and are vested in and made applicable to the Bureau of Ship Construction.

That at each navy-yard and naval station there shall be appointed a civilian, under the title of superintendent of navy-yard or naval station, who shall have entire charge and control and general direction over every department in said yard or station, under such regulations as may be prescribed by the Secretary of the Navy, and will be held responsible for the preservation of all buildings and stores contained therein, and for the judicious application of all labor.

That the Bureau of Ordnance shall perform the same duties as the present Bureau of Ordnance, except that the ship design work in connection with the ordnance and the installation thereof on ships, heretofore performed by said Bureau, shall henceforth be performed by the Bureau of Ship Construction, and the shops at navy-yards heretofore under the control of the Bureau of Ordnance are hereby placed under the jurisdiction of the Bureau of Ship Construction.

That the Bureau of Supplies and Accounts shall perform all the duties relating to, requiring for, or preparing provisions, clothing, small stores, and contingent stores of the pay department; the purchase of all supplies for the naval establishment, except supplies for the Marine Corps, and the keeping of a proper system of accounts of the same, and shall have charge of all disbursements of money, both for the Division of Personnel and the Division of Material.

All authority by Congress for officers and men shall be executed by the Secretary of the Navy through the Division of Personnel, and all authority for material shall be executed by the Secretary of the Navy through the Division of Material.

SEC. 6. That the provisions of this act shall take effect and be in force on January 1, 1909, and all moneys heretofore or hereafter appropriated for the use of the Navy, under whatever name of bureaus or divisions, shall be transferred and made available for similar purposes under the new divisions herein established.

SEC. 7. That in making up the estimates of appropriations for the Navy for the fiscal year ending June 30, 1910, the same shall conform to the divisions established by the provisions of this act.

SEC. 8. That section 419 of the Revised Statutes is hereby repealed, as well as such portions of any and all other acts in conflict with the provisions of this act.

In brief, the bill proposes to divide the Navy into two grand divisions—a Division of Personnel and a Division of Material, the former to be administered, under the Secretary of the Navy,

by a First Assistant Secretary, who shall be a naval officer, and the latter by a Second Assistant Secretary, who shall be a civilian.

The Division of Personnel would include all matters relating to the officers and men of the Navy, and the use of the Navy as a weapon. This division would include the Bureau of Navigation, Bureau of Medicine and Surgery, and the Office of the Judge-Advocate-General.

The Division of Material would include the Bureau of Ship Construction, the Bureau of Ordnance, and the Bureau of Supplies and Accounts. The Bureau of Ship Construction would absorb the present bureaus of Yards and Docks, Construction and Repair, Steam Engineering, and Equipment. These bureaus, as Secretary Long pointed out, are now doing practically the same character of work and causing much confusion and delay by overlapping each other. Each navy-yard and naval station is to be in charge of a civilian.

In the discussion which followed the introduction of this bill, the significant fact developed that there is a widespread public sentiment throughout the country in favor of some such legislation. This sentiment is reflected in the editorial utterances of the press; and without attempting to quote any considerable number of different newspapers, let me submit one from the East, one from the South, a couple from the Middle West, and one from the West—all from representative papers—to show the public feeling in the different sections of the country on the subject:

[From the Chicago Tribune.]

NEEDED NAVAL REORGANIZATION.

The unpleasantness which has developed among officials of the Navy Department may furnish the occasion for a study of the organization of that branch of the Government. Its work is still done under a plan adopted in 1842. When Secretary Upshur entered Tyler's cabinet he found that his Department had practically no organization at all. The Secretary was forced to give his time and attention to trifling details of administration. The larger problems had to be neglected because of pressing routine. The plan of centralized control by a single individual under which the Department had developed had broken down because of the multiplicity of details.

On his recommendation the principle of division of labor was introduced. An act of Congress provided for five bureaus in the Navy Department. These were to have charge of navy-yards and docks; construction, equipment, and repairs; provisions and clothing; ordnance and hydrography; and medicine and surgery. There was no arrangement for organizing the heads of these bureaus into a board with corporate powers. Instead each chief was responsible to the Secretary alone. Collective responsibility was entirely lacking.

These five bureaus subsequently were increased in number, with some rearrangement and readjustment of duties. The names of the bureaus suggest at once the possibility of friction and clashing of interest and authority. As the years have gone by these bickerings have made much of the history of Department administration. There has been no strong coordinating principle which has compelled unity of action for the best interests of the Government. A trivial incident frequently has caused unpleasantness, not to be understood without a knowledge of the fundamental weakness of organization.

A department of government which handles a large amount of money annually and is so important a part of the administrative machinery of the nation ought to be organized in accordance with the most approved methods of modern business concerns. The bureaucratic system in itself is all right. The details of the department are too numerous to be handled directly by one man. There is plenty of room for intelligent division of labor. What is needed is coordination of effort.

There has been a great deal of duplication of machinery. As the practically independent bureaus have developed each makes expenditures for things which might be secured with far less outlay under systematic control. There are many places where consolidation and centralization would effect important savings. What ought to be done is to have some of the working principles of industrial combination applied to the department. The experience of any large business house would afford many suggestions in the direction of economical and efficient administration.

The business side of government is being emphasized a good deal nowadays. The individual and the firm use far more judgment and common sense in management than Uncle Sam often does. No department of national administration affords as many opportunities for intelligent business reorganization as the Navy does. If needed reforms should follow the present clash of the bureaus, it would be a good thing.

[From the Boston Transcript, January 11, 1908.]

LEGISLATING FOR THE NAVY.

Two important bills have been brought forward in Congress dealing with the administration of the Navy, one by Mr. HALE in the Senate and the other by Mr. DAWSON, of Iowa, in the House. The former respects the existing bureau organizations and seeks to do away with "general boards," as complicating administration. It affirms the authority which the line has always claimed to sole command of all vessels of the Navy, whatever may be their special purpose. Conservatism is its characteristic, but it may be offered simply as a convenient medium for bringing the whole subject of naval administration before the committee, for Mr. HALE repeatedly disclaimed pride of opinion as to its details or a set purpose to secure all or nothing.

Mr. DAWSON is a member of the House Committee on Naval Affairs, and it is to be presumed that his proposal for securing a greater approach to unity of direction is based upon careful observation. He proposes to consolidate eight bureaus into two, one to deal with the personnel and the other with material, a logical line of cleavage. At the head of one is to be an assistant secretary, who is to be an officer of the line, while another assistant secretary, a civilian, will be in supervision of the second, both to report to the Secretary of the Navy. Here is at least a simpler administration with the authority of the head of the Department emphasized. At present in the Navy Department there are eight bureaus—Yards and Docks, Equipment, Navigation, Ordnance, Construction and Repair, Steam Engineering, Supplies and Accounts, Medicine and Surgery. Opportunities for duplications, collisions, and friction abound. Bureau chiefs are human, and the disposition of each to look upon his bureau as a sort of imperium in imperio has recently been illustrated. Many Secretaries of the Navy have been convinced of the necessity of concentration of bureaus, but none has been able to bring it about. Service opinion is divided as to the bureau system, but the bureaus have been so strongly intrenched hitherto that they have felt safe in disregarding criticism. Lack of unity has been the burden of this criticism, epigrammatically pointed by one civilian shipbuilder, who said, "A merchant owner hereabouts builds a vessel at Boston, say. The United States would have the hull designed at Pittsfield, the engines at Provincetown, and the two put together at Worcester, after interventions at points between," an exaggeration, but only an exaggeration of a system which involves a division of labor among half a dozen bureaus.

[From the Cleveland Leader, January 9.]

NAVAL REORGANIZATION.

If the reorganization bill offered by Mr. DAWSON, of Iowa, would really do what its author promises for it—put the Navy "on a business basis as a weapon and an industry"—it ought to be enacted without undue delay. The measure, in part, is aimed at the bureau system that has gained unpleasant notoriety during the past month, and may expect, of course, the active opposition of those who defend the old order of things in the Navy Department. The bureau plan of doing business, indeed, is not abolished by the new bill, but the work is systematized, wasteful duplications of duties are avoided, and the Department brought nearer the degree of working efficiency that one is accustomed to expect in a private enterprise.

[From the Denver Republican, January 9.]

REORGANIZING THE NAVY DEPARTMENT.

The bureau system in the Navy Department has stirred up so much opposition and called out such severe criticism from men of prominence that Representative DAWSON, of Iowa, a member of the House Committee on Naval Affairs, has introduced a bill for a complete reorganization of the Department.

Investigations made by Mr. DAWSON and other Members of the House have shown the existence of much red tape and expensive duplication of work. It has also been found that the bureaus into which the Department is divided act more or less independently of one another, and that as a result there is not merely duplication of work, but also much friction.

Mr. DAWSON'S plan is to make two great divisions of the Department, each to be under the direction of an Assistant Secretary. One of these will have to do with the personnel of the Navy and the other with material matters. This is the system which has given much satisfaction in the French navy, and it is believed that by consolidating several of the bureaus and making them directly responsible to a single head much of the existing ground of criticism will be removed.

If nothing more were accomplished by the proposed changes, the breaking up of the old bureaucratic system would of itself justify a reorganization. The constant tendency of such a system is to crystallize, and thus become indifferent to outside criticism. The longer it endures the more fixed it becomes, until in the course of years traditional methods acquire almost the force of law, and subordinate officials and employees conclude that nothing can dislodge them from their places or compel them to improve their ways of doing business.

A thorough reorganization of the Department would put an end to such dreams and make possible the introduction of improvements, together with a great reduction in expense.

[From the Fort Worth (Tex.) Record, January 10, 1908.]

NAVY REORGANIZATION.

Representative DAWSON, of Iowa, a member of the Committee on Naval Affairs, has introduced a bill in the House of Representatives having for its object the reorganization of the Navy Department and the destruction of the bureau system, the workings of which recently prevented the sailing of the hospital ship *Relief* with the fleet bound for the Pacific.

Mr. DAWSON'S bill is modeled on the workings of the French naval establishment, and provides two grand divisions of work—the "personnel" and the "matériel"—all matters relating to one of these general subjects going to that division, the two divisions being so organized as to preclude the possibility of conflict between them, and each to be under the direction of an Assistant Secretary, responsible to the member of the Cabinet holding the naval portfolio.

The plan is said to command the unanimous approval of the Naval Committee in the House, and to be the outcome of a whole summer's investigation of the defects in the existing bureau system, covering all the navy-yards between Norfolk and Portsmouth.

Under the present plan of having eight bureaus no correlation of work is possible. Each bureau chief has his own plans worked out without consultation with the head of any other bureau, and the result is constant duplication of work with accompanying friction. The committee came to the conclusion that of the $10,000,000 expended each year at the navy-yards 10 per cent was wasted through unnecessary duplication.

It needs no argument to point out that the Navy naturally divides itself into a division of personnel and a division of material.

The personnel, embracing the officers and men, comprehends the military part of the Navy. The division of material just as naturally comprehends the industrial side of the Navy. It seems logical to me that the military end of it should be under the direction of a military officer who is provided for by this new assistant secretaryship. These two Assistant Secretaries, one in control of the military arm of the service, the other in control of the business and industrial branch of the service, working under the general direction of the Secretary of the Navy, would bring about that correlation of the bureaus which is so essential to good results. Instead of eight heads of bureaus, having authority to issue orders of the same force and

effect as orders from the Secretary of the Navy, there would be one central head of each of these two grand divisions and the responsibility would be lodged in one place. I would take the Bureau of Construction and Repair, which has charge of the hulls of the ships; the Bureau of Steam Engineering, which has charge of the propelling machinery of the ship, and the Bureau of Equipment, which supplies the necessary equipment of the ship, and include them in a single bureau. Then you will have some correlation between these different bureaus engaged in the same sort of business, and whose lines in the intricacies of modern shipbuilding are constantly crossing to the embarrassment of the Department and the Navy itself.

I need add nothing more, I think, to the arguments of Secretary Long, which I have already read, as to the wisdom of consolidating those bureaus which deal with the material of the ship. The present divided authority respecting a single unit of naval administration abounds in opportunities for duplication, collisions, and frictions.

I do not claim any perfection for this bill, but I do claim that it is based upon right principles; that it makes a reasonable and logical division of the work of the Navy Department; that it would effect the consolidation and the concentration in a way to result in a great saving to the Government, and that it would bring about that correlation and that coordination which is now so sadly lacking in that Department of the Government.

Mr. GAINES of Tennessee. How long has this complex condition existed?

Mr. DAWSON. Since 1842. Congress passed a law at that time fixing five bureaus, and at a later period, during the civil war, three more bureaus were added, making eight in all.

There is another provision in this bill which I believe will commend itself to the judgment of men who have given any thought or attention to this subject, and that is the provision which places each navy-yard under civilian management. As it is now a naval officer who is entitled to perhaps two years' shore duty is assigned to one of the navy-yards or naval stations, and at the end of that period he is sent away. Thus you rob those navy-yards, which are only great industrial concerns, of that continuity of service which is so essential in the economical and efficient conduct of a business enterprise.

Mr. GAINES of Tennessee. Would this complex condition exist if the Government made its own ships at its own yards?

Mr. DAWSON. The question of building ships at navy-yards has no direct relation to the administration of the Department.

Besides that, the average naval officer who is assigned to these navy-yards in the capacity of a superintendent has had no training as a business man. He is trained as a fighting man. I remember on our trip last summer a distinguished naval officer explained the situation to our committee with commendable frankness. After he had set forth how many hundreds of thousands of dollars they wanted us to appropriate for that particular yard, he was asked if he could suggest any way by which we could economize at that yard. In answer this distinguished naval officer very frankly said that he was not educated as an economist, but as a naval officer; that he was not educated as to how to save money, but that all his training in the service had been as to how to spend money.

And so it goes at these navy-yards. For the most part they are under the control and direction of naval officers, who are temporarily assigned to duty there.

Mr. GAINES of Tennessee. Mr. Chairman, can the gentleman tell us how much will be saved by the adoption of his plan?

Mr. DAWSON. I can not give the figures in dollars and cents, but I believe it would be a very large sum. I saw a statement in the newspapers not long ago to the effect that a naval officer who had examined into the subject believed that if the service were put upon a business basis we could at least save the price of one battle ship a year, and maybe more.

Mr. GAINES of Tennessee. That is about $10,000,000 is it not?

Mr. DAWSON. Yes.

I do not claim any originality in this matter, as this question of remedying the defects in the bureau system is one which has engaged the serious attention of Secretaries of the Navy and of naval officers for many years. As far back as 1885 William C. Whitney, then Secretary of the Navy, called attention to the inadequacy of the system and recommended a reorganization.

Since that time we find the question of naval administration and Department organization treated in numerous papers in the proceedings of the United States Naval Institute by many eminent officers. In 1901 the prize essay of the United States Naval Institute was one written by Lieut. John Hood, and I intend to print this at the end of my remarks, together with brief extracts from the favorable comment made in the discussion of his essay by such eminent officers as Captain Chadwick, Captian Goodrich, and Lieutenant Chandler. In the proceedings of the institute for 1905 we find two very luminous papers on this subject—one by Rear-Admiral Stephen B. Luce and the other by Naval Constructor T. G. Roberts—and I shall include portions of both these papers as an appendix to my remarks. The remedies suggested by these officers are in a large measure along the same lines as those proposed in the bill to which I have referred.

Mr. GAINES of Tennessee. I am enjoying the gentleman's speech very much. Will he tell the committee why it is that Congress has not adopted this reform? It looks to me like a very sound, business proposition, and I want to congratulate the gentleman on putting it so plainly to the House.

Mr. DAWSON. I will say to my friend from Tennessee, that the Naval Committee at this time has started upon a plan looking to consolidation and to better administration in the Navy Department.

Two or three years ago the Naval Committee decided upon the consolidation of all of the power plants at these various navy-yards, and since that time the appropriations have been made with a view to having one central power plant at each navy-yard instead of a separate power plant for each of these four or five different bureaus.

I am very glad to say that after this subject of naval administration was brought to the front at the beginning of this year the Navy Deparment set about to effect a consolidation of the duplicated shops in the navy-yards of the country. They began at the Brooklyn yard, about the middle of February, by consolidating the four paint shops, the five carpenter shops, and the five blacksmith shops under the Bureau of Construction and Repair, and the three coppersmith shops, and the three iron and brass foundries under the Bureau of Steam Engineering. The general policy of the Department in this concentration at the different yards is to consolidate these various shops under the jurisdiction of that Bureau having the greatest number of employees in the particular trade.

I want to commend Assistant Secretary Newberry for his business judgment in this movement. The consolidation has been extended to all the navy-yards along the Atlantic coast, and is, I am told, to be extended also through the yards down the Pacific coast.

Mr. GAINES of Tennessee. If the gentleman will pardon me, did I understand him a moment ago when I understood him to say that a naval officer who was the man who purchased the material for the shop confessed in effect that it was a business man's business to do that, and that he was not a business man?

Mr. DAWSON. The man to whom I have referred happened to be not merely at the head of a Bureau in a navy-yard, but he was the commandant of the yard. He was not merely the superintendent of a single bureau, but the general superintendent of the entire yard.

Mr. GAINES of Tennessee. I can see how that very easily would make a ship exceedingly expensive.

Mr. DAWSON. This action of the Navy Department, in my judgment, is a step in the right direction. I have no doubt that this consolidation of shops will result in a considerable saving in the long run. While it is a step in the right direction, it does not go to the root of the fundamental question involved in the matter of naval reorganization. It may, and doubtless will, dispense with the duplication of shops and tools at the various navy-yards for the time being, but we will still have at every one of these navy-yards the four separate bureaus, each clamoring for appropriations from Congress. We will still have those conflicts of jurisdiction and authority—exemplified in that instance cited, where three bureaus have jurisdiction over the installation of the fire-control apparatus on a ship—and other conflicts like it. This same question came up a number of years ago, and the Secretary of the Navy, not satisfied with the business methods at our navy-yards, had the subject investigated by a competent board of officers. I desire to quote the concluding statement of this board, made after a thorough and exhaustive inquiry into the whole subject. They say:

> We conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management, and promptness in the methods of doing the work, with a proper system of accountability—to secure, in short, in each of our yards unification, method, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life—it is absolutely necessary to begin within the Navy Department itself.

The subject, as I stated in the beginning, is one of tremendous magnitude. It is not one which can be worked out in a day or a month. The Naval Committee has already taken hold of it, as I explained to the gentleman from Tennessee [Mr.

GAINES], and I hope that the subject will receive the thoughtful and earnest consideration and investigation by the Members of this House, in order that in the end we may work out for the Navy Department a system of administration that will be businesslike in its management, and will bring the United States Navy to a higher standard of efficiency than it has yet attained.

I am not one of those who would revolutionize the Department in an attempt to correct the present defects in the system, but I believe that we should go forward step by step until we have secured that measure of unity, corelation, and cooperation in the organization that will develop and make certain the highest possible standard of efficiency and economy. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman has consumed all his time.

APPENDIX.

[From Proceedings of the United States Naval Institute, March, 1901.]

NAVAL ADMINISTRATION AND ORGANIZATION—MOTTO: THE COUNTRY—THE SERVICE—THE INDIVIDUAL.

[By Lieut. John Hood, United States Navy.]

It is with considerable hesitation that the writer selects so broad and comprehensive a subject as naval administration and organization for the theme of an essay, but existing conditions leave so much to be desired in both the administration and organization of the Navy that any honest effort for improvement, however imperfect, may do some good, and at least will do no harm.

The treatment of so extensive a subject in a limited space permits of only very general ideas being given and very broad lines being drawn, and the remarks that follow are not offered as a structure complete in all its parts, but rather as a mere framework of suggestion to those who have the interests of the service at heart, in the hope that abler hands may take up the work and carry it to full completion.

As it stands to-day the Navy could hardly be said to be more than an aggregation of individuals, without proper cohesion or unity of purpose. The individuals are excellent in themselves, whether they be men or ships; but something more than an aggregation of them is needed to make the service the complete, harmonious, homogeneous whole that it should be, working with one purpose for the advancement and glory of the country. That is the final end for the attainment of which all lovers of the service should strive, and the remarks and suggestions that follow are a feeble effort in that direction.

ADMINISTRATION.

Naval administration, to the mind of the writer, includes all things pertaining to the direction of the naval policy of the country; the organization of the Navy Department, or central office of naval administration, and its apportionment into the proper divisions and subdivisions; the direction and control of the naval personnel, and the formation, direction, and control of fleets.

Up to the present time it would be more than bold to say there has been any naval administration at all in the true sense of the term. Certainly there has been no fixed naval policy, nor any logical, consecutive system of development. As new needs have arisen from time to time, a new bureau or a new office has been created here and there and grafted on the whole system without any proper coordination or logical plan for future development. The result has been a heterogeneous mass of old and new, without cohesion of parts or unity of design, and with frequent rivalries between the parts where there should have been nothing but cooperation. The law of its growth has been the expediency of the moment, and reason, logic, and foresight have had little or no part in its development. It may be said to exist only by the force of custom, and to attain any degree of efficiency only by the strength and character of many eminent bureau chiefs.

The spirit of following the law of expediency, rather than logical plan and system, permeates the entire naval establishment, but more especially its administration, and has done more to delay true naval growth than any other cause. It is founded on the moral weaknesses of some, the personal ambitions and jealousies of others, and the want of foresight and ideas of false economy of all; and the sooner it is swept aside, and reason and logic substituted therefor, the better it will be for both the country and the service.

It may be accepted as an axiom that all creations—whether of the intellect or the hands—that are destined to live and bear good fruit are founded on reason and the natural order of things; and since we wish our naval administration to be a living force in itself, and not dependent entirely on the force and character of passing individuals, let us see if it is not possible to organize it on a natural and logical basis, to the end that naval development may be continuous and progressive, despite the shortcomings and failures of any individual heads or chiefs.

It is a necessary consequence of our form of government that the official head of the Navy shall be a civilian who usually goes into office nonconversant with naval duties, customs, and traditions. While this has its disadvantages, in that it frequently exposes questions of a purely technical character to the decision of one necessarily ignorant of their bearings, it has the undoubtedly great advantage of supplying the Navy with a head free from the contamination of service cliques and corps, and of giving it an impartial arbitrator in service disagreements. In many ways it would tend much more to thorough efficiency if the head of the service knew and felt all its aims and needs, and were in full personal sympathy with it; but this same result can be attained, to a great extent, by the proper selection of subordinates; and our system of placing a nonnaval and nonmilitary man at the head of the Navy is, perhaps, the wisest that could be designed. However, whether it be wise or unwise, the system will always be followed, as long as our Government lasts, and further discussion of it is useless, and we will proceed to the consideration of what improvement may be accomplished under him.

As at present constituted, the affairs of the Navy Department are administered by a number of independent, or semi-independent, bureaus and offices, sometimes working together, but more frequently at odds, and with little or no military subordination and sequence or natural and logical groupings. If the matter be looked at broadly, from either a statesmanlike or military point of view, the whole comprehensive subject of naval administration naturally and logically divides itself into two, and only two, great divisions: First, that of the personnel; and second, that of material. Therefore, logically and naturally, the affairs of the Navy should be administered under these two heads, and under these two only, for all division of responsibility beyond that required by reason and logic tends to weaken the responsibility and promote carelessness, diffusion, and general inefficiency.

The Division of the Personnel should comprise all that relates to the naval personnel, its training, discipline, and detail; all that relates to preparation and plans for war and action; all that relates to the direction and control of commissioned ships and fleets; or, generally, all that pertains to the Navy as a military and fighting organization.

The Division of Material should comprise all that relates to the design, construction, equipment, and maintenance of ships, ordnance, machinery, yards, docks, etc.; or, generally, everything that pertains to the creation and maintenance "inbeing" of the most efficient and largest fleet allowed by the laws.

Just as naturally as the whole administrative system divides itself into these two great heads, these divide themselves into certain subdivisions that will be discussed under their appropriate heads.

PERSONNEL.

Taking the divisions in the order of their importance, we will consider first the personnel. This division should have for its chief an officer who would be the true military head of the Navy. He should be carefully selected from the highest grade of the line, and, as chief of personnel, should be the ranking officer of the Navy. He should be the chief adviser of the Secretary in all matters of naval policy, and should direct and be responsible for all the matters above enumerated as comprising the Division of Personnel.

No one thing has done more to foster laxity of discipline, develop insubordination, and check the growth of a proper military spirit and "esprit de corps" than the want of this military head, and until such is established all hope of thorough reform and of molding the Navy into as perfect a fighting machine as human nature permits is vain.

Heretofore the duties of a semimilitary head have been performed by the Chief of the Bureau of Navigation, but his scope has been far too limited and his position too anomalous to accomplish much good in a military sense. What is needed is a genuine military head, recognized by the law and by the service as such, and such a head should be the Chief of Personnel.

For the administration of naval affairs relating to personnel the Division of Personnel should be composed of the following branches or subdivisions:

"1. The General Staff: This most important of the subdivisions of personnel is yet all to be formed, except such small parts of its duties and functions as have heretofore been performed by the War College and Office of Naval Intelligence. From the nature of the requirements of a general staff its formation in completed perfection can only be an accomplishment of time. Hence its development should be begun at once."

The official and legal recognition of a general staff and the selection of a proper chief, with a limited corps of assistants and with the Office of Naval Intelligence and the War College placed under him, would be a long step in the right direction.

The Chief of the General Staff should be next in rank in the personnel branch of the service to the Chief of Personnel, and should occupy toward that chief the same position that the latter does to the Secretary. He should be the chief adviser of and replace the Chief of Personnel in case of absence, sickness, or temporary disability.

"2. Bureau of Naval Organization and of Detail: This bureau should have charge of the organization of ships' complements, of squadrons and fleets, of all drills and systems of military instruction, of keeping the records of all officers and men in the naval service, and of the detail of all officers and men to ships and stations for the utilization of the varying talents of all to the best interests of the service."

Perhaps there is no subject connected with naval administration that requires more tact and fine judgment than the detailing of officers and men to fill the positions for which they are best fitted and for the best interests of the Government, and there is none that has usually received less attention, especially in the lower grades. Our present system requires all men to be all things, and attempts to eliminate human nature from the most human of all problems—the control and handling of men. It would be difficult to find an officer of twenty years' experience who has not at some time in his career sailed with an executive officer who could not execute, a navigator who could not navigate, and a watch officer who could neither control the crew nor handle the ship. Each of these officers may have been excellent on some other line of duty, but the system required that he should fill a position for which he was unfitted, to the loss of discipline and efficiency or the hazarding of the lives of a ship's company and the safety of the ship. The duties of the Navy are so varied that there is room for talent of all kinds, and the "detail" duty of this bureau should be one that receives the most careful consideration and the personal supervision of its chief.

"3. The Office of Naval and Military Law and Discipline: This Office should have cognizance of all matters pertaining to the administration of law and justice in the Navy and the enforcement of discipline under the laws. It is essentially a branch of the personnel, and should therefore be placed under the direction of its chief. The head of the office should be known as Judge-Advocate-General, and should be chosen from the active officers of the Navy well versed in military law and in close touch with naval customs and the needs of naval discipline. This close touch with naval customs and needs as being essential to the efficient administration of naval justice and discipline as a knowledge of the law, the term of office of the Judge-Advocate-General should never exceed eight years, and would be better limited to four."

One of the first duties of this Office should be the preparation for submission to Congress of a new code of laws for the administration of justice in minor offenses, the clearer separation of minor and grave offenses, and the general simplification of the administration of law as conducted in the Navy to-day. The necessity for this simplification and of the proper classification of offenses and punishments by law is at the present time one of the most urgent needs of the Navy for the maintenance of discipline.

"4. The Hydrographic Office: This Office, as now, should have charge of the collection and dissemination of nautical information of all kinds and the preparation of the charts, books, etc., needed for the proper navigation of the active fleet in all parts of the world. The work of this Office is purely professional and has no connection whatever with the material of ships. Therefore it is difficult to see why it should be placed under an essentially material branch of the service, as at present, when logically it should come under the control of the division that should naturally apportion and direct its work."

MATERIAL.

Before taking up the detailed discussion of this great division of the Navy it might be well to preface it with some general remarks on the advisability of its consolidation.

As the Department is at present organized, the affairs of the material of the Navy are administered under the Secretary by a number of equal coordinate independent heads, frequently disagreeing among themselves from that ineradicable trait in human nature that causes almost every individual to magnify the importance of the part of any joint work designed by himself. These disagreements—most usually on technical questions and arising from honest differences of opinion—must be referred for decision to the Secretary, who, however great his ability, has rarely the technical education and training that would fit him to decide them to the best advantage.

The parts of a modern ship are so various, and involve so many distinct professions, that many minds are necessarily engaged in evolving the finished vessel. The constructor, the engineer, the ordnance officer, have each and all been necessary to form the completed whole, and many compromises have been made between them from the inception of the plan to the time the finished ship is ready for service. That in the adjustment of these compromises many disagreements should arise is only human; and, in the opinion of the writer, their settlement, and the general building of the Navy, would be much facilitated if there were a common head to all the branches engaged in work on material with sufficient technical knowledge and experience of ships to decide the question intelligently, and with sufficient authority to settle them. Not only would the work be much facilitated, but the Secretary would be relieved from a most onerous duty, and one that he must have frequently felt himself unqualified to fill.

Although men of the high attainments, broad technical knowledge, and administrative ability necessary to fill successfully the responsible position this head must occupy are not common in any profession, there are, and always will be, a rare few in the Navy, as there are in all other great professions; and from these few the head or chief of material should be chosen. It is the same type of men that are found filling the positions of general managers and superintendents of all the great industrial enterprises of civil life.

Though a chief of specialists, he need not be a specialist himself, but must be, however, a man of extensive mechanical ability, and of broad experience of ships at sea under all conditions of service; and, above all, of great executive ability.

He should by law be the officer next in rank in the Navy to the Chief of Personnel, and should be the chief adviser of the Secretary in all matters relating to the creation and maintenance of fleets, and should have control and direction of all navy-yards and repair stations.

Consolidated under this authority, instead of being the independent coordinate powers they are to-day, should be the following subdivisions:

"1. The Bureau of Construction: This Bureau should have cognizance of all the affairs of material relating to the design, construction, and repair of ships, docks, and stations, and should have the care of all navy-yards and repair stations. Its chief and assistants should be constructors and constructing engineers of the highest type obtainable; and the chief should bear the same relation to the Chief of Material that the Chief bears to the Secretary."

The present Bureau of Yards and Docks, and the system that has heretofore prevailed of laying out and designing our navy-yards and stations under many heads, would seem to be illogical, and has certainly led to much unnecessary expense and confusion. The placing of the whole navy-yard system under the one head that controls the great bulk of the work done in them would seem to be reasonable and would undoubtedly lead to economy, efficiency, and to the adoption of a systematic plan in the arrangement of shops and buildings.

"2. The Bureau of Engineering: This Bureau should comprise everything relating to the design, construction, and management of all machinery in the Navy, both ashore and afloat, except that relating to ordnance. Its Chief and assistants should be mechanical engineers of the highest order; and, to be such, can be nothing else.

"3. The Bureau of Ordnance: This Bureau should have cognizance of the design, building, and care of all ordnance, ordnance material, and appliances, and of all armor used in the Navy; and have control of all naval gun foundries and proving grounds."

The handling and management of naval guns and all their appurtenances being distinctly among the primary duties of the line, the Chief and assistants of this Bureau should be chosen from that branch of the service from among those who have made a specialty of ordnance matters by natural predilection.

Moreover, excellence in design and construction can only be attained by the application of the intimate knowledge and experience gained in the actual use of the guns and their appliances in all the varying conditions of active service. This knowledge and experience can only be gained at sea; and therefore the ordnance expert must be also a seagoing officer and should never be segregated from the seagoing line into a distinct and individual corps.

"4. The Bureau of Equipment: This Bureau should control the fitting and arrangement of the entire equipment of vessels except that of ordnance and machinery."

The Chief and assistants of this Bureau should be taken from the line of the Navy, as full knowledge of the necessities of ship equipment can only be acquired by those who actually go to sea in ships and learn from daily experience, in the varying conditions of sea life, which is actually needed for thorough efficiency.

In addition to the subdivisions enumerated above the administration of the Navy requires two other important branches, which are not so logically classible as being wholly of either the personnel or material as those already mentioned, and are yet not of the primary importance that requires the establishment of separate and independent divisions in the administration for the proper conduct of their administrative duties. These two branches comprise the duties now administered by the Bureaus of Medicine and Surgery and of Supplies and Accounts.

While the peculiar duties of these two branches render them both more or less independent of the natural classification of all the other branches, they are both of a subordinate character, and are adjuncts rather than primary powers in the administration. Therefore, it would seem more logical and in the right order of things to class them under the one or the other of the two great divisions with which they are the more nearly assimilated, than to form two more divisions of the first order in the administration for two essentially subordinate branches.

The duties of the surgical branch of the Navy bring it in close alliance with the personnel, and, therefore, it would seem logical to class that branch with the personnel, and the Bureau of Medicine and Surgery as the fifth subdivision of personnel. It should be organized as at the present time, except that it should act through the military head of the Navy instead of as an independent power.

On the other hand, the pay branch of the Navy in the purchase, transportation, and care of all the material of the Navy is, in its administrative duties, far more closely allied with the material; and hence the Bureau of Supplies and Accounts should be classed as the fifth subdivision of that great division in the organization of the administration.

No other branches of the naval administration than those indicated above are either necessary or logical; and the division into the two—and only two—great divisions of the personnel and material would seem to be so natural and conducive to efficiency and unity of action, that the administration must long have since been formed on these lines but for the continued reign of the law of expediency and the influences of personal ambitions and of politics.

The suggested organization of the naval administration, then, is:

"First. The head, the Secretary of the Navy.

"Second. The Division of Personnel, whose Chief would be the military head of the naval service, and who would be the chief adviser of the Secretary in matters of naval policy and in all matters affecting the Navy as a military entity.

"Third. The Division of Material, whose Chief would be the chief adviser of the Secretary in all matters relating to the construction and maintenance of fleets, yards, docks, and stations."

For the consideration of questions of naval policy of a wider and more deliberate nature, the Chief of Personnel, the Chief of the General Staff, the Chief of the Bureau of Detail and Organization, and their principal assistants should form a permanent board on policy and naval strategy, under the presidency of the Chief of Personnel, for the assistance of the Secretary in creating and formulating the naval plans of the nation.

For the assistance of the Secretary in formulating plans for the creation and maintenance of the fleet, for deciding the types and sizes of ships, their armaments, speed, etc., or, generally, everything connected with putting "in being" the most efficient fleet possible, the Chief of Material, Chief Constructor, Chief of Engineering, Chief of Ordnance, and Chief of Equipment should form a permanent board on construction, under the presidency of the Chief of Material, who should have the deciding voice.

The Secretary would thus, at all times, have at his disposal the experience and advice of the chiefs of the two great divisions of the naval administration; and in matters of graver import, requiring further deliberation and discussion, should convene either the Board of Policy and Strategy or the Board of Construction, or both, according to the nature of the question.

In general the Secretary should hold the chiefs of the two great divisions responsible for the proper performance of all matters relating to their respective divisions, and leave them to hold their subordinates to a like responsibility, for responsibility, properly carried, is the sure test of efficiency. It can be properly carried only when it proceeds from the head down, for in any efficient organization the head is always responsible.

It would be impossible to develop a complete scheme of naval administration in the narrow limits of an essay, and this branch of the subject-matter of the title will be closed with the few broad suggestions offered above, for the majority of which no claim of originality is made. But it would seem that an administration organized and developed on the lines suggested would be following the laws of logic and reason, would prove efficient, lead to a unity of purpose, develop the best in all branches, and promote a spirit of emulation and military "esprit de corps."

DISCUSSION.

Capt. F. E. Chadwick, United States Navy: I wish first to thank Lieutenant Hood for a most thoughtful, able, and philosophic paper. The organization of administration has always been a weak point in our system, and it has been weakest where, by the complex nature of the subject, it should be strongest—in the Navy. Nothing could be more haphazard, disconnected, and, so to speak, offhand, than the law establishing our present organization. * * * I agree, in the main, most cordially with the author's views.

Capt. Caspar F. Goodrich, United States Navy: * * * An old officer once said to me that the bureau system was not so bad in itself, but that the Navy Department needed some office, or officer, or commission, to knock together the heads of the bureau chiefs and make them agree. This idea would appear to have been in the essayist's mind as he wrote. The bureaus were originally intended to divide the Navy's civil business among them, and so relieve the Secretary of much of the burden of his financial and other responsibilities. To-day the bureau chiefs are so overwhelmed with the minutiæ of their several charges that they can not properly give sufficient time to the consideration of those broad questions which concern the service as a whole. The essayist's plan may not meet with universal acceptance, but it offers at least a well-reasoned means of reaching an end which is generally conceded to be greatly needed. * * * To combine all that concerns the personnel under one head and all that concerns the material under another head must commend itself to the judgment.

Lieut. L. H. Chandler, United States Navy: I find myself in hearty accord with the essayist's views as far as the question of administration is concerned, and I believe that such an arrangement as he describes would, in general, prove an ideal one.

[From Proceedings of the United States Naval Institute, March, 1905.]

THE DEPARTMENT OF THE NAVY—MOTTO: "TO IMPROVE THE STREAM BEGIN AT ITS SOURCE."

[By Rear-Admiral Stephen B. Luce, United States Navy.]

The discussion as to the best form of naval government has been carried on in these pages for some years past, but with indifferent results.

Let us now place the Department itself on the stand and learn from original sources what it has to say in its own behalf. To this end we may bring the testimony of some of the distinguished gentlemen who have presided over the Navy during the past few years. They are the most competent judges of the workings of their own office. They can speak with an authority vouchsafed to few, for each Secretary of the Navy was in turn the Department. By concatenating certain of these expert opinions (not all, indeed, for that would far exceed our limits) we may be enabled, each one for himself, to judge of the true character of the Department, as revealed by itself; of its ability to map out a far-reaching and comprehensive naval policy; of its capabilities for

governing and guiding the military operations of the fleet, and of the degree of efficiency and economy secured by this particular form of administration.

First, as to the composition of the Department.

The act of April 30, 1798, which called into existence the Department of the Navy, provided for a Secretary of the Navy, whose duty it was to execute such orders as he should receive from the President; for a principal clerk, and for such other clerks as might be thought necessary.

Not a very complicated piece of machinery, perhaps, but it illustrates the very crude notions of that day relative to naval organization.

To-day we find the Navy Department composed of one Secretary of the Navy, an Assistant Secretary, eight bureaus, a Judge-Advocate-General, and a proportionate number of clerks.

About twenty years ago the Secretary of the Navy, not satisfied with the business methods of our navy-yards, propounded the following query: "Whether a given navy-yard is fully equipped with the necessary appliances for the prompt and economical execution of such work as may be required; and, if not, what will be required to place it in proper condition for the probable demands of war?"

A portion of the answer of the board of officers to whom the question was addressed is given herewith at length, as it goes to the very root of the matter and shows clearly that the unbusinesslike methods which obtain in our navy-yards have their origin in the defects inherent in the Navy Department. The logical conclusion—the conclusion from which we can not escape—is, as there stated, that reforms in our navy-yard methods must begin in the Department itself.

After making certain recommendations, the report of the board continues: "The third query invites an expression of our views as to whether 'any improvements can be made in the system of performing the work at the navy-yards which will promote efficiency and reduce expenses.'"

Answer: "To a proper understanding of the subject it should be stated that the present wasteful extravagance in employing so great an excess of nonproducers, and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, is but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties and a large patronage, and are naturally jealous of the interference of anyone but their own chiefs.

"Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam generators, and its own peculiar method of doing business. As an illustration, we take from official 'schedule of wages' (Form 9) of civil engineer's office the following ratings: Boiler makers, boiler makers' helpers, calkers, coopers, cabinetmakers, core makers, ship joiners, ship carpenters, machinists, machinists' helpers, molders, oakum pickers, and pattern makers—a little shipyard in itself.

"In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, and it is no exaggeration to say that there is to-day enough machinery of various kinds in either the New York or the Boston yard to do the work of its own particular class of the entire Navy during peace. We habitually speak of a private shipyard as a 'plant;' but each of our national shipyards is a segregation of plants, each having its own separate organization and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several plants, useless and vexatious delays occur, to say nothing of the waste of time and of public money due to such diffusion.

"To make such radical changes as we propose in our memorandum was no easy task, nor did we expect that they could be effected without considerable friction, not to say opposition; but supposing the changes to be made on the basis laid down by the Commission, it is hardly to be hoped that under present conditions they will be permanent, for whatever changes may be introduced now, and howsoever beneficial they may be, still the same causes remaining in active operation must inevitably produce the same result and in time restore the system of independent plants with all its attendant evils. Hence we conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing the work, with a proper system of accountability—to secure, in short, in each of our yards unification, method, economy, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life—it is absolutely necessary to begin with the Navy Department itself.

"Upon the consummation of so desirable an event, which need not necessarily change the general character of the present organization of the Department, the scheme for consolidation, the proper classification of duties, and the abolition of all unnecessary employees in the navy-yards can be carried into effect without difficulty and with the essential element of permanency insured."

One copy of this report was sent by the Secretary of the Navy to the Senate, under date of January 14, 1884, and one copy to the House of Representatives. It was referred to the respective Committees on Naval Affairs and ordered to be printed. It is clear, therefore, that the members of those committees were fully informed on the subject. It does not appear, however, that it elicited any attention or that the charges it contained have ever been refuted or a single statement challenged.

On the contrary, during a succeeding administration and one of a different political complexion, the Secretary of the Navy himself took up the subject and exposed, with relentless candor, the wasteful extravagance which characterized the business methods of the Navy Department.

"It must be evident that there is something radically wrong with the Department," wrote the Secretary of the Navy in his annual report to Congress under date of November 30, 1885. And he adds: "The universal dissatisfaction is the conclusive proof of this." He then proceeds to dissect the bureau system as it then existed with merciless precision and gives to the world a "record of mismanagement, of wasteful expenditure, of injudicious and ill-advised disposition of public moneys," such as should have led to immediate and salutary reforms.

For the seventeen years preceding his administration over seventy-five millions of money had been expended "on the construction, repair, equipment, and ordnance of vessels, which sum, with a very slight exception, has been substantially thrown away."

To illustrate "the follies of the Department," the Secretary cites the case of the *Omaha*, an old wooden vessel of obsolete type, that was rebuilt at a cost that would have paid for a modern steel ship of the same rating. The curious part of this piece of extravagance was that the responsibility was so diffused over several bureaus that it could not be laid at the door of anyone in particular.

In respect to navy-yards the extravagant system is fully detailed—"a state of things which," the Secretary adds, "it is almost impossible to correct under the present organization of the Department." These last words, coming, as they did, from a Secretary of the Navy of marked ability, are significant, and fully confirm the views of the Board hereinbefore quoted. And, finally, to secure desired results, "a reform to our organization is indispensable."

Even with such overwhelming evidence of its necessity no reorganization was attempted, but an improvement in the methods of transacting business of the Department by placing purchases of the several bureaus under the Paymaster-General was introduced.

The next administration succeeding took up the same question of the organization of the Department. Under date of November 30, 1889, the Secretary laid bare the glaring defects of the bureau system in language so clear and pointed that the wonder is it failed to attract the attention of Congress.

"The details of administering the Navy, as an existing force," he reports, "its vessels in commission, its officers, and its crews, were scattered, without system or coherence, among a variety of offices, bureaus, and boards. The assignment of officers to duty, and, to a limited extent, the movements of ships in commission, were in charge of an 'office of detail,' at the head of which was the Chief of the Bureau of Navigation, which Bureau was, at the same time, supplying compasses, chronometers, and navigating instruments, electric-light plants, ship's libraries, and other miscellaneous articles." The Secretary then proceeds to show how business is distributed among other bureaus and adds: "To all these fragments of authority there was no central unity of direction except such as could be given by the personal attention of the Secretary, to the exclusion of that broad and general supervision over all executive business which is required by a Department as comprehensive as the Navy; and cases were not infrequent where a ship received simultaneous orders from three separate bureaus, which were so directly contradictory that it was impossible to execute them."

"To attempt to reach a conclusion by means of three coordinate bureaus working independently," remarks the Secretary of the Navy, "without unity of direction, and without any established organization by which differences may be harmonized and an agreement reached, must produce delay, confusion, changes of plans, and additional expense. To remedy this serious defect, the only plan which the law admitted was adopted." This was the origin of the Board of Construction, created by General Order No. 372, in 1889.

In 1895 the Secretary still further simplified the business methods of the Navy Department, but left the question of reorganization untouched.

But with all this public exposure of the fallacy of bureau methods, and with the shameful case of the *Omaha* as a warning, equally unfortunate were the cases of the *Puritan* and *Terror*, monitors, ten years later. The hulls were rebuilt by one bureau and the worn-out engines and defective boilers were allowed to remain by another bureau, so that in the Spanish war these otherwise fine vessels, with their high military value, could not steam fast enough to "get out of their own way." The warning furnished by the *Omaha* was disregarded.

The report of the Secretary of the Navy of November, 1903, alludes to the defective organization in his Department in no uncertain terms. He repeats substantially what was said twenty years ago, of eight bureaus working independently of each other: "The distribution of business among bureaus independent of and unrelated to each other (except through the action of the Secretary) unquestionably creates a condition out of which grow conflicts of jurisdiction between the bureaus, sometimes injurious, and a tendency to consider the interests of the bureaus rather than the interests of the Navy. The division of business in the bureaus * * * extends to the navy-yards, and even, to some extent, to ships in commission. This leads sometimes to excessive and cumbersome organization and lack of harmony of effort, resulting from the fact that there is no coordination, except by the voluntary action of bureau chiefs, short of the Secretary's office itself." And more to the same effect.

After exposing the defects of the existing state of affairs, the Secretary goes on to make a distinct recommendation looking to an improvement in the constitution of his office. This led to a state of affairs which can hardly find a parallel in the naval history of any country.

The insufficiency of the personnel of the Secretary's own office had long been felt. The necessity to a Secretary, fresh from civil life, of an intimate and confidential relationship with some one officer or officers of rank and asknowledged fitness for the position, had been fully acknowledged. This phase of the question was very clearly stated in the report of the Secretary of the Navy in 1885. Moreover, the very large increase in our naval establishment and correspondingly increased expenditures, together with the greater military value which now attaches to our squadrons, imperatively demand that the office of the Secretary of the Navy should no longer be left without a professional assistant. However well that arrangement may have suited in 1798, it is not practicable now.

The President, recognizing these several considerations, desired that the functions of the general board should be made permanent, under another name, by legislative enactment, and so expressed himself. "It is eminently desirable," he wrote to Congress in December, 1903, "that there should be provided (by Congress) a naval general staff." * * * "We need the establishment by law of a body of trained officers, who shall exercise a systematic control of the military affairs of the Navy and be authorized advisers of the Secretary concerning it."

This judicious recommendation of the President, ably seconded, as it was, by the Secretary of the Navy, met with violent opposition. And while it can not be said that the President's object was actually defeated by those upon whose support he had every moral and legal right to count, yet it may be affirmed that such opposition to constituted authority was not an example calculated to improve the morale of the naval service. The case is exceedingly valuable, however, as furnishing a good illustration of our peculiar methods of naval administration and the total absence from it of the military character—that very character the President saw was wanting.

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Out of its own mouth shall the Department be judged. * * *

What is needed is legislative action based on a liberal and enlightened consideration of the whole subject of naval organization, from both the military and the civil point of view, to the end that the several parts may be evenly balanced and nicely adjusted, that our naval administration may become a model of efficiency and economy.

[From Proceedings of United States Naval Institute, March, 1905.]

THE TRUTH ABOUT NAVAL ADMINISTRATION.

[By Naval Constructor T. G. Roberts, United States Navy.]

In connection with this paper I wish to cite two ancient arguments and answer them in order, viz:

1. They say "that after consolidation the duties must again be subdivided among the various experts, which is the same practice as now; hence, nothing will be gained thereby." "That such a condition already exists in a commandant and his heads of departments, and you will only get back to where you started from."

This fallacy is simple, although it has been a puzzle for amateurs during many years past. It is a fact that personnel in any office must be assigned to duties in accordance with individual aptitude, and even subdivided to suit the class of work. Such is found in any business office anywhere. The flaw lies in the failure to perceive the difference between a single office and a single set of account books, executive orders, shops, and workmen, and a collective industrial establishment of six separate offices, each a power unto itself, duplicating each other and making work for each other. The difference in the application of expert services in the two cases is immaterial and cuts no figure in the governing considerations. The main thing is to have an expert head of the single industrial department who will bear the responsibility for the cost of the work. A commandant must exercise military control over the whole naval station, one unit of which should be the industrial department, the other units being the naval hospital, marine barracks, pay office, general storekeeper's storehouses, receiving ships, observatory, pharmacy, ships in ordinary, and ships in commission under repair, respectively. By this arrangement a commandant would have his hands full doing precisely the same things as now, and would have the same control as now, the only change being a consolidation of units under his control.

2. They say, "It is a good thing to have separate bureaus, since professional rivalry induces excellence in results."

That is an argument whose greatest vogue existed in the days of the anteamalgamation line-engineer wrangles. Professional disputes in navy-yard industry have never been recommended as a time and money saving device. No well-regulated establishment in civil life would permit for a moment a controversy-breeding state of affairs among its employees. That would be considered the first signal of collective inefficiency.

Finally, I wish it clearly understood that in this paper my criticisms do not apply to bureaus or departments or individuals as such; none of the above deserve criticism from me in this connection, it being evident that each must operate as best it can under the system in which it finds itself. The fault is in the system as a collective institution, and I hope, therefore, not to be misunderstood.

INTRODUCTORY.

There seems to be a spirit of dissatisfaction all over the country with the alleged shortcomings of our methods of naval administration, and at the present time the available testimony from all sources tends to give a confusion of ideas that is apt to lead us astray should we make a wrong diagnosis of the case.

Testimony of the highest and the lowest authorities has laid the cause at the door of the administrative system of navy-yards, which is conceded to be cumbersome, unwieldly, and expensive, due to the divided authority distributed among several heads of departments. The foregoing are established facts proved by the superabundance of evidence that has accumulated for many years past. The circumstantial evidence with which the Congressmen most interested have become impressed is found in the duplication and triplication and quadruplication of separate plants within a navy-yard, each department being, or endeavoring to be, complete in itself and independent of the others. No amount of conflicting testimony can prevent the inevitable conclusion which American men of intelligence must form in this epoch of business combinations. There is no doubt about the cause of the present state of affairs; the only problem is the remedy.

The foregoing conditions have been brought to the front entirely from considerations outside the service proper, but in the midst of this unsettled state of feeling comes a hue and cry from within the Navy by the advocates of a general staff, which they say is warranted to cure all the existing ills. It is claimed that a permanent body of line officers, in addition to those already on hand, should be established within the Navy Department for the purpose, primarily, of furnishing a "mere civilian Secretary" with hand-picked knowledge of strategy to direct the fleet and "wield the Navy as a weapon," and incidentally to coerce the multibureau system into uniform ideas and economical habits by the power of military rank and authority. I think that is the gist of it. The purpose seems to be to confine these operations to the mental and paper machinery inside the Navy Department at Washington. The motif of this campaign, with high rank and emoluments dangling around it, has been brought into question by the current literature on the subject.

The foregoing facts constitute the summary of the present conditions as they exist, and it shall be my purpose to analyze the situation from its various bearings, and to endeavor to find a remedy.

NAVAL ADMINISTRATION.

It is necessary to recognize, in the first place, that three separate and distinct methods of administration are found within the operations of the Navy Department, comprising what we understand as naval administration. These three divisions may be classified under the heads (1) political, (2) military, and (3) industrial.

The political system is represented by the head of the Navy Department, who is, and ever will be, a civilian, because the spirit and essence of our Government is based on a subjection of the military to the civil institution.

The political administration, as above classified, is frequently referred to as civil administration, which it is; but so also is industrial administration, and to avoid confusion, the foregoing classification will be adhered to throughout.

Military administration refers to that under the line officers, who alone are eligible to the supreme command of a ship, a squadron, or a fleet. Line officer means a naval officer in the line of promotion to such command. The functions are purely military, and the purely military field of operations finds its most correct example on board a ship or in a fleet. Shipboard administration will be considered the exact expression of military administration in the Navy. The strategy and directing power of a fleet are included in the same definition.

By industrial administration is meant that portion engaged in the production and manufacture of a ship and its accessories, which may be more closely defined as those departments engaged in procuring materials and operating civilian mechanics in producing the ship. Navy-yard administration is industrial in all that applies to workshop and civil employees as found to exist in the analogous institution of a private shipyard, being military only by virtue of the supreme authority vested in a commandant.

(1) POLITICAL ADMINISTRATION.

The Secretary of the Navy represents the political administrator. Politics is our method of securing government of the people, by the people, for the people. The politically successful man is one selected by the majority as their representative, because of personal attributes most acceptable to the people, whose actions the people believe will be most agreeable to themselves concerned. He is, presumably, the embodiment of our form of government, and to his authority the military and industrial considerations must bow.

The political feature finds its expression in various ways in naval administration, over and above all other considerations contemplated in the military establishment as laid down in the Navy regulations. If a ship must be overhauled and repaired and two navy-yards desire to get the work, the workmen's representatives that clamor loudest usually get it, that being the will of the majority that care anything about it. Within the service the opinion always holds that such matters, as all others, should be determined by the absolute merits of the case, regardless of clamors. The military administrator must determine his actions by merit, that being the root and foundation of his education and training, and he cares little about the will of the people where his position is not influenced by such a regard. A naval officer is not in the best position to be a political administrator—he can read from the mercurial barometer an approach of a storm at sea, but he is handicapped where it comes to feeling the pulse of the people from the touch of the political barometer.

Political administration finds its way into the service in shifting ships and work from one station to another, in shifting personnel in like manner, in the location of navy-yards and naval stations, in appropriations for new buildings and new expenditures of all kinds at the various stations; it determines whether vessels shall be built or repaired at navy-yards. In time of war political considerations divert naval vessels from the fleet to patrol the coasts in the vicinity of frightened political communities. It has given high position to political favorites and has determined the command of ships and squadrons. Sometimes it goes even further and influences the actions of naval boards in their duties under the regulations. Boards have been known to have their recommendations returned for revision until they meet the political desires, or another board may be called to reverse their actions, and so on until the desired results are attained. This operates to promote personnel in some cases, or discharge or retire it in others. It operates sometimes to increase the pay of the navy-yard mechanic. Its existence has been alleged in political contests against nonpartisan shipbuilders in the trials of vessels, and it shows itself in various forms in the distribution of contracts for new ships, and is constantly at work in the purchase and acceptance of all sorts of materials for Government use. The head of a Government Department is sensitive to the representations of the people; if he is not, some one soon takes his place who is. Of course there have been abuses, as in every other department of life, but a good administrator knows enough not to try to reform the people or the political system of which he is a part; he does his part best if he recognizes facts as they exist; and he concedes to political demands, if they are logical, where it makes no material difference otherwise, and where it does not interfere with the object for which his institution was created.

I am not attempting to lay down rules, but merely to place an estimate on what appears to have been the guiding features of political administration from the evidences that have come to notice in the past.

Is such a political government an abuse? Should the people rule the people? If the public's wishes be disregarded, the Government becomes autocratic by definition, and how else can their wishes be made known except through their representatives? If reform, who will attempt it, and how? Would the creation of a general staff, or any other sort of a mechanism inside the Navy Department destroy, limit, or influence in any way the politics of the head of the Department as it applies to the military and industrial establishments? It may as well be conceded, in the light of history, that the political administration, whatever its good or evil, will remain untrammeled as long as our form of government exists.

(2) MILITARY ADMINISTRATION.

Only on board a naval vessel does military discipline hold complete sway. The order of the captain is the law and must be obeyed without question, argument, or appeal to a higher power. The captain must confine his actions to the limits prescribed by law, but inside those limits he can cover almost any sort of overbearing conduct toward those beneath him, officers and men alike. He can not strike them, or punish them physically beyond the lawful limit; but he can harangue them and institute such a personal bearing toward them as to punish them mentally beyond degree. There is no appeal from an order, which must be obeyed with alacrity whether right or wrong, and he who refuses classifies his actions with the mutineers, the limit of which, in grave cases, is death. He who answers back goes to prison, but he can not resign or be discharged. I am merely specifying the limits in order to distinguish more clearly between military and industrial administration and to show that a trained military administrator is as different from an industrial as from a political administrator.

Our bureau system is represented in miniature on the ship. The captain represents the Bureau of Navigation, which directs his own actions and the movements of the ship. Although the other bureaus are represented, not one of them has any right or power of appeal that would modify in the least the perfect and absolute control of the directing administrative bureau and its captain in the wielding of the ship as a fighting machine. In this point it differs from navy-yard administration, as we shall see presently. The executive officer represents the Bureau of Construction and Repair, and the ordnance, equipment, medical, pay, and marine officers represent the corresponding bureaus. In the operation of the bureau system in the use of tools, stores, etc., there are no conflictions; they are used where needed indiscriminately by shipboard authority or without. If one bureau's machine breaks down another bureau's force repairs it, if more handy. The bureau representatives themselves are not expert in the lines of demarcation and cognizance of the bureaus, a line officer representing a staff bureau, and there is no provision for appeal beyond the ship if one should so desire. In other words, the captain has complete control of the ship and all her accessories, and the bureau system divides the duties of officers into a convenient distribution of the work. Military efficiency is attained by drilling, innate intelligence, alacrity in obedience to orders, and the good example and rigid discipline that must be maintained by the officers at all hazards. Admiral Farragut laid down a military rule for all time when he said to his officers: "What-

ever is to be done must be done quickly." Shipboard efficiency consists in preparedness and alacrity. It has little to do with dollars and cents. Military economy is exercised in taking care of the materials and avoiding waste, in about the same way as one would take care of a new suit of clothes, or would eat sparingly of his provisions during a long journey. It has nothing to do with saving money by a judicial distribution of the laboring forces, to obtain the best returns for the money expended, which forms the essence of industrial administration.

On the contrary, shipboard administration contemplates expending the maximum amount of labor in order to fill up the time. Those who have been to sea know the monotony of having nothing to do, which tends to generate the spirit of unhappiness. Hence, the sailor's proverb that the best commander keeps his crew happy by keeping them busy. Happiness is healthy for the mind, labor is healthy for the body, and these essentials permit of the attainment of military preparedness, alertness, and efficiency. Industrial economy is a different profession. It is a law of humanity that a man is most proficient in the line of his ambitions. The highest ambition of a line officer is to command at sea. In that position the eyes of the whole world may be turned on him in war, and his name may be in every mouth. He may bring honor or disgrace to his country. He must be a specialist in the strictest sense, but not a general practitioner. Besides familiarity with the methods of wielding the men and the tools at his disposal, he must be familiar with strategy, international law, naval history, navigation, and tactics. None can afford to be an indifferent expert in these branches, for a single blunder in one might lose all. No profession in civil life forms any sort of analogy or comparison to that of a line officer, and it is a matter of current belief that the easy habits and disciplinary notions of naval training unfit an officer for civil pursuits; and it is likewise apparent that civilians never have been, and can not be, eligible to the position of a line officer without the necessary course of training. It requires no analytical mind to discern the irreconcilable differences between industrial and military administration.

(3) INDUSTRIAL ADMINISTRATION.

The peaceful arts of the shipbuilding mechanics comprise the industrial features of naval administration, as is represented by a navy-yard. The business of such an institution is to manufacture, repair, or assemble the vessel and her outfit. The production of the vessel belongs purely to civil industry, being the product of the shipbuilding trades under the cognizance of labor unions. The pay of a sailor is merely nominal in comparison with that of the mechanical tradesman, which furnishes an opening for a considerable loss of funds unless the quality of administration secures the best combination in outlay of plant, in the purchase and handling of materials, and most important of all in the distribution and handling of the difficult and very expensive labor that fills up the navy-yards. The workmen may not be tongue lashed, nor put in the brig, but they may be discharged if the administrator has a good case.

Now, let us examine the operations of the bureau system as it applies to the industry of a navy-yard. The local representatives of bureaus comprise the corresponding departments of Construction and Repair, Steam Engineering, Equipment, Yards and Docks, Ordnance, Supplies and Accounts, and Medicine and Surgery. The Bureau of Navigation is represented by the commandant.

The division of work assigned to each bureau or department is a development of the natural and convenient divisions that existed in shipbuilding when the bureaus were first formed in 1842. The original Bureau of Construction, Equipment, and Repair controlled practically all the industry that was required to build a ship. It included all that is now represented by the three bureaus Construction and Repair, Equipment, and Steam Engineering, the latter subdivisions having been made in 1862 during the stress of war. Had the Construction Bureau not been thus subdivided there would be a different tale to tell about the cost of navy-yard administration to-day. But no one could have foreseen the effect at that date. The subdivisions were natural ones, inasmuch as the Chief Constructor before that time had an engineer as assistant to look after the steam machinery of the new motive power.

The wood-ship builder viewed with suspicion the advent of steam, and the motive power of the future passed out of his hands to those who were willing to master it. A ship was then a simple affair, and there was no question as to where the propelling machinery left off and where the ship began. The Equipment Bureau undertook to relieve the Construction Bureau of assembling movable articles not strictly a part of a ship, but corresponding more nearly to the furnishings, such as sails, rigging, anchors and chains, the electrical outfit, and the like. With the changes that have come about in modern shipbuilding, the steel ships of to-day, with their complex machinery, have merged all professions into one. The wood-ship builder, as represented in the modern shipwright, has been driven almost out of business. His cognizance included the whole vessel in 1842, while now he is limited to the decks and the outside sheathing, if any. The steam engineer finds himself replacing his own auxiliary machinery with equipment motors, and he has to tolerate rival steam engines that form essential portions of the equipment and construction machinery. Likewise the Equipment Bureau finds rivals with electrical machinery in the Bureaus of Steam Engineering and Construction.

The original natural divisions of these three bureaus have become unnatural and very complex and illogical. All three operate both steam and electrical machinery, and generally throughout are trying to do similar work that now falls under one profession. I shall not endeavor to relate all the unreasonable subdivisions of the work in these bureaus, but will cite only a few samples. As new methods have been adopted, each bureau has claimed as much of the work as possible, and each head of department, disagreeing, has written out his case, and all the papers have gone to the Secretary of the Navy for decision. In the meantime, in many instances the work has waited several months until the matter was settled. The decisions have not followed any rule, but the bureau in most favor at the time has generally won. If the question was referred to a board composed mostly of line officers, the decision was given very frequently to the line officer contestant, if there was the slightest possible justification for it. I would remark here that with a general staff of pure line officers to pass on such questions, the bulk of industrial administration would pass from the staff bureaus into the hands of the military administrators, in case human nature should not unexpectedly reform. To-day the department of Steam Engineering owns the steam pipes of Construction pipes and engines, the deck hatches and gratings and their fastenings leading to the boiler and engine rooms, and also that portion of the hull drainage pipes that drain these compartments; Equipment owns the dynamos, and the dynamo foundations if there are any, and the railing around them if attached to these foundations. Shall I go any further? Suffice it to say, that the lines of cognizance between these bureaus are more mixed up than the present Navy pay table. The fault is not in the bureau method, but in the fact that the bureau system has not been readjusted to suit the natural divisions of shipbuilding as they exist since the steel ship has created a revolution in shipbuilding methods.

Shipbuilding was originally made up of several professions, but to-day it has merged into a single profession, and it not only includes the production of the whole ship, but it operates the shipbuilding plant, by which it controls the profit which forms the measure of efficiency in industrial administration. The remedy is the simplest business proposition in the country—consolidation. There is no economy in shifting cognizance from one bureau to another, as now organized; each department has developed according to its needs, by virtue of experience, and to shift its power, plant, or shop to some other department only acts to deprive the one that needs it and prevents the responsible party from controlling its own profits. There is a great deal of talk about consolidating the power plants of a navy-yard. The idea seems to be that only the power plants are duplicated. That is a very great error. Everything is duplicated and multiplied. In the navy-yard with which the writer has been associated for the past five years there are in the several departments the following shops, viz:

Six power plants, eight machine shops, five joiner shops, five paint shops, five laborers' lobbies, four blacksmith shops, four pattern shops, four tin shops, four fuel-oil plants, four testing laboratories, three electrical workshops, three copper shops, three riggers' gangs, three polishing shops, three fuel-gas plants, three foundries, two steel-plate shops, two electroplating shops, thirty-two storehouses under separate roofs, fifty material fields, or piles of materials not under cover, and thirteen coal sheds and bins under separate roofs.

Some of the foregoing shops exist only in miniature, being parts of other shops, but are separate organizations doing similar work. A more exact idea of the extent of these repetitions may be gathered from the following:

Power plants: Construction and Repair owns two, one main and one auxiliary; Steam Engineering owns one; Yards and Docks owns two, one main and one docking plant (in the same building with the Construction and Repair plant); and Equipment owns one.

Machine shops: Construction and Repair has two main and one emergency (and two floating, not counted above); Steam Engineering has one main and one emergency; Equipment has one, and Ordnance has one.

Foundries: Construction and Repair, Steam Engineering, and Equipment have one each.

Smitheries: Construction and Repair, Steam Engineering, Yards and Docks, and Equipment have one each.

Joiner shops: The five departments have one each.

Pattern shops: The four departments, excluding Ordnance, have one each. Two of these have not separate shops, but do their pattern making in their joiner shops.

Tin shops: The four departments, excluding Ordnance, have one each, some doing tin work with tinsmith machinery as parts of other shops.

Paint shops: The five departments have one each, two of them employing one, two, or more men, sufficient to do their own painting.

Copper shops: Construction and Repair, Steam Engineering, and Ordnance have one each.

Steel-plate shops: Construction and Repair and Yards and Docks have one each for working plates and shapes.

Electrical workshops: Construction and Repair, Yards and Docks, and Equipment have one each.

Laborers' lobbies: The five departments each employ their own laborers' gangs and implements.

Fuel-oil plants: Construction and Repair has two, and Steam Engineering and Yards and Docks, one each. Two of these are small units.

Gas plants: Construction and Repair has one, and Equipment and Supplies and Accounts (testing laboratory) have a small unit each.

Testing laboratories: Construction and Repair, Yards and Docks, Steam Engineering, and Supplies and Accounts have one each.

Polishing shops: Construction and Repair, Steam Engineering, and Equipment have one each.

Electroplating shops: Construction and Repair and Equipment have one each.

Riggers' gangs: Construction and Repair, Steam Engineering, and Equipment each employs its own gang of riggers.

The thirty-two storehouses comprise buildings and shops containing stores of any kind, whether in the possession of the general storekeeper, or of the department having cognizance of them.

The fifty material piles include every sort of material of value in separate lots, or different varieties, as distributed near the storehouses or shops where it is most likely to be used.

It may be noted that in each case of shop duplication above the Construction and Repair Department has one, that being usually the largest one.

Now add to these the corresponding sets of foremen, clerks, and draftsmen in each department, and you have seventy-five foremen, eighty clerks, and thirty-six draftsmen. By foremen is meant master mechanics, quartermen, and leading men combined—i. e., men who superintend work. There are thirteen foremen machinists, of whom four are master machinists. Of the seventy-five foremen, forty occupy positions in charge of their respective gangs. Of the eighty clerks, thirty-three belong to the general storehouses. By clerks I mean all those who would be so termed in civil life.

In one department there is a leading man pattern maker in charge of four men; in another it requires a master pattern maker and a leading man for seven men. In one there is a quarterman molder for fifteen men; in another a master molder for eighteen men, etc.

There is no necessity for more than one shop of each class and kind, as proved by the private shipyard, and no private shipyard could afford to have so many directing officials.

The shops and forces of the departments being duplicated, it follows that the heads of departments, and hence the departments themselves, are pretty nearly duplicated, which is, actually, from a shipbuilder's point of view, a fact. Nothing short of industrial consolidation will be worth while, and the establishment should not only be consolidated, but it should be divorced from the military, so to speak; that is to say, the one shipbuilding department should be a unit under the one shipbuilding head, responsible for the economy of the work. Our navy-yards would then be as in France. We are moving toward the French methods. We tried the British Admiralty Board from 1779 to 1781, but abolished it. It was tried again from 1815 to 1842 in the form of the Navy Commissioners, but it was again abolished as being unsuitable. Every young nation tries the British Admiralty method. It suits England for reasons purely English. The posts of honor and command are kept in the aristocracy for the benefit of the

younger sons of the nobility. The line of the British navy is sought by them as a profession. The "Board of Commissioners for the Execution of the Office of Lord High Admiral of His Britannic Majesty's Navy," belongs to a privileged class. In this country we expect a man to be responsible only for what he knows; our lords of industry are the engineering nobility who have won their titles by actual achievement in their own particular line.

We have left the British Admiralty method far behind long ago and are approaching the French system. We hear of a general staff—that is what we sometimes erroneously translate the French état-major to mean. We hear that we need a "bureau of personnel" and a "bureau of matériel." That is all French in name and method, and all our own bureaus are adopted and named after the French. Then let us have the French "bureau of matériel" precisely as it exists, which consolidates all industrial shops and works under the one head of "naval construction;" its directing "personnel" is composed of "Ingenieurs des constructions navales." It includes also all ordnance workshops and fittings in navy-yards. Unlike our ordnance, theirs is manufactured by civil industry and shipped to navy-yards, where it is handled and installed by the department of naval constructions. French navy-yard industry is confined to the one department, which combines every shop and tradesman under a single head, and that not a military head, nor a number of mixed military and industrial heads, but rather an industrial head who is competent to take the responsibility for the things he knows, the things of his special education and training, the things of his pride and ambition, the only things by virtue of which eminent ability may permit him to rise to any sort of distinction. Not that he needs distinction and should be allowed to attain it, but that the human composition is such that the best efficiency can not be attained by any other inducements in a system where hope of reward must be the stimulus; where neither capital, salary, nor interest, from a personal investment, are at stake. "Individual responsibility reposing in the head who instructed in the things he is responsible for is at the root of efficiency." Our bureau method is preeminently such a method, and is the most perfect yet devised, but has become uneconomical for the plain reason that the system of the bureaus has not been readjusted to suit the natural subdivisions of the present times, until the supposedly "sharply defined duties and responsibilities of overspecialized bureaus," to adopt Captain Mahan's diction, have become interlaced, interwoven, and intertangled to such an extent as to exist only in theory and imagination, but have no semblance in reality.

The Bureaus of Construction and Repair, Steam Engineering, Equipment, and Yards and Docks should be combined under the heading of Bureau of Naval Construction; the Bureaus of Ordnance, Supplies and Accounts, and Medicine and Surgery to remain practically as at present; excepting that, as in France, the Bureau of Naval Construction should have cognizance of its own materials so as to control the economy in their purchase and handling.

The Bureau of Ordnance should remain as now, excepting that its duties should end with the manufacture and shipment of ordnance and armor; its plans should be limited to these items and should not include any portion of the vessel to which they are applied. This is in order to unify the manufacture of plans at the Navy Department and the plans and building work at shipyards as the nearest approximate measure of economy. Strictly speaking, ordnance and armor belong to the broad Division of Material, along with the rest of the ship, by definition, and by the example of the Navy furnishing us with the term, and hence, logically, should be combined with the other bureaus of material. In that event it would become advisable to detail line officers as inspectors, since in this country, unlike some other countries, naval ordnance has been developed and manufactured almost purely by line officers, and it would not be advantageous to take it out of their hands. This renders it less advisable to include the Bureau of Ordnance in the consolidation; but since the ordnance and armor factories are not situated so as to duplicate work of any kind, a result almost equal to consolidation will be obtained by consolidating the design and building of ship and machinery, exclusive only of ordnance and armor, under the single industrial bureau. This arrangement need not exclude the inspector of ordnance when guns are being installed on shipboard, but should require his presence, as in France.

There is sufficient evidence to believe that the Bureau of Navigation has grown too large and that it should be separated into two bureaus, the new one to be called the "Bureau of Personnel." This bureau should take over the items suggested by its name, and other kindred duties that will leave only the items concerning strategy to the Bureau of Navigation. The latter bureau would retain, of course, the Intelligence Office, the War College, the direction of the fleet, war plans, and all those functions which go to make up the sum total of "the wielding of the Navy as a weapon;" and besides would inherit, from the defunct bureaus, the Naval Observatory, coaling stations, other naval stations, and in fact everything else except navy-yards, stations, and docks engaged in the building or repair of vessels. I merely suggest, not advise, the latter subdivision. It can not, in any wise, affect industrial administration.

The present necessity is the unification of navy-yard industry, so that it can not duplicate itself, and so that naval industrial administration may operate in the full benefit of modern methods as developed with such eminent success in the private industries of this country. All power plants, shops, heads of departments, assistants, draftsmen, clerks, foremen, leading men, and mechanics may be combined into one set of each class or kind. The result would effect a reduction of the number of buildings in use, the working forces, and the total cost of the establishment by an amount that would be startling to predict. The military authority should remain supreme in a commandant, but the industrial establishment, being in subjection to the military, need not be subdivided into a number of mixed administrations interwoven as now, but combined and divorced as a pure industrial unit.

EVILS TO BE CURED.

Of the present evils of greatest moment is the unsystematic method of laying out new yard plants and the distribution of shop buildings among the various departments. The sites for the plants themselves are selected, usually, by people having an eye only to the depth of water, facilities for military protection, and the nature of the soil. The most important economic industrial consideration contained in the contour of the site and water frontage and in the economic arrangement of shops have seemingly had no part whatever in the establishment of our navy-yard plants.

Economy in arrangement, whereby labor and material travel by the shortest route between shop and ship, is an asset which means a goodly percentage in profit as long as the plant endures. A steel plate that will travel 300 yards from plate rack to its place on the ship's side in a poorly arranged plant may travel only a hundred yards in its course from machine to machine in a well-arranged plant. The reduction in cost of handling is very appreciable; and if this be applied to all the multitude of articles that go to complete a modern ship, the difference in cost is considerable. The same condition obtains with labor, which is more important, because more expensive. The shipfitting and joiner shops belong nearest the building slips and fitting-out berths, so that the class of men that fit and refit from shop to ship will have to walk the shortest distance; for the similar reason that the engine and boiler shops would be at the rear, as near the fitting-out berths as possible, since the engines and boilers may be built complete in the shops, and when ready may be hauled any distance by rail to the fitting-out berths. Every shop has a logical location in a shipyard, yet no shop can have its proper place by our methods. Each department seeks the main business street as centrally located as possible. Sites and shops are let in a haphazard way, and even if determined by a board the most influential member gets the most central location. In the navy-yard of my most intimate acquaintance the distance of the farthest buildings from the power house of one department is so great that the cost of the electric-power wires is something extraordinary; one department is widely separated into two large halves by another department lying between, and the joiner shop is farthest away from slips and berths, while the engine and boiler shops are nearest the slips and docks, just the reverse of where they ought to be. Yet the losses on first cost and circuitousness must appear in the figures of cost as long as the plant exists.

Another great source of loss lies in the lack of harmony that usually exists between the heads of departments. There are two sorts of interdepartment administration; one where controversy is rife, another where obliging tact prevails. It may be observed here, incidentally, that the one who willfully enters into a squabble is a downright enemy to economy, for when at their best, heads of departments are far enough apart by the very nature of things. One department finishes its work to where another begins, and then endeavors to get the other department to supply the connecting link. The second department may have its men on a more pressing job, or may not even have obtained funds for the work in hand. The delay in connecting may be anywhere from an hour to a month. Worse than that has happened. These misconnections are very frequent, due to the simple fact that the various heads of departments have different trains of thought, and one can not divine what the other intends to do until the time arrives. The great effort of working ahead of time in all the mass of details is not to be expected from men whose capital or income does not bind them to it, and whose salary depends on the limits of the single duties of their own department as laid down in the Navy Regulations. Unintentional misconnections between departments are the source of the greatest loss of time and money in the operation of the plants as they now stand. One department owns a crane, a second department is using it, while a third department waits for it. The time of making connections, getting permission, and waiting may keep a whole gang of men out of work for some time. One department builds a shop, the second department buys an elevator for it; the original plans made to fit are changed by one department without the knowledge of the other, and the elevator is found not to suit the shaft, so the floor just completed must be cut out again.

A load of steel plates arrives and must be immediately removed by one department from the receiving station. This causes one handling. Another department has the list of plates, what they are and who they are for, and retains it sometimes a week or two. When the list arrives the third department has to inspect them, one by one, to examine the inspector's mark on each. The first department does not find it convenient to handle them until the broken crane of the fourth department is mended, to avoid rehandling them twice again. At the end of some months the inspection is completed and the contractor has lost several months' interest on his money.

One department buys a lot of materials that it thinks the other department will need, and owing to a miscalculation of the other department's habits the goods lie in store for an indefinite time. Two departments disagree on a matter touching both. The first one begins the work and the other writes a letter to the commandant, who refers it to the first one for his arguments. If the work is important the commandant authorizes the one he thinks is right, and forwards the papers to the Assistant Secretary of the Navy for a decision to guide in future cases. If unimportant, the work may await the decision. Sometimes friction arises between two departments; they begin to make caustic remarks and indorsements to each other. The clerks, foremen, and workmen soon catch it, and there is a regular blockade of the interlying work between the two. When this happens, lords of old in feudal castles were not in more impregnable fortresses than are the two belligerent heads. The warfare is waged silently by mutual understanding; each puts the other out as much as possible, and there is no power on earth to stop them except by mutual consent. The commandant seldom has evidence of its existence. If anything comes up in correspondence he settles the point at issue; if one reports the other, verbally or by letter, the other always has a plausible reason to offer. It is simply impossible for one to make the other come to time, and reports are liable to cut both ways, like a two-edged sword, and are out of fashion.

A dry dock belongs to one department, also its operating power plant. The operation of it belongs to the second department, and if the engines and boilers become old, dilapidated, and uneconomical, needing to be repaired or replaced, the first department must obtain the appropriations and make the repairs, if it approves the changes; its uninterested opinion governs, and in the meantime the second department bears on its books the unwilling losses from uneconomical operation, sometimes for a period of years.

The most unnatural scope of bureau cognizance is exemplified in the modern floating dry dock which falls under the bureau bearing a similar name, due undoubtedly to the circumstance of a name inherited from the graving dock. The design and building of a floating dock belongs purely to naval architecture (and not to civil engineering); yet the Government fails to utilize its own naval architects in such work, but pays the premiums, going to the naval architects of civil industry.

Another misfit is found in the building of a new shop by one department for another. The second department begins simultaneously to procure appropriations for the machinery. First there is a duplication of drafting work. The building plans originate in the second department, defining the internal arrangement within its cognizance. These plans are remade with changes by the first department. The one department's machinery requisition goes through without a hitch, while the other department's building may be held up for months after the machinery is delivered. The building may go a winter or two without heating or some other necessary facilities, while the other department's force must endure it. The building foundations may have been laid before the necessity of driving piles to support the other department's machinery becomes discovered, and when the piles are then driven the

foundations are ruptured and require extensive repairs. On no kind of work is misconnection so rife, so radical, or so damaging as between the department that supplies the building, and the one that supplies the machinery and uses it. The building just completed must be multilated with holes, underground wiring conduits, brackets, and machinery foundations to suit the need of No. 2, which No. 1 could not foresee to assemble himself or to have assembled in time to make all connections; and the worst of it is No. 1 lets the contract to a civilian contractor, No. 3. If the middleman, No. 1, built the house himself, there would be some logical excuse for his separate existence, but navy-yard shops and houses are built by private contract, as in other countries.

A contractor delivers a load of coal for department No. 1. A sample is inspected and passed by body No. 2. An order comes from department No. 3 forbidding the schooner to unload until a ship is moved from the vicinity. Department No. 4, owning the crane, must be consulted to have the crane heads sent at the proper time. Interdepartment correspondence ensues, until finally, after about four days, the schooner comes alongside and is unloaded with the ship, crane, and everything else standing in the same positions as when she first arrived. The loss to the contractor is four days' demurrage on the schooner, and he could not get damages from the Government if he tried, and the Government could not fix the responsibility if it tried.

One department confers with another by letter and gets a reply in a day or two; mails are sometimes delivered quicker in a city. Letters from business firms come to one department and are referred to the others, one at a time, for indorsement. In four to ten days the circuit is made and the original letter sometimes goes back to the business house plastered with six to ten indorsements in reply to its query. The amount of paper work is out of all proportion. The cost accounts of a manufacturing department are duplicated in the accounting department. The accounts of work done by one department for another are duplicated in both departments. Copies of contracts for one department made by the purchasing department are duplicated in both, together with many contingent inspection and other papers. A head of department executes a multiplicity of orders and then becomes a paper defendant to justify his actions brought into question always after the work is done. The amount of paper work inherent in the system leaves only too little time for carrying out the real work.

There is also the commercial-representative evil. Some commercial houses have representatives who visit navy-yards as constantly as any of their other customers. They convince foremen, leading men, clerks, chemists, officers, and their assistants of the quality of their goods, and offer specifications, suggestions, and objections. Any of the latter, in some way or other at some time, or both, may be able to influence the kind or quality of the goods bought. The evil and dangers are apparent. Business houses claim and they have a right to discuss business with the Government and to have representations at the rejection of goods. A single department would render practicable the concentration of all business inquiries in a single office and officer.

A board of inspection also complicates the situation. There are three members, two of whom seldom see the goods they sign away, but only delay the paper work in triplicate. The member representing the department for whom the goods are bought is the de facto inspection board, and is so known to contractors and Government alike. The presence of a board and all its paper machinery does not even conceal the fact, and the one member bears all the responsibility. There are six separate offices in which inspection papers and correspondence are eligible for consideration or indorsement, viz, general storekeeper, commandant, head of department concerned, inspection board, chemist, and the representative member. The shortest possible trip is via four of these, the return trip being the same. The time of a single trip depends on the uncertainties of messenger service, but is usually a day to a week, unless by urgent necessity a simple paper is escorted throughout the trip by a single messenger, which even then is long unless all heads happen to be in.

There is a shift of head of department and representative member for every department's inspections, which leads us into the problem of premutations and combinations to figure out what may happen to inspection matters that touch all departments, or more than one, at the same time, as naval supply fund materials, for instance.

The head of department most concerned has the final "say" in practice, and all departments being combined into one would place inspections under his direction and responsibility the same as the rest of the work. That would abridge all papers and place the work and the final "say" where they actually rest now. If there ever was an anomalous paper institution, it exists in an inspection board.

Another superfluity is the paint board, which loses time in the preparation of a lot of useless papers. Combination would replace it by a simple letter from the head of the department.

Each department is not complete in itself, but may require another department to do work it can not perform. One having no foundry may make requisition for the one with foundry to make its castings. The first department must furnish the materials, while the other department does the work and transfers back the charges so the labor may be paid from the appropriations of the department having cognizance of the work. Thus the cost appears against the first department, whereas it really had no hand in controlling the amount, which may be exorbitant. This occurs constantly, and it is evident the total expense account of a department includes a portion made outside of its control and for whose excess it can not be responsible. Another feature is illustrated in the effect of shifting cognizance from one department to another. Once the Government decided to economize by centralizing the lighting plants into a single department. The result was the department that needed light on ship work was supplied with inadequate lights, the ancient practice of using candles grew to an unnecessary extent, and hundreds of men have stood many hours in the dark, glad at the opportunity for a rest. The authority shifting the lighting from the department that controlled its cost and operation for its own work could not have understood how its details were going to work out. With all power plants shifted and consolidated under one department as the bureaus are now adjusted, the operation and cost of power would be beyond the control of the department using it, but the cost would be charged against that department, which would be held responsible for it notwithstanding, since this cost must have been included in the estimates and appears on the books against it. Such reform as that is truly "straining at a gnat and swallowing a camel."

Another illustration of interdepartmental methods may be shown by the following example: An appropriation is made to build a ship and is apportioned at Washington between the three bureaus producing the hull, machinery, and equipment. The department building the hull must be responsible for its cost. Incidentally, the building slip and launching ways must be prepared. A fourth department, having no allotment, must drive the piles by virtue of its cognizance as determined in the Navy regulations. The hull department must require the piles to be driven by the fourth department, and the latter determines all features included in the cost. The pile-driving department answers to nobody for expense, being the supreme judge of all matters touching its technical duties, while the cost is transferred back to the hull department, who must answer for it, though having no command over it. This requires the hull department to detail an inspector to watch the pile department to determine whether the men charged to the work have actually been present and properly engaged on the work as paid for. No regular inspectors having been provided for such work, this inspection is delegated to someone who is most handy; but only on large work of importance can inspection be employed, for there is so much small work going on of a similar character that it is impossible to anticipate it or to check it up after it is done; for in some cases where such charges have been transferred it has been found that men so charged for a whole day may have been engaged on the work only an hour, or perhaps a few of them may only have handled some of the material in the shops or may have done nothing at all on the work. This result may be quite unintentional and due to the methods of preparing accounts; but I shall not descend into those minutiæ. A day never passes but what every department transfers accounts of work done for the other departments, and they are of such varied and irregular character that practically no one can be held responsible for their correctness, much less for the economy exercised in producing them. The same is true of work within the cognizance of one department which has not the shops to do it with and must request another department to do it, with the same transferring of accounts and uncertainty of costs.

Is this evidence enough, or shall other instances be cited? How should it be remedied?

Shall the commandant be vested with authority to violate the Navy regulations defining bureau cognizance, or shall he be permitted to violate the appropriation act and charge the work to the most convenient appropriations, to avoid the paper and other evils? If so, will someone venture to explain in what features will navy-yard administration be benefited thereby?

If not that, then how will a General Staff, composed of military administrators, line officers only, interposed between the present bureaus and the Secretary of the Navy, ameliorate the situation?

There is no possible solution other than consolidation.

At the moment of this writing, out of a yard force of 1,426 workmen at the yard I have in mind, 761 of them belong to the construction and repair department and 665 to all other departments combined. At all navy-yards in full operation the construction and repair department force is usually greater than all the other combined, and always has been. The reason is because navy-yards exist principally for the construction and repair of ships. To consolidate the whole is not far to go.

Consolidation would cure also the spasmodic economy evil: One department has no money to do absolutely necessary work, while another department can not find enough work to expend all its funds; one can obtain all the material it needs, another has to take what it can get; one can supply motors for all its power on shipboard, another can not afford generators to give the crew electric lights; one can supply mahogany furniture for every need, another can not replace an article of furniture that falls to pieces from old age; one is worked to the limit of mental and bodily strain to reduce the costs, another rocks along easily, waiting for the quitting bell to ring. One wastes what the other saves.

One of the most expensive luxuries indulged in by the Government is a haphazard administrator—a merely accomplished officer, whose only necessity is to know enough to keep out of trouble, and perhaps, after some experience, to accumulate enough data to engage in a controversy. He is putty in the hands of his foremen. A ship arrives to be overhauled. The foremen make his estimates for him, and in so doing they determine the limits of the estimates. Shall this work be repaired or renewed? The foreman says it must be made new, with suitable gestures. The foreman's judgment usually governs the totals of the estimates. One who is not in a position to know better than his foremen must retreat when the latter present arguments which he knows not how to refute. Likewise the foremen determine the actual limits of the work undertaken, which may overrun the estimates. Foremen are from among the workmen, who are their friends and companions, and it is but natural to look out for new work and hold fast to that in hand. Otherwise it means discharges for the tradesmen, which is not a popular idea among them. Usually when an old ship gets safely moored alongside a navy-yard for a general overhauling she may bid farewell to the world until there is other work in sight.

One must know more than his foremen and have the will power of his convictions in order to be able to limit the work to its proper amount and cost, and he must be very energetic and diplomatic in exemplifying his superiority by a vigorous line of action. When several hundred expensive mechanics are engaged on a single ship, at a cost of several hundred dollars a day, more money can be sunk in shorter time than in any other way at a navy-yard, especially if the workmen are holding on to the job like grim death, with no other work in sight, with a figurehead in charge of the department. If the electric lights go out and the men stand idle for an hour, that is of little consequence where the work of repairs may be drawn out for several months without half trying.

Recently the captain of a ship forwarded to Washington a letter accompanied by a sample copy of each of the different bureaus' blank forms for survey, his contention being that all these forms should be reduced to a single one, applying to all bureaus alike. The stores belonging to one bureau must be included on a separate form supplied by that bureau, and the bureaus' forms differ on account of the differences of the methods and usages of the bureaus themselves. The consolidation of the bureaus handling material would reduce these forms to unity, and thus ameliorate a number of kindred inconveniences.

Another evil which combination would cure is to be found in the prevention of improvements to shipboard machinery where such improvement would transfer its cognizance to another bureau. Thus, steam auxiliaries have refused, at times, for such a reason to give way to motors, long after the auxiliary steam engine stands discredited everywhere else. The limit of bureau cognizance influences and injures the design of a ship in various details, and stands in the way of many improvements.

Likewise, no one may encompass, and be responsible for, the design of a ship as a whole. The art of shipbuilding is amply provided for in point of quality of workmanship, for where a poor job of work occurs the person who did it can always be definitely located; but the science of shipbuilding has no connecting link provided to unit the interdependent functions governing the mobility of a ship. The speed,

vibrations, coal consumption, radius of action, economy of power, water consumption, and horsepower of a ship depend upon three separate and interrelated things, viz, the model, the propeller, and the engines. On the model depend the speed, vibrations, wake coefficient, bow and stern waves, and horsepower. The functions of the propeller influence and depend upon the model, wake coefficient, speed, revolutions, slip, vibrations, depth of water, coal and water consumption, radius of action, indicated horsepower, and economy of operation. On the engines depend the speed, vibrations, horsepower, coal and water consumption, revolutions, radius of action, and economy of operation. The bureau that designs the hull has no "say" with respect to the propeller and engines, and the bureau that designs the latter has no say about the hull; so that no competent person is provided for, or permitted, by the Government to design these three component parts, or to adjust them to secure the best results, or to locate the errors in the completed vessel.

If a new ship fails to attain the desired speed, it may be due to the insufficient horsepower or inefficient propeller of one bureau, or to the lines of hull, foul bottom, displacement, trim, or lack of depth of water at trial of another bureau's consideration. If there are excessive vibrations it may be due to an unbalanced engine, an improperly designed propeller, or a wrong location of the engines with respect to the hull's nodes of vibration of one bureau's cognizance. If the vessel is uneconomical and has a large coal and water consumption and a small radius of action, it may be due to a foul bottom, wrong propeller, excessive steam consumption of engines, or inefficient boilers. There is no one in a position to locate the fault and denote whether it belong to one bureau or the other, nor is anyone in a position to profit by the experience and correct future designs. There is greater reason to combine the design of the whole ship under one head than to combine the two departments building it. A ship is too small to separate its design or its building under any but one head. It may have been necessary forty-two years ago when the shipwright knew nothing of steam or electricity and the separate professions had to be employed to obtain the whole, but at this epoch when a war ship has merged into a machinery plant where hull, engines, boilers, dynamos, and all the other fittings are formed into shape by the same or similar machinery from iron, steel, brass, and copper by the same class of mechanics, there no longer remains an excuse for unnatural subdivisions descended from the olden times. The whole field of the shipbuilding profession today is not more than a specialized branch of mechanical engineering—steam engines, boilers, electricity, and naval architecture. Not even so diversified as the mechanical engineering of commerce, which encompasses the broad field covered by the great variety and differences in machinery, plants, and methods employed in the private industries of the country, but merely the comparatively narrow field of mechanical engineering applying to a shipyard plant only, and the architecture of naval vessels and machinery only; merely the same profession now covered by the curriculum of a single school and encompassed by a single diploma. There is no real barrier to the achievement of modern methods in our tape-ridden navy-yards.

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PRACTICABILITY OF CONSOLIDATION.

Having examined the various conditions in detail we are now prepared to perceive the economic necessities of combination as may be classified under the following subheads:

1. The economical outlay, arrangement, and first cost of the plant.
2. The economical power operation of the plant.
3. The economical administration of industrial labor.
4. The economical purchase and handling of materials.

That is the sum total of the navy-yard needs, and there are no obstacles so far as the rearrangement of personnel is concerned. As with shops and workmen, a surplus of superintending officials may be dispensed with. The workmen may be combined with facility, as with clerks and draftsmen, creating a surplus all along the line. Also, every shop in the plant may be combined into a single one of each class or kind, excepting storehouses occupying several buildings.

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THE NAVY DEPARTMENT.

Efficient navy-yard industry having been provided for in the foregoing, we are now prepared to consider the Navy Department itself. Whatever is best for navy-yard administration is best for the Navy Department, since the real battle ground on which the funds are expended is the navy-yard which determines the economy and efficiency of expenditures. The Navy Department is only a reflection on paper of what navy-yards and shipyards do; it only obtains the lump sums for expenditures, giving general plans and directions, and criticises results effected elsewhere.

The readjustment and consolidation of bureaus is necessary, aside from any features connected with the military administrative needs of the Navy Department which might seem to warrant such a body as a General Staff.

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An executive board, of any composition, would be an unnecessary encumbrance in the Navy Department. But if the Secretary should see fit to create an advisory naval board, he could constitute it by a simple order. The best logic in the creation of the general board appears to have been in the purpose of supplying our then newly created Admiral with an office and duties commensurate with his distinguished services. That object might be attained oven better by appointing him president of the Navy board as above outlined.

The only legislation needed is the following:

1. An act abolishing the Bureaus of Yards and Docks, Steam Engineering, and Equipment, and creating the Bureau of Personnel in the Navy Department.

2. An act creating the office of assistant chief of bureau in each of the bureaus.

With an assistant chief of bureau—already long needed, there being one already in fact, if not in name—the bureau chiefs would have more time to devote to the operations of the Navy board. This board would be merely advisory and dependent, as the present boards in the Navy Department are.

Let it be well understood, however, that a Navy board is not in any way essential to the industrial efficiency of the Navy Department. I merely suggest, not advise, its creation. It may be valuable, to avoid friction and duplication of work inside the Navy Department and to provide an advisory board covering the whole field of military and industrial operations, which neither of the two boards it replaces fully cover, but it can not in anywise influence industrial administration, excepting in so far as it may facilitate the preparation of the general plans and specifications of vessels. Even then it can influence only the time, but not materially the cost, of providing new ships.

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Civil engineers may be attached to naval stations belonging to the Bureau of Navigation, or to the staffs of commandants, or to navy-yards on duty for the Bureau of Construction and Repairs, as their services may be required. Line officers performing engineering duty only may be utilized at inspection duty on shore in an independent capacity in keeping with their rank and eminent abilities. It is immaterial whether they serve a different bureau.

Line officers in general, during their periods of shore duty, may be assigned to inspection and other duties under the technical bureaus.

At private shipyards, line officers may be assigned as inspectors where needed, having separate specified duties.

When the necessary legislation shall have been passed, the Secretary of the Navy shall have the authority to distribute the work among the bureaus, by which the above arrangements may be realized. When that is done, navy-yards will be able to build and repair vessels as cheaply and as efficiently as private shipyards, steadily year after year. The industrial administration may hope for the same measure of success in the future as has ever attended the efforts of the military administrator in the past.

Mr. FOSS. Mr. Chairman, I now yield thirty minutes to the gentleman from Michigan [Mr. LOUD].

Mr. LOUD. Mr. Chairman, men go to sea for pleasure, for health, for profit in commerce, or for glory in war. Of the last I would speak here to-day, and of battles on the ocean which have been decisive in the fate of nations, especially of our own America.

From far-off centuries, 3,000 years ago, came the rumors of naval strife. From Longfellow, writing of these far-off years, in rhyme, we hear:

And shapes more shadowy than these in the dim twilight half revealed
Phœnician galleys on the seas, and Roman camps like hives of bees;
The Goth uplifting from his knees Pelayho on his shield.

It was by means of these "galleys on the seas" that Phœnicia at that time maintained her supremacy among nations.

SALAMIS.

Five centuries later we hear of a great battle on the sea. It is no vague rumor now, for every trifling and interesting detail has been handed down to us by the Greek historians. It is the battle of Salamis, one of the most decisive in the world's history. civilization against barbarism; Greek against the Persian; Themistocles against Xerxes; 380 triremes of the Greeks against 700 triremes of the Persians.

It is told us that in the conference of Greek commanders the night before, when most of them advised against joining battle with the almost overwhelming force of the Persian fleet, Themistocles almost alone urged the attack. Themistocles was taunted by Adimantus with having no city to represent, alluding to the fall of Athens. Themistocles turned quickly upon him and informed him that 200 seagoing ships well equipped and well manned were a city in themselves. In the battle next day the victory was with the Greeks. The barbarian overwhelmed, Athens and Greece saved, Themistocles had in fact a city and a country, and a world's crisis was decided that day upon the sea.

ACTIUM.

Four hundred and fifty years later, 31 B. C., another decisive battle, the battle of Actium; not Greek meeting Greek, but Roman against Roman; the fleet of Octavius against that of Mark Antony and his ally, Cleopatra. All the world looked on and saw Mark Antony's defeat, the end of his high career, brought on by his illicit love for the Egyptian queen, and costing 300 ships and the lives of 5,000 men.

LEPANTO.

Sixteen centuries later, 1571, came Lepanto, another of the world's famous battles. The mighty fleet of Spain and Venice, representing Christian civilization of that age, against the fleets of the infidel Moors and Turks. Nearly even in strength, the 600 ships and the 200,000 men closed in death-grapple. Savagely they fought, the Christian against the infidel, until the Turkish fleet was almost annihilated, only 40 of their 300 ships escaping. The Christian world rejoiced, and Don Juan of Austria, the commander of the Christian fleet, was the idol of all Europe, and his victory was a glorious event in Spanish history.

ARMADA.

A few years later, 1588, came the defeat of the Great Armada, which marked the decline of Spain's glory, then the greatest world power. Intending to overwhelm England, it was itself overwhelmed by the English fleet under those famous leaders, Admirals Howard, Sir Francis Drake, and Sir John Hawkins. From this time forward England has been the great sea power, and up to 1812 nearly always victorious, seldom defeated.

NILE.

Their greatest battle, on which their fame rests, was the Nile, in 1798, a crushing defeat for Napoleon on the sea, such as was Waterloo on land. This battle made a hero of Lord Nelson—almost worshiped by every loyal Briton.

TRAFALGAR.

A few years later followed Trafalgar, 1805, when the English fleet, under Lord Nelson, again won a glorious victory. It was a costly victory, for even as they cheered in triumph all Eng-

land shed tears at the death of their idolized leader—Nelson. Nelson's signal as they closed in battle that day—"England expects every man to do his duty"—has ever since been a watchword in the English navy. This stanza comes down to us from an old song of Nelson and Trafalgar:

We beat them; how, you know, boys;
Yet many an eye was dim,
And when we talked of triumph
We only thought of him.
And still, though fifty years, boys,
Have gone, who, without pride,
Names his name, tells his fame,
Who at Trafalgar died?

Of Trafalgar Allison said:

At Waterloo England fought for victory; at Trafalgar for existence.

ENGLISH POWER SUPREME.

For two hundred years preceding 1812 England had been the mistress of the seas. Two hundred battles they claimed, with only five defeats. One of these five, however, was most humiliating to their pride. It was the battle of the *Bonhomme Richard* and the *Serapis*, September 23, 1779. It came in the dark days of our American Revolution and cheered the hearts of our patriotic ancestors as it has the hearts of every generation of Americans up to to-day, when our hearts swell with pride in John Paul Jones, the father and hero of our American Navy. In his poor old ship, the *Bonhomme Richard*, a merchantman improvised as a ship of war, he was opposed to one of the finest ships of the English navy, the *Serapis*. He had no easy task, for he fought with one of the best captains of the English navy, with a full and perfectly disciplined crew. Captain Pearson, of the *Serapis*, was knighted for the gallant fight he made. Paul Jones, hearing of it, laughingly said:

He deserved it, and if I can but meet him again I will make him an earl.

Who of us that heard it will ever forget the beautiful tribute paid over the remains and to the fame of this naval hero by Gen. Horace Porter at Annapolis:

Untitled knight of the blue waters, "wrathful Achilles of the ocean," conqueror of the conquerors of the sea, the recollection of your deeds will never cease to thrill men with the splendor of events and inspire them with the majesty of achievement. You honored the generation in which you lived and future ages will be illumined by the brightness of your glory.

REVOLUTIONARY STATISTICS.

While this battle was the brightest of our naval achievements in the Revolutionary war, it was not all, by any means.

At the time of the signing of the Declaration of Independence we had twenty-five vessels, only six of them built for war purposes, all the others being improvised from merchantmen. On them there were 422 guns.

Of the great English navy there were on our coast at that time seventy-eight men of war, carrying 2,078 guns.

Notwithstanding our greatly inferior force, the result was astonishing, for at the close of this war it was found that the enemy captured or destroyed 24 of our ships, carrying 477 guns, while we had captured or destroyed 102 English ships, carrying 2,622 guns, and, all told, we captured 800 of their merchantmen and ships of war, with 12,000 prisoners. Many of the merchantmen and transports captured were loaded with supplies and munitions of war for the British army, which were just what General Washington most needed, and gave strength and comfort to his Army.

An eminent authority tells us that out of the twenty most decisive naval battles in the world's history eight of them were victories for the United States Navy.

WAR OF 1812.

After magnificent naval service in the war with Tripoli and the Barbary States we come to the second of these important battles. It was in the war of 1812, when the United States was forced by England to fight for independence on the sea, just as they had forced us to fight for independence on land in the war of the Revolution. It was the first of many victories, for in that war of 1812, out of eighteen battles, our Navy triumphed in fifteen of them.

CONSTITUTION AND GUERRIERE, AUGUST 19, 1812.

The *Constitution*, by defeating the *Guerriere*, one of the finest ships in the English navy, taught them a lesson they were not soon to forget. Far from land, alone on the ocean, they fought it out, ship against ship, man to man, and all England, astonished, woke up to the fact that the despised Americans could fight, and could win as well.

CONSTITUTION'S GLORIOUS RECORD.

Three times in that war did the *Constitution*—or "Old Ironsides," as she was affectionately named by the American people—alone join battle with the enemy, and each time was victorious; first with the *Guerriere;* second, the *Java*, and, third, two ships at once—the *Cyanne* and the *Levant*. No wonder that this grand old ship is still kept, and will be kept for years to come, as a treasured thing, and her memory revered.

LAKE ERIE.

The third victory counted decisive in our national history took place on Lake Erie. Commander Perry's modest message of victory to President Harrison will never be forgotten in American history:

We have met the enemy and they are ours—two ships, two brigs, one schooner, and one sloop.

At the beginning of this war of 1812, so glorious in our naval achievement, it seemed in the beginning a hopeless task. A leading newspaper in England, the London Statesman, under date of June 10, 1812, in an editorial said:

America certainly can not pretend to wage war with us; she has no navy to do it with.

There was reason for that statement, for we had then but 17 ships, carrying 442 guns, and 5,025 men, while our powerful adversary, England, then in the zenith of her naval power, swelled with pride over her recent victories of the Nile and Trafalgar, had 1,048 ships, carrying 27,800 guns, and 151,572 men. And what a result! We conquered them in fifteen out of eighteen battles, captured over 20,000 prisoners, and took or destroyed 1,500 ships, annihilating their commerce.

MONITOR AND MERRIMAC.

The fourth decisive battle came nearly fifty years later, in the war of the rebellion. The little *Monitor* against the formidable *Merrimac*—a David against a Goliath. By the genius of the inventor, Ericsson, the skill of the commander, Worden, and the efficiency of her crew, the *Monitor* defeated her huge antagonist, and the hope of the Confederacy was crushed.

As a boy of 10, I well remember the thrilling story that came to us in Massachusetts from that fight in Hampton Roads and the "cheese box on a raft," as the *Monitor* was admiringly called, and the United States Navy were the pride of all loyal American hearts.

MOBILE BAY.

The fifth decisive battle was that of Mobile Bay, which gave Admiral Farragut the mark of fame, and his order, "Damn the torpedoes, go ahead!" is an example of his terse and vigorous use of the Queen's English. It was Farragut who said:

Give me iron in the men and I shall not much mind the iron in the ships.

KEARSARGE AND ALABAMA.

The sixth decisive battle was that of the *Kearsarge* over the *Alabama* June 12, 1864. As a boy and an eye witness, I well remember the ovation given the *Kearsarge* as she entered Boston Harbor, the first home port made by the ship after the battle, and the next day a schoolboy of 12 in the gallery of Faneuil Hall, called the "Cradle of liberty," I witnessed the banqueting of the gallant crew. Every one of them was 10 feet tall at least in the admiring eyes of we boys.

MANILA AND SANTIAGO.

Seventh and eighth in the list of decisive battles are those of recent date, now ten years ago—Manila and Santiago. They have added new glory to our naval achievements. It thrills our hearts as we recall at Santiago the grand race of the *Oregon* along the Cuban coast, the white foam rolling high in billows from her bows, the black smoke rolling in dense volume back from her huge funnels—a giant bulldog of the sea. And then the last Spanish ship driven upon the beach, all fighting over, what tenderness did our victorious seamen show for the conquered Spaniards. In his report to the Admiral, Captain Evans said:

I can not express my admiration for my magnificent crew. So long as the enemy showed his flag they fought like American seamen, but when the flag came down they were as gentle and tender as American women.

[Applause.]

All the world admired as they read how, as the excited men on the good battle ship *Texas* began to cheer for victory, their captain, Phillip, said:

Do not cheer, boys; the poor fellows are dying over there.

How true the old line, "The bravest are the tenderest." [Applause.]

By the thunder of Dewey's guns at Manila and of our fleet at Santiago a new glory has come to our country. With one bound from a nation of ordinary rank, we have leaped to the front rank of the world powers—no nation on earth more respected than our own. We have never known a decisive defeat on the ocean, but in every decisive battle have been victorious.

All honor to our American Navy and to the glorious record of the United States upon the seas. [Applause.]

I wish we might take a lesson from the history of the Navy of our country. We were not prepared for war at the time of the Revolution. We were not prepared for war upon the sea in the war of 1812, but with stout hearts we won our battles. The God of Battles was with us. But in those days a fleet could be built in months, and now it would be a matter of years.

In our last war with Spain we had a pitifully small navy—five battle ships, two armored cruisers, and thirteen protected cruisers. But what we did have was so well handled that it inured to the glory of our country. We can not always, if engaged in war, be engaged with a country like Spain. If we have a war—and I hope we may never have another one—it may be with some of the stronger nations of the earth, and it behooves us to be ready for anything that may come.

I can not subscribe to the remarks of the gentleman from Alabama [Mr. HOBSON] when he says that he believes the nation is on the apex of a volcano, ready to be blown out of existence if we do not have 100 battle ships. Neither can I subscribe to the doctrine of peace advocated by the gentleman from Missouri, whereby we shall do away with all battle ships and all navies as a business proposition. Since this country came into existence we have been engaged in war six different times—on an average once in twenty-five years, and on the law of chances I can not predict otherwise than that by some decree of fate, we know not how or when, we will again be embroiled with some other nation of the earth, and it is living in a fool's paradise to say that because we have peace to-day there never again will be war.

If we need a navy, we need a strong navy. We need a strong navy, or else we need none. And if we are committed to a navy, as we are to-day, it is a question of how strong a navy we should have.

We men each have our own ideas upon that. My belief is that we should have a navy second in strength to any nation in the world. By that I do not mean that we should equal England, which is the strongest naval power, but that we should have a navy stronger than the next power. At present that nation is France. My figures show that England has to-day eighty-four battle ships and armored cruisers built and ten building, or a total of ninety-four, with a tonnage of 1,208,000 tons. France has fifty battle ships and armored cruisers built or building, with a total of 589,000 tons, considerably less than half the strength of England. The United States has built and building forty-one such ships, with a tonnage of 563,000 tons. It is my belief that we should have a navy 20 per cent, or thereabouts, stronger than any other nation except England.

Mr. GARRETT. Why except England?

Mr. LOUD. Because England has other considerations than we have. She has a great colonial organization to care for and has a great commerce to protect. I regret that we have not one also, but her merchant marine is a source of weakness in time of war.

And, again, it is argued by those who have studied the matter that England should always be prepared to meet any two nations on earth, it being considered there may be some coalition between two or more nations as against England. That is advanced as an argument for the size of her navy.

Mr. GARRETT. England has usually been equal to the expectation by making a coalition with one or two others herself, has she not?

Mr. LOUD. I think so.

Mr. KENNEDY of Ohio. Is it not true that, so far as England is concerned, in Canada we have a sort of hostage for her good behavior?

Mr. LOUD. I am not looking for any trouble with England, and I may say at this time that I am not looking for any trouble with Japan. I was in Japan a short time ago, and if I am a judge of any people I ever visited, there is no people that would be more glad to be friends with another nation than Japan would be to be friends with the United States, and only some act of ours can ever force war between the United States and Japan. Every interest of Japan is for peace with us.

At the present time their financial condition is not such as would warrant their embarking in any war. It would be the last subject they would contemplate, and then besides we are the greatest consumer of her exports. We would be the last nation that she would undertake to engage in war with if it were left to any volition of hers, and her people feel most friendly to us and have for fifty-five years, since Perry landed there in 1853 and made the first commercial treaty with Japan.

Next we come to the question of how many ships we ought to authorize this year. I would subscribe, if I could, to what I believe to be a consistent business programme, and that is that we should build two battle ships each year for the next ten years or more. In this country, however, one Congress can not by its action bind a succeeding Congress to any such programme. In sentiment I am for a large and a strong Navy, and because we have no guaranty what other Congresses will do I shall vote at this time, if I have the opportunity, for four battle ships, although I would far rather, if I could see a systematic policy inaugurated, vote for two each year for ten years.

There is one subject which is of great interest to me, and that is the subject of colliers for our fleet. When I was at Hampton Roads on the 16th of December, watching that grand fleet of ours sail out of Chesapeake Bay——

Mr. GILL. Will the gentleman permit a question?

Mr. LOUD. Yes.

Mr. GILL. The gentleman is speaking with some interest about colliers. I would like to ask the gentleman if he can explain or if he understands why it is that the Secretary put out of commission two colliers in San Francisco for the purpose of putting in commission one hospital ship, if the navy needs colliers?

Mr. LOUD. As I do not know that he has done so I will have to refer the gentleman to the Secretary of the Navy. I can not answer that question, but I will state that I would put out of commission, if I had my way, three-quarters of all the colliers now owned by the United States Navy, for the reason that they are so small in capacity that no business man in the United States who was carrying coal for profit would dare to use such small vessels for carrying coal as a business proposition. Still, because they are handed down to us from the Spanish-American war, and we have no others, we are using them.

Mr. GILL. I understand the Government bought those because of necessity. They bought the colliers that the gentleman refers to during the Spanish war?

Mr. LOUD. Certainly. As that fleet of ours steamed out into the Atlantic from Hampton Roads there was not with them a single collier. No provision had been made for the transportation of coal to go with the fleet. In order to have the fuel for making that long trip around to San Francisco they have been forced to send colliers ahead at the different ports along the route, and that coal, except what little was carried in Government colliers, was carried, with one exception, in foreign bottoms.

In case of war we could only wonder what condition we would be in, with a great fleet of battle ships without a single suitable collier to carry the coal for the fleet. When I say a "suitable collier" I mean a different collier from anything which we possess to-day. We are building now two colliers, one at the Mare Island Navy-Yard and one in the New York Navy-Yard. Each one of those colliers are to carry 6,000 tons of coal and are to have a speed of 16 knots per hour. Anyone who knows anything about boats realizes fully what it costs to get this great speed of 16 knots per hour. It doubles the cost of the ship, increases the size of it, the number of boilers required, more powerful machinery, and all that. I believe when we build colliers of that speed we should at least get a collier capable of carrying from ten to twelve thousand tons of coal each trip. Upon the Great Lakes, as a business proposition, that subject has been thrashed out again and again, and the five and six thousand ton collier has gone to the rear.

Now, the men who are prospering in business upon the Great Lakes in the carrying trade must build boats to carry ten to twelve thousand tons, and if you stand upon the banks of the Detroit River at Detroit you will see, hour after hour, a procession of great steel vessels passing up and down, and all the latest ones built to carry from ten to twelve thousand tons of coal or iron ore. They have been demonstrated to be the most profitable boats to carry cargoes for the least cost, and so it seems to me that if we are to build colliers we ought to build them of adequate size in which coal can be carried at a reasonable cost.

Mr. ADAIR. I would just like to ask the gentleman a question——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAIR. How was the coal carried during the Spanish-American war? You say we did not have colliers sufficient.

Mr. LOUD. We hunted the world over, and bought every old thing we could buy.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FOSS. I yield five minutes to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, yesterday afternoon the gentleman from New York [Mr. PERKINS] made a speech upon the paper and pulp industry of the United States, during which—

unwittingly, no doubt, because our relations are of the most intimate and friendly character—he made some aspersions upon myself. For this reason I desire to correct some misstatements in his speech, because I believe they ought not to stand upon the record uncontradicted by the facts. I make this statement not in the interest of any company, because I have no interest in them; nor because I desire to shield any company from any prosecution, because I believe that any company, no matter whether in the paper business or in any other industry in the United States which by combination of interests have violated the law and are endeavoring to control prices ought to be punished to the fullest extent that the law authorizes. The first misstatement which was made was in his opening remarks about the immense amount of wood which was consumed by the company which he was attacking, the International Paper Company, wherein he said:

Which certainly has been a large consumer of our diminishing stock of wood.

The fact is that this company consumed just 1.6 per cent of the wood which is cut in the United States. The next misstatement made is in regard to our tariff on pulp and paper. I am astonished that so intelligent and so well-read a gentleman should spread before the country the statement which he yesterday made. He said:

The first thing that was done prior to the organization of the International Paper Company was to raise the duty. The duty on print paper at that time was $3, which was more than sufficient, but with a prudent regard for future development, the duty, which was already prohibitory, of $3 was raised to $6.

The gentleman did not seem to know the theory upon which our tariff was formulated and the tariffs before it. The Wilson tariff was formulated upon an ad valorem duty of 15 per cent, and our friend from New York has arrived at this duty by figuring 15 per cent on 2-cent paper, which would amount to three-tenths of a cent per pound, and he has arrived at $3 a ton by multiplying 15 per cent by two, whereas this being three-tenths of a cent per pound multiplied by the ton would amount to $6, which is the correct statement in regard to the case. Now, the Dingley tariff was formulated on a specific-duty basis, and that specific duty in regard to the tariff upon paper was just the same as the Wilson tariff, so that if you multiply in the same way you did before, you have the same duty which you had previous to its enactment, the same duty, substantially, a Democratic Congress placed upon that product.

That shows the fallacy of that statement in regard to the tariff duty.

Mr. LITTLEFIELD. That is, you get the same result under each bill?

Mr. TIRRELL. You get the same result under each bill, and therefore neither the International Paper Company nor any other paper company in this country can be shown as coming before Congress in order to raise the duty in order to carry on their business or organize their company.

The next misstatement is in regard to the value of paper plants. He says in his remarks that there were some of the companies taken in by the International Paper Company that were worth a good deal and that a good many were worth nothing, and the capitalization was produced by erroneous valuation of the plants, which should have been estimated at their capital value only. He cites one paper-mill company with a capital of $500,000 where securities were issued by the International Paper Company to the amount of $2,250,000. Now, the fact in regard to the building of paper mills is that there is no paper mill in this country that can be built to-day, according to the estimates of experts, at less than $30,000 a ton of paper produced, and as the International Paper Company produces 1,700 tons of paper a day, if you multiply it by what experts say you have a valuation of $51,000,000, which is about the total valuation of this company to which I have referred, common stock and all.

You might just as well say that these companies which were capitalized thirty, or forty, or fifty years ago, many of them, and which have been adding to their plants, increasing them, doubling them, tripling them, buying wood lots, and so forth, with the same capitalization, are worth no more than they were when the capitalization was first formed. Take the Chemical National Bank of New York, the par value of whose stock is $100, and that same stock is sold for about $1,500, and there would be just as much consistency in the gentleman saying the Chemical National Bank stock was worth only $100 as to say that these paper companies, which have been multiplying their resources all these years, are only worth what they were originally capitalized at forty or fifty years ago. Now, there is one asset alone which this company possesses which is worth as much as the gentleman from New York [Mr. PERKINS] said the entire plant was worth. The horsepower which has been developed by this company is 150,000, and there is no engineer of experience in this country who will tell you that you can on the average develop horsepower upon rivers or anywhere else at less than $100 for each horsepower, and if you will multiply by the entire horsepower you will find that the capitalization value of these companies, the value of this company in its horsepower alone, is worth as much as he says the entire plant of the twenty-four companies which they absorbed.

The next misrepresentation which the gentleman made was in regard to the dividends which this company had paid upon its common stock. He said in his speech that it was perfectly possible to sell stock to an eager public if it paid dividends on its common stock at the rate of 4 per cent covering a period of two years. As a matter of fact, it paid 1 per cent in July, 1898, and 1 per cent in October, 1898, and that is all it has ever paid upon that common stock.

The next misstatement the gentleman makes is in regard to the salary which is paid to its president. He says that they were exercising economy, and then sarcastically added:

It is stated that the salary of the president of the new corporation was fixed at $50,000—a very favorite form of economy.

As a matter of fact, the salary of the president of this company is, and has been, $25,000 a year, not an excessive sum in view of the enormous business and great responsibilities which devolve upon him. I wish also to add in this connection, in order to cover this subject, what is said in an article which I will read in regard to the organization of other paper companies throughout this country. Now, the Great Northern Company of Maine is the largest paper manufacturing concern in the United States outside of the International, and probably in the——

The CHAIRMAN. The gentleman's time has expired.

Mr. TIRRELL. I would like just one minute.

Mr. FOSS. I yield one minute more to the gentleman.

Mr. TIRRELL. Now, this company produces 300 tons, or did produce at the time this statement was made, 300 tons of paper a day. It had cost that company, with the benefit of all experience in constructing paper mills in past years, $9,000,000, and they built it cheap. Now, then, if they produced with a capital of $9,000,000—or, rather, with an expenditure of $9,000,000 on their plant—300 tons a day, and the International Paper Company produces 1,700 tons a day, or more than five times as much, if you will multiply the figures, you will find that five times $9,000,000 would be $45,000,000; and then you have got a surplus to work on which would bring up the cost of the plant of the International Paper Company to duplicate to-day to $50,000,000. I wish these remarks, Mr. Chairman, to be placed upon the RECORD in order that the paper manufacturers of the country may have the facts just as they are and receive a square deal, if it comes to action, that I believe they will receive from the Congress of the United States.

Mr. PADGETT. Mr. Chairman, I yield thirty minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, a short time ago the gentleman from Michigan [Mr. TOWNSEND] arose in his place and delivered a speech in this House because, to use his own language, he could no longer possess his soul in patience while gentlemen lost sight of the qualities of exalted American statesmanship and descended to the plane of the politician to claim a credit they did not deserve.

The direct and immediate cause of his great anguish of soul, as disclosed by his speech, was the fact that Democrats refused to accord unstinted praise to Republican administration, and were wicked enough to try to deprive the Republican party of the credit the gentleman seems to think that party is entitled to with reference to railroad rate and antitrust legislation and the enforcement thereof.

In the brief time now allotted to me I desire to call attention to a few well-authenticated facts, so that the Members of this House and the country may judge therefrom for themselves whether the past record of the party to which the gentleman belongs is altogether worthy of the encomiums he has pronounced upon it, and who it is, if any one, that "has lost sight of the qualities of exalted American statesmanship and descended to the plane of the politician."

The gentleman claims that the regulation of railroads by Congress is of Republican origin and of Republican legislation, and to prove this contention he refers to bills and resolutions by various individual Republicans introduced from time to time, beginning in 1865 and running up to 1887, when the Cullom bill was passed. Mr. Chairman, I shall not take time at present, as I do not deem it necessary, to inquire just what these bills and resolutions were, or whether or not any individual Democrats, during this period, were concerned with railroad regulation. But I do want to say that although such bills

and resolutions as mentioned by the gentleman from Michigan may have been introduced by Republican Congressmen the fact remains that the Republican party refused to enact any of them into law, although it was in full and complete control of the Government nearly all of that time.

Let us examine the record. At two different times during that period Congressional committees made investigation of railroad abuses and reported their findings to Congress. The Windom report, in 1873, was very exhaustive and evinced a very thorough investigation. It declared that there existed very gross defects and abuses in the then existing system of transportation, which consisted of insufficient facilities, unfair discrimination, and extortionate charges, and as the principal causes of such extortionate rates this report assigned stock watering, capitalization of surplus earnings, construction rings, general extravagance and corruption in railway management, and combinations and consolidations of railway companies. This committee, after reaching these conclusions, went further and expressed the opinion that the promotion of competition would not permanently remedy the evil for the reason that, as a general rule, competition among railroads ends in combination and in enhanced rates; and therefore the committee recommended Congressional regulation under the power to regulate commerce among the several States as the only effective remedy.

According to the gentleman from Michigan himself, petitions from the people poured into Congress from every direction praying for relief. So that the gentleman is very unfortunate in the evidence which he brings forward in favor of his party. He proves too much. He proves that individual Members of Congress during the period mentioned introduced bills repeatedly for the regulation of railroads; that committees appointed for that purpose thoroughly investigated and reported upon the evils, abuses, and extortion of railway practices and suggested remedies, and that the people sent up petitions from every direction. But he also shows that his party, which was in power, utterly disregarded all these things and took no steps to give the people relief.

Mr. Chairman, the truth is the first real move toward the regulation of interstate commerce was the introduction of a bill in the House of Representatives in 1878 by a Democrat, the Hon. John H. Reagan, the grand old Commoner from Texas. [Applause on the Democratic side.] This statement, I believe, is confirmed by all the authorities except the gentleman from Michigan. The Reagan bill was a comprehensive and well-planned measure, and the RECORD will show that he pressed it vigorously upon the attention of Congress until he secured its passage in 1887 by a Democratic House of Representatives during the first Democratic Administration since the war. [Renewed applause on the Democratic side.]

But the gentleman from Michigan belittles the Reagan bill, because it did not create a Commission, notwithstanding it provided that its provisions should be enforceable in both the State and Federal courts. He contends that the omission of the Commission feature takes Judge Reagan entirely from the list of those who can claim to be pioneers in the movement for railway regulation, although he mentions with praise the most trivial bills on the subject introduced by Republicans. In doing this, of course, he keeps constantly in sight "the qualities of exalted American statesmanship."

The reason the Reagan bill did not become a law was because the Senate was Republican. That body passed the Cullom bill instead, which, as a compromise, was accepted by the House and became a law. The Cullom bill provided for a Commission, and this fact is mentioned by the gentleman from Michigan with evident pride.

Mr. Chairman, I have no doubt every Democrat upon this floor is willing to accord to the Republican party all the glory it claims for having put the Commission feature into the Cullom law, because it must also claim the glory (?) of omitting to confer upon that Commission any power. You were so afraid of interfering with the business of the railroads that you merely set up a dummy, with practically no power except to receive its salary. This the Supreme Court made plain to the people by a decision which it rendered in 1897, and from that time until this the Republican party has had full and complete control of every department of the Government, and could at any time have passed an effective law.

But what have been the facts? Immediately after the decision was rendered to which I have referred by which the people were advised that they were still at the mercy of the railroads, organizations of farmers, of merchants, of manufacturers, and of other shippers began to pass resolutions and to send up to Congress petitions asking that the Cullom law be amended. They wanted to have some substantial power conferred upon the Commission. The Commission itself from year to year in its reports called attention of Congress to its absolute want of power and its helplessness to afford any protection to the people. In addition to this, the Democratic party, in national convention in 1896, 1900, and 1904, in specific and emphatic terms demanded such legislation. The press of the country advocated it. Bill after bill was introduced in Congress by both Democratic and Republican Members favoring it.

Notwithstanding all this, what did your party do? Absolutely nothing. For nearly ten years it completely ignored the question. Its platforms, the party creed, made no reference to it, and as a party you remained absolutely indifferent, during all of which time the people suffered the grossest abuses, extortions, and oppressions at the hands of unbridled railroad monopoly. You folded your hands complacently and, with a criminal disregard of your duty and obligation to the public and without sympathy or compassion, you witnessed the robbery and oppression of those to whom it was your duty to afford protection.

Did I say you did nothing? I think I should modify that. There was one feature of the Cullom law which was good, and that was the provision for a penalty of imprisonment against rebates and discriminations. This penalty you concluded was too severe upon the poor railroads, so in 1903 you repealed the imprisonment part of the penalty and fixed it so that whenever the courts should find a railroad guilty of rebating, they could impose only a pecuniary fine, which the railroads could collect back from the people.

Mr. Chairman, this favorable attitude of the Republican party toward railway abuses continued without interruption until 1906, when the so-called "Hepburn bill" was passed, and, as I shall presently show, did not wholly disappear then. However, before I undertake to point out the inadequacy of the Hepburn law, I want to call attention to the fact which every observer of the legislative history of the times already knows, and that is, the Republicans in Congress continually refused to take up the railroad question with any serious intention of further legislation until they had lost the support of the President in their do-nothing policy and could no longer resist the just demands of an outraged people. As long as your party platform was silent upon the question and your President ignored it, you had the courage to withstand the entreaties and importunities of the people; but when Mr. Roosevelt broke away from you and said the Democrats were right, that the powers of the Commission ought to be enlarged, it was such an admission against interest you were forced to a realization of the fact that you had to heed or go out of power, and the Hepburn law was the result.

Mr. GAINES of West Virginia. Will the gentleman permit an interruption?

Mr. SMITH of Texas. I am sorry I can not yield; I have only a limited time. If any gentleman on the other side wants to deny what I have said, let him explain to the country why the Republican party for nearly ten years viewed with such complacency every abuse in the management and operation of the railroads of the country that cunning, greed, and avarice could devise and never raised its hand nor uttered a protest.

Now, Mr. Chairman, the Republican party having been forced, in the manner I have stated, to take some action, let us see to what extent it has gone toward meeting the needs of the people. The Hepburn law was passed. For the want of a better bill it received the support of the Democrats. This law has a number of good features, but very serious defects. The Republicans were still so afraid they would do the railroads an injustice that they again left them free to fix their own rates and conferred upon the Commission the very smallest power of supervision over rates they could possibly find words to express. They do not permit the Commission to investigate and adjust a single rate upon its own initiative. Every person who is made the victim of railway extortion is required to go before the Commission with formal complaint, and at his own expense contest with these giant corporations backed by their able and expert counsel and millions of money. Such a contest is so unequal and expensive that the citizen, as a general rule, will prefer to suffer the abuses to which he may be subjected rather than to undertake it.

Mr. Chairman, no one will contend for a moment that there is any competition in rates among the railroads. We all know that the rates charged for transportation are never the subject of negotiation and contract, but are determined by the will of the carrier and enforced upon the shippers. And who ultimately pays transportation charges? The great mass of consumers of the country. Those by whom such charges are primarily paid are, of course, the shippers or middlemen, who

ordinarily do not concern themselves as to the amount so long as they are not discriminated against in favor of a competitor in business. No matter how extortionate and unjust rates may be they shift them to the backs of the consumers, who have no right of complaint and no mode of redress.

And, sirs, there is no expense so pervasive and universal as the cost of transportation. It constitutes an important part of the cost of every article employed for the sustenance, comfort, and gratification of man. It is a tax upon every article we use in our daily living, and the amount of it is fixed and forced from us by irresponsible railway officials with no restraint except such as is imposed by that natural law which determines "what the traffic will bear."

To illustrate the importance to the people of every change in rates I call attention to the fact that the gross earnings of the railroads of this country for the year 1907 was the enormous sum of $2,585,913,000. An advance in rates of 1 per cent would have taken from the pockets of the people an additional amount of $25,859,130; an advance of 5 per cent would have taken from them $129,295,650 additional, and a 10 per cent advance would have increased their burden $258,591,300.

Such power for extorting money from the people, in my humble judgment, should never be, by a free and liberty-loving people, allowed to remain in the hands of private corporations or individuals, however fair-minded they may be.

Do you contend that the railroads do not abuse this extraordinary power? I only have to call your attention to the fact that since the Hepburn law went into effect there has been a material advance in rates, and the report of the Interstate Commerce Commission for 1907 shows that millions have been taken from the people by the railroads in excess of what I believe they were entitled to. That report shows that the railroads of the United States that year, after paying from their net income interest, rents, betterments, taxes, and miscellaneous items and dividends, had left a surplus of $132,200,140. The Commission advises me that the term "betterments," as used in this report, means permanent improvements to existing structures which increases their value, but I have been unable to obtain a statement as to the amount which was put into betterments out of the income account of the railroads for the year 1907. For the year 1906 the amount was about $50,000,000. Assuming that the amount for 1907 was no more, it is shown that the railroads took from the people that year over $182,000,000 more than was necessary to pay all legitimate items.

Mr. Chairman, I deny the right of the railroad corporations of this country to levy a tax upon the people for money with which to make permanent improvements, which add to the value of their property, and in addition thereto produce a surplus to further enhance the value of their stocks.

I contend that railroads are entitled to a fair and reasonable return upon the value of their property and no more. This much is guaranteed to them by the Constitution and can not be taken from them by any legislative or administrative power of this Government. Subject to this constitutional restriction the power of Congress to regulate interstate rates is supreme, and I submit that it ought to be exercised for the protection of the helpless millions in this country against extortion. If the gentlemen on the other side insist upon claiming credit for all our railway legislation, they must also assume responsibility for its defects and shortcomings. Neither the present law nor any former law gives the people any protection against extortion in railway rates. It seems to have always been the policy of the Republican party to give to the question of rebates and discriminations what little attention they give the railroad problem at all. Extortion has been completely overlooked. It has been all right for the railroads to rob the people provided one railroad did not rob more than another.

Mr. Chairman, in my judgment, there is but one remedy, and that is to give the Commission the power to fix rates. Clothe that body with the authority and cast upon it the duty to act upon its own initiative. The Supreme Court has declared that a railroad corporation is created for public purposes and that it performs a function of the State. If this be true then the State has the right to regulate and control the functions which railroad corporations exercise. Many of the States have already conferred this broad power upon their commissions, and such power is now being constantly exercised in fairness and justice to the railroads and for the protection of the people. The same power ought to be conferred upon the Interstate Commerce Commission to be exercised over interstate commerce. You have the power. Will you do it? I proposed it in an amendment to the Hepburn bill, but it was voted down. I propose it in a bill now pending before this Congress. President Roosevelt recommends it substantially in his recent message. Now, it is for you to answer whether or not you will grant such power to the Commission. I presume it is vain for me to hope that you will, for it has never been the policy of your party to place any obstacle in the way of private monopoly or to protect the people from insatiate greed and avarice.

CAR SERVICE.

Mr. Chairman, there is another phase of the railroad question that has been neglected. Certain business interests of this country are suffering great injury, some of them almost complete destruction, because the railroads neglect to furnish cars and to move freight with proper diligence and dispatch.

It is the duty of the railroads to furnish cars to shippers and transport freight without unreasonable delay, but in some parts of the country they are not doing so. They not only charge what they please for the service, but they perform the service in the manner best suited to their own convenience and mainly in the interest of stockholders. They ought to be compelled to recognize their obligation to the public, and to this end adequate penalties ought to be provided. In the last Congress and in this I introduced a bill to cure this evil. Witnesses have been brought here who are engaged in the live-stock business in the West, and they have appeared before both the Senate and House Committees on Interstate Commerce. These witnesses have detailed before these committees a state of affairs resulting from this willful neglect of duty on the part of the railroads sufficient not only to shock our sense of justice, but to excite our deepest sympathy and commiseration.

We seek to impose no new or impossible or unreasonable duty upon the railroads. We only demand that they perform the duties with which they have always been charged. We want to require of them only reasonable service. We demand that they shall be required to have some regard for the rights and welfare of the public as well as for the pockets of stockholders.

Upon this question your President has again shown his courage by breaking away from you. In his special message to Congress on January 30 last he urges this legislation. What are you going to do about it? We shall await with anxiety and with as much patience as we may the action of the committees on this measure and the pleasure of those on whom rest the responsibility for the legislation of this country. You may be able to resist the influence of the President and refuse to pass this measure, but if you do I warn you now that there are hundreds of thousands of sovereign American citizens in this country whose business is being ruined by the neglect of the railroads who will hold you responsible.

Mr. Chairman, I want it understood that I have no animosity toward the railroads. I would not do them an injustice, but they should not do injustice to the people.

TRUSTS.

Mr. Chairman, I now come to the trust question. The gentleman from Michigan [Mr. TOWNSEND] correctly admits that Democrats have always been opposed to the trusts; that they have in the press, on the stump, and in convention fought and condemned the trusts, yet he argues that our antitrust legislation is of Republican origin and has been the subject of Republican enforcement almost exclusively.

If the gentleman had desired to remain upon the high plane of "exalted American statesmanship"—and my respect for him is such that I have no doubt that he did—it seems to me that it would have been only fair for him to have gone further and admitted that it was through the counsel of such able constitutional lawyers as Vest in the Senate and CULBERSON in the House, both Democrats, that the Sherman antitrust bill was put into constitutional form, and that in accordance with the unvarying sentiment of the Democratic party it received the support, practically, of every Democrat in Congress. [Applause on the Democratic side.]

And, Mr. Chairman, there is another important fact which the gentleman saw fit not to mention, but which I think he ought to have mentioned, just to keep his history straight if for no other reason, and that is, that the trusts themselves are of Republican origin. [Renewed applause.] They are the outgrowth of a vicious system of government for which the Republican party alone is responsible, and which it can no longer defend.

The people of this country can not be further misled into the belief that your tariff policy has been for the just and reasonable protection of American industry and labor, for they are convinced that that policy has gone far beyond the point of such protection. They are convinced that it is what the dominant forces in the Republican party intended it should be—a veritable Chinese wall around our borders to prevent competition from

abroad. They are convinced that its object and purpose was and is to aid an unscrupulous and greedy band of commercial and industrial pirates in holding up the people of this country for the purpose of extortion and plunder. [Applause on the Democratic side.]

I am speaking more particularly of the Dingley law, which I understand is the highest tariff law that was ever enacted by any nation in any age of the world. The conditions brought about by that law have become intolerable. Being protected from competition from abroad by the barriers which that law erects, the beneficiaries thereof have, by every scheme, device, conspiracy, and combination that greed and cunning could invent, eliminated competition at home. More trusts have been formed in this country in the last ten years under the operation of the Dingley law than in all the previous history of our Government. They have multiplied in number and grown in power until their imperious sway has been extended over almost every field of human industry, and they hold in their heartless and monopolistic grasp almost every article of necessity in daily use among the people. [Renewed applause.] They dictate prices to the producer and extort tribute from the consumer, while they dictate to labor the terms and conditions of employment. The citizen can not escape their power. As tax gatherers they stalk in multitudes by his side by day and by night, and without sympathy or compassion demand and collect a tax upon almost every purchase or sale his necessities require him to make.

Mr. Chairman, this is no fairy tale, but a hard and cruel fact, which casts its hideous and sickening shadow over millions of helpless homes in this country. And this is not all. These monopolies which you have fostered have flooded this country with their securities, which have for their basis no real property value, but have for their support only their monopolistic power to extort from the people. The returns from these securities usually being so attractive by reason of being so remunerative, many of the bankers of the country invest heavily in them the money of their depositors, and what is the result? Even a threat of prosecution against these monopolies for violation of the antitrust laws creates fear and distrust and precipitates a panic. The very system is rotten, and there seems to be no protection or relief to the people except at the cost of widespread business disaster.

You can not deny that this is the situation in this country to-day, and who is responsible for it? You may go on trying to deceive the people by discussing what was or was not done during the Cleveland Administration, but you will not succeed. They know that the Democratic party has had full control of the executive and legislative branches of this Government only two short years out of the forty-three since the war. It matters not how much you may protest, deny, or argue, they know that the trust evil has become so very acute only since the passage of the Dingley law; that hundreds of them exist to-day in aggravated form as a consequence of that law, whereas comparatively few existed before; and yet, whenever it is suggested that the Republican party has not been as active and diligent in the enforcement of the antitrust law as it should have been, some gentleman on the other side, from his high plane of "exalted American statesmanship" rises in his place and in solemn tones reminds the country that there have been a larger number of trust prosecutions during the Administration of Mr. Roosevelt than during the Administration of Mr. Cleveland. The gentleman from Michigan [Mr. TOWNSEND] himself unloaded this bit of argument upon the House in the speech to which I have already referred.

Mr. Chairman, I am not here to defend the Administration of Mr. Cleveland. I shall not criticise it further than to say that because there arose in the minds of the Democratic masses a conviction that the sympathies of Mr. Cleveland, like those of the leaders of the Republican party, were with the devotees of predatory wealth, the Democratic party long ago repudiated many of his policies as the only means of deserving Democratic support and of preserving the existence of the Democratic party.

But whatever may be said in criticism of Mr. Cleveland's Administration, it is a fact that there were more trust prosecutions during his term than there were during the term of Mr. Harrison immediately preceding and more than there were during the Administration of Mr. McKinley immediately succeeding, and as many, lacking only two, as there were during both the terms of Harrison and McKinley. [Applause on the Democratic side.] The gentleman possessing the "qualities of exalted American statesmanship" to such a high degree forgot to call attention to these facts, although they were clearly embodied in a printed statement issued by the Attorney-General on December 2, 1907.

The truth is, as is shown by that statement, the Sherman antitrust law ever since its enactment has virtually been a dead letter. Harrison did not enforce it, Cleveland did not enforce it, McKinley did not enforce it, and Roosevelt has not enforced it. During Harrison's Administration there were only seven cases, four civil and three criminal. During Cleveland's Administration there were only eight cases, four civil and four criminal. During McKinley's Administration there were only three cases, all civil. And during Roosevelt's Administration, extending over a period of more than seven years, during which time hundreds of trusts existing in violation of law have daily plundered the American people, there have been only thirty-five cases, seventeen civil and eighteen criminal.

The Sherman antitrust law became effective on July 2, 1890, nearly eighteen years ago. Since that time trusts have multiplied from year to year, have driven competition from business, plundered the people, forced individual proprietors into bankruptcy, oppressed labor, debauched and corrupted our political life, and defied Congress and the courts. All this in violation of the law, for which in the eighteen years there have been instituted in the courts by our Government only fifty-three cases in all, including both civil and criminal. And the results from these cases, as shown by the Attorney-General's report, have been extremely meager. Outside of a few injunctions granted there have been only eight convictions in criminal cases, in which merely fines were imposed aggregating the sum of only $96,000, far less, I dare say, than the amount wrongfully extorted from the people by these unlawful combinations every day in the year. What would you think of only twenty or twenty-five prosecutions for theft out of thousands of violations of the law against theft. Such a thing would be absolutely ridiculous, and yet it would be no more ridiculous than the record that has been made in the matter of trust prosecutions.

Mr. Chairman, in order that the people of this country may no longer be deceived by the false claim so often made by Republicans, I shall, by permission, insert in the RECORD, as an appendix to my remarks, the statement of the Attorney-General to which I have already referred. I want the people of this country to read it, and then in connection with it I want them to read the list prepared a few years ago by the gentleman from Maine [Mr. LITTLEFIELD] and which was inserted in the RECORD on December 12 last by one of the Senators, containing the names of more than 400 big trusts existing in violation of law. The number, no doubt, has greatly increased since the list was prepared. Let the two documents be read together and I dare say they exhibit an example of official dereliction and political hypocrisy never surpassed in any age of the world.

Mr. Chairman, not a single individual has ever been sent to jail, and what excuse does the President give? In his message to this Congress he says jurors are quite willing to fine the corporations, but will not imprison individuals. With all due respect to the President, I must deny that such is the case, and in support of my denial I appeal to the President's own experience. I do not find any case in the Attorney-General's statement in which an individual was tried before a jury and acquitted, and I find only one criminal case against an individual submitted to a jury at all. I think I know something of the temper of the jurors of this country. The average juror will convict in any sort of a case if proven, but especially would he convict those who employ an unlawful combination of capital to plunder the public. I suppose it was because of the peculiar views which the President holds on this question that he did not prosecute the individuals who organized the Northern Securities Company, and who went ahead after the company was dissolved and, by individual combination, did, without a corporation, the identical same thing they were prevented from doing with one.

Mr. Chairman, the attitude of the Republican party with regard to the enforcement of the antitrust law is well illustrated by the President's appointment of the present Attorney-General, whose antipathy to antitrust legislation is well known. In the proceedings of the antitrust conference held at Chicago a few years ago, there appears a speech by Mr. Bonaparte, in which he made the following remarkable statement:

> Emphatically no legislative action or restraint of combinations, whether by Congress or State legislature, is desirable. Our public men (with, I need say, some honorable exceptions) are wholly unfit to deal with any such matters. The attempt will be highly demoralizing to all concerned, the practical results (except in the levy of blackmail) altogether nugatory.

And in discussing the tendency toward combination, he said:

> Whatever we may think, we can not prevent it, except at the price of liberty and civilization.

As the Attorney-General did not favor any legislation in regulation or restraint of trusts at all, and as he considered that any such legislation would be without practical results, except in the levy of blackmail, it was no doubt his opinion that no one was competent to legislate upon the subject except those who favored the trusts; and as he believed trusts could not be prevented except at the price of liberty and civilization, of course he did not believe in trying to prevent them, and therefore could not believe in the enforcement of the antitrust law. And yet this is the man the President has put at the head of the Department of Justice, which is charged with the duty of enforcing this law. Has Mr. Bonaparte changed his views upon this question? He has never said so, and you would never suspect he had from the record he has made in the office. The statement which he has furnished to the country fully sustains his patriotic sentiments, for it shows he has done practically nothing which, according to his own peculiar notions, would have been done "at the cost of liberty and civilization."

Mr. Chairman, the history of the Republican party upon the trust question has been a most remarkable one. Until within the last few years Republican leaders have persistently denied the existence of trusts, and contended that if any did exist they were largely private affairs with which the public had nothing to do. When forced to admit that many trusts had grown up in the country they then contended that the trust was a necessary evolution of our civilization and was beneficial to the people. When further publicity disclosed some of the evils of the trusts they began to contend that while there were some bad trusts there were many good ones, and that it was better to endure the evils of the bad ones than to deprive ourselves of the blessings of the good ones. But when they can no longer deceive the people, when they can not further resist the overwhelming tide of public sentiment which comes up from an outraged people, the Republican party suddenly becomes a reform party and asks that we continue to intrust it with the duty of giving the people relief.

It pretends a warfare upon its own offspring which it has in every way nurtured and protected. But at the same time it shows its want of good faith by advocating a modification of the Sherman antitrust law in order to destroy its efficacy. The people are demanding an enforcement of the law as it is now written. You can no longer evade this demand, so you are now asking that the power to determine when a trust is good or bad be conferred upon a subordinate officer in the Department of Commerce and Labor—a power which the President himself has been freely exercising up to this time without authority of law. You are just simply trying to provide an easier way of granting immunity.

Because organized labor is now prostrate, bound hand and foot by the Sherman antitrust law, as recently construed by the Supreme Court, you no doubt think this an opportune time to enter upon a move to emasculate that law. But you are mistaken. The people very well understand your proposition, which is to exempt organized labor from the terms of that law provided organized capital is given an opening to evade it. But it appears from the press reports that for some reason you failed to drive the bargain with the leaders of organized labor. I am here to tell you that there is another class of people who will never agree to your programme, to wit, the millions in this country who do not belong either to organized capital or to organized labor, but who are the constant victims of the trust system.

I think the labor leaders are right. They ought not to consent to impair the law as it applies to combinations of capital, as a penalty for securing the rights of labor. Let the cause of labor stand for its rights upon its own merits, and let labor lock shields with those who stand for justice against special privilege, and the ultimate outcome will be a glorious victory. [Applause on the Democratic side.]

Mr. Chairman, such is the record of the Republican party upon the question of private monopoly. Why has that party stood so determinedly for organized wealth against the welfare of the people? In answering this question we come to the most disconcerting feature of the situation. The Republican party is in league with this aristocracy of wealth which infamously plunders the people. This affiliation began many years ago when the party in return for political and financial support entered upon a policy of legislation and administration favorable to the nurture and growth of private monopoly, and this affiliation has been kept up and carried out as faithfully and effectually as the usual contracts of trade and commerce. The Republican party supports the trusts and the trusts support the Republican party. [Applause on the Democratic side.] Do you deny it? I only have reference to the campaigns of 1896 and 1900, and I refer to the last campaign. Has the partnership been dissolved? If so, that fact has not been formally announced to the country, and your present conduct gives no evidence of it. But, Mr. Chairman, I do not despair. The unholy conspiracy against the people of this country has been found out, the people are awakening, and with confidence I look forward to the early coming of reform. Some of the Republican leaders have already seen the handwriting on the wall. [Renewed applause.] Mr. Roosevelt was the first to see it, and he began immediately to hunt cover. Elected as a stand-patter, he suddenly becomes an advocate of reform, although he does not always practice what he preaches. Many others have attached themselves to his coat tails, with the hope of being saved from the wrath to come.

And, Mr. Chairman, another great Republican leader has at last seen the gathering of the storm. He who presides with so much grace and dignity over this august body could no longer defy the thunderbolts hurled from the press of this country in denunciation of the iniquitous paper trust [renewed applause], so he leaves his high position and comes down upon the floor of the House to become a reformer himself. [Renewed applause.] I want to congratulate him upon his beginning, but at the same time I want to modestly suggest to him that something more is needed than to appease the wrath of the newspapers and hush their complaints. The great mass of people in this country who are constantly paying tribute to the lumber trust, to the beef trust, to the oil trust, to the steel trust, to the sugar trust, and to the hundreds of other trusts that you have encouraged and are now protecting may be unable to make themselves heard as the newspapers are, but if I mistake not, they have begun to understand the wrongs which they are compelled to suffer, and, mark my words, they will find some way to make you hear their complaints also.

They are already driving you step by step. You do not want to revise the tariff, but you are yielding, not willingly and honestly, however, but merely to meet the exigencies of the political situation. An honest revision before the election would offend the trusts and a dishonest revision would disappoint the people, so you defer action and promise to revise the tariff after the election, hoping in this way to get the support of both. If the tariff needs revision, if as charged its schedules are such as to shelter the trusts which are robbing the people of this country, it ought to be revised now. It ought to have been revised long ago, and if you are sincere about it and wanted to serve the people in good faith, you would not defer revision till after the election.

Mr. Chairman, I believe the people are tired of this game of hide and seek. There is every evidence that they have made up their minds not to be further trifled with, to no longer tolerate a corrupt alliance between their Government and the money power. And in the coming campaign, it is needless for me to say, the Democratic party will again champion their cause. It will take the position not only that the tariff should be revised, but that it should be revised by the friends of the people instead of by the friends of the trusts.

It is again going before the country with the declaration that the railroads shall be controlled and regulated and compelled to do justice to the people. It will again declare that private monopoly is intolerable and indefensible, and that those who enter into conspiracies and combinations in restraint of trade for the purpose of plundering the people shall not escape prosecution, and that they shall not only be enjoined and fined, but put in stripes and sent to the penitentiary.

Mr. Chairman, it is going to be a great moral contest, in which an appeal will be made to the hearts and consciences of the people of this great nation. Fortunately God has raised up among us a man superbly equipped and in every way worthy to lead in such a cause. And in spite of the jeers and opposition of the servient tools of predatory wealth, whether they call themselves Democrats or Republicans, we are going to nominate Mr. Bryan and elect him. In moral grandeur, in purity of character, in intellect, in profound statesmanship, in steadfast and unswerving fidelity to the cause of the common people, and in devotion to the principles of free government history does not record his equal. The shafts which are hurled against him daily from the strongholds wherein are ensconced the conspirators against the welfare of the people fall harmless at his feet. These malefactors have had their day. This plain, honest American citizen, in whose superb character is illustrated the true ideals and aspirations of the American people, has by the simple statement of truth enlightened their intellect and quickened their consciences, and they are now moving, and under the guidance and overruling providence of God they will again soon come into their own. [Loud applause on the Democratic side.]

APPENDIX A.

STATEMENT PREPARED BY ATTORNEY-GENERAL BONAPARTE ON DECEMBER 2, 1907, SHOWING ALL SUITS AND PROSECUTIONS INSTITUTED BY THE UNITED STATES UNDER THE SHERMAN ANTITRUST LAW OF JULY 2, 1890.

President Harrison's Administration, March 4, 1889, to March 4, 1893.

[William H. Miller, Attorney-General, March 5, 1889, to March 6, 1893.]

1. United States *v.* Jellico Mountain Coal Company (43 Fed. Rep., 898; 46 Fed. Rep., 432)—(Circuit court, middle district, Tennessee; decided October 13, 1890; June 4, 1891).—Bill filed September 25, 1890, against the members of the "Nashville Coal Exchange," composed of various coal mining companies operating mines in Kentucky and Tennessee, and of persons and firms dealing in coal in Nashville, formed for the purpose of fixing prices and regulating the output of coal.

A preliminary injunction was denied, but upon full hearing the court held the combination to be in violation of the antitrust law and enjoined the further carrying out of the agreement.

2. United States *v.* Greenhut et al. (50 Fed. Rep., 469)—(District court, Massachusetts; decided May 16, 1892).—Indictment returned about May 1, 1892, against the officers of the Distilling and Cattle Feeding Company (whisky trust), an Illinois corporation. The indictment alleged that the defendants had purchased or leased seventy-eight competing distilleries in the United States, producing 75 per cent of all the distilled spirits manufactured and sold, with the intent to monopolize the manufacture and sale of such spirits in Massachusetts and among the several States, increase the price, and prevent competition. The indictment was quashed, because it failed to allege that defendants monopolized or conspired to monopolize trade and commerce among the several States or with foreign nations, the allegations being held insufficient to constitute an offense under the statute.

3. United States *v.* Nelson (52 Fed. Rep., 646—(District court, Minnesota; decided October 10, 1892).—Indictment returned in 1902 against a number of lumber dealers for conspiring together to raise the price of lumber in violation of the antitrust law. Demurrer to indictment sustained, the court holding that an agreement between a number of dealers and manufacturers to raise prices, unless they practically controlled the entire commodity, could not operate as a restraint of trade within the meaning of the act.

4. United States *v.* Trans-Mississippi Freight Association (53 Fed. Rep., 440; 58 Fed. Rep., 58; U. S., 290)—(Circuit court, Kansas; decided November 28, 1892. Circuit court of appeals, eighth circuit; decided October 2, 1893. United States Supreme Court; argued December 8, 9, 1896, by Attorney-General Harmon; decided March 22, 1897).—Bill filed January 6, 1892, to enjoin the operations of a combination of railroads engaged in interstate commerce, alleged to have been formed for the purpose of maintaining "just and reasonable rates" and preventing unjust discriminations. The bill was dismissed by the circuit court, whose decree was affirmed by the circuit court of appeals. The Supreme Court reversed the case, holding that the antitrust act applied to railroad carriers and embraced all contracts in restraint of trade and commerce among the several States and with foreign nations, and was not confined to those in which the restraint was unreasonable.

5. United States *v.* Workingmen's Amalgamated Council of New Orleans et al. (54 Fed. Rep., 994; 57 Fed. Rep., 85)—(Circuit court, eastern district Louisiana; decided March 25, 1893. Circuit court of appeals, fifth circuit; decided June 13, 1893.)—Bill filed November 10, 1892, to restrain defendants, a combination of workingmen, from interfering with interstate and foreign commerce, in violation of the antitrust law. The injunction was granted, and the law held to apply to combinations of laborers as well as capitalists. The circuit court of appeals affirmed this decree.

6. United States *v.* Patterson et al. (55 Fed. Rep., 605; 59 Fed. Rep., 280)—(Circuit court, Massachusetts; decided February 28 and June 7, 1893).—Cash register case. Indictment returned about January, 1893, against the members of a combination formed for the purpose of controlling the price of cash registers. A demurrer was sustained as to certain counts of the indictment and overruled as to others, and leave granted to file special demurrers to the counts which were sustained. The special demurrers were overruled and leave granted the defendants to answer. Letter of Attorney-General dated October 16, 1893, shows that the case was allowed to lapse because of the consolidation of the complaining witness with defendants, said witness being in possession of the evidence relied on.

7. United States *v.* E. C. Knight Company (sugar trust) (60 Fed. Rep., 306; 60 Fed. Rep., 934; 156 U. S., 1)—(Circuit court, eastern district, Pennsylvania; decided January 30, 1894. Circuit court of appeals, third circuit; decided March 26, 1894. United States Supreme Court; argued by Solicitor-General Lawrence Maxwell, jr., October 24, 1894, Mr. Attorney-General Olney on brief; decided January 21, 1895).—Bill filed May 2, 1892, to enjoin the acquisition by the American Sugar Refining Company, a New Jersey corporation, of the stock of the E. C. Knight Company, the Franklin Sugar Company, the Spreckels Sugar Refining Company, and the Delaware Sugar House, Pennsylvania corporations. The circuit court dismissed the bill, and the decree of dismissal was affirmed by the circuit court of appeals and the Supreme Court, the latter court holding that the antitrust act did not apply to combinations of manufacturers.

President Cleveland's second Administration, March 4, 1893, to March 4, 1897.

[Richard Olney, Attorney-General, March 6, 1893, to June 7, 1895; Judson Harmon, Attorney-General, June 8, 1895, to March 5, 1897.]

1. United States *v.* Elliott (62 Fed. Rep., 801; 64 Fed. Rep., 27)—(Circuit court, eastern district, Missouri; decided July 6 and October 24, 1894).—Suit instituted about July 1, 1894, to restrain Elliott, Debs, and others, members of the American Railway Union, from carrying out their unlawful conspiracy to interfere with interstate commerce and to obstruct the carrying of the mails, in violation of the antitrust law. Preliminary injunction granted and a demurred to the bill overruled.

2. United States *v.* Agler (62 Fed. Rep., 824)—(Circuit court, Indiana; decided July 12, 1894).—Information filed July, 1894, charging contempt of court in disobeying an injunction restraining Agler and others from interfering with interstate commerce and obstructing the mails. This was one of the Debs cases. It was alleged that Agler was a member of the American Railway Union, the members of which were on a strike, and had been enjoined under the antitrust law from interfering with the carrying of the mails and from obstructing interstate commerce. Information quashed for lack of certainty in describing defendant and his actions.

3. United States *v.* Debs et al. (64 Fed. Rep., 724)—(Circuit court, northern district, Illinois; decided December 14, 1894).—Information filed July 17, 1894. Proceedings in contempt to punish Debs and others for disobeying an injunction restraining them from interfering with interstate commerce and with obstructing the mails, by means of a conspiracy, in violation of the antitrust law. Defendants found guilty and punished.

4. In re Debs, petitioner (158 U. S., 564)—(United States Supreme Court; decided May 27, 1895).—Proceedings instituted July 2, 1894. Application for a writ of habeas corpus to secure discharge from imprisonment for disobeying an injunction of the circuit court for the northern district of Illinois, restraining Debs and others from conspiring to interfere with interstate commerce, in violation of the antitrust law.

Petition for the writ denied.

5. United States *v.* Cassidy (67 Fed. Rep., 698)—(District court, northern district, California; charge to jury delivered April 1 and 2, 1895).—Cassidy and others were indicted under section 5440, United States Revised Statutes, for conspiring to commit offenses against the United States, which acts consisted in combining and conspiring to restrain trade and commerce between the States in violation of the antitrust law, the prosecutions growing out of the Pullman car strike, which occurred June–July, 1894. The trial lasted five months, resulting in a disagreement of the jury.

6. Moore *v.* United States (85 Fed. Rep., 465)—(Circuit court of appeals, eighth circuit; decided February 14, 1898).—Indictment of the members of an association of dealers in coal at Salt Lake City for entering into a conspiracy to regulate the price of coal. Indictment returned November 4, 1895. Moore was tried and convicted in the district court of Utah upon this indictment. The circuit court of appeals reversed the judgment of conviction for the reason that upon the admission of Utah as a State it was no longer a "Territory" within the meaning of the antitrust act, and the combination was not in restraint of interstate commerce.

7. United States *v.* Joint Traffic Association (76 Fed. Rep., 895; 89 Fed. Rep., 1020; 171 U. S., 505)—(Circuit court, southern district of New York; decided May 28, 1896. Circuit court of appeals, second circuit; decided March 19, 1897. United States Supreme Court; argued by Solicitor-General John W. Richards, February 24, 25, 1898; decided October 28, 1898).—Suit instituted January 8, 1896. Bill in equity to enjoin the alleged violation of the antitrust law by a combination of railroads. Thirty-one railroad companies engaged in transportation between Chicago and the Atlantic coast formed themselves into an association known as the Joint Traffic Association, to control competitive traffic, fix rates, etc. The circuit court dismissed the bill and the court of appeals affirmed the action of the circuit court. These judgments were reversed by the United States Supreme Court upon the authority of United States *v.* Trans-Missouri Freight Association (166 U. S., 290), and the case remanded for further proceedings in conformity with its opinion, by which the combination was adjudged illegal.

8. United States *v.* Hopkins et al. (82 Fed. Rep., 529; 88 Fed. Rep., 1018; 171 U. S., 578)—(Circuit court, Kansas; September 20, 1897. Circuit court of appeals, eighth circuit; December 27, 1897. United States Supreme Court; October 24, 1898).—Suit instituted December 31, 1896. Bill to restrain the operations of the "Kansas City Live Stock Exchange." The injunction was granted, but on appeal the Supreme Court reversed the decree of the circuit court and remanded the case, with instructions to dismiss the bill, the business of the exchange being held not to constitute interstate commerce, nor covered by the antitrust act.

9. United States *v.* Addyston Pipe and Steel Company (78 Fed. Rep., 712; 85 Fed. Rep., 271; 175 U. S., 211)—(Circuit court, eastern district, Tennessee; decided February 5, 1897. Circuit court of appeals, sixth circuit; decided February 8, 1898. United States Supreme Court; argued by Solicitor-General Richards, April 26, 27, 1899; decided December 4, 1899).—Suit instituted December 10, 1896. Bill in equity to enjoin the operations of the cast-iron pipe trust, which attempted to enhance the price of cast-iron pipe by controlling and parceling out the manufacture and sale thereof throughout the several States and Territories to the several corporations forming the combination. The bill was dismissed by the circuit court. The circuit court of appeals reversed the decree of the circuit court and remanded the case, with instructions to enter a decree for the Government. On appeal to the Supreme Court the action of the circuit court of appeals was affirmed, the court distinguishing the case from that of United States *v.* E. C. Knight Company (156 U. S., 1).

President McKinley's Administration, March 4, 1897, to September 14, 1901.

[Joseph McKenna, Attorney-General, March 5, 1897, to June 25, 1898; John W. Griggs, Attorney-General, June 25, 1898, to March 29, 1901; Philander C. Knox, Attorney-General, April 5, 1901, to June 30, 1904.]

1. Anderson *v.* United States (82 Fed. Rep., 998; 171 U. S., 604)—(United States Supreme Court; decided October 24, 1898).—Suit instituted June 7, 1897, in the circuit court of the United States for the western district of Missouri, to restrain the operations of The Traders' Live Stock Exchange, of Kansas City, an association formed for the purpose of buying cattle on the market. A temporary injunction was granted and the case appealed to the circuit court of appeals for the eighth circuit. From there it was certified to the Supreme Court of the United States for instructions upon certain questions. The Supreme Court reversed the decree of the circuit court and remanded the case with directions to dismiss the bill, holding that the rules of the association were not in violation of the antitrust law.

2. United States *v.* Coal Dealers' Association (85 Fed. Rep., 242)—(Circuit court, northern district, California; decided January 28, 1898).—Suit brought December 16, 1897. Bill for injunction to restrain the operations of a combination of coal dealers known as the "Coal Dealers' Association of California."

A temporary injunction was granted.

3. United States *v.* Chesapeake and Ohio Fuel Company et al. (105 Fed. Rep., 93; 115 Fed. Rep., 610)—(Circuit court, southern district, Ohio; decided August 31, 1900. Circuit court of appeals, sixth circuit; decided April 8, 1902).—Bill filed May 8, 1899, to annul a contract and dissolve a combination of producers and shippers of coal in Ohio and West Virginia, engaged in mining coal and making coke intended for "western shipment," under agreement to sell the same at not less than a memorandum price, to be fixed by an executive committee appointed by the producers. Defendants enjoined, contract declared void and illegal, and the combination dissolved.

Affirmed by circuit court of appeals. No appeal to Supreme Court taken.

President Roosevelt's Administration, September 14, 1901, to ——.

[Philander C. Knox, Attorney-General, April 5, 1901, to June 30, 1904; William H. Moody, Attorney-General, July 1, 1904, to December 16, 1906; Charles J. Bonaparte, Attorney-General, December 17, 1906.]

CIVIL CASES.

1. United States *v.* Northern Securities Company, Great Northern Railway Company, Northern Pacific Railway Company et al. (120 Fed. Rep., 721; 193 U. S., 197)—(Circuit court, Minnesota; decided April 9, 1903. United States Supreme Court; decided March 14, 1904).—This suit was brought on March 10, 1902, in the circuit court of the United States for the district of Minnesota, to enjoin the defendant, the Northern Securities Company, from purchasing, acquiring, receiving, holding, voting, or in any manner acting as the owner of any of the shares of the capital stock of the two defendant railway companies and to restrain the defendant railway companies from permitting the Securities Company to vote any of the stock of said railways, or from exercising any control whatsoever over the corporate acts of either of said railway companies, it being charged that the Securities Company was formed for the purpose of acquiring a majority of the capital stock of the two railway companies in order that it might in that way effect practically a consolidation of the two companies by controlling rates and restricting and destroying competition, in violation of the Sherman antitrust law.

The circuit court entered a decree in favor of the Government, as prayed in the petition, and this decree was affirmed by the Supreme Court of the United States.

2. United States v. Swift & Co. et al. (122 Fed. Rep., 529; 196 U. S., 375).—Suit brought May 10, 1902, in the circuit court of the United States for the northern district of Illinois to restrain the defendants (commonly known as the "Beef Trust") from carrying out an unlawful conspiracy entered into between themselves and with various railway companies to suppress competition and to obtain a monopoly in the purchase of live stock and selling dressed meats. A preliminary restraining order was granted on May 20, 1902.

The defendants having demurred to the bill, the court, after hearing, on April 18, 1903, overruled the demurrers and granted a preliminary injunction. The defendants having failed to answer, the court, on May 26, 1903, entered an order making the decree final and perpetually enjoining the further operations of the trust.

The defendants, on August 14, 1903, appealed from the final decree of the circuit court to the Supreme Court of the United States.

Decree affirmed by the Supreme Court, January 30, 1905.

3. United States *v.* The Federal Salt Company et al.—Suit brought October 15, 1902, in the circuit court of the United States for the northern district of California, to restrain the defendants (known as the "Salt Trust") from unlawfully combining and conspiring to suppress competition in the manufacture and sale of salt in the States west of the Rocky Mountains, in violation of the Sherman antitrust law. A temporary restraining order was issued on that date, and, the cause coming on for hearing, the court on November 10, 1902, granted an injunction pendente lite, thus, in effect, making the restraining order perpetual.

No appeal taken.

4. United States *v.* Jacksonville Wholesale Grocers' Association.—A suit in equity, instituted on September 12, 1903, in the United States circuit court for the southern district of Florida, for the purpose of dissolving a combination of wholesale grocers operating in violation of the antitrust law. The members of the association have filed answers, and the cause has been continued from time to time and will be heard at the next term of court.

5. United States *v.* General Paper Company et al.—December 27, 1904, a bill in equity was filed in the circuit court of the United States for the district of Minnesota against the General Paper Company and twenty-three other corporations engaged in the manufacture and sale of paper, alleging that said defendants had entered into a combination and conspiracy to control, regulate, monopolize, and restrain trade and commerce in the manufacture of news print, manila, fiber, and other papers and products of paper in violation of the Sherman antitrust law, by making the General Paper Company their common sales agent.

After issue was joined, the defendants and their officers declined to obey orders of the circuit court for the district of Minnesota and the circuit court for the eastern district of Wisconsin, in which district testimony was also being taken, requiring them to answer certain questions and to produce certain books and papers, and appealed to the Supreme Court of the United States. On March 12, 1906, the court dismissed the appeals in the Wisconsin cases and affirmed the judgment in the Minnesota cases. (Nelson *v.* United States, 201 U. S., 92; Alexander *v.* United States, id., 117.)

On May 11, 1906, judgment was ordered in favor of the Government by the circuit court for the district of Minnesota, dissolving the combination and affording the Government all the relief prayed for in its bill.

6. United States *v.* Metropolitan Meat Company et al.—Bill in equity filed in October, 1905, in the United States circuit court for the district of Hawaii, to restrain the alleged unlawful operations of certain combinations in the matter of the restraint of trade in beef and beef products. Demurrer to bill overruled October 2, 1906. Pending.

7. United States *v.* Allen and Robinson et al.—Bill in equity filed in October, 1905, in the United States circuit court for the district of Hawaii, to restrain the operation of an alleged unlawful combination to control the trade in lumber in that Territory. Answers of three defendants filed January 2, 1906. March 4, 1907, cases on trial—continued, on application of defendants, until September. Pending.

8. United States *v.* Nome Retail Grocers' Association.—November 4, 1905, the Department directed the United States attorney for the second division of Alaska to file a bill in equity against the Nome Retail Grocers' Association, alleging a combination to fix prices and to suppress competition in violation of the Sherman antitrust law.

Suit was promptly instituted, whereupon the defendants agreed to the entry of a decree which would subserve all the interests of the Government and the general public set forth in the bill. A decree dissolving the combination was entered accordingly.

9. United States *v.* The Terminal Railroad Association of St. Louis et al.—Petition filed in the circuit court of the United States for the eastern district of Missouri on December 1, 1905, to enjoin the defendants (The Terminal Association, the bridge companies, and the railroad and ferries crossing the Mississippi River at St. Louis) from carrying out an unlawful combination entered into between them to operate the Eads Bridge and the Merchants' Bridge as a common agency of interstate commerce, and to suppress competition between said bridges and between the bridges and ferries, and to monopolize interstate transportation at this point. This case is pending.

10. United States *v.* Otis Elevator Company et al.—Bill in equity filed March 7, 1906, in the United States circuit court for the northern district of California against the Otis Elevator Company and a number of other corporations and individuals, in which it was alleged that they were maintaining a combination in restraint of trade in the matter of the manufacture and sale of elevators. June 1, 1906, a decree was entered by consent dissolving the combination and granting the relief prayed.

11. United States *v.* National Association of Retail Druggists et al.—Bill in equity filed May 9, 1906, in the United States circuit court for the district of Indiana against the National Association of Retail Druggists and others, alleging a combination in restraint of interstate trade and commerce in the matter of the sale of drugs and proprietary medicines to consumers through retail druggists. May 9, 1907, final decree entered by agreement giving the Government all the relief prayed for in the petition.

12. United States *v.* Standard Oil Company et al.—November 15, 1906, bill in equity filed in the United States circuit court for the eastern district of Missouri against the Standard Oil Company and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of petroleum. Motions were filed by the defendants to vacate an order of the court directing service of subpœnas upon nonresident defendants. These motions were argued on January 30, 1907, and on March 7, 1907, the court rendered an opinion in favor of the Government. Exceptions filed by defendants to Government's petition. May 24, 1907, hearing at St. Paul, Minn., on bill of exceptions, which resulted in a decision in favor of the Government. Testimony now being taken.

13. United States *v.* American Seating Company et al.—March 12, 1907, bill in equity filed in the United States circuit court for the northern district of Illinois against the American Seating Company and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of school and church furniture. August 15, 1907, decree entered granting perpetual injunction against all defendants, except E. H. Stafford Manufacturing Company, E. H. Stafford, E. M. Stafford, and E. G. Bentley.

14. United States *v.* The Reading Company et al.—June 12, 1907, bill in equity filed in the circuit court for the eastern district of Pennsylvania to dissolve a combination among the anthracite coal-carrying roads and others, which are operating in violation of the Sherman antitrust law. Case pending.

15. United States *v.* American Tobacco Company et al.—July 10, 1907, bill in equity filed in the circuit court of the United States for the southern district of New York against the American Tobacco Company and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of tobacco. Pending.

16. United States *v.* E. I. Du Pont De Nemours & Co. et al.—July 30, 1907, bill in equity filed in the circuit court for the district of Delaware against E. I. Du Pont De Nemours & Co. and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of gunpowder and other high explosives. Pending.

17. United States *v.* One Hundred and Seventy-five Cases of Cigarettes.—October 28, 1907, information filed in the district court for the eastern district of Virginia covering the seizure of 175 cases of cigarettes under section 6 of the Sherman antitrust act. Case pending.

CRIMINAL CASES.

1. United States *v.* The Federal Salt Company.—On February 28, 1903, the grand jury for the United States district court for the northern district of California returned an indictment against The Federal Salt Company for having violated the antitrust law.

On May 12, 1903, the company pleaded guilty and the court sentenced it to pay a fine of $1,000, which was paid.

2. United States *v.* Armour & Co. et al.—After the affirmance by the Supreme Court of the decree of the circuit court in United States *v.* Swift & Co. (above referred to) complaints from various quarters were made to the Department that the combination still continued. The Department thereupon undertook by every means at its command to investigate the truth of these complaints. Exhaustive inquiry was made before the grand jury for the northern district of Illinois, which resulted in the return of an indictment on July 1, 1905, against Armour & Co., and J. Ogden Armour, president; Patrick A. Valentine, treasurer; Arthur Neekler, general manager; Thomas J. Connors, superintendent; and Samuel A. McRoberts, assistant treasurer, of Armour & Co.; the Armour Packing Company, and Charles W. Armour, president; Swift & Co., and Louis F. Swift, president; Lawrence A. Carton, treasurer; D. Edwin Hartwell, secretary; and Albert H. Veeder and Robert C. McManus and Arthur F. Evans, agents of Swift & Co.; the Fairbank Canning Company, and Edward Morris, vice-president; Ira N. Morris, secretary of the Fairbank Canning Company; the Cudahy Packing Company, and Edward A. Cudahy, vice-president and general manager of the Cudahy Packing Company.

Again this indictment many preliminary objections were urged. All were disposed of in favor of the Government, except certain special pleas of immunity in bar, based upon information concerning the matters for which they were indicted, which they had given to the Department of Commerce and Labor. The court sustained the pleas so far as the individual defendants were concerned and overruled them with respect to the corporations.

3. The tobacco trust cases (Hale *v.* Henkel, 201 U. S. 43; McAlister *v.* Henkel, id., 90) —These cases grew out of an investigation by a Federal grand jury in the southern district of New York of the American Tobacco Company and the MacAndrews & Forbes Company, believed to be violating the antitrust laws, the matter having been brought to the attention of the grand jury by the officers of the Department of Justice, special counsel having been appointed for the purpose of investigation and prosecution. Subpœnas duces tecum were served upon the officers of the companies directing them to produce papers and other documentary evidence belonging to the corporations. They refused to obey the subpœna or to answer questions propounded to them. The circuit court adjudged them in contempt and committed them until they should produce the books and answer the questions. They applied to another judge of the same court for writs of habeas corpus, which upon hearing were discharged. Upon appeal the Supreme Court affirmed the orders denying the writs.

June —, 1906, the grand jury returned an indictment against the MacAndrews & Forbes Company, the J. S. Young Company, a corporation of Maine, and Karl Jungbluth and Howard E. Young, their respective presidents, for illegally combining and conspiring to regulate the interstate trade and sale in licorice paste, an article used

in the manufacture of plug and smoking tobacco, snuff, and cigars. Defendants entered pleas of not guilty, with leave to withdraw or demur on or before July 9, 1906. July 9, 1906, demurrers filed by all of the defendants. December 4, 1906, demurrers overruled. December 19, 1906, trial commenced. January 10, 1907, MacAndrews & Forbes Company found guilty on first and third counts of indictment, the J. S. Young Company found guilty on first and third counts; verdict of acquittal as to individual defendants. MacAndrews & Forbes Company fined $10,000. J. S. Young Company fined $8,000. Stay of sixty days to perfect appeal.

4. United States *v.* F. A. Amsden Lumber Company et al.—Indictment returned in the district court of Oklahoma, May 4, 1906, for violation of the Sherman Act in restricting competition and maintaining prices in the sale of lumber. May 13, 1907, change of venue granted to Grant County. September 25, 1907, pleas of guilty and fines imposed aggregating $2,000, which were paid.

5. United States *v.* Virginia-Carolina Chemical Company et al.—May 25, 1906, the Federal grand jury for the middle district of Tennessee, upon information furnished by the Department of Justice, returned an indictment against thirty-one corporations and twenty-five individuals engaged in the fertilizer business in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, and Tennessee, charging them with engaging in a conspiracy in violation of the Federal antitrust act, and with conspiring to commit an offense against the United States, viz, the aforesaid conspiracy, in violation of section 5440 of the Revised Statutes. The fertilizer manufacturers combined to fix the price of fertilizers in the territory mentioned and to apportion the trade among themselves according to an agreed percentage. July 11, 1906, all the defendants appealed to the Supreme Court of the United States from an order of the circuit court of the eastern district of Virginia denying the right of habeas corpus and remanding them to the custody of the marshal for removal to the middle district of Tennessee for trial. The case before the Supreme Court was argued on December 3, 1906, and on March 4, 1907, the judgment of the circuit court for the eastern district of Virginia was reversed and the case remanded to that court for further proceedings in accordance with the opinion of the Supreme Court.

6. United States *v.* American Ice Company et al.—July 12, 1906, indictment returned in the supreme court of the District of Columbia, charging an unlawful agreement to control prices and restrict competition in the sale of ice. Case pending.

7. United States *v.* Chandler Ice and Cold Storage Plant et al.—September 19, 1906, indictment returned in the district court for the Territory of Oklahoma against the Chandler Ice and Cold Storage Plant and others, charging a combination to apportion territory in the matter of the sale of ice. May 5, 1907, demurrer filed by defendant Groves and overruled. May 20, 1907, demurrer filed by Chandler Ice and Cold Storage Plant. Pending.

8. United States *v.* Alfred M. Gloyd et al.—September 21, 1906, indictment returned against Alfred M. Gloyd and others in the district court for the Territory of Oklahoma, charging a combination to maintain prices and restrict competition in the sale of lumber. The case is pending.

9. United States *v.* People's Ice and Fuel Company, a corporation, and W. B. Lount.—October 23, 1906, indictment returned in the district court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of ice. January 5, 1907, trial commenced. Verdict not guilty as to People's Ice and Fuel Company and company held to next grand jury. Trial of W. B. Lount continued over term.

10. United States *v.* Demund Lumber Company et al.—October 23, 1906, indictment returned in the district court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of lumber. January 2, 1907, trial commenced. Verdict of not guilty as to Demund Lumber Company. January 7, 1907, cases against Chamberlain Lumber Company and Valley Lumber Company continued over term.

11. United States *v.* Phoenix Wholesale Meat and Produce Company, a corporation, P. T. Hurley, and S. J. Tribolet.—October 23, 1906, indictment returned in the district court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of meats. January 7, 1907, trial commenced. Verdict of not guilty as to Phoenix Wholesale Meat and Produce Company. January 8, 1907, indictment against Hurley dismissed. Verdict of guilty as to defendant S. J. Tribolet. January 12, 1907, Tribolet sentenced to pay fine of $1,000.

12. United States *v.* T. B. Hogg et al.—December 8, 1906, indictment returned in the district court for the Territory of Oklahoma, charging a combination and conspiracy in restraint of trade and commerce in the sale of lumber. March 25, 1907, plea of not guilty. Change of judge granted on application of defendants. Case pending.

13. United States *v.* Atlantic Investment Company et al.—February 11, 1907, indictment returned in the United States district court for the southern district of Georgia against the Atlantic Investment Company and others, charging a combination in restraint of trade and commerce in the matter of the manufacture and sale of turpentine. February 18, 1907, four corporations and two individuals, defendants to this indictment, entered pleas of guilty, and the court imposed a fine of $5,000 upon each of the six defendants, making a total of $30,000.

14. United States *v.* American Seating Company et al.—March 12, 1907, indictment returned in the district court of the northern district of Illinois charging a violation of the Sherman antitrust law by engaging in a combination in restraint of trade in the manufacture and sale of school and church furniture. April 1, 1907, defendant corporations entered pleas of guilty, with one exception. May 20, 1907, fines imposed aggregating $43,000. Defendant E. H. Stafford Manufacturing Company filed demurrer April 3, 1907. May 31, 1907, demurrer overruled and plea of not guilty entered.

15. United States *v.* Santa Rita Mining Company and Santa Rita Store Company.—April 4, 1907, indictment returned in the district of New Mexico charging a violation of section 3 of the Sherman antitrust law for engaging in a combination in restraint of trade. Demurrer filed and overruled. Fine of $1,000 imposed.

16. United States *v.* National Umbrella Frame Company et al.—July 1, 1907, indictment returned in the district court for the eastern district of Pennsylvania charging a conspiracy to restrain interstate trade and commerce in the manufacture and sale of umbrella material, in violation of the Sherman antitrust law and section 5440 R. S. Case pending.

17. United States *v.* E. H. Stafford Manufacturing Company et al.—July 10, 1907, indictment returned in the district court for the northern district of Illinois charging a violation of the Sherman antitrust law by engaging in a combination in restraint of trade in the manufacture and sale of school and church furniture. Case pending.

18. United States *v.* H. D. Corbett Stationery Company et al.—November 1, 1907, indictment returned in the district court for the district of Arizona charging a combination in restraint of trade. November 4, 1907, demurrer filed. November 14, 1907, demurrers sustained and defendants referred to next grand jury.

SUMMARY OF CASES UNDER ANTITRUST LAWS.

President Harrison's Administration, 1889–1893.

4 bills in equity:
- 3 injunctions granted.
- 1 dismissed.

3 indictments:
- 1 quashed.
- 1 demurrer sustained.
- 1 discontinued.

President Cleveland's second Administration, 1893–1897.

4 bills in equity:
- 3 injunctions granted.
- 1 dismissed.

2 informations (for contempt in violating injunctions):
- 1 quashed.
- 1 conviction.

2 indictments:
- 1 quashed.
- 1 dismissed.

President McKinley's Administration, 1897–1901 (September 14).

3 bills in equity:
- 2 injunctions granted.
- 1 dismissed.

SUMMARY OF CIVIL CASES.

President Roosevelt's Administration, September 14, 1901, to ——.

16 bills in equity:
- 8 injunctions granted.
- 8 pending.

1 forfeiture proceeding:
- Pending.

SUMMARY OF CRIMINAL CASES.

18 indictments:
- 7 convictions.
- 1 plea in bar sustained.
- 1 demurrer sustained.
- 9 pending.

2 proceedings for contempt in refusing to testify before grand jury:
- Convictions.

Total fines imposed, $96,000.

The CHAIRMAN. The gentleman from Tennessee and the gentleman from Illinois each have the same length of time remaining to their credit.

Mr. PADGETT. There must be some mistake about that. I had forty-seven minutes remaining when I yielded thirty, which leaves me seventeen minutes.

The CHAIRMAN. The gentleman from Tennessee must remember that the time is not absolutely all taken during the course of the day.

Mr. PADGETT. I was only basing my remark on the statement of the Speaker's clerk, who informed me I had forty-seven minutes before yielding thirty minutes.

The CHAIRMAN. According to the calculation of the clerk, the same amount of time has been consumed on both sides.

Mr. PADGETT. How much time have I remaining?

The CHAIRMAN. The gentleman has one-half of the time between now and 5 o'clock.

Mr. PADGETT. Then I yield five minutes to the gentleman from Massachusetts [Mr. O'CONNELL].

Mr. O'CONNELL. Mr. Chairman, yesterday the gentleman from Missouri [Mr. LAMAR], in a beautifully worded prose poem, told of his happy people in Missouri, and described with picturesque glow the beauty of the sunset in the Ozark Hills. We were delighted to listen to his charming description, as we were all willing to rejoice at the happiness of his people.

Now, I come from a great metropolitan district, which takes pride in the possession of hills—Dorchester Heights, memorable for the expulsion of the British troops by George Washington on St. Patrick's Day, 1777. Meeting-House Hill in Dorchester and its surrounding hills, on the slopes of which was erected the first free public school in this country that was supported by taxation of the people. That school was the forerunner of the great public school system of this country that has been its strength and bulwark. The Granite Hills of Quincy, on whose sides were born two Presidents of this Republic, and at the base of which sleeps the mortal remains of those two great men—Adams, and his son, John Quincy Adams. The magnificent Blue Hills of Milton, the highest on the Atlantic seaboard, to-day used as part of the great park system of the city of Boston, and upon whose heights the setting sun rests—

Not * * * obscurely bright,
But one unclouded blaze of living light.

[Applause.]

But we do not bother ourselves much with the sunset on those hills. We are a wakeful, watchful, alert people, and we are more concerned with the rising of the sun. For this reason we have probably the happiest Congressional district in this great country. Take us, big or little, and you will find less poverty and more general comfort than any other Congressional

district can show. We are rich in history and tradition, and take great pride in the part we have played in the history making of this country. [Applause.]

As the sun emerges from the waters of Massachusetts Bay and sends its beams over the glistening waves, we are mindful that those same waters may to-morrow or at another time bring forth our ancient enemy of three great wars. We receive the hope and cheer of each day, but we recall the great past, and we are thoughtful as to the future. So it is, Mr. Chairman, that my people have sent me various petitions and resolutions protesting against any treaty of arbitration with Great Britain, and urge the building of an adequate navy for the national defense. It is with pleasure, therefore, that I rise to urge the building of four battle ships or more during the coming year. [Applause.] I believe, with a due regard for the past and for the dangers of the future, we should hasten the upbuilding of that arm of the defense, the Navy, which is so important to our well-being. We have built a great navy in the past, and it is agreed that that navy was built for the protection of the Atlantic seaboard. If it was not built for that purpose, then there can not be a reason given for is existence; and if it was built for that purpose and has now left these shores, then the same reasons that brought that fleet into existence should quickly build another fleet to take the place of this absent one. [Applause.] No one knows when our fleet will return; no one can tell how many of those ships will be greeted again in the Atlantic Ocean. No man knows what the future may have in store for us. I believe the policy of this Government should be to keep apace with all its possible enemies.

We have two possible enemies to-day, two likely opponents—Great Britain and Japan. My colleague from Alabama, Captain HOBSON, has told us to-day of the dangers and imminence of war with Japan. Let me call your attention to the danger on the Atlantic seaboard.

I have received various petitions from my district, one of which was from the John Boyle O'Reily Club, of West Quincy, which I will read:

We, citizens of Quincy, Mass., in meeting assembled, taking account of the announcement made in the British House of Commons recently by Sir Edward Grey, the secretary for foreign affairs, and confirmed by news dispatches from Washington, that a treaty of arbitration is now being negotiated between the United States and Great Britain, protest against the ratification of such treaty, and call upon the Senate to reject it for the following reasons, which we respectfully commend to the earnest consideration of the Senators:

I. Such treaties are notoriously sought by England, not for the maintenance or promotion of the world's peace, but for the purpose of leaving herself free to carry on her policy of aggression and spoliation against weaker peoples and maintaining her robber grip on and continuing to oppress countries to which her rule has been a curse and a blight.

II. These treaties are intended by England to limit or destroy the freedom of action of the powers with which they are concluded, while she herself pursues untrammeled her policy of aggression elsewhere; or they are the first steps to a closer alliance for the purpose of waging war, as is clearly demonstrated by her present entente with France, which is aimed directly against Germany, and has encouraged and stimulated France in the savage and predatory war she is now carrying on in Morocco, which is a disgrace to civilization and humanity.

III. England's professions of peaceful intent are belied by her colossal naval preparations for war and her alliance with Japan, which involves not the mere possibility, but the certainty of war with the United States, as is conclusively proved by the speech delivered in the Dominion House of Commons on January 28 last by Sir Wilfrid Laurier, the Canadian premier, in which he said:

"It is to the credit of Lord Lansdowne that, of all the diplomatists of Europe, he was the first to recognize the possibilities of this change in the condition of Japan. Such was the importance that he attached, and rightly attached, to this changed condition that he, all of a sudden, broke loose from all the traditions of British policy. Hitherto it had been the rule and tradition of British diplomacy that Britain would not become entangled in any foreign alliance, that she would stand alone in her insular position, and be ready in all circumstances to take advantage of her opportunities without being shackled by weighty alliances. But Lord Lansdowne attached so much importance to the new condition Japan had attained that in 1902 he did what had not yet been done for us by any British statesman, and concluded a treaty, defensive and offensive, between Britain and Japan.

"What is the condition, therefore, which has existed since 1902? It is that, under the treaty negotiated by Lord Lansdowne, it is possible, if unfortunately the interests of Great Britain were to be jeopardized in the northern Pacific Ocean, we might see, should unfortunately war break out, the fleet of Japan and the fleet of England riding the waves together for a common purpose and against a common enemy. It is possible that, under the treaty, we may see the fleet of Japan weighing anchor in the harbor of Vancouver for the protection of those British interests to which Canada attaches such vital importance."

The importance and significance of this declaration of the Canadian premier can not be ignored. For these reasons we urge most earnestly on the Senate the rejection of the proposed arbitration treaty with England, and we commend to the American people the adoption of a continental policy based on a good understanding with all American Republics, sustained by an army and a navy adequate to the national defense and free from all entangling alliances with European powers.

Resolved, That copies of this protest be sent to the President of the United States, to the Secretary of State, to the chairman of the Senate Committee on Foreign Relations, and to the Senators and Representatives from this State and district.

JOHN BOYLE O'REILLY CLUB,
West Quincy, Mass.

I received several others—from the Irish-American Club, Wolfetone Club, Grattan Club, Hugh O'Neil Club, and numerous other civic bodies against the ratification of a treaty of arbitration with Great Britain. Is there justification in their fears? I rather think so. An inspection of history, a due regard for the lessons which it has taught, and the presentation of the evidence of the present hour can lead to no other conclusion than that the danger which threatens us is imminent and great.

Sir Wilfred Laurier (prime minister) in a speech delivered before the Dominion House of Commons on January 28, said that in 1902 "Lord Lansdowne had concluded a treaty of alliance, defensive and offensive, between Great Britain and Japan. Under the conditions of this treaty it is possible, if war broke out where the interests of Great Britain would be jeopardized in the north Pacific Ocean, that we would see the fleet of Japan and the fleet of England riding the waves together against a common enemy."

The exact language used by this great leader of the Conservative party is as follows:

But Lord Lansdowne attached so much importance to the new condition Japan had attained that in 1902 he did what had not yet been done for us by any British statesman, and concluded a treaty of alliance, defensive and offensive, between Britain and Japan. What is the condition, therefore, which has existed since 1902? It is that, under the treaty negotiated by Lord Lansdowne, it is possible, if unfortunately the interests of Great Britain were to be jeopardized in the northern Pacific Ocean, we might see, should unfortunately war break out, the fleet of Japan and the fleet of England riding the waves together for a common purpose and against a common enemy. It is possible that, under that treaty, we may see the fleet of Japan weighing anchor in the harbor of Vancouver for the protection of those British interests to which Canada attaches such vital importance.

Shall it be said in this Parliament, are honorable gentlemen on the other side of the House to vote to-day that we shall admit Japanese into this country only when they come with a man-of-war in company with the British fleet in order to protect our shores, and that there shall be an enactment of Parliament to prevent them coming in times of peace?

A verbatim report of this speech, delivered in the Canadian Parliament, is found in the "House of Commons Debates," fourth session, Tenth Parliament, January 28, 1908, from column 2090 to 2101.

This is significant language, and of itself should be sufficient to put this nation on its guard. [Applause.]

The history of the great past tells us that we drove the British from these shores in the days of the Revolution because of their tyranny and oppression. Britain went unwillingly and because she had to. She came back in 1810 and 1812 and ravaged our shores and drove our shipping from the seas. That I may not be considered as in any way coloring the situation as it then was, let me read from the life of John Quincy Adams a brief description of the situation. Speaking of the conditions which then existed, Morse, in "American Statesmen," says:

All this while the impressment of American seamen by British ships of war was being vigorously prosecuted. This is one of those outrages so long ago laid away among the mouldering tombs in the historical graveyard that few persons now appreciate its enormity or the extent to which it was carried. Those who will be at the pains to ascertain the truth in the matter will feel that the bloodiest, most costly, and most disastrous war would have been better than tame endurance of treatment so brutal and unjustifiable that it finds no parallel, even in the long and dark list of wrongs which Great Britain has been want to inflict upon all the weaker of the uncivilized peoples with whom she has been brought or has gratuitously forced herself into unwelcome contact.

* * * * * * *

The more illegal the act committed by any British officer the more sure he was of reward, till it seemed that the impressment of American citizens was an even surer road to promotion than valor in an engagement with the enemy. Such were the substantial wrongs inflicted by Great Britain. Nor were any pains taken to cloak their character. On the contrary, they were done with more than British insolence and offensiveness, and were accompanied with insults which alone constituted sufficient provocation for war.

To show that the customary conduct of Great Britain did not change in subsequent years, in the estimate of John Quincy Adams, let me read his opinion given of England in 1843, when the matter of the attitude of Great Britain toward slavery in Texas was being considered:

(Referring to the attitude of Lord Aberdeen, who pretended that he was astonished at Adams's distrust of the British Government on the subject of slavery and particularly on the surrender of fugitive slaves.)

"This article is a patent example of diplomatic swindling. There is hope that its purpose may be defeated by the alarm of the English abolitionists and their remonstrance against it before the enactment of it by Parliament as English law. A grosser fraud was never practiced upon nations than was intended by that article. The apologies for it by Lord Ashburton and by the British ministers are lame and prevaricated, and all my suspicions of the duplicity of British ministers on the subject of Texas and slavery are but too strongly confirmed. The policy of the British Government is to cherish, sustain, and protect the institution of slavery in our Southern States and Texas, and their task is to do it by humbugging the abolitionists in England in the belief that they intend directly the reverse." (Memoirs of John Quincy Adams.)

I have the honor to represent the same Congressional District that was represented by John Quincy Adams, and I believe that in all fairness I can urge upon this House to regard the present policy of the British Government in seeking a treaty of arbitration with this country as a scheme entered into for the purpose of blinding the American people to the real purpose of Great Britain while she pursues her policy of aggression and spoliation which in time she will endeavor to extend toward this country. [Applause.]

Let us skip hurriedly down to the days of the civil war, twenty years later, and we find at the breaking out of hostilities there was a treaty existing between Great Britain and the United States, which compelled Great Britain by its terms to remain friendly. Yet the most disgraceful violation of the terms of that treaty is discovered in the record of Great Britain.

I do not care to designate this in language of my own. My feeling on the matter can best be conveyed in the language of the Senator from Massachusetts, Charles Sumner, who was then chairman of the Committee on Foreign Relations. I read from his description his idea of the so-called "British friendship."

Stating the case against England, Sumner showed how the civil war began, how England in hot haste recognized the Confederate States as belligerents, and how the *Alabama* was built and put to sea:

> The case is not yet complete. The *Alabama*, whose building was in defiance of law, international and municipal, whose escape was "a scandal and reproach," and whose enlistment of her crew was a fit sequel to the rest, after being supplied with an armament and with a rebel commander, entered upon a career of piracy. Mark now a new stage of complicity. Constantly the pirate ship was within reach of British cruisers, and from time to time within the shelter of British ports. For six days unmolested she enjoyed the pleasant hospitality of Kingston, in Jamaica, obtaining freely the coal and supplies so necessary to her vocation. But no British cruiser, no British magistrate, ever arrested the offending ship, whose voyage was a continuing "scandal and reproach" to the British Government. The *Alabama* case begins with the fatal concession by which the rebels were enabled to build ships in England and then to sail them without being liable as pirates. It next shows itself in the building of the ship, in the armament, and in the escape with so much of negligence on the part of the British Government as to constitute sufferance, if not connivance; and then again the case reappears in the welcome and hospitality afforded by British cruisers and by the magistrates of British ports to the pirate ship when her evasion from British jurisdiction was well known. Thus at three different stages the British Government is compromised: First, in the concession of ocean belligerency, upon which all depended; secondly, in the negligence which allowed the evasion of the ship in order to enter upon the hostile expedition for which she was built, manned, armed, and equipped, and, thirdly, in the open complicity which, after this invasion, gave her a welcome hospitality and supplies in British ports. Thus her depredations and burnings—making the ocean blaze—all proceeded from England, which by three different acts lighted a torch. To England must be traced also all the widespread consequences which ensued. One after the other ships were built; one after the other they escaped on their errand; and one after the other they enjoyed the immunities of British ports. Audacity reached its height when ironclad rams were built and the perversity of the British Government became still more conspicuous by its long refusal to arrest these destructive engines of war, destined to be employed against the United States.
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> It is plain that the ships were built under the safeguard of this ill-omened proclamation, which stole forth from the British shores, and afterwards enjoyed the immunities of British ports, were not only British in origin, but British in equipment, British in armaments, and British in crews. They were British in every respect, except in their commanders, who were rebels, and one of these, as his ship was sinking, owed his safety to a British yacht, symbolizing the omnipresent support of England. British sympathies were active in their behalf. The cheers of a British passenger ship crossing the path of the *Alabama* encouraged the work of piracy, and the cheers of the House of Commons encouraged the builder of the *Alabama*, while he had defended what he had done, and exclaimed, in taunt to him who is now an illustrious member of the British cabinet, John Bright, that he "would rather be handed down to posterity as the builder of a dozen *Alabamas* than be the author of the speeches of that gentleman 'crying up' the institutions of the United States," which the builder of the *Alabama*, rising with his theme, denounced as "of no value whatever" and as "reducing the very name of liberty to an utter absurdity," while the cheers of the House of Commons echoed back his words. Thus from beginning to end, from the fatal proclamation to the rejoicing of the accidental ship, and the rejoicing of the House of Commons, was this hostile expedition protected and encouraged by England.
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> No candid person who studies this eventful period can doubt that the rebellion was originally encouraged by hope of support from England; that it was strengthened at once by the concession of belligerent rights on the ocean; that it was fed to the end by British supplies; that it was encouraged by every well-stored British ship which was able to defy our blockade; that it was quickened into renewed life with every report from the British pirates, flaming anew with every burning ship; nor can it be doubted that without British intervention the rebellion would have soon succumbed under the well-directed efforts of the National Government. Not weeks or months, but years, were added in this way to our war, so full of the most costly sacrifice. Mr. Cobden boldly said in the House of Commons that England made war from her shores on the United States, "with an amount of damage to the country greater than in many ordinary wars." According to this testimony, the conduct of England was war; but it must not be forgotten that this war was carried on at our sole cost. The United States paid for a war waged by England upon the national unity.

Great Britain, in thus breaking the sacred stipulations and obligations which she was under to a friendly country, effectively drove American commerce off the seas, and it has never gone back. The indignation of this country was such at that time that if we had been in a position to retaliate unquestionably a greater war would have followed the wrongs and treaty violations which were, in effect, declarations of war on the part of Great Britain toward the United States. For her violations of her treaty with this country we made Great Britain pay to us $15,500,000 in the court of arbitration which met in Geneva. [Loud applause.]

Now, what brought about this sudden change of attitude on the part of Great Britain which we find toward us since the war with Spain? Is it that she loves us any more than she did? The feeling that was rampant for many years up to 1880 and subsequently had no reason to suddenly die forever. That feeling had existed for over one hundred years from the time that British tyranny first began to show its head in this country. It is found and explained in the fear which Great Britain has, and that acknowledgment wrung from her that we are a world power to-day. She claims that she helped us win the war with Spain. I am one of those who believe that we would have won that war if England had been allied with Spain. I do not wish to be misunderstood as saying that we could have done it as easily. The task would have been harder, it would have been a more strenuous proposition, but I have an abiding confidence in the ability and capability of our people, and I am sure that we would have thrashed Britain the third time, as we have done it twice before. [Loud applause.]

Now, with these lessons of the past, are we to make a treaty with this perfidious nation; a nation which, when the treaty of Limerick was written, broke it before the ink with which it was penned had dried; a nation that disregarded its sacred obligations in the days of the civil war, not because she loved the South any more than the North, not because she wanted to see the cause of the Confederacy prevail, but because she felt she could deal a blow to the American Republic from which it could never recover? Her friendship for the Southern cause was not the friendship of a nation that believed in the principles of that cause. Rather it was the determination of mercenary ministers taking revenge for the loss of territory once their own, but now the United States of America.

Are there any dangers at present that we may be invaded by a British fleet? There certainly are. Bermuda is less than 700 miles east of Charleston and in the same latitude. Bermuda is less than 700 miles south of Halifax, which is a base of supplies for England on this continent. Within the last two or three years a fire broke out in Bermuda. She telegraphed to Halifax for engines, and these engines arrived the next day and put out the fire. Certainly with such a base as Halifax, with communications that can be established with Bermuda, with the great Atlantic seaboard just as close as Charleston, the chances which a hostile fleet would have against our undefended coast would be beyond all argument.

I believe I correctly represent the desires of my district when I state that I am in favor of four or more battle ships. I know President Roosevelt is correct in his attitude in asking for four, and I am convinced that the nation at large, particularly the 16,000,000 people along the Atlantic seaboard, are strongly in favor of a large increase in our Navy to replace those ships that have left our waters.

It should be borne in mind that the United States on the Atlantic proper has 5,400 miles to defend. If there is added to that the Gulf of Mexico, Cuba, and Porto Rico, there is a total of 17,200 miles. The coast line of Great Britain, France, and Germany totals only 4,700 miles.

On the Atlantic coast there is a population of 16,000,000 people within gunshot of a ship; there is approximately eighteen billions of property within striking distance of the ships' guns; our coast defenses are inferior. We have spent $84,000,000, but there remains $70,000,000 which must be spent before the present scheme is complete. Only five out of the twenty-seven fortified harbors have complete equipment of fire control; only one-third of the searchlight equipment has been completed. We have no merchant marine from which to extend our Navy and to draw transports and colliers. We have no bases on either side of the ocean such as Europe has on this side. Less than 20,000 regular soldiers are available, and these are scattered over the whole country.

At the present, Great Britain has in the Atlantic 45 battle ships and 33 armored cruisers, making a total of 77, while the United States has but two battle ships and three armored cruisers. To-day England has ten *Dreadnoughts* under way, of over 17,000 tons each, and two more are about to be laid; Japan has four *Dreadnoughts* under way with seven more about to be laid. The United States has only two under way, and inasmuch as it takes three years to complete one of these

monsters of the sea it can readily be seen how completely unprotected the Atlantic seaboard is.

Our seacoast is woefully wanting in proper defense. Our batteries are not manned as they should be, and unless we have battle ships in sufficient number to stand off an invading force from Great Britain, we stand in great danger. She broke her treaties in the past because it was to her advantage; what security have we in the promise of Great Britain that she would not break any treaty that she made to-day? We have been strong and powerful in our isolation; we have been independent of the rest of the world because we have not allied ourselves with any other nation. [Applause.] Let us continue that course; let us say to Great Britain that the ideals which she has are not our ideals. [Loud applause.]

Ambassador Bryce last winter appeared before the Society of Colonial Wars in Boston and urged that there was a community of ideals between the people of the two countries. He would not dare tell this doctrine to a camp of the Grand Army of the Republic. Yesterday he sat in the galleries and possibly to-day he has his representative in the diplomatic gallery. He is vitally interested in the outcome of this appropriation. If you appropriate for only two battle ships Ambassador Bryce will say to his ministry that they won an advantage; you will have helped him to get a treaty through, because they can urge the weakness of our defenses along the Atlantic seaboard as a reason for an alliance.

Let Mr. Bryce say to the people of England that America has adopted the policy of equaling the type of the *Dreadnought*, which England is now building, and then she will realize that we can not be hoodwinked into any kind of treaty. [Applause.] We have no more occasion for a treaty of arbitration to-day than we ever had, and this House should never yield in its protest against the ratification of such treaty. The greatest and surest form of protest is to build a sufficient number of battle ships that will protect our coast.

I believe that with four battle ships building each year, all the shipyards in this country could be kept busy for the next twenty-five years, and the navy-yards could be kept up to such a high grade of efficiency, either in building a few of these ships or in repairing those already built, that thousands of men could be given employment and millions of dollars' worth of material used to the general benefit of the country at large. [Applause.]

A strong navy is the surest insurance we have against war. Our Navy was gotten together and maintained at an expense of over $200,000,000. To-day it is absent from our shores and no man knows whether that armada will ever come back. There can be no good reason for leaving the Atlantic coast unprotected. It is the most valuable part of this country.

If there was any reason for building a fleet such as we have for the protection of the Atlantic seaboard, then there is equally good reason for replacing that fleet as soon as possible by one just as strong if not stronger. [Prolonged applause.]

During the delivery of the foregoing remarks,

Mr. O'CONNELL said: I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD.

Mr. NEEDHAM. Mr. Chairman, I do not object to that, but I want to couple with it a request that the gentleman from California [Mr. MCKINLAY] may have leave to extend his remarks.

Mr. CLARK of Missouri. I dislike to intervene in that kind of a situation; but everybody knows what the situation is. I objected to Mr. MCKINLAY's request yesterday, and I adhere to it.

The CHAIRMAN. Objection is made.

Mr. O'CONNELL. Mr. Chairman, can I have the one minute of my time that has been occupied?

The CHAIRMAN. The gentleman can not, unless the gentleman from Tennessee yields the time.

Mr. O'CONNELL. Give me one minute more.

Mr. PADGETT. Take it right quick.

Mr. O'CONNELL resumed and concluded his remarks as above.

Mr. PADGETT. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, I have here a letter from Capt. Walter S. Thomas, chairman of the Ohio Afro-American League, which I send to the Clerk's desk and ask to have read in my time.

The Clerk read as follows:

[Officers: Capt. Walter S. Thomas, chairman, Columbus, Ohio; Hon. C. L. Maxwell, vice-chairman, Xenia, Ohio; Rev. E. L. Gilliam, secretary and treasurer, Columbus, Ohio. State central committeemen-at-large: Hon. J. S. Atwood, Ripley, Ohio; Rev. T. W. Woodson, Dayton, Ohio; Rev. E. L. Gilliam, D. D., Columbus, Ohio; Capt. Walter S. Thomas, Columbus, Ohio.]

OHIO AFRO-AMERICAN LEAGUE,
HEADQUARTERS STATE CENTRAL COMMITTEE,
No. 473 South Eleventh street, Columbus, Ohio, March 21, 1908.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Permit me, a stranger, to address you this letter in obedience to what I consider my duty to the colored Republicans of the State of Ohio.

I note in the CONGRESSIONAL RECORD of March 18, as I had already noted in the public press on March 15, that Mr. BANNON, Representative from the Tenth District of Ohio, in a speech delivered before the House on March 14, 1908, took occasion in reply to your speech, made a few days prior thereto, to make the following statement:

"The gentleman from Illinois, in a speech in this House the other day, said the negroes in Ohio would vote the Democratic ticket next November and that Ohio would go Democratic. He failed to give the Ohio negroes credit for any intelligence. The Ohio negro knows what Democratic hard times are just as well as the white people do. They do not want a Democratic administration any more than we do. They are no better prepared for it than we are, and they would suffer from it just as much, if not more, than we would."

I agree with Mr. BANNON in this, that we are no better prepared for a change of administration than are the white people, but I disagree with him when he says to Ohio and the country that the colored voters of Ohio, no matter whom the standard bearer may be, will vote solidly for that standard bearer, even if he be Mr. Taft or President Roosevelt.

Sir, the American negroes have reached that point in their civilized history where they know just as well what is best for them as their friends of the so-called "dominant race" variety. We have had since the close of the war of 1861–5 two Democratic Presidents, and I am frank enough to say to you, as a Republican of the Lincoln, Garfield, McKinley, and Foraker type of Republicans, that the colored people, during the two terms of Mr. Cleveland as President of the United States, lived better in the South, socially, morally, financially, and politically, than they have ever done under any other administration. I mean to say by this, that the colored people were free from petty bickerings, caused by political chicanery on the part of just such men as now surround the President and try to dictate to the colored people of this country as to whom and for what they should vote.

We have reached that point where we believe it to be our duty to emphasize our position as free Americans by refusing to be led like dumb, driven cattle to the voting booths and there cast our ballots for President Roosevelt, his Secretary of War, or any man he may see fit to support for the nomination for the President of the United States at Chicago. We believe that a great injustice was rendered our people by the act of President Roosevelt in his summary discharge, without honor, of the colored soldiers, who were entitled to a fair and impartial trial, as provided under the Constitution and statutes. We are not so much drawn to the support of any man by reason of our resentment along this line as we are for the reason that if the President of the United States can discharge, *without honor*, humble black soldiers, he can commence at the head of the Army and Navy of the United States and discharge in disgrace the highest officer in either branch of the service.

I want to add, in conclusion, that the colored people of Ohio and all over the United States, wherever they have the free and untrammeled right of suffrage, will support no candidate for President of the United States who does not stand squarely upon the broad principles of justice and equality as exemplified and typified in the lives of Lincoln, Grant, and McKinley, who obeyed the Constitution and dealt justly by all Americans whether black or white.

We have almost reached that point where we can say "Thank God for Senator TILLMAN," for we believe him to be at least *honest* in his expressions and we believe him *square* in his life. I am absolutely convinced of this one fact: That should Secretary Taft be nominated at Chicago for President of the United States the colored voters of Ohio, and of the whole United States—95 per cent of them, at the least calculation—would cast their votes for the straight Democratic ticket for President or remain away from the polls, thus making the election of a Democratic President absolutely certain.

With great respect, I am

Very truly, yours, WALTER S. THOMAS.

No. 221 North Sixth street.

[Applause on the Democratic side.]

Mr. FOSS. Mr. Chairman, there being no one on this side who desires to speak, I yield the balance of my time to the gentleman from Tennessee.

Mr. PADGETT. Mr. Chairman, I yield the remainder of the time I have and that yielded to me to the gentleman from Oklahoma.

Mr. FERRIS. Mr. Chairman and Gentlemen of the Committee, it has been my pleasure to see this Congress appropriate more than $11,000,000 for the benefit of the farming and agricultural pursuits of this land. That was more than was appropriated last year. It was more than was appropriated the year before. It should be more than it is this year. I am proud to know that this Congress has recognized the necessity of this appropriation. I am proud to know they have exceeded former limits and it begins to look like the farmers' cares were our cares and that agriculture might take a new lease on life. [Applause.]

But while we are rendering this aid, I want to say that there is some legislation needed for the farmer that will do him more good every year than the appropriation we have already made, viz, the total annihilation of the "future dealing, bucket-shop gambling, and gambling in American farm products."

The last census report furnishes us with figures that let us know that our United States is populated by more than 80,000,000 industrious people. It is further a conceded fact of common knowledge that practically one-half of them are engaged in the useful and historic art of agriculture.

Forty million people, that produce more every year than

they themselves consume, renders them good and useful citizens. It entitles them to careful consideration from this Congress. They not only support themselves, but they contribute largely to the support of the entire nation. They contribute to other nations. They are indispensable.

It is an oft-told and oftener-used adage that "England expects every man to do his duty."

With the same propriety and precision, America expects this Congress to do its duty.

1. I am going to charge and do charge that "dealers in futures," "dealers in margins," "bucket-shop dealers," and gamblers in American farm products are conducting a fictitious, fraudulent, and dangerous business in New York, which has a very depressing effect on the price of farm products and are a great menace to the producer and consumer alike.

2. I charge further that, by false reports and fictitious sales, they are able to control the price of farm products, raising and lowering them almost at will and wholly independent of the true producer.

3. I charge that they neither produce, export, manufacture, nor consume, and that more than 95 per cent of their dealings are fictitious and tend to throttle and curtail the market.

4. I charge that more than 95 per cent of their contracts are wagers as to whether the price of commodities will go up or down, with no intent or apparent ability to perform them in keeping with their terms.

5. I charge they are selling contracts for products that do not exist—are selling approximately ten times more cotton in the New York Stock Exchange alone than is produced in the entire United States each year.

6. I charge they are using the farmers' money—the farmers' products—to an unlawful advantage and to the great detriment of the American producer and consumer.

7. I further contend that these evils should be abolished, and, further, that it is the duty of this Congress to do it.

It will be my purpose to give you a reason for the faith that is within me.

Some of the New York bankers associated with these concerns and other defenders of this nefarious business take the position that this wild-eyed gambling and speculation is a necessary evil in this: First, that people will gamble in any event; second, that it affords a useful market for the products.

In reply to the former, I am going to lay down the broad principle that gambling is never necessary; gambling never brings good results, but universally corrupts morals and brings home a direful effect. I am going to say, further, that this is the worst form of gambling; that it is the most far-reaching gambling, and that it is not confined to the participators or their immediate associates, but is of a far-reaching character, as for example: If "A" plays at dice, at cards, at faro, or any other game of chance, he demoralizes himself and denies his family his association, attention, and support. I am further going to say that he is a criminal in the eyes of the law; his crime is described on the statute books and other categories of crime; his property is subject to confiscation; he is subjected to fine and imprisonment, and the world all agrees that it is right. No one would repeal the statute if they could. No one could if they would. [Applause.]

"A" steps into one of the Wall street dens where agricultural products are gambled upon and trafficked in and buys a margin contract for future cotton at the rate of 10 cents per pound, the same to be delivered some time later, and pays $1 per bale down to hold it. We will say he buys 1,000 bales and pays $1,000 for the option. When he buys it he knows the bucket-shop dealer has no cotton to supply his contract. He knows that there is no such cotton in existence; he knows that the largest crop of cotton that was ever raised in the United States was thirteen and a half million bales; he knows they have sold through the exchange many times that amount, or any other reasonable and probable crop. Further, he well knows that he does not want any cotton for export; further, he does not want any cotton for use; further, never expects to see the cotton or have it delivered to him; would not know what to do with it if it was. Now, what does he buy it for? I believe I can tell you what he buys it for. He buys as a plain wager as to whether the price will go up or down. What does he do to accomplish the raise in price, so that his fictitious contract may become valuable to him? He at once joins in with other bucket-shop operators and they put out false and fraudulent reports as to the true output of cotton; further, put out false reports from the ginners; further, put out false reports from foreign countries, and the farmer is induced to hold his crop, thinking he will get a higher price. Further, that while the farmer is holding his spot cotton the spinners will become anxious to buy their contracts for spots for the ensuing year.

The unsuspecting American producer thinks these false reports are genuine and are a good criterion to follow. Thinks he, "I will hold my crop; will wait for higher and better prices." The spinner thinks it is time for next year's supply; he finds there is little spot cotton on the market. Cotton goes up and is apparently scarce, and continues for a time to go up in price. The bucket-shop dealer, while the price is high, is hurriedly disposing of his cotton future contracts as fast as he can; some to the spinner and some to unsuspecting speculating buyers. Well knowing his selling price is speculative and unhealthy, he can reduce the price by false reports, so that he can buy the future contracts back for about half of amount sold for. The spinners are then supplied with contracts which they expect to be carried out. There is little call for the spot cotton. The false reports have spent their force, and then comes a reaction. Cotton goes down, down, down, until it has reached a price that the producer can hardly afford to raise it and pick it.

What does the bucket-shop dealer do? He lays in wait like a tiger for its prey, and the speculator, with his little or no means with which to pay the balance of his contract price, is forced to sell his equity or interest in his fictitious contract for what he can get. The farmers' taxes, mortgage, and interest come due, and he is forced to sell his cotton product for what he can get. He is not situated so he can hold his crop. What does the bucket-shop dealer do? He buys back from the lamb speculator for 6 cents a pound the future contract he had previously sold to him for 12 cents. He buys the spot or actual cotton from the farmer for 6 cents, and supplies the contracts that have reached the hands of the spinners at 12 cents. Here the farmer has sold for less than it cost to produce the cotton. Here the weak and unsuccessful speculator, or "lamb," as they are called in bucket-shop parlance, has lost his money. The spinner has paid higher prices than he should pay for the cotton; the bucket-shop gambler has made the money, and practically all of it.

Which of these classes have profited? Which have lost? The answer comes that "surely the farmer has not profited," for he has sold his cotton for less than it cost him to raise it, and has no product to sell and no money with which to buy again. The imprudent lamb has lost his money, and has performed a hard day's labor in the field of experience. The bucket-shop dealer has the money in his pocket, and he is safe and sound. The spinner has paid an exorbitant price, but has a chance to get out. How? we ask. How? Why, he can weave the cloth and add his profit on top of the swollen price he was forced to pay; the retailer can add to his profit on the price that he is forced to pay the spinner, and the poor consumer who wears the garment pays tribute to them all.

You may ask, "Why does not the farmer hold his crop?" Many of our American farmers are in debt. They have mortgages on their homes, many of them have mortgages on their teams and wagons, mortgages on their crops. Interest rates are high. They know not the facts and the bickerings and jugglings of the speculator. It is all confusing to their brain. They must sell their products or lose their homes under the mortgages; must sell or lose their teams; must sell or lose their cotton crops, with court costs and attorneys' fees along with it. Interest rates are high. The producer who earns slowly but honestly can not compete with the speculator on interest rates, for one earns honestly, but slowly, while one earns rapidly, but dishonestly. There is no alternative for them. It is, therefore, the duty of this Congress to help maintain an open, uniform, and healthy market.

The farmer is at great disadvantage when the prices are rising and falling almost with the tide. Their uniformity in change is not governed by the sun, the moon, or the revolutions of the earth. The sliding and gliding of prices come not with equal regularity, so honest calculations may be made, but without notice, without warning, and while the farmer is wholly unawares change with the will and wish of the future dealers who operate independent of the law of supply and demand, independent of right and wrong, independent of intrinsic value, and even wholly independent of the very existence of the actual commodity itself.

The producer and consumer alike are chained like Prometheus to this practice of future dealing, fictitious dealing, margin dealing, corner dealing, and bucket-shop dealing that divest them of an honest, healthy, and open market; divest them of the value of their products without advice, consultation, or a sigh.

Oh, but the bucket-shop advocate says this system furnishes them a boundless market. "They need a market as wide and boundless as the ocean," they will blandly remark. It is quite true; they do need a boundless market. But the difference of opinion is whether this fictition and gambling will afford it to them. Instead of affording a boundless market as

broad as the ocean, they are afforded a market the width of one street, and that during the recent disclosures of this panic is not a very popular street at that. It but serves to blind their eyes, shackle their feet in a network of unlawful practices behind closed, locked, and bolted doors, the number of members being at all times limited to 450 members.

Is such a proceeding as that conducive to the best interests of our American farmers that we have sworn to protect? Is such bickerings and juggling as that what it takes to afford the producer with an untrammeled, open, boundless, and honest market? Must we confess that such an evil as that is an inevitable condition that we must submit to and refuse to legislate upon? Is that good government for all and special privileges for none? Will that serve as a protection to the 40,000,000 people that are engaged in agriculture? Does that tend to promote and encourage the historic and noble art of agriculture? The answer comes from every farmers' union in all the land; the answer comes from most of the rulers of the leading countries of the world; the answer comes from most of the legislatures of the States where the fleecy staple grows; the answer comes from most of the governments of the world; the answer comes from the President of the United States of to-day in his recent message; the answer comes from the next President of the United States, W. J. Bryan—all answering in unison and accord: "No! No! No!" [Loud and prolonged applause.]

Some Wall street bankers who lend these concerns the reserve deposits that belong to the farmers of the South and West argue and stubbornly contend, in their 45-page brief full of subtle defenses of this nefarious business, that "future dealers" are just as honorable and that their transactions are just as honorable as the man who gives his note for $100 to another. In each case, they blandly argue, is a contract to do something in the future.

Comparison is always fair. Comparison helps us arrive at true situations. Let us compare. In the note case we will say that Mr. A lends Mr. B $100. Mr. B executes a promissory note, which is a signed promise to pay. The note also includes interest. This is a positive and an honorable transaction. There is no fiction here. There is no deception here. Here A has money that he does not need. Here B needs money that A has. B can use to his advantage by investment and necessary use, and can use it to an advantage that he can afford to pay interest on it. B uses the money and keeps it in circulation. A gets his interest and the return of his money. No fraud, no wrong; all a perfectly regular transaction, and one that is countenanced the world around. While in the cotton case the seller has no cotton and does not expect to get any cotton. The buyer knows the seller has no cotton to sell him and would not want it if he did have. He does not pay over the price of the cotton; he merely makes a payment on it of a dollar a bale to hold his contract and wager that amount on the price going up or down as his judgment leads him. Neither has any cotton, neither uses any cotton. Usually dealing in a thing not in existence renders commerce and society no service whatever and an irreparable injury instead.

They contend that it is a practice that we must countenance, as there is no way to separate the wheat from the chaff. Let us see. Let us use another humble example:

A sells B 160 acres of land in Oklahoma for $10 an acre. They draw up a contract similar, if not identical, with the cotton contract, save that one relates to land and the one to cotton. It develops later that A had no 160 acres of land in Oklahoma to sell. What is done? The answer comes quickly from every mouth from all corners of the land. A criminal! Guilty of fraud! Arrest him, indict him, prosecute him, convict him, send him to jail, and the whole world says it is right. It is right in this case, and the same doctrine should be applied to the men or set of men who inhabit these dens on Wall street in the greatest city in the United States and sell by their fraudulent and improvised contracts, approximately, 100,000,000 bales of cotton every year, when the greatest output of cotton ever produced in the United States in an entire year was 13,500,000 bales.

In the latter case the prosecution should be more vigorous than the first, for in addition to the fraud they perpetrate on the unsuspecting lamb dealer it is but infinitesimal to the wreck and ruin it deals to the whole agricultural and consuming world over the lamb speculator's shoulder.

Oh, but the bucket-shop dealer says it is not a parallel case. He says: "Yes, but in the cotton case the seller could go in the cotton belt and get the cotton, when in the land case he could not." To this doctrine I can not subscribe, for when they have contracted, approximately, ten times as much cotton as there is in existence in the United States, it is an utter impossibility to perform or procure, while in the land case the Oklahoma land is in existence, and I submit the chance to procure a thing that is in existence is more susceptible of procurement than that which is not in existence at all.

Certain bankers in New York have come to the rescue of these violators of the law, and have sought to defend them and their nefarious business, and have been sending briefs and circulars to Members of Congress in an attempt at justification. They contend that the bucket shops and gambling exchanges are a necessity to the cotton and grain business. If this be true, it seems to me that the actual cotton that grows in the Sunny Southland in all its purity and grandeur would seek them, or at least they in return would seek the cotton fields. This they have not done in the past, and from the constantly diminishing trade we could easily speculate that they would not do so in the future.

I submit some figures for your examination that I think will quite well show it. The three leading ports of the United States as cotton markets are:

1. Galveston—receipts, 1906-7, 3,891,695 bales; no cotton exchange.

2. Savannah—receipts, 1906-7, 1,668,633; no cotton exchange there.

3. New York—receipts, 1906-7, 23,108 bales; a cotton exchange there.

Now that we have seen how much cotton was actually received this last year, it might be interesting to know how much New York sold in future contracts last year. We are advised from reliable sources that during the last year on the New York Cotton Exchange alone they sold about 100,000,000 bales, this, if you please, being more than 4,000 times the actual amount sold. Stop and compare receipts of 23,108 and sales of a hundred million. Enormous! Startling! Almost inconceivable!

These figures do not stand alone for the last year, for the receipts for the years prior thereto may be easily run down. The New York Cotton Exchange has been on the decline for the past decade of years so far as actual receipts are concerned and on the incline so far as fiction and gambling are concerned. I desire to submit some figures that will quite well show it. These figures apply to New York:

	Bales actually received.
1901	205,897
1902	161,964
1903	57,577
1904	45,123
1905	33,798
1906	6,575
1907	23,108

Now, it must be interesting to observe that each year with precision has the real cotton diminished in receipts at the New York Cotton Exchange, while their volume of business on the future side has steadily accumulated. So we can but conclude that as the fictitious business prospers it is at the expense of the real business. These figures can but lead us to further believe that the future business and the actual cotton business do not walk hand in hand, are not a necessity, are not conducive to the best interests of the producer or the consumer, but are a menace instead. They certainly prove that the cotton does not seek this gigantic institution; its location conclusively shows that they are not in operation where the fleecy staple grows. We are constrained to believe that the farther apart the real product of the soil and this institution, known as a "cotton exchange" or "bucket shop," remain, the better for both and all concerned. For as the cotton exchange is permitted to keep itself remote from the real cotton, they are harder to detect and know of their fiction, oppression, and vice; while in the cotton case, the atmosphere and market is apt to be more pure where they have not polluted it with fiction and false reports of false and fraudulent sales. [Applause.]

It is not a benefit to the spinner, for it does not bring the cotton to his door through the bucket shop. The receipts conclusively prove that, as above given.

Nor to permit them to sell commodities that do not exist for prices where the consideration is not paid, nor is it expected to ever be paid. To permit them to report through the mails and over the wires this fiction is but to permit them to blind the eyes of the honest producer and permit them to loot the threadbare pocket of the consumer who wears the garment and uses the product. Surely this Congress will not longer permit it. [Applause.]

The figures, if we can rely on figures and they prove anything, they prove it a myth and a snare. They offer nothing to commend it and everything to condemn it. [Applause.]

Oh, but the friend of the bucket shop says: Why, the price of cotton is higher now than when the bucket shop was in its

infancy. This may be true, but of course there is no course of reasoning that can trace the credit of this to the gamblers in farm products. It is because cotton is more universally used. It now takes the place of the silkworm and the sheep. There was a time when it could only be used when woven with hemp, flax, wool, or silk. To-day, under the benign influence of modern science and invention, this useful product stands alone and is king. It has robbed the silkworm of his tedious task. It has robbed the historic shepherd of his usefulness. It is king of every clime. It is used in every home. [Loud applause. Prolonged applause.]

The recent panic, with its many ghastly disclosures, very vividly demonstrates to a marked degree who is even furnishing the money to carry on this business. When the Southern and Western banker called for his account in the local bank last fall, in the good year 1907, he learned that his money had gone East to the reserve banks, as it has been permitted to do under the very defective banking laws of the present. The reply came that he could not draw his account. The reserve banks would not, if you please, pay over the funds that had been intrusted to their institutions by the Western and Southern banks. Where was the money? The answer came faint, but clear. It was loaned to carry on the very business the American farmers are asking to have driven from our borders—the stock gamblers. Whose money was it? We can easily trace it. The local farmers and business men of the West and South had unsuspectingly deposited their money and little accounts with their local banks. The local banks in turn had forwarded to the Eastern banks. The Eastern banks in turn had loaned it to wild-eyed speculators with which to gamble on American products. I respectfully ask, Who furnished the products? The American farmer. I again repeat, Who furnished the money? The American farmer. The American farmer here furnishes all the paraphernalia for this New York gambling, but is not permitted to sit in the game. He is not, if you please, permitted to even make inquiry as to what is to be done with his money or with his product, but must believe the gamblers when they say, "It is inevitable, for men will speculate, men will gamble." Sir, will this Congress permit 40,000,000 American farmers to longer be looted, overridden, and abused? [Applause and voices of "No!"]

Who is here defending this nefarious business? Is it the American farmer? No! No! He is opposed to it. Is it the American consumer? No! No! He is opposed to it. It robs him. Is it the American banker? No; not all of them, but I regret to say, some of them, for I have within my possession a brief and a fierce attack against any attempt to legislate against them. This defense comes from a Wall street banker, seeking to ridicule and disgust Members with the idea of legislation to prevent it. Such a defense, though unsound, is dangerous to those who are not personally and vitally interested in the matter.

In reply to that defense, I would say, to my mind, it does not come in good grace from them. It does not come with a good odor, for it is but a few weeks ago when every bank in my entire State had to close its doors on account of overspeculation on reserve funds in the reserve banks of the city of New York. It is not my purpose to assault all the banks in New York, nor all in the street of Wall, which is getting to be a widely advertised place, and whose popularity does not always keep abreast with its advertisement; but it is my purpose to deal rebuke to any bank or set of banks who hope to share in such a vicious speculating scheme as the bucket shop or seek to defend its nefarious methods.

I have read their defense carefully, and they have nothing even bordering on a true or genuine defense. They offer such defenses as "Men will gamble, and there is no use to try to prevent it." Shame on such a theory! Shame on such an argument! Shame on such a principle! There is no place in the world where such a principle, where such a thought, can find lodgment in an honest breast or a thoughtful brain. It may be practiced by good men, but they wink at vice and forget virtue when they do it, and honest men will own it. [Applause.]

I would very much prefer to have their nefarious defense that is now cloaked in criticism, ridicule, and playing the rôle of a disinterested party bear a well-worded, careful, and painstaking apology to the Southern and Western bankers, to the Southern and Western depositors, and the whole panic-stricken Union, for that matter, that they so ruthlessly help retard, disgrace, overturn, and upset from their vicious and unworthy banking methods employed. I say they have bank failures and suicides to their credit now for their lax and irreconcilable methods. Their conscience must be whalebone! Their hearts must be stone! [Applause.]

In my own little home city in Oklahoma they have one banker suicide to their credit, one bank failure, and thousands of depositors who lost their all. This is but a pitiful example of the thousands that exist. This, I say, is but one of the many!

Where do we find them now? Do we find them in the attitude of the meek and lowly, sorrowful and careworn from their vice? No, indeed; we find them arrogantly presenting briefs to the Sixtieth Congress to kill all classes of legislation that tend to harm a hair in the head of the bucket shops and stock exchanges.

These bankers give their address as 16–18 Wall street, New York. In their 45-page brief they blandly reply that every contract is made and every contract for futures is made in strict accord with the rules of the exchange! Pray tell. How many farmers know this rule? How many farmers helped make these rules that are to govern their future destiny? The answer comes! None of them! None of them! It leads us to believe their operations are carried on with much greater success where we know them not! [Applause.]

This firm of legal lights, who call themselves "bankers" and give their address as 16 and 18 Wall street, say in substance: "Why, it would be to the utter ruin to let the spinner and the producer deal direct." "Their interests are directly antagonistic to each other," they blandly contend. "One, you see, is the buyer; he wants to buy as cheaply as possible," "while the producer is the seller, and he wants to sell as high as possible." Think of this logic! Think of the anxiety these bankers have for the producers! Their anxiety must be so acute that it brings about insomnia. [Applause.]

As to the status of the buyer and the seller and their respective interest with reference to the price, we must all subscribe to the fact that their interests are opposed to each other in that regard. But it is an open, an apparent interest that accompanies every business transaction known to the business world.

Now, pause for a moment and think of this logic! How terrible that would be. Now, I want to urge this Congress to think of what a deplorable condition that would be to put the real producer in if, perchance, he was ever permitted to sell to the real spinner himself instead of letting a dozen middlemen who have bought, sold, and juggled with the product, and everyone made a profit before it reaches the true market, which is the spinner. It is to be remembered of them—that paternal, knightly, and good Samaritan spirit of the New York banking institution, in their 45-page brief, elegantly bound and very tastefully gotten up, full of deception, full of ridicule, full of snares, and full of pitfalls, aimed at those who have not a deep interest and who are not willing to study the philosophy they call into vogue. It is amusing and interesting to know of the keen sensibilities they possess for the producer. [Applause.]

It is interesting to know how they have picked out the pitfalls (such as the one above mentioned) for the farmer. They must certainly feel the farmer owes them a deep debt of gratitude, and think they are to be applauded and commended for their ever vigilance and watchfulness over the interest of the American toiler, the American producer, and the American consumer! That same self-sacrificing Samaritan spirit was made manifest in the recent panic; it had been visible prior to that; it was not only visible then, but was a howling reality! [Applause.]

No; it is all wrong. It has not a peg on which to stand. It is a vicious practice of speculating that this Commonwealth not only does not need but it is very desirous of getting rid of. It needs legislation to wipe it off. It needs hasty legislation to do it. There are a number of bills here on the subject. I have introduced H. R. 11785 on the subject. It may not be the best. It may be the poorest. I care not whether it be the best or the worst. It deals with legislation that is all-important and it is your duty to act and consider it. Amend the bill if there be defect. Draw one yourself that will stand the test. What the 40,000,000 American farmers want is legislation to cure the evils. No matter whose bill you pass, or from which side of the House; in either event it shall have my loyal support. It is relief the farmers want. [Applause.]

My bill first denies them the use of the mails; second, the uses of the telegraph, the telephone, and every other hasty method of transmission of intelligence, thinking this would rout them out of their den in New York and make them seek the fields of cotton in the Southern districts, where the local legislatures could handle them from time to time as their wants needed administering to. It further subjects those who deal either as proprietors or patrons to a fine and imprisonment for bucket-shop wagering and speculating in future transactions, unless the vender is possessed of the article or has the apparent ability to deliver the same. This would deny them the benefit of hasty communication to their lieutenants in the field and would retard

their vicious practices, and in my judgment would put them out of business. I say, put them in stripes for these wrongs! Stamp them out root and branch! And the American farmers and producers will see her first proud day.

Let the farmer have an open market, where all can read and all can know. Let the farmer have a chance. His lot is not the brightest in all the land. Let that ever-faithful wife and children of tender years, when they crawl on their hands and knees from gray daylight till close of day gathering the fleecy staple, believe and know that they are gathering nature's most useful crop for an honest and open market. Let them feel a true and honest pride in procuring and being made secure in a fair price, and let it serve as a solace to tired constitutions, but ever-rested souls, that this Congress has yet a heart that throbs, yet an ear that hears, and is willing to give them heed. [Loud applause.]

Let us not permit the bucket shops and dens of gamblers in farm products to longer curb, throttle, checkmate, divert, debauch, and destroy this noble and historic art. Let us not permit them to discourage, hamper, and burden the 40,000,000 of American citizens who are engaged in agricultural pursuits, living and residing on 6,000,000 cultivated farms. Let us not permit further exploitation of that class that produce more every year than they themselves consume. It is wrong in principle. It is wrong in morals. It is the burning duty of this Congress to make it wrong and criminal in law as well. [Applause.]

If you legislate for them as you ought to do, it will not retard the growth of the historic cotton plant in the springtime. It will not make the cotton bloom in midsummer with any less splendor; it will not increase the appetite of the ever-vigilant boll weevil; it will not cause its bolls holding the valued product to open with less speed or less certainty; it will not make the task more difficult of gathering; it will not increase the expense of hauling to market or of ginning. The fleecy staple will yield and grow and produce as of yore. [Applause.] To refuse to legislate against this evil will not make the wheat of the North and West greener in winter and spring, will not make it more golden at harvest time; it will not retard the binder or the sickle; it will not make the showers less plentiful in summer; it will not make the sun-kissed petals produce less than of yore. But if Congress will act, nature will continue to do her annual task and do it well. Agriculture will progress and improve. The ever faithful American farmer will start with new zeal and new energy and agriculture will take a new lease on life. [Applause.]

The farmers of America believe the bucket shops should go. They feel there is no place in this country for them. They feel they are plain, everyday gamblers. They think that their crimes should be described in the category of crime the same as the man that conducts the Louisiana lottery or the game of chance. They think it corrupts the morals of this Commonwealth. They neither produce nor consume. They neither furnish pleasure nor value, but, on the contrary, deal vice and disaster throughout the land. They reap where they have not sown. They deal where and when they have not with which to deal. They control prices, raising and lowering them at will. They deal independent of the producer and irrespective of their rights. I ask the American Congress if this is inevitable? Is this necessary? Surely this Congress can not longer be misled. Surely they will not longer refuse to act. [Applause.]

You have the right to look into the books of the corporations and know their wrongs. You have the right to know their vices and their methods. Surely, when corporations, creatures of law, are subjected to regulation and control, surely enough should this class of citizens which operate in the absence of law, in the face of the law, and because there is no law be dealt with speedily and effectually.

I am one citizen that believes the people should have an inning. I am one citizen that believes that the time is at hand when the people should have the opportunity of good laws to protect their own; should have a Congress that represents the wish of the people, and when the wishes of the people are proven wrong, let them repeal the laws.

These gamblers and garblers of prices wield a two-edged sword that smites both consumer and producer at the same stroke. How can the farmer know when to sell? How can he know when to buy? He has not their figures. He knows not of their machinations and vice. He knows not of their fictitious deals. He knows not whether the market be healthy or unhealthy, and there is no law to enable him to find out, or protection afforded. Can such a fictitious market benefit the farmer? Can this benefit the consumer? Can this purify the morals of the land? No; it is all wrong. There is no dividing line. There is no reason why the bucket shop should not be viewed in the proper light, to wit, that of the everyday gambler and of the most injurious character.

No; this is an era when men should deal honestly, when men should deal fairly and squarely, when the products of the soil should be handled in a careful and painstaking way.

The farmer knows not of the "bulls" and "bears." They do not want to know them. They do not want to know of or concerning them. It has been humorously but truthfully said that our Oklahoma farmers do not care to know of any bulls but "Durham bulls" nor any bears but the ones in the zoological gardens in safe captivity. I take it this rule is quite universal and applies to the American producers generally. [Loud applause and laughter.]

The products of the soil should be a sacred matter. They should not be longer subjected to this orgy of speculation by a failure on the part of this Congress to act. This Congress has authority to act—has authority to go into this matter in detail. This Congress has men on both sides of the House who have introduced bills on the subject.

This is not a partisan question. This is not one that Republicans should be against because the Democrats are for. This is not a bill that will unsettle conditions that now exist. This is not a measure that will wound the feelings of any, save a few gamblers who are making their living by irregularity and speculation. It is a measure the farmers are pleading for, a measure the consumers all need and many of them are asking for, a measure that is to-day being opposed chiefly by New York reserve banks who are interested in the transactions and the bucket-shop people themselves, who are annually robbing the farmers out of millions of dollars, not by honest business methods, but by fraud, vice, stealth, and irregular transactions.

It is not my disposition to threaten this Congress, for you would not heed me if I did; but I am going to make a modest prophecy that I think will come true. This prophecy is made, of course, only on the theory that you fail to act. I am going to say that I think you will find 40,000,000 farmers anxious to know why this bill was not passed. They are going to be so inquisitive and so unkind as to ask why a Republican House, why a Republican Senate, why a Republican President that is eminently qualified to do all things at all times; why, when every committee was loaded down with Republican members—there being on an average twice as many Republicans on every committee as there are Democrats—refused to stop this gambling in high places by passing a bill that will forever put them out of business and cause them to pursue honest industry as other citizens do. You can not lay it onto the Democrats, for they could not stop you if you wanted to pass it. And, fortunately for us, there are not many Democrats that I know of trying to stop it. The truth is, most of them have been working ever since they came here to get this bill through for the relief of the farmers.

You may defeat this legislation that the farmer is asking for; you may let this gambling in farm products run on and on; you may go home and tell the farmers you were in favor of the bills, but could not get them out of the committee. You may fool them again on this matter. It is not my prophecy to say you can not, for, as experience is our blessed teacher, you have been doing it for twelve long years. But even if you can fool them again, even if you could get all of their votes again under misapprehension, you would still feel and know down in your heart, which is often more honest than your vote, that you had rendered them a sting when you had sworn to protect. You should not do it. I hope you will not do it. [Loud applause.] I desire to submit the views of some citizens and some farmers' union organizations—some from my district, some from the nation, and any of them entitled to consideration equal to the gamblers who are flooding this Congress with briefs, arguments, and subtle defenses of this future, corner, margin dealing business.

W. J. BRYAN'S INDORSEMENT.

On Monday, June 18, 1894, in the Fifty-third Congress, second session, in an able speech on the question of "bucket shops, options, futures, corners, and gamblings upon agricultural products," while a member of that body, W. J. Bryan, among many other things, said:

When the farmer has taken the chances of rain and drought; when he has taken the chances which must come to the farmer as they scarcely come to anybody else; when he has escaped the grasshopper and the chinch bug and the rain and the hail and the dry winds, I insist that he shall not then be left to the mercy of a gang of speculators, who, for their own gain, will take out of him as much of the remainder as they can possibly get.

S. H. Greely, a Chicago commission merchant, admits, and the digest of his testimony is that the law of supply and demand no longer control prices of farm products, which are regulated by four distinct systems—bucket shops, railroads, warehouses, and future speculation. Mr. Greely estimates that from 75 to 90 per cent of the business done on the stock exchanges is

fictitious, and that the success of the bucket shops is depressing to prices and markets.

Hon. Joseph Brigham, who was Assistant Secretary of Agriculture during the first session of the Fifty-seventh Congress, testified before an investigating committee that gambling in farm products on the exchanges tends to injure the farmer.

Franklin Dye, secretary of the State board of agriculture of New Jersey, was of the opinion that gambling in farm products was detrimental to both consumer and producer alike.

Michael P. Moran, president of the National Grain Growers' Association, advocated the total abolition of gambling in futures, holding the bucket shop to be a destroyer of values.

BECKHAM COUNTY, OKLA., INDORSEMENT.

DOXEY, BECKHAM COUNTY, OKLA.,
February 19, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We indorse your "antibucket-shop" bill and want it to pass.
(Signed by 12 farmers.)

JACKSON COUNTY INDORSEMENT.

MARTHA, JACKSON COUNTY, OKLA.,
March 16, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the undersigned, are very anxious to have the "bucket-shop" business abolished. We believe it an injustice to the farmer.
(Signed by 20 farmers.)

JACKSON COUNTY INDORSEMENT.

ELDORADO, JACKSON COUNTY, OKLA.,
March 20, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

I indorse your "antibucket-shop" bill now pending before Congress.

J. M. BAKER,
President of Eldorado Local.

POTTAWATOMIE COUNTY INDORSEMENT.

WANETTE, POTTAWATOMIE COUNTY, OKLA.,
March 10, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the undersigned, do heartily indorse your "antibucket-shop" bill and want it to become a law.
(Signed by 30 farmers.)

CLEVELAND COUNTY INDORSEMENT.

LEXINGTON, CLEVELAND COUNTY, OKLA.,
March 17, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We indorse everything that you have done and are trying to do, especially in passing the "antibucket-shop" bill, No. 11785. The bill will stop gambling in farm products.
(Signed by 19 citizens of Lexington, Okla.)

GREER COUNTY INDORSEMENT.

SANDY, GREER COUNTY, OKLA.,
March 16, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the undersigned citizens of Greer County, Okla., heartily indorse your "antibucket-shop bill," No. 11785. We ask all who are interested in the welfare of the "common people" to assist you in its passage.
(Signed by 35 farmers.)

POTTAWATOMIE COUNTY INDORSEMENT.

GRIFFIN UNION, No. 314,
Trousdale, Okla., March 15, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the undersigned members of this local, do petition the House of Representatives, now in session in Washington, D. C., that they support House bill No. 11785.
(Signed by 21 members of local.)

CLEVELAND COUNTY INDORSEMENT.

CANADIAN TOWNSHIP, CLEVELAND COUNTY, OKLA.,
March 17, 1908.

Hon. SCOTT FERRIS:

We, the undersigned legal voters of Canadian Township, Cleveland County, Okla., do indorse your "antibucket-shop" bill No. 11785.
(Signed by 17 voters.)

CLEVELAND COUNTY INDORSEMENT.

NORMAN, CLEVELAND COUNTY, OKLA.,
February 14, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We want all gambling on farm products abolished by law. We heartily indorse your bill on gambling in futures.
Signed by M. B. Fulkerson, president Cleveland County Farmers' Union, and 9 other members of the local union.

POTTAWATOMIE COUNTY INDORSEMENT.

TEMPLE HILL LOCAL UNION, No. 315,
Pottawatomie County, Okla., March 16, 1908.

Hon. SCOTT FERRIS:

We, the undersigned members of the F. E. and C. U. of A. of Pottawatomie County, Okla., do heartily indorse your "antibucket-shop" bill No. 11785.
(Signed by 15 members of local.)

KIOWA COUNTY INDORSEMENT.

FARMERS' INSTITUTE OF KIOWA COUNTY,
Snyder, Okla., January 16, 1908.

To the Committee on Agriculture:

We, the Farmers' Institute of Kiowa County, Okla., do hereby approve and indorse the principle and purpose of House bill 11785.

W. J. CAUDILL, *President.*
W. J. MCCOLLOM, *Secretary.*

WASHITA COUNTY INDORSEMENT.

FARMERS' UNION OF KORN, WASHITA COUNTY, OKLA.,
RED TOP LODGE, No. 605,
Korn, Okla., February 16, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

My order instructed me to express our gratitude to you for the stand that you have taken on bill 11785, now pending in the House. We indorse the bill and want it to become a law.

JOHN ESTES, *Secretary-Treasurer.*

KIOWA COUNTY INDORSEMENT.

LONE WOLF, OKLA., *February 16, 1908.*

We, the undersigned citizens and landowners of Kiowa County, Okla., do heartily indorse House bill No. 11785, introduced in Congress by Hon. SCOTT FERRIS, and want to see the bill pass. We think it for the best interests of the people.
(Sixty signers of Kiowa County.)

STEPHENS COUNTY, OKLA.

PARKS, OKLA., *March 15, 1908.*

Hon. SCOTT FERRIS:

We indorse your "antibucket-shop" bill 11785 and wish to see it pass.
(Signed by 30 farmers.)

BECKHAM COUNTY INDORSEMENT.

ERICK, BECKHAM COUNTY, OKLA.,
February 11, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the undersigned, heartily indorse your bill to prevent gambling in cotton, grain, and other farm products.
(Signed by 20 farmers.)

[Farmers' Union indorsements.]

GREER COUNTY INDORSEMENT.

LOONEY, GREER COUNTY, OKLA.,
March 19, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the Farmers' Union of Liberty Local, No. 812, do by a unanimous vote adopt the following resolution:

That the Congress of the United States do pass and cause to become a law House bill 11785, so that we can put our produce on the market without being molested and robbed by a lot of gamblers and speculators.

A. C. BOYETT,
President Greer County Farmers' Union.
W. L. OSBAN,
Secretary.

CLEVELAND COUNTY INDORSEMENT.

LITTLE RIVER LOCAL, No. 462,
Cleveland County, Okla., February 4, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

Little River Local, No. 462, of the Farmers' Educational and Cooperative Union of America, has instructed me as its secretary-treasurer to write to you that our local heartily indorses House bill 11785, so vital to the interests of the farmers.

JAS. A. DUNBAR, *Secretary-Treasurer.*

TILLMAN COUNTY INDORSEMENT.

TILLMAN COUNTY, OKLA.,
March 20, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

We, the Farmers' Union of Tillman County, Okla., met in our annual county meeting March 19, 1908, and passed resolutions indorsing your "antibucket-shop" bill.

J. L. GIVENS, *Secretary.*

GRADY COUNTY INDORSEMENT.

GRADY COUNTY, OKLA.,
January 22, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

The Farmers' Union of Grady County, in session at Rush Springs, Okla., met on January 17, 1908, and passed resolutions indorsing your bill (H. R. 11785) to prevent gambling in cotton and grain futures.

E. I. WILLIAMS, *Secretary.*

GREER COUNTY INDORSEMENT.

LONE STAR LOCAL, No. 325,
Kelly, Okla., February 20, 1908.

To Hon. SCOTT FERRIS, *Washington D. C.:*

The Farmers' Union of Lone Star Local, No. 325, of Greer County, Okla., passed resolutions indorsing your bill to prevent gambling in cotton and grain futures, and instructed me to write you that we as a body of 75 members indorse said bill.

F. M. LOCKE, *Secretary.*

POTTAWATOMIE COUNTY INDORSEMENT.

ASHER, OKLA., *February 16, 1908.*

Hon. SCOTT FERRIS, *Washington, D. C.:*

Avoca Union, No. 571, requested me to write you that we agree with you in every particular and that we extend to you our sincere thanks for the interest you have taken in behalf of the producers of all wealth, and that we indorse your "antibucket-shop" bill.

JOHN H. HOOVER,
Member Avoca Union, No. 571.

UNION LABOR AND RAILWAY UNIONS' INDORSEMENT.

THE STATE OF OKLAHOMA,
DEPARTMENT OF LABOR,
Guthrie, Okla., March 26, 1908.

Hon. SCOTT FERRIS, *Washington, D. C.:*

DEAR SIR: We, the joint legislative board of the State of Oklahoma, now assembled at the State capital, Guthrie, Okla., composed of the farmers, American Federation of Labor, and railway unions, do hereby make the following request:

Whereas we do heartily indorse the "antibucket-shop" bill, No. 11785, now pending in the House of Congress, and further request that you use your influence in its passage.

Respectfully submitted. _____, _____, _____.

JACKSON COUNTY INDORSEMENT.

Frazier Local Union, No. 86, Jackson County, Okla., pass resolutions indorsing House bill No. 11785:

ALTUS, OKLA., *March 22, 1908.*

Hon. SCOTT FERRIS:

All the members of Frazier Local Union, No. 86, indorse your "antibucket-shop" bill and want it passed.

W. H. XANDER, *Secretary.*

JACKSON COUNTY INDORSEMENT.

Farmers' Union, No. 384, Jackson County, Okla., indorse bill 11785:

ELDORADO, OKLA., *March 24, 1908.*

Hon. SCOTT FERRIS, *Washington, D. C.*

DEAR SIR: Your "antibucket-shop" bill was presented to our Local Union, No. 384, and it was unanimously indorsed. We hope you will succeed in getting your bill passed.

J. A. DICKERSON.

CLEVELAND COUNTY INDORSEMENT.

Member of Cleveland County, Okla., F. E. and C. U. of A. indorse House bill 11785:

NOBLE, OKLA., *March 18, 1908.*

Hon. SCOTT FERRIS:

We the undersigned heartily indorse your efforts to suppress gambling in farm products. We urge the passage of your "antibucket-shop" bill 11785.

(Signed by 24 members of the Farmers' Union.)

Resolution adopted by Victory Local Union, No. 738, F. E. and C. U. of A.:

MARCH 14, 1908.

Be it resolved by this union, That we favor the "antibucket-shop" bill, No. 11785, offered by Hon. SCOTT FERRIS, of Oklahoma. We urge the United States Congress to act favorably on the bill.

I. M. BYRD,
J. B. KETCHERSID,
J. P. HENSLEY,
Resolution Committee.

M'CLAIN COUNTY INDORSEMENT.

Resolutions from Washington Local, No. 392, F. E. and C. U. of A., McClain County, Okla.:

WASHINGTON, OKLA., *March 31, 1908.*

Hon. SCOTT FERRIS:

Your "antibucket-shop" bill, No. 11785, was read and discussed in our union and unanimously indorsed. We sincerely urge that Congress pass the bill.

W. W. YODER, *Secretary.*

ROGER MILLS COUNTY INDORSEMENT.

Willow Springs Local, No. 350, Roger Mills County, Okla., pass resolutions indorsing the bill No. 11785:

BERLIN, OKLA., *March 21, 1908.*

Hon. SCOTT FERRIS has introduced in Congress a bill known as the "antibucket-shop" bill, No. 11785: Therefore, be it

Resolved by Willow Springs Local Union, No. 350, F. E. and C. U. of A., That we urge Congress to pass said bill to prohibit gambling in farm products.

A. M. UNDERWOOD,
Secretary-Treasurer.

INDORSEMENTS FROM BECKHAM COUNTY, OKLA.

MAYFIELD, OKLA., *March 21, 1908.*

To the House of Representatives, Washington, D. C.:

We, the undersigned voters of Beckham County, Okla., respectfully and earnestly ask your votes in the interest of the "antibucket-shop" bill, known as "House bill No. 11785," introduced by Congressman FERRIS, of Oklahoma.

(Signed by 15 farmers.)

INDORSEMENTS FROM WASHITA COUNTY, OKLA.

FARMERS' LOCAL UNION, NO. 136,
CORDELL, OKLA., *March 25, 1908.*

To the United States Congress:

Whereas there is now pending for the action of Congress a bill known as "antibucket-shop" bill, No. 11785: Be it

Resolved, That we give such Congressmen as give the bill their support our hearty cooperation, and Hon. SCOTT FERRIS especially.

Be it further resolved, That we ask our friends in Congress to notify us of those who oppose the bill that we may mark them for future elections.

W. B. DRUCE,
R. R. NANCE,
JESSE STOVALL,
Committee.

(Also signed by 14 other farmers.)

INDORSEMENTS FROM BECKHAM COUNTY, OKLA.

ERICK, OKLA., *March 26, 1908.*

We, the members of North Star Union, No. 250, do petition and pray that Congress pass an "antibucket-shop" bill to put a stop to gambling in farm products.

(Signed by 20 farmers.)

INDORSEMENTS FROM GRADY COUNTY, OKLA.

COLBERT LOCAL, NO. 76, F. E. AND C. U. OF A.,
Bradley, Okla., March 30, 1908.

We, the members of Colbert Local, do indorse, commend, and approve the bill known as "antibucket-shop" bill, No. 11785, introduced by the Hon. SCOTT FERRIS in the House of Representatives. We therefore urge the passage of the bill at this session of Congress, as we believe it is one of the crying needs of working humanity.

W. E. SPENCER, *President.*
N. E. HEYING, *Secretary.*

INDORSEMENTS FROM M'CLAIN COUNTY, OKLA.

DIBBLE, OKLA., *March 28, 1908.*

We, the members of McClain County Local, No. 391, F. E. and C. U. of A., do indorse and recommend "antibucket-shop" bill No. 11785. We think gambling in farm products is against the interest of the farming class.

JERRY RAMSEY, *President.*
L. H. DAVIS, *Secretary.*

Hon. SCOTT FERRIS,
Washington, D. C.

The Murray County Farmers' Union indorses "antibucket-shop" bill No. 11785.

SULPHUR, OKLA., *March 28, 1908.*

Be it resolved by the Murray County Union in regular session assembled, That we do hereby indorse the efforts of Hon. SCOTT FERRIS, our Representative in Congress, in his efforts to stop gambling in futures in farm products, and we ask all our Representatives and Senators to assist him in every honorable way, to the end that his bill introduced for this purpose may pass and become a law.

Unanimously adopted this 28th day of March, 1908.

BIRT RUCKER,
County Secretary Farmers' Union of Murray County, Okla.

INDORSEMENTS FROM POTTAWATOMIE COUNTY, OKLA.

Hon. SCOTT FERRIS, *Washington, D. C.*

DEAR SIR: Your "antibucket-shop" bill, No. 11785, was read before our local, and we unanimously indorse and heartily recommend the passage of said bill. We realize that the worst enemy the farmer has is the parasite who gambles in farm products. We feel that in you we have a representative of the working people of Oklahoma.

W. T. OTIS,
Secretary-Treasurer Cloverdale Local Union, No. 400.

TROUSDALE, OKLA., *March 30, 1908. R. F. D. No. 2.*

INDORSEMENT FROM STEPHENS COUNTY FARMERS' UNION.

MARLOW, OKLA., *March 25, 1908.*

Hon. SCOTT FERRIS,
House of Representatives, Washington, D. C.

DEAR SIR: We as a lodge hope your "antibucket-shop" bill, No. 11785, will pass.

JOHN MARLER, *President.*
W. D. CARUTHERS,
Secretary-Treasurer Local No. 1451.

FARMERS' UNION LOCAL IN JACKSON COUNTY, OKLA.

WILMOTH, OKLA., *March 19, 1908.*

To the House of Representatives of the United States,
Washington, D. C.:

We, the members of Farmers' Union Local, No. 588, unanimously favor the "antibucket-shop" bill No. 11785, presented by Hon. SCOTT FERRIS.

C. L. FORD, *President.*
W. G. BURNS, *Secretary.*

PRAIRIE VIEW LOCAL UNION, BECKHAM COUNTY, OKLA.

DOXEY, OKLA., *March 31, 1908.*

To the Congress of the United States:

Prairie View Union in session begs to submit the following resolutions:

That we do hereby indorse "antibucket-shop" bill No. 11785. We ask for the passage of the bill.

J. E. HOHENSHELT, *President.*
C. S. STOKESBERRY, *Secretary.*

FARMERS' LOCAL UNION NO. 1215, M'CLAIN COUNTY, OKLA.

PURCELL, OKLA., *March 31, 1908.*

Be it resolved by the Johnson Local No. 1215 of the F. E. and C. U. of A., in convention assembled at Johnson, McClain County, Okla., March 31, 1908, That we indorse and recommend the passage of H. R. No. 11785 entitled "A bill to prevent gambling in cotton and grain futures, and providing penalties for the violation thereof," introduced January 6, 1906, by our Representative, Hon. SCOTT FERRIS.

R. E. SINGLETON, *Vice-President.*
J. E. MADDEN, *Secretary.*

COOPER LOCAL UNION, NO. 183, POTTAWATOMIE COUNTY, OKLA.

ASHER, OKLA., *March 22, 1908.*

Hon. SCOTT FERRIS, *Washington, D. C.:*

The Cooper Local Union, No. 183, F. E. and C. U. of A., in convention assembled, heartily indorses your "antibucket-shop" bill No. 11785.

F. T. LASTER, *Secretary.*

William A. Graham, president of the North Carolina Farmers' Alliance, had no doubt that dealing in futures has much to do with the low prices of farm products and believed that the Government ought to treat such dealing as it did the lottery.

A. J. Wedderburn, corresponding secretary of the National Pure Food and Drug Congress, and Master of the State Grange of Virginia, believed that the effect of dealing in options and futures is absolutely ruinous. If a man has a right to sell something he does not own and never expects to have, in competition with the actual commodity and at a lower price, it is bound to bring the price down. The selling of many times as much wheat as is raised for delivery for future dates, makes it necessary for the men who have to deliver the wheat to work to keep the price down.

Hon. O. B. Stevens, commissioner of agriculture of the State of Georgia, declared that grain and cotton gambling had been very harmful to the farmers of the South and to industry in general. He believed that if all gambling in futures could be suppressed the price of commodities would advance and the farmers would be in much better condition.

J. Pope Brown, president of the Georgia State Agricultural Society, was of the opinion that dealing in options and futures has a tendency to demoralize the prices of cotton, and on the whole to depress them. Forty, fifty, or a hundred times as much cotton is sold in a week on the exchanges as is raised in a year, and this apparent greater supply naturally reduces the price.

In 1893, President Cleveland, in his inaugural address at Washington, spoke in the strongest language against trade conspiracies which, he said, "Were unnatural and opposed to all American sense of fairness."

In 1894, the German Emperor announced, in his speech from the throne, the introduction of two Government measures "in connection with the gambling 'future' systems and agricultural depression, in order to protect the trading and industrial community."

In 1904, King Edward VII, in his speech from the throne, specially dwelt upon the distress of the "Lancashire cotton crisis" of that year.

In 1905, Her Majesty Queen Alexandria, by example as well as precept, nobly showed her deep and active sympathy in relation to certain internal social problems in Great Britain.

President Roosevelt, during the whole period of his Presidency, has never ceased attacking the various financial and trading frauds in the United States and other scandals caused thereby.

PRAYER OFFERED BY THE BISHOP OF MANCHESTER ON AUGUST 13 AND 20, 1905.

Almighty God, who art always more ready to hear than we to pray, and art want to give more than either we desire or deserve, we humbly beseech Thee to hear our prayer that Thou wouldst guide at this time the minds of those who, as leaders of the employers and of the employed, are in Thy providence charged with the issue now at stake in the cotton industry. Grant unto them both an earnest desire for conciliation, and wisdom in devising means thereto. Avert, if it be Thy will, the calamities which we fear, and give peace and prosperity in our homes. We pray Thee, Heavenly Father, to teach us also to make a right use of all that Thou sendest, of all times of tribulation, and of all times of our wealth. May we acknowledge Thee in all things, and ever seek Thy glory and the advancement of Thy Kingdom, through Jesus Christ, our Lord. Amen.

Mr. FERRIS. I now yield to the gentleman from Ohio.

Mr. ANSBERRY. Mr. Chairman, I desire at this time to say a word with reference to the Sulloway widows' pension bill, which recently passed this House, and later on, with some amendments, passed the Senate. The amendments, of course, made it necessary that conferees be appointed, and they accordingly were appointed on the part of the House and the Senate. As I understand, from underground sources, the committee are deadlocked on the proposition as to what shall be the date permissible for widows of soldiers to come under the provisions of the act. In the brief time allowed me I think I can best serve the purpose that it is my desire to promote by reading an article recently printed in the National Tribune, of this city, which paper is the recognized organ of the old soldiers of the country, which is as follows:

AN OPEN LETTER.

To the Senators and Representatives.

GENTLEMEN: A fortnight ago the country was delighted at the speedy prospect of the passage of the widows' pension bill by both Houses of Congress. Certainly the reception which the country gave this intelligence is sufficient demonstration to you of the wisdom and justice of that act and the immensity of the good that it would accomplish.

Undoubtedly each of you has heard extensively from his State and district as to the number of most worthy women, who are held in esteem by the people of their respective localities, who will be benefited by this act. It was received everywhere with as much general approval as the passage of the McCumber Act a year ago, and is regarded as a legitimate and proper extension of the benefits of that act to the widows of the veterans. In every community in the country the widows of veterans are as near the heart of the people as the veterans themselves. As much honor and credit as was due the veterans for going to the front in the nation's days of peril are felt to be also due to the noble women who shared their lives with them and gave a wife's unpurchasable devotion and care to the veterans in their mournful passage toward the tomb. The people are as insistent that these women be properly treated by the Government as they are that the veterans themselves shall be so treated. In all its history the National Tribune has never seen a more popular piece of pension legislation than the widows' pension bill.

Now there is understood to be an inexplicable hitch which threatens the final enactment of that law, and the people of the country are nervous lest it should not be approved at this session. Like the McCumber bill, the widows' pension bill is imperative in its demand for speedy action. The beneficiaries are generally aged women, who are incapacitated by their many years and attendant disabilities from earning a livelihood; they are nearly all in dire need of such assistance as the bill proposes, and it will give them a sum which will secure their old age and decrepitude from the cruel gnawings of want. While a broken-down veteran, unable to earn his livelihood, is an object that arouses our most sincere compassion, his feeble widow is equally deserving of our pity and help. She has given all her life to him, as he gave his to the country, and the debt of the nation is as great to her as to him.

Whatever is to be given should be given at once. The years of all these widows are numbered, and most of them will not enjoy their pensions long. They can not, in the very nature of things, and it is nothing short of cruelty to withhold from them, for even a short time, that which both Houses have unanimously agreed should be given.

The cost of the bill is but a trifle in comparison with the services which the husbands of these widows rendered the country, and the disbursement of the money under it will be of the highest benefit to the country at this time. The greatest public need at present is for additional currency in circulation, and there is no speedier or more equitable way of securing this than through the payment of pensions. Money given in pensions goes to every crossroads and hamlet in the country, and at once becomes part of the life blood of business in the remotest sections. This has been so thoroughly demonstrated that it is useless for us to argue further upon the subject.

Gentlemen, we appeal to you by considerations which should be the most powerful in moving men. We ask you in the name of the tens of thousands of broken and aged widows in this country to allow no factious disagreements, no obstinate quibbling over details, no Congressional jealousies, to prevent your coming together upon this most meritorious and just bill. You are being watched with sickening anxiety by most deserving women all over the country, whose sole hope of support during the last few years of their lives is in the passage of this bill. Every day that you delay agreeing upon it brings ineffable sadness to their hearts and shrouds them with the gloomy clouds of despair.

We beg of you with the utmost earnestness to complete your work next week by the passage of the bill which will carry joy to tens of thousands of bereaved women sitting by their desolate and fireless hearthstones.

Yours, in anxious hope,

THE NATIONAL TRIBUNE.

I hope that the fears expressed in this editorial are groundless and that the House and the Senate conferees will come together and that this bill will be passed. If it fails, it will add a dark and gloomy chapter to this country's pension laws.

RECESS.

The CHAIRMAN. The hour of 5 o'clock having arrived, under the order of the House, the Committee of the Whole House on the state of the Union will stand in recess until Monday morning at 11.30 a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. OLCOTT, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16977) for free lectures, reported the same without amendment, accompanied by a report (No. 1424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 12898) to change the proceedings for admission to the Government Hospital for the Insane, and for

other purposes, reported the same with amendment, accompanied by a report (No. 1425), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, deliverd to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 7048) for the relief of Henry A. Tolbert, reported the same with amendment, accompanied by a report (No. 1422), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18487) for the relief of Charles H. Dunning, reported the same without amendment, accompanied by a report (No. 1423), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 20653) to amend an act of Congress entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907—to the Committee on the District of Columbia.

By Mr. COUSINS: A bill (H. R. 20654) to provide for the purchase of a site and the erection of a public building thereon at Tipton, in the State of Iowa—to the Committee on Public Buildings and Grounds.

By Mr. BYRD: A bill (H. R. 20655) to prohibit dealing in future contracts on agricultural products by forbidding the use of mail, interstate-commerce, and bank facilities to dealers—to the Committee on Banking and Currency.

By Mr. CRAVENS: A bill (H. R. 20656) appropriating $3,500 and providing for the laying of sidewalks and the placing of curb and gutters around certain portions of the national cemetery in the city of Fort Smith, Ark.—to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 20657) to amend an act entitled "An act to establish a Code of Law for the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAUGEN: A bill (H. R. 20658) authorizing the issue of equipment of arms, ammunition, and such accouterment as accompany same, for target practice, to the Memorial University, Mason City, Iowa—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 20659) granting an increase of pension to John Stickle—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: A bill (H. R. 20660) granting an increase of pension to Charles A. Keller—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 20661) for the relief of James L. East—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 20662) granting an increase of pension to G. W. Horton—to the Committee on Invalid Pensions.

By Mr. FULTON: A bill (H. R. 20663) granting a pension to Arthur B. Crary—to the Committee on Invalid Pensions.

By Mr. GRANGER: A bill (H. R. 20664) granting a pension to Octavus Wood—to the Committee on Pensions.

By Mr. HALE: A bill (H. R. 20665) granting an increase of pension to William G. Selvidge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20666) granting a pension to Thomas Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20667) for the relief of the estate of Noah C. Wenger—to the Committee on War Claims.

By Mr. HAUGEN. A bill (H. R. 20668) granting an increase of pension to David A. Garlock—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 20669) granting an increase of pension to George W. Page—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 20670) for the relief of the estate of Ed. B. Drake, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20671) for the relief of George W. Waters—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 20672) to correct the military record of William Linden—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 20673) granting a pension to William Macbeth—to the Committee on Invalid Pensions.

By Mr. LILLEY: A bill (H. R. 20674) granting an increase of pension to John H. Weeks—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 20675) granting a pension to Adolph Weil—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 20676) granting an increase of pension to Edward D. Mattson—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 20677) granting an increase of pension to William B. Bird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20678) granting an increase of pension to William H. Munroe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20679) granting an increase of pension to John O'Bryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20680) granting an increase of pension to James P. Garlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20681) granting an increase of pension to William Wiley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20682) granting an increase of pension to Charles Truax—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20683) granting an increase of pension to John H. Folks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20684) granting an increase of pension to Michael J. Maw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20685) granting an increase of pension to William A. Cannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20686) granting a pension to Benjamin L. Gorsuch—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 20687) for the relief of the legal representatives of Walter A. Haislip—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 20688) granting an increase of pension to Amanda C. Bayliss—to the Committee on Pensions.

Also, a bill (H. R. 20689) for the relief of the legal representatives of Catherine Carter—to the Committee on War Claims.

By Mr. RICHARDSON: A bill (H. R. 20690) for the relief of Mary J. Bailey—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 20691) for the relief of Eli T. McGill—to the Committee on War Claims.

Also, a bill (H. R. 20692) granting a pension to Frank M. Wells—to the Committee on Pensions.

Also, a bill (H. R. 20693) granting a pension to Sebe N. Scott—to the Committee on Pensions.

Also, a bill (H. R. 20694) for the relief of John C. Mitchle—to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 20695) granting an increase of pension to Zelica Rich—to the Committee on Pensions.

Also, a bill (H. R. 20696) to refund to Jesse H. Smith, of Ellis County, Tex., the sum of $449.51—to the Committee on Claims.

By Mr. DAWSON: A bill (H. R. 20697) granting an increase of pension to John A. Rowan—to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 20698) for the relief of the legal representatives of Jacob G. Carmichael, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of John F. Hill Grange, No. 393, of Eliot, Me., for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. ASHBROOK: Paper to accompany bill for relief of Harry Remer—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of Typographical Union, No. 93, of Macon, Ga., against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

By Mr. BEALL of Texas: Paper to accompany bill for relief of W. C. Short—to the Committee on War Claims.

Also, paper to accompany bill for relief of Mrs. Zelica Rich—to the Committee on Pensions.

By Mr. BEDE: Petition of John Grant and other citizens of Minnesota, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. BOOHER: Paper to accompany bill for relief of Charles Thorp—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Local Cigarmakers' Union No. 179, of Bangor, Me., against application to labor unions of the provisions of amendments to the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. CALDER: Petition of Baltimore Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Standard Finance Company, favoring the Crumpacker bill, relative to fraud orders issued by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of John McDonald, of Brooklyn, N. Y., favoring remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. CALDWELL: Petition of Chicago city council, for H. R. 15123 and 15267 and S. 4395, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. COOK of Pennsylvania: Petition of Philadelphia College of Pharmacy, favoring H. R. 16091, regulating appointment of pharmacists in the United States—to the Committee on Expenditures in the Treasury Department.

Also, petition of Glass Bottle Blowers' Association, favoring amendment to the Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Baltimore Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of H. Herold & Son, of Philadelphia, for remedial legislation excluding labor from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. DAWES: Letters of citizens of McConnelsville, Ohio, favoring passage of H. R. 14783, asking national aid in equipping the militia of the United States—to the Committee on Militia.

By Mr. DUNWELL: Petition of Baltimore Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. ESCH: Petition of city council of Chicago, for H. R. 15123 and S. 4395, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Illinois: Petition of Baltimore Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Chicago (Ill.) Local Union, Commercial Telegraphers of America, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

By Mr. FULLER: Petitions of city council of Chicago and Commercial Telegraphers' Union of America, for legislation concerning telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. C. Scoville, of Rockford, Ill., for the Fuller bill (H. R. 19250), for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of First National Bank of Ottawa, Ill., against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GOULDEN: Petition of A. W. Dodsworth, favoring the immediate enactment of the Stevens bill, placing wood pulp on the free list—to the Committee on Ways and Means.

Also, petition of Baltimore Clearing House, of Baltimore, Md., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Edward Smith & Co., of New York City, disapproving of legislation regulating interstate business affecting the sale and interchange of paints—to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: Petition of Board of Trade of Knoxville, Tenn., for an appropriation to further industrial education in the United States.

Also, petition of Board of Trade of Knoxville, Tenn., for appropriation of $100,000 for improvement of the Tennessee and French Broad rivers—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Jacob G. Carmichael—to the Committee on War Claims.

By Mr. HAYES: Petition of C. A. Parker and 28 other citizens of San Francisco, Cal., for enactment of an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. HENRY of Connecticut: Petitions of Vernon, Bloomfield, New Britain, and Whigville granges, all in the State of Connecticut, for the creation of a national highways commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of city council of Chicago, Ill., for legislation requiring time of filing to be placed on telegraph messages and on other subjects affecting telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles V. Bently and other citizens of Farragut, Iowa, for legislation giving State control over importations of intoxicating liquors—to the Committee on the Judiciary.

By Mr. LINDBERGH: Petition of Chamber of Commerce of Minneapolis, favorng Davis bill, relative to technical secondary education in agriculture—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of Sarah Wool Moore, for S. 4812, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Security Savings Bank, of Cedar Rapids, for adoption of a simple, purely emergency currency act—to the Committee on Banking and Currency.

Also, petition of Chamber of Commerce of New York City, for increase of salaries of district and circuit court judges—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of New York, against H. R. 19245, as permitting injurious deposits in New York Harbor and adjacent waters—to the Committee on Rivers and Harbors.

Also, petition of Baltimore Clearing House, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. LORIMER: Petition of Popular Mechanics, favoring the Stevens bill, to remove duty on wood pulp—to the Committee on Ways and Means.

By Mr. McKINLEY of Illinois: Petition of certain citizens of Waynesville, Dewitt County, Ill., favoring H. R. 18970, for enlarged homestead grants—to the Committee on the Public Lands.

Also, petition of city council of Chicago, for H. R. 15123, 15267, 15929, and joint resolution 126, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. MANN: Petition of South Chicago Trades and Labor Assembly, against enactment of S. 1518, revising section 3893 of Revised Statutes of United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of Northwestern Lodge, No. 424, Brotherhood of Railway Trainmen, favoring Clapp free-pass amendment (S. 4260)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Credit Men's Association, against the Aldrich currency bill (S. 3023) and in favor of the Fowler bill—to the Committee on Banking and Currency.

Also, petition of Ohio Shippers' Association, favoring H. R. 14934 and S. 4914, defining order bills of lading and providing for their legal status—to the Committee on Interstate and Foreign Commerce.

Also, petition of Chicago Odontographic Society, favoring S. 4432, to reorganize the Corps of Dental Surgeons attached to the Medical Department of the Army—to the Committee on Military Affairs.

By Mr. RAINEY: Petition of Commercial Telegraphers Union, of Chicago, favoring act exempting labor unions from operations of the antitrust law, etc.—to the Committee on the Judiciary.

By Mr. SLEMP: Paper to accompany bill for relief of Philip Rohr—to the Committee on War Claims.

By Mr. SMITH of Michigan: Petition of A. J. Brabazon and 31 others, of Thetford, Mich., for a rural parcels post as per S. 5122—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition by letter of Secretary Garfield, for legislation concerning certain lands in Oklahoma allotted to members of the Five Civilized Tribes—to the Committee on Indian Affairs.

Also, paper to accompany H. R. 12900—to the Committee on Indian Affairs.

SENATE.

MONDAY, *April 13, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, with amendments, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the national banks of Fort Wayne, Ind.; of the clearing-house banks of Cincinnati, Ohio; of the Chamber of Commerce of Richmond, Va.; of the Clearing-House Association of Omaha, Nebr., and of the national banks of St. Louis, Mo., remonstrating against the enactment into law of the so-caled "Aldrich currency bill" as passed by the Senate, which were ordered to lie on the table.

He also presented a memorial of the Robert Emmet Literary Society, of Wilmerding, Pa., and a memorial of Local Division, No. 17, Ancient Order of Hibernians, of Wilmerding, Pa., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of the North Carolina Federation of Women's Clubs, of Wilmington, N. C.; of the New Hampshire Federation of Women's Clubs, of Plymouth, N. H., and of the Maine Federation of Women's Clubs, of Portland, Me., praying for the enactment of legislation providing for the investigation and the development of the methods of treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Encampment No. 51, Union Veteran Legion, of Fort Wayne, Ind., and a petition of sundry citizens of Fort Wayne, Ind., praying that an appropriation of $200,000 be made for the erection of an armory on what is known as "Fort Wayne," for the use of the veterans of the civil war, the Spanish-American war, the State National Guard, or any troops of the United States, which were referred to the Committee on Military Affairs.

He also presented the petition of Edgar O. Jolley, of Crawfordsville, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, ships, etc., which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the National Association of Cement Users, praying that an appropriation of $100,000 be made to continue the work of the structural materials and testing laboratories of the Geological Survey at St. Louis, Mo., which was referred to the Committee on the Gological Survey.

He also presented a petition of the city council of Chicago, Ill., praying for the enactment of legislation placing the telegraph systems of the country under the provisions of the law giving the Federal Government jurisdiction with respect to certain acts of the telegraph companies, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 1, Commercial Telegraphers' Union of America, of Chicago, Ill., praying for the enactment of legislation exempting labor from the provisions of the so-called "Sherman antitrust law," etc., which was referred to the Committee on the Judiciary.

He also presented a petition of the American Association of Masters, Mates, and Pilots, of Baltimore, Md., praying for the enactment of legislation authorizing the Secretary of War to cause a survey to be made of the harbor at Portsmouth, N. H., with a view to building a dam to slack the current and cause still water, which was referred to the Committee on Commerce.

Mr. PLATT presented a petition of the Oneonta Trade and Labor Council, of Oneonta, N. Y., praying for the enactment of legislation to provide relief in cases of coal-mine disasters, which was referred to the Committee on Mines and Mining.

He also presented a petition of the board of directors of the Auburn Business Men's Association, of Auburn, N. Y., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Lowville; of Kirkland Grange, No. 684, Patrons of Husbandry, of Redwood, and of West Eaton Grange, No. 713, Patrons of Husbandry, of West Eaton, all in the State of New York, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Branch No. 31, United National Association of Post-Office Clerks, of Syracuse, N. Y., praying for the enactment of legislation to promote post-office clerks from the fifth to the sixth grade, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Knights of Labor of Albany, N. Y., remonstrating against the enactment of legislation to repeal the duty on white paper, wood pulp, and the material used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented the petition of M. J. Stearns, of Massena, N. Y., and the petition of E. R. Hyatt, of New York City, N. Y., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of New York City, N. Y., and a petition of the International Brotherhood of Paper Makers, of Watertown, N. Y., praying for the enactment of legislation to restrict the immigration of Asiatics into the United States, which were referred to the Committee on Immigration.

He also presented memorials of the Longshoremen's Independent Political Union, of New York City; of Bricklayers' Union No. 37, of New York City; of Thomas J. O'Sullivan, of New York City; of Michael Mahoney, of Brooklyn; of the Robert Emmet Memorial Association, of Buffalo, and of sundry citizens of Schenectady, all in the State of New York, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Employers' Association of Lockport, N. Y., and a memorial of the Employers' Association of Niagara Falls, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law," which were referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying for the enactment of legislation providing for the appointment of a currency commission, which was referred to the Committee on Finance.

He also presented memorials of the Lake Seamen's Union of Buffalo, N. Y., remonstrating against the enactment of legislation to regulate the crews of vessels, which were referred to the Committee on Commerce.

Mr. NELSON presented a petition of the Minnesota Roadmakers' Association, praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

Mr. PERKINS presented a petition of the Pacific Coast Jobbers and Manufacturers' Association, of San Francisco, Cal., praying for the adoption of an amendment to the interstate commerce law making carriers liable for erroneous rate quotations, which was referred to the Committee on Interstate Commerce.

Mr. DEPEW presented a memorial of the Ancient Order of Hibernians of Erie County, N. Y., remonstrating against the ratification of a treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Robert Emmet Memorial Association of Buffalo, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Merchants' Association of New York, remonstrating against the enactment of legislation limiting injunctions or restraining orders in labor disputes, which was referred to the Committee on the Judiciary.

He also presented a petition of the Association for the Protection of the Adirondacks, of New York City, N. Y., praying for the enactment of legislation providing for the establishment of a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of Old Chatham Grange, Patrons of Husbandry, of Chatham, N. Y., and a petition of Salem Union Grange, No. 1100, Patrons of Husbandry, of Salem, N. Y., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a petition of sundry citizens of the State of Illinois, praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of the State of Illinois, remonstrating against the enactment of financial legislation during the present session of Congress, which was referred to the Committee on Finance.

He also presented memorials of Bricklayers' Union No. 37, of New York City, N. Y.; of the Emmet Club, of New Haven, Conn., and of Division No. 1, Ancient Order of Hibernians, of Naugatuck, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. LONG presented a memorial of sundry citizens of Bashor, Belpre, Buffalo, Elk City, Niles, Udall, and Wakefield, all in the State of Kansas, remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Canton, Delphos, Hoyt, Meriden, Paola, and Wichita, in the State of Kansas, praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Hemet, Cal.; Alamota, Nashville, Potwin, Topeka, and Wichita, all in the State of Kansas; Hamilton, Kansas City, and Pineville, all in the State of Missouri; Hartington and Lincoln, Nebr.; Portland, Svensen, The Dalles, and Toledo, all in the State of Oregon; Nashville, Tenn., and Fort Worth, Tex., remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of the Woman's Christian Temperance Union of Turner, Me., praying for the enactment of legislation to prohibit the use of the mails for intoxicating liquor advertisement purposes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of West Derby and Newport, in the State of Vermont, remonstrating against the oppression practiced by the Russian Government upon the citizens of that Empire, which was referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented a petition of Woodstock Grange, Patrons of Husbandry, of Woodstock, Conn., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union of Danbury, Conn., praying for the enactment of legislation providing relief for those who may suffer from accidents in mines, which was referred to the Committee on Mines and Mining.

He also presented petitions of the Hartford and New York Transportation Company, of Hartford, Conn., and of sundry manufacturing companies of New England, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which were ordered to lie on the table.

He also presented a memorial of Michael J. Sweeney and sundry other citizens of New Haven, Conn., and a memorial of the First Division, Ancient Order of Hibernians, of Bridgeport, Conn., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BULKELEY presented a petition of Housatonic Valley Pomona Grange, No. 10, Patrons of Husbandry, of Bridgewater, Conn., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the John Mitchell Literary and Debating Society, of Wallingford; the Emmet Club, of New Britain; the Emmet Club, of Bridgeport; of sundry citizens of Stonington; the Emmet Club, of New Haven; of First Division, Ancient Order of Hibernians, of Bridgeport; of Division No. 2, Ancient Order of Hibernians, of Wallingford, and of Division No. 2, Ancient Order of Hibernians, of Derby, all in the State of Connecticut, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. WETMORE presented a memorial of the Society of Friendly Sons of St. Patrick, of Providence, R. I., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Woman's Christian Temperance Union, of Cumberland; of the Rhode Island and Eastern Connecticut Christian Conference, of Providence; of the congregations of the First Baptist Church, the First Methodist Episcopal Church, and St. Mark's Episcopal Church, of Warren, and of the Ocean View Woman's Christian Temperance Union, of Westerly, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union, of Salem, Va., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Massachusetts, Missouri, Minnesota, Indiana, Oregon, California, Nebraska, and Kentucky, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GALLINGER. I desire to read a telegram dated Keene, N. H., April 9:

> New Hampshire annual Methodist Conference in session urge immediate action on Benning race-track gambling bill.
>
> R. E. QUIMBY, *Secretary.*

The bill will be reported this morning, and I hope it will be taken up speedily for action. I move that the telegram lie on the table.

The motion was agreed to.

Mr. STEPHENSON (for Mr. LA FOLLETTE) presented a joint resolution of the legislature of the State of Ohio, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

> *Be it resolved by the general assembly of the State of Ohio,* That we respectfully ask our Senators and Representatives in the Congress of the United States to enact the bill now before Congress, introduced by Hon. BEMAN G. DAWES, of Ohio, known as the "volunteer retired list," which gives the same pay as that given to the retired officers of the Regular Army, deducting therefrom any pension they may now receive, but in no case to exceed that of a captain of cavalry.
>
> The above resolution passed the house of representatives February 3, 1908.
>
> E. W. DOTY, *Clerk.*
>
> Passed the senate February 17, 1908.
>
> A. P. SANDLES, *Clerk.*

Mr. STEPHENSON (for Mr. LA FOLLETTE) presented a petition of Local Union No. 90, Stereotypers and Electrotypers' International Union, of Wisconsin, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also (for Mr. LA FOLLETTE) presented petitions of sundry citizens of Montana, Iowa, New York, Kentucky, Illinois, Indiana, California, Missouri, Connecticut, and Maryland, praying for the enactment of legislation to prohibit the giving to or receipt by public officers of any free frank or privilege for the transmission of messages by telegraph or telephone and to prevent discriminations in interstate telegraph and telephone rates, which were referred to the Committee on Interstate Commerce.

He also (for Mr. LA FOLLETTE) presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation to establish engineering experimental stations at land-grant colleges, which was referred to the Committee on Agriculture and Forestry.

He also (for Mr. LA FOLLETTE) presented a petition of sundry citizens of the State of Wisconsin, praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also (for Mr. LA FOLLETTE) presented a memorial of sundry members of faculties in universities and colleges and educators of New York City, N. Y., remonstrating against an appropriation of $60,000,000 being made for the construction of four new battle ships, which was referred to the Committee on Naval Affairs.

He also (for Mr. LA FOLLETTE) presented memorials of sundry organizations of Milwaukee, Monroe, Reedsburg, Sheboygan, Eau Claire, Medford, and Wichita Falls, all in the State of Wisconsin, and of Meriden, Conn., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented a petition of sundry volunteer officers of the civil war, of Wichita, Kans., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also (for Mr. LA FOLLETTE) presented petitions of Local Division No. 5, Woman's Relief Corps, of the congregation of the First Congregational Church, and of the Woman's Christian Temperance Union, all of Platteville, in the State of Wisconsin, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also (for Mr. LA FOLLETTE) presented a petition of sundry citizens of Superior, Wis., praying for the enactment of legislation directing the Department of Justice to compel the Oregon and California Railroad Company to comply with the terms of its land grant, which was referred to the Committee on Public Lands.

He also (for Mr. LA FOLLETTE) presented a memorial of sundry citizens of Sauk County, Wis., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Paul H. Beaulien Post, No. 247, Department of Wisconsin, Grand Army of the Republic, of Kaukauna, Wis., and a memorial of sundry members of the Grand Army of the Republic of Montello, Wis., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also (for Mr. LA FOLLETTE) presented sundry papers to accompany the bill (S. 3010) to correct the military record of Lieut. Sylvester W. Barnes, which were referred to the Committee on Military Affairs.

He also (for Mr. LA FOLLETTE) presented sundry papers to accompany the bill (S. 4522) to correct the military record of Harry Sharff, alias Herman Shofrensky, alias Herman Schofrensky, which were referred to the Committee on Military Affairs.

Mr. DOLLIVER presented petitions of the Federation of Women's Clubs of Laurens, Wyoming, Superior, Creston, Lake Park, Sioux City, Williams, and Harlan, all in the State of Iowa, praying for the enactment of legislation to regulate the employment of child labor, which were referred to the Committee on Education and Labor.

He also presented a petition of the National Association of Retail Druggists of the State of Iowa, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Blanchard, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry members of the faculty of Leander Clark College, Toledo, Iowa, praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Blanchard, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships, which was referred to the Committee on Public Buildings and Grounds.

REGULATION OF LIQUOR TRAFFIC.

Mr. CLARK of Wyoming. On behalf of the junior Senator from Pennsylvania [Mr. KNOX] I report from the Committee on the Judiciary a substitute for the following bills:

A bill (S. 749) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases;

A bill (S. 2926) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases;

A bill (S. 3069) to limit the effects of the regulations of commerce between the several States and with foreign countries in certain cases;

A bill (S. 3634) to limit the effect of the regulation of commerce between the several States and Territories in certain cases;

A bill (S. 4087) to limit the effect of the regulation of commerce between the several States and Territories in certain cases;

A bill (S. 5151) to regulate interstate commerce in intoxicating liquors; and

A bill (S. 5745) to limit the effects of the regulations of commerce between the several States and with foreign countries in certain cases.

I ask that the bill be read twice by its title and that it go to the Calendar.

The bill (S. 6576) to regulate the interstate commerce shipments of intoxicating liquors was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CLARK of Wyoming. I present with the bill a report (No. 499) and the views of individual members of the committee. On account of the widespread interest in this matter, I ask that 1,000 extra copies of the report and bill be printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar. The Senator from Wyoming asks that 1,000 additional copies of the bill and the report accompanying it be printed. Is there objection? The Chair hears none, and it is so ordered.

Mr. BACON. I simply wish to say, in connection with the report, that the report is the action of the Judiciary Committee, but represents the views of a majority and not of the entire committee.

I think it has already possibly been stated by the chairman, but I desire also to state that the report is accompanied by the separate views of several members of the committee who favor that particular report and who are in favor of a more enlarged measure. I will ask the chairman of the committee if I am correct in stating that those views have been handed in with the report?

Mr. CLARK of Wyoming. With the report, and a request was made for printing 1,000 extra copies of the whole matter.

Mr. BACON. Very well.

Now, Mr. President, I wish to state that while there is no minority report made, the committee was very nearly equally divided upon the subject, and those of us who compose the minority, at least a part of that minority, are in favor of a bill which is found upon pages 25 and 26 of the printed pamphlet. It is in a measure similar to the substitute which has been reported. The first section of the bill to which I refer has been eliminated from the substitute. The substitute is substantially the same as the bill which is found upon pages 25 and 26, beginning with the second section of the bill and running through to the seventh section. While there is a change in the phraseology it is substantially the same bill in that particular.

As these two propositions will come before the Senate, I ask that the same number of copies of the bill found on pages 25 and 26 may also be printed for the use of the Senate. It will be offered as a substitute when the bill is presented for action by the Senate.

The VICE-PRESIDENT. The Senator from Georgia asks that 1,000 additional copies of the bill appearing upon pages 25 and 26 of the pamphlet be also printed. Is there objection?

Mr. CLARK of Wyoming. I of course make no objection, except I call the Senator's attention to the fact that that bill will appear in each of the thousand additional copies I have asked for.

Mr. BACON. I beg the Senator's pardon; I possibly misunderstood the motion which he made. I thought he asked for the printing of a thousand additional copies of the substitute.

Mr. CLARK of Wyoming. Of the substitute and the paper accompanying it, which is undoubtedly the pamphlet the Senator holds in his hand.

Mr. BACON. But I understand the Senator to ask that a thousand additional copies of the substitute be printed separately and also that a thousand additional copies of the pamphlet be printed. Am I correct?

Mr. CLARK of Wyoming. Yes.

Mr. BACON. And the bill is to be printed separately?

Mr. CLARK of Wyoming. I have no objection, Mr. President.

Mr. BACON. I ask that there may be a reprint of the bill as set out on pages 25 and 26, and that it may be stated that it is the bill favored by the minority of the committee as a substitute for that which is proposed by the committee.

Mr. CLARK of Wyoming. Mr. President, I desire to make a little more clear the position of the majority of the committee on this matter.

The VICE-PRESIDENT. Without objection the request made by the Senator from Georgia is agreed to.

Mr. CLARK of Wyoming. The entire committee was substantially in agreement as to a certain portion of this whole question. The phase of the question on which the entire committee was agreed appears in part in the bill which has been mentioned by the Senator from Georgia as appearing on pages 25 and 26 of the pamphlet. There were certain portions, however, of that bill that the majority of the committee could not bring themselves to view with favor. So there was a divided

opinion on that particular question, which struck at the root of the whole business, to wit, the constitutionality of the proposed legislation.

The entire committee was favorable to that portion of the bill that is recommended by the majority, as I understand the situation. The minority of the committee were satisfied that the remainder of the bill would also be constitutional. I think that states the attitude of the committee.

Mr. BACON. Mr. President, in order that the original bill may be properly identified, I will ask that the reprint of it may be denominated as the substitute for Senate bill 5151.

Mr. CLARK of Wyoming. Mr. President, I object to that.

Mr. BACON. And the same will be offered as a substitute for the substitute proposed by the committee.

Mr. CLARK of Wyoming. I ask that the report be printed as made.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. The Chair will state the question. The Senator from Georgia asks for a reprint of the bill appearing on pages 25 and 26 of the pamphlet, and that it be designated as a substitute to be offered for the original bill reported by the Senator from Wyoming.

Mr. BACON. I ask that it be so printed.

Mr. CLARK of Wyoming. To that I object.

The VICE-PRESIDENT. Objection is made.

Mr. BACON. I should like to know what is the ground of the objection of the Senator from Wyoming?

Mr. CLARK of Wyoming. Because the committee has reported this measure as a substitute for all the bills which are mentioned in the report, and I ask that the report of the committee be received as made.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. NELSON. I desire to say, with all due respect, that I think the chairman of the committee is in error about one thing, and that is, that the bill reported is not the unanimous report of the committee. It is the bill reported by the majority of the committee.

Mr. CLARK of Wyoming. Mr. President, I so distinctly mentioned in my statement.

Mr. BACON. I will not stickle with the Senator as to whether the original bill should be denominated as a substitute for Senate bill 5151. I simply wished to identify it.

In order that the matter may be thoroughly understood, I will state that Senate bill 5151 is one of the bills which was before the committee. There were four or five bills before the committee. Senate bill 5151 was the only bill which contained the part of the legislation to which the chairman of the committee states there was no material objection on the part of the committee. In other words, a part of that bill proposed legislation which commanded the approval of practically all of the committee. The committee framed a substitute which is substantially the same as that part of Senate bill 5151, eliminating from their substitute the first section of the bill, which related to the exercise of the police powers of the State, that being the particular part upon which the committee was divided, the majority of the committee holding that part to be unconstitutional.

Now, the committee reports as a substitute that part of the proposed legislation which is found in a part of that bill. The minority of the committee favor not only the part of the legislation which is represented by a portion of the bill, which is substantially the same as the substitute reported by the committee, but they favor the entire bill. The only purpose I have is to have that bill so printed that it may be properly identified, that we may know what it is, that it may have some heading. As there is no minority report, I presume, under the objection of the Senator from Wyoming, as the committee fail to report the bill back, it can only be printed without a heading, and I presume it will be offered as a substitute when the proper time arrives.

Mr. CLARK of Wyoming. The Senate has already ordered the printing of a thousand additional copies of the bill proposed by the minority.

Mr. BACON. It is to be printed, I presume, in the same shape as the thousand additional copies of the substitute reported by the committee.

Mr. CULBERSON subsequently said: Mr. President, as a member of the Committee on the Judiciary, I desire to file at this time and present with the report which has been made my individual views on what is known as the proposed liquor legislation. I ask that it be printed with the other reports in the case and with the bill.

The VICE-PRESIDENT. The Senator from Texas submits his views upon the bill known as the liquor bill, reported this morning from the Committee on the Judiciary, and asks that they be printed in connection with the other reports upon the bill. Is there objection? The Chair hears none and it is so ordered.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 2487) to amend section 5278 of the Revised Statutes, reported it without amendment.

Mr. DILLINGHAM, from the Committee on the Judiciary, to whom was referred the bill (H. R. 14382) to establish a United States court at Jackson, in the eastern district of Kentucky, reported it without amendment.

Mr. CARTER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4063) for the widening of Benning road, and for other purposes, reported it with amendments, and submitted a report (No. 500) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to whom was referred the bill (S. 6525) authorizing the Secretary of the Interior to remove restrictions on Indian allotments in Oklahoma for school-site purposes, reported it with amendments, and submitted a report (No. 501) thereon.

He also, from the same committee, to whom was referred the bill (S. 4547) to authorize the Secretary of the Interior to segregate for town rights certain lands belonging to the Choctaw and Chickasaw tribes, and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 552) providing for the commutation of second homestead entries in certain cases, submitted an adverse report (No. 502) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. OVERMAN, from the Committee on the Judiciary, to whom was referred the bill (S. 3732) regulating injunctions and the practice of the district and circuit courts of the United States, reported it with an amendment.

Mr. BORAH, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 6018) providing for the disposition of town sites in connection with reclamation projects, and for other purposes, reported it with an amendment and submitted a report (No. 503) thereon.

Mr. BRANDEGEE, from the Committee on Forest Reservations and the Protection of Game, submitted a supplemental report (No. 459, part 2) to accompany the bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains, heretofore reported by him from that committee.

COLORADO BOUNDARY LINE.

Mr. FORAKER. From the Committee on the Judiciary, I report back favorably, without amendment, the joint resolution (S. R. 78) establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico. I ask for the present consideration of the joint resolution.

The Secretary read the joint resolution.

Mr. CULBERSON. My attention has just been called to the joint resolution. I ask the Senator who reported it if it affects in any way the eastern boundary line of Oklahoma—the Texas line?

Mr. FORAKER. No; it does not. It simply establishes the boundary line as it was established and approved by the Interior Department—the line upon which monuments have been set. But the Senator from Colorado [Mr. TELLER], who introduced the joint resolution, can give more specific information in answer to the Senator's question than I can, and I request that he may answer.

Mr. TELLER. It does not interfere with any line. It simply determines where the thirty-seventh parallel is on the ground, and the monuments have been put up on what the astronomer says is the parallel. We only ask to have that recognized on the part of the Government. It will be necessary then, of course, that the State of Colorado should do the same thing, if that should become the line. There is nothing to affect Texas in any way. We will not try to take any part of Texas.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SPOKANE INDIAN RESERVATION LANDS.

Mr. SUTHERLAND. From the Committee on Indian Affairs, I report back favorably, with amendments, the bill (S. 6163) to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian

Reservation, Wash., and to place the timber lands of said reservation in a national forest, and I submit a report (No. 498) thereon. I desire to call the attention of the senior Senator from Washington [Mr. ANKENY] to the report.

Mr. ANKENY. I ask for the immediate consideration of the bill, as it is rather important to the people in that section.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment of the committee was, after the word "purpose," in section 3, page 4, line 3, to strike out the remainder of the section, in the following words:

But any of the lands so granted and which may be classified as timber lands shall be subject to the same provisions and be administered in the same manner as the other unallotted timber lands on the reservation, as herein provided.

And in lieu thereof to insert:

And of the lands which may be classified as timber lands, no account shall be made of said sections 16 and 36 until further action for the disposal of said lands.

The amendment was agreed to.

The next amendment was to strike out sections 5, 6, and 7 of the bill and in lieu thereof to insert:

SEC. 5. That the lands so classified as timber lands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be specially designated: *Provided*, That until further legislation the Indians and the officials and employees in the Indian Service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timber lands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timber lands, subject to such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians such timber upon said timber lands as, in his judgment, has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell, the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timber lands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BURKETT introduced a bill (S. 6577) granting an increase of pension to Calvin W. Green, which was read twice by its title and referred to the Committee on Pensions.

Mr. BANKHEAD introduced a bill (S. 6578) for the relief of Mrs. Mary Trayler, which was read twice by its title and referred to the Committee on Claims.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6579) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906; and

A bill (S. 6580) to amend an act entitled "An act for the widening of Bladensburg road, and for other purposes," approved January 9, 1907.

Mr. CULLOM introduced a bill (S. 6581) to create in the War Department a roll to be known as the volunteer retired list, to authorize placing thereon with retired pay certain surviving officers of the United States Volunteer Army, Navy, and marines of the civil war, and for other purposes, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. du PONT introduced a bill (S. 6582) granting an increase of pension to George W. Bennum, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6583) to provide campaign badges for officers, enlisted men, sailors, or marines who served honorably in the Spanish, Philippine, or China campaigns, and who were not in the United States service on January 11, 1905, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced a bill (S. 6584) to provide for the organization, regulation, and control of corporations, companies, and associations doing business in any Territory of the United States or in the District of Columbia, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. PERKINS introduced a bill (S. 6585) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved June 30, 1906, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. RICHARDSON introduced a bill (S. 6586) to correct the military record of Charles J. Smith, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6587) for the relief of Edwin S. Metcalf, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

He also (for Mr. KITTREDGE) introduced a bill (S. 6588) granting an increase of pension to George W. Graham, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 6589) providing for the purchase of additional land and the enlargement of the public building at Salt Lake City, Utah, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6590) for the relief of the heirs of James D. White, deceased;

A bill (S. 6591) providing for payment to Putnam County, in the State of Tennessee, for the occupation and incidental destruction of its court-house during the late war between the States;

A bill (S. 6592) for the relief of N. C. Dunn;

A bill (S. 6593) for the relief of the heirs of Sarah A. White, deceased;

A bill (S. 6594) for the relief of the heirs of Kinch Exum, deceased;

A bill (S. 6595) for the relief of heirs of James Cummings, deceased;

A bill (S. 6596) for the relief of Charles G. Jones;

A bill (S. 6597) for the relief of the legal representatives of William A. Prewitt;

A bill (S. 6598) for the relief of the legal representatives of Z. Tate & Son; and

A bill (S. 6599) for the relief of J. W. Tate.

Mr. CULBERSON introduced a bill (S. 6600) authorizing the St. Louis, Brownsville and Mexico Railway Company to construct bridges across the Rio Grande at some point at or near the town of Brownsville, in Cameron County, Tex., which was read twice by its title and referred to the Committee on Commerce.

Mr. MONEY introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6601) for the relief of heirs of Samuel W. Lancaster, deceased;

A bill (S. 6602) for the relief of heirs of W. M. Stevenson, deceased;

A bill (S. 6603) for the relief of heirs of Emmit Hicks, deceased;

A bill (S. 6604) for the relief of heirs of Mrs. Julia L. Watson, deceased;

A bill (S. 6605) for the relief of heirs of John W. Ford, deceased;

A bill (S. 6606) for the relief of heirs of Mrs. Eunice Hurdle, deceased;

A bill (S. 6607) for the relief of estate of Mrs. Jerusha Harrison, deceased;

A bill (S. 6608) for the relief of heirs of W. H. Cooper, deceased;

A bill (S. 6609) for the relief of heirs of Samuel R. Garner, deceased;

A bill (S. 6610) for the relief of J. W. Causey;

A bill (S. 6611) for the relief of heirs of T. H. P. Morton, deceased;

A bill (S. 6612) for the relief of heirs of Ransom Vick, deceased;

A bill (S. 6613) for the relief of heirs of George A. Barbee, deceased; and

A bill (S. 6614) for the relief of heirs of John Nicholson, deceased.

Mr. McCREARY introduced a bill (S. 6615) for the relief of George Clarke and Albert Howard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. BULKELEY introduced a bill (S. 6616) to authorize the extension, enlargement, and alteration of the public building in the city of New Haven, Conn., which was read twice by its title and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL introduced a bill (S. 6617) granting a pension to Frank Babbitt Shelden, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STEPHENSON (for Mr. LA FOLLETTE) introduced a bill (S. 6618) granting a pension to Jane F. Taylor, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 6619) granting an increase of pension to Arabella M. Probasco, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6620) granting a pension to Evelina Sprague; and

A bill (S. 6621) granting a pension to Emma A. Henry.

Mr. HEMENWAY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6622) granting a pension to Emily D. Carnagua; and

A bill (S. 6623) granting an increase of pension to John C. Baker.

Mr. DOLLIVER introduced a bill (S. 6624) granting an increase of pension to James G. Fiester, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SCOTT submitted an amendment proposing to appropriate $9,000 to grade and improve M street NE., Bladensburg road to Twenty-eighth street, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment proposing to appropriate $30,000 to enable the President to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed 12,800 acres, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO THE OMNIBUS CLAIMS BILL.

Mr. MONEY submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were ordered to lie on the table and be printed.

COMMODITY CLAUSE OF RATE LAW.

Mr. FORAKER. I submit an amendment intended to be proposed as a substitute for the joint resolution (S. R. 74) suspending the commodity clause of the present interstate commerce law, which I ask may lie on the table and be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

RESERVED RIGHTS OF STATES.

Mr. RAYNER. I submit a resolution. I ask that it be read and lie on the table.

The resolution was read and ordered to lie on the table, as follows:

Resolved, That in the opinion of the Senate the powers delegated by the Constitution to the United States must no be enlarged by implication or so construed as to conflict with or encroach upon the reserved rights of the States as guaranteed by the tenth amendment.

FUNERAL EXPENSES OF THE LATE SENATOR WHYTE.

Mr. RAYNER submitted the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate the expenses incurred for Senators and officers of the Senate in attending the funeral of the late Senator William Pinkney Whyte, of Maryland, on March 19, 1908, including floral offering furnished.

MILITARY POSTS.

Mr. SCOTT. I submit a resolution for reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized and directed, by subcommittee or otherwise, to visit, during the recess of the Senate, such military posts of the United States as in the committee's judgment should be examined, in order to ascertain existing conditions at such posts, the necessities for legislation, and any other and further information bearing upon military posts as may seem important and of value in the consideration of future proposed military legislation. And the committee is further authorized to send for persons and papers, to subpœna witnesses and administer oaths, and to employ a stenographer to take notes or testimony and to do clerical duties, the expenses incurred to be paid out of the contingent fund of the Senate.

Mr. KEAN. I think the resolution should be referred first to the Committee on Military Affairs for that committee to report upon it.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Military Affairs, in the absence of objection.

REVENUE-CUTTER SERVICE.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, which were: On page 1, line 6, to strike out "who shall serve;" on page 1, line 7, to strike out "unless" and insert "who may be;" on page 1, line 7, after "for," to strike out "a;" on page 1, line 7, to strike out "period" and insert "periods;" on page 1, line 8, after "years," to strike out "and" and insert "each;" on page 1, line 14, after "Treasury," to insert "or the President;" on page 2, line 4, to strike out "who shall serve;" on page 2, line 5, to strike out "unless" and insert "who may be;" on page 2, line 5, after "for," to strike out "a;" on page 2, line 6, to strike out "period" and insert "periods;" on page 2, line 6, after "years," to insert "each;" and on page 7, line 6, to strike out all after "Alaska" down to and including "oaths," line 7.

Mr. FRYE. I move that the Senate concur in the House amendments.

The motion was agreed to.

SITES FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. SCOTT. Mr. President, in accordance with the notice I gave on Thursday last, I now ask that Senate bill No. 122 be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from West Virginia, the title of which will be read by the Secretary.

The SECRETARY. A bill (S. 122) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

Mr. SCOTT. Mr. President, the most important question, in my opinion, confronting Congress in its relation to the work of the Government itself in the District of Columbia, is that of buildings in which that work can be conducted. Instead of compact structures in which the business of the various Departments can be carried on, the work of the Government is being scattered all over the city and most unsatisfactory results follow. The amount of money spent by the Government for rental in the District of Columbia is increasing at an alarming ratio, and I think it is time that a halt should be called, department buildings erected, and the clerical affairs of the Government carried on with dispatch and economy.

It is a plain business proposition which I desire to bring to the attention of the Senate. No business man in the United States would hesitate one minute on a rent proposition of 2 per cent as opposed to 5, 10, or 20 per cent. Neither would he hesitate on the proposition for proper, commodious, and connected offices in which to carry on his business. Where is the proprietor of a large department store who does not demand that all his wares shall be housed under one roof? He does not care to have his silk counters at one place and his linen goods shown in a building a mile away. Such a proprietor is aiming always at economy and the best results on the money invested. Should the Government act differently? Are we not here as the representatives of our States and our people to see that the moneys of the Federal Government are carefully and economically expended and that the best results are obtained? Should we hold it to be economy and carefulness merely to refuse to make appropriations? Are we legislating for the best interests of our country when we go on record as opposed to an appropriation for buildings needed in the District of Columbia in which the work of the Federal Government is to be carried on? Do we really salve our consciences with the ointment of being "watch dogs of the Treasury" and of always being on the alert to protect the interests of the people? I wonder if we do? For if we do, I fear we are resting in false security, and that some day our refusal to act fairly on plain, business proprositions will rise up to haunt us. For I think an alarming situation confronts us.

During the fiscal year ending June 30, 1908, the Government will have spent for rent of buildings in the District of Columbia the sum of $415,622.03, or, in round numbers, $416,000. To show

how the annual rental has been constantly increasing, I desire to present to the Senate the amounts so used for the past ten fiscal years.

1897	$176,144.00
1898	184,346.59
1899	178,585.92
1900	187,615.31
1901	196,205.00
1902	273,219.50
1903	316,249.84
1904	341,236.84
1905	349,266.17
1906	370,123.66
1907	415,622.03

These figures speak for themselves, and this table shows that each year there has been an increase, and unless several departmental buildings are erected it is not unreasonable to suppose that ten years from now over a million dollars will be spent annually in this city for rentals for Government purposes.

Mr. FORAKER. Mr. President, will the Senator allow me to ask him a question for information?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. SCOTT. Certainly.

Mr. FORAKER. Is it not true that during all this period, when the rentals have been increasing in the way the Senator suggests, we have, in fact, been providing new and additional buildings to accommodate the various Departments in the District of Columbia?

Mr. SCOTT. A very few of them, I will say to the Senator from Ohio. We are erecting near the Capitol a very elaborate building for the use of Senators that I think could very readily and very appropriately be adapted to the use of the Department of Commerce and Labor; but I am not taking that position in my argument this morning.

Mr. FORAKER. I know that constantly from time to time during the last ten years I have been voting for appropriations to erect public buildings in the District of Columbia. In addition to the building mentioned by the Senator, the Post-Office building has been provided, and I do not know how many others. We have been providing public buildings right along. I do not complain of it at all. I merely want to get the facts.

Mr. SCOTT. If the Senator will bear with me for a few moments, I think we will get to that.

The Government to-day has no difficulty in placing all the bonds it desires at an interest rate of 2 per cent. At such a rate the $416,000 being spent this fiscal year represents an investment of over $20,000,000. With $20,000,000 departmental buildings enough can be erected to house every clerk in Government buildings, and these will be a credit and a saving to the United States. And would not such an investment be the part of economy? The Government would then only be paying a 2 per cent rental and would own in time buildings whose rents have paid for themselves. It would have held in its own Treasury money which otherwise would have enriched the individual. If our Government is to be administered on sound, economic principles, this is the only solution. If it is to be administered for the benefit of a few in the District of Columbia, the rental system should remain as it is, and no further efforts should be made to erect buildings in this District for the necessary work of the Departments. We should rely on private enterprise and reward it with from 5 to 20 per cent interest on its investment. Then we can give account of our stewardship to our States and our people and prove how we have economically handled the public money for the benefit of a few; how we have zealously guarded the revenues against the greed of a plain, economical, necessary business proposition.

For it is a necessary business proposition. I have only stated one of the aspects. There is another, and that is the right the Government has to require from its employees the highest grade of results. But in securing this there are reciprocal obligations. The Government must give the employee all the opportunities, all the implements, all the necessities with which to do his best. Is the Government living up to its part of the contract? All the testimony says "no." For it is a declared fact that in the present day sanitary and commodious quarters must be furnished clerks to secure from them the best work. They must be given room in which to turn around. At present halls and stairways are being utilized to give clerks space in which to do their work, and when they are thus cramped and crowded they are unable to give that which should rightly be demanded.

But is it possible that such a condition as this exists? Are halls in crowded buildings absolutely unfitted for the purposes thus used? Are heads of Departments asking, clamoring for relief? Have they been clamoring for years? Has Congress heeded their appeals? The records of each House will show. Shall I illustrate?

Take, for example, the Department of Justice. When the old building on the corner of Madison place and Pennsylvania avenue was torn down, that Department rented the Baltic Building, on K street, and also one building on Lafayette square. At the same time its library was placed in the Court of Claims building. Two years later, in 1901, to relieve the building on Lafayette square, the Department was forced to rent nine rooms in the Bond Building, and later the building on Vermont avenue, directly east of the Baltic Building. In the same year a building for the Spanish Treaty Claims Commission had to be secured. But even this was not enough, and two years later the Department was obliged to rent the building directly west of its main building on K street, and all these are now crowded to their utmost limit.

This situation is bad enough, but it is not the worst. Not only is the business of this Department scattered in these various buildings, but it is absolutely at the mercy of the owners. Listen to the testimony of Attorney-General Moody, now a justice of the Supreme Court, before a Senate committee two years ago. In answer to a question he said:

> Let me give you a rather humiliating example of the position in which we are placed. I will not name the particular building. The landlord of one of the buildings which we rent, and which we must have, declined to make repairs which, in my judgment, under the terms of the tenancy, he was bound to make. I started to be very severe with him and insist upon our rights. In substance, he replied: "If you don't like it, you can get out," and I had to submit. I could not be turned out upon the streets, and therefore I was at his mercy. In the main, I think our landlords have treated us with fairness, but as the leases expire of course we are at their mercy upon the question of renewal.

Now, another illustration, before the same committee at the same time, given by Mr. O. J. Field, chief clerk of the Department of Justice. In relation to the building occupied by the Spanish Treaty Claims Commission he said:

> We leased that building five years ago for $200 a month for three years. At the expiration of three years they increased the rent $50 a month for two years. That two years' lease expired the 1st of April. They demanded a further increase of $50 a month on a six months' lease. We hardly wanted to lease a building for just six months, and in endeavoring to reach some compromise proposition for a longer tenancy they notified us that they declared all negotiations off a week or ten days before the lease expired, and we are hunting around for some place to move the Spanish Treaty Claims Commission to on a week's notice.

As a sequel to this testimony, I can state that the Department of Justice finally compromised with the owners of this building by signing another lease for three years at an increase of $50 per month.

Has any Attorney-General presented this situation to Congress, and is this body still ignorant of these conditions? A business man, a man of affairs, would think the latter. The people might think the same. But for years every Attorney-General of the United States has been pleading for relief from these almost unbearable conditions. They have appeared before committees; they have, within their rights, officially acquainted Congress with this state of affairs. With what result? An effort to fairly meet the difficulties and remedy them in a plain businesslike way? No; but with the stern admonition—

> We are carefully guarding the revenues. Crowd your clerks up a little closer, Mr. Attorney-General, and, if necessary, close up windows and utilize halls. We must economize.

Shall I illustrate again? Take, for example, the State Department. Thirty years ago it was given the entire south wing of the State, War, and Navy building, but encroachments have been made upon it for uses of the War and Navy Departments, and at present only 60 per cent of the room then provided is used by the Department. Has the business of that Department increased in the past thirty years? Yes; enormously. Thirty years ago, and for a long time after that, we were a debtor nation. American capital and American enterprise were engrossed in the development of our own country; there was comparatively little foreign travel, and the relations between the United States and other countries of the world was largely formal. Now we have come to a new era. American enterprise is pushing into every country; American construction is going on all over the world. American trade, American banking, and great American interests are being built up in almost every country on the earth, and a very large representation of our 80,000,000 of people is traveling all over the world. The enormous activity which has sprung up in all of these ways has developed enormous additional labors on the State Department, and yet it only has 60 per cent of the space originally provided thirty years ago. Secretaries of State have reported that their Department is reaching a point where it will be swamped for lack of proper organization. Records can not be handled in a proper manner because of inadequate space. The Secretary of State can not have a private interview with a Senator, a Member of Congress, a Cabinet officer, a foreign ambassador, minister, or consul, because he has no private room.

Before the Senate committee I referred to a few minutes ago Secretary of State Root testified as follows:

> There are a great many Senators and Representatives who come to the State Department with constituents, and what they come for is to introduce the constituents. They do not want to waste any time about it. They do not want more than a minute. I have no place to see them, because I have just this one room. I may be having an important conversation with someone that will take twenty minutes or half an hour. In the War Department, as soon as I found there were a number of people in the anteroom I would stop the conversation, go out and dispose of the one-minute people, let the Senators and Representatives introduce their constituents and go their way. I would find a dozen people who would not want a minute. There might be two or three who wanted more time, and I would let them wait and take their turn, instead of keeping the whole crowd waiting. It is exceedingly inconvenient. It is injurious to the public business and it is very undignified; but I know of no way to cure it, because I can not find any room without turning a lot of clerks out of doors, whose services are absolutely necessary. My private secretary is now in a room away off in a corner, a long distance from me.

Secretary Root further complained that recently he had the gentlemen here who were to go to the Rio conference and that he had to give them the diplomatic anteroom and make special arrangements to have foreign diplomats remain in their embassies and not visit him until after these gentlemen were through with their work. At another time the Sanitary Congress, under a resolution passed by the Second Pan-American Conference at Mexico, came here, and the only thing that he could do was to secure rooms at the Willard Hotel, and the same procedure was followed in the case of commissioners from China. At another time the arbitrators of the Salvador Commercial Company's claim against the Government of Salvador met here. The arbitrators needed space for only a few weeks. What should be done with them? There was no space in the State Department, none of the desirable rooms in the nicer office buildings could be taken for less than six months, so the State Department was compelled to be content with securing rooms in the second-rate building, and even these were hard to find. As a final example, the Anglo-American Joint High Commission was forced to meet in the ordinary of the Arlington Hotel.

Mr. President, these are only a few of the many difficulties with which the State Department has to contend. It is the one official depository of the original acts of Congress, of the original proclamations of the Presidents, and of the original Executive orders—all of the greatest importance, not only to ourselves, but to our posterity. And these are all filed in vaults and cases which are not even fireproof. What recklessness!

Have not the Secretaries of State presented this situation to Congress? Is this body still ignorant of these conditions? Again I say, a business man and a man of affairs would think the latter; the people might think the same. But for years the Secretaries of State have been pleading for relief from these almost intolerable conditions. They have appeared before committees; they have, within their rights, officially acquainted Congress with this state of affairs. With what result? An effort to fairly meet the difficulties and remedy them in a plain businesslike way? No. And, as in the case with the Department of Justice, they are met with the stern admonition:

> We are carefully guarding the reserves. What difference does it make if you have all the files since the foundation of the Government, since 1789, stowed away in nonfireproof cases? What difference does it make if you have many valuable and confidential papers relating to prosecutions and matters of all kinds? What difference does it make if you have diplomatic correspondence which could not be replaced? What difference does it make if the vaults and cases are not fireproof? Papers massed in a bunch will not burn; only the edges will be charred; fire dies out for lack of oxygen, you know. And it will not make much difference anyway; get new files; get new diplomatic documents; crowd up your clerks; close up your windows and utilize halls. We must economize.

Shall I illustrate again? Then take, for example, the Department of Commerce and Labor. It is scattered over a large portion of the business center of the city. Part of it is in the Willard Building, on Fourteenth street; another part of it in the Emory Building, at First and B streets, NW.; another part of it in the National Safe Deposit Building, New York avenue and Fifteenth street; another part of it in the Builders' Exchange Building, on Thirteenth street; another part in the Adams Building, on F street between Thirteenth and Fourteenth streets; another part in the Munsey Building, north side of E between Thirteenth and Fourteenth streets; still another part on E street between Ninth and Tenth, and the Department is asking for additional quarters. Think of it! This Department is distributed over a distance of a mile and a half long east and west, and about one-third of a mile north and south. This Department is a new one, and its needs are more patent than some of the others.

Have not Secretaries of Commerce and Labor presented this situation to Congress? And is this body still ignorant of these conditions? A business man, a man of affairs, would think the latter; the people might think the same. But since the establishment of this Department each Secretary has been pleading for relief from these almost unbearable conditions. They have appeared before committees; they have, within their rights, officially acquainted Congress with this state of affairs. With what result? An effort to fairly meet the difficulties and remedy them in a plain, businesslike way? No. But with the stern admonition:

> We are carefully guarding the revenues. In that section of the city, a mile and a half long east and west and one-third of a mile north and south, you must have many windows and hallways. Close up some of your windows and utilize your hallways; crowd your clerks up a little closer, Mr. Secretary of Commerce and Labor. We must economize.

Similar conditions, of course in a less degree of intensity, exist in other Departments which have been housed for years in homes of their own. The Senate Committee on Public Buildings and Grounds, during the last Congress and during this session, too, took up this situation and tried to find a remedy. It made a favorable report on the proposition for buying the squares of ground lying between Fourteenth and Fifteenth streets, Pennsylvania avenue, and D street NW., as a site on which departmental buildings could be erected. These buildings were to house the Departments of State, Justice, and Commerce and Labor. This site was selected, since there seem to be the strongest of reasons why two of these Departments should be within a short distance of the White House. I refer to the Department of State and the Department of Justice. The heads of these two Departments of the Government are more often called by the President to the White House than are any other members of his official family, and the length of their absence from the offices would thereby be reduced to a minimum. This site was also selected on account of its size. Owing to the fact that these buildings were to be near the White House it was obvious that the Treasury Department should not be dwarfed, and the general architectural plan called for structures of four or five stories only. In no other section near the White House could these requisites be met. In addition, the selection of this site was in the general line of the proposed parking system, having in view the most economical beautifying of the city—the carrying out of the plans of the founders.

At the time the committee had a rough estimate of the cost of such buildings made. A building which would supply all the present wants of the Department of Commerce and Labor, allow for a one-third increase in that Department, and still give room for the Interstate Commerce Commission, could be erected, in round numbers, for $5,000,000. This building would be granite faced, of modern type, four stories and basement. A building sufficient to house the Department of State and the Department of Justice could be erected, in round numbers, for $2,000,000, making a total of $7,000,000, exclusive of site. It is only a question of time until the Government will have to own this property anyhow in order to carry out its parking schemes, and for the time being the cost of the site could be left out of consideration.

Let us see if from a financial standpoint this would be a businesslike proposition. What are the savings in rent? During the present fiscal year the State Department pays out in rent $3,580; the Department of Commerce and Labor, $60,049.80; the Department of Justice, $28,200; the Interstate Commerce Commission, $29,160, a total of $110,489. With the State Department moved from its present quarters into a new building, the rent of the Mills Building and some other buildings used by the War and Navy Departments could be saved and run this total up to at least $140,000—2 per cent of $7,000,000. But in a late annual report of the Secretary of Commerce and Labor he says the assembling of the bureaus and offices of the Department under one roof would result in a saving in the cost of administration, on a very conservative estimate, of at least $66,000 per year. I am informed that at least $50,000 could be saved in a similar manner in the Department of Justice. These savings added to the amount paid for rent would bring the total of savings in these two buildings up to $256,000, a 2 per cent rate of interest on $12,800,000.

Is not that a fair, businesslike statement? Would it not be true economy to begin at once the erection of these buildings?

Another condition contronts us, and that is that the buildings now occupied by the various Departments are all crowded, and each Secretary is calling for more space. Some day this condition will have to be met and several other buildings erected in the District of Columbia. Those just mentioned would take care of three Departments and would relieve the War and Navy Departments of the crowded condition which exists in their buildings. The Government at present owns the corner lot across Pennsylvania avenue from the Treasury building. The purchase of the Arlington Insurance Company Building and the Belasco Theater would give the Government a fine site on which could be erected a handsome four-story auditors' office.

Such a building as this would relieve at once the Treasury Department of its congestion. Forty-three per cent of the floor space in the Treasury Department is occupied by auditors' offices. These auditors do not necessarily come in contact with the Secretary or his assistants every day, while in the purely Treasury work of the Department the heads of bureaus are constantly being called into consultation with the Secretary or his assistants. The location of such a building on Pennsylvania avenue would at once put the auditors in the different Departments together, give more room in the Treasury Department, and relieve the Post-Office Department of some of its congestion.

To still further relieve the congestion in the Post-Office Department a new postal workshop should be erected at the Union Station. Here all mails could be handled promptly, carriers could start their deliveries from this point and the objects of a fast mail service absolutely obtained. It is the veriest nonsense to run fast mail trains from New York to Washington and then have forty-five minutes wasted in carrying mail from the Union Station to the present post-office building. Other cities have seen the necessity of a post-office which is a workshop, and are already clamoring for such an improvement. With this addition the Post-Office Department would have the space it needs.

For years a new building for the Bureau of Printing and Engraving has been needed. In the last Congress the necessity was realized and the Secretary of the Treasury was authorized to prepare a plan. He has found the most deplorable overcrowding of men and women in every part of the building. He has found that it was necessary to work a part of the force beyond regular hours, and a considerable part of the men and women at night. Should Congress provide by new legislation for increased issues of notes, it would be necessary to resume this overtime work. The Secretary of the Treasury has made his recommendations and they are worthy of consideration, and I understand they are to be adopted. I shall offer no objections. I am only too glad to see the needs met. But I think the Bureau of Printing and Engraving should be a workshop—it is merely an establishment where money is manufactured. It should be located where it could have railroad facilities, and as much as possible of the work should be done on the ground floor. This could be accomplished by securing a cheap site near one of the railroads and erecting a modern manufacturing plant. All the heavy machinery could then be on the first floor, instead of running up into the air five or six stories, as it does in the present building. Such a structure would not need to be a granite Government building, but simply a substantial, handsome, brick, manufacturing establishment. With the Bureau of Printing and Engraving located along the railroad where it could have switching and other facilities, the Treasury Department could be relieved of a great expense in the hauling of paper to and fro, checking up, weighing, etc. All this could be done at the Bureau of Printing and Engraving, and one hauling would be sufficient. But, as I stated before, I understand the present building is to be enlarged, and when the matter comes before the Senate I shall offer no opposition further than to repeat these views.

I had thought that with the Bureau of Printing and Engraving housed in such an establishment as this, the present building could be used as a hall of records, since such a structure is badly needed. But a new building for such a hall can be erected for $2,000,000, and no Senator can for a moment oppose its erection on a plea of no necessity.

One more building is needed, that for the Geological Survey. Its necessity has been shown before numerous committees on numerous occasions. I feel that I am within the limits of reason when I say that $20,000,000, the amount on which the Government is now paying a 2 per cent rate of interest in rent, would more than erect and equip these buildings. It would even go far enough, in my opinion, to build a separate structure for the Census Bureau, though that is taken care of in the rough estimates of the Commerce and Labor building spoken of before, 136,000 square feet space being given to it. The erection of a building for the Census Bureau is a mere matter of opinion. Each ten years a large number of clerks will be employed for a couple of years and then the Bureau will drop to its normal size of a few hundred clerks. This is the one Bureau of the Government that contracts and expands. The space used at its greatest expansion could be temporarily occupied during the period of greatest contraction, and it is six of one and half a dozen of another whether it is in a department building or in a structure by itself.

To erect such buildings, it seems to me, is the plan which a business man would follow and which I think the Federal Government should adopt. In making an estimate of the savings to the Government, I have only given the figures for rent. But there are other savings on which I have only touched—I mean savings in administration. As before stated, the Department of Commerce and Labor estimates this saving at $66,000 per year, the Department of Justice at $50,000, and I am informed the Bureau of Printing and Engraving can save at least $20,000. In the other Departments a similar administrative saving could be accomplished by placing all bureaus and offices under one roof; but I have been unable to secure figures that would be of any value. It is fair, however, to estimate that the saving would be in the same proportion as in the two Departments and one Bureau from which I have received estimates. To be perfectly fair, I should state that the total rent figures which I have presented include the rent of certain buildings in the District used for school purposes—buildings which properly should not come within the scope of my remarks. The figures also include rent for stables and $65,000 used by the Agricultural Department this year, but which may not be needed hereafter. These amounts, though, are easily covered by the saving in administration in the other Departments not mentioned. At this point I desire to present a list of all buildings in the District of Columbia rented by the Government and the amounts paid for each. This statement is prepared yearly, as required by the act of July 16, 1892. I will not read it, but ask that it may be appended to my remarks in tabular form. [See appendix.]

Having thus covered the situation, I desire to emphasize my original statement that all the Departments and bureaus of the Government now located in rented buildings can be housed in buildings owned by the Government at a rental rate of 2 per cent per annum until the said buildings are paid for. To do this, I desire to give estimates showing what such structures would cost. These estimates are in the rough, but approximate the actual cost. Money would be needed as follows:

Commerce and Labor	$5,000,000
Justice and State	2,000,000
Hall of Records	2,000,000
Auditors' offices	1,500,000
Bureau of Printing and Engraving	2,150,000
Post-office workshop	800,000
Census building	350,000
Total	13,800,000

This cost is estimated exclusive of site. But, as I stated before, the sites of a number of these buildings will have to be purchased by the Government at some future date for parking purposes, so their cost should not really be counted on. But, allowing for the cost of sites, $6,000,000 would more than buy all the land needed for each one of these buildings, and then we have a $20,000,000 investment, on which amount the present rental would pay 2 per cent. The twenty millions easily covers any increase of cost of any of the buildings, for six millions will not be needed in the purchase of sites.

But this is not all. Two Departments and one bureau have given rough estimates of saving in administration—a total of $136,000. Add this to the amount paid out in rent and we have a total expense during the fiscal year ending June 30, 1908, of $652,000. This, Mr. President, is a 2 per cent interest rate on $32,600,000. Should we hesitate?

But even this is not all. Washington is a beautiful city. In travels which have extended almost around the earth I have seen none more beautiful. Americans are proud of it, and they come here from all over our broad country. They travel up and down our streets and feel that they have a part in every public building or park they see. And the American likes a handsome public structure. He is proud of the Congressional Library, for example, and would be pleased with more buildings of a similar order. He likes to see beautiful parks—he is proud of them. I do not believe that a dollar of money which has ever been expended in buildings needed for the Government work, even in beautifying the city, has been criticised by the taxpayers of the United States. The visitors return to their homes and tell their friends and neighbors of the beauties of the Capital City, of the handsome buildings that our country has erected, of the commodious quarters in which some of our clerks are housed.

But if they happen in their sight-seeing cars to pass, for instance, the Department of Justice, what a beautiful prospect is presented! What a magnificent building is pointed out as the home of the Spanish Treaty Claims Commission! What magnificent quarters as part of the workshop of the Department of Commerce and Labor! Do you not think that these Americans go back home and tell their friends all about this? They draw comparison between these Departments and the other Departments, which are housed in beautiful and commodious buildings. And those comparisons are not to our credit.

As I stated before, I do not believe that the expenditure of a single dollar for the city of Washington in order to beautify the capital of the nation and erect its workshops has ever been criticised by an American taxpayer or an American voter. I do

not believe that if to-day the Congress of the United States were to pass a bill appropriating even $32,000,000 for the purchase of sites and the erection of buildings to complete the plans I have detailed above there would be a dissenting voice raised in the United States. I do not believe there would be one criticism from any paper in the United States. On the other hand, I think it would be one of the most popular measures ever passed by Congress and one that would be met with the heartiest approval everywhere.

I have tried, Mr. President, to give this question to the Senate as a business proposition. I have shown how the Government's needs can be more economically met in the District of Columbia. I have shown the true economy of the situation. I have shown the humiliating positions in which heads of Departments have been placed by landlords and by being forced to invite diplomatic representatives of other governments not to call. I have shown the almost intolerable conditions that exist in rented quarters and in buildings now owned by the Government—conditions that any Senator can examine into himself. I have shown how buildings are absolutely demanded and required. In face of all these facts, I now ask for simple justice to heads of Departments, clerks from whom the best service should be expected, and the people, whose money should be expended in the most economical manner. Shall this state of affairs continue? Shall we still hear the self-deluding, the self-satisfying cry of "We must economize?"

APPENDIX.

Statement of buildings rented within the District of Columbia for the use of the Government, as required by the act of July 16, 1892 (27 Stat., p. 199).

BUILDINGS RENTED BY THE STATE DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

Location of building.	For what purpose used.	Annual rental.
No. 1518 L street NW.	Stables for State Department	$720.00
No. 522 Seventeenth street NW.	Offices of State Department	2,860.00
Total		3,580.00

BUILDINGS RENTED BY THE TREASURY DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

No. 1709 New York avenue NW.	Photograph gallery and storage of documents and records	$2,500.00
No. 400 Nineteenth street NW.	Treasury stables	1,200.00
Third and fourth floors and two sections on fifth floor, Nos. 920 and 922 E street NW.	Storage of documents and records	8,000.00
Third floor and one room on fourth floor, Star Building, Eleventh street and Pennsylvania avenue NW.	Offices Life-Saving Service	3,936.00
Sixth floor and north half of fifth floor, Union Building, G street between Sixth and Seventh streets NW.	Offices Auditor for the Post-Office Department	10,250.00
Rooms 701 to 727, inclusive, seventh floor, and rooms 816, 817, 820, 821, 822, 823, 824, and 825, eighth floor, Munsey Building.	Offices Auditor for the Navy Department	11,260.00
Total		37,146.00

BUILDINGS RENTED BY THE WAR DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

No. 1729 New York avenue NW. (Lemon Building)	War Department	$7,200.00
No. 532 Seventeenth street NW.	Depot Quartermaster and Branch of General Staff	2,500.00
No. 1744 G street NW.	Signal Office, Board of Ordnance and Fortification, one Army Board, and two storerooms for Secretary's Office.	2,500.00
No. 610 Seventeenth street NW.	The Adjutant-General's Office	1,500.00
No. 1720 H street NW.	Medical Dispensary	1,000.00
No. 1800 F street NW.	Bureau of Insular Affairs	720.00
No. 1712 G street NW.	The Adjutant-General's Office	800.00
Nos. 920 and 922 E street NW.; section A, fifth story, and a section of office on first floor.	Bureau of Insular Affairs	1,500.00
Total		17,720.00

BUILDING RENTED BY THE NAVY DEPARTMENT IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

Mills Building, corner of Pennsylvania avenue and Seventeenth street NW.	Annex for the purposes of the various bureaus Hydrographic Office, Naval Dispensary, Navy Pay Office, Headquarters United States Marine Corps, General Board, Board of Inspection and Survey, and the Naval Examining and Retiring Board.	$24,500.00

BUILDINGS RENTED BY THE DEPARTMENT OF THE INTERIOR IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

Eighth and E streets NW.	Civil Service Commission	No lease signed.
Corner of Eighth and G streets NW.	Bureau of Education	$4,000.00
Hooe Building, F street NW.	Geological Survey	28,500.00
Buildings on alley, rear of Hooe Building	do	6,400.00
Union Building, south half basement floor	Storage of documents	No lease signed.
Union Building, G street NW.	Patent Office model exhibit	No lease signed.
Washington Building Company's building, corner Twelfth and G streets NW.	Reclamation Service	8,000.00
Ouray Building, Eighth and G streets NW., 11 rooms on 7th floor. (Until January 1, 1908.)	General Land Office (reproduction of California records)	3,240.00
Total		50,140.00

BUILDINGS RENTED BY THE POST-OFFICE DEPARTMENT IN THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR 1908.

Union Building, G street between Sixth and Seventh streets NW.	Station G, city post-office	[a] [b] $3,500.00
No. 1413 F street NW.	Station C, city post-office	[a] 2,000.00
Fourth and East Capitol streets	Station B, city post-office	[a] 2,000.00
No. 716 Four-and-a-half street SW.	Station D, city post-office	[a] 850.00
No. 1413 Park street	Station F, city post-office	[a] [c] 1,380.00
No. 11 Harrison street (Anacostia)	Station H, city post-office	[a] [c] 300.00
Twenty-fourth street NE., between Channing and Douglas streets (Langdon).	Station K, city post-office	[a] [c] 200.00
Michigan avenue and Ninth street NE. (Brookland)	Brookland station, city post-office	[a] [c] 200.00
Carroll avenue and Blair road (Takoma Park)	Takoma Park station, city post-office	[a] [c] 360.00
Anacostia avenue and Benning road (Benning)	Benning station, city post-office	[a] [c] 200.00
First and K streets NE.	Mail bag repair shop; mail lock repair shop; division of supplies; division of equipment; division of stamps; division of topography; division of redemption, and office superintendent third division, railway mail service.	[a] 22,000.00
Nos. 918-920 E street NW.	Storage of files	[d] 2,000.00
Alley between L and M, Sixteenth and Seventeenth streets NW.	Stable	300.00
Alley adjoining First and K streets NE.	do	200.00
1422 F street NW.	Temporary quarters, special record of mail matter	[a] [d] 3,600.00
Total		50,090.00

[a] Paid out of appropriation for postal service.
[b] Including equipment and heat.
[c] Including heating and lights.
[d] Including heat, lights, elevator, and janitor service.

Statement of buildings rented within the District of Columbia for the use of the Government, etc.—Continued.

BUILDINGS RENTED BY THE DEPARTMENT OF AGRICULTURE IN THE DISTRICT OF COLUMBIA DURING THE FISCAL YEAR ENDING JUNE 30, 1908.

Location of building.	For what purpose used.	Annual rental.
No. 1302 B street SW	Bureau of Animal Industry, laboratories and offices	$1,800.00
No. 1358 B street SW	Bureau of Animal Industry, offices	750.00
Munsey Building	do	6,520.00
No. 902 Pennsylvania avenue NW	do	240.00
No. 1228 C street SW	Bureau of Animal Industry, stable	144.00
Nos. 1304–1306 B street SW	Bureau of Plant Industry, offices	3,000.00
No. 1308 B street SW	do	360.00
No. 201 Thirteenth street SW	do	360.00
No. 224 Twelfth street SW	do	3,000.00
No. 203 Thirteenth street SW	do	420.00
No. 205 Thirteenth street SW	do	420.00
No. 207 Thirteenth street SW	do	420.00
No. 207½ Thirteenth street SW	do	420.00
No. 209 Thirteenth street SW	do	420.00
No. 237 Fourteenth street SW	do	120.00
No. 1310 B street SW	do	180.00
No. 1224 B street SW	do	450.00
No. 1226 B street SW	do	450.00
No. 1316 B street SW	do	1,500.00
No. 221 Linwood place SW	Bureau of Plant Industry (seed building)	3,000.00
Atlantic Building, 930 F street NW	Forest Service, offices	22,043.00
Ouray Building, Eighth and G streets NW	do	1,428.00
No. 1520 Pennsylvania avenue SE	Forest Service, wood-testing laboratories	600.00
Rear of 913 E street NW	Forest Service, storage purposes	270.00
Rear of 922 and 924 F street NW	do	270.00
No. 928 Baptist alley NW	do	120.00
Nos. 202–204 Fourteenth street SW	Bureau of Chemistry, laboratories and offices	2,500.00
No. 206 Fourteenth street SW	Bureau of Chemistry, storage rooms	300.00
No. 207 Linwood place SW	Bureau of Chemistry, office and storage rooms	300.00
No. 300 Fourteenth street SW. (two apartments)	Bureau of Chemistry, offices	600.00
No. 300 Fourteenth street SW. (one apartment)	do	300.00
Nos. 208–210 Fourteenth street SW	Bureau of Soils, laboratories and offices	2,600.00
Nos. 212–214 Thirteenth street SW	do	1,320.00
No. 904 B street SW	Bureau of Entomology, offices	720.00
No. 215 Thirteenth street SW	Division of Publications, document rooms	5,000.00
No. 916 Pennsylvania avenue NW	Division of Publications, storage rooms	60.00
No. 237 Fourteenth street SW	Office of Public Roads, offices	1,880.00
Lot 27, square 231, SW	Office of Public Roads, stable	120.00
No. 1120 Virginia avenue SW	Office of Experiment Stations, offices	1,000.00
No. 611 Maryland avenue SW	Office of chief clerk, storage rooms	300.00
Total		65,705.00

BUILDINGS AND ROOMS IN BUILDINGS RENTED BY DEPARTMENT OF COMMERCE AND LABOR IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

Willard Building, 513-515 Fourteenth street NW	Main building of Department	$11,830.00
Emery Building, northwest corner First and B streets NW	Bureau of the Census	21,000.00
204-206 Fourteenth street NW	Bureau of the Census (storage)	1,080.00
National Safe Deposit Building, corner New York avenue and Fifteenth street (in part).	Bureau of Labor	6,750.00
Builder's Exchange Building, 719-721 Thirteenth street NW. (in part)	Light-House Board, Steamboat-Inspection Service, Bureau of Navigation.	7,600.00
Adams Building, 1333-1335 F street NW. (in part)	Bureau of Statistics	4,039.80
Munsey Building, north side of E street, between Thirteenth and Fourteenth streets NW. (in part).	Division of Naturalization	4,000.00
1137-1139 Seventeenth street NW	Stables	1,500.00
920-922 E street NW. (in part) [a]	Storage of records of the Light-House Board	1,500.00
National Safe Deposit Building, corner New York avenue and Fifteenth street (in part).[a]	Storage of records of the Bureau of Labor	750.00
Total		60,049.80

BUILDINGS RENTED BY THE DEPARTMENT OF JUSTICE IN WASHINGTON FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

No. 1000 Vermont avenue	For records, offices, and business of the Department	$6,500.00
No. 1435 K street NW	do	10,000.00
No. 8 Jackson place	do	2,100.00
No. 6 Jackson place	do	1,800.00
Bond Building, Fourteenth and New York avenue; rooms 708 and 717, inclusive.	do	1,800.00
No. 1439 K street NW	do	2,400.00
No. 1411 H street NW	For the records, offices, and business of the Spanish Claims Commission.	3,600.00
Total		28,200.00

LIST OF BUILDINGS RENTED BY THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE 30, 1908.

District building	Executive and miscellaneous	$9,000.00
Police station, Anacostia, D. C	do	480.00
Stable for health department, 219-221 Jackson Hall alley	do	360.00
Vault in premises Nos. 228-232 First street NW	do	600.00
Police department, 470 Louisiana avenue NW	do	2,400.00
Harper Building, 467 C street NW., four rooms	do	330.00
House of Detention, 505 Eighteenth street	do	900.00
Premises rear 458 Louisiana avenue NW	do	120.00
Premises rear 921 D street NW	do	240.00
Columbian Building, insurance department, 5 rooms	do	840.00
Columbian Building, corporation counsel	do	1,000.00
Temporary Home ex-Union Soldiers and Sailors, No. 106 Third street NW.	do	600.00
No. 468 Louisiana avenue NW., 2 rooms	do	300.00
Property yard, lot 4, square 775	do	18.23
Room rear 419 Third street NW	do	48.00
No. 1816 F street NW	do	240.00
No. 472 Louisiana avenue, Gunton Building, 5 rooms	do	540.00
Total executive and miscellaneous		18,046.23

[a] Paid from the appropriation "Contingent expenses, Department of Commerce and Labor."

Statement of buildings rented within the District of Columbia for the use of the Government, etc.—Continued.

LIST OF BUILDINGS RENTED BY THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE 30, 1908—continued.

Location of building.	For what purpose used.	Annual rental.
Miner Building, Seventh and Church streets NW	Public schools	$2,500.00
Nos. 607-609 O street NW	do	912.00
Nos. 624-626 O street NW	do	1,450.00
N. E. Industrial School, corner Eighth and I streets NE	do	900.00
Peabody Annex, 646 Massachusetts avenue NE	do	696.00
Repair shop, Nos. 11 and 13 D street NW (2 months)	do	100.00
Premises Bunker Hill road, between Eighth and Ninth streets NE	do	300.00
No. 730 Twenty-fourth street NW	do	720.00
Masonic Temple, Anacostia, D. C., 2 rooms	do	440.00
No. 494 Maryland avenue SW., 2 rooms	do	360.00
No. 212 H street NW., second floor	do	840.00
Garfield Hall, Garfield, D. C	do	360.00
No. 1017 Twelfth street NW	do	1,200.00
Premises southeast cor. Brightwood ave. and Longfellow street, 1 room	do	300.00
Israel Baptist Church, assembly hall	do	360.00
People's Seventh Day Adventist Church, 2 rooms	do	540.00
No. 102 Fenwick street NE	do	144.00
Contee's African Methodist Episcopal Church, Burrville, D. C	do	150.00
No. 1129 G street NE., 3 rooms	do	300.00
No. 2801 N street NW	do	600.00
No. 4724 Sheriff road	do	150.00
No. 533 Twelfth street SE	do	1,200.00
Emanuel Baptist Church, Garfield, D. C	do	240.00
No. 1606 M street NW., banquet hall	do	300.00
Langdon Hall, Langdon, D. C	do	180.00
Chapel, St. Luke's P. E. Church, Fifteenth and Church streets NW	do	300.00
Lincoln Memorial Chapel, Sixth and Trumbull streets	do	300.00
Lincoln Temple Congregational Church, Eleventh and R streets NW	do	300.00
Samaritan Temple, First, between Second and Third streets SW., 2 rooms	do	525.00
No. 1338 H street NE	do	300.00
No. 1120 Twentieth street N W	do	318.00
Total for public schools		17,285.00
National Guard Armory, Center Market	Militia, District of Columbia	8,000.00
No. 902 Pennsylvania avenue NW., third and fourth floors	do	1,000.00
True Reformers Building, Twelfth and U streets NW., basement and office rooms.	do	1,500.00
Armory, 1405 D street NW	do	1,200.00
Rooms in Evening Star Building	do	2,100.00
Rifle Range, Hillsdale, D. C	do	550.00
Total for militia, District of Columbia		14,000.00
Grand total of rent for the District of Columbia		49,331.23

ROOMS RENTED BY THE INTERSTATE COMMERCE COMMISSION, WASHINGTON, FOR THE FISCAL YEAR 1908.

No. 1317 F street, American Bank Building, third, fourth, fifth, sixth, seventh, eighth, and ninth floors, five rooms on the second floor and one room on the first floor; also the entire cellar (including heating, elevator, and water service).	Interstate Commerce Commission	$18,660.00
No. 1311 G street, Epiphany Building, two rooms on the third floor, three rooms on the second floor, and three rooms in basement (including heating, elevator, and water service).	do	3,300.00
No. 1309 G street, third, fourth, fifth, and sixth floors (including heating, elevator, and water service).	do	6,000.00
Basement of building No. 1334 F street	do	1,200.00
Total		29,160.00

RECAPITULATION.

Department.	Amount.	Department.	Amount.
State Department	$3,580.00	Department of Commerce and Labor	$60,049.80
Treasury Department	37,146.00	Department of Justice	28,200.00
War Department	17,720.00	District of Columbia	49,331.23
Navy Department	24,500.00	Interstate Commerce Commission	29,160.00
Interior Department	50,140.00		
Post-Office Department	50,090.00	Total	415,622.03
Department of Agriculture	65,705.00		

Mr. CARTER. The remarks of the Senator from West Virginia [Mr. SCOTT] were very interesting, and inasmuch as they contain not only statements of great value but figures which may be consulted hereafter, I ask unanimous consent that, aside from being printed in the RECORD, they be printed as a document.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the remarks just made by the Senator from West Virginia be printed as a document in addition to appearing in the RECORD. In the absence of objection, it is so ordered.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 14, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 13, 1908.

SURVEYOR OF CUSTOMS.

Jacob J. Greenwald, of Utah, to be surveyor of customs for the port of Salt Lake City, in the State of Utah. (Reappointment.)

UNITED STATES MARSHAL.

Aaron M. Storer, of Mississippi, to be United States marshal for the northern district of Mississippi, vice James A. Toler, whose term has expired.

PROMOTIONS IN THE ARMY.

Medical Department.

Maj. Charles Richard, surgeon, to be deputy surgeon-general, with the rank of lieutenant-colonel, from April 10, 1908, vice Corbusier, retired from active service.

Capt. William F. Lewis, assistant surgeon, to be surgeon,

with the rank of major, from April 10, 1908, vice Richard promoted.

PROMOTIONS IN THE NAVY.

Ensign John S. Arwine, jr., to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade.

The following-named ensigns to be assistant naval constructors in the Navy from the 24th day of March, 1908, to fill vacancies existing in that grade on that date, to correct the date from which they take rank as confirmed on March 31, 1908:

Robert B. Hilliard,
Edwin O. Fitch, jr.,
Lee S. Border,
John C. Sweeney, jr.,
James O. Gawne, and
Alva B. Court.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 13, 1908.

REGISTER OF THE LAND OFFICE.

Royal A. Prentice, of Alamogordo, N. Mex., to be register of the land office at Tucumcari, N. Mex.

COLLECTORS OF CUSTOMS.

Isaiah J. McCottrie, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina.

Edward R. Stackable, of Hawaii, to be collector of customs for the district of Hawaii, in the Territory of Hawaii.

APPRAISER OF MERCHANDISE.

William J. Beyer, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York.

POSTMASTERS.

CALIFORNIA.

Thomas H. Hughes to be postmaster at Calexico, Imperial County, Cal.

GEORGIA.

Cicero C. Alexander to be postmaster at Commerce, Jackson County, Ga.

INDIANA.

Frank Daly to be postmaster at Lynn, Randolph County, Ind.

IOWA.

Edward T. Mills to be postmaster at Buxton, Monroe County, Iowa.

Frederick N. Taylor to be postmaster at Jewell, Hamilton County, Iowa.

MICHIGAN.

Charles N. Spear to be postmaster at Pittsford, Hillsdale County, Mich.

MINNESOTA.

Charles H. Pierce to be postmaster at Northfield, Rice County, Minn.

MISSOURI.

Elwood Alley to be postmaster at Chaffee, Scott County, Mo.

John T. Farmer to be postmaster at Atlanta, Macon County, Mo.

NEW YORK.

William E. Clark to be postmaster at Fredonia, Chautauqua County, N. Y.

Charles L. Dix to be postmaster at Forestville, Chautauqua County, N. Y.

Richard H. McIntyre to be postmaster at Saranac Lake, Franklin County, N. Y.

OHIO.

Wilson A. Korns to be postmaster at New Philadelphia, Tuscarawas County, Ohio.

OKLAHOMA.

Charles H. Nash to be postmaster at Clinton, Custer County, Okla.

OREGON.

Robert Walker to be postmaster at Bandon, Coos County, Oreg.

PENNSYLVANIA.

Luthur M. Alleman to be postmaster at Littlestown, Adams County, Pa.

TEXAS.

L. B. Ruth to be postmaster at Howe, Grayson County, Tex.

WASHINGTON.

Thomas Harries to be postmaster at Renton, King County, Wash.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 13, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11 o'clock and 30 minutes a. m., was called to order by Mr. MANN, as Chairman of the Committee of the Whole House on the state of the Union, under the rule.

NAVAL APPROPRIATION BILL.

The CHAIRMAN. The hour of 11.30 o'clock having arrived, the Committee of the Whole House on the state of the Union, under the order of the House, will resume its session for the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes. General debate is closed by order of the House, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1909, and for other purposes.

Mr. HOBSON. Mr. Chairman, I offer the following amendments, to go at the end of line 7, page 1.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 1, at the end of line 7:

"For promoting the cause of international arbitration, so as to decrease as rapidly as possible the necessity for maintaining costly armaments, $100,000, to be expended as directed by the executive committee of the American group of the Interparliamentary Union."

Mr. FOSS. Mr. Chairman, I make the point of order on that amendment.

Mr. HOBSON. May I beg the gentleman to reserve the point of order?

Mr. FOSS. I will reserve the point of order for five minutes.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the amendment of the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, the purpose of this amendment is to establish a precedent by which every appropriation for the purpose of armaments made by the United States may carry with it an appropriation for the purpose of arbitration. It is conceded by all that for national security arbitration, when effective, is preferable to armaments. It is not only more in keeping with modern civilization, but is also far more economical. The public opinion of the whole world is now preparing the way for the time when arbitration can be made effective. In order to promote the cause of arbitration and hasten the day when it will become adequate for the necessities of the nations, there should be financial support, not only from broad-minded philanthropists, like Mr. Carnegie, but also from those governments that earnestly desire to substitute arbitration for armament in settling the differences that arise between nations.

The time has arrived when the Government should give substantial support in consolidating the groups of the Interparliamentary Union in preparing adequate representation at the meetings of the councils, and at the congresses of the Interparliamentary Union. Provision should also be made for permanent representation at the Pan-American conferences and for The Hague conferences. A Pan-American conference has already been called for 1910, and a third Hague conference for 1915, and it is time that measures should be taken to prepare to get the best results from these conferences. The time has come for the nations of the earth who desire to reduce the great burden of armaments to begin to promote through literature and through other means, such as the exchange of visits, those ideas that will advance the progress of public sentiment, and permit the evolution not only of general treaties of arbitration, but also of an international court that will not be a diplomatic body, but a judicial body, that will not simply have abstract jurisdiction, but concrete jurisdiction, and before which nations guilty of breaches of international law can be called for compulsory trial.

It is time to make The Hague conference permanent and automatic and thus evolve an international congress that will have authoritative power to make just laws for the world. The time is ripening when the nations of the world that desire arbitration to supersede armaments should begin to group themselves and evolve a system of executive power adequate to enforce the laws that have been made by an authoritative international legislative body and that have been adjudicated by an authoritative international judicial body.

As to the point of order, I submit that this amendment bears directly upon the question of expenditures involved in this bill; that just in proportion as arbitration is made more effective can armaments be decreased, and that an effort to extend arbitration is in line with the purposes of this bill, to provide for national defense. I earnestly appeal to the chairman of the Committee on Naval Affairs not to insist on his point of order. Let it go forth to all the world that this Congress, when it provides for necessary national defense, has in mind and in heart the coming of the day—not only abstractly, like the dreamers, but as practical men, who will spend the money and do the work to hasten it—when arbitration can be substituted for armament.

And let me point out that this amendment carries less than one-tenth of 1 per cent of the amount that the bill will carry. Can we not give one-thousandth part of what we believe necessary for armament to the cause of arbitration? I hope the gentleman will not insist upon his point of order.

Mr. BARTHOLDT. I understood the gentleman from Illinois, the chairman, to reserve the point of order.

Mr. FOSS. I reserved the point of order, but only for a few moments. I will reserve it until the gentleman from Missouri [Mr. BARTHOLDT] is through.

Mr. BARTHOLDT. Mr. Chairman, I am very glad to find myself in a position where I can agree with the gentleman from Alabama [Mr. HOBSON], even though we do disagree most seriously on other provisions of this bill. On the point of order which has been raised I desire to say, Mr. Chairman, that if this bill is one providing for national defense, then the point of order will clearly not lie, because the amendment offered by the gentleman from Alabama has this very object in view. There can be no more effective national defense than agreements between nations not to fight hereafter. There can not be any more effective security for this country than the knowledge on the part of all that in case of any difficulty we need not call upon the Army or upon the Navy for defense, but that we can quietly rely upon and invoke international agreements by which law and justice have been or will be substituted for the employment of force in the settlement of international differences.

It is time, Mr. Chairman, that the American Congress should do something in the way of constructive legislation for the cause of peace. We are spending hundreds upon hundreds of millions of dollars for war, but we are not spending one dollar for constructive work in behalf of the cause of peace. It is time that an appropriation, small as is the amount asked for in this amendment, should be made in order that the work of disseminating information on this great question, the work of educating the public opinion, can go on, and also that the necessary expenses may be paid and repaid to those men who, in attending international peace conferences, have from their own private means defrayed all of these expenses.

I think it is incumbent on the Government of the United States to show to the world that they are thoroughly in earnest in the promotion of the cause of peace. And let me state to you a few instances which might throw some light on this question. The small country of Norway is paying the expenses of all the delegates she sends to the interparliamentary conferences. The Republic of Switzerland pays all the traveling expenses of its delegates to the International Peace Congress. The Kingdom of Denmark, too, as I understand, pays all of those expenses. Why should not this rich and powerful country which has been marching in the forefront of the peace workers during the last twenty-five years show by actual appropriations that we are willing to support the cause, not only by sentiment, but materially, in order to enable the men who are engaged in it to do that work more efficiently? I hope, Mr. Chairman, that this point of order will be overruled, and if it should not be overruled, I give notice here and now that I shall introduce a bill in the House to-day which will provide for these appropriations.

Mr. FOSS. Mr. Chairman, I insist on the point of order.

Mr. SLAYDEN. I would like to have the gentleman withhold it for two minutes.

Mr. FOSS. I have already given notice that I would withhold it no longer.

It seems to me, Mr. Chairman, that this provision is clearly new legislation and that it is not germane to the question. This is a bill that provides appropriations for the naval service of the United States, and this amendment provides for the expenses of an interparliamentary union on the part of the United States. Clearly it is subject to a point of order as new legislation.

Mr. HOBSON. Mr. Chairman, I rise to a point of personal privilege. I should like to hear from the gentleman from Ohio [Mr. BURTON] on this amendment and to invoke his good offices to remove the objections and point of order.

The CHAIRMAN. The Chair is ready to rule. The object of the bill under consideration is to make appropriation for the naval service, and for other purposes. The enacting paragraph of the bill provides for appropriations for the naval service of the Government, and for other purposes, and the amendment is to promote the cause of international arbitration so as to decrease as rapidly as possible the necessity for the maintenance of costly armament, to be expended as directed by the executive committee of the interparliamentary union.

The Chair thinks it is perfectly patent that the amendment proposes an appropriation not authorized by existing law, and proposes an item not germane to a bill appropriating money for the naval service. The Chair therefore sustains the point of order, and the Clerk will read.

The Clerk read as follows:

PAY OF THE NAVY.

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations, clerks to paymasters at yards and stations, general storekeepers, receiving ships, and other vessels; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, warrant machinists, pharmacists, and mates, and also naval constructors and assistant naval constructors; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force, and men detailed for duty with Naval Militia, and for the Fish Commission, 42,000 men; 3,000 of the additional men herein authorized may be recruited upon the passage of this act; and the number of enlisted men shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement; and as many warrant machinists as the President may from time to time deem necessary to appoint, not to exceed twenty in any one year; and 2,500 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $27,274,201.

Mr. MAI DEN. Mr. Chairman, I reserve the point of order on that part of the paragraph beginning after the word "men," in line 17, page 2, and including the words "acts," line 18, same page. This would seem, Mr. Chairman, to make available the amount of money authorizing the Secretary of the Navy to recruit 3,000 additional men immediately upon the passage of this act. I do not wish to say that I object to this language in the paragraph, but I believe there ought to be an explanation made as to the necessity for it before it is enacted into law.

Mr. FOSS. Mr. Chairman, in this bill we provide that 3,000 of the 6,000 additional men shall be recruited at once. This is due to the fact that the Secretary of the Navy in his hearing before the committee stated that he was very desirous that he should be given this privilege, for the reason that we have now recruited up to our present quota of 36,000 men and the recruiting at the present has been exceedingly good. We have to get men when we can get them, but there are times when it is difficult to get men to enlist in the service; but just now it is possible to get a large number of good men, and for that reason the Secretary asked that this provision as to 3,000 of the 6,000 increase might be made immediately available.

Mr. MADDEN. I am satisfied with the explanation of the chairman of the committee, and I withdraw the point of order.

Mr. PADGETT. Mr. Chairman, I would like to state in addition to the reason given that the Secretary stated that these 3,000 men were necessary to go upon the ships that will be commissioned between now and the 1st of July.

Mr. FOSS. Those are the *California*, the *Mississippi*, the *Idaho*, the *New Hampshire*, the *South Dakota*, the *North Carolina*, the *Montana*, the *Chester*, the *Birmingham*, and the *Salem*. Now, Mr. Chairman, I desire to offer an amendment on page 2, line 1.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 1, after the word "vessels," insert the following: "Two clerks to general inspectors of pay corps."

Mr. STAFFORD. Mr. Chairman, I reserve the point of order, awaiting an explanation from the chairman of the committee.

Mr. FOSS. This is a provision for two clerks to general inspectors in the pay corps. This estimate was sent to us in the Book of Estimates, and when we considered it, after hearing from the Paymaster-General, the committee were under the impression that it related to two new clerks, but upon further information and talk with the Paymaster-General we learned that unless this provision was put in we would be doing away with two clerks already employed in the Navy Department. One of them has been employed there as a clerk to the general

inspector's corps since 1889, and the other for about a year, but under a decision of the Comptroller—and I may say it is hardly a decision yet, but it will be a decision after the 1st of July—the Comptroller will hold that these clerks are not authorized by law, but the Comptroller has agreed to hold up his decision until the Paymaster-General shall have an opportunity to secure, if possible, authority for these two clerks.

Mr. STAFFORD. If the chairman of the committee will yield for a question——

Mr. FOSS. I will yield.

Mr. STAFFORD. I understood the gentleman to say that the committee believes that these additional clerks are necessary for the service, and this is merely to provide——

Mr. FOSS. They are not additional; they are already employed.

Mr. STAFFORD. This is to provide for clerical service that is really necessay for the service?

Mr. FOSS. Yes.

Mr. STAFFORD. I would like to ask, further, where are they now employed?

Mr. FOSS. In the Paymaster-General's office.

Mr. STAFFORD. I withdraw the point of order, with that explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FOSS. Now, Mr. Chairman, I desire to offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 3, after the word "dollars," insert the following:

"*Provided*, That the pay and allowances, except forage and mileage, which shall be governed by existing law, of all officers of the Navy and the Marine Corps shall be the same as the pay and allowances of officers of corresponding rank in the Army.

"That the pay of midshipmen, warrant officers, mates, and paymasters' clerks is hereby increased 25 per cent: *Provided*, That the pay and allowances of midshipmen after graduation at the Naval Academy shall be the same as that provided for second lieutenants of the Army, not mounted.

"That the pay of all commissioned, warrant, and appointed officers, and enlisted men of the Navy and the Marine Corps on the retired list shall hereafter be based on the pay, as herein provided for, of commissioned, warrant, and appointed officers, and enlisted men of corresponding rank and service on the active lists.

"That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man on either the active or retired list of the Navy or Marine Corps, and that all laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

Mr. MADDEN. Mr. Chairman, I make the point of order that this is new legislation and out of order on an appropriation bill.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the amendment.

Mr. FOSS. I hope the gentleman will reserve the point of order for a statement in connection therewith.

Mr. MADDEN. I will reserve it.

The CHAIRMAN. The gentleman from Illinois reserves the point of order upon the amendment offered by his colleague.

Mr. FOSS. Mr. Chairman, this amendment is clearly subject to the point of order. It is new legislation, but I think it is new legislation which ought to go upon the bill at this time. This amendment provides that the pay of officers in the Navy shall be the same as those in the Army. The situation is this: In the Army bill in the Senate a provision has been placed upon it increasing the pay of officers in the Army. It will be recalled that here in the House we put on a provision increasing the pay of the men in the Army. They have added to that in the Senate not only by increasing the pay of the men over and above that which was provided for in the House, but in addition thereto they have put on an amendment increasing the pay of the officers of the Army.

Mr. MADDEN. I wish to ask my colleague, the chairman of the committee, whether by the passage of this amendment he wishes to give notice to the Senate that we will accept the amendment which has been placed upon the Army bill in the Senate?

Mr. FOSS. No; not at all. This amendment simply states in so many words that the pay of the officers of the Navy shall be the same as the pay of the officers of corresponding rank in the Army, so that if the Senate amendment on the military bill does not go through it will not affect anything, and if it does go through, then it places the Navy just where the Army is. This amendment which I have introduced here is the same as the special bill which has been reported by the Committee on Naval Affairs unanimously, and is upon the House Calendar to-day.

Mr. MADDEN. Is the pay of the Army and the Navy the same to-day under the existing law?

Mr. FOSS. It is the same as to the active list.

Mr. MADDEN. If this amendment should be adopted, would it not then be anticipating an increase in the pay of the Navy because of the fact that the Senate has put on such an amendment on the House military bill as a rider?

Mr. FOSS. I do not know what the action of the House will be on the military bill. It is difficult to state what it will be, but I rather imagine that there will be an increase in the pay of the officers of the Army this year. What that increase will be I do not know; but, anyhow, by putting this amendment on the naval bill we will be in a position where the Navy will stand upon the same footing as the Army. In other words, it will go into conference, and if there is no increase in the pay of the officers in the Army, then, I can say to the gentleman, there will be no increase in the pay of the officers of the Navy.

Mr. MADDEN. Does the gentleman wish to convey to the House the information that if this amendment is adopted in this bill now it will go into conference?

Mr. FOSS. Yes.

Mr. MADDEN. He surely does not wish the House to believe that if this particular amendment goes into the bill at this time, and is approved by the Senate, that the conferees will have anything to do with it?

Mr. FOSS. I do not say that it will be approved by the Senate.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. SLAYDEN. I would like to ask the gentleman to tell us if these lines in this proposed amendment—

That the pay of midshipmen, warrant officers, and paymasters' clerks shall be increased——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SLAYDEN. I move to strike out the last word.

The CHAIRMAN. The motion of the gentleman is out of order.

Mr. PADGETT. Does the five-minute rule apply to a discussion pending the point of order?

The CHAIRMAN. The Chair is advised that the five-minute rule applies where the discussion is as to the merits of the proposition, but the five-minute rule does not apply in a discussion of a point of order.

Mr. MADDEN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTHOLDT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Insert on line 3, page 3, after the word "dollars:"

"That Navy bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts, when the furnishing of such music places them in competition with local civilian musicians."

Mr. MUDD. Mr. Chairman, on that I make a point of order.

Mr. BARTHOLDT. I hope the gentleman will withhold his point of order for a minute.

Mr. MUDD. I reserve the point of order.

Mr. BARTHOLDT. Mr. Chairman, a provision identical to this was unanimously approved by the House the other day when the Army appropriation bill was under consideration. It was subject to a point of order then, and I am aware that it is subject to a point of order now, but I desire to explain for a few minutes the meaning of this amendment. The practice has grown up in this country to send out soldiers and permit them to compete with civilian laboring men. Especially is this true with regard to the bands. Members of military and naval bands will go out and take contracts for music, and in that way deprive the civilian musicians of the opportunity of making a living. It is quite natural that the competition is uneven and unfair, because the members of military and naval bands are furnished with sheet music, with instruments, with rations, with pay from the Government, while the civilian musician is obliged to pay for all these things out of his own pocket. And consequently I say the competition is an unfair one, and it is time that it be stopped. I hope that in the other House, where corrective legislation may be had, this matter may be taken into consideration.

Mr. MUDD. Mr. Chairman, while the point of order is reserved, I would like to say one word in explanation of my making it. The Committee on Military Affairs has reported and the House has passed—in fact, if I am not mistaken, it is now in the law—a provision giving fair wages to the band at West Point. That has not been done as to the band at Annapolis, and until that is done I shall make the point of order as to any amendment of this character including them, and not consent to taking away from them the little opportunities

that they have to get living wages in Annapolis or elsewhere in the community by extra and outside work.

Mr. BARTLETT of Georgia. Does the gentleman think it is fair to citizens engaged in private business, not supported by the Government, that the Government should permit men employed by it and paid regular wages to compete with them? Does the gentleman think that the Government, when it employs men as these are employed, and pays them money that is raised by taxes from the citizens, and when they are clothed and fed and kept by taxes collected from the citizens, should permit those men to go out into public and compete with the citizens in their customary business?

Mr. MUDD. Ordinarily not.

Mr. BARTLETT of Georgia. I do not think so, either, and I would like to correct it by legislation.

Mr. MUDD. When you come to this band at Annapolis, it does just as much work in the line of its duty as the band at West Point. As Congress has passed a law recently increasing the wages of those at West Point, and has refused thus far to do it for the Naval Academy band, I insist upon the point of order.

Mr. BARTLETT of Georgia. I am sorry the gentleman makes it. I would like to vote for the amendment, so as not to subject the private citizen to competition with the employee of the Government.

Mr. BARTHOLDT. I would like to ask the gentleman from Maryland [Mr. MUDD] a question. I believe the gentleman is a member of the Naval Committee?

Mr. MUDD. I am.

Mr. BARTHOLDT. Did not the gentleman have an opportunity to amend the bill by offering an amendment increasing the pay of the band at Annapolis?

Mr. MUDD. I would suggest to the gentleman that he might answer that by the experience he is just having, an experience that any other Member will have who offers an amendment to the naval bill that is subject to a point of order. If he will go back through the last several years and note how many times a proposition of this kind has been made and stricken out by point of order, and how many times provisions for better pay for the Naval Academy band have gone out in the same way, I think he will understand my position.

Mr. BARTHOLDT. In the case of the Army bill, Mr. Chairman, a provision was passed increasing the pay of the enlisted men, and at the same time stopping this unfair competition.

Mr. SLAYDEN. It would not have been out of order for the committee to have reported an increase of pay for them.

Mr. MUDD. It has been reported here for several years and it has never been able to get through. I insist on the point of order. I am looking out for the members of this one band in my own country. Make the amendment in such shape as not to apply to them and I shall not oppose it.

The CHAIRMAN. The Chair is ready to rule. The amendment is clearly obnoxious to the rule, and the Chair sustains the point of order.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of midshipmen while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferriage; tolls, and costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, in maintenance of students and attachés and information from abroad, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), telephone rentals and tolls, telegrams, cablegrams, and postage, foreign and domestic, post-office box rentals; and other necessary and incidental expenses, $723,000.

Mr. PADGETT. Mr. Chairman, I move to strike out the last word for the purpose of calling the attention of the committee to a matter that has been of considerable interest to the Committee on Naval Affairs. The gentleman from Iowa [Mr DAWSON] Saturday called attention to the cumbersome methods of administration and to the necessity of reformation in the Department. Here is an illustration, and your committee has attempted, by the italicized words of the section just read, to remedy to some extent the evil of extravagance of administration. I desire to call attention to a statement of Admiral Rogers as found in his hearing on pages 49 and 50, which I read, as follows:

In the case, for instance, of telephone service for any particular yard, one contract is made with the telephone company for a switchboard, use of trunk line, so many telephones, etc. The amount of this contract must be prorated among the nine departments, necessitating nine vouchers, where otherwise one would answer.

Again, take the item of telegrams. Under the present system each yard submits nine requisitions (one for each Bureau and the Secretary's office). There are two telegraph companies, and each month or quarter—depending upon whether the companies render monthly or quarterly bills—there are eighteen sets of vouchers to be prepared by the general storekeeper at the yard and forwarded for payment. The same laborious process exists with regard to all requisitions for ice.

At present, requisitions and vouchers for telephones, telegrams, and ice are about 2,350 annually, and under the new plan they would be about 270. The number of requisitions for postage, being submitted for small quantities of stamps as needed, would not be materially affected. This proposition would much reduce paper work and result in a corresponding saving of time and expenses in all yards, pay offices, in the bureaus, and the office of the Auditor.

The accompanying statements "C" and "D" show a close estimate of the amounts paid from the appropriations of the various bureaus for telephone rentals, telegraph charges, and postage, also for ice, during the fiscal year 1907. These aggregate $48,000, made up of $38,000 for telephones, etc., and $10,000 for ice, which, added to the $675,000 appropriated under "Pay, Miscellaneous, 1908," makes the amount estimated, viz, $723,000, and the various bureau appropriations which have borne these charges can be justly reduced accordingly.

The words "foreign postage; telegraphing, foreign and domestic; telephones" and "and express fees," appearing in the various parts of the appropriation for 1908, should accordingly be eliminated, and again inserted in a single item with the wording so amplified as to cover all charges of this character for the naval establishment for the reasons stated.

Now, I want to call attention to a statement on page 59 of the Admiral's hearing, as follows:

Admiral ROGERS. If by trouble you mean friction, there is none; if you mean cumbersome methods, there is plenty. I will give you an example and will take a yard with which I am most familiar—my last duty. We have an increase of the navy account, a common general stock account, and a naval supply fund account. These are in loose-leafed ledgers, with a page 10 by 12 inches, and about 200 to 250 pages to the book. There were between 150 and 200 of those books in which to keep account of stock under three separate heads. It is a cumbersome method of bookkeeping.

Why do we need three accounts? Why not transfer all to the naval supply fund? Why not have one set of books instead of three sets—all parallel?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. PADGETT. I will read further:

I need not tell you gentlemen that the cost is great. It means more clerks, more stationery, more books, and more time. What reason can there be for the enumeration of one item several times? It does not cost so much money to keep an account of 100,000 pounds of bar iron under the naval supply fund as it does to keep 33,000 pounds in each of three separate accounts.

The Admiral made the astonishing statement that the average cost of each voucher was $10. Here we have the statement that the ice, telephone, and postage cost $48,000, and that it required 2,350 requisitions or vouchers each year. He also says:

It is the clerical work on requisitions, contracts, vouchers, and things of that kind which cost money. It has been estimated in previous years that each one of our vouchers in the Navy cost about $10 on the whole. That is about $700,000 a year in the clerical work culminating in vouchers. Of course that includes also all work that leads up to them.

So that in expenditures for a little fund of $48,000 it costs $23,500 for clerical services. I simply call the attention of the House to that, in order to show the duplication and the cumbersome methods and the antiquated processes that prevail. I call attention to the method of bookkeeping—150 to 200 books in which three parallel accounts are kept of all items of purchase and expenditure.

Now, I am glad to say that the Committee on Naval Affairs have been giving their careful and serious consideration to this matter. I recognize and you doubtless will do so, that it is impossible to convert in a day or in a month or a year, perhaps, processes that have accumulated in years. We have the assurance of Admiral Rogers and also of Mr. Newberry, Assistant Secretary of the Navy Department, that the Department is taking up these matters for consideration and improvement. They have assured us by the next year they hope to have a plan to submit that will materially and radically change this system for the better. I call the attention of Congress to this, in order to call to their minds what the committee is doing and the necessity of improving, very radically, the methods of work along that line. [Applause.]

The Clerk read as follows:

Contingent, Navy: For all emergencies and extraordinary expenses, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices at Washington, D. C., arising at home or abroad, but impossible to be anticipated or classified, to be expended on the approval and authority of the Secretary of the Navy,

and for such purposes as he may deem proper, $65,000: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1909.

Mr. SLAYDEN. Mr. Chairman, I reserve the point of order on that paragraph. I would like to ask the chairman of the committee if this is not new language and a new disposition of the funds appropriated.

Mr. FOSS. It is not. It has been in identically the same language for years.

Mr. SLAYDEN. What is it for?

Mr. FOSS. "Contingent."

Mr. SLAYDEN. It says, speaking of civilian employees:

In the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year 1909.

Mr. FOSS. They are employed in the Philippines. A few civilian employees are employed under this appropriation.

Mr. SLAYDEN. It is not new legislation?

Mr. FOSS. It is not new legislation at all.

Mr. SLAYDEN. I withdraw the point of order.

The Clerk read as follows:

BUREAU OF NAVIGATION.

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen at home and abroad, with subsistence and transfers en route, or cash in lieu thereof, transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $475,000.

Mr. KELIHER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On line 25, page 4, after the word "enlistment," insert the words "and for the following reasons: Sentence of summary or general court-martial, inaptitude, unfitness for the service, illegal enlistment, undesirability, Executive order, or for such other reasons as may be determined upon by the Secretary of the Navy."

Also, on line 11, page 5, strike out the words "four hundred and seventy-five thousand dollars" and insert in lieu thereof the words "five hundred and twenty-five thousand dollars."

Mr. FOSS. Mr. Chairman, I make the point of order against that amendment.

Mr. KELIHER. Will the gentleman reserve his point of order?

Mr. FOSS. I will reserve it for five minutes only.

Mr. KELIHER. Mr. Chairman, this amendment is offered for the purpose of remedying a crying evil in the naval service of which the committee must be well aware. Under existing conditions to-day men who have served sentences in naval prisons when discharged therefrom are turned loose upon the streets in a great majority of cases without a single penny in their pockets. This also holds true of men discharged from the service because of unfitness, inaptitude, and because they have been found undesirable. These men are frequently discharged at places far removed from the location of their enlistment, penniless and desperate. There are no other paths open to them but those that lead to crime or mendicancy. Destitute in a strange city, miles away from their homes and friends, they fall an easy victim to temptation and recruit the ranks of criminals. Cities in which are located naval prisons bear the burden of the trouble and demand that some steps be taken by Congress to remove from their midst these unfortunates who, in a large per cent of cases, have homes elsewhere and have been recruited in far-off stations.

The chairman of the committee knows that the Secretary of the Navy has made a strong plea for authority which will permit him to remedy this evil. If the comparatively small sum which my amendment carries is added to the appropriation for transportation, and the chairman does not press his point of order, it will be possible for the Navy Department to care for these men by sending them back to the places of their enlistment, thus ridding communities of the duty of caring for an unwholesome class, the existence of which they are not in the slightest responsible for.

The Secretary of the Navy feels strongly upon the subject, as his letter to the committee will attest. In an endeavor to have done what my amendment will do, Secretary Metcalf wrote under date of March 18:

The condition which exists at present is one that has long been a source of embarrassment to the Department, but which it has been unable to relieve. The sentence imposed in most cases by general court-martial allows for the payment to the prisoner of the sum of $20 upon his discharge, provided he has it due him.

In view of the entirely inadequate prison facilities, the Department has been compelled to discharge many men before the term of confinement has half expired; frequently they are in debt to the Government when sent to prison, and as his indebtedness must be worked off before a prisoner can begin to draw pay to his own credit, the length of time which these men remain in prison is not sufficient for their accumulated pay to satisfy their indebtedness to the Government and also to entitle them to the $20 allotted upon discharge by the sentence of the court. As a result, many of the men are discharged practically penniless, and as there is at present no provision of law by which they may be furnished civilian apparel, they are released with the clothing they wore when admitted to the prison—in most cases their uniform.

This letter of Secretary Metcalf to the committee, praying for relief which has not been granted, was inspired by reports received from officers of the service who come in contact with the unfortunates who are discarded from the service. From practical experience these officers realize the need of such action as I propose. Rear-Admiral Swift, recently in command at the Boston Navy-Yard, forwarded to Secretary Metcalf this communication, which offers ample reason why the chairman should not press his point of order, but should join with me in providing relief from a disgraceful condition of affairs.

UNITED STATES NAVY-YARD,
Boston, Mass., March 14, 1908.

SIR: On January 15 I forwarded a letter from the commanding officer of the *Wabash*, with an indorsement, in which certain usages in connection with the discharge of general court-martial prisoners were discussed. The whole letter shows a condition of affairs which must be a cause of solicitude to the Navy Department, as it is to me. As a result of the existing conditions, general court-martial prisoners are sometimes discharged in Boston without money and with Navy uniforms for clothing, and there is much unfavorable comment on the part of civilians, much criticism of the naval authorities here, and much discredit cast upon the uniform of the enlisted man.

Within two or three days I have been interviewed upon this matter by several people—to-day by Bishop Lawrence, of Massachusetts. He was very guarded in what he said; but the impression made by the present state of things is very unfortunate, and the people who are brought directly in contact with these discharged prisoners, who find them in destitute circumstances and hear their stories, show considerable temper in discussing the situation. They also feel that the Government is unloading upon Boston and the vicinity a responsibility which does not belong to them.

Paragraph 8 of the above-mentioned letter from Captain Nazro states that a number of these men have joined the lower criminal class in the city, and several instances have occurred in which they, in company with others of such class, have waylaid enlisted men on their way to and from the navy-yard and robbed them of money and clothing. They have also been begging in uniform about the streets of the city. Instances of this last kind have occurred within a few days.

It appears to me that provision should be made by law, if necessary, and immediately, if possible, to provide all discharged court-martial prisoners with suits of plain clothes, making some rule by which their outside uniform clothes shall be sold, so that they may not appear after discharge in the uniform of the Navy; also that upon discharge they should be supplied with transportation, being put on board a train to take them in the direction of their homes and sufficiently far from Boston to make their return here improbable. In most cases a ticket costing from $5 to $10 would take them from Boston home.

As a number of rulings have been made by the Treasury Department which prevent the execution of the sentences of court-martial in regard to the allotment of $3 per month for prison expenses, also that ordinary provision giving them $20 upon discharge, it might be advisable to provide the prisons with a printed statement showing precisely what court-martial prisoners under different conditions may expect. Much of the unfavorable criticism now heard results from discharged prisoners showing the terms of their sentences, with a statement that they have not received the money to which they are entitled, and they leave the prison with a distinct suspicion that they have not been justly treated and make statements to this effect after leaving the navy-yard.

Very respectfully,

WM. SWIFT,
Rear-Admiral, United States Navy, Commandant.

The SECRETARY OF THE NAVY,
Washington, D. C.

Bishop Lawrence, of Massachusetts, has added his powerful voice to the appeal for relief and not without knowledge of conditions. This distinguished churchman, whose practical and effective work for the uplifting of the unfortunates of the city of Boston entitles him to marked consideration in a matter of this nature, says:

DIOCESE OF MASSACHUSETTS,
OFFICE OF THE BISHOP,
1 Joy street, Boston, March 14, 1908.

The SECRETARY OF THE NAVY,
Washington, D. C.

MY DEAR SIR: I take the liberty of forwarding to you the inclosed letter, which has come to me from the superintendent of our sailors' work in Charlestown. As you will see, he is accustomed to speak in rather lively language. It is, however, I understand, a fact that men in the uniform of the United States Navy are discharged from the prison without money with which to get away from the city. There is this evil, too: That they naturally group together and influence each other badly. If, in addition to supplying them with citizens' clothes, arrangements could be made for distributing them separately through the country, it would be an advantage to the service as well as to the men.

No doubt this subject has come before you before, but I take the liberty of sending this letter on with this line from myself, which you need not take the trouble to acknowledge.

I remain yours, respectfully, WM. LAWRENCE.

(P. O. address, 122 Commonwealth avenue.)

SAILOR'S HAVEN, 46 WATER STREET,
Charlestown, Mass., March 13, 1908.

Right Rev. WILLIAM LAWRENCE, D. D., *Boston, Mass.*

MY DEAR BISHOP LAWRENCE: During the past few days several enlisted men of the Navy have been discharged from the prison in the Charlestown Navy-Yard entirely destitute of money. These men are wearing the uniform of the Navy. Some of them have come to me to beg for a night's lodging, and it does seem to me that there is something radically wrong. Court-martial sentences read that these prisoners are to receive $20 from the Government at the expiration of their confinement. I would beg of you to find out from Washington what becomes of this $20 that these prisoners are supposed to have. I am told that it is used for prison expenses, such as writing material, towels, etc. If the sentence reads that they are to have $20 at the expiration of their term, who has the authority to advance this money to the men so that when they are discharged they are so absolutely destitute? Again, I would ask that something be done so that these men when discharged from the naval prison shall be given a suit of civilian clothes. It is a disgrace to the uniform to have men thrown on the street begging assistance wearing the Government uniform. I am now helping some of these men, sheltering and feeding them, and I believe that were you to take it up with the Secretary of the Navy something would be done for them.

I am also informed that the citizens are not allowed to purchase the uniform from these ex-naval prisoners, and therefore the men have no resource whatever in getting a new start. A man discharged from the State prison is treated with more consideration than a man from the naval prison.

STANTON H. KING.

Mr. Chairman, there are naval prisons located at Boston, Portsmouth, N. H., Mare Island, Puget Sound, and at New York Navy-Yard a small number of prisoners who are awaiting trial are held. In Boston is located the second largest prison, and that city suffers great abuse from this inexplicable, unjustifiable system.

This statement, showing number of prisoners discharged from naval prison at Boston, Mass., and the places from which they hail, during the six months ended March 31, 1908, furnishes an idea of what we have to contend with:

Residence.	1907.			1908.		
	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.
Boston, Mass	4	6	5	15	10	15
New York City	5	16	3	10	8	18
Chicago, Ill	2	4	2	3	1	7
Philadelphia, Pa	1	8	1	8	4	9
Baltimore, Md	1	2	1			4
Pittsburg, Pa	1			3	2	4
St. Louis, Mo	1	5		1	2	2
Kansas City, Mo		2		2		
League Island, Pa	1	2		1		
Newport, R. I	1		1	1		1
Buffalo, N. Y	1			2	2	1
Norfolk, Va	1	3		1		1
Duluth, Minn		1		1	1	
Swanee, Okla		1				
Cincinnati, Ohio		1		1		
Omaha, Nebr		1		2		
Springfield, Ohio		1				
Lowell, Mass		1				
St. Cloud, Minn		1				
Detroit, Mich		1	1	1	2	1
Lancaster, Pa		1				
Salem, Mass		1				
Dayton, Ohio		1		1		
Evansville, Ind		1				
Erie, Pa		1				
Mare Island, Cal			1			
Rochester, N. Y				2	1	
Denver, Colo				1		
Dunkirk, N. Y				1		1
Washington, D. C				4		
Wheeling, W. Va				1		2
Providence, R. I				2		
Paterson, N. J				1		
Erie, Pa				1		
Milwaukee				1	1	1
Minneapolis, Minn				1	1	3
St. Paul, Minn				1		
Syracuse, N. Y				1	2	
Mankato, Minn				1		
Little Rock, Ark				1		
Tompkinsville, N. Y					1	
Ardmore, Ind. T					1	
Louisville, Ky					1	
Indianapolis, Ind					1	
Cleveland, Ohio					1	4
Hartford, Conn					2	
New Orleans, La					1	1
Newark, N. J					1	
New Haven, Conn					1	
Grand Rapids, Mich						1
Charlotte, S. C						1
Shreveport, La						1
San Antonio, Tex						1
Toledo, Ohio						1
Wilmington, Del						1
Huntington, W. Va						1
Total	19	61	15	72	47	82

Number of prisoners confined at Boston, Mass., during six months ending March 31, 1908:

October, 1907	196
November, 1907	188
December, 1907	230
January, 1908	201
February, 1908	228
March, 1908	167

Mr. Chairman, it must be apparent to all that the inevitable result of opening the doors of a prison to so many men, precipitating them upon the streets, penniless and friendless, that only one of a few means of keeping from starving is open to them. They must beg, steal, starve, or throw themselves upon public charity, for the door to employment is closed to a stranger in a strange city fresh from prison. That crimes have been traced to the desperate former inmates of these naval prisons our court records will show. That my State is put to the burden of caring for many of them, this letter and accompanying statements prove conclusively:

COMMONWEALTH OF MASSACHUSETTS,
STATE BOARD OF CHARITY,
DIVISION OF STATE ADULT POOR,
Boston, April 11, 1908.

Hon. JOHN A. KELIHER, *Washington, D. C.*

MY DEAR CONGRESSMAN: It has been a source of annoyance to this office and an apparent injustice to the Commonwealth for quite a period of years, but more markedly the past two years, from the applications of discharged prisoners, not only from the Charlestown Navy-Yard, but also from that at Portsmouth. These men come into our office almost invariably wearing the uniform of the United States Navy, having been directed here by the police or philanthropic citizens, absolutely penniless, and in very many cases not having had food for at least twenty-four hours, requesting transportation to their homes.

Investigation by my officers at the proper sources substantiate their statements that they were practically turned out upon the streets of Boston by the United States Government to starve, beg, or steal. I have found quite a number of these cases in the prison department of our State farm as vagrants, having been sentenced from our courts for begging and tramping. The statute provides for this offense a two-year indeterminate sentence, but under the rules of our board nine months is the minimum time they must serve.

You will recall my interview with you last summer at your office in Boston, accompanied by one of these discharged and penniless prisoners. I have made many appeals to the naval authorities in Boston to remedy this seeming injustice, but without avail.

The Commonwealth of Massachusetts has spent quite a good many hundreds of dollars for the transportation of these men to their homes in various parts of our country.

I inclose herewith, as typical of these cases, a copy of the investigation made by my officers in three of them. I trust that your efforts to remedy this great wrong to the discharged prisoner and the apparent injustice to the Commonwealth will meet with success.

Assuring you of my distinguished consideration and holding myself in readiness to assist you in any way you may suggest, I remain,

Yours, very truly,

J. F. LEWIS,
Superintendent.

BOSTON, *March 22, 1907.*

J. F. LEWIS, M. D.,
Superintendent State Adult Poor.

DEAR SIR: I herewith submit report in the case of Henry S. Pruette, who requests transportation to his home in Dubbs, Miss.

Henry S. Pruette, aged 22 years, born in Dubbs, Miss., single. Served in the Marine Corps. Enlisted in Memphis, Tenn., September 24, 1905, for four years; refused duty; court-martialed March 24, 1906, in Cuba; was sent within three days to Charlestown, and served eleven months and ten days on a two years' sentence; discharged from marine barracks, Charlestown Navy-Yard, March 21, 1907, at 1:30 p. m., but he remained there overnight. He applied to the mayor's office, city of Boston, for help, and was referred to you. Has lived in Dubbs, Miss., practically all of his life. Parents, William D. Pruette and Margaret M., nee Bass, born in Salisbury, Tenn. Mother deceased. Father now living in Dubbs, Miss.; owns real estate and does nothing but look after his property. Applicant has no relatives in the East. No funds.

Respectfully,

F. W. GOODHUE,
Deputy Superintendent.

BOSTON, *March 7, 1907.*

J. F. LEWIS, M. D.,
Superintendent State Adult Poor.

DEAR SIR: In regard to the application of Lee Estes, alias Luther Eptersen, for transportation from Boston to Pittsburg, Pa.; also of Romeo Landy, alias Frank Charles, for transportation to New York City, I would make the following report:

Lee Estes, 19 years of age, said to have been born at Pittsburg, Pa.; his parents never resided in Massachusetts. He enlisted in the United States Navy in Boston as ordinary seaman, January 10, 1906, had previously enlisted in the State of Florida and deserted; was identified and brought before court-martial, convicted, and placed in prison brig of the U. S. S. *Wabash* of the Charlestown Navy-Yard; was given a dishonorable discharge and released March 5, 1907. Discharge says man had been overpaid to the amount of $11.30, and, further, it appeared on the paper that no travel allowance had been paid. Applicant says that the only money he received when released was $4.20, paid to him by the officer in charge of the marines, whose duty it was to guard prisoners.

Romeo Landy, alias Frank Charles; 19 years; born Manville, R. I.; to New York City with parents when a child and there until he enlisted in the Navy, October 30, 1906, as an apprentice seaman; his parents both dead; no residence in Massachusetts. Only relative is a sister, who resides in New York City. Applicant was court-martialed and committed to prison brig on U. S. S. *Wabash* and was confined there until March 5, 1907, when he was given a dishonorable discharge and released; dis-

charge says man was overpaid to amount of $6.78 and no travel allowance paid. He received from the officer of the marine guard 10c. Estes paid from $4.20 which he received $3 to friend who advanced this amount for tobacco, so that when applicants left the navy-yard at Charlestown at 3 p. m., March 5, they had about $1.30 in their possession. Landy had received from sister in New York a suit of civilian's clothes; Estes appeared in uniform more in keeping with summer weather.

They made application to this board for transportation to their former homes same day.

Visitor called upon Lieutenant Taylor, executive officer of the U. S. S. *Wabash*, who stated that these men, having been court-martialed and convicted, were placed in the prison brig and by the rules of the Navy Department they would be entitled to receive 10 cents per day, or about $3 per month, from the Government for prison expense. When released they would be allowed $20; but if the prisoners were indebted to the Government at the time of their release the amount of such indebtedness would be deducted from the sum of money above mentioned, and nothing should be allowed if the amount to be given was not sufficient to liquidate debt of prisoner to the Department. He stated that he was unable to grant any relief to Estes and Landy, and said that he was simply following the instructions issued by the Department at Washington.

This Department sent Landy to New York and Estes to Pittsburg, Pa., on March 6, 1907.

Respectfully submitted.

W. J. HINCHCLIFFE.

Mr. Chairman, I trust that the chairman of the Naval Committee will not press his point of order. I want to assure him that in offering this amendment I do so after going over the subject fully and carefully with Admiral Pillsbury, Chief of the Bureau of Navigation. I arrived at the amount after computing the number of discharges from the Navy for 1907, which would come under the provisions of my amendment, which amounted to 2,005.

Upon the advice of the Bureau of Navigation I took Chicago as the mean distance for transportation, that being the center of enlistment, and figured $25 as the average cost, which would bring the approximate total that would be required up to $50,000. There is a time and a way to provide a much-needed remedy, and this is the time and this the way, if there is a disposition to do so. I will be told that the subject ought to be treated in a separate bill, but I answer by stating that the matter is of too much importance and is too imperative to be staved off by any such argument.

Of late we have heard the glories of the Navy sung in ringing tones, and brilliant orators have vied with each other in painting glowing word pictures of the splendor and patriotism that attach to the service, but it is well to give at least a cursory glance at the seamy side of the life and a stray thought to its humanity. By granting the wish of the Department, and providing it with the authority and means to send the unfortunates of the service back to their homes, to their friends, probably to get a fresh start in life, many a human derelict may be rescued. With this thought in mind, I beg of the chairman not to insist upon his point of order. [Applause.]

Mr. FOSS. I will state that there may be more or less merit in the statement of the gentleman from Massachusetts, but it has not come before the committee in the form in which he presents it. There have been bills introduced relating to this subject which have the approval of the Secretary of the Navy and are now under consideration by one of the subcommittees of the Committee on Naval Affairs, and in view of that situation I shall insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order on the first amendment. The Clerk will report the second amendment.

The Clerk read as follows:

Also, on line 11, page 5, strike out the words "four hundred and seventy-five thousand dollars" and insert in lieu thereof the words "five hundred and twenty-five thousand dollars."

Mr. KELIHER. Mr. Chairman, in view of the attitude of the chairman of the committee, I withdraw that amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

The Clerk read as follows:

Recruiting: Expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $130,000: *Provided*, That no part of this apropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen, unless a certificate of birth or written evidence, other than his own statement or statement of another based thereon, satisfactory to the recruiting officer showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment.

Mr. ADAIR. Mr. Chairman, I move to strike out the last word. I do that for the purpose of asking the chairman whether or not the amount carried in this appropriation for recruiting in the naval service is the same amount that has been heretofore carried in the provision for this purpose. It has been stated on the floor to-day that the matter of recruiting has been much easier of late than it has heretofore been. I presume that is on account of the vast number of men unemployed at the present time, and if that be true, I would like to have the chairman state whether this sum is necessary for the purpose, and whether it is the same amount heretofore carried in the appropriation bill for that purpose?

Mr. FOSS. It is an increase of $8,660, and that is due to the fact that the Navy Department intends to establish two more recruiting stations, and also to the fact that we are providing for the enlistment of 6,000 more men. In consequence of those two things it will require an additional expense.

Mr. ADAIR. I withdraw the pro forma amendment.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men, and apprentice seamen of the Navy on first enlistment, at not to exceed $60 each, $900,000: *Provided*, That hereafter the Secretary of the Navy may, in his discretion, require the whole or a part of the cost of outfits allowed upon enlistment to be refunded in cases where men are discharged during the first six months of enlistment for any cause other than disability incurred in line of duty: *Provided*, That hereafter such refunds shall revert to the current appropriation for outfits on first enlistment.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to these two provisos. I do not know whether I will press the point of order or not. My purpose is to ascertain the reason for the distinction between the character of those who are discharged, making an exception of that class who are discharged for disability incurred in the line of duty. I direct the attention of the chairman to the first proviso and the exception at the end, "for any cause other than disability incurred in the line of duty."

Mr. FOSS. Of course, if he has been disabled in the line of duty, they do not want the money back. He is discharged in consequence of that. But if he is discharged for any other reason—that is, for misconduct or negligence or anything of that sort, or for some other reason—they might insist on the money back.

Mr. STAFFORD. The effect of the provision is to exact from a recruit if he is discharged within six months, the amount of money that has been advanced to him.

Mr. FOSS. Yes; it is left to the discretion of the Secretary of the Navy. When he is enlisted he gets $60 for his outfit. Very often after six months or a year he wants to get out, and the Government has invested so much money in him, and the Secretary of the Navy under this provision of the law can exact a return of the money. He enlists for four years and then he wants to get out, and it is no more than right that he should refund this advance payment.

Mr. STAFFORD. When he withdraws from service within six months, to whom does the clothing belong, the Government or the recruit?

Mr. FOSS. The clothing, or that which has been used, of course belongs to the recruit and he takes it.

Mr. STAFFORD. Then I would like to direct the gentleman's attention further as to the need of the second proviso; whether it would not require an additional accounting system if this refund is turned back into the appropriation for that purpose?

Mr. FOSS. No; I do not think so. It did not so appear in the hearings.

Mr. STAFFORD. If the second proviso was not included, would not the money revert to the Treasury?

Mr. FOSS. The money would go into the Treasury, but in view of the fact that we appropriate the money for the special purpose, keeping track of the total amount for naval establishment, it is much better that what we do not use shall go to the credit of this outfit.

Mr. STAFFORD. Attention has been called in the consideration of other appropriation bills to the fact that where a separate fund is provided for money that reverts to that fund, considerable additional expense is incurred in order to keep track of it and keep the accounts.

I think, Mr. Chairman, unless there is some special reason why the second proviso should be inserted that I shall insist upon my point of order. As to the first proviso, I will withdraw it.

Mr. CRUMPACKER. Mr. Chairman, I will renew the point of order to the first proviso. I do it because of the fact that under this proviso one who enlists in the Navy may incur a disability by accident, through no fault of his own, and the Secretary of the Navy would have the power to require him at any time within six months to return the amount of money advanced to him. Or he may be unable to acquire the habit of the sea. He may be constitutionally unable to become a seaman. He may work five months in the Navy and not acquire the sea habit and be discharged and penalized therefor. If the gentleman would amend the proviso authorizing the Secretary of the

Navy in his discretion to require the advance to be refunded in cases where men are discharged within six months on account of misconduct, I would have no objection to it.

Mr. FOSS. A boy enlists in the Navy, and three months after he gets in he desires to get out because it is not what he expected it to be, and the Government has invested $60 advance in that enlistment. Does the gentleman think that a part of that sum ought to be refunded to the Government?

Mr. CRUMPACKER. How can the boy get out?

Mr. KEIFER. Through the Secretary of the Navy or the President.

Mr. CRUMPACKER. The Secretary of the Navy does not need to release him. The proposition suggested by the gentleman is not a sufficient reason for the incorporation in this bill of this proviso vesting in the Secretary of the Navy such power over men, innocent men, who may be discharged on account of disabilities that come to them in social life outside of the service altogether; men who might have to be discharged on account of sickness—on account of ptomaine poisoning, for instance, contracted by eating ice cream at a church social. I understand that officers and enlisted men in the Navy occasionally engage in social pleasures. The proviso is too broad. Unless the gentleman will limit it to discharges on account of misconduct I will insist on the point of order. Often in undertaking to remedy some abuse we make it a good deal worse, and do a good deal more mischief by the proposed remedy than we can possibly do good by the legislation.

Mr. FOSS. I will say that this is purely in the discretion of the Secretary of the Navy.

Mr. CRUMPACKER. I do not care. I am here partly to prevent discretionary power in departmental officers where it can be avoided, and I insist on the point of order as to the first proviso.

Mr. MACON. I want to say to the gentleman before he takes his seat that I am informed by the Naval Department that there is no chance to have a young man who has enlisted in the naval service released from that service until after the first year of the service, unless it is discovered that he is physically unfit for the service, but after one year of service, then the Secretary of the Navy, within his discretion, can release him from further service on payment of so much money for his unexpired term of enlistment. I have forgotten just what the amount is. Therefore the gentleman's position is very tenable when he insists that he ought not to be required to return any part of the money when discharged before the expiration of his enlistment unless he is discharged because of bad conduct on his part.

Mr. CRUMPACKER. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order on both provisos. The Clerk will read.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines, powder factories, and powder depots; for furniture in ordnance buildings at navy-yards and stations; for maintenance of the proving ground and powder factory, and for target practice, $4,500,000: *Provided*, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standard prescribed by the Secretary of the Navy.

Mr. HITCHCOCK. Mr. Chairman, I would like to ask the gentleman from Illinois, chairman of the committee, as to the extent to which the Government manufactures powder for use in the Navy.

Mr. FOSS. I will state to the gentleman that we have not reached that point in the bill. It comes a little later.

Mr. HITCHCOCK. I thought there was an item in here for powder.

Mr. FOSS. It comes over a little further. We do manufacture powder. I think last year we manufactured 1,047,000 pounds.

Mr. HITCHCOCK. What proportion does that bear to the total amount consumed?

Mr. FOSS. We purchased 2,000,000 pounds—about one-third.

Mr. HITCHCOCK. Manufactured about one-third. How does the cost of manufacture by the Government compare with the purchase price when bought of a private concern?

Mr. FOSS. We pay 67 cents a pound, and it costs to manufacture 47 cents a pound. Of course, that does not take into consideration the construction of the plant and the cost of the plant.

Mr. HITCHCOCK. Has the gentleman brought in any measure here to manufacture a larger proportion in Government factories, inasmuch as the gentleman has shown that it costs 20 cents a pound less to manufacture by the Government than to purchase it?

Mr. FOSS. I do not think it costs any less, as a matter of fact, if we take into consideration the cost of the plant and the appropriations made every year in order to maintain the plant; but I would say that the price of powder is fixed by a Joint Army and Navy Board and it is regarded by that board as being a fair and reasonable price.

Mr. HITCHCOCK. The gentleman means the price for the purchase?

Mr. FOSS. The purchase of powder.

Mr. HITCHCOCK. In the market?

Mr. FOSS. In the market.

Mr. HITCHCOCK. I understand that the Army appropriation bill during this session provides that all powder used in the Army shall be manufactured by the Government, it having been demonstrated that the cost is so much less.

Mr. FOSS. I was not aware of that fact.

Mr. HITCHCOCK. And if the experience of the Government in this naval manufacture is that it costs one-third less, then it seems to me there ought to be some provision that all the powder for the Navy should be manufactured in the Government factories.

Mr. FOSS. The Navy Department, I think, are under the opinion that it costs about as much to manufacture as it does to buy it of a private concern, when you come to take into consideration the expense of the plant and the appropriations that are made for it.

Mr. HITCHCOCK. I understood the gentleman to say there was 33 per cent difference between the cost in favor of Government-made powder.

Mr. FOSS. That is simply for labor, and that does not take into consideration the cost of the plant or interest——

Mr. HITCHCOCK. But taking into consideration the interest on the plant, what would the showing be?

Mr. FOSS. The showing would be practically the same.

Mr. HITCHCOCK. Has the gentleman any figures?

Mr. FOSS. The joint Army and Navy board—I will refer the gentleman to the report——

Mr. HITCHCOCK. Well, can the gentleman state how much is invested in the Government plant for the manufacture of powder?

Mr. FOSS. I can not state the full amount without looking it up.

Mr. HITCHCOCK. It seems to me that where there is such an astonishing difference in the price paid and the cost of the manufacture, Mr. Chairman, in favor of Government manufacture that some figures should be presented to the committee—some information given. There is a very large margin of difference, 33 per cent, in favor of Government manufacture.

Mr. SLAYDEN. Mr. Chairman, I want to say——

Mr. FOSS. Right in this connection, if the gentleman from Texas will excuse me, I want to read——

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. SLAYDEN. I yield to the gentleman from Illinois.

Mr. FOSS. If the gentleman will proceed, I will recur to this later on.

Mr. SLAYDEN. Mr. Chairman, I want to say to the gentleman from Nebraska that the question of the manufacture of powder for the Army by the Government was gone into very carefully, both before and during the session at which we established a Government powder factory. It was considered by the committee, and the House coincided in that view, that we should have a factory, not with the idea of manufacturing all the powder that the Government might require, because that would take too much of an investment, but simply to determine justly and intelligently as to prices. It was not thought desirable by the committee to do anything that would have a tendency to put the private manufacturers of powder out of business. It is conceivable that the country might be confronted by a situation when it would be necessary for the protection of the country that we should have private manufacturers on whom to draw for additional and for surplus supplies. For that reason, after having carefully considered the matter, the committee decided that they would not authorize or recommend the authorization of a plant so extensive as to manufacture all the powder required by the Government for actual current use and for the accumulation of a surplus. The difference in price between that manufactured by the Government and that the private manufacturers charge the Government is not as great as appears upon the surface. The cost of administration figures in that manufactured by private plants. The administration of the Government plant is not figured on in estimating the cost of the product as it must be in private establishments.

Mr. HITCHCOCK. Mr. Chairman, the gentleman from Texas seems familiar with this subject, and I would like to ask him what amount of money the Government has invested in the plant?

Mr. SLAYDEN. My recollection is $300,000, Mr. Chairman.

Mr. HITCHCOCK. Then, if the Government by an investment of only $300,000 in a very small plant is able to compete with this giant powder trust, which is manufacturing on a large scale, and in competition with which the Government is able to manufacture its powder 33 per cent less than the price it pays upon the open market, it seems to me it is about time either that the Government reduce the price that it is paying for powder or that it manufacture all that it requires. That is a self-evident proposition.

Mr. SLAYDEN. I will say to my friend I am not familiar with the current market quotations of powder, but there was a reduction at the time of the establishment of the Government plant; but the plant of the Government is not so small as the gentleman seems to think. Fortunately the Government owned a very large and an entirely suitable piece of property up in Pennsylvania, a property of great value, a property possessing peculiar and attractive topographical and physical qualities for the establishment of such a plant.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I wish to say to the gentleman from Nebraska [Mr. HITCHCOCK], if I can have his attention, that the Government, on the recommendation of Secretary Long, about the time of the Spanish war, established an experimental Government smokeless-powder manufactory down here somewhere——

Mr. SLAYDEN. At Indianhead.

Mr. GAINES of Tennessee. At Indianhead. I think Congress put $10,000 in the experiment, and the reason why that distinguished and very able Secretary, Mr. Long, recommended this improvement was to get the Government of the United States out of the jaws of this powder trust, to get a better quality of powder, and get more powder than the Government was able to get without this Government plant. I recall that about this time an Army officer at one of our posts informed me that some of the powder we were being sold was "rotten," would not carry to the target, and that it was just as liable to shoot into the ground as elsewhere, and so forth. The RECORD will show what I said when I had this advice fresh in mind.

And I remember, Mr. Chairman, standing right within 10 feet of where I am now standing, I was first, or among the first, to challenge that report to the consideration of Congress, and if you will refer to the RECORD along about that time you will see what I then said, urging the building of this factory. During such time as I could possibly devote to the matter, I have tried to investigate this question, and I had a letter on the subject from Secretary Metcalf in my hand less than twenty minutes ago to bring it here to-day, but came off and left it in my office, having picked up the wrong paper in my hurry to the House. I am going to ask to put the letters that I have from the Secretary of the Navy and this naval board to which the gentleman alludes in the RECORD. My recollection is, and, of course, if I am incorrect this table will correct me, that the time Secretary Long made that recommendation, say 1897 or 1898, about the time the American Congress said, "We will start our own manufactory," we were paying about $1 a pound for powder. And the gentleman now says, and the fact is, as I remember it, we are paying about 67 cents. So that, notwithstanding our great country is in the jaws of this smokeless-powder monopoly, we have reduced it with this little infant Government factory from the oppressive rate of about $1 down to about 67 cents.

Mr. Chairman, I am going to ask the chairman who reports this bill from whom we now buy the 66⅔ per cent of powder we do not make? What concern or concerns?

Mr. FOSS. The Dupont.

Mr. GAINES of Tennessee. Is not the Dupont concern to-day enjoined by the Federal courts of Delaware and New Jersey under the charge that it is a monopoly engaged in restraint of Federal commerce? Of course, that is true, Mr. Chairman, and only Saturday I read in the paper that the Department of Justice, that has charge of the suit, whether rightfully or wrongfully filed, has asked for four, instead of one, Federal judge to sit in that case—Judge Gray, Judge Dallas, who tried on the circuit the sugar trust case, Judge Buffington, and another judge's name I do not recall.

Now, gentlemen, we have reduced the cost of powder from $1, about the price that was maintained during the Spanish war, down to 67 cents, with an investment, I believe, as the gentleman says, of about $300,000 in a Government powder factory. And yet, on the other hand, we are buying the balance of our powder from whom? We are obliged to buy two-thirds of the powder from a monopoly that the great Government is to-day seeking to chain up and make obey the law and stop holding up the Federal Government with its monopolistic vices. It is a most pitiable and awful condition, Mr. Chairman, that the Government is in, even in time of peace, and yet when the Spanish war broke out we were in a worse condition, because then we had no powder factory and were paying about $1 a pound in order to get powder to carry on the Spanish war.

Mr. Chairman, I do not know whether or not the Dupont concern is an unlawful monopoly. My honest opinion is that it is a monopoly engaged in restraint of Federal commerce. That is my honest judgment. When the great Supreme Court of this country says it is not, Mr. Chairman, then, of course, I will submit to the judgment of that great tribunal, but until then I will stand here, as I have for twelve years, charging what I honestly believe, namely, that it is a monopoly engaged not only in the restraint of trade, but by its monopolistic prices restraining the military and naval arms of this Government in their great warfare to set up the Stars and Stripes in fair Cuba and drive the enemy from American borders.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to place the tables to which I have referred, from Secretary Metcalf, in the RECORD for the information of Congress.

The letters referred to by Mr. GAINES of Tennessee read as follows:

NAVY DEPARTMENT,
Washington, February 7, 1908.

SIR: Referring to your letter of January 31, 1908, requesting certain information regarding the cost of powder purchased from private firms, etc.

1. From 1893 until 1899, during which years practically all the brown powder ever supplied the Navy was obtained, 5,953,118 pounds of brown powder were purchased from private manufacturers, which firms were either a part of the Dupont Powder Company, or, probably, had working agreements with this firm. The price of this powder fluctuated slightly, but the average price throughout these years was 32 cents per pound. The Government manufactured during these years no brown powder whatever.

2. In December, 1898, all outstanding orders for brown powder were canceled, and since then only smokeless powder has been manufactured for cannon. The amounts purchased are as follows:

1897. 300,000 pounds, at $1 per pound.
1898. 2,543,500 pounds, at 80 cents per pound.
1899. 350,000 pounds, at 80 cents per pound.
1900. 695,000 pounds, at 80 cents per pound.
1901. 1,401,000 pounds, at 74 cents per pound.
1902. 1,551,000 pounds, at 74 cents per pound.
1903. 2,268,000 pounds, at 74 cents per pound.
1904. 4,642,710 pounds, at 74 cents per pound.
1905. 4,492,000 pounds, at 74 cents per pound.
1906. 2,025,000 pounds, at 69 cents to 74 cents per pound.
1907. 2,375,000 pounds, at 67 cents to 69 cents per pound.

The above is obtained from the requisitions made in the Bureau of Ordnance during the calendar years given.

3. Up to date about 6,500,000 pounds of smokeless powder have been manufactured at the Government powder factory at Indian Head, Md. The accompanying correspondence gives in detail the cost of this powder during the latter years. Necessarily, the cost was much higher in the early stages of manufacture.

4. The price paid for the first 200,000 pounds of smokeless powder, purchased in June, 1897, was $1 per pound, plus the alcohol. In October, 1897, at the instance of the Department, this price was reduced to 80 cents per pound, which price continued until the beginning of the year 1901, when it was again reduced to 70 cents per pound, plus the alcohol. This reduction was made in view of estimates as to the cost of manufacture at the Government Powder Factory. This price of 70 cents per pound, alcohol furnished by the Government, which meant an actual cost of about 74 cents per pound, held until the joint Army and Navy board on smokeless powder, convened by the Secretaries of War and of the Navy in September, 1906, recommended the price of 69 cents per pound, manufacturers to furnish their own alcohol. For powder purchased by the Army and Navy in excess of 4,000,000 pounds a year the price was to have been 65 cents per pound. In October, 1907, acting upon the recommendation of the joint Army and Navy board on smokeless powder, the Secretaries of War and of the Navy again reduced the price to 67 cents per pound. The manufacturers now claim that this reduction is excessive, and it is not likely that it can be further reduced, at the present stage of manufacture, without undue fairness to the powder companies.

5. There are being forwarded copies of certain correspondence upon this subject, which it is requested be returned to the Navy Department, Bureau of Ordnance, when you have no further use for them. Also, information can be obtained on pages 255 and 256 of the "Hearings" before the House Committee on Naval Appropriations of 1907; on pages 41 to 43, and page 81 (Appendix C) "Hearings" of 1908; and in the "Hearings" of 1909. Mr. J. A. Haskell, vice-president of the Dupont Powder Companies, was before the Subcommittee of the House Committee on Appropriations on January 24, 1907, and his testimony can be found in the "Hearings" for that date.

6. Referring to the second paragraph: The establishment of the Government Powder Factory was recommended by the Department in its Annual Report of 1898, and an appropriation for its establishment was made the same year. Since it has been completed it has run to the full extent of its capacity, working twenty-four hours a day, and has produced about 6,500,000 pounds of powder. In addition to this work the laboratory, which forms a part of the factory, has conducted

all stability tests and chemical examinations of the samples selected from the lots of private manufacturers in the natural course of inspections.

7. Referring to the last paragraph of your letter: Congress passed, in the latter part of February, 1907, Public Resolution No. 15, directing the Secretary of Commerce and Labor to investigate and report to Congress concerning existing patents granted to officers and employees in certain cases. Full details of the information required under this resolution have been compiled and forwarded to the Department of Commerce and Labor. It is understood, however, that it has not yet been published, or at least not issued.

Respectfully, V. H. METCALF, *Secretary.*

Hon. JOHN W. GAINES,
House of Representatives, Washington, D. C.

WILMINGTON, DEL., *August 27, 1906.*

AUSTIN M. KNIGHT, Commander, U. S. Navy,
President Joint Army and Navy Board on Smokeless Powder Specifications, Washington, D. C.

DEAR SIR: Complying with your request that we give you our reasons for opposing any reduction in the price now paid by the Government for smokeless powder, we submit the following discussion:

In opening this discussion we desire to say that, in our judgment, the price paid for the powder is far less important than its quality, and that at the present time, with the processes of manufacture and even the composition of the powder in a more or less experimental and uncertain condition, an effort to reduce the price is likely to be false economy. With the Army and Navy it should always be the aim to have the best possible powder regardless of the cost. The desire should be to give an adequate price and to expect a constant improvement in the article. In order to produce a superior article we must be allowed a reasonable and fair margin of profit so that we may be able to purchase the best materials, employ the best skilled labor, and be allowed to work and rework the material until the desired result is obtained. If we must stop short of that because of price, it is easy to determine what the natural result will be—either loss on our part or an inferior powder. We have spared no expense in our efforts to improve our product, and we should receive an adequate compensation.

At the beginning, when the price was fixed at $1 per pound, the manufacturers had little knowledge of the subject and their plants were not suited to economical production. Before experience had shown us how to make a profit, the Government reduced the price to 80 cents a pound, and again to 70 cents, while we were making powder at a loss or with no profit. It is only within the last three years that a profit has been made. It would be a great injustice to the companies who have continued under these circumstances to produce a good powder, and who have spared no expense to improve it, to insist now that we must submit to another reduction, under more rigid specifications, before we have recouped the losses sustained during the earlier periods.

We are to-day selling the Government a much better powder than we sell the general trade where we have active competition. We are paid by the Government for a superior powder to that used by the commercial trade only 70 cents per pound, while the trade is paying 80 to 85 cents.

The Government has a system of inspection that grows daily more rigid, to which inspection we do not object, but which tends to increase the cost of production. The bureaus have just adopted new specifications which are more exacting, and to which they have added new and untried tests, which will probably add to the number of rejections. These specifications undertake to control each step of the processes to be used, to specify raw materials, number of washings, their duration, etc., and in the end we are still held responsible for the results.

In arriving at the cost of powder manufactured by the Government its experts lose sight of many items of expense which the Government pays through other channels, as salaries of officers, technical men, bookkeepers, clerks, traveling expenses, etc. The Government charges some of these items to other accounts and overlooks them in estimating the cost of manufacture of powder. Upon examination of our books we find that the following result would be obtained by taking what we are informed is the cost of powder at Indianhead on the manufacture of 1,002,000 pounds:

We find that during the past year of our operations the ratio of rejections to the amount of powder manufactured and delivered to the Government was 5.23 per cent. If from the manufacture of powder at Indianhead there be deducted the same percentage for rejections, the result would be that instead of delivering 1,002,000 pounds of powder Indianhead would produce 949,000 pounds of acceptable powder and the cost per pound would be increased from 47.45 cents (their cost of powder manufactured exclusive of alcohol) to 49.98 cents, and their cost of 54.63 cents (including alcohol) would be increased to 57.63 cents. If to this there be added the amounts paid by our company which have not been taken into consideration by the Government in their estimate of cost—mill superintendence, 1.96 cents per pound of powder manufactured; administrative cost, 2.98 cents per pound of powder manufactured; taxes, 0.12 cent per pound of powder manufactured; interest on investment, 7.16 cents per pound of powder manufactured—then the total cost would be 62.20 cents, exclusive of alcohol, or 60.85, including alcohol. This showing clearly demonstrates the fact that the only profit that we could obtain in the manufacture of powder at 70 cents per pound (and alcohol furnished by us) would be brought about by a more economical expenditure of labor in factory operations, because it is beyond dispute that the Government is paying approximately the same prices for cotton, acids, and other raw materials as we are.

Progress in the manufacture of powder sometimes causes the abandonment of whole plants, as was the case when the change from brown prismatic to pyrocellulose powder was made. This company had, at large expense, equipped two plants for the Government's use during the Spanish war, which were utilized for a short time to manufacture the powder. Experience in that war taught our Government officials that they did not want to continue the use of brown prismatic powder. The change to smokeless powder was made, and the plants became useless. The Government is at the present time considering and making extensive experiments with a new powder, which, if adopted for the service, will in a large measure destroy the value of all the present smokeless-powder plants. When these facts are considered, it should be easy to perceive the injustice which would be done us by any reduction in the price now paid.

In considering the price of powder the board should keep in mind the amount of the contracts to be given. In our judgment the price might well be on a sliding scale. If the plants are to run on a single-shift basis, then it naturally costs more to make the powder. If the Government should again be in position to give orders for a sufficient amount of powder to run the plants continuously, night and day, as in the past, it might then be a better time to bring up the question of a reduction in price; but consider the present circumstances.

During 1904 and 1905 the Government gave us sufficient orders to warrant operating our plants night and day. In order that we might be in a position to do this, a very large expenditure of money was necessary in increasing our power plants, building additional powder dry houses, magazines, and providing costly machinery. We were, furthermore, led to hope that even larger orders for powder were in prospect, because the necessity was recognized for a large surplus of powder to be on hand in case of emergency. At this same time a joint Army and Navy board, appointed for the purpose, conferred with us in regard to our ability to make a large extension of our plants so as to be ready for emergency in case of war. While we were engaged in making the plans called for by this board we were informed that our output would have to be reduced at once to less than 40 per cent of what we were making on the double-shift basis. We have been operating for the last eight months on this limited output at greatly increased expense, and the costly extensions to our plants are rendered unnecessary and useless.

We would further call the board's attention to the fact that the policy of this company has always been, regardless of expense, to improve the powder by adopting every suggestion made by the Government. For instance, in the Government's efforts to standardize the process of manufacture of powder we have been called upon, at large expense, to change our plants to insure a uniform process of manufacture. In this connection we have recognized the great importance of pure water in the manufacture of powder, and although the water supplies of two different plants had been used for upward of five years with satisfactory results, we realized that improvements in the product would result from corresponding improvements in the water supply, and we have recently engaged, of our own volition, to expend several hundred thousand dollars in order to obtain additional and better supplies of water. This expenditure will result in an improvement in the powder and a corresponding benefit to the Government.

A very important item in the cost is the rejection of powder by the Government. It may be argued that we should not produce a powder that would not meet the requirements. The art of powder making has not yet reached the point where rejections are not to be expected. Furthermore, add to this the fact that the Government is constantly changing the specifications, insisting upon making additional tests, some of which are purely empirical in their nature, so that their influence and result can not be foreseen. The chances of rejection are thus vastly increased, and should be a large item in the fixing of the price of powder.

The manufacture of powder is a hazardous business, far beyond the conception of inexperienced men. The danger of fire and explosion, which may destroy valuable plants, is great, and greater still is the cost of life.

We may have touched on many things in this letter which you will consider irrelevant in fixing a just selling price for powder. We believe that all these factors have an important bearing on the subject, and each must be given its due weight.

To conclude our arguments, we may note—

First. The necessity of your having the very best powder which can be made. Your ships and your men demand it. This can not be had if you put the price too low.

Second. The painstaking and careful attention which we have given to the improvement of the powder, the money which we have risked in our experiments to develop it, and the capital which we are risking to-day in our efforts to produce for you a new and better powder are all worthy of compensation, and the Government should consider its own interests by encouraging us.

Third. During the experimental stage of the manufacture of smokeless powder, which continued until the last three years, we realized little or no profit. It is discouraging to think that such a condition may continue. Progress in the production of powder is the most expensive item to be considered, for it means constant expenditure of money, which rarely develops value, and when it does produce something the result means entire abandonment of old methods. To illustrate, you are to-day experimenting with a powder which has already cost us several hundred thousand dollars. If the experiment is a failure, the money invested is lost. On the other hand, if it succeeds, our present plants are, in a large measure, rendered valueless. We recognize the importance and value of the initial steps taken by the Government in developing the present powder, and the work done in the Government laboratories. It is a fact, however, that the manufacture would not have reached the present standard had it not been for the very large expenditure of money made by us in experiments and in designing and perfecting the necessary machinery. We have freely given to the Government the benefit of these experiences for use at its own plants. We are not desirous of taking to ourselves an undue credit for this development, but we believe that the bureaus will agree with us that the art of manufacture would not have reached the present improved condition had we not undertaken the work, for the reason that Congress has always failed to appropriate sufficient funds to enable the Indianhead plant to do it.

Fourth. We are selling to the Government to-day a better powder, made under rigid inspection and subject to rejection, for a less price than we are paid by the commercial trade, which takes powder made without specifications or inspection, and in which we have constant, wide-awake, active competition. This in itself is sufficient proof that the Government is buying its powder at a fair and just price.

Fifth. The Government, by its own experience at Indianhead, is well aware of the cost of making powder. If to this cost there be added a fair margin to correspond to the items which we have enumerated and to the losses which we must allow for, we feel sure that it will be shown that the present price is not unreasonable, but is a just and fair price, made necessary by the expensive methods and requirements of manufacture and rigid inspection and tests to which the powder is subjected.

This company has a record for the past one hundred years of always holding its best intellect, its money, and its plants wholly at the service of the Government in all times of need and of treating the Government fairly and honestly in all its dealings, and we do not deem it necessary that we should give additional proof now of our willingness to do the same in the future.

Yours, very truly,

E. I. DUPONT COMPANY.
By E. G. BUCKNER.

Summary of expenditures for the production of powder for the past year at Indianhead, Md.

Amount actually expended during the year	$454,790.64
Machinery written off	13,829.10
To the last item we should add, in order to bring the item of "Machinery depreciation" up to 10 per cent, as was done last year	10,991.83
Fire losses, one-seventh of the total	6,952.46
Various items, including a share of office and laboratory force, watchmen, railroad, and other repairs not counted in to the cost of powder in invoicing it	13,812.66
5 per cent depreciation on buildings	31,180.65
Total	531,557.34
Dividing by 1,047,063, product for the year, the cost per pound is	.5077
Deduct the cost of alcohol expended per pound	.0694
Cost of the powder without alcohol per pound	.4383

In comparing this with the cost during the past fiscal year, which was 47.7 cents, we find that it has been cheapened 3.6 cents; this is accounted for to the extent of 2.4 cents per pound by the fact that the cost of cotton per pound of powder in 1905–6 was 7.21 cents, and in 1906–7, 4.82 cents, the reduction being due to the use of the cheaper Tennessee fiber. The remaining 1.2 cents is accounted for in the fact that the fixed charges, amounting to some $77,000, plus a considerable share of the labor, are not increased with the increased output.

2. The cotton account of last year included the use of 10,609 pounds of cotton from the torpedo station at .0885 cents per pound; 171,900 pounds of Salomon at .0925, and 610,977 pounds of Tennessee at .055, making an average price of .06356 per pound. The present price of Tennessee fiber is .055, and we are using this material to the exclusion of all others. On a yield of 1.37 the cost of powder will be still lower this year by six-tenths of 1 cent per pound. This lowers the cost of manufacture a trifle over 3 cents per pound on account of cotton alone from the schedule of cost upon which the present price of powder was based last year.

3. The expenditure for alcohol per pound of powder amounted to about 3.5 cents, making the total cost 47.33 cents.

4. We find that we have invested here in plant, powder in dry houses, raw material, repair parts in store, etc., nearly $1,500,000. The interest on this and a suitable working cash capital, plus taxes and salaries of administrative officers, would easily add about 10 cents per pound.

NAVAL PROVING GROUND,
Indianhead, Md., August 2, 1906.

SIR: By direction of the Bureau of Ordnance:

1. I have to submit the following estimate of the probable cost of smokeless powder at private works:

2. The cost of manufacturing 1,000,000 pounds of powder at the Indianhead works during the fiscal year recently closed has been 47.4 cents per pound, exclusive of alcohol. Every item due to its manufacture is included in this cost. All raw materials, chemicals, laboratory expenses, heat, light, power, care of grounds, buildings, etc., have been reckoned; also a charge for loss by fire based upon the mean fire loss for the last six years.

3. Included in this is an allowance of 5 per cent for a depreciation on buildings and improvements. Another allowance of 10 per cent depreciation on the machinery of the entire plant is also included.

4. In comparing the cost of powder at this plant with private manufactures, it would be fair to assume generally that private purchasers obtain their material at least 10 per cent less than the Government does. It has been hinted to me that the Tennessee Fiber Company sells its material to private manufacturers at 4½ cents per pound; we pay 5½ cents per pound. A paper manufacturer told me several years ago, when we were paying 6 cents, he was paying considerably less for this cotton. The same thing is probably true of acid. But on known data the following amounts should be subtracted from the cost at this place:

Labor, 28.5 per cent of $105,000	$29,925
We grant 26.5 holidays more than private firms, and we work only eight hours to their ten, or perhaps eleven. But taking ten hours as their day, with the holidays, they save 28.5 per cent on labor.	
Depreciation on buildings and improvements, 5 per cent per annum	14,760
	44,685
Deducting this from	474,000
Leaves	429,315

Or, say, 42.9 cents per pound to the private manufacturer.

5. The total rejections of powder amount to 1.7 per cent during the history of its manufacture. These rejections have not affected Indianhead, and should not other makers. However, adding 1.7 per cent to their cost we have a total of 43.6 cents. If the powder can be reworked or used for other purposes, this item should not be considered.

6. It may be urged that there is a business hazard attached to the manufacture of this material—that is, that we may be making a different powder some day that will render much or all of the plant useless. Such an argument should have no weight, since we have already been using this powder for seven years or more, and in the account of cost given above 10 per cent of the machinery is expended each year off the books, which would provide for a total elimination of the plant in ten years. Attention is called to the powder "Cordite," which, in spite of its manifest disadvantages, has continued in use some fifteen years without any immediate prospect of some other powder being substituted for it.

7. On the basis of 1,000,000 pounds of powder manufactured per annum, it will be seen that a price of 70 cents per pound yields a profit of $264,000, and this considers every possible charge except the pay of the officers connected with the financial administration of the enterprise.

8. Judging from the cost of the Indianhead plant, the total investment will amount to about $650,000. On this basis the stockholders should receive a dividend of over 40 per cent on the capital invested if the powder is sold at 70 cents. If it were sold at 55 cents per pound this would yield 17.5 per cent profit on the capital invested, and in case the orders were cut down during any one year to one-half, the profit should still be satisfactory.

Respectfully,

JOS. STRAUSS,
Lieutenant-Commander, United States Navy,
Inspector of Ordnance in Charge.

Commander A. M. KNIGHT, United States Navy,
President Joint Army and Navy Board
on Smokeless Powder Specifications,
Bureau of Ordnance, Navy Department,
Washington, D. C.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] asks unanimous consent to extend his remarks in the RECORD by inserting the tables to which he has referred. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, I move to strike out the necessary number of words in order to gain recognition to seek some information from the chairman of the committee. I notice in the pending paragraph——

Mr. FOSS. Before the gentleman asks that question, will the gentleman yield me a little time?

Mr. STAFFORD. Certainly.

Mr. FOSS. I want to state to the gentleman from Nebraska [Mr. HITCHCOCK] that we have expended about $800,000 on the powder factory down here at Indianhead, and when Admiral Mason was before the committee we asked him about the subject of the powder trust, so to speak, and he said:

I will be very glad to give the committee any information that I can. I am not prepared offhand to go into particulars, but all I can say is that we are not in the hands of a powder monopoly in any way. And I should say, to the contrary, that the powder people are in our hands, because we make the price, we prescribe the specifications, and we have inspectors and subinspectors to watch the processes and to make it just exactly as we say.

Mr. DAWSON asked:

Was there a joint Army and Navy board to consider this whole powder question?

Admiral MASON. Yes.

Mr. DAWSON. Where will their report be found?

Admiral MASON. I think it is a public document.

Mr. THOMAS asked Admiral Mason:

Is there a powder trust?

Admiral MASON. As far as the Navy Department is concerned, no; we have control over it.

Then Mr. ROBERTS asked:

I would like to ask if we are getting as good powder from the private manufactories as from Indianhead?

Admiral MASON. Decidedly, yes.

Then Mr. MUDD asked:

Admiral, if they make powder just as good and just as cheaply, what is the particular reason for maintaining a Government establishment? Do you claim it tends to prevent monopoly?

Admiral MASON. By having the Government plant we have control of the situation. We know exactly how much that powder costs us, and when these people come in with exorbitant prices we say, "You can not get such prices, and if you do not come down within reason, we will go to Congress and ask them to give us a plant in which we can make all of the powder, although we do not like to do that, because we want to keep two or three outsiders going in case of accident to our plant."

Now, that is what Admiral Mason, Chief of the Bureau of Ordnance, stated in his hearing. The joint board of the Army and the Navy examined into this whole question as to the cost of making powder by the Government, and they fixed the price of powder paid to the Dupont Company, and they reduced it some 3 cents.

Mr. PADGETT. Reduced it from 74 cents to 67.

Mr. FOSS. They have reduced it, extending over several years, considerably more than that; but during the last year they have reduced it 3 cents a pound.

Mr. HITCHCOCK. The present price is now fixed by this board?

Mr. FOSS. By the joint board.

Mr. HITCHCOCK. It fixes it at 67 cents?

Mr. FOSS. At 67 cents.

Mr. HITCHCOCK. Does the Government buy of any other company except the Dupont?

Mr. FOSS. I am not sure as to that.

Mr. HITCHCOCK. Will the gentleman state whether there is any other company ready to sell powder except the Dupont?

Mr. FOSS. I think there are other companies. I am informed that there are a number of other companies, but whether the Dupont Company gets all the orders or not I do not understand.

Mr. HITCHCOCK. Will the gentleman, with the help of his committee, kindly say what the records show as to the cost of manufacturing this Government powder?

Mr. PADGETT. I have it here; it is 47⅓ cents.

Mr. HITCHCOCK. Is the cost stated in the report?

Mr. PADGETT. I have it here. The price fixed by the joint Army and Navy board is 67 cents, the cost to the Government of manufacturing the powder at Indianhead is 47⅛ cents. That is stated on page 123 of the hearings. Admiral Mason says, speaking of this 47⅛ cents:

We do not charge for the deterioration of the plant. The price of 67 cents is made up by counting the deterioration of the plant, the interest on the value of the plant, and also allowing a certain amount for superintendence.

That is included in the cost.

Mr. HITCHCOCK. That is in the 67 cents which we pay?

Mr. PADGETT. It is not included in the cost of 47⅛ cents.

Mr. HITCHCOCK. Can the gentleman state how the 47⅛ cents is made up?

Mr. PADGETT. That represents the cost of manufacture, including all things except interest on the outlay for the purchase and maintenance of the plant, the salary of Government officials who superintend the manufacture in the plant, and for deterioration of plant.

Mr. HITCHCOCK. Can the gentleman tell now what is the capacity of the Government plant?

Mr. PADGETT. I do not know; maybe 2,000,000 pounds a year.

Mr. HITCHCOCK. How much do we manufacture?

Mr. PADGETT. About 1,200,000 pounds a year.

Mr. HITCHCOCK. I understood the chairman of the committee to state that the manufacture was something over 1,000,000 pounds.

Mr. PADGETT. It is stated here by Admiral Mason at 1,047,063 pounds.

Mr. HITCHCOCK. There is nothing to show what is the capacity.

Mr. PADGETT. Here is a question asked by Mr. LOUDENSLAGER:

How much did you manufacture last year at the proving grounds?
Admiral MASON. I have not the exact figures, although I will put them in, but I should say about a million two hundred thousand pounds. The exact figures are 1,047,063 pounds.
The CHAIRMAN. Also include in your answer the amount that you purchased.
Admiral MASON. About 2,000,000 pounds.

Mr. HITCHCOCK. Another point I wish to ask as to this 2,000,000 pounds——

Mr. STAFFORD. Mr. Chairman, these gentlemen have occupied my time; I ask unanimous consent now to proceed for five minutes.

Mr. WILLIAMS. That request is absolutely unnecessary, but if it is considered necessary to make it, I shall be compelled to object.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

Mr. WILLIAMS. I object. Now move to strike out the last word.

Mr. STAFFORD. My last motion was to strike out as many words as were necessary to gain recognition. Now I renew that motion to strike out as many words as will be necessary to gain further recognition.

The CHAIRMAN. The gentleman moves to strike out the paragraph.

Mr. STAFFORD. The purpose, Mr. Chairman, of rising is to ascertain from the chairman of the committee whether at the Government plant we manufacture any specially prepared powder which is not advertised for and manufactured by private establishments?

Mr. FOSS. All this powder is specially prepared, specially manufactured powder, and in dealing with these private concerns the Government lays down its own specifications and says how it shall be manufactured.

Mr. STAFFORD. The point of my inquiry is directed to the fact as to whether the Government provides a character of powder not manufactured and supplied by private establishments?

Mr. FOSS. The Government manufactures smokeless powder.

Mr. YOUNG. For experimental purposes also.

Mr. STAFFORD. Is that smokeless powder manufactured by private establishments?

Mr. FOSS. Yes.

Mr. STAFFORD. And it is covered in the specifications?

Mr. FOSS. Yes; also black powder, brown powder, and several kinds of powder.

Mr. STAFFORD. So, as I understand, there is no powder containing special ingredients that is manufactured exclusively at the Government plant.

Mr. FOSS. No; I do not think there is.

Mr. STAFFORD. Now, I want to ask the chairman whether, as long as he has been chairman of the committee, any of the officers before the committee have suggested that there was need of having the ingredients of the powder withheld from the public and from public advertisements because they should not be disclosed?

Mr. FOSS. No; I do not recall any.

Mr. STAFFORD. The reason of my inquiry was that in the Army appropriation bill that was introduced in the House a provision was carried leaving it to the discretion of the Department heads that when the character of the ordnance contained such ingredients that the interest of the public service would be injured by publicly divulging them, then the Chief of Ordnance would be authorized to purchase such articles in such manner as he might deem most economical and efficient. That provision was stricken out on a point of order, but has been reinserted in the Senate. My purpose is to ascertain from the chairman of the committee, as the same conditions must present themselves both to the Navy and to the Army, whether there was any such recommendation ever presented to the Naval Committee, asking that proposals be not always advertised, and leaving it to the discretion of the Department in some cases to purchase the article in such manner as they might deem most economical and efficient, without advertisement?

Mr. FOSS. The Department has never, to my knowledge, asked for any such provision.

Mr. YOUNG. If the gentleman will permit me a moment——

Mr. STAFFORD. I shall be glad to.

Mr. YOUNG. I do not know what is done in the Navy, but I do know that in the Army plant the Government is constantly experimenting with new ingredients.

Mr. FOSS. Oh, that is true in the Navy also.

Mr. STAFFORD. The gentleman who has just made that suggestion is a very efficient member of the Committee on Military Affairs, and he is well acquainted with the paragraph which was recommended to the House in the Army appropriation bill, and I wish to ask him why it was necessary to make that exception, so as to vest in the Department heads the right to purchase without proposal or public advertisement?

Mr. YOUNG. That is meant to apply——

Mr. STAFFORD (continuing). The same condition would apply as well to the Navy, I believe the gentleman will admit, as to the Army.

Mr. YOUNG. It would if they are doing the same kind of work, about which I am not informed. I know of specific instances where the Government has believed that certain foreign nations were trying to place spies in the Government works to learn the ingredients that they were using in certain experiments. When the Government went into the public market and bought those ingredients by advertisement, while a foreign agent would not know the exact proportions of the mixture, he would know the ingredients which were being used and would be given a cue to ascertain exactly what the compound was, and it was to meet conditions of that kind that the Chief of Ordnance desired this provision placed in the bill, and, I think, very wisely.

Mr. STAFFORD. The gentleman will agree that the same condition is present in the Navy as in the Army.

Mr. YOUNG. I will not agree to that, because I do not know whether the Navy is carrying on the same kind of experiments that are being carried on under General Crozier's supervision or not.

Mr. STAFFORD. They should be carrying them on.

Mr. YOUNG. I think they should.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to strike out the last four words. If I understand the statements that have been made here, we have a powder-manufacturing plant that cost us about $300,000; that we manufacture a million pounds of powder there annually; that we require 2,000,000 pounds additional, which we go into the market and purchase; that the 1,000,000 pounds which we manufacture costs us a fraction over 47 cents a pound, while that which we purchase costs 67 cents per pound.

That is a saving on that which we manufacture in our own plant of approximately 20 cents a pound, or $200,000 that we save on the million pounds that we manufacture. Two hundred thousand dollars, it occurs to me, will pay for considerable management, considerable administration, besides paying the interest on the investment of $300,000. But we use 3,000,000 pounds, and if we utilize our plant in the manufacture of 3,000,000 instead of 1,000,000 pounds, there would be a saving of something in the neighborhood of $600,000.

One of two things should be done by us. We should either compel the manufacturers of powder from whom we purchase the 2,000,000-pound supply to furnish it at a lower rate than they are now furnishing it, or we should provide equipment for

our own plant sufficient for us to manufacture the entire amount we need. Six hundred thousand dollars is an enormous amount of money to pay over and above what we should pay for powder for our Navy.

Mr. FOSS. Now, Mr. Chairman, I ask that the Clerk may read.

Mr. GAINES of Tennessee. I want to ask the gentleman if this smokeless powder is all the powder we use?

Mr. FOSS. Yes.

Mr. GAINES of Tennessee. Do we not use the brown powder?

Mr. FOSS. We do not use the brown powder or the black powder any more.

The CHAIRMAN. Debate on this paragraph is exhausted, and the Clerk will read.

The Clerk read as follows:

Purchase and manufacture of smokeless powder, $650,000.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment to this section.

The Clerk read as follows:

On line 25, after the word "dollars," insert as follows:
"*Provided*, That no part of this money shall be used in the payment for powder at a price to exceed 50 cents per pound."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. HITCHCOCK. I do not know whether the Chairman cares to hear me on the point of order, but it seems to me plain that this is a limitation on the appropriation, and it has been so ruled many times.

Mr. KEIFER. I would like to ask the gentleman from Nebraska how he knows that this is a limitation on the appropriation?

Mr. HITCHCOCK. It is a limitation on the use of the appropriation.

Mr. MADDEN. Does the gentleman think it would be fair to say that no part of this money can be used unless the powder can be purchased at a price fixed in the amendment, when as a matter of fact no one here knows what the powder can be manufactured for? The mere fact that the Committee on Naval Affairs states what the cost of powder is in the Government plant does not furnish any criterion.

Mr. HITCHCOCK. I will answer the gentleman's question. I do not know what it costs, but I have been endeavoring to find out. The printed hearings show that in a plant comparatively new and small we are now manufacturing powder at a cost of 47½ cents per pound, and we are running that plant only to a fraction of its capacity.

Mr. MADDEN. Will the gentleman state what the cost consists of?

Mr. HITCHCOCK. I am not in possession of the material facts to state that.

Mr. STAFFORD. The gentleman from Nebraska will recognize the fact that the Government's plant has not capacity enough to manufacture all the powder necessary for the naval needs, and if this price was less than what it costs to manufacture, he would be hampering the entire naval service. He is taking upon himself the full responsibility without having the data, and he admits that he has not the data to determine the actual cost. I insist, Mr. Chairman, on the point of order.

The CHAIRMAN. The Chair thinks that this is a limitation on the appropriation, under the rulings heretofore made. The Chair therefore overrules the point of order.

Mr. HITCHCOCK. Mr. Chairman, it is true that we have not before us a careful analysis of the cost of manufacturing powder, but such evidence as we have proves that when the Government plant was established it resulted in an immediate reduction of the cost which the Government was paying for powder in the market, until now the cost has been reduced to 67 cents per pound. It also shows that, counting all the items that Government officials feel that they should count, the cost to the Government of manufacturing powder at the Government factory is only 47½ cents per pound. It is fair to assume that this Government powder factory is not operating at its total capacity. It has been stated that the capacity was something like 2,000,000 pounds, and it is only operated to produce 1,000,000 pounds per year at the present time.

Now, we have got the factory; there is no additional charge to be made for interest on the investment, no additional charge to be made for depreciation or for superintendence. We have nothing to lose, and it is fair to say that if the Government notifies the powder trust—and I assume that there is a trust, because it is not denied that there is one—when the Government says to that trust that it will not pay more than 50 cents a pound, I believe the powder trust will sell to the Government at that price.

But if the powder trust declines to sell powder to the Government at that price, the Government still has two factories in which it can manufacture its powder—one a factory costing $300,000, manufacturing powder for the use of the Army, the other a factory costing $800,000, already manufacturing a million pounds a year, for the Navy. I think there will be no way of reducing the cost of the powder to the lowest reasonable and possible figure except when the Government takes affirmative and positive action to bring it about. We can not expect the powder trust voluntarily to make a reduction, and unless the gentlemen can bring in here from the large fund of information that ought to be at their disposal some evidence that the cost of powder is in excess of 47½ cents, this Government has no right to pay over 50 cents a pound for the powder it buys.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized in opposition to the amendment.

Mr. MADDEN. I think it would be very unwise to adopt an amendment such as that which is proposed. I think everyone will agree that we should buy powder at the lowest possible price. I think we ought to be able to get the information upon which to ascertain what it does cost the Government to manufacture powder. That we have no such information I think nobody will deny. The proper way to ascertain what it costs to make the powder is to get the details of money spent in the construction of the plant, in its operation, in the purchase of material, and in every other detail of the work connected with the manufacture of powder. There is no other way to ascertain this, and it is unfair to state that it costs 47 cents a pound to manufacture powder, if we only include in that the cost of materials purchased and the labor paid, but without relation to the payment of the fixed force of men who are in the management of this powder factory.

Mr. YOUNG. I would like to ask my friend if it is not a fact, in determining the labor cost, that the cost for the one month's time when the men employed in the manufacture of this powder are given a leave of absence is not charged up to the cost of the powder.

Mr. MADDEN. I do not know just exactly what is charged, but I do know that nobody else here seems to know.

Mr. YOUNG. I have been informed that that was the fact by naval authorities.

Mr. MADDEN. But, whatever is charged, it produces the result which shows that 47 cents per pound is what it costs.

Mr. HITCHCOCK. Will the gentleman permit me to read a paragraph in line with what he says?

Mr. MADDEN. Yes.

Mr. HITCHCOCK. Here is the reply of Admiral Mason in the hearings before the committee:

We did not purchase any out of this appropriation. It cost the Government really about 46 or 48 cents a pound or something like that, but, of course, we did not charge in any expenses; that is, my salary or the salary of the commanding officer on the proving ground, or that of the chemist, and so forth, as they are all paid by the Government outside, whereas the smokeless powder companies have to pay for superintendents, and so forth. The additional expenses to companies are insurance, interest on investment, rejection, losses, taxes on property.

Now, the gentleman from Illinois can see that those are very small items compared to hundreds of thousands of dollars that would be paid.

Mr. MADDEN. I realize that, but I believe we ought to be sufficiently just not to undertake to fix the price until we know what it costs. In dealing with the proposition we should deal with it fairly, and after we have secured all the information that is obtainable upon which we can base a fair judgment. I have no use for the powder trust; I believe it ought to be abolished if it can be. I believe that the Government of the United States ought to buy its powder at the least price at which it can be bought, but I believe that in dealing with a business question we ought to first ascertain all the facts. To ascertain the facts send for the men who know the facts, invite them to tell you about what it costs in every detail, and then when we have secured this information we are in a position to say what we ought to pay.

Mr. ELLIS of Missouri. Will the gentleman yield to a question?

Mr. MADDEN. Yes.

Mr. ELLIS of Missouri. How does the gentleman construe this statement of Admiral Mason that it costs the Government really about 46 to 48 cents per pound?

Mr. MADDEN. I construe it to mean that it just includes the cost of the material which enters into the product and the common labor, it does not take into account the men who are on annual salaries, it does not take into account investments the Government has made, it does not take into account anything except the actual work of making the material from day to day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I wish to say just a word upon that question. The gentleman from Nebraska ought to have read a little further along in the hearing of Admiral Mason, and he would have found these words. Mr. THOMAS says:

You give the price as 67 cents when you have to buy it, while you say you manufacture it for 45 or 46 cents.

Admiral MASON. We do not charge for the deterioration of the plant. The price of 67 cents is made up by counting the deterioration of the plant, the interest on the value of the plant, and also allowing a certain amount for superintendence.

Mr. SHERLEY. Mr. Chairman, right at that point, if the gentleman will yield——

Mr. FOSS. Just one moment until I get through.

Mr. THOMAS. But really there would be no saving?

Admiral MASON. No saving at all.

Mr. SHERLEY. Now, if the gentleman will yield I would like to ask him this question. Does not the gentleman know that a plant at which powder is manufactured is of a very cheap, temporary character, due to the very great risk of the destruction of the plant in the manufacture of powder, and that the cost of the plant, if counted in, would not add to the cost of the powder hardly 1 cent, let alone 10 cents a pound, as suggested.

Mr. FOSS. How much does the gentleman think this powder plant cost?

Mr. SHERLEY. Well, that depends upon the capacity; but I state to the gentleman, as a proposition that must be within the knowledge of the chairman of this committee, if he has investigated the subject, that a plant in which powder is manufactured is of a very cheap character.

Mr. FOSS. The Government has expended $800,000, at least, on this plant.

Mr. SHERLEY. I am not speaking of the Government plant. I am speaking of the character of powder plants, and the testimony to that effect that was given before the committee on fortifications, and while on my feet I want to ask the gentleman another question. The Government has been manufacturing powder now for some years. Does not the gentleman think it is high time we should get some accurate information on the subject as to what it costs, so we will not have annually the defense that was made by the gentleman from Illinois, that until we do know what it costs we should not put a limitation upon the extortions of the powder trust?

Mr. FOSS. Well, I will state to the gentleman that the joint board of the Army and Navy meets every year and makes investigation into the cost of the manufacture of powder and they fix the price of powder, and it is so stated here in the report during the last year, and as a result of the investigation and report and conclusion which the board came to they reduced the price of powder down to 67 cents.

Mr. GAINES of Tennessee. From where?

Mr. SHERLEY. I understand that is the fact, but I am simply asking the gentleman a question on this point. Ought not we to know what it is costing the Government to make powder, and will not that be the best evidence as to what we ought to pay private companies?

Mr. FOSS. Yes; and if the gentleman will take the trouble to look up and investigate these reports and look into the minutia, he can find out. There is no question; it is open to every Member of Congress who will take the time and trouble to do it.

Mr. SHERLEY. It should not be necessary for a Member of Congress to take either the time or the trouble. The Department ought to furnish to Congress a detailed statement showing what it costs and every item thereof.

Mr. FOSS. They will furnish it.

Mr. SHERLEY. The gentleman says they will. I would like to have it done, and then we will be able to deal with this subject, and not have the argument made by the gentleman from Illinois that because certain items had not been counted in we have no figures on which to proceed.

Mr. FOSS. Mr. Chairman, I move to close debate——

Mr. DRISCOLL. I would like to ask the gentleman whether the Government is able to make any more powder than it is now making?

Mr. FOSS. We make about one-third of all the powder we consume.

Mr. GAINES of Tennessee. How much?

Mr. FOSS. We make 1,047,000 pounds and we purchase 2,000,000 pounds, and the price at which we purchase is fixed by this board every year.

Mr. DRISCOLL. The question is, Has the Government reached the limit of its capacity or can it manufacture a larger amount than it is manufacturing?

Mr. FOSS. Not unless we enlarge the plant by the expenditure of several hundred thousand dollars upon it. Then, of course, it could manufacture all the powder, but the question is whether it is advisable for the Government to manufacture all the powder it may need. In time of war it is a mighty good thing to have some private concerns that can manufacture powder as well as the Government.

Mr. DRISCOLL. These private concerns would not go out of business if the Government were not buying powder from them right along, would they?

Mr. FOSS. They would go out of manufacturing the particular kind of powder asked for in Government specifications. Now, Mr. Chairman, I move to close debate on this subject.

Mr. CLARK of Missouri. I want to ask the gentleman a question before he does that.

The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. I will.

Mr. CLARK of Missouri. Does the gentleman say that the buildings of the Government powder plant cost $800,000?

Mr. FOSS. I did not say the buildings. I said the plant itself cost that, taking into consideration everything.

Mr. CLARK of Missouri. The buildings of a powder plant are the cheapest buildings on the face of the earth.

Mr. FOSS. I agree with the gentleman that they are, but I am speaking of the whole plant itself.

Mr. CLARK of Missouri. That may be different.

Mr. HITCHCOCK. How much real estate is there?

Mr. FOSS. I do not know.

Mr. HITCHCOCK. Can the gentleman tell approximately? Was it $400,000?

Mr. FOSS. I think it was less than $100,000.

Mr. MUDD. It was not over $40,000 or $50,000.

Mr. CLARK of Missouri. I will ask another question. Does not the gentleman think the Government ought to make all of its own powder?

Mr. FOSS. No; I do not think it ought to make all of it, but I think in the situation in which we are to-day, by which we can manufacture a third of it, in case the private manufacturers should become exorbitant in their charges, we are in a position where we could by appropriation increase the plant. I think, being in the position in which we are, we practically have got control of the situation by fixing the price that we pay these private manufacturers each year, and I do not think in the end it would be an economical measure for the Government to manufacture all its own powder.

Mr. HITCHCOCK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois [Mr. Foss] yield to the gentleman from Nebraska [Mr. HITCHCOCK]?

Mr. FOSS. Yes.

Mr. HITCHCOCK. The gentleman's chief objection to fixing the limit of price of powder at 50 cents a pound seems to be that the Government of the United States might not be able to buy of private manufacturers in case of war. I would like to ask the gentleman this question: There is no danger of war during the coming year, and, in his opinion, would it be safe——

Mr. FOSS. War occurred on the other side yesterday. I am afraid we may have war——

Mr. HITCHCOCK. If the gentleman is afraid of war, would it not be advisable to establish a powder plant on a larger scale?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. HITCHCOCK. I move that he have two minutes in which to answer this question.

Mr. FOSS. Then I move to close debate after that.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the gentleman from Illinois may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HITCHCOCK. The only objection the gentleman states to fixing the limit at 50 cents a pound is that it might drive the trust powder factory out of business and leave the Government dependent in time of war upon its own resources. Now, in view of the fact that Congress successfully established the limit of the price of armor plate, and the armor concerns conceded that price, would not the gentleman be willing to take the chance for one year of establishing this price at 50 cents a pound, and then in case the Government was not able to buy it at that price in the open market, it could use its own plant for one year and manufacture its powder at 47½ cents a pound? Is there any objection to that experiment?

Mr. FOSS. I do not recall that the Government has ever fixed the price of armor.

Mr. HITCHCOCK. Oh, yes.

Mr. FOSS. The Congress of the United States? I know that we tried it here one year at $300 a ton, and we did not get any armor.

Mr. HITCHCOCK. The United States Congress fixed the limit on the price of armor and it was accepted.

Mr. FOSS. I have not learned of that. It may be the fact.

Mr. HITCHCOCK. It was the fact.

Mr. CLARK of Missouri. Does not the gentleman know that when he and myself first came here the cost of armor was about $450 a ton, and by various performances here in the House and in the Senate we beat it down nearly one-half?

Mr. FOSS. We beat it down by means of a provision which I drew up.

Mr. Chairman, I move to close debate.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] moves that the debate on the pending amendment be now closed.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GAINES of Tennessee. Mr. Chairman, I call for a division.

The committee divided, and there were, ayes 44, noes 21.

Mr. GAINES of Tennessee. I make the point of order that there is no quorum present, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee makes the point of no quorum. The Chair will count. [After counting.] One hundred and sixteen present. The ayes are 44, the noes 21; the ayes have it, and the motion is carried.

Mr. GAINES of Tennessee. Does the Chair mean to state that there was a quorum present when I called for a quorum, and stated that there was no quorum present?

The CHAIRMAN. The Chair can only ascertain the presence of a quorum by counting. The Chair has counted and a quorum is present. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HIGGINS having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 11, 1908:

H. R. 4780. An act to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets, and bayonet scabbards for same; and

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.

On April 13, 1908:

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Machine tools, navy-yard, Mare Island, Cal., $50,000.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I regret that after ten years' fighting on this subject that the committee comes in here without the proper evidence or all the evidence that should be had on the proper price the Government should pay for powder. It is a very important matter, yet Members of this House, who are earnest and honest, who are absolutely just and want to do the right thing, are denied the information that they should have upon which to base their action here to-day by cutting off debate. I say seriously that I very much regret this action. What it costs the Government to make powder, with and without the salaries paid the Navy officers and members of the Navy who manage the making of this powder—we should have that information. Then we should have exactly what it costs the du Ponts and other private concerns to make this powder. They, of course, pay not only their labor, but their scientific men who furnish the brains to make this powder. How much longer are we to wait, in the name of heaven, before we get down to the rock bottom of this matter, that we may do equal and exact justice to the Government and to these private powder makers?

We have been talking about it, from my certain knowledge, for more than ten years, and we are still in the dark about it. To me it is the most interesting study, and I have, from time to time, read some on the subject, and I tried to do so early in this session, but I have not had the time, for many reasons, to thoroughly investigate it; but we will get some information we can use in the future in the RECORD to-morrow from the letters that I shall publish.

It is a very interesting subject to consider as to whether or not the Government should make all or a part only of its powder, its armor plate, and other war machinery. I think we should, and I am satisfied it is the practice in foreign countries for the government to make at least a part of its munitions of war and to establish factories for that purpose and at the same time encourage a healthy life in private manufacturers, so that we may have both the public and the private concerns to compete with each other in time of peace and war and both concerns to draw on in time of war.

That is the way foreign countries manage, at least a number of them. The Government works its men eight hours a day, the private concerns from nine to ten and maybe more. If in working eight hours a day the Government can make powder at 40 cents, say, the private concern, working their hands longer hours, can certainly make more powder per day per hand than the Government. That is a point to consider, with the other fact that the Government's officers in charge of the powder factory, the members of the Navy, are paid a salary and would be paid a salary if they were not working at the Government factory. Their salary is not included, we are told here to-day, in estimating this cost, but in the private concerns of course everything is included from top to bottom. These matters ought to be considered and a fixed rule of calculation made by which Congress can act now and hereafter in an intelligent and just way, both to the Government and private concerns. The matter is too serious to be treated in an off-hand, callous way, in a kind of a hop-skip-and-a-jump way, in ten or fifteen minutes, as we have done to-day.

I think Congress, with the present lights before me, should enlarge this Government plant so that if the private concern should be destroyed or go over to the enemy for any reason, in time of war, we would have the Government plant on hand big enough to supply our wants. We need not run it at its full capacity in time of peace, but let us be able to do so when we please. It is useless to tell me that this powder trust is kept alive by making $2,000,000 worth of powder per year for the Government, when we are well informed that it has a monopoly of the trade in powder and supplies the whole United States, with a small portion, perhaps, supplied by other concerns. If this powder trust is an unlawful monopoly, I want the Supreme Court of the United States to say so, and let it then be made to obey the law, just like any private individual. If it is not guilty, let the court say so. Give it a clean bill of health, and then we will be done discussing that question, a matter that has been before Congress for so many years. Let the law be enforced, and let the truth come out; let justice be done to it and the public; its officers can not ask more, they are entitled to no more.

I regret and I condemn the action of the committee in shutting off debate here on this great question while Members are clamoring for the facts, and I want to say to the gentleman who made the motion that, as long as I am in Congress, I want it distinctly understood that no such proceedings as that will deter me from doing my duty. It will take something more than powder to close my mouth on this great question [applause], or any other question, whether the powder comes from a leather-mouth gun or a brass-mouth cannon. Mr. Chairman, I am for the right thing, and when I seek for light that I may do justice to the Government that my oath demands, and to outsiders that my sense of justice prompts, the doors should not be slammed in our face in any such way. I have thus felt throughout my career in Congress, and shall continue to so feel and to thus speak whether I continue in Congress or not. This kind of procedure in this House is degrading it and justly so in the estimation of the people.

The Clerk read as follows:

For Naval Gun Factory, Washington, D. C.: New and improved machinery for existing shops, $150,000.

Mr. CARY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 13, insert after line 10:

"For an addition to the iron, brass, and steel foundry, the total cost not to exceed $300,000, $100,000."

Mr. FOSS. Mr. Chairman, I make the point of order against that. It is not germane to that section or to that paragraph. This provision is for a naval gun factory. That could properly come under the head of "Yards and docks," farther on in the bill.

Mr. TALBOTT. I understand that the chairman of the committee makes the point of order that it is not germane at this point.

Mr. PERKINS. I make the point of order that it is new legislation.

Mr. TALBOTT. As I understand the amendment offered by the gentleman from Wisconsin, the point of order is made that it is not in order at this place.

Mr. FOSS. Not at this part of the bill. I make the point of order that it is not germane to this part of the bill.

The CHAIRMAN. Will the gentleman from Illinois indicate where it will be germane?

Mr. FOSS. It would be in order, if at all, on page 32, under the head of "Navy-yard, Washington, D. C."

Mr. TALBOTT. Yes.

Mr. PERKINS. Of course, Mr. Chairman, I do not object to this discussion; but I make the point of order to the provision altogether that it is new legislation.

Mr. TALBOTT. I desire to say to the gentleman from New York that I think this amendment is in the same language as that of an amendment which in the session before the last one was held to be in order.

Mr. PERKINS. If that is so, I presume the Chairman will overrule me, but I hope he will not.

Mr. TALBOTT. I agree with the chairman of the commitee that it is not in order at this part of the bill. When we reach the Washington Navy-Yard, on page 32, the gentleman can offer his amendment and it will be germane to that part of the bill. I am perfectly willing to have the point of order sustained that it is not applicable to this portion of the bill.

Mr. CARY. Mr. Chairman, it seems to me this amendment is germane to this part of the bill. You can not have a gun factory unless you have something in which to mold the form of the gun. It seems to me to be a part of the gun factory. I think the amendment is germane. I have no objection to withdrawing the amendment if it can be put in later at page 32.

Mr. FOSS. The gentleman had better do that.

Mr. CARY. All right; I will withdraw it until we get to page 32.

Mr. TALBOTT. The gentleman withdraws it with the understanding that he can renew it at page 32.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to withdraw his amendment. Is there objection?

Mr. WILLIAMS. Mr. Chairman, there is objection.

The CHAIRMAN. The gentleman from Mississippi objects. The Chair sustains the point of order that the amendment is not germane to this portion of the bill.

The Clerk read as follows:

Torpedoes, and converting torpedo boats: For converting twenty torpedo boats from boats using 3.35 meter, to boats using 5-meter torpedoes, and for the purchase and manufacture of torpedoes, $650,000.

Mr. PERKINS. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill to explain how much of this $650,000 is intended to be used for changing these torpedo boats.

Mr. FOSS. One hundred and fifty thousand dollars of this appropriation is for that purpose, and the rest goes toward the purchase and manufacture of torpedoes.

Mr. PERKINS. One hundred and fifty thousand dollars is for the changes?

Mr. FOSS. Yes; that is all.

Mr. PERKINS. I would like to ask the gentleman whether, if the Congress had been a little more deliberate in ordering the purchase of these torpedo boats, and the Department had not purchased them until a desirable form was reached, greater economy would not have resulted?

Mr. FOSS. This is due entirely to the change in the style of torpedoes, the increase in torpedo range. The range of torpedoes until this year has been between 1,000 to 2,000 yards, but it is now between 3,000 and 4,000 yards, or even more than that.

Mr. PERKINS. How many years ago were these boats purchased?

Mr. FOSS. These are the older boats, bought ten years ago, I think.

Mr. PERKINS. Is it not possible, as to these torpedo boats, as well as the submarine boats, that the Department sometimes goes ahead too fast and buys material at a large price that in a very few years becomes worthless?

Mr. FOSS. No. Of course there are improvements and changes going on all the time in the manufacture of torpedo boats and all kinds of boats in the Navy, and as the improvements and changes are made things do become obsolete and useless, unquestionably. Still those are changes which can not be reckoned upon in advance.

Mr. PERKINS. At the time these torpedo boats were purchased, had there been a sufficient test so that they were of actual value at that time?

Mr. FOSS. Oh, yes; these are service torpedo boats. Mr. Chairman, I call for the reading of the bill.

The Clerk read as follows:

Coal and transportation: Purchase of coal and other fuel for steamers' and ships' use, and other equipment purposes, including expenses of transportation, storage, and handling the same, and for the general maintenance of naval coaling depots and coaling plants, $5,000,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 19, line 11, after the word "dollars," insert "*Provided*, That no part of the appropriation herein authorized shall be paid to foreign ships for carrying or transporting coal."

Mr. FOSS. To that I make a point of order.

Mr. HUMPHREY of Washington. I will ask the gentleman from Illinois to reserve the point of order.

Mr. FOSS. I will reserve it for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I listened with a great deal of interest the other day to the chairman of the committee when he was telling of the benefits that had been derived by sending the Atlantic fleet around to the Pacific Ocean, and I listened with a great deal of interest to the gentleman from California [Mr. KNOWLAND], but it seems to me that both gentlemen forgot to mention the most striking thing in connection with that voyage, and that was that the nation had to employ foreign vessels to carry their coal.

Mr. KNOWLAND. I will state to the gentleman that I did mention that.

Mr. HUMPHREY of Washington. Out on the Pacific Ocean to-day we are welcoming that fleet, and we are welcoming it with pride and enthusiasm. We are proud of the fact that it is the greatest battle-ship fleet ever in the Pacific Ocean, but at the same time we have been humiliated by the fact that this Government of ours, in order to enable that fleet to make the trip, was compelled to employ foreign vessels to carry the coal; and while we have been welcoming that fleet, we can not but ask ourselves in the midst of our enthusiasm and pride, of what use after all would be this magnificent fleet except for show and parade? Of what real value is that fleet in case of necessity? For a battle-ship fleet without coal is as helpless as one without ammunition or guns, and there are no American vessels on the Pacific coast to carry coal for this fleet.

This fleet is to continue its way around the globe, and the very day they leave the Pacific coast they are not only helpless, but become a menace to the peace of this country. If ever war was to be declared, and the vessels left the Pacific coast, that moment all of these foreign vessels engaged in carrying coal would desert the fleet, and they could neither proceed nor return. When the fleet has visited the South American countries, and the people had seen these facts, is it any wonder that most any of the little South American governments indulge in the mildly exciting pastime of serving ultimatums upon this country?

As the fleet proceeds on its way around the globe it advertises to the world our national weakness and our national disgrace. I am proud to say that over in the other end of this Capitol patriotism has risen above politics and party, and a few days ago a bill intended to remedy, in a great measure, this fatal weakness, this national shame of ours, passed that body without a dissenting vote. [Applause.] I trust that the Members of this House will be equally patriotic when the time comes to vote on the ocean-mail bill that will furnish transports for the Army and auxiliaries for the Navy. I submit this question to-day to the House, What is the use of continuing the inexcusable folly of spending millions of dollars to build up a Navy when we we have no ships to carry the coal for it, no auxiliaries to support it, and no seamen with which to man it? Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

Navy-yard, New York, N. Y.: For one clerk, at $1,400; one time clerk, $1,017.25; one yard pilot, $2,000; two masters of tugs, at $1,500 each; two writers, at $1,800; one foreman laborer, at $4.50 per diem; one mail messenger, at $2 per diem, including Sundays; two messengers, at $2.25 per diem each; one draftsman, at $5 per diem; one quarterman, at $3 per diem; one superintendent of teams, or quarterman, at $4 per diem, including Sundays; one messenger to commandant, at $2.25 per diem, including Sundays; one messenger, yards and docks, at $2.25 per diem; one stenographer and typewriter, at $3.26 per diem; one electrician, at $1,400; one bookkeeper, or accountant, at $1,200; one master of tugs, $1,500; in all, $23,196.89.

Mr. CALDER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, strike out all of line 11 and down to and including the word "cents," on line 12, and in lieu thereof insert the following: "one superintendent of teams or quarterman including Sundays, $1,606.08."

Mr. CALDER. Mr. Chairman, an examination of this appropriation bill demonstrates that the Committee on Naval Affairs have fixed the salaries of master mechanics in the different navy-yards employed in the Bureau of Yards and Docks. The master mechanics in the other bureaus are paid out of the maintenance and increase of the Navy accounts. There is employed at the navy-yard at New York forty-eight master mechanics, or quartermen, in charge of different work. They are paid, as I said a moment ago, from the maintenance and increase in the Navy accounts. Of these men, forty-six have had an increase in pay since January 1 last. Only two have not been increased. This man has been receiving the pay provided for in this bill for the past ten years, and his salary would have been increased January 1 on the recommendation of the commandant of the yard but for the fact that his pay is fixed by law. In offering this amendment I am simply carrying out the recommendation of the Secretary of the Navy, and have inserted the exact amount provided for in his recommendation. I hope the committee will agree to it.

Mr. DRISCOLL. What is the increase?

Mr. CALDER. One hundred and forty-six dollars a year.

Mr. FOSS. I hope this amendment will be voted down. I ask for a vote.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask that the amendment be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and on a division (demanded by Mr. CALDER) there were—ayes 15, noes 30.

So the amendment was rejected.

The Clerk read as follows:

Navy-yard, Washington, D. C.: Quay wall, to complete, $25,000; storage bins for perishable material, $6,000; machinery for power-plant extension, $12,000; electric-light plant extension $5,000; in all, $48,000.

Mr. CARY. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 32, after line 8, insert:

"For an addition to the iron, brass, and steel foundry, the total cost not to exceed $300,000, $100,000."

Mr. LOUDENSLAGER. Mr. Chairman, I make a point of order as to that.

Mr. CARY. Will the gentleman reserve the point of order?

Mr. LOUDENSLAGER. Yes.

Mr. CARY. Mr. Chairman, I understand this same amendment was offered about a year ago, in the last Congress, and that a point of order against it was not sustained. It passed the Committee of the Whole House, but was defeated when the bill was reported to the House. This is not a new matter. It is only to extend the foundry. The Secretary of the Navy, on page 249 of the Book of Estimates, recommends that this addition be made to the foundry, and there has been no appropriation provided in the bill for it. For that reason I offer this amendment. I hope the point of order will not be sustained. I think the amendment is germane and that it ought to be inserted in the bill. I have good reasons for offering it. Quite a lot of work has been sent away from this foundry to be finished, or, in other words, to be completed, in outside private concerns. If we had the equipment to handle it all in the navy-yard, as the Secretary says, we might be able to save $50,000 a year to the Government. Admiral Leutze, superintendent of the foundry, says that this is absolutely necessary, and it would save at least $50,000 a year, thereby paying for itself within eight years.

I might say for the information of the House that in a recent hearing before the Naval Committee Admiral Mason, Chief of the Bureau of Ordnance of the Navy Department, explained that the present foundry is antiquated and entirely inadequate in size and unsuitable as a foundry for such an institution as the Naval Gun Factory. He regards it as a menace to the health of the employees and to the officers who live in the yard. In his opinion, the annual loss to the Government by not having better facilities in this regard would soon equal the amount needed properly to provide for this portion of the gun factory. He said, also, that the increased product of this factory would materially aid in the output of armament and result in a saving of both time and money.

Another gentleman who made a statement of like character was S. T. Nelson, a steel expert who was employed by Paul Morton when the latter filled the office of Secretary of the Navy.

Mr. Chairman, I desire to go on record, also, as favoring the building of war ships in our navy-yards. It is a fact that can not be gainsaid that our Government-built vessels are among the best of all our vessels now in commission, and that in many respects they are superior. It has been fully demonstrated that the navy-yards can successfully compete in the building of these ships. The first-class battle ship *Connecticut* was built at the New York Navy-Yard, and is a splendid illustration of this fact. True, she cost a small amount more than the contract-built ships, but it is generally acknowledged that in point of construction and equipment she is 25 per cent better than her sister ship, the *Louisiana*, that was built by contract. As an offset to the increased cost of her construction the Government has expended upon her 25 per cent less for repairs since going into commission, and she was the first ship in our Navy to be built in contract time.

It is an interesting circumstance to which I desire to call the attention of the House that the battle ship *New Hampshire*, which was built by the New York Shipbuilding Company at Camden, N. J., and which had her preliminary acceptance by the Government exactly one month ago to-day, has not yet been finally accepted by the Department. After her preliminary acceptance she was sent to the Brooklyn Navy-Yard, where work upon her still continues, and no one, except the officers of the yard, knows when she will be finally commissioned. What is the *New Hampshire* doing at the Brooklyn Navy-Yard? In what condition was she turned over to the Government by her builders? I can answer this question by saying that she was supposed to be in condition to receive her guns and to be sent immediately to sea. Apparently this was not the case. I should like to inquire also, if additional work is being done upon the *New Hampshire*, who is paying the cost? Does the Government deduct what it is spending upon this ship from the amount paid to the builders to construct her? If not, does not this furnish an additional argument in favor of building all our ships, wherever possible, at the navy-yards; for I am told that a ship is never put into commission until the final touches in her construction have been placed upon her at the New York yard.

The three great maritime powers of Europe furnish us with an instructive object lesson in the matter of government-built ships. A recent report issued by the Naval Intelligence Office shows that during the last ten years Great Britain built twenty battle ships in her navy-yards as against fifteen by contract. France divided equally her battle ships during that period between her navy-yards and the contractors, but twelve of her eighteen armored cruisers were built in the navy-yards. Germany alone of the three powers built the majority of her battle ships by contract.

It would be the height of folly for the Government not to build some of our ships at our navy-yards. To continue the policy of giving the contracts to private bidders would result in the discharge of the skilled staff of workmen and the placing of the shipbuilding of the country wholly in the hands of the shipbuilding trust.

I wish to say, also, Mr. Chairman, that I am in hearty sympathy with my distinguished friend from Alabama [Mr. HOBSON] in his efforts to secure an authorization at this session of Congress for four battle ships. It is understood that the President will shortly send a special message to Congress urging an increase in the number of battle ships reported by the committee from two to four. Naval experts are agreed that four battle ships of 20,000 tons each, carrying twelve 12-inch guns each, would be a practical match for the entire fleet of sixteen battle ships now engaged in practice work on the Pacific coast. All the great European powers, as well as Japan, are bending all their energies to the rapid construction of vessels of this class, and we can not afford to disregard their example. I am not in favor of using our Navy for aggressive purposes, but we do need it for defensive purposes, and that nation that is best able to defend itself is the one that will be last called upon for defense. I believe also that the American people favor a large Navy and that they will not begrudge the money that is intelligently spent in that direction.

Mr. Chairman, I now desire to pass as briefly as possible to another subject of great public interest: During the first week of the session I introduced a bill having for its purpose governmental control of the telegraph. Later I introduced another bill requiring telegraph companies to show on every message delivered by them the exact time at which it was accepted for transmission, as well as the exact time of its receipt at the point of destination. This is what the Government has been doing for many years on letters, and thus it can instantly be seen how many hours or days a letter has been in transit. The telegraph companies ought to observe like methods; for, under the system now in force, the person who receives a message has no knowledge whatever of the time consumed in transmitting and delivering it.

It was a matter of common notoriety during the recent strike of the telegraph operators that both the Western Union and the Postal companies received pay at the usual tariff rates for thou-

sands of telegrams that were sent to their destination by mail, such operations involving a delay of twenty-four and in many cases forty-eight hours, where, under ordinary circumstances, the telegrams ought to have been delivered within a few hours. This was a palpable fraud upon the public—the acceptance of money under false pretenses—and I believe that both companies could have been made to pay heavy damages had their action been called to the attention of the courts. Their purpose, of course, was obvious. It was intended to convince the public that, notwithstanding the strike, they were perfectly competent to handle the usual volume of business and thus to encourage the belief that the strike was a matter of no great moment to them, but merely a temporary embarrassment.

The bill requiring telegrams to show on their face the hour of acceptance and receipt at point of destination is now before the House Committee on Interstate and Foreign Commerce. I earnestly hope that before the close of this session the committee will favorably report it and the House be given an opportunity to vote upon it, for there is no public agency or great public utility that comes closer to the people than the electric telegraph, and whatever makes for its improvement makes also for the general good. This is my principal reason for introducing a bill to place the telegraph under Government control. Once it becomes a part of the machinery of Government, strikes will be a thing of the past. Consequently no such interruptions to business as occurred during the late strike of the telegraph operators, which continued for a period of three months, would occur again.

During the early days of that strike—for the first fortnight, I might say—the service of both the Western Union and the Postal companies were so badly crippled that telegrams were taken subject to delay, and these delays were frequently a day and even two days, where, as I have pointed out, dispatches were sent by mail. So embarrassing was the strike to those lines of business that are closely adjusted to the telegraph that a practical commercial paralysis existed, and for days the Chicago Board of Trade, to take a single instance within my own knowledge, vainly petitioned both companies for a speedy settlement with their operators in order that normal conditions might be restored and the immense volume of telegrams from that great exchange permitted to flow naturally again through the regular channels.

For it is not necessary to explain that practically all communications between boards of trade, chambers of commerce, cotton exchanges, and stock exchanges are sent by telegraph and are so related to this agency that a delay of ten or fifteen minutes often entails losses of thousands of dollars. Nor was this the only bad feature of the strike. Important dispatches of a purely social character, "death" messages, and the like shared the same fate to the great annoyance of the general public.

Now, that the telegraphers have demonstrated their strength (notwithstanding the strike proved a failure, owing to the precipitancy of the operators and an inefficient management), it is only a question of time before other strikes will occur in which the public, as usual, will be the main sufferer. This would not be the case if the Government operated the telegraph, for the simple reason that the operators would receive better pay and better treatment, and in return for this would give the Government a more cheerful and efficient service.

This phase of the question alone is a powerful argument for a Government telegraph, but there is the additional argument that the telegraph is a logical part of the postal service, and of the two by far the more important, inasmuch as the business of the country is not adjusted to the mails, but to the telegraph. If anyone doubts it, let him imagine for a moment what would happen if telegraphic communication between all points should be absolutely suspended for the brief period of even one week. This result, which is easily conceivable, would work such injury to commerce as could follow only an acute panic of many months' duration. And it will come with absolute certainty as soon as the operators can weld themselves into a compact organization embracing all members of the craft and under a wiser and more enlightened leadership.

Now, let us turn to some of the other advantages of a Government telegraph. In the mere matter of office rental there would be a saving of perhaps a million five hundred thousand dollars a year, inasmuch as the telegraph, being a part of the postal system, would be operated from the Federal buildings in which the post-offices are located. The greatest advantage, however, would be its freedom from bonded indebtedness and stock issues upon which the telegraph companies now pay dividends. Take, for example, the Western Union, which pays a 5 per cent dividend on one hundred millions of stock and 4½ per cent upon thirty-eight millions of bonds. It must earn for this purpose nearly $7,000,000 a year in excess of its sinking-fund requirements.

But this is not all. If it be estimated that the Western Union is paying an office rental of $1,500,000 a year in excess of what the Government would pay, it will be seen that a Government-controlled telegraph would save at least $8,000,000 a year that the Western Union Company must now earn over and above operating expenses and cost, also of maintenance and repair. And this vast sum, which is a practical tax upon the people, would be saved to them. To this sum also should be added the annual tax upon all their properties, imposed by many of the States, to say nothing of the cost of light and heat in their vast chain of offices, from Maine to California and from the Great Lakes to the Gulf, from all of which the Government would be exempt. In these circumstances the Government could reduce the telegraph tolls at least one-half between all points and pay its employees 20 if not 30 per cent in excess of what they are now receiving, and give at the same time a greatly improved service.

A Government-controlled telegraph would have, moreover, this advantage: It would be operated with entire secrecy, and the "leaks," now so common, would disappear. Operators and clerks would be subject to severe penalties in every proven breach of confidence.

With improved methods of transmission and with proper economy in constructing its lines the Government could duplicate the Western Union plant for a sum not exceeding $15,000,000. I know one system of rapid telegraphy that would require the minimum of wire service and which might be constructed for much less than the sum I have mentioned. This system is known as the "telepost," the invention of Mr. Patrick Delany, an electrical engineer of distinction, who served a long apprenticeship as an operator. By this system 1,000 words a minute can be sent over any circuit of reasonable length, say, from New York to Chicago, at a minimum price of 25 cents for 50 words.

A single wire operating between these cites would carry from 8 a. m. till midnight nearly 1,000,000 words. If the average telegram contains 25 words, including address and signature, it will be seen that one telepost wire would carry, within the limits of a commercial and a newspaper day, 40,000 messages. It is a safe assertion that the entire volume of business between New York and Chicago will not exceed, if it equals, these figures. To handle it would require twenty wires, duplexed, or forty if worked singly.

By the adoption of some such system of rapid telegraphy it will be seen that comparatively few wires would carry all the business between the large cities. To cover all towns and villages where post-offices are established would, of course, require greater expansion of wire service, but under any circumstances the plant would be less than one-fifth the size of the Western Union. The enormous saving thus effected, both in cost of construction and of subsequent maintenance, will be plain to any gentleman upon this floor. With no dividends to pay, with a tremendous saving in rental, fuel, and repairs, my contention that the tolls can be materially decreased and the employees better paid seems to be well supported. More than this, there will be, as I have pointed out, a greater efficiency of service and practically absolute secrecy.

So far I have confined myself to broad generalizations. Let me now cite one instance where a great industry, out of many that I could mention, would be signally benefited by a Government telegraph. I refer to the newspaper business, a business that educates our people to a proper conception of good citizenship and carries to the most obscure hamlet of our country the happenings of the day at home and abroad. Not only is the daily newspaper a welcome visitor in every household, but it has become a necessity to every intelligent person who desires to keep in touch with the world's doings. In this business hundreds of millions of dollars are invested, and anything that reduces its expenses or adds to its efficiency as a public educator ought to be encouraged, for in this way not alone the newspaper, but its readers will be benefited.

There are many newspapers in cities of 10,000 to 75,000 inhabitants that receive the service of the press associations, but which can not afford, or at least will not incur, the expense of supplementing these dispatches with a special service limited solely to matters of local interest or to the State in which they are published. I must admit, in all fairness, that the telegraph tolls for news dispatches are fairly reasonable—quite as reasonable as companies paying dividends on enormous quantities of watered stock can make. But a Government telegraph, operating a rapid automatic system, such as the telepost, could reduce rates to so low a cost that newspapers, even in cities of the third and fourth class, could afford a special telegraphic service from Washington, which is the source of more interest to the general public than all other cities combined.

It may be advanced as an argument against a Government

telegraph that it would add to the already large number of Federal employees an additional force of many thousand operators and clerks, and that all these people might be a menace to popular rights when controlled by a strong and corrupt Administration. Without discussing the absurdity of so remote a contingency as a powerful and corrupt Administration, it can only be said that under our present system of Federal appointments (outside of those requiring confirmation by the Senate), the telegraph employees, like those in the postal service and other branches of the Government, would be subject to the operations of the civil-service rules, and that they would represent every phase of political thought and every section of our common country. Such people could not be controlled, except in a purely administrative way, by any President or party. They would quickly be absorbed in the great army of Government workers and would be as powerless for harm as other men and women filling like places.

Mr. MUDD. Mr. Chairman, I apprehend the Chair has the decision before him. I can not just now put my hand on the decision upon this amendment when offered to the bill last year, but I know that this same question was ruled on last year and the ruling was in favor of its admission. I recollect very well that we had a vote on it and it carried in the Committee of the Whole House, but was lost in the House. It seems to me the amendment is clearly in order.

Mr. TALBOTT. Mr. Chairman, I did not think this portion of the bill would be reached so early and I have not had time to examine, but the gentleman from Ohio [Mr. SOUTHARD] last year offered two or three amendments having for their object the same as the gentleman's amendment now has. One or two of them were declared out of order, but finally the point of order was overruled as to the facts. We took a vote in the committee and the amendment was agreed to. Afterwards a vote was had in the House upon that amendment and it was defeated by one or two votes. I think the point of order, with the precedents before the Chair, ought to be overruled and that this amendment ought to be adopted on its merits.

Mr. LOUDENSLAGER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair is ready to rule. Last year three separate amendments were offered appertaining to the brass foundry, two of which were ruled out of order, and one of which was ruled in order. The present occupant of the Chair has examined with care all of the proceedings of the committee last year, the amendments which were offered and the rulings which were made. Without going into the subject any further the Chair sustains the point of order in conformity with the decision of last year.

Mr. CARY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RUSSELL of Texas. Mr. Chairman, I regret very much, but I shall have to object.

The CHAIRMAN. The gentleman from Texas objects.

The Clerk read as follows:

Navy-yard, Charleston, S. C.: Sewer system, extension, $5,000; heating system, extensions, $10,000; completing power plant, $70,000; slips for torpedo boats; $50,000; in all, navy-yard, Charleston, S. C., $135,000.

Mr. SPARKMAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the words dollars, line 12, page 33, insert the following paragraph:

"Navy-yard, Key West, Fla.: For yards and docks building, $18,000; for foundry, $60,000; grading and paving, $15,000; quarters for commandant, $15,000; central power plant, $25,000; administration building, $45,000; for torpedo depot at Fleming Key, $100,000; dispensary, $15,000; latrines, $5,000; tools and appliances for yards and docks, $3,000; in all, navy-yard, Key West, Fla., $361,000."

[Mr. SPARKMAN addressed the committee. See Appendix.]

The CHAIRMAN. The Chair is not called upon to rule upon that question at present, because that is not the form of the amendment. Does the gentleman from Illinois [Mr. Foss] insist upon the point of order?

Mr. FOSS. I do, Mr. Chairman; and in view of the recent decision of the Chairman on the question of a foundry at the navy-yard here at Washington, and understanding, as I do, that this amendment carries a provision in it for a foundry, I think it is clearly subject to the point of order.

Mr. SPARKMAN. I do not understand it is a new foundry, but to add to what foundry is already there.

Mr. FOSS. As I heard it read, I understood it carried with it a provision for a new building.

Mr. SPARKMAN. If the gentleman will pardon me a moment, I will read something——

Mr. FOSS. Mr. Chairman, I shall insist, however, upon the point of order, so far as that is concerned. I appreciate the interest which the gentleman has in the building up of the Key West Naval Station. It is in his district and in his State, and he is certainly to be commended in his desire to build it up; but if we allowed all of the estimates which are sent here by the naval officers stationed at these naval stations and navy-yards we would be appropriating here this year $45,000,000. Now, the committee has gone over this thing very carefully and made provision where they thought the greatest necessities exist, and for that reason I must say that, if the point of order should be overruled, I shall hope that the committee will vote down the amendment.

The gentleman, however, I want to say, has been most zealous in season and out of season, and has impressed the committee with the importance of Key West, so far as speech is able to do so; but in view of the situation, as I have said, we must necessarily cut down these estimates, otherwise the naval appropriation bill would amount to more than $200,000,000 instead of a little over $100,000,000. It seems to the committee that there is no other course to take.

The CHAIRMAN. The Chair is ready to rule. An amendment offered to an appropriation bill carrying an appropriation for an additional building which has been constructed within the limit of cost is usually sustained as carrying on a work in progress. The amendment offered by the gentleman from Florida provides on its face for a number of new buildings. There seems to be no authorization of law for the construction of those buildings. There is nothing to show in the amendment that the provisions are for additions to any building now existing. The Chair therefore sustains the point of order.

Mr. SPARKMAN. A parliamentary inquiry, Mr. Chairman. Do I understand the Chair to rule against the entire amendment because of some items in the amendment, while others are not open to objection?

The CHAIRMAN. Well, the Chair did not rule on all the items specifically, because it is not necessary. There were sufficient items in the face of the amendment to satisfy the Chair that it was subject to the point of order.

Mr. SPARKMAN. If the Chair rules against some of the items, while others were not open to objection, I would ask to strike out the objectionable items, and insist on the others.

The CHAIRMAN. The Chair is not inclined to hunt trouble in that way. The Chair rules upon amendments as they are presented.

Mr. SPARKMAN. I would like to ask unanimous consent to return to this section after a bit, in order that I may offer an amendment which will not be open to objection.

Mr. FOSS. I shall have to object to unanimous consent, inasmuch as the other side of this Chamber has frequently exercised that privilege.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. SPARKMAN. I hope there will be no objection to extending my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. FOSS. Do I understand that this is a request for unanimous consent to extend remarks in the RECORD? In view of the fact that gentlemen on the other side have objected to the extension of remarks I shall not object, if with that the gentleman will include the gentleman from Wisconsin [Mr. CARY], who desired to extend his remarks——

Mr. KELIHER. Include me.

Mr. FOSS (continuing). And the gentleman from California [Mr. MCKINLAY]——

The CHAIRMAN. The Chair understands the gentleman from Illinois to ask unanimous consent that the gentleman from Florida [Mr. SPARKMAN], the gentleman from Wisconsin [Mr. CARY], the gentleman from California [Mr. MCKINLAY], and the gentleman from Massachusetts [Mr. KELIHER], who have spoken in the committee, have leave to extend their remarks in the RECORD?

Mr. FOSS. Yes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and permission is granted. [Applause.]

The Clerk read, as follows

Naval Station, New Orleans, La.: Drainage system, to continue, $5,000; central heating plant, extension, $10,000; underground conduit system, $5,000; improvements to machine shop, building No. 4, $6,000; sewer system, extensions, $5,000; in all, navy-yard, New Orleans, $31,000.

Mr. SPARKMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 25, page 33, insert the following paragraph:

"Navy-yard, Key West, Fla.: For foundry, $60,000."

Mr. FOSS. I make the point of order against that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SPARKMAN. Will the gentleman withhold it, and let me read something to the committee?

Mr. FOSS. You can extend that in the RECORD.

Mr. SPARKMAN. I think, perhaps, you would not then have an objection.

Mr. FOSS. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Navy-yard, Puget Sound, Washington: Electric-light plant, extensions, $5,000; water system, extensions, $12,000; heating system, extensions, $6,000; stone and concrete dry dock, to continue (to cost $2,000,000), $100,000; sewer system, extensions, $3,000; telephone system, extensions, $3,000; railroad and equipment, extensions, $10,000; central power plant, extensions, $140,000; hard-wood lumber shed, $20,000; water-closet for ships in dock, $12,000; oil house, $30,000; dry kiln, $6,000; underground conduit system, $15,000; electric elevator and fittings, building No. 59, $8,000; foundry for all departments (to cost $175,000), $50,000; in all, navy-yard, Puget Sound, Washington, $420,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 24, line 16, strike out the words "hundred thousand" and insert the word "million."

Mr. HUMPHREY of Washington. Mr. Chairman, during the discussion on Saturday last the gentleman from Texas [Mr. GREGG] made a statement as to why the Atlantic fleet was not to remain on the Pacific Ocean. He said there was no need to have it remain there. He said its withdrawing showed that there was no danger of war with Japan or any other country upon the Pacific. Now, the real reason why the fleet is not to be kept upon the Pacific Ocean is because they have not a dry dock upon that ocean where the ships can be docked. To-day, with 8,000 miles of coast line upon the Pacific, we have just one dock that a battle ship can enter. This amendment proposes to appropriate $1,000,000 instead of $100,000. It does not increase the amount for the dry dock, but it does increase the appropriation for this session. The reason why that $1,000,000 is asked for now instead of $100,000 is this: The Secretary of the Navy says that if this much is made available, that if the bids for the construction of a dry dock are not satisfactory, the Government is in a position to build the dock itself.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. HUMPHREY of Washington. Yes, sir.

Mr. TAWNEY. Does the Secretary of the Navy claim that it is necessary to make the entire amount of $1,000,000 available in order to enable the Government to begin the construction of the dock in the event that it can not contract for it?

Mr. HUMPHREY of Washington. I will not say that it is absolutely necessary, but the Secretary of the Navy said they wanted $1,000,000 out of the $2,000,000, which the dock is to cost, made immediately available.

Mr. TAWNEY. And the Secretary of the Navy and the gentleman from Washington know that however much we appropriate now the Secretary of the Navy can go on with the construction of the dry dock under the authorization within the limit of cost fixed.

Mr. HUMPHREY of Washington. I know that that is true if you do it by contract.

Mr. TAWNEY. It is true also if the Government is doing the work.

Mr. HUMPHREY of Washington. How much work could you do in a year for a hundred thousand dollars?

Mr. TAWNEY. How much work will they be ready to do before the next appropriation is available?

Mr. HUMPHREY of Washington. They ought to be able to do at least half a million dollars' worth of work.

Mr. TAWNEY. It will take them a year to complete the plans.

Mr. HUMPHREY of Washington. They have been figuring on the plans for over two years, and they ought to have them ready, and if we do not expend more than a hundred thousand dollars a year it will be twenty years before that dock is completed; but the Secretary of the Navy has said that if Congress will allow him this money he will complete that dock inside of three years. Now, when the battle-ship fleet is over on the Pacific, they tell us that they can not keep it there because we have no dry docks, and when the battle-ship fleet comes back to the Atlantic, then they say we do not need dry docks because we have no battle ships there.

Every Member of this House who has given the matter any attention knows that the dock at Bremerton is needed worse than any other improvement in the entire country connected with the Navy Department, and as this amendment does not increase the amount asked, but simply makes it available, so that contractors will be compelled to give at least reasonable bids, a thing that the Navy Department claims they did not do before, I think the House ought to grant this million dollars, so that the Government can build the dock itself if the bids are unsatisfactory. The House may remember that the bids before were so high that the Navy Department could not construct a dock for the amount that had been appropriated.

Mr. ADAIR. Did the Secretary of the Navy appear before the committee and ask that this appropriation be made now, or does the Secretary of the Navy at this time think it ought to be done?

Mr. HUMPHREY of Washington. I know nothing about what he said before the committee, but two or three days ago in a conversation with the Secretary, he said the whole amount ought to be made available for the reasons I have stated.

Mr. ADAIR. But the gentleman does not know whether the Secretary had asked before the committee to have this amount made available?

Mr. HUMPHREY of Washington. No; I do not.

Mr. TAWNEY. The gentleman must be aware of the fact that when the Navy Department come before the committee, asking for authorization for doing a certain amount of work, they generally estimate the amount they can expend within the year, or until the next appropriation will become available. While I do not know what the Secretary of the Navy has done, I imagine that the Committee on Naval Affairs has done exactly what every other committee would do, and has given the Department what they estimate they can expend in the next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. I move to strike out the last word.

Mr. FOSS. I should like to shed a little light on the situation right now.

Mr. HUMPHREY of Washington. In whose time are you going to shed it? That is what I want to know. [Laughter.]

Mr. FOSS. I will do it in my own time if I am entitled to the floor.

The CHAIRMAN. The gentleman from Illinois is entitled to be recognized, and will be recognized in opposition to the amendment of the gentleman from Washington.

Mr. FOSS. I wish to say in the first place that we have recommended in this bill exactly, dollar for dollar, what the Secretary recommended in his estimates.

Mr. HUMPHREY of Washington. Will the gentleman allow me a question?

Mr. FOSS. Just a moment. Last year we appropriated $200,000 for this dock, and the year before we appropriated $100,000, when we first authorized it, so that, with the appropriation this year, they have gotten not only $100,000, but $400,000 in all for this dock, and it has not yet been contracted for.

Mr. TAWNEY. And that can be used during the coming year?

Mr. FOSS. That is available for this coming year. Now, I do not know where the gentleman from Washington got his information, but the Secretary of the Navy has never in any communication to the committee asked for one dollar more. That is all there is in that proposition.

Mr. HUMPHREY of Washington. The gentleman may recall that while we gave the Department the last time all they estimated for, they did not estimate for enough, and were unable to make a conract for the dock.

Mr. FOSS. The Secretary of the Navy knew that situation when he sent his estimates in to the committee.

Mr. JONES of Washington. I want to ask the gentleman whether there is any doubt, under the language of this bill, that the Secretary can enter into a contract for the full $2,000,000 for the cost of the dock?

Mr. FOSS. Undoubtedly he can. This is the same language that has been used time and time again in the matter of constructing dry docks.

Mr. TAWNEY. I suppose the original authorization gave the Secretary authority to construct this dry dock by contract.

Mr. JONES of Washington. I think not. I think the original authorization is in the same language as this; that it was to cost $1,250,000, and it is a question in my mind whether this would authorize the Secretary to go on.

Mr. FOSS. It is the same language that we have used to authorize every dry dock that we have built.

Mr. JONES of Washington. Then I suppose it will be all right.

Mr. HUMPHREY of Washington. How much did the gentleman from Illinois say was available?

Mr. FOSS. With this, $400,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 34, line 20, after the word "extensions," insert "to cost $280,000."

Mr. HUMPHREY of Washington. Mr. Chairman, they have appropriated $140,000, but I find in the hearings that Admiral Hollyday said that the power-plant extension he estimated would cost $280,000. I would like to ask the chairman of the committee whether this is to complete it or just to start it.

Mr. FOSS. To continue it and make the necessary extensions within the fiscal year.

Mr. JONES of Washington. I did not quite hear the gentleman.

Mr. FOSS. These power plants are extended more or less every year according as the necessities of the yard may require. This is to permit of the extension within the coming fiscal year. We have cut the estimate in two.

Mr. HUMPHREY of Washington. Then this is not to complete it?

Mr. FOSS. No; not to complete it.

Mr. MADDEN. The gentleman's amendment would limit it so that it could never cost beyond $280,000.

Mr. HUMPHREY of Washington. Mr. Chairman, I will withdraw the amendment and offer another.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. HUMPHREY of Washington. I now send the following amendment to the desk.

The Clerk read as follows:

Page 35, line 3, after the word "dollars," insert "administration building, $316,000."

Mr. FOSS. I make a point of order on that.

Mr. HUMPHREY of Washington. Will not the gentleman reserve it? I have not occupied very much time.

Mr. FOSS. I will reserve the point of order for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, it has been urged by those who are familiar with naval construction in naval yards of the country that there ought to be a consolidation of these buildings, and that economy ought to be practiced in these yards. A most astonishing and startling statement was read here yesterday by the gentleman from Connecticut [Mr. LILLEY].

Now, the Navy Department has said that the best place to commence this system that they are trying to inaugurate is in the navy-yard at Bremerton.

Admiral Hollyday said:

I would like to explain that; that is the keystone to the consolidation. At present the various department offices are located in shops, and they are scattered over the yard, and to carry out the consolidation, if you put up one building—an administration building—you would put all the offices in there, and release that other space for shop purposes—the blueprint rooms, drafting rooms, and so on—and it would save messenger service and bring all the business together; and that is the keystone, as I have said, to consolidating the plants. The Secretary is very much in favor of the consolidation. After looking over the thing, he said: "I think Bremerton is an ideal place to start, and if we can not do it anywhere else I would like to do as much as possible at Bremerton, and I have cut out everything that I could at other places.

It seems to me, on the recommendation of the Admiral, it is time to commence to consolidate the buildings and commence the system of economy in our yards, and this ought to begin at Bremerton, where the Secretary of the Navy says is the best place to economize, and run the yards on a business basis. This is not my statement—it comes from the Admiral and the Secretary of the Navy.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. HUMPHREY of Washington. Certainly.

Mr. CRUMPACKER. Does the gentleman believe that after we have made all the preparation for the consolidation we will be able to abolish any yard anywhere, under any circumstances, at any time?

Mr. HUMPHREY of Washington. I do not know, but if the yards are in the condition that the gentleman from Connecticut [Mr. LILLEY] said they were the other day, there are several that ought to be abolished. But whether we do or not, we think this consolidation ought to take place at Bremerton.

Mr. CRUMPACKER. I am rather skeptical about the abolition of any yard, and I would not be in favor of making much of an appropriation to get ready for that event with the very poor and uncertain prospects that are to-day before us.

Mr. HUMPHREY of Washington. The object of this appropriation would not be to abolish any yards, but it would be to make it so that you can operate this yard economically.

Mr. FOSS. Mr. Chairman, just a word. I want to say in reply to what the gentleman said, that it is possible to consolidate the working parts of these bureaus in the different yards without putting up an administration building in every Government navy-yard to cost $350,000. That is not necessary to consolidation by any means. So far as the Puget Sound Navy-Yard is concerned, I may say it has been better treated than any navy-yard in this bill, and the gentleman ought not to object at all to the consideration that the committee has given it.

The CHAIRMAN. The gentleman from Illinois makes the point of order on the amendment and the Chair sustains the point of order.

Mr. JONES of Washington. Mr. Chairman, I move to strike out the last word. I simply desire to call the attention of the committee to the Puget Sound Navy-Yard for just a moment or two. I have had occasion heretofore to call the attention of the committee to the good location of this yard and to the advantages that are found there, and while I agree that the committee has treated this yard well, and agree with the chairman that it is treated better than any other yard in the bill, I will also say that it is the best yard in the United States, and therefore deserves the best treatment. [Applause and laughter.] All the battle ships now going to the Pacific can anchor in its harbor without crowding and in perfect safety. They can sail in by their own steam, day or night, and if necessary can enter the dock by their own steam. Now, I want to put in the RECORD the testimony of Admiral Hollyday with reference to this yard. I am glad to say there never has yet been a word of criticism uttered on the floor of this House with reference to the Puget Sound Navy-Yard. Every Member of the House, every member of the Department, and every gentleman interested in this matter who has ever visited there, unites in the opinion that in its location and with the facilities with which vessels can reach it, and all that sort of thing, its location could not be better. Admiral Hollyday has added his testimony with reference to the yard, and I desire to put that in the RECORD. I read from the hearings:

Mr. THOMAS. We have visited most of these other navy-yards, but this navy-yard at Puget Sound I do not know anything about.

Admiral HOLLYDAY. To begin with, Puget Sound is a yard that the Government has never lost a dollar on. We have gotten more for our money there than we have anywhere else, and I do not think anybody criticises that yard. Everybody that goes there says its location is a fine one, and everybody seems to be in favor of it. It is certainly a fine yard.

Mr. SHERLEY. The gentleman does not mean the committee to understand that work is done in Puget Sound yards much cheaper than it is on the Atlantic coast?

Mr. JONES of Washington. Possibly not any cheaper, but you get more for every dollar you spend there than anywhere else.

Mr. SHERLEY. Is it not a fact that advocates of the Pacific coast have always asked for a 4 per cent differential for battle ships?

Mr. JONES of Washington. That is in favor of the building of battle ships, not in the dockage and taking care of them.

Mr. SHERLEY. Does the gentleman mean for an instant to contend that if that differential is justified in the building that there is not a differential in repairing?

Mr. JONES of Washington. I think not.

Mr. SHERLEY. The gentleman means to say to the committee that the work can be done as cheaply at the Puget Sound navy-yard as on the Atlantic coast?

Mr. JONES of Washington. I think possibly work can not be done as cheaply, but the main reason for the differential is that we do not get the material across the continent as cheaply, and, furthermore, I will say that that has nothing to do with this matter.

Mr. SHERLEY. No; except that when the gentleman is praising his yard over the rest of the country and trying to have a little more generous treatment than heretofore, he ought to be frank with the committee and state all the facts.

Mr. JONES of Washington. I am stating the facts and giving you the unbiased opinion of Admiral Hollyday, and if you will let us build there I think——

Mr. SHERLEY. Oh, if we were to let you do it, there would not be any more yards left.

Mr. JONES of Washington. No; and we would be a good deal better off in the country, I am inclined to think. I continue reading:

There is no question of water there; there is plenty of water and it is well located. It will have to have additional quay walls. The water front will have to be improved, and if we get the money to carry on this consolidation scheme we will build a foundry and a pattern shop and storehouses. We will improve the efficiency of the yard in that way * * *.

Mr. LILLEY. They want more buildings. It is the best place for a navy-yard on that coast. Probably we will get work done cheaper next year than we have been able to get it for a good many years in the past, and there will be a good many contractors and workmen looking for work, and I think we ought to go right on and spend all the money at Puget Sound and direct all our energies there and make that a first-class yard.

Admiral HOLLYDAY. That is a place you can put your money without making any mistake.

Mr. LILLEY. Do you not think we had better spend all the money at Puget Sound rather than at any other place on the coast and bring the navy-yard at Puget Sound to a high state of perfection, just as if the steel folks, if you please, were going to start a new plant? Instead of doing a little bit each year at some place, they would put all their money and energies in some place where they had a good location and where they could get the best results.

Admiral HOLLYDAY. You will have to do it.

Mr. Chairman, we should have a great navy-yard on the Pacific coast, the greatest in the United States, and it should be the Puget Sound yard. Build it up as rapidly as possible. Not a dollar will be wasted, and the larger the appropriations the better value will be returned and the more economy in its development.

Mr. Chairman, I now withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Naval station, Olongapo, P. I.: Toward the improvement and development of the naval station, Olongapo, P. I., $100,000. The Secretary of the Navy is hereby authorized to expend, without limitation as to quantities and unit prices, the various amounts appropriated by the act approved April 27, 1904, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes," for the naval station, Olongapo, P. I., for the respective improvements therein named.

Mr. JONES of Virginia. Mr. Chairman, I move to strike out the last word. I offer this amendment for the purpose of eliciting some information from the chairman of the Committee on Naval Affairs. It is my understanding that a joint Army and Navy board has decided that Cavite rather than Olongapo is the proper place for this naval station in the Phippine Islands, and I want to ask my friend, the chairman of the Naval Affairs Committee, if it be the purpose of his committee to have two naval stations on the island of Luzon, one at Olongapo and the other at Cavite. I also want to ask the gentleman if he will not explain what "various amounts" these are mentioned in this section to be expended at Olongapo, whether they are amounts that have for any reason been turned back into the Treasury, or if unexpended and still available, why they have not been expended?

I would like to have the gentleman answer in my time.

Mr. FOSS. I will say to the gentleman from Virginia that part of this is a reappropriation. When Mr. Moody was Secretary of the Navy he came before the committee and urged an appropriation of $100,000, but the appropriation was so worded that they have not been able to use it, as, for instance, here is the wording of part of the appropriation: "For building 1,750 feet of quay wall at $1.44 per foot." Now, Secretary Moody made that recommendation and it went into the bill and became a law. They have not been able to use that because the Comptroller has held that they can not spend the money unless they spend exactly $1.44 per foot for the building of the quay wall.

Mr. JONES of Virginia. That was at Olongapo.

Mr. FOSS. That was at Olongapo, and then this further appropriation of $100,000 was simply toward the improvement and development of the station. That is to say, we will have to remain in Olongapo at present anyway, whether we do permanently or not. We have a dry dock there which has during the last year docked some fifty vessels. There is no place in Manila Bay for that dock.

Mr. JONES of Virginia. That is the *Dewey?*

Mr. FOSS. That is the *Dewey.* That is, there is no place there that has been settled upon. We have a small naval station at Cavite, which was an old Spanish naval station, which we have taken and used at a comparatively small expense. That station we are using to-day, but we can not get within 2 miles of that station——

Mr. JONES of Virginia. I understand that.

Mr. FOSS (continuing). With our large ships on account of the shoal water.

Mr. JONES of Virginia. I understand that.

Mr. FOSS. And at the present time there is no place fixed or agreed upon anywhere in Manila Bay for that naval station. It is true that the last joint Army and Navy board recommended that the naval station be located somewhere in Manila Bay.

Mr. JONES of Virginia. Is it the idea of the gentleman that the selection of a suitable place for a naval station in the Philippines is still an open question?

Mr. FOSS. Before that time there were several joint Army and Navy boards which recommended that the naval station be located at Olongapo.

Mr. JONES of Virginia. I understand that.

Mr. FOSS. Three Secretaries of the Navy recommended that it be placed at Olongapo.

Mr. JONES of Virginia. But the gentleman has not answered my question; he is arguing the merits of the respective places, and I am asking the gentleman whether or not it is the purpose of the Committee on Naval Affairs to have two naval stations—one at Olongapo and one at Cavite?

Mr. FOSS. I am not saying what will be the ultimate purpose or ultimate policy; I am saying simply that we have made an appropriation in this bill for Olongapo for the coming fiscal year, and only so much as we believed to be necessary. We make a new appropriation of $100,000 and a reappropriation of $100,000, making in all $200,000. Now, whether we stay at Olongapo or whether we go eventually to Manila Bay this thing is certain, we must provide for the needs during the coming fiscal year.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. JONES of Virginia. Mr. Chairman, I withdraw that amendment, and I desire to offer another.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the gentleman from Virginia offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 35, lines 7 and 8, strike out the words "one hundred thousand dollars."

Mr. JONES of Virginia. Now, Mr. Chairman, I offer this amendment because the chairman of the Committee on Naval Affairs has candidly and frankly admitted that he was not prepared to say what the policy and purpose of the Government was in the Philippine Islands as to a naval station. He is not prepared to say whether or not the station is to be at Olongapo, in Subic Bay, or whether it is to be at Cavite, in Manila Bay. The gentleman admits that recently a joint Army and Navy board has recommended that this naval station shall be at Cavite; but he says that sometime in the past another board recommended that it should be at Olongapo, and therefore, in view of these two conflicting and entirely inconsistent recommendations, he is not prepared to say what the policy of the Government will be as to a naval station in the Philippine Islands.

Now, it must be apparent to the chairman of the committee, and to every Member of this House, that we do not need two great and vastly expensive naval stations on one island in the Philippine Archipelago located within 60 miles of each other, and it does seem to me, until Congress has definitely and finally decided where the naval station shall be, we ought not to go on year after year and Congress after Congress appropriating vast sums, first for one and then for the other of these places, and ofttimes for both of them. Such a course as this is wholly inexcusable and well-nigh idiotic. Now, on page 42 of this bill, seven pages further on, there are to be found still other appropriations for the station at Olongapo, and I doubt if anybody outside of the members of the Appropriations Committee and the Committee on Naval Affairs can tell how much money has been appropriated for a naval station at Olongapo and how much for one at Cavite within the past few years, notwithstanding that everybody admits that finally there is to be but one such station in the Philippines.

These appropriations have been carried in different appropriation bills—sometimes in the naval bill, sometimes in the fortifications bill, sometimes in the sundry civil bill, and sometimes in the general deficiency bill. These various appropriations have each been for considerable amounts—in the aggregate they have amounted to an immense sum. I am not the advocate of either Olongapo or Cavite. What I insist upon is that it is high time Congress is deciding where the Philippine naval station shall be located, high time that this throwing away of the public money be put an end to.

For one, I am opposed, in the face of the recommendations of the joint Army and Navy board, recently made—and which I understand are likely to be adopted as the permanent policy of

the Government—to expending $200,000 for the improvement and development of a naval station at Olongapo.

Mr. DRISCOLL. Will the gentleman yield to a question?

Mr. JONES of Virginia. I yield to just a question.

Mr. DRISCOLL. Now, I wanted to put two or three to the gentleman in succession.

Mr. JONES of Virginia. I did not hear the gentleman.

Mr. DRISCOLL. I was disposed to put about two questions in succession if I could. In the first place, I wish to ask the gentleman if it is not his opinion that at some time, and as near as possible, our Government should yield up its occupancy of the islands?

Mr. JONES of Virginia. Should do what?

Mr. DRISCOLL. Should surrender the occupancy of the islands.

Mr. JONES of Virginia. The gentleman knows full well what my position on that subject is.

Mr. DRISCOLL. Then we will pass that. Is the gentleman of the notion, if we do surrender the occupancy of the islands, we should obtain any place over there for a naval and commercial station?

Mr. JONES of Virginia. I will say to the gentleman very frankly that if I knew it to be the definite, settled policy of this Government to relinquish control over the islands, only reserving a naval station, I would advocate the retention of Subic Bay rather than Manila Bay. I say this frankly, for Manila is the very heart of the Philippines, and the retention of Cavite means, of course, the retention of the whole of Manila Bay. The retention of Manila would be the retention of the capital of the Philippines.

Mr. DRISCOLL. Furthermore, does not the gentleman think that we ought to retain a station over there somewhere for a naval and coaling station?

Mr. JONES of Virginia. As I have said, I am inclined to think we ought to retain a naval and coaling station there, but, as the gentleman knows, I am unalterably in favor of relinquishing the islands and granting the Philippine people their independence. But, Mr. Chairman, recently a joint Army and Navy board has decided that this navy-yard shall be at Cavite, and yet we are asked to appropriate $200,000 to be expended on one at Olongapo.

The chairman of the Committee on Naval Affairs is insisting that Congress appropriate large sums for a naval station at Olongapo, when the joint Army and Navy board has just decided that Cavite and not Olongapo is the place for the station. This, in my judgment, means the throwing away of this money; for, in my opinion, the naval station will eventually go to Cavite. The recommendations of this board will finally be adopted, notwithstanding that the Naval Committee would expend this money with a view to preventing such action.

Mr. DRISCOLL. Is the gentleman in favor of spending a large amount of money and establishing permanent improvements at Cavite in order that this Government may retain that place in case we surrender the balance of the islands?

Mr. JONES of Virginia. I certainly am not. I have frankly said to the gentleman that, if it be the purpose of our Government to relinquish control over the islands, whilst I should favor the retention of a naval and coaling station, I would not favor the retention of Manila Bay for that purpose. If the only choice lay between Subic Bay and Manila Bay, I would favor retaining the former, simply because the retention of Manila Bay is, in my judgment, utterly incompatible with the granting of independence to the Philippine people. We are now expending large sums of money at both places, and it is this to which I object. I would rather see money expended on neither than to see it expended on both.

Mr. DRISCOLL. Until that is done these appropriations are only for temporary repairs or improvements, to keep them up ordinarily well?

Mr. JONES of Virginia. I do not so understand, for the language of the section is: "Toward the improvement and development of a naval station." This, Mr. Chairman, is all I desire to say on the subject.

Mr. GAINES of West Virginia. May I ask the chairman of the committee how much was appropriated in the bill in 1904, to which reference is made in this section?

Mr. JONES of Virginia. One hundred thousand.

Mr. GAINES of West Virginia. It occurred to me that the propreity of appropriating $100,000 now might largely depend upon the amount that has already been appropriated for the same purpose.

Mr. JONES of Virginia. One hundred thousand dollars.

Mr. FOSS. One hundred thousand dollars.

Mr. ADAIR. How much has been spent?

Mr. FOSS. It has not been spent.

Mr. HOBSON. Mr. Chairman, I have been on duty in the Philippine Islands and was in charge of the department of construction and repair at the Cavite Navy-Yard, and while there took occasion to visit and carefully inspect the station, or at that time proposed station at Subic Bay. The physical condition of the two stations are so radically different that I believe when the gentleman from Virginia [Mr. JONES] understands what they are the light he is seeking will be sufficient.

Mr. JONES of Virginia. I will say to the gentleman I have seen both.

Mr. HOBSON. At the station at Cavite it is necessary for vessels of even moderate draft to anchor far out from the shore, and only small gunboats can come up to the navy-yard. There is no dock, and the small vessels have to be hauled out on a marine railway. Cavite is now, and from its physical condition must always remain, only a third-class station. Similarly for the rest of the bay. There is no place for a first-class naval station. The proposition is to transfer the dry dock *Dewey* to Manila Bay and practically dredge out a hole large enough to hold the dry dock and take on the vessels.

At Subic Bay, on the other hand, there is a magnificent harbor, ideal in many respects, with Isle Grande at the entrance, making it possible of perfect defense. Deep water carries right up to the shore line. There is no question at all in the minds of the Army men or the Navy men or any other men who have made investigations that Subic Bay is the only place physically adapted for an important first-class naval station. The difference only arises——

Mr. JONES of Virginia. I want to ask the gentleman if this joint board has not reported that it would require 100,000 men to defend it from the land side?

Mr. HOBSON. I am coming to that.

Mr. LOUD. Is there not now a plan at Olongapo that it would require an immense amount of dredging, something over a million dollars? I saw an item there two years ago for an enormous amount of dredging at that point.

Mr. HOBSON. For properly expanding the station there will ultimately be additional dredging in the upper part of the bay.

Mr. LOUD. Could not the same amount be expended in Manila Bay and have the ships go up to the station at Cavite?

Mr. HOBSON. The dredging in Manila Bay would have to be much more extensive and would have to be continuous on account of filling.

As to the point raised by the gentleman from Virginia, the whole question between these two harbors is simply one of defense.

We can not hold Subic Bay ten days against an enemy landing in force and approaching from the rear; we can hold Manila Bay ninety days. That is the difference. We desire to gain the ninety days, with the hope of relief, by the arrival of the fleet. The fact is, the only way to hold the islands at all is to control the sea. The leverage of distance is all against us. We have no transports to take troops required, and we have no considerable number of troops if we had the transports. We can not permanently defend Manila Bay or Subic Bay or any other bay or any of these islands except by control of the sea. At this juncture we only temporarily control the sea. That control will soon pass from us when our fleet is withdrawn. An army from Asia could land and take Subic Bay from the rear without any substantial resistance and then proceed further and take Manila City and Manila Bay. But the line would be drawn in toward the city, and the force now there, on the shorter line, could hold out about ninety days. The transfer from Subic Bay to Manila Bay can thus only be regarded as temporary. We have hurriedly put up navy guns to protect Subic Bay, because Army guns designed were not available. We have prepared mines and other defenses, but the transfer is not a permanent one.

No man having the choice would choose Manila for a permanent basis. We must simply use Manila and Cavite as an auxiliary station for small boats, and provide Olongapo with great docks and shops to take care of large vessels.

Mr. JONES of Virginia. Does the gentleman mean to say that is the recommendation of this joint board?

Mr. HOBSON. I am not saying what I am not authorized to say.

Mr. JONES of Virginia. The gentleman is saying what we are going to do. I want to know what his authority is, or whether it is his opinion.

Mr. HOBSON. I will, if you wish me, say that it is my opinion.

Mr. JONES of Virginia. Does the gentleman set up his opinion as against the recommendation of the joint board?

Mr. HOBSON. I will say this: I will ask the gentleman from Virginia if he means to say the joint board recommends the complete and permanent abandonment of Subic Bay.

Mr. JONES of Virginia. I understood that to be so.

Mr. HOBSON. Would the gentleman think that the Navy Department, represented as it is on the joint board, would come to the Naval Committee and ask for an appropriation for Subic Bay after such a decision?

Mr. JONES of Virginia. I understand that is the situation.

Mr. HOBSON. I simply submit it in this way. This amendment ought to fail. Subic Bay will be, and must be, ultimately our chief naval station. Whether we can defend it or not from the land, it is going to be the station. While we lack the permanent control of the sea it may not be wise to proceed on the ultimate programme, and it is doubtless a wise precaution to prepare as extensive a plant as practicable in Manila Bay, even to the dredging of a hole capable of taking the floating dock, yet we ought not to abandon the station we already have at Subic Bay, and the amendment ought to fail.

Mr. SHERLEY. Mr. Chairman, I am sure that the committee has listened with interest to the remarks of the gentleman from Alabama, because he is possessed of knowledge that is not possessed by the average Congressman; but to my mind the chief value of his speech lay not so much in that technical knowledge that he gave us the benefit of as it did in making clear that in voting for this appropriation we would be voting to make of Subic Bay a permanent naval base. There were those of us in the House who believed that that matter had been closed.

Certainly the fortifications committee had from the testimony brought before it reason to believe that Subic Bay was not to be made a naval base, but was to be abandoned as such. Certainly the action of this House as to whether the base should be at Cavite or at Subic Bay has clearly shown that it preferred Cavite. I for one am not willing to fortify two naval bases on the island of Luzon, nor am I so possessed with the fear of impending disaster either to the United States proper or to any of her possessions as to believe that we need to fortify with naval guns the land defenses of Subic Bay or to make that particular place into a naval base.

Mr. FOSS. May I interrupt the gentleman?

Mr. SHERLEY. Certainly.

Mr. FOSS. I should like to ask the gentleman if Subic Bay is not already fortified to some extent by the Army?

Mr. SHERLEY. It appears from what has come out unofficially, and not as the result of the action of Congress, that quite a little has been done there—how much I am unable to say, not being in the confidence of those who have the matter in charge.

Mr. FOSS. May I interrupt the gentleman again?

Mr. SHERLEY. Certainly.

Mr. FOSS. Did not the appropriation for fortifications last year, emanating from the gentleman's committee, carry an appropriation for the fortification of the Philippine Islands; and of that sum, was not a part used by the Army, not the Navy, for the fortification of Subic Bay?

Mr. SHERLEY. I will say that "the gentleman" was not a member of the subcommittee on fortifications at that time, and his knowledge was not as accurate of the previous bill as it is of this. It is true that certain moneys were recently expended for certain guns, looking not so much to the making of a naval base at Subic Bay as to their value in regard to the defenses of Manila and of Cavite, for now, after the Subic Bay project has been abandoned, we are told that the money expended there under a plan that looked to make of it a naval base has not been money wasted, because it has this advantage in regard to the defenses of Manila. But I will say that the testimony taken before the fortifications committee this year, not last year, was to the effect that Olongapo had been abandoned as a naval base, and that it was not contemplated to make a naval base there. Now, when this item came up for consideration through the questions of the gentleman from Virginia, the gentleman from Illinois [Mr. Foss] gave the impression that this was simply an appropriation for a temporary purpose, made necessary on account of the dry dock being there, and yet within the last moment he has taken the view of the gentleman from Alabama that it is in line with the policy of making Subic Bay a naval base. At least the committee ought to know which is so—whether the appropriation is for temporary purposes or whether it is looking to the permanent establishment of a naval base there—and I ask the gentleman now to answer.

Mr. FOSS. In reply to the gentleman from Kentucky, I would say that I see no way out of the proposition other than simply to maintain the naval base at Subic Bay for the present, at least——

Mr. SHERLEY. The gentleman has answered the question, and I am indebted. I wanted that information. The gentleman can further reply in his own time.

Mr. FOSS. Now, if the gentleman——

Mr. SHERLEY. Mr. Chairman, I must insist on having the balance of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. SHERLEY. I permitted the gentleman to give his answer. I asked him a question, and he answered that in his judgment it was necessary to make of Subic Bay a naval base. Now, an honest confession is good for the soul. I am glad that this discussion has brought out the committee's real attitude. I shall not attempt to put my knowledge against that of the experts of the House, but I state to the committee, what is within the knowledge of all Members here, that the last authoritative statement made by those of the Army and Navy charged with determining this question was in favor of making Cavite the naval base and not of making Olongapo the naval base. I do not believe we ought to reverse the findings of that joint board. I do not believe this appropriation ought to be carried. I certainly do not believe that an appropriation of $100,000 ought to be carried for Olongapo and an appropriation of only $50,000 carried for Cavite. That does not look like they propose to have this simply a temporary provision. The gentleman from Alabama has told you something about the depth of water. Those of us who went into the harbor of Olongapo saw a great area of ground.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SHERLEY. As I say, in the harbor of Olongapo we were shown a great area of ground where we were told by the naval authorities, and it is of record, that many many thousands of feet of dredging would have to be done in order to make that a proper naval base. The gentleman himself declares that it is not capable of being defended half so well as Cavite. He states that it could be held ten days as against ninety days in favor of Cavite, and then he takes occasion, properly from his view point, to speak of the necessity of having a fleet that shall control the seas without regard to fortifications on shore. But that question is not the one now before the committee. It is for the committee to determine whether it wants to reverse the action of Congress and again bring into prominence the agitation in favor of Olongapo.

Mr. DRISCOLL. May I ask the gentleman a question?

Mr. SHERLEY. Certainly.

Mr. DRISCOLL. I think the gentleman—I am not sure about it—but I had the notion that the gentleman from Kentucky was in favor of our Government——

Mr. SHERLEY. Oh, I see the line of the gentleman's argument, and I answer him in this way: I am not a prophet nor the son of a prophet. I do not intend to say whether we will ever leave the Philippines or not, but I do know, in my humble judgment, that we are justified in following the view of those who have knowledge in regard to which is the better place for a naval base, and they have decided in favor of Cavite. I acquiesce in their judgment. I do not know that, even if we gave up the Philippines, it would be necessary, as has been assumed, that we should have a naval base there, and I do not know that we will ever give them up. I am not dealing with that question; I am following the view taken by the joint board, and I want the committee to follow that view, and not to give new life to this project.

Mr. CRUMPACKER. Will the gentleman answer a question?

Mr. SHERLEY. I will yield to the gentleman.

Mr. CRUMPACKER. The gentleman from Kentucky is a member of the Committee on Appropriations and I understand is a member of the subcommittee that has charge of the fortification bill. The fortification bill reported a substantial appropriation for coast defense in the Philippine Islands, without specifying where the money should be expended, and then informed the House in Committee of the Whole House, that it had been settled that the naval base should be at Cavite. I believed that that matter had been finally settled. Now, if it is not settled, why did not the committee provide that the money should be expended for defense at Cavite? I am not in favor of this appropriation. I thought I was, but until this question is settled and we can expend the public money with some degree of intelligence, I am opposed to it.

Mr. SHERLEY. The gentleman knows that in appropriations carried in the fortification bill it has been the policy of those in charge of this legislation to designate the sums, but not to indicate the particular points or the particular character of the fortification on which the appropriations were to be expended. In my own judgment the secrecy that necessitates that is of no value. I do not think it would be material if you wrote out in detail your whole programme, so far as informing anybody else, because the information they desire they obtain anyhow, and it simply results in presenting a bill to Congress that does not carry to Members the information that it should. But it was the clear understanding, stated on the floor, stated in the hearings, that Olongapo had been abandoned as a naval base, and that it was contemplated by all branches of the service that Cavite was to be the naval base on the island of Luzon. With that clear understanding, I do not believe that this House is warranted in appropriating this sum of money on the meager statement that it may be necessary for present needs, and for that reason I have made these remarks.

Mr. HOBSON. May I ask the gentleman a question.

Mr. SHERLEY. Certainly.

Mr. HOBSON. Does the gentleman say that the appropriation of $100,000, enough to keep the equipment in good shape, is opposed by the general board?

Mr. SHERLEY. I can best answer the question by saying that from the gentleman's own remarks and from those made by the chairman of the Committee on Naval Affairs it is not simply a proposition looking to that for the current year, but a proposition looking to make a naval base at Subic Bay.

Mr. HOBSON. Does the gentleman regard the small appropriation made for Olongapo adequate to begin a great improvement like that of making it a naval base?

Mr. SHERLEY. I notice that the language permits it, and the gentleman has heard the old story of the camel and the tent. Now, I do not propose to let the whole camel inside the tent by letting in the head.

Mr. HOBSON. The gentleman has been to Cavite. I wish to ask him if he thinks it a reasonable proposition that that shoal water there is available for a great naval base under the circumstances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I have not the time or I would answer the gentleman.

Mr. FOSS. Mr. Chairman, I desire to call the attention of the gentleman from Kentucky [Mr. SHERLEY] to something which occurred in the Committee on Appropriations when the subject of fortifications was up for Subic Bay. General Crozier was on the stand. I read:

Mr. SHERLEY. General, before leaving this matter, what has heretofore been expended, if you know, looking to the fortification of Subic Bay, which is now to be abandoned?

General CROZIER. I can tell you that, sir. There has been provided for Subic Bay, still intending to go there, two 10-inch guns on disappearing carriages, four 6-inch guns on disappearing carriages, and eight 15-pounders and mounts.

Mr. SHERLEY. That is the expense growing out of the ordnance only?

General CROZIER. Yes.

Mr. SHERLEY. You have no direct knowledge of the other expenses?

General CROZIER. No. It would be only a guess. It differs so much at different places, that I would not like to guess. It depends on the engineering difficulties that they encounter in each particular locality. The cost for the armament which has been provided for Subic Bay and is going there is $260,800, and in addition two guns which we already have on hand, made some time ago, but which have not had to be specially appropriated for.

Mr. SHERLEY. In the absence of further provision for the fortification of Subic Bay, of what value would these guns that have already been ordered to go there be?

General CROZIER. They would prevent the enemy from going there and occupying it as a naval base, as a comfortable rendezvous for naval vessels; and they would require, in order that Subic Bay might be used for such purposes as that, that a landing force with some kind of artillery, siege artillery, should get ashore there and get up on the surrounding heights and make that place untenable. It would require that much of an effort before Subic Bay could be used as a base.

Now, Subic Bay has been fortified to some extent, and is being fortified probably to as great an extent as is necessary. Whether we have Subic Bay as a naval base or not, it is the testimony of our naval authorities that Subic Bay must be fortified.

Mr. SHERLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. I do.

Mr. SHERLEY. The gentleman does not mean to convey the impression that fortifications now at Subic Bay or those that are to be put there under existing appropriations are all that were contemplated if Subic Bay had been a naval base?

Mr. FOSS. No; I am simply stating that fortifications have already been put there to some extent.

Mr. SHERLEY. The gentleman will recall that I stated that fact, and the justification was that they would have some value in the defense of Cavite, and if the gentleman will read the hearings fully he will find that statement made.

Mr. FOSS. I did not understand the gentleman to say that any fortifications have been put up there.

Mr. SHERLEY. The gentleman did so state.

Mr. FOSS. The situation in regard to Subic Bay is this. When Mr. Moody was Secretary of the Navy, he came before the Committee and urged the establishment of a naval base at Subic Bay. He did it upon the opinion of the naval officers, who had made a careful investigation into different locations for a naval base in the Philippine Islands, and it was the opinion of our naval authorities at that time that Subic Bay was the most suitable place in the Philippine Islands for the establishment of a naval base. Congress at that time made an appropriation of some $850,000 for the establishment of a naval base at Subic Bay. Five hundred thousand dollars went into a coaling plant and the rest went into improvements at the naval station. We have been using there some of the equipment or buildings of the old Spanish naval station.

The Spaniards had been in the Philippine Islands for hundreds of years, and, in looking around for the most suitable place for a naval station, they had fixed upon Subic Bay. So we took what was left of the old naval station and have been getting on there in a very small way. We have made comparatively few appropriations for Subic Bay. In all they have amounted to about $2,750,000, but of that $1,250,000 has gone for a floating dry dock, which could be moved away. Of that $500,000 has been for a coaling plant.

Mr. LONGWORTH. Will the gentleman state at this time how much was estimated to be the total sum to make Subic Bay a naval base?

Mr. FOSS. There have been various amounts estimated from time to time. It depends entirely on how large a base you want. The first estimate that was made, some years ago, amounted to $20,000,000. That was the maximum. The committee paid no attention to these estimates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. Then another estimate was made of about $12,000,000 and submitted to the committee by the Navy board. Then Mr. Moody brought in an estimate of $8,000,000, at the time when he appeared before the committee urging the importance of this.

And then Admiral Dewey came along a little later and said:

Do not give us a great naval station there, but give us a little something.

He perhaps more than any man in the Navy recognized the great importance of Subic Bay. He expected to find the Spanish fleet there and he turned the prows of his ships into Subic Bay expecting they would be there, because he regarded, from the standpoint of naval strategy, that Subic Bay is the place for a naval station, and he believes it to-day as much as he ever believed it before. Now, we——

Mr. COCKS of New York. Mr. Chairman——

Mr. FOSS. I decline to be interrupted. Secretary Moody, as I said, appeared before the committee, and there were brought in these recommendations for the establishment of a naval base at Subic Bay. The joint Navy and Army board agreed to it unanimously. We have had three or four joint Army and Navy boards and they have all agreed upon that proposition. Four Secretaries of the Navy—Mr. Long, Mr. Moody, Mr. Morton, and Mr. Bonaparte—have recommended this station. Now comes along the joint Army and Naval board this year and tries to upset the whole proposition of the previous joint Army and Navy boards and the recommendations that have been made in previous years, and that comes before the committee practically after the bill has been drawn up. When the Secretary of the Navy was before the committee he did not know anything about this report of the joint Army and Navy board. Now, what is the report of the joint Army and Navy board? Let me read you just one paragraph, in which it states the whole situation. This is signed by George Dewey, Admiral of the Navy, senior member:

That as to the first named of these considerations—

Referring to the naval base—

JOINT BOARD,
Washington, January 31, 1908.

SIR: The joint board at its meeting of this date and at various meetings previously held took up the consideration of the question of the suitability of Subic Bay for a naval base, having regard to its capability for defense, by the United States forces which will be available, against attack from both the sea and land sides; and further, as to whether the naval base, with all its appurtenances, should not be located behind the fortifications of Manila Bay.

These questions were brought before the board by an order of the President, dated October 26, 1907.

After mature consideration of all features involved, the joint board unanimously adopted the following resolutions:

"I. That the proper defense of the Philippine Islands includes the fortification of the entrances of both Manila and Subic bays, such fortification being essential both to protect the armed forces of the United States and to prevent occupation by an enemy.

"II. That in order to sustain any policy of the United States in the Orient, a suitable naval base in the Philippines is essential; and that, in the selection of such a base, it is necessary to consider the adaptability of the site for purposes connected with the shelter, supply, and repair of a fleet and its capability of defense against attacks both from land and sea for such a period as may be necessary for the preparation and transfer of the battle fleet to Philippine waters from the most distant station at which it may be found at the outbreak of hostilities, probably the Atlantic coast of the United States.

"III. That, as to the first named of these considerations, Subic Bay is the most suitable port in the Philippines; as to the second, the Army has determined that the conditions surrounding Subic Bay are such that no land fortifications of any kind can be erected covering the bay which will enable the Army to hold it, with any such land force as Congress is at all liable to authorize for permanent maintenance in the Philippine Islands, against a serious land attack.

"IV. That the alternative is to locate the naval base in Manila Bay.

"V. That in the event of threatened hostilities involving the Philippine Islands before the establishment of a naval base in Manila Bay, all the military resources of the United States available in those islands should be devoted to the protection of the temporary naval base, wherever it may be."

Very respectfully,

GEORGE DEWEY,
Admiral of the Navy, Senior Member.

The honorable the SECRETARY OF THE NAVY.

Now, what are you going to do? I may say, ever since the naval authorities established our naval station at Subic Bay for some reason or other the Army has been opposed to it. They say they can not defend the naval base. Is there necessity for defense of it? Is there a navy-yard in our own country which is defended behind? Is this true of New York? Are there any fortifications behind it? If you regard the Filipinos as peaceful people and our base on peaceful territory, what is the necessity for the defense? Shall we defend against the Filipinos?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOSS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Who shall we defend it against; an invading force? Then they must get into the Philippine Islands some way behind this naval base and come up over the mountains. Where will they come from? Japan, China, or where? How will they get there if we have command of the sea; and this whole question of the protection and fortification of the Philippine Islands depends ultimately and fundamentally upon one proposition and that is, Who is to command the sea? Now, gentlemen, that is the situation. They say "go to Manila Bay." Will the joint Army and Navy board please point out any location in Manila Bay? Where is there a place in Manila Bay anywhere near the shore where we can locate this great floating dry dock which is now in Subic Bay and which takes 50 or 60 feet of water to locate it in. Take our station at Cavite. There was an old Spanish station on which we have spent perhaps $50,000 a year in repairs, not more than that to maintain it there, and yet you can not get within 2 miles of Cavite with a big battle ship; and not only that, but if you will look into the records of the Navy Department down here you will find it will cost at least $5,000,000 to dredge sufficiently deep to get a battle ship up to Cavite station. And when you go to Cavite station, what have you got? Only a few acres of land—21 in all—whereas at Olongapo you have a great naval reservation of 15 square miles or over.

At Cavite you have got only just a little narrow strip of land, and low land at that, to which you can not bring vessels to be repaired, except light vessels; and not only that, by reason of the fact that the entrance to Manila Bay is some 8 miles wide, whenever there is a storm there, a typhoon or monsoon, it sweeps in there and destroys the shipping unless it is behind a breakwater, and you can moor no dry dock there in any suitable place at the present time that would not be taken away from its moorings in one of those storms.

And so, as I say, if the Army and Navy board want the naval station at Manila Bay they must first point out the location. They must first find a place to put the dry dock. They have not done it yet, and until they do it we must appropriate in this bill for the maintenance of the naval base as it is to-day. Why? Because we have got to do business during the next year. Now, recommendations were made by the Secretary of the Navy for how much for Olongapo? Five hundred and fifty-five thousand dollars. Did the committee grant it? No. What did they grant? One hundred thousand dollars. And, in addition, a reappropriation of another appropriation that was made in Secretary Moody's time which had become unavailable by reason of the language of the appropriation, and they made that appropriation in such language as would make it available. So we have got $200,000 in this bill, a little more than a third less than what the Secretary of the Navy recommended, and that is the provision here. And I say to you it will take some time if we go to Manila Bay to find a suitable location, and it will take a longer time to dredge Manila Bay so that we can get our dry dock to the naval station; and it will take a longer time still before we will be ready to do the business, which we have been doing in a mild, economical way, at Subic Bay, where we have docked more than fifty vessels during the last year. Now, in view of that situation, what is this committee to do? Only one thing, and that is to provide for the needs and the necessities of coming years as we provided for them in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20471—the naval appropriation bill—and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 20310. An act relating to the liability of common carriers by railroad to their employees in certain cases.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17983. An act for completing the pediment of the House wing of the Capitol.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4780. An act to authorize the Secretary of War to make certain disposition of obsolete Springfield rifles, caliber .45, bayonets, and bayonet scabbards for same;

H. R. 18689. An act to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.; and

H. R. 18754. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

WITHDRAWAL OF PAPERS.

Mr. CALDER was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Frank E. Pierce, H. R. 12710, Sixtieth Congress, no adverse report having beeen made thereon.

Mr. KNOPF was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Duncan C. Milner, H. R. 19891, Sixtieth Congress, no adverse report having been made thereon.

LEAVES OF ABSENCE.

By unanimous consent leave of absence was granted to—

Mr. PATTERSON, for an indefinite period, on account of death in family.

Mr. GAINES of Tennessee, for two days, on account of sickness.

Mr. HAGGOTT, for a period of three weeks, in order to attend to important business matters.

EMPLOYERS' LIABILITY BILL.

Mr. STERLING. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. STERLING] asks unanimous consent for the present consideration of the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution No. 37.

Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill H. R. 20310, relating to the liability of common carriers by railroads, to their employees in certain cases, the enrolling clerk be directed to correct said bill by inserting in section 3,

after the word "railroad," in line 2, the words "under or by virtue of any of the provisions of this act," so that said section 3 will read as follows:

"SEC. 3. That in all actions hereafter brought against any such common carrier by railroad, under or by virtue of any of the provisions of this act, to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, that no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee."

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I will ask the gentleman from Illinois to yield a moment to me.

Mr. STERLING. I yield to the gentleman.

Mr. WILLIAMS. Mr. Speaker, I want to explain for the benefit of this side of the House, briefly, why I do not object to unanimous consent in this particular case. This is a clerical error which was made in the employers' liability bill. The employers' liability bill is one of the pieces of legislation upon the minority programme; and, of course, I will not object to any rate of speed, however great, which makes a law of it and puts it on the statute book. I withdraw the objection.

The SPEAKER. The Chair hears no objection.

The question was taken, and the resolution was agreed to.

VETO MESSAGE OF THE PRESIDENT.

The Speaker laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, House bill 15444, to extend the time for the construction of a dam across Rainy River.

This bill is returned for several reasons, some of which are general, others special. In this particular case permission to construct this dam was originally given, as being in Rainy Lake River, by the act of May 4, 1898 (30 Stat., 398), which limited the time for commencing the work to one year and for completing it to three years from that date. Further extensions of time were granted as follows: For commencement, three years, and for completion, five years from May 4, 1900, by the act of that date (31 Stat., 167); for construction until May 4, 1907, by the act of June 28, 1902 (32 Stat., 485); for completion until July 1, 1908, by the act of February 25, 1905 (33 Stat., 814). The act of 1905 substituted the Rainy River Improvement Company for the original permittee. All rights given by these acts will expire July 1, 1908, unless the dam is completed on or before that date. In other words, the permittees will then have enjoyed for more than ten years the exclusive privilege of constructing this work, and have apparently failed to take advantage of it, for this bill would extend the time for three years longer to some unnamed day in July, 1911.

I do not believe that natural resources should be granted and held in an undeveloped condition either for speculative or other reasons. So far as I am aware, there are no assurances that the grantees are in any better condition promptly and properly to utilize this opportunity than they were at the time of the original act, ten years ago.

In all permits of this character the duty of declaring a forfeiture, after notice and hearing, for failure to begin or complete construction within the time limited by the permit, or for other breach of conditions, should be definitely imposed upon the proper administrative officer (in this case the Secretary of War). There have been many unfortunate experiences resulting from conditional grants, which, though on their face apparently terminable for breach of condition, proved practically indeterminate because no one official was specifically given power to discover and declare the breach. The general statute regulating dams in navigable waters (act June 21, 1906, 34 Stat., 386), though representing an advance, yet leaves uncertain much that should be definitely expressed in each act permitting the construction of dams under this statute.

A definite time limit is one of these important omissions. The public must retain the control of the great waterways. It is essential that any permit to obstruct them for reasons and on conditions that seem good at the moment should be subject to revision when changed conditions demand. The right reserved by Congress to alter, amend, or repeal is based on this principle; but actual experience of what happens with indeterminate public-utility franchises proves that they are in the vast majority of cases practically perpetual. Each right should be issued to expire on a specified day without further legislative, administrative, or judicial action.

Every permit to construct a dam on a navigable stream should specifically recognize the right of the Government to fix a term for its duration and to impose such charge or charges as may be deemed necessary to protect the present and future interests of the United States in accordance with the act of June 21, 1906. There is sharp conflict of judgment as to whether this general act empowers the War Department to fix a charge and set a time limit. All grounds for such doubt should be removed henceforth by the insertion in every act granting such a permit of words adequate to show that a time limit and a charge to be paid to the Government are among the interests of the United States which should be protected through conditions and stipulations to be imposed either by the War Department, or, as I think would be preferable, by the Interior Department.

The provision for a charge is of vital importance. The navigability of every inland waterway, and of all connected or connectable inland waterways as a whole, should be improved for the purposes of interstate and foreign commerce upon a consistent unified plan by which each part should be made to help every other part. One means available for the improvement of navigation at a particular point on any river may be a dam creating a slack-water pool of sufficient depth. Such a dam may, in many cases, develop power of sufficient value to pay in whole or in part for the improvement of navigation at that point, and if there is any surplus it can be spent upon improvements at other points in accordance with the general plan. Since the Government can do by any proper agency what it can do directly it is in principle immaterial whether this income to construct needed improvements is derived from works constructed directly by the Government or by a corporation acting under Federal authority, since Federal authority is the one indispensable legal prerequisite for the work, though the charge to be paid to the Government for the power would of course differ in the two cases; indeed the charge would necessarily vary greatly, for where the improvement was both costly and of great benefit to the public, the charge would naturally be made low and the time limit long.

The income derivable from this source would materially aid in the complete improvement of our navigable waters, for which there is now such crying need. The Chief of Engineers of the Army reports that the bills pending at this session of Congress permit the construction of dams in navigable streams capable of developing over 1,300,000 horsepower. These rivers run every hour in the day and every day in the year. To develop this amount of power would, under average conditions, require about 25,000,000 tons of medium-quality coal every year. This natural wealth is the heritage of the people. I see no reason for giving it away, though there is every reason for not imposing conditions so burdensome as to prevent the utilization of the power. The authority to make, modify, or withhold grants manifestly implies both the power of inquiring into the grounds on which the grants are asked and the duty of administering the grants in the public interest.

We are now at the beginning of great development in water power. Its use through electrical transmission is entering more and more largely into every element of the daily life of the people. Already the evils of monopoly are becoming manifest; already the experience of the past shows the necessity of caution in making unrestricted grants of this great power.

The present policy pursued in making these grants is unwise in giving away the property of the people in the flowing waters to individuals or organizations practically unknown, and granting in perpetuity these valuable privileges in advance of the formulation of definite plans as to their use. In some cases the grantees apparently have little or no financial or other ability to utilize the gift, and have sought it merely because it could be had for the asking.

In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:

First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

Second. Such a grant of concession should be accompanied in the act making the grant by a provision expressly making it the duty of the designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured, or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

Fourth. There should be a license fee or charge which, though small or nominal at the outset, can in the future be adjusted so as to secure a control in the interest of the public.

Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 13, 1908.*

Mr. MANN. Mr. Speaker, I ask unanimous consent that the message and the bill be referred to the Committee on Interstate and Foreign Commerce.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Mississippi?

Mr. WILLIAMS. Reserving the right to object, I ask the gentleman to yield to me about three minutes.

Mr. MANN. I yield to the gentleman.

Mr. PAYNE. Of course that requires unanimous consent, which I suppose the gentleman asked for.

Mr. MANN. I can make a motion and then yield.

The SPEAKER. The Chair hears no objection.

Mr. WILLIAMS. Mr. Speaker, I reserved the right to object and the gentleman yielded to me.

Mr. Speaker, this is a veto message of a bill to permit a dam to be placed in a navigable stream. The President vetoes the bill upon the ground that the bill does not provide a time limit for the expiration of the very valuable privilege granted in the bill; and, secondly, because the bill does not reserve the right to the Government to fix a charge for the use of the power that is to be generated from the dam. The request is to permit the bill, with the message, to go to the Committee on Interstate and Foreign Commerce. I shall not make objection, because I hope that that committee will consider the measure very carefully and will either insert in this particular bill or in a general law a provision safeguarding the rights of the people in the resources of the country in matters of this sort, and put an end to the present careless and wasteful giving away for nothing of these very valuable privileges, some of which are worth half a million and others a million dollars, which Congress has given to private firms and corporations without a cent of compensation to the public and without any limitation upon the life of the franchise.

The SPEAKER. The Chair hears no objection, and the message and the bill are referred to the Committee on Interstate and Foreign Commerce.

DENYING ANARCHIST PUBLICATIONS THE USE OF THE MAILS.

The Speaker also laid before the House the following message from the President of the United States, which was read, and, with accompanying papers, referred to the Committee on the Post-Office and Post-Roads and ordered to be printed.

To the Senate and House of Representatives:

I herewith submit a letter from the Department of Justice which explains itself. Under this opinion, I hold that existing statutes give the President the power to prohibit the Postmaster-General from being used as an instrument in the commission of crime; that is, to prohibit the use of the mails for the advocacy of murder, arson, and treason; and I shall act upon such construction. Unquestionably, however, there should be further legislation by Congress in this matter. When compared with the suppression of anarchy, every other question sinks into insignificance. The anarchist is the enemy of humanity, the enemy of all mankind, and his is a deeper degree of criminality than any other. No immigrant is allowed to come to our shores if he is an anarchist; and no paper published here or abroad should be permitted circulation in this country if it propagates anarchistic opinions.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 9, 1908.*

ORDER OF BUSINESS.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. PAYNE. Mr. Speaker, pending that, I move that the House do now take a recess until the usual hour, 11.30 to-morrow morning.

The SPEAKER. The gentleman from New York moves that the House take a recess until 11.30 to-morrow morning.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes, 140; nays, 87.

Mr. WILLIAMS. Mr. Speaker, I respectfully demand tellers.

Mr. PAYNE. I make the point of order that the demand is dilatory, in view of the preponderating vote just taken.

The SPEAKER. The Chair will again rule that in the opinion of the Chair the point of order is well taken.

Mr. WILLIAMS. Mr. Speaker, one word upon the point of order, if the Chair will permit me.

Mr. PAYNE. I suppose the point of order is decided.

Mr. WILLIAMS. Just one sentence will make the Chair change his opinion. The proposition is to take a recess, and it is not yet 5 o'clock. I am opposing that; and the Chair has ruled out the proposition for taking tellers as dilatory, whereas by such a course of conduct the one I wish to defeat is dilatory.

If we should continue in session until 5 o'clock, which would be the result of my winning out after taking the vote by tellers, then we would expedite the public business. [Laughter and applause.] So that my motion goes exactly to the opposite.

The SPEAKER. Does the gentleman from Mississippi hold that the Chair could ask him, without violating his constitutional rights, whether the gentleman or any Member on his side would demand the yeas and nays after the tellers? [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I decline to have my statesmanship projected into the future by the suggestion of the Chair. [Laughter.] Mr. Speaker, I now demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 150, nays 95, answered "present" 8, not voting 134, as follows:

YEAS—150.

Alexander, N. Y.	Durey	Jones, Wash.	Nye
Allen	Ellis, Oreg.	Kahn	Olcott
Ames	Englebright	Keifer	Parker, S. Dak.
Anthony	Esch	Kennedy, Iowa	Parsons
Bartholdt	Fairchild	Kennedy, Ohio	Payne
Bates	Fassett	Kinkaid	Perkins
Bede	Fordney	Knapp	Porter
Birdsall	Foss	Knowland	Pray
Bonynge	Foster, Ind.	Küstermann	Reeder
Boutell	Foster, Vt.	Lafean	Reynolds
Boyd	Foulkrod	Landis	Scott
Burke	French	Langley	Sherwood
Burleigh	Fuller	Laning	Slemp
Burton, Del.	Gaines, W. Va.	Lawrence	Smith, Iowa
Burton, Ohio	Gardner, Mich.	Lilley	Smith, Mich.
Calder	Gardner, N. J.	Lindbergh	Sperry
Calderhead	Gillett	Longworth	Stafford
Campbell	Goebel	Loud	Steenerson
Capron	Graff	Loudenslager	Sterling
Cary	Greene	Lovering	Sturgiss
Caulfield	Hale	Lowden	Sulloway
Chaney	Hamilton, Mich.	McCall	Taylor, Ohio
Chapman	Haskins	McKinlay, Cal.	Thistlewood
Cocks, N. Y.	Haugen	McKinley, Ill.	Thomas, Ohio
Conner	Hawley	McLachlan, Cal.	Tirrell
Cooper, Wis.	Hayes	McLaughlin, Mich.	Townsend
Crumpacker	Henry, Conn.	Madden	Volstead
Currier	Higgins	Madison	Vreeland
Dalzell	Hill, Conn.	Mann	Waldo
Darragh	Hinshaw	Marshall	Wanger
Davidson	Holliday	Miller	Washburn
Davis, Minn.	Howell, N. J.	Moore, Pa.	Watson
Dawson	Howland	Morse	Weeks
Denby	Hubbard, Iowa	Mouser	Wood
Diekema	Hubbard, W. Va.	Mudd	Woodyard
Douglas	Huff	Murdock	Young
Draper	Humphrey, Wash.	Needham	
Driscoll	Jackson	Norris	

NAYS—95.

Adair	Ferris	Hitchcock	Ransdell, La.
Adamson	Finley	Hobson	Rauch
Aiken	Flood	Houston	Reid
Alexander, Mo.	Floyd	Hughes, N. J.	Richardson
Ansberry	Foster, Ill.	Hull, Tenn.	Robinson
Ashbrook	Fulton	Humphreys, Miss.	Rothermel
Beall, Tex.	Garner	Johnson, Ky.	Rucker
Bell, Ga.	Garrett	Jones, Va.	Russell, Mo.
Booher	Gill	Kelliher	Sabath
Bowers	Godwin	Kitchin, Claude	Sheppard
Brantley	Gordon	Lamar, Mo.	Sherley
Burgess	Granger	Lassiter	Sims
Burleson	Gregg	Legare	Smith, Mo.
Burnett	Griggs	Livingston	Smith, Tex.
Caldwell	Hackett	McLain	Sparkman
Carter	Hackney	Macon	Spight
Clark, Mo.	Hamilton, Iowa	Maynard	Stanley
Cooper, Tex.	Hamlin	Moore, Tex.	Thomas, N. C.
Cox, Ind.	Hammond	O'Connell	Tou Velle
Craig	Hardy	Padgett	Watkins
Cravens	Hay	Page	Willett
De Armond	Heflin	Peters	Williams
Denver	Helm	Rainey	Wilson, Pa.
Dixon	Henry, Tex.	Randell, Tex.	

ANSWERED "PRESENT"—8.

Bartlett, Ga.	Cousins	Goulden	Moon, Pa.
Bennet, N. Y.	Gilhams	Jenkins	Slayden

NOT VOTING—134.

Acheson	Edwards, Ga.	Knopf	Powers
Andrus	Edwards, Ky.	Lamar, Fla.	Pratt
Bannon	Ellerbe	Lamb	Prince
Barchfeld	Ellis, Mo.	Law	Pujo
Barclay	Favrot	Leake	Rhinock
Bartlett, Nev.	Fitzgerald	Lee	Riordan
Beale, Pa.	Focht	Lenahan	Roberts
Bennett, Ky.	Fornes	Lever	Rodenberg
Bingham	Fowler	Lewis	Russell, Tex.
Bradley	Gaines, Tenn.	Lindsay	Ryan
Brodhead	Gardner, Mass.	Littlefield	Saunders
Broussard	Gillespie	Lloyd	Shackleford
Brownlow	Glass	Lorimer	Sherman
Brumm	Goldfogle	McCreary	Small
Brundidge	Graham	McDermott	Smith, Cal.
Butler	Gronna	McGavin	Snapp
Byrd	Haggott	McGuire	Southwick
Candler	Hall	McHenry	Stephens, Tex.
Carlin	Hamill	McKinney	Stevens, Minn.
Clark, Fla.	Harding	McMillan	Sulzer
Clayton	Hardwick	McMorran	Talbott
Cockran	Harrison	Malby	Tawney
Cole	Hepburn	Mondell	Taylor, Ala.
Cook, Colo.	Hill, Miss.	Moon, Tenn.	Underwood
Cook, Pa.	Howard	Murphy	Wallace
Cooper, Pa.	Howell, Utah	Nelson	Webb
Coudrey	Hughes, W. Va.	Nicholls	Weems
Crawford	Hull, Iowa	Olmsted	Weisse
Cushman	James, Addison D.	Overstreet	Wheeler
Davenport	James, Ollie M.	Parker, N. J.	Wiley
Davey, La.	Johnson, S. C.	Patterson	Wilson, Ill.
Dawes	Kimball	Pearre	Wolf
Dunwell	Kipp	Pollard	
Dwight	Kitchin, Wm. W.	Pou	

So the motion to take a recess was agreed to.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. KNOPF with Mr. WEISSE.

Mr. BENNET of New York with Mr. FORNES.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

Until further notice:

Mr. ALEXANDER of New York with Mr. RYAN.

Mr. MCCREARY with Mr. SULZER.

Mr. WHEELER with Mr. DAVENPORT.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. COUSINS with Mr. HOWARD.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. POLLARD with Mr. LEVER.

Mr. BARCHFELD with Mr. LIVINGSTON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. MCMILLAN with Mr. LINDSAY.

Mr. COUDREY with Mr. EDWARDS of Georgia.

Mr. FOSTER of Vermont with Mr. POU.

For one week:

Mr. OVERSTREET with Mr. MOON of Tennessee.

Until Wednesday:

Mr. BROWNLOW with Mr. GAINES of Tennessee.

Until the 14th:

Mr. COOPER of Pennsylvania with Mr. KIPP.

For this day:

Mr. POWERS with Mr. PRATT.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. PRINCE with Mr. GLASS.

Mr. OLMSTED with Mr. TALBOTT.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. CUSHMAN with Mr. RUSSELL of Texas.

Mr. MUDD with Mr. WOLF.
Mr. SOUTHWICK with Mr. WEBB.
For this vote:
Mr. WEEMS with Mr. WILEY.
Mr. WILSON of Illinois with Mr. WALLACE.
Mr. TAWNEY with Mr. UNDERWOOD.
Mr. STEVENS of Minnesota with Mr. TAYLOR of Alabama.
Mr. SNAPP with Mr. STEPHENS of Texas.
Mr. SMITH of California with Mr. SMALL.
Mr. RODENBERG with Mr. SHACKLEFORD.
Mr. PEARRE with Mr. SAUNDERS.
Mr. NELSON with Mr. RHINOCK.
Mr. MOON of Pennsylvania with Mr. PUJO.
Mr. MALBY with Mr. NICHOLLS.
Mr. MCMORRAN with Mr. MURPHY.
Mr. MCGUIRE with Mr. MCHENRY.
Mr. MCGAVIN with Mr. MCDERMOTT.
Mr. LITTLEFIELD with Mr. LEWIS.
Mr. LAW with Mr. LENAHAN.
Mr. HUGHES of West Virginia with Mr. LEE.
Mr. HOWELL of Utah with Mr. LEAKE.
Mr. HEPBURN with Mr. LAMB.
Mr. HARDING with Mr. JOHNSON of South Carolina.
Mr. GRONNA with Mr. OLLIE M. JAMES.
Mr. GRAHAM with Mr. HILL of Mississippi.
Mr. GARDNER of Massachusetts with Mr. HARRISON.
Mr. FOWLER with Mr. HARDWICK.
Mr. FOCHT with Mr. HAMILL.
Mr. ELLIS of Missouri with Mr. GOLDFOGLE.
Mr. DWIGHT with Mr. GILLESPIE.
Mr. DUNWELL with Mr. FITZGERALD.
Mr. DAWES with Mr. FAYBOT.
Mr. COOK of Pennsylvania with Mr. ELLERBE.
Mr. COOPER of Pennsylvania with Mr. CRAWFORD.
Mr. COOK of Colorado with Mr. COCKRAN.
Mr. COLE with Mr. CLAYTON.
Mr. BRUMM with Mr. CARLIN.
Mr. BEALE of Pennsylvania with Mr. CANDLER.
Mr. BARCLAY with Mr. BYRD.
Mr. BANNON with Mr. BRUNDIDGE.
Mr. ANDRUS with Mr. BRODHEAD.
Mr. ACHESON with Mr. BARTLETT of Nevada.

The result of the vote was announced as above recorded.

Accordingly (at 4 o'clock and 43 minutes p. m.) the House took a recess until to-morrow at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Potomac River below Washington—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for alterations and repairs of the court-house and post-office in New York City—to the Committee on Appropriations and ordered to be printed.

A letter from the Attorney-General, transmitting a response to the inquiry of the House as to whether or not any proceedings have been taken to prosecute the International Paper Company or related corporations for alleged violations of Federal law—to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1574) to create the Calaveras Bigtree National Forest, and for other purposes, reported the same without amendment, accompanied by a report (No. 1426), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 6145) to refund to the Territory of Hawaii the amount expended in maintaining light-house service on its coasts from the time of the organization of the Territory until said light-house service was taken over by the Federal Government, reported the same without amendment, accompanied by a report (No. 1434), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOVERING, from the Committee on Coinage, Weights and Measures, to which was referred the bill of the House (H. R. 213) to establish an assay office at Salt Lake City, State of Utah, reported the same without amendment, accompanied by a report (No. 1435), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEEDHAM, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 3153) to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes, reported the same with amendments, accompanied by a report (No. 1439), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HACKNEY, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, reported the same without amendment, accompanied by a report (No. 1427), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16048) for the relief of the heirs of Cornplanter, alias John O'Bial, or Abeel, a Seneca Indian chief, reported the same with amendments, accompanied by a report (No. 1428), which said bill and report were referred to the Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 13950) for the relief of Charles A. Going, reported the same with amendments, accompanied by a report (No. 1429), which said bill and report were referred to the Private Calendar.

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 15603) for the relief of John W. Wood, reported the same without amendment, accompanied by a report (No. 1430), which said bill and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 19641) for the relief of the Wilmerding-Loewe Company, of San Francisco, Cal., reported the same without amendment, accompanied by a report (No. 1431), which said bill and report were referred to the Private Calendar.

Mr. FULTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 4562) for the relief of C. W. Reid and Sam Daube, reported the same without amendment, accompanied by a report (No. 1432), which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the Senate (S. 1751) to reimburse Anna B. Moore, late postmaster at Rhyolite, Nev., for money expended for clerical assistance, reported the same without amendment, accompanied by a report (No. 1433), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HOWELL of New Jersey: A bill (H. R. 20699) authorizing the Secretary of the Treasury to appoint commissioners to estimate damages done to planted oysters and oyster beds in Raritan Bay and adjoining waters in New York and New Jersey, and to make compensation therefor—to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 20700) providing for the disposition of town sites in connection with reclamation projects, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. RANSDELL of Louisiana: A bill (H. R. 20701) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width—to the Committee on Rivers and Harbors.

By Mr. CARY: A bill (H. R. 20702) granting pensions to masters of transports engaged in carrying troops and supplies for the Army of the United States—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 20703) for the purchase or erection of embassy, legation, and consular buildings—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 20704) to provide for the distribution of reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. COUDREY: A bill (H. R. 20705) to parole United States prisoners, and for other purposes—to the Committee on the Judiciary.

By Mr. VREELAND: A bill (H. R. 20706) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. HOBSON: A bill (H. R. 20707) to promote the cause of international arbitration—to the Committee on Foreign Affairs.

By Mr. ROTHERMEL: A bill (H. R. 20708) to establish a fish-cultural station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER: A bill (H. R. 20709) to regulate the interstate-commerce shipments of intoxicating liquors—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A bill (H. R. 20710) to insure suitable representation of the United States Congress at the general conferences and the council meetings of the Interparlimentary Union—to the Committee on Foreign Affairs.

By Mr. McGUIRE: A bill (H. R. 20735) conveying to the city of Perry certain land for a city library and other public buildings—to the Committee on the Public Lands.

By Mr. NELSON: Resolution (H. Res. 335) for the appointment of a committee of the House on parliamentary rules—to the Committee on Rules.

By Mr. LEE: Resolution (H. Res. 336) referring certain claims to the Court of Claims for finding of facts—to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 20711) granting a pension to Elizabeth Bean—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 20712) for the relief of the heirs and legal representatives of William Bishop, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20713) granting a pension to Clara W. Griego—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 20714) granting an increase of pension to John Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20715) granting an increase of pension to Ira Bennett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20716) granting an increase of pension to Charles W. Boland—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20717) granting an increase of pension to Constant Markel—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 20718) granting an increase of pension to Benjamin F. Gray—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 20719) for the relief of Mrs. S. F. Wilson, of Loudoun County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 20720) for the relief of the legal representatives of Robert L. Martin, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 20721) granting an increase of pension to Abraham Myers—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 20722) granting an increase of pension to Fletcher Hedges—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 20723) granting a pension to Margaret Talbut—to the Committee on Pensions.

Also, a bill (H. R. 20724) granting an increase of pension to Elijah H. Garner—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 20725) granting a pension to Anna G. Roth Baker—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 20726) granting an increase of pension to William F. Green—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 20727) for the relief of the heirs at law of Joseph Wilson, deceased—to the Committee on War Claims.

By Mr. HACKETT: A bill (H. R. 20728) to correct the military record of Jacob Madison Pruitt—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 20729) granting an increase of pension to Andrew W. Sponsler—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 20730) granting a pension to Summers V. Carney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20731) to remove the charge of desertion standing against J. T. Bandy—to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 20732) granting a pension to Mary Gembe—to the Committee on Invalid Pensions.

By Mr. LANDIS: A bill (H. R. 20733) granting a pension to Anna Levi—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20734) granting an increase of pension to James M. Newman—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 20736) granting an increase of pension to James P. Carlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20737) granting an increase of pension to Ira C. McClenthen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20738) granting an increase of pension to John M. Williams—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 20739) for the relief of heirs of Emmit Hicks, deceased—to the Committee on War Claims.

By Mr. McMILLAN: A bill (H. R. 20740) granting an increase of pension to Perry Knickerbocker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20741) granting an increase of pension to Adam Hepp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20742) granting a pension to Ruth E. Dietz—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 20743) for the relief of Mrs. Charles F. Kulicke—to the Committee on Claims.

By Mr. NYE: A bill (H. R. 20744) granting an increase of pension to James H. Ege—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 20745) granting an increase of pension to Joseph Delamar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20746) granting an increase of pension to Richard H. Williams—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 20747) for the relief of the heirs of Miles Knowlton—to the Committee on War Claims.

Also, a bill (H. R. 20748) granting an increase of pension to John J. Cooper—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 20749) granting a pension to H. B. Massey—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 20750) granting an increase of pension to Joseph F. Mendenhall, sr.—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20751) granting an increase of pension to Edmund Kendall—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 20752) granting an increase of pension to John A. Shultz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20753) granting an increase of pension to Riley S. Hartwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20754) granting a pension to Elijah Taylor—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 20755) granting an increase of pension to John Akerman—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 20756) granting a pension to Johanna Steinborn—to the Committee on Pensions.

Also, a bill (H. R. 20757) granting an increase of pension to Edward A. O'Connor—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 20758) granting an increase of pension to James O. Ackerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20759) granting an increase of pension to Sear S. Johnson—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 20760) granting an increase of pension to Fannie S. Livers—to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 20761) for the relief of George H. Witten—to the Committee on War Claims.

Also, a bill (H. R. 20762) for the relief of William H. Dotson—to the Committee on War Claims.

Also, a bill (H. R. 20763) for the relief of Peter Daniel—to the Committee on War Claims.

Also, a bill (H. R. 20764) for the relief of Joseph Nickell—to the Committee on War Claims.

Also, a bill (H. R. 20765) for the relief of the legal representatives of J. M. Fidler and Thomas O. Marrs—to the Committee on War Claims.

Also, a bill (H. R. 20766) for the relief of the legal representatives of J. M. Fidler—to the Committee on War Claims.

Also, a bill (H. R. 20767) for the relief of the legal representatives of Mary Phillips—to the Committee on War Claims.

Also, a bill (H. R. 20768) for the relief of the legal representatives of James M. Bullock—to the Committee on War Claims.

Also, a bill (H. R. 20769) for the relief of the heirs of William O'Bryant—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 20770) granting an increase of pension to Daniel F. Smith—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Carenovia Grange, of South Wales, N. Y., for H. R. 15837 highways bill)—referred to the Committee on Agriculture.

By Mr. ANSBERRY: Petition of Kansas City Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Central Federated Union, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. ASHBROOK: Paper to accompany bill for relief of Alice Ramey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Ulysses G. Sanger—to the Committee on Pensions.

Also, petition of Baltimore Clearing House, against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Kansas City Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Petition of Local Lodge No. 12, International Brotherhood of Locomotive Firemen, of Madison, Me., against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BURTON of Delaware: Petition of Center Grange, Patrons of Husbandry, of Wilmington, Del., asking for passage of H. R. 15837, to create a national highways commission—to the Committee on Agriculture.

By Mr. CALDER: Petition of Clearing House Association of Banks of Philadelphia, for elimination of sections 8 and 11 of the Aldrich currency bill, for reference of the currency question to a committee of representative financiers—to the Committee on Banking and Currency.

Also, petition of Kansas City Clearing House, against Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Congress of Knights of Labor, against placing wood pulp on the free list—to the Committee on Ways and Means.

Also, petition of P. S. Callahan, Charles J. Hamilton, and many other labor representatives of Brooklyn, N. Y., favoring legislation excluding labor from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Central Federated Union, favoring battleship building in navy-yards—to the Committee on Naval Affairs.

By Mr. CAPRON: Petitions of churches and organizations in the State of Rhode Island, favoring prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Joseph R. Curtis and William B. Douglas—to the Committee on Invalid Pensions.

Also, petitions of Society of the Friendly Sons of St. Patrick of Providence, R. I.; Wolfe Tone Literary Association; citizens of Woonsocket, R. I., and members of Company C, Third Regiment of Irish Volunteers, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

By Mr. CARY: Petition of Racine Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Fourth Branch of the Polish Young Men's Alliance, favoring the Bates resolution of sympathy for the Poles in Prussia—to the Committee on Foreign Affairs.

By Mr. CHANEY: Petition of Thomas H. Howard, D. H. Spanhower, and others, of Bloomfield, Ind., favoring the Sherwood bill to retire certain soldiers at $1 per day—to the Committee on Invalid Pensions.

Also, petition of Thomas H. Howard and D. H. Spanhawer, of Bloomfield, Ind., favoring passage of the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Paper to accompany bill for relief of Fletcher Hedges—to the Committee on Invalid Pensions.

Also, petition of jewelers in city of Pittsburg, Pa., favoring the Vreeland bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Congress of Knights of Labor, of New York, against removal of tariff on pulp paper—to the Committee on Ways and Means.

Also, petition of Pittsburg Clearing House Association, against present emergency currency legislation—to the Committee on Banking and Currency.

By Mr. DRAPER: Petition of Salem Union Grange, of Salem, Washington County, N. Y., favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

Also, petitions of Union Veteran Legion, Encampment No. 51, and citizens of Fort Wayne, for appropriation of $200,000 for an armory on site of fort built by Gen. Anthony Wayne—to the Committee on Appropriations.

Also, petition of Chamber of Commerce of City of Richmond, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Association for Protection of the Adirondacks, favoring H. R. 10457 (for forest reservations in White Mountains and Southern Appalachian Mountains)—to the Committee on Agriculture.

By Mr. DUREY: Petition of many citizens of Saratoga County, N. Y., for H. R. 15262—to the Committee on Banking and Currency.

By Mr. ELLIS of Oregon: Petition of county central committee of the Antisaloon League, of Wasco, Oreg., in favor of Sims bill—to the Committee on the District of Columbia.

Also, petition of citizens of Elgin, Oreg., in opposition to Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petitions of Kansas City Clearing House and Racine (Wis.) Clearing House Association, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Central Federated Union, for battle-ship construction in navy-yards—to the Committee on Naval Affairs.

Also, petition of Local No. 85, Coopers Institute Union of North America, of La Crosse, Wis., against prohibition legislation—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: Petition of Philadelphia Clearing House Association, for a commission to investigate banking and currency conditions—to the Committee on Banking and Currency.

Also, petition of Columbia Damen Club, of Chicago, favoring the Beveridge-Parsons child-labor bill—to the Committee on Labor.

Also, petition of Peoria (Ill.) Clearing House Association, against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Sandoval (Ill.) local association of Federation of Labor, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Petition of P. Holland, for the Fuller bill (H. R. 19250) for a volunteer officer's retired list—to the Committee on Military Affairs.

Also, petition of Rockford Morning Star, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Ononogo Circle Mining Company, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Retail Merchants' Association, for repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. GAINES of Tennessee: Papers to accompany House bill granting an increase of pension to William F. Green—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Petition of Business League of St. Paul, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. HUFF: Petition of citizens of Butler County, Pa., for a national highways commission and Federal aid in construction of public highways—to the Committee on Agriculture.

Also, petition of Central Federated Union, favoring battleship building in navy-yards—to the Committee on Naval Affairs.

By Mr. HUMPHREY of Washington: Petition of T. R. Ellwood and other citizens of Washington, for a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of Clearing House Association of the banks of Philadelphia, for reference of the whole question of currency reform to a commission of representative business men and financiers—to the Committee on Banking and Currency.

Also, petition of Kansas City Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of board of education of New York City, favoring H. R. 20012, for establishment of marine schools—to the Committee on Naval Affairs.

Also, petition of Central Federated Union, favoring battleship building in the navy-yards—to the Committee on Naval Affairs.

Also, petition of Charles Endres and James J. Duffy, for legislation to exclude labor from the provisions of the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of Chicago City Council, favoring H. R. 15123 and 15267 and S. 4395, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of many representative citizens of New York, against the atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

By Mr. McLAIN: Papers to accompany House bill for relief of estate of Emmit Hicks, of Clairborne County, Miss.—to the Committee on War Claims.

By Mr. McMILLAN: Petition of Lindenwold Grange, No. 985, for a highways commission and Federal aid in building roads—to the Committee on Agriculture.

By Mr. MALBY: Petition of De Kalb Junction (N. Y.) Grange, No. 1120, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. MOUSER: Petition for the creation of a national highways commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of New York and vicinity for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. MOON of Tennessee: Petition of Chattanooga (Tenn.) Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. NORRIS: Petition of Omaha Clearing House Association, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. NYE: Petition of Twin City Foundry Men's Association, against the anti-injunction and eight-hour bills—to the Committee on the Judiciary.

Also, petition of Minneapolis City Lodge, No. 63, against restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Indianapolis Hebrew congregation, against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of George T. Wilson—to the Committee on War Claims.

By Mr. RAINEY: Petition of Columbia Damen Club, of Chicago, asking for enactment of child-labor law—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of Clearing House Association of Banks of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Columbia Damen Club, of Chicago, favoring the Beveridge-Parsons bill, preventing employment of children in factories and mines—to the Committee on Labor.

Also, petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R. 14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Clearing House Association of the Banks of Philadelphia, favoring reference of the entire currency question to a commission of representative business men—to the Committee on Banking and Currency.

By Mr. SMITH of Michigan: Petition of Ramnald Piatkowski, in behalf of Polish citizens of Detroit, Mich., for the Bates resolution, relative to expropriation act of Prussia—to the Committee on Foreign Affairs.

By Mr. SPERRY: Petition of the Interstate Builders, Contractors, and Dealers' Association and citizens from New Haven, Hartford, New Britain, Ansonia, Derby, Shelton, Waterbury, Guilford, and Georgetown, all in the State of Connecticut, against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, resolution of Templars of Honor and Temperance of Connecticut, favoring the Littlefield bill—to the Committee on the Judiciary.

Also, resolution of the Emmet Club, of New Haven, Conn., against the treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, resolution of Division No. 1, Ancient Order of Hibernians, of Naugatuck, Conn., against the treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of Business League of St. Paul, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. WILSON of Pennsylvania: Petition of Edgar R. Kiess and other residents of Lycoming, Pa., for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. WEISSE: Petition of Union Veterans' Legion, Encampment No. 51, of Fort Wayne, Ind., praying for a monument to Gen. Anthony Wayne—to the Committee on the Library.

Also, petition of Chamber of Commerce of city of Richmond, Va., opposing passage of Aldrich bill and in favor of Fowler bill—to the Committee on Banking and Currency.

SENATE.

TUESDAY, *April 14, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

SWISS EMBROIDERY AND LACE INDUSTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on the Swiss embroidery and lace industry, together with additional reports from consular officers in other countries on the manufacture of embroidery and lace, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ACTION OF NEW YORK CITY BANKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 18, 1908, copies of all letters and telegrams received by the Secretary of the Treasury and the Treasurer of the United States relative to the refusal of the national banks in New York City to furnish currency for the needs of interior banks, which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution to correct an error in the enrollment of the bill (H. R. 20310) relating to the liability of common carriers by railroads to their employees in certain cases, by inserting in section 3, line 2, after the word "railroad," the words "under or by virtue of any of the provisions of this act," in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill H. R. 17983, an act for completing the pediment of the House wing of the Capitol, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Ministerial Association of Lafayette, Ind., praying for the passage of the so-called "Acheson bill," to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented memorials of the Clearing House Association of Indianapolis, Ind.; of the Business League of St. Paul, Minn.; of the Minnesota Clearing House Association; of the Banks of Minneapolis and St. Paul, Minn., and of the Clearing House Association of Racine, Wis., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Trades and Labor Assembly of Belleville, Ill., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Wilmerding, Pa.; of the Irish Benevolent Society of St. Paul, Minn.; of Division No. 1, Ancient Order of Hibernians, of Danbury, Conn.; of the United Irish Societies of Yonkers, N. Y.; of the Robert Emmet Association, of Cohoes, N. Y., and of the Thomas Davis Club, of New York, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. PLATT presented a petition of the Chamber of Commerce, of Rochester, N. Y., praying for the enactment of legislation to conserve the natural resources of the United States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of William Schofield, of Brooklyn, N. Y., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 20, Stereotypers and Electrotypers' Union, of Binghamton, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of the Robert Emmet Association, of Cohoes; the Thomas Davis Club, of New York City, and of John J. Lucey and M. F. Vealy, of New York City, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Merchants' Association of New York, remonstrating against the passage of the so-called "Crumpacker census bill," to provide for the appointment of additional clerks for the taking of the Thirteenth and subsequent censuses without competitive examination, which was referred to the Committee on the Census.

Mr. SMITH of Michigan presented a petition of the Bay County Bar Association, of Michigan, praying for the enactment of legislation providing for the creation of an additional United States district court in that State, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented the memorial of John Dale and other citizens of Omaha, Nebr., remonstrating against the oppression practiced by the Russian Government upon citizens of that Empire, which was referred to the Committee on Foreign Relations.

Mr. NIXON presented a memorial of the Grattan Club, of Goldfield, Nev., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURROWS presented a petition of Local Grange No. 1306, Patrons of Husbandry, of Thompsonville, Mich., praying for the enactment of legislation providing for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Century Club, of Charlotte, Mich., praying for the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks in the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of Randall Post, No. 238, Grand Army of the Republic, Department of Michigan, of Coopersville, Mich., praying for the enactment of legislation granting pensions to prisoners of war, which was referred to the Committee on Pensions.

He also presented a petition of the Trades Council of Albion, Mich., praying for the passage of the so-called "McHenry bill," providing for the creation of a Bureau of Mines, which was referred to the Committee on Mines and Mining.

He also presented a memorial of Detroit Lodges Nos. 82 and 505, International Association of Machinists, of Detroit, Mich., and a memorial of sundry citizens of Edwardsburg, Mich., remonstrating against the passage of the so-called "Penrose bill," amending the postal laws respecting second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Marquette, Mich., and a petition of the Michigan State Pharmaceutical Association, of Ann Arbor, Mich., praying for the adoption of an amendment to the so-called "Sherman antitrust law," which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 279, Patrons of Husbandry, of Onsted, Mich., and a petition of the Congregation of the Free-Will Baptist Church, of Onsted, Mich., praying for the restoration of the motto "In God we trust" on all coins of the United States, which were referred to the Committee on Finance.

He also presented petitions of sundry Grand Army posts of Breckenridge, Kalkaska, Morley, Carson City, Pentwater, Vassar, Albion, Marshall, Perrinton, Coldwater, Charlotte, and Battle Creek, all in the State of Michigan, praying for the passage of the so-called "Sherwood pension bill" granting more liberal rates of pensions, which were referred to the Committee on Pensions.

He also presented a memorial of Detroit Post, No. 384, Department of Michigan, Grand Army of the Republic, of Detroit, Mich., and a memorial of C. Colegrove Post, No. 166, Department of Michigan, Grand Army of the Republic, of Marshall, Mich., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Roscommon, Romulus, Coleman, Scottville, Pentwater, Moscow, Cadillac, Adrian, Tawas City, Berrien Center, Britton, Stanton, Davisburg, Madison, Flint, Wallen, Thompsonville, Welden, and Sandusky, all in the State of Michigan, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Kalamazoo, Mich., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STONE presented memorials of sundry citizens of St. Louis, St. Joseph, Reno, Nevada, Kansas City, Hamilton, Ash Grove, St. Charles, Pineville, Lewistown, Washburn, McDowell, Rockville, Taneyville, Monteer, Creighton, and Vernon, Barry, Holt, Jackson, Gasconade, Morgan, Marion, and Bates counties, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Local Union No. 5, International Bricklayers Union, of St. Joseph, of Local Union No. 8, International Typographical Union of St. Louis, and of Local Union No. 18, International Brotherhood of Bookbinders, of St. Louis, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of the Clearing House Association of Kansas City, of the national banks of St. Louis, and of the executive committee of the Business Men's League, of St. Louis, all in the State of Missouri, remonstrating against the passage of the so-called "Aldrich currency bill," and praying for the appointment of a currency commission, which were ordered to lie on the table.

He also presented a petition of the Cycling Club of St. Louis, Mo., praying that an appropriation be made for the improvement of the national highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Central Labor Union of Rich Hill, Mo., and a petition of Local Union No. 1224, United Mine Workers of America, of Rich Hill, Mo., praying for the enactment of legislation providing for relief incident to accidents in coal mines, which were referred to the Committee on Mines and Mining.

He also presented a petition of Deer Lake Lodge, No. 17, International Association of Machinists, of Springfield, Mo., praying for the enactment of legislation providing for the con-

struction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Missouri Bankers' Association, of Sedalia, Mo., praying for the enactment of legislation providing for uniform bills of lading, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Westminster Presbyterian Church, of St. Joseph, Mo., praying for the enactment of legislation to prohibit the importation and sale of opium in the United States and the insular possessions, which was referred to the Committee on Finance.

He also presented a petition of Lafayette Union, No. 45, Brotherhood of Locomotive Firemen and Engineers, of De Soto, Mo., and a petition of the Trades and Labor Assembly of Hannibal, Mo., praying for the adoption of certain amendments to the so-called "Sherman anti-trust law" relative to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Lumbermen's Club, of St. Louis, Mo., praying for the enactment of legislation fixing the term of office of the President of the United States at six years and making him ineligible for reelection, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pride of the West Lodge, No. 8, Brotherhood of Locomotive Firemen and Engineers, of De Soto, Mo., praying for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-dumping and self-cleaning ash pans, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of Local Union No. 152, International Typographical Union, of Manchester, N. H., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Appalachian Mountain Club, of Boston, Mass., remonstrating against the enactment of legislation to amend the present law providing for the control and regulation of the waters of Niagara River and for the preservation of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Association of Masters, Mates, and Pilots, of Baltimore, Md., praying for the enactment of legislation authorizing the Secretary of War to cause a survey to be made of the harbor at Portsmouth, N. H., with a view to building a dam to slack the current and cause still water, which was referred to the Committee on Commerce.

He also preented the petition of B. G. Rapp, of Washington, D. C., praying for the enactment of legislation to amend the Code of Law for the District of Columbia with regard to the receipt of usurious interest, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Illinois and Colorado, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BURKETT presented a petition of sundry citizens of Omaha, Nebr., praying for the enactment of legislation to readjust the pay of soldiers of the civil war on a gold basis, which was referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of Local Union No. 152, International Typographical Union, of Manchester, N. H., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Appalachian Mountain Club, of Boston, Mass., remonstrating against the enactment of legislation to amend the present law providing for the control and regulation of the waters of Niagara River and for the preservation of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Farmers' Institute, of Sedgwick, Kans., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Lindenwald Grange, No. 985, Patrons of Husbandry, of Kinderhook, N. Y., and of De Kalb Junction Grange, No. 1120, Patrons of Husbandry, of De Kalb Junction, N. Y., praying for the enactment of legislation providing for the establishment of a rural parcels post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Lake Seamen's Union, of Brooklyn, N. Y., remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes relating to the complement of the crews of vessels, which was ordered to lie on the table.

He also presented a memorial of the Knights of Labor, of the State of New York, remonstrating against any proposed changes being made in the tariff schedules which will remove the protection now afforded the products of American industry against the competition of foreign labor, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Business Men's Association, of Auburn, N. Y., expressing their appreciation of the results attained at the Second Hague Peace Conference, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Chamber of Commerce, of Rochester, N. Y., approving the calling by the President of a conference to consider the conservations of the natural resources of the United States, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Chamber of Commerce of Rochester, N. Y., and a memorial of the Clearing-House Association of Rochester, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

He also presented petitions of the Longshoremen's Independent Political Union of the port of New York; of Bricklayers' Union, No. 37, of New York City; of the Lake Seamen's Union of Buffalo; of sundry citizens of Schenectady, and of the Irish societies of Yonkers, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

SECOND HAGUE PEACE CONFERENCE.

Mr. LODGE. I present a paper prepared by David Jayne Hill, d'Estournelles de Constant, and James Brown Scott, members of the Second Hague Peace Conference, relating to the proceedings of that conference. I move that it be printed as a document.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 6179) for the relief of Mary Sherman McCallum, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska, reported it without amendment and submitted a report (No. 504) thereon.

He also, from the same committee, to whom were referred the following bills, submitted an adverse report (No. 506) thereon, which was agreed to, and the bills were postponed indefinitely:

A bill (S. 2564) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands;

A bill (S. 2708) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands;

A bill (S. 4850) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes; and

A bill (S. 4854) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes, reported it without amendment and submitted a report (No. 507) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 508), accompanied by a bill (S. 6625) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors,

which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 949. Frank Kasshafer, alias Frank Snyder.
S. 982. Charles Duggan.
S. 1533. Timothy Covell.
S. 1538. Sarah Pennock.
S. 2222. John M. Burk.
S. 2297. Simon G. Cutting.
S. 2312. William B. Scott.
S. 2503. William T. Smith.
S. 3246. Thomas Moore.
S. 3320. Sarah A. Creed.
S. 3529. Winifred Flynn.
S. 3909. John H. Stover.
S. 3910. Thomas Heimbach.
S. 4003. George G. Sherlock.
S. 4061. John F. Young.
S. 4232. Addison Baker.
S. 4264. Charles L. Morrison.
S. 4297. Martin B. Wilson.
S. 4450. Laura W. Russell.
S. 4604. Stephen D. Taber.
S. 4605. John L. Smith.
S. 4606. George T. Miller.
S. 4979. Thomas B. Lewis.
S. 5607. William A. Reilly.
S. 5683. Thomas A. Skrivan.
S. 5980. Joseph C. Lambert.
S. 5981. Elijah Johnson.
S. 6002. Alfred O. Smith.
S. 6009. John H. Carter.
S. 6053. Jefferson Wood.
S. 6081. Silas L. Ashley.
S. 6128. Lucy E. Gregory.
S. 6158. Joseph S. Works.
S. 6180. James Shaahan.
S. 6182. Corter J. Brazee.
S. 6183. Charles H. Goss.
S. 6186. Royal E. Dake.
S. 6202. William S. McCormish.
S. 6292. Cynthia A. Lapham.
S. 6307. James Wilson.
S. 6322. Andrew H. Yeazell.
S. 6352. Daniel Champlin.
S. 6366. Solomon Holsey.
S. 6374. Jud Morrow.
S. 6396. Charles E. Bowman.
S. 6407. Toor Anderson.
S. 6412. Hiram E. Turner.

Mr. GUGGENHEIM, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburg, Pa. (Report No. 509); and

A bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio (Report No. 510).

He also, from the same committee, to whom was referred the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company, reported it with amendments and submitted a report (No. 511) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the bill (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal., reported it without amendment and submitted a report (No. 512) thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4242) providing for the erection of a public building at the city of Everett, in the State of Washington, reported it with amendments and submitted a report (No. 513) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 6458) to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana, reported it without amendment and submitted a report (No. 514) thereon.

Mr. PILES. I report back favorably, without amendment, from the Committee on Commerce, the bill (S. 6539) to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the district of Alaska, and I submit a report (No. 515) thereon. On behalf of the Senator from Nevada [Mr. NEWLANDS] I ask for the present consideration of the bill.

Mr. SCOTT. I ask that it may go over.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. PILES. From the Committee on Commerce, I report back favorably without amendment the bill (S. 6540) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the district of Alaska, and I submit a report (No. 516) thereon. On behalf of the Senator from Nevada [Mr. NEWLANDS] I ask for the present consideration of the bill.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

PLEASANT M. CRAIGMILES, DECEASED.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 4770) for the relief of the legal representatives of Pleasant M. Craigmiles, deceased, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 4770) for the relief of the legal representatives of Pleasant M. Craigmiles, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

FUNERAL EXPENSES OF THE LATE SENATOR WHYTE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted yesterday by Mr. RAYNER, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate the expenses incurred for Senators and officers of the Senate in attending the funeral of the late Senator William Pinkney Whyte, of Maryland, on March 19, 1908, including floral offering furnished.

PUBLIC LANDS IN WYOMING.

Mr. CLARK of Wyoming. I report back favorably, with amendments, from the Committee on Public Lands, the joint resolution (S. R. 66) providing for additional lands for Wyoming under the provisions of the Carey Act, and I submit a report (No. 505) thereon. I call the attention of my colleague to the joint resolution.

Mr. WARREN. The joint resolution is a short one, it concerns a local matter, and it is important that it should be passed at an early time. I ask for its present consideration.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. I should like to call the attention of the Senator from Wyoming to the fact that the joint resolution which we passed February 22 has been reported favorably from the committee, amended in the House, including the lands called for in this joint resolution. I think, probably, the Senator's attention has not been called to it.

Mr. WARREN. My attention had been called to it, but it has not yet passed the House, nor has the Wyoming portion ever passed the Senate, and I desire that this joint resolution shall now pass the Senate to strengthen the matter the Senator has called my attention to as pending on the House side in the way of an amendment.

Mr. NELSON. I would call the Senator's attention to the fact that an amendment is necessary in the joint resolution because of the striking out of the preamble.

Mr. WARREN. The amendments are about to be read now.

The VICE-PRESIDENT. The Secretary will read the amendments of the committee.

The SECRETARY. On page 2, line 1, strike out the words "to be subject to the terms of said acts" and insert in lieu—

and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto.

Mr. BACON. I wish to suggest to the Senator from Wyoming that it is impossible for us to act intelligently upon this amendment unless we know something about the substantive proposition. I do not wish to unduly delay the proceeding, but if there is a report I would be glad to have it read. If not, I think the Senator, as it seems to be a matter which concerns a very large interest, should inform the Senate substantially what the purpose is.

Mr. WARREN. It is a matter that I assumed every Senator was duly acquainted with. It simply extends a law already existing so as to cover another million acres that may be re-

claimed under provisions of the existing laws. The amendment is simply to conform the reservations and stipulations of the original act and the supplementary act. If the Senator wishes to have the joint resolution go over I do not wish to press it.

Mr. BACON. No; I do not wish it to go over, but the Senator says that he supposes all Senators are familiar with the matter. Senators who live in the public-land States are naturally more familiar with legislation in regard thereto than those of us who do not. At the same time it is our purpose and our wish to vote intelligently.

Mr. WARREN. May I say to the Senator in short——

Mr. CLARK of Wyoming. Will the Senator from Georgia allow me a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the senior Senator from Wyoming?

Mr. BACON. I do.

Mr. CLARK of Wyoming. I desire to say to the Senator from Georgia that, anticipating his inquiry and knowing that many Senators have not had their attention called to some of the parts of the various land acts, there is included in the report upon this particular joint resolution, which in itself is very short, a full synopsis of the act and the operations under it, together with a reprint of the law itself and the regulations of the General Land Office with relation thereto. I think the Senator will find that it is one of the most beneficial of all the acts we have ever passed.

Mr. BACON. I understand the Senator to say that the report is short.

Mr. CLARK of Wyoming. No; I say the joint resolution is very short. The report is very long, so as to inform the Senate generally of the operation of the law.

Mr. BACON. If other Senators understand it, I would not myself wish to stand in the way, but if other Senators have as little information on it as I have they are not in a position to vote upon it intelligently.

Mr. CLARK of Wyoming. We will be glad to give the Senator any detailed information on any particular feature.

Mr. BACON. I simply asked that the Senator's colleague should state the purpose, in brief, of the proposed legislation, in the absence of the reading of a long report.

Mr. WARREN. Mr. President, I will take just a moment.

Some years ago, in order to initiate the irrigation of arid lands, a million acres of the public domain was placed at the disposal of each of the arid-land States under the conditions that if the State granted to individuals or corporations the right to build reservoirs and ditches to reclaim such lands, then there might be settlers by authority of the State, settling as homesteaders upon the public land, paying nothing to the United States, but settling with the States and with those who brought on the water for the reclamation of the land.

It then required legislation on the part of the several States. Such legislation was had. For some years the matter moved slowly, but later on the lands were taken up, and in some States the supply of lands has been exhausted. We have already provided additional lands for Idaho in a similar joint resolution. Wyoming has exhausted so much of the million acres that pending applications will not only exhaust the remainder, but call for a portion of this proposed additional million acres.

This million acres belongs to the United States, and remains as it is until the State as such shall apply for certain tracts, backed up with maps and full directions and full information as to the reclamation of the land, so that the land only goes from the United States through the States to settlers after the water has been taken on the land and distributed.

The joint resolution merely adds another million acres, as has been done for Idaho, and under the same terms that every arid-land State has enjoyed as to the original million acres.

Mr. BACON. I will simply ask this question of the Senator.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I yield. I am through.

Mr. BACON. The only effect of the joint resolution is to apply a different method by which settlers may get land. Am I correct in that?

Mr. WARREN. It is not different from what has preceded it.

Mr. BACON. I understand that.

Mr. WARREN. But it is to add another million acres to the bank account, if I may so call it, of the State to be drawn upon accordingly as settlers and reclaimers will present their claims.

Mr. BACON. But the land goes to the settlers and not to the State? That is the point I am after.

Mr. WARREN. Yes; eventually.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Public Lands.

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "acts," to insert a comma, and also, after the word "acts," to strike out the words "to purchase."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee striking out the preamble.

The amendment was agreed to.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6627) granting an increase of pension to Thomas Hooper (with an accompanying paper); and

A bill (S. 6628) granting an increase of pension to Charles H. Millis.

Mr. CULLOM introduced a bill (S. 6629) granting an increase of pension to J. J. Funkhouser, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6630) granting an increase of pension to James K. P. Simpson, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6631) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. FLINT introduced a bill (S. 6632) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. McCUMBER introduced a bill (S. 6633) granting an increase of pension to William W. Barton, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 6634) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 6635) for the relief of heirs of C. H. Hicks, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DIXON introduced a bill (S. 6636) for the relief of Bull Snake and Old Coyote, Crow Indians, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 6637) granting a pension to Marcelina Jerusha Cox, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6638) for the relief of the Lutheran Church of the Ascension, of Savannah, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 6639) granting an increase of pension to Bartola Canova, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 6640) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width, which was read twice by its title and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing that after June 30, 1908, all clerks and draftsmen and classified civil-service employees whose compensation is based on a monthly or yearly rate, employed at United States arsenals, shall be granted thirty working days' leave of absence in each year, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that after June 30, 1908, all clerks and draftsmen and classified civil-service employees whose compensation is based on a monthly or yearly rate, employed at United States arsenals, shall be granted thirty working days' leave of absence in each year, etc., in-

tended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate $29,000 for the construction of a trunk sewer in the subdivision of North Columbia Heights, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate $50,000 to enable the Secretary of War to erect in the United States National Cemetery at Mexico City, Mexico, a suitable monument to the memory of the United States soldiers who fought in the war with Mexico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 to aid in the erection and completion of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the Colonial troops and Indians October 10, 1774, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CRANE submitted an amendment proposing to appropriate $7,500 to complete the grading of Girard street, South Brookland, from Fourteenth street to Brentwood road, and macadamize Girard street, South Brookland, from Twelfth street to Brentwood road, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $15,000 for the erection of a building for use of the Weather Bureau and for all necessary labor, materials and expenses, plans and specifications, etc., at the Minnesota State Agricultural College and Experimental Station, at St. Anthony Park, Minn., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. PERKINS submitted an amendment providing that the pay and allowances, except forage and mileage, which shall be governed by existing law, of all officers of the Navy and the Marine Corps shall be the same as the pay and allowances of officers of corresponding rank in the Army, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

SITES FOR PUBLIC BUILDINGS.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. McCREARY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

REGULATION OF LIQUOR TRAFFIC.

Mr. BACON. I submit a substitute which is intended to be proposed by myself in behalf of the minority of the Judiciary Committee to the bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors, reported by the Judiciary Committee as a substitute for Senate bill 5151 and other bills to regulate interstate commerce in intoxicating liquors. As it relates to a matter of considerable interest, I ask that the proposed substitute may be printed in the RECORD without now being read.

The VICE-PRESIDENT. Without objection it is so ordered.

The proposed substitute is as follows:

Substitute intended to be proposed by Mr. BACON, representing a minority of the Judiciary Committee, to the bill reported by the Judiciary Committee as a substitute for Senate bill 5151 and other bills to regulate interstate commerce in intoxicating liquors.

"Be it enacted, etc., That whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall, by being transported from one State or Territory or District into another State or Territory or District, or from a foreign country into any State or Territory or District, become a part of interstate or foreign commerce, said liquors are for all the purposes of this act hereby constituted a special class in such commerce subject to the regulatory powers of Congress, and are hereby declared to be, upon arrival at the place of consignment, within the borders of said State or Territory or District, and before delivery to the consignee or other person claiming any title or interest in the same, subject in all particulars and to the fullest extent to the police powers of such State or Territory or District, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise: *Provided,* That nothing in this act shall authorize any interruption of or interference with, by any State or Territory or District or its authority, the transportation of such merchandise from without such State or Territory or District to the place of consignment within such State or Territory or District: *And provided further,* That it shall be unlawful for any railroad company, express company, or other common carrier, or other carrier engaged in foreign or interstate commerce to deliver or offer to deliver to any person any of such liquors at any other point than the point of consignment, or to unnecessarily and unduly arrest the transportation of such liquors at any other point than the point of consignment, with the intent either directly or indirectly to violate the provisions of this act.

"SEC. 2. That whenever any spirituous, vinous, malt, and intoxicating liquors of any kind shall be or become a part of foreign or interstate commerce, it shall be unlawful for any railroad company, express company, or other carrier, or any officer, employee, or agent thereof, engaged in or in connection with the transportation of such liquors of any kind from one State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, when such liquors are consigned to any point within a State or Territory or District where by the law of said State or Territory or District the sale of such liquors is prohibited, or restricted, to collect, either directly or indirectly, on or before or after delivery from the consignor or consignee, or from any other person, the purchase price or any part thereof of such liquors; and it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, in any manner, directly or indirectly, to act as the agent of the consignor or consignee, or of the buyer or seller of such liquors, for the purpose in any manner or degree of buying or selling the same, saving only in the actual transportation and delivery of the same and to the extent as provided in this act, subject in all cases to the full exercise of the police powers of the State or Territory or District into which such liquors are transported.

"SEC. 3. That it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, to accept for transportation, or to transport from any State or Territory or District into any other State or Territory or District, or from any foreign country into any State or Territory or District, spirituous, vinous, malt, or intoxicating liquors consigned to any fictitious person or to any fictitious name, or without consignment to some person, or after having so accepted or transported any such liquors consigned to any fictitious person or fictitious name, or without consignment to any person, to deliver the same to any person whomsoever except in pursuance of the requirements of the police regulations as aforesaid of the State or Territory or District into which said liquors are thus transported.

"SEC. 4. That every railroad company, express company, or other carrier as aforesaid, or any officer, employee, or agent thereof, who shall knowingly violate the provisions of this act or any part thereof shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $500 and not more than $5,000: *Provided,* That any officer, employee, or agent of such company or carrier who shall be convicted as aforesaid shall, in addition to the fine herein provided for, be liable, in the discretion of the court, to imprisonment for a term of not less than one nor more than two years.

"SEC. 5. That nothing in this act shall be construed to authorize a State, Territory, or District to control or otherwise interrupt or interfere with the transportation of liquors intended for shipment entirely through such State, Territory, or District and not intended for delivery therein.

"SEC. 6. That every package containing any spirituous, vinous, malt, or intoxicating liquors of any kind when delivered to any carrier for shipment from any State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, shall be plainly and distinctly marked with the names of the consignor and consignee, with name and quantity of the liquors contained therein, and the name of the place of shipment and of the place of consignment. And all packages of such intoxicating liquors and the contents thereof which shall be delivered to any carrier for shipment from one State or Territory or District into another State or Territory or District without having thereon the marks as required by this act shall be forfeited to the United States; and when shipped from any foreign country into any State or Territory or District without having thereon the marks, as required by this act, shall, upon arrival within the jurisdiction of the United States, be forfeited to the United States; and all such packages and the contents thereof shall be proceeded against, seized, and forfeited by due course of law. And every person within the jurisdiction of the United States who shall deliver to a carrier any such liquor or package of liquors for shipment from any State or Territory or District into another State or Territory or District without having thereon the marks, as required by this act, shall be guilty of a misdemeanor, and for such offense shall be punished by a fine of not less than $100 and not exceeding $1,000.

"SEC. 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed."

Mr. BACON. I also ask that the proposed substitute be printed and that it lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. BACON. I desire to state in this connection, as there is no minority report in this matter, that the substitute which I present is substantially the same as Senate bill 5151, there being only some amendments which are deemed by the friends of it essential to being incorporated thereon.

REPORT OF INLAND WATERWAYS COMMISSION.

Mr. PILES (for Mr. NEWLANDS) submitted the following concurrent resolution, which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound at the Government Printing Office 10,000 copies of the preliminary report of the Inland Waterways Commission, with illustrations, of which 5,000 copies shall be for the House of Representatives, 2,500 copies for the Senate, and 2,500 copies for the use of the Commission.

NATIONAL BISON RANGE.

Mr. DIXON. Mr. President, I should like to ask unanimous consent at this time for the immediate consideration of the bill (S. 6159) to establish a permanent national bison range.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. Are there further concurrent or other resolutions?

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following act:

On April 13, 1908:

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

EMPLOYERS' LIABILITY BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

House concurrent resolution 37.

Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill (H. R. 20310) relating to the liability of common carriers by railroads to their employees in certain cases, the enrolling clerk be directed to correct said bill by inserting in section 3, after the word "railroad," in line 2, the words "under or by virtue of any of the provisions of this act," so that said section 3 will read as follows:

"SEC. 3. That in all actions hereafter brought against any such common carrier by railroad, under or by virtue of any of the provisions of this act, to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Mr. HALE. I move that the Senate agree to the concurrent resolution.

The concurrent resolution was agreed to.

INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15653) to increase the pension of widows of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recedes from its amendment to section 1 of the bill;

That the Senate recedes from its amendment on lines 14 and 15, page 2, of the bill;

That the Senate recedes from its amendment on line 20, page 2, after "six;"

That the Senate recedes from its amendment to the title of the bill;

That the House recedes from its disagreement to the amendment of the Senate in line 12, page 2 of the bill;

That the House recedes from its disagreement to the amendments of the Senate on lines 17, 18, and 19, page 2 of the bill; and agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

C. A. SULLOWAY,
H. C. LOUDENSLAGER,
CHAS. H. WEISSE,
Managers on the part of the House.

Mr. McCUMBER. As the report itself does not signify clearly what disagreements have been disposed of between the two Houses, I wish to state briefly what they are.

The Sulloway bill as it passed the House extended the benefits of the law raising widows' pensions from $8 to $12 per month to all those who were married prior to June 27, 1890. The Senate amended that portion of the bill by extending the privileges to all of those who were or should be married prior to the date of the enactment of the bill into a law. The Senate conferees receded from that proposition and this agreement leaves the bill in its original shape, that its benefits shall apply only to those who were married prior to 1890.

It is but fair to say that without this receding on the part of the Senate conferees it would have been impossible, in my opinion, to have secured a bill. The Senate, by its vote and also the Senate Committee on Pensions and the Senate conferees, believe that fixing any date other than the date on which the law should go into effect as a period of demarcation between the marriage of those who should be entitled to the benefits of the act and those who should be excluded would be illogical. As a matter of fact, it is well know that perhaps four-fifths of the soldiers were not married until after the close of the war, and those marriage ceremonies have been continuing up to the present time. So we could fix absolutely no date that we could say would be a logical date unless we were to consider the war widows alone.

Undoubtedly the Senate and the House will have an opportunity to pass directly upon that question after this bill shall have become a law, as unquestionably a new bill will be introduced for the purpose of extending its benefits so that it will include all those who were married prior to the passage and the approval of the act.

The other important feature is this: The House extended the benefits of the bill to the widows of the Spanish war who are now entitled to receive pensions. It will be remembered that those widows of soldiers who served in the Spanish war entitled to receive pensions of at less than $12 per month, under the present law, are those only who were married during the war or prior to the war, and the death of whose husbands was due to service origin. The Senate conferees recede from the Senate amendment, cutting out the provisions of the bill which apply to those widows. The number is comparatively few.

Those were the only important disagreements.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. With pleasure.

Mr. NELSON. Do I understand that the bill now makes a flat rate of $12 per month to all widows instead of $8, as before?

Mr. McCUMBER. Yes; it simply changes the amount from $8 to $12 to all widows who were married prior to June 27, 1890, and it also leaves out the clause under the old 1890 law, which required them to show that they were receiving an income of less than $250 a year.

Mr. NELSON. It repeals the property qualification.

Mr. McCUMBER. It repeals the property qualification.

Mr. NELSON. And makes a flat rate of $12 a month.

Mr. McCUMBER. It makes a flat rate of $12 a month.

The report was agreed to.

MEMORIAL ADDRESSES ON THE LATE SENATORS FROM FLORIDA.

Mr. TALIAFERRO. Mr. President, I desire to give notice that on Saturday, May 2, immediately after the routine morning business, I shall ask the Senate to consider resolutions commemorative of the lives, character, and public services of my late colleagues, Hon. STEPHEN R. MALLORY and the Hon. WILLIAM JAMES BRYAN.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I ask that Senate bill 5729 may be laid before the Senate.

The VICE-PRESIDENT. The Senator from Ohio asks that the following bill be laid before the Senate:

The SECRETARY. Under Rule IX, the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth United States Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

The VICE-PRESIDENT. Without objection the bill is before the Senate.

Mr. FORAKER. Mr. President, I have in my hand a clipping from a newspaper which indicates that there is a great deal of misinformation abroad in the land. This purports to be a dispatch from Washington announcing that I was to speak on the Brownsville matter, that my speech would occupy three days, and that it would be in the nature of a bitter attack upon the President of the United States and the Secretary of War.

This is the first time I was ever charged with making or contemplating a three days' speech. I indignantly deny that slander. Printed, as it is, it is a libel.

But more particularly, Mr. President, I desire to say that I have at no time had any purpose to attack the President or Secretary Taft in connection with this matter or in connection with any other matter. I have had no vengeance to seek and no occasion to seek any, I hope. In this whole matter I have simply

sought to present to the Senate, in so far as I might be able to do so, the facts in regard to this unfortunate affair.

I hope also, Mr. President, that I need not make any apology to the Senate for having reduced the remarks that I desire to make to manuscript or for using that manuscript. I seldom make a speech in that way, but when I do it is, in my own mind at least, a compliment to the subject I am to discuss.

I want to present this matter in as concise a way as I can and in as intelligent a way as I can and within limitations that will enable all who may so desire to find out the views I entertain with respect to it; that is to say, that my remarks will not be so long but that all may read who may care to read them. For that reason I have taken the trouble which, as Senators know, I seldom do take, of putting my views on paper, and I intend to make use of that paper, but I hope I may be able to do so without unduly wearying my colleagues.

Mr. President, before discussing the proposed legislation I desire to review and analyze the testimony that has been taken before the Committee on Military Affairs.

The resolution under which the investigation was had precluded the committee from considering the question of the authority of the President to make the order under which the troops were discharged without honor, and confined the committee to an investigation of the facts and a report of the same to the Senate.

The committee observed this direction. While this direction probably does not preclude me from discussing the constitutional right and power of the President to make such an order, yet I have fully discussed that subject on other occasions and do not for that reason care to repeat that argument now. I shall confine myself, therefore, in what I have to say at this time, as the committee did, to the facts, and it will be my endeavor to show the effect of the facts that have been established by the testimony that has been taken.

Before entering upon this labor, it may not be amiss to remark, in view of the many misstatements that have been made, that the purpose of this investigation has not been to embarrass the President or anybody else; nor has it been to make any capital of any kind, political or otherwise, against anybody or for anybody.

On the contrary, it has been solely to establish, if possible, who did the shooting at Brownsville on the night of August 13–14, 1906, and, if it should turn out that the shooting was done by any of the discharged soldiers of the Twenty-fifth United States Infantry, to identify, if possible, the particular individuals who were guilty of participating in such shooting, and to identify, also, if possible, any accessories either before or after the affray, and to ascertain, also, whether or not in any event there has been any so-called "conspiracy of silence" on account of which the men, or any of them, have withheld any information of which they may be possessed in regard to such shooting affray; and this has been done with a view to giving effect in a practical way to the suggestions of the President himself, who, in his communications to Congress on this subject, has stated in substance that if at any time it should appear that any of the men discharged were free from guilt with respect to the matter they might be exempted from the operations of the order of discharge without honor and be restored to any rights they may have lost on account thereof.

With this purpose in view, about sixty of the men discharged were called as witnesses, among them, in so far as they could be reached with subpœnas, the noncommissioned officers of the three companies, the men who were on guard duty that night, and every soldier with respect to whom there was the slightest cause to think he might have any knowledge that would be of any importance in establishing the purposes of the investigation.

The witnesses so called embraced, in so far as the committee were able to judge, all those noncommissioned officers and soldiers of the battalion who were in a situation to know, and who of necessity would have known, something of the facts of such a raid if the raiders were soldiers of the garrison.

The investigation has one unusual feature, in view of the character of it, that merits a word of explanation, and that is the fact that the men who were charged with guilt were first heard by the committee in their own defense, and then, after they had so testified, witnesses were called to show their guilt.

This grew out of the fact that the President acted, in making his order for the discharge of the men without honor, upon testimony submitted to him by the inspecting officers of the Army.

This testimony consisted of unsworn statements made by citizens of Brownsville immediately after the shooting affray occurred and by such statements as these inspecting officers felt warranted in making, based on their investigations at Brownsville and later at El Reno, to which post the battalion was removed a few days after the shooting occurred and at which post the battalion was stationed when the men were discharged.

This testimony and these official reports of the inspecting officers were thought to be, as a result of the discussion that occurred in the Senate, insufficient to warrant the action that had been taken in discharging the men.

In consequence, the President directed Mr. Purdy, an assistant to the Attorney-General, and Major Blocksom to visit Brownsville and retake the testimony upon which his action had been based in the form of affidavits.

Attached to this testimony were a number of exhibits, such as bullets, that were said to have been cut out of the houses of Brownsville, into which they were fired on the night of the affray; exploded shells and a number of cartridges that were found in the streets at points where the shooting had occurred, and a bandolier which was picked up on the route over which the raiders passed.

In addition, some testimony was submitted of experts and ordnance officers supporting the conclusion that had been arrived at that soldiers of the Twenty-fifth United States Infantry had done the firing.

This testimony was reviewed and submitted to the President by the Secretary of War as conclusively establishing the guilt of the men.

The President transmitted this testimony to the Senate, together with the report to him of the Secretary of War, and announced in his message of transmittal that, in his opinion, the testimony showed beyond a reasonable doubt the guilt of the men.

When, therefore, the Senate ordered the investigation, it was to give the men an opportunity to meet the case that had so been made against them. For that reason they were called first, and after they had testified in such numbers that every member of the committee was satisfied that to call additional witnesses from the soldiers was unnecessary in order to get all information that could be secured from that source, the taking of further testimony by the soldiers was suspended.

Thereupon, in order to again convict the men of the crime with which they had been charged, the same witnesses who had twice before testified were recalled and examined and cross-examined at great length before the committee together with other additional witnesses. After this testimony had been taken a number of officers of the battalion and some of the men were recalled in rebuttal.

So it is that in a most important case, involving in its various phases the charge of raiding, and the shooting up of the town, the commission of murder, assaults with intent to kill, perjury, and conspiracy to withhold testimony to screen the guilty of crimes amounting to felonies, punished with imprisonment in the penitentiary, we have the unprecedented spectacle of the men charged being required to appear and prove their innocence, and then to be again, for a third time, subjected to the accusative testimony upon which the whole case against them does and must of necessity rest.

While it may be said that this does not alter the truth, yet it remains that it is a violation of the practice that has been observed since the beginning of the common law for the protection of those who were charged with crime, and a practice that has for the accused in all cases where crime is charged only that reasonable advantage of fully advising the accused before he enters upon his defense of what it is that he is accused and with what testimony in all its details it is sought to establish such accusation. I do not mention this to complain about it, for the record will disclose to any unbiased man who may study it that, notwithstanding this disadvantage, and notwithstanding the many other disadvantages to which these men were subjected, they have given their evidence with such straightforward frankness and with such manifest truthfulness that, in my opinion, nothing remains to show their complete vindication except only the discovery of the real culprits, which time will surely make unless the adage that "murder will out" has ceased to be a truth.

It is necessary to an intelligent discussion of the testimony to make a brief explanatory statement as to the general situation at Brownsville on the night of the affray.

The Government reservation known as "Fort Brown" is situated on the bank of the Rio Grande River immediately opposite Matamoros, Mexico, and within the limits of the town of Brownsville, the principal streets and parts of which are immediately north of the reservation.

The reservation is bounded on the northern side by a brick wall some 4 or 5 feet in height at the point where the principal part of the shooting affray is alleged to have commenced.

The garrison consisted of three companies—B, C, and D of the Twenty-fifth United States Infantry, colored.

These were quartered in barracks that stood in a line 100 feet south of the reservation wall, so that the rear of the barracks looked out northwardly toward the town.

The main gate or entrance to the reservation opened out into Elizabeth street, which was the principal street of Brownsville.

These companies occupied separate barracks. D Company barracks stood to the left of the road leading out of the reservation through the main entrance into Elizabeth street; B Company barracks stood immediately to the right of this road, and C Company barracks stood next on the right of B barracks.

The barracks fronted on a parade ground, on the opposite side of which were the quarters of the officers, occupied on the night of the affray by Maj. Charles W. Penrose, the commanding officer of the battalion and the post; Captain Lyon, commanding Company D; Captain Macklin, commanding Company C; Lieutenant Lawrason, commanding Company B, and Lieutenant Grier, acting quartermaster and commissary of the post.

Parallel with Elizabeth street and 120 feet eastwardly from the same, in the middle of the block, is an alley, 20 feet in width, known in the testimony as "Cowen alley."

The mouth of this alley approaches the fort at a point about opposite the space between the B Company and C Company barracks.

Along the wall outside the reservation was a road 30 feet in width, called the Garrison road.

Along the wall inside the reservation were the sinks, coal houses, and other outbuildings of the barracks.

The barracks were two-story buildings, with lower and upper porches in rear along their entire length.

Each of these barracks was about 165 feet in length and 40 feet in width. The upper porch was only 12 feet above the ground.

The charge against the soldiers is that a few minutes before midnight, August 13, 1906, a squad, estimated by the different witnesses all the way from five or six to twenty, in pursuance of a carefully planned and preconcerted conspiracy to shoot up the town, in some way secured their guns from the gun racks, opened fire on the town from the upper porch of B barracks, then rushed down to the ground, and to the wall separating the reservation from the town, jumped over the wall at a point opposite the Cowen alley, proceeded northwardly along that alley a distance of two or three squares, shooting into the houses, hotels, and saloons, and at citizens on the streets, with the result that they fired probably from two to three hundred shots, killed a bartender of the Tillman saloon by the name of Frank Natus, killed the horse of the lieutenant of police, Dominguez, wounding him in his left arm, and did other damages of one kind and another; that at the corner of the alley and Thirteenth street, where the Miller Hotel is situated, the squad divided, one portion of it going east on Thirteenth street to Washington street, the next street east of Elizabeth street, where they fired a number of shots into the house of a revenue deputy by the name of Starck; that after this, which was the last of the firing, they returned to the fort and joined their companies without being detected by their officers, who were at that time wide-awake and engaged in the formation of the companies.

Finally, under the stress of circumstances, it was further charged that, in the nature of things, it was impossible for such a squad of soldiers to plan and execute such a conspiracy without many, if not all, of the other members of the battalion having knowledge which, if disclosed, would identify the particular individuals who participated in the shooting, and that the inability of the inspection officers and others to secure any such information was to be attributed to a conspiracy of silence into which all having such knowledge, whether few or many, must have entered.

The gradual evolution of this last charge is interesting, suggestive, and instructive.

It had its inception, so far as the record discloses, in the following passage from the report of Major Blocksom, dated at Brownsville, August 29, 1906:

> The officers appeared to be trying to find the criminals, but it is certainly unfortunate for the reputation of the battalion that they have as yet hardly discovered a single clue to such a terrible preconcerted crime, committed by so many men.
>
> I believe the battalion had an excellent reputation up to the 13th of August, but the stain now upon it is the worst I have ever seen in the Army.
>
> Many of its old soldiers who had nothing to do with the raid must know something tangible as to identity of the criminals. If they do not disclose their knowledge, they should be made to suffer with others more guilty, as far as the law will permit. If satisfactory evidence concerning the identity of the criminals does not come from members of the battalion before a certain date to be fixed by the War Department, I recommend that all enlisted men of the three companies present on the night of August 13 be discharged the service and debarred from reenlistment in the Army, Navy, or Marine Corps.

This suggestion, without the help of any further testimony, took definite form in the order of October 4, 1906, issued by the Assistant Secretary of War, directing General Garlington to make an investigation, in the following language:

> The President authorizes you to make known to those concerned the orders given by him in this case, namely: "If the guilty parties can not be discovered, the President approves the recommendation that the whole three companies implicated in this atrocious outrage should be dismissed, and the men forever debarred from reenlisting in the Army or Navy of the United States."
>
> And in this connection the President further authorizes you to make known to those concerned that unless such enlisted men of the Twenty-fifth Infantry as may have knowledge of the facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown, Tex., on the night of the 13th of August, 1906, report to you such facts and all other circumstances within their knowledge which will assist in apprehending the guilty parties, orders will be immediately issued from the War Department discharging every man in Companies B, C, and D, of the Twenty-fifth Infantry, without honor, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.
>
> The time to be given to the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, for consideration of this ultimatum will be determined by you. If, at the end of the time designated, the facts and circumstances of the occurrence in question have not been established sufficiently clear to indicate a reasonable certainty of securing a conviction of the guilty parties by evidence obtained from enlisted men of the first battalion, Twenty-fifth Infantry, you will report the condition by wire to The Military Secretary.

General Garlington made his investigation, therefore, with this thought before him, but made no further progress than to suggest in a vague sort of way that the men had "possibly" come to a common understanding that they would not give any information of which they might be possessed that would lead to the identification of any of the raiders.

On this point he said in his report that all the men denied guilt, or guilty knowledge, but that these denials—

> indicated a possible general understanding among the enlisted men of this battalion of the position they would take in the premises—

And I call the attention of Senators particularly to this—

> but I could find no evidence of such understanding.

No evidence that there was any conspiracy of silence. I emphasize that, because that, you will discover as we proceed, is an important part of this case in so far as there is any case left.

Upon this report, without an iota of additional testimony—in other words, upon the mere suggestion of General Garlington and others that an agreement to withhold testimony had been entered into among the men, of which General Garlington was careful to say he had found no evidence—the President ordered all the men discharged.

Of that which was only "possible," in the opinion of General Garlington, and of which he "could find no evidence," the President, without any additional testimony, became so thoroughly convinced by the time he felt it necessary to defend his action that in his message to the Senate of December 19, 1906, he said:

> A blacker crime never stained the annals of the Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder.

At another point in that same message he said:

> Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniforms by the conduct above related. Many of these noncommissioned officers and men must have known, and all of them may have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly, and as one man, broken their oaths of enlistment and refused to help discover the criminals.

A charge as to which, by the latest official report laid before the President, it was said there was no testimony whatever. Although diligently searched for, the inspecting officers of the Army had been unable to find any testimony.

In his message to the Senate of January 14, 1907, after the Purdy testimony had been taken and the President felt called upon to further defend his action, he said:

> The testimony of the witnesses and the position of the bullet holes show that fifteen or twenty of the negro troops gathered inside the fort and that the first shots fired into the town were fired from within the fort—some of them, at least, from the upper galleries of the barracks.
>
> * * * * * * *
>
> It is out of the question that the fifteen or twenty men engaged in the assault could have gathered behind the wall of the fort, begun firing, some of them on the porches of the barracks, gone out into the town, fired in the neighborhood of 200 shots in the town, then returned—the total time occupied from the time of the first shots to the time of their return being somewhere in the neighborhood of ten minutes—without many of their comrades knowing what they had done.
>
> Indeed, the fuller details as established by the additional evidence taken since I last communicated with the Senate make it likely that there were very few, if any, of the soldiers dismissed who could have been ignorant of what occurred. It is well-nigh impossible that any of the noncommissioned officers who were at the barracks should not have known what occurred.

This so-called "Purdy testimony" was given by the citizens of Brownsville, and was largely but a repetition of the testimony given previously, though not given under oath. It did not embrace any testimony of the soldiers, or of anybody, in regard to a withholding of knowledge by the soldiers, and there was no pretense on the part of anyone that any evidence had been dis-

covered since General Garlington's report to indicate, much less establish, a conspiracy of silence, and at that time he officially reported that he could find no evidence whatever of any conspiracy of silence.

But whether justified or not, the men were finally charged with—

1. The organization of a conspiracy to shoot up the town.
2. That the squad which did the shooting necessarily had a number of accessories both before and after the fact.
3. That the first shots were fired from the upper gallery of B barracks.
4. That other shots were fired from within the reservation.
5. That the raiders then jumped over the wall and committed the outrages mentioned, returned to quarters, and joined their companies without the detection of any of them by their commissioned officers.
6. That of necessity such a conspiracy could not have been formed and executed without many, if not all, of the enlisted men, particularly the noncommissioned officers, having knowledge, which, if disclosed, would lead to the identity of the raiders, and that the refusal of the men to disclose such information was evidence of a conspiracy of silence to defeat the ends of justice.

EVIDENCE AGAINST THE SOLDIERS.

The testimony to support these charges consists of two classes—so-called "eyewitnesses," who testified to their personal observations, and circumstantial evidence, such as the finding of cartridges, exploded shells, and so forth, at the places where the firing was done.

We are told in the majority report that there were fifteen witnesses who saw the men who did the firing and recognized them as soldiers from the garrison. Most of these witnesses have testified four different times—

First, before the citizens' committee a day or two after the shooting occurred.

Second, before the grand jury of Cameron County, in which Brownsville is situated.

Third, before the Penrose court-martial, and finally before the Senate Committee on Military Affairs.

Their testimony so given is sufficiently contradictory to show that it is unreliable.

But, aside from the contradictions on account of the darkness of the night, many things that were testified to by these witnesses could not have possibly been observed by them.

There were no artificial lights in the Cowen alley and no light of any kind in the reservation, except at the main gate, 120 feet distant from the mouth of Cowen alley.

In all the immediate neighborhood of the points where, according to all the witnesses the first shots were fired, whether inside or outside the reservation, it was as dark as a very dark night could make it.

These witnesses testified that hearing the firing they went to their windows, looked out into this darkness, and at a distance ranging all the way from 30 up to 150 feet saw the firing party and recognized them as soldiers from the garrison by the color of their faces, by the uniforms they wore, and the guns they carried.

It is unnecessary to go over this evidence in a detailed way, for, conceding for the sake of argument that the witnesses undertook to testify truthfully, the flimsy and unreliable character of the whole of it is fairly indicated by the testimony of the four principal so-called "eyewitnesses."

Without their testimony there is no credible evidence whatever to support the charge that the first shots were fired from the barracks or from any place within the reservation or that there was any jumping over the wall by anybody.

Without the testimony of these four witnesses the testimony of the officers and the men of the battalion that the shooting commenced at some point outside the reservation stands practically uncontradicted.

These witnesses were George W. Rendall and his wife, Jose Martinez, and J. P. McDonel.

Rendall and his wife lived in the upper story of a building that stood on the corner of Elizabeth street and the Garrison road.

Their front windows looked out over the reservation. Rendall testified that he was awakened by the first shots that were fired; that he went to his window and looked out over the reservation to see what was occurring; that while he was looking to his right, in the direction of the barracks occupied by D Company, he heard a shot to his left which sounded as though it had been fired from some point in the reservation; that thereupon he turned his head to the left to look in the direction from which the sound came, and saw two other shots fired in succession; that they were fired from somewhere near the east end of B Company barracks, and that the piece from which these shots were fired, whether a gun or a revolver, seemed to be pointed upward, for the shots seemed to be fired into the air. He then saw and heard men moving toward the wall at a point in front of the mouth of Cowen alley, and saw and heard them jump over the wall at that point.

On further examination and cross-examination the witness stated that he was 72 years of age; that he was totally blind in one eye; that he had been for a generation [laughter], and that his sight from the other had been so far impaired that he had been compelled to wear glasses for many years.

Before the Penrose court-martial he testified that when he was awakened and got up and went to the window he put on his glasses and therewith saw what he narrated.

Before the Senate committee he said he desired to change that statement; that on reflection he had come to the conclusion that he did not wear his glasses while making the observations about which he testified, but he claimed that at night his sight was better without glasses than with them.

But passing by all these damaging features of his testimony and giving credence to what he says, the shots he saw fired were doubtless those fired by the sentinel, who testifies that after the first fusillade of shots he passed between B and C barracks to the front line, where, facing toward the parade ground, he held his piece in the air and fired upward three shots in succession, calling out after each shot, "Corporal of the guard—number two." That was the kind of signal which under such circumstances he was required to give.

Rendall was in a situation to have seen other shots, if any had been fired. He did not see any others.

His testimony that he saw a body of men after these shots move toward the wall and heard them jump over into the Garrison road is simply incredible, because the uncontradicted testimony of all the witnesses is that the night was one of such unusual darkness that without the aid of artificial light it would have been impossible for a man with good eyes to have seen what he described at a distance of 150 feet, which was approximately the distance at which he claims to have witnessed this occurrence, or at 100 feet or at 50 feet or with any degree of certainty at even 20 feet.

But on this point Mr. Rendall is contradicted by the witness McDonel, who lived in that immediate neighborhood and who testified that when the first shots were fired he ran out on to the street and to a point only a few feet from the mouth of the Cowen alley, and that he saw the men who did the firing pass into the alley and saw them engaged in firing into Cowen's house one square away.

He says these men did not come from over the wall, but from Elizabeth street, and that he was in a situation to have seen them if they had come over the wall, and that nobody did cross the wall.

Jose Martinez claims that he was sitting in the front part of a room occupied by him at the corner of the alley and the garrison road near where the firing commenced; that immediately—"instantaneously," to use his exact language—he put out his light and threw himself on the floor and remained there for probably thirty minutes, or even longer, until the firing had all ceased.

At one point in his testimony he claimed to have looked out at his back window, although his position on the floor made that impossible, and to have seen the raiders pass up the alley toward the Cowen house, and that he recognized them as soldiers, although he could not see their faces.

On all these points he flatly contradicted himself.

Mrs. Rendall saw nothing except some men passing through the reservation shortly after the firing commenced from the direction of D barracks toward the point in the reservation opposite the Cowen alley. She did not see them jump over the wall, nor hear them jump over the wall, nor pretend to see any firing within the reservation beyond a single flash which she could not locate. She did not even see the two shots about which her husband testified.

Other contradictory statements might be cited, but it is unnecessary to add to those already given. They are sufficient to show that these witnesses, on account of the darkness and the excitement, made only the most imperfect observation and were unable at the different times they testified to recall them with accuracy or in such a way as to clearly establish anything which they testified to, except only that somewhere in their locality the firing commenced by which they were aroused, and that almost immediately afterwards the call to arms was sounded, the different companies were formed, and they saw bodies of men moving in different directions within the reservation, all of which, in a general way, is entirely consistent with what did in fact happen.

That the testimony of these so-called "eyewitnesses," aside from the many contradictions by themselves and by one another, was entirely unreliable is shown by the testimony of all the officers and the many other witnesses who testified as to the darkness of the night and the impossibility of recognizing individuals at any distance without the help of artificial light.

Major Penrose testified that he could not distinguish one of his white officers from one of his colored enlisted men at a distance from him of 10 feet, and at that distance he could tell nothing about how anyone was dressed.

Every other officer of the battalion testified to the same general effect—giving instances of inability to make personal recognition at the distance of from 5 to 10 feet.

In addition to this testimony there is in the record the testimony of a number of officers of other companies, based on actual experiments, that the flashes of the guns from the firing of them would not make a light from which anyone could be recognized and that it is utterly impossible without the aid of artificial light to tell anything about a firing party at any distance in the dark.

There were two or three witnesses who claimed to have seen the raiders by the aid of artificial light.

The chief of these was Paulino Preciado, the editor of a newspaper published in the Spanish language, called "El Porvenir." His testimony on this point already before the committee was in flat contradiction of his testimony before the Cameron County grand jury and in flat contradiction of the statement he published in his paper immediately after the shooting.

Besides these contradictions, which were sufficient to cause Secretary Taft to discredit him, he had pending in the State Department at the time when he testified before the Senate committee a claim against the United States Government for $10,000 damages alleged to have been sustained by reason of a claim that he had been slightly wounded.

But he was further contradicted by the fact that one of the bullets fired into the saloon where he was passed through the window and lodged in a post in front of Crixell's saloon on the opposite side of the street, which was subsequently extracted and found to be not an Army bullet with a metallic case, but a lead bullet of different composition from those which the soldiers were furnished with.

In the whole evidence from beginning to end there is not a particle of testimony from any so-called eyewitness that is not either contradicted by the witness himself or by some other witness or which is not shown by uncontradicted testimony as to the effect of darkness on the vision to have been unreliable if not impossible.

If Senators would know how difficult it is to recognize anyone in the nighttime they have only to stand on the sidewalk anywhere here in Washington at night and undertake to recognize some one passing only so far distant from them as across the street. Unless they come under the rays of artificial light or in some other way are aided they will find it is impossible to tell whether a man is white or black or anything about how he is dressed.

Since this testimony has been on my mind to such an extent, almost every night as I pass along the streets I find myself experimenting in this way, looking to see at a distance if I can recognize whether a man whom I see moving is a white man or a colored man or how he is dressed. I ask every Senator here to experiment in that way. It is no trouble. It is rather interesting, and when you have thus experimented for yourself you will be able to set aside all this so-called testimony of "eyewitnesses," for there is not one of them who was in a situation where he could tell anything at all that was reliable, and the cross-examination of every one of them disclosed that there was nothing reliable about the testimony that he gave in that particular.

CIRCUMSTANTIAL EVIDENCE.

The most damaging testimony against the soldiers, when taken without explanation, was the finding in the alleys and streets where the firing occurred of exploded shells, clips, cartridges, etc.

It was the production of these shells and clips and cartridges by Mayor Combe and his report to Major Penrose that they had been picked up in the streets at points where the firing occurred that caused Major Penrose and his officers to think that their men must have done the firing.

These exploded shells show by their stamp that they were manufactured by the Union Metallic Cartridge Company, that they were Army shells, and that they were manufactured in the month of December, 1905.

The bullets cut out of the houses into which they were fired that night bear marks indicating that they might have been fired out of Springfield rifles, and upon analysis were found to have been the same kind of a bullet which the Union Metallic Cartridge Company was manufacturing in the month of December, 1905, and supplying to the Army.

But this testimony, in connection with other facts established, became testimony for the soldiers, instead of against them, as I shall undertake to show when I come to discuss this particular evidence as a part of the case made in favor of the men.

MOTIVE.

The case against the soldiers fails in another important particular. No adequate motive—in fact, no motive whatever—is shown for such an assault upon the town.

There is an attempt to show that they had a motive in the fact that they were debarred from drinking with the white people in the saloons of Brownsville; that one of their number—a man by the name of Newton—was brutally assaulted, knocked down with a revolver, and painfully injured without any sufficient justification or excuse, and that another soldier, by the name of Reed, when returning from Matamoros was pushed into the water by a customs officer on account of some trifling misbehavior.

The evidence shows that the soldiers frequented the saloons but very little, and that they never made any complaint to their officers or to anybody else on account of being debarred by some of the saloons of Brownsville from drinking at the same bar with white people.

On the contrary, the testimony shows positively that they did not make any such complaint.

Both Major Blocksom and General Garlington report that they did not hear any complaints on that account, and that the men, one and all, whom they interrogated, insisted that they did not harbor any resentment by reason of that fact.

The testimony further shows that a few of the saloons did not allow the soldiers to enter; that a few others provided separate bars for their accommodation; that quite a number of saloons, especially those kept by Mexicans, did not discriminate in any way, but gave to the soldiers the same accommodations they gave to the citizens.

The testimony shows that the Tillman saloon, where Frank Natus was the barkeeper, provided a separate bar and accommodated the soldiers in such a way that no one of them ever made the slightest objection on account of the treatment they received.

If the soldiers had shot up the town on account of discrimination against them by the saloons, it is reasonable to suppose they would have shot into saloons that did not allow them to enter, rather than into a saloon—for the Tillman saloon is the only one they did fire into—where they were provided with accommodations to which they had never taken any exception.

It would seem more reasonable to suppose that if the shooting of Natus had any reference to the treatment of the soldiers by the saloons, that he was killed by somebody who objected to the saloons accommodating the soldiers rather than by the soldiers who were accommodated. It seems to me that is a self-evident proposition.

But, however that may be, there is no excuse for saying that the soldiers had, as a motive for shooting up the town, discrimination against them by the saloons, except only as it is deduced as a conclusion that because they were debarred from some of them they were angry and revengeful toward the whole town, and this deduction seems absurd, in view of the fact that although the town was well supplied with saloons, yet they spared all except only one where they had been given accommodations that were at least reasonably satisfactory.

As another evidence that the soldiers were seeking revenge, Major Blocksom reported that the house of the deputy customs officer, Starck, which was fired into, stood next door to the house occupied by the deputy customs officer, Tate, who assaulted Private Newton, and that it was doubtless fired into by mistake, the soldiers thinking they were firing into Tate's house instead of into Starck's house.

There is no testimony to justify such a conclusion except only the fact that the major reasoned, or thought he did, that because Newton had been assaulted by Tate he and his companions desired to revenge Newton's wrongs by shooting into Tate's house in the hope they might kill him or some member of his family.

The fact did not interfere with the mental operations of the major in reaching this conclusion that there was not one scintilla of testimony to show that Newton or any other soldier of the battalion knew that Tate had a house, or on what street it stood, or at what point on any street it stood. Nor is there any testimony whatever to show that Newton knew who the man was who struck him except only as he was told subsequently by Captain Macklin, commander of his company, who undertook to investigate the matter, that he had learned that he had been knocked down by a United States

customs officer by the name of Tate. There is no testimony to show that Captain Macklin, or anybody else connected with the battalion, had any knowledge whatever as to the location of Tate's residence or whether he had any residence.

But if the knocking down of Newton, with the revolver, by Tate was a sufficient motive to account for the shooting up of the town, and an attempt to shoot up the house of Tate, which was prevented only by a mistake of Starck's house for Tate's house, then there was an equally good and better founded reason for supposing that Starck's house was fired into not by soldiers, but by others who had a sufficient cause for firing into it, but who were sufficiently well acquainted with the location of Starck's house not to make any mistake in regard to it.

The testimony shows that Starck had during his service made more than 600 arrests of smugglers and other violators of the law and that some months before this shooting affray he had, in the discharge of his duty as a deputy customs officer, undertaken in the nighttime to arrest a smuggler who was landing on the Texas side at a point near Brownsville.

The smuggler undertook to escape. Starck commanded him to halt, but he kept up his flight. Starck pursued him in the darkness until coming close upon him the smuggler turned to resist, when Starck knocked him down and severely injured him by striking him over the head with his revolver in practically the same way Newton was felled. When Starck took the man in custody he discovered that the smuggler was an inhabitant of Brownsville by the name of Avillo, whom he knew well, and who, Starck says, was well acquainted with his premises; that he had worked for him at his house. Starck says this man whom he thus arrested was taken before the commissioner, where he was bound over to await the action of the grand jury; that he forfeited his bond and was a fugitive from justice at the time when this shooting affray occurred.

It is far more reasonable to suppose that the men who shot into Starck's house were men who were avenging the supposed wrongs of Avillo, and possibly of themselves, rather than soldiers from the garrison trying, by shooting into Starck's house by mistake, to avenge the wrongs of Newton.

This is confirmed by the fact that Newton is shown by the testimony to have been on guard duty the night of the affray, and to have been off post and asleep in the guardhouse when the shooting commenced.

It is hardly probable that his companions would have gone out to shoot up the town on his account without him accompanying them or without him having knowledge of their action and purpose, and it is extremely improbable that while they were engaged in such a work, if he had knowledge thereof, he would have been calmly and soundly sleeping while they were thus avenging his wrongs.

So far as the trouble with Private Reid is concerned, it was of too trivial a character to merit any attention. Reid himself did not make complaint of his treatment when he reported the occurrence to his captain, but, on the contrary, according to the testimony of Captain Macklin, laughingly remarked that he "got about what he deserved."

Moreover, the trouble with Reid occurred only the night before the affray. There was hardly time left after its occurrence for forming the "carefully preconcerted, well-planned conspiracy," to use the language of Major Penrose.

It may be safely concluded, therefore, that the trouble with Reid did not furnish any motive for what occurred.

DOMINGUEZ.

Neither is there any weight in the suggestion that the firing upon Dominguez, the lieutenant of police, shows a motive for the soldiers avenging themselves upon the peace officials of the municipality, for the testimony shows that during the entire time the soldiers were at Brownsville their conduct was exceptionally good; that there was but one arrest by the police, and that was for so trivial a matter that the soldier was released without any punishment.

There is no testimony whatever to show that the soldiers had been interfered with in the slightest degree by any of the police officials of the town.

On the contrary, the testimony of all the police officials is that there was no occasion for them to make any arrests or to interfere in any way with the soldiers, who appeared to have deported themselves with exceptionally good conduct.

It does appear, however, that Dominguez was an efficient officer of many years' service and very popular with the citizens of Brownsville, because of the faithful and efficient manner in which he had handled criminals in the discharge of his official duties.

It appears that during his long service he had made many arrests, and that in some instances he had found it necessary to resort to force in arresting and handling disorderly characters, and that in at least one instance he had found it necessary to take life.

If the suggestion is warranted that the raiders fired upon Dominguez for the purpose of avenging themselves upon him, it would seem far more natural and reasonable to suppose that he was fired upon by those who had cause, real or imaginary, for seeking revenge rather than by those who had no such cause. There is no word of testimony to show that any soldier of the battalion had ever so much as even heard of Dominguez, let alone that they had any cause to injure or molest him in any way.

In this connection there is much also in the testimony about a story being circulated among the people of Brownsville on the day of the assault that on the preceding evening a Mrs. Evans, who resided near the garrison, was assaulted by one of the soldiers, who seized her by the hair and threw her to the ground and then ran away.

THE MRS. EVANS STORY.

There is no sworn testimony in all the record to show that any such assault occurred, but an abundance of evidence to show that on account of the circulation of this kind of a story there was great excitement among the people of Brownsville on Monday, August 13, and that in consequence such an ugly spirit was manifested with respect to the soldiers that Mayor Combe felt it his duty to visit Major Penrose at the garrison about 5 o'clock that afternoon and warn him not to allow any of his soldiers to be in Brownsville that night, telling him in that connection if any of them should appear on the streets of Brownsville that night he would not be responsible for their lives, or words to that effect.

In consequence, Major Penrose issued an order canceling all passes and requiring all his men to return to quarters by 8 o'clock that evening and to remain in quarters during the night.

There is no testimony to show that any of the men knew why this order was issued, and no pretense of any testimony that any of the men resented it or expressed dissatisfaction on account of it in any way whatever.

The Evans incident, therefore, instead of furnishing a motive for the shooting up of the town by the soldiers, only furnishes a motive for shooting up the soldiers by the citizens.

That there was no motive appears from the further fact that all the soldiers who had any difficulty or trouble of any kind while in Brownsville belonged to C Company.

No one connected with either of the other companies had the slightest trouble of any nature.

The testimony, as I shall point out later, shows conclusively that C Company could not, in all probability, have participated in the shooting.

It is not likely that men from B and D Companies would have shot up the town for the purpose of avenging the wrongs of members of the other company; certainly not without members of C Company—those who were injured, or somebody in their behalf—joining in the raid.

It is from considerations and conclusions of the character named and suggested that it is impossible for me to find sufficient testimony in the record to warrant the finding that some of the men of the battalion "did the shooting."

And this is true, considering only that which may be called testimony against the soldiers.

TESTIMONY FOR THE SOLDIERS.

Coming now to the testimony in their favor, we have in the first place a presumption of innocence. This is not merely sentiment. It is an element of every case that possesses substance, and should have effect.

In the case of Coffin *v.* The United States (156 U. S., p. 454), Mr. Justice White, speaking for the court, cited authorities tracing a recognition of this presumption from Deuteronomy to the latest law writer on the subject. He cited with approval the following language employed by Lord Gillies in McKinley's case, decided in 1817:

> I conceive that this presumption is to be found in every code of law which has reason and religion and humanity for a foundation. It is a maxim which ought to be inscribed in indelible characters in the heart of every juryman; * * * to overturn this there must be legal evidence of guilt carrying home a degree of conviction short only of absolute certainty.

He further quotes with approval from Wills on Circumstantial Evidence, as follows:

> In the investigation and estimate of criminatory evidence there is an anticipated prima facie presumption in favor of the innocence of the party accused grounded in reason and justice not less than in humanity and recognized in the judicial practice of all civilized nations; which presumption must prevail until it be destroyed by such an overpowering amount of legal evidence of guilt as is calculated to produce the opposite belief.

Other authorities might be cited of the same general character without limit.

CHARACTER OF THE MEN.

In addition to this presumption there is in favor of the soldiers their character both as men and soldiers.

Not one of these three companies had a stain on its record. They were orderly, well behaved, well disciplined, and well drilled. They had never given their officers any trouble.

Such is the testimony of every officer, both of that regiment and of every other, who testified on the stand and who had knowledge of their character as soldiers and as men.

Major Penrose testified that they behaved themselves well before their discharge without honor and since then.

General Garlington testified that although the Government had every man under surveillance up to the time he testified, from the time of their discharge not one has been found guilty of any bad conduct, although turned out of the Army in disgrace.

Gen. Andrew S. Burt, who commanded the regiment for ten years, testified that they were all worthy to be believed on their oaths. He said:

I would believe them if I were sitting on a court-martial and they were called in their own defense.

He gave them the highest character both as men and as soldiers.

Captain Macklin testified that they were peaceable, orderly, well behaved; that they drank much less than white soldiers; that there was very little trouble on pay day, and comparatively few arrests.

Captain Lyon testified in an equally complimentary way.

Victoriano Fernandez, policeman, testified that his beat was on Elizabeth street, the principal street of the town; that it led directly from the fort; that he saw the soldiers every day passing to and fro, and that in all the time they were there he never saw one of them drunk or disorderly, and that he had no occasion to make any arrests.

This good character and good conduct and good discipline should greatly strengthen the presumption of innocence in their favor, for it is not likely that men of such character would engage in such an affray as that which occurred at Brownsville; certainly not unless they had some positive and adequate motive of an unusual and exasperating character, and that, the evidence clearly shows, they did not have.

TESTIMONY OF SOLDIERS.

In the next place, there is the testimony of the soldiers themselves as to their innocence.

In one form or another these men have all expressed themselves under oath, and in no case is there any contradiction whatever in the testimony of any one of them upon any essential point.

Every man, in giving his testimony, spoke from his personal knowledge, for each one of them knew whether or not he participated in the affray, and each one of them knew where he was when the affray commenced, while it was in progress, and when it was ended, and, without exception, each man has given a clear, straightforward account of himself in these particulars.

The statements so made by these men are believed by their officers, who testified that, with few exceptions, they are truthful and to be believed.

These officers knew these men better than anybody else. They were in a better situation than anybody else to determine what credence should be attached to their statements. All these officers are satisfied that these statements of their men as to where they were and that their statements that they were not among the raiders are truthful.

To refuse to believe them is to assert, as said in the minority report:

That as fine a body of soldiers and as truthful, according to all their officers, as can be found in the entire Army are conspirators, murderers, and perjurers, and all this upon the uncertain, unreliable, and contradictory statements of witnesses who did not pretend to give personal knowledge, but only conclusions based upon what was necessarily uncertain observations.

But these soldiers are confirmed, not only by the circumstances and probabilities, but also by facts of the weightiest character.

Within a few moments after the firing commenced the sentinel on guard gave the alarm required to be given under such circumstances by firing his piece in the air three times and calling out after each shot for the corporal of the guard.

Major Penrose, who had retired, but was yet awake, immediately ordered the sergeant of the guard to sound the call to arms. This call to arms and the firing instantly awakened the whole garrison. Excitement and more or less confusion followed. The formation of the companies was ordered. The sergeant in charge of the gun racks of Company C refused to open them until he had an order from a superior officer.

This led, after some minutes of delay, to an order from Major Penrose to break open the gun racks.

On account of this delay C Company was not formed until some minutes after the firing had ceased, but the other companies were formed immediately after the call to arms was sounded.

The roll was called in B Company. It was still in progress, but almost concluded, when the firing ceased. Every man of the company was present or accounted for.

D Company was quickly formed, and the men were verified by a personal inspection by Captain Lyon. Not a man was missing from the ranks who was not accounted for.

The officers of these companies testified that while such a thing was possible as that some of the men might have participated in the shooting and then returned and joined their companies without detection, yet they do not believe that any such thing occurred, or that it could have occurred without the men being detected.

Later that night, after Mayor Combe notified Major Penrose that the men were charged with doing the shooting, the men were again verified, and every man was satisfactorily accounted for.

The following morning, as soon as it was light enough to see and to make an inspection, the guns were carefully inspected, and the ammunition was verified, with the result that not a cartridge was missing and not a dirty gun was found. Every one was as bright and clean as it had been found two days before at their regular weekly inspection.

There is much testimony in the record as to whether or not in the nighttime, and without artificial light, the men could have cleaned their guns if they had used them on the raid so as to have them free from any indication of use.

The overwhelming weight of this testimony is that it is a difficult matter to clean these rifles; that it requires from fifteen to thirty minutes to clean them, and that it is absolutely impossible to clean them in the dark, or with the aid of artificial light, so they would pass such an inspection as they were subjected to by the officers of these companies the following morning.

This testimony as to the cleaning of these guns and the time required therefor was given not alone by the colored soldiers of the Twenty-fifth United States Infantry, but also by a large number of white soldiers who were called as witnesses.

It has been suggested that the men probably used surplus ammunition, but the testimony is uncontradicted that they had no surplus ammunition. All the ammunition in the possession of the men when they left Fort Niobrara was taken away from them, except only twenty rounds of ball cartridges for each man, and every man in the battalion had his twenty rounds when inspected the morning after the affray, and all the surplus ammunition with which each company was charged was found to be on hand in the storerooms in charge of the quartermaster-sergeants of the respective companies without the shortage of a single cartridge.

That is not the testimony of the black soldiers, but of the white officers, men who were graduates of West Point Military Academy, and men who stand as high in point of integrity as any men who could be called as witnesses.

The testimony further shows they had no opportunity to get surplus ammunition either at Fort Niobrara or at Fort Brown.

The testimony further shows that during the stay at Fort Brown the three companies of white soldiers of the Twenty-sixth United States Infantry were engaged in target practice and that generous supplies of their ammunition in some manner found their way into the hands of citizens of Brownsville. There is testimony to the effect that whole clips of Springfield cartridges could be seen in barrooms, standing on sideboards, where they were used for decorative purposes, and that when these companies of the Twenty-sixth United States Infantry left Brownsville they carelessly left ammunition behind them in the barracks, which was gathered up immediately after their departure by Mexicans and scavengers who visited the barracks for the purpose of supplying themselves with whatever had been cast away.

I have here a clip [exhibiting]. It is a facility for putting five cartridges together in a bunch. It is that little fastener or holder that is called the clip. I call attention to it now because I shall have to refer to it again presently.

In other words, the testimony shows that the citizens of Brownsville had opportunity to procure, and that they did have in their possession, an abundance of the kind of ammunition with which the soldiers had been supplied, and that the colored soldiers had no ammunition whatever and no opportunity to procure any except only that which had been distributed to them, every cartridge of which they had when inspected the morning after the shooting occurred.

The foregoing statements as to the ammunition should be modified as to C Company.

Each man of this company carried with him to Brownsville from Fort Niobrara twenty rounds of ball cartridges, but a few days after arrival at Brownsville Captain Macklin ordered that all the ball ammunition should be returned to the quartermaster-sergeant, and that the men should be supplied with guard cartridges, ten rounds to each man.

According to the testimony, when the shooting commenced, on the night of August 13, each man in this company had ten rounds of these cartridges, and not a man in this company had possession of a single ball cartridge. Every one had been taken from them only a few days before under this special order.

The testimony further shows that each of these companies had 650 rounds of guard cartridges—no more, no less.

This ammunition was issued to them at Fort Niobrara. These cartridges are, as their name indicates, intended for only guard purposes. They have only 15 grains of powder, whereas the ball ammunition has 42 grains of powder. They have a plain lead bullet, without any steel jacket such as the ball ammunition has.

The testimony further shows that, except only these 650 rounds for each of these three companies, there was no other ammunition of this kind issued to the battalion or procurable by the battalion at either Fort Niobrara or Fort Brown.

The testimony further shows that each of these three companies the morning after the firing not only accounted for every round of ball ammunition, but also for every round of this guard ammunition.

Each of the companies turned over to the Government at El Reno, where the soldiers were discharged without honor, exactly 650 rounds, except only D Company, which turned in only 645 rounds.

This shortage of one clip of guard ammunition was fully accounted for by Captain Lyon, the commanding officer of Company D.

No one pretends that there is any evidence that any bullets of this character were used that night. No trace of any such bullet has been found.

It follows necessarily that, so far at least as Company C is concerned, there is absolutely no evidence to show that they participated in the affray or to warrant the suspicion that they did, and yet it was this company toward which all suspicions of guilt were directed by Major Blocksom and all others down to the time when this fact with respect to its ammunition was established.

Suspicion was directed to this company because Newton, Reid, and Adair, the three men, each of whom had some kind of trouble at Brownsville, all belonged to this company, and because there was delay in the opening of the gun racks, in consequence of which at least two of them were broken open by order of Major Penrose.

Major Blocksom and others engaged in the investigation seemed to think that it was an evidence that these men were engaged in this conspiracy, which because of their care in organizing and executing it seems impossible to disclose, were, while so expert on the one hand, so absolutely stupid on the other that they would commence their operations by breaking open their gun racks and committing other acts that would betray their identity.

How anybody possessed of the slightest power to reason could find evidence of guilt in such performances surpasses ordinary comprehension. Only a man so blinded with prejudice and egotism as to be incapable of weighing conduct intelligently could be guilty of reaching conclusions so utterly absurd.

The testimony shows another important fact that is confirmatory of the innocence of the soldiers.

PISTOL SHOTS.

Ten revolvers for each company had been issued to the battalion at Fort Niobrara. There were no other revolvers or pistols of any kind, so far as the testimony discloses, in the possession of anybody connected with the battalion.

The testimony shows that none of these revolvers had ever been taken out of the chests in which they were when they were delivered to the different companies, except only one that was in the possession of one of the officers of the battalion.

All these revolvers, with this exception, were found after the firing to be in the chests where they belonged, covered with cosmoline that had been put on them at the arsenal, and not one of them showing any signs of having ever been used.

The significance of this testimony arises from the fact that Major Penrose and his officers and also Major Combe and a number of other witnesses all testified positively that the first shots fired that night were pistol shots.

Major Penrose and his officers and Mayor Combe were experts in the handling of arms and in distinguishing between pistols and high-power rifles.

Major Penrose said:

The first two shots I heard were undoubtedly pistol shots.

Captain Lyon says:

The first two shots were undoubtedly revolver shots, black powder.

Lieutenant Grier:

They were what I thought were two pistol shots.

George W. Rendall said, referring to these shots:

I think they were pistols; that was my impression at the time.

Mayor Combe said he first heard "what I thought to be four or five pistol shots."

He further said that he was impressed that they were pistol shots because they did not sound like the shots he heard later, which he recognized as high-power rifle shots.

In view of this testimony, it can not well be doubted that the firing was commenced that night by somebody other than the soldiers.

LOCATION OF FIRST SHOTS.

That this firing did not commence on the rear porches of the barracks or at any other point within the reservation is clearly shown by two witnesses who were in position to know, and unquestionably did know, more about the location of the first firing than anybody else.

One of these was private J. H. Howard, of Company D, the sentinel who was on post and who happened, when the firing commenced, to be passing over his beat immediately in rear of C and B barracks, about opposite the space between them, and practically opposite the mouth of Cowen alley.

The other witness was Matias G. Tamayo, a Mexican citizen of Brownsville, who was employed by the Government as the scavenger, and was with his night cart immediately in the rear of B barracks, near its kitchen, when the firing commenced.

Both testified in the most unqualified way that there was no firing from the barracks or from any other point within the reservation; that the first shots were fired from some place outside of the reservation, as nearly as they could locate them in the Garrison road, somewhere in the vicinity of the mouth of Cowen alley.

Both witnesses were exhaustively examined and cross-examined without shaking or affecting their testimony on this point in the slightest degree.

Both testified not only that there was no firing from any point within the reservation, but that no men or bodies of men were passing in the rear of the barracks before or at the time of this first firing, and that nobody was seen to be jumping over the wall from the reservation into the Garrison road outside, and both testified that if any such thing had happened they were in a situation to have seen it.

They describe intelligently and positively the character of this first firing and the location of it, and negative, absolutely, and unqualifiedly the claim that there was any firing from any other point except that which followed the first firing, and which occurred as the raiders passed up Cowen alley on the route they took.

The sentinel testifies that there were first two shots, and then after a few seconds a fusillade of five or six shots, and that thereupon he passed to the front line of the barracks opposite the parade ground, held his piece in the air and gave the alarm required under such circumstances by firing his piece three times and after each shot crying out "Corporal of the guard No. 2." His gun was the only one in the battalion found dirty from firing on inspection the following morning.

Major Penrose and a number of other witnesses testified that they heard first two shots, then a fusillade of shots, then three separate and distinct shots, which were undoubtedly the shots fired by the sentinel, whom Major Penrose found at the point where the sentinel testifies he stood when he gave the alarm.

There is nothing whatever in the record of the sentinel, Howard, to his discredit. His testimony is intelligent, frank, straightforward, and undoubtedly truthful, but while it may be insisted that because he was a soldier his statements should be discredited, there is no reason whatever for discrediting the testimony of Tamayo, the scavenger. He was a citizen of Brownsville; he had lived there all his life. Owing to the fact that they had been there so short a time he had practically no acquaintance with the soldiers. He testified that he had no interest in them of any kind whatever to affect his testimony either one way or another. His testimony was also intelligent, frank, and straightforward, and although he was examined and cross-examined in the most rigid and exhaustive manner, his evidence was not affected or disparaged in the slightest degree.

I come now to the

CIRCUMSTANTIAL EVIDENCE.

It consists of a number of bullets that were cut out of the houses into which they were fired at the time of the affray, and a lot of exploded shells, some clips and cartridges, and a bandolier that were picked up in the alleys and streets of Brownsville the next morning after the shooting.

All these are the same as those with which the negro soldiers were supplied. They are also precisely the same, however, with which the white soldiers were supplied who were relieved from duty at Fort Brown by the colored soldiers. The bullets have upon them the mark of four lands, indicating, as the testimony shows, that they were fired from either a Springfield rifle, or a Krag rifle, or a Krag carbine, or a Mauser rifle.

It is claimed, however, that they must have been fired from a Springfield rifle.

First, because the Springfield cartridge is too long and too large to fit into a Krag rifle, or Krag carbine, or a Mauser rifle, and that if the bullets that were found belonged to Springfield rifles, and that inasmuch as no one at Brownsville, so far as the testimony discloses, had a Springfield rifle, except only the negro soldiers, they must have done the firing.

Until this circumstantial evidence was presented to Major Penrose and his officers, they would not believe that any of their men had been engaged in the shooting, but this testimony seemed so conclusive that they changed their minds and expressed themselves as convinced that their men must have done the shooting.

It was this apparently conclusive testimony that fastened the conviction of guilt upon the soldiers in the minds of all who were engaged in the investigation of the affray, and which led the investigators to disbelieve the soldiers and to desist from investigating the question of the possible guilt of others.

As soon as this evidence was presented to Major Penrose and his officers they put their men under the strictest scrutiny and subjected them to the severest discipline and examinations, with a view to ascertaining who the guilty men were. They continued this course not only at Fort Brown, but subsequently at El Reno, down to the time when their men were discharged without honor, but, notwithstanding they made every kind of an effort, they failed to get any clue whatever to indicate what men, if any at all, were guilty.

Every man in the command continued to stoutly and unqualifiedly deny that he had participated in the affray, and also that he had any knowledge whatever as to who had done the shooting.

When General Garlington announced the President's ultimatum, that unless someone disclosed who the guilty parties were the whole battalion would be discharged without honor, it was thought that at least those oldest in the service, and therefore having the most to lose by such a discharge, would come forward with incriminating testimony; but when they continued to assert their innocence and lack of any knowledge whatever on the subject, their officers, who knew their pride in their record as soldiers and knew their trustworthiness and truthfulness and general reliability as men, began to doubt their guilt.

This wavering ripened into conviction when during the progress of the Penrose court-martial and the Senate investigation a number of important facts favorable to the soldiers were developed and established.

THE MICROSCOPIC INSPECTION.

No one fact had so much weight with these officers to change their minds as what is known in this record as the microscopic inspection that was made of the exploded shells above referred to.

When the results of this investigation were communicated to the Senate Committee on Military Affairs, made a part of the record of the investigation, and made known to the public, these officers carefully studied the various points and features and phases of the same with the result that, coupled with other testimony, they became thoroughly convinced that their men were absolutely innocent, one and all, of any participation in the shooting affray, and of withholding any information with regard thereto.

All testified fully as to this change of opinion in favor of their men, giving their reasons therefor.

This testimony, which was so conclusive to these officers, appears equally conclusive to my mind.

It is of the most important character and, in consequence, is entitled to the most careful attention.

My views with respect to this circumstantial evidence and this microscopic inspection and the conclusions deducible from the results of the same are fully and carefully expressed in the supplemental minority report signed by the Senator from Connecticut and myself.

I do not know how better to present what I have to say in regard thereto than by quoting the following from that report. It involves some repetition, but in view of its importance that is not objectionable.

THE SHELLS, CLIPS, ETC.

A lot of exploded cartridge shells, some clips and cartridges, and a bandolier were picked up in the alleys and streets of Brownsville the next morning after the shooting.

Until these were brought to the fort and shown to Major Penrose and the other officers of the battalion they would not, any of them, believe it possible that any of the men of the battalion had been engaged in the shooting; but when these were exhibited to them, and they were told that they were picked up at the points where the shooting occurred, they changed their minds and concluded that in view of such evidence their men must have done the shooting. From that moment they put their men under the strictest scrutiny and surveillance and made every effort possible to ascertain who the guilty men were, but all such efforts failed.

In the meanwhile the court-martial of Major Penrose was held at San Antonio and the investigation before the Senate committee commenced. The testimony so taken satisfied the officers, as we have already pointed out, that their men were not guilty, and they have so testified.

They testify that they were influenced to change their opinions and reach the conclusion that their men were not guilty by a number of facts developed, including, among others, the results of a microscopic examination that was made of the exploded shells that were picked up in the streets of Brownsville. In other words, the testimony by which they had been first led to believe that their men were guilty turned out, as a result of this investigation, to be conclusive proof to their minds that their men were not guilty. The part this testimony has thus played shows that it is sufficiently important to receive special consideration.

NUMBER OF SHELLS FOUND.

1. According to the weight of the testimony there were from 150 to 300 shots fired that night in Brownsville by the raiders, whoever they may have been. There should have been found, therefore, that many exploded shells. The testimony shows that careful search was made to find the shells and every other species of evidence that might tend to show that the soldiers were guilty, but with the result that, all told, only about 40 of these exploded shells were found. In other words, there were from 100 to 200 or 300 exploded shells, according to the theory of those who claim that the soldiers did the firing, scattered somewhere as a result of that firing in the alleys and the streets of Brownsville which have never been found. Nobody pretends that there was any difficulty on account of the nature of the ground or for any other reason about finding any exploded shells there may have been, or ought to have been, in the streets where the firing occurred. Seven of these empty shells were found at the mouth of the Cowen alley near the fort by Captain Macklin. Others were found in the alley and in Washington street at the point where the firing is said to have occurred. These shells so found, except those found by Captain Macklin, were turned over to the authorities and subsequently forwarded to the Senate for use as evidence. There were only 33 of them in all. There may possibly have been a few others picked up that were not turned over, but we have no account of them, and the testimony is of such character as to warrant the conclusion that there could have been but very few, if any, picked up in addition to the 33 mentioned. It is reasonable to conclude that the other shells that must have been exploded, if there were as many shots fired as the witnesses state, were not found to be such shells as the soldiers used, or there must have been some other good reason for not submitting them as evidence. Whatever the explanation may be, the fact remains, and it is a fact that in and of itself discredits the deductions drawn to the prejudices of the soldiers from the finding of the shells that have been submitted.

SHELLS AND CLIPS FOUND BY CAPTAIN MACKLIN.

It is testified by Captain Macklin, who was the officer of the day, that just at the break of dawn he made a careful search for any evidence that would show who had done the firing. In this behalf he searched, both inside the reservation wall and outside, to find shells and clips or other evidence that the soldiers had done the firing, as the citizens were at that time charging. He found no shell, no clip, no evidence of any kind inside the reservation wall, but outside the wall, across the street, in front of the garrison and at the mouth of Cowen alley, where, according to the testimony of the guard and the scavenger and other witnesses, the first shots were heard, he found seven shells and six clips in a circular area not more than 10 inches in diameter. The testimony is conclusive that if these shells had fallen from Springfield rifles as they were fired they would have been scattered over an area perhaps 10 feet in diameter. It is the opinion of all the witnesses who testified on that point that the shells found by Captain Macklin could not have fallen in the position in which he found them if they had fallen as they were fired. This fact, coupled with the further fact that with these seven shells there were found six clips, enough to hold thirty cartridges, further discredits the finding of the shells in the alleys and streets as evidence of the guilt of the soldiers.

MICROSCOPIC INVESTIGATION.

But while the investigation was in progress the War Department, on its own motion, caused all the rifles that were in the hands of the three companies at Brownsville that night to be forwarded to the Springfield Armory, and detailed two officers, who, under instructions from the War Department, caused to be fired out of each of these rifles two cartridges. The indentations on the heads of the exploded shells so fired were put under the microscope and compared with the indentations found on the heads of the thirty-three exploded shells picked up in the streets of Brownsville, which indentations were similarly magnified.

In order that Senators may have a better idea than I can convey by mere language, I have in my hand here an exploded shell to which I call attention. That is the head of the shell—where I am pointing. The center of that head is called the "primer." When the cartridge is inserted in the gun and the trigger is pulled a bolt shoots forward which carries what is called the "firing pin" until it strikes the primer, and that explodes the shell.

As I have already read, two cartridges were fired from each one of the guns of this battalion by the officers who were intrusted with the duty of making the experiment, and the indentations made upon the heads of the shells were then magnified, and you see by these exhibits in our record at pages 1313–1314 to what extent they were magnified. [Indicating.]

All firing pins are made by machinery and are supposed to be practically alike, yet it is found upon examination that no two firing pins will make the same kind of an indentation; that is, there does not seem to be anything in either manufacture or nature exactly like anything else, even when it is made with machinery.

All the heads of these exploded shells fired by these experts were put under the magnifying glass and magnified in that way. So were the heads of the shells picked up in the streets of Brownsville put under the magnifying glass, and then they were compared with each other with this result, that the indentations found on the thirty-three shells picked up in the streets of Brownsville were exactly like the indentations made upon the shells fired by these experts out of four certain rifles that had been sent to the Springfield Armory, which were found to have belonged to Company B.

All that is set forth in the official report of these experts. The experts transmitted them to the Secretary of War, with a report in which they said that the experiments showed conclusively that the thirty-three shells picked up in the streets of Brownsville had been fired out of these four certain rifles—eleven out of one, eight out of another, and so on. The numbers of the rifles were given, and that was transmitted to the committee as settling the whole matter.

But I was simple-minded enough when that came in to think I would like to know where those four rifles were that night, if I could find out. So I found out, from an examination of the property account of the company, that they were charged to four different soldiers, whose names were given. They were subpœnaed and brought before the committee, and they testified, and three of the rifles were accounted for as in the hands of men that night, not one of them showing any evidence of having been fired when examined the next morning.

But it was said by those who were disposed to criticise and not accept that as conclusive that these soldiers were interested and there might be unreliable testimony given. But it was not necessary to pursue that any further, for when we came to examine as to the fourth gun we found that gun was that night locked up in the arms chest of the storeroom of the company's quarters. I have told all this in the report, and I would rather read that.

Mr. SCOTT. And that gun had never been used.

Mr. FORAKER. No. I want to read that, and I want the attention of every Senator who will so honor me.

The thirty-three exploded shells were otherwise subjected to the most careful inspection by these experts. The result of this investigation was submitted to the committee in the form of an official report made by these officers to the Secretary of War. It is found at pages 1309–1325 of the record. Without being unduly tedious, the results were:

1. That there was such an exact identity between the indentations found on the heads of the thirty-three exploded shells picked up in the streets of Brownsville and the indentations found upon the exploded shells fired from four certain guns belonging to Company B of the Twenty-fifth Infantry that the officers reported that, beyond a reasonable doubt, the shells picked up in the streets of Brownsville had been fired out of those four guns.

2. The experts further reported that they found that three of the shells picked up in the streets of Brownsville had a double indentation, as though a first attempt to fire them had failed and they had then been put a second time in the piece and struck a second time with the hammer or firing pin before they were exploded.

3. They further officially reported that certain of the shells picked up in the streets of Brownsville, nine in number, bore marks indicating that they had been twice or oftener inserted in a rifle as though to be fired.

DOUBLE INDENTATIONS.

The officers of the Twenty-fifth Infantry and all the men who were examined on the point testified that when they first received their rifles, about the last of April, 1906, at Fort Niobrara, they were found to be so heavily oiled with cosmoline that the spring which shot the bolt forward with the firing pin to strike the head of the cartridge and explode it was impeded to such an extent that it was a matter of frequent occurrence that cartridges failed to explode at the first stroke, but that after, by the use of coal oil and in other ways, this cosmoline had been entirely removed, so that the spring worked freely, such a thing as a failure to explode practically never happened; and all testified that long before these troops left Fort Niobrara, where they used their rifles in target practice, they ceased to have any such difficulty and that during all the time they were in Brownsville no such difficulty could have been experienced if they had had occasion to use their rifles.

THE DOUBLE INSERTION.

As to the double insertion of cartridges, the officers and men all testified that while they were engaged in target practice at Fort Niobrara the call to cease firing very frequently was sounded after a cartridge had been inserted but before it was fired; that this was a matter of practically daily occurrence—

I should have said "hourly occurrence"—

that always the soldier was required when the call to cease firing was sounded to at once remove from his gun any cartridge that might have been inserted but not yet fired, and that this cartridge so withdrawn was reinserted and fired when firing was resumed, and that in this way shells would show marks indicating that they had been inserted more than once in the firing piece. The officers and men all testified that except only on the target range at Fort Niobrara there was never in the history of these arms any such double insertion of cartridges or any occasion for such double insertion. It was the opinion of all the officers and men who testified on the subject that these double insertions never could have occurred except only on the target range at Fort Niobrara.

What these officers say shows how improbable it is that such a double insertion could have occurred in connection with the shooting affray at Brownsville, when it is remembered that when an attempt is made to fire a cartridge and the attempt fails the bolt must be drawn backward, with the result that the ejector throws the cartridge out of the chamber and to the distance of anywhere from 3 to 10 feet away from the gun. The idea that a raider would undertake in the darkness of such a night, and under such circumstances, to recover an ejected cartridge that had failed to explode in order that it might be reinserted in the piece is utterly untenable. The same is equally true as to those cartridges showing double indentations. There could not be any double indentation without pulling back the bolt after the first indentation, with the consequent expulsion of the cartridge from the chamber out into the darkness and to the distance of 3 to 10 feet away from the gun, then recovering and reinserting the cartridge. To suppose that on such an occasion, under such circumstances, any such thing would or could occur is an extreme improbability, if not an actual impossibility.

THE FOUR GUNS.

The four guns out of which the experts found that the shells picked up in Brownsville must have been fired were identified by their numbers. The testimony shows that on the night of the shooting three of these guns were assigned, respectively, to Thomas Taylor, Joseph L. Wilson, and Ernest English, privates of Company B. These men appeared and testified that they were in their quarters asleep when the firing commenced, that they heard the call to arms, rushed with their comrades to the gun racks, each getting some gun which he carried for that night and which he returned after the company was dismissed for the night to the gun racks, where they were locked up and kept until morning; that the following morning each one found his gun in the rack and that when submitted for inspection it was found to be perfectly clean and bright, showing no evidence whatever of having been fired during the night. All testify that in the excitement and confusion each soldier grabbed the first gun he could get, but that all guns were found in the racks, where they were verified after the firing was over. These witnesses were clear, straightforward, and unqualified in all their statements, and their testimony should be sufficient, in the absence of specific contradiction, to establish the fact that no one of their guns was used in the shooting affray.

They are confirmed by the testimony of their company commander, Lieutenant Lawrason, who testified, at pages 1579 and 1580, as follows:

"Q. Did you learn before your company was dismissed that night that it had been charged by Mayor Combe that the soldiers of the garrison had fired on the town?—A. Yes, sir. I was near the main gate into the town when Mayor Combe came up, and I heard part of the conversation with Major Penrose, in which Mayor Combe accused the soldiers of having done the shooting.

"Q. Until that time had you any thought of that kind with respect to the matter?—A. No, sir; I did not; I did not believe for an instant that the men had done it.

"Q. That was the first intimation you had that anybody made any such claim?—A. Yes, sir; it was.

"Q. And then it was after that that Major Penrose dismissed you and told you to make these examinations, was it?—A. Yes, sir.

"Q. You took your company back, as I understand you, to the barracks and dismissed the company. Then what did you do in execution of the major's orders?—A. I saw the arms locked in the racks and later——

"Q. I will ask you, before you left the racks, whether or not you counted the guns after they were put into the racks?—A. Yes, sir; I counted them.

"Q. How many were there, or were they all there?—A. I don't remember the exact number, but I remember adding to the exact number the number of men on guard and the number of rifles that should be in the storehouse, and the first sergeant's rifle, and adding up seventy.

"Q. That is to say, you accounted for seventy rifles, did you?—A. Yes, sir.

"Q. Was that the full number that had been issued to that company?—A. That was all that we had—all the Springfield rifles we had.

"Q. And you remember, do you, positively that at that time you knew that you had in the gun racks the full number of rifles that should be there after deducting the other rifles that you accounted for as being elsewhere?—A. Yes, sir.

"Q. If there had been three rifles missing from the racks, would you or not have detected it?—A. If there had been what?

"Q. If there had been three rifles missing, would you have detected it?—A. I believe I would have detected one short.

"Q. You would have detected one short. Now, do you remember Thomas Taylor of your company?—A. Yes, sir.

"Q. Do you remember seeing him that night?—A. I know that he was present that night, though I don't remember seeing his face in the ranks.

"Q. How do you know that he was present—I mean present with your company, and I suppose you mean that?—A. Yes, sir; because I know that he was carried on the rolls of the company at this time, and I checked up the whereabouts of every man in the company that night.

"Q. And you know that he answered to his name at the roll call, do you?—A. Yes, sir.

"Q. Or if not that, that you found him elsewhere?—A. Yes, sir; I know he was accounted for at that roll call.

"Q. You have told us of all who were absent from the ranks when the roll was called, and he was not one of them; so therefore it follows that he was in ranks, does it not?—A. Yes, sir.

"Q. Now, is that true also of Joseph L. Wilson?—A. Yes, sir; that is true of Joseph L. Wilson also.

"Q. Do you remember seeing him in ranks that night?—A. No, sir; I do not. He is on one end of the company, and I believe in the rear rank, or at any rate not directly in front of me in the company. He is smaller than most of the men in the company.

"Q. But if he had been absent when his name was called, you would have detected his absence, you would have observed it?—A. Yes, sir.

"Q. You were paying particular attention, were you not, to the roll call?—A. Yes, sir; I was, because I believed that the barracks had been fired into, and I wanted to see if any man had possibly been wounded and left upstairs.

"Q. And you also stated that you knew the voice of every man so you could distinguish it and recognize it when he answered to his name?—A. Yes, sir; I believe I am familiar with every voice in the company.

"Q. Now, is what you have stated as to Thomas Taylor and Joseph L. Wilson also true as to Ernest English?—A. Yes, sir; I believe English was also present.

"Q. Do you remember seeing him that night?—A. No, sir; I can not positively state that I saw the face of any man in the ranks that night.

"Q. But you do remember distinctly that every man was in ranks answering to his name, except those whom you have given us the names of, who were away on the several duties you have mentioned?—A. Yes, sir."

THE FOURTH GUN.

But however it may be as to the testimony of these three men being sufficient to show that these three guns were not fired that night, the *testimony is absolutely conclusive as to the fourth gun that it was not fired that night.* This fourth gun, being 45683, was originally issued at Fort Niobrara to Sergeant Blaney. Shortly before the battalion left Fort Niobrara for Brownsville his term of enlistment expired, and he reenlisted and took the usual furlough of three months, to which he was entitled. Before starting on his furlough he turned in his gun to the quartermaster-sergeant, Walker McCurdy, who placed his name on a piece of paper and put it in the bore of the gun next to the chamber, and then placed it in the arm chest and locked it up. Sergeant Blaney did not return to the company until after it left Fort Brown. On the night of the shooting his gun, with others, was still in this arm chest. They were all placed there when the battalion left Fort Niobrara. On arrival at Fort Brown this arm chest was put in the storeroom, and for want of room other baggage was piled on top of the chest. On the night of the firing, and immediately after the company was dismissed for the night, Lieutenant Lawrason, the company commander, under orders from Major Penrose, proceeded to verify his rifles. He carefully counted the rifles in the gun racks and found there the exact number that belonged in the racks. He then went to the storeroom, taking with him the quartermaster-sergeant, who unlocked the room, that he might enter. After entering the room he told the quartermaster-sergeant that he wanted to verify the guns in his custody—those in the arm chest. The quartermaster-sergeant thereupon removed the baggage that had been piled on top of the arm chests, unscrewed the lids, opened up the guns, and Lieutenant Lawrason counted them, finding that every gun was there—not one missing. In this way he establishes that Blaney's gun was at the time of the firing in the arm chest, with the lid screwed down and baggage on top of the chest, and the door of the storeroom fastened under lock and key. In other words, it is conclusively shown that as to this one gun at least it was utterly impossible for it to have been fired in Brownsville or that it ever had been fired, except only on the target range at Fort Niobrara before the battalion left there.

Lieutenant Lawrason's testimony on this point is as follows:

"Q. That night, when the guns were put back in the racks, did you count them?—A. Yes, sir; I counted them as they were placed in the racks.

"Q. Were the rifles locked up?—A. They were, sir.

"Q. By whom?—A. By the noncommissioned officer in charge of quarters.

"Q. Who was that?—A. Sergt. George W. Jackson.

"Q. Is he a reliable man, or not?—A. I believe him to be a reliable man, sir.

"Q. And a truthful man?—A. I think so, sir.

"Q. He had been a sergeant in that company for a long time, had he not?—A. He had, for several years, I believe, sir. He was in the company when I joined it.

"Q. And a man of good record in every sense?—A. I believe he was, sir.

"Q. Now, you saw the gun racks locked by him; then what did you do next after you had put the rifles away and locked them up in that manner?—A. I then went down and inspected the rifles in the storehouse.

"Q. Who was in charge of the storehouse, or storeroom, whichever you call it?—A. Quartermaster-Sergeant Walker McCurdy.

"Q. Was he, also, an old sergeant?—A. Yes, sir; he was an old sergeant of Company B.

"Q. Was he or not a reliable and truthful man?—A. I always believed him to be such, sir.

"Q. He had been in the service many years, had he not?—A. Yes, sir; he had.

"Q. And had everybody's confidence as a good soldier and a faithful noncommissioned officer?—A. Yes, sir.

"Q. He was the quartermaster-sergeant. As quartermaster-sergeant, what was his duty with respect to the surplus rifles and surplus ammunition? I mean surplus in the sense that it was not in the hands of the men?—A. He was accountable for it, and it was his business to keep it locked up.

"Q. You went to the storeroom after you locked up the rifles; who went with you to the storeroom?—A. The quartermaster-sergeant.

"Q. Sergeant McCurdy?—A. Yes, sir.

"Q. What did you do, and what did you tell him, and in what condition did you find the room; was it locked or unlocked when you went to it?—A. It was locked and he opened it. He took out a bunch of keys, as I recollect it, and fumbled around and got the right key and unlocked the door. The storeroom was very small, and we could not put all of our quartermaster property in there, and there was some confusion in the way in which the stuff was piled. We had to remove a lot of company property.

"Q. I will come to that in a minute. What did you tell Sergeant McCurdy you wanted in the storeroom when you went there; did you tell him or not what you wanted to do until you got into the storeroom?—A. No, sir; when I get into the storeroom I told him that I wanted to see the rifles that he had in the storeroom.

"Q. That is, rifles that he had in his possession?—A. Yes, sir.

"Q. Did you know how many rifles he had in his possession at the time?—A. I did, by referring to the company property book which was kept there.

"Q. We will speak about that presently. Now, go on and state what you did and what he did when you told him.—A. He told me that the rifles were locked up in the arm chests. I told him to open them, and he opened one full arm chest that contained ten rifles, and also opened another that, I believe, contained two or three rifles and several old company shotguns.

"Q. Now, before you opened the arm chests, let me ask whether or not they were easy to get at, or whether there was anything on top of them?—A. No, sir; they were not easy to get at. As I recollect, we removed considerable property before we got the arm chests out and got room to unscrew the lids.

"Q. What kind of property was this?—A. Iron quartermaster bunks and, I believe, some iron uprights to hold mosquito bars—T-shaped things.

"Q. They had been piled on top of these arm chests, had they?—A. Yes, sir; and were standing against the wall, between us and the arm chests.

"Q. When had you last before that seen these arm chests, and where?—A. I had seen them at Fort Niobrara, Nebr., before shipment, and when they were unloaded from the wagons and placed in the storehouse at Fort Brown.

"Q. Where were these extra guns placed in these arm chests, whether at Fort Niobrara or Fort Brown, or where?—A. They were placed in the arm chests at Fort Niobrara.

"Q. Do you remember seeing the guns—rifles—put in the arm chests and the arm chests closed up for shipment at Fort Niobrara?—A. I do not believe I was present when the property was boxed up. It was boxed up some time before our departure, and Captain Shattuck was in command of the company at that time.

"Q. You have told us in what condition you found the chests as to other property being piled on top; this property was removed, was it, from the tops of the chests?—A. Yes, sir.

"Q. And then were the chests opened, or not?—A. They were opened under my supervision and the arms counted.

"Q. State in what condition you found the inside of those chests, as to the arms.—A. The arms were placed in the proper grooves for them, and they were battened down, or held down by cleats that fit in the boxes, to prevent their rattling around during shipment.

"Q. They had been fixed that way before they had left Niobrara?—A. Yes, sir.

"Q. And were they in that same condition when you opened them that night?—A. They were in the same condition, sir.

"Q. Did you count the rifles when they were opened up?—A. Yes, sir; I counted them.

"Q. I will ask you another question—whether or not, before these rifles were shipped from Fort Niobrara, they were coated with cosmoline oil or any other kind of oil?—A. I believe they were coated with cosmoline oil at the time I looked at them at Fort Brown.

"Q. When you looked at them was there any indication that they had been disturbed in any way whatever since they had been boxed up at Fort Niobrara?—A. No, sir; there was not; I did not take out all the rifles; I could count them without taking them out of the boxes; I picked up one or two from the top.

"Q. And you did count the rifles in both boxes?—A. Yes, sir.

"Q. And you remember that the requisite number of rifles were there, added to the other rifles that you found in the racks, and that you counted as away from there, to make up the number of seventy?—A. Yes, sir.

"Q. There was not a rifle missing, was there?—A. No, sir."

On this point Quartermaster-Sergeant Walker McCurdy testified (p. 1658) as follows:

"Q. What book is that in front of you there? See if you recognize it.—A. This is the company's property book, sir.

"Q. The company property book of Company B?—A. Yes, sir.

"Q. Will you turn to that and see what gun Sergeant Blaney had assigned to him, according to that book, when these new Springfield rifles were issued?—A. [Examining book.] I think it was 45683.

"Q. 45683?—A. Yes, sir.

"Q. Now, it has been testified to, I believe, that Sergeant Blaney was absent on furlough. When did he go away on furlough?—A. It was about the same time I was made quartermaster-sergeant—about the 9th or 10th of June.

"Q. That is, you succeeded him when he went away on furlough?—A. Yes, sir.

"Q. Had he returned while you were yet at Brownsville? When did he return?—A. He returned at El Reno.

"Q. He was not with you at Fort Brown at all?—A. No, sir.

"Q. What was done with his gun when he left to go on furlough the 9th of June, or whatever date it was?—A. He took it up and packed it away.

"Q. He turned it in?—A. No, sir; he turned in his own rifle. He will tell you himself that when he returned there was a slip of paper put in the chamber to show whose rifle it was, to keep me from issuing it to anyone else.

"Q. Who put that in there?—A. I put it in there myself.

"Q. What was on that slip of paper?—A. 'William Blaney.'

"Q. Now, when he returned, were you still with the company?—A. Yes, sir.

"Q. At El Reno?—A. Yes, sir.

"Q. And you were still quartermaster-sergeant?—A. Yes, sir.

"Q. And did you continue as quartermaster-sergeant?—A. Until I was discharged, sir.

"Q. Until you were discharged?—A. Yes, sir.

"Q. Now, what was done in the matter of providing Sergeant Blaney with a gun?—A. I gave him his same rifle back.

"Q. You gave him back that same rifle?—A. Yes, sir.

"Q. What does the company book show there as to what ultimately became of it?—A. The company property book only shows here that it was checked off. At least it is struck out now, because it was checked off.

"Q. Look at the number of the gun and see whether there are some initials placed over the number?—A. No, sir; only 'O. K.' here, when it was turned in.

"Q. What is that written over the number [indicating on book]?—A. That is the captain's check mark.

"Q. That is 'C. C. K.?'—A. It is 'O. K.'

"Q. No; 'C. C. K.'—A. That is the captain's check mark, of Captain Kinney. He could tell you. He did that himself.

"Q. The gun was turned in. You were quartermaster-sergeant when the gun was turned in?—A. Yes, sir.

"Q. State whether or not when the guns were turned in Captain Kinney was captain of the company.—A. Yes, sir.

"Q. And his name is C. C. Kinney?—A. Yes, sir.

"Q. State whether or not he checked up every number.—A. He had that book, and he checked it up.

"Q. Can you tell us where that gun, No. 45683—is that the number?—A. 45683, I think it is, sir. [Examining book.] There is a check over it, but I think that is what it is, No. 45683.

"Senator WARNER. That is the number you gave?

"Senator FORAKER. Yes.

"By Senator FORAKER:

"Q. Well, it is the number that is there. State where that gun was on the night of the 13th of August, 1906.—A. It was in the arm chest, sir, in the company.

"Q. In the arm chest?—A. Yes, sir.

"Q. Was the arm chest open or closed?—A. It was closed, sir.

"Q. Where was the arm chest?—A. It was in the storeroom.

"Q. How long had it been in that arm chest, and who had placed it there?—A. I placed it there at Fort Niobrara.

"Q. At Niobrara?—A. Yes, sir.

"Q. It was one of the guns that were in your charge? It was one of a number in your charge at that time, was it?—A. Yes, sir.

"Q. You have already testified that you packed up in arm chests all the guns you had charged to you?—A. All the surplus guns that were not in the hands of the men, sir.

"Q. You have a clear, positive, distinct recollection of that fact, have you?—A. Yes, sir.

"Q. You can not be mistaken about it?—A. No, sir.

"Q. It was No. 45688? That was the number?—A. Yes, sir."

If this gun was not fired that night in Brownsville, as the testimony conclusively shows it was not, then it follows that if the shells picked up in the streets of Brownsville were fired out of this gun they must have been fired at Fort Niobrara. The testimony shows this was both possible and probable.

Before this microscopic investigation was made or any such question was foreseen, it was established by uncontradicted testimony that Company B took with it to Brownsville as a part of its baggage a box containing from 1,600 to 2,000 exploded shells, with a proportionate number of clips, and that after arrival at Brownsville this box, opened, stood on the back porch of B barracks, where anyone passing might have access to it and remove shells and clips from it. The microscopic report says that the shells picked in the streets of Brownsville and put in evidence were, beyond a reasonable doubt, fired out of these four guns belonging to B Company. If so, then it also follows that they were fired, not in Brownsville, but at Fort Niobrara, and that they were found in the streets, not because they fell there when fired, but because they had been placed there by persons unknown, who had secured them from this box of shells standing on the back porch and easily accessible to anyone disposed to remove them therefrom. In other words, the microscopic inspection shows conclusively, not that the soldiers were guilty of the firing, but that the soldiers were free from such guilt.

Before I leave that subject let me again call attention to the fact that the next morning about the break of day, as he testified, Captain Macklin, who was the officer of the day, made a very careful search, having heard that the charge was that the soldiers had done the firing, both inside the reservation and outside, to find any evidence of such firing. Inside the reservation he could find no shell, no clip, no evidence of any kind to show that any firing had occurred. Outside the reservation, in the mouth of Cowen alley, where the sentinel and the scavenger testified that the first firing occurred, he found on a circular area, not more than 10 inches in diameter—think how small that is now—seven exploded shells and six of these clips. The testimony is that if those exploded shells had been fired that night by one standing near that point, they would have been ejected a distance anywhere from 3 to 10 feet from the gun, and they would have covered an area of 10 feet in diameter, rather than 10 inches in diameter. In other words, that, in connection with what is otherwise shown with respect to these exploded shells picked up in the streets of Brownsville, indicates that they had been placed there not as a result of firing done by soldiers, but as a result of firing done by somebody else who wanted to fix the responsibility for firing upon the soldiers.

Still other facts were developed and established by the testimony that might be cited as confirmatory of the innocence of the soldiers, but it is not necessary for present purposes to prolong the discussion of that character of evidence.

I want to pass to a consideration of the legislation that has been proposed, but before taking that up I desire to call attention to the

PROBABILITIES

of this case, or rather its improbabilities.

To any mind at all familiar with human nature, and able to reason as to the probabilities of human action, there is testimony of the strongest character in favor of the soldiers in the striking improbability of the whole theory of their guilt.

Is it probable that men of the character the testimony shows these men to be would deliberately plan such a conspiracy? And if they had ability enough to plan and execute such a conspiracy, would they be stupid enough to enter upon its execution by breaking open their gun racks, as they did in Company C, and by firing from their rear porches as it is charged they did in Company B, or that they would be firing from within the reservation grounds, on which they would remain until by such firing and such operations they had aroused the whole town, and directed attention to themselves, thereby fixing their identity as soldiers; and that when they had thus fixed attention upon themselves, and not before, they would, in the presence of the aroused citizens jump over the wall of the reservation and start on their errand of outrage and murder?

Is it reasonable to suppose that if the raiders were soldiers they would have commenced firing anywhere in the vicinity of the reservation? It must be remembered that it is the theory of those who believe in their guilt that operations were commenced in this bungling manner and that yet their proceedings were so carefully planned that, although they had accessories before the fact to enable them to secure their guns and pass the guards and accessories after the fact to enable them to return, clean their guns, and otherwise deceive their officers, yet all concerned—the President thinks the great majority of the battalion—have so carefully guarded the secret that no one has allowed a single word or hint to escape that even tends to convict. Such secrecy would be utterly impossible; but it is, if it were possible, utterly inconsistent with the performances with which their proceedings were initiated. The two ideas are utterly at variance with each other—at war with each other—they destroy each other.

And if the soldiers were so reckless as to disclose their identity as soldiers by breaking open their gun racks and opening fire in the way indicated and at the places indicated, why should there have been maintained such secrecy with respect to themselves and their operations in other respects?

Is it reasonable to suppose—can any fair-minded man believe—that men capable of planning and executing such a conspiracy and willingly engaging in such a work would be so secretive on the one hand and so absolutely reckless on the other?

And is it reasonable to suppose that if there were from five or six or eight to twenty soldiers engaged in the raid they could have gone through the town to the extent described by the testimony, and in the manner shown by the testimony, and then from a point distant 300 to 350 yards from the fort have returned to the barracks and rejoined their companies while in the process of formation, under the very eyes of their officers, without being detected?

In order to have returned to their companies before their formation was completed they would have had to run swiftly and would, therefore, have been likely to show excitement, quick breathing, and other effects of their exertion, which would be observed.

The testimony of all the officers is unqualifiedly that not a man in any one of the companies showed any sign whatever of having participated in the affray.

It is no part of my purpose to speculate upon the suggestions of the testimony as to who, in fact, did do the shooting.

PRESENT DUTY.

At this time we are concerned only as to what affects the soldiers, and our sole concern as to them is to ascertain, if we can, what our duty toward them requires.

It is not essential to our action that we should determine who the raiders were. It is enough to know, what now seems to be commonly agreed upon, that, no matter who did the shooting, there are many of the soldiers who are wholly innocent both of participating in the affray and of withholding knowledge with respect thereto, and that all such have suffered disgrace, loss, and hardship from which they should be relieved, and that such relief can be granted only by an act of Congress.

Apparently no one appreciates this more keenly than the President. It is interesting to note how this matter seems to have weighed upon his mind and how by successive steps he has reached this conclusion.

His order discharging the men without honor was dated November 5, 1906. Congress convened December 2, 1906. On that day resolutions were introduced in the Senate authorizing an investigation of the facts connected with the affray and the discharge. They led to a debate and discussion, in consequence of which on the 12th day of December, 1906, the Secretary of War, by direction of the President, issued the following order:

Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 266, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof.

Later, on the 14th day of January, 1907, the President, in a special message to the Senate, said:

I am now satisfied that the effect of my order dismissing these men without honor was not to bar them from all civil employment under the Government, and therefore that the part of the order which consisted of a declaration to this effect was lacking in validity, and I have directed that such portion be revoked.

On the 11th day of March, 1908, the Committee on Military Affairs having made its report, the President said, in a special message to the Senate, that he desired to revive the order of December 12, 1906, and therefore recommended—

the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law, and permitting the reinstatement by direction of the President of any man who, in his judgment, shall appear not to be within the class whose discharge was deemed necessary in order to maintain the discipline and morale of the Army.

In harmony with that message four of the members of the Committee on Military Affairs who had joined in the majority report joined in a supplemental report recommending the passage of a bill providing for the reinstatement in the Army, but without providing for pay in the meantime of all the discharged soldiers who would within a year after the approval of the act satisfy the President that they did not participate in the affray, and that they have not withheld any information with regard thereto.

Later, on the 19th day of March, the Senator from Missouri introduced a bill (S. 6206), which went still further in favor of the men, and provided that all who might reenlist under its provisions should have full pay from the date when they were discharged without honor.

Prior to the introduction by the Senator from Missouri of S. 6206, I introduced, March 12, S. 5729. Both of these bills were referred to the Committee on Military Affairs. Both have been reported from that committee adversely. Both are on the Calendar for consideration by the Senate, in accordance with their respective merits, without either having any parliamentary advantage over the other. I speak now in favor of the passage of S. 5729.

It will be helpful to recall in this connection precisely what these two bills are.

I ask that they be printed in the RECORD without reading.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. FORAKER. I will state that the effect of the bill introduced by the Senator from Missouri [Mr. WARNER] is that any of the soldiers who were discharged may be allowed to reenlist whenever they may prove their innocence to the satisfaction of the President. Perhaps I had better read it all. It is a very short bill.

Mr. WARREN. I hope the Senator will read the bill. The language differs somewhat from that which the Senator has just used. I trust he will read the bill.

Mr. FORAKER. The bill provides that whenever the President shall be satisfied—I will read it as it is, then we will have it exactly. It is as follows:

A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Be it enacted, etc., That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a special order numbered 266 and dated at the War Department on the 9th day of November, 1906, had no participation in the affray or guilty knowledge of the persons engaged in said affray that took place at Brownsville, Tex., on the night of August 13–14, 1906, the President may authorize the enlistment of said man; and any man who shall enlist in the military service under authority so given by the President shall be held and considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive from said date of discharge if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

I do not know of any way in which I departed from what the bill really is in the statement which I made, except only that I did not make the statement full enough. The bill does provide—and that is the fundamental idea of it—that none of these men can be authorized by the President to reenlist until he shall have satisfied the President—to use the exact language of the bill—that he is innocent of having participated in that affray and innocent of withholding any knowledge with respect to it; in other words, it is a requirement that these men shall prove to the satisfaction of the President their innocence.

The bill I introduced—perhaps I had better read that so that Senators may know just what it is—reads as follows:

A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor, under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

Be it enacted, etc., That any noncommissioned officer or enlisted man belonging to Company B, C, or D of the Twenty-fifth United States Infantry, discharged without honor under Special Orders, No. 266, War Department, dated November 9, 1906, on account of the shooting affray that occurred at Brownsville, Tex., on the night of August 13–14, 1906, who shall make oath before any duly authorized enlisting officer of the United States Army or Navy that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith, shall be, and hereby is, made eligible to reenlist in the military or naval forces of the United States on his application therefor at any time within three months from and after the passage of this act, any statute or provision of law or order or regulation to the contrary notwithstanding; and that upon such reenlistment he shall be allowed full pay, according to the rank he held and the pay he was receiving at the date of discharge until his reenlistment: *Provided*, That all the rights and privileges to which the soldiers reenlisting under the provisions of this act were entitled, respectively, at the time of their discharge shall be, and hereby are, fully restored to them, and the record showing their discharge without honor shall be, and hereby is, annulled, set aside, and held for naught, and the time elapsing since their discharge without honor until the date of such reenlistment shall be computed in determining all rights to which they may be respectively entitled on account of continuous service as though they had been in the service without interruption, and they shall not suffer any forfeiture of any right or privilege by reason of such discharge: *Provided further*, That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment, and he shall be allowed full pay and all rights and privileges until that time; and in the event of the reenlistment of such soldier under the provisions of this act his term of reenlistment shall be deemed to have commenced as of the time when his previous enlistment expired, and his service under such reenlistment shall be without prejudice of any kind by reason of his former discharge without honor: *And provided further*, That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath or made affidavit before their death that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act and their legal representatives shall be entitled to all pay that would have become due to them from the time of their discharge until the time of their decease.

SEC. 2. That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld.

SEC. 3. That all reenlistments under the provisions hereof of soldiers who at the time of their discharge without honor were serving terms of enlistment which have not yet expired shall be held to be for only the remaining portion of said unexpired terms, respectively.

It will be observed with respect to these measures that both of them proceed upon the assumption that some of the men, whether few or many, or all, who were discharged without honor, were innocent, and that justice requires that all such men should have an opportunity to reenlist and be restored to all the rights they lost by being discharged without honor.

It will also be observed that both of these bills provide that the men so reenlisting shall be paid in full for all the time since they were discharged without honor until their reenlistment. In other words, in a general way the proposition of both bills is that the innocent men shall be allowed to reenlist without loss of pay, and be restored to all the rights lost on account of their discharge.

The chief difference between the two bills is that, according to the bill introduced by the Senator from Missouri, the men who are to secure reenlistment in accordance with its terms and provisions are required, as a condition precedent, to prove their innocence to the satisfaction of the President; while under the bill I have offered as a substitute it is provided that all shall be allowed to reenlist—

who shall make oath before any duly authorized enlisting officer of the United States Army or Navy that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participator in said shooting affray, or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith.

There are other important differences, among them the following:

The bill offered by the Senator from Missouri does not authorize the correction of the records of the men who are to be reenlisted. That is necessary to enable them to have their rights to pensions, and other rights. His bill is silent on that point.

The bill offered by myself provides as follows:

* * * The record showing their discharge without honor shall be, and hereby is, annulled, set aside, and held for naught.

This bill further provides:

That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment.

This bill further provides:

That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath, or made affidavit before their death, that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act, etc.

There are a number of cases to which this provision would be applicable—a number of cases as to which the law would fail in its purpose if it did not contain some such provision.

All these provisions as to the correction of the records of these men are absolutely necessary if we propose to meet all the cases that will arise and treat them as equity and justice require.

These bills differ in another respect. The order of the President discharging them without honor forever debarred them from reenlisting in either the Army or the Navy of the United States.

The bill introduced by the Senator from Missouri does not remove the bar against reenlisting in the Navy of the United States, while my bill does explicitly remove that bar.

The importance of this is not in the fact that these soldiers may want to reenlist in the Navy and find themselves debarred therefrom, but in the fact that so long as any part of said order of dismissal stands against them they are at least pro tanto in disgrace and deprived of rights to which they are entitled.

Another difference is in the fact that the bill of the Senator from Missouri does not restore to the noncommissioned officers who may reenlist the rank they held, which my bill does. Failure to do this would be a denial of justice.

Still other differences might be pointed out, but those mentioned are sufficient for present purposes.

The main difference is the first indicated. That shows that these bills are based on radically different theories.

The bill introduced by myself requires every man who seeks reenlistment to purge himself by making oath as to his innocence of every crime connected with the shooting affray; not only that he did not participate in the shooting, but that he has no knowledge with respect thereto and that he has not withheld any knowledge from anybody.

These are requirements with which these men can comply, and under all the circumstances the test is sufficient and all that should be asked.

It is now more than eighteen months since this shooting occurred. It is almost a year and a half since the men were discharged and became separated from each other.

They have been during all this period under surveillance and practically on trial.

Numerous investigations have been had. One by the grand jury of Cameron County, Tex., another by the Penrose court-martial, another by the Macklin court-martial, and another by the Senate Committee on Military Affairs.

Nearly all these men have in some connection or in some form or other testified as witnesses at least once, and all those regarded as most likely to have knowledge as often as two, three, or four times. They have been examined and cross-examined, but during all this period, and notwithstanding all these trials to which they have been subjected, not one iota of testimony has been adduced anywhere by anybody of any kind whatsoever to point to any particular one of the men as guilty of any offense of any nature in connection with or growing out of this shooting affray.

This fact alone, disregarding altogether their own positive testimony as to their innocence, should be enough to authorize the acceptance of the affidavits they will be required to make under the bill I have offered as a sufficient basis for their reenlistment, especially in view of the fact that it is provided in my bill—

That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld.

If these men are innocent as they claim to be, they can not make other or further statement than my bill requires them to make, for all an innocent man can do if charged with the commission of an offense is to say he did not do it, and that he knows nothing whatever about it, except it be to account for his whereabouts at the time when the offense was committed, and that has been done by every man in this battalion who was present at Brownsville that night.

To require more is to require an impossibility, and to require a man to prove his innocence is to outrage justice by reversing the rule of evidence that obtains in every civilized country.

But the bill offered by the Senator from Missouri is most extraordinary in another respect. I venture to claim that it is without a precedent in all the history of the liberty-loving English-speaking nations of the earth.

It requires two things of these men in violation of the fundamental spirit of our institutions and which, in my opinion, it would be a disgrace to the Congress of the United States to exact:

First, that men accused of crime shall prove their innocence; and, second, that they shall prove their innocence to the satisfaction of a judge who has already prejudged their case, not once, or twice, or three times, and casually, but repeatedly and officially, and each time with a manifestation of the most unqualified conviction that not only some of the men discharged did the shooting, but that many, if not all of them, had knowledge of the perpetrators which, through a conspiracy of silence, they have refused to divulge.

In his message to the Senate of December 19, 1906, in response to resolutions of the Senate calling for information on the subject, the President said:

I am glad to avail myself of the opportunity afforded by these resolutions to lay before the Senate the following facts as to the murderous conduct of certain members of the companies in question, and as to the *conspiracy* by which *many* of the other members of these companies saved the criminals from justice, to the disgrace of the United States uniform.

In that same message, in another connection, he said:

As to the noncommissioned officers and enlisted men, there can be no doubt whatever that *many* were necessarily privy, after if not before the attack, to the conduct of those who took actual part in this murderous riot.

I refer to Major Blocksom's report for proof of the fact that certainly some, and *probably all*, of the noncommissioned officers who were in charge of quarters, who were responsible for the gun racks and had keys thereto in their personal possession, knew what men were engaged in the attack.

Further along in that same message he said:

There is no question as to the murder and the attempt at murder; there is no question that some of the soldiers were guilty thereof; there is no question that *many* of their comrades privy to the deed have combined to shelter the criminals from justice.

Again, in that same message, he speaks on that same point, as follows:

So much for the original crime. A blacker never stained the annals of our Army. It has been supplemented by another only less Black in the shape of a *successful conspiracy of silence* for the purpose of shielding those who took part in the original conspiracy of murder.

Further along in that same message he repeats, as follows:

Yet some of the noncommissioned officers and *many* of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniform by the conduct above related. *Many* of them may have known circumstances which would lead to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals.

In that same message occurs also the following:

Incidentally I may add that the soldiers of longest service and highest position, who suffered because of the order, so far as being those who deserve most sympathy, deserve least, for they are the very men upon whom we should be able especially to rely to prevent mutiny and murder.

In his message of January 14, submitting the Purdy testimony, occurs the following:

The evidence, as will be seen, shows beyond any possibility of honest question that some individuals among the colored troops whom I have dismissed committed the outrages mentioned, and that *some or all* of the other individuals whom I dismissed had knowledge of the deed and shielded from the law those who committed it.

And then, finally in that same message, as though afraid his numerous positive and unqualified statements on this point would not be believed, he said:

It is out of the question that the fifteen or twenty men engaged in the assault could have gathered behind the wall of the fort, begun firing, some of them on the porches of the barracks, gone out into the town, fired in the neighborhood of 200 shots in the town, and then returned—the total time occupied from the time of the first shot to the time of their return being somewhere in the neighborhood of ten minutes—without *many of their comrades* knowing what they had done.

Indeed, the fuller details as established by the additional evidence taken since I last communicated with the Senate make it likely that there were *very few, if any*, of the soldiers dismissed who could have been ignorant of what occurred. It is well-nigh impossible that any of the noncommissioned officers who were at the barracks should not have known what occurred.

While these assertions, repeated over and over again in the most extravagant language, show after all, as General Garlington reported, that there was no evidence to establish a conspiracy of silence, and that the charges and assertions that there was such a conspiracy rested only on deductions that there must have been such a conspiracy because nobody would tell of that about which all claimed to have no knowledge, yet that very fact but emphasizes the President's unfit state of mind to act judicially in passing upon the applications of these men to reenlist as proposed in the bill introduced by the Senator from Missouri.

If these men are innocent, as they claim and as I believe, what else could they have said or done? Will some man please tell what word any one of them has uttered or what thing any one of them has done inconsistent with the innocence they assert? And yet, because they have said and done precisely what as innocent men they should have said and done, for that very reason they are arraigned as guilty of conspiracy and

denounced in terms harsh enough to manifest exasperation because they will not confirm the charges against them and thereby establish an excuse for the crime that has been so inconsiderately committed against them and their rights, if they are in fact innocent, as they claim to be.

It would seem that we are to be carried back in the administration of justice to the days when men and women put on trial for witchcraft found no avenue of escape from punishment, brutality, and execution, except only in confession—to the days when if a man but stood mute he was liable to be put to death for it.

The President gives no intimation, except as already indicated, that his mind has undergone any change. He would therefore become judge of the worthiness of these men to reenlist if we should pass the bill introduced by the Senator from Missouri, firmly possessed of the conviction that very few, if any of them, were free from guilt. In other words, practically every man of the battalion would have to prove his innocence before one who has over and over again formally and publicly adjudged him guilty and denounced him as guilty in the severest language of censure and condemnation.

Another reason why this duty should not be intrusted to the President is that it would be impossible for him to act upon all these cases in detail, giving to the testimony of each of the 167 men, if all should apply to reenlist, that careful consideration which fair dealing would require.

It may be assumed that no one would expect him to personally examine the testimony in each case and pass judgment as the bill contemplates. He would of necessity have to call some one to his assistance to examine the testimony and advise him, but who would that be? Possibly the Secretary of War, who has expressed his agreement with the President in all he has said and done in the whole matter, and in every other matter. [Laughter.] But he, too, is a busy man, and would doubtless require the help of a suitable subordinate, and thus in all probability General Garlington, as the Inspector-General of the Army, and one of the officers who made a special investigation, would again come to the front, and to know his unfitness for such a duty we have but to recall that he testified before the Committee on Military Affairs that he would not believe anything anyone of these soldiers might say about this matter, even under oath, unless corroborated in some satisfactory way.

But if none of these should be called upon to assist the President, then somebody else—nobody knows who—would become the judicial adviser, to the satisfaction of whose whim the men would have to prove their innocence.

Moreover, how would such a proceeding be conducted? Would it be public or private? It is a constitutional right of the most important character that all trials upon indictments involving criminal charges and convictions shall be public, to the end that the public may see to it, through the power of public sentiment, that no man shall be unfairly condemned. This trial would not be within the letter, but it would be within the spirit of the Constitution, for these men are not now soldiers to be dealt with arbitrarily, but plain American citizens, invested with all the rights of citizenship, who are seeking not only a restoration of their good names, but also of valuable property rights, to all of which they are confessedly entitled, if not found guilty of crime. They should not be dealt with, therefore, in the dark, as though a lot of chattels, for that day for the American negro has forever passed, but as American citizens, entitled to the same rights white men would have under the same conditions.

In so far as we are to be governed by the fact that they were soldiers and may be soldiers again, we should remember, as Secretary Taft said of the white soldiers who shot up the town of Athens, Ohio, that they are, in a sense, the wards of the Government, and for that reason entitled, under such circumstances, to the protection of the Government in all their legal rights. And if we are to be further reminded, as we have been, that the President is the Commander in Chief of the Army, it is a sufficient answer that, while that is true, yet also it is true that he does not create the Army. It is not for him to say who shall enlist or reenlist. All that belongs to Congress.

In short, there is no excuse whatever for such a bill. To pass it would be but pretending to grant relief, for manifestly, unless there has been a decided change of mind, practically none would follow.

Our action would but add insult to injury. It would be without precedent, for it may be safely asserted that never before in the history of civilization has a legislative body been invited to require men accused of crime to prove their innocence before a hostile judge who has already adjudged them guilty; and never before has there been a suggestion that any man worthy to sit in judgment upon the rights of his countrymen would accept such a duty if assigned him, if conscious of having the slightest prejudice against the accused.

By what right does the Senator from Missouri assume that the President is capable of such a manifest impropriety?

The vilest horse thief, the most dangerous burglar, or the bloodiest murderer would not be required either to prove his innocence or to submit to a trial before a judge who had in even the most casual way expressed the opinion that the defendant was guilty.

Such a performance would be justly denounced as a denial of one of the most sacred rights of citizenship and a lasting disgrace to the judge who perpetrated it.

Who are these men that it should be even suggested that they should be treated worse than common criminals?

They are at once both citizens and soldiers of the Republic. Aside from these charges, which they deny, their behavior, both in the Army and out of it, has justly excited the highest commendation. Their record is without spot or blemish.

They are typical representatives of a race that has ever been loyal to America and American institutions; a race that has never raised a hostile hand against our country's flag; a race that has contributed to the nation tens of thousands of brave defenders, not one of whom has ever turned traitor or faltered in his fidelity.

In every war in which we have permitted them to participate they have distinguished themselves for efficiency and valor. They have shed their blood and laid down their lives in the fierce shock of battle, side by side with their white comrades.

They are the direct and worthy successors of the brave men who so heroically died at Petersburg, at Wagner, and on scores of bloody fields that this nation might live.

Faithfully, uncomplainingly, with pride and devotion, they have performed all their duties and kept all their obligations.

They ask no favors because they are negroes, but only for justice because they are men. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not permitted under the rules of the Senate.

SPECIAL MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

Let me again urge upon the Congress the need of providing for four battle ships of the best and most advanced type at this session. Prior to the recent Hague Conference it had been my hope that an agreement could be reached between the different nations to limit the increase of naval armaments, and especially to limit the size of war ships. Under these circumstances I felt that the construction of one battle ship a year would keep our Navy up to its then positive and relative strength. But actual experience showed not merely that it was impossible to obtain such an agreement for the limitation of armaments among the various leading powers, but that there was no likelihood whatever of obtaining it in the future within any reasonable time. Coincidently with this discovery occurred a radical change in the building of battle ships among the great military nations—a change in accordance with which the most modern battle ships have been or are being constructed, of a size and armament which doubles, or more probably trebles, their effectiveness. Every other great naval nation has or is building a number of ships of this kind; we have provided for but two, and therefore the balance of power is now inclining against us. Under these conditions, to provide for but one or two battle ships a year is to provide that this nation, instead of advancing, shall go backward in naval rank and relative power among the great nations. Such a course would be unwise for us if we fronted merely on one ocean, and it is doubly unwise when we front on two oceans. As Chief Executive of the Nation, and as Commander in Chief of the Navy, there is imposed upon me the solemn responsibility of advising the Congress of the measures vitally necessary to secure the peace and welfare of the Republic in the event of international complications which are even remotely possible. Having in view this solemn responsibility, I earnestly advise that the Congress now provide four battle ships of the most advanced type. I can not too emphatically say that this is a measure of peace and not of war. I can conceive of no circumstances under which this Republic would enter into an aggressive war; most certainly, under no circumstances would it enter into an aggressive war to extend its territory or in any other manner seek material aggrandizement. I advocate that the United States build a navy commensurate with its powers and its needs, because I feel that such a navy

will be the surest guaranty and safeguard of peace. We are not a military Nation. Our Army is so small as to present an almost absurd contrast to our size, and is properly treated as little more than a nucleus for organization in case of serious war. Yet we are a rich Nation, and undefended wealth invites aggression. The very liberty of individual speech and action which we so prize and guard, renders it possible that at times unexpected causes of friction with foreign powers may suddenly develop. At this moment we are negotiating arbitration treaties with all the other great powers that are willing to enter into them. These arbitration treaties have a special usefulness, because in the event of some sudden disagreement they render it morally incumbent upon both nations to seek first to reach an agreement through arbitration, and at least secure a breathing space during which the cool judgment of the two nations involved may get the upper hand over any momentary burst of anger. These arbitration treaties are entered into not only with the hope of preventing wrongdoing by others against us, but also as a proof that we have no intention of doing wrong ourselves.

Yet it is idle to assume, and from the standpoint of national interest and honor it is mischievous folly for any statesman to assume, that this world has yet reached the stage, or has come within measurable distance of the stage, when a proud nation, jealous of its honor and conscious of its great mission in the world, can be content to rely for peace upon the forbearance of other powers. It would be equally foolish to rely upon each of them possessing at all times and under all circumstances and provocations an altruistic regard for the rights of others. Those who hold this view are blind indeed to all that has gone on before their eyes in the world at large. They are blind to what has happened in China, in Turkey, in the Spanish possessions, in Central and South Africa, during the last dozen years. For centuries China has cultivated the very spirit which our own peace-at-any-price men wish this country to adopt. For centuries China has refused to provide military forces and has treated the career of the soldier as inferior in honor and regard to the career of the merchant or of the man of letters. There never has been so large an empire which for so long a time has so resolutely proceeded on the theory of doing away with what is called "militarism." Whether the result has been happy in internal affairs I need not discuss; all the advanced reformers and far-sighted patriots in the Chinese Empire are at present seeking (I may add, with our hearty good will) for a radical and far-reaching reform in internal affairs. In external affairs the policy has resulted in various other nations now holding large portions of Chinese territory, while there is a very acute fear in China lest the empire, because of its defenselessness, be exposed to absolute dismemberment, and its wellwishers are able to help it only in a small measure, because no nation can help any other unless that other can help itself.

The State Department is continually appealed to to interfere on behalf of peoples and nationalities who insist that they are suffering from oppression; now Jews in one country, now Christians in another; now black men said to be oppressed by white men in Africa. Armenians, Koreans, Finns, Poles, representatives of all appeal at times to this Government. All of this oppression is alleged to exist in time of profound peace, and frequently, although by no means always, it is alleged to occur at the hands of people who are not very formidable in a military sense. In some cases the accusations of oppression and wrongdoing are doubtless ill founded. In others they are well founded, and in certain cases the most appalling loss of life is shown to have occurred, accompanied with frightful cruelty. It is not our province to decide which side has been right and which has been wrong in all or any of these controversies. I am merely referring to the loss of life. It is probably a conservative statement to say that within the last twelve years, at periods of profound peace and not as the result of war, massacres and butcheries have occurred in which more lives of men, women, and children have been lost than in any single great war since the close of the Napoleonic struggles. To any public man who knows of the complaints continually made to the State Department there is an element of grim tragedy in the claim that the time has gone by when weak nations or peoples can be oppressed by those that are stronger without arousing effective protest from other strong interests. Events still fresh in the mind of every thinking man show that neither arbitration nor any other device can as yet be invoked to prevent the gravest and most terrible wrongdoing to peoples who are either few in numbers or who, if numerous, have lost the first and most important of national virtues—the capacity of self-defense.

When a nation is so happily situated as is ours—that is, when it has no reason to fear or to be feared by its land neighbors—the fleet is all the more necessary for the preservation of peace. Great Britain has been saved by its fleet from the necessity of facing one of the two alternatives of submission to conquest by a foreign power, or of itself becoming a great military power. The United States can hope for a permanent career of peace on only one condition, and that is on condition of building and maintaining a first-class navy; and the step to be taken toward this end at this time is to provide for the building of four additional battle ships. I earnestly wish that the Congress would pass the measures for which I have asked for strengthening and rendering more efficient the Army as well as the Navy; all of these measures as affecting every branch and detail of both services are sorely needed, and it would be the part of farsighted wisdom to enact them all into laws; but the most vital and immediate need is that of the four battle ships.

To carry out this policy is but to act in the spirit of George Washington; is but to continue the policies which he outlined when he said, "Observe good faith and justice toward all nations. Cultivate peace and harmony with all. * * * Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. * * *

"I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defense and of exacting from them the fulfillment of their duties toward us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *April 14, 1908.*

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 15, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 14, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11.30 a. m., was called to order by the Speaker.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 60, noes 26.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

Mr. PAYNE. I make the point that there is no quorum.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that the gentleman's point of no quorum is dilatory. [Laughter.]

The SPEAKER. The point of order is not sustained. [Laughter.] The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and all those in favor of the motion, when their names are called, will answer "yea," and those opposed will answer "nay," and those present will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 227, nays 5, answered "present" 16, not voting 139, as follows:

YEAS—227.

Adair	Brodhead	Cockran	Douglas
Adamson	Burke	Cocks, N. Y.	Draper
Alexander, Mo.	Burleigh	Cook, Colo.	Driscoll
Allen	Burleson	Cooper, Tex.	Dwight
Ames	Burnett	Cooper, Wis.	Ellerbe
Anthony	Burton, Del.	Cox, Ind.	Ellis, Mo.
Ashbrook	Butler	Craig	Ellis, Oreg.
Bartholdt	Byrd	Cravens	Englebright
Bartlett, Ga.	Caldwell	Crumpacker	Esch
Bates	Campbell	Currier	Fairchild
Beall, Tex.	Candler	Cushman	Ferris
Bell, Ga.	Capron	Dalzell	Finley
Bennett, Ky.	Carter	Davis, Minn.	Flood
Birdsall	Cary	Dawson	Floyd
Bonynge	Caulfield	De Armond	Foss
Booher	Chaney	Denver	Foster, Ill.
Bowers	Chapman	Dickema	Foster, Ind.
Brantley	Clark, Mo.	Dixon	Foster, Vt.

Foulkrod	Hubbard, W. Va.	McMillan	Scott
French	Hughes, N. J.	Macon	Sheppard
Fuller	Hull, Iowa	Madden	Sherley
Fulton	Hull, Tenn.	Madison	Sherwood
Gaines, W. Va.	Humphrey, Wash.	Mann	Sims
Gardner, Mich.	Humphreys, Miss.	Marshall	Slayden
Gardner, N. J.	James, Ollie M.	Miller	Slemp
Garner	Johnson, S. C.	Moore, Pa.	Small
Garrett	Jones, Wash.	Moore, Tex.	Smith, Iowa
Gillams	Kahn	Morse	Smith, Mich.
Gillett	Kelfer	Mudd	Smith, Tex.
Godwin	Kellher	Murphy	Sperry
Goebel	Kennedy, Iowa	Needham	Spight
Graff	Kennedy, Ohio	Nelson	Stafford
Granger	Kitchin, Claude	Norris	Steenerson
Greene	Knapp	Nye	Sterling
Gregg	Knowland	O'Connell	Sturgiss
Hackett	Küstermann	Olcott	Sulloway
Hackney	Lamar, Mo.	Padgett	Talbott
Hale	Landis	Page	Tawney
Hamilton, Mich.	Laning	Parker, N. J.	Taylor, Ohio
Hardwick	Lassiter	Parsons	Thistlewood
Hardy	Lawrence	Payne	Thomas, N. C.
Haskins	Leake	Perkins	Thomas, Ohio
Haugen	Lewis	Porter	Tirrell
Hawley	Lindbergh	Pray	Tou Velle
Hayes	Littlefield	Rauch	Townsend
Heflin	Livingston	Reeder	Volstead
Helm	Longworth	Reid	Wanger
Henry, Conn.	Loud	Reynolds	Washburn
Henry, Tex.	Loudenslager	Rhinock	Watson
Higgins	Lovering	Richardson	Willett
Hinshaw	Lowden	Robinson	Williams
Holliday	McCall	Rodenberg	Wilson, Ill.
Houston	McCreary	Rothermel	Wilson, Pa.
Howell, N. J.	McGavin	Rucker	Wood
Howell, Utah	McGuire	Russell, Mo.	Woodyard
Howland	McKinley, Ill.	Russell, Tex.	Young
Hubbard, Iowa	McLaughlin, Mich.	Sabath	

NAYS—5.

Ansberry	Hobson	Jones, Va.	Peters
Hay			

ANSWERED "PRESENT"—16.

Alexander, N. Y.	Cousins	Griggs	Moon, Tenn.
Bennet, N. Y.	Fassett	Jenkins	Shackleford
Brownlow	Gordon	Langley	Sherman
Clayton	Goulden	McDermott	Sparkman

NOT VOTING—130.

Acheson	Durey	Kimball	Pollard
Aiken	Edwards, Ga.	Kinkaid	Pou
Andrus	Edwards, Ky.	Kipp	Powers
Bannon	Favrot	Kitchin, Wm. W.	Pratt
Barchfeld	Fitzgerald	Knopf	Prince
Barclay	Focht	Lafean	Pujo
Bartlett, Nev.	Fordney	Lamar, Fla.	Rainey
Beale, Pa.	Fornes	Lamb	Randell, Tex.
Bede	Fowler	Law	Ransdell, La.
Bingham	Gaines, Tenn.	Lee	Riordan
Boutell	Gardner, Mass.	Legare	Roberts
Boyd	Gill	Lenahan	Ryan
Bradley	Gillespie	Lever	Saunders
Broussard	Glass	Lilley	Smith, Cal.
Brumm	Goldfogle	Lindsay	Smith, Mo.
Brundidge	Graham	Lloyd	Snapp
Burgess	Gronna	Lorimer	Southwick
Burton, Ohio	Haggott	McHenry	Stanley
Calder	Hall	McKinlay, Cal.	Stephens, Tex.
Calderhead	Hamill	McKinney	Stevens, Minn.
Carlin	Hamilton, Iowa	McLachlan, Cal.	Sulzer
Clark, Fla.	Hamlin	McLain	Taylor, Ala.
Cole	Hammond	McMorran	Underwood
Conner	Harding	Malby	Vreeland
Cook, Pa.	Harrison	Maynard	Waldo
Cooper, Pa.	Hepburn	Mondell	Wallace
Coudrey	Hill, Conn.	Moon, Pa.	Watkins
Crawford	Hill, Miss.	Mouser	Webb
Darragh	Hitchcock	Murdock	Weeks
Davenport	Howard	Nicholls	Weems
Davey, La.	Huff	Olmsted	Weisse
Davidson	Hughes, W. Va.	Overstreet	Wheeler
Dawes	Jackson	Parker, S. Dak.	Wiley
Denby	James, Addison D.	Patterson	Wolf
Dunwell	Johnson, Ky.	Pearre	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. KNOPF with Mr. WEISSE.

Mr. BENNET of New York with Mr. FORNES.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. LANGLEY with Mr. HAMLIN.

Mr. ALEXANDER of New York with Mr. RYAN.

Mr. WHEELER with Mr. DAVENPORT.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. COUSINS with Mr. HOWARD.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. POLLARD with Mr. LEVER.

Mr. BARCHFELD with Mr. LINDSAY.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. FOSTER of Vermont with Mr. POU.

Mr. COUDREY with Mr. EDWARDS of Georgia.

Mr. ACHESON with Mr. LAMAR of Florida.

Mr. HUFF with Mr. SULZER.

For this day:

Mr. COOPER of Pennsylvania with Mr. KIPP.

Mr. SOUTHWICK with Mr. WEBB.

Mr. PEARRE with Mr. SAUNDERS.

Mr. MOON of Pennsylvania with Mr. PUJO.

Mr. HUGHES of West Virginia with Mr. LEE.

Mr. HEPBURN with Mr. LAMB.

Mr. DAWES with Mr. FAVROT.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. PRINCE with Mr. GLASS.

Mr. POWERS with Mr. PRATT.

Mr. FASSETT with Mr. BARTLETT of Nevada.

Mr. HARDING with Mr. CLAYTON.

Mr. ANDRUS with Mr. AIKEN.

Mr. BANNON with Mr. BRUNDIDGE.

Mr. BARCLAY with Mr. BURGESS.

Mr. BEALE of Pennsylvania with Mr. CARLIN.

Mr. BRUMM with Mr. CRAWFORD.

Mr. BURTON with Mr. FITZGERALD.

Mr. CALDER with Mr. GILL.

Mr. CALDERHEAD with Mr. GILLESPIE.

Mr. COLE with Mr. GOLDFOGLE.

Mr. CONNER with Mr. HAMILL.

Mr. DARRAGH with Mr. HAMILTON of Iowa.

Mr. DAVIDSON with Mr. HAMMOND.

Mr. DUNWELL with Mr. HARRISON.

Mr. FOCHT with Mr. HILL of Mississippi.

Mr. GRAHAM with Mr. HITCHCOCK.

Mr. GRONNA with Mr. JOHNSON of Kentucky.

Mr. HILL of Connecticut with Mr. LEGARE.

Mr. JACKSON with Mr. LENAHAN.

Mr. LAFEAN with Mr. LLOYD.

Mr. LAW with Mr. MCHENRY.

Mr. MCKINLAY of California with Mr. MCLAIN.

Mr. MCLAUGHLIN of Michigan with Mr. NICHOLLS.

Mr. MALBY with Mr. RAINEY.

Mr. MCMORRAN with Mr. RANDELL of Texas.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. PARKER of South Dakota with Mr. SMITH of Missouri.

Mr. SMITH of California with Mr. STANLEY.

Mr. SNAPP with Mr. TAYLOR of Alabama.

Mr. STEVENS of Minnesota with Mr. UNDERWOOD.

Mr. VREELAND with Mr. WATKINS.

Mr. WALDO with Mr. WALLACE.

Mr. WEEKS with Mr. WOLF.

On this vote:

Mr. WEEMS with Mr. WILEY.

Until Wednesday:

Mr. BROWNLOW with Mr. GAINES of Tennessee.

For one week:

Mr. OVERSTREET with Mr. MOON of Tennessee.

The result of the vote was announced as above recorded.

The doors were opened. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20471, the naval appropriation bill, with Mr. MANN in the chair.

The CHAIRMAN. Without objection the Clerk will report the pending amendment.

The Clerk read as follows:

On page 35, lines 7 and 8, strike out "$100,000."

Mr. WILLIAMS. Mr. Chairman, I want to make a point here, if the Chair will permit me. The Chair said, "Without objection the Clerk will report the pending amendment." The Clerk then immediately proceeded to report it. I did not care to object in this particular case, but I think it would be better always to leave an opportunity for an objection, instead of immediately proceeding to report. The Chair never did put the question to the committee as to whether the committee would or would not object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES.]

Mr. CRUMPACKER. Mr. Chairman, I am not satisfied with the way this proposition is presented to the committee for consideration. When the House was considering the fortification bill, I was led to believe that the contest between Subic Bay and Manila Bay, respecting which should be created a naval base in the Orient, had been finally and definitely determined; that Subic Bay had been abandoned for that purpose, and that Manila Bay had been settled upon. Now, the chairman of the Committee on Naval Affairs practically states to the House that it is the purpose, as I interpret his remarks, of that com-

mittee to appropriate money so that Subic Bay may be created a permanent naval base, and he supplies the House with arguments calculated to justify that conclusion. He makes the statement that Subic Bay is the only proper place for a naval base in the Philippine Archipelago. It seems that the naval experts insist that Subic Bay should be adopted because it has the water, it has the better front, and the Army experts insist that Manila Bay should be made a naval base, because it can be protected from the rear. The result is that the Navy is proceeding to improve Subic Bay, and the War Department is proceeding to improve Manila Bay. It will of course inevitably result in the establishment of two naval bases in the Philippine Islands, only about 60 miles apart. Until this question is finally settled I do not believe the Administration ought to ask Congress for any money to expend in the establishment of a naval base in the Philippines. We ought to know where the money is going, at least we ought to have the matter finally determined. This controversy between the Army and the Navy has been going on for six or eight years. We have had it up and discussed it on the consideration of every naval appropriation bill for the last five or six years to my positive recollection. It seems to me the time has come when we ought to know, we ought to be informed as to what has been done in relation to the establishment of a naval base in the Philippine Archipelago. I do not believe the Congress is ready to appropriate for two naval bases there, and if the appropriation under consideration is to be used for the establishment of a naval base in Subic Bay it seems to me that it ought to be voted out of the bill until this question is finally and conclusively determined.

Mr. HOBSON. I would like to ask the gentleman if he regards an appropriation of fifty thousand and odd dollars for Cavite and $100,000 for Subic Bay as sufficient to establish the naval base anywhere.

Mr. CRUMPACKER. It depends upon what the appropriation is to be used for. I am interpreting this appropriation in the light of the remarks of the gentleman from Illinois [Mr. Foss], who is chairman of the Committee on Naval Affairs. I understand from the speech he made yesterday that as far as his influence goes the money will be used toward establishing a permanent naval base at Subic Bay. He furnished arguments that seemed to convince himself that Subic Bay was the only eligible point for a permanent naval base in the archipelago.

Mr. HOBSON. I will put the question in this way: In case Subic Bay was adopted as a naval base, would the gentleman recommend the abandonment of the naval station that exists at Cavite, and would he recommend leaving out the modest appropriation carried in this bill to maintain that third-class station in an efficient condition?

Mr. CRUMPACKER. I only got a portion of the gentleman's question, but I understand that it is the policy of the War Department to fortify and protect Subic Bay to prevent a hostile fleet from finding lodgment and a haven of safety there. I understand that is the policy of the War Department, and the Committee on Appropriations recently informed the House and the country that the place had been finally determined upon by the Department. If the purpose of this appropriation is to carry out that policy I have no criticism to make of it at all, but if it is to carry out a policy of establishing a permanent naval base at Subic Bay and we are to have another permanent naval base at Manila Bay, then I am opposed to the appropriation.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman a question. I would like to ask him whether he could not offer an amendment testing the sense of the House upon that proposition by putting a proviso after this appropriation that none of the money was to be expended for the establishment of a permanent naval base at Subic Bay, or Olongapo, as it is termed in the bill. It seems to me that Congress ought to establish where the naval station is to be.

Mr. CRUMPACKER. Mr. Chairman, acting upon the suggestion of the gentleman from New York, I propose to offer an amendment to the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask to have my time extended to offer this amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to speak for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. I offer this amendment, which I wish the Clerk would take, as I have not had time to reduce it to writing:

Provided, That no part of the appropriation carried in this paragraph shall be used for the establishment of a permanent naval station at Olongapo.

Mr. LONGWORTH. Will the gentleman yield for a question? Would it not be well to strike out the word "development" in connection with your amendment?

Mr. CRUMPACKER. Well, it might be; I have put the amendment in as a limitation.

The CHAIRMAN. The Clerk will report the amendment. The gentleman has not stated where the amendment is to go.

Mr. CRUMPACKER. At the end of the paragraph.

The CHAIRMAN. The Chair will inform the gentleman from Indiana that there is an amendment pending.

Mr. CRUMPACKER. I did not have in mind that there was already one amendment pending to the paragraph. When that is disposed of I will offer the amendment which I have sent to the Clerk's desk, and Mr. Chairman——

Mr. KEIFER. I would like to know what the pending amendment is. There is so much confusion——

Mr. CRUMPACKER. The pending amendment offered by the gentleman from Virginia is to strike out the $100,000 appropriated. Now, the object of my amendment is to leave the question as to where a permanent naval base shall be where the joint commission has left it.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I think it is important to determine that question and not go on making appropriations at random on the principle that if it is a deer we will hit it and if it is a calf we will miss it. I think the question ought to be settled now. I yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman said a moment ago he was anxious to determine where the permanent naval base shall be. Would the amendment offered by the gentleman determine that question?

Mr. CRUMPACKER. Well, it would determine it in so far as this appropriation goes—as far as we can do it in an appropriation bill. The fortifications appropriation bill contained no specific direction as to how the appropriation should be expended. It was an appropriation of a lump sum to be used in the Philippine Islands, but the gentleman in charge of the bill informs us that the joint Army and Navy board had finally settled upon Manila Bay as a naval base in the islands, but that appropriations should be made for the fortification and protection of Subic Bay to prevent a hostile fleet from occupying it and finding a harbor of safety there.

Mr. MADDEN. Could the gentleman yield to this further question?

Mr. CRUMPACKER. I will yield.

Mr. MADDEN. Does the gentleman believe it is wise to determine upon a place as a permanent naval base where it is impossible to get a ship within 2 miles of where the naval base is established?

Mr. CRUMPACKER. That is a question. The Committee on Appropriations informed the House not two weeks ago that that matter had been finally determined, and that the money carried in the bill should be used, so far as it was used at all, in establishing a naval base at Manila.

Mr. MADDEN. That related to Army fortifications.

Mr. CRUMPACKER. It was announced at that time that the question had been fully and finally determined. Now, if it has not been determined, if it is an open question, is the Army or fortification money to be expended in fortifying Manila Bay in view of locating the naval base, or is the money carried in the naval bill to be expended in improving Subic Bay with the view of making that the permanent naval base? Some authority ought to determine which of these two points shall be the permanent naval base in the archipelago. It is an important matter. It ought to be determined now before any more money is expended down there.

Mr. FOSS. May I interrupt the gentleman just a moment?

Mr. KEIFER and Mr. TAWNEY rose.

Mr. CRUMPACKER. I yield to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Will the gentleman yield?

Mr. CRUMPACKER. For what?

Mr. FOSS. I wish to correct a misapprehension.

Mr. CRUMPACKER. The gentleman can make a statement when I have finished. I am about through.

Mr. FOSS. I wish to state something in this connection, if I can.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CRUMPACKER] has expired.

Mr. FOSS. Mr. Chairman, I wish to correct a misapprehension on the part of some of the Members of this House. It is true that a joint Army and Navy board has made a recommendation for a naval station at Manila Bay, but it is not true that that recommendation has been approved by the Navy

Department. I have here a letter from the secretary of the General Board, Admiral Dewey being himself the president of the General Board, stating:

Admiral Dewey desires Mr. Foss's attention called to the fact that whereas a recent recommendation of the joint board in connection with Subic and Manila has been quoted in the discussion in the House on the naval bill this recommendation has not yet been approved.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. FOSS. I will.

Mr. TAWNEY. In view of that fact, does not the gentleman think that it would be far more wise for us to postpone any appropriation looking toward the establishment of a naval base until the board has finally approved or disapproved the recommendation of the joint Navy and Army board?

Mr. FOSS. We make, in this bill, an appropriation of $100,000 for Olongapo and a reappropriation of another $100,000, which we believe will be necessary during the coming fiscal year.

Mr. SHERLEY. Is it not also true that in this bill you have items appropriating money for officers' quarters and amusement halls at Olongapo, and is it not true that both the gentleman from Illinois [Mr. Foss] and the gentleman from Alabama [Mr. Hobson] yesterday stated on the floor that all this was looking to the making of a permanent naval base at Olongapo?

Mr. FOSS. We have put in here an appropriation. We have about 1,000 marines at Olongapo, and we have made an appropriation here of $10,000 for a little amusement hall for the men, and $10,000 for officers' quarters.

Mr. SHERLEY. Did not the gentleman yesterday state that it was the idea of the Navy to make of Olongapo a naval base?

Mr. FOSS. I hold, Mr. Chairman, that Congress, in 1901, established a naval station at Subic Bay. That is the proposition that I hold to. And I hold to the further fact that every Secretary of the Navy during the last five, six, or seven years—and we have had five of them—have stood by that proposition; and I hold further that joint board after joint board has declared in favor of Subic Bay, and I hold further that there is no place in Manila Bay where you can locate the dry dock. And not only that, but I have the opinion of Admiral Dewey himself.

Mr. SHERLEY. Is not the official opinion of Admiral Dewey to this effect—that the alternative is to locate the naval base in Manila Bay? Did he not use that language as the senior member of the joint board, and is that not of as late a date as January 31, 1908?

Mr. FOSS. Admiral Dewey has said there is only one base on which to locate the naval training station, but the Army has said we can not defend the naval station. Well, where is there a naval station anywhere that the Army has defended?

Not only that, but the question in the Philippines is not defense by the Army.

Mr. SHERLEY. But as a fact, did not——

Mr. FOSS. Just one moment. The real question in the Philippines will be, Who will defend the Army? How long can the Army stay in the Philippines if you have no communication between the Philippines and this country? How long could we hold the Philippines if it were not for the Navy? Why, Admiral Dewey once said in his testimony before the committee that General Young, of the Army, told him that the Army could not stay in the Philippines six weeks without the Navy. You talk about the Army defending the Navy. I say to you that in its last analysis it will be the Navy that will defend the Army. It will be the Navy that will keep our flag aloft in the sky over the Philippine Archipelago. [Loud applause.] It will be the Navy, and it will depend entirely upon the control of the sea. That is the proposition in a nutshell before you in the final and last analysis. [Renewed applause.]

Mr. SHERLEY. Now, will the gentleman allow me?

Mr. FOSS. I yield to the gentleman now.

Mr. SHERLEY. Without discussing that question, is not this the fact—that Admiral Dewey, having in mind both the Army and the Navy, as senior member of the joint committee, formally and officially declared in favor of Cavite against Olongapo? That can be answered "yes" or "no."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent that the gentleman from Illinois may have five minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. I would like now to have an answer to that question.

Mr. FOSS. Admiral Dewey informed me that this matter has not yet been definitely decided.

Mr. SHERLEY. I will ask the gentleman if Admiral Dewey did not officially, as a member of the joint board, having in view the opinions of both the Army and Navy, declare in favor of Cavite as against Olongapo? If the gentleman does not want to answer, I will read from his speech yesterday in which he puts the report.

Mr. FOSS. The report speaks for itself. The naval authorities are in favor of Subic Bay; the Army has come along and said, "We can not defend Subic Bay." But I say to you, we want no defense from the Army for Subic Bay. The Navy will defend its own naval base. We could put a great ship in that harbor and train its guns on the hills around. What are you afraid of? Are you afraid of the Filipino? He is not hostile. Who are we to defend it against? Is it from an invading army coming from China or Japan? Well, sir, if we control the seas no invading army will ever come to the Philippines. The whole question of the defense of the Philippines is simply a question of the control of the seas. If we lose control of the sea, then we lose our sovereignty in the Philippines; and our Army, where will they go? They will come back if they can possibly get back.

Now, Mr. Chairman, I want to say that you can not find in Manila Bay anywhere a place to put this dock. Look over this harbor, if you will [indicating on a map]. I wish some of those gentlemen who are so anxious to locate the dry dock and a navy-yard in Manila Bay would come here and point out some place where you could place this great floating dock, which requires a depth of water of 50 or 60 feet. I would be glad for some gentleman to do it. Here is Cavite [indicating on map]. Look at the depth of water around Cavite—15, 18, 20 feet at the most; some places 14, quite a distance away. You can only get the very smallest vessels up to it. In our hearings before the committee Admiral Dewey said you can not get within 2 miles in a battle ship, and all the repairs which are being made are being made upon vessels of very light draft.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. FOSS. I can not now.

Mr. SHERLEY. I got the gentleman his additional time.

Mr. FOSS. What is the situation here as to Olongapo? Great depth of water, 50 and 60 feet. Olongapo is in Subic Bay, right up here [indicating on map]. Spending very little in dredging, you can have any depth of water.

Mr. NORRIS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. NORRIS. The gentleman from Illinois has now left the space in front of the desk where the map is hanging, so that perhaps there is no occasion for stating the point; but I wanted to call attention to the fact that there was still room for one or two more people around the map. [Laughter.]

The CHAIRMAN. The gentleman is not stating a point of order.

Mr. FOSS. Now, Mr. Chairman, I want to say further, I called at the Navy Department and asked them whether they had received an estimate for dredging a channel for taking a battle ship up to the navy-yard at Cavite, and they replied that they had received an estimate from the commissioner of navigation over in the Philippines.

Mr. MADDEN. How much was it?

Mr. FOSS. It was $5,500,000, and those estimates were not based on borings at all.

Mr. JONES of Virginia. Will the gentleman allow me to ask him a question right there?

Mr. FOSS. Not just at this time.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. I ask unanimous consent for five minutes more.

There was no objection.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FOSS. I would rather not.

Mr. SHERLEY. Simply for a question?

Mr. FOSS. Yes.

Mr. SHERLEY. Will the gentleman tell the committee how much money will have to be expended in dredging in order to make Subic Bay suitable for a naval base?

Mr. FOSS. We have spent hardly any money at all in dredging at Subic Bay.

Mr. SHERLEY. I did not ask that. I asked how much money would have to be expended under the estimates made at the Navy Department.

Mr. FOSS. I do not know how much. I have not the estimates here, but nothing as compared with Cavite.

Mr. SHERLEY. Is it not a matter of over $3,000,000?

Mr. FOSS. No; I think not. Not in my judgment.

Mr. SHERLEY. I was so informed.

Mr. BATES. About $2,000,000.

Mr. FOSS. We have expended hardly any money at all for

dredging there. The only appropriation for dredging at Subic Bay has been a little over $50,000. We have expended in all in Subic Bay about $2,500,000 to $2,750,000, of which $500,000 has been for a coaling plant; $1,250,000 has been for the floating dry dock, which makes $1,750,000, and the difference between that and the total amount of the appropriation is $750,000 to $1,000,000. That is all we have expended there, and we have been docking our ships and repairing them, and it is the only place where you can put the dry dock.

Mr. BUTLER. Will my colleague yield for one question?

Mr. FOSS. Yes.

Mr. BUTLER. If this station is abolished, where will we repair our battle ships and other ships of war in the Philippine Islands?

Mr. FOSS. I do not know.

Mr. BUTLER. Is there any other place?

Mr. FOSS. The gentleman from Kentucky perhaps can tell.

Mr. SHERLEY. The gentleman can tell you what Admiral Dewey said, as the ranking member of the board, when he recommended Cavite, if that will satisfy the gentleman from Illinois.

Mr. BUTLER. Admiral Dewey recommended Subic Bay, and Admiral Dewey's word induced the Committee on Naval Affairs——

Mr. SHERLEY. I have here the final report, placed in the RECORD by the gentleman from Illinois, of date of January 31, 1908, in which Admiral Dewey, in the fourth proviso, says that the alternative is to locate the naval base in Manila Bay.

Mr. JONES of Virginia. And he spoke for the unanimous joint board.

Mr. SHERLEY. He spoke for all of them.

Mr. GAINES of West Virginia. He spoke of that as an alternative, but will the gentleman tell us which proposition he favors?

Mr. SHERLEY. He favors that, considering the position of both the Army and the Navy, as to the defense of the two places, and the final unanimous conclusion of that board was in favor of Manila as against Olongapo.

Mr. FOSS. I will say to the gentleman from West Virginia that the joint board has reported for Manila Bay, but that recommendation has not been approved by the Department. We have had joint board after joint board, a joint board upon which Secretary Taft once sat, and they have been unanimously heretofore in favor of Subic Bay. The gentleman from Kentucky [Mr. SHERLEY] seems to be overpowered by the report of the joint board. The joint board! I have known the joint board to swap their minds overnight. I am not overpowered or overcome by the "joint board."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOSS. Now, Mr. Chairman, this question was settled way back in 1904. Admiral Dewey appeared before the committee when we had hearings on this question, and at that time he said:

> I am convinced that Subic Bay is the one place in the Philippines for a naval base.

Further on he says:

> With regard to the Cavite Navy-Yard, I refreshed my memory a little this morning, and I see that a battle ship can not get within two miles of the wharf of the Cavite Navy-Yard.
>
> Already an estimate has come in for dredging a little channel to take a battle ship up there, and the first item, which will probably be exceeded by the cost of the actual work, was five and one-half million dollars.

Now, Secretary of the Navy Moody appeared before the committee in 1904, and what did he say? He said: "We have been five years in the Philippines, and we have not yet a naval station there of any consequence;" and he urged on the committee the establishment of a naval station at that time. He says: "Every single bit of information is in favor of establishing it within Subic Bay at the harbor of Olongapo. Nobody disagreed. The Army and Navy alike say that this is the place for it. There is plenty of water, and the protection of the entrance may be made perfect." Upon that hearing we established a naval station at Subic Bay, and we appropriated $862,000, and the Congress of the United States authorized it. And year after year the joint board of the Army and Navy have confirmed it, and every Secretary of the Navy has also confirmed it, until this last year we have a joint board of the Army and Navy that comes along and says, "You ought to put it at Manila Bay.

Mr. BUTLER. Will the gentleman yield?

Mr. FOSS. I will yield to the gentleman.

Mr. BUTLER of Pennsylvania. Will the gentleman state how much money the Government has spent on improvements in Subic Bay?

Mr. FOSS. I have already stated; $2,750,000, including the dry dock, which cost $1,250,000, and a coal plant of $500,000.

Now, I have a letter from Admiral Dewey, which was written on March 24, and he says:

> DEPARTMENT OF THE NAVY.
> GENERAL BOARD,
> *Washington, March 24, 1908.*
>
> MY DEAR MR. FOSS: Referring to the matter of the naval station at Olongapo, in Subic Bay, and our conversation in connection therewith, I inclose a brief historical summary of official action in relation to a naval station at that point, extending from 1900 to 1907.
>
> Subic Bay is already fortified in considerable strength against attack from sea. The Navy, with some valuable assistance from the Army Engineers, has mounted twenty 6-inch guns, four 4.7-inch guns, four 4-inch guns, and ten 6-pounder guns on commanding points at the entrance to the bay. These are sufficient to protect Olongapo from any attack from the sea except one made by heavy vessels in considerable force. The floating dock *Dewey* is moored at Olongapo, finding a sufficient depth of water close to the beach and naval station. There is no similar place at which it could be moored in Manila Bay. If placed near Manila or Cavite it would have to be moored some distance from shore and in the open bay, an impracticable situation, not only as regards weather, but also as regards the administration and management of work in connection with the docking of vessels. This dock has been used for fifty-six dockings since its arrival at Olongapo, on July 10, 1906, for naval vessels, auxiliaries, and Army transports.
>
> Recent developments and the decision of the War Department that Subic Bay could not be defended against a land attack with the forces ordinarily stationed in the Philippines, as accurately stated by Congressman SMITH of Iowa in the debate on the fortifications bill on March 21, have placed in some doubt the location of a permanent naval station in the Philippines, but the joint board is nevertheless of the opinion "that the proper defense of the Philippine Islands includes the fortification of the entrances of both Manila and Subic bays, such fortification being essential both to protect the armed forces of the United States and to prevent occupation by an enemy."
>
> Very truly, yours,
>
> GEORGE DEWEY.
>
> Hon. G. E. FOSS, M. C.,
> *House of Representatives, Washington, D. C.*

SUBIC BAY.

October, 1900. Secretary of Navy appointed a commission of five officers under Admiral Remey, commander in chief. Reported unanimously in favor of Olongapo.

Referred to general board, which, September 28, 1901, after seven months' consideration and study of subject, earnestly recommended the establishment of a strong naval base at that point.

November 4, 1901. Secretary Long approved report and recommendation.

November, 1903. Secretary Moody, in annual report, stated that naval opinion unanimously favors Subic Bay. Commanders in chief, two Boards, and Admiral of the Navy all agree that our naval base should be within Subic Bay. It would seem as if this body of opinion ought to be deemed conclusive. I know of no other military question upon which such unanimity exists.

Also approved by joint board, December, 1903, whose report stated emphatically "That Manila is not but that Subic Bay is suited for a naval base and station, and of all harbors in the archipelago it is the best for the purpose. That the fortification of Subic Bay is essential to the security of a naval station there. That a fortified naval base at Subic Bay will contribute materially to the defense of Manila Bay."

The National Coast Defense Board, of which Secretary Taft was president, February 1, 1906, places Subic Bay as in order of special importance for defense, next after the defenses of our own coasts; the total lists of those localities considered as of special importance being Chesapeake Bay, Long Island Sound, Puget Sound, Subic, Guantanamo, Manila Bay.

The Philippines are not self-sustaining in military supplies or provisions. Sea communications are vital to defense of the Philippines, and therefore, as affirmed by the joint board, the Navy must have a fortified base of operations from which to protect trade routes and keep open our sea communications. There may not be local superiority over enemy, but a minority of force great enough to make his operations hazardous. Subic, 35 miles from Corregidor. Channels narrow and easily defended. Anchorage 5 miles inside entrance. Is on flank of enemy's line of communications to Manila.

Depth of water, 25 fathoms in the bay and 11 to 15 fathoms in the harbor of Olongapo.

Fortifications at Manila Bay also necessary, but on account of strategical and dry-dock considerations Subic should be fortified first. Admiral Brownson, in a letter dated last December (1906), writes: "On one question I can express myself decidedly. Before coming out here I was decidedly in favor, as you may remember, of the Olongapo scheme, as compared with any other that had been suggested for a naval station in the East. My further inquiry into the subject since arrival on the station only strengthens this belief. I am for Olongapo first, last, and all the time. * * *

"With an inferior fleet, well protected by batteries and mines in Subic Bay, would any fleet dare go in Manila Bay with a view to taking possession of it, without first destroying the Subic Bay fleet?"

April 21, 1904. Congress appropriated $700,000 "for construction of seacoast batteries in the insular possessions."

May 26, 1904. Joint board recommended that the whole of this amount be devoted to defense of Subic Bay.

July 1, 1904. Acting Secretary of War informed joint board that as there were certain reasons why the whole expenditure should not be made at Subic Bay the Department would approve a project for the emergency defense of that place providing for the installation of three 10-inch high-power guns and six 6-inch guns.

March 2, 1907. Congress appropriated $500,000 for seacoast batteries in Philippine Islands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. And let me say, Mr. Chairman, right along after this comes the recommendations of the different boards in relation to this subject. Congress settled it in 1904, and let it remain settled. [Applause.]

Mr. KEIFER. Mr. Chairman, when this discussion commenced upon this paragraph of the bill I thought I had something that might be important to say on the subject, but since I have heard so much and varied talk about Subic Bay, Olongapo, Cavite, Manila Bay, and so forth, I am prone to be as confused as some of my fellows. I was not pleased with the claim which the distinguished chairman of the Committee on Naval Affairs [Mr. Foss] made that the time would come when the Navy must protect the Army in the Philippines and fight for its safety. The mistake the gentleman makes is that the two are in combination; the Army and the Navy in a certain sense, when we are dealing with the enemy, is to be treated as a unit. I do not depreciate the Navy as a power to keep communication with our possessions off in the Philippines, but the Navy and Army must act together and one would fail without the other.

Mr. FOSS. I entirely agree with the gentleman, but I was making a statement which Lieutenant-General Young, of the Army, made to Admiral Dewey, to the effect that the Army could not stay there without the Navy if our communications were cut off.

Mr. KEIFER. I was not conplaining of that statement, but the statement that the time was coming when the Navy would have to fight to protect the Army. They are to be treated as a unit. I mean to say that I have always believed, and I understand that naval officers who have been to Subic Bay and Manila have believed, that the only real place for the primary defense of Manila or Manila Bay was at Subic Bay, and that if we fortified that place and fortified it in a proper way as against a foreign navy, we would have perfect safety in the harbor of Manila, where it is more difficult to have fortifications. This was demonstrated when Admiral Dewey was on his way to Manila to attack the Spaniards. He looked into Subic Bay to see that there were no enemies there, that he might safely go on into the bay of Manila. He understood the question then as he understands it now. Subic Bay lies some distance outside of the main entrance to Manila Bay, it is true, but no enemy is going to sail a fleet by it and leave a fleet inside that might come out and attack them in the rear or bottle them up. This is a familiar principle not only in naval warfare, but in land warfare. The claim is made that Subic Bay should not be made a permanent naval station or base because an enemy might attack and take it by a land force. What great harbor of the world is chosen on account of its absolute safety from a land attack. If we hold Subic Bay against becoming a harbor of a foreign fleet, there will be no danger of an army being landed. It could not be subsisted unless a supporting fleet had obtained a permanent success. Mr. Chairman, I have this complaint to make about these appropriations, and that is that we are making indefinite appropriations of $100,000 here and $100,000 there. As I understand this somewhat blind paragraph, we appropriate $100,000 for the improvement and development of the naval station of Olongapo within Subic Bay, and then we appropriate certain moneys that were provided for use in other and earlier such legislation. If I do not misunderstand the chairman, that covers $100,000 more. The difficulty is that we take these hundred thousands from time to time and use them in making fortifications, in attempting to improve and develop stations and other places, and when we are through and the next year comes around for appropriations we do the same thing over and we accomplish practically nothing substantial except to expend our money. We have no plans—we have no definite or specific plans—or, if we have, we do not follow them. The distinguished chairman of the Committee on Naval Affairs says that Subic Bay was established as a naval station in 1904.

We have been quarreling for more than three years that I have been in this Congress to determine whether we have done that very thing or not, and we are disputing over it now. If we had a policy that we could follow, and it comes up to the Congress of the United States to establish that policy——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. I say it comes to the Congress of the United States to fix these policies for the Philippine Islands, and the policy or policies that should obtain in building up fortifications in the Hawaiian Islands and at other important places on our continental coasts. We have talked about joint boards, Navy boards, Army boards and the like and their recommendations, and then we come here and quarrel as to what they mean. Admiral Dewey's letters read yesterday and others read to-day show that after a board has reported its finding has to be approved, and if it is approved by one bureau of the Navy, another disapproves it, and so we go on legislating and appropriating money and expending it, and when we are through we know it is expended, but we have not accomplished anything.

We the other day wisely passed a bill looking to the establishment of a naval station and the building of permanent fortifications at Pearl Harbor, on the Island of Oahu, in the Hawaiian Islands. That was a proper step, but we are likely to forget ourselves and some of these days be quarreling whether we had not better appropriate money for Diamond Head, or, as in this bill, for Honolulu, for I find in it we are going to expend, if the bill passes as reported, a large sum of money at Honolulu, and when it is expended and gone the Department will be back here for more and you can not find what has been done with it. So my chief objection is that this loose, unsettled policy which we follow as a mode of getting away with our money brings no adequate safe protection against a foreign foe should it come. [Applause.]

Mr. HOBSON. Mr. Chairman, I offer a substitute for the amendment to the amendment.

The CHAIRMAN. The gentleman is mistaken. There is no amendment to an amendment pending. The gentleman from Indiana gave notice that when this amendment was disposed of he would offer an amendment at the end of the paragraph.

Mr. HOBSON. Then I simply move to strike out the last word of the amendment for the purpose of correcting what evidently is a misapprehension as to the uses of these two stations. Whether we keep the Philippines or give them up, we must forever protect the Filipinos. If we protect the Filipinos, we must have a naval base in the Philippine Islands. If we have a naval base in the Philippine Islands, it must be Subic Bay. We have to-day a station in the Philippine Islands at Cavite. It is only a third-class station. A ship drawing 14 feet of water can not be taken care of there. I would hate to have to use the marine railway at Cavite to haul out of the water a ship of 2,000 tons displacement. There is a proposition on foot to construct a basin above the point of Cavite, and the basin alone, it is estimated, would cost $8,000,000, and then you would only have begun to fight against the insuperable obstacles of nature in the way of the establishment of a naval base at Cavite.

Mr. MADDEN. Will the gentleman yield for a question? Will the gentleman tell us how much it will cost to establish a permanent naval base at Olongapo?

Mr. HOBSON. I wish to speak accurately when I speak to the House and this committee, consequently I will not answer that question loosely, where the features of the station are not defined, but will answer it thus: The question before the committee is whether we are to have $100,000 to keep up a plant there that has cost nearly $3,000,000. Our fleet is on the way. When it reaches the Far East the floating dry dock at Subic Bay is the only place in American territory where the ships can be docked. It will require at least this $100,000 to enable us to efficiently handle the fleet in one visit, in my judgment.

Mr. TAWNEY. Will the gentleman from Alabama permit an interruption?

Mr. HOBSON. Certainly.

Mr. TAWNEY. Is the gentleman aware of the fact that the amendment offered by the gentleman from Indiana meets exactly the proposition that is presented by this, and that is that the $100,000 may be expended during the next fiscal year for temporary purposes, but not for the establishment of a permanent naval base?

Mr. HOBSON. I am glad the gentleman from Minnesota brings that to my attention, because my amendment was going to propose "for the improvement and maintenance of the station now at Subic Bay." I am not in the slightest degree contending for the beginning now of an elaborate system of development at Subic Bay, because that would simply be preparing it for the enemy that may come. There has never been any difference of opinion between the Army and the Navy or any other men as to the question of a base at Subic Bay, until the matter of the defense of that base came up, and then it appeared that to meet an invasion and properly defend Subic Bay from an attack from the rear, with an army coming down from the Gulf of Lingayen, the line of the American forces would have to be extended, perhaps, 100 miles, and that it would take upward of 100,000 men to do this, an utter impossibility. We have 14,000 men in the Philippine Islands——

Mr. GAINES of West Virginia. Will the gentleman permit me——

Mr. HOBSON. And there are only 9,000 infantrymen in continental United States, there are only 19,000 Regulars available

in the whole United States, and there are 14,000 in the Philippines, with the 15,000——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BUTLER. I ask unanimous consent that my colleague may have five minutes additional time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Alabama may have five minutes additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of West Virginia. Will the gentleman yield to me for a moment?

Mr. HOBSON. Certainly.

Mr. GAINES of West Virginia. I have no doubt the gentleman from Alabama is correct, but I would like to have it explained, so that I could understand what the difficulty is at Olongapo. To explain my question, I mean this about the defenses of Olongapo: What sort of a situation is it in which a fleet can not defend itself; what sort of approaches, surroundings, are there that may not be so fortified as to make an approach of a hostile army itself dangerous?

Mr. HOBSON. I shall be very glad to answer the gentleman's question.

Mr. GAINES of West Virginia. I would like to know. I have never understood what they mean by saying that we could not defend Olongapo.

Mr. HOBSON. It is a very interesting question, and one that has been thoroughly worked out. The approaches to Subic Bay are peculiar, and they are such that siege artillery could be located beyond the reach of the guns of ships in the harbor and drop a plunging fire on those ships without being exposed to fire from the ships, and the topography about Subic Bay is such that to properly protect against such a siege we would have to locate lines far back beyond the hills, and those lines would have to extend so far that it would require an enormous force. And, furthermore, it has been accepted as conclusive that this nation can not afford to allow the city of Manila to be captured by an enemy except in the last resort. It is a question of a joint defense of a naval station we may have and the city of Manila.

The line of defense from the city of Manila, and including Cavite, is comparatively short. I do not believe that I am divulging matters that I should not divulge when I say that the Army estimates that while it could not make any showing of resistance in trying to protect Subic Bay and Manila Bay with the present strength of our forces, it estimates that it could on the shorter line of defense for Manila city and Cavite hold out for ninety days against an army of invasion. And that is the reason why this matter has been suspended for the present.

Now, I beg to submit that the chairman of the Naval Committee is absolutely correct in the position he has taken. This American nation does not propose to become a military nation. With that leverage against us it would require a force of occupation of fully 200,000 to hold the Philippine Islands, and then they would be but partially secure against an Asiatic enemy with a great army in control of the sea.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOBSON. Certainly.

Mr. MADDEN. I understood the gentleman to say a moment ago that it was very much easier to protect the city of Manila and Cavite from unfriendly attack than it would be to protect Olongapo. Now, what I want to get at is this, so that I can understand what the situation is: If that be true, why is it advisable to locate the naval base at Olongapo in preference to Cavite?

Mr. HOBSON. Because a naval base can not now and never can, until the judgment day, be located at Cavite. Now, allow me, as I say, to point out——

Mr. DOUGLAS. Why not?

Mr. HOBSON. Because the physical obstacles can not be surmounted, with even a stupendous cost, by the work of man.

Mr. MADDEN. Now, what are these obstacles, please?

Mr. HOBSON. It is because, primarily, the water is open, and it would require tremendous works to give it protection from the seas that sweep across during the typhoons.

Mr. MADDEN. The width of the entrance to the harbor of Manila Bay is the difficulty, is it?

Mr. HOBSON. It is the spread of the bay—the width of the bay.

Mr. SHERLEY. Does the gentleman mean to say that this opinion of his——

Mr. HOBSON. These are not all of the obstacles. I have simply begun to enumerate them.

Mr. MADDEN. We simply want to know now, if we find so much difficulty in protecting a naval base at Olongapo——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. HOBSON] may be given five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the gentleman from Alabama [Mr. HOBSON] may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Now, if it would be impossible to get a sufficiently large army to protect a naval base at Olongapo, and then we have the difficulties surrounding the location of a naval base at Cavite, why would it not be wise to continue to develop the naval base at Olongapo?

Mr. HOBSON. It would be wise, though expensive development should wait until we can be sure of the permanent control of the sea.

Mr. MADDEN. And does not the gentleman believe it wise to establish a permanent naval base there?

Mr. HOBSON. Yes.

Mr. MADDEN. Would not the strategic situation demand the location of the naval base?

Mr. HOBSON. Unquestionably.

Mr. SHERLEY. Now, if the gentleman will allow me a question?

Mr. HOBSON. Certainly.

Mr. SHERLEY. The gentleman has stated his opinion that it is impossible to establish a naval base at Cavite. The gentleman will also say, I have no doubt, to the committee, that that was not the conclusion of the Army and Navy board that last looked into the matter?

Mr. HOBSON. I will not say anything of the kind.

Mr. SHERLEY. Well, the gentleman is aware of the report they made.

Mr. HOBSON. Now, the gentleman has asked his question; he will have to define what he calls a naval base. I know the gentleman does not wish to ask a question except to bring out the truth. I wish to ask him if he thinks the joint Army and naval board has settled the question as to an adequate first-class naval base; and if they in this decision and through it did not simply contemplate a temporary transfer of the dry dock for the case of attack?

Mr. SHERLEY. The gentleman has asked the question, and I will answer it. I believe that the board was not doing a useless thing; and if I understand the English language at all, I do understand that the report made on January 1, 1908, and signed by Admiral Dewey as the presiding officer, was distinctly in favor of Cavite as a permanent naval base for the Philippine Islands.

Mr. HOBSON. The reason why he used the word "base" there is simply that it is popular. Cavite has been, and is, and will remain a third-class naval station, and ought to be so maintained.

Mr. SHERLEY. Well, of course, the gentleman will understand that I do not feel at liberty to interpret the language used by this board in any other than its usual sense.

Mr. HOBSON. I wish to tell you what Admiral Dewey's position is. Admiral Dewey told me this morning over the telephone, "It is Subic Bay now and forever if we are going to have a base there." [Loud applause].

Mr. SHERLEY. All I can say in response to the gentleman is, and I do not desire to criticise the distinguished Admiral, it would have been a little more valuable to the Congress of the United States if he had made his final finding to the Congress of the United States instead of making it to a Member by telephone. [Applause.]

Mr. HOBSON. And if Admiral Dewey or the joint board had told this committee or this Congress that this whole question was one of providing against sudden attack by 150,000 men that might land at Lingayen, then you would have criticised Admiral Dewey, the board, the President, the Navy Department, and every other man who has studied the question, for bringing up a "war scare." [Renewed applause.]

Mr. COOPER of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. HOBSON. Certainly.

Mr. COOPER of Wisconsin. What is the width of the entrance to Manila Bay?

Mr. HOBSON. There are two main entrances.

Mr. COOPER of Wisconsin. That is correct. What is the width of each of the entrances? Eight or ten miles, is it not?

Mr. HOBSON. Fully, on either side.

Mr. COOPER of Wisconsin. On either side of Corregidor Island. What is the length of Manila Bay—about 30 miles?

Mr. HOBSON. Fully.

Mr. COOPER of Wisconsin. What is the width of Manila Bay?

Mr. HOBSON. It varies; it runs as high as nearly 30 miles.
Mr. COOPER of Wisconsin. Practically 30 miles in diameter.
Mr. HOBSON. Roughly.
Mr. COOPER of Wisconsin. That affords great opportunity for a tremendous storm?
Mr. HOBSON. It is open sea.
Mr. COOPER of Wisconsin. It is open sea. What depth of water should we have in order to use this dry dock?
Mr. HOBSON. It ought not to be less than 60 feet.
Mr. COOPER of Wisconsin. What depth of water is there now?
Mr. HOBSON. Within a mile of Manila proper it would be about 8 or 9 feet; within a mile of Cavite station, about 8½ to 9 feet at low tide.
Mr. COOPER of Wisconsin. Eight and a half to 9 feet.
The CHAIRMAN. The time of the gentleman from Alabama has expired.
Mr. COOPER of Wisconsin. I ask unanimous consent that the gentleman from Alabama may have five minutes more.
The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.
Mr. COOPER of Wisconsin. The gentleman is a recognized expert, and we want the facts on which to base our judgment. I have myself seen the conditions over there, and therefore I ask these questions. Now, do I understand the gentleman to say that a mile and a half from the shore at Cavite the water is 9, 10, or 12 feet deep?
Mr. HOBSON. At low tide; yes.
Mr. COOPER of Wisconsin. Is it not desirable to have a dry dock nearer the shore than a mile or a mile and a half?
Mr. HOBSON. Most certainly. Even as near as it is to the shore in Subic Bay, and as wonderfully sheltered as it is in Subic Bay, that floating dry dock has had to be sunk twice in order to protect it from the typhoons.
Mr. COOPER of Wisconsin. There would have to be, then, a mile or a mile and a half of dredging, beginning with 8 or 8½ or 9 feet, to secure from 50 to 60 feet of water before we could take that million-dollar dry dock from where it has been already moored, where it is practicable for use, and tow it to Cavite?
Mr. HOBSON. Yes.
Mr. COOPER of Wisconsin. And it would cost $5,000,000 and over to dig the channel, before we did anything else?
Mr. HOBSON. At least that.
Mr. COOPER of Wisconsin. Then, there are the immense expensive works to be constructed for the purpose of protecting this plant from the sea and the storm?
Mr. HOBSON. Yes.
Mr. COOPER of Wisconsin. Now, what is the diameter of the entrance to Subic Bay?
Mr. HOBSON. I should say, roughly, that the channel is about half a mile wide.
Mr. COOPER of Wisconsin. We can easily defend that with guns at the harbor entrance, so that all the ships of the world can not enter if we want to keep them out?
Mr. HOBSON. Unquestionably.
Mr. COOPER of Wisconsin. The shores about Subic Bay are high, are they not?
Mr. HOBSON. Yes.
Mr. COOPER of Wisconsin. How high do those hills run?
Mr. HOBSON. I should estimate them at about three or four hundred feet.
Mr. COOPER of Wisconsin. Three or four hundred feet. So that our battle ships in Subic Bay are perfectly safe from storms, are they not?
Mr. HOBSON. As safe as they can be in the typhoon region.
Mr. COOPER of Wisconsin. Safer than they are at Cavite?
Mr. HOBSON. Infinitely more safe.
Mr. COOPER of Wisconsin. And we have 50 or 60 feet of water in Subic Bay?
Mr. HOBSON. Right at the dock.
Mr. COOPER of Wisconsin. Which makes a suitable place for this valuable piece of property—the dry dock?
Mr. HOBSON. Yes.
Mr. COOPER of Wisconsin. And it is the only place where we can locate the dry dock now?
Mr. HOBSON. It is the only practicable place in the Philippine Islands at this time.
Mr. COOPER of Wisconsin. That is all.
Mr. TAWNEY. Now let the cross-examination proceed. [Laughter.]
Mr. HOBSON. Now, I wish to point out that the Hawaiian Islands are in precisely the same condition as the Philippine Islands, except that they are worse. People put the wrong construction on my words when they interpret any symptom or suggestion of war as I state the facts. A foreign nation has twelve to one the strength of population that we have in the Hawaiian Islands. We have wisely provided for the beginning of a great naval base at Pearl Harbor. It ought to be realized now, not only that the Philippine Islands, but the Hawaiian Islands will be lost to this nation if we do not maintain, as the chairman of this committee has pointed out, control of the sea. If we do not maintain control of the sea, we are but preparing the bases for the enemy. And mark, the temporary control of the sea is not adequate. With our fleet in the Atlantic Ocean a force of 100,000 men could land in the Philippine Islands and take those islands, and an additional force of 50,000 men, joined by 50,000 more in the Hawaiian Islands, could take those islands. Adequate munitions and supplies could be landed with this expedition, and those islands would then be lost practically forever.
Mr. LONGWORTH. Will the gentleman yield for a question?
Mr. HOBSON. Yes.
Mr. LONGWORTH. Does the gentleman believe we should have as large and elaborate a naval station at Subic Bay as we propose to have at Pearl Harbor?
Mr. HOBSON. No; I do not. I regard Pearl Harbor as the coming greatest naval station in all the world, and that the defense of America's interests in the whole Pacific Ocean will be centered at Pearl Harbor. [Applause.] But the distance is so great across to the Philippines, even from Pearl Harbor, that you could not give it adequate protection. We will need at least what could be technically called a second-class efficient station at Subic Bay in addition to the naval station at Pearl Harbor.
Mr. LONGWORTH. The gentleman's idea is that we would want a first-class naval station at Pearl Harbor, a second-class one at Subic Bay, and a third-class station at Cavite?
Mr. HOBSON. Yes. Now, this temporary control, or loss of control, may result disastrously for our country for this reason, that the enemy, after landing on the islands and taking possession, could live on the islands——
The CHAIRMAN. The time of the gentleman has expired.
Mr. HOBSON. Mr. Chairman, I ask for five minutes more, as my time has been taken up with interruptions.
The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks for five minutes. Is there objection?
There was no objection.
Mr. HOBSON. If a foreign army is landed on the Philippine Islands with adequate munitions of war, or the Hawaiian Islands, the fleet that convoyed them—or perhaps a fleet would not be necessary—the fleet of the enemy could repair to its own protected harbors and then issue a challenge to the United States to do what it may. It is a woeful fact that this nation has no merchant marine. We could not get the transports to carry the soldiers, and it is also a fact that we have not the soldiers if we had the transports.
Therefore public opinion in America would probably demand that our fleet after it reached the Pacific should go forth and try to retake the Hawaiian or the Philippine Islands. That would be precisely what the enemy would desire. The fleet would go out there; there would not only be no coaling station, there would be no docks, there would be hostile conditions, mines, torpedoes, submarines, and if we were enabled finally to seize some distant harbor and make a coaling station, we could not carry on any considerable repairs. When the ships' bottoms became foul they would remain foul. When the machinery got out of order it could not be repaired. When the great ships of the enemy, twenty-odd thousand tons, with three knots greater speed than our best ships, would sally forth and wound or injure ship by ship, they could escape without corresponding injury to themselves, and there could be no repairs to these wounded ships. If a desperate commander decided to force the issue and throw his fleet against the enemy's ships in the harbor, he would have no place for a temporary base.
We seized Guantanamo when we seized Santiago, but we seized it because the enemy was not occupying that region in force. Here we would find an enemy with a million trained men occupying the territory. We could not secure a single harbor from which to operate. It would require, therefore, an immediate attempt to force the channels—channels defended by mines, channels defended by automobile torpedoes, channels defended by submarines, channels defended by perhaps the strongest fortifications in the world. It would simply mean that our fleet would be disintegrated and annihilated, and then the enemy would have permanent control of the Pacific Ocean.
The consequence of this can not be overestimated. I am only stating facts, and I am not holding up any war scare when I say that 200,000 men could be placed aboard ship from the great

military nation of Asia inside of a few days, and it would not take long for the expedition to be landed on the Hawaiian Islands; those transports could return and get another 200,000, and soon there would be 500,000 men on the Hawaiian Islands.

There are four spots on the Pacific coast where a force of 75,000 men could be landed without any substantial resistance if we lose even temporary control of the Pacific Ocean. With only temporary control of the sea, an expedition could come and raid Los Angeles, San Francisco, probably Portland, and certainly the cities that cluster about Puget Sound, and escape without serious resistance from us. If we lose permanent control of the sea in that ocean, my countrymen, our country would be open to permanent invasion.

You may know, or you may not, that there are available only 20,000 regulars in the whole United States, and only 50,000 trained militia, that are scattered all over the nation. A foreign nation has more than 80,000 trained soldiers of her own on our territory, and from Hawaii, as a base, could throw 500,000 trained men on our shores before we could assemble 100,000 trained men to resist them. With the open ocean, the communication from Asia via Hawaii would have great advantage over the communication from our centers of population, and in occupancy of the slope up to the Coast Range and Cascade Mountains and the myriads of Asia to draw upon, it would be years before America could get into position to begin the terrible task of dislodging the invaders. I know we would resolve to complete the task, but the cost in men, money, and future pensions would stagger the imagination of man.

Thus, for the safety of Hawaii, the safety of the Philippines, and the safety of the Pacific slope, we must now provide not only for the temporary, but also for the permanent control of the sea in the Pacific.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAWNEY. Mr. Chairman, the proposition that is before this committee does not involve the question of the defense of our Pacific coast nor the Hawaiian Islands. The question before the committee arises upon the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER], which does not propose to interfere with the maintenance of a temporary naval base at Olongapo, in Subic Bay.

The CHAIRMAN. The Chair will remind the gentleman from Minnesota that the gentleman from Indiana has no amendment pending.

Mr. CRUMPACKER. It is the amendment of the gentleman from Virginia [Mr. JONES].

Mr. TAWNEY. I understood the gentleman from Virginia had withdrawn his amendment and the gentleman from Indiana had offered his.

Mr. JONES of Virginia. Mr. Chairman, in view of the fact that the gentleman from Indiana proposes to limit the expenditure of this money to a temporary purpose; and my amendment was to strike out the whole amount, I withdraw my amendment.

The CHAIRMAN. Does the gentleman from Minnesota yield the floor to the gentleman from Virginia for that purpose?

Mr. TAWNEY. Yes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Indiana for the purpose of offering an amendment.

Mr CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of the paragraph:
"*Provided*, That no part of this appropriation shall be used for the establishment of a permanent naval base at Olongapo."

Mr. TAWNEY. Mr. Chairman, the proposition then that we are now considering and will be called upon to vote on is whether or not we will declare that no part of this appropriation shall be expended toward the establishment of a permanent naval base at Olongapo. This matter has been a matter of discussion in this House almost ever since we took possession of the Philippine Islands. We have had reports from the Navy in favor of the establishment of a permanent naval base at this point. We have had reports from the Army that this point could not be fortified so as to protect the base—not protect the fleet when in the bay, but to protect the base itself; and the gentleman from Alabama [Mr. HOBSON] very eloquently stated what every Army officer and every naval officer now concedes, and that is the absolute impossibility of protecting a naval base at Olongapo from assault from the land. The gentleman explained how easy it would be for an enemy even behind the hills to drop its shell over into the bay and absolutely destroy a vessel or our naval base. Now, we are asked to express by this amendment our opinion as to whether or not Olongapo should be selected for the establishment of a permanent naval base. The amendment of the gentleman from Indiana will not interfere with the expenditure of this $100,000 for such purposes as are necessary in connection with the maintenance of the temporary base we now have. On the question of whether or not we should or should not declare in favor of a permanent naval base at this point, and in order to settle this question, the President of the United States appointed a joint board consisting of Army and Navy officers. This board was not appointed by the Navy Department or by the War Department, but it was appointed by the President of the United States, selecting the most competent men and officers in both Departments. This board has made its report, in which it says:

The joint board at its meeting of this date and at various meetings previously held took up the consideration of the question of the suitability of Subic Bay for a naval base, having regard to its capability for defense, by the United States forces which will be available, against attack from both the sea and land sides; and further, as to whether the naval base, with all its appurtenances, should not be located behind the fortifications of Manila Bay.

These are the two propositions that were considered by this board—the question of establishing a naval base; as to whether or not it could be defended and protected against attack both from the sea and from the land. Those were the questions that this board considered and this is the report which they have made.

Mr. HOBSON. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. HOBSON. Does the gentleman consider that a favorable vote on the pending amendment would mean that this Congress contemplates an attack upon Subic Bay from the rear?

Mr. TAWNEY. I do not think so. A vote in favor of the amendment, if I understood the gentleman's question, would simply mean that we were not in favor of establishing a permanent base at Subic Bay. A vote against the amendment would by implication be a vote in favor of the establishment of a permanent naval base at this point.

Mr. BATES rose.

Mr. TAWNEY. Just a moment. I want to conclude this report, and then I will yield to the gentleman from Pennsylvania.

These questions were brought before the board by an order of the President, dated October 26, 1907.

After mature consideration of all features involved, the joint board unanimously adopted the following resolutions:

"I. That the proper defense of the Philippine Islands includes the fortification of the entrances of both Manila and Subic bays, such fortification being essential both to protect the armed forces of the United States and to prevent occupation by an enemy.

"II. That in order to sustain any policy of the United States in the Orient, a suitable naval base in the Philippines is essential—"

A fact that every Member of Congress has long since recognized.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask that I may proceed for five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. TAWNEY (reading):

"And that, in the selection of such a base, it is necessary to consider the adaptability of the site for purposes connected with the shelter, supply, and repair of a fleet and its capability of defense against attacks both from land and sea for such a period as may be necessary for the preparation and transfer of the battle fleet to Philippine waters from the most distant station at which it may be found at the outbreak of hostilities, probably the Atlantic coast of the United States.

"III. That, as to the first named of these considerations, Subic Bay is the most suitable port in the Philippines; as to the second, the Army has determined that the conditions surrounding Subic Bay are such that no land fortifications of any kind can be erected covering the bay which will enable the Army to hold it, with any such land force as Congress is at all liable to authorize for permanent maintenance in the Philippine Islands, against a serious land attack.

"IV. That the alternative is to locate the naval base in Manila Bay.

"V. That, in the event of threatened hostilities involving the Philippine Islands before the establishment of a naval base in Manila Bay, all the military resources of the United States available in those islands should be devoted to the protection of the temporary naval base, wherever it may be."

Now, Mr. Chairman, this proposition is in line with the recommendations made by the board appointed by the President, a board that specifically considered these very questions that were submitted to it by the President of the United States, and upon that theory and the recommendations of this board and upon the theory that this was to be our policy, the Committee on Appropriations at this session of Congress carried in the fortifications appropriation bill an appropriation for the proper fortification and protection to the entrance to Manila Bay. That plan, when complete, contemplates two islands, or one

artificial island in addition to the island now there. This all comes in one general plan for the fortification of Manila Bay in order that the Army and the Navy together may be able to hold out against either a land or a sea attack long enough to enable our Government to send such relief as is necessary for the purpose. I now yield to the gentleman from Alabama.

Mr. HOBSON. Does the gentleman interpret the report of the joint board to mean that that board decides unanimously that Subic Bay ought to be permanently abandoned?

Mr. TAWNEY. I do not. I do not know that it means that Subic Bay is to be abandoned, but I will say to the gentleman from Alabama that the officers who appeared before the Committee on Appropriations, or the Subcommittee on Fortifications, did state most positively that Subic Bay was to be abandoned as a permanent naval base. There was nothing said about its maintenance or maintaining it as a temporary naval base. I now yield to the gentleman from Pennsylvania [Mr. BATES].

Mr. FOSS. Ask him whether that was the testimony of naval or Army officers.

Mr. HOBSON. Will you state who those were who gave statements that way and to the contrary?

Mr. TAWNEY. I refer the gentleman to the hearings on the fortifications bill. General Crozier was one and General Mackenzie was the other.

Mr. BATES. I desire to ask the gentleman from Minnesota, because I honor his opinion, concerning this amendment which was offered and to which substitute he was going to address himself——

Mr. TAWNEY. I was trying to do so.

Mr. BATES. Does the gentleman think it would be wise in passing an appropriation bill to inject into it any words that could be construed into a declaration that we were not to permanently retain control of the Philippine Islands? Is not that a declaration that has no place in an appropriation bill?

Mr. TAWNEY. I will say to the gentleman from Pennsylvania, for whose opinion I have a very high respect, that there is nothing contained in the amendment offered by the gentleman from Indiana that even winks at the possibility of our abandoning the Philippine Islands. There is nothing of that kind involved or recommended or that can be held by construction to be involved in the report of this joint board.

Mr. BATES. Then may I ask further, Mr. Chairman, why is not the language of the section as submitted by the committee utterly respectable and sufficient? It does not state in this section that this is to be a permanent station. It merely states it is toward the improvement and development of a naval station at Olongapo, Philippine Islands. Why, therefore, should we inject into it a declaration which can be construed into a declaration of abandonment later on?

Mr. TAWNEY. If the committee had included in that paragraph the word "temporary," and made it read "for maintenance and development" there, I admit, then, that the gentleman's inquiry would be pertinent.

Mr. GAINES of West Virginia. Will the gentleman yield?

Mr. TAWNEY. In just a moment. The language of the paragraph as it is presented to the committee here implies that this money is to be expended in the development and maintenance of a permanent naval base. Now, Mr. Chairman, in view of the recommendations of this joint board, in view of the plan that has been submitted at this session of Congress for the fortifications along the line recommended by this board, if we do not now declare whether or not we are going to favor Subic Bay as a permanent naval base, then we will have two naval bases as a necessary consequence hereafter, if the Army and Navy join in asking that these recommendations that they now make be respected and recognized and appropriated for by Congress. It is not my purpose to interfere in the least with the maintenance of our military or naval power in the Philippine Islands. All I want to prevent is the establishment of two permanent naval bases in the Philippine Islands as the result of the disagreement that has heretofore existed between these two arms of the service, or because of any disagreement that may result hereafter. That is the reason for my opposition, and I think that when the Members of the House vote on this proposition, if they understand they are not voting to interfere in the least with the maintenance of the temporary naval base there, but would merely declare, in line with the recommendations of this board, that we will not establish a permanent naval base there, we will be voting, then, in accordance with what, I believe, is for the best interests of the Government here and in the Philippine Islands.

Mr. BATES. I desire to ask the gentleman one question. Did the gentleman from Minnesota, in his fortification bill from the Appropriation Committee in the item for the fortification of this harbor, say that that was not to be permanent? Did he make the declaration to the Congress, to the country, and to the world, when he was providing for fortifications at this point—a proviso that they were not intended to be permanent, but might be taken away in a few weeks or a few months? Such a declaration, Mr. Chairman, was certainly not made in his own bill.

Mr. TAWNEY. The fortifications that are there now are to be permanent and they will be permanent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Just one minute more, Mr. Chairman. The officers who appeared before the committee did not make any estimates for further fortifications at Subic Bay, upon the ground that the plans for the establishment of a permanent base at Subic Bay had been abandoned.

Mr. DRISCOLL and Mr. PAYNE rose.

The CHAIRMAN. The gentleman from New York [Mr. DRISCOLL] is recognized.

Mr. DRISCOLL. If my colleague [Mr. PAYNE] wants to say a word, I will be glad to yield to him.

Mr. PAYNE. Mr. Chairman, I would like to have a word now, as I have to go away, because this amendment was introduced in the committee here by the gentleman from Indiana [Mr. CRUMPACKER] at my suggestion, and my thought, Mr. Chairman, was this: The objections to Subic Bay were stated to some of us who went to the islands three years ago by the officers of the Army, and it seemed to be the universal opinion among those officers that Olongapo was impracticable because of the impossibility of defending it from the rear, while the naval officers, most of them, thought it was the best place. Some of them did not; they agreed with the Army officers. But I thought that it was not best to have this matter go on in the way it has been going. My eloquent friend from Illinois [Mr. Foss], chairman of the committee, who always is able to make a great big argument out of a very small premise—and sometimes he uses a large one when he deals heavier and sledge-hammer blows—was contending a few moments ago that we had expended $2,750,000 for Subic Bay and Olongapo, and that therefore Congress had established a permanent naval station there.

That is hardly true, Mr. Chairman. If there is any element of truth in that proposition, I do not think it is best now, with the difference of feeling and opinion that there is among the Members of the House, to add even a straw's weight to that argument of my friend from Illinois [Mr. Foss] by an appropriation of $100,000, so that next year he can say: "We have expended $2,850,000, and the matter is settled." Rather, let this amendment go in. Let them use the $100,000 for the temporary use there, but not for the permanent use, and then let the Committee on Naval Affairs consider the subject and bring all the information there is before the House. Then let my friend from Pennsylvania [Mr. BATES] come in, as he did the other day, with a bill for Pearl Harbor, a bill that was so wise and so well fortified by the facts that were stated in his report that it went through the House by almost a unanimous vote, locating Pearl Harbor as a naval base in the Hawaiian Islands. When they have fairly considered this matter and focused their minds upon it—the great naval minds of this great committee of the House—let them bring in their bill in their frank, manly sort of way, and not try to sneak it in with a hundred thousand dollars here and a hundred thousand dollars there. Let the Congress understand just what they are doing and decide as to which is the proper place for this naval station. I shall be ready to listen to their arguments fully and fairly, and try to decide justly, as far as my vote is concerned. And, if I agree with them, I will vote for their bill, wherever they establish their naval station, and, if I do not, I shall just as cheerfully vote for an amendment to establish it somewhere else. Let the bill finally receive the approval of both Houses of Congress, so that Congress may understand, and the country may understand through the law, just what Congress proposes to do.

Then when we make the appropriation for this place, it will be understood when it is put in the law whether it is a temporary or a permanent naval base we are building up.

Mr. BATES. I would like to ask the gentleman from New York whether he thinks that this money would be expended in a different way by adding the statement that the station is not to be permanent, and why should you couple that with the appropriation?

Mr. PAYNE. For the same argument made by the chairman of your committee, that we have expended $2,750,000, and "Congress itself had settled this question, and Olongapo was the place, and there was no other place in the Philippines for

this naval station." He simply adds a straw to that line of argument, which I do not believe in, but which might catch some Members.

Mr. BATES. It certainly did not hurt the gentleman from New York or any Member of the House.

Mr. PAYNE. It certainly did not hurt me.

Mr. DRISCOLL. Mr. Chairman, the gentleman from Ohio this morning said that the more he read and the more he heard about Olongapo and Subic Bay and Cavite and Manila the more confused he became in this matter. Mr. Chairman, I am one of those not confused with reference to it. I have clear and definite views on the general proposition, upon which this particular question or amendment bears. I am one of that large and rapidly growing class of Americans who regret exceedingly that we got into the Philippine entanglement [applause] and who hope to live to see the day when we can honorably get out. [Renewed applause.] I do not mean to say that we should sell or trade them away. Whatever may be our legal right, we have no moral right to sell 8,000,000 souls, even with their lands, homes, and firesides, but we have a moral right to educate them and we have a right to elevate them politically, physically, morally and industrially, and every other way so that they can maintain a republic of their own over there. [Applause.] When that time comes, and I hope it will come within the lives of men here present, then we will get an agreement on the part of all the powerful nations to keep their hands off the islands and allow them to work out their own destiny and establish a republic in the Orient after the model of the great Republic of the West.

Now, sir, when that time comes we will need a great natural harbor over there, either an island or a part of an island, on which we can construct our own improvements. Subic Bay is by all means best fitted for that purpose. We can not retain Cavite if we surrender the rest of the islands, because Cavite is in the great Bay of Manila. It is inside the same fortifications as Manila. Guns from Cavite could be trained on the city of Manila. We can not retain Manila without retaining Luzon, because Manila is the heart of Luzon. We can not retain Luzon without retaining the rest of the islands, because Luzon is the most populous and the most advanced in all respects and really the heart of the whole archipelago. Therefore when we surrender American occupation, we must withdraw from Manila and Cavite. In that event we can retain Subic Bay as a permanent naval, coaling, and commercial station, as a sort of foothold there which we may use also as a trading basis. No nation would object to that or accuse us of bad faith. We would be justified in doing it, and the Filipinos would doubtless be willing to make that concession. Now, what do you propose to do? If you pass this amendment you practically abandon Subic Bay, and when you abandon Subic Bay, it will indicate to the world that we are going to fortify Cavite as a permanent naval basis, and that will indicate, further, that we are going to hold possession of the Philippines permanently. I do not believe the American people will stand for that. Sentiment is growing the other way all the time. The best part of our citizenship is in favor of giving these people an opportunity to work out their own destiny after we set them up. [Applause.] Therefore, I am in favor of giving this $100,000 to keep up the improvements we have there, so the impression will not go out that we are to abandon the policy practically adopted by this country with reference to the Philippines. [Renewed applause.]

Mr. FOSS. I move to close all debate on the paragraph and all amendments in ten minutes.

The question was taken, and the motion was agreed to.

Mr. SHERLEY. Mr. Chairman, I shall not undertake to pit my technical knowledge against that of the gentleman from Alabama in regard to naval matters; but I may, with becoming modesty at least, express an opinion as to the use of the English language. The gentleman took exception to the interpretation placed upon the report made by the joint committee of Army and naval officers. That report clearly establishes certain facts, and it does not require technical knowledge to determine them. The first matter of fact that it establishes is that we need, not bases, but a naval base in the Philippine Islands.

The report says that in order to sustain any policy of the United States in the Orient a suitable naval base in the Philippines is essential. It does not say "suitable naval bases."

Now, what else did it determine? It having started with this premise of a single naval base, determined what particular base was the one best suited to the needs of America. The identical question was whether it should be Subic Bay or Cavite; and in order to show that I am right, again I will read some more plain English:

JOINT BOARD,
Washington, January 31, 1908.

SIR: The joint board at its meeting of this date and at various meetings previously held took up the consideration of the question of the suitability of Subic Bay for a naval base, having regard to its capability for defense, by the United States forces which will be available, against attack from both the sea and land sides; and further, as to whether the naval base, with all its appurtenances, should not be located behind the fortifications of Manila Bay.

That was a square issue, made between the advocates of the two places. Now, what did they decide? And it is not left in doubt. They decided:

IV. That the alternative is to locate the naval base in Manila Bay.

The view both of the Army and the Navy in regard to the suitableness of it, both as a naval base and in regard to its capability for defense, was that as an alternative the naval base should be located in Manila Bay, and they meant a final alternative, for the fifth paragraph proves that, and not by any strange construction of English, for it says:

V. That in the event of threatened hostilities involving the Philippine Islands before the establishment of a naval base in Manila Bay, all the military resources of the United States available in those islands should be devoted to the protection of the temporary naval base, wherever it may be.

Now, what is the answer that is made to that? It is twofold. First, the gentleman from Alabama [Mr. HOBSON] tells you that the word "base" does not mean naval station in the sense in which the House has been considering it. If it does not, it at least means all that both the Army and the Navy had in contemplation for the Philippine Islands, because they use the word "base" in determining that they will have but one naval base, without regard to the particular point. The word base means the same in one part of the report that it does in the other.

Now, the other argument is that notwithstanding this official report bearing the signature of Admiral Dewey as the senior officer of the joint commission, some of the favored members of the Committee on Naval Affairs have had private letters or telephone communications to the effect that Admiral Dewey was not convinced, but simply overwhelmed by the other members. He signed the unanimous report, and I repeat again, with all proper respect to the distinguished Admiral, that it would have been infinitely better for Congress and infinitely better for the country if he had seen fit to make a minority report against the findings of that board rather than sign a unanimous report in favor of Cavite and then send to the Naval Affairs Committee his personal opinion that he was in favor of Olongapo as against Cavite; and I ask this Committee of the Whole to follow the last recommendation of a board appointed by the President to determine this special question, and it did determine this question in English so plain that he who runs may read. [Applause.]

Mr. FOSS. Mr. Chairman, the gentleman has alluded to the joint board of the Army and the Navy, but he can not point to one single statement anywhere in writing that the President of the United States has approved of the report of the joint board of the Army and the Navy. We have had several joint boards, and the gentleman from Minnesota [Mr. TAWNEY] suggested that here was a joint board appointed by the President. Will the gentleman from Minnesota name any joint board in the last ten years that has not been appointed by the President? We have had several reports from joint boards heretofore upon this proposition, and they have been unanimously in favor of Subic Bay, but this year this is a joint board that makes a report against it, because they say the Army can not defend Subic Bay. There was no trouble about this question of the location at Subic Bay until this year. In 1904 we established this naval station, and the matter was before the Congress. The Secretary appeared with estimates before our committee, and this whole subject was explained in our report, discussed here on the floor, and year after year we have been making appropriations, only small ones it is true, about $100,000 each year, toward this naval station. So there is no question as to the establishment of it, but the Army has come in this last year and put its nose into the Navy's business, and says we are going to locate a naval station at Cavite where you can not get a battle ship within two miles. I have been in the Philippine Islands, and have seen Army stations here and there, but no naval officer has ever, and the Navy Department has never, attempted to locate any Army station. The Army is attempting to say where the naval stations shall be established against the unanimous opinion of the leading naval authorities, against the opinion of four Secretaries of the Navy that we have had during the last four years. I would like to know whether we are going to follow the Army on naval matters, or whether we are

going to follow the Navy on naval matters. Are we going to put this base where a few Army officers say it ought to be when appearing before the Committee on Appropriations in discussing fortifications, or are we going to follow Admiral Dewey and other great authorities of our Navy, and establish it where it ought to be?

Mr. SHERLEY. Will the gentleman from Illinois kindly tell us at what period we should follow Admiral Dewey?

Mr. FOSS. Admiral Dewey was president of the joint board and signed the report as president, but the report of the board has never been approved, and I say to the committee that I hope it will stand by the recommendations of the Committee on Naval Affairs. I now yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, we seem to have some difficulty in understanding Admiral Dewey. He says in this report that if we desire to have a naval station defended from the land side we ought to go to Manila Bay; that if we desire to have any water upon which to float the ships we should make the naval base at Subic Bay.

I have had twelve years' experience, and I have grown weary of seeing the attempt of the Department to sail ships across an ordinary fog that settles in the meadow in the morning. [Laughter.] I am in favor of Subic Bay for a naval station because of its fitness. All of the naval authorities are in favor of Subic Bay, and, above all, the President of the United States induced Congress to locate the station at Subic Bay.

Mr. HOBSON. Mr. Chairman, a lawyer once proved that the Bible said "There is no God." But the true reading of the Bible is "The fool hath said in his heart, There is no God." I believe that the able, legal ability of the gentleman from Kentucky [Mr. SHERLEY] could discover anything in any statement.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. Let us vote down the amendment and stand by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The question was taken, and on a division (demanded by Mr. CRUMPACKER] there were—ayes 21, noes 70.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 6 strike out the words "improvement and development" and insert the word "maintenance," and between the words "the" and "naval" and insert the word "existing."

Mr. LONGWORTH. Mr. Chairman, I do not care to consume any time in discussing the amendment, and I ask for a vote.

Mr. FOSS. I hope the amendment will be voted down.

The question was taken, and the amendment was lost.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAMS. Mr. Chairman, I shall have to object.

The Clerk read as follows:

Plans and specifications for public works: Navy Department: Plans and estimates required by section 3663, Revised Statutes, and plans and specifications for public works, $30,000.

Mr. SMITH of California. Mr. Chairman, I offer the following amendment:

On page 36, after line 25, insert:

"*Provided*, That the President is hereby authorized to appoint a commission consisting of two naval and two Army officers and one civilian to examine the shores of San Diego Bay and report to the President the point best suited for the location of a dry dock, with an estimate of the probable cost thereof. For the expenses of said commission the sum of $25,000."

Mr. FOSS. To that, Mr. Chairman, I will reserve a point of order.

Mr. SMITH of California. Mr. Chairman, we have had a good deal of war talk lately, and it all points toward the Pacific, and I suppose everyone feels that if there is any danger of a naval war, it is on the Pacific. For myself, I do not feel so much alarmed that I do not sleep well at night [laughter], because the time for a war between this country and the Orient has not yet arrived, in my opinion, and will not arrive until at some future time when, in revising the tariff, we discriminate against manufacturers of the oriental countries. Then we may get a war. It will not come out of the subject of immigration, in my opinion.

If we are going to have a Navy and the activities are going to be on the Pacific Ocean, it is just as important to have yards and docks as it is to have vessels. A navy is of small consequence unless the vessels can be cared for and repaired. It would not be going beyond the truth to say that it would be utterly impossible to dock a battle ship on the Pacific Ocean at the present time in a Government yard. That condition of things ought not to continue, and while we are making some progress at Puget Sound and a beginning is being made at Pearl Harbor, we have had for the last few days here some very instructive and eloquent statements to the effect that a naval base on an island is not the safest to count upon under all emergencies.

It seems to me that we ought to begin at least to look into the wisdom of establishing greater facilities on the shores of the continent. I hope the gentleman will not insist on the point of order, but that there may be a vote upon this amendment, which merely looks to an investigation and a report as to whether there is suitable water and other suitable advantages for a naval station at the southern extremity of our Pacific coast lines. It would take many years, of course, to bring about the improvements, but by the time the Isthmus of Panama is penetrated by the canal there will be still greater need for naval equipment in the southern waters of the United States.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. FOSS. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. YOUNG having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 78. Joint resolution establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico; and

S. 6163. An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Floating derricks: One 100-ton floating derrick (to cost $250,000), $100,000.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against that, and will ask the chairman of the committee to explain it. The cost of this floating derrick as proposed in this amendment is enormous, very much more in my judgment than such a floating derrick should cost. A similar piece of machinery, it seems to me, could be produced for the amount of money that is appropriated. I happen to be in the line of business where machinery of this kind is used, and I have had the experience of having this kind of machinery built. I happen to own some of this kind of machinery, and my honest judgment is that this limit of cost for this particular machine is two and a half times what it ought to be. I just want to ask the chairman of the committee whether he has made sufficient investigation of the need of this and the necessity of this amount of money being expended to warrant him in making the recommendation.

Mr. FOSS. Mr. Chairman, the Chief of the Bureau of Yards and Docks, Admiral Holliday, appeared before the committee and recommended this item, which is for a 100-ton floating derrick. He says they are the greatest machines in the world.

Mr. MADDEN. They are.

Mr. FOSS. We do not know, as members of the committee, whether this is more than he ought to have or not, but we took his judgment, of course, as the Chief of the Bureau of Yards and Docks. This was the estimate which he sent to us, and the committee does not feel like making any less estimate. He asked for four derricks, and we gave him only one.

Mr. BUTLER. I feel sure that he will buy it for less money if he can.

Mr. FOSS. Yes.

Mr. MADDEN. The limit of cost is excessive. There is no doubt about that.

Mr. FOSS. He does not have to spend the full limit of cost.

Mr. MADDEN. I realize the importance of having possession of such machinery as this. It is the most valuable machinery

that can be used in the movement of heavy commodities from place to place where they have water front, but I was in hopes that the committee might see the justice of recommending only such a sum of money for the construction of this machinery as the machine ought to cost. I still believe that $100,000 is all that this machine should cost, and the appropriaion of $250,000 is far in excess of what should be appropriated. I withdraw the point of order, and I will offer an amendment fixing the limit of cost at $100,000.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order and offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 37, line 5, strike out "two hundred and fifty" and insert "one hundred."

Mr. FOSS. I call for a vote and hope that it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For the erection of three fireproof buildings, to be used as magazines and filling house, and including necessary grading, walks, and landing stage, $7,000.

Mr. MADDEN. I reserve the point of order on this so as to ask the gentleman in charge of the bill what the necessity for all these magazines and filling houses, and so forth, is.

Mr. FOSS. Those were made upon the recommendation of the Chief of the Bureau, I will say. They used ammunition down there in the education of the cadets, for experimental purposes, and one thing and another, and it is to store that ammunition. It is a small amount.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

Naval hospital, Great Lakes: For the erection of naval hospital buildings, to cost not to exceed $250,000, $100,000.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word. I would like to inquire where this hospital is, and what it is.

Mr. FOSS. That is in connection with the naval training station.

Mr. BUTLER. It is part of the outfit there, for which Congress has already provided.

Mr. BURTON of Ohio. I withdraw the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the following concurrent resolution:

House concurrent resolution 37.

Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill H. R. 20310, relating to the liability of common carriers by railroads, to their employees in certain cases, the enrolling clerk be directed to correct said bill by inserting in section 3, after the word "railroad," in line 2, the words "under or by virtue of any of the provisions of this act," so that said section 3 will read as follows:

"SEC. 3. That in all actions hereafter brought against any such common carrier by railroad, under or by virtue of any of the provisions of this act, to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee."

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In all, $6,547,903.75.

Mr. FOSS. Mr. Chairman, in view of the fact that the committee passed favorably upon allowing 3,000 additional men to be made immediately available, it will be necessary to increase this appropriation, and accordingly I move to strike out, in lines 15 and 16, all the words after "six million" and insert "$931,153.75," so that it will read, "in all, $6,931,153.75."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Page 47, amend lines 15 and 16 so as to read, "in all, $6,931,153.75."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy-yards, inspectors' offices, such as advertising, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, $8,000,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home; and the Secretary of the Navy is hereby authorized to make expenditures for repairs and changes on vessels in excess of $200,000, or in excess of 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That such expenditures on any ship shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on the language contained in this paragraph, beginning line 22, page 53, to line 8, page 54, on the ground that it is new legislation.

Mr. FOSS. Mr. Chairman——

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. TAWNEY. I reserve the point of order, Mr. Chairman.

Mr. FOSS. Mr. Chairman, I think the gentleman is familiar with the necessity for this provision. It will be recalled that on our appropriation bill of last year we provided—

That the Secretary of the Navy will hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than $200,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

Now, in pursuance of that provision, which was enacted into law last year upon the appropriation bill, the Secretary of the Navy sends a letter, known as Document No. 657, giving the vessels and amount of repairs on each in accordance with that provision, and in order to make these necessary repairs it will be necessary for us to give him the authority which is contained in these lines to which the gentleman makes the point of order.

Mr. MADDEN. Did I understand the gentleman to say the Secretary of the Navy gives the names of the vessels?

Mr. FOSS. Yes.

Mr. MADDEN. Why not specify the amount to be expended on each vessel?

Mr. FOSS. Well, that is quite a long——

Mr. TAWNEY. Mr. Chairman, the gentleman in charge of the bill stated I was familiar with the provision, and I am familiar with the provision carried in the previous law. Until the first session of the last Congress there had never been any limitation whatever upon the amount the Secretary of the Navy could expend in the repairs of a battle ship, and in the last session of the Fifty-ninth Congress the Committee on Naval Affairs reported in favor of a 20 per cent limitation, and added the provision which the gentleman in charge of the bill has read, requiring the Secretary of the Navy, where the proposed repairs exceeded $200,000, to submit to Congress an estimate of the cost of the repairs on each ship which it was necessary to repair.

Now, Mr. Chairman, the purpose of this legislation was to give to Congress control over the amount of money to be expended in making repairs, and it was also to give Congress the power to determine whether or not the repairs should be made and how much should be expended in making those repairs. Now, it is proposed by this provision to again restore to the Secretary of the Navy the absolute discretion he has heretofore exercised in the repair of any battle ship he may deem in need of repair, regardless of the cost of that repair. It is placing in the Secretary of the Navy a discretion in regard to public expenditure that no other officer of the Executive Departments of the Government possesses. In other words, if he simply reports to Congress the necessity for the reconstruction of a vessel he is authorized to go on and make the repair, regardless of the cost. Now, in the British navy the British Admiralty can only expend $50,000 in the repair of a vessel without express authority from Parliament.

It was my purpose in first proposing this amendment and in supporting the proposition requiring the report to be made to Congress—it was my purpose and hope that the Committee on

Naval Affairs would take the trouble to investigate these reports and these estimates for repairs on particular ships and bring in specific appropriations for the repair of each vessel which the Secretary of the Navy recommended to be repaired, and not to accept his report as conclusive, and then come to the House with the recommendation that the Secretary be allowed to make any and all repairs which may have been approved by the board above $200,000, regardless of the amount we give him. It is for this reason, Mr. Chairman, that I make the point of order against the proposition.

Mr. PADGETT. Will the gentleman reserve it for a moment or two?

Mr. TAWNEY. I will reserve the point of order.

Mr. PADGETT. Mr. Chairman, I think the distinguished gentleman from Minnesota, the chairman of the Committee on Appropriations, is too broad in his statement as to the action of the Committee on Naval Affairs and the provisions of this bill. On page 54 you will find the language:

Provided further, That such expenditures on any ship shall not exceed the amount reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the act——

Mr. TAWNEY. That is exactly why I do object to it, I will say to my distinguished friend, because it gives to the Department the discretion, first, of determining the amount to be expended in the making of the repairs, and authorizes the Department to make the repairs and report to nobody. The only thing the Department does now, or is required to do under this provision, is to report, first, what ships need repair, and the amounts. Now, you propose by this language to give the Department the power of going on and expending the money appropriated for repairs within the limits of the report of the Department, and not within the limits of the recommendations of Congress.

Mr. PADGETT. Now, if the gentleman pleases, I would like to know what function of Government would determine the amount to be expended upon any ship except the Navy Department?

Mr. TAWNEY. The Congress of the United States, I will say to the gentleman, with all due respect. It is the function of the Department to make recommendations, but it is the function of Congress to pass finally upon those recommendations, and determine, first, whether the repairs shall be made, and at what cost; and it was to take away from the Department the discretion which it has heretofore had and exercised of making any repair at any cost and report to nobody, that this provision was put in the last appropriation bill. And it can be carried out, if the gentleman's committee will consider the report that has been submitted, and then recommend appropriations for the specific repairs that are recommended by the Department.

Mr. PADGETT. The committee has done that very thing. The Department submitted detailed estimates to the Congress in conformity with the requirements of law. The matter was before the committee, was considered by the committee, and the committee has reported this authorization for the Department to make the repairs upon the specific ships named in the report, and not to exceed the amount specified in the report.

Mr. TAWNEY. Oh, the gentleman is entirely mistaken. This language will authorize the Secretary of the Navy to make any repairs on any vessel.

Mr. PADGETT. No, sir.

Mr. TAWNEY. Regardless of the cost, if it is above $200,000, and within the amount recommended by the board.

Mr. PADGETT. It does not.

Mr. TAWNEY. Provided that the board or the bureau have recommended such repairs.

Mr. PADGETT. It does not. It says: "Provided—" let me give the language.

Mr. TAWNEY. The language, I will say to the gentleman from Tennessee, is this:

And the Secretary of the Navy is hereby authorized to make expenditures for repairs and changes on vessels—

Not any particular vessel—

in excess of $200,000, or in excess of 20 per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Provided further, That such expenditure on any ship—

Not on the ships that the Department has recommended to Congress should be repaired, but on any ship—

shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department.

Mr. FOSS. Read on to the next line.

Mr. PADGETT. Let me ask the gentleman in plain English if "any ship" does not mean the ship reported to the Congress in pursuance of that law? Here is a report in which each ship is given, the amount required for the improvements in the several bureaus, specially, specifically stated and itemized, and the provision here is that the Secretary is authorized to improve any of the ships on which he has made the report and submitted the estimates to Congress, and he could not improve or spend one dollar on any other ship except the one that has been named in this report and in the bureaus mentioned in the report.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee many proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I will say to the gentleman from Tennessee [Mr. PADGETT] that this provision as framed will become permanent law. It is a permanent authorization to the Secretary of the Navy to make repairs on any ship where the cost of the repair exceeds $200,000 or 20 per cent of the cost of the ship, "provided that the expenditure shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service," and so forth. So that hereafter all that is necessary to authorize the Secretary of the Navy to expend any amount within the appropriation for repairs that the board may recommend is for that board to have transmitted its report to Congress. That means to future Congresses, it having transmitted its report to this, the first session of this Congress.

Now, I submit to the gentleman from Tennessee and the gentleman from Illinois, the chairman of the Committee on Naval Affairs, that it was not the intention of Congress when this legislation was incorporated in the last naval appropriation bill to merely receive the report made by the Department as to the ships that ought to be repaired, and the amount necessary for the repairs in each case. That was not alone the purpose. It was intended to give Congress information as to what repairs were deemed necessary, what ships should be repaired, what the cost was to be, and then let Congress appropriate specifically for the repair of each vessel, according to its judgment as to whether the repairs should or should not be made. Now, what happened at the beginning of last Congress——

Mr. PADGETT. Now, may I ask the gentleman just there, Do you mean to insist that it shall be excluded from the naval appropriation bill and come in a separate bill?

Mr. TAWNEY. No, sir; I do not; but it should be carried just the same in this bill as any repairs are carried in other appropriation bills. The appropriation should be made specific. Now, let me give the gentleman a little information as to how this legislation arose. At the beginning of the last Congress a deficiency was submitted from the Naval Department for this Bureau of more than $2,000,000. Upon investigation it was found that that deficiency arose as a result of the Secretary of the Navy diverting appropriations for the reconstruction of vessels without authority from Congress; and to prevent that the first attempt was made to limit the expenditure to 10 per cent, but it failed; and in the next session your committee brought in here a limitation of 20 per cent, with an additional limitation requiring the Department, when the repairs necessary were above $200,000, to submit the repairs and the necessity for the repairs with an estimate to Congress, the same as any other estimate. It was the expectation when these estimates were submitted that the committee would report a provision specifically appropriating in detail the money to make the repairs, and in this way prevent the diversion of appropriations for the different bureaus.

Now you propose to turn over to the Department, or give to the Department, absolute discretion to spend any amount of money for repairs in this bill that the board may recommend and submit in its report to Congress as being necessary, without any further legislation. Now, I submit that that is neither good administration nor good legislation. It certainly does not afford Congress an opportunity to keep that hold upon public expenditures and the administration of public appropriations that we should always endeavor to maintain. I now reserve the point of order, and the gentleman may proceed.

Mr. PADGETT. Now, Mr. Chairman, I do not know whether I have any time remaining.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask unanimous consent that I may proceed for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I think, Mr. Chairman, that the gentleman from Minnesota has entirely misinterpreted and misconstrued the language as provided in this bill. This language, to which he reserves the point of order, is granting an authorization to the Secretary of the Navy to make improvements upon specific ships to the specific amount mentioned in his report made to the Congress in pursuance of the law set forth in the section. Without this authorization the Department can not repair a single one of these ships, and we would be left in the condition of having our ships needing repair and the Congress denying to the Secretary the power and the authority and the ability to discharge his duty. It is simply an authorization to repair these specific ships within the amount mentioned in his report. It is not a repeal of the existing law, nor is it intended to be a repeal of existing law. It is more in the nature of an authorization to do work, and limiting the appropriations in this bill to that purpose. So that it does not broaden the discretion of the Department.

It gives them no new power, except the power to carry into effect the recommendations which they have made with regard to these specific vessels, named in their report, of which they have submitted detailed estimates, and these repairs should be made.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. PADGETT. Certainly.

Mr. MADDEN. Was there any way in which the committee could have suggested the total amount of the appropriations to be used for this purpose?

Mr. PADGETT. Oh, yes. We could have named each ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask that my colleague may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. We could have named the *San Francisco*, the *Baltimore*, the *Alabama*, the *Illinois*, the *Iowa*, the *Kearsarge*, the *Kentucky*, the *Adder*, the *Bennington*, the *Grampus*, the *Moccasin*, the *Pike*, and the *Paul Jones;* and we could have said so much from the Bureau of Construction and Repair; we could have said so much from the Bureau of Equipment, and named the various bureaus, but all of that is mentioned and set out in detail in this report. We have referred to the report. We make it by reference a part of the provisions of this authorization.

Mr. MADDEN. But the gentleman will acknowledge that the report is not a part of the law?

Mr. PADGETT. It becomes a part of the law by reference and incorporation in this provision.

Mr. MADDEN. Would the gentleman not think it wise to give Congress the information upon which the committee bases its recommendation?

Mr. PADGETT. It is here in a public document.

Mr. MADDEN. What would be the objection to embodying it in the bill?

Mr. PADGETT. Simply because it would take three or four pages to set it out here. And let me ask the gentleman a question. We authorize the building of a battle ship, the hull of which is to cost not to exceed $6,000,000. Does the gentleman think we ought to set forth that the beams in that vessel should be of certain dimensions and that the nails and rivets should be of such quality and that we should go into the details in authorizing that construction?

Mr. MADDEN. I beg the gentleman's pardon. This is not a parallel case at all. This is a proposition similar to the construction of a ship. It seems to me that in giving the information as to the name of the ship and the amount of money it would cost to repair the ship, it is quite a different proposition from naming the character of the nails and the size of the timbers in the ship. It is simply a question whether the Navy Department or the Committee on Naval Affairs thinks it of sufficient importance to enumerate the particular things for which the money is to be expended.

Mr. PADGETT. Now, may I ask the gentleman just at that point if the committee is not just as specific in saying the ships mentioned in a given document as we would be to enumerate by name the ships mentioned in that document?

Mr. MADDEN. I do not understand that the document is any part of the law of the land.

Mr. PADGETT. But it is a public record. It is referred to by name.

Mr. MADDEN. But it is not any part of our legislation.

Mr. TAWNEY. If the gentleman will pardon me, you do not make that document a part of the bill by specific reference to it.

Mr. PADGETT. Oh, I beg your pardon. Listen:

Provided further, That such expenditures on such ships shall not exceed the amounts reported necessary therefor in the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. TAWNEY. Yes, but it does not state what reports have been submitted to Congress. It may have been submitted in the hearings before the Committee for aught that anybody here knows. There is no reference to any specific report on the repairs of vessels.

Mr. PADGETT. The gentleman is quibbling on words.

Mr. TAWNEY. No; he is not.

Mr. PADGETT. Let me call your attention to the fact that the act of Congress making appropriations imposed a duty upon the Secretary of the Navy that he should report to Congress the names of the ships and the amount necessary to make the repairs, in a specific case, where it exceeded $200,000, or where it was as much as 20 per cent. Now, in compliance with that specific provision, he makes a specific report with reference to that specific subject, and it is just as definite as if I were to say, "An item under naval construction on a certain page of the naval appropriation bill for the fiscal year 1909."

Mr. TAWNEY. Can the gentleman from Tennessee tell the House how much the Secretary of the Navy under this provision would be authorized to expend in the repair of ships?

Mr. PADGETT. I can refer to it right here.

Mr. TAWNEY. Without his report?

Mr. PADGETT. No; but——

Mr. TAWNEY. Can any Member of the House do it?

Mr. PADGETT. No, sir. Can the gentleman tell me how much is included in any of the paragraphs of the bill without looking at the bill?

Mr. TAWNEY. I want to call the gentleman's attention to the fact that this is an appropriation of $8,000,000 for repairs. So far as Congress knows, the repairs on some of these vessels might amount to as much as $2,000,000, but there is no Member of the House who has any information whatever as to the amount that is proposed to be expended on these ships. The proposition does not identify the appropriation with the repairs that are to be made in any particular whatever.

Mr. PADGETT. We do identify it.

Mr. TAWNEY. No; you do not.

Mr. PADGETT. Because we refer to the ships.

[The time of Mr. PADGETT having expired, by unanimous consent it was extended five minutes.]

Mr. PADGETT. Now, here is the letter of the Secretary of the Navy submitting a draft of proposed legislation to authorize repairs of vessels of the Navy. That letter is addressed to the Secretary of the Navy and is submitted by the Secretary of the Navy to the Congress. In this report each ship is named. For instance, take the *San Francisco:* For modernizing batteries, $35,250; for mine outfit, $115,000; total, $150,250. Take the *Baltimore:* For modernizing batteries, $3,300; for mine outfit, $200,000; total, $203,300. And so he goes through with each ship.

Mr. TAWNEY. Will the gentleman state what the cost is of the repairs on the last ship mentioned?

Mr. PADGETT. That was the *Baltimore*. Steam engineering—the amount is $203,000.

Mr. TAWNEY. I ask the gentleman what is the original cost of the vessel?

Mr. PADGETT. If I had the document here, I could tell you; I have not my reference book here.

Mr. TAWNEY. I want to ask the gentleman if 20 per cent, which the Secretary is authorized to spend, would not cover all the repairs mentioned?

Mr. PADGETT. It would not. Otherwise the Secretary would not be foolish enough to ask the authority of Congress to do what he already had authority to do.

Mr. TAWNEY. But he does not ask the authority of Congress.

Mr. PADGETT. He does. In the letter of the Secretary of the Navy he speaks of the proposed legislation to authorize the repairs of these vessels of the Navy which he mentions.

Mr. TAWNEY. Proposed legislation. That is the point I make here, that the specific requirements should be set out.

Mr. PADGETT. They are set out in this report. The Bureau of Steam Engineering sets out how much there is in that Bureau. The Bureau of Equipment sets out in detail how much is necessary under that Bureau. The whole of it is set out in detail and itemized, and then the committee in requiring this authorization for the Secretary to do that which it is his duty to do, we make that report a part of this provision.

Mr. MADDEN. How much is it proposed shall be expended under this authorization, does anybody know?

Mr. PADGETT. I have not added it up.

Mr. TAWNEY. Nobody knows.

Mr. MADDEN. It is not in the bill.

Mr. PADGETT. No; it is not set out in hæc verba, but it is set out in the report and in an itemized form, and if the gentleman will take his pencil and take this report and go through it, he can add up and find every dollar that is authorized to be expended on each ship.

Mr. MADDEN. But the gentleman knows that the reports are not submitted to the House to legislate upon.

Mr. PADGETT. What are they submitted for?

Mr. MADDEN. They are not submitted to us at all, they are sent to the Committee on Appropriations. The only thing this House has before it is the bill to legislate upon.

Mr. PADGETT. The report says it is submitted to Congress. It is in the House document room, and is available at any time for any Member. If it is not at the disposal of Congress, I fail to distinguish how it is differentiated from any other public document.

Mr. MADDEN. The bill itself ought to tell how much money there is appropriated, and there ought to be no question about that.

Mr. PADGETT. Oh, well, turn over here to the pay of the Navy in this bill, where we appropriate $27,247,000 for the pay of the Navy; we simply group it in a few words.

Mr. MADDEN. Could not that be done in this case?

Mr. PADGETT. We do not in the bill say how much will be paid to this general or how much will be paid to that soldier. All that is settled by the administration of the Department.

Mr. MADDEN. But the amount which is appropriated is not given in this bill.

Mr. FOSS. Mr. Chairman, I desire to discuss the point of order in case the Chair has not made up his mind. In the first place, I desire to state that I do not agree with the statement made by the gentleman from Minnesota as to the effect that at any time the Secretary of the Navy has exceeded his authority before this provision was put in the bill in the matter of repairing and overhauling of ships.

Mr. TAWNEY. If the gentleman from Illinois will pardon me, I will state that the facts appeared before the Committee on Appropriations, and for that reason that committee refused to recommend to the House the appropriation of the $2,000,000 deficiency, and when it was attempted to put a provision on the bill here on the floor of the House the statement as to the diversion of the appropriation was sufficient to prompt the House to refuse to put it on.

Mr. FOSS. The gentleman puts upon it his own construction.

Mr. TAWNEY. That is not a construction; it is a statement of fact.

Mr. FOSS. I have my own opinion also. Now, in regard to this provision which is in this bill, I desire to state that it is in exact conformity with the naval appropriation act of last year. The naval appropriation act of last year provided that the Secretary of the Navy should report to Congress the names of the ships upon which any repairs or changes are proposed, and further states:

And expenditures for such repairs or changes so limited shall be made only after appropriations in details are provided for by Congress.

In express compliance with that provision the Secretary of the Navy has made his report, and it is a House document here, and he has provided here just what shall be done with each ship.

Brooklyn: General overhauling, rearrangement of magazine, ammunition, $275,000.

Does the gentleman want the committee to go down into it deeper than that and find out every screw and bolt and make an appropriation for it?

Mr. TAWNEY. If the gentleman will permit me——

Mr. FOSS. I will not be interrupted at the present time.

Mr. TAWNEY. I will answer the gentleman's question. He asked me a question.

Mr. FOSS. Well, I am going to ask the gentleman a few others.

Mr. TAWNEY. All right.

Mr. FOSS. Now, in this report each bureau sets out specifically what is to be done in connection with these ships. For instance, there is modernizing the battery on the *Baltimore*, $3,300. On the *Alabama* we are to replace 6-pounders by six 3-inch guns and mounts, new devices for gun pointers, and so forth. Does the gentleman from Minnesota want to have us specify each and every item in connection with the repairs of these ships? If so, then let us have a bill here 40 miles long.

Mr. TAWNEY. Will the gentleman allow me to answer him now?

Mr. FOSS. Yes; if it is short.

The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. If it is short.

Mr. TAWNEY. The gentleman asked me a question and I simply propose to answer it, provided he gives me permission to do so. It would be just as rational for the gentleman to say that because we appropriate specifically for the construction of a public building we ought to go into details and specify the character of the material that is to go into that building.

Mr. FOSS. Is not that what the gentleman is insisting upon?

Mr. TAWNEY. No; it is not at all.

Mr. FOSS. What is the gentleman insisting upon?

Mr. TAWNEY. I insist that the law contemplates that this report should be made showing what ships are to be repaired, the amount necessary to make the repairs——

Mr. FOSS. That is stated in the report.

Mr. TAWNEY. And then for the Committee on Naval Affairs to carry in their bill the amount necessary for the repair on each vessel, thus limiting the Secretary of the Navy to the amount which, in the judgment of Congress, should be expended in the making of that repair. You propose no limitation at all.

Mr. PADGETT. May I ask the gentleman a question?

Mr. FOSS. Just a moment. That is just what we do in the bill, only we do not specify the exact amounts. What do we do?

That such expenditures on any ship shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

That is the last Navy appropriation bill made in conformity with that, specifying these amounts, of course. We have not to have the amounts in it. It is not necessary. Why? Because by that language, as the gentleman knows, as a good lawyer knows—and the gentleman is a good lawyer—we made that report a part of the naval appropriation act by putting those words in there, "in conformity with the provisions of the act," and so forth.

Mr. PADGETT. May I ask the gentleman a question?

Mr. MADDEN. The gentleman says that he has made a report a part of the appropriation act. Will the gentleman say to the House that this report which is made a part of the appropriation act will appear in the act as printed in the permanent laws of the country?

Mr. FOSS. Oh, no; the report will not appear in the permanent laws of the country, but the gentleman knows, as a legislator, that time and again we make reports substantially a part of the laws by referring to them in similar language as placed in this provision.

Mr. STAFFORD. That is often the case in the river and harbor appropriation bill.

Mr. FOSS. Yes. Now, the gentleman from Minnesota, who is so often right, is in this case wrong.

I submit, Mr. Chairman, that the Secretary of the Navy has carried out to the letter the provisions which were placed in the appropriation act of last year, and it seems to me that this provision, in view of the fact that the Secretary of the Navy has carried it out to the letter as I say, is not subject to the point of order, but is in order as specified in the provision of last year and making appropriations for the repairs of those vessels.

The CHAIRMAN. Does the gentleman from Minnesota insist upon his point of order?

Mr. TAWNEY. I insist upon the point of order, but I wish to call the attention of the Chair to the language of the last proviso.

That such expenditures on any ship shall not exceed the amount reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act, etc.

That certainly does not relate to repairs heretofore submitted to Congress. It relates also to any report which may hereafter be submitted to Congress, and accordingly any amount of money that may be authorized in the appropriation for the repairs of ships, provided the report has been made. Authority would exist to make the repairs within the limitations of that report without any language of this character being carried in the bill hereafter, and it is virtually making this permanent law and legislation. If the word "heretofore" is inserted in line 3 after the word "amount" it would only relate to repairs made on vessels heretofore reported to Congress, but it does not do that. It relates also to repairs on vessels that may be reported to Congress at any time under the provisions of this law. The

law also requires the appropriation for repairs to be made in detail and in so far as this language authorizes repairs generally it is a change of existing law.

Mr. FOSS. Mr. Chairman, just a moment. The gentleman is clearly in error. This language says, "said reports having been submitted to Congress in conformity with the provisions of the act"——

Mr. TAWNEY. When?

Mr. FOSS (continuing). "In conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908," last year. It means all the reports which have been made up to the present time in conformity with the act.

Mr. TAWNEY. But it means also all future reports.

Mr. FOSS. It does not at all.

Mr. TAWNEY. "Said reports having been transmitted to Congress."

Mr. FOSS. It does not. If it meant all that, the word "hereafter" would be in there, but no such word is there. It is a provision which would have to be put upon the naval appropriation bill every year, but the provision of last year makes the appropriation in order. The Chair will see, if he reads the provision contained in the appropriation act of last year, "and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress." So, in my judgment, this is clearly in order, the Secretary of the Navy having carried out the wish and the will of Congress as expressed in the provisions of last year's bill.

The CHAIRMAN. The discussion so far has been purely upon the merits and has not been addressed to the Chair. The Chair will be glad to hear the gentleman from Illinois on the point of order. The provision is purely a legislative provision.

Mr. PADGETT. Mr. Chairman, I would like to suggest to the Chair that it is not subject to the point of order, for this reason: The act of Congress passed last year directs and makes it the duty of the Secretary of the Navy to report to Congress all repairs upon ships in order that authority may be granted to make repairs. Pursuant to that law he has submitted the estimates——

The CHAIRMAN. Will the gentleman state the provisions of last year's act?

Mr. PADGETT. It is in the naval appropriation act for the fiscal year ending June 30, 1908.

Mr. FOSS. I have the law here.

The CHAIRMAN. Under what heading?

Mr. PADGETT. It is under the heading of "Bureau of Construction and Repair."

The CHAIRMAN. Does the gentleman from Tennessee desire to proceed?

Mr. PADGETT. The only thing I wish to say, if the Chair pleases, was the suggestion that the law requires the Secretary of the Navy to submit the estimates for repairs and designate the ships; having done so, and this being a proper expenditure in the naval appropriation bill, it necessarily becomes pertinent and appropriate to include in the naval appropriation bill the authority to expend the money which it is necessary for the naval appropriation bill to carry.

The CHAIRMAN. The item in last year's bill contains this provision:

And expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

Does the gentleman claim that this item makes an appropriation in detail under that provision of the statute?

Mr. PADGETT. Yes, sir; I do; by virtue of the fact that it refers to the estimates submitted by the Secretary of the Navy, and directs that the money shall be expended only according to and in pursuance of those estimates; and having referred to those by designation makes them a part of the legislation, and the appropriation being made for that specific purpose and limited to that purpose must be expended pursuant to that purpose.

The CHAIRMAN. The item in the bill to which the point of order is made provides:

And the Secretary of the Navy is hereby authorized to make expenditures for repairs and changes on vessels in excess of $200,000, or in excess of 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Provided further, That such expenditures on any ship shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

The act of last year contains this provision:

Provided further, That the Secretary of the Navy shall hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than $200,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

In the opinion of the Chair the item in the pending bill is not in conformity with the provision of the law of last year, but contains an express authorization to the Secretary of the Navy, and in that respect constitutes a change of existing law. The Chair, therefore, sustains the point of order.

Mr. PADGETT. Mr. Chairman, I offer the following amendment in detail, and I will ask the Clerk to read, as part of the amendment, that portion of the printed report marked by the pencil.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] offers an amendment, which the Clerk will report.

The Clerk proceeded to read the amendment.

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TAWNEY. I rise for the purpose of asking unanimous consent that I may submit a proposition to the gentleman from Tennessee [Mr. PADGETT] that may obviate the necessity for much of the language that he proposes in this amendment, and that is that we pass this provision temporarily and prepare his amendment, eliminating the descriptive language in it.

Mr. PADGETT. That is all right.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that the committee may recur to this portion of the bill for the purpose of offering an amendment.

Mr. FOSS. Mr. Chairman, it seems to me it all ought to go in, all the reports connected with the Bureau, stating what repairs should be made.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] objects. The Clerk will read.

Mr. FOSS. Mr. Chairman, I withdraw my objection.

Mr. TAWNEY. I renew the request, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the committee may recur to this portion of the bill for the purpose of having an amendment offered. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

In all, Naval Academy, $475,728.36.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of referring to the efficiency of the work done at the Naval Academy as shown in the efficiency of the American Navy under the control of the naval officers. A great deal has been said in criticism of this efficiency.

In the war of the Revolution the American Navy captured 800 British ships, with 12,000 British seamen, more prisoners of war captured by the Navy than there were prisoners on land surrendered at Saratoga and Yorktown by Burgoyne and Cornwallis combined. It is true that because of the inadequacy of the Navy it was wiped off the seas. In 1812 the American Navy captured 1,200 British ships, with 20,000 British seamen. The British ships that came across the ocean were those that had won the victories of Nelson. They came across five times as strong as the whole American Navy. They had counted 196 victories out of 200 engagements with European enemies. They fought eighteen battles with American frigates and lost fifteen of the engagements.

The American force was far inferior. Its loss should have been greater. On the contrary, the American losses were only about one-fifth the British losses. It is true that because of the insufficiency of the Navy it was unable to control the sea, it was wiped off the ocean, and America was invaded at the mouth of the Mississippi and up the Chesapeake, and Washington City was burned.

In the civil war, it has been stated by an unprejudiced expert, an officer sent by the French Government to follow the operations of that war, that three things were necessary to the success of the Union arms. First, that the South, which had wealth to purchase, but which did not have manufacturing facilities to manufacture the materials of war, should be shut off from the rest of the world.

Second, that the compact South should be cleft in twain by the Mississippi River and its tributaries. Third, that the Union Army should capture Richmond. Three prime factors, two of which fell to the function of the Navy. That war lasted almost five years, it is true, but it did not last very long after the Mississippi River had cut the South in twain and a blockade of the Southern harbors was effected. I venture to suggest that that war would have been ended in half the time if the United States had had an adequate navy at the outset, and that the pension bills that have been paid since the war would have been cut more than in half. At this point I beg to call

the attention of Members of Congress to the fallacy that is going around—that the Navy is responsible for pensions. The pensions are due to the fact that we did not have a Navy adequate to prevent the war. Sixty-five to 70 per cent of our revenues——

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chairs hears none.

Mr. HOBSON. It is said that we spend 65 or 70 per cent of the entire revenues of this country for the purposes of war, past, present, and future. And the statement is brought up as an argument against the provision for a navy that would save us from a war. The great pension lists we are paying are paid for the volunteer armies that had to be raised because the country did not have a navy either to prevent war or to make it short and decisive.

But take the war with Spain. An expert has been quoted as saying that our efficiency at target practice was very poor. It was poor as compared with the efficiency of to-day. But it was excellent as compared with the efficiency of that day. Let me remind Members here that the work of the Navy in the war with Spain will go down all the annals of time as the most efficient since the world began. Up to the battle of Manila Bay there had never been a case in the world's history where any fleet had totally destroyed another fleet in any engagement of any considerable size. There had never been in the world's history a war where a fleet had won a substantial victory without suffering serious loss. At Manila Bay, on the 1st of May, 1898, the American Navy broke two world's records in accomplishing the total destruction of the enemy without incurring any loss to the victor.

Some say it was only cruising ships against cruising ships, but the same record was repeated at Santiago. The Spanish ships there were 21-knot vessels, well armed, first class, up to date. Our vessels differed in speed. If the Spanish vessels had attained 21 knots standing off in a group, before nightfall our squadron would have been strung out over a distance of a hundred miles, and the compact Spanish squadron could have turned about and destroyed our vessels by piecemeal, one at a time. Instead of the Spanish ships making 21 knots, they realized 16 knots speed. The American ships of 16 knots, in the heat of battle, realized 17 knots speed. Again the record of Manila Bay was repeated. I do not care if battles are fought until the end of time, there never will be a case which will surpass the victories won at Manila Bay and Santiago, in which the American Navy attained a mathematical maximum of efficiency by totally destroying the enemy without loss to themselves.

There are those who will tell you our vessels are badly built; that the armor belt is not properly placed; that the freeboard is too low, and so forth. Let me remind you that the naval constructors of the American Navy go through Annapolis and take postgraduate courses. There is no such education of naval constructors in any other country. There is no navy that has such provision for education of its officers as the American Navy. The naval constructors here are not inferior to any others in the world. As a matter of fact the American naval constructors in the old days put forty-four guns upon the same frigate where foreign constructors put thirty-six. In the later day, in the case of the *Oregon*, they gathered as much power in a ship of 10,500 tons as their contemporaries abroad gathered in ships of 13,000 and 14,000 tons. You will permit me to say that I believe the record of unparalleled efficiency is still maintained by the personnel of the Navy, and to say that the ships, the product of the personnel of the Navy, are fully as good as their contemporaries of equal tonnage in the best navies abroad. It is my own judgment that to-day the historic sequence is maintained of 20 to 25 per cent greater power than similar contemporary vessels abroad.

But a revolution has taken place in naval architecture in the last few years, and all the great nations are building their navies anew.

The gunnery showing at Santiago, making 4 per cent of hits at moderate ranges, would be regarded as very poor to-day, when 75 per cent of hits at long ranges is not unusual. Consequently the whole method of naval fighting has been revolutionized. You do not have to fire on the wing. The mechanism is adapted so that you can keep your sights pointed on the target even while the ship is rolling. All you have to do is to pull the trigger when the gun is ready. Furthermore, you can stand off at long ranges and with the methods of spotting now in vogue you can know the range accurately and can make a large percentage of hits in a seaway at six, seven, eight, and nine thousand yards. This means that the great guns will fight out the battles of the future, and the 6, 7, and 8 inch guns carried in great numbers by existing ships will take no important part except in resisting torpedo attack.

[The time of Mr. HOBSON having expired, by unanimous consent it was extended five minutes.]

Mr. HOBSON. The war between Russia and Japan brought out the fact that you can stand off with your great guns and hammer the enemy. It revolutionized naval architecture, like the war of 1865. All the world has recognized that the navies must be built over. There is no nation in the world that is following out its old consecutive programme, continuing as in the past. Every other nation in the world is building a new navy, composed of these great ships, with the great guns that stand off at long distances, and against which existing ships, even the best, could not hope to contend. There are those who will tell you they had rather have one ship of 20,000 tons built to-day than a dozen ships of 10,000 to 15,000 tons built three and four years ago, because with the larger displacement they can attain higher speed and carry better armor, as well as three and four times as many great guns. This question is not a difficult one to understand. The dead weights on a ship—the skin, the frames, the beams—are all surfaces. They vary as the square of a linear dimension.

The useful weights—the guns, the armor, the coal, the machinery—are measured by the displacement of the ship, or the volume, and vary as the cube of a linear dimension. Therefore even in like vessels the percentage of useful weight increases with the size, and the advantage lies heavily on the side of the larger vessel. If a vessel had been built five years ago of 20,000 tons, it would have had the power of three vessels of 10,000 tons each of the same general design. To-day a vessel of 20,000 tons built to embody the new features has the power of at least five vessels of 10,000 tons built before the revolution in naval architecture. With higher speed the larger vessels can control the range, and stand off at seven, eight, and nine thousand yards and, by concentrating their fire, destroy almost any number of smaller ships that might try to reach them. This means that when we come to determine the naval programme this year it is not a matter of following a consecutive programme gauged by tonnage of existing ships, but is a matter of building the Navy over anew, as all the other nations are doing. We are already two years behind. I have a set of curves here appearing in The Engineer, of London, of March 13, 1908. It has plotted curves for the other powers, and, assuming that America will go on a two-ship basis for the next five years—two *Dreadnoughts* a year—this curve shows that not only Germany, but Japan, will go far ahead of us. It shows that America, instead of holding her present position, will drop back either to fourth or fifth place.

It is the law in Germany to-day that there must be four ships this year, three battle ships and one armored cruiser of about 20,000 tons apiece, and the armored cruiser ought to be counted with the battle ships; that next year there must be four, and the following year there must be four. Our existing tonnage will soon count for little, and at the rate of two new ships a year America will speedily fall far behind Germany. The American people do not wish our Navy to drop back in this way. Other powers are negotiating loans at as high as 4 per cent to build their navies over anew, while we, with $250,000,000 cash balance in the Treasury, apparently are satisfied to go along as though there had been no change in naval architecture. In the Atlantic Ocean alone, if there were no added demand due to the fact that the Pacific Ocean has come upon us, we would have to change this programme of two battle ships a year to at least four if we would hold our own position.

The highest efficiency of our personnel can not make inferior ships do the work of superior ships. We must either build ships faster or sink back to a secondary position among the naval powers. The American people certainly do not desire this.

The Clerk read as follows:

Contingent, Marine Corps: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and marines, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States, stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks, tin cups, pans, pots, etc; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons, and medicines for public horses; purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades; purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair

of cooking stoves, ranges, stoves and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds; repair of pumps and wharves; laying drain, water, and gas pipes; water, introducing gas, and for gas, gas oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, $285,000.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to the strength of the personnel of the Navy, including that of the Marine Corps. It has been argued on the floor of this House that the Navy has now an extraordinary shortage in its personnel and that on that account we should stop building ships until we catch up in men.

In the first place, the present bill carries 6,000 additional men and 1,500 marines, and these men and marines are to man the ships already authorized. So that, according to our own practice, we have not yet found it necessary to stop building ships to wait for the men. Heretofore we have been building ships and then authorizing the men afterwards. The argument that the ships should wait on the men has no weight whatsoever. Not that I approve of delay in authorizing more men. It really takes almost as long to train a man as to build a ship. Of course, they do not put all new men on the new ship, but put with them some experienced men. The wisest policy would be to allow the bill that carries the ship to carry automatically the men required to man the ship, and then the men would be ready by the time the ship is built.

But the truth is that to-day our country, for personnel of our Navy, is in better condition than it has been at any time since the civil war, except during the Spanish war period. It is recruited right up to the last man, and they are now stopping recruiting and calling in some of the recruiting stations.

Furthermore, there is a prospect of continued activity and efficiency in recruiting. The very fact that the country is taking more interest in its Navy, that it is sending its fleet to the Pacific Ocean, that we find we must become a naval power, creates an interest throughout the nation that enables us without any question of conscription, and with only a reasonable and fair standard of inducement, to secure all the men we need. What we should do is not to stop building ships, but to continue the precedent set in this bill by each year authorizing a proportionate increase in the number of men. [Applause.]

A big new ship of 20,000 tons, without the large number of secondary guns, requires but few, if any, more men than one of our existing ships of 15,000 and 16,000 tons. As we get the big ships of great power we can put out of commission an increasing number of smaller ships, and thus economize on the number of men, though greatly increasing the power of the Navy.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20471, the naval appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the civil war.

PENSION OF WIDOWS AND MINOR CHILDREN.

Mr. SULLOWAY. Mr. Speaker, I desire to call up the conference report on the bill H. R. 15653. I ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the reading of the report be dispensed with and that the statement only be read.

Mr. WILLIAMS. I object.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15653, "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the civil war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to section 1 of the bill;

That the Senate recede from its amendment on lines 14 and 15, page 2 of the bill;

That the Senate recede from its amendment on line 20, page 2, after "six;"

That the Senate recede from its amendment to the title of the bill.

That the House recede from its disagreement to the amendment of the Senate in line 12, page 2 of the bill;

That the House recede from its disagreement to the amendments of the Senate on lines 17, 18, and 19, page 2 of the bill; and agree to the same.

C. A. SULLOWAY,
H. C. LOUDENSLAGER,
CHAS. H. WEISSE,
Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT

Of the conferees on H. R. 15653, "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war."

The Senate amended section 1 of the bill by striking out the minor children, helpless children, Spanish-war widows, and widows of the regular establishment, and the result of the conference is that these are restored, and the section as it originally passed the House is agreed to.

As the bill originally passed the House it applied only to those widows who were married prior to June 27, 1890, but it was amended in the Senate, bringing the date of marriage down to the time of the passage of this act. As a result of the conference it is agreed by the managers on the part of the House and Senate that the provisions of the same be only applicable to those who married prior to June 27, 1890, as the law now is, and as the bill was passed by the House.

The amendments of the Senate, in lines 12, 17, 18, and 19, page 2 of the bill, relate solely to the verbiage, and do not change the provisions of the bill; but, in the opinion of your conferees, they perfect the same, and your conferees agreed to these Senate amendments.

C. A. SULLOWAY,
H. C. LOUDENSLAGER,
CHAS. H. WEISSE,
Managers on the part of the House.

Mr. SULLOWAY. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The gentleman from New Hampshire moves that the House agree to the conference report.

Mr. WILLIAMS. In order to expedite business, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 238, answered "present" 7, not voting 142, as follows:

YEAS—238.

Adair	Burton, Ohio	Crawford	Fassett
Adamson	Butler	Crumpacker	Ferris
Aiken	Calder	Currier	Finley
Alexander, Mo.	Calderhead	Cushman	Floyd
Ames	Caldwell	Dalzell	Focht
Andrus	Campbell	Darragh	Foss
Ansberry	Candler	Davidson	Foster, Ill.
Ashbrook	Capron	Davis, Minn.	Foster, Ind.
Bartholdt	Carter	Dawson	Foulkrod
Bartlett, Ga.	Cary	De Armond	French
Bates	Caulfield	Denby	Fuller
Beall, Tex.	Chaney	Denver	Fulton
Bell, Ga.	Chapman	Diekema	Gaines, W. Va.
Bonynge	Clark, Mo.	Dixon	Gardner, Mich.
Booher	Clayton	Douglas	Gardner, N. J.
Brantley	Cocks, N. Y.	Draper	Garrett
Brodhead	Cole	Driscoll	Gilhams
Brownlow	Conner	Durey	Gill
Brundidge	Cooper, Pa.	Dwight	Glass
Burke	Cooper, Tex.	Ellis, Mo.	Godwin
Burleigh	Cooper, Wis.	Ellis, Oreg.	Goebel
Burleson	Cox, Ind.	Englebright	Goldfogle
Burnett	Craig	Esch	Gordon
Burton, Del.	Cravens	Fairchild	Goulden

Graff	Kahn	Morse	Sims
Granger	Keifer	Mouser	Slayden
Greene	Kelliher	Mudd	Small
Gregg	Kennedy, Iowa	Murdock	Smith, Mich.
Griggs	Kennedy, Ohio	Murphy	Smith, Mo.
Hackney	Kinkaid	Needham	Smith, Tex.
Hale	Kitchin, Claude	Norris	Sparkman
Hamill	Knapp	Nye	Sperry
Hamilton, Iowa	Knowland	O'Connell	Spight
Hamilton, Mich.	Lafean	Olcott	Stafford
Hardwick	Lamar, Mo.	Padgett	Steenerson
Hardy	Landis	Page	Stephens, Tex.
Haskins	Laning	Parker, N. J.	Sterling
Hawley	Lassiter	Parker, S. Dak.	Sturgiss
Hay	Leake	Payne	Sulloway
Helm	Legare	Perkins	Tawney
Henry, Conn.	Lewis	Peters	Taylor, Ohio
Henry, Tex.	Lindbergh	Porter	Thistlewood
Higgins	Littlefield	Pray	Thomas, N. C.
Hinshaw	Lloyd	Pujo	Thomas, Ohio
Hobson	Longworth	Randell, Tex.	Tirrell
Holliday	Loud	Rauch	Tou Velle
Houston	Loudenslager	Reeder	Townsend
Howell, Utah	Lovering	Reid	Volstead
Howland	McCall	Reynolds	Wanger
Hubbard, Iowa	McKinley, Ill.	Richardson	Washburn
Hubbard, W. Va.	McLachlan, Cal.	Robinson	Watkins
Huff	McLaughlin, Mich.	Rothermel	Willett
Hull, Iowa	McMillan	Rucker	Williams
Hull, Tenn.	Macon	Russell, Mo.	Wilson, Ill.
Humphrey, Wash.	Madden	Sabath	Wilson, Pa.
Humphreys, Miss.	Madison	Shackleford	Wood
Jenkins	Mann	Sheppard	Woodyard
Johnson, Ky.	Miller	Sherley	Young
Johnson, S. C.	Moore, Pa.	Sherman	
Jones, Wash.	Moore, Tex.	Sherwood	

ANSWERED "PRESENT"—7.

Alexander, N. Y.	Cousins	Moon, Tenn.	Roberts
Bowers	Langley	Parsons	

NOT VOTING—142.

Acheson	Fordney	Knopf	Powers
Allen	Fornes	Küstermann	Pratt
Anthony	Foster, Vt.	Lamar, Fla.	Prince
Bannon	Fowler	Lamb	Rainey
Barchfeld	Gaines, Tenn.	Law	Ransdell, La.
Barclay	Gardner, Mass.	Lawrence	Rhinock
Bartlett, Nev.	Garner	Lee	Riordan
Beale, Pa.	Gillespie	Lenahan	Rodenberg
Bede	Gillett	Lever	Russell, Tex.
Bennet, N. Y.	Graham	Lilley	Ryan
Bennett, Ky.	Gronna	Lindsay	Saunders
Bingham	Hackett	Livingston	Scott
Birdsall	Haggott	Lorimer	Slemp
Boutell	Hall	Lowden	Smith, Cal.
Boyd	Hamlin	McCreary	Smith, Iowa
Bradley	Hammond	McDermott	Snapp
Broussard	Harding	McGavin	Southwick
Brumm	Harrison	McGuire	Stanley
Burgess	Haugen	McHenry	Stevens, Minn.
Byrd	Hayes	McKinlay, Cal.	Sulzer
Carlin	Heflin	McKinney	Talbott
Clark, Fla.	Henburn	McLain	Taylor, Ala.
Cockran	Hill, Conn.	McMorran	Underwood
Cook, Colo.	Hill, Miss.	Malby	Vreeland
Cook, Pa.	Hitchcock	Marshall	Waldo
Coudrey	Howard	Maynard	Wallace
Davenport	Howell, N. J.	Mondell	Watson
Davey, La.	Hughes, N. J.	Moon, Pa.	Webb
Dawes	Hughes, W. Va.	Nelson	Weeks
Dunwell	Jackson	Nicholls	Weems
Edwards, Ga.	James, Addison D.	Olmsted	Weisse
Edwards, Ky.	James, Ollie M.	Overstreet	Wheeler
Ellerbe	Jones, Va.	Patterson	Wiley
Favrot	Kimball	Pearre	Wolf
Fitzgerald	Kipp	Pollard	
Flood	Kitchin, Wm. W.	Pou	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. DOUGLAS with Mr. TALBOTT.

Until further notice:

Mr. WATSON with Mr. RHINOCK.

Mr. SMITH of Iowa with Mr. RAINEY.

Mr. SCOTT with Mr. NICHOLLS.

Mr. PRINCE with Mr. MAYNARD.

Mr. NELSON with Mr. MCDERMOTT.

Mr. MARSHALL with Mr. JONES of Virginia.

Mr. MCGAVIN with Mr. HUGHES of New Jersey.

Mr. MCCREARY with Mr. LIVINGSTON.

Mr. LOWDEN with Mr. OLLIE M. JAMES.

Mr. LORIMER with Mr. HEFLIN.

Mr. HOWELL of New Jersey with Mr. HAMMOND.

Mr. HAYES with Mr. HACKETT.

Mr. HAUGEN with Mr. GILLESPIE.

Mr. HARDING with Mr. GARNER.

Mr. GILLETT with Mr. FLOOD of Virginia.

Mr. COOK of Colorado with Mr. FITZGERALD.

Mr. BIRDSALL with Mr. ELLERBE.

Mr. BANNON with Mr. COCKRAN.

Mr. HALL with Mr. CLARK of Florida.

Mr. BEDE with Mr. KIPP.

Mr. BOUTELL with Mr. HILL of Mississippi.

Mr. LAWRENCE with Mr. RUSSELL of Texas.

Mr. SLEMP with Mr. BYRD.

Mr. BRADLEY with Mr. RIORDAN.

Mr. MCGUIRE with Mr. STANLEY.

Mr. MONDELL with Mr. BOWERS.

Mr. LANGLEY. Mr. Speaker, I voted through an oversight. I am paired with another gentleman. If he were present, I would vote "aye." I wish to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LANGLEY, and he answered "present."

Mr. MOON of Tennessee. Mr. Speaker, I voted in the affirmative. I have a general pair, and I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MOON of Tennessee, and he answered "present."

The result of the vote was announced as above recorded.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20310. An act relating to the liability of common carriers by railroad to their employees in certain cases.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 78. Joint resolution establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico—to the Committee on the Judiciary.

INCREASE OF THE NAVY.

The SPEAKER laid before the House a message from the President of the United States, which was read and referred to the Committee on Naval Affairs and ordered printed.

[For message see proceedings of Senate of this day.]

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. BEDE, for five days, on account of important business.

Mr. LEVER, for one week, on account of sickness.

NAVY APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20471, the naval appropriation bill.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to present the following petition and have it, together with the names thereto attached, read at this time and printed in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the following petition, with the names attached, be read and printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

To the Representatives and Senators in Congress:

We, the undersigned citizens of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagent demand for an addition of over $60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April, when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war, past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties, which these new demands seem to ignore.

Andrew Carnegie, Robert Fulton Cutting, Robert C. Ogden, George Haven Putnam, Oswald Garrison Villard, Horace White, Samuel J. Barrows, Fanny Garrison Villard, Marcus M. Marks, Anna Garlin Spencer, Hamilton Holt, Robert Erskine Ely, George Foster Peabody, Spencer Trask, John Martin, Prestonia Mann Martin, E. Stillman Doubleday, Miriam Finn Scott, Leroy Scott, William G. Choate, Mrs. William G. Choate, Alfred J. Boulton, Francis Lynde Stetson, Morrill Goddard, A. Harport, jr., A. Lueder, Robert T. Walker, Cecil K. Leavitt, Evelyn G. Leavitt, Isabella McDonald, Anna Benner, C. B. Smith,

W. C. Demorest, William A. Smith, William Henry Knox, John W. McAvoy, Joseph V. Land, P. B. Land, Sarah E. Gardner, John Ash, Martha Nixon, Melissa Sutton, Endora Magill, E. A. Eckhardt, George S. Baldwin, Gudron Halmith, Sarah Potter Paine, Alice Burns, Lee W. Beattie, Mrs. Ferdinand Herman, Albert G. Lawson, Martha Knight Lawson, Albert Lawson Frost, Anna T. Frost, William M. Frost, Isaac Yankauer, Charles G. Ehrlich, Albert Dublon, Louis F. Denike, Katharine Donegham, Hannah L. Wingate, James Purdy, Susannah Jarman, Edith K. Purdy, John B. Bogart. L. R. Greenberg, Kate Daniels, Fannie Dubin, Meyer Greenberg, Max Scott, Martha R. White, A. W. Howells, A. E. White, Marion R. Tabor, Samuel H. Bishop, Richard P. Messiter, James Thornton, S. Priester, Mrs. G. A. Harrington, George A. Dows, Annie Dows, Virginia Ostrom, Mrs. Francis J. Garrison, Janette Lylle, Mrs. Oswald G. Villard, Alice Morgan Harrison, Ellen Theresa Morgan, Jessie M. de Gagarza, W. G. Kains, G. W. Wenner, R. G. H. Cooper, R. E. Smythe, Mrs. C. Smith, E. G. Armstrong, H. Mason, Henry Mottet, F. D. Veiller, Mrs. W. C. Waters, Mrs. Leo Stein, James S. Dennis, Henry Feldmann, Gustav J. Voss, Frederick Kanter, E. F. Bockmann, W. Pilgrim, Frederick Herman, William J. Meager, Miss G. Kendall, Angelina de Champlin, Joseph Reading, Mrs. L. D. Badger, Lucy Whitin, Blanch Lucas, Bertha Brooks, Anna G. Du Bois, Louise Whitin, John E. Nicholians, Alfred Bosson, Edward J. Osborn, Raymond Dodge, Raymond Levy, Caroline Despard, Flora Harrison, Margaret S. Sutton, Margaret Bates, Gwendaren Despard, Maria Barton, Richard S. Collins, Sarah W. Collins, Stephen W. Collins, Sarah C. Isham, Annie Fellows Nold, Edward A. Grossmann, Mrs. E. A. Grossmann, Mrs. H. I. Ostrom, Joseph Marx, Nathan Holtz, R. A. Theodora Bliss, Mrs. B. B. Wilbur, M. R. Yost, K. Müller, Ruth Keir, Stephen S. Wise, L. J. Waterman, Louise E. Philips, Emilie F. Leach, Laeta E. Leach, Ludwig Rothenbild, Jacob J. Koch, John H. Hawley, Edward Heath, jr., Isaac H. Cohen, C. I. Hobson, Ellen Collins, Joseph E. Wisner, John Bauer, Elizabeth Kewe, Mary Collins, R. B. Queimelt, Mrs. M. G. Preston, May Preston Slosson, Mary Hess Brown, A. J. Joffe, E. E. Olcott, Silas Gerkes, Edwin Donaldson, Solomon Schwartz, B. C. Hammond, William M. Schumann, George Marshall, Philip F. Nolan, David H. Scott, William Schmidt, Mary E. Crygier, Albert Crygier, Arthur Constant, R. W. Dolson, Jonathan Pierce, Thomas Locken, W. W. Passage, Percy Russell, William De Voce, George W. Waldron, Sydney H. Cox, Joseph A. Wells, Herbert Vandebeck, John H. Washburn, Mrs. H. C. Havens, Miss C. Marsh, H. Collin Havens, Willinore Marsh, Mrs. W. W. Jones, Albert Adler, Arthur B. Goodkind, Augusta L. Wetmore, Francis J. Potter, Etta Potter, L. D. Austin, Mary W. Somerville, Liela Chevalier, Clarissa V. Prescot, John E. Roeser, John C. Bliss, Mrs. L. C. Wagner, Dr. L. Lambert, Gottheil Pach, Francis Poch, Teresa A. Egan, Edward D. Page, Homer G. Ostrom, Denis T. S. Denison, Camille Solomon, Robert C. Wey, Victor Baar, Mary R. Davis, Lillie Benedict, James J. Bixby, C. P. Bixby, John D. Long, John S. Festerson, D. J. Meserole, Louis W. Pfaus, E. V. Alford, A. M. Callender, William M. Jackson, Anna M. Jackson, Jane M. Carpenter, Louis E. Thompson, Edward Palmer, James Ferguson, William Stift, Mrs. William Stift, Mrs. James Ferguson, Helen Matthews, Harry C. Abbe, Hubert Howson, L. Lippmann, C. Schulhafer, Harry Samuelson, M. S. Perser, Paul J. Marks, Robert D. Von Rentsch, Abraham Cofo, J. Budwig, Henry Dilg, Helen McDowell, Isabella Waters, Howard Bradstreet, Henry Moskowitz, Robert Cabmovit, Lydia M. Storey, Dwight N. Graham, William K. Austin, William K. Austin, jr., Thomas B. Austin, William K. Austin, Henry W. Hardon, Cora Burr Hardon, Adolph Spiegel, Orrin S. Wood, Mrs. Orrin S. Wood, Matilda Woodrow, George Edgar, Thomas C. Edgar, Joachin Elmendorf, David Black, Dennis H. Cox, Florence Ida Hacket, H. E. Ployer, C. B. Eaton, Isabelle S. Whitin, Jessie Morris, C. A. Morris, Harold A. Content, B. A. Sullivan, J. L. MacDonald, Stanhope Wheatcroft, Marjorie A. Content, Jennie D. Frank, M. B. Cleveland, Annette B. Collins, John W. T. Nichols, Horace J. Jaquith, James C. Bany, Charles G. Bliss, Stephen S. Haight, J. J. Falvey, H. L. Clark, N. M. Nielsen, E. Osterwalder, A. D. Banston, Jacob Ropbach, Thomas P. Ryan, Michael Raphael, C. F. Watkins, W. B. Veneam, William Kranth, Charles Wiesman, William Bandom, George Dambert, Sophie Kranth, W. G. Creamer, H. C. Creamer, Joseph R. Dorman, Julius Libeman, Joseph M. Guinness, Cynthia T. Meeker, Maude Arundel Colliver, J. A. L. Gardner, J. G. B. Heath, C. F. F. Hall, Mrs. Thompson, L. Strachcy, G. C. Levis, M. A. Beament, George Beament, W. Stevenson, Mrs. R. A. Todd, R. A. Todd, Mrs. J. H. Blanchard, Margaret J. Sexton, John T. Sexton, Alice Caffrey, Alex. Pargiter, W. A. Steremun, John Mead Howells, Fred L. Stearns, Louise A. Stearns, Albert S. Bard, Charles Henry Davis, Robert R. White, Michael Kley, Bernard Kirsch, Anna A. Short, Charles W. Snow, Rosa Welt Straus, Nellie Straus, Josiah C. Pumpelly, W. H. Straight, Robert G. Boville, William O. McDowell, William E. Stark, Percy Waxman, C. L. Armstrong, Katharine Dubois McKnight, J. R. Winchester, W. D. Schaffer, Anna R. Brewster, Charlotte H. Simpson, Florence Van Wyck, Robert Baker, Richard F. George, Edmund Corkill, Peter Aiken, John Fehner, S. Grace Royce, Florence H. Holden, Alice G. Raymond, Hannah D. Sharps, Mary Root, Fanny Finn Miller, William Miller, E. R. Grannis, S. L. Kibbe, S. C. Hazen, M. L. Woodberry, Mrs. Raymond, Panouyota Alexandrakis, A. P. Hazen, Augustus White, Stephen Loines, Henry B. Hathaway, R. H. Loines, Mary H. Loines, Oliver E. Saylor, Mrs. George Place, M. A. Livar, Frederick A. Camp, Lynn Camp, Amzi Camp, C. C. Mead, Kate C. Carpenter, L. W. Robbins, Bailey B. Burritt, K. Richards, M. L. Reid, Arthur Dow.

[Applause.]

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

Mr. HOBSON. Mr. Speaker, I rise to a point of personal privilege, and ask that unanimous consent be given for the reading of the following memorial.

Mr. HARDWICK. That is not a question of personal privilege, and I make the point of order.

Mr. HOBSON. Well, the gentleman can make his point of order.

Mr. HARDWICK. I do.

The SPEAKER. The gentleman will state his question of privilege.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent on any ground whatsoever, that this memorial be allowed to go into the RECORD.

Mr. WILLIAMS. Mr. Speaker, both sides of this controversy having been heard, I shall now object to any further continuance of it.

The SPEAKER. The gentleman from Mississippi objects. The question is on the motion of the gentleman from New York, that the House take a recess until to-morrow morning at 11.30 o'clock.

Mr. HOBSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. Ah, but a motion of the highest privilege is pending before the House.

Mr. HOBSON. A parliamentary inquiry.

Mr. PAYNE. I call for the regular order.

Mr. HOBSON. Have I not the right now to lay before the House a memorial from a labor organization of America?

Mr. WILLIAMS. Mr. Speaker, I am sorry, but I make the point of order that that is not personal privilege.

The SPEAKER. The point is well taken. The question is on the motion of the gentleman from New York that the House take a recess until to-morrow morning at 11.30.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 160, noes 75.

Mr. WILLIAMS. Mr. Speaker, I respectfully demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point of order that that demand is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. Then I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 143, nays 95, answered "present" 10, not voting 139, as follows:

YEAS—143.

Adair	Driscoll	Jones, Wash.	Needham
Allen	Durey	Kahn	Nelson
Ames	Dwight	Keifer	Norris
Anthony	Ellis, Oreg.	Kennedy, Iowa	Nye
Bartholdt	Englebright	Kennedy, Ohio	Olcott
Bates	Esch	Kinkaid	Parker, N. J.
Bonynge	Fairchild	Knapp	Parker, S. Dak.
Burke	Focht	Knowland	Parsons
Burleigh	Foss	Küstermann	Payne
Burton, Del.	Foster, Ind.	Landis	Perkins
Burton, Ohio	Foulkrod	Langley	Porter
Butler	French	Laning	Pray
Calder	Fuller	Law	Reeder
Calderhead	Gaines, W. Va.	Lindbergh	Reynolds
Campbell	Gardner, Mich.	Littlefield	Scott
Capron	Gardner, N. J.	Longworth	Slemp
Cary	Gilhams	Loud	Smith, Cal.
Caulfield	Goebel	Loudenslager	Smith, Iowa
Chaney	Graff	Lovering	Smith, Mich.
Chapman	Greene	Lowden	Sperry
Cocks, N. Y.	Hale	McCall	Stafford
Cole	Hamilton, Mich.	McKinlay, Cal.	Steenerson
Conner	Haskins	McKinley, Ill.	Sterling
Cooper, Pa.	Hawley	McLachlan, Cal.	Sturgiss
Cooper, Wis.	Hayes	McLaughlin, Mich.	Sulloway
Crumpacker	Henry, Conn.	McMillan	Taylor, Ohio
Currier	Higgins	Madden	Thistlewood
Cushman	Hinshaw	Madison	Thomas, Ohio
Dalzell	Holliday	Mann	Tirrell
Darragh	Howell, Utah	Marshall	Volstead
Davis, Minn.	Howland	Miller	Wanger
Dawson	Hubbard, Iowa	Moore, Pa.	Washburn
Denby	Hubbard, W. Va.	Morse	Wood
Diekema	Huff	Mouser	Woodyard
Douglas	Humphrey, Wash.	Mudd	Young
Draper	Jenkins	Murdock	

NAYS—95.

Adamson	Burleson	De Armond	Granger
Aiken	Burnett	Denver	Gregg
Alexander, Mo.	Byrd	Dixon	Griggs
Ansberry	Caldwell	Ferris	Hackney
Ashbrook	Candler	Finley	Hamill
Bartlett, Ga.	Carlin	Floyd	Hamilton, Iowa
Beall, Tex.	Carter	Foster, Ill.	Hardwick
Bell, Ga.	Clark, Mo.	Fulton	Hardy
Booher	Clayton	Garrett	Hay
Bowers	Cooper, Tex.	Gill	Heflin
Brantley	Cox, Ind.	Glass	Helm
Brodhead	Craig	Godwin	Henry, Tex.
Brundidge	Cravens	Gordon	Hobson

Houston	Lloyd	Richardson	Smith, Tex.
Hull, Tenn.	Macon	Robinson	Sparkman
Humphreys, Miss.	Moore, Tex.	Rothermel	Spight
Johnson, Ky.	Murphy	Rucker	Stephens, Tex.
Kelliher	O'Connell	Russell, Mo.	Thomas, N. C.
Kitchin, Claude.	Padgett	Sabath	Tou Velle
Lamar, Mo.	Page	Sheppard	Watkins
Leake	Peters	Sherley	Willett
Legare	Randell, Tex.	Sherwood	Williams
Lewis	Rauch	Small	Wilson, Pa.
Livingston	Reid	Smith, Mo.	

ANSWERED "PRESENT"—10.

Alexander, N. Y.	Foster, Vt.	Lamb	Sherman
Brownlow	Goldfogle	Moon, Tenn.	
Cousins	Goulden	Roberts	

NOT VOTING—139.

Acheson	Fitzgerald	Kipp	Pujo
Andrus	Flood	Kitchin, Wm. W.	Rainey
Bannon	Fordney	Knopf	Ransdell, La.
Barchfeld	Fornes	Lafean	Rhinock
Barclay	Fowler	Lamar, Fla.	Riordan
Bartlett, Nev.	Gaines, Tenn.	Lassiter	Rodenberg
Beale, Pa.	Gardner, Mass.	Lawrence	Russell, Tex.
Bede	Garner	Lee	Ryan
Bennet, N. Y.	Gillespie	Lenahan	Saunders
Bennett, Ky.	Gillett	Lever	Shackleford
Bingham	Graham	Lilley	Sims
Birdsall	Gronna	Lindsay	Slayden
Boutell	Hackett	Lorimer	Snapp
Boyd	Haggott	McCreary	Southwick
Bradley	Hall	McDermott	Stanley
Broussard	Hamlin	McGavin	Stevens, Minn.
Brumm	Hammond	McGuire	Sulzer
Burgess	Harding	McHenry	Talbott
Clark, Fla.	Harrison	McKinney	Tawney
Cockran	Haugen	McLain	Taylor, Ala.
Cook, Colo.	Hepburn	McMorran	Townsend
Cook, Pa.	Hill, Conn.	Malby	Underwood
Coudrey	Hill, Miss.	Maynard	Vreeland
Crawford	Hitchcock	Mondell	Waldo
Davenport	Howard	Moon, Pa.	Wallace
Davey, La.	Howell, N. J.	Nicholls	Watson
Davidson	Hughes, N. J.	Olmsted	Webb
Dawes	Hughes, W. Va.	Overstreet	Weeks
Dunwell	Hull, Iowa	Patterson	Weems
Edwards, Ga.	Jackson	Pearre	Weisse
Edwards, Ky.	James, Addison D.	Pollard	Wheeler
Ellerbe	James, Ollie M.	Pou	Wiley
Ellis, Mo.	Johnson, S. C.	Powers	Wilson, Ill.
Fassett	Jones, Va.	Pratt	Wolf
Favrot	Kimball	Prince	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of day:

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. ANDRUS with Mr. SIMS.

Until further notice:

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. WILSON of Illinois with Mr. RAINEY.

Mr. BENNETT of Kentucky with Mr. JOHNSON of South Carolina.

Mr. LILLEY with Mr. LASSITER.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House took a recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of State submitting an estimate of appropriation for printing the ascertainment of electors for President and Vice-President (H. R. Doc. 862)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent W. A. Graham Clark on the Swiss embroidery and lace industry (S. Doc. 434)—to the Committee on Interstate and Foreign Commerce.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Coleman T. Brown against The United States (H. R. Doc. 861)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 480) amending subdivision 10 of section 2238, Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19964) to authorize the Iron Dyke Copper Company, a corporation of the State of Pennsylvania, to construct a bridge across the Snake River, between Oregon and Idaho, at or near Homestead, Oreg., reported the same without amendment, accompanied by a report (No. 1444), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20115) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr., reported the same with amendment, accompanied by a report (No. 1445), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 11039) for the relief of Willard W. Alt, of Hyannis, Nebr., reported the same with amendments, accompanied by a report (No. 1440), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15218) for the relief of the sureties on the official bond of the late Cornelius Van Cott, reported the same without amendment, accompanied by a report (No. 1441), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2873) for the relief of the owners of the steam lighter *Climax* and the cargo laden aboard thereof, reported the same without amendment, accompanied by a report (No. 1442), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19066) granting an increase of pension to Edward F. Reeves, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUD: A bill (H. R. 20771) to create a third Federal district court in Michigan to be known as the northern district—to the Committee on the Judiciary.

By Mr. COCKRAN (by request): A bill (H. R. 20772) to construct a national auto highway along or near to the thirty-fifth parallel of north latitude from the Atlantic to the Pacific oceans—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: A bill (H. R. 20773) authorizing the Chief of Ordnance of the United States Army to sell obsolete rifles, etc., to patriotic organizations—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 20774) to establish a fish hatchery and biological station in the Fourth Congressional District of the State of Tennessee—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURTON of Delaware: A bill (H. R. 20775) to provide for the acquisition and improvement of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

By Mr. FERRIS: A bill (H. R. 20776) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose in the State of Oklahoma—to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 20777) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Portales, N. Mex.—to the Committee on the Territories.

By Mr. BELL of Georgia: A bill (H. R. 20778) to provide for increasing the limit of cost of the public building authorized to be erected at Gainesville, Hall County, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 20779) authorizing the appointment of certain first-class sergeants, Signal Corps, United States Army, now on the retired list of the Army, to the grade of second lieutenant in the Army, and placing them upon the retired list of the Army—to the Committee on Military Affairs.

By Mr. HAMILTON of Iowa: A bill (H. R. 20780) to regulate interstate shipments of domestic animals, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: A bill (H. R. 20781) providing for an increase of the irrigation fund, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. ELLIS of Oregon: A bill (H. R. 20782) to amend the third subdivision of section 2586 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: A bill (H. R. 20783) making appropriation for the construction and equipment of a Weather Bureau observatory on Crab Orchard Mountain, Cumberland County, Tenn.—to the Committee on Agriculture.

By Mr. MANN: A bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 20823) regulating injunctions and the practice of the district and circuit courts of the United States—to the Committee on the Judiciary.

By Mr. HAYES: Joint resolution (H. J. Res. 166) providing for the printing of 2,500 copies of certain public documents—to the Committee on Printing.

By Mr. MONDELL: Joint resolution (H. J. Res. 167) to prevent settlement upon and speculation in certain lands affected by contemplated suits on behalf of the United States—to the Committee on the Public Lands.

By Mr. REEDER: Joint resolution (H. J. Res. 168) directing the Secretary of the Interior to make investigation concerning certain lands in Wyoming and Idaho—to the Committee on the Public Lands.

By Mr. LILLEY: Joint resolution (H. J. Res. 169) authorizing the President to appoint a commission to investigate and report as to naval stations—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 20785) granting an increase of pension to Joseph Sizelove—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20786) to remove the charge of desertion from the military record of Milton A. Romig—to the Committee on Military Affairs.

Also, a bill (H. R. 20787) granting an increase of pension to Mary Twiller—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 20788) granting a pension to Charles F. Friedeck—to the Committee on Pensions.

Also, a bill (H. R. 20789) granting a pension to Margaret Shea—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 20790) for the relief of Clark E. Barnard—to the Committee on Military Affairs.

By Mr. BONYNGE: A bill (H. R. 20791) granting an increase of pension to Henry Shafer—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 20792) to reimburse the city of Chicago for damage done by the U. S. light-house tender *Dahlia* to the Chicago Avenue Bridge—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 20793) for the relief of Elizabeth G. Martin—to the Committee on Insular Affairs.

By Mr. CALDERHEAD: A bill (H. R. 20794) granting an increase of pension to Mason D. Sampson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20795) granting an increase of pension to William F. McClenahan—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20796) granting an increase of pension to Frank Luther—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20797) granting a pension to Sue Webb Cooke—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 20798) granting a pension to Frederick Kupper—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 20799) granting an increase of pension to John C. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20800) granting an increase of pension to William Wallace—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 20801) granting a pension to the children of Preston Decker, deceased—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 20802) granting an increase of pension to Nancy L. Fay—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 20803) granting a pension to Lydia E. Rose—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 20804) granting an increase of pension to William H. Williams—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 20805) granting an increase of pension to Richard Whipple—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 20806) granting an increase of pension to Minor Hartman—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20807) to confirm the title to certain land to Daniel W. Abbott—to the Committee on the Public Lands.

Also, a bill (H. R. 20808) granting a pension to Anthony L. Bledsoe—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 20809) for the relief of Virginia W. Jones—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 20810) granting an increase of pension to Dwight Pierce—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20811) granting an increase of pension to Peter S. Augustine—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20812) granting a pension to William J. Young—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20813) granting a pension to Mizella C. Rowe—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 20814) granting an increase of pension to John L. Doughty—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 20815) granting a pension to Andrew Gongwer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20816) granting a pension to William Fay—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 20817) granting an increase of pension to George W. Cramer—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 20818) granting an increase of pension to Archibald Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20819) granting an increase of pension to Carter D. Herd—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20820) granting a pension to Samuel Custer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20821) granting an increase of pension to James Downey—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 20822) granting a pension to Estelle L. Philbrook—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Papers to accompany H. R. 20195, granting a pension to Louisa St. Clair Crall—to the Committee on Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Andrew Hogge—to the Committee on Pensions.

By Mr. BATES: Petitions of Manufacturers' Association, Reid Manufacturing Company, Erie Manufacturing Supply Company, and Walker Foundry Company, all of Erie, Pa., against H. R. 19745 (amendment to Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Moniuszko Dramatic Society, of Erie, Pa., against restrictive immigration measures—to the Committee on Immigration and Naturalization.

Also, petition of national banks of Cedar Rapids, Iowa, for the enactment of a purely emergency currency bill—to the Committee on Banking and Currency.

Also, petition of E. O. Emerson, jr., of Titusville, Pa., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Bourse, against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of E. P. Sheldon, representing the Electric Iron Works, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of C. F. Allis, representing the Second National Bank of Erie, Pa., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of the Hammerville Paper Company, against H. R. 19745 (Hepburn amendment to the Sherman anti-trust law)—to the Committee on the Judiciary.

Also, petition of Walker Foundry Company, of Erie, Pa., against H. R. 19745 (Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Clearing House Association of Banks of Philadelphia, for reference of currency question to a commission—to the Committee on Banking and Currency.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, against the Hepburn amendment to Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

By Mr. BURKE: Petition of Chamber of Commerce of Pittsburg, favoring H. R. 4375 and 4377, for fitting pensions for widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, paper to accompany bill for relief of Lizzie Nelson—to the Committee on Invalid Pensions.

Also, petition of the Pittsburg Clearing-House Association, favoring a commission of experts to adjust the currency—to the Committee on Banking and Currency.

Also, petition of Duquesne Council, No. 264, of Pittsburg, Pa., to make October 12 a holiday to be called "Columbus Day"—to the Committee on the Judiciary.

Also, petition of Butler Builders' Exchange, of Pittsburg, Pa., against the eight-hour bill (H. R. 15651)—to the Committee on Labor.

Also, petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen and Engineers, favoring S. 6320 and H. R. 19795, to equip all locomotives with automatic ash pans—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward Godfrey, against sale of intoxicants on Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURLEIGH: Petition of New Century Grange, No. 356, of Dedham, Me., for the creation of a national highways commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of John O'Brien, asking legislation proposed by American Federation of Labor conference—to the Committee on the Judiciary.

Also, petition of Congress of the Knights of Labor, asking that tariff be removed from wood pulp and white paper—to the Committee on Ways and Means.

Also, petition of George J. Phillips and others, asking that labor unions be excluded from provisions of the Sherman law—to the Committee on the Judiciary.

Also, petition of citizens of Brooklyn, N. Y., in favor of S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Downtown Taxpayers' Association, of New York City, N. Y., favoring building battle ships in United States yards—to the Committee on Naval Affairs.

By Mr. CALDERHEAD: Petition of the Building and Loan Federation of Western Pennsylvania, for amendment of Hepburn bill (H. R. 18525) so as to exempt from its operations building and loan associations that make loans to their members only—to the Committee on Ways and Means.

Also, petition of Kansas conference of the Evangelical Association in annual conference, favoring the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of the Kansas State Retail Merchants' Association, against proposed amendments to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of editor of Betterways, for immediate consideration of the Stevens bill, for removal of duty from wood pulp—to the Committee on Ways and Means.

Also, petition of national banks of city of St. Louis, against Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of national banks of Chicago, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of N. D. Sanders and other citizens of Kansas, for the McKinney currency bill (H. R. 15262)—to the Committee on Banking and Currency.

Also, petitions of Falon Local, No. 219; Stone Local, No. 59; Harmony Local, No. 17; Union Local, No. 187; District No. 12, Local No. 146; Summit Local, No. 131; Bavaria Local, No. 60; Happy Corner Local, No. 35, Farmers Educational and Cooperative Union of America, and Saline County Farmers' Union, of Kansas, for S. 5122 (establishment of a rural parcels post)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. J. Collins, against H. R. 255, 256, and 257 (parcels-post measures)—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Central Federated Union, advocating building battle ships in Government yards—to the Committee on Naval Affairs.

Also, petition of R. Wallace Smith and others, against provisions of Sherman antitrust law—to the Committee on the Judiciary.

Also, protest of Philadelphia Bourse, against passage of H. R. 17290, to protect trade and commerce against unlawful restraints and monopolies—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of many citizens of the United States, against atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of A. E. Yoell, for enactment of an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of Central Federated Union, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Fayette County, against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Philadelphia Bourse, against H. R. 17290, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of clearing house of Racine, Wis., against passage of Aldrich currency bill in its present form—to the Committee on Banking and Currency.

Also, petition of residents of Green County, Wis., protesting against passage of S. 1519 and 3940, relating to Sunday observance—to the Committee on the District of Columbia.

By Mr. CRAWFORD: Petition of citizens of Asheville and Wolf Creek, N. C., against H. R. 4897 and 4929, to protect the first day of the week as day of rest in the District of Columbia and prohibition of labor, etc., on said day—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: Petition of banks of Valparaiso, Ind., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. DALZELL: Paper to accompany bill for relief of Lydia E. Rose—to the Committee on Invalid Pensions.

By Mr. DENBY: Petitions of Emily S. W. Waite, Louis J. Post, and others, protesting against certain actions of the Russian Government—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of A. W. Gilchrist and others, for a national highways commission and Federal aid in road building (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUREY: Paper to accompany bill for relief of Peter Van Antwerp—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Petition of Mayville Grange, No. 203, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, papers to accompany H. R. 20725, for the relief of Anna G. R. Baker—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of Central Labor Union and affiliated bodies of St. Johnsbury, Vt., favoring passage of H. R. 10556, for alleviation of sufferers from accidents in coal mines—to the Committee on Mines and Mining.

By Mr. FULLER: Petition of Maj. G. W. Rohr, for the Fuller bill (H. R. 19250), for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of First National Bank of De Kalb, Ill., against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Central Federation Union, favoring construction of one battle ship in navy-yard—to the Committee on Naval Affairs.

Also, petition of Ben Franklin Club, of Chicago, for repeal of duty on wood pulp and paper—to the Committee on Ways and Means.

Also, petition of citizens of Winnebago County, Ill., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. GILHAMS: Petition of N. B. Griffin and others, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of Louis M. Zimmerman, assistant adjutant-general, Department of Maryland, Grand Army of the Republic, for H. R. 220, relative to improper use of the American flag—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York City, protesting against passage of H. R. 16954, relating to appointments in the Census Bureau—to the Committee on the Census.

Also, petition of Phil Sheridan Post, No. 14, Grand Army of the Republic, Department of Potomac, for suitable memorial for enlisted men of the Army, Navy, and Marine Corps—to the Committee on the Library.

Also, petition of board of education of New York City, favoring H. R. 20012, for establishment of public marine schools—to the Committee on Naval Affairs.

Also, petition of Central Federated Union, favoring battle ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Clearing House Association of the Banks of Philadelphia, Pa., against the Aldrich currency bill (H. R. 3023)—to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of Pittsburg Clearing House Association, favoring a commission of experts to adjust the currency—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of James Charles Cramer—to the Committee on Military Affairs.

Also, petition of National Guard Association of Pennsylvania, against wearing of uniform of regular and volunteer officers and soldiers by unauthorized persons—to the Committee on Military Affairs.

Also, petition of Western Electric Company, of Pittsburg, favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Duquesne Council, No. 264, Knights of Columbus, to make October 12 a holiday and to be called "Columbus Day"—to the Committee on the Judiciary.

Also, petition of Butler Builders' Exchange, against the eight-hour bill (H. R. 15651)—to the Committee on Labor.

Also, petition of R. H. Smith, for prohibition of all liquor selling on Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Chamber of Commerce of Pittsburg, for H. R. 4375 and 4377 and S. 1157, giving pensions to widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. HAMLIN: Paper to accompany bill for relief of Samuel Moser—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of Chamber of Commerce of Pittsburg, Pa., asking passage of H. R. 4375, granting an increase of pension to Mrs. Lazear and Mrs. Carroll—to the Committee on Pensions.

By Mr. HOWLAND: Petition of E. L. Chatfield and 24 other citizens of Medina County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also petition of Cataract Lodge, No. 2, Amalgamated Association of Iron, Fire, and Steel Workers of America, for an amendment to the Sherman antitrust law, which will recognize the rights of organized labor and protect the same, and for other relief—to the Committee on the Judiciary.

Mr. HUMPHREY of Washington: Petition of Fred Funk and other citizens of Washington, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. KELIHER: Petition of Pacific and other mills of Massachusetts, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of citizens of Boston, Mass., against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of National Credit Men's Association, for amendment of national bankruptcy act—to the Committee on the Judiciary.

Also, petitions of citizens of Denver, Colo.; Boston, Mass.; New York, N. Y.; Madison, Wis., and Chicago, Ill., against atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Appalachian Club, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Ohio: Paper to accompany bill for relief of Jefferson Milbourn—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 9971, for the relief of Samuel Witter, and H. R. 11035, for the relief of William E. Lowary—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of William Ferrier and other citizens of Brooklyn, N. Y., urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of George J. Schaefer and other citizens of Brooklyn, N. Y., favoring support of amendment to Sherman antitrust law proposed by American Federation conference (Pearre bill, employers' liability bill, and eight-hour bill)—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, against the noncompetitive examination feature of Crumpacker bill (H. R. 16954) providing for employees in taking the Thirteenth Census—to the Committee on the Census.

By Mr. LLOYD: Petitions of Garrett Grange, of Lewis County, Mo., and citizens of Lewis and Clark counties, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Marion County, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of citizens of Knox County, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petition of Scranton national banks, opposing some sections of the Aldrich bill—to the Committee on Banking and Currency.

By Mr. McLAUGHLIN of Michigan: Papers to accompany House bill granting an increase of pension to Andrews Gongner, of Hart, Mich.—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of Fargo Clearing House Association, opposing passage of Aldrich bill—to the Committee on Banking and Currency.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Bourse, against H. R. 17290, for protection of trade—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia jewelers, favoring H. R. 18446, the Vreeland bill, relating to marking of gold-filled and gold-plated watches—to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of Hugh O'Neil Club, of Dorchester, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petition of Atlantic Coast Seamen's Union, of Boston, for an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Charles Edmondston, favoring construction of battle ships at United States navy-yards—to the Committee on Naval Affairs.

By Mr. SPARKMAN: Petition of Jacksonville Board of Trade, in favor of arbitration between nations—to the Committee on Foreign Affairs.

By Mr. SPERRY: Protests of citizens of New Haven and Derby, Conn., against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, resolutions of the International Association of Steam, Hot Water, and Power Pipe Fitters and Helpers, of New Haven, Conn., against extension of the rights of naturalization and for an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. SHACKLEFORD: Paper to accompany bill for relief of Frances M. Roach—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Petition of Randolph Grange, No. 119, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. WASHBURN: Petition of M. L. Wave and others, asking the discharge of committees and passage of interstate liquor bills—to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of West Virginia State Board of Agriculture, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *April 15, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

FOREST SERVICE RECEIPTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in accordance with the direction of the President and in response to a resolution of the 7th instant, a letter from the Forester of the Department of Agriculture, covering three statements, giving in detail the information regarding the receipts of the Forest Service, which, on motion of Mr. HEYBURN, was, with the accompanying papers, ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the civil war.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service;

H. R. 15653. An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war; and

H. R. 20310. An act relating to the liability of common carriers by railroad to their employees in certain cases.

PETITIONS AND MEMORIALS.

Mr. PLATT presented a petition of Bowens Corner Grange, No. 99, Patrons of Husbandry, of Bowens Corner, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York State and Northern Pennsylvania Stove Manufacturers' Association, of Albany, N. Y., remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented petitions of sundry Woman's Christian Temperance unions of Providence, Cranston, Newport, and Charlestown; of the congregations of the Friends and Christian churches, of Portsmouth, and the Methodist Episcopal Church of Arnolds Mills, all in the State of Rhode Island, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. GALLINGER presented petitions of sundry citizens of Ohio, Massachusetts, and the District of Columbia, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials, in the form of telegrams, from sundry citizens of Massachusetts, Ohio, Illinois, New York, Georgia, New Jersey, and the District of Columbia, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Illinois, North Carolina, Tennessee, and the District of Columbia, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. JOHNSTON presented a petition of the Gibbs Fire Escape Company, of Washington, D. C., praying that an investigation be made of the present fire-escape regulations in the District of Columbia promulgated by the Commissioners, the manner of their enforcement by the building inspector, and the reasons for his defense of the same, which was referred to the Committee on the District of Columbia.

Mr. CURTIS presented a petition of sundry citizens of Florence, Kans., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Auburn, Kans., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry Quapaw Indians, in the State of Kansas, praying for the enactment of legislation to remove restrictions upon the lands of the Quapaw Agency in that State, which was referred to the Committee on Indian Affairs.

He also presented a petition of McKeen Lodge, No. 154, Brotherhood of Locomotive Firemen and Enginemen, of Chanute, Kans., praying for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-dumping and self-cleaning ash pans, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Silver City Lodge, No. 42, Switchmen's Union of North America, of Argentine, Kans., and a petition of Local Lodge No. 12, Switchmen's Union of North America, of Topeka, Kans., praying for the enactment of legislation to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, which were referred to the Committee on Interstate Commerce.

Mr. KNOX (for Mr. PENROSE) presented sundry affidavits to accompany the bill (S. 4976) granting an increase of pension to Robert S. Miller, which were referred to the Committee on Pensions.

He also (for Mr. PENROSE) presented sundry affidavits to accompany the bill (S. 4972) granting a pension to Silas R. Anderson, which were referred to the Committee on Pensions.

He also (for Mr. PENROSE) presented sundry affidavits to accompany the bill (S. 4348) granting an increase of pension to Edward Thompson, which were referred to the Committee on Pensions.

He also (for Mr. PENROSE) presented sundry papers to accompany the bill (S. 2463) granting an increase of pension to John B. Reed, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the amendment submitted by himself on the 9th instant, proposing to appropriate $4,608,862 for transportation of foreign mail, etc., intended to be proposed to the post-office appropriation bill, reported it favorably and moved that it be referred to the Committee on Post-Offices and Post-Roads and printed, which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 4251) for the relief of Robert F. Scott, reported adversely thereon and the bill was postponed indefinitely.

Mr. BURROWS, from the Committee on Finance, to whom was referred the bill (S. 890) for the relief of William Boldenweck, assistant treasurer of the United States at Chicago, reported it without amendment.

Mr. GAMBLE. On April 1, I reported from the Committee on Indian Affairs S. 1385, to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the State of South Dakota, and making appropriation and provision to carry the same into effect and submitted a report thereon. I now present certain papers as a supplemental report to accompany the bill, and ask that they be printed.

The VICE-PRESIDENT. Without objection, it is so ordered.

PUBLIC BUILDING AT WESTERLY, R. I.

Mr. WETMORE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5657) to provide for the purchase of a site and the erection of a building thereon at Westerly, R. I., to report it favorably with an amendment, and I submit a report (No. 520) thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, on page 1, line 12, before the word "thousand," to strike out "fifty" and insert "one hundred," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building,

including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices at Westerly, R. I., the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $100,000.

SEC. 2. That proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

SEC. 3. That proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who will then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary as the result of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

SEC. 4. That the building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. CULBERSON was, on his own motion, relieved from further service upon the Committee on Coast Defenses.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. CLARKE of Arkansas was assigned to the Committee on Rules.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. MILTON was assigned to the following committees: District of Columbia, Fisheries, Pacific Islands and Porto Rico, Patents, Printing, Public Health and National Quarantine, and the Revision of the Laws of the United States.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. SMITH of Maryland was assigned to the following committees: Canadian Relations, Coast Defenses, Expenditures in the Treasury Department, Irrigation, to Investigate the Condition of the Potomac River Front, and Naval Affairs.

PUBLIC BUILDING AT POPLAR BLUFF, MO.

Mr. STONE. I report back with amendments, from the Committee on Public Buildings and Grounds, the bill (S. 4692) providing for the erection of a public building at Poplar Bluff, Mo., and I submit a report (No. 519) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 5, to strike out the words "and cause to be erected thereon;" in line 6, after the word "building," to strike out "including fireproof vaults and heating and ventilating apparatus;" in line 10, after the word "site," to strike out the words "and building thereon, with its appurtenances, when completed, upon plans and specifications to be previously made and approved by the Secretary of the Treasury;" and in line 14, before the word "thousand," to strike out "one hundred" and insert "ten," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by gift, purchase, or otherwise, a site for a suitable building for the use and accommodation of the United States post-office and such other United States offices and the officers thereof as may from time to time be established at Poplar Bluff, Mo. The cost of the site shall not exceed in the aggregate the sum of $10,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase of a site for a public building at Poplar Bluff, Mo."

REPORT OF INLAND WATERWAYS COMMISSION.

Mr. PLATT, from the Committee on Printing, to whom was referred the concurrent resolution submitted yesterday by Mr. PILES, for Mr. NEWLANDS, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound at the Government Printing Office 10,000 copies of the preliminary report of the Inland Waterways Commission, with illustrations, of which 5,000 copies shall be for the House of Representatives, 2,500 copies for the Senate, and 2,500 copies for the use of the Commission.

WILLIAM FOWLER, ADMINISTRATOR.

Mr. KEAN, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That in compliance with a communication from the Assistant Attorney-General the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the following Congressional case, namely, of William Fowler, administrator of Hickman Fowler, *v.* The United States, No. 10193, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

COBB, BLASDELL & CO.

Mr. KEAN, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 6474) entitled "A bill for the relief of the late firm of Cobb, Blasdell & Co." now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

FRANCES E. RANSDELL.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted on the 7th instant by the Senator from Indiana [Mr. HEMENWAY], to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Frances E. Ransdell, widow of Edward S. Ransdell, late a policeman in the employ of Congress, a sum equal to six months' salary at the rate he was receiving at the time of his demise, out of the contingent fund of the Senate, said payment to be considered in full of all funeral expenses or other allowances.

The amendment was, in lines 3 and 4, to strike out the words "policeman in the employ of Congress" and insert "member of the Capitol police force, in the employ of the Senate."

The amendment was agreed to.

The resolution as amended was agreed to.

NATIONAL FOREST IN MINNESOTA.

Mr. CLAPP. From the Committee on Indian Affairs, I am authorized to report back the bill (S. 4186) creating in the State of Minnesota a national forest reserve consisting of certain described lands, and for other purposes, with an amendment in the nature of a substitute, and I submit a report (No. 517). It is a local measure and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The proposed substitute will be read.

The Secretary read the amendment, which was to strike out all after the enacting clause and in lieu thereof to insert:

That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section 31 in township 148 north, range 28 west, fifth principal meridian, intersects the low watermark of the lake formed by the waters of Third River; thence easterly along the north line of sections 31, 32, 33, 34, 35, and 36 in township 148 north, ranges 28 and 27 west, continuing easterly along the north line of section 31 in township 148 north, range 26 west, to a point where said line intersects the low watermark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low watermark to a point where it crosses the section line between sections 16 and 17 in township 147 north, range 26 west; thence southerly along the section line on the east side of sections 17, 20, 29, and 32 in township 147 north, range 26 west, and continuing southerly along the east side of sections 5, 8, 17, 20, 29, and 32, township 146 north, range 26 west, continuing southerly along the east line of sections 5, 8, 17, 20, and 29, township 145 north, range 26 west, to a point at the low watermark on the right bank of the Mississippi River on the section line between sections 28 and 29 in said township; thence southeasterly along the right bank of the Mississippi River at low watermark to its confluence with Leech Lake River in section 12, in township 144 north, range 26 west; thence southwesterly along the right bank of Leech Lake River along the low watermark to Mud Lake; thence along the line of low watermark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section 32, township 144 north, range 26 west; thence up said river along the low watermark on the right bank thereof to a point in fractional section 29 where the line intersects the low watermark of Leech Lake; thence in a northwesterly and southwesterly direction, following the contours of said lake at low watermark to the point at low watermark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections 5 and 8, township 143 north, range 29 west; thence in a southwesterly direction following the contours of said lake at low watermark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section 25 in township 143 north, range 31 west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section 26 in said township; thence in a northerly and westerly direction along the contour of said lake at low watermark to a point where the center line through section 2, running in a north and south direction in township 143 north, range 31 west, intersects the low watermark of Leech Lake; thence northerly through the middle of said

section 2 to the shore of a small lake at low watermark; thence along the east shore of said lake at low-water line to a point where the section line between sections 35 and 36, township 144 north, range 31 west, intersects low watermark of said lake on north shore; thence northerly on section line between sections 35, 36, 25, and 26 to the low watermark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections 25 and 26 intersects the low watermark of said lake in said township; thence northerly along the east line of sections 26, 23, and 14 to a point on the east line of section 14, 20 chains north of the southeast corner of section 14; thence west 20 chains; thence north 20 chains; thence west 20 chains; thence northerly along the east side of a small lake to a point where the center line running in a north and south direction through section 14 intersects the north side of said lake at low watermark; thence northerly along the center line of said section through section 11 to the quarter corner between sections 2 and 11 of said township; thence westerly to a point 20 chains west of the northwest corner of section 11; thence north 40 chains; thence west 20 chains; thence north to a point where the center line running in a north and south direction in section 3 intersects the township line between townships 144 and 145 north, range 31 west; thence westerly to the quarter corner on the township line in the southeast quarter of section 34 in township 145 north, range 31 west; thence north 20 chains; thence west 40 chains; thence north 20 chains; thence west 20 chains to the quarter corner between sections 33 and 34 in said township and range; thence northerly along the east line of sections 33, 28, 21, and 16 in said township to a point where it intersects the right of way of the Great Northern Railway as at present located; thence easterly along said right of way to a point where it intersects the shore of Cass Lake at low watermark in section 15, township 145 north, range 31 west; thence northerly along the west shore of Cass Lake and the south, west, and north shore of Allens Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low watermark at the head of the Mississippi River, approximately in section 21, township 146 north, range 30 west; thence easterly along the right bank of said river to a point where the range line between ranges 29 and 30 west intersects said river; thence northerly along the range line to the northwest corner of section 19 in township 147 north, range 29 west; thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 in said township, and along the north side of sections 19 and 20 in township 147 north, range 28 west, to a point where said line intersects the left bank of Third River at low watermark; thence northerly along the right bank of Third River to the contour line at low watermark of the lake formed by the waters of Third River; thence southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this act to include in said national forest and make a part thereof all that certain territory and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships 144, 145, and 146 north, ranges 30 and 31 west of the fifth principal meridian in Minnesota, and designated as being the ten sections referred to and authorized to be selected by section 2 of the act approved June 27, 1902, being chapter 1157, United States Statutes at Large, volume 32, entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889;" and also all the islands in Cass Lake in the State of Minnesota.

And in addition to the lands and territory above described, the lands described by section 2 of said act of June 27, 1902, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located" shall be included in and are hereby made a part of said national forest: *Provided*, That this act shall not in any manner abridge the right of citizens to the use of the west and northwesterly shores of Cass Lake.

SEC. 2. The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of said ten sections and said islands and points, in conformity with the provisions of said act above entitled, and reserving 10 per cent of such timber from sale, said 10 per cent to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the Forester is authorized, under such rules and regulations as he may prescribe from time to time, to sell and dispose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a national forest: *Provided*, That a commission shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winnibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the 5 per cent of timber heretofore reserved from sale by the provisions of said act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," and the 10 per cent hereafter reserved under the provisions of this act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this act and to the estimated value of said 5 per cent of timber reserved under the said act entitled "An act to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," and the 10 per cent reserved under this act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to $1.25 for each and every acre of land not otherwise appropriated which they find covered by the provisions of this act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through an agent to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At the end of said sixty days, if no appeal has been taken, or if an appeal has been taken, then upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota provided for in an act of Congress entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," and the acts supplementary thereto, and the amount so certified to the Secretary of the Treasury shall draw interest at the rate of 5 per cent per annum, pursuant to the terms of said acts.

SEC. 3. That any Indian having an allotment within the limits of the national forest created by this act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof outside such national forest under the direction of the Secretary of the Interior, and the allotments of any deceased Indians located within the boundaries of said national forest shall not hereafter be disposed of under section 7 of the act of May 27, 1902 (v. 32, Stat. L., p. 245), but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the national forest hereby created in lieu of the land covered by such allotments, and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said national forest. And the Secretary of the Interior is hereby authorized, on request of the Forester of the Department of Agriculture, to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the national forest hereby created or from the sale of any other products or the use of any lands or resources thereof.

SEC. 4. That all land in any of said reservations, the Winnibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation not included in the national forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement, and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of $1.25 per acre.

SEC. 5. That all moneys received from the sale of timber from any of the lands set aside by this act for a national forest prior to the appraisal herein provided for, including all moneys received for timber under sales authorized by existing laws and section 2 of this act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota, approved January 14, 1889," and the acts supplementary thereto, and shall draw interest at the rate of 5 per cent per annum, pursuant to the terms of said acts; and after said appraisal the national forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto.

SEC. 6. That the commissioners provided for herein shall receive a compensation of $10 per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 7. None of the Indian graves now upon any of the islands or points referred to in this act shall be disturbed, and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service.

SEC. 8. That this act is to take effect and be in force from and after the date of its passage.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill creating in the State of Minnesota a national forest, consisting of certain described lands, and for other purposes."

CHOCTAW AND CHICKASAW INDIAN ROLLS.

Mr. TELLER. I am directed by the Select Committee on the Five Civilized Tribes, to whom was referred the resolution submitted by me March 2, 1908, to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury and the Secretary of the Interior be, and they are hereby, authorized and directed to, immediately upon the passage of this resolution, transmit to the Public Printer either the original or a true and correct copy of the original of each and every roll of the Choctaw and Chickasaw Indians now in the possession and custody of either of said Departments, or of any Bureau, division, or commission thereof or thereunder, prepared by United States officers, agents, or representatives during the years 1830 to 1890, inclusive; and the Public Printer is hereby directed, immediately upon the receipt of said rolls, to print 500 copies of the same the expenses of printing the said rolls to be paid out of the contingent fund of the Senate, and immediately upon the completion of the printing of said rolls the original copies shall be returned to the Department from which they were received.

Mr. LODGE. I think, under the rules, a charge on the contingent fund has to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. TELLER. I suppose if anyone insists on the resolution going to the committee, it will have to go there.

Mr. LODGE. I think the rules require it.

Mr. GALLINGER. More than the rules, the law.

Mr. TELLER. That would depend on the cost. If it comes within a certain limit, it does not have to be referred.

Mr. LODGE. The rule is that if the cost is more than $500 it shall go to the Committee on Printing; but this is a charge on the contingent fund, and the law requires, the Senator from New Hampshire tells me, that it shall go there.

Mr. TELLER. Let it go to the committee.

The VICE-PRESIDENT. The Chair is of opinion that the Senator from Massachusetts is correct. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

DAVENPORT FEMALE COLLEGE.

Mr. OVERMAN. I am directed by the Committee on Claims, to whom was referred the bill (S. 1762) for the relief of the trustees of the Davenport Female College, to report it favorably with an amendment, and I submit a report (No. 518) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 7, before the word "dollars," to strike out "three thousand" and insert "two thousand," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the trustees of Davenport Female College, situated in the town of Lenoir, N. C., the sum of $2,000, for injuries done the building and destroying the property of said institution by the Federal soldiers at the close of the late civil war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 6641) to incorporate the American National Institute (Prix de Paris) at Paris, France, which was read twice by its title and, with the accompanying paper, referred to the Committee on Foreign Relations.

Mr. TAYLOR introduced a bill (S. 6642) for the purchase of a site and erecting a public building at Dyersburg, Tenn., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. JOHNSTON introduced a bill (S. 6643) for the relief of the heirs of Thomas W. White, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. STONE introduced a bill (S. 6644) for the relief of the heirs of Jacob Kern, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. HEYBURN introduced a bill (S. 6645) granting a pension to Maria H. Amsden, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KNOX (for Mr. PENROSE) introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6646) granting an increase of pension to Joseph H. Patterson;

A bill (S. 6647) granting an increase of pension to Adam Morehart;

A bill (S. 6648) granting an increase of pension to John E. Larkins; and

A bill (S. 6649) granting an increase of pension to Frank E. Bickford.

He also (for Mr. PENROSE) introduced a bill (S. 6650) granting a pension to Clara Wilson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6651) granting an increase of pension to Francis Weaver, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 6652) granting a pension to Mary G. Downey, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6653) granting a pension to Elizabeth Sanderson, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6654) for the relief of John C. DeLany, which was read twice by its title and referred to the Committee on Claims.

Mr. CURTIS introduced a bill (S. 6655) for the relief of Andrew Jackson, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6656) granting an increase of pension to Parley S. McCracken; and

A bill (S. 6657) granting an increase of pension to Emery Hughes.

Mr. BURKETT introduced a bill (S. 6658) to correct the military record of William McCormick, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. FORAKER introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6659) granting an increase of pension to Mary Klinke;

A bill (S. 6660) granting an increase of pension to Arthur G. McNeill;

A bill (S. 6661) granting a pension to John Carnes;

A bill (S. 6662) granting an increase of pension to Michael Grigeois; and

A bill (S. 6663) granting an increase of pension to William A. A. Eaton.

He also introduced a bill (S. 6664) to remove the charge of desertion from the military record of John R. Smithson, deceased, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. HEMENWAY introduced a bill (S. 6665) for the relief of Charles H. Dickson, which was read twice by its title and referred to the Committee on Claims.

Mr. BULKELEY introduced a bill (S. 6666) for the relief of the estate of Antonia Sousa, deceased, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment authorizing the Commissioners of the District of Columbia to accept the land necessary for the eastern terminus of the proposed Massachusetts Avenue Bridge across the Eastern Branch and to let contract for the construction of that bridge in accordance with plans, specifications, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for grading and improving Massachusetts avenue from Minnesota avenue to Bowen road, and also $10,000 for grading and improving Minnesota avenue from Pennsylvania avenue north to Massachusetts avenue, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DOCUMENTARY HISTORY OF THE CONSTITUTION.

Mr. FLINT submitted the following concurrent resolution, which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That of volumes 4 and 5 of the document known as the "Documentary History of the Constitution of the United States," 6,000 copies be printed, of which number 2,000 shall be for the use of the Senate and 4,000 shall be for the use of the House of Representatives.

WIDENING OF BENNING ROAD—ANTIBETTING PROVISION.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (H. R. 4063) for the widening of Benning road, and for other purposes.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 2, line 17, after the word "hereunder," to insert the following additional proviso:

And provided further, That the said Columbia Railway Company, its successors or assigns, shall remove its tracks to the center of the street when widened when required so to do by the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to strike out section 2, in the following words:

SEC. 2. That there is hereby authorized to be expended from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

And to insert in lieu thereof the following:

SEC. 2. That there is hereby appropriated from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to strike out section 3, in the following words:

SEC. 3. That section 869 of an act of Congress entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, be amended by striking out the words "in the cities of Washington and Georgetown" and the words in said act "or within said District within 1 mile of the boundaries of said cities."

And in lieu thereof to insert the following:

SEC. 3. That section 869 of an act of Congress entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, be, and the same is hereby, amended so as to read as follows: "It shall be unlawful for any person or association of persons to bet, gamble, or make books or pools on the result of any trotting or running race of horses, or boat race, or race of any kind, or on any election, or any contest of any kind, or game of baseball. Any person or association of persons violating the provisions of this section shall be fined not exceeding $500 or be imprisoned not more than ninety days, or both."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GAMBLE. I ask unanimous consent for the consideration of Senate bill 1385.

Mr. FRYE. Is the morning business completed?

The VICE-PRESIDENT. It has not been concluded.

Mr. KEAN. Let us have the regular order.

The VICE-PRESIDENT. The regular order is demanded. If there is no further morning business, the Calendar under Rule VIII is in order.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. Mr. President, I desire to give notice that on Tuesday of next week, the 21st instant, at the conclusion of the routine morning business, I will submit some remarks on the Brownsville affair.

EMPLOYMENT OF CHILD LABOR IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. If there is no further morning business, the Calendar is in order under Rule VIII. The Secretary will announce the first bill on the Calendar.

The bill (S. 4812) to regulate the employment of child labor in the District of Columbia was announced as first in order.

Mr. KEAN. Let that go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

Mr. BURKETT. I should like to ask for information what object there is in putting the bill over. I have heard no objection to it and yet it always goes over.

Mr. KEAN. I will say to the Senator from Nebraska that I have no objection to it whatever; I am perfectly willing that the bill shall be considered; but I understand that the Senator from Indiana [Mr. BEVERIDGE] desires to be present when it is considered.

Mr. BURKETT. I have never heard any objection to it by anyone.

Mr. KEAN. I have none, and I would be glad to have it taken up and gotten out of the way.

Mr. BURKETT. It has gone over several times.

Mr. KEAN. But on every occasion, I understand, at the request of the Senator from Indiana, who is necessarily absent at the present time.

OMNIBUS CLAIMS BILL.

The next bill on the Calendar was the bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice at the request of the Senator from New Jersey.

LANDS IN SOUTH DAKOTA.

The bill (S. 1385) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 6, to strike out the word "State" and insert "States," and in line 7, after the words "South Dakota," to insert "and North Dakota," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota.

The amendment was agreed to.

The next amendment was, on page 1, line 7, after the word "the," to strike out the words "county of Schnasse, in said State," and insert:

Following-described boundaries, to wit: Beginning at a point in the center of the main channel of the Cheyenne River on the southern boundary of the Cheyenne River Indian Reservation, in the State of South Dakota, where the range line between ranges 23 and 24 east of the Black Hills meridian intersects the same; thence north on said range line to a point where the same intersects the township line between townships 15 and 16 north; thence east along said township line to a point in the center of the main channel of the Missouri River; thence in a northerly direction along the center of the main channel of said Missouri River to a point where the township line between townships 18 and 19 north intersects the same, and including also entirely all islands, if any, in said river; thence west on said township line to a point where the range line between said ranges 23 and 24 intersects the same; thence north along said range line to the State line between the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west in North Dakota intersects the same; thence north on said range line to a point where said range line intersects the center of the main channel of the South Fork of the Cannon Ball River; thence in a westerly direction up and along the center of the main channel of the said river to a point where the same intersects the one hundred and second meridian of longitude; thence south along said one hundred and second meridian of longitude to a point where the same intersects the center of the main channel of the Cheyenne River; thence in a northeasterly direction along the center of the main channel of said Cheyenne River to place of beginning.

Mr. GAMBLE. Mr. President, I submit a substitute for the committee amendment.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In lieu of the committee amendment striking out the words "county of Schnasse, in said State," and inserting certain other words, it is proposed to insert the following:

Following-described boundaries, to wit: Beginning at a point on the one hundred and second meridian of longitude west, where the township line between townships 9 and 10 north intersects the same; thence east on said township line to a point where the same intersects the range line between ranges 24 and 25 east of the Black Hills meridian; thence north on said range line to a point where the same intersects the township line between townships 15 and 16 north; thence east along said township line to a point in the center of the main channel of the Missouri River; thence in a northerly direction along the center of the main channel of said Missouri River to a point where the township line between townships 18 and 19 north intersects the same, and including also, entirely, all islands, if any, in said river; thence west on said township line to a point where the range line between ranges 22 and 23 east intersects the same; thence north along said range line to the northwest corner of section 19, in township 21 north, of range 23 east; thence east on the section line north of sections 19, 20, 21, 22, 23, and 24 to a point where the same intersects the range line between ranges 23 and 24 east; thence north along said range line to the State line betwen the States of South Dakota and North Dakota; thence west on said State line to a point where the range line between ranges 84 and 85 west, in North Dakota, intersects the same; thence north on said range line to a point where said range line intersects the center of the main channel of the South Fork of the Cannon Ball River; thence in a westerly direction up and along the center of the main channel of the said river to a point where the same intersects the one hundred and second meridian of longitude west; thence south along said one hundred and second meridian of longitude west to the place of beginning.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Indian Affairs was, in section 1, page 3, line 8, to strike out "State" and insert "States," and in line 9, after the words "South Dakota," to insert "and North Dakota, as the same may be located in the said States, respectively;" so as to make the proviso read:

Provided, That sections 16 and 36 of the lands in each township therein shall not be disposed of, but shall be reserved for the use of the common schools of the States of South Dakota and North Dakota, as the same may be located in the said States, respectively.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 22, to strike out the words "said county of Schnasse" and insert "area described in section 1 of this act."

The amendment was agreed to.

The next amendment was, in section 2, page 4, line 7, to strike out the words "boundaries of Schnasse County, S. Dak." and insert "area described in section 1 of this act."

The amendment was agreed to.

The next amendment was to insert on page 4, line 10, after the word "laws," the following proviso:

Provided further, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within said reservations, and to cause an examination to be made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal, the said Secretary is hereby authorized to reserve them from allotment or disposition under the homestead laws, to be disposed of in accordance with the coal-land laws of the United States for the benefit of the tribes in common.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 4, to strike out the words "a commission consisting" and insert "two commissions, one for each reservation, each commission to consist;" in line 10 to strike out "said" and insert "each" before "commission;" in line 13 to strike out the words "or the other;" and in line 14, after the word "Indians," to strike out the following words:

And the said commissioner last named shall act thereon while the appraisement and classification of the lands is made on the particular reservation to which he belongs, and when the appraisement and classification of the lands is completed on the reservation to which said last-named commissioner belongs another commissioner with like qualification shall be appointed, with like power, to act with the other members of said commission to appraise and classify the lands herein granted on the other reservation.

So as to read:

That the price of said lands entered as homesteads under the provisions of this act shall be fixed by appraisement as herein provided. The President of the United States shall appoint two commissions, one for each reservation, each commission to consist of three persons to inspect, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior, or otherwise disposed of, and excepting sections 16 and 36 in each of said townships, each commission to be constituted as follows: One resident citizen of the State of South Dakota, one representative of the Indian Bureau, and one person holding tribal relations with one of said tribes of Indians.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 23, after the word "appointment," to insert "the;" in line 24, after "commissioners," to insert "so appointed for each of the said reservations, respectively;" and in line 25, to strike out the words "said county of Schnasse" and insert "area described in section 1 of this act upon the reservations for which they were respectively appointed, and each commission shall," so as to read:

That within twenty days after their appointment the said commissioners so appointed for each of the said reservations, respectively, shall meet at some point within the area described in section 1 of this act upon the reservations for which they were respectively appointed, and each commission shall organize by the election of one of their number as chairman.

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 4, before the word "commission," to strike out "Said" and insert "Each;" in line 5, to strike out "a clerk" and insert "such clerks and assistants as may be necessary;" and in line 7, after the word "day," to insert "subject to the approval of the Secretary of the Interior," so as to read:

Each commission is hereby empowered to select such clerks and assistants as may be necessary at a salary of not to exceed $5 per day subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 9, after the word "appraise," to strike out "by the smallest legal subdivisions of 40 acres" and insert "in 160-acre tracts;" and in line 11, after the word "within," to strike out "the particular reservation first appraised, and after reorganization as above specified the said commission shall proceed to personally inspect, classify, and appraise as aforesaid all the remaining lands embraced within the other reservation hereby granted and conveyed" and insert "each reservation as described in section 1 of this act," so as to read:

That said commissioners shall then proceed to personally inspect, classify, and appraise, in 160-acre tracts each, all of the remaining lands embraced within each reservation as described in section 1 of this act.

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 25, after the word "lands," to insert "and necessary expenses to be approved by the Secretary of the Interior;" on page 7, line 2, before the word "months," to strike out "four" and insert "six;" in line 3, to strike out "commission" and insert "commissions respectively;" and in line 4, to strike out "commission" and insert "commissions," so as to read:

In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral land not to be appraised. That said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection and classification of said lands and necessary expenses to be approved by the Secretary of the Interior; such inspection and classification to be completed within six months from the date of the organization of said commissions respectively. That when said commissions shall have completed the classification and appraisement of all of said lands the same shall be subject to the approval of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 4, on page 8, line 11, after the word "act," to insert:

And it is further provided that any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, in section 6, page 9, line 6, after the words "in the," to strike out "State" and insert "States;" in the same line, after the name "South Dakota," to insert "and North Dakota;" in line 8, after the words "per annum," to strike out "for ten years;" in line 10, after the word "alike," to strike out "that at the expiration of ten years the one-half of the amount so realized from the sale and disposition of the lands herein provided for and deposited as aforesaid to the credit of each of said tribes shall be distributed and paid to said Indians per capita respectively in cash; the balance thereof so," and insert "that the moneys derived from the sale of said lands and;" and in line 21, after the word "same," to insert "annually," so as to make the section read:

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the reservations aforesaid in the States of South Dakota and North Dakota as the respective tribes may be entitled thereto, which shall draw interest at 3 per cent per annum, the interest to be paid to the Indians per capita in cash annually, share and share alike; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians respectively shall be expended for their benefit under the direction of the Secretary of the Interior, and he may, in his discretion, upon an application of a majority of the Indians of either tribe, pay a portion of the same annually to the Indians so applying in cash, per capita, share and share alike, if, in his opinion, such payments will be for the best interests of said Indians.

The amendment was agreed to.

The next amendment was, in section 7, on page 10, line 5, after the word "at," to strike out "one dollar and twenty-five" and insert "two dollars and fifty;" in line 6, after the words "to the," to strike out "State" and insert "States;" in line 7, after the name "South Dakota," to insert "and North Dakota;" in line 8, after the word "purpose," to insert "as the same are located in the said States, respectively;" in line 10, after the word "said," to strike out "State of South Dakota" and insert "States;" in line 11, after the word "the," to strike out "governor" and insert "governors;" in line 12, after the word "said," to strike out "State" and insert "States, respectively;" in line 13, before the word "hereby," to strike out "is" and insert "are;" in line 14, and after the word "the," to strike out "tract described herein" and insert "area in the respective States described in section 1 of this act," so as to make the section read:

SEC. 7. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the States of South Dakota and North Dakota for such purposes as the same are located in the said States, respectively; and in case any of said sections, or parts thereof, are lost to said States by reason of allotments thereof to any Indian or Indians, or otherwise, the governors of said States, respectively, with the approval of the Secretary of the Interior, are hereby authorized, within the area in the respective States described in section 1 of this act, to locate other lands not occupied not exceeding two sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

The amendment was agreed to.

The next amendment was, in section 8, on page 10, line 22, before the word "thousand," to strike out "seventy-five" and insert "four hundred and fifteen;" in line 24, after the words "to the," to strike out "State" and insert "States;" in line 24, after the name "South Dakota," to insert "and North Dakota," and, on page 11, line 2, before the word "thousand," to strike out "twenty" and insert "seventy-five," so as to make the section read:

SEC. 8. That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $415,000, or so much thereof as may be necessary, to pay for the lands granted to the States of South Dakota and North Dakota, as provided in section 7 of this act. And there is hereby appropriated the further sum of $75,000, or so much thereof as may be necessary, for the purpose of making the appraisement and classification and allotments provided for herein: *Provided*, That the same shall be reimbursed to the United States from the proceeds received from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribes respectively.

The amendment was agreed to.

Mr. GAMBLE. On page 11, line 5, I move to strike out the word "same" and insert in lieu thereof the words "latter appropriation."

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. In section 8, page 11, line 5, before the word "shall," it is proposed to strike out the word "same" and to insert "latter appropriation," so that if amended it will read:

That the latter appropriation shall be reimbursed to the United States, etc.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, in section 9, page 11, line 21, after the name "South Dakota," to insert "and North Dakota," so as to make the proviso read:

Provided, That nothing in this act shall be construed to deprive the said Indians of the Cheyenne River or Standing Rock Indian reservations, in South Dakota and North Dakota, of any benefits to which they are entitled under existing treaties or agreements not inconsistent with the provisions of this act.

The amendment was agreed to.

Mr. GAMBLE. On page 11, line 23, after the word "act," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

Provided, That Indians residing upon their allotments in townships 16 north of ranges 25, 26, 27, 28, 29, 30, and 31 east shall have the right to use timber in said townships, except on sections 16 and 36, for domestic purposes only as long as the lands remain part of the public domain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect."

SOUTHERN APPALACHIAN AND WHITE MOUNTAIN RESERVATIONS.

The bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains was considered as in Committee of the Whole.

The bill had been reported from the Committee on Forest Reservations and the Protection of Game with amendments. The first amendment was, in section 8, page 5, line 1, after the words "meaning of," to strike out "such action" and insert "this section," so as to make the section read:

SEC. 8. That the jurisdiction, both civil and criminal, over persons upon the lands acquired under this act shall not be affected or changed by their permanent reservation and administration as national forest lands, except so far as the punishment of offenses against the United States is concerned, the intent and meaning of this section being that the State wherein such land is situated shall not, by reason of such reservation and administration, lose its jurisdiction nor the inhabitants thereof their rights and privileges as citizens or be absolved from their duties as citizens of the State.

The amendment was agreed to.

The next amendment was, in section 9, page 5, line 13, after the word "benefit," to insert "of the public schools and public roads;" so as to make the section read:

SEC. 9. That 10 per cent of all money received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid at the end of such year by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further*, That there shall not be paid to any State for any county an amount equal to more than 40 per cent of the total income of such county from all other sources.

The amendment was agreed to.

The next amendment was, in section 10, page 6, line 12, before the word "act," to strike out "the" and insert "this;" and in line 15, before the word "subject," to strike out "so;" so as to make the section read:

SEC. 10. That the Secretary of Agriculture for the further protection of the watersheds of said navigable streams may, in his discretion, and he is hereby authorized, on such conditions as he deems wise, to stipulate and agree to administer and protect, for a definite term of years, any private forest lands situated upon any watershed whereon lands may be permanently reserved, held and administered as national forest lands under the provisions of this act; but such stipulation or agreement shall provide that the owner of such private lands shall cut and remove the timber thereon only under rules and regulations to be expressed in the stipulation or agreement, for the protection and conservation of the forest thereon; and such stipulation or agreement may in any case provide that the private lands so administered and protected shall during such terms be subject to all the provisions of this act and of the laws, rules, and regulations governing national forests so far as the same may be applicable, and in that case the said private lands shall, during such term, be subject to all such provisions, laws, rules, and regulations.

The amendment was agreed to.

Mr. TELLER. Mr. President, will an objection carry this bill over?

The VICE-PRESIDENT. One objection would carry it over.

Mr. TELLER. I am going to make the objection. The bill has been read. I want to make some remarks on it, but I do not care to do so to-day, and so I object to its further consideration.

The VICE-PRESIDENT. Objection is made, and the bill will go over without prejudice.

Mr. BRANDEGEE. Mr. President, I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. [Putting the question.] The noes seem to prevail.

Mr. TELLER. I think that is rather an unusual motion.

Mr. BACON. I hope the Senator from Colorado will permit me to say a word.

Mr. TELLER. Certainly.

Mr. BACON. I am very much in favor of this bill, but I think, on the statement made by the Senator from Colorado that he desires to submit some remarks upon it and that he is not prepared to do so now, courtesy to him would require that the bill should go over. I hope the Senator from Connecticut will not press his motion.

Mr. BRANDEGEE. I did not understand the Senator from Colorado [Mr. TELLER] to say that he desired to make remarks upon the bill. I understood him to say that he had no objection to the bill. If he desires to make any remarks on the bill, of course I shall not insist upon my motion.

The VICE-PRESIDENT. The motion is withdrawn, and the bill will lie over without prejudice.

EMPLOYERS' LIABILITY BILL.

The bill (S. 5307) relating to liability of common carriers to their employees was announced as next in order.

Mr. HALE. I call the attention of the Senator from Iowa [Mr. DOLLIVER] to that bill.

Mr. DOLLIVER. I move that that bill be indefinitely postponed.

The VICE-PRESIDENT. The Senator from Iowa moves that the bill, the title to which has just been stated, be indefinitely postponed. Without objection, it is so ordered.

Mr. HALE. The Senate has already acted upon the matter.

SUSPENSION OF COMMODITY CLAUSE INTERSTATE-COMMERCE LAW.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE-PRESIDENT. The joint resolution will lie over without prejudice.

NATIONAL BISON RANGE.

The bill (S. 6159) to establish a permanent national bison range was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, in section 1, page 1, line 4, before the word "lands," to insert "unallotted," and in line 8, before the word "presented," to insert "to be," so as to make the section read:

That the President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed 12,800 acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 11, after the words "Secretary of," to strike out "Agriculture" and insert "the Interior," so as to make the section read:

SEC. 3. That the Secretary of the Interior is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 or so much thereof as may be necessary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNUITIES TO MEDAWAKANTON AND WAHPAKOOTA SIOUX INDIANS.

The bill (S. 2405) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. LODGE. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill will go over, at the request of the Senator from Massachusetts.

SUPPRESSION OF VAGRANCY IN THE DISTRICT OF COLUMBIA.

The bill (S. 5505) to define and suppress vagrancy within the District of Columbia, was considered as in Committee of the Whole. The bill was reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, on page 2, after line 6, to insert:

Every person known to be a pickpocket, thief, burglar, or confidence operator, either by his own confession or by his having been convicted in the District of Columbia or elsewhere of either of such offenses, and having no visible or lawful means of support, when found loitering around in any building, park, highway, street, avenue, alley, or reservation, steamboat landing, railroad depot, station, banking institution, broker's office, place of amusement, room, store, shop, public place, or car or omnibus or other vehicle, or at any public gathering or assembly. Persons upon whom shall be found any instrument, tool, or other implement used for the commission of burglary or the commission of any other crime against property, or for picking locks or pockets who shall fail to give a good account of the possession of the same, and all persons who by the common law are vagrants whether embraced in any of the aforegoing classifications or not.

The amendment was agreed to.

The next amendment was, on page 3, section 2, line 12, after the word "District," to insert:

but nothing contained in section 44 of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the Constitution of the United States.

So as to make the section read:

SEC. 2. That every person in the District of Columbia who shall be convicted of vagrancy under the provisions of this act shall be required to enter into security in a sum not exceeding $500, conditioned upon his good behavior and industry for the period of one year, and if he shall fail to give such security he shall be committed to the workhouse in the said District for a term not to exceed one year. The security herein mentioned shall be in the nature of a recognizance to the District of Columbia, with a surety or sureties to be approved by the police court of the said District, in which court all prosecutions under this act shall be conducted in the manner now provided by law for the prosecution of offenses against the laws and ordinances of the said District, but nothing contained in section 44 of the Code of Law for the District of Columbia shall be so construed as to create or give to the accused, in prosecutions under this act, any right to trial by jury not existing by force of the Constitution of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFIDENTIAL PAPERS IN THE NAVY DEPARTMENT.

The bill (S. 5616) to amend section 3744 of the Revised Statutes was considered as in Committee of the Whole. It proposes to amend section 3744 of the Revised Statutes of the United States by the addition thereto of the following proviso:

Provided, That the Secretary of the Navy may withhold from papers transmitted to the returns office any plans, specifications, or other matter of a confidential nature the publication of which would, in his opinion, be prejudicial to the public interests."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS OF NAVAL HOME INMATES.

The bill (S. 5950) to provide for the disposition of pensions due inmates of the Naval Home was considered as in Committee of the Whole.

Mr. BURKETT. Mr. President, that bill seems to change present conditions somewhat, and I think that we ought to have some explanation of it. The bill certainly changes the present conditions and terms of paying pensions.

Mr. ALDRICH. I think the bill had better go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice, at the request of the Senator from Rhode Island.

Mr. HALE. I have no objection to the bill going over if any Senator objects to it.

Mr. KEAN. Let the report be read.

Mr. BURKETT. I will state that I do not make an objection, and I do not know that I will; but the bill seems to change the law so much from what it is at present that I thought we ought to have some explanation of it.

Mr. HALE. Mr. President, let the report be read.

The VICE-PRESIDENT. The Secretary will read the report, as requested.

The Secretary read the report submitted by Mr. HALE on April 6, 1908, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 5950) to provide for the disposition of pensions due inmates of the Naval Home, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

NAVY DEPARTMENT,
Washington, January 11, 1908.

SIR: I have the honor to transmit herewith, for the consideration of the committee and such action, if any, as may be deemed advisable, copy of a letter from the governor of the United States Naval Home, Philadelphia, Pa., relative to the provisions of the act of May 4, 1898 (30 Stat. L., 377), requiring persons entering the Naval Home to surrender their pensions while residing therein. The pensions of inmates of the Naval Home are now paid into the naval pension fund, which is used for the support of the Naval Home.

Very respectfully,
V. H. METCALF,
Secretary.

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

GOVERNOR'S OFFICE, UNITED STATES NAVAL HOME,
Philadelphia, Pa., December 6, 1907.

SIR: In reading the last annual report of the governor of the Naval Home, since assuming command here, my attention is particularly attracted to the facts stated and the recommendation made in the seventh paragraph thereof, which I quote below in full:

"7. It will be noted since my last report there has been a net decrease of sixteen in membership. The advanced age of the beneficiaries is accountable for the large death rate, but to the small number of those coming into the Home other conditions are responsible. It has come to my notice in several instances that men who are eligible to come here by reason of civil-war service are also eligible for admission to the National Volunteer Home, where they receive not only the benefits of the Home, but their pensions as well. When a man comes to this Home, under the law, his pension is required to be turned in to the fund from which the Home is maintained. This often works a hardship, especially on those who have dependents.

"When a man receiving a pension enters a National Volunteer Home or the National Soldiers' Home in Washington—which latter is to the Army what this Home is to the Navy—he not only receives the comforts of the Home, but also his pension, either immediately or eventually, or he can dispose of it to the benefit of his family, and in certain instances outdoor relief is extended to nonresident members. Practically the same rules and requirements governing admission to the National Soldiers' Home govern this Home. I can not, therefore, see why this institution should be thus discriminated against in the matter of pensions to the inmates. I therefore recommend that Congress be asked to confer on the men who have served the country at sea long and faithfully or been disabled in its service the same privileges and benefits when they come to the Naval Home as are enjoyed by the men who have served in the Army when they are admitted to the Soldiers' Home."

I have the honor to state to the Department that this discrimination in the laws, allowing pensions to the inmates of the Soldiers' Homes and not to the beneficiaries of this Home, is a great injustice to the men who come here, and I earnestly hope that the Department will use its best endeavors to impress upon Congress the need of legislation that will correct this injustice and give to the men who serve the country at sea every benefit that is now or may hereafter be allowed to the men who serve in the Army.

Very respectfully,
JAMES M. MILLER,
Rear-Admiral, United States Navy, Governor.

THE SECRETARY OF THE NAVY.

Mr. BURKETT. I will say, Mr. President, that as I read the report it seemed to me that the bill did just the opposite of what the report said it should do, and that is why I asked for an explanation. The bill seems to withhold the pension money from sailors who are in this Home, while the report, I observe, says that what is specifically designed to do is to give them the comfort of the pension money. The bill says that it shall be withheld from them until they are discharged. That is the part of it I did not understand.

Mr. WARREN. Mr. President, I do not want to interfere with the passage of the bill, but I should like to ask the Senator from Maine a question or two concerning the measure. I want to ask the Senator from Maine whether the entire rank and file of the Navy are assessed any amount from year to year for the support of this Naval Home? Heretofore the soldiers in the Army have been assessed 12½ cents for the support of the Army Home until a large fund has accumulated, and it is now proposed, in a measure which is pending, to dispense with that assessment, because of this large fund, which is also added to by fines from courts-martial, etc. I should like to have some information about that.

Mr. HALE. I do not know the condition of the fund for the Naval Home.

Mr. WARREN. I supposed from the reading of the report at the desk that it was sought to put the inmates of the Naval Home on a basis with the soldiers of the Army Homes, which is of course perfectly right, but I wondered how the support of the Naval Home is provided for. The support of the Army Home is provided by fines from courts-martial for delinquencies, and so on, and a deduction of 12½ cents per month from the soldiers' pay, which has been assessed for many years. The fund has now reached $4,000,000, or such a matter, and the income from it is enough to carry on the Home and leave some-

thing in addition without further assessment. I did not know but what the Senator knew the conditions in respect to the Naval Home.

Mr. HALE. I do not know what the collection of fines amounts to or whether the Home is carried on wholly by such fines and assessments, as is the case with the Army Home.

Mr. LODGE. There is a naval fund, I will say to the Senator, which supports the Home. It is known as the naval pension fund. It has been accumulated from various sources—prize money, assessments, and fines. I think the fund is now large enough to support the Home.

Mr. HALE. I think so, but I am not certain.

Mr. LODGE. Certainly the income of the fund is used for the support of the Home.

Mr. HALE. The extent of it I do not know.

Mr. SMITH of Michigan. Mr. President, listening to the reading of the report and the bill there is some doubt in my mind as to just the status of this measure. I dislike very much—and I do not hesitate to say so—to see any precedent established that will take from the soldier his pension for the purpose of meeting any proportion of the expense of a Soldiers' Home or from the naval pensioner his pension for the purpose of maintaining a Navy Home. The pension is the property of the soldier and should be inviolate.

Mr. LODGE. Under the existing law the pensions of the sailors who are in this Home are paid into the naval fund and used for the support of the Home, and this bill puts them on the same basis as inmates of Soldiers' Homes, and provides that their pensions shall be paid to them when they are discharged. It so appears on the face of the report. I am not on the committee which reported the bill.

Mr. SMITH of Michigan. Is the payment now exacted made with the consent of the pensioner?

Mr. LODGE. What payment?

Mr. SMITH of Michigan. Is this money taken with his consent?

Mr. LODGE. Now?

Mr. SMITH of Michigan. Yes.

Mr. LODGE. It is taken under the law.

Mr. SMITH of Michigan. That may be, but I have in my mind a situation which causes me some anxiety with reference to the soldiers in my own State. For instance, in the Michigan Soldiers' Home they have created a posthumous fund arbitrarily taken from the pensioner each month. I do not like it. The soldiers in the Home do not like it. It has created a great deal of friction and a great deal of trouble there, and I should dislike very much to see any confirmatory action taken here with reference to Soldiers' Homes. The pensioner is given his pension as a slight evidence of appreciation on the part of the Government for the service he has rendered in war.

Mr. LODGE. The bill, as I understand from the face of the report, does exactly what the Senator from Michigan wants to have done. Under the law the pensions are now taken from the inmates of the Home and paid into the naval fund and used for the support of the Home. Under this bill they are restored to the inmates of the Home. I can not imagine why the Senator from Michigan wants to keep the law as it is now, when it takes the pensions from the inmates.

Mr. SMITH of Michigan. I do not want to have the law remain as it is now, nor do I want to have it extended any further. I believe it would be unfair to the pensioner, and I propose to offer an amendment to the pension appropriation bill that these pensions shall not be taken from the soldiers without their consent.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Wyoming?

Mr. SMITH of Michigan. Certainly.

Mr. WARREN. I incline to the opinion that that is a State regulation as to State homes.

Mr. SMITH of Michigan. It is a State regulation.

Mr. WARREN. I think the States draw from the United States under the law $100 for each inmate.

Mr. SMITH of Michigan. Yes.

Mr. WARREN. The balance is made up by the State. I think the cases alluded to by the Senator are in State homes under State regulations instead of United States regulations.

Mr. SMITH of Michigan. In addition to this amount, they also take from him a portion of his pension and apply it to a fund over which he has no control and about which he knows absolutely nothing. Soldiers resent this interference with their vested rights, and Congress should see to it that they are fully protected in all their rights and property.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from New Jersey?

Mr. SMITH of Michigan. Certainly.

Mr. KEAN. I think the Senator from Michigan is rather finding fault with laws of the State of Michigan and not with laws of the United States.

Mr. SMITH of Michigan. If the Senator from New Jersey will permit me, I am not finding fault with laws of the State of Michigan. It is an exaction which is taken without warrant of law.

Mr. KEAN. But it is in a State Home.

Mr. SMITH of Michigan. In a State Home, and it is an unfair exaction, and when the pension appropriation bill comes up I shall offer an amendment providing that no part of the pension shall be taken from the pensioner without his consent. I do not know that I object to this bill, but there is a great deal of confusion between the bill and the report. Of course we are adopting the bill and not the report, but I agree with the latter, and the sentiments of the commanding officer are in harmony with my own and disclose a liberality of view most creditable to him and comforting to his comrades.

Mr. HEYBURN. I call the attention of the committee to a provision on line 8 of page 2 of the bill which, it seems to me, should be amended. It provides:

> In case of the death of any pensioner any pension money due him and remaining in the hands of the Secretary shall be paid to his personal representative—

Now, this is the part—

> if demand is made within three years.

I have within my knowledge cases where the families of old soldiers have not been aware for a longer period than that of the fact that the soldiers were in a Soldiers' Home. Many of the soldiers have reached a period of decrepitude. The period stated in the bill should be increased to at least seven years. Three years is a very short time. Things do not move with that celerity and certainty with those people that they do in ordinary affairs. I move to amend by striking out "three" and inserting "seven." Seven is the statutory period.

Mr. HALE. The committee took the recommendation of the Department. Some period ought to be fixed, as it is in all such statutes, and three years was the recommendation of the Department. Perhaps five years would be better, for the reason suggested by the Senator from Idaho. I think that would be long enough for everybody to find out.

Mr. HEYBURN. I have just learned of the death of an old soldier in California, who went there from our country to a Home, who has been dead five years. They have just learned that fact.

Mr. HALE. I do not think it is very essential about the time. It the Senator insists that seven years is better, I have no objection to it.

Mr. HEYBURN. I think seven would be better. There will be very few cases.

The VICE-PRESIDENT. The Senator from Idaho proposes an amendment which will be stated.

The SECRETARY. In line 8, page 2, it is proposed to strike out "three" and insert "seven," so as to read "seven years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE HOSPITALS, ETC., IN THE DISTRICT.

The bill (H. R. 17305) to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SITES FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the bill (S. 122) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

Mr. NELSON. On that I ask for a division.

Mr. HEYBURN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. CULLOM. I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I do not know whether he has voted.

The VICE-PRESIDENT. He has not voted.

Mr. CULLOM. I withhold my vote.

Mr. GAMBLE (after having voted in the affirmative). I voted "yea." I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS] and therefore withdraw my vote, not knowing how he would vote.

Mr. DAVIS (after having voted in the negative). I have a general pair with the Senator from Oregon [Mr. FULTON]. I did not know when I voted that he is not in the city. I shall have to withdraw my vote.

Mr. MONEY. I suggest to the Senator from Arkansas that he transfer his pair to the Senator from Mississippi [Mr. MCLAURIN].

Mr. DAVIS. Very well. The pair will be transferred to the Senator from Mississippi [Mr. MCLAURIN], and I will let my vote stand.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent. I therefore withhold my vote.

Mr. FOSTER. I have a general pair with the junior Senator from North Dakota [Mr. MCCUMBER]. I see he is absent. I therefore withhold my vote.

Mr. MONEY. I wish to state that my colleague [Mr. MCLAURIN] is absent on important business.

The result was announced—yeas 34, nays 22, as follows:

YEAS—34.

Borah	Depew	Heyburn	Smith, Mich.
Brandegee	Dick	Knox	Stewart
Briggs	Elkins	Lodge	Stone
Brown	Flint	McCreary	Sutherland
Bulkeley	Frye	Nixon	Warner
Burnham	Gallinger	Perkins	Warren
Carter	Guggenheim	Platt	Wetmore
Clark, Wyo.	Hale	Richardson	
Crane	Hemenway	Scott	

NAYS—22.

Bacon	Daniel	Kean	Simmons
Burkett	Davis	Long	Stephenson
Clapp	Dolliver	Money	Taliaferro
Clay	Frazier	Nelson	Teller
Culberson	Gary	Overman	
Curtis	Johnston	Piles	

NOT VOTING—36.

Aldrich	Cullom	Hansbrough	Newlands
Allison	Dillingham	Hopkins	Owen
Ankeny	Dixon	Kittredge	Paynter
Bailey	du Pont	La Follette	Penrose
Bankhead	Foraker	McCumber	Rayner
Beveridge	Foster	McEnery	Smith, Md.
Bourne	Fulton	McLaurin	Smoot
Burrows	Gamble	Martin	Taylor
Clarke, Ark.	Gore	Milton	Tillman

So Mr. HEYBURN's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. NELSON. I ask that the bill be read.

The VICE-PRESIDENT. The Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That in order to make present and future provision for the erection and maintenance of public buildings for the accommodation of the Government of the United States within the District of Columbia, the following parcels of land shall be purchased, under the direction of the President of the United States, or taken for public use by due process of law, namely:

All of blocks numbered 226, 227, 228, 229, 230, 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, Reservation A, Reservation B, Reservation C, Reservation D, Reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States of America.

SEC. 2. That any and all streets and alleys intersecting the said land so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by Executive order vacated and become and constitute a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

SEC. 3. That the sum of $10,000,000, or so much thereof as may be necessary, to be used for the payment of said lands or the acceptance or acquiring the title thereto, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

SEC. 4. That the Secretary of the Treasury, subject to the Executive order of the President, shall be authorized to purchase or acquire said land, or any part thereof, as soon as practicable, at such price as may be fixed by agreement between the said Secretary and the respective owners of said lands and premises, not exceeding the actual cash value thereof, and the payments therefor shall be made to respective owners of such lands upon the requisition of the Secretary of the Treasury, with the approval of the President, upon a release and conveyance of said lands to the United States by good and sufficient deeds so conveying the same after the title of the grantor of said lands shall have been examined and approved in writing by the Attorney-General of the United States.

SEC. 5. That in the event of a failure to agree upon the price of said land or any part thereof between the owner of said land and premises and the Government of the United States, the Attorney-General of the United States is hereby authorized and empowered to commence and prosecute proceedings for the condemnation of said lands and premises in the supreme court of the District of Columbia at any general or special term thereof, and to prosecute such proceedings in condemnation in the manner heretofore provided in the statute. That upon the final determination of such proceedings in condemnation, the Secretary of the Treasury is authorized and directed to make payment of the sum of money adjudged to be proper compensation on said land and premises so condemned out of the moneys hereinbefore provided to be appropriated for such purposes.

SEC. 6. That in condemnation proceedings so instituted and prosecuted as aforesaid the value of the land and the value of the buildings or improvements thereon shall be separately estimated.

Mr. HEYBURN. Mr. President, I think Senators are generally familiar with the terms of the bill and its purpose, and yet it is proper that it should be stated at this time as briefly as is consistent with a clear understanding of what we are proceeding to consider.

The proposition is stated most explicitly in the report accompanying the bill, and on the third page of the report Senators will find a diagram showing exactly the ground that is proposed to be purchased, and as a part of that report the number of square feet of ground to be purchased is set forth explicitly by areas and blocks.

The Government already owns nearly half of this property. It owns in streets, parks, and areas of that kind 1,243,188 square feet, and in addition to that ownership it has 441,961 square feet in vacant blocks. The ownership outside of that which the Government has is 1,952,164 square feet. So it will be seen by adding these figures that the Government owns practically half of the ground included in the area between the Mall and the south side of Pennsylvania avenue.

Mr. GALLINGER. That includes streets.

Mr. HEYBURN. It includes streets and blocks.

Mr. GALLINGER. Does the Senator think he ought to include streets?

Mr. NELSON. Will the Senator from Idaho yield to me?

Mr. HEYBURN. Certainly.

Mr. NELSON. I understood when the bill first came up that it would cost about $8,000,000; at the outside, $10,000,000. Now we have a report which shows it will cost $20,000,000, exclusive of the Center Market and the Center Market grounds. Has the Senator any information as to what it will cost to get the Center Market grounds.

Mr. HEYBURN. Yes.

Mr. NELSON. How many millions more will it take?

Mr. HEYBURN. I will give the Senator the information almost immediately, because I was approaching the statement of it.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. Mr. President, there is one point that I think ought not to be urged in matters of this kind, and that is that the Government owns the streets of the District of Columbia and that they ought to be counted as an asset of the Government. The Senator in estimating the proportion of land south of the Avenue that the Government owns counts in the streets, which, of course, are open to the citizens of the District of Columbia, and, it seems to me, ought to be excluded from any computation of this kind.

Mr. NELSON. Will the Senator from Idaho allow me?

Mr. HEYBURN. Certainly.

Mr. NELSON. I think the Senator from New Hampshire is in error. While the streets belong to the city for purposes of streets for public use, yet when the city ceases to use the streets as streets for public use, they belong to the adjoining lot owners. Each lot owner owns to the center of the street, subject to the public easement.

Mr. GALLINGER. I was following the statement made by the Senator from Idaho.

Mr. HEYBURN. Mr. President, I am not prepared to concede that point. That depends altogether on the original act of dedication. I do not think that the individual owns to the center of the street in the city of Washington when the street is vacated, except as Congress shall provide that such ownership shall extend to the middle of the street. But that does not enter into the consideration of this quesion at all. My purpose in stating the area separately was that we might have the entire question fully before us.

Mr. NELSON. Will the Senator allow me? Assuming that he is correct, that the streets belong to the city, they are not included in this estimate, and the city would have a claim upon the Government if we should take them for a public park or for a row of buildings. We would have to pay the city like we would pay private owners if the Senator's position is correct.

Mr. HEYBURN. I can not concede that. The District of Columbia occupies a peculiar relation toward the Government of the United States. I do not concede for a moment that the Government would be required to compensate the singular and

peculiar organization known as "the District of Columbia" for the streets. Section 2 of the bill provides—

That any and all streets and alleys intersecting the said land so to be acquired as aforesaid may, at such time as the President may deem necessary or expedient, be by Executive order vacated and become and constitute a part of the tract of land so provided to be acquired as aforesaid and subject to such other and further division and subdivision for the purposes of buildings or use as streets, alleys, passageways, or avenues as may be or become necessary in connection with the enjoyment of all of the said lands hereinbefore mentioned for public purposes.

Mr. President, the situation, as I understand it, is that it is proposed by this bill to acquire the ownership. The private owners of land within the area covered by the bill are not interested more than other citizens of the United States in what becomes of the streets after they have been compensated for the value of their holdings. If the Government becomes the owner of their lots, and the Senator were right in regard to the ownership appurtenant to the lots extending to the streets, then the Government would succeed to the right of the owner of the lot and become the owner of the property to the middle of the street.

Mr. NELSON. Will the Senator allow me a question?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. Can the Senator from Idaho give us information as to the names of the owners of this property?

Mr. HEYBURN. Yes; I can.

Mr. NELSON. And where the owners of all this property live?

Mr. HEYBURN. I can give that information, and if it becomes necessary during the consideration of this question, I will be able to do so. But I do not think at this time it is necessary to be diverted from a presentation of the bill in order that I may enumerate a lot of property owners.

I will give all of the essential information, I think, either without or by request, before I am through, in the brief interval I intend to take in presenting the bill. I have the information before me, and I can give the names of the owners and tenants and occupants, and all about it, if it is necessary, but I do not see that it would cast any light upon the consideration of the question here.

Mr. CULLOM. Can the Senator give the amount of feet the Government would actually have to buy?

Mr. HEYBURN. Yes, sir. It is proposed to purchase 1,952,-164 square feet of ground. That is all the private ownership that there is south of Pennsylvania avenue and north of the park or Mall; so we do not need to purchase anything in excess of that number of square feet. I have the information here as to the value which those owners have placed upon their property, and then I have the estimates of others than the owners as to the value of the property, which I will give in their order.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. I ask the Senator if he has described the entire territory that it is proposed the Government shall acquire?

Mr. HEYBURN. In the bill.

Mr. SMITH of Michigan. He has described it as lying north of the Mall.

Mr. HEYBURN. No; it is north of the park and south of Pennsylvania avenue. That is as nearly accurate as it can be indicated by the points of the compass.

Mr. SMITH of Michigan. How far does that extend? Down to the post-office building?

Mr. HEYBURN. It takes everything between the Mall and Pennsylvania avenue, so it will bring the park or the Mall—I do not know why we should call it the "Mall," as the word has very little application to it——

Mr. SMITH of Michigan. From the Capitol to the Treasury?

Mr. HEYBURN. From Fifteenth street to First street.

Mr. President, we are entitled under the law providing for the determination of values for the purposes of assessment to place some reliance upon the values which the owners of this property have returned upon which to base the assessment for taxes. I will at this time give that assessed valuation of all the land included within the proposed purchase. The assessed valuation of all the land included within the proposed purchase was a year ago $3,753,906. The assessed valuation of all of the buildings upon the same land was $2,203,800. These assessments are based on a two-thirds valuation of the actual cash value of the property.

Mr. GALLINGER. They ought to be.

Mr. HEYBURN. As I understand the system of levying taxes here, the owner of the property himself states the value of the property, and he does it under oath. I know, of course, and I am not inclined to quibble over it, how those matters go in the general administration of the laws regarding the assessment of property; but still it would certainly not be wise to entirely overlook that fact. Your committee has taken into consideration the weaknesses of human nature in persons placing a value upon their property for the purposes of taxation.

This would make the actual value of the land proposed to be taken, on the basis of taxation, $5,630,856, and the value of the buildings thereon $3,305,700, making a total of $8,936,556.

Now, that represents the conscience of the owners of the property at that time, and I am not going to dwell very much more upon the conscience of the owners of the property as a basis for intelligent legislation upon this subject, but I take it up rather from the practical standpoint from which we must deal with this question.

The blocks proposed to be purchased are enumerated in the bill, and I shall not consider it necessary to do more than refer to them as a whole, because the assessment was ascertained as to each piece of property. Every owner of property was determined first as a basis of getting these figures. I first had every owner determined from the record and had it verified from the tax list, and I had the assessments verified, so that there is, I think, no room for question as to the accuracy of these figures.

As the bill was originally introduced it proposed to appropriate $10,000,000 for the purchase of this property—that is, it proposed to appropriate more than a million dollars in excess of the values that would be placed upon the property by the owners themselves, counting the assessments to be two-thirds of the value. The sum asked for was not based upon the assessment, but upon the value under the rule that it was assessed at two-thirds of its value.

I am ready to leave that for the present, because much time has elapsed since this measure was first proposed and since these figures were made up. But only a few days ago the Senator from New Hampshire [Mr. GALLINGER] introduced a resolution asking for a statement by the Commissioners of the District of Columbia as to the present value of this property in detail, and that statement having been presented to the Senate it has been made a supplemental or additional report upon the bill under consideration, and it will be found as part 2 of report 9 accompanying the bill. There the area in square feet of each of these identical tracts of land is enumerated, the improvements and the land are separately estimated, and the total valuation now placed upon this property from that source of information is $11,923,000 for the land. Those figures are to be compared with $3,753,906, the valuation placed upon this land by the owners of it for taxation.

The value of the buildings stated by the Commissioners of the District, as late as the 2d of the present month, was $6,460,000, making a total of $18,383,000 as the present valuation placed upon this land for the purposes of the bill under consideration.

The resolution was introduced in order that we might obtain information to be used upon the consideration of this bill. The Commissioners in ascertaining these values had that in mind, and in their judgment this property can be purchased inside of those figures, within the aggregate of $18,383,000.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I am in favor of the Senator's bill, but it is well that we should know precisely what we are doing, and that was the reason why I introduced the resolution. I think a report was made not many years ago suggesting that this property could be obtained for $5,000,000. I then ventured to say I thought the amount ought to be doubled, if not trebled. When the Senator made his report, naming $8,000,-000, I remember that I took occasion to say on the floor of the Senate that, in my opinion, the amount would be over $20,-000,000.

Now, for the purpose of ascertaining with some certainty what the actual cost would be, I introduced the resolution, and the Commissioners were very faithful in ascertaining the facts. The Senator is correct in saying that they report $18,383,000; but the Commissioners made a further suggestion that 5 per cent ought to be added to that for machinery, good will, and so forth, which would make $919,000, making a total of $19,-302,150.

In addition to that, they suggested that they had not ascertained the price of the Center Market, concerning which the

Senator from Minnesota [Mr. NELSON] made an inquiry a moment ago. I have made some inquiry concerning that property, and I think it is safe to say that it can be bought for three-quarters of a million dollars, at the outside. That would bring the total amount to a little over $20,000,000.

On that point, Mr. President, I want to say that the assessed valuation of that property—and I have it from the assessor's books—is $5,922,025, showing that the assessors of the District are either very lax, as I have had occasion to say before, in the performance of their duties, or else the landowners are not returning their property for anywhere near the value it ought to be returned for.

We have had some experience in this line. The Senator from Illinois [Mr. CULLOM], the Senator from Colorado [Mr. TELLER], and myself constituted a commission for the building of the new Senate Office Building, and we found when we came to purchase the land there that we had to pay, I believe, a little over three times the assessed valuation of the property. It was for the purpose of not allowing the Senator from Idaho to be misled in this matter that I introduced the resolution I did and which the Senator is entirely familiar with.

When we come to purchase this property, Mr. President, the chances are that we will be forced into condemnation proceedings, no matter what these owners say now, because we could not purchase one square foot in the square where the Senate Office Building is placed when it was known the Government wanted it. We were forced to condemn it, and that is a very expensive proceeding in the District of Columbia. The chances are that we will pay when we come to make this purchase, I will suggest to the Senator from Idaho, $20,000,000, and I am prepared to cooperate with him and purchase it even at that price.

Mr. HEYBURN. Mr. President, I am indebted to the Senator from New Hampshire for the statement of additional facts. I was proceeding to read the statement as to the additional 5 per cent proposed by the Commissioners, which is a part of the additional report.

I would call attention to the fact that since the introduction of this bill in the Fifty-eighth Congress the valuation has about doubled. I have before me the figures obtained at that time. The valuation placed upon this property at that time was $8,936,556, and it is now $19,300,000. About two and a half times that property has increased in value, according to the estimates placed upon it from practically the same sources of information.

But you must remember that there has been a considerable lapse of time from the Fifty-eighth Congress to the present, and, as has been suggested by the Senator from New Hampshire, it is usual for the owners of property to take into consideration the fact that some one wants it when they are fixing a value upon it. The value that a man places upon his property for one purpose, when he does not know he has a possible buyer or especially a buyer who feels obligated to purchase it, is one thing; the price he would place upon it when it is proposed to purchase it at whatever must be paid for it, is another thing.

Now, there is not such a discrepancy in these figures as one might naturally expect to find. The difference between the $8,936,000 of the Fifty-eighth Congress and the $19,300,000 of the Sixtieth Congress is not a very great increase, considering the fact that the question of the purchase of the property has been agitated and a market has been in view to excite the cupidity of the owners of this property. So I do not think it is necessary to give very much consideration to the fact that the figures now are larger than they were then. I will undertake to say that in another four years they will be, perhaps, double what they are now, or at least very much greater than they are now. I think Congress in the Fifty-eighth Congress would have saved, perhaps, $5,000,000 or more by enacting the law now proposed to be enacted, and I think if we should fail to enact it at this Congress the price would be probably $25,000,000 before the matter comes before us again for consideration.

These values are not all fictitious, because property has been advancing in this city in value. The only person who has not taken notice of it seems to be the assessor, and I think that probably his attention will be very forcibly called to the fact that the people whose property he is fixing a value upon for the purposes of taxation have made some statements that are worthy of his notice. When he comes to make up a new tax roll they probably will be made aware of that fact.

Mr. HALE. Does the Senator think that in the last few years the property covered by the bill on the south side of the Avenue, either in rent or in productiveness, has increased in value? Is it not a fact that, relatively with other property, it has not kept up with the increase in other portions of the city? Business is moving away from this region rather than increasing in it.

Mr. HEYBURN. Mr. President, that is true; and yet in another sense it is not true—when you take into consideration the fact that the owners of the property refuse to sell it for what they would have sold it for three or four years ago. Property is worth what the owners will take for it in an open sale. I have made very extensive inquiry as to the rental south of the avenue and as to the asking price for the property. I want to say now, and it is worthy of consideration before we dispose of the bill, that I think with an appropriation of, say, two or not to exceed three million dollars, with authority that it is to be used for the purpose of tying up that property on the south side of the avenue, there would be very little difficulty in obtaining contracts for the purchase of it within the figures submitted by the Commissioners. That would require, of course, some change in the provisions of the bill, and I have had it in mind, in the discussion of it, to call that feature to the attention of the Senate, so that either myself or another may make some proposition in regard to it, if we feel indisposed to appropriate this sum of money.

Mr. NELSON. Mr. President, would it not be wiser for the people south of the avenue who are so anxious to sell their property to have them send along proposals to the Government stating what they will sell it for and give us an option on it? Then we would, no doubt, know better, if they are so anxious to sell.

Mr. HEYBURN. That is practically what I was just proposing. The Senator from Minnesota says, "Give us an option." Men do not give anything, I notice, in this class of transactions. Perhaps we could obtain options that would make the ultimate cost of the property very much less were we to pursue that policy, and, if it would be practicable to do it, say, over a space of three years.

But, Mr. President, I notice by a question submitted by the Senator from Minnesota that he is laboring under the impression that we have to buy the market property. We do not. We may, if we choose, in an hour of exuberant generosity, do what we did with the railroad company and buy that which we already own. I have taken some pains to explain the title of both the Pennsylvania Railroad Company's holdings and the market holdings. We own the property, and we own it under conditions that make it available whenever the Government of the United States is disposed to take it.

Mr. GALLINGER. If the Senator will permit me, does he mean to say that the Government can absolutely take possession of that market property and oust the present occupants in law?

Mr. HEYBURN. In law; yes. If the Senator from New Hampshire will examine the status of the title, he will find that I am correct when I make that statement.

Mr. GALLINGER. I think the Senator is mistaken; but admitting that he is right, he knows the Government never would do that. The Senator knows that when we acquire property south of the Avenue we shall have to acquire the market property and pay for it. The Senator knows that.

Mr. HEYBURN. If the Government of the United States ever pays a dollar for the land upon which the Center Market stands, it will pay that dollar for something that it already owns and has paid for.

That was true of the ground on which the railroad depot stood, too. An examination of the titles will disclose that fact. There is no use in disguising it. We wanted to be generous and participate in promoting the building of a splendid new Union Depot, and we put it under that class and called it buying the rights of the railroad company.

I am not proposing that we shall be harsh in dealing with those people. The market building is a shell; and when one is acquainted with the talk that has been going around among the very men who own it as to the necessity of substituting some other building for it, it is not difficult to understand that the value of that property is nominal.

As to our right to take it, it is undoubted. As to the wisdom of doing it and the manner of doing it, that is a matter for consideration. It is now proposed, and the initial steps have been taken, to secure a tract of land lying equally convenient to the same element of people who patronize that market for the purpose of establishing a market that will afford equal convenience. If the Government purchases this property and takes possession of it, that undoubtedly will be carried out coincident with the taking down of those buildings. So by the time the Government will want to take possession of the property the new market will be under full operation. I have had careful inquiry made.

There are many men interested in this Center Market proposition who will hail with pleasure the day when we do it. So it is not an obstacle, and it is not necessary to use any large sum of money, in order to feel that we were dealing generously with those who have had the benefit of the use of the Government property for a great many years.

Now, Mr. President, that is the status of the property, and those are the figures. We have no cause to reject a measure of this kind because we have not the money or that we have to raise it by taxation. The Government of the United States has more money deposited drawing no interest in three banks I could name now than will buy this land and pay every cent cash for it. It is just a question of drawing a check for it.

Mr. President, that is about the status of this bill. The Senator from West Virginia [Mr. SCOTT], now occupying the chair, a few days since gave us a vast amount of very useful information bearing upon the question of the necessity for this legislation. We are paying interest on more than the sum sufficient to purchase this property in the nature of rentals in this city now. We are renting buildings that are unsafe and unsanitary at rates far in excess of the rents that would be paid by private individuals.

Since I have been a member of this body, rooms filled with valuable papers and records and documents of the United States upon which the title of millions of acres of lands rests were burned up and destroyed utterly, and so far as I have been able to ascertain no duplicates are available of those papers. That is not the way to house a great Government and to take care of its business affairs.

This property should be acquired if it is suitable for the purpose, and I think there is a very slight sentiment to the contrary, if any. It should be acquired at as early a day as possible, it should be cleared of the present buildings, and it should be converted into a park, a part of the Mall. In other words, it should be brought up to the Avenue; and then we can take up for consideration the question what we will do with it, how much money we will expend, and in what manner we will expend it for the purposes or uses of the Government.

I have not accepted any of the many proposals that have come to me to incorporate in the bill, provisions for the disposal of this property after it is acquired, because I did not desire to embarrass this measure by the consideration of any such questions.

First get the property. It is becoming disreputable. The property south of Pennsylvania avenue is deteriorating in character, whether in value or not, and it is not a credit to this great nation that it lies here binding together the executive, the legislative, and the judicial branches or houses of the Government. It is getting more sordid every year under our eyes.

What are the legitimate functions of a Government but to take care of questions of that kind with becoming dignity and business sense?

I have in mind a plan for the use of this property, but it is not now before the Senate. I will only suggest it in order that it may not appear that I am seeking only to purchase the land to lie there to be used or not to be used or to be adapted to uses or not. I have taken some pains to ascertain what can be done with it. I know it is charged that it is a swamp. But the day when we were afraid of swamps has passed by. I remember when a stream ran down between here and what is now known as the Metropolitan Hotel, across Pennsylvania avenue. I think I remember before Pennsylvania avenue was paved, and I am a young man. The conditions that we have that are accounted so beautiful and that we boast of are only very recent. In these days of cement structure you can build as substantial and lasting a building on the bottom of the mud of the Potomac River as you could on solid rock fifty years ago. In these days of cement low ground is no objection. The line of buildings to be constructed between the Capitol and the Executive Mansion and the Executive Departments of the Government could be thrown up on elevated terraces as the front of this Capitol is and you would forget that it ever was low ground.

It is not proposed to set them down in the mud, like the post-office building and the new District building were set down level with the ground. In these days of intelligent architecture I think no one would propose such a thing. But the ground upon which these buildings are to be set would be first hardened by cement and the foundations made perfect. There is no difficulty about it at all. The buildings would be set on elevated terraces, and the traffic that passes between the north and south of this city would go through at convenient streets, not streets as frequently as we have them now, with alleys intersecting the grounds east and west. All those would be wiped out. In the plan of improvement just enough streets to afford convenient traffic from the north to the south would be adopted, because it would be all the Government's. In reply to the Senator who propounded the inquiry as to why we should count the streets, I will state that the streets would be a part of the Mall, just as the old streets were a part of what is now the Mall.

Mr. President, sometimes a picture helps, and in order that it may appear more definitely and plainly what may be done with this I have had a very competent architect make a drawing of this ground, which gives a suggestion that I commend to the attention of Senators. I have brought it in. That drawing [exhibiting] represents a series of buildings on the lines I have suggested, set high upon such terraces as would take them up out of the low ground that, in its natural condition, lies on that side of Pennsylvania avenue [illustrating] and make it attractive and useful, so that you might pass from the War or the Navy or the Treasury Department or the Executive Mansion to the very Capitol of the United States without ever going down off of the terrace at all. The traffic would flow beneath your feet, and you would pass from one Department to another, putting the State Department and the Attorney-General's Department up convenient to the Treasury and the White House, commencing at Fifteenth street, and following down and putting a new face on the post-office and the city building on Pennsylvania avenue, if you please. An architect would make you the working and practical plans over night for the doing of it which would make that such a line of buildings as no city and no government in the world has in which to house the Government. Does not that seem to be a reasonable proposition? The cost of the buildings can be determined when we come to consider what we will do with this property. But first let us acquire it. If we bought it only for a park it would be a good purchase. We have been paying millions of dollars for additions to the parks. We have the Rock Creek Park. Every few days during this session some bill carrying an appropriation of hundreds of thousands of dollars, and in some cases of millions of dollars, has been passed under the five-minute rule—under Rule VIII—without any more consideration than is ordinarily given measures under that rule. Such property is never intended to be used except for ornament and comfort and for the beautification of our city.

We are here to-day presenting a proposition that is to wipe out a sordid condition that lies under our eyes and to acquire at a fair price a property that connects the branches of the Government on this great avenue, which is one of the most historic avenues in the world, and thus connect the Government Departments and house them as they should be housed, and yet we quibble over the question as to whether it will cost ten or nineteen or twenty-nine million dollars. Let us appropriate the whole sum now and put it to work, representing the purchase of this property; let us draw it from the source where it is lying idly, so far as the Government is concerned, and drawing no interest; let us use enough of it, whatever it may be, to purchase this property and own it, and then consider, as the landlord, what we will do with it. That is the proposition contained in this bill. The details are not difficult to work out. Having kept the question of the use to be made of this land, or the manner of its use out of the bill, the single question is, Shall we buy this property at a fair price? We have methods for purchasing property that are recognized as sufficient; but when we have the property, we will no longer need to scatter buildings here and there over the city, some in brick, some in tile, some in plaster, and some in stone, so that you must have a guide to find them. Let us have the Government of the United States, so far as the machinery of the Government is concerned, housed in a compact form, and let us beautify this city so that we can show it with pride to those who come here. Let the old landmarks south of the Avenue be memories and the new temples of the Government be the glory of the age.

Mr. NELSON. Mr. President, I do not intend to enter into any extended discussion of this measure, but I regard it as a matter of great importance, and I do not feel that it ought to have an indifferent or perfunctory consideration.

I might say I have been here in Washington a great many years as a member of the Senate and as a Member of the other House, and I have noticed in years past that whenever the real-estate men of Washington get any property which is dead or depreciating, they are always anxious to unload it on the Government. I remember some years ago, in an appropriation bill here, there was contained an appropriation for the purchase of the old Union Building, on G street, and the old Globe Building, down on Pennsylvania avenue, at four times what those buildings could possibly have been sold for to any private individual. Through the efforts of the Senator from New Hamp-

shire [Mr. GALLINGER] and myself those items were left out of the bill, but somehow or other they managed to get the Government to rent those buildings. How they worked it the Lord only knows. They get some bureau officer or some Department officer or some inferior officer to say that some additional quarters are needed, and then they go and rent such rookeries as the old Union Building and the old Globe Building and get enormous sums in the way of rent from the Government.

What does this bill mean? There is no need of the Senator from Idaho [Mr. HEYBURN] going into the question of what this property is taxed at or what it is assessed at. That does not cut any figure at all in the case. Neither is the estimate furnished here by the Commissioners of the District of Columbia any criterion, for the reason that we know by experience in all the other cases where we acquired property that these real-estate men, when they find the Government wants property, get up on a high horse and ask an enormous figure for it. If they do not get their price they compel the Government to resort to condemnation proceedings. Then one set of these real-estate men go into court and swear for the other set, and so the Government is mulcted in enormous sums. I have not seen the figures, but I wish we could have the figures that were paid for the site on which the House Building is put or for the site on which the Senate Building is put. I venture to say that the figures for those two buildings together amounted to millions of dollars.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. Concerning the Senate building, I will say to the Senator from Minnesota that an appropriation bill carried the sum of $750,000 for the purchase of the land and the construction of a building.

Mr. NELSON. Yes.

Mr. GALLINGER. At that time I suggested to certain Senators that there would not be much left toward the construction of a building, and when the juries of condemnation got through finding the value of that land, they disposed of $748,500 of the $750,000, an amount three times and a little over, I believe, the assessed valuation.

Mr. NELSON. Leaving about $2,000 for the construction of the building?

Mr. GALLINGER. I believe that was the amount.

Mr. NELSON. Now, Mr. President, what is the character of the property which it is sought to have us buy, or which these real estate men want to unload on the Government of the United States? I wish Senators would go over to the Congressional Library, go into the chart room there, and look at the early charts of the city of Washington. Should they do so, they would see that in the early days a big swampy creek came from the northwest, with several tributaries, and passed at the foot of the Capitol. By the way, the statesmen of those days had to cross that creek on a wooden bridge, and it is said that sometimes of an evening, when they had been out to late dinners, they fell over the bridge into the creek. [Laughter.] That creek, when it passed the foot of the Capitol, turned west and debouched somewhere between the Washington Monument—what is known as the "White Lot." The Center Market and a good deal of this particular property lies over that creek or on the marshy land that surrounds it.

Only the other day we had evidence of that, when they started in to dig for the foundation for the Grant Monument down here in the Botanic Garden and they struck old Tiber Creek. When they got down there they found that the place they were digging in and where they were going to erect the Grant Monument was in the bed of the Tiber. That creek ran along somewhere about where the Center Market is, and along the side of it was swampy and marshy ground. Somewhere about Eleventh or Twelfth streets another creek came down from the northwest. All of this ground, or practically all of it, was simply a marsh, a bog, and a part of it the bed of the old Tiber. This is the property they are asking us to buy for the Government, where we will not only have to spend millions to acquire the property, but to secure a foundation we shall have to spend millions more than we would have to spend at any other place in the city.

If the Government wanted this land for a grass meadow or for a mall, and could get it within a reasonable sum of what it is actually worth, it would not be so bad. This property, as a matter of fact—and Senators who have been here a number of years know it—is inevitably depreciating in rental value year by year. Business is all the time drifting from Pennsylvania avenue to the northwest. When I came here as a Member of the other House in 1883 there were very few business houses on F street between the Pension Office and the Treasury Department. Most of the buildings there were occupied as residences. Now there is not a residence there, except in the upper stories. The lower floors are devoted to business. If you went farther up the street the buildings were all residences in those days. Within a few years the section between the Interior Department—or what some call the Patent Office—and the Treasury Department has become a business street, and business houses are now gravitating away up on New York avenue. In short, business is moving north and northwest, and the property it is now proposed to purchase has become less and less valuable for rental purposes.

Take the two or three hotels, for instance, that stood near the old Pennsylvania depot, right in front of the people who came from the trains. They had a good business in catering for transients. Now it is all gone, because the depot has been removed.

There is no use of mincing this matter. We all know that a good deal of this proposed purchase is a part of the slums of the city, and we know the rest is as unproductive and as undesirable property as can be found anywhere. If the real-estate men who are so anxious to unload this property onto the Government of the United States are willing to sell it and will come forward and make a binding agreement in writing that they will sell it to the Government of the United States, it is all right to get it and acquire it for the purposes of a mall or a park. But there is another purpose in this bill, and that is to plant our public buildings in that swamp, in the lowest part of the city; to have them arranged from the foot of Capitol Hill to the Treasury Department like a row of Lombardy poplars, when we have so much high, dry ground upon which public buildings might be erected. We have opposite the Congressional Library and across the park from the Capitol good high ground that would not require the expenditure of hundreds of thousands of dollars to get safe and sound foundations. Upon that site we ought to have a building for the Department of Justice and the Supreme Court.

But the most monstrous part of this whole plan, to my mind, Mr. President, is the proposition to put our public buildings in that low, swampy, and most disagreeable part of the city—to put them in a row there on dress parade like one of Frederick the Great's veteran armies of giants.

The post-office building was put down there, and how does it look, away down in that hollow? It looks shabby and disreputable; it looks like one of those old dismantled feudal castles that you find in the province of Normandy and in some parts of England. If they had put the post-office building up near Judiciary square, on high and dry ground in the city, it might have been an ornament, and it would have served the people much better than down on that low, marshy street.

The District Commissioners have sent us in an estimate of nearly $20,000,000 for the purchase of these squares, and it does not include the Center Market property. That is their estimate of what they think we can get it for. I said at the outset, and I still adhere to my opinion, that if this measure goes through we shall, in most cases, have to resort to condemnation proceedings, and this property will cost us, including the Center Market, over $50,000,000. Instead of agreeing with the Senator from Idaho, who estimated that this land could be purchased for eight or ten million dollars, the District Commissioners in their report show that it will require at least $20,000,000, and there is no guaranty that it can be purchased even for that price. They have gone around and seen the owners, but what guaranty have we that they will take any such price as the Commissioners have reported?

I should be very glad to know who the owners of record of this property are and what rental they are getting for it. Then we might know where we stand, and we might know who the parties are outside of Congress who are so vitally interested in the passage of this bill.

I reiterate that if it is desirable to acquire this property for the purpose of extending the Mall up to Pennsylvania avenue, and for no other purpose, and these real-estate men will get together and through some committee make a binding offer to Congress of what they will sell it for, then we shall know where we are; otherwise, if we pass this bill, we shall be at their mercy, and in nine cases out of ten, if they do not get the price they want, they will, as I have said, compel us to go into court and resort to condemnation proceedings.

There are some men who are so constituted that the matter of millions does not worry them. It seems a small matter when you come to handle public money. It may seem small to the Senator from Idaho here, but I venture to say that if he went up into the State of Idaho, among his own people, and talked

about twenty or thirty million dollars they would think it a pretty big sum. I think we are here as the representatives and the trustees of the Government, and we ought not to do anything other in a matter of this kind than we would be willing to do for ourselves as a good business proposition.

Mr. President, there is no need of being in haste about this matter. As I said a moment ago, business has been for years drifting to the north and northwest, and in half a dozen years more, especially if the police in this city do their duty, a large share of the buildings south of the avenue will be vacant, and we ought to be able to get the property for a song. It is not a property that increases in value or grows in value in the very nature of the case.

Take the site that the District of Columbia purchased for the erection of the municipal building. For years that was a patch of ground occupied by a dismantled and destroyed power house. The brick and the ruins lay there for years; the property was unsalable; there was nobody they could unload it on except the Government, and they finally unloaded it onto the United States for, I think, nearly half a million dollars. How much more reasonable and how much better would it have been to have erected that building upon the high hill right near where the District building is to-day, right on the corner there opposite the present quarters of the District Commissioners. We should then have had a building on high, dry, and firm ground, and it would have been on Judiciary square, right near where the old District building is, instead of being on the low ground down on the avenue. It was a rich plum to the power-house people. I have seen such rich plums since I have been here in Washington passed around among the real-estate men. I for one, Mr. President, am tired of it, and do not feel like being worked by these real-estate men.

Mr. HEYBURN. I now move, it being after 2 o'clock, that the bill which is under consideration be taken up regularly for consideration. I desire that it shall become the unfinished business.

The PRESIDING OFFICER (Mr PERKINS in the chair). The Senator from Idaho moves that the bill under consideration be taken up for consideration. The question is on that motion.

The motion was agreed to.

Mr. HEYBURN. I now ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. NELSON. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota objects.

Mr. HEYBURN. Then we shall have to proceed with it.

Mr. HALE. I think the Senator from Minnesota [Mr. NELSON], on reflection, will see that there is nothing to be gained by his objection to the request of the Senator from Idaho [Mr. HEYBURN]. On the motion of the Senator from Idaho the Senate has agreed that this measure shall be the unfinished business, and the objection of the Senator from Minnesota prevents any other Senators from getting considered matters on the Calendar in which they are interested. The bill of the Senator from Idaho has already been made the unfinished business.

Mr. NELSON. In that view of the case, I do not want to prevent other Senators from having bills considered, and I withdraw my objection.

Mr. BACON. Then I will make the objection, Mr. President, and I will state frankly my reason for doing so. I have no objection to the bill being considered and passed upon; but there are other matters of legislation that ought to be considered, and so long as this bill can be held as the unfinished business there is no opportunity to consider any other bill except under Rule VIII, or Rule IX, if we should exhaust the matter that is contained on the Calendar under Rule VIII. There are important matters before the Senate that ought to be considered, and my objection is made for the purpose that this bill may be proceeded with and disposed of in order that we may get to something else.

Mr. HALE. I suppose, Mr. President, as frequently happens in the Senate, that the Senator in charge of the bill which has been made the unfinished business does not desire now to go on with it. Almost always when that condition arises in the Senate, for the convenience of Senators who want other things considered, the unfinished business has been laid aside.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. With the permission of the Senator from Maine, I understand that in this instance there are Senators who desire to go on and debate this bill.

Mr. HALE. No.

Mr. BACON. If there is no one who desires to speak, of course that is a different matter; but I understood that the junior Senator from Idaho [Mr. BORAH] desired to speak.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. Certainly.

Mr. HEYBURN. I should be pleased if Senators desire to continue the consideration of this bill and to speak to it to-day. It was only on the assumption that no one desired at this time to speak that I ask that the bill be laid aside temporarily. I am ready to vote on it.

Mr. BACON. If there are any Senators who desire to speak at any time on this bill and who desire to postpone for their convenience, that is another matter; but if there are no Senators here who will signify that it is their desire to be heard and that it is not convenient for them to be heard now, then we should proceed with its consideration.

Mr. HEYBURN. It is ready for a vote, then.

Mr. BACON. If any Senator shall say that he desires to be heard upon this matter, and that it is inconvenient for him to be heard to-day, it is the universal rule that we should, as a matter of courtesy, yield to his convenience in that matter, and I have no disposition whatever to vary such a proper observance of the courtesies of the Senate, and if there is any Senator here——

Mr. HEYBURN. I will say to the Senator——

Mr. BACON. I hope the Senator will pardon me until I finish my sentence—if there is any Senator here who will state in his place that he desires to debate this bill and that it is not convenient for him to do so to-day, I will withdraw the objection.

Mr. HEYBURN. I will say, Mr. President, that when the Senator from West Virginia [Mr. SCOTT] left the Chamber, anticipating that this bill would be under discussion further, he told me that he desired to say something in regard to it, and he thought he would be back in time to do so. He has not yet returned to the Chamber. While I am not authorized in his behalf to make any request at all, I merely state the fact for what it is worth.

Mr. BACON. I understood the Senator from West Virginia to have spoken very fully and very forcefully upon this very question, but of course if the Senator——

Mr. HEYBURN. I will not press my request for unanimous consent. I am ready to proceed.

Mr. BACON. If the Senator is prepared to say that the Senator from West Virginia desires to be heard and is not now present, I will withdraw the objection.

Mr. HEYBURN. I would not feel justified in saying that, because it was a casual request made by the Senator as he passed me, but whether or not he really desired to speak or to have the question kept open I do not know. However, I am ready to proceed with the bill.

Mr. BACON. If the Senator is ready to proceed with it, I have nothing more to say.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. HEYBURN. On page 2, line 23, I move to strike out "ten" and insert "twenty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, section 3, line 23, before the word "million," it is proposed to strike out "ten" and insert "twenty," so as to make the section read:

SEC. 3. That the sum of $20,000,000, or so much thereof as may be necessary, to be used for the payment of said lands or the acceptance or acquiring the title thereto, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

Mr. HEYBURN. Mr. President, I propose that amendment, because it conforms to the estimate of to-day. The sum of $10,000,000 was as appropriate at the time this bill was first introduced as the sum of $20,000,000 is now. I therefore propose to amend the bill by inserting "twenty."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CLAY. Mr. President, I am a member of the Committee on Public Buildings and Grounds, but I was not present when this bill was considered. Had I been present, I should have cast my vote against its being favorably reported. We have just built an Office Building for the House of Representatives, costing four or five million dollars, and we are now building an

Office Building for the Senate, to cost an amount almost equal to that sum. We have erected a building for the District of Columbia, costing four or five million dollars, and now we are attempting to pass a bill carrying $20,000,000 to buy ground on which to locate buildings for the Government hereafter. We do not know when we will utilize it. We do not know what part of it we will utilize at an early day. To attempt to buy all this land at the present time, not knowing when you are going to utilize it, when you are going to erect buildings on it, or what part of it you are going to utilize, is a very serious matter.

The interest on $20,000,000 is worth considering. It strikes me we have almost reached the point in the Senate where we are reckless in regard to appropriations. We have been told that we are to give a hundred million dollars this year for the Navy, and we know we have already given $100,000,000 for the Army. We are told that we are to give a hundred and fifty or a hundred and sixty million dollars for pensions.

Mr. President, will the Senator in charge of this bill tell us when we are going to build on this land? You are going to buy it to-day and pay for it; and then you are going to let it lie there for the next year and the next and the next and the next.

When are you going to utilize it? We had better buy the ground necessary for one building as we desire to erect it, and then wait a while.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. With pleasure.

Mr. HEYBURN. I merely desire to answer the question the Senator propounded. That, of course, is a question which no member can answer. It is a question for Congress to determine, and I am willing to trust the wisdom of Congress to deal with that property after we own it.

Mr. CLAY. I have understood that we own next to the Riggs Bank a suitable piece of ground on which to erect a building for the Department of Justice. It is a splendid location. Now, here we are starting in to-day to buy different tracts of land, to cost $20,000,000, with no plans for the future. We have made no plans as to when we will build. We have no recommendations except from the committee in regard to it.

Look how we have jumped. When the Committee on Public Buildings and Grounds was in session it considered this matter, in my absence; I was at home sick. The committee concluded to give $10,000,000, and here to-day it comes forward, in the twinkling of an eye, and adds ten million, without that sum ever having been considered by the committee. As the Senator from Minnesota has said, millions of dollars in the Senate amount to nothing.

Mr. HEYBURN. I suggest to the Senator from Georgia that we are not appropriating any arbitrary sum to be paid for this property. We are providing a sum large enough to meet whatever the occasion demands.

Mr. CLAY. My information is that the Committee on Public Buildings and Grounds had an estimate that this property would cost $10,000,000, and after the committee sat there and considered these different pieces of property it concluded that $10,000,000 was the sum necessary to buy them. Now, you have a report from the District Commissioners, and that report was filed here a few days ago, and without the Committee on Public Buildings and Grounds ever considering the question, as I said a while ago, in the twinkling of an eye you raise the sum $10,000,000. I do not hesitate to say that I believe with the Senator from Minnesota that before the scheme is through, before the ground necessary to carry out your plans is secured, it will cost you $50,000,000. We ought to deal with the public funds in a more prudent and careful way. The men who cultivate the farms, who produce corn and wheat and cotton, and who are the great producers of this country and who pay the taxes, ought to be considered as well as those who consume the taxes.

Mr. CLAPP. Will the Senator from Georgia pardon me?

Mr. CLAY. With pleasure.

Mr. CLAPP. I want to remind the Senator from Georgia that in his discussion of this matter he is losing sight of the interest of the men who are seeking to sell depreciating property to the United States. If their interest should be considered, then we might find some little reason for entering upon this proposition.

Mr. CLAY. I think the suggestion of the Senator is a wise one. Mr. President, did you know that during the present session of Congress we have passed through the Senate bills appropriating $1,200,000 for parks? And I believe in parks. I believe in the beautiful city of Washington. But we should not become reckless in regard to public expenditures. Those for this year will be the greatest in the history of the Republic. We were told yesterday that we must have four battle ships, which will cost $40,000,000. We are told by the chairman of the House Committee on Appropriations that the appropriations this year will be greater than during any other period of our history. Unless we curb these expenditures and scrutinize these items before the Appropriations Committees and the various other committees serious results will follow. If we go at the rapid pace with which we have gone during the last eight or ten or twelve years, the time will come in ten or twelve years more when you can not raise enough money in the United States to run the Government.

I do not believe we ought to pass the pending bill at this time. We are told that in a few days more Congress is to adjourn, and we are told by the Senator in charge of the bill that he does not know when this land will be utilized. It is true there are a swarm of real-estate men in Washington always trying to sell Congress something, and they begin at one figure and they rise to another, and then to another, and they are very persuasive and generally have their way.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly.

Mr. HEYBURN. It would have given me pleasure to have completed answering the question which the Senator asked, but the Senator himself had something to say, so that I did not complete my answer.

I started to say that inasmuch as it would be necessary to acquire the property before it was used, it was perhaps wise at this time to give our first inquiry to the question of acquiring it, having in mind that Congress would be as wise to-morrow as to-day and would make proper provision for its use.

If the Senator will permit me further——

Mr. CLAY. Certainly.

Mr. HEYBURN. In regard to this swarm of real-estate agents, I have never had a real-estate agent see me, nor have I seen one in regard to it, and, so far as I know, there are no real-estate agents who have any interest in it whatever. I have absolutely kept away from the business side of this proposition, except so far as was necessary to ascertain the facts.

Mr. CLAPP. I think the opponents of the bill will concede the latter suggestion of the Senator.

Mr. HEYBURN. I did not hear the remark of the Senator from Minnesota.

Mr. CLAY. This swarm of agents——

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HEYBURN. The Senator has yielded to me.

Mr. CLAY. In one moment.

Mr. HEYBURN. The Senator has already yielded.

Mr. CLAY. I yield to him.

Mr. HEYBURN. I simply claim that ordinary recognition not to be taken off my feet with half a sentence in my mouth.

Mr. CLAY. I have no desire to take the Senator off his feet.

Mr. HEYBURN. The Senator from Minnesota made some remark, and I stated that I did not hear it. I request to be informed what it was.

Mr. CLAPP. I understood the Senator from Idaho to say, in explanation of the suggestion of the Senator from Georgia as to real-estate agents, that he had kept away from the business end, as I understood the expression, of this matter; and I rose and said that the opponents of the bill would agree with him on that.

Mr. HEYBURN. That would leave me stand in a very unfair light. The Senator quoted a part of my remarks, but it was not the sentence that I stated at all. I said I had kept away from them except so far as was necessary to be advised or to advise myself for the purpose of presenting this bill. Now, to quote half of a man's sentence and then make a bright and shining reply to it does not represent fair debate.

Mr. CLAY. I presume the real-estate men knew that the distinguished Senator from Idaho was a strong advocate of this measure, and it was not necessary to secure his influence in favor of the passage of the bill. Real-estate men generally go to those who are opposed to their measures. I did not mean to say that any real-estate man had used any improper influence upon any member of this body in favor of the passage of this or any other bill. In fact——

Mr. SCOTT. May I ask the Senator from Georgia a question?

Mr. CLAY. In one moment. I want to conclude my sentence. In fact, I do not believe the Senate is capable of being influenced

improperly upon any subject. But persuasion and friendship and cordial relations sometimes lead us to believe when we otherwise would not believe.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. CLAY. I do.

Mr. SCOTT. The Senator from Georgia, I take it from his remarks, would advocate the Government delaying the purchase of this property until we grow a new crop of real-estate agents. The Senator from Georgia never saw a real-estate agent, I presume, who was a good one, who did not try to get all he could for property he had for sale. If the Senator advocates waiting until we get a conservative lot of real-estate people, who will offer this property at half price, we will wait a long time.

Mr. CLAY. So far as that is concerned, I want to say to the Senator that he is chairman of the Committee on Public Buildings and Grounds, and I have served on that committee with him. I have found him to be a very useful and industrious member. When this proposition came before the committee, the committee had estimates made in regard to the value of the property. We had men carefully examine and report in regard to its value, and the committee found that its value was $10,000,000, and the committee reported a bill to the Senate carrying those estimates. Now, in thirty-three or thirty-four days the value of that property has increased from $10,000,000 to $20,000,000, and there is another piece of property considered very valuable, I am informed, necessary to be purchased to carry out this plan, and I am advised that they ask $15,000,000 for it. That piece of property has advanced nearly double since this scheme was discussed in the Senate.

I saw a piece of property here purchased as a park. As the result of the discussion of the question of the Government buying the land, it increased in value twofold in less than three years. If we are going to locate the public buildings in a certain section of the city, and group them together, before we ever attempt to do it, before we discuss it in any way whatever, we ought to get options on the property. Observation teaches me that in my State, and it is that way I presume in other States, when Congress proposes to erect a public building, even in a small town, the real estate doubles in value in six months. We should deal with propositions of this kind as thoughtful, prudent business men. Advertise to the real-estate agents of the city where you are going to locate buildings to cost $100,000,000, and that you are going to buy those lots for that purpose, and you may rest assured that you will pay double the value of the land before you get it.

The Senator tells us he has no idea when the Government intends to build on these lots. I presume it will be twenty-five years before we utilize all this ground. I presume you will erect one building one year and three years later you will erect another building. We have heretofore been remarkably industrious in looking after that interest in this city. But to go forward to-day and buy all this land in a lump, which in all probability will cost us forty or fifty million dollars, without knowing when you are going to utilize it, is not, in my judgment, a good business proposition.

Mr. SCOTT. Mr. President, it certainly is peculiar to me in some respects to see gentlemen who appear before me occasionally for public buildings in cities of fifteen hundred or two thousand population, for which they want appropriations of from sixty to a hundred and fifty thousand dollars for public buildings, and they can not possibly see how their city can get along for another year without the public building, and yet they oppose this bill. In a feeble way I tried to show to the Senate last Monday the condition of the city of Washington, so far as concerns the way the business of the Government is carried on. I will stake my reputation as a business man that there is not a Senator on this floor, that there is not a business man in the city of Washington, who can truthfully controvert the figures and the estimates I gave last Monday.

Mr. President, the Government has money, as the Senator from Idaho [Mr. HEYBURN] has truly said, lying in bank to-day which could be used for the purchase of this property in the city of Washington and the erection of the necessary buildings for the proper conduct of the business of the Government without costing the Government a single cent for interest. We are getting no interest on the money as it is. The money is lying idle. We have plenty of workingmen who to-day are idle. Why not have this great Government of ours put them to work upon the public buildings that are so badly needed to properly house the Departments of the Government?

It is with little patience that I listen to some of the discussions of the question of buying this property and erecing the buildings. No one can sustain by any logical argument the contention that it is not the proper thing to buy this property and to buy it at once.

Any Senator who has observed the price of real estate in the city of Washington knows of his own knowledge that for the past ten or fifteen years real estate has advanced all over the city, notwithstanding what my distinguished friend the Senator from Minnesota [Mr. CLAPP] has said in regard to land south of the Avenue. The property is all advancing, and the sooner the Government secures the property necessary for the erection of proper buildings to care for the business of the Government the cheaper it will get it.

Mr. President, any man who has ever traveled, who has ever visited Paris, Berlin, St. Petersburg, or any of the other capitals of foreign countries, and has compared the avenues and boulevards of those cities with Pennsylvania avenue, with the character of buildings on the south side of the Avenue, if he is a true-hearted and full-blooded American, must be ashamed of the conditions here. It is a disgrace to this great country to have buildings of the character of those on the south side of Pennsylvania avenue and to have people of the character of those who occupy at least a part of the property proposed to be acquired.

I repeat myself when I say that the proper business course for this Congress to take is to acquire now whatever property is necessary. If we do not want to utilize all of this property at the present time for the erection of buildings, as the Senator from Idaho has said, it can lie there until we do need it. The time is coming when we shall have to have it, and we will never get it any cheaper.

Mr. President, I do hope that it will be the pleasure of Congress to act in a businesslike manner in regard to the buildings that are necessary for the transaction of the Government's business.

Mr. CLAPP. Mr. President, I think the Senator from West Virginia [Mr. SCOTT] confounds two thoughts in his discussion of this matter. One is the necessity for public buildings; and for one I am ready to vote at all times for the erection of necessary public buildings, whether here in the city of Washington or in remote towns of this country. Although I do think we should have as beautiful a capital as due regard for the interest of the taxpayers whom we represent would suggest, there is no better place to put surplus funds than in the erection of public buildings throughout the country, bringing to the citizen of the town in which the building is erected a realization of the existence of his central Government.

But, Mr. President, the question of building buildings as they are needed is one thing, and the question of buying a lot of property on the south side of Pennsylvania avenue is quite another thing. I do not believe there is a member of the Senate who, if he had the capital to spare and could be released and relieved from the embarrassment of investing in real estate which was the subject of Congressional consideration, would put one dollar into real estate on the south side of the Avenue to-day. The removal of the depot, the dilapidated condition of that street, referred to by the Senator himself, is the best argument in refutation of its being a business proposition at this time to invest in real estate in that particular locality.

Mr. SCOTT. Will the Senator from Minnesota allow me for a moment?

Mr. CLAPP. Certainly.

Mr. SCOTT. He refers to the fact that no business man would invest in property south of the Avenue. He would, if the property south of the Avenue suited the purpose for which he wanted it. Otherwise possibly not.

Mr. CLAPP. Undoubtedly. If he wanted to go into a business appropriate to that environment, perhaps he would go to that portion of the city. But as a real-estate investment, I do not believe there is a member of the Senate, I repeat, who, if he had the money to spare and was relieved from any embarrassment in connection with the fact that as a Senator he was dealing in property which was the subject of Congressional consideration, would invest one dollar in that portion of this city.

It is true Washington is growing. It is true that real estate is advancing. I have not had time to examine the records, but I suggest that an examination of those records will show very few transfers of titles south of the Avenue, unless possibly among those who look forward to the favorable action of Congress in regard to this proposition.

I say to the Senator from West Virginia, so far as public buildings are concerned (and being opposed to this bill I might have been included in the suggestion he made), that I am heartily in favor of them; but I am not in favor of spending

money to buy property that every man in the Senate has seen is dilapidated and which has been depreciating for the last few years that he may have been in this city. This bill does not contemplate the immediate erection of any buildings. If it did, it would be a different proposition. If the Senator from West Virginia were to bring forward a plan that will involve now the selection and the determination to put up buildings to meet the requirements of the public service, that would be one thing. But this bill does not present that plan. This bill proposes to buy property which, in view of the removal of the depot, in view of the generally dilapidated condition of that property is depreciating, and, hold it; and, with due deference to the financial standing and experience and prestige of the Senator from West Virginia, I say he can put the public money to better use. Therefore, for one, I am not only going to vote against the amendment, but I shall vote against the bill.

Mr. SCOTT. Just a moment, if the Senator will indulge me. Does the Senator from Minnesota know of any ground that the Government of the United States owns in the District of Columbia which it would sell to-day for twice the money that it paid for it?

Mr. CLAPP. No; because the Government has not in the past bought property of this character.

Mr. SCOTT. It has bought property of this character. It has bought property for the purpose of putting up public buildings.

Mr. CLAPP. It bought the property on this corner [indicating] and on that corner [indicating], and that property probably will be worth more than we paid for it.

Mr. SCOTT. The piece of ground on the corner by the Riggs Bank, near the Belasco Theater, I suppose, is worth four or five times the amount the Government paid for it.

Mr. CLAPP. Undoubtedly.

Mr. SCOTT. Mr. President, the Senator says we have not devised any plan or suggestion for any buildings. I take it he was here during the Fifty-eighth and Fifty-ninth Congresses. My friend the Senator from Maine [Mr. HALE] remembers that he tried to keep on the deficiency bill and on different bills an item of $3,000,000. I understood that he was working very hard almost night and day to keep the item of $3,000,000 on that bill. Finally it was stricken out by the House. I know he worked to the very best advantage and to the extent of his ability to keep it on. We wanted then to put up buildings for the three Departments. The piece of ground was indicated upon which we wanted to build them. I tried to present it last Monday again, that three of these great Departments should have a home. They have none.

Mr. President, I appeal to any Senator on this floor to know whether he has ever been criticised at home by one of his constituents or a newspaper—and I care not if it was even at a crossroads—for any vote of his to appropriate money for taking proper care of the business of this great Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [Mr. HEYBURN].

Mr. BACON. Please have the amendment reported.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. On page 2, line 23, before the words "million dollars," strike out "ten" and insert "twenty," so that if amended it would read:

That the sum of $20,000,000, or so much thereof as may be necessary, etc.

The amendment was rejected.

Mr. HEYBURN. I move to amend, on page 2, line 25, by inserting after the word "title" the words "or option."

Mr. CLAY. Will the Senator let me ask him a question? How will that leave the bill? Will it leave $10,000,000 in the bill to get options on this land? The bill now provides for the purchase, if we can get title to it. I presume, since the additional $10,000,000 has not been agreed to, the Senator intends now that we shall simply get options on it. Is that correct, I should like to ask the Senator?

Mr. HEYBURN. It is very evident the Senator from Georgia, in his zeal not to vote for a bill providing for the purchase of this property, overlooks the fact that the sum named in the bill, whether it be $10,000,000 or $20,000,000, is not the sum to be paid for the property, but it is merely a sum out of which the property may be purchased. If it could be purchased for $1,000,000 or for half a million dollars, the Government would derive the benefit from it. I have proposed to insert the word "option" here, so that it will read:

That the sum of $10,000,000, or so much thereof as may be necessary—

Those are the words the Senator from Georgia seems to have overlooked or underestimated—

to be used for the payment of said land or the acceptance or acquiring the title or option thereto.

That is, so much as may be necessary. I have been told that an option of three years on a certain piece of property could be acquired by a very small payment. It does not say that the Secretary of the Treasury is bound to go out and take options on the property. It simply says, if he finds he can make a better contract for the Government by taking such an option, then he is to do it. Then the objection of the Senator from Georgia and of the Senator from Minnesota would be overcome, their objection being that we had no definite figures representing the purchase price of this property.

I presume if the Government could deal better by getting an option on a part of it, it might do it. I presume if the Senator from Georgia wanted to acquire certain pieces of property, and wanted to acquire all of them or none of them, he would do it, perhaps, by getting an option on all of them before he took up the contract with one of them. That is not an unusual method of doing business. In fact, it is quite an ordinary method, and it is considered a very wise method. This amendment merely gives the option to tie up the property at a definite price, on definite terms.

I did not call for a yea-and-nay vote on the amendment which I offered in regard to changing the gross sum that might be appropriated, because I first wanted to take an expression of the Senate on this proposition of including among the rights of purchase and contract that of obtaining an option on behalf of the Government. I assume that the Secretary of the Treasury, under whose supervision this work would be intrusted, would exercise good business judgment in determining the question as to whether it were better to pay a gross sum for some property or take the chances of getting enough other property to make the deal a good one, or whether he would think it best to get an option on a number of pieces of property. This amendment leaves it to his judgment. I will submit it to the Senate, so far as I am concerned.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho [putting the question]. The noes seem to have it.

Mr. HEYBURN. I will ask for the yeas and nays on the amendment.

Mr. KEAN. Pending that, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from New Jersey moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The VICE-PRESIDENT. Is there a second to the demand for the yeas and nays on agreeing to the amendment proposed by the Senator from Idaho?

The yeas and nays not being ordered, the amendment was rejected.

The VICE-PRESIDENT. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and it was read the third time.

The VICE-PRESIDENT. The question is, Shall the bill pass?

Mr. NELSON. I ask for the yeas and nays on the passage of this bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. As he is not present, I withhold my vote. If he were present I should vote "nay" on the passage of the bill.

Mr. DAVIS (when his name was called). I have a general pair with the Senator from Oregon [Mr. FULTON], but my pair has been transferred to the Senator from Mississippi [Mr. MCLAURIN], and I vote "nay."

Mr. DEPEW (when his name was called). I have a general pair with the Senator from Louisiana [Mr. MCENERY], who is not present, and therefore I will withhold my vote. I would vote "yea" if he were present.

Mr. FOSTER (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. DEPEW. I transfer my pair to the senior Senator from New York [Mr. PLATT] and vote "yea."

The result was announced—yeas 33, nays 18, as follows:

YEAS—33.

Ankeny	Curtis	Heyburn	Smith, Mich.
Borah	Depew	Knox	Smoot
Bourne	Dick	Lodge	Teller
Brandegee	Dixon	Overman	Warner
Briggs	Flint	Perkins	Warren
Bulkeley	Foraker	Piles	Wetmore
Burnham	Frye	Richardson	
Burrows	Gallinger	Scott	
Carter	Gary	Simmons	

NAYS—18.

Bacon	Clay	Kean	Paynter
Brown	Culberson	McCreary	Smith, Md.
Burkett	Davis	Milton	Taliaferro
Clapp	Frazier	Money	
Clarke, Ark.	Hale	Nelson	

NOT VOTING—41.

Aldrich	du Pont	Kittredge	Platt
Allison	Elkins	La Follette	Rayner
Bailey	Foster	Long	Stephenson
Bankhead	Fulton	McCumber	Stewart
Beveridge	Gamble	McEnery	Stone
Clark, Wyo.	Gore	McLaurin	Sutherland
Crane	Guggenheim	Martin	Taylor
Cullom	Hansbrough	Newlands	Tillman
Daniel	Hemenway	Nixon	
Dillingham	Hopkins	Owen	
Dolliver	Johnston	Penrose	

So the bill was passed.

ENLARGED HOMESTEADS.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (S. 6155) to provide for an enlarged homestead, which is on the Calendar, under Rule IX.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULBERSON. What rule is the bill pending under?

The VICE-PRESIDENT. Under Rule IX. The bill was read in full on the 6th of April and a number of committee amendments agreed to.

Mr. CULBERSON. I understand that a single objection will not carry the bill over. I may not be advised correctly as to the rule.

Mr. SMOOT. I hope the Senator will not object to the present consideration of the bill. I think we can agree upon the passage of it with an amendment that I will propose.

Mr. CULBERSON. I understand that it requires a motion to take up the bill.

The VICE-PRESIDENT. It can be taken up by unanimous consent, or it can be taken up by motion, if objection be made.

Mr. SMOOT. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SMOOT. I should like to ask whether the amendment that was offered, on page 1, line 9, making it read "arid and semiarid," was agreed to?

The VICE-PRESIDENT. That amendment was agreed to.

Mr. SMOOT. I now offer an amendment, to be added at the end of section 1.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Add at the end of section 1, after the word "irrigation," in the committee amendment already agreed to, the following proviso:

Provided, however, That arid and semiarid lands mentioned in this act are to be deemed lands that will not successfully produce annual crops other than native grasses without artificial irrigation.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

The VICE-PRESIDENT. If no further amendment is proposed, the bill will be reported to the Senate.

Mr. SMOOT. Mr. President, the Senator from California [Mr. FLINT] has some doubt as to whether the provision of the bill will affect what is called "Imperial Valley," in California, and is desirous that, on line 6 of the bill, page 1, "California" be omitted. I move that the word "California" be stricken from the bill.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. In page 1, line 6, strike out the word "California."

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. KEAN. Now, let us find out what is really in the bill. I should like to have the amendments read.

The VICE-PRESIDENT. Does the Senator from New Jersey wish to have the bill read as it now stands?

Mr. KEAN. I do not want to have the entire bill read. I want to know what is stricken out of the bill.

The VICE-PRESIDENT. The Secretary will read the amendments which have been agreed to.

The SECRETARY. The amendments already agreed to in the bill are as follows:

In line 6, page 1, the word "California" and the word "Idaho" are stricken out, leaving the States of Colorado, Montana, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming and the Territories of Arizona and New Mexico affected.

On line 9, before the word "nonmineral," the committee amendment inserting the word "arid" was agreed to, and after the word "arid" the amendment offered from the floor inserting the words "and semiarid" was agreed to.

After the words "extreme length," page 2, line 2, the following proviso was added:

"Provided, however, That arid and semiarid lands mentioned in this act are to be deemed lands that will not successfully produce annual crops other than natural grasses without artificial irrigation."

On page 2, line 19, the words "contiguous to" were stricken out and the words "within 5 miles of" were inserted.

The VICE-PRESIDENT. The bill is in the Senate and open to amendment.

Mr. HEYBURN. Mr. President, it is suggested, inasmuch as the amendment omitting Idaho from the bill stands and Idaho will not be affected by it, that it is proper and desirable the record should show briefly why Idaho is not included in the bill. I will detain the Senate but for a few moments.

The bill provides in effect that any land which may produce crops by irrigation is subject to its provisions. That is the effect of the bill as it has been amended and as it is now before the Senate for final action.

We have in Idaho millions of acres of that kind of land, and it would seem that we should want this kind of legislation, but the fact is that that is the very land to which we are applying the Carey Act and the reclamation act. The land that will produce crops with irrigation only is within the provisions of this bill, and a settler may take 320 acres of homestead upon it. Three hundred and twenty acres of homestead is larger than we desire in Idaho. We want more people there than would be represented by homesteads of that size. We have the water to irrigate the land with. It is high up in the mountains; it can be made available for this land, and the land instead of being within this exception for the purposes of this act, is within this exception in order that it may be brought under the Carey Act and under the reclamation act.

It is because the citizens of Idaho are differently situated from the citizens of some other States. There are a number of States that have not the water supply with which Idaho is fortunately blessed. There are other States that have a great deal of water, but it is low down, like the Platte River and rivers that flow on lowlands. With us, we are the watershed of the western part of the American Continent. The Snake River, the Missouri River, the Green River, and the Columbia River, through their branches, all rise within one mountain that is on the border line of Idaho, principally in Idaho. The water flows out there and we can reservoir it at the head of the Payette, the Weiser, the Boise, and the Snake and its tributaries, the Salmon and its branches, and other rivers. We can reservoir it so high up that it is merely a question of the distance to carry it. We want our land when it is under water to be under water for as many people as can profitably make a living on it, and we do not want a man on an irrigated farm of 320 acres in Idaho.

Mr. CARTER. Mr. President, at the end of the amendment proposed by the Senator from Utah [Mr. SMOOT] I propose the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 1, after the amendment inserted at that place, insert the following additional proviso:

Provided further, That no land shall be subject to entry under this act for which water is available or obtainable at reasonable expense for the reclamation thereof by artificial irrigation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana.

Mr. SMOOT. I think that is utterly useless as far as the bill is concerned, because the bill itself provides that it must be nonirrigable land. I do not think it is necessary to encumber the bill with that amendment, because the bill provides specifically that it shall be nonirrigable land.

Mr. CARTER. If the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I do, with pleasure.

Mr. CARTER. It is true, as the Senator from Utah says, the bill provides that no land shall be subject to its terms except nonirrigable land. Nonirrigable land is a definition somewhat vague and subject to construction. We have in progress now what is known as the Reclamation Service, which has ex-

pended and provided for the expenditure of probably $40,000,000 of public money heretofore received from the sales of public lands.

That work is providing irrigable lands with a water supply, and lands heretofore of little or no value are being made available for settlement. I think, in the presence of that existing law, which we all hope will in the last analysis work out for the good of the country, it would be extremely unfortunate to interject any enactment which would seriously, or at all, interfere with the application of the law to any available land.

It is known that land deemed nonirrigable in the sense in which the Senator speaks, in the presence of private endeavor, has become irrigable land in the presence of the Government's endeavor. Originally the individual could only draw the water from the stream to irrigate what we know in common parlance as the "first bottom land." While the individual was doing the work, the first bottom lands were the only irrigable lands, because they were the only lands we could irrigate with limited means; but when we provided for the expenditure of the $40,000,000 to which I have referred, a sum to be supplemented by other millions later on——

Mr. WARREN. Mr. President——

Mr. CARTER. Will the Senator permit me to finish the sentence?

Mr. WARREN. Certainly.

Mr. CARTER. We brought into the field another and an adequate force to reach what we call the "bench lands." frequently located from 50 to 250 feet above the original bottom lands, contiguous to flowing streams. These lands were not irrigable when the individual was operating. They are irrigable now under the Government's operations, and my contention is that, inasmuch as these Government operations are going to make lands irrigable in the future that are now deemed nonirrigable, we should confine this enactment to such lands as the Government can not at any time in the future make available for settlement by placing water thereon.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I wanted to suggest, since the Senator has twice mentioned the large amount which is being expended and to be expended by the Government, that he should also say at that point "all of which is to be restored to the Government by the settlers on the land."

Mr. CARTER. Mr. President, I assume that the Senate and the country are familiar with the law in that behalf.

Mr. WARREN. Mr. President, I wish they were; but I hear it very often on this floor, and it is often stated on the other floor, where they seem to have lost sight of the fact which I have just stated. I did not suppose the Senator was not familiar with it, but I thought it was better to have the record complete.

Mr. CARTER. I am glad the Senator did, if he felt it was necessary to make the remarks which he has just made.

Of course, Mr. President, the $40,000,000, in round numbers, to which I have referred, will be augmented by other sums received from time to time from the sales of public lands, and these sums when expended in the Reclamation Service will be paid back again into the fund by the settlers who take up the irrigated lands.

The amendment I have proposed precludes the possibility of the land which can be made available under the reclamation act being taken up in 320-acre tracts under this act. I am sure that no Senator here desires to forestall the widest possible development under the reclamation act. That being true, this amendment, born perchance of extra caution, can do no injury. It merely provides that no land shall be subject to entry under this act for which a water supply is available or obtainable at reasonable expense.

If it is the intention of the act to convey to individuals, in tracts of 320 acres, lands for which water is available, lands for which water for irrigation can be obtained at reasonable expense, then I am unalterably opposed to the purpose of the bill. If, on the other hand, it is the intention to confine the application of this proposed law only to such lands as have not any water supply and for which the water supply can not be procured at reasonable expense, then I hope the act may prove beneficial and may not result in doubling the possibilities of speculation in the public lands.

Mr. CLARK of Wyoming. Mr. President, I should like to have the proposed amendment read.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. At the end of section 1, following the amendment already agreed to at that place, it is proposed to insert:

Provided further, That no land shall be subject to entry under this act for which water is available or obtainable at reasonable expense for the reclamation thereof by artificial irrigation.

Mr. SMOOT. I should like to ask the Senator from Montana who is going to be the judge as to whether this land can be irrigated under the reclamation act?

Mr. CARTER. There must be a judgment on the bill independent of this amendment. Some power must determine the character of the land subject to the operation of the law, and if this Commission can determine one fact, the same power will be adequate, with proper precautions, rules, and regulations, to determine the other facts.

Mr. SMOOT. Mr. President, I want to say to the Senator from Montana that, in connection with the arid and semiarid land, it is provided in the bill that it must be nonirrigable. It does seem to me that that is so plain and so simple that an amendment such as the Senator from Montana has offered here to-day would do nothing more nor less than place the entryman in a position that he would have to go, before entering upon a piece of land, and learn from Washington or somewhere else whether he could enter the land selected by him or not.

Mr. CARTER. Mr. President, will the Senator from Utah yield to a question?

The VICE-PRESIDENT. Will the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. I will.

Mr. CARTER. Does the Senator expect that this law, when enacted, will enable a person to take up land for which the water supply for irrigation exists or for which water can be obtained at a reasonable expense?

Mr. SMOOT. Mr. President, I do not think that question would ever arise, taking into consideration the class of land for which the bill provides.

Mr. CARTER. I should be pleased to have the Senator answer the question, and to the end that it may not be misunderstood I will propound it again. Does the Senator from Utah understand that this bill, if enacted into law, will enable a party to take up 320 acres of land for which the water supply exists, or for which water can be obtained at reasonable expense without irrigation?

Mr. SMOOT. I understand that an entryman can not take up that class of land, and the bill does not provide for his doing so.

Mr. CARTER. Then the amendment——

Mr. SMOOT. Nor under the provisions of the bill could a man take up 320 acres of such land.

Mr. CARTER. Then the amendment will do no harm.

Mr. SMOOT. I do not think the amendment will do any good, and I ask that the Senate disagree to the amendment.

Mr. CLARK of Wyoming. Mr. President, just a word before this amendment passes. Unless the bill has been amended since I last saw it, I think it meets fully every contingency that the Senator from Montana desires to meet by his amendment. Of course, I can not assume that his amendment, in his knowledge, would have the logical result that it has in my mind, to wit, to defeat absolutely the entire purpose and operation of this measure.

Now, it is said that it will not do any harm. I regret, for my part, Mr. President, that we should put into the laws we pass here things that will not do any harm. We did that three or four days ago, when, in passing the employers' liability act, both Houses of Congress put in a provision that an employee of a railway company should not lose any of the rights he had under a law that is already dead and buried under a decision of the Supreme Court of the United States. Inasmuch as this amendment adds nothing to the safeguarding of the lands of the nation, and inasmuch as I fear that it will require the settler, before attempting to make his entry, to have it definitely determined by the Department of the Interior, or some other body of men, or some other authority, as to the character of the land, I hope the amendment will be defeated.

The purpose of this bill is for the entryman to go upon the land as he goes upon any other portion of the public domain. Then if, when he comes to make his final proof, he is not able to establish the fact that this land is land that properly comes within the scope of this bill, his entry is denied. That is all there is of it. It seems to me that is all that should be required of the entryman.

Mr. DIXON. Mr. President, I very much dislike to in any way appear antagonistic to the amendment offered by my colleague [Mr. CARTER] to this bill. I very much approve of the remarks of the Senator from Wyoming [Mr. CLARK]. I can not see how it is possible, when this bill expressly states in the first

paragraph that no lands can be entered except nonirrigable lands—which means expressly lands that can not be irrigated—to follow that up with a clause which says lands may be entered which can not be irrigated at a reasonable cost. It to me nullifies the plain, express provision of the first section of the bill, which embodies the intent of the Senators who have been interested in its passage by expressly eliminating any lands which can be irrigated. We have already provided for that in the first section of the bill. Why is it necessary to cloud its purpose in the last section of the bill by saying that lands which can not be irrigated at a reasonable cost can be entered? The amendment of the first section of the bill is, to my mind, very plainly antagonistic to the purpose of the bill; and when we have already substantially legislated that no lands which can be irrigated can be entered, why is it not a safer proposition, if we want to protect entries so that they can only apply to nonirrigable lands, to let the plain adjective stand without the qualifying clause?

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana [Mr. CARTER].

The amendment was rejected.

The VICE-PRESIDENT. The bill is in the Senate, and the question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes. The bill is now on the Calendar under Rule IX.

Mr. KEAN. I hope the Senator from California will not ask to take up that bill this evening.

Mr. FLINT. I certainly desire to have the bill taken up at this time. I think there is no objection to it.

Mr. KEAN. It is a very large proposition.

Mr. FLINT. It will take but a moment to pass the bill. It is a very important measure.

Mr. KEAN. It may be important, but it is a very large subject.

Mr. FLINT. It is a very large subject, but I think that all those who are interested in this subject have studied the bill carefully and are favorable to its passage.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with amendments.

The first amendment of the Committee on Public Lands was, in section 1, page 1, line 3, after the word "That" to insert "a sum equal;" in line 8, after the word "and," to insert "and all moneys hereafter received from the sale and disposal of public lands in said State;" on page 2, line 4, after the word "hereby," to strike out "reserved, set aside, and," and in line 5, after the word "appropriated," to insert "and set aside;" so as to make the section read:

That a sum equal to all moneys received from the sale and disposal of public lands in the States of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin, beginning with the fiscal year ending June 30, 1901, and all moneys hereafter received from the sale and disposal of public lands in said States, including the surplus of fees and commissions in excess of allowances to registers and receivers, and excepting the 5 per cent of the proceeds of the sales of public lands in any of the above States set aside by law for educational and other purposes, shall be, and the same are hereby, appropriated and set aside as a special fund in the Treasury, to be known as the "drainage fund," to be used, under the direction of the Secretary of the Interior, in the examination and survey for, and the construction, operation, and maintenance of, works for drainage or reclamation of swamp and overflowed lands belonging to the United States, either absolutely or in trust, including lands within ceded Indian reservations, and for the payment of all other expenditures required in connection therewith, including the payment for services of persons employed in the city of Washington and elsewhere, and for other purposes provided herein: *Provided*, That in case the receipts from the sale and disposal of public lands other than those realized from the sale and disposal of lands referred to in this section are insufficient to meet the requirements for the support of agricultural colleges in the several States and Territories under the act of August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862," or other appropriations from the receipts of the sale of public lands for the support of schools of mines or other educational institutions, the deficiency, if any, shall be provided for from any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 6, section 5, line 4, after the word "applicable," to strike out "which" and insert "as," so as to make the section read:

SEC. 5. That where there are lands in any State not owned or held by the United States which are swamp or overflowed lands, and it shall be made to appear to the Secretary of the Interior that reclamation works by drainage can be advantageously constructed and maintained by local authority under the laws of such State, and that the drainage of such lands is feasible and conducive to public health and the general welfare, the Secretary of the Interior, in his discretion, is hereby authorized, under such rules and regulations as he may prescribe, to loan out of the drainage fund to such State or to any municipality of such State, corporation, or drainage district authorized by the laws thereof to construct and maintain such improvements the funds necessary to construct the same, in order that such lands may be drained and reclaimed. Such loan shall be upon the bonds of such State or a municipality, corporation, or drainage district thereof issued under the laws of such State, secured by a first and paramount lien upon the land benefited by the improvement, shall run not exceeding ten years, the same to be due in installments to be determined by the Secretary of the Interior. Before granting such a loan the Secretary of the Interior shall require that the land proposed to be reclaimed shall be subdivided into lots of an area satisfactory to the Secretary of the Interior, not to exceed a quarter section, and held for sale for a prescribed period to actual settlers, at a price to be fixed by him and upon such terms and conditions as he may prescribe, to the end that such reclaimed land may eventually be occupied by actual settlers and home builders. When any loan under this act is repaid the amount shall be put into the drainage fund and may be again loaned the same as the original sum: *Provided*, That any drainage project covered by said bonds shall be constructed, operated, and paid for under the same conditions and regulations, so far as applicable, as are required and imposed upon drainage projects constructed and operated by the Secretary of the Interior under sections 2, 3, and 4 hereof. Any private corporation seeking to obtain the benefits of this section must first show to the satisfaction of the Secretary of the Interior that such corporation is empowered to act under this section.

The amendment was agreed to.

Mr. WARREN. Mr. President, I want to ask the Senator in charge of the bill some questions with reference to it. It is rather a long bill. If I understand it correctly it involves two propositions, one of which is to take the money collected from the sale of public land and improve lands belong to the United States. The other is to take that money and loan it upon lands that do not belong to the United States. As to the first section of the bill, I want to ask if it includes all of the lands in all of the States that are not arid or semiarid—that is, all of the public lands except those embraced in the arid or semiarid land States?

Mr. FLINT. It does.

Mr. WARREN. It does not include any lands in the so-called "arid or semiarid States?"

Mr. FLINT. It does not include any of the arid or so-called "semiarid" States or States that are within the terms of the reclamation act.

Mr. WARREN. Then, if I understand it aright, this is very much such a bill as that for the reclamation of the arid lands, except this bill aims to withdraw water and drain lands rather than to irrigate the lands. If I heard correctly—and the Senator will correct me if I am wrong—this bill proposes to go back to the same date as the one mentioned in the reclamation act, in which the money was set aside for the arid-land States, and take all the money that is left in the Treasury of the fund realized from the sale of public land in the States mentioned, after paying the fees of the several land officers in the several States and the money for the agricultural colleges. Am I correct in that?

Mr. FLINT. The Senator is correct in his statement.

Mr. WARREN. And it proposes in the future to take all the money that may be received from the sale of these lands, less the same deductions, and, as I understand, should the amount received run short of being sufficient to provide the money for the agricultural colleges, then that deficiency is to be paid out of the General Treasury.

Mr. FLINT. It is to be paid out of the General Treasury. It does not come out of this fund.

Mr. WARREN. Does not the Senator think that the sale of these lands—I suppose they are to be sold after they are reclaimed and drained—will replenish the fund sufficiently to cover it?

Mr. FLINT. The sum that will be appropriated under this bill, while it is a very large sum, is a very small sum to carry on this great work. It is nothing like the sum that was appropriated for the reclamation of the arid lands, and the sum that will be received yearly will not be nearly so great as that which has been paid into the reclamation fund year by year.

Mr. WARREN. But the Senator expects that all the money that is received from the sale of the reclaimed lands will go into that fund, does he not?

Mr. FLINT. The bill so provides—that it shall go in and be a revolving fund, just the same as that provided by the reclamation act.

Mr. WARREN. Under the second feature, as I understand, the United States is to loan its credit to the States, under

proper security, for the drainage of these lands. Does that apply to any corporation or individual or to lands other than State lands?

Mr. FLINT. It provides that a drainage district may be formed in any of the States, and when such a drainage district is formed it is submitted to the Secretary of the Interior for his approval. If he is satisfied that this drainage of the land in the district can be carried out so that the land will sell for a sufficient sum to pay for the land and for its reclamation, he then purchases the bonds of that district, these bonds to be paid in in ten annual installments. In other words, the Government buys the bonds of the drainage district, provided the Secretary of the Interior is satisfied that the bonds are good security for the amount to be advanced.

The bill further provides that when a drainage district is formed or organized in the State the land in the drainage district must be offered for sale to the people in tracts of not more than 160 acres and not less than 5 acres.

Where land is held in private ownership, before the Government will advance any money to purchase the bonds three conditions are necessary: First, a drainage district must be organized, under rules and regulations to be prescribed by the Secretary of the Interior; second, the owners of the land must agree to sell the land at a price that will be satisfactory to the Secretary of the Interior, in tracts of not more than 160 acres; and third, a satisfactory showing must be made that the land can be sold for a sufficient amount to pay the cost of the drainage and the price of the land.

Mr. WARREN. One more question right here. I understand this is to include in the drainage district the land of private individuals and corporations, as well as land of the State. Does the Senator in the bill provide for condemnation, providing there should be lack of cooperation on the part of any property owner?

Mr. FLINT. As far as it is possible to do so, this proposed act gives the right to condemn, but so far as concerns lands within a State not owned by the Government it is left for the State to form the district and acquire the land or have options obtained, so that it can be submitted to the general public and the land offered for sale in tracts of not more than 160 acres to any one settler.

Mr. WARREN. The Senator is a lawyer, and a good lawyer. Does he think that the States generally would have authority to condemn the land and complete these districts? Of course we can not legislate for that. I want to get the Senator's idea as to whether, following this, he has sufficient assurance that the States will legislate as the States had to do under the arid-land reclamation act, so that where there is lack of cooperation there may be condemnation of some pieces of land that may stand in the way.

Mr. FLINT. At the meeting of representatives from most of the Southern and Western States interested in this subject the general sentiment was that any State whose statutes did not provide for the formation of a district or for the acquisition of land by condemnation to carry out the terms of this bill, they would see that such legislation was enacted. These representatives stated that the sentiment is almost overwhelming in these States that a bill such as this should be enacted into law, and that they were assured that their States would enact any legislation necessary to carry this act into effect.

Mr. TELLER. I should like to ask the Senator in charge of the bill to what States this bill will apply.

Mr. FLINT. The money can be used in any State in the Union.

Mr. TELLER. What States has the committee in view that are to be benefited by this bill?

Mr. FLINT. The States that will be benefited are most of the Southern States. I have here a list of the States. I will include it in the RECORD.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 1, 1907.

The SECRETARY OF THE INTERIOR.

SIR: I am in receipt, by your reference for a report, of a letter from Hon. FRANK P. FLINT, United States Senate, dated February 23, 1907, requesting to be furnished with available data regarding the following matters:

"Location and area of lands in the United States that are swamp and overflowed and susceptible of being drained and made fit for agriculture.

"The effect of drainage on such land and on the public health and upon agriculture.

"The area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom.

"The summary of the legislation of the different States and of the legal and business methods under which drainage works have been constructed and maintained.

"A review of the drainage laws and policies of the leading agricultural countries of Europe and their results."

In answer to the first question, this Office can furnish no information except as to the States which have been granted the swamp lands therein. The annual report for the fiscal year ending June 30, 1906, shows that title to the following amount of land has passed to the different swamp-land States, viz:

	Acres.
Alabama	418,520.14
Arkansas	7,685,135.88
California	2,038,931.68
Florida	20,121,559.56
Illinois	1,457,084.68
Indiana	1,254,110.73
Iowa	871,599.49
Louisiana	9,307,749.13
Michigan	5,655,533.16
Minnesota	4,356,485.39
Mississippi	3,282,070.50
Missouri	3,345,514.51
Ohio	26,251.95
Oregon	252,678.19
Wisconsin	3,251,102.34

There still remain unadjusted claims in the State of Florida, Louisiana, and Minnesota for quite a large amount of land.

This Office has no means of ascertaining how much of the above amounts of land can be drained and made fit for agricultural purposes.

This Office has no data bearing on the matter included in the second and third questions.

The States of Illinois, Iowa, and Missouri donated their swamp lands to the counties in which they are situated. The other swamp-land States dispose of their swamp lands to individuals or corporations. I have no information as to the legal and business methods adopted by any of the States for the drainage of swamp lands.

This Office has no data as to the policies of the different countries of Europe regarding the drainage of swamp lands, or the results of such drainage.

The letter of Senator FLINT is herewith returned.

Very respectfully,

W. A. RICHARDS, *Commissioner.*

Mr. CLARKE of Arkansas. What kind of land is the Senator reading about?

Mr. FLINT. I am talking about swamp lands.

Mr. CLARKE of Arkansas. That table is not at all correct. The Senator has been misinformed, whoever furnished him with that list. Practically all of the swamp and overflowed lands in the State of Arkansas were donated to the State under the swamp-land act of 1850.

Mr. FLINT. I so understand it.

Mr. CLARKE of Arkansas. They have passed into private ownership.

Mr. FLINT. I so stated.

Mr. CLARKE of Arkansas. I thought you said it was public land.

Mr. FLINT. On the contrary, I said the State the Senator represents——

Mr. CLARKE of Arkansas. You mean that the 7,000,000 acres to which you have referred were at one time swamp lands?

Mr. FLINT. They are swamp lands now. These are lands which were given to the States with the understanding that they would be reclaimed, and they have not been reclaimed.

Mr. CLARKE of Arkansas. You call them swamp lands now, notwithstanding that they have been reclaimed under the laws which have been passed and which exist for their improvement?

Mr. FLINT. No. I would not want to say this list is absolutely correct, for there has been no estimate made by anyone going upon the ground as to the number of acres of swamp land that have been reclaimed.

Mr. CLARKE of Arkansas. By whom?

Mr. FLINT. Permit me to finish. But the general statement was made that in most of the States—I know it is so in my own State—where these lands were donated to the States and by the States granted to individuals, they have not been reclaimed, and, in my opinion, it is impossible for private individuals to reclaim them, and it will take some great Government enterprise to reclaim the land.

Mr. CLARKE of Arkansas. I should like to ask the Senator from what source he got the information he is now presenting to the Senate from that paper?

Mr. FLINT. I am reading from a letter of Mr. Richards, the Commissioner.

Mr. CLARKE of Arkansas. Richards, the Commissioner?

Mr. FLINT. Yes; the Commissioner of the General Land Office.

Mr. CLARKE of Arkansas. I only want to say there is no such amount of land unreclaimed in the State of Arkansas at this time. In 1850 there may have been such swamp and overflowed lands. I have not opposed the passage of this bill, but I do not want it to be passed upon a misapprehension as fundamental as that.

Mr. FLINT. So that the Senator may not misunderstand me, I want to say to him as clearly as I can that the number of acres of land that have been reclaimed and are not swamp lands I have not been able to ascertain, and I do not think the Senator has the information. As a matter of fact, there

were 7,000,000 acres of swamp land in Arkansas, and as far as I can ascertain, there are no figures to show what amount of that land to-day is reclaimed and what is still swamp land. If the Senator has the information, I should be glad to have it.

Mr. CLARKE of Arkansas. We are considering a bill to reclaim swamp lands, and I supposed the Senator in charge of the bill had some reliable data which would show the extent to which the beneficence of this bill would go. He goes back to 1850 with respect to our State, before the land was improved by levees and drainage. My personal knowledge of the State is such that I feel perfectly safe in saying that there is no such number of acres of land in that State that need the benefit of drainage. The State has about 50,000 acres of the original grant undisposed of.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Texas?

Mr. TELLER. Certainly.

Mr. CULBERSON. The Senator from Colorado asked what States were affected by the bill. I call his attention to the first section of the bill, which provides:

> That a sum equal to all moneys received from the sale and disposal of public lands in the States of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin—

Those are the States to be affected.

Mr. TELLER. Some of the States there mentioned have not had any public lands for a good many years. The State of Illinois has not had an acre of public land for more than fifty years.

I simply want to draw out the fact that this is an attempt on the part of the Forest Reserve Committee, whatever it may be, and the forest-reserve people to adopt a system of drainage by loaning the money of the Government to the State, individuals, or corporations to do the drainage. I do not care to enter into any controversy about this bill, and will merely say that I shall not be able to vote for it. If it should be carried out, it will doubtless enlarge the ground upon which the people may live and earn a living, and in that respect it is better than most of the suggestions that come from that Bureau. Most of them come here with a determination to restrict the opportunities of the people to get homes. This will enlarge them, but whether it will do it under law properly or not, I do not know.

Mr. BACON. Mr. President, this is certainly a very far-reaching bill, and one almost so far-reaching that it is difficult to anticipate the ultimate limits of it. If I correctly understood the Senator from California in reply to the inquiries of the Senator from Wyoming, the bill practically disposes of the proceeds of all the public lands of the United States. If I understood the Senator from California correctly in replying to the inquiry of the Senator from Wyoming, the public land States are divided into two great divisions—one of them the States in which the arid lands are situated, and the other in which the lands not arid are situated. If I understood him correctly further, the proceeds of all of the public lands in any State in which arid land is situated have been practically disposed of by the arid-land act. I say "disposed of." While under the operation of that law the fund is ultimately to find its way back into the Treasury, so far as present disposition goes it may be said that the proceeds of all of the lands in the arid States have been put beyond the power of disposition by Congress, unless it undoes what it has done.

I understand further that under the provisions of this bill all the proceeds of the lands situated in States not arid are disposed of, and therefore it is for the present, at least, a practical disposition. The former act and the proposed act will dispose of all the proceeds of all the public lands of the United States.

If the bill stopped there, it would certainly be a very serious proposition to me. The public lands of the United States are not lands in which only the States in which they are situated are interested. They do not constitute a property which belongs peculiarly to those States. It is true that in the organization of new States Congress has been very liberal with those States; but it is nevertheless the fact that all the public lands in the States are the common property of all the States. Those States in which there are no public lands have contributed that which was necessary to secure those lands and are equally interested in and equally entitled to all the benefits from the proceeds of those lands.

The Senator from Florida [Mr. TALIAFERRO] says to me sotto voce that this bill gives that. I do not so understand it, and I want to state why I understand otherwise. If I understand the provisions of this bill, all the proceeds of lands not situated in States having arid lands in them will go to the redemption of overflowed lands in those particular States. Whether it means that the funds arising from the sale of lands in each State are to be devoted to that particular State, or whether all of the funds arising from the sale of such lands must be put in a common fund and distributed pro rata among those States, does not, as I understand, appear by the bill.

But there is nothing in the bill, if I have read it correctly—and of course I have read it hurriedly—which distributes a portion of this fund among those States in which there are no public lands; but the only provision as to that is that Congress may loan money to them out of the general fund in the Treasury for the purpose of the redemption of overflowed lands in their States.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. Certainly.

Mr. FLINT. One of these reclamation projects can be entered upon in any State of the Union.

Mr. BACON. By the loaning of money——

Mr. FLINT. No; if they have public swamp lands in the State——

Mr. BACON. Whether they have public lands in the State or not.

Mr. FLINT. If they have any Government land that is swamp land.

Mr. BACON. Of course, we know the fact that in the older States the Government has no land of any kind.

Mr. KEAN. Section 5 provides——

Mr. BACON. Section 5 provides for the loaning of money, and I think that is the most objectionable part of the bill.

Mr. KEAN. I think so, too.

Mr. LODGE. That covers land not held or owned by the United States.

Mr. BACON. Of course. That is more objectionable than the other, I think, although my State could be one of the recipients of its benefits. I am not in favor of loaning money from the Treasury of the United States for the purpose of redeeming any land belonging to individuals, and I understand that is what section 5 proposes to do—one of the most stupendous and unlimited projects for emptying the Treasury that I ever heard of, and I may say that since I have had the honor of a seat on the floor of the Senate there has never been here a proposition which I would denominate to be so absolutely wild and unjustifiable as this.

But, Mr. President, to come back to the question of public lands, I repeat the proposition that it is a mistake to suggest that the proceeds of these lands constitute a fund from which the States in which they are situated have any peculiar right to benefit; that the public lands constitute a property the funds resulting from which should be equally enjoyed by all the States, because it was not without the devotion of the efforts and the treasure, to say nothing of the blood, of all of the States, that this common property was obtained.

Mr. President, it is not true, even if we are about to enter upon the field of the distribution of funds arising from the sale of public lands, that the redemption of the overflowed lands is the most important subject to which that fund should be devoted. There are other interests in this country which rise far above the question of the redemption of overflowed lands to which this fund can be properly applied if we propose to apply it.

Mr. FLINT. What became of the proceeds of the sale of lands in the State of Georgia?

Mr. BACON. Do you mean the public lands?

Mr. FLINT. Yes.

Mr. BACON. The Senator from California is a most widely informed Senator, but he forgets I am sure—I will not accuse him of not knowing the fact—that the Government of the United States never owned a foot of land in the State of Georgia. The State of Georgia was one of the States that made the Government; not one that received anything from the Government. The State of Georgia was one of the thirteen original Colonies, and the Federal Government never owned an inch of land in the State of Georgia, except such as it has owned under a concession by the State permitting the Government to buy for public purposes.

Mr. FLINT. In other words, the land in the State of Georgia was used for the benefit of the State of Georgia, whereas the lands in the State of California were used for the benefit of the entire nation.

Mr. BACON. Well, Mr. President, I should like to know how the public lands in California were acquired? They were acquired as a result of the Mexican war. Who paid the expenses of the Mexican war? Who waged the Mexican war? Who sent the men to the field? Who fought the battles that won the pub-

lic lands in California? Did the present inhabitants of California do it? Why, Mr. President, it was wild then except for a few men who had gone there as adventurers and a few men who had there represented the Mexican Government.

Mr. MONEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. Certainly.

Mr. MONEY. Mr. President, I should like the Senator from Georgia to allow me to interrupt him long enough to state, in answer to the Senator from California [Mr. FLINT], that Georgia is one of the original thirteen States that did not derive any title to anything from the General Government, but had helped to create it. He could also say that she gave to the General Government the States of Alabama and Mississippi without any cost to the General Government whatever.

Mr. BACON. I thank the Senator from Mississippi for having rendered that proper tribute to my State. I want to say another thing that I was coming to. If we are going to devote the proceeds of the public lands to public purposes and public uses, the rescue of a few acres of overflowed land are not the high and commanding objects of our beneficence. If we are going to devote the proceeds of the public lands to public purposes, there is a vast field of illiteracy in this country to which that money can be devoted, and one which cries aloud.

Mr. FLINT rose.

Mr. BACON. Mr. President, I hope the Senator will pardon me for just a moment. I am not one of those who favor taking money out of the Public Treasury for the purpose of education in the different States. Do not let me be misunderstood about that. If there were a bill to-day for the purpose of taking money out of the Public Treasury to be given to the States for public education, I would oppose it; but when it comes to the proceeds of the public lands, that is another matter. The proceeds of the public lands are a proper fund to be devoted to education in the different States, if we are going to use the proceeds for any public purpose. We have already gone in that direction, and the result has been one most gratifying and most beneficial in the land-scrip fund and matters of that kind.

Now, I want to say, in connection with what my friend from Mississippi [Mr. MONEY] said in regard to the donation by the State of Georgia, or the cession by the State of Georgia, of the vast territory which now constitutes the two States of Alabama and Mississippi, that when Georgia ceded that territory it prescribed that a certain amount of the proceeds of the public lands of those Territories should be devoted to public education and to the establishment of universities; and, if I am not mistaken, certainly a fund, the proceeds of those lands, is to-day enjoyed by both the States of Alabama and Mississippi as a result of that stipulation on the part of the State of Georgia.

The Senator from Mississippi says to me, the sixteenth section. I have forgotten exactly the terms, but I know it was prescribed by the State of Georgia. We have had no public lands in the State within a long number of years, and they never were sold as public lands. They were allowed to be taken up as homesteads for the people, and in that way have become the farms and villages upon which our people have settled and from which there has grown a population to-day of two million and a half.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. BACON. Certainly.

Mr. LODGE. If the Senator will allow me while he is on that matter, the public lands of the whole of that vast Western territory, as the Senator well remembers, were given to the United States by the thirteen original States.

Mr. BACON. Undoubtedly.

Mr. LODGE. The Northwest Territory was so given. Virginia was the largest giver. She gave a larger territory than any other State; but Connecticut, Massachusetts, New York, and New Jersey all gave, and they ceded all that immense region west of the Alleghenies and east of the Mississippi to the United States.

Mr. BACON. Undoubtedly; and the United States has received the benefit of it.

Mr. LODGE. Those States have no public lands, because they gave them to the United States.

Mr. BACON. That territory west of the Mississippi River which is now within the area of the United States may be found in three great divisions. One great division came with the Louisiana purchase, for the $15,000,000 paid by the people of the United States as it then existed, contributed by each man in his proportion, according to his means or according to the laws that then existed which raised revenue, each man bearing his part of the burden——

Mr. WARREN rose.

Mr. BACON. If the Senator will pardon me until I finish this sentence—another division is the part which came from Mexico, which is also a trophy of war, a trophy won by the treasure and effort and sacrifice and blood of the people of the United States, and for which also, as the Senator from Colorado [Mr. TELLER] very properly says, money was paid. Another division is the great State of Texas, which we did not win as a trophy, but which came to us as an independent country, and the independence of which we succeeded in putting beyond the shadow of a doubt by that war. There is still a fourth division about which there is some difference of opinion as to what is the origin of our title, and that is the Oregon country, and whether or not it came as a part of the Louisiana purchase or whether it is ours by right of discovery. I myself think it came through the Louisiana purchase. Senators disagree with me, I know, and I know maps are so made now, but that is the impression that is on my mind. Now I yield to the Senator from Wyoming.

Mr. WARREN. I do not want to interrupt the Senator, except to say that all that money that was invested has come back a great many times over from the land itself to the United States.

Mr. BACON. Certainly, Mr. President.

Mr. WARREN. It was simply an investment on the part of those older States in certain lands which by our settling there we have made worth something, realizing tenfold and a hundredfold. It was simply a Government investment.

Mr. BACON. Nevertheless, it was common property. I want to call the attention of the Senator from Wyoming to the fact that the people who are on these lands now, the people who make up the great States of Colorado, California, Wyoming, and all the other States within that territory, both the territory gotten through the Louisiana purchase and the territory acquired by war——

Mr. WARREN rose.

Mr. BACON. I hope the Senator will permit me to finish the sentence—those people are not the people who lived there then and to whom we gave anything. They are the people who went there, the people who acquired these lands as a part of the consideration which the present States have and for which they are indebted to the country at large—the vast number of valued citizens which we have sent out from the eastern part of this country and from the older States to the new States, one of whom is the distinguished Senator [Mr. WARREN] now upon the floor seeking to interrupt me. That is the debt they owe to us. The Senator from Colorado [Mr. TELLER] is another, and there are others. The Senator from California [Mr. FLINT] is one. He is so young a man that I do not know whether he is a native of California or whether he is one of those that we contributed to it, who have built up that great valuable country in the West.

But, Mr. President, do not let me be misunderstood. I am simply contending, and I do not see how there can be any possible doubt about the question, that when it comes to the distribution of funds arising from the public lands they are not funds which belong to the particular States in which the lands are situated, but they are funds which by every reason belong in common to all the people of the United States.

Mr. WARREN. May I interrupt the Senator now?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. With pleasure.

Mr. WARREN. I do not quite understand whether the individuals who went out from the older States after having their share of this purchase and settled there are now indebted to their fellows who remained East. Is that the contention?

Mr. BACON. By no means; but if the Senator and others paid for land the money they paid for the land went into the Treasury and is the common property of the people of the United States, and not the property of the people of Wyoming.

Mr. WARREN. They have not ever claimed that.

Mr. BACON. Of course not, but in the proposition as maintained here, that the proceeds of these lands now must be devoted to the reclamation of lands in those States, and those States alone, there is a recognition of the fact that they have a superior claim upon this fund, a claim in which the people at large do not participate.

Mr. WARREN. I do not seek to enter into the merits of that case, but I want to say that if the Senator thinks the settlers of those Western States are indebted to the States from which they went, or if he thinks that those States that are

organized there and pay their taxes year after year, while the United States has kept its ownership and not paid a sou, and that property has been made three or four fold as valuable and that money has come back to the older States—if they think we are still in debt, I should like some Senator to state the amount of that debt and the manner in which he figures it up.

Mr. BACON. I do not know of any greater compliment to a public speaker or for any speaker than for some one to set up a man of straw and knock him down, rather than address himself to the particular proposition the speaker has presented.

Mr. WARREN. I am sorry the Senator does that, then.

Mr. BACON. Nobody has claimed that the Western States owe anything to us or to the other States.

Mr. WARREN. The claim has been that we would not have had the States except that they were bought out of the purse of the Eastern States. As I have said, the Government made investments there of a small sum and received it back again tenfold, a hundredfold, and a thousandfold in some cases. That is all there is to it.

Mr. BACON. The Senator from Wyoming is a resident of a part of the arid country receiving now a very large part of the benefit from the proceeds of the public lands.

Mr. WARREN. It is not receiving one single cent except what it pays back into the Treasury.

Mr. BACON. I stated that myself.

Mr. WARREN. It pays it directly before it can get any benefits. It can not spend an acre of land until it pays the United States for its investment.

Mr. BACON. I think I stated that fact; so the Senator does not correct me in any particular. I said the fund would ultimately come back to the Government. It is a part of the scheme. There is no doubt about that, and there is no doubt about the fact that, so far as the present is concerned, we are developing the country and irrigating it. I voted for it, I will say to the Senator. Whether I did right or wrong is a question which I am not prepared to discuss, but I voted for the reclamation of those lands. However, there is a limit. You can not say if I voted for that measure I ought to vote for this measure. I do not think that is correct logic by any means. There are differences between the measures.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Washington?

Mr. BACON. I will yield to the Senator for a question.

Mr. PILES. I just want to correct the Senator's statement in respect to the Oregon country.

Mr. BACON. Well, that is not material.

Mr. PILES. As to its being a part of the Louisiana purchase. I simply wish to say that there is absolutely no evidence upon which that claim may be founded. The Oregon country——

Mr. BACON. I do not wish to be diverted to that, Mr. President.

Mr. PILES. If the Senator will not yield, of course——

Mr. BACON. I stated that as far as I knew there was a division, and my opinion is one way and the opinion of the Senator from Oregon is another way. I think Mr. Jefferson sent the two explorers there to explore what he understood we had acquired in the Louisiana purchase. That was my view of it, but I am not going to discuss that; it is not material.

Mr. TELLER rose.

Mr. BACON. Does the Senator from Colorado desire to interrupt me on that question?

Mr. TELLER. I wish to say a word after the Senator gets through.

Mr. BACON. Very well; I am nearly through. I will not occupy the Senate further than to state that I am opposed to the bill for two reasons. In the first place, I am opposed to it on the ground I have argued, that it is a disposition of the public lands which now remain and a devotion to particular purposes confined to particular States; that if the funds arising from the public lands are now disposed of they should be disposed of in a way that the States of the Union should have an equal participation pro rata in them; and, in my opinion, there is a much higher purpose to which these proceeds can be devoted than the reclaiming of swamp lands, to wit, the purpose of education. I am opposed to it on that ground, and I am opposed to it on the further ground——

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I will yield for a question. I have nearly concluded.

Mr. FLINT. I simply want to say that if the bill passes and is carried out like the act for the reclamation of arid lands, there will be no need of an appropriation for educational purposes, because there will be farmers there producing from the soil who will be able to contribute their own money for education.

Mr. BACON. That is a speculative matter, though I think it is very wise in its scope.

I will conclude, without detaining the Senate further on this matter, by stating that I am opposed to the bill, in the second place, because I am utterly and irreconcilably opposed to the proposition contained in the fifth and sixth sections of the bill, that the Government of the United States shall, upon security of bonds or any other security, lend money to individuals or to communities for the reclamation of private lands within the States, even though my State would be one that would be largely benefited, because we have a large amount of land of that kind.

Mr. TELLER. Mr. President, the Senator from Georgia says that the use of the proceeds of the public lands in the States would indicate that the States were making some claim on it.

Mr. BACON rose.

Mr. TELLER. I understood the Senator to say that because the money was to be used in the State under the Reclamation Service we made some claim, because it was collected in Colorado and Nevada, and so forth, that we were entitled to have it expended there.

Mr. BACON. If the Senator will pardon me, if I said the States were making that claim, I was not careful in the use of language. I mean that that would be the effect if there was given to the States in which it was situated the exclusive benefit of the appropriation, so far as it was a Government appropriation.

Mr. TELLER. The Reclamation Service proceeded upon the theory that the Government of the United States owned a large area of arid land, unproductive land, land that could not be sold in its then condition. The Supreme Court of the United States in the case of Kansas *v.* Colorado held that it was only upon the theory that the Government could improve its own lands that the Government could constitutionally go into the State. The court held in that case that the Government could not go into a State and improve lands that do not belong to the General Government. How far that will affect some of the States—for instance, like Texas—I do not now care to go into.

Mr. MONEY. The Government has no land in Texas.

Mr. TELLER. The Government has no land in Texas, but we have an extension of the Reclamation Service to Texas. It seemed to me that the court rather disturbed the theory that we might do something in Texas with the consent of Texas. The Government does not lend any money to Colorado or any other Western State. It takes its money and invests it in the improvement of its land. Then it adds the expense of that improvement to the land and sells the land to the people of that country.

Mr. President, everywhere the people of the West have recognized that the proceeds of the land when sold is the property of the Government of the United States. We have never made any claim on it, and until the Reclamation Service we never had any benefit of it.

Mr. Webster once made a speech in the Senate in which he said that Virginia had given to the Government land for the disposal of which the Government had already received $80,000,000. He said that if it continued in the same way, in time the donation of Virginia to the Government would amount to $200,000,000. Mr. President, it amounted to a good deal more than $200,000,000.

As the Senator said, Georgia ceded to the Government without any compensation whatever a very large area of Mississippi and Alabama. The Government owns the land, and it has been the theory of the Government always to sell the land and then that each State had its proportionate share; that it went into the common fund and has been used for the common benefit.

A good many years ago, I should say twenty-seven or twenty-eight years ago, the Senate voted by a very narrow majority to devote the proceeds of the public lands to the education practically of the colored people of the South. That was reconsidered and an amendment put on that practically defeated the bill. We had for years before this body what was called the "Blair educational bill," proposing to donate the proceeds of the public land to educational purposes in the country; and the defeat of the bill really grew out of the difficulty in the administration of it. It was difficult to say how we should distribute the money so as not to interfere with the States. The representatives of many of the States that would have benefited

largely by it voted against it because they feared that the Government might interfere in some way and disturb their school system.

Mr. President, the public land belongs legally to the Government of the United States. Properly it belongs to the people of the United States. The Supreme Court has repeatedly said that the Government holds the land in trust for the people, and when the trust has been completed by the conveyance of the public property in the way of lands to persons then the trust of course ceases.

Mr. President, I do not fancy this bill. I do not fancy that part of it that loans money. I recognize the right of the Government of the United States to go into a State where it has land of the character that is mentioned in this bill and drain it just as much as it would have a right to go on land that it owned that was dry or watered. I can not see any distinction. So much of the bill as provides for that I am in absolute sympathy with. To so much of it as proposes to loan money to either individuals or corporations or even States I shall not be able to give my vote.

The VICE-PRESIDENT. If there be no further amendments proposed as in Committee of the Whole, the bill will be reported to the Senate.

Mr. BURKETT. Is it the intention of the Senator in charge of the bill to finish it to-night?

Mr. LODGE. I do not understand that the purpose of the Senator in charge of the bill is to press it this evening to a vote. I understand that there is still a good deal of debate to be had on the bill.

Mr. FLINT. As there seems to be some desire to have further debate on the bill, I move that the bill be taken up and that it be made the unfinished business.

The VICE-PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of the pending bill. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

ADJOURNMENT TO FRIDAY—BUSINESS OF THE SESSION.

Mr. HALE. This bill will clearly give rise to debate, but it is the unfinished business and will come up whenever we have a session. All the committees are at work now. There is a general purpose to adjourn early. Several conference committees are at work and want the day to-morrow. I have been requested by several Senators to take the sense of the Senate by moving that when the Senate adjourns to-day it adjourn to meet on Friday.

Mr. CULBERSON. Mr. President——

Mr. HALE. I have also been requested by several Senators to make it Saturday, and I would do it, but on Friday morning the Committee on Appropriations will be ready to report an appropriation bill, and I think it is the sense of the Senate that when we have any business of that kind to do, we should be here.

Mr. CULBERSON. Before the Senator insists upon his motion, I ask him if he will not withhold it until we can pass a short bill here, to which I think there is no objection. I understand the Senator rose to move to adjourn now, but it will take only a moment. It is a bill in which there is great general interest, a short bill, to which, I think, there is no objection. It is in charge of the Senator from North Carolina [Mr. OVERMAN]. It is the bill (S. 3732) regulating injunctions and the practice of the district and circuit courts of the United States. It contains only half a dozen sentences.

Mr. HALE. I am very glad to yield to the Senator.

Mr. BURKETT. Mr. President——

Mr. CULBERSON. Then, as I happen to have the floor, I ask, on behalf of the Senator from North Carolina [Mr. OVERMAN], unanimous consent for the present consideration of Senate bill 3732.

Mr. KEAN. Let the bill be read.

The VICE-PRESIDENT. The Senator from Texas asks for the present consideration of a bill, which will be read for the information of the Senate.

Mr. BURKETT. I wish to say to the Senator from Texas that I have a bill which I introduced on the same subject and that I am going to move to offer as an amendment to this bill. I should like to have the bill come up at a time when I may have ten or fifteen minutes (certainly I do not want to take the time this evening at this hour) to present the reasons why the substitute I propose to offer should be adopted instead of the bill. I do not think the Senator wants to hold the Senate here at this time of the day, and I certainly do not want to proceed with a discussion of the subject now.

Mr. OVERMAN. If the bill is going to provoke a discussion at this late hour, I shall not insist upon its consideration now. I thought perhaps we could pass the bill without any discussion. If the Senator from Nebraska desires to speak on it at some length and wishes to have it go over, of course I will not insist on proceeding with it at this time.

Mr. BACON. If I can have the attention of the Senator from Maine a moment, I wish to make a suggestion in connection with what he said about the way in which the Senate would be occupied on Friday, if we adjourn over until that day. There are some matters of legislation upon which we desire to have the consideration of the Senate. According to the suggestion of the Senator, if we adjourn over until Friday those measures can not be considered on that day, because the Senator will then be ready with an appropriation bill.

I did not make the suggestion until there was some objection interposed to the consideration of the bill to which attention was called by the Senator from Texas. I want to say that that is a matter in which the people of my section are most deeply interested, one in which I myself feel a very great interest, and one upon which I myself have introduced a bill the substantial features of which are embodied in the substitute which has been brought forward here by the Committee on the Judiciary; in fact, it is almost absolutely and entirely the same bill in practical effect. If we can have the consideration of this bill to-morrow, for instance, we would not be in a position to be still further postponed when Friday came and the appropriation bill came up.

Mr. HALE. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, I have no objection to the recess of the Senate, provided it is so adjusted or arranged that consideration of certain bills will not be entirely precluded, which will be the case, so far as this week is concerned, if we adjourn over until Friday, under the statement of the Senator from Maine that on Friday there will be an appropriation bill which will occupy that day.

Mr. HALE. If the Senator will allow me, I think it is not his fault, but mine; but I did not state clearly what the Committee on Appropriations desires to do on Friday. It is not to confiscate that day for appropriation bills, but to give the committee an opportunity to report a bill so that it may be in order afterwards, but not to take it up that day.

Mr. BACON. The Senator does not propose to take it up that day?

Mr. HALE. No; but the Senator sees the importance——

Mr. BACON. I see I am in error.

Mr. HALE. With the condition we are in and the desire for an early adjournment, the Senator—an old Senator here—will see the importance of our pushing the appropriation bills as fast as possible. The committee has so pushed the bill that they will be ready to report it on Friday morning, and then that day will be, of course, at the disposal of the Senate.

Mr. BACON. I understand the Senator. I wish to say in this connection that we are not in favor of pushing appropriation bills so rapidly that Congress will adjourn prior to action by the Senate upon certain important measures which we think should have the consideration of the Senate. I do not offer that as an objection to the present suggestion, but I would not desire that it should be understood that appropriation bills are the only measures which are to be considered the balance of the session. I think there are a number of measures the Senators on that side of the Chamber favor which possibly might with propriety be taken up at this time.

I do not wish to be misunderstood now as to what those measures are. There are some which have been agitated in certain places which I do not favor, and I have no allusion to them; but there are some those of us on this side of the Chamber very earnestly favor, and we at least desire to have the opportunity to have the Senate pass upon them before the session shall have been adjourned.

Mr. HALE. I have no doubt the Senator will have that opportunity. The appropriation bills—I think Senators will bear me out in the statement—are not either by the Committee on Appropriations or the other committees that have them in charge unduly prolonged in the Senate. They do not confiscate the time of the Senate. Considering the amount of money that is involved in them, all the expenditures of the Government, it is remarkable how little time they take and how small is their encroachment upon other bills.

But, at the same time, it is necessary for the Committee on Appropriations and the other committees that have them in charge to get them before the body, because they have to run through the Senate; then they have to go to the House for the amendments to be acted upon, and then pass the crucible of

conference reports, and there has to be, in the last month of every session, a good deal of vigilance in seeing that the appropriation bills are presented as fast as possible to the Senate. Then they are out of the way. In fact, the rules are based upon the idea that they shall have preference.

I never have known a time when complaint was made that the appropriation bills take undue time. So far as I am concerned, I do not encroach, nor do any of my associates on the committee, nor do the chairmen of the other committees having them in charge encroach upon the time of the Senate.

I made the suggestion because the desire was expressed by several Senators. The first suggestion, as I said, was to adjourn until Saturday, but it seemed to me that we had better devote Friday to business, and I especially was interested, because we have an important appropriation bill to be reported on that day. I leave it entirely, of course, to the Senate to decide the matter.

Mr. BACON. I have no doubt that the suggestion of the Senator from Maine will be favorably acted upon by the Senate. I wish to say that no one has ever accused the Appropriations Committee or the committees which have appropriation bills of unduly occupying the time of the Senate in their consideration. My observation has been the other way.

Mr. HALE. I was going to say, it has been rather the other way.

Mr. BACON. I think we ought to give a little more consideration to them. As I suggested the other day, when the Senator was protesting against some very large expenditures which were recommended, it would be well if the Appropriations Committee would take the balance of us in their confidence a little and tell us a little more about these appropriation bills when passed, and take a little more time in their consideration.

But I rose simply to say, in response to the Senator in connection with my former suggestion as to a desire upon our part for some legislation, that while it is true, as stated by the Senator, that it has been universally the case that not much time has been occupied by the Senate in the disposal of appropriation bills, it is equally true, universally true, that when the appropriation bills have been passed Congress adjourns regardless of other legislation. Therefore we desire to have some legislation before all the appropriation bills are passed.

Mr. HALE. I ask that the question be put on my motion, that when the Senate adjourns to-day it be to meet on Friday next.

The motion was agreed to.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BORAH. Mr. President, I desire to give notice that on Monday, after the conclusion of the morning business, I desire to make some remarks upon the bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

INDIAN ALLOTMENTS IN OKLAHOMA.

Mr. GORE. I ask unanimous consent for the immediate consideration of the bill (S. 6525) authorizing the Secretary of the Interior to remove restrictions on Indian allotments in Oklahoma for school-site purposes.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 7, after the word "prices," to insert "to be fixed;" and on page 2, line 4, after the words "full bloods," to insert "and minors," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell for school purposes to school districts of the State of Oklahoma, from the unallotted lands of the Five Civilized Tribes, tracts of lands not to exceed 2 acres in any one district at prices to be fixed and under regulations to be prescribed by him, and proper conveyance of such lands shall be executed in accordance with existing laws and regulating the conveyance of tribal property; and the Secretary of the Interior also shall have the authority to remove the restrictions on the sale of such lands, not to exceed 2 acres in each case, as allottees of the Five Civilized Tribes, and allottees under the jurisdiction of the Osage and Quapaw Indian agencies, including full bloods and minors who may desire to sell for school purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned until Friday, April 17, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 15, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, at 11 o'clock and 30 minutes a. m. the House was called to order by the Speaker.

The SPEAKER. The question recurs on the pending motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—60 ayes and 30 noes.

Mr. WILLIAMS. Mr. Speaker, I respectfully ask for tellers.

Mr. PAYNE. I make the point that the motion is dilatory.

Mr. WILLIAMS. It seems to me, Mr. Speaker, that when one asks for tellers, after a division which shows the absence of a quorum, that that certainly can not be considered dilatory.

The SPEAKER. Evidently a quorum is not present, but there are twice as many voting "aye" as voting "no." There are other ways of ascertaining, but the Chair is inclined to sustain the point of order.

Mr. WILLIAMS. I was afraid that the Chair would be so inclined, and I call for the yeas and nays.

Mr. PAYNE. Mr. Speaker, evidently no quorum is present, and in order to have the yeas and nays under a call of the House under the rule, I make the point of no quorum.

Mr. WILLIAMS. I make the point of order that the gentleman's suggestion of no quorum is dilatory.

The SPEAKER. On the contrary, the Chair is of opinion that it is the most speedy way to get a quorum.

Mr. WILLIAMS. I was afraid that the Chair would so hold.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and all those in favor of the motion will, when their names are called, answer "yea," and those opposed "nay;" and those present and not voting will answer "present." The Clerk will call the roll.

The question was taken, and there were—yeas 263, nays 6, answered "present" 16, not voting 102, as follows:

YEAS—263.

Adair	Dawson	Holliday	Moore, Tex.
Adamson	De Armond	Houston	Morse
Aiken	Denby	Howell, N. J.	Mudd
Alexander, Mo.	Denver	Howell, Utah	Murdock
Alexander, N. Y.	Diekema	Howland	Murphy
Allen	Dixon	Hubbard, Iowa	Needham
Ames	Douglas	Hubbard, W. Va.	Nelson
Andrus	Draper	Hughes, N. J.	Nicholls
Anthony	Driscoll	Hull, Iowa	Norris
Ashbrook	Dwight	Hull, Tenn.	Nye
Bartholdt	Ellerbe	Humphrey, Wash.	O'Connell
Bartlett, Ga.	Ellis, Mo.	Humphreys, Miss.	Olcott
Bates	Ellis, Oreg.	Johnson, S. C.	Padgett
Beall, Tex.	Englebright	Jones, Wash.	Page
Bell, Ga.	Esch	Keifer	Parker, N. J.
Bennett, Ky.	Fairchild	Kelliher	Parker, S. Dak.
Birdsall	Ferris	Kennedy, Iowa	Parsons
Bonynge	Finley	Kennedy, Ohio	Payne
Booher	Flood	Kinkaid	Perkins
Bowers	Floyd	Kitchin, Claude	Peters
Boyd	Foss	Knapp	Porter
Brantley	Foster, Ill.	Knowland	Pray
Brodhead	Foster, Ind.	Küstermann	Rainey
Burke	Foulkrod	Lafean	Rauch
Burleigh	French	Lamar, Mo.	Reeder
Burleson	Fuller	Landis	Reid
Burnett	Fulton	Laning	Reynolds
Burton, Del.	Gaines, W. Va.	Lassiter	Richardson
Burton, Ohio	Gardner, Mich.	Law	Robinson
Butler	Gardner, N. J.	Lawrence	Rodenberg
Byrd	Garner	Leake	Rothermel
Calder	Garrett	Legare	Rucker
Calderhead	Gilhams	Lilley	Russell, Mo.
Caldwell	Gill	Lindbergh	Russell, Tex.
Campbell	Gillett	Littlefield	Sabath
Candler	Godwin	Livingston	Saunders
Capron	Goebel	Lloyd	Scott
Carlin	Goldfogle	Longworth	Sheppard
Carter	Gordon	Loud	Sherley
Cary	Graff	Loudenslager	Sherwood
Caulfield	Greene	Lovering	Sims
Chaney	Gregg	Lowden	Slayden
Chapman	Hackett	McCall	Slemp
Clark, Mo.	Hackney	McDermott	Smith, Cal.
Clayton	Hale	McGavin	Smith, Iowa
Cockran	Hamilton, Iowa	McGuire	Smith, Mo.
Conner	Hamilton, Mich.	McKinlay, Cal.	Smith, Tex.
Cook, Pa.	Hammond	McKinley, Ill.	Southwick
Cooper, Pa.	Hardwick	McLachlan, Cal.	Sparkman
Cooper, Tex.	Haskins	McLain	Sperry
Cooper, Wis.	Haugen	McLaughlin, Mich.	Spight
Cox, Ind.	Hawley	McMillan	Stafford
Craig	Hayes	Macon	Steenerson
Cravens	Heflin	Madden	Stephens, Tex.
Crumpacker	Helm	Madison	Sterling
Currier	Henry, Conn.	Malby	Stevens, Minn.
Cushman	Henry, Tex.	Mann	Sturgiss
Daizell	Hill, Conn.	Marshall	Sulloway
Darragh	Hinshaw	Maynard	Talbott
Davidson	Hitchcock	Mondell	Tawney
Davis, Minn.	Hobson	Moore, Pa.	Taylor, Ala.

Taylor, Ohio	Tou Velle	Washburn	Wilson, Pa.
Thistlewood	Townsend	Watson	Wood
Thomas, N. C.	Volstead	Willett	Woodyard
Thomas, Ohio.	Vreeland	Williams	Young
Tirrell	Wanger	Wilson, Ill.	

NAYS—6.

Ansberry	Hay	Jones, Va.	Underwood
Burgess	Johnson, Ky.		

ANSWERED "PRESENT"—16.

Bennet, N. Y.	Fassett	Harrison	Moon, Tenn.
Boutell	Foster, Vt.	Jenkins	Olmsted
Brownlow	Goulden	Lamb	Roberts
Cousins	Griggs	Lee	Sherman

NOT VOTING—102.

Acheson	Fitzgerald	James, Ollie M.	Pratt
Bannon	Focht	Kahn	Prince
Barchfeld	Fordney	Kimball	Pujo
Barclay	Fornes	Kipp	Randell, Tex.
Bartlett, Nev.	Fowler	Kitchin, Wm. W.	Ransdell, La.
Beale, Pa.	Gaines, Tenn.	Knopf	Rhinock
Bede	Gardner, Mass.	Lamar, Fla.	Riordan
Bingham	Gillespie	Langley	Ryan
Bradley	Glass	Lenahan	Shackleford
Broussard	Graham	Lever	Small
Brumm	Granger	Lewis	Smith, Mich.
Brundidge	Gronna	Lindsay	Snapp
Clark, Fla.	Haggott	Lorimer	Stanley
Cocks, N. Y.	Hall	McCreary	Sulzer
Cole	Hamill	McHenry	Waldo
Cook, Colo.	Hamlin	McKinney	Wallace
Coudrey	Harding	McMorran	Watkins
Crawford	Hardy	Miller	Webb
Davenport	Hepburn	Moon, Pa.	Weeks
Davey, La.	Higgins	Mouser	Weems
Dawes	Hill, Miss.	Overstreet	Weisse
Dunwell	Howard	Patterson	Wheeler
Durey	Huff	Pearre	Wiley
Edwards, Ga.	Hughes, W. Va.	Pollard	Wolf
Edwards, Ky.	Jackson	Pou	
Favrot	James, Addison D.	Powers	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. DUNWELL with Mr. HARRISON.

For the day:

Mr. FASSETT with Mr. BARTLETT of Nevada.

Mr. HEPBURN with Mr. LAMB.

Mr. MOON of Pennsylvania with Mr. PUJO.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. POWERS with Mr. PRATT.

Mr. WALDO with Mr. WALLACE.

Mr. WEEKS with Mr. WOLF.

Mr. KAHN with Mr. WILEY.

For one week:

Mr. OVERSTREET with Mr. MOON of Tennessee.

Until further notice:

Mr. COUSINS with Mr. HOWARD.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. BARCHFELD with Mr. LINDSAY.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. POLLARD with Mr. LEVER.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. WHEELER with Mr. DAVENPORT.

Mr. LANGLEY with Mr. HAMLIN.

Mr. HUFF with Mr. SULZER.

Mr. COUDREY with Mr. EDWARDS of Georgia.

Mr. FOSTER of Vermont with Mr. POU.

Mr. MCGUIRE with Mr. STANLEY.

Mr. JACKSON with Mr. WILLIAM W. KITCHIN.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. PRINCE with Mr. GLASS.

Mr. FORDNEY with Mr. CRAWFORD.

Mr. BANNON with Mr. FAVROT.

Mr. BARCLAY with Mr. FITZGERALD.

Mr. BEALE of Pennsylvania with Mr. GILLESPIE.

Mr. BRUMM with Mr. GRANGER.

Mr. COCKS of New York with Mr. HAMILL.

Mr. COLE with Mr. HARDY.

Mr. COOK of Colorado with Mr. HILL of Mississippi.

Mr. FOCHT with Mr. OLLIE M. JAMES.

Mr. GRAHAM with Mr. KIPP.

Mr. GRONNA with Mr. LAMAR of Florida.

Mr. HALL with Mr. LEE.

Mr. HARDING with Mr. LENAHAN.

Mr. HUGHES of West Virginia with Mr. LEWIS.

Mr. LORIMER with Mr. MCHENRY.

Mr. MCCREARY with Mr. RHINOCK.

Mr. MCMORRAN with Mr. RANDELL of Texas.

Mr. MILLER with Mr. RYAN.

Mr. PEARRE with Mr. SMALL.

Mr. SMITH of Michigan with Mr. WATKINS.

Mr. SNAPP with Mr. WEBB.

Mr. BROWNLOW with Mr. GAINES of Tennessee.

For the session:

Mr. SHERMAN with Mr. RIORDAN.

Mr. BRADLEY with Mr. GOULDEN.

Mr. BENNET of New York with Mr. FORNES.

Mr. KNOPF with Mr. WEISSE.

Mr. BOUTELL with Mr. GRIGGS.

The result of the vote was announced as above recorded.

The doors were opened. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20471, the naval appropriation bill, with Mr. MANN in the chair.

Mr. LITTLEFIELD rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LITTLEFIELD. At what stage of the bill are we, Mr. Chairman?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 75, line 17.

Mr. PADGETT. Mr. Chairman, I ask now to return at this time to the paragraph that was passed by consent yesterday that I may offer an amendment to that paragraph.

Mr. LITTLEFIELD. Pending that, Mr. Chairman, I wish to offer an amendment here which I would like to have voted on now, if it is agreeable to the gentleman.

The CHAIRMAN. Before the Clerk commences to read, the committee will return to the portion of the bill that was passed for the purpose of offering an amendment.

Mr. TAWNEY. Mr. Chairman, I hope the gentleman will not do that now. The paragraph involves the expenditure of a large amount of money on a great many ships, and I know that Members would like to have some information in regard to the necessity for these repairs and the character of them, in order that we may have a record of them and of what is asked.

Mr. PADGETT. Then, Mr. Chairman, I will pass that matter for the present.

Mr. LITTLEFIELD. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 75, after line 16, insert:

"That so much of the act making appropriations for the naval service for the fiscal year ending June 30, 1897, and for other purposes, as reads, '*And provided further:* That hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps on the active or retired list while such officer is employed after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date,' be amended by striking out the words 'or retired.'"

Mr. UNDERWOOD. Mr. Chairman, I reserve the point of order on that.

Mr. MADDEN. Mr. Chairman, I reserve the point of order.

Mr. LITTLEFIELD. Pending the point of order, I would like to state briefly what this amendment means. I suppose, Mr. Chairman, that this amendment would have come more appropriately at another stage of the bill, but I did not happen to be on the floor when that part of the bill was passed. Now, this will correct some legislation that became a part of the naval appropriation bill in 1897, which very grievously discriminates against retired officers in the Navy. It prohibits any retired officer in the Navy, young or old, and for whatever purpose he may have been retired, whether on account of physical disability or age, from getting employment or taking employment in connection with the persons who deal with the Government of the United States. There is no such restriction applying to the retired officers in the Army, and it operates as a very grievous burden to many of the men who are now on the retired list. Many young men have left the Navy—retired necessarily under the rules on account of physical incapacity or disability—who are perfectly able to render valuable service to men in private life, and this prevents them from rendering such service where their employers are furnishing material to the Government.

There are many men on the retired list, retired for age, who are perfectly capable of rendering valuable service and taking valuable compensation therefor who are prohibited by this provision, which went through on an appropriation bill in 1897, from receiving such compensation as retired officers if they render such service, and no legitimate reason, in my judgment, can be suggested why the rendering of such services is in any way disadvantageous to the Government. Now, I will send to the desk and ask to have read, as a further explanation of this proposition, an editorial from the Washington Post, after which I hope the gentleman who raised the point of order, taking into account the obvious merits involved in this proposition, will feel

as though he might withdraw it and let this become a part of this bill. I do not ordinarily believe in legislation on appropriation bills, but this particular legislation that this undertakes to correct went through in the first instance on an appropriation bill, and if there is any excuse for such legislation, there is certainly reason why this also, for the purpose of correcting that, should become a part of this appropriation bill. Now I will ask that the Clerk will read.

The CHAIRMAN. The Clerk will read in the gentleman's time.

The Clerk read as follows:

[Editorial Washington Post, February 10, 1908.]

AN UNJUST LAW.

A contemporary records the interesting fact that, a few days since, a naval surgeon on the retired list, now engaged in private practice, was called upon to perform a serious operation for appendicitis at the home of a wealthy butcher. The operation successfully performed and the patient fully recovered, the latter asked the surgeon for his bill, and received this surprising reply: "My charge would ordinarily be $200, but, inasmuch as you occasionally supply the navy-yard with beef, I am forbidden by law to accept a cent."

This recalls an equally ludicrous case in which a junior lieutenant on the retired list of the Navy, at present practicing law, defended before a police court a captain of a sand scow charged with having assaulted one of his crew. After securing the acquittal of his client, and as he was about to receive a much coveted fee of $15, it developed that the captain had a contract for supplying the local navy-yard with $100 worth of sand. "Nothing doing," replied the lawyer, as he dejectedly pushed back the bills offered by his client. "I'm a junior lieutenant, placed on the retired list of the Navy because of heart disease contracted in the line of duty, and the law forbids my taking any compensation from you."

These incidents, incredible as they seem, are based upon an amendment to the naval appropriation act of 1897, as follows:

"Hereafter no payment shall be made from appropriations made by Congress to any officer in the Navy or Marine Corps, on the active or retired list, while such an officer is employed, after June 30, 1897, by any person or company furnishing naval supplies or war material to the Government; and such employment is hereby made unlawful after said date."

The intent of this act is very plain. It is to prevent the improper employment by contractors of officers in the Navy and Marine Corps. It should apply to Army officers also. But, as it stands, it works an injustice to the officers affected, and it should be amended so that officers in any branch of the service may honestly perform services for civilians and accept pay for them. The precautions against possible grafting ought to be made in such fashion as to avoid working a hardship to men who have no desire to graft, and who ask only a fair opportunity to utilize honorably the ability and experience they may possess.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois insist upon his point of order?

Mr. MADDEN. Yes, sir. In the first place, Mr. Chairman, I think it is bad policy to legislate on an appropriation bill. This amendment is not germane to the part of the bill to which it is offered as an amendment. The policy of allowing retired officers to enter the service of people who are engaged in furnishing the Government supplies is a bad policy and ought not to be tolerated, and hence I insist upon the point of order.

The CHAIRMAN. Does the gentleman from Maine desire to be heard on the point of order?

Mr. LITTLEFIELD. No; I concede I am entirely at the mercy of my friend from Illinois. There is no question of its being legislation.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 66. Joint resolution providing for additional lands for Wyoming under the provisions of the Carey Act;

S. 5657. An act to provide for the purchase of a site and the erection of a building thereon at Westerly, R. I.;

S. 4692. An act providing for the purchase of a site for a public building at Poplar Bluff, Mo.;

S. 1762. An act for the relief of the trustees of the Davenport Female College; and

S. 1385. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 17305. An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound at the Government Printing Office 10,000 copies of the preliminary report of the Inland Waterways Commission, with illustrations, of which 5,000 copies shall be for the House of Representatives, 2,500 copies for the Senate, and 2,500 copies for the use of the Commission.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15653. An act to increase the pension of widows, minor children, etc., of deceased soldiers of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Total under quartermaster, Marine Corps, $2,316,999.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word. An all-important question is before this House to-day. Shall we abandon our traditional policy maintained since the very foundation of the Republic and become involved in the antagonisms and conflicts of other nations? Shall we take a step which the world will interpret as one of militant ambition for empire? We can not explain this ambitious programme by the claim that we desire to become the peacemaker of the world. If we make such a claim, the judicious will say it will prove ineffective, the skeptical will term it a dream, and the unfriendly will call it a specious pretense.

In the discussion of this proposition for the enlargement of our fleet of battle ships I wish to emphasize an undeniable fact. Our country has enjoyed an unprecedented growth and has attained a position in the very fore front among nations, not by the strength of armies or navies, but by our unique position and by the confidence in our impartiality and justice. This does not mean that we have not achieved most notable triumphs on the land and on the sea. American valor is entitled to the highest praise, and we may congratulate ourselves that whenever the Republic is in peril tens of thousands will rise up ready to defend our country with the last drop of their blood. We have relied more upon the efficiency and quality of our armies and navies than upon numbers or even preparedness.

Especial attention should be given to that which is the most prominent feature of our diplomatic relations—the Monroe doctrine. It is easy to prove that this has been maintained and has gained the acquiescence of all nations not by reason of military armament at all. At first we had the friendly suggestion and then the support of England in the enunciation of this principle. What is the basis of the Monroe doctrine? It is this: That the Western Hemisphere is not merely geographically separate from the Eastern Hemisphere, but politically distinct as well. We have here separate interests, different political conceptions and ideas. So from the days of President Monroe, and even before—for we may find traces of the doctrine in the days of Washington—we have asserted our title to the predominant power in this hemisphere. That claim has come to be, if not a rule of international law, nevertheless, by the comity of nations and by universal consent, a settled doctrine or principle.

In every instance it has been sustained without any exercise of physical force. Not a single gun has been fired, not a sword has been raised in support of the Monroe doctrine at any time. The most strenuous assertion of it was in the years 1895 and 1896. The United States insisted that, in a boundary dispute between Venezuela and Great Britain, the decision should be left to arbitration. Whatever may have been the relations of the nations of Europe with Great Britain, the political opinion of all those countries was against us.

Mr. HOBSON. Will the gentleman yield to a question?

Mr. BURTON of Ohio. Yes.

Mr. HOBSON. Would the gentleman, in the present state of arbitration in the world, leave the vital interests of the nation to depend upon arbitration when there is no arbitration for vital interests?

Mr. BURTON of Ohio. I would leave them to arbitration if I could, and, if not, to our prestige as a nation and the world's desire for peace. [Applause.]

Mr. HOBSON. To our strength?

Mr. BURTON of Ohio. Our strength not only in our Navy and Army, but in our resources and our position in the world. There is no country, strong or weak in military armament, which desires the ill will of the American nation. [Applause.] This contention of ours was promptly acquiesced in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. Mr. Chairman, I ask unanimous consent to proceed for, say, five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. Now, what was the relative strength of the two countries at that time? We had three first-class battle ships and two second class—five in all. Great Britain had over thirty, and, as I said, the political opinion of Europe, whether friendly to Great Britain or not, was against us. Is not this an absolute demonstration that it was not by the strength of our Navy or by any dependence upon it, but because of our standing among the nations and the acquiescence in that doctrine, that arbitration was obtained? I could refer to a score of instances, but I will mention only one or two more. France, Great Britain, and Spain made a quasi alliance in 1861 for the collection of debts in Mexico. At the very beginning they signed an agreement that they should not seek to acquire any territory. When France seemed to show designs for colonial acquisition, or for the setting up of a dynasty under the control of Emperor Napoleon, Great Britain and Spain promptly withdrew. We were at that time engaged in the bloodiest civil war in the history of nations. But what was the result? France failed to obtain a permanent foothold in that country, and the Monroe doctrine remained unshaken.

And so it will be in the future. Nations are not now allowed to acquire additional territory without the consent of the rest, except in the case of barbarous tribes occupying territory such as that of Africa or some of the outlying portions of the earth; and their so-called "spheres of influence" are defined. There is a concert of action among them, a balance of power to be preserved, so that no acquisition shall be made by one without general approval. And if this doctrine has been maintained when we had a weak Navy, when we had no Navy, and at times when political rivalries and contests were rife in the world, how much more will it be maintained in these early days of the twentieth century, when every tendency is toward a community of interest among nations, when disturbance of the world's peace awakens universal disapprobation, and when the strong are not allowed to impose upon the weak? [Applause.] We can not be compared with China. We are not in the same class. [Applause.]

Mention has been made of those who have migrated to this country from foreign lands and of the oppression practiced upon those of their kindred or race by foreign governments. There is not one of us who has not the most heartfelt sympathy for the downtrodden Jews of Russia, and for all others who suffer wrong in other lands; but do we mean that we are to take up the sword on behalf of all those who dwell in any nation represented by immigrants in this country? If so, we have all Europe to contend with, and not four battle ships, but fifty, is what our programme should be. And again, we have accomplished much more for the oppressed and unfortunate citizens of the Old World in other ways. It has been by remonstrance, by the influences of diplomacy, by holding up a higher ideal of the relation between rulers and peoples, an ideal which looks toward the equality of all men before the law. [Applause.]

When you abandon these helpful policies and say that not by moral forces, but by means of a navy, with which we shall become involved in conflicts with them all—then shall we lose our opportunity and fail to accomplish such triumphs of amelioration as were achieved under Secretary Hay, under Secretary Root, and under a long line of their illustrious predecessors. If there were time I should be glad to exhibit the utterly illogical nature of the argument in favor of four new battle ships. What is sought? Are we to have a preponderating navy? Why, if we build more battle ships, Great Britain, which seeks to have a navy equal to the maximum of any two powers, will prosecute her naval programme, keeping just as far in advance as now.

[Here the hammer fell.]

Mr. BURTON of Ohio. Mr. Chairman, with the kind consent of the committee, I should like to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BURTON of Ohio. No ministry in Great Britain, Conservative or Liberal, could abandon this policy of a navy as great as that of any other two nations. There is a strong sentiment there for peace, but not strong enough to prevail against that long-cherished plan. We would then be still further involved in the mad race for naval expansion, in expenditures which have already become too burdensome for endurance. We may safely say that, just as it is always darkest before day, so light is already beginning to peer through the darkness. Under more enlightened policies, which will surely prevail, the limitation of armaments will come by necessity in the very near future.

Now, as regards our becoming the world's peacemaker. What does the task of a peacemaker involve? It requires that when two countries are in or near to a conflict, we will say to them: "You must settle your differences." If they do not agree upon a settlement such as we approve, then we must take the side of one or the other. That means war. It not only means war between us and one or the other, but it means that other nations will be involved in the conflict.

I want to call attention in this connection to a destructive argument in regard to the Monroe doctrine. It is said that we must have a larger navy. It is said that we could have prevented the trouble in Manchuria if we had possessed more battle ships. Anyone who will pause and reflect must realize that such intervention would mean an absolute abandonment of the Monroe doctrine. Its very fundamental principle was and is that the Old World must keep out of the New, because it does not belong to it, and the New World must keep out of the Old, because it does not belong there. So that when we begin to talk of a larger navy to compel nations to do our bidding to make peace, then we are getting away not only from the ancient moorings, from our policy of peace and nonintervention, but from our greatly prized Monroe doctrine.

The argument has been even carried so far as to suggest that it is necessary for us to have a larger navy in order to encourage the spread of the Gospel. How absurd that is! It would be saying to the peoples that do not embrace Christianity, "You have not accepted our religion. Now, we have a navy. We can burn your towns, slay innocent women and children; you had better accept our religion or a worse thing will come to you." Can anything be more contrary to the spirit of Christianity?

No. Let us continue our traditional policy, not indeed one of weakness, nor yet of nonresistance, but one of confidence in our strength as a nation. Our military strength, though mighty in its possibilities, is but a part; our material strength is much more; but most of all can we rely upon those great moral and political principles which have made our country what it is, the eternal principles of justice to all, the equality of man. Those great ideas are stronger than battle ships. Along those lines lie our destiny and our glory. We can already claim the position of the proudest and most progressive nation on the globe. How much more, in the coming years, by promoting peace and justice, can we conserve all the influences of the past and gain, in ever-increasing measure, the confidence, the good will, and the cooperation of all the nations of the earth! [Loud and long-continued applause.]

Mr. COCKRAN. Mr. Chairman, I ask that I may be allowed to proceed for fifteen minutes.

Mr. FOSS. Mr. Chairman, I shall not object to the gentleman proceeding for fifteen minutes, but after that I shall object to any further discussion until we reach that paragraph in the bill upon which this discussion is more appropriate.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Is there objection? The Chair hears none, and the gentleman from New York is recognized for fifteen minutes.

Mr. KEIFER. Mr. Chairman, I was on my feet. I am disposed to object unless we are allowed——

The CHAIRMAN. There are no conditions in an objection. Does the gentleman object?

Mr. KEIFER. Well, I will withdraw my objection, with the understanding that I may have some time.

The CHAIRMAN. The Chair can not have any such understanding.

Mr. COCKRAN. Mr. Chairman, with the entire argument of the gentleman from Ohio [Mr. BURTON] I am in the most hearty accord. The message of the Commander in Chief, however, it seems to me, has placed a new aspect upon this entire question, which I desire to place before this House. As to a large part of that message—its arguments, the conclusions it draws from the facts of history—I take the position so ably stated by the gentleman from Ohio; but in that part of it where the Commander in Chief declares upon his solemn responsibility that the exigencies and requirements of the national defense demand the construction of these four battle ships, a question is submitted to us which it seems to me must be considered at closer range than that occupied by the gentleman from Ohio.

On every deduction that can be drawn from general historical facts I think the duty of this House is imperative to reach its own conclusions, giving to arguments proceeding from any source—whether it be the White House, this floor, or the Chamber at the other end of the Capitol—exactly the weight which in our judgment they deserve. But when the national defense is affected, we then reach a ground of vastly greater delicacy and much greater parliamentary difficulty. When the Commander in Chief declares that anything is essential to our defense, he being charged with peculiar responsibility for it, with

sources of information largely denied to us, it becomes our pressing duty to inquire whether there be anything in our situation, foreign or domestic, that justifies or even lends plausibility to his recommendation. If it be purely fanciful, we must of course dismiss it as the fruit of fanciful fears and apprehensions should be dismissed; but if there be anything in our situation that gives it point and effect, then, it seems to me, we are bound to remember the constitutional responsibility placed on him and our own duty to provide him with the means by which this the most important of his duties may be effectually discharged.

Mr. BARTHOLDT. Will the gentleman permit an interruption?

Mr. COCKRAN. I have very little time. If the gentleman will wait until I conclude, I will welcome any questions.

Mr. BARTHOLDT. It is right in that connection.

Mr. COCKRAN. No; I have only fifteen minutes at my disposal. I must ask the Chair to protect me from interruption now. I will answer the gentleman as fully as he may wish at the conclusion if he will get me additional time.

The CHAIRMAN. The gentleman declines to yield.

Mr. COCKRAN. Mr. Chairman, I fully agree with the gentleman from Ohio [Mr. BURTON] that there is no reason to apprehend danger from any foreign government. I repeat my profound regret that we ever abandoned the policy of peaceful, imposing isolation which the gentleman lauds in terms which it richly deserves.

I regret that we ever undertook the establishment of a permanent fighting force and abandoned that peaceful attitude from which we won a consequence in this world without parallel in the history of nations, when our word carried a weight vastly greater than ever armaments enforced, when we wielded an influence far beyond any that could have been established by force, entirely through the good character that we enjoyed. But we have undertaken the construction of the Navy, and I am sorry for it. While I would resist every attempt to increase it, but would gladly get rid of it if there were nothing but ordinary foreign complications to be apprehended, there is another aspect of the question which forces me to wholly different conclusions.

I agree that we have no possessions which any other nation covets. I agree that no other nation possesses anything which we desire, but none the less I discern a cloud upon our horizon which may easily grow until the entire sky over our heads be darkened. It is not a danger arising from anything that any foreign government plots or plans or meditates. It is a difficulty which I believe both the governments concerned are most anxious to avoid. Nevertheless it remains a serious menace to peace. I certainly would not vote for an appropriation that would launch us upon the ambitious mission of enforcing a world-wide peace sketched by the gallant gentleman from Alabama [Mr. HOBSON] last Saturday. I deny that we have any right to enforce our notions of justice upon another country in a matter with which we have no direct concern. We have all that we can do in keeping ourselves from injuring others. Nations and men exhaust their capacity for good when they do justice themselves. [Applause.] Should we undertake to enforce our notions of justice on another country in a matter foreign to ourselves we would be attempting to establish complete authority over it.

If we directed Russia to vacate Manchuria, as was suggested here on Saturday, we would be asserting complete sovereignty over her. We could not do more than that if we had actually disarmed all her fighting force, demolished all her fortifications, taken possession of all her seaports. No nation could tolerate such pretensions on our part and maintain even a simulacrum of independence. I will never cast a vote for a policy that might launch us on such an enterprise of waste, ruin, and desolation, none the less disastrous in its fruits because it may be undertaken with lofty ideas of justice and morality.

But, Mr. Chairman, without engaging in foreign adventures, we have here upon our soil a question, a burning question, one that may involve us in the gravest difficulties at any moment in a most unexpected manner. We have two races dwelling on the Pacific coast.

The history of the world is absolutely without a single break in teaching the lesson that where two races come in contact there must be conflict unless one admits superiority of the other. We have had two races here in the South. There is peace, because one acknowledges superiority of the other, or at least superiority was asserted by one and the other has submitted. Wherever it is not conceded peacefully it will be asserted by one, and asserted by violence, until the other acknowledges it. I regret this myself. I had hoped that the virtues which the Japanese displayed before and after the Russian war, their moderation in victory, their tender care for the captured and wounded, would establish a new footing for them in the eyes of their white brethren. I had even hoped respect for their qualities might have led to some plan or basis by which those highly intelligent laborers would be welcomed here, or at least suffered to come in contact with us for industry, they improving our resources by their labor, while vastly improving their own condition by the wages earned in this land. But recent events on the Pacific coast have dispelled these hopes finally, completely, irretrievably.

This country is the El Dorado of the Japanese. Their eyes are turned toward it. Many of them are here—many more are eager to come. But the people of the Pacific coast will not allow them to dwell there—at least on a basis of equality, and they accept no other. Now, everybody recognizes that. The President of the United States recognizes it. Everybody concedes there is only one peaceful outcome, and that is exclusion of the yellow man. But Japan refuses to make a treaty of exclusion, though it is an open secret that the Japanese Government has undertaken to prevent emigration of Japanese laborers to these shores. Practical exclusion is promised us, though the Japanese authorities do not venture to make a formal arrangement for exclusion, through fear of public opinion in their own land.

The President, I think, believes that if this practical exclusion can be secured it will meet all the requirements of the situation, because there being few women of that race in this country—if further influx can be prevented—at the end of nine or ten years the number of Japanese must become so diminished by natural causes that they would be a negligible quantity. But if the measures taken by the Japanese Government informally be not effective and the number of Japanese in this country continues to increase, then there must be an exclusion bill. The sentiment of the Pacific coast demands it. No other solution is possible. These yellow men will not be suffered to dwell upon the terms of equality on which they insist side by side with white men. Now, the passage of an exclusion bill, everybody knows, would be deemed an unfriendly act by the Japanese Government. Their ambassador would probably be withdrawn, and what is meant when the Japanese Government holds an act to be unfriendly and withdraws its diplomatic representative the world has learned through the experience of the last few years.

Mr. Chairman, here is a situation sufficiently grave to justify me in complying with any reasonable demand of the Executive for additional measures of defense. [Applause.] But that is not all. Hitherto we have been considering measures that the Government can control. Conceive this situation in some of its aspects that no government can control. To talk about peace being secure while that question remains acute on the Pacific coast is about as sensible as to assume that a man can be perfectly safe while standing over a powder magazine with a lighted torch in his hand. I can conceive a condition which every gentleman from the Pacific coast will tell you is neither unreasonable nor improbable and which might involve us overnight in the gravest complications.

Suppose a native of Japan should offer an indignity to a white woman on the Pacific coast. Does anybody doubt that, whatever might be the penalty demanded by local laws against that offense, public opinion would be satisfied with nothing less than a capital expiation? Does anybody believe that public opinion would even brook the delay incidental to judicial process? And that is not all. Suppose some person guilty of such a crime should escape and obtain shelter in a settlement of his own countrymen, who might seek to conceal him from judicial pursuit. Is it not conceivable that before the fury which would assuredly be awakened by such a crime and the apprehension that it might go unpunished the settlement itself might be exterminated?

I see a smile of incredulity upon the face of the chairman of the Committee on Appropriations [Mr. TAWNEY]. Has he forgotten what occurred in New Orleans fifteen or sixteen years ago, when a number of Italians, white men, members of our own race though of a different family, who had been acquitted by a jury on a charge of murder, were taken by the populace and hanged?

Does the gentleman from Minnesota [Mr. TAWNEY] doubt if a white woman were outraged by a yellow man that vengeance prompter than that of the New Orleans populace would follow swiftly, inexorably? Would not a more violent outbreak, in all probability, be provoked by this darker crime, for in this country the purity of woman is held sacred, even above human life. [Applause.]

Now, conceive such a catastrophe as I have suggested to have occurred. It is not an extravagant conception. Do you

believe it impossible that there would be reprisals in Tokyo or Yokohama? Do you think there is no danger of such a calamity? The Italian Government, after the New Orleans lynchings, withdrew its minister, practically breaking off diplomatic relations with us, until the question was settled by Mr. Blaine, and its settlement was one of the triumphs of his administration. But does anybody think Italy would have been satisfied with the tardy compensation made to the families of the victims if she had been strong enough to demand prompter and more radical reparation? And if the Italian people believed their Government strong enough to cope with us, is it impossible that they would have indulged in riotous demonstrations, possibly sacrificing American lives in Italian cities? Do you think the question would have been settled as peacefully and as consistently with civilization as Mr. Blaine succeeded in settling it if our superior strength had not rendered aggressive measures unthinkable?

The danger here is that this yellow race, jealous of its equality, believing itself to be quite on a par with the best of the white race, if such a disaster should supervene, would at once undertake reprisals—possibly for the purpose of forcing their own Government into hostilities. A Japanese mob might lay violent hands on some of our citizens—not American laborers, for there are none in Japan, but upon American citizens of consequence, possibly on our consul or our ambassador—and if violence were done to one of our representatives, do you think it would be possible then to undertake peaceful negotiations? The only way that danger can be averted is to satisfy the Japanese multitude by such a display of superior force at our command that we are too strong to be assailed, that violence under any circumstances to American representatives would but entail fresh humiliation on the perpetrators. Then there would be opportunity for reflection, negotiations, settlement on some basis of justice consistent with equity and our own dignity. I assume the President had this situation before his eyes when he penned this message.

At least, it is before my eyes, and realizing its importance, its gravity, all the tremendous possibilities involved in it, when the Commander in Chief declares that we need four additional ships of this character to maintain our security, I deplore the fact; I regret it. But I recognize the chief responsibility is his, as the exclusive knowledge is his, and I shall cast my vote to shift that burden of obligation from us, where it rests now, to his shoulders by affording him all the means of defense which he considers essential to the security of the country. [Applause.]

Mr. RAINEY. Mr. Chairman, I move to strike out the last word. I listen, Mr. Chairman, always with pleasure and often with great profit to the remarks of the gentleman from New York [Mr. COCKRAN].

Mr. FOSS. I would like to ask what is pending before the committee.

Mr. WILLIAMS. A motion to strike out the last word.

Mr. RAINEY. The last two words.

Mr. FOSS. I understand that this has been discussed fifteen minutes upon each side, and I will have to object unless there is——

Mr. RAINEY. I have the floor, I believe, Mr. Chairman.

The CHAIRMAN. Debate on the pending amendment is exhausted. Without objection, the motion to strike out the last word will be withdrawn. The gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. I move to strike out the last two words. As I said, I often listen with great profit to the eloquence of the gentleman from New York [Mr. COCKRAN]. I admire his ability in the space of time of a few months to occupy exactly opposite positions upon the same subject. [Applause.]

Two years ago, sitting here in the House, I listened to a speech by the gentleman from New York. On the 16th day of May, 1906, there was pending here in the House the matter of building the first great American *Dreadnought*, and at that time the gentleman from New York spoke most eloquently against that proposition. Nothing has happened since then to change the status of affairs. There were just as many yellow men on the coast of California then as there are to-day. We were established in the islands of the sea then just as we are to-day. Since that time the President has sent to this House at least 150 messages [laughter], and not one of them affected the gentleman from New York [Mr. COCKRAN] in the least, except the message that reached the House on yesterday advocating four battle ships. The gentleman for some reason was so much impressed by the fact that this one man out of the 85,000,000 of men in the United States had declared in favor of four battle ships that he at once reached the same conclusion. Now, I can not make a better speech against this proposition than to read from the gentleman himself—from his remarks delivered in the House on the 16th day of May, 1906. [Applause on the Democratic side.] I read on page 6975 of the RECORD of the first session of the Fifty-ninth Congress, from the speech of the gentleman from New York [Mr. COCKRAN]. I never can hope to equal in eloquence the gentleman from New York, and therefore on this occasion I adopt his own speech.

> The gentleman from Pennsylvania [Mr. BUTLER] published a speech in the RECORD of the 10th, which had for its caption, "The man with the gun; is he an evil?" where, in rhetoric that is almost rhapsodical, he is painted as the hope of progress, the rampart of peace, the bulwark of civilization.
>
> Reading that interesting effusion, I was struck with what seems to be a glaring injustice perpetrated, though quite unconsciously, by the gentleman from Pennsylvania. Why has he lavished all his praises on one exponent of force while excluding from the scope of his panegyric all other agents of violence? While he rejoices in the activity and hopes for the permanence of the man at the gun, why does he not lament the disappearance of "the man with the tomahawk," who may have been of less actual efficiency, but who was certainly of equal enthusiasm in the destruction of human life?
>
> [Applause.]
>
> Why does he begrudge a word of praise to "the man with the bludgeon," whom people less enlightened than the gentleman from Pennsylvania send to jail or the scaffold when in the exercise of his activities he beats or kills a traveler on the public highway? Why is the gentleman forgetful of "the man with the brass knuckles," who, though he does not rise to the dignity of homicide, is yet deeply convinced that peace is demoralizing, and who, though he does not often destroy his neighbor's life, yet always does his humble but diligent best to reduce the pulchritude of his neighbor's countenance?
>
> [Laughter and applause.]
>
> Mr. Chairman, it seems to me that notwithstanding the carefully studied language employed by its supporters it is the spirit of savagery that has been let loose in support of this proposal to construct the biggest engine of destruction in the world.
>
> [Applause.]
>
> Not one single argument has been advanced to the reason or intelligence of this House. There is but one redeeming feature in all this rhetoric. It shows that this country is still governed by a strong love of peace, since the men who favor building this battle ship pretend it is intended not for aggression, but for defense. But, sir, this assertion is more creditable to their ingenuity than to their candor.
>
> [Applause.]
>
> Defense against whom? Where is the foe that menaces us? The transparent character of this pretense becomes obvious the moment we examine it. In the face of this action, any attempt on our part to take the lead in a movement for peace becomes extravagant and farcical. How can we pretend to be sincerely desirous of peace while we are taking the lead in constructing machinery of war? The gentleman from Missouri apparently believes that we can establish peace upon the basis of eloquence; that while we are multiplying the engines of war we can become effective agents for peace merely by professing attachment to it. If peace can be established upon the basis of eloquence, we have but to send him to attend an international conference and the white dove will spread her wings over this continent and all the civilized world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. I hope I may have leave to read the remainder of this.

The CHAIRMAN. Is there objection?

Mr. COCKRAN. I hope there will be no objection.

The CHAIRMAN (after a pause). The Chair hears none.

Mr. RAINEY. I continue to read from the speech of the gentleman from New York [Mr. COCKRAN]:

> Does anyone suppose that in view of our experience any nation of the world would take these islands from us as a gift? If they ever do go to another power, then I pray it may be to mine enemy. What else do we possess which any other power would accept even as a free gift? Does anyone suppose that if we offered to present a State of this Union, or one of our Territories, to any nation in the world, the offer would be accepted? And if there be nothing on the surface of this globe which we possess that any other nation desires, is there anything possessed by any other nation that we covet, that we would take by force of arms, or that we would be willing to accept? About what, then, can we ever go to war? On what ground can anyone assail us, or are we likely to attack any other power? What, then, in the name of common sense, becomes of the pretense that this increase of armament by the addition of an enormous battle ship is necessary to our defense? I admit a certain force in the appeal to imagination and national pride when we are urged to place among our possessions anything which is the biggest of its kind on earth. Mr. Chairman, I am somewhat sensible to an appeal of that character myself. This is the biggest country in the world, and the biggest things proper to the sphere in which she moves are her natural possessions and her suitable adornment.
>
> I want the biggest things on earth in every field where our history, our tradition, our civilization invites us to compete for preeminence. I would like to see the largest engine of production developed by American genius. I abhor the thought that we would engage in a competition to produce the most effective engine of destruction. What is there that would justify us in arming against our neighbors? I ask once more, gentlemen on the other side, especially the gentleman from Missouri [Mr. BARTHOLDT], since there is no thirst for territory on our part to gratify or on the part of any other nation that we are concerned to resist. I pause for an answer. There is none and there can be none. Some gentlemen talk vaguely about an open door in China, as though we could institute an active and prosperous commerce with a 12-inch gun. Some gentlemen seem to think that if we want to sell goods in the East an American war ship must be near by, but I don't think anyone seriously believes war ships can be turned into vessels for transporting freight.

Mr. COCKRAN. Will the gentleman allow me to ask him a question?

Mr. RAINEY. Yes, sir.

Mr. COCKRAN. Had the trouble about the schools in San Francisco taken place before that speech was made or since?

Mr. RAINEY. I do not think there ever was anything in the trouble about the schools.

Mr. COCKRAN. But the race question was accentuated by that very disturbance.

Mr. RAINEY. We have had a race question on the Pacific coast ever since the first Chinaman landed there and taught Americans how to play poker [long continued laughter], and it is no more serious now than it has always been.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PADGETT. I ask that the gentleman may have time to read one other sentence.

The CHAIRMAN. Is there objection [After a pause.] The Chair hears none.

Mr. RAINEY. I read again from the same speech:

Does anybody believe that force can play any part in peaceful commerce? Do not gentlemen realize that to the extent we waste our national treasure in constructing these destructive engines we withdraw it from the productive enterprises which are the legitimate fields of peaceful and profitable competition between civilized men?

Before sitting down I ask any gentleman on the other side to point out one single tangible, comprehensible reason why our Navy should be increased. Now, Mr. Chairman, I believe that we have to-day a navy far in excess of our needs; certainly a navy far in excess of any need that has been pointed out upon that side. I would like to know if there be any reason which this debate has not disclosed that could justify such an increase as the one proposed by this bill in our naval armament?

And again I read from the speech of the gentleman from New York [Mr. COCKRAN]:

Mr. VREELAND. I desire the gentleman to state during the remainder of his time how large a navy, in the opinion of the gentleman, the United States ought to maintain, if any.

Mr. COCKRAN. I will answer very frankly, Mr. Chairman, that a navy equal to that which was strong enough to force arbitration upon reluctant England after the close of our civil war, when our credit was so low that gold commanded a high premium in our currency, would be, in my judgment, a big enough navy now, when we have no question to settle and no powerful country to coerce, either by moral or physical force.

I regret that I do not have the time to read this entire speech, but I have read enough of it to show that the gentleman from New York [Mr. COCKRAN] has without much provocation changed his mind on this question. [Laughter and applause.]

Mr. FOSS. Mr. Chairman, I move to close debate upon this paragraph and all amendments thereto in ten minutes.

Mr. WILLIAMS. I ask the gentleman to make it fifteen minutes.

Mr. SLAYDEN. A parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois moves that all debate upon the pending paragraph and amendments thereto be closed in ten minutes.

Mr. FOSS. I will make it fifteen minutes. I wish, first, to say that we have not yet reached the paragraph for the increase of the Navy. When that is reached there will be opportunity for more debate. I renew my motion to close debate in fifteen minutes.

The question was taken, and the motion was agreed to.

Mr. WILLIAMS. Mr. Chairman, neither I nor any other man in the United States acquainted with recent history was at all astonished at the reading of the President's message. He has taught the doctrine that war develops manlike virtues and that peace is a sloth breeder. It is nothing new for him to speak in this vein. None of us is, of course, astonished at the position occupied by my young friend and colleague, Captain HOBSON. We expected that. He is a young enthusiast. He is an expert along certain lines. His mind has been entirely absorbed in thought along those lines, and he is entirely absorbed in them yet. He is like an agrostologist or entomologist in the Department of Agriculture, who could prove to you any hour of the day that all the money spent by the Department might be properly spent in the encouragement of grass growing—and the man believes it.

And, moreover, in a certain sense, if the world had no use for any money for any other reason, what he says would be true, too. Men of that sort, Mr. Speaker, always remind me of the story of the man who came home a little the worse for wear, and his wife awakening him later in the night when, hearing a great rush of winds upon the outside, became fearful that a cyclone was approaching. After succeeding in waking him, she requested him to go to the door and look out and report what the weather appearances were. By mistake, instead of going to the door that opened upon the gallery, he went to a door that opened into a closet in which some limburger cheese had been placed. His wife still interrogating him, he finally replied: "Betty, I don't know what is the matter, but everything is as dark as the dickens and smells like cheese." [Laughter.] Take one of these enthusiasts of that description and of course everything is pessimistic to him. We have not got a perfect navy, and he wants one. He is like an eye specialist. God never made an eye to suit an eye specialist. God never made a nose to suit a nose specialist. God never made a throat to suit a throat specialist, and God never built a navy big enough and good enough to suit an enthusiastic young retired lieutenant. [Laughter and applause.] But, Mr. Chairman, while I was astonished at neither of these gentlemen, I must confess myself somewhat appalled by the speech I just listened to from "the grave and reverend signior" who is now a Representative from the State of New York, my friend Mr. COCKRAN. Mr. COCKRAN says that "the Commander in Chief" having recommended that, therefore we ought to take his advice. The gentleman from New York is mistaken about the President's title. The President is "Commander in Chief of the Army and Navy of the United States," not Commander in Chief of the Congress of the United States. [Laughter and applause.] He says that the President having declared on his solemn responsibility that the national preservation does require four battle ships, he concludes himself, as a Representative, by that. I declare "upon my solemn responsibility" that the preservation of the United States does *not* require four battle ships. What is the difference between the solemn responsibilities of the two, Have not I a right to be solemn and have not I a responsibility as well as the President of the United States? [Applause and laughter.] Why do I declare it? Because all this picture, evoked from the misty clouds, is nothing in the world but the product of a frightened imagination: that is all. You can get to thinking about the danger of anything——

Mr. COCKRAN. Will the gentleman yield?

Mr. WILLIAMS. Just a moment. You can get to thinking about the danger of anything until you can not see anything but that. Go out and study what the white plague, tuberculosis, is doing, and think of nothing else, and see how much you want to appropriate to prevent it.

[The time of Mr. WILLIAMS having expired, by unanimous consent, at the request of Mr. MADDEN, it was extended ten minutes.]

Mr. COCKRAN. Will the gentleman yield to me?

Mr. WILLIAMS. Now I yield to the gentleman.

Mr. COCKRAN. Does the gentleman really contend that if the exclusion of the Japanese be not established by some way or other, that a very serious question is not before us?

Mr. WILLIAMS. I am coming to that in a minute. I had not reached it yet. I preferred to discuss this question first. But, Mr. Chairman, I am not bound by the President's opinion as to what constitutes a sufficient national defense. These gentlemen, who are advocating four battle ships, arrogate to themselves the rôle of being those who "wish to provide a sufficient national defense." Why, there is nobody on the other side of that proposition. The only proposition is what constitutes a sufficient national defense, and in answering that question they consider nothing but our Army and Navy; but I, like the gentleman from Ohio, consider our 85,000,000 people, our broad land, our continental isolation, the necessity of our food and textile stuff to all Europe, our resources, and the facts that we not only have them, but the fact that all the world knows that we have them, and that any ministry in England or upon the Continent would be composed of fools that would seek a quarrel in any manner with the great reserve powers of this great Republic of Republics.

Why, Mr. Chairman, I suppose according to the logic of the gentleman from New York, if the President sent word here "upon his solemn responsibility as Commander in Chief" that we needed a million men for national defense there could be no sitting in judgment on his opinion. You and I would simply have to say, "Of course, Cæsar having said it, and Cæsar being Commander in Chief, that settles it." [Laughter and applause.]

That will not lead me to burden the farmers and mechanics of this country with this great additional taxation merely to provide avenues of promotion for gentlemen in the Navy.

Now, I come to the question of the Japanese immigration. We can keep out Japanese immigration better than by virtually declaring on the floor of the House of Representatives, as the gentleman from New York [Mr. COCKRAN] this morning has done, that we are providing expenditures in preparation of war with Japan. Do you want to put her on notice that we are expecting war with her and tell her that she had better get ready, too, because we are getting ready? You ask me how we are going to stop Japanese immigration. It is being stopped now by the sagacity and good sense of the Japanese Government and its people. Japan wants no trouble with the United

States. Why, some gentlemen seem to think that she has designs on us in the Philippines and elsewhere. Some gentlemen seem to think that she is merely waiting for a pretext to declare war, to take advantage of any mob or even a rape and a lynching, as we have heard this morning, that might possibly occur in California, or a quarrel about school children. I say that if she had been seeking that pretext she had it and could have embraced it before our Navy was in the Pacific Ocean, and when she knew that she was far superior to us there in every respect.

What is Japan's problem? She has lately taken over Korea, and her problem is now to consolidate her sovereignty and fix her power in the country by Japanese industrial colonization and build it up and also act as a safety valve that it may at some time relieve her of her surplus population. What is then her policy? It is to sacrifice nearly everything, except national honor—and then only when brought nearly to the straining point—to keep peace with the two great English-speaking people of the world, one, Great Britain, which has the largest navy in the world, and the other, ourselves, having the second largest navy in the world. [Applause.]

She must keep open communication between her island empire and the mainland; she must have time to work out these new problems. She has already effected an alliance with Great Britain, and she knows that we never propose to be absurd enough to interfere with her programme on the mainland in China. Nobody in the White House, if we selected one out of a lunatic asylum, would be absurd enough to think that he could transport across the miles of watery waste of the Pacific Ocean men enough of the American Army to contend with the Japanese army on land there. So we by force of circumstances will be quiescent unless we are forced into trouble, and so she is working out her problems which will be replete with great benefit to civilization when they are worked out.

But some things in the President's message strike me as curious. In substance he says now we have nothing to fear from anybody and nobody has anything to fear from us and therefore we ought to load up our hip pocket with a six shooter. [Laugher.]

We ought to go on, because nobody has anything that we want and we have nothing that anybody else wants; we ought to go prepared for war because we are expecting peace. I am tired, anyhow, of this everlasting nonsense that the best way to maintain peace is to prepare for war. [Applause.] This has ever been the pretense of militarism. I am tired of hearing that the best thing to do in times of peace is "to prepare for war!" I will tell you the best thing to do in times of peace. It is to prepare for more and longer and better and more stable and more intelligent peace. [Applause.] Away with this jingoism and the jingoes that go as incidents with it. Revert to the real American character and principle. The Monroe doctrine needs a fleet to support it! Where did the Monroe doctrine spring from? From a British cabinet. It was suggested to America from the British cabinet. Why? Because Great Britain wanted the United States to stand as lords protectors against changes of sovereignty in America, and against the reconquest by Spain to free peoples in South and Central America. She was working for her selfish interests while she put to us our selfish and national interests of hegemony in the matter also, and now we do stand there saying to the world, "We will permit no new conquests on American territory, and we will permit no changes of European sovereignty there." Thus the Monroe doctrine protects every island that Great Britain, or France, or Denmark, has in the Western Hemisphere, and if the United States threw it up to-morrow and said "We will have no more of it," Great Britain would have to assert it in her own interests.

Mr. HOBSON. Will the gentleman yield for a question?

Mr. WILLIAMS. Yes.

Mr. HOBSON. Would the gentleman stand for having America abandon the Monroe doctrine?

Mr. WILLIAMS. Why, how could the gentleman arrive at that conclusion from anything that I have said? I have merely said it did not take ships to defend it. I have merely said that as an ally in protecting it we necessarily have Great Britain herself, that has now and will for long have the largest sea power of the world. We have protected it hitherto because other peoples were not afraid of the little American Army and the little American Navy, but they were afraid of the great American people, with their enormous resources and undoubted courage, genius, and determination. [Applause.]

The CHAIRMAN. Debate on this paragraph has expired. Without objection, the pro forma amendment will be withdrawn.

Mr. HOBSON. If the gentleman would not——

The CHAIRMAN. The committee will be in order. Debate has expired.

Mr. HOBSON. I ask unanimous consent for one minute to ask the gentleman a question.

The CHAIRMAN. Debate on this paragraph has expired.

Mr. WILLIAMS. I am perfectly willing to answer it if I had the time, provided I could.

Mr. FOSS. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed, by contract or in navy-yards, as hereinafter provided, two first-class battle ships to cost, exclusive of armor and armament, not exceeding $6,000,000 each, similar in all essential characteristics to the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, line 2, strike out the word "two" and insert the word "four," so that it will read, "four first-class battle ships."

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TAWNEY. For the purpose of offering an amendment to the amendment offered by the gentleman from Alabama, to strike out the word "two," in line 2, and insert the word "one."

Mr. HOBSON. Mr. Chairman, I have the floor.

The CHAIRMAN. The gentleman from Alabama is entitled to the floor.

Mr. FOSS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FOSS. Mr. Chairman, I desire to ask unanimous consent that general debate may be had upon this paragraph and all pending amendments thereto for two hours and a half. I will put it in this form. I will ask that all amendments on this paragraph may be considered as pending, and move to close debate thereon upon the paragraph and all amendments thereto in two hours and a half.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. For the purpose of asking the gentleman from Illinois whether if consent be given as now requested by him——

The CHAIRMAN. The gentleman understands that he is proceeding by unanimous consent?

Mr. FOSS. Entirely.

Mr. KEIFER. Mr. Chairman——

Mr. GOLDFOGLE. Mr. Chairman, I will ask the gentleman from Ohio to let me complete the question that I was about to put to the Chair.

Mr. FOSS. Mr. Chairman, I make that motion.

The CHAIRMAN. The gentleman moves that all debate close on the pending paragraph and all amendments thereto in two hours and a half.

Mr. GOLDFOGLE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. If the motion now put to the Chair is debated, will that prevent my offering an amendment that I desire to offer to the pending paragraph?

The CHAIRMAN. It will not. Amendments may be offered and there will be no debate upon them after the two and a half hours.

Mr. GOLDFOGLE. Mr. Chairman, another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. If the debate upon the proposition offered by the gentleman from Alabama should take up the two and a half hours will there be opportunity to discuss an amendment which I now propose to offer, that one battle ship be built in one of the navy-yards of the Government?

The CHAIRMAN. If the motion of the gentleman from Illinois prevails all debate on this paragraph and amendments thereto will expire in two and one-half hours.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. I desire to ask whether if consent is given to the request of the gentleman from Illinois——

The CHAIRMAN. The gentleman does not ask unanimous consent——

Mr. SHERLEY. Well, if the motion prevails, I desire to know if debate will proceed under the five-minute rule?

The CHAIRMAN. It will.

Mr. FOSS. And the Chair will have the disposal of the time.

Mr. KELIHER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KELIHER. I want to inquire of the Chair if the motion of the gentleman from Illinois prevails and this paragraph is amended will an amendment to the amended paragraph be in order?

The CHAIRMAN. The Chair will state if the motion of the gentleman from Illinois prevails, this paragraph will be pending for discussion in the House under the five-minute rule for two hours and a half. Any gentleman may in his time, if he secures the floor, read an amendment and have it pending, but at the expiration of two and a half hours any amendment that is offered will be voted upon without debate.

Mr. FOSS. Mr. Chairman, I call for a vote.

The question was taken, and the motion was agreed to.

Mr. HOBSON. Mr. Chairman, I am the junior member of this body. I have made no pretense as to any merits, any virtues whatsoever. I believe that the gentleman from Mississippi might perhaps wait to judge me by my actions before he begins his patronizing, and I believe the gentleman from Ohio might wait similar action before he begins his rebukes. Just four years ago, almost to the day, in the city of Jasper, Ala., the then senior Democratic member on the Committee on Rivers and Harbors told the woodpecker story, and said that young man reminded him of the woodpecker that lit on an oak tree and a storm came and blew the oak tree down, and the woodpecker went out, with his tail cocked up, believing that he had blown it over. I ventured to suggest to the gentleman to wait to be sure and find out whether instead of its being the woodpecker it was not the storm that was after him.

I venture to ask the gentleman from Mississippi to wait and see whether he went into the closet or actually went out into the cyclone, and I begin by asking him and the gentleman from Ohio to do me the justice to discuss what I propose in my amendment, and not attribute to me things which I have not given them the authority to attribute. The proposition here in this amendment is not for a navy that can conquer and dominate the world. The proposition is for four first-class battle ships. The proposition before the German Parliament, which has been adopted, is for four first-class battle ships—that is, three battle ships and one great armored cruiser. The proposition before the French Chamber of Deputies is for six great battle ships, and the proposition before the Chamber of Japan is for an addition to the two laid down this year of seven more.

Will those gentlemen tell me whether, with this nation already far behind the others—only two building when Germany has five building, only two building when France has six building, only two building when Japan has completed two and is building two more; that with this nation that controls seventeen billions of the world's banking capital as compared with only about five billions for the British Empire all told, and that is the richest of the other nations; this nation with 50,000 miles of coast line on the Atlantic Ocean compared with the British with 2,200, the French with 1,700, and Germany with 800 miles; this nation with nearly 40,000 miles of coast line on the Pacific as compared with 13,000 of Japan; this nation that has thirty-seven billions of its property within gunshot of the water, more than all the rest of the world combined—whether I am rushing headlong, pellmell, going out to conquer and dominate the world, when I introduce an amendment here which not only does not maintain our nation at its present relative strength but which will make our nation go backward, even if there were no other ocean but the Atlantic Ocean to take care of? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that I may proceed for fifteen minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that he may proceed for fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HUMPHREY of Washington. Mr. Chairman, reserving the right to object, I want to know whether that is coming out of the two hours and a half or not?

The CHAIRMAN. The Chair thinks the consent has been granted. The Chair waited a reasonable length of time for objection.

Mr. TAWNEY. Mr. Chairman, to authorize four new battle ships would mean an increase for naval construction of $48,000,000 and $4,000,000 annually for maintenance when these vessels are placed in commission. The authorization of two battle ships would mean an increased expenditure for new construction of $24,000,000 and $2,000,000 annually for maintenance. The addition of the proposed four new battle ships would make our aggregate expenditures on account of the Navy next year greater than the expenditures of any country in the world for that purpose in any one year. This is no exaggeration and is not made for the purpose of exciting alarm. I have carefully analyzed the Army and Navy budgets of the United States, England, France, Germany, and Japan, and I am able, by a comparison of the expenditures for the purpose by each country named, to show that in proportion to the size of our Army and Navy we are expending this year more than 100 per cent in excess of the expenditures of any other country in the world for the same purposes, and that no nation in the world approaches our expenditures on account of wars past and wars to come.

Mr. HOBSON. Will the gentleman yield?

Mr. TAWNEY. I must decline to yield now. I will yield later to the gentleman.

But the House and the country should understand that the opposition to this ambitious, mistaken naval policy of four battle ships, or two battle ships each year, is not based entirely upon the aggregate cost in either case. While I shall vote for one battle ship, there is much that could be said in opposition to the authorization of that one.

Navies are built and maintained for national defense. They are not intended and can not be justified upon the ground that they are necessary to satisfy an ambition, either personal or national, to compete with other nations in time of peace in size and number of fighting machines. In this country the prestige and power of the nation does not depend upon the size of our Army or the size of our Navy. There is no policy of our Government, either foreign or domestic, to enforce which the size of either is the first or the only essential. We have 80,000,000 of patriotic people. It is in them and their patriotism that the strength of our nation exists, and not in our standing army or our permanent naval establishment. In the future, as in the past, the strength of our policies and the ability of our Government to enforce them will be measured by ourselves and by foreign nations, not by the size of our Army or our Navy, but by the resources, the patriotism, and the loyalty of our people, who are known throughout the world to be ready and willing at any and all times to sacrifice their property, aye, even their lives, in the defense of their Government and its beneficent institutions.

We should not, therefore, encourage our people to surrender to militarism that self-reliance, that consciousness of superior individual national strength upon which as a nation they have always relied, by teaching them to rely upon a standing army and a navy in time of peace large enough to be capable of successfully competing with the armies and the navies of the world, or any one of them, in time of war.

If it is not to gratify an ambition to excel other nations in the size and number of big battle ships that we are now asked to depart from the policy declared two years ago of authorizing but one big battle ship each year, what, then, is it that prompts this proposed change in that policy? Will anyone claim there is reason to apprehend war with any foreign nation within the next decade? If there is, the information upon which that apprehension is based has been carefully withheld from the legislative branch of the Government. [Applause.] If there is, then why is our magnificent fleet of sixteen battle ships, with its foreign auxiliary ships, now sailing in the Pacific, soon to start upon a naval parade around the world, leaving our Pacific and our Atlantic coasts exposed and defenseless for a period of almost a year? [Applause.] This fact proves not alone that the proposed competitive naval policy is prompted by an ambition to excel other nations in the size and number of our big battle ships, but it also proves that those who advocate this policy realize the tremendous advantage we enjoy by reason of our magnificent geographical isolation. [Applause.]

Are we, in appropriating the money of the people for our national defense, to entirely ignore our splendid geographical isolation? Are we to entirely ignore the physical facts that make it practically impossible, with the modern means of warfare, for any nation to invade our territory or come within range of our coast line without being intercepted by the means of defense we now have at our command? If our isolation enables us to dispense with our Navy as a means of national defense for almost a year, why are we not justified in relying upon that isolation and the Navy we now have, when that Navy is

at home and available as an additional means of defense. [Applause.]

The transport service of no European nation is sufficient, even without opposition, to land upon American soil an army of 100,000 men at a given time. There is no country in the Orient that has a naval base within reaching distance of our Pacific coast, and no oriental nation would be so reckless of its own interests as to risk the loss of its navy or its fleet by attempting to send it past the Hawaiian Islands for the purpose of attacking us upon the Pacific coast. It would know what is plain to every mind, that without having a naval base between its home ports and the object of its attack, and without its vessels being able to stop somewhere and coal and repair they would never return. In time of war the ports of every country in the world are closed to the navies of the contending nations, and each one of the combatants is driven to rely upon its own ports for supplies and for the means of carrying on naval warfare.

Mr. TALBOTT. Will the gentleman allow me to ask him a question there?

Mr. TAWNEY. I decline to yield. Men talk about the thousand miles of American coast line and the danger which threatens us in consequence of its extent, as though that coast line were marked by an old worm fence and our enemies in time of war would occupy the land on the opposite side and invade American soil with all the ease with which the cows of one farmer break into the pasture of another. [Applause.] Why, gentlemen, our geographical isolation is an asset of our nation far more valuable as a means of national defense than all the navies we can build. No nation, European or oriental, would be reckless enough to risk the loss of its army and navy by attempting to invade our soil or come within range of our coast batteries.

But, Mr. Chairman, recent events have demonstrated that we have in the past pursued a bungling naval policy, one that is absolutely inexcusable. Notwithstanding the hundreds of millions of dollars we have expended during the last decade in the construction of our Navy, we to-day know that because our lack of auxiliary vessels our Navy is woefully deficient as a practical fighting organization. We seem to have proceeded upon the theory that all our nation demands or expects is the building of the biggest battle ships in order to gratify a boyish ambition to have something other nations do not possess, or we have proceeded on the theory that the mere building of these great fighting machines would have the effect of affording protection by scaring the other fellows.

Every Amercan citizen who has been looking upon the growth of our Navy with patriotic pride has recently been humiliated by the fact that our splendid fleet of sixteen battle ships could not even start or successfully make the voyage in which it is now engaged, and which it might be called upon in time of war to make, without the aid of at least twenty-eight auxiliary vessels flying a foreign flag. A more disgraceful national spectacle was never witnessed by our people than this. It is the result of our pursuing the policy in respect to the upbuilding of our Navy, of giving almost exclusive attention to the building of battle ships and cruisers, and entirely ignoring the fact that in time of war they are valueless unless they have a full complement of auxiliary vessels to accompany them and supply them with the means absolutely essential to their existence and their effectiveness in time of war. It may be that this mistake is due to the fact that the necessary auxiliary vessels, though as essential to the efficiency of the Navy as a battle ship, are not so attractive, do not involve the expenditure of so much money, and do not afford the opportunity for the same pyrotechnic display upon the ocean or at the summer resorts along the coast. [Applause.] Mr. Chairman, for that reason we have made the mistake of building a Navy that to-day, in order to make the voyage from ocean to ocean, is obliged to rely upon auxiliary vessels belonging to foreign nations. [Applause.]

Mr. Chairman, I have prepared a statement of the annual expenditures of the United States, England, France, and Germany in preparation for war, including the size of the army and navy of each country, the expenditures for their army and navy, administration, maintenance, and new construction; also a statement of the amount of revenue collected in 1907 by England, France, Germany, and the amount of revenue collected and estimated in the United States for the fiscal year ending June 30, 1908, which I desire to present for the information of the House. It is only fair that I should say that the details upon which this statement is based were prepared by Mr. A. P. C. Griffin, the chief bibliographer of the Congressional Library, one of the ablest statisticians in the public service, from the military and naval budgets of the countries named, which are on file in that Library.

Mr. Chairman, this statement is a very interesting one to those who are paying some attention to the amount of money our Government is to-day expending in preparing for war and on account of past wars. It shows that this current fiscal year we are expending $204,122,855 on account of preparations for war, or about twenty-nine millions more than we have expended in the construction of public buildings since the beginning of the Government, exclusive of public buildings in Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURTON of Ohio. I ask unanimous consent that the gentleman from Minnesota have five minutes further.

There was no objection.

Mr. TALBOTT. Will the gentleman yield for a question? Is it not a fact that England——

Mr. TAWNEY. I will state, Mr. Chairman, that in five minutes——

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Maryland?

Mr. TAWNEY. Having but five minutes, I must decline to yield. I can not go into the full details, but I have a summary of these expenditures, which I will read, and I think I can do it in five minutes' time.

A comparison of the amounts expended by the United States this year on account of preparation for war with the amounts expended for the same purpose by England, France, Germany, and Japan, together with a statement of the relative strength of the army and navy of these countries, is worthy of most careful consideration on the part of every Member of this House, and should also be considered by the people whose money is thus appropriated and expended for destructive purposes.

Expended by the United States on account of preparation for war, fiscal year 1908.

Number of men in the Army	52,000
Total appropriations for American Army	$101,599,462.22
Number of men in Navy	42,000
Number of vessels in Navy	51
Total appropriations on account of American Navy, 1908	$102,523,393.35
Total to be expended by the United States on account of preparation for war	$204,122,855.57
Actual and estimated revenue (exclusive of postal receipts) for 1908	$574,000,000.00
Percentage of revenue for 1908 expended by United States on account of preparation for war	36.5

Expended by England on account of preparation for war, 1906.

Number of men in British army, exclusive of those serving in India	204,300
Appropriations on account of English army	$121,232,201.15
Number of men in navy	129,000
Number of vessels in navy	185
Appropriations on account of English navy	$149,364,556.75
Total expenditures by England, 1906, on account of preparation for war	$270,596,757.90
Total revenues for 1906	$704,737,686.26
Percentage of total revenue for 1906 expended by England that year on account of preparation for war	38.4

Expended by France on account of preparation for war, 1906.

Number of men in army, and authorized, including metropolitan and colonial troops	550,000
Appropriation on account of French army	$138,707,340.23
Number of men in navy	56,285
Number of vessels in navy	77
Appropriation on account of French navy	$62,732,182.88
Total expenditures by France, 1907, on account of preparation for war	$201,439,523.11
Total French revenues, 1907	$715,883,610.08
Percentage of total revenues for 1907 expended by France in preparation for war	28.00

Expended by Germany, 1906, on account of preparation for war.

Number of men in Germany army and authorized	600,000
Appropriations on account of Germany army	$176,842,187.20
Number of men in navy	48,000
Number of vessels in navy	62
Appropriations on account of German navy	$63,165,747.40
Total expenditures by Germany, 1907, on account of preparation for war	$240,007,724.60
Total German revenues, 1907	$617,941,200.80
Percentage of total revenues for 1907 expended by Germany on account of preparation for war	41.4

From the Secretary of the Navy I have obtained the following information regarding the Japanese budget for 1907–8:

Total ordinary, extraordinary, and supplemental budgets for years 1907 and 1908, 616,440,000 yen or approximately	$308,220,000
Of this amount the ordinary and extraordinary expenditures on account of the army were 111,616,000 yen or approximately	55,808,000
And for the ordinary and extraordinary expenditures on account of the navy department, 82,481,000 yen or approximately	41,240,500
And for the war and navy departments combined, 194,097,000 yen or approximately	97,048,500

Total expended by these countries in preparation for war:

United States	$204,122,855.57; per cent of revenues, 36.5
England	270,596,757.90; per cent of revenues, 38.4
France	201,439,523.11; per cent of revenues, 28.0
Germany	240,007,724.60; per cent of revenues, 41.4
Japan	97,048,500.00

Statement of the aggregate annual expenditure by the United States, England, Germany, and France on account of past wars, including all objects for which expenditures are made on that account and the percentage of the revenue of each country expended for these purposes in the years 1906 and 1908:

United States, 1908	$180,678,204.00
Percentage of revenue, exclusive of postal receipts	31.00
England, 1906	$29,329,063.92
Percentage of revenues	0.41
France, 1906	$30,501,600.00
Percentage of revenues	0.42
Germany, 1906	$8,725,496.02
Percentage of revenues	0.015

Total expended by these countries in preparation for war and on account of past wars:

United States	$384,801,059.57;	per cent of revenues, 67.5
England	299,925,821.82;	per cent of revenues, 42.5
France	231,941,123.11;	per cent of revenues, 32.2
Germany	248,733,220.62;	per cent of revenues, 42.9

These figures show that on account of preparation for war the United States, with an Army of 52,000 men and a Navy of 42,000 men, is expending this year only $66,473,701.18 less than England, with an army of 204,300 men and a navy of 129,000 men.

That the United States is expending for this purpose only $35,884,869.03 less than Germany, with her army of 600,000 and her navy of 62,000 men.

That the United States is expending for this purpose in excess of the amount expended by France, with her army of 550,000 men and her navy of 56,285 men, $2,683,332.46.

A further comparison of the sums expended by these countries on account of preparation for war and on account of past wars shows the startling fact that we are expending more than any other nation in the world for both objects named. We are this year expending $84,975,238.75 more than England, $136,067,838.95 more than Germany, and $152,859,936.46 more than France.

Mr. HOBSON. Will the gentleman yield?

Mr. TAWNEY. Mr. Chairman, I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. TAWNEY. Now, Mr. Chairman, how long will the American people acquiesce in this extravagant expenditure for destructive purposes? We are to-day excelling any nation in the world. If we adopt the amendment offered by the gentleman from Alabama [Mr. HOBSON], our naval budget authorized at this session of Congress will exceed in amount the naval budget of any other country in the world. And let me say here that for the past three years England has been reducing her expenses both in respect to the army and in respect to her navy. The Admiralty have recommended or estimated this year for only one *Dreadnought*——

Mr. LITTLEFIELD. Instead of four?

Mr. TAWNEY. Instead of four, as stated by the gentleman from Alabama.

Mr. HOBSON rose.

Mr. TAWNEY. That statement is not made upon hearsay or upon newspaper information, but it is made from the naval estimates submitted at this session of Parliament, a copy of which I hold in my hand, having obtained it from the Congressional Library. And in addition to that, Mr. Chairman——

Mr. HOBSON. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. HOBSON. I ask that the gentleman's time be extended in order that I may ask him a question.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Minnesota may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. In support of the proposition that this policy of increasing the Navy by the building of nothing but big battle ships is the result of an ambition on the part of the great naval powers of the world to excel each other, I will quote what the premier of England said last month in the debate on the naval budget in the House of Commons:

> Mr. Asquith on Monday pronounced, perhaps unwittingly, a solemn condemnation of what was done three years ago—

It was at that time when they laid the keel of the first great *Dreadnought*—

> when he said: "We do not wish to take a lead, but we want to do everything in our power to prevent a new spurt in competitive shipbuilding between the great naval powers."

Mr. Chairman, from this statement of the premier of England, when discussing the naval budget for the next fiscal year, which is now under consideration in the Parliament of England, we see that the greatest naval power of the world practically admits, through its premier and by proposing to authorize only one battle ship for the next year, its mistake when it adopted the policy five years ago of establishing a new standard in the size of great battle ships, and that now that nation proposes to do everything in its power to prevent the further extension of this policy of competitive shipbuilding between the great naval powers of the world. If England, situated as she is geographically, with all of her great interests extending through other European countries, can afford to do this, how much more can the United States afford to do the same, instead of doing as is proposed by the Naval Committee and by the amendment of the gentleman from Alabama [Mr. HOBSON], taking "a new spurt in competitive shipbuilding" as between ourselves and other nations, and thus check the tendency, not only in our country but in other countries of the world, toward this extravagant expenditure in preparation for wars which, in my judgment, will never come.

I submit that neither the revenues of the Government nor the necessities of our national defense demand any increase whatever in our Navy or demand any change in the policy adopted a year ago of authorizing but one battle ship each year. [Applause.]

Mr. Chairman, if we adopt and continue this ambitious competitive naval policy, how long will it be before the American people, in order to meet the increasing expenditures on account of this policy and the maintenance of our Navy, will be compelled to change their system of Federal taxation by adding to the indirect system, which has always obtained in time of peace, the system of direct taxation. Our national expenditures are increasing by leaps and bounds. Only sixteen years ago the country was startled by the fact that our expenditures had reached $500,000,000 annually, while to-day our national expenditures are at the rate of almost $100,000,000 a month, or a billion dollars every year.

In view of this fact and in view also of our diminishing revenues under our present system of indirect taxation, and in view, too, of the entire absence of any danger of war with any foreign nation as well as of our splendid geographical isolation, I submit that the representatives of the people here upon this floor are not justified in adding $50,000,000 more to this naval appropriation bill for the purpose of gratifying either an individual or a national ambition to excel other nations in the size and number of great battle ships. [Applause.]

Mr. HOBSON. Will the gentleman yield? The gentleman has taken a large portion of the time that was yielded to him for the purpose of my asking him a question.

Mr. TAWNEY. I will yield to the gentleman.

Mr. HOBSON. I want to ask the gentleman if last year he did not predict a deficit of $100,000,000?

Mr. TAWNEY. I did.

Mr. HOBSON. And didn't the gentleman miss it by about $190,000,000?

Mr. TAWNEY. In answer to that——

Mr. HOBSON. There was a surplus of $90,000,000——

Mr. TAWNEY. One moment. The gentleman can not put a question into my mouth and answer it at the same time. In answer to the gentleman from Alabama I will say that the prediction of one hundred millions deficit was made long before the close of Congress, upon the theory that if the appropriations asked for were granted there would be that deficit. I am glad to say that all these appropriations were not granted. We managed to keep them down, so that instead of a deficit appearing at the end of the last session we showed an estimated surplus of about $25,000,000, based on estimated revenues. But, Mr. Chairman, while I estimated at the close of the last session a surplus of $25,000,000, and was justified in doing so on the basis of the receipts of the Government at that time, we are to-day confronted with a deficit of $60,000,000 at the close of this fiscal year. If the naval policy proposed by the gentleman from Alabama [Mr. HOBSON] prevails, our deficit at the end of the next fiscal year will reach the enormous sum of $150,000,000. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to insert in the RECORD detailed statements of war expenditures by the United States and the other countries I have named.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by the insertion of certain tables. Is there objection?

There was no objection.

Appropriations made at the last session of the Fifty-ninth Congress for the fiscal year 1908 on account of preparation for wars.

Army appropriation act		$78,634,582.75
For the Army, urgent deficiency act, first session Sixtieth Congress, for the year 1908		3,363,628.44
Military Academy act		1,929,703.42
For the Military Academy, urgent deficiency act, first session Sixtieth Congress, for the year 1908		2,518.61
For armories and arsenals, urgent deficiency act, first session Sixtieth Congress, for the year 1908		4,050.00
For armories and arsenals, sundry civil appropriation act		636,093.00
For military posts, sundry civil appropriation act		2,141,875.00
For the War Department, legislative act		1,934,000.00
Total		88,646,451.22
Expended during fiscal year 1908 on account of Army and militia under permanent annual appropriations, as follows:		
Permanent militia	$2,000,000	
United States Soldiers' Home, District of Columbia	600,000	
Pay Army deposit fund	1,000,000	
Transportation, Army, Pacific Railway account	150,000	
Ordnance material sales	75,000	
New arms and equipment, organized militia	75,000	
Navy, ordnance material sales	75,000	
Naval Hospital fund	400,000	
Clothing and small stores fund	1,000,000	
Navy pay deposit fund	600,000	
Navy transportation, Pacific Railway account	80,000	
Percentage of entire revenues, 1½		$6,055,000.00
Fortifications appropriations act		6,898,011.00
Naval appropriations act	$98,143,000.00	
For the Navy Department, legislative act	786,770.00	
For the naval establishment, urgent deficiency act, first session, Sixtieth Congress, for the year 1908	3,593,623.35	
		102,523,393.35
		204,122,855.57

Actual and estimated revenues for 1908, $574,000,000.
War, 36½ per cent.

Appropriations made at the last session of the Fifty-ninth Congress for the fiscal year 1908 on account of wars.

Pensions	$146,143,000.00
Board of Pensions Appeals	56,500.00
Pension Office salaries	1,073,250.00
Pension, special examiners, salaries and per diem	462,500.00
Pension Office, salaries, deficiency	None.
Deficiency, Army and Navy pensions	1,000,000.00
Artificial limbs	120,000.00
Soldiers' Homes (including State Homes)	5,703,044.00
Deficiency, Soldiers' Homes	6,300.00
Back pay and bounty	200,000.00
Deficiency, back pay and bounty	300,000.00
Arrears of pay, etc., war with Spain	200,000.00
National cemeteries	413,610.00
Interest on public debt, estimated	25,000,000.00
Total	180,678,204.00
Percentage of revenues, 31.	

RECAPITULATION.

Appropriations made at the last session of the Fifty-ninth Congress for the fiscal year 1908, and amount expended under permanent annual appropriations on account of preparation for wars	$204,122,855.57
Appropriations made at the last session of the Fifty-ninth Congress for the fiscal year 1908 on account of wars	180,678,204.00
Total	384,801,059.57
Percentage of entire revenues, 67½.	

GREAT BRITAIN.

Abstract of army estimates, including pensions, 1906–7 (net estimate).

I. *Numbers.*

Number of men on the home and colonial establishments of the army, exclusive of those serving in India (total)	204,100

II. *Ordinary effective services.*

Pay, etc., of the army	£10,220,000
Medical establishment: Pay, etc	490,000
Militia: Pay, bounty, etc	819,000
Imperial yeomanry: Pay and allowances	423,000
Volunteer corps: Pay and allowances	1,244,000
Quarterings, transport, and remounts	2,111,000
Supplies and clothing	4,492,000
Ordnance department establishments and general stores (ordinary services)	745,000
Armaments and engineer stores (ordinary services)	1,386,000
Works and buildings	2,353,000
Establishments for military education	132,000
Miscellaneous effective services	77,000
War office and army accounts department	559,000
Total ordinary effective services	25,051,000

III. *Noneffective services.*

Noneffective charges for officers, etc	£1,694,000
Noneffective charges for men, etc	1,684,000
Civil superannuation compensation and compassionate allowances	180,000
Total noneffective services	3,558,000
Total ordinary services	28,609,000

IV. *Extraordinary services.*

Rearmament of horse and field artillery:	
General stores (harness, saddlery, etc.)	£30,000
Guns, carriages, ammunition, etc	1,157,000
Total extraordinary services	1,187,000
Grand total, ordinary and extraordinary services	[a] 29,796,000

Abstract of army estimates, including pensions, 1907–8 (net estimates).

I. *Numbers.*

Number of men on the home and colonial establishments of the army, exclusive of those serving in India (total)	190,000

II. *Ordinary effective services.*

Pay, etc., of the army	£9,835,000
Medical establishment: Pay, etc	460,000
Militia: Pay, bounty, etc	840,000
Imperial yeomanry: Pay and allowances	410,000
Volunteer corps: Pay and allowances	1,152,000
Quarterings, transport, and remounts	1,909,000
Supplies and clothing	4,060,000
Ordnance department establishments and general stores (ordinary services)	608,000
Armaments and engineer stores (ordinary services)	1,195,000
Works and buildings	2,436,000
Establishments for military education	137,000
Miscellaneous effective services	67,000
War office and army accounts department	567,000
Total ordinary effective services	23,676,000

III. *Noneffective services.*

Noneffective charges for officers, etc	£1,714,000
Noneffective charges for men, etc	1,709,000
Civil superannuation compensation and compassionate allowances	173,000
Total noneffective services	3,596,000
Total ordinary services	27,272,000

IV. *Extraordinary services.*

Rearmament of horse and field artillery:	
General stores (harness, saddlery, etc.)	£12,000
Guns, carriages, ammunition, etc	476,000
Total extraordinary services	488,000
Grand total, ordinary and extraordinary services	[b] 27,760,000

Abstract of navy estimates, including pensions, 1906–7 (net estimate).

I. *Numbers.*

Total number of officers, seamen, boys, coast guard, and royal marines	129,000

II. *Effective services.*

Wages, etc., of officers, seamen, boys, coast guard, and royal marines	£6,810,700
Victualing and clothing for the navy	2,053,200
Medical establishments and services	275,500
Martial law	14,700
Educational services	165,600
Scientific services	65,100
Royal naval reserves	426,600
Shipbuilding, repairs, maintenance, etc.:	
Section I.—Personnel	2,407,600
Section II.—Matériel	2,827,200
Section III.—Contract work	8,588,400
Naval armaments	2,986,000
Works, buildings, and repairs at home and abroad	1,954,500
Miscellaneous effective services	482,200
Admiralty office	351,500
Total effective services	29,408,800

III. *Noneffective services.*

Half pay, reserved and retired pay	£820,700
Naval and marine pensions, gratuities, and compassionate allowances	1,256,300
Civil pensions and gratuities	383,700
Total noneffective services	2,460,700
Grand total	[c] 31,869,500

Abstract of navy estimates, including pensions, 1907–8 (net estimate).

I. *Numbers.*

Total number of officers, seamen, boys, coast guard, and royal marines	128,000

II. *Effective services.*

Wages, etc., of officers, seamen and boys, coast guard, and royal marines	£6,869,700
Victualing and clothing for the navy	1,996,400
Medical establishments and services	268,700
Martial law	14,200
Educational services	172,500
Scientific services	65,100
Royal naval reserves	418,300
Shipbuilding, repairs, maintenance, etc.:	
Section I.—Personnel	2,549,900
Section II.—Matériel	3,035,200
Section III.—Contract work	7,646,000
Naval armaments	2,343,700
Works, buildings, and repairs at home and abroad	2,758,400
Miscellaneous effective services	401,000
Admiralty office	364,600
Total effective services	28,908,700

[a] Equals $145,002,234.
[b] Equals $135,094,040.
[c] Equals $155,092,921.75.

III. *Noneffective services.*

Half pay, reserved and retired pay	£837,900
Naval and marine pensions, gratuities, and compassionate allowances	1,302,000
Civil pensions and gratuities	370,900
Total noneffective services	2,510,800
Grand total	[a] 31,419,500

FRANCE.

Abstract of army expenditures, 1906.

Metropolitan troops, 652,534,143 francs	$125,939,089.60
Colonial troops, 39,239,229 francs	7,573,171.20
Extraordinary expenses, 26,917,510 francs	5,195,079.43
Total	138,707,340.23

Ministry of the navy—General services of the ministry, 1906.

	Francs.
Salary of the minister and personnel of the central administration	2,777,279
Officers and agents in service at Paris	733,406
Stores of the central administration	253,050
Stores and various expenses of the hydrographic service	383,000
Officers of the navy	9,161,753
Engineer officers	1,689,264
Equipment of the fleet	42,528,844
Control of the administration of the navy	328,438
Military personnel of the artillery	1,586,141
Technical personnel	5,776,538
Commissariat of the navy	1,126,480
Administrators of maritime entries	496,568
Medical and hospital personnel and chaplains of the different creeds	1,814,149
Administrative services	3,556,841
Personnel and various agents	2,126,225
Clothing, bedding, and material for instruction	3,356,950
Extra pay for mess	4,247,450
Widows:	
Salaries	820,000
Purchases, indemnities, and general service	17,922,984
Hospitals:	
Various expenses of workmanship	419,488
Purchases and indemnities	1,910,613
Transports of marines, expenses of journey and of sojourn, expense of mission	3,450,000
General transports of supplies, freighting, and accessory expenses	1,975,000
Salaries of workmen in the magazines of the fleet	310,080
Provisioning of the fleet, purchase for maintenance of the fleet and current service	14,404,740
General service, purchases for maintenance and the current service of floating material for mobilization	1,500,000
Naval construction	126,550,000
Artillery	27,212,980
Torpedoes and electricity, salaries	773,944
Stock of torpedoes	5,917,173
Torpedoes and electricity, tools and general service	300,000
Tools and provisions at base of operations of the fleet	3,400,000
Hydraulic works and storehouses:	
Salaries	669,581
New works and great improvements	2,628,092
Investigation of the Charente	200,000
Extraordinary works on ports of war and bases of operation of the fleet	14,147,942
Hydraulic works and storehouses:	
Maintenance and current service	1,470,891
Tools and general service	207,616
Fuel, light, furniture for the administration	570,000
Books and bindings	497,850
Gratuities, aids, reliefs, and various expenses	1,062,330
Payment of the general officers and assimilation of the reserves	746,357
Fisheries and commercial navigation:	
Personnel	744,239
Stock and different expenses	296,000
Commercial navigation, return of commercial seamen	135,000
Subsidy for navy invalid fund	12,751,941
Secret expenses	100,000
Total for the navy	[b] 325,037,217

GERMANY.

Statement of expenditures for army, navy, and pensions, 1905–1907.

ARMY EXPENDITURES.

Administration of the imperial army.	1905.	1906.	1907.
	Marks.	*Marks.*	*Marks.*
Ministry of war	3,297,000.00	3,485,200.00	3,588,000.00
Military accounts	463,600.00	467,400.00	485,100.00
Commissariat	3,290,600.00	3,891,300.00	4,003,300.00
Chaplains	1,096,600.00	1,246,800.00	1,268,800.00
Martial law	1,966,600.00	2,296,500.00	2,325,800.00
Higher commanding officers	3,542,400.00	3,851,900.00	3,883,900.00
Governors, commandants, etc	669,100.00	750,800.00	751,300.00
Adjutants and officers in particular places	1,249,900.00	1,427,100.00	1,431,900.00
General staff and surveyors	3,794,400.00	4,228,400.00	4,312,900.00
Engineer corps	1,858,100.00	2,274,200.00	2,338,000.00
Commissary department	132,479,000.00	147,857,200.00	151,274,900.00
Do	147,760,400.00	151,700,000.00	159,450,300.00
Clothing and equipment of the troops	34,151,900.00	35,297,000.00	37,105,900.00
Garrison administration and service	65,273,500.00	54,217,400.00	56,036,600.00
Military buildings	2,052,500.00	2,110,000.00	2,159,900.00
Medical department	11,228,200.00	11,451,800.00	11,877,300.00
Administration of artillery stores	1,898,900.00	1,816,700.00	1,838,900.00
Recruits and reserves, etc	3,292,900.00	3,792,700.00	3,989,100.00
Supply of horses	13,664,200.00	13,656,400.00	13,856,600.00

[a] Equals $152,902,096.75. [b] Equals $62,732,182.88.

GERMANY—continued.

Statement of expenditures for army, navy, and pensions, 1905–1907—Continued.

ARMY EXPENDITURES—continued.

Administration of the imperial army.	1905.	1906.	1907.
	Marks.	*Marks.*	*Marks.*
Administration of remount stations	3,586,400.00	3,700,700.00	3,749,800.00
Travel expenses, change of service, fresh relays, etc	11,042,700.00	10,597,500.00	11,299,700.00
Military instruction and education	8,494,600.00	8,930,700.00	8,956,800.00
Military prisons	797,200.00	827,600.00	816,000.00
Artillery	45,446,900.00	49,317,900.00	50,329,500.00
Technical institute	1,405,500.00	2,234,400.00	2,292,400.00
Fortresses, engineering matters, etc	5,919,400.00	7,278,200.00	7,742,400.00
Additional allowances for dwellings	11,629,200.00	11,811,800.00	12,891,500.00
Aid	1,355,800.00	1,374,400.00	1,381,900.00
Contribution to widows' fund	3,269,600.00	3,319,000.00	3,381,000.00
Miscellaneous expenses	2,566,100.00	2,586,600.00	2,760,600.00
Total	528,533,200.00	547,797,600.00	567,580,100.00
Added to this:			
Army administration of Bavaria	66,293,600.00	68,379,700.00	70,653,000.00
Grand total	594,826,800.00	616,177,300.00	638,233,100.00
Imperial military court for Bavaria	557,500.00	570,800.00	573,500.00
Occasional expenditures (Einmalige):			
Imperial army administration	72,294,100.00	87,521,700.00	108,977,100.00
Imperial military court	10,600.00	13,000.00	892,300.00
Extraordinary expenditures administration of the imperial army	30,004,600.00	38,752,600.00	51,603,400.00
Total of all expenditures	697,693,600.00	743,034,400.00	800,279,400.00
United States equivalent	$166,051,076.80	$176,842,187.20	$190,466,497.20

NAVY EXPENDITURES.

Administration of His Majesty's navy.	1905.	1906.	1907.
	Marks.	*Marks.*	*Marks.*
Imperial marine office and marine cabinet	1,663,600.00	1,793,200.00	1,898,500.00
Staff of admiral of the navy	237,000.00	332,100.00	309,300.00
Naval observatories	367,300.00	356,400.00	366,500.00
Commissary department	472,400.00	578,900.00	618,000.00
Administration of justice	128,800.00	168,800.00	170,300.00
Spiritual welfare and garrison instruction	108,600.00	135,100.00	139,800.00
Maintenance of the marines	24,049,600.00	27,018,100.00	29,030,700.00
Commissioning men-of-war	26,708,400.00	28,630,500.00	31,197,200.00
Commissariat	1,907,200.00	2,065,300.00	2,176,400.00
Clothing	394,800.00	412,300.00	440,300.00
Garrison administration	1,389,300.00	1,493,200.00	962,400.00
Garrison buildings			669,300.00
Service and allowance for dwellings	3,655,800.00	2,268,300.00	2,557,000.00
Sanitation	1,868,300.00	2,111,800.00	2,317,700.00
Traveling, marching, and freight expenses	3,192,700.00	3,446,000.00	3,411,000.00
Education	398,400.00	405,000.00	492,600.00
Repairs of the fleet and docks	26,301,600.00	28,057,100.00	29,578,500.00
Arms and fortifications	9,687,100.00	10,318,600.00	11,193,700.00
Accounts	712,900.00	873,300.00	920,700.00
Coastal surveys	661,000.00	709,300.00	731,000.00
Miscellaneous accounts	1,293,200.00	1,498,900.00	1,561,400.00
Central administration of the possession Kiauchau	97,100.00	102,000.00	103,900.00
Total	105,295,100.00	112,774,200.00	120,846,200.00
Occasional expenditures (Einmalige), administration or the imperial marine, and contribution for defraying administrative expenses in possession Kiauchau	93,871,700.00	101,813,100.00	111,966,900.00
Extraordinary expenditures administration of the royal marine	46,976,100.00	50,815,000.00	57,370,300.00
Grand total	246,142,900.00	265,402,300.00	290,183,400.00
United States equivalent	$58,582,010.20	$63,165,747.40	$69,063,649.20

PENSIONS, 1906.

	Marks.
Administration of the imperial invalid fund	74,130
Invalid pensions, etc., since the war of 1870–71 for administration of the imperial army	36,571,000
Invalid pensions, etc., since the war of 1870–71 for administration of the Emperor's navy	16,618
Sum of expenditures	[c] 36,661,748

In order to meet the expenditures made necessary by the law pensioning and otherwise providing for persons who had served in the army or navy during the war of 1870–71, as well as their surviving families, the sum of 187,000,000 thalers, 561,000,000 marks, or about $133,000,000, was set aside by law out of the French war indemnity. This fund is called the "imperial invalid fund," or fund for the disabled (Reichsinvalidenfond).

[c] Equals $8,725,496.02.

This fund was to be invested in such wise that there should be a return therefrom in the way of interest, and, in order to cut off the possibility of speculation in these moneys the law fixed the nature of such investments. The beneficiaries were specified in the military pension law of June 27, 1871, to which reference has already been made, and which was supplemented by the laws of April 4, 1874; April 21, 1886, and May 22, 1893, transferring to this fund the payment of certain costs hitherto laid on the Imperial treasury. (Howard's "The German Empire," pp. 253, 254.)

Army:	
Effectives, peace	600,000
War	4,000,000
Navy: Number of officers, enlisted men, etc	48,500

WAR EXPENDITURES.

The financial burdens.—Article 53, clause 3, of the imperial constitution provides that "the expenditure required for the establishment and maintenance of the navy and the institutions connected therewith shall be defrayed out of the imperial treasury." Article 62, clause 3, provides, in like manner, that the expenses of the army are to [be] paid out of the imperial treasury, and that such expenditures shall be fixed by law.

So far as the income of the Empire is not sufficient to meet these expenses they are to be met by means of a contribution made by the several States in the ratio of their population.

* * * * * * *

The expenditures for military purposes are made by the States having their own military administration, and are made in conformity with the items fixed in the budget and with the provisions of the laws and ordinances on the subject.

All such expenditures, being in fact imperial disbursements, are under the control of the imperial auditing court, and must be submitted annually by the imperial chancellor to the Bundesrath and to the Reichstag for their discharge. (Howard's "The German Empire," pp. 390–392.)

JAPAN'S GENERAL BUDGET, INCLUDING ARMY AND NAVY EXPENDITURES.

On pages 358 and 360 of the Japanese Year-Book for 1907 it is stated that the total ordinary and extraordinary and supplementary budgets for the year 1907–8 are 616,440,000 yen, or about $308,220,000. The ordinary and extraordinary expenditures for the navy department are 82,481,000 yen, or about $41,240,500, and for the navy and war departments, 194,097,000 yen, or about $97,048,500.

Mr. RICHARDSON. Mr. Chairman, I shall vote for the proposed amendment offered by my colleague from Alabama [Mr. HOBSON] for the authorization of four battle ships. I shall make this vote, Mr. Chairman, from a sense of duty to my country. I recall here the fact with a great deal of pride and gratification that it was a distinguished Alabamian, a brave and gallant Confederate soldier, who was very instrumental in laying the comprehensive basis for the growth and improvement of our Navy—commensurate with the growth, development, and responsibilities of our country. I refer, Mr. Chairman, to the Hon. Hilary A. Herbert, who was Secretary of the Navy in the last Administration of President Cleveland. I believe, Mr. Chairman, that it is an axiom in all the civil affairs of life that the men who prepare for reasonable contingencies and difficulties in the future that by reason of that precaution they frequently escape many of these responsibilities and difficulties.

I believe that policy applies more strongly and decidedly to nations than it does to individuals. In the earnest and unprecedented struggle that is going on to-day among the great powers of the world, including our own Government, for commercial supremacy, and certainly for the acquisition of trade, I do not think that I yield to any effeminate or unmanly fear when I say that I apprehend, midst the jealousies and rivalries of this great struggle that is going on for supremacy of commerce, that some friction may arise in the future that will lead to a clash of arms. No man on this floor doubts the fact that if that clash of arms comes in the future by reason of any friction that involves our Government that it will be settled on the high seas by the navies that are involved.

I say, Mr. Chairman, that if such a conflict comes and our Government is found to be vacillating, timid, weak, by reason of being unprepared, the patriotic people of this country will hold the Congress to a terrible responsibility for so grave and serious a dereliction of duty. It is useless for me to recall here to-day the great national events that have taken place in this country in the last few years that have altered and changed our relations to the great powers of the world. These great national events, in my judgment, will be classed in the future as one of the great eras of this country. It is idle, too, for us to bemoan the mistakes, errors, and blunders that, as a Government, we have made that have brought about these conditions. To defend and protect the Philippine Islands from the grasp of a foreign power, whether it be Japan, Germany, or any other foreign power, is a part of our national honor and pride. We can not escape it if we would. Our flag is there and we will maintain it. [Applause.] I do not undertake by words or thoughts to criticise any man who is going to vote differently from what I vote on this subject. It is a question, in my humble judgment, of how we look at what the future may bring to our country. I was glad to hear the distinguished gentleman from Texas [Mr. GREGG], a member of the Naval Committee, frankly say that this question of battle ships was in no sense or manner a political or party question. That is certainly true. But I do say that the Democratic party has always stood for a navy sufficient to meet the demands and responsibilities of our country. I would be, and am, as mindful of the expenses of our Government as reason requires. I would not favor any useless expenditure of public moneys on any proposition, but it seems to me that we ought not to hesitate to provide such a navy as would make foreign governments respect our rights, and thereby help us maintain peace throughout the world.

I am certainly not an alarmist. I see no specter of war with lowering clouds in our immediate future. I am not ambitious to have our country rank with the great navies of the world, but merely to have it prepared to defend our rights when assailed. I do not share the prevailing public distemper called "hysteria," "mania," or "frenzy," used so freely as an argument against the building of four battle ships instead of stopping on two. Even should this be true, it is only measured by degrees, for the Naval Committee favors two and the naval board, the Secretary of the Navy, the President, and a large number of Representatives on both sides of this Chamber say, instead of stopping at the building of two battle ships, we should, for the sake of safety and reasonable precaution, build four.

Take the Manchuria incident, that occurred but a few days since. In the Portsmouth treaty Russia acknowledged that it had no concessions or claims in Manchuria of such nature as tended to impair the sovereignty of China. Yet our consul, Mr. Fisher, at Harbin protested in an earnest and diplomatic manner against Russia establishing Russian municipalities in the railway zone independent of the sovereignty of China. Our consul had been instructed by our State Department to recognize no sovereignty but that of China in Manchuria. It is undoubtedly true that our Government, in the interest of the "open-door" policy, will resist encroachments on Chinese rights in Manchuria by either Japan or Russia. I do not hesitate to say that no section of this Union is more deeply interested in maintaining this "open-door" policy than the cotton-growing States of the South. Our hope for the expansion and enlargement of our cotton-goods trade—especially the coarser grade of cotton cloth, chiefly made in our Southern mills—depends on the "open-gate" policy, so that we can have a chance to reach China, as well as Japan, with our cotton fabrics. This is a great and important policy. Yet our Government must stand unalterably for the "open door." It is most earnestly the hope of every patriotic citizen that our known policy for peace in all our relations with foreign powers will enable us to maintain the "open-door" policy, but we can not, from a reasonable standpoint, leave all to successful diplomacy. We ought to have such a navy as will fairly represent our Government in its position and relation to the other governments of the world. I do not at all subscribe to assertions made in this debate that the voting for four battle ships is to enter the race with other nations to surpass them in naval armaments. Our battle ships are not built for the purpose of aggression or conquest, but to enable our country to guard, defend, and assert its rights when assailed improperly by a foreign power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

Mr. SLAYDEN. Mr. Chairman, withholding for a moment the objection which I may not make, I would like to know how much of the time that was allowed for this debate has been consumed.

The CHAIRMAN. Thirty-five minutes have been consumed.

Mr. SLAYDEN. Mr. Chairman, one other question. Can the Chair give to the committee an idea of how much time has been requested, according to the memorandum that he has?

The CHAIRMAN. Very much more than the time allowed by the committee for debate.

Mr. FOSS. Mr. Chairman, I desire to ask a question, and that is whether or not if five minutes additional are granted the gentleman, it would come out of the two hours and a half fixed by the committee.

The CHAIRMAN. It would come out of the two hours and a half, and the time that is now running comes out of the two hours and a half.

Mr. SLAYDEN. Mr. Chairman, I shall insist on the five-minute rule until we can see that there is distribution of time sufficient to go around.

The CHAIRMAN. The gentleman objects.

Mr. LASSITER. Mr. Chairman, in the few moments I can obtain I wish to protest against projects which I conceive to involve an undue increase in the Navy. Certainly no one can accuse the present Committee on Naval Affairs as niggardly or lacking in enthusiasm for the brilliant exploitation of the Department which it controls. One might even scrutinize carefully a programme which it might recommend.

But on Monday last I listened to the distinguished gentleman from Alabama delivering an oration which may fix his place as a farseeing strategist and certainly has established his fame as one of the few brilliant orators that adorn this House. But when I realized his extravagant proposals and knew he was a member of the party I revere, Mr. Chairman, I was grieved; I was alarmed.

From the first session of the Federal Congress, when Nathaniel Macon, grandest of North Carolinians, who for nearly forty years stood here in his place advocating a liberal Navy, while he preserved his character as the severest type of Democratic simplicity and economy, to the administration of William C. Whitney, who first gave to the country an effective modern fleet, the Democratic party has fostered the Navy. But the record of Democracy has been for a Navy consistent with our peaceful needs. [Applause on the Democratic side.] I shall vote for one battle ship, more as an experiment in the most modern type than for any apprehension of its necessity.

My objection to these proposals is threefold—economic, as tending to fix the griping hold of tariff taxes by the constant demand for a bulging Treasury to meet indefensible contracts. Practically all of our present enormous expenditure is affected by tariff taxes on the articles consumed and is poured into the maw of ever more rapacious trusts. Behind the whole programme is the shadow of trusts—those "infant industries," which, like the Arcadian babes of Juvenal, grasp the pendulous breasts of redundant mothers and drink, not suck.

Another economic objection, subordinate only because it is a condition and not a principle, lies in the misapplication of funds to military objects at a time when our own favored isolation and the condition of the civilized world render transoceanic wars a remote contingency. Had we money to spare, Mr. Chairman, I submit we might better look to domestic objects—the development of our waterways and the impassable condition of the common post-roads of the country. A deafening appeal comes up to us every year from our constituents demanding these immediate necessities of convenient living. Such public works have been the primary care of all nations, reducing the transportation tax on the necessities of life, giving employment to thousands of native labor, both skilled and unskilled, and like the great highways of Rome, France, and England, erecting imperishable monuments to the civilizations which constructed them.

We Americans are an emotional people after all. Naval warfare and naval pomp have in themselves for us something peculiarly heady. Since the conclusion of that lamentable Spanish imbroglio we have had several instances, beginning, perhaps, with that frenzied reception in New York Harbor, of our gentlemanly old admiral. He had returned from an achievement which, apart from its unlucky civil sequellæ, represented little more than exceedingly bad gun practice.

When the ashes of the great Napoleon were transferred from St. Helena to rest on the brink of the Seine, under the golden dome of the Invalides, surely Gallic enthusiasm, spurred on by the interests of a new monarchy, did not surpass American fervor.

This leads up to my third objection to the creation of these enormous armaments. It rests upon the inevitable aggrandizement of the central power wielded by the President.

It is a fact recognized by all foreign students of our political system, laid down a thousand times by our own highest judiciary, and become the elementary truism of every school boy and orator, that the safety of our Government rests upon the separate and coordinate power of the legislative, judicial, and executive departments. Yet, in the last few years, since militarism and imperialism have run riot, we have had a Chief Magistrate half a demagogue and half a king. We have seen the people caressed and paternalized. We have learned to hear the judiciary denounced and told their duty. More often (with malicious amusement) we have seen the majority party in these Halls driven like a flock of school boys, with loud words. Is it unnatural, Mr. Chairman, that a single man, who can by his sovereign word punish a pilot or a chauffeur for deeds done in the royal presence or send the greatest fleet of history around the globe, while he treats directly with crowned heads—is it unnatural, I say, that a single strong man shall arise at no distant day with the sublime conviction that led Louis XIV to say "L'Etat, c'est moi!"

There exists already two naval pictures which strike the eye of every beholder. You have seen "Nelson on the Victory," sealing in death his devotion to country. "Napoleon on the Bellerophon" needs no comment to tell the despair of a conqueror, once master of the world.

On the 15th of last December the President of these United States stood covered and alone on the bridge of his yacht, sending to their distant fates sixteen of the mightiest engines of destruction man ever made. Each monster flaunted the standard from top and peak; each manned the rail with frenzied cheers, and sixteen times the deep guns thundered the full tale of his due salute. What were the meditations of the central figure who had willed this embodiment of world-wide crisis? Shall this figure be painted? If so, I fear it needs no superscription to read:

Theodore Roosevelt, committing his devoted country to imperialistic chaos.

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HUMPHREY of Washington. Mr Chairman, reserving the right to object, I shall have to object unless that right is extended to all who speak.

The CHAIRMAN. The Chair will state to the gentleman from Washington that the committee has no power to grant general extension.

Mr. HUMPHREY of Washington. I do not know that I will want to extend my remarks, but I will object unless it is extended to me.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FOSS. Mr. Chairman, is it in order to ask that this privilege be extended to all who speak on this——

The CHAIRMAN. It is not in order. Does the gentleman object? [After a pause.] The Chair hears no objection.

Mr. WILLIAMS. What is the request?

The CHAIRMAN. There is no request pending before the committee.

Mr. HUMPHREY of Washington. Mr. Chairman, in view of the fact that the opposition has consumed four out of every five minutes used up to this time, I ask that I may be permitted to proceed for ten minutes.

Mr. SLAYDEN. Mr. Chairman, I regret exceedingly that I shall be obliged to object.

The CHAIRMAN. Objection is made.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to read a letter which I received yesterday. I especially desire to call the attention of the gentleman from Mississippi [Mr. WILLIAMS] to this letter. It is as follows:

THE WHITE HOUSE,
Washington, April 13, 1908.

MY DEAR CONGRESSMAN HUMPHREY: The inclosed memoranda explain themselves. You will see that the dock can be completed within three years. It can certainly be so completed if you secure the insertion of the clause permitting us to construct the dry dock by contract or otherwise, as may be necessary.

Let me say again what I said to you and your colleagues from the State of Washington, that it is urgently necessary to authorize these dry docks for Puget Sound and Hawaii and provide for their early completion, and that it is no less necessary to provide for four battle ships. I am unable to understand objection to building these four battle ships by any good American who loves the peace of justice, who loves the honor of his land, and who looks into the future.

Yours, sincerely,

THEODORE ROOSEVELT.

Hon. WILLIAM E. HUMPHREY,
House of Representatives.

That letter is from the man who ought to know more about the necessity for four battle ships than any other. No man doubts his honesty, patriotism, or intelligence. I am proud, as one man, to stand upon the floor of this House and indorse the sentiments contained in that letter in regard to the building of four additional battle ships. I know that the people of this country indorse that sentiment.

For many days we have been told often and loudly by the leader of the minority that he is not filibustering to kill time, but that he is filibustering to compel the majority to enact certain legislation, and especially certain legislation desired by the President. He proclaimed in tones most dramatic that if the majority would furnish him twenty-five votes, the legislation recommended by the President would pass the House. The President has urged this legislation for the four battle ships more earnestly and more insistently, perhaps, than any other. If the leader of the minority is inspired by patriotism and not by politics, if he is filibustering for the good of the country and not for the good of his party, as he claims, if he

really wants to enact the legislation desired by the President, here is his opportunity. If he will now stand by the President, I assure him that the twenty-five votes from this side of the House will be forthcoming, and we will pass the amendment for four battle ships, even if we have to demand the ayes and nays to do it.

The gentleman from Minnesota [Mr. TAWNEY] just finished a long argument urging economy as a reason why the authorization of the four battle ships ought not to be permitted. If there is any one argument that does not command my respect nor appeal to my judgment, it is the campaign argument of economy. Every four years from time immemorial it has made its appearance, being used by both parties. There is no argument so often appealed to that has so little of merit and so much of demagogy. The people of this country are not paupers. They are not beggars. The people of this country do not want this nation run on any niggardly plan. The people of this country are intelligent enough to know that to refuse to appropriate money for proper purposes is the greatest and most inexcusable of extravagances. The people care not how much the appropriations are if the money is properly expended. The people of this country want appropriations made in keeping with the needs and the greatness of the country. The gentlemen who make this argument of economy deceive no one but themselves. Everyone else knows that at the bottom it is inspired by politics.

Mr. MADDEN. The gentleman does not want to make that statement, does he? Does the gentleman want that statement to go upon the record?

Mr. HUMPHREY of Washington. If the gentleman desires to correct my statement let him do so. He heard what I said.

Mr. MADDEN. I heard it. Do you believe that we should expend more money than we get?

Mr. HUMPHREY of Washington. No; I do not believe that we should spend more money than we get. Neither do I believe in standing upon the floor of this House and playing the demagogue by talking about economy when every man knows it is done largely for campaign purposes.

As one man from the Pacific coast, I desire to go upon record as saying that I do not believe that we are in any immediate danger of having war with Japan. A war between Japan and the United States would be a crime against humanity, it would be one of the greatest calamities that ever afflicted the world. I hope and I believe that the friendship that has so long existed between these two countries will continue unto the end. But no man can read the future. No man knows what a day may bring forth. And while I do not believe that we shall have war, yet, if it should come, then I want my country to be prepared. I believe that the best guaranty of peace is to be prepared for war. I believe in the doctrine of the "big stick," as advocated by the President, in the way that he stated it and not in the way that he is quoted by the yellow papers, when he made use of the old proverb, that "he that talks softly and carries a big stick will travel far."

The gentleman from Ohio [Mr. BURTON] said that, in case of war, among other things upon which we could rely was our Army. I regret to say that so far as protecting our Pacific possessions is concerned, our Army under present conditions would be entirely useless, and this would be true, however large an army we might have, for however many troops we might possess, we could not get them to Hawaii or the Philippines.

According to a recent report of the War Department, in case of war the Army would require 228 merchant ships of various kinds. If we were to face an emergency to-day, we could not even furnish the 28 vessels, let alone the 228. The Department, in the same report, declares that in case of war, 38 vessels should be ready to carry troops in fifteen days. If every American vessel was in her home port on the day that hostilities were declared and every one of them should be voluntarily offered to the Government, we could not assemble that many on both oceans combined in double that time. We could not do it in fifteen months, let alone fifteen days. We could not furnish that number of vessels upon the Pacific Ocean in time to be of service in any contest with a foreign nation. These vessels could not be purchased from foreign nations, even if international law permitted it, which it does not, because practically every first-class ship on the ocean to-day flying a foreign flag is receiving a subsidy that places it under a contract to its home government that would prevent us from purchasing it.

So far as transports are concerned for our Army and vessels as an auxiliary for our Navy, we are in a worse condition to-day than we were when war was declared with Spain. Then it took us twenty days to get enough vessels to carry 10,000 men to the near-by coast of Cuba. And the vessels we did purchase at enormous prices were unsuitable for the purpose and utterly unfit to make such a voyage as the one to the Philippines or Hawaii would be. For these antiquated and dilapidated vessels we expended $13,000,000 in purchasing and refitting, and then the War Department declared that by the use of these transports we exposed our troops to greatest peril. The Department declared in a printed report "that the safe arrival of this expedition was entirely due to chance, and the only thing that justified its starting was its safe arrival."

We are as helpless upon the Pacific Ocean as was Russia at the beginning of her war with Japan. If war should come upon the Pacific, the fate of Russia would be our fate. All the events of the present indicate that our next combat will be upon that ocean. If it should be with Japan and we remain in our present condition, she could put half a million men in the Philippines and a hundred thousand men into Hawaii before we could get 10,000 men ready to embark from any point on the Pacific. Not only has she a magnificent navy, but she has to-day 550 vessels suitable for transports on the Pacific; the United States has not more than 15. Japan can carry 200,000 men at one time. The United States on the Pacific can not carry 15,000. Japan has over 500,000 men engaged in her deep-sea fisheries—the best trained seamen in the world—from which to draw crews for her battle ships. There are not to-day upon all the Pacific Ocean a thousand American sailors, native-born and naturalized. We could not, even in time of peace, taking no account of the enemy, using American ships, as we would be compelled to do in time of war, place 50,000 troops in the Philippines in a year. We must depend entirely upon the Navy in any contest upon the Pacific. Our Army, even if we had one, would be useless.

The only guaranty of peace upon the Pacific in the future is a great navy. This is the one object and purpose of a navy on that ocean.

One of the purposes of a navy, theoretically, I know, is to protect our commerce, our merchant vessels in time of war. When the Atlantic fleet finally joined the Pacific Squadron we witnessed the magnificent spectacle, and gave to the wide world a picture never before approached in the annals of men—we have 19 battle ships, 7 cruisers, and a large number of smaller vessels to protect what? Eight merchant ships, the cost of the 8 being little more than the cost of a single battle ship.

The gentleman from Minnesota [Mr. TAWNEY] spoke of the deplorable condition of our merchant marine. I agree with him fully in all that he has said upon that proposition. For five years, upon the floor of this House, upon the stump, and in the newspapers and the magazines of the country I have been doing what I could to call the attention of the country to the shameful condition of our merchant marine and pointing out that the fatal weakness of our Navy was the same as that of Russia—our failure to have merchant vessels that could be used as an auxiliary to support it and from which sailors could be secured to man it. This discreditable condition was emphasized and brought to the attention of the public as never before by the trip of the Atlantic Squadron to the Pacific. Yesterday I spoke briefly upon that subject and called attention to the fact that this great country of ours was unable to move its battle ships from the Atlantic to the Pacific without employing foreign ships to carry the coal; that this fleet was to continue its way around the globe, and that in order to do so, it would still be compelled to employ foreign ships, and that while making this trip it becomes helpless as soon as it leaves the Pacific coast, and if a declaration of war was to be made against us, these foreign ships would immediately abandon our vessels, and then our battle-ship squadron, of which we are so proud, could neither continue on their way nor return home. And, as I said then, I say now, that as this fleet continues its way around the globe it advertises to the world our national weakness and our national disgrace.

I do not, however, agree with the gentleman from Minnesota [Mr. TAWNEY], that because we have no merchant marine we should stop building a Navy. I believe that we should build up a great navy and at the same time that we should build up a great merchant marine to support it. Russia and the United States are the only nations that ever committed the stupid folly of building the one without at the same time building the other. But it would also be an inexcusable folly for this great country not to build either.

I want to stop here long enough to discuss further the proposition of the foreign ships carrying our coal. When the Government called for bids to carry 133,000 tons of coal to supply the fleet on this long voyage only four American firms were able to respond with American ships. There was no combination among these few American ships, however, as has been charged. Those who make this statement do not give the facts. The bids submitted by these American vessels varied

greatly. One American ship offered a bid of $8 per ton and was accepted. It was enabled to make this offer because the vessel was to remain on the Pacific coast. Its bid was not 50 per cent higher than the bids of the foreign ships, as has been charged. The lowest bid submitted by any foreign vessel was $6.15 per ton. The American vessels could not get a return cargo. Herein was the great difficulty. But the British ship could go to British Columbia after it had delivered its coal, where it would be favored by its own country—as it should be—over an American ship. Here the British ship could get a cargo for Australia or the British ports of the Orient, and from these ports another cargo could be obtained for Europe. But the American ship must make the 13,000-mile return voyage in ballast. Even if all American ships offered had been accepted, they were not sufficient in number to furnish only a portion of the coal required. All that were offered could carry only sufficient coal for the use of the fleet at San Francisco. The real reason why American ships did not carry our coal was because there are practically no American ships.

PRESENT CONDITIONS ON THE PACIFIC.

Only eight vessels still fly the American flag on all the great Pacific. Last year the commerce of this greatest ocean amounted to over $3,000,000,000. This is the fleet that we, the nation having the greatest coast line upon that ocean, have to participate in that mighty carrying trade. The line of the Pacific Mail, consisting of five vessels, runs from San Francisco to the Orient. This line runs in direct competition with a Japanese line of inferior vessels that has just been awarded a subsidy by the Japanese Government of $500,000 annually in gold. Three vessels run from Seattle to the Orient, and two of these vessels go to the Philippines. These vessels run in direct competition with an inferior Japanese line of three smaller vessels, and this line has just been awarded an annual subsidy of $327,000 in gold by their government. These vessels from Seattle also run in direct competition with a line of British steamers from Vancouver and Victoria that receive $300,000 annually of government subsidy. In each of these lines the American vessel costs from 25 to 50 per cent more than the foreign vessel. The American vessel pays higher wages to its officers than does the foreign vessel. If these lines were subsidized, character of ships considered, in proportion to the foreign lines the San Francisco line would receive $700,000 annually and the Puget Sound lines $500,000 annually. With these great handicaps it takes no prophet to tell what the fate of the few remaining vessels upon the Pacific will be. Unless the Government comes to their assistance the only element of uncertainty in the problem is the time when they will cease to run. Foreign subsidized ships have already driven every unsubsidized American ship from the Atlantic, and the same powers, working in the same way to the same end, will, within the next two years, drive our flag off of the Pacific unless the Government gives assistance.

NAVAL AUXILIARY.

How can we obtain a naval auxiliary and transports for our Army? To argue that this is necessary would be as absurd as for me to stand here and argue that we should have guns on our battle ships. This could be done in two ways. First, by the Government owning its own vessels; second, by paying private enterprise to provide these vessels. In considering this question, remember this great fact: The years of peace are many, the years of war are few, but in all the years of peace we must be prepared for the few years of war. Consider the first way—ownership by the Government. We know that in all business the Government way is the most costly way. We know that to build a ship by the Government would cost more than if built by private parties. We know that the maintenance and the operation of a ship by the Government would cost vastly more than it would if it was maintained and operated by commercial companies. If we needed any proof of these assertions it is amply furnished by the extravagant and disgraceful record of the few Government transports which we now own. A sufficient number of these old, antiquated vessels, mostly purchased from abroad, to carry 10,000 troops over to Cuba cost this nation $13,000,000 to purchase and refit. Even then they were unsuited for their purpose and exposed our Army to greatest peril. Since the war every pound of freight they have transported for the Government and every soldier that they have carried for the nation has cost the country at least 25 per cent more than the same service would have cost if done by private lines. They have always been largely used as private yachts by Department officials and their friends. Scandal and extravagance have been and are now interwoven with their operation. So far as the nation is concerned, the best thing that could happen to it in relation to these old transports would be to have them sunk in the sea. If such is the record of the few we now have, what might be expected if we owned the great number sufficient to meet the requirements of our Army and Navy?

But suppose that the Government could construct these vessels and operate them as economically as private enterprise. What of the cost even then? To meet even our present requirements it would take an investment of $150,000,000. On this investment the interest would be $3,000,000 annually, the depreciation $7,000,000, maintenance at least $30,000,000; or, in other words, outside of the investment it would cost the Government $40,000,000 annually. I am convinced from a long study of the question that this estimate is conservative; in fact, I feel certain that the red tape and the poor business methods and the favoritism always practiced by the Government would almost certainly increase this sum. This is the one way. What of the other? To induce private enterprise to undertake to carry this burden for the Government is the plan that every other nation that has ever possessed a navy thought wisest and best, except only the United States and Russia. It is not pleasant in this relation to compare our country with Russia, but my hope is that our country may not, as did Russia, learn her lesson in a most humiliating and irretrievable defeat. A naval auxiliary being for the benefit of the whole country the entire country should bear the burden. Why should the nation not pay for a naval auxiliary out of the National Treasury as well as for the Navy itself? They are both for the one and same purpose—the general good. The Government can get the same service from private enterprise for $4,000,000 annually that she can get from her own vessels for $40,000,000 annually. In other words, she can get the same service by subsidizing private lines for one-tenth of what it would cost her to own her own ships. Why is this true? The long period of peace and the short period of war. The certainty of peace; the uncertainty of war. Private enterprise can speculate on these years. The Government can not. Private enterprise will run the vessels in the long time of peace. The Government would demand their use only in the short time of war. Not only can the Government, for these reasons, get the same, and in many respects better, service for one-tenth the money from private enterprise, but during the long period of peace the merchant vessels are doing the commerce of the country, increasing our foreign markets, and carrying the products of the American people into all the markets of the world. We are the only nation of earth that makes pretense of being civilized that does not devote the profits of their foreign mails to aiding their shipping. If we would do this, this profit alone would give us a splendid naval auxiliary. Last year this profit was $3,600,000, and this sum is rapidly increasing.

PHILIPPINES.

May 1, 1898, marked a new epoch in American history. On that beautiful May morning, away on the farther shores of the Pacific, just as "rosy-fingered dawn" had first tinted the soft tropical sky, a line of battle ships bearing the Stars and Stripes moved slowly among the sunken and concealed engines of destruction and death into the entrance of Manila Bay. Then the roar of red-throated cannons startled the nations of the earth. The map of the world had changed in an hour; the Stars and Stripes had moved forward half way around the circuit of the earth; the Philippines were a part of the great Republic. By the fate of war, by the unseen hand of destiny they came to us, and they brought many new, great, and perplexing problems. There is no probability that you and I will ever see the flag depart from these islands. As they stand there to-day, a rich prize, with our weakness on the Pacific, they are a constant menace to the peace of the nation. It may be that many of our people to-day, if it could be done consistently with national honor, would like to see us part with the Philippines. There are doubtless many that regret that fate ever gave them to us, but no American worthy of his country, no American citizen in whose veins courses one drop of patriotic blood would ever consent that any nation should take them from us by force as long as we had a ship that could carry a gun, a soldier who could fire a musket, or a dollar in the National Treasury. Our flag went there in honor and victory, and 90,000,000 American people stand behind the declaration that it shall never be lowered in retreat or trailed in the dust of dishonor. National peace, national safety, national pride, and national honor all demand that we take immediate steps to protect them from themselves and from the rest of the world. When they have learned sufficient to govern themselves they will have learned sufficient to know the advantage of having us protect them. When they know enough to govern themselves then they will know enough to want to remain a part of the Republic. When they are sufficiently civilized for independence they will no more want it than does Alaska to-day.

The American people will never consent to play the coward's part. We will do our duty. We must and we will prepare to protect the flag wherever it floats.

The only way to protect our possession in the Pacific is by a great navy. The only certainty of peace on the Pacific is to be so prepared for war that no nation will dare unjustly to attack us. The honor, the peace, and the safety of this nation imperatively demand that a mighty battle-ship squadron be kept upon the Pacific as well as upon the Atlantic. Therefore I shall stand by the President and do what I can to assist him in his efforts by voting for the building of four battle ships. It is better to build battle ships than to pay pensions.

FOREIGN SHIP TRUSTS.

I now wish to present another side of this question—our need of a merchant marine—the commercial side.

Four years ago, in a speech upon the floor of this House, I said, "unless all history is at fault, unless human nature is to change, just as soon as the foreigner dominates our trade sufficiently to make it safe for him to do so, that moment combinations will be formed between foreign ships, and our freight rates will be raised." I had no doubt of the truth of that prophecy, but I did not so soon expect its fulfillment.

A trust exists upon the Pacific Ocean. It is called the "Shipowners International Union." It represents more than 1,300,000 tons—practically all the sail tonnage on the Pacific Ocean. It is composed of English, German, and French ships. It is open and frank in its purposes. It makes no attempt to conceal its objects. Its rules and regulations have been printed and can be easily obtained. A year ago I inserted a copy of this agreement in the CONGRESSIONAL RECORD. As set forth in the agreement, the principal object of this ship trust is to raise freight rates from American ports. In its declared purpose it has been most successful. It has raised freights on the Pacific more than 400 per cent. It has increased the freight on a ton of wheat from Seattle to Europe from $1.25 to $5.62 per ton. Any ship is free to charge such rates as it may think best for carrying freight from Europe to this country, but any vessel that charges less than the minimum price fixed by the trust for carrying freight from an American port is subjected to the heavy fine of 5 shillings per ton on the dead-weight capacity of the vessel.

There is another trust on the Pacific Ocean, on the other side, over at Manila. This is a combination of foreign ships and British merchants. When an American vessel goes into Manila Harbor, immediately freight rates drop 10, 20, or 30 per cent, or to any extent to make it unprofitable for the ship to carry a cargo. No sooner does the American ship, on leaving, disappear below the horizon than freight rates go back to their normal condition. This trust has driven every American vessel from Manila except two, and these are able to go only because they very largely carry Government supplies.

Upon the Atlantic there is a combination of foreign ships preying upon our commerce with South America. There is another preying upon our commerce with Europe. These combinations within the last two years have greatly raised freight rates. This raise has not been justified by conditions and has been accomplished only by combination. Not only has the Hamburg-American Packet Company—the name of the foreign ship trust controlling our carrying trade between here and Europe—raised freight rates, but if we can rely upon complaints recently filed with the Interstate Commerce Commission this combine tells the American merchant when he shall send his goods, how he shall ship them, and what amount he shall send, and if any house dare violate these demands or patronize an independent line that house is discriminated against and crushed and driven out of business. This company last year paid a 10 per cent dividend upon ninety-six millions of capital. This vast tribute was levied upon the commerce of this country. It came from the American people.

SOUTH AMERICAN TRUST.

There is a trust preying upon our commerce with South America. This trust has resorted to all the infamies known to organizations of this kind to strangle and kill our South American trade. It is using the rebate, discriminations, and boycott. This trust raises and lowers rates at will, sometimes changing them daily. It promises rebates to those who patronize it for a year or more, but it demands that the full amount be first paid, and then if the parties patronize another line or in any way violate any of its edicts the rebate is withheld. This trust so controls the situation that it has compelled American ships to actually return to this country in ballast. No matter if American ships would offer to carry freight for nothing, they could not get a cargo. One illustration is given where the combine compelled a large coffee firm to refuse to give a cargo to a vessel outside of the trust, although the freight rate was just one-half less than the trust offered to carry the cargo for. It compelled this firm to give it their business at its own price or be destroyed. This trust is composed of English and German ships. Its management, however, is dictated by the great English firm of Lambert & Holt. This firm manages and runs over a hundred vessels.

All firms pool on freights and all meet and divide the spoils. Every American plow, every bag of coffee, every article carried between this country and South America must pay unjust tribute to this gigantic combine. Through its manipulation the American merchant to-day pays double the freight for the same distance upon the same article upon old and antiquated vessels of from 8 to 10 knots that his European competitor pays on fast and modern ships. The freight rates between this country and Brazil are to-day the highest in the world. One of our consuls in South America was amply justified when he said in one of his reports that the—

inadequacy of the transportation service between this country and South American ports is nothing short of a crime, which must be laid at the doors of Congress. Religiously protecting our interests in every other way, fostering and encouraging our manufacturers, and developing home industries for domestic consumption, it make no provisions for markets for surplus products, and thus paves the way for future industrial stagnation.

There is not a more rapacious, more open, more cold-blooded trust, either on land or sea, than this one of English and German ships that is feeding and fattening upon American trade at the expense of the American people.

Recently Brazilian merchants, who had long been robbed and plundered by this combine, in an attempt to be free, started a line of slow steamers between this country and Brazil. On the 16th of last month a dispatch came from Europe containing information that this foreign trust had already captured or destroyed the line started by the Brazilian merchants. All competition is again destroyed. A meeting was held on that day by the representatives of the various companies in the combination, and freight rates were agreed upon. There is to be no competition. The rate is satisfactory to all in the combine, and all have entered into the pool, and all will participate in the spoils. It is interesting to note that Herr Ballin, director-general of the Hamburg-American Company, the trust that is fattening upon our commerce between this country and Europe, was chairman of that meeting. This is the same Herr Ballin that, in answer to the suit brought against his company before the Interstate Commerce Commission, charging it with rebating and boycotting, has said that this country has no jurisdiction over the matter and that his combine has a right to prey upon American commerce as it pleases, and in this contention I think he is right. This is the same Herr Ballin that came to this country a short time ago, when shipping legislation was pending before Congress, and gave out an elaborate and carefully prepared interview, advising the American people against doing anything to help American shipping. It is needless to add that this interview was republished in the free-trade, subsidy-opposing, subsidized papers of the country with laudatory comments. This is the same Herr Ballin whose company, when war was declared with Spain, withdrew two of its fastest and best vessels and sold them to Spain to "sink, burn, and destroy" American commerce. This same Herr Ballin sits in a meeting in Europe and fixes the freight rates that the American merchant, the American manufacturer, and the American farmer must pay to send his products to Europe or to South America. We have been told ten thousand times by the Democratic party that the price of wheat and cotton in this country was fixed by the price paid in Liverpool. If this Democratic doctrine be true, then Herr Ballin fixes the price of cotton and wheat in this country. Herr Ballin fixes the freight, but the American people pay the freight. We are presuming far upon the patience and intelligence of the American people when we sit here and, either through cowardice or ignorance, permit these things to continue.

These trusts are preying upon our commerce. They are to-day violating the very principles for which President Roosevelt and the American people have been contending. These foreign trusts are to-day doing the same thing in the same way for the doing of which domestic corporations have been enjoined, dissolved, and fined, and their agents prosecuted, convicted, and sent to prison. These trusts are beyond our laws. We have no way to control them. We have no ships to compete with them, and the tribute we must pay is measured only by their greed.

How these outrages, this octopus preying upon the American people, should vex the virtuous soul of Democracy. But it will not. The sympathetic soul of Democracy should, by these things, be touched to tears. But it will not. These foreign trusts were not mothered by the Dingley tariff. There is no opportunity here to exhaust the vocabulary of denunciation upon the system of protection. Therefore, that ever tender and solicitous

self-appointed guardian of the people—in campaign times—the Democratic party, will possess its soul in patience and defend the plundering by a foreign trust that it would denounce with vehement declamation if done by an American trust. But after the Republican party has placed a law upon our statute books, as it will, that will place our flag once more on the sea and will loosen the grip of these great combines now destroying our commerce, then the Democratic party will declare that they always favored such legislation and that the Republican party stole it from them.

The hypocrisy of the Democratic party is further demonstrated, if any further demonstration was necessary, by their actions in this matter, when they say that they are opposed to trusts, and that they are supporting the President. They will not support the President in his policy for a larger navy. They will not support the President in his policy of building up our merchant marine in order to furnish us a naval auxiliary and in order to free the American people from the tribute levied by these foreign ship trusts. The Democratic party supports the President, and the Democratic party fights trusts with their vocabulary always, but never with their votes.

I shall insert in the RECORD some statements relative to these combinations of foreign ships, our South American trade, and our need of a merchant marine.

RECENT CONGRESSIONAL ACTION.

Benjamin Harrison when President, with all the logic and force of his great intelligence, urged Congress to do something for our merchant marine. President McKinley sent several messages urging immediate action for the same purpose. For years every Republican national convention has promised to do something to build up this great industry, but that promise, I regret to say, has not been kept. Both parties are at fault upon this question. Both parties have been moved more by love of party than by love of country upon this question. I blame the Republican more than I blame the Democratic party. It has had greater opportunities than the Democratic party to pass such legislation. And then I blame the Republican party more, for I think we have a right to expect more from the Republican than we have from the Democratic party. President Roosevelt has urged legislation favorable to our merchant marine more insistently than any other statesman in our history. He sent a special message to Congress urging the passage of the bill last winter. When it failed he declared that it was a real blow to our country, and that it was deeply discreditable to us as a nation that our shipping should be driven from the high seas. President Roosevelt has told me on more than one occasion that he regarded the three most urgent questions before the country, in the order of their importance, as follows:

First. The control of great corporations.

Second. The construction of the Panama Canal.

Third. The rehabilitation of our merchant marine.

In accordance with the recommendation of President Roosevelt, a law was enacted in the Fifty-eighth Congress creating the Merchant Marine Commission. The duty of this Commission was to investigate the conditions of our merchant marine and report to Congress. This Commission consisted of five members of the Senate and five Members of the House of Representatives. The members from the Senate were appointed by the presiding officer of that body, and the Members of the House by the Speaker.

I had the honor to be one of the members of that Commission. We held meetings in every important seaport in the United States. We accumulated a vast fund of most valuable information. At the last Congress this Commission reported a bill to that body. This bill, slightly modified, passed the Senate. It then came over to the House and after considerable modification was passed by the House and sent to the Senate for its concurrence. The great majority of the Senators were anxious to pass this bill as amended by the House. It had practically the indorsement of every board of trade, every chamber of commerce, every commercial and business organization in the United States. The majority of the Members of Congress in both Houses favored its passage. The people of the country favored it. The President was waiting and anxious to sign it. But when it came back to the Senate it was in the closing days of the session. But few hours remained. Then two Democratic Senators, already defeated for reelection, repudiated by their own people, standing discredited with their own constituents, unaccountable to anyone, on their way to private life and oblivion, by filibustering prevented a vote—that is, they talked the bill to death. What little good, if any, these Senators ever did is interred with their political bones, but the evil they did lives after them. Further paraphrasing Shakespeare's lines—nothing in all the public life of these two Senators so benefited the people as their quitting it.

What followed the failure of the last Congress to do anything for our merchant marine? The great Oceanic Line, running from San Francisco to Australasia, a line paying the highest wages of any in the world, a line that was training American boys in seamanship, with ships that had been so built as to be used as an auxiliary for our Navy, was immediately abandoned, and these great vessels no longer run. These magnificent ships are to-day lying idle in San Francisco Bay, and unless the Government comes to their aid, the American flag has disappeared from them forever. Yet this nation, since these American vessels stopped running, has paid to foreign vessels for carrying the same mail over the same route that these American vessels would have carried it, practically the same amount that was asked as aid to these vessels in the defeated bill, and the service of the foreign ships is in every way inferior to what would have been given by the American ships.

The amount of money that we are now paying to foreign vessels for carrying our mails would not only have kept these three American vessels running, but for that amount this line would have added two more new vessels. The three vessels of the Boston Towboat Company, running from Seattle to the Orient and Philippines, as soon as they were satisfied that the bill would be defeated, gave up the unequal struggle and yielded the field to their foreign competitors. The fleet of American ships on the Pacific has been reduced within the past year from fifteen to eight vessels. Only two vessels now go regularly to the Philippines, and these are to be sold as soon as a purchaser can be found. The Government has given notice that it must send its mails for South America twice across the Atlantic in foreign vessels. We have been humiliated by being compelled to employ foreign ships to carry coal for our Navy. We have been discredited in the eyes of the world by being forced to employ foreign vessels to carry our soldiers to Cuba. We have been reduced to the pitiful condition where we can only communicate by foreign ships with our naval stations and our garrison in Samoa. Surely, no American citizen can contemplate these conditions to-day without a feeling of shame, humiliation, and regret, without feeling, as did President Roosevelt, that the defeat of the subsidy bill last winter was discreditable to us as a nation.

I have given you only a few of the evils that followed immediately the defeat of that bill. There is now pending before Congress another bill. It was introduced in the Senate by Senator GALLINGER and in the House by myself. It consists of only a few lines, but it means much to our merchant marine, and it means much to our country. This bill is an amendment to the subsidy act of 1891, a law that has been in successful operation in this country for many years, a law that is directly responsible for every American vessel upon the Atlantic Ocean now flying the American flag. Many of the men who have been denouncing the subsidy system do not even know that this nation has been practicing that system with remarkable success, without protest or objection, for more than fifteen years. In the bill referred to it provides that the Postmaster-General may pay second-class American vessels—that is, vessels of 16 knots or more—for carrying the mails the same rate now paid to first-class vessels. Understand that the classification has nothing whatever to do with the character of the vessel except as to its speed.

The second-class vessel in all other particulars is required to be equal to that of the first-class vessel. This bill means that the Postmaster-General shall pay to second-class vessels $4 per mile for outward voyages of 4,000 miles or more for carrying the mails. This $4 is to be paid under the same terms and conditions as are now imposed upon first-class vessels—that is, all vessels must be constructed in accordance with plans approved by the Navy, and they must carry American boys and train them in seamanship. They must be ready to answer the call of the Government at any time in case of war, to be used as naval auxiliaries. This bill proposes to pay American vessels a subsidy, a little less than that paid by other nations to their vessels. It simply means that our nation will assist our merchant marine in the same way that every foreign nation assists its merchant marine. If the bill now pending should become a law, it will mean on the Atlantic Ocean four great lines of new, modern, up-to-date ships of six vessels each, running from this country to South America. It means the death of the foreign shipping combination now on the Atlantic that is preying on our commerce between here and South America. It means that our mail will be in South American ports as quickly as it now reaches Europe on its way to South America. It means that the producers of this country can send their products directly to South America in fast, regular ships that will not in every way discriminate against them. What does this bill mean on the Pacific? It will give one line of four vessels from this country to South America, one line from San Francisco to Australasia, two lines from the Pacific coast—one from Seattle and

one from San Francisco—to the Orient and the Philippines. All these lines would have to have six vessels each, and all these vessels would be new except possibly four. This would mean that we could send our mails to our own possessions in our own vessels. It would mean that we will no longer be under the disgraceful necessity of sending our mails, our diplomatic correspondence, our ammunition, and even our soldiers to our own possessions under a foreign flag. It means that we will, to a large extent, retain the great and rapidly developing trade of the Orient. It will prevent the complete disappearance of our flag on the Pacific. The passage of the pending bill would mean adding forty new, great, modern vessels to our merchant marine. It would mean that forty new, great American vessels would be constructed in our yards.

These vessels would cost $80,000,000 and all would have to carry American boys and all would be at the call of the Government in time of war. It will mean forty new American vessels that will be a glory to the sea and an honor to the nation. It will cause the Stars and Stripes to be carried in many places where it has long since been forgotten. It will add 350,000 tons to our foreign shipping. It will give employment to 200,000 American workmen. It will keep at home a quarter of a million dollars each day now sent to Europe. It will give a million dollars in work and a million dollars in wages each day to American labor that is now given to the foreigner. It will widen our markets. It will increase our exports. It will reduce our freights. It will increase the price of what we sell. It will decrease the price of what we buy. It will build up our shipyards. It will increase the demand for labor. It will increase the wages of those who work. It will benefit all sections, all classes, and all trades. It will give us an auxiliary for our Navy. It will give us transports for our Army. It will give us crews for our battle ships. It will make us independent of every other nation. It will make our Flag more revered at home and more respected abroad. It will protect us in war and add to our wealth in peace. It will make the great Republic truly a world power, the mightiest nation in all the history of the world. And what will all this cost? One-half the price of a first-class modern battle ship each year perhaps, not more; $4,000,000 annually perhaps, not more. The profits on our foreign mails perhaps, not more. Is it worth the price?

I am proud to say that upon this question in the Senate patriotism triumphed over politics, love of country over regard for party; and this bill passed that body a few days ago without a dissenting vote. This action in the same body, where a year ago it was talked to death, shows the growth of public sentiment on the question.

I desire to quote two recent statements upon the proposition of mail lines, indorsing the pending bill, made by two men whose utterances, I believe, will have as much weight and carry as much conviction with the people as any two men in America. The first is from the message of President Roosevelt on December 3, 1907. He said:

> I call your especial attention to the unsatisfactory condition of our foreign mail service, which, because of the lack of American steamship lines, is now largely done through foreign lines, and which, particularly so far as South and Central America are concerned, is done in a manner which constitutes a serious barrier to the extension of our commerce.
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> The time has come, in my judgment, to set to work seriously to make our ocean mail service correspond more closely with our recent commercial and political development. A beginning was made by the ocean mail act of March 3, 1891, but even at that time the act was known to be inadequate in various particulars. Since that time events have moved rapidly in our history. We have acquired Hawaii, the Philippines, and lesser islands in the Pacific. We are steadily prosecuting the great work of uniting at the Isthmus the waters of the Atlantic and the Pacific. To a greater extent than seemed probable even a dozen years ago, we may look to an American future on the sea worthy of the traditions of our past. As the first step in that direction, and the step most feasible at the present time. I recommend the extension of the ocean mail act of 1891. That act has stood for some years free from successful criticism of its principle and purpose. It was based on theories of the obligations of a great maritime nation, undisputed in our own land and followed by other nations since the beginning of steam navigation. Briefly those theories are, that it is the duty of a first-class power, so far as practicable, to carry its ocean mails under its own flag; that the fast ocean steamships and their crews required for such mail service are valuable auxiliaries to the sea power of a nation. Furthermore, the construction of such steamships insures the maintenance in an efficient condition of the shipyards in which our battle ships must be built.
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> The expenditure of public money for the performance of such necessary functions of government is certainly warranted, nor is it necessary to dwell upon the incidental benefits to our foreign commerce, to the shipbuilding industry, and to ship owning and navigation which will accompany the discharge of these urgent public duties, though they, too, should have weight.
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> The only serious question is whether at this time we can afford to improve our ocean mail service as it should be improved. All doubt on this subject is removed by the reports of the Post-Office Department. For the fiscal year ended June 30, 1907, that Department estimates that the postage collected on the articles exchanged with foreign countries other than Canada and Mexico amounted to $6,579,043.48, or $3,637,226.81 more than the net cost of the service exclusive of the cost of transporting the articles between the United States exchange post-offices and the United States post-offices at which they were mailed or delivered. In other words, the Government of the United States, having assumed a monopoly of carrying the mails for the people, is making a profit of over $3,600,000 by rendering a cheap and inefficient service. That profit, I believe, should be devoted to strengthening our maritime power in those directions where it will best promote our prestige. The country is familiar with the facts of our maritime impotence in the harbors of the great and friendly Republics of South America. Following the failure of the shipbuilding bill, we lost our only American line of steamers to Australasia, and that loss on the Pacific has become a serious embarrassment to the people of Hawaii and has wholly cut off the Samoan Islands from regular communication with the Pacific coast. Puget Sound in the year has lost over half (four out of seven) of its American steamers trading with the Orient.
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> We now pay under the act of 1891 $4 a statute mile outward to 20-knot American mail steamships, built according to naval plans, available as cruisers, and manned by Americans. Steamships of that speed are confined exclusively to trans-Atlantic trade with New York. To steamships of 16 knots or over only $2 a mile can be paid, and it is steamships of this speed and type which are needed to meet the requirements of mail service to South America, Asia (including the Philippines), and Australia. I strongly recommend, therefore, a simple amendment to the ocean mail act of 1891 which shall authorize the Postmaster-General, in his discretion, to enter into contracts for the transportation of mails to the Republics of South America, to Asia, the Philippines, and Australia at a rate not to exceed $4 a mile for steamships of 16 knots speed or upward, subject to the restrictions and obligations of the act of 1891. The profit of $3,600,000 which has been mentioned will fully cover the maximum annual expenditure involved in this recommendation, and it is believed will in time establish the lines so urgently needed. The proposition involves no new principle, but permits the efficient discharge of public functions now inadequately performed or not performed at all.

The other is from an address before Chamber of Commerce, at Trenton, N. J., March 23, 1908, by Secretary William H. Taft. He said:

> With our immense coast line on the Pacific, with the deep interest that we have in the Chinese trade, certainly we ought to take steps to assist the reconstruction and maintenance of steamers carrying the American flag from our west coast to the Orient. The bill which offers inducements for the construction of ships to earn the mail subsidies proposed will be an experiment in this direction, and if it proves to be successful it ought to be followed by greater and greater Government contributions to the building up of our merchant marine. I can not understand any difference in principle between Government assistance to our merchant marine and our protective-tariff system, our system of improvement of internal waterways, or any other method by which the general welfare is promoted through the Government's assistance of particular industries, in which all may engage. Let us hope that the mail-subsidy bill will lead to the establishment of direct lines between New York and South America, on the one hand, and between the Pacific coast, Japan, China, and the Philippines, on the other, and that it may be the means of pointing out how a wider system of maintenance of the marine may be inaugurated in the public interest.
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> We are expending from $200,000,000 to $250,000,000 to build a canal across the Isthmus of Panama. Can it be that this canal is to be built solely for vessels of other countries than the United States? Is it true that the flag of the United States will fly over but few merchantmen passing through this great conquest of nature? The work of the canal is going on. The dirt is flying at the rate now upward of two and one-half million cubic yards a month. We have every hope that six years from next July our battle fleet may be able to ascend through the locks to the new-made lake and to descend on the other side through the locks to the sea. Ought we not in the six years which lie between the present and the completion of the canal adopt a policy which shall give us a merchant marine to justify our expending this enormous sum of money on commercial as well as naval and war strategic grounds?

If you wish to go to South America to-day, you must go in a foreign ship. You must twice cross the Atlantic. You must go to New York and from New York to Liverpool, and then from Liverpool across the Atlantic again to the South American port. When you send a letter to South America it also goes the same route, crossing the Atlantic twice in a foreign ship. An American merchant sending his wares requiring prompt delivery to South America must ship them to Europe and from Europe back to the South American market, and this must be done in a foreign ship, the ship of his rival and competitor. Do you wonder that with such a terrible handicap as this our trade with South America is constantly decreasing and has about disappeared? The supplies for our little army in the Philippines must soon all go under another flag. On the 2d day of this month 500 rifles and 20,000 rounds of cartridges were sent to these islands in a Japanese ship. We can communicate with Samoa only by foreign ships, where we have a naval station and a garrison. The Government was compelled to hire foreign vessels to carry the coal used by the American Navy on its trip from the Atlantic to the Pacific. A few weeks ago we employed foreign ships to carry our soldiers to Cuba. No American vessels were to be had. There is no second-class power of the world but what would consider these things a national disgrace. We are spending millions to improve our harbors to accommodate foreign ships. We are spending millions to build the Isthmian Canal, and when it is finished it will be traversed almost entirely by the ships of other nations. We are contributing to the naval strength of other nations, helping to build foreign navies, helping to train foreign seamen that in time of war may be used against us. Our trade is at the mercy of foreign combines and trusts that discriminate against us.

THE PRESIDENT.

In the White House to-day sits one of the greatest men of the modern world. The people of this country believe in Theo-

dore Roosevelt, and they believe in his policies. They are with him in his great fight against millionaire criminals. They are with him in his policy that there shall be no preferred class before the law in this country; that the law shall be enforced alike against great and small, rich and poor. They believe with him that he who steals a million is as much a thief as he who steals a loaf of bread. And the people of this country to-day are behind President Roosevelt in his policy to build a great navy and a great merchant marine.

THE PEOPLE NOT SATISFIED WITH CONDITIONS ON THE SEA.

Are the people of this nation satisfied with the conditions to-day upon the sea? I do not believe it. I do not believe that the people of this great country are satisfied that our matchless commerce, the mightiest that the world has ever known, shall be carried under a foreign flag. I do not believe that they are satisfied that we shall pay half a million dollars each day to foreign labor for work that should be done by American labor; that $750,000,000 should be invested in foreign shipyards building ships to carry our commerce; that 500,000 foreigners should be given work and wages in building and operating these ships. I do not believe that they are satisfied that $200,000,000 each year should be taken out of this country, sent abroad, given to foreigners to carry our own products to our own markets. I do not believe that the American people are satisfied that we should continue to spend millions to construct naval vessels that, when completed, we can not furnish with crews; that our Army shall remain without transports, our Navy without an auxiliary, and the nation continue to be powerless to protect our possessions over which our flag floats. I do not believe that the American people are satisfied that even our mails, our ammunition, and our soldiers should be carried to our own possessions under another flag. I do not believe that the American people are satisfied that we should spend countless millions in constructing the Panama Canal mostly for the benefit of other nations; that we should spend $40,000,000 annually to improve our rivers and harbors for the benefit of foreign ships.

I do not believe that the American people are willing that the prosperity and the safety of this country should be given into the power and keeping of the other nations of the world. I do not believe that the American people are willing that our flag shall permanently disappear from the sea. I believe that the American people will demand that Congress should do its duty and that demand will soon come with such force that cowardice, selfishness, and political expediency can not long stand before it. The people of this country will never be content until Congress has written upon the statute books a law that will make us supreme upon the ocean as we are to-day supreme upon the land; a law that will cause a just part of our matchless commerce to be carried in American ships, built in American yards by American labor, paid American wages, manned by American seamen, and flying the American flag. The American people will never be content until a law has been placed upon our statute books that will restore the ancient prestige, the greatness, and the glory of our merchant marine; a law that will again cause our ships to travel all the highways of the ocean, our sails to whiten every sea, and our flag to shadow all the ports of the world. Yes; I believe, I know, that the great, patriotic people of this mighty Republic will never be content until the Stars and Stripes, "your flag and my flag," shall again proudly fly on all the circuit of the seas.

Your flag and my flag, and how it flies to-day;
In your land and my land and half the world away;
Rose red and blood red its stripes forever gleam,
Snow white and soul white, the good forefathers' dream;
Sky blue and true blue, with stars that gleam aright;
The gloried guidon of the day; a shelter thro' the night.

Your flag and my flag, and oh, how much it holds!
Your land and my land secure within its folds;
Your heart and my heart beat quicker at the sight;
Sun-kissed and wind-tossed, the red and blue and white;
The one flag, the great flag, the flag for me and you;
Glorified all else beside, the red and white and blue.

APPENDIX.

A prominent American who recently had occasion to go to Valparaiso on important business, in a letter thus describes the poor service furnished by foreign vessels to South America:

"The first steamer sailed from New York on September 7, and I reached Colon on September 16. The first steamer leaving Panama sailed on the 21st. You may understand the annoyance to which I was subject when I state that I was from September 21 until October 17, twenty-seven days, in going to Valparaiso, a distance in round numbers of 3,000 miles. I was forty-one days from New York to Valparaiso. The accommodations are wretchedly inferior for passenger and mail service on the Pacific coast between Panama and Valparaiso. There are two steamship companies that control the traffic, the South American Steamship Company, Chilean, and the Pacific Steam Navigation Company, British. The companies have formed a combination and they offer the poorest kind of service. In 1889 when I first came to this coast the trip from Panama to Callao was made regularly in nine days, and now it takes from fourteen to sixteen. Many of the same steamers are still in commission, and naturally they are old, dirty, and inconvenient, besides overburdened with traffic. Freight and passenger business on the line has doubled, I am told, in the last five years, and rates have also increased. It now costs $210 American money for a ticket from Panama to Valparaiso, whereas the price fifteen years ago was $150. Both companies have so much trade that they can not handle it and seem to be incapable of improving the service. Both are getting enormous profits, and yet do not offer to the public as good accommodations as they did fifteen years ago. When I went to the United States last May I took an English ship, the *Oronosa*, that went south to the Straits of Magellan, through the Straits to the Atlantic and thence to Liverpool. Afterwards I sailed from Southampton for New York, and I made the entire trip, a distance of 13,000 miles, in exactly forty-one days. By a strange coincidence, it took me exactly forty-one days to come from New York to Valparaiso, a distance of 5,000 miles. The route via Europe was in clean, up-to-date steamers that wasted no time. The west coast trip was in very inferior steamers that made more than twenty stops, sometimes for three days at a time, for the purpose of picking up cargo. I can not too strongly urge the necessity of some movement that will result in better steamship facilities on the coast. Improvement in American trade in these countries is practically impossible under present circumstances. If a good line of American steamers can be put on this route, it will revolutionize conditions and bear rich fruit for American interests. I am informed the Hamburg-American Line is preparing to establish a new line of steamers on this coast. If it does, it will improve matters, but will help German trade more than that of the United States."

THE EUROPEAN STEAMSHIP TRUST IN OUR TRADE WITH SOUTH AMERICA.

Secretary Root said, on his return from his journey around South America, in an address before the Trans-Mississippi Commercial Congress at Kansas City, November 20, 1906:

"Between all the principal South American ports and England, Germany, France, Spain, Italy, lines of swift and commodious steamers ply regularly. There are five subsidized first-class mail and passenger lines between Buenos Ayres and Europe; there is no such line between Buenos Ayres and the United States. Within the past two years the German, the English, and the Italian lines have been replacing their old steamers with new and swifter steamers of modern construction, accommodation, and capacity.

"In the year ending June 30, 1905, there entered the port of Rio de Janeiro steamers and sailing vessels flying the flag of Austria-Hungary 120, of Norway 142, of Italy 165, of Argentina 264, of France 349, of Germany 657, of Great Britain 1,785, of the United States no steamers and 7 sailing vessels, 2 of which were in distress.

"An English firm runs a small steamer monthly between New York and Rio de Janeiro; the Panama Railroad Company runs steamers between New York and the Isthmus of Panama; the Brazilians are starting for themselves a line between Rio and New York; there are two or three foreign concerns running slow cargo boats, and there are some foreign tramp steamers. That is the sum total of American communications with South America beyond the Caribbean Sea. Not one American steamship runs to any South American port beyond the Caribbean. During the past summer I entered the ports of Para, Pernambuco, Bahia, Rio de Janeiro, Santos, Montevideo, Buenos Ayres, Bahia Blanca, Punta Arenas, Lota, Valparaiso, Coquimbo, Tocopilla, Callao, and Cartagena—all of the great ports and a large proportion of the secondary ports of the Southern Continent. I saw only one ship, besides the cruiser that carried me, flying the American flag. The mails between South America and Europe are swift, regular, and certain; between South America and the United States they are slow, irregular, and uncertain. Six weeks is not an uncommon time for a letter to take between Buenos Ayres or Valparaiso and New York. The merchant who wishes to order American goods can not know when his order will be received or when it will be filled. The freight charges between the South American cities and American cities are generally and substantially higher than between the same cities and Europe. At many points the deliveries of freight are uncertain and its condition upon arrival doubtful. The passenger accommodations are such as to make a journey to the United States a trial to be endured and a journey to Europe a pleasure to be enjoyed. The best way to travel between the United States and both the southwest coast and the east coast of South America is to go by way of Europe, crossing the Atlantic twice. It is impossible that trade should prosper or intercourse increase or mutual knowledge grow to any great degree under such circumstances. The communication is worse now than it was twenty-five years ago. So long as it is left in the hands of our foreign competitors in business, we can not reasonably look for any improvement. It is only reasonable to expect that European steamship lines shall be so managed as to promote European trade in South America rather than to promote the trade of the United States in South America."

These foreign steamships to Brazil and Argentina are and long have been in a hard and fast trust or combination. Consul-General Seeger, at Rio de Janeiro, spoke thus of this foreign trust in a report in 1903:

"The united steamship companies which control the carrying trade between the United States and Brazil—the Lamport & Holt Line, the Prince Line, the Robert M. Sloman Line, and the Chargeurs Reunis—have agreed to raise their rates on coffee from Santos and Rio de Janeiro from 30 cents and 5 per cent primage per bag of 133 pounds to 35 cents and 5 per cent. This rate will go into force in October."

In an earlier report the consul-general had said:

"Since last August the freights have been raised and lowered and lowered and raised again to suit the purpose of the trust till they have reached their present level. * * * The trust has an agreement with coffee shippers here to pay them a rebate of 5 per cent at the end of every six months from the date of the agreement on all freights collected; provided, however, that this rebate is forfeited in case the shippers give freight to any vessel not belonging to the trust during the period stipulated. Through this arrangement the trust controls the shippers and American vessels go home in ballast."

A writer and traveler, Julian Haugwitz, in American Trade, has said of the "combine:"

"THE BRAZILIAN SHIPPING RING.

"Our commerce with Brazil and the River Plata countries is at the mercy of such a shipping combine. Ostensibly four lines are competing in 'serving' the route between New York and Pernambuco southward, viz, the Lamport & Holt Line, Prince Line, Norton Line, all British, and the R. M. Sloman Line, which is German. In reality, however, the management of these services is centralized in Liverpool, the freights are pooled, and the spoils divided pro rata.

"At the head of this syndicate stands Lamport & Holt, of Liverpool, a powerful firm owning and managing over a hundred vessels. The ships engaged in the New York-South American service are mostly slow

and obsolete, steaming 8 to 10 knots an hour, and yet the rates of freight levied on American cargo are nearly double those charged by the speedy, modern, elegant ships plying between Europe and the east coast of South America. Not a case of kerosene or a bag of coffee can escape paying toll to this freight ring, and there was more truth than comedy in the facetious request sent by a Rio shipper to the syndicate's agents at that port asking for a permit to ship some coffee on an outside vessel over their ocean. Numerous tramps or outsiders have been willing in Brazilian ports to take coffee to New York for 20 cents a bag, instead of 40 cents, as now exacted. But whenever such a vessel has been placed on the berth the syndicate has promptly lowered its freight to 10 cents, besides boycotting the shippers patronizing the intruder.

"A POLICY OF EXCLUSION.

"Another way by which the syndicate tightens its grip on its victims is to offer them a graduated return on the freights paid at the end of the year, provided no case of infidelity has occurred. An example illustrative of the combine's methods of persuasion and the shippers' liberty of trade happened last fall, when a large coffee firm in Santos received an order for 20,000 bags of coffee from New York. The syndicate's freight charge was 40 cents a bag, plus 5 per cent, but several outsiders were anxious to carry this cargo at 20 cents, which meant a saving of $4,000 to the exporter on this lot alone, and in the same proportion an economy of $1,000,000 to American coffee drinkers on the 5,000,000 bags imported from Brazil last crop year. The firm in question, having the freight room on hand at 20 cents, asked the syndicate to take the coffee at the same rate, and on the latter's refusal advanced its offer to 30 cents. The combine insisted on its full pound of flesh, and when the exporter accepted the tramp's charter, the former dropped its rates to 15 cents and later to 10 cents for all other shippers, debarring this firm and one or two other strikers from shipping on the combined boats except at the full old rates.

"The enormous advantages enjoyed by their less independent competitors, thanks to the combine's bounty, and worth thousands of dollars a day in a business worked on close margins and daily cable offers, soon brought the insurgents to terms, capitulation followed and the former rates were restored. One over-conscientious agent at Santos demurred to boycotting his neighbor, and his scruples cost him the loss of the Sloman Line agency."

A New York merchant in the Brazil trade wrote on August 19, 1905, in the New York Journal of Commerce:

"I beg leave to call your attention to the very important fact, evidently overlooked by Special Agent Hutchinson and Consul Furniss, that merchants dealing with Brazil have valid and just causes for complaint, owing to the fact that all the steam transportation companies carrying freight between United States ports and Brazil formed a combination some years ago, and as they monopolize the trade, their rates of freight are so high as to be prejudicial to the business interests of those who are unfortunately obliged to patronize these companies.

"Any independent merchant in this city (New York) or in Brazil—whether importer or exporter—knows that the Lamport & Holt, Prince and Sloman lines, plying between this and Brazilian ports, from Pernambuco southward, exact exorbitantly high rates of freight on merchandise carried either way. In the coffee trade it is a well-known fact that these monopolists, notably Lamport & Holt, discriminate in favor of some of the large importers of coffee by making them substantial concessions in freight, which, of course, is detrimental to the smaller importers. This disgraceful state of affairs certainly calls for a drastic remedy. As a merchant and shipper long connected with Brazil. I most heartily and unqualifiedly indorse Consul Furniss's recommendation concerning the need for an American steamship line between the United States and Brazil. Practically the entire trade between the United States and Amazon ports and Maranham and Ceara is monopolized by the Booth Steamship Company, of Liverpool, which, owing to arrangements concluded with other steamship companies, dictates rates, conditions, etc., to suit itself, but always at the expense of the interests of this country. I hope the consul's appeal will result in the establishment of a new line of steamers, which I am positive would speedily secure a very large share of the businses between this country and Brazil."

Consul Furniss at Bahia, alluded to above, said in his annual report for 1904:

"I have to reiterate my oft-repeated report of the need of an American steamship line. The mail service between the United States and this section of Brazil during the year just past has become much worse than heretofore, due to the withdrawal of one or two monthly boats. As a result of the cargo offering here for the United States and the frequent call of vessels to get it, coupled with the fact that Brazil requires all steamers to take mail, there have been frequent calls of vessels to get mails from here, but there is only one regular boat bringing mails from New York. Between times, letters are sent hither from New York by various roundabout ways. This has virtually paralyzed the mail service. For this reason it is frequently the case that mail sent from New York in the middle of a month arrives here days after the mail leaving New York on the first of the ensuing month. This causes great prejudice to business, as the mails arriving last often have bills of lading and custom-house documents for goods arriving by the prior steamer, necessitating extra expense, vexatious delays, and great trouble to withdraw from the custom-house here, which seriously hurts our trade.

"It is impossible to maintain trade without frequent and rapid mail service. With the lack of this to contend with and the high freight charges out of New York, it is not to be wondered at that year by year our trade with this section is growing less, while the balance of trade in favor of Brazil is increasing. The present lines from New York seem to prefer high freight and little business, and make up by sending their vessels on a triangular course, viz, from Brazil to the United States, from the United States to Europe, and then from Europe, with European goods, to Brazil, with only a few vessels going and coming between Brazil and the United States direct. The German steamship lines are making preparations for an increased service with Brazil. With the aid given by these lines German trade has increased even more rapidly than ours is decreasing, and with the contemplated further increase in its fleet the outlook for German trade is even brighter than heretofore.

"The manner in which the trade interests of the United States are made to suffer by reason of the inadequacy of the transportation service between this country and South American ports is nothing short of a crime which must be laid at the doors of Congress. Religiously protecting our interests in every other way, fostering and encouraging our manufacturers, and developing home industries for domestic consumption, it makes no provision for markets for surplus products, and thus paves the way for future industrial stagnation. In the meantime other countries reap the benefits of the trade demands of these nations by establishing steamship lines and commercial agencies in every important city. Is it any wonder that Mr. Lincoln Hutchinson, who is now in Brazil making a study of the conditions there, exclaims: 'The mass of the people scarcely know that such a country as the United States exists!'"

Hon. John Barrett, then minister to Argentina, said in 1904:

"I wish to explain a little in regard to this point. The question arises, If the business is there, why do not men go into it? Let me remind you that Europe has become established in this trade in the first place, and that she controls it at the present time. All the steamship lines that undertake this business are European steamship lines, and wishing to build up the trade with Europe rather that with America, they form combinations and use their influence against the establishment of American lines. You see that in the agreement of the Lamport & Holt Line, which runs a line of passengers to Rio, but does not go on to Buenos Ayres. Because of an agreement with the Royal Mail Steamship Company of England, they agree that they will not run their passenger steamers farther than Rio, and yet I was informed in New York and Philadelphia than an American company was already organized that would be willing to undertake to put on a line of steamers between New York and Buenos Ayres, provided they could receive enough money for carrying the mails to insure them against loss while they were establishing a regular trade and traffic."

Consul-General Anderson at Rio de Janeiro, in the Daily Consular and Trade Reports of September 29, 1906, said that:

"Merchants complain that the high freight rates obtaining on goods from the United States to Brazil generally continue to act as a deterrent to trade in general. The conference rates (the conference is the European steamship trust) on goods from the United States to this part of South America are nearly twice as high as freight rates from Asiatic ports to the United States."

Consul-General Anderson said, in the Daily Consular and Trade Reports of December 10, 1906:

"The steamship *Goyaz*, the ship of the Lloyd Brazileiro, which inaugurated a regular service between Brazil and the United States about the latter part of August, took a cargo of coffee at 20 cents per bag, as compared with the price of 35 cents charged by the conference ships, the latter of course being subject to the rebate agreed upon, which is made at the end of the year and is proportionate to the amount of coffee shipped. In addition to this cut in the market made by the Brazilian line, one of the largest shippers of coffee in Rio chartered a ship and furnished her total cargo the past week, making quite a cut in the cargoes expected for several conference ships. The result of the opposition to the ship combine is uncertain, but it seems to be generally agreed that the conference rate is too high.

"Freights between the United States and Brazil are much higher than those obtaining in the rest of the world, the rate from New York to Rio de Janeiro being about twice what the rate is from Hongkong to New York. American exporters are vitally interested in this matter, for even assuming that the rates from Europe to Brazil and from the United States to Brazil are practically the same—a fact which is not yet established—it is yet to be noted that the high freight rates shut American exporters out of markets which otherwise they might have. Low freight rates, for instance, would enable American millers to ship American flour to ports in Brazil far south of their present limit. Freight rates from New York to Brazil similar to those obtaining between New York and the Far East would mean largely increased sales of American flour. What is true of flour is true of other things. The rebate system adopted by the shipping combine also works directly and materially against small shippers, among the latter being most American exporters selling to the Brazilian trade."

This competition of the new Brazilian Lloyd Line, in small, slow steamers, seems to have been ineffective to break up the European combination. The Brazilian ships are too slow for the service. Thus the *Goyaz*, bringing passengers, mails, and merchandise, which left Rio de Janeiro February 12, stopping at several way ports, did not reach New York until March 13. A decent mail and freight steamship should make this passage in fifteen days.

The rate war started by the Brazilian ships did not amount to much. A cable dispatch to the New York Herald of February 16 said:

"HAMBURG, Saturday.—The conference held during the last three days in London by representatives of all the German and English steamship companies engaged in the trade between North America and Brazil, during which Herr Ballin, director-general of the Hamburg-American company, acted as chairman, is reported to have resulted in an agreement by which the rate war, which has now lasted more than one year, is terminated. It is added that a community of interests in which all the companies participate has been created."

Herr Ballin, head of the European trust monopolizing the trade between our ports and South America, is also the head of the Hamburg-American Steamship Company, of Hamburg, now being accused before the Interstate Commerce Commission of maintaining a monopoly in "restraint of trade," practicing rebates, discriminations, etc., between the United States and North Europe. Herr Ballin's defense is that the United States has no jurisdiction.

One result of the London meeting of this European ship trust described above is a heavy increase in freight rates on American manufactured and agricultural products shipped from our ports to South America. A New York firm of merchants engaged in the export trade says in a letter of March 4, 1908:

"The Lamport & Holt, Prince, and German lines are in combination. Before the late agreement the rate on cotton-seed oil had been as low as 9 cents a foot to Rio and Santos. It is now 16 cents to Rio de Janeiro and 14 cents to Santos.

"Lard was 19 cents in kegs, 10 cents in cases a foot. Now 30 cents a keg to Rio, 30 cents a keg to Santos, 20 cents a case to Rio, 20 cents a case to Santos.

"Bacon and other special lines were advanced in proportion. General merchandise is now ruling from 24 to 27 cents a foot. There was no very great cut on general merchandise, but before the late settlement figures ruled about 10 per cent less. These rates are net, no primage. The Lloyd Brazileiro quotes about 10 per cent less and net rates. At present the three lines, the Lamport & Holt, Prince, and the German line, who are in the combination, do not penalize anyone who may ship by the independent lines, but there is no question that they will try to do so as soon as possible, as was done before."

These discriminations of the European ship trust bear with especial severity on our Western and Southern agricultural products. Brazil, a tropical country, ought to be a great and profitable market, but the Brazilian Review recently said:

"Argentine flour has entirely monopolized the South. Rio, and Santos, has driven the American article from Bahia and Victoria, and is already competing vigorously for the markets of Pernambuco."

Our consul-general at Rio de Janeiro reported some time ago: "A Rio commission house made a profit by shipping flour from New York to Europe and thence to Rio, although the increased difference of travel was over 3,000 miles."

On May 6, 1907, the Post-Office Department instructed the postmaster at New York to send the mails for Rio de Janeiro by way of Europe in all cases except once a month, when a foreign steamer of nominally 14 knots was sailing for South America.

In the case of the Cosmopolitan Shipping Company, of Philadelphia, against the "Baltic Steamship Pool," made up of several European steamship companies, the Hamburg-American, of Hamburg, the North German-Lloyd, of Bremen, the Wilson, of Hull, and the Scandinavian, in which this European ship trust was accused of rebates, discriminations, and other policies in "restraint of trade" in our commerce with north Europe, the Interstate Commerce Commission, a few weeks ago, decided that it had no right to interfere, under existing law, as the trust complained of was a foreign concern, and its offenses were beyond our jurisdiction. In other words, a foreign steamship combination, operating on the high seas in our export trade, can discriminate and oppress American producers at its will.

This decision makes more imperative the need of competing and independent American steamship services. As the Merchant Marine Commission said, in the words of Senator GALLINGER:

"It is possible that if there were American steamship companies in our trade with South America they might form a combination of their own. But in that event, as American companies organized in the United States, they could be held responsible by our Government, while it would be very much more difficult to prosecute and break a combination "in restraint of trade" by foreign companies, which can not so readily be reached by American laws.

"Moreover, if there were American steamship companies, their stock or bonds would be owned or controlled in large measure by American merchants and manufacturers and other business men, who would have a great deal of interest in maintaining favorable rates for our export trade to South America. On the other hand, the foreign steamship companies, whose inferior vessels now run in the South American trade, are owned and controlled primarily in the interests of merchants and manufacturers of Europe."

GUNS AND AMMUNITION CARRIED IN FOREIGN SHIPS.

"Two 8-inch guns for the fortifications in the Philippines, 500 rifles, and 20,000 rounds of cartridges for the army in the island, were sent out in the *Nippon Maru*, which sailed yesterday for the Orient."

[From the San Francisco Recorder, April 2, 1908.]

The *Nippon Maru* is one of a line of three Japanese steamships crossing the Pacific Ocean, belonging to the Toyo Yusen Kaisha, and receiving a subvention from the Japanese Government of $506,940 a year. The *Nippon Maru*, like her sisters, is a subsidized auxiliary cruiser of Japan, and was used as such in the war with Russia. She would be used as such in a war with the United States, and would be available to "burn, sink, and destroy" American transports and supply ships, if we could find them to convey our arms, ammunition, and troops to the Philippines.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MADDEN. To move to strike out the last word.

The CHAIRMAN. The gentleman is not in order.

Mr. KEIFER. Mr. Chairman, I had expected that I should have time in which to make some adequate reply to some of the fallacies that have been uttered and reuttered here on this floor; but as it is impossible now apparently to get the time, I ask unanimous consent, before proceeding at all, for leave to extend my remarks on this subject in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. I shall vote for the two battle ships recommended by the Committee on Naval Affairs, and, while I do this, I have reached the conclusion that I do not, in any general sense, agree with the majority of the committee or the views of the minority [Mr. HOBSON] as to the necessity or lack of necessity for more battle ships.

The committee seem to strike a happy medium, and neither favor a large or small navy on either the Atlantic or the Pacific oceans, or in any of our waters either to wage an aggressive or carry on a defensive war should war unfortunately come. Denying that there is any present imminent danger of war, yet regarding it at all times possible, the committee seem to think a halfway preparation to meet it, should it come, is better than waiting supinely for that direful eventuality before setting about the preparation to successfully maintain it. The recent war with effete Spain is sometimes cited as an illustration of what we can do and have done. I do not accept this as at all satisfactory. Our condition now in relation to other nations with superior battle ships and fleets is rather to be compared to that of Spain to the United States when the Spanish war was declared. It is true that, with the prompt expenditure of $50,000,000 toward the equipment and the purchase of ships, and so forth, and with our Navy then greatly superior to that of Spain in armor and armament, we were able to destroy the Spanish fleet in the Philippines and at Santiago without a real naval engagement, and to thus seem to be a great world power on the high seas. These or like incidents are never to be repeated. In our then state of preparation we would never have dared to go to war with any real naval power of the world.

To make the illustration more complete we should take Spain as the example and her fate in that war as the warning. She had a navy composed of many once good, but then obsolete, ships and fighting vessels, and her fleets were in many waters; but her impotency for war was demonstrated to her dismay, first, within a week (May 1, 1898, at Manila) after the war was declared (April 25), and two months later (July 3) at Santiago her principal fleet was destroyed, to Spain's final and lasting humiliation. Spain's experience and fate afford only a moderate spectacle and a miniature example of what would befall this country should it be forced to go to war with even a third-rate power possessed of fleets superior to ours.

Notwithstanding the sentimental talk about it not being necessary for a nation to go armed as a measure of protection from attack, I reaffirm that manifest weakness invites aggression and insult, both of which lead to war. It is highly probable that had Spain possessed a fleet of equal strength to that of the United States war would not have been declared against her because of her inhumanity to her own subjects. Our country inaugurated (1898) a new cause for war. The Spanish war was the first and only one ever declared purely on humanitarian grounds in the history of nations. Other powers may not prove to be inspired by better or higher international ethics or principles than was the United States in 1898, and a cause for war is easily found by the strong against the weak. The jealous eye of monarchy has always been on our Republic. Its constitutional guaranties of individual liberty has long robbed tyrannical governments of their most virtuous and enterprising subjects.

Until there is international disarmament we must be in constant readiness to wage war and thereby insure peace.

The views and fears of the minority I do not entertain. I do not think that any nation is hunting for a fight with us either by sea or land. I do not, however, attribute this reluctance to assail us to a mere fear of us on account of our supposed strength, resting in a peace sentimentality born of a modern Christian civilization, but their fears come naturally from our capacity for war, shown by our achievements on the fields of blood in the Revolutionary war for independence, the defensive war of 1812, the Mexican war for acquisition, the civil war to maintain the Union, the war with Spain for humanity, to say nothing of a hundred years of Indian wars. We are a nation with bloody annals. The great powers of the earth have not forgotten our history, and will not until time is no more.

I believe in The Hague Peace Tribunal, and I will do all I can to foster its efforts to prevent war and to alleviate its barbarities when it comes, though there may be a danger that war may be so refined that it will be resorted to for recreation or for mere glory. Politeness in destroying life in war is absurd in the highest degree, and to advocate the preservation of the enemy's property while engaged in taking the life of its subjects is to favor regarding property above human life. The tendency to alleviate in war unnecessary suffering to combatants and noncombatants has been long advocated between Christian nations, and whatever can be done by international treaty or agreement to that end should be done. I do not here undertake to define the limits of efforts that should be made to lessen the horrors and suffering of war, but so long as war exists it will be directed principally toward the taking of human life, the destruction of property being an important incident as a means of exhausting and overcoming the enemy.

Armies are assembled, armed, disciplined, and trained to destroy life. Why not destroy property where it will hasten peace and prevent the effusion of blood? War will never be carried on politely. Rifles and cannon are not discharged, bayonets are not thrust, swords are not unshielded and wielded, and shells or bombs are not fired or exploded affectionately in battle, nor can any ethics of civilization devise any plan to make war otherwise than it has always been in this respect—a wholesale destroyer of human life. Let us not deceive ourselves and suppose war will ever be materially otherwise.

Until a peace congress of nations shall agree to require all the powers of the world to submit their disagreements, grievances, and claims to arbitration or to a permanent international court—the high court of The Hague—or tribunal and to make the decision reached and award made final, and to enforce it by combined war against a nation that may refuse to obey its mandates, decrees, or awards, such a congress will be impotent and nations will have to continue to be armed and ready to redress their own grievances. To this extent I

agree with my friend here, the distinguished peace advocate from Missouri [Mr. BARTHOLDT]. Such a peace congress I most heartily indorse. (I am a member of the American group of Interparliamentary Unions.) This would result in some disarmament at least, and in general it might, and it is sincerely to be hoped would, secure peace between nations. That there will always have to be an army and navy, if for no other purpose than to act as a national or State police power on land and sea as an aid to the civil power is too plain for dispute. The ordinary civil power or constabulary force of States, counties, municipalities, courts, etc., without a disciplined and trained army ultimately behind it would prove to be too weak to cope with constantly occurring extraordinary conditions. Federal and State executive powers, legislative acts and judicial decrees, judgments, civil and criminal, would lack potentiality if there was not some final organized power to aid in enforcing them. Indeed, the executive, legislative, and judicial branches of our State and Federal governments would not long exist if there was no ultimate armed power to uphold them.

My colleague from Ohio [Mr. BURTON] says:

> Our chiefest destinations * * * are the triumphs of commerce, of industry, and of science; that here * * * we have maintained the importance of the individual, and that we give respect and reverence to the teachings of Christianity. We have been at peace between nations.

He says:

> The cause of him who is wronged is the strongest cause that can exist under heaven. When sympathy is aroused it is a factor more potent than armies.

That—

> This is certainly true of the individual.

He inquires—

> Why is it that chivalry gives such respect to the tender sex * * * our sheltering, our protecting hand does not go out to the Amazon? * * * No nation can afford to impose on a weak people. The public opinion of the civilized world is stronger than the armies and navies of the proudest empire.

That the whole civilized world would rise up and legions would crowd to the bar of nations crying "Hands off! Hands off!" if some nation of Europe should go to South America and seek to subject a weak people there.

He exclaims—

> Talk about (England) sending battle ships up the difficult channels of the St. Lawrence!

Adding that—

> There would be no boundary line between the United States and Canada by the time the battle ships got across the Atlantic.

These absurdities are again to-day reiterated in substance here.

I have summarized these only partially true sentimental fallacies as the best I have heard here in the advocacy of our Republic going unarmed as the proper mode of commanding the respect and influence of other nations. We cheer such talk here now, yet in the presence of danger or war we would not listen to it with patience. In so far as any element of practical truth enters into these sentimentalities they will do possibly for the lecture platform, for the purely peace advocates and on the hustings, but not to instruct or guide a legislative body where stubborn facts should be considered. Let us not deceive ourselves here, where duty in the light of existing conditions should guide us.

But how much of real truth is there in these statements tested by our history? Our moral power is exactly measured by our physical power. We have only moderate distinction in commerce, and no triumphs. Our commerce was driven from the high seas over forty years ago and our exports and imports are still carried in foreign bottoms in consequence of our having an inadequate Navy during the civil war. In general our triumphs of industry concern our home affairs and are aside from the question of preparedness for war. So of the importance of the individual, save as to his disposition to engage in war. And, however much we have reverenced the teachings of Christianity, we have the bloodiest of war history, and we fostered human slavery in its worst form longer in this land than it had existed in any other so-called "civilized country," and this in the afternoon of the nineteenth century. Within our borders, in the name of our Christian civilization, there was made the only attempt in all the ages to establish a nation in which the perpetuation of slavery was its chief object. And about one year in six, on an average, Indian wars excluded, of our nation's life has been a year of war. Surely "our respect and reverence for the teachings of Christianity" did not stay the direst of evils (human slavery) until the demon of war intervened to destroy it. Nor have we been, as stated by my distinguished colleague, "at peace between nations," nor with ourselves.

We found a cause for war with Mexico, a sister Republic, avowedly to acquire more territory to devote to the Moloch of slavery, and we depleted her of her richest and fairest possessions. We went to war with Sapin for humanity's sake, declaring we did not seek conquest but we ended it by establishing a perpetual peace-protectorate over Cuba, by taking Porto Rico, and by acquiring more than 3,000 islands in the Philippines, halfway around the world. Our Indians wars have resulted in substantially destroying the Indian tribes and in dispossessing them of their homes and lands that a Christian people might inhabit them. Such have been the ethics of our Christian civilization. We assailed, long ago in the name of our civilization the Algerines and Moors on the shore of the Mediterranean. We have forced recognition of our nationality on China, also on Japan, now so grown in "world power" as to cause some Members on this floor to daily tremble for our country's safety.

Verily we have not been at peace "between nations."

The reason why the cause of the "wronged is the strongest cause that can exist under heaven," and the reason why sympathy aroused is "more potent than armies," and the reason why chivalry respects the "tenderer sex" is that noble Christian and natural sympathy of highly wrought civilized man develops that chivalry which springs to arms to defend and protect the wronged and the weak. The only reason why in individual cases "our protecting hand does not go out to the Amazon" is because she is strong and able to cope with her own adversaries—to fight her own battles.

The reason why in this age of civilization "no nation can afford to impose upon a weak people" is exemplified by our recently declaring war against Spain because of her inhumanity to her own subjects. If it be true that the "public opinion of the civilized world is stronger than the armies and navies of the proudest empire," it is because the civilized world "would crowd to the bar of nations crying, 'Hands off! Hands off!'" backed with their combined armies and navies, ready and willing, if necessary, to overthrow the transgressing empire. Example, the recent marching of the armies of the United States, united with those of the greatest and most civilized nations of Europe and of Japan, to Peking, the seat of the Chinese Empire, to protect and redress by actual war the wrongs of our imperiled Christian—Protestant and Catholic—missionaries and others.

And in the supposed case of an European nation attempting "to subject a weak people" in South America, we would invoke the Monore doctrine and, with our Army and Navy, compel "hands off" with shot and shell. Thus only has the Monroe doctrine been upheld and to be held.

Also in the figure of speech exclamation about England "sending battle ships" up the St. Lawrence and the boundary line between the United States and Canada disappearing, my colleague failed to tell us that the Army and Navy, backed by the yeomanry of the Republic, would spring to arms, and this North American continent would be on fire, as of old, with war and preparation for war. So all there is of that sentiment which woos peace leads inevitably to actual war in every eventuality.

President Roosevelt, in his last message to Congress, quotes that part of Washington's Farewell Address out of which has been evolved that common saying attributed to the Father of his Country, "In time of peace, prepare for war." I have here on a former occasion dissented from this saying as being, at least now, behind the age. It is in consonance with modern civilization to substitute for it another—in time of peace, prepare to maintain it. The result of all investigations is that our Republic must be ready for war to avoid war.

But battle ships are not all we require to adequately insure a peace by land or sea. I earnestly believe it is at least of equal importance to them that we should so fortify Subic Bay as to secure our holding Manila and Manila Bay, that Pearl Harbor should be made as impregnable as Gibraltar, and that we should close in like manner the mouth of Chesapeake Bay against the navies of the world, thereby safeguarding Washington and the great cities on this great bay. All this would be accomplished quicker than a modern up-to-date battle ship can be constructed and floated with a complement of armament, and probably at less cost.

Manila lost involves the certain loss of the Philippines; Pearl Harbor in possession of another naval power, involves the loss of the Hawaiian Territory, and exposes and endangers our entire Pacific coast; Chesapeake Bay, open as now, invites, in case of war, a foreign fleet to enter and convoy an army to the gates of this Capital, and to other cities unless our Navy is strong enough to repel them and is constantly kept on that duty.

It follows that with these important places in safe condition

a less number of battle ships will be required, and these strategic places could be thus perpetually maintained, while the life of a great battle ship is, at best, short, and in five or ten years it is likely to become entirely useless.

I believe in our Republic; in its flag, which I have followed in war about five years; in its glory, which I have enjoyed; in its Constitution, which has shielded me and mine through a long life; and in its destiny, which belongs to eternity; but not alone as a nation to be perpetuated as a world war power, but as a world peace power; and I believe neither such power is attainable or maintainable save by a recognition of existing and real conditions, created by the environment other great and influential nations of the earth have placed around us.

Let us do our duty as legislators in this emergency with the best lights obtainable, erring, if err we must, on the side of the Republic and in preserving it from humiliation and disaster, to the end that it may ever be first in all things that preserve and perpetuate the universal liberty and rights of man. [Loud applause on the Republican side.]

Mr. FASSETT. Mr. Chairman and gentlemen of the committee, I beg only for five minutes of indulgence, and probably you will be glad and I will be glad that the rule limits me to five minutes. I do not know, and I know of no man who does know, whether there is imminent danger of war or a long-continued peace. Every true American must pray for peace. Every true lover of mankind must pray and work for peace, but we should be deaf to the teachings of history if we dared predicate all our actions on even a lively hope that peace might permanently endure. There is room on this question for honest differences of opinion. Opinions do honestly differ as to the situation, opinions do honestly differ as to the measure of protection which we should take, but history teaches me that unarmed justice has since the beginning of the race been a beggar among men and the nations of men. I admire those eternal principles of justice which little by little through agony and fire and blood and war have been established, but I challenge the gentlemen to point to one of them which has not been secured by infinite struggle, waste, death, suffering, tears, and blood. I do not know whether there is to be war or not. I do not know whether four battle ships are necessary or two battle ships are best. I know that if they should be necessary any consideration of mere dollars, any consideration of mere expense, is but trifling with a serious situation. When experts disagree we are the jury. The Commander in Chief, not of the Congress, but of the Army and Navy, has put it up to this House to decide. We are not experts, but we are the jury, and as one of the jurymen the whole argument sums itself up to me in this way: We have to guess, and we may guess wrong. I would rather guess four battle ships to-day and find out that we needed two battle ships to-morrow than to guess two battle ships to-day and find out that we needed four battle ships to-morrow. [Applause.] We dare not face the consequences of a mistake on the wrong side, and if the first guess were wrong it would cost our country only $20,000,000 or $30,000,000, prematurely expended, but if we guessed wrong in deciding on two battle ships it might cost our country and our children and our heritage irreparable damage and irreparable loss. [Applause.] And when we are faced with a condition like this it is no time to go into idle academics as to the potential efficiency of unarmed justice. All the triumphs of history, all the brilliant pages of man's record, have been written not by unarmed justice, but by justice with the flaming sword. [Applause.] Justice with flaming sword emancipated us; it emancipated the slave. It has emancipated him wherever he has cowered since history's dawn, and the flaming sword must be the dependence of the right. Ideas are stronger than men, but ideas operate through men. They are born in the brains of men; they are established by the devotion of men, and our business here is not to quibble about two gunboats. It is broader than that; it is a question of the peace of the nation. It is possibly a question of the peace of the world. The way has been pointed right. Our duty is to follow according to our best convictions. I only regret that I can not by the same vote establish an adequate merchant marine in order to help our Navy in times of trouble. [Loud applause.]

Mr. ROBINSON. Mr. Chairman, I shall support the amendment of the gentleman from Alabama [Mr. HOBSON] providing for four battle ships, because in the discharge of my personal responsibility as a member of this body I believe that the present conditions make that duty imperative upon me. I have great admiration and respect for the gentlemen here who have advocated a contrary policy, but I desire to call the attention of this committee to the fact that if gentlemen here claim to be standing by the policy which was inaugurated in regard to naval construction one or two years ago—for some reason, which has not been explained on the floor of this committee, the great Naval Affairs Committee of this House is advocating the construction of two battle ships—that policy contemplated only one. Considering many phases of our foreign relations, I am convinced our Navy should be strengthened.

There are, Mr. Chairman, in matters of this sort, some things that ought not to be agitated too much. I do not believe it is within the sphere of my duty as a Member of the American Congress to raise the red flag of war, but I can not rid myself of the sworn responsibility to take every reasonable precaution which in my judgment is necessary to provide for the defense of my country and for the honor of my flag. [Loud applause.] The American Navy has throughout the past been uniformly triumphant from the days when John Paul Jones fought beneath its standard on the bloody decks of ships unworthy of any navy in British waters, and from that day to this, when our fleet of battle ships ride the waters of the Pacific, our Navy has ever been uniformly victorious. But its victories have not come so much from the strength of our naval armaments as they are due to the indomitable courage and accurate marksmanship of our seamen and the matchless skill and daring of their commanders. While I believe this high standard of service still exists in the Navy, it is my duty to place the brave defenders of my country where their skill and daring will not prove unavailing in the hour of conflict.

The gentleman from New York [Mr. COCKRAN], in his address a few moments ago, said that the conflict which he feared was not so much, as I understood him, a war inspired by oriental nations as between oriental people and western people.

The gentleman from Ohio [Mr. BURTON], on the floor of this House a few days ago, said, in substance, in case war with an oriental power comes, the cause of America will be the cause of Europe.

Sir, when Russia was struggling in the throes of a desperate conflict with Japan we gave no sympathy to Russia, and it seems idle to me that we should rely upon a proposition of that sort, that Russia and her allies should extend to us what we so recently withheld from her. If we are to have a navy, it should be strong enough, under the circumstances that now surround us, under the obligations that now devolve upon us, in our foreign relations as they now exist and as the future gives promise of their continuing, to maintain a defensive attitude on both our coast lines. Every part of the United States is equally sacred, and it is of equal importance that we should prepare for the defense of the Pacific coast as we should that of the Atlantic slope. I come from an interior State, where no enemy could ever put a foot on an inch of its soil; but every foot of American soil is equally sacred to me. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Missouri is recognized.

Mr. BARTHOLDT. Mr. Chairman, on May 10, 1906, a debate took place on the floor of this House on this very same question. At that time I was catechised by the gentleman from New York [Mr. COCKRAN] for taking the position in favor of the construction of one battle ship. I have not the time to read the running debate which occurred between the gentleman and myself, but he endeavored to insinuate by his questions that I had received orders from some one, evidently referring to the White House, to support the policy of building the one battle ship, and as an advocate of arbitration and peace I could not afford to do so. I answered him that I had received orders from no one, and was acting on my own conscientious judgment. Since that time I have had no opportunity to prove that my position was consistent, but to-day I welcome the double opportunity of proving not only my own consistency but the inconsistency of the gentleman from New York. [Applause.]

I voted for one battle ship then, and I shall vote for one more battle ship to-day. [Applause.] The gentleman at that time voted for no battle ships, and he is ready to vote for four battle ships to-day. At that time the gentleman insisted that it is the duty of every Member to exercise his own individual judgment in casting a vote upon so important a question; while to-day he began his speech with a reference to the fact that the Commander in Chief of the Army and Navy was responsible for the vote he would cast on this question. [Laughter and applause.]

So much for that. Mr. Chairman, every Member of this House, I am sure, realizes that this is a most important juncture in the history of our national development. We have reached the crossroads, and the question is, Shall we continue on the pathway of American tradition or shall we follow the lead of European monarchies? Shall we look to armaments to vouchsafe national security and peace, or shall we place our reliance

in the future, as in the past, upon our inherent strength, our righteousness, our sense of justice, and other civic virtues?

For more than a hundred years the policies of the fathers of the Republic have guided us safely through the vicissitudes of our national life as well as our international relations, and, for one, I would rather listen to the voice of Washington dead, Jefferson dead, and Lincoln dead than to that of all the crowned war lords of the world living to-day. [Applause.] I am certain our future will be just as secure as has been our past if we rely, as did the fathers, upon the stout hearts of the American people rather than upon ironclads. [Applause.]

I can not help but think that an appeal for unnecessary increases of armaments is an appeal to those instincts of human nature which it is our mission to repress rather than to stimulate. It stirs the fighting animal in man which it is the task of culture to keep subdued. Let us remember that all there is of our boasted civilization, besides the mere technical achievements, is the power of self-control, and that the degree to which we have learned to exercise it is the real measure of our culture. This is true of nations as well as individuals, but the exercise of that splendid virtue, while aided by peaceful agreements with our neighbors, is rendered most difficult by the temptation to which excessive armaments constantly subject those whose province it is to put them to use.

It is asserted with the emphasis of honest conviction that peace can only be maintained by preparations for war. If this were still true to-day, then we are bound to admit that no progress whatever has been made during the last thousand years, for the rulers of all periods of history have made exactly the same assertion, and have at all times misused the name of peace to exact money from the people for war preparations. If it were true, there would be no need of peace conferences, treaties, and international agreements, because each nation would simply rely upon its armed strength instead of seeking an understanding to get along peacefully with all other nations. If justice and peace is really the object sought, there is another way to secure it, much more economical, more humane, and more in harmony with the spirit of modern civilization. The Hague Conference has agreed to leave the negotiation of arbitration treaties to the powers. There is absolutely no obstacle in the way of an American administration to negotiate such treaties with all powers and agree to arbitrate all questions without exception, provided territorial integrity and home sovereignty is mutually guaranteed to and by all. And not a single battle ship will be needed for us to set this good example to the civilized world, while the American President who will carry out this plan would make himself immortal. [Applause.]

Certain it is, Mr. Chairman, that after we have sufficiently provided for national defense, every step beyond that to increase armaments is inconsistent with the movement to secure peace by a judicial process. It is the old seesaw, when armaments go up, arbitration and justice will go down; and when arbitration and justice go up armaments will go down. It is impossible, what my distinguished friend the gentleman from Alabama [Mr. HOBSON] proposes, namely, to make both ends go up at the same time.

Our naval policy has been fixed last year and two years ago by an agreement on one battle ship a year, and on this platform I stand to-day, believing it to afford ample protection in view of the fact that the possibilities of war have not only not increased, but have been greatly lessened by The Hague agreements. And mind you, gentlemen, that naval programme was agreed upon after the conclusion of the Russian-Japanese war—that is, after Japan's great victories, and at a time when we were fully aware, as we are to-day, that the United States is bounded by two oceans instead of one.

With all due deference to those who can not agree with me, I predict that the time will come, and it may not be very far off, when the American people will generally approve the attitude of those who resist extravagant naval programmes. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WILLIAMS. Mr. Chairman, reserving the right to object for the purpose of making an explanation, I will say that while I was out in the hall a moment ago several gentlemen upon my side and one, I believe, on the other side got leave to print.

Mr. SLAYDEN. Gentlemen on both sides.

Mr. WILLIAMS. That being so, I shall not object now, because it would look unfair; but I want merely to explain that that was due to the accident of my being out of my seat, and that I shall hereafter object to any requests to print in the RECORD.

The CHAIRMAN. The Chair will remind the gentleman that it may be necessary for the gentleman to be in the Hall when the request is made.

Mr. WILLIAMS. The gentleman knew that, and did not need the advice of the Chair. The gentleman was making an explanation, in order that the House might understand his future conduct and not his past.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BARTLETT of Georgia. Do we understand that leave was granted to all gentleman who speak or have spoken on this subject?

The CHAIRMAN. No such request has been granted or submitted.

Mr. HAYES. Mr. Chairman, I am here as a Representative in part of one of the States of the Pacific coast. As such Representative I feel it my duty, not only from my own convictions, but because I know that I am voicing the sentiments of a very large majority of the people of my State, to declare to this committee that the people of the Pacific coast desire an authorization to build four battle ships at this time.

We are moved to this sentiment not from any desire of conquest, not because we fear an immediate encroachment of any enemy, but because for a long time we have been sensible of our defenseless condition, being off on the far Western rim of the country, and we desire, in accordance with the suggestion of the Commander in Chief of the Army and Navy, that the Navy may be so increased that we shall not hereafter be left in this defenseless condition. Mr. Chairman, at this time the Navy of the United States, manned by the valor of American manhood, is upon the Pacific coast. Our people welcome this Navy with shouts of patriotic acclaim; they are glad to see it not only from patriotic considerations, but because, having seen it and realized that it is in our waters, they feel a sense of security that for several years past they have not been able to feel.

We feel that an expenditure of a few million dollars for the erection of battle ships is a very small price to pay for peace either upon the Atlantic Ocean or upon the Pacific Ocean. The gentleman from New York [Mr. COCKRAN] this morning voiced the sentiments of the people on the Pacific coast, and stated in more eloquent language than I can hope to state the conditions existing there, and I want to say, in justice to him, that the speech which he delivered two years ago in this House was delivered before the present conditions had fully developed on the Pacific coast. At this time there is an acute race question upon the Pacific coast, which is becoming daily more acute. Our people are demanding that they be saved from submergence by the hordes of the Orient now coming to take possession of the country west of the Rocky Mountains. We intend to insist upon this; we intend to continue to insist upon it. We do not, Mr. Chairman, intend to divide the soil of the States over on the Pacific coast with the yellow race, but we intend to demand and cry out on this floor until the people of the United States hear our cry and grant us the only relief that is possible under the circumstances, to wit, an oriental-exclusion act.

It has been stated by gentlemen on the floor during this discussion that this matter of oriental immigration was already being settled so far as the Japanese are concerned, because Japan is taking care that her people do not hereafter come to the Pacific coast. Nothing is further from the truth. Japan has frequently given us assurance that she would prevent this immigration, and she has as repeatedly failed to keep these pledges. Last year, in spite of the pledge she gave to the Government of the United States that she would prevent her laborers coming to this country, more than double the number of Japanese came to this country than ever came in any one year before in the history of the world—more than double the number who had come the year before. More than 30,000 came directly from Japan with passports, in spite of the assurance of the Government of Japan, and nearly all of them, or practically all of them, were coolies or laborers. During the last three months, in spite of the renewed assurances last fall from Japan that she was inaugurating and intending to enforce new and more rigorous regulations in order to prevent immigration, it is certain that during the last three months more than 5,000 Japanese have come to the Pacific coast. In the month of January of this year 1,419 Japanese immigrants came to this country directly from Japan with passports, of whom 792 were admittedly coolies. In February, 1,232 came, of whom 713 were coolies. I have not the figures for March. Besides many have come over the borders from Canada and Mexico, and they are still coming both from Japan and from Canada and Mexico. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California also asks unanimous consent to extend his remarks in the RECORD.

Mr. LEAKE. Mr. Chairman, at the request of the minority leader, I shall have to object.

Mr. SLAYDEN. I hope the gentleman will not object.

The CHAIRMAN. To which request does the gentleman from New Jersey object?

Mr. LEAKE. I object to the request put by the Chair when I rose.

The CHAIRMAN. But there were two requests; one from the gentleman from Texas and one from the gentleman from California. The Chair is entitled to be dealt with frankly. The Chair put two requests.

Mr. MACON. I object to the other request.

Mr. LEAKE. If the two requests were put together I object to both of them. I object to the request whatever it was.

The CHAIRMAN. Objection is made and consent is refused to both gentlemen.

[Mr. SLAYDEN addressed the committee. See Appendix.]

Mr. PARKER of New Jersey. Mr. Chairman, the conditions of the past are not the conditions of to-day. Isolation was the defense of this continent in the past, but isolation is at an end. The waters of the sea are but the servants of steam and of fleets which could land a hundred thousand men on our shores within ten days.

Our territory is not invulnerable. New York was held by the British during the Revolutionary war. Washington was captured in the war of 1812. We took San Francisco in 1845-48 with a navy alone, just as any navy that can sail past her forts could take it to-day, and our wealth lies largely in our great cities near the seacoast—more so than is so of any other great country.

In the past we had no outside isolated possessions. Let no man tell me that we care not for Hawaii or for the Philippine Islands. Perhaps we sympathize with that view, but we do not intend to have any other power take them from us. But what of Panama and the canal? What say you, also, to Alaska, which is provisioned from this country and only accessible by sea except through territory of the ally of another power—Alaska, with its fisheries and its mines of gold, silver, copper, iron, and coal?

We are told that there have been no conquests recently, except by the agreement of the civilized world. Start in the Far East and count those conquests. Is it Korea, large parts of China, and Manchuria and Burmah? Is it the whole of Africa, including Egypt? Is it the provinces of Turkey, including Greece? Is it the whole of Italy or Germany and a large part of France? Mr. Chairman, the conquests of the last century, the changes of possession by reason of power, exceed those of any century within the last four or five.

I do not speak as to details. The Executive and the Department think that we need four new battle ships to maintain the prestige of the American Navy for the defense of American honor, and of America if need be. I shall vote with the decision of that Executive. [Applause.]

Mr. WILLETT. Mr. Chairman, it is not often that I stand before this committee in the spirit of apology for the President. The remarks I have made for some time past have been largely those of criticism, not because of the things he proposes, but because of the means he uses in endeavoring to carry them out. In a large measure I must continue that spirit here at this time. I agree with the President most emphatically in his recommendation for four battle ships instead of two, or any number less than four. I agree with him that our Navy needs these battle ships. As the multitude of reasons why we should have them have been so clearly, definitely, and logically presented to this committee, I am not at this time going to reiterate them or try to bring them home with any new force, but there is one point in connection with this proposition that I feel it is my duty to present with all the clearness possible. In the first place, the President in the message presented to this House yesterday recommended that four battle ships be built. The difficulty with the President in this proposition is the old difficulty that has always been present with him when he proposes anything, and that is in the method and the means by which he endeavors to impress upon the minds of this House his purpose and plan and ambition. A few days ago the committee, or a number of the Members of this House, were present at the White House with a large number of other visitors, and the President, with his customary vehemence, said that—

> Unless you give to me my four battle ships, I will veto your public buildings bill.

Now, there is the difficulty, as I say, underlying the surface here. The man who sits in the White House, who has the veto power, has used this threat—which is nothing more nor less than significant in the face of the conditions which confront us—to impose a burden and take away from the people of this nation a great benefit unless his will is accomplished. Now, I say that I feel perfectly free to offer this criticism——

Mr. HOBSON. Will the gentleman just yield for a short question?

Mr. WILLETT. Certainly.

Mr. HOBSON. Out of consideration for the President I desire to say that I happened to see him a moment after he first said that, and he said he said it because a Member had just told him that, while he was in favor of four battle ships, he had been practically forced to give them up because he had been told that unless the two battle ships were cut off they would not be allowed to bring in a public buildings bill. That is the reason why the President said it, and he said it under provocation. The opposition has used tactics in this House that ought not to be adopted.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LANDIS. Mr. Chairman, that was a dramatic situation which we witnessed in this House just before adjournment last evening. Two messages were received, one from the President of the United States and the other from certain citizens from the city of New York. The message from the President of the United States was a plea for a larger Navy. The message from the citizens of New York was a protest against a larger Navy. The message from the citizens of New York which we received yesterday evening reminded me of a message we received from them ten years ago, just upon the outbreak of the Spanish-American war. The rumor came across the seas that a flotilla of torpedo boats was heading toward this country from Madrid. No sooner did that rumor reach our shores than some of the same gentleman, some of whose names I recognize on this petition, started with their message for Washington, and here on bended knee they begged and beseeched the President of the United States and the American Congress to send to New York City, not one battle ship nor two battle ships, but the entire American Navy [applause] to protect the lives, property, and treasure of the people of New York. We heeded not their plea, and as a result I am told that those who could packed up their treasure, carried it into the interior, and waited until all signs of danger had disappeared. What would the citizens of New York City not have given at that time for two *Oregons* 10 miles off shore at that time? [Applause.] A supreme moment comes frequently in the life of every nation. One of these supreme moments came in 1898. That was when we wanted a navy; that was when we needed a navy; and it is to protect my country against one of these supreme moments which I feel may come in the near future that I am going to vote for this amendment for four battle ships. [Applause.] If it were to be announced from The Hague Tribunal or from some other tribunal to-morrow that the leading nations of the earth had agreed to disarm their armies and dismantle their ships, I would rejoice and be exceeding glad.

But they do nothing of the kind. They meet at The Hague and talk peace and arbitration and disarmament, and then they go home and build battle ships. Great Britain talked peace and disarmament, and the dismantlement of her navy, and went home and is now building ten battle ships and has ordered two more. France talked peace, disarmament, and the dismantlement of her navy, and then went home and is building six battle ships and has ordered six more. Germany is building five battle ships and has ordered four more; her plan for next year contemplates four more, and the next year four more, and so on until 1917. Japan has talked peace, disarmament, and the dismantlement of her battle ships, and is now building four battle ships and has ordered seven more. Russia has entered upon a programme that contemplates the expenditure of $1,000,000,000 for a navy. I am utterly unable to reconcile these pretentions for peace with these preparations and practices for war. I have faith and confidence in the President of the United States. I am willing to trust his wisdom and patriotism, and I shall answer his plea for four battle ships by voting for this amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANDIS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for five minutes more. Is there objection?

Mr. SLAYDEN. Mr. Chairman, I shall have to object.

Mr. LANDIS. I will ask unanimous consent to extend my remarks in the RECORD.

Mr. LEAKE. I object.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] is recognized.

Mr. MACON. Mr. Chairman, if I believed it was for the good of my country that we should authorize the construction of a hundred battle ships at this session of Congress, I would willingly, nay gladly, vote for that number. But, sir, I have sat here for several days listening to the wild speculations of gentlemen upon this floor about war, not a single one of which has had any foundation in fact upon which to rest, and no sane reason has been given why we should authorize four battle ships at this time. Nothing whatever has been said that has caused me to think for one moment that there is any more danger of war between the United States and a foreign country than I believe there is danger of war between the Members of this House upon the adoption or defeat of the pending amendment. Ever since I was 10 years of age I have heard it predicted that a war between the two races of the South was almost as certain as death, and that when it did come the white race of that section would be annihilated.

Gentlemen, if we had believed such idle declarations about a race war, we would have bankrupted the South in preparing for it; but we knew them to be wild and visionary and that there was no danger of war between the whites and blacks of the South, and hence we did not tax ourselves out of existence in order to prepare for a war that has not and will never take place. The same character of war visionaries now warn us that there is danger of war between the United States and the yellow man of the East. Gentlemen, there is no more danger, in my humble judgment, of a war between the United States and Japan than there is of a war between the two races of the South. But should there be war between the yellow man and the American people, I have no more doubt about the result than I would have about the result of a war between the races of the South, which would be the extermination of the black man rather than of the man of Caucasian blood.

Ah, gentleman, I have heard of the bogy man all my life. The prophecy about war with Japan is nothing more nor less than a bogy man that the jingoes of this country are using for the purpose of trying to frighten us into voting to give them a navy that is to their liking, even though it bankrupt the Treasury of the people to do it. The prophecy about a war between Japan and America frightens no one who stops and thinks and reasons for himself. My countrymen, do not be alarmed by the idle talk of a war with the yellow man, for it will never take place. [Applause.]

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized.

Mr. LONGWORTH. Mr. Chairman, I will ask unanimous consent that I may be permitted to proceed for ten minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for ten minutes. Is there objection?

Mr. WILLETT. I object, Mr. Chairman.

Mr. LONGWORTH. I merely desire to say, Mr. Chairman, if the gentleman will reserve his objection, that this is the first time at this session of Congress that I have asked for more than five minutes, and I can not possibly conclude in less than ten. I will not exceed ten minutes. I have never yet asked to extend my remarks in the RECORD.

Mr. WILLETT. I withdraw my objection.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] asks unanimous consent to proceed for ten minutes. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. LONGWORTH. Mr. Chairman and gentlemen, notwithstanding the very able arguments that have been made against this proposition, notwithstanding also some of the arguments that have been made for it, I am in favor of four battle ships. [Laughter and applause.] The debate on this question has been the most instructive and illuminating, I think, of any debate that has been had on any question before the House this session; and yet gentlemen equally able to discuss the matter from all points of view have been as far apart as the poles. This suggests to me that there must be some middle ground upon which those of us who pretend to no expert knowledge on either side of the question may meet; a middle ground upon which those of us who are not animated by the almost fanatical enthusiasm that has been displayed on both sides of the question may safely stand. At one extreme we find the gentleman from Alabama [Mr. HOBSON], who really wants at least six battle ships, but is willing to compromise on four as an "irreducible minimum." At the other extreme we find the gentleman from Ohio [Mr. BURTON], who really wants no battle ships at all, but is willing to compromise on one, as what might be called an "unincreasable maximum." [Laughter.]

Now, plainly, both these gentleman can not be right. Is it not within the bounds of probability that they are both wrong and that the logical and reasonable ground lies somewhere between the two? Is it to be found, then, in the proposition recommended by the Committee on Naval Affairs, to build two battle ships, or that involved in the proposition of the gentleman from Alabama to build four battle ships? Pretending to no such expert knowledge as that possessed by the gentleman from Alabama or other member of the Committee on Naval Affairs; pretending to no such expert knowledge as that possessed by the gentleman from Minnesota and other gentlemen of the Committee on Appropriations of the financial condition of this country; condemning equally jingoism and what some people call anti-imperialism, I shall vote for four battle ships because I deem it my duty to my constituency and my country. [Applause.]

That I should be in disagreement with the gentleman from Alabama on account of our respective seats on opposite sides of this aisle is not remarkable, as we differ on many questions of public policy. That I should be in such substantial disagreement with my colleague from Ohio [Mr. BURTON] causes me grave concern; for upon almost all matters of great public policy I fully agree with him, and upon the question which, in my judgment, is the greatest before the American people and will be for the next six months, and which is of the most inestimable interest to the people of Ohio, we are in exact accord. [Laughter and applause.]

I can not help thinking that the title of this section is to an extent misleading. I do not think that the building of two battle ships under all the circumstances would amount to a real increase of the Navy. Last year the question was whether we should build battle ships of the *Dreadnought* class or whether we should continue to build what would have amounted to second-class battle ships. We decided in favor of the *Dreadnought* class; and now all the other great nations of the world are building them. It is not so much the addition of ships to the number we already have as the question of the kind of ships we are building and what we are doing in comparison with what other nations are doing that determines whether we are really increasing the Navy or not.

Let us not forget that after the close of the civil war we continued to build ships and yet continued to fall behind the other nations, until at one time we ranked even below Chile as a naval power. Now that it has been decided by the naval authorities of the world that the strength of a navy depends upon battle ships, and that a ship of the *Dreadnought* class is the equivalent of at least three old-time battle ships, we must look to what the other nations are doing to determine whether we are increasing our Navy or even maintaining it at its present standard.

The facts are that at the close of this year, according to the figures given by the gentleman from Alabama, England will have authorized twelve battle ships of the first class, France twelve, Germany thirteen, and Japan eleven. To-day this country has only authorized two such ships, and their building has hardly more than begun.

To accept the suggestion of the gentleman from Ohio, that we should only build one battle ship a year, is to ignore entirely the question as to whether we shall maintain our rank with other naval powers. The basis of the gentleman's argument is that the United States should take advantage of its magnificent isolation to lead the world in the paths of peace. With great island possessions in the Atlantic Ocean, with great island possessions in the Pacific Ocean, with an announced policy of extending our foreign trade particularly with the Orient and to maintain the open door in China, can we still speak of our magnificent isolation? On the contrary, the events of the past ten years have forced us, whether we wanted it or not, into the front rank as a world power, and I, for one, am proud of it.

A few days ago this House unanimously passed a bill to establish the greatest naval base in the world at Pearl Harbor, 3,000 miles out in the Pacific. Can our magnificent isolation be invoked as a reason for doing that? Still farther westward are the Philippine Islands. We are spending there millions of dollars every year, and by this very bill are appropriating large

sums for naval bases there. Can we do this and still talk about our magnificent isolation?

I do not believe that any other nation wants the Philippines. We are not all agreed as to whether we want them ourselves [applause], or, if we do, how long we want to keep them; but certainly there is no one of us who would permit another nation to take them from us. [Applause.] There is hardly an American citizen who would not shed his last drop of blood to prevent any other nation hauling down our flag there or anywhere else. [Applause.]

I am not oppressed with the fears that the gentleman from Alabama [Mr. HOBSON] entertains of a yellow peril. I have never been able to see any indication of the hatred to which he alludes of the Japanese people for us. On the contrary, I believe that the Japanese people have a cordial regard and respect for this country, just as we of this country have for Japan. Certainly no citizens of any foreign country were ever received by the citizens of another country with more genuine hospitality than were those of us who visited Japan three years ago on our way to the Philippines. There is nothing in the history of Japan or in Japanese character that makes the supposition of the gentleman from New York [Mr. COCKRAN], in my opinion, conceivable. [Applause.] Still we must realize that the Caucasian race and the yellow race never have and never will amalgamate. We know that there are many Japanese on the Pacific coast, and if many more should come, we can not conceal from ourselves that it is within the bounds of possibility that a situation might arise that would bring on a war which all the best and most honorable efforts of this Government and that of Japan would be powerless to avert.

The gentleman from Ohio [Mr. BURTON] argues that no strong nation can afford to impose upon a weak people, that the public opinion of the civilized world is stronger than armaments, that if some strong nation should oppress a weak people the nations of the world would arise and cry "Hands off." Was it so when the little Boer Republic was at war with Great Britain? Was it so in Armenia, when tens of thousands of women and children were slaughtered in cold blood? Was it so in Cuba, where the people were for years oppressed by the tyranny of Spain, and where the population fell off almost a million souls?

[The time of Mr. LONGWORTH having expired, by unanimous consent it was extended one minute.]

Mr. LONGWORTH. The conditions there did not cease until this nation not only cried "Hands off!" but backed up the demand with a competent navy and put the Spanish hands off by force. Does anyone contend that if we had not had a navy somewhere nearly the equal of Spain's our demand would have been anything more than a pure bluff?

There is no Member of this House who is gifted with universal knowledge. As a body we are not infallible, and where our own doctors disagree as widely as they do now, is it not wise to pay heed to the recommendations of this Administration? After all, the direct responsibility for preserving peace is theirs more than it is ours. Is it not possible that they have a more thorough knowledge of the necessity for building four battle ships than we have? The President of the United States is interested in this question more than any other question before Congress. Practically all of us on this side of the House, and many on that, urged as our special plea for election that we would stand by the President. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. LONGWORTH. I ask for one minute more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended one minute. Is there objection? The Chair hears none.

Mr. SLAYDEN. I object.

The CHAIRMAN. Is there objection?

Mr. PARKER of South Dakota. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from South Dakota arise?

Mr. PARKER of South Dakota. To ask that the time of the gentleman from Ohio be extended for five minutes.

Mr. LONGWORTH. I only want one minute. We will never have the opportunity to show——

Mr. SLAYDEN. Mr. Chairman, there have been no extensions beyond the five minutes, and I object.

The CHAIRMAN. The gentleman is too late. The Chair waited a long time.

Mr. SLAYDEN. I stated my objection.

The CHAIRMAN. The gentleman from Ohio.

Mr. LONGWORTH. We will never have a better opportunity to prove the sincerity of our professions than we have right now. There is nothing of politics or public buildings in this question; only patriotism. I would not for a moment ask any man to sacrifice his honest convictions in this matter, but those of you who are perplexed by a conflict of authority, those of you who are in doubt as to what you should do, it seems to me, can safely resolve your doubts in favor of the recommendation of this Administration. Vote for four battle ships, and you will be standing by the President. [Applause.]

Mr. FULLER. Mr. Chairman, I have listened to this debate and have endeavored to ascertain, if I could, some good reason for this proposed extraordinary increase in our Navy. I was inclined to think that perhaps the Government had some information rendering it important or necessary that this country should prepare for defense against the encroachments of some other power; I was inclined to think that it might be possible that war clouds were hovering over this land, and that it was imperative that provisions should be made against such a contingency. Judging from the vigor with which some gentlemen have advocated four battle ships, I have thought that it might be known by some that that precise number would be needed. I have thought that someone somewhere in the Government might know that we were in danger of attack from some other country; that we might be in danger of being, all unprepared, plunged into war. I have heard upon this floor no reason whatever why we should be in fear of any other nation upon the globe. As a member of this body, I have received no information, and it appears to me that there is no information that would justify this extraordinary expense on the part of this Government. If there was any information in the possession of the Government that would justify this extraordinary increase in our naval armament, it would seem to me that such information would have been communicated to the Committee on Naval Affairs, and that that committee would have reported a bill providing for all necessary equipment.

I am inclined, Mr. Chairman, to rely on the report of the Committee on Naval Affairs, and I am unwilling to believe that it is necessary or expedient for this country to go to the expense of constructing four additional battle ships in times of profound peace. The people of this country will not justify us in imposing upon them the great burden of this extraordinary increase in our naval armament unless good reason exists therefor. If any gentleman on the floor, or anywhere in this Government, was able to give us any reason for it, or to show that there was any danger whatever that this Government might be involved in war, or that our institutions or our liberties were at stake, then I, with 85,000,000 of other people in this land, would advocate that, not only four battle ships, but 400 battle ships if necessary should be provided for the protection of our liberties, our institutions, and our Government. But, Mr. Chairman, we are living in days of profound peace, when all the world is engaged, not in war, but in promoting the arts of peace. There is no war anywhere in the world, and the peoples of the world, as I believe, are not inclined to war, but to the promotion and advancement of civilized government. There is no prospect that war will come within the next decade at least. We do not desire the acquisition of territory, and no country on the face of the earth has anything that we covet, and no country in Europe, Asia, or Africa contemplates declaring war on the United States of America. [Applause.]

Mr. Chairman, we have long boasted that this country stands in the forefront of the civilized nations of the earth; that it leads in all the paths of peace. Let us, by our acts, not belie that boast.

It has been argued in support of this amendment that the building of a great navy is for peace, and not for war. The gentleman from Indiana [Mr. LANDIS], in his speech just made upon this floor, has said that he is utterly unable to reconcile the pretensions of peace of other countries with their practices for war. He contradicts entirely the arguments of those who advocate a great navy to promote peace and not war. He cites what other countries are doing in building great navies, ridiculing the idea that the building of great navies is for the preservation of the peace, but says it is a preparation for war. So if we go on striving to build a greater navy than that of any other country, are we apt to convince those other countries that this means peace rather than war? If you put a shotgun into the hands of a child and turn him loose with that shotgun, is it to be supposed that he will not desire to shoot? So if we go on increasing our Navy as is proposed by this amendment, will other countries believe that we are doing this solely as a measure of peace and not as a preparation for war? Mr. Chairman, I am profoundly impressed with the idea that this American Republic is leading and should lead in the civilization of the world. I do not think we should make any effort to impress the peoples of the world with our strength and our military power. A very small proportion of what we are ex-

pending upon our Navy would put a commercial fleet on the seas of the world, and the American flag would be seen in other lands and recognized in a different manner from when it is seen only upon vessels of war. [Applause.]

To-day we have no merchant marine, and our flag is seen upon the seas of the world only upon war vessels. We have a great fleet encircling the globe to impress nations with our military greatness. I am glad indeed that we are recognized throughout the world as the greatest nation upon the face of the earth, but instead of war ships encircling the globe, I would rather see the flag of this Union in the forefront of the commercial fleets which sail the seas that surround the globe. And I would rather that the flag of this Union should be recognized everywhere around the world and among all its people as the emblem of a free and enlightened Government, carrying no suspicion of war or conquest or of a desire therefor, but rather known in all lands as a harbinger of peace on earth, good will to men. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. COCKRAN. Mr. Chairman, the debate on this amendment having been directed so largely at myself, I deem it proper to notice the main feature of it. The gentleman from Illinois [Mr. RAINEY] appears to have voiced it by reading from a speech delivered by me two years ago. Perhaps I should begin by explaining that if there were inconsistency between the position taken by me at any time and the one I conceive it to be my duty that I should take now, I would not hesitate one moment in choosing to be right rather than remain consistent. Rather than violate my duty as I see it, I would be quite ready to confess that in taking the other attitude I was wrong. [Applause.] But any gentleman who can stand on this floor and find anything inconsistent between the speech read by the gentleman from Illinois [Mr. RAINEY] and that which I made this morning, goes far toward justifying that reproach so often leveled against Members on this side, and which we consider unfair and injurious, that it is impossible for them to learn anything. [Laughter and applause on the Republican side.]

I took that ground two years ago, and I repeat every sentiment of it now. Then there was not a cloud upon the horizon that I could discover or anyone point out, and therefore I saw no reason why we should undertake to establish a permanent fighting force. I spoke to little purpose this morning if I failed to show that a grave change has come over our situation, and as our situation has changed I have changed with it. I might remind the gentleman from Illinois, and such others of my countrymen as have thought my course worthy of notice or remembrance, that I have advocated armaments before to-day and before delivering the speech which was read with so much evident amusement and, I hope, with equal profit. In 1896, before Mr. Cleveland's term expired, in a public meeting at Chickering Hall—the first in favor of intervention by this country in Cuba—I advised the Administration to arm then, so that its advice might have such weight with Spain that actual hostilities would be avoided.

The moment that contest was over, at a public meeting in the Academy of Music—the first to protest against forcible annexation of the Philippines—I urged disarmament, for there was no longer, in my judgment, any occasion for maintaining a huge fighting establishment. I see a danger now which I have endeavored to describe, and for that reason I urge construction of these battle ships at this moment as a precaution which may avert the peril confronting us, just as I believed if similar precautions were taken in 1896 they would have made actual war unnecessary. Should exclusion of the Japanese be accomplished, I would advocate disarmament again, for then the sky over our heads would once more be cloudless.

Mr. RAINEY. Will the gentleman yield?

Mr. COCKRAN. I yield to the gentleman if the committee will indulge me with sufficient time afterwards.

Mr. MACON. Mr. Chairman, just there I want to say——

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. COCKRAN. I can not, unless I be allowed sufficient time.

The CHAIRMAN. The gentleman declines to yield.

Mr. COCKRAN. Mr. Chairman, with every word that has been said by the gentleman from Minnesota [Mr. TAWNEY], or by the gentleman from Mississippi [Mr. WILLIAMS], or by the gentleman from Illinois [Mr. FULLER], on the general proposition that we can under ordinary conditions maintain peace without armament, I am in heartiest concurrence. I apprehend no difficulty with any European nation, or, indeed, with any government. I do not believe our security can ever be endangered from that source. I believe that if this country were in trouble to-morrow with any European nation and transportation of our products across the Atlantic were obstructed, other nations would be forced to intervene, not through love of us, but that they might obtain the basic materials of manufacture and the foodstuffs which are the necessaries of life produced on this soil. I do not believe the Japanese Government contemplates any aggression against us. I believe it would deplore any condition such as I have described, just as much as I know that our Government would deplore it.

But when gentlemen from the Pacific coast, one and all, stand here and tell you that while no other government covets anything that we have, yet that the people subject to another government do covet something we possess, and that is access to our soil, which our own people are not willing to concede, will you, gentlemen of the South, with a racial question of your own so momentous that you have found it necessary to lynch the Constitution in order to maintain your civilization [laughter and applause]—will you, gentlemen, turn then a deaf ear to the expostulations of your brethren on the Pacific coast who are now threatened with a danger which they consider as portentous as that which has menaced you for several generations? Will you turn a deaf ear to them when they ask that, while this Government is taking steps to secure the exclusion of this yellow race which they deem absolutely necessary to their own existence, you shall strengthen the hands of the Commander in Chief by the forces which he declares absolutely essential to the proper defense of our interests, our peace, and our security? [Applause.] That is the only proposition before this House now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WATKINS. Mr. Chairman, it had not been my intention to say anything upon this subject, but simply to vote against the proposition for four battle ships; but as it has become necessary for me to leave before the vote will be taken by roll call, and as I can not be placed upon record in any other way except by expressing myself, I shall consume the one minute which I have asked for in placing myself on record as opposed to four battle ships, which are now being discussed. As a member of the Committee on Naval Affairs I wish to say that there is only one member of that committee who signed the minority report. The members of that committee, after having carefully investigated the question, have reported in favor of two battle ships, which is tantamount to reporting against four, for the reason that the question was thoroughly discussed before this committee. It is true that many of the laboring people of this country are in favor of the battle ships, and I do not blame them, because it would give them extra work to do. Many of the politicians are in favor of the proposition, because it would give them votes which they seek. The trusts are in favor of them, because it will allow them to perpetuate the power which they now have through the instrumentality of the high protective tariff. This proposition of four battle ships could not be entertained for a moment if it was not for the enormous surplus which is in the Treasury and which has been accumulated there through the medium of the high protective tariff. It is said that the "tariff is the mother of trusts," and the Republican party is the father. These trusts have been traveling at a fast gait. They are now traveling in the air, and on the ides of next November that balloon which has been inflated so long will be punctured by the great Democratic party in this nation. [Applause on the Democratic side.]

Mr. TALBOTT. Mr. Chairman, I do not care to talk about the action of the committee. It is true that the minority report was only signed by the gentleman from Alabama [Mr. HOBSON]. I voted for four battle ships, and the committee understood generally that I was for four battle ships from that time until now. I did not sign the minority report. The gentleman from Louisiana became a member of the committee since the proposition for the increase of the Navy was acted on by the committee. His predecessor [General Meyer] from Louisiana, either by telegram or by letter, voted for the naval programme. He voted for the four battle ships and for the submarines.

Mr. BARTLETT of Georgia. Mr. Chairman, I rise to a point of order. How does it occur that the proceedings in the committee are a subject of discussion before the House?

The CHAIRMAN. The point of order of the gentleman is sustained if the gentleman is discussing what took place in the committee.

Mr. TALBOTT. Now, Mr. Chairman, whilst I did not sign the minority, I am now and have always been in favor of an American Navy commensurate with our wealth and our importance. I insist that there is but one way for the American people

to preserve their commerce, protect their Government, protect themselves, and command the seas, and that way is that we shall have what we are entitled to have, what the people are perfectly willing to vote and pay for, the greatest navy that any nation on the earth possesses. [Applause.]

Now, Mr. Chairman, so far as the Monroe doctrine is concerned and as discussed, the best evidence in the world that the other nations believe that the American nation will enforce it, and the best evidence in the world that they will violate it if they can, is proved by what happened during the civil war. During our civil war, while we were shooting each other down, the French nation took possession of Mexico, planted their army, put a king in power, and kept him there until our war was ended.

What happened then? Simply because we emerged from that war with the best navy in the world then, a modern navy with ironclads and gunboats, as soon as that war was ended and the American nation made the demand, the French troops left and a republican form of government was established. Now, Mr. Chairman, I insist that it is the duty of this Congress to do what the President asks us to do. I am not doing it because the President asks it, but because I believe it is right; but the President of the United States, whether he be a Democrat or a Republican, has the absolute right, as Commander in Chief of the Army and Navy, to say to us what he thinks is proper. He may have some information that we do not possess; the Secretary of State may have some information that we do not possess, but it is good policy for this Congress to keep in touch with the increased navies of the other nations and, if possible, to excel them in tonnage and armament.

I do not want all of my time, I am not able to talk, but I hope, Mr. Chairman——

Mr. HOBSON. Yield it to me.

Mr. TALBOTT. If I have any time, I will yield it to the gentleman from Alabama.

The CHAIRMAN. The gentleman has no time to yield.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent for twelve minutes.

The CHAIRMAN. What is the gentleman's request?

Mr. HOBSON. Twelve minutes only, and in view of the long time Mr. TAWNEY had——

The CHAIRMAN. Under the order of the committee debate upon this paragraph will cease in fifteen minutes.

Mr. HOBSON. I must ask my twelve minutes. I have not had a fair showing.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to occupy twelve minutes. Is there objection?

Mr. FOSS. Mr. Chairman, I dislike very much to object to the request of the gentleman——

Mr. HOBSON. Then let me have ten minutes.

Mr. FOSS (continuing). But I desire myself to say something upon this amendment before the close of the debate, and ask recognition at the close of five minutes, inasmuch as that will leave only ten minutes for debate.

Mr. HOBSON. Mr. Chairman, when we sift this whole question of all these accessories and come down to the vitals there is no dissent in this Congress that the United States' vital interests are not adequately taken care of by arbitration or any other means, but must depend upon the nation's power itself without placing a vain hope upon benevolence in others. It must be power, and the gentleman from Ohio has recognized it, the gentleman from Missouri, and the gentleman from Mississippi——

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HOBSON. I must decline, Mr. Chairman. Mr. Chairman, between the two forms of power, military power makes a people military, naval power leaves them free. If it is possible we ought to secure our vital interests by naval power.

Then, what should be the amount of that power? It should be adequate. It should be such that an enemy approaching from any direction could be contested for the supremacy of the sea. Upon investigation we find that in the Atlantic Ocean to-day we are not capable of contesting the supremacy of the sea; upon the Pacific Ocean we are not capable of contesting the supremacy of the sea. All our vital interests exposed on both oceans are looking to Congress to provide for their security. When the Union was formed the National Government took upon itself to protect from the outside world the individual States in the exercise of their rights. To-day the United States Government can not protect the States along our coast lines. Last year it could not protect California in its rights; to-day it can not protect any State on the Atlantic seaboard. The gentleman from Minnesota [Mr. TAWNEY] has referred to the fact that the fleet is coming back. Yes; the fleet is coming back from the Pacific Ocean because we need it in the Atlantic as well as in the Pacific. [Applause.] With only one fleet for two oceans, the world will know our fleet as the "wandering fleet," as it goes back and forth forever from one ocean to the other. This two-ocean need demands a large increase in size, and the recent revolution in naval architecture demands building the Navy over anew.

Mr. Chairman, the Naval Committee's conviction is for four battle ships, the President is for four battle ships, the Secretary of the Navy is for four battle ships, the General Board is for four, and more than that, Mr. Chairman, the people of the United States want four battle ships. You may not recognize this fact, but the war between Russia and Japan has brought home to our people that we require a defense in two oceans and have not provided it. They are realizing that the oceans are bridged and the armies of the world are in striking distance. You may ignore the fact or not, but the eyes of our people have followed the fleet around these oceans, and they know in connection with the changes in the Pacific what it all means. The great substrata instinct of self-preservation that has run through the human race for a thousand years is running high, running strong, running deep in the American people. Yes; and more. I believe there is a Providence whose guiding hand runs down the ages. I believe with the annihilation of space by the great modern forces of nature that men of the world, nations of the world, races of the world, are thrown together. I believe America has come upon the stage at the critical time when her influence should expand for the good of mankind. We have been a youth, but now we are a man. Some might wish us to remain a youth, with only a youth's responsibilities, but we can not do so as a nation any more than you can remain a boy after you are grown.

America is full grown. She has graduated. I believe that under Providence she has a great work to do in the world, and the chief work is that of peace. Not that she should go beyond her legitimate sphere to impose peace upon others, but she should use the power that gives her self-defense to stand for just policies where all nations gather and where her interests are involved, particularly in standing against the dismemberment of China.

Now, Mr. Chairman, four battle ships are not adequate for this. Four battle ships is not the full policy I am advocating. Four battle ships will not keep our Navy to-day as to relative standing where it was in the Atlantic heretofore, leaving out the Pacific altogether. Even those who believe in a two-battleship programme should remember that year before last we authorized none, and four would fill the gap. Even the gentleman from Ohio knows that while you are on the frontier you can not go unarmed among the natives. We are living on the frontier of the world, where there are no courts as yet—no sheriff, no constable. And since we have to go armed, we should be properly armed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois [Mr. Foss] is recognized.

Mr. FOSS. Mr. Chairman, under the Constitution of the United States it is the duty of the President from time to time to give to Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient. No one doubts but that the President of the United States has performed his duty, but in the Constitution of the United States I read another clause, and that is, "That Congress shall have power to provide and maintain a navy." [Applause.] Now, it is for us, Members of the House of Representatives, upon our own individual responsibility as Members of this House, to pass upon the questions before it. We are responsible alone for our actions. The message of the President of the United States was referred to the Committee on Naval Affairs at the beginning of Congress, and the committee in the exercise of its duties gave consideration to the recommendations of the Executive, and they have brought in here a naval programme of two battle ships, believing that it would meet with the fair sense and judgment of the membership of this House. Now, Mr. Chairman, if the Navy consisted simply of battle ships, and it was not necessary to officer or to man them, or to provide for shore stations or colliers or dry docks or anything else, this might be a small proposition. But in a few moments this House will have an opportunity, after we have passed the paragraph in this bill, to decide whether we shall authorize two fleet colliers, costing $1,800,000 apiece, or $3,600,000 in all.

When the Naval Committee reports upon the needs of a navy and as to the naval programme, it must take into consideration all these other questions—the maintenance of shore stations, the authorization of colliers and dry docks, and other things which go to make up a strong and efficient navy.

Now, Mr. Chairman, I might speak about the naval programmes of foreign nations. This year England's naval programme, as I stated in my remarks, amounts to one battle ship and one armored cruiser and eight fast cruisers. France recommends, or proposes to build, six battle ships, but she has a continuous naval programme. Germany has a continuous naval programme. Japan's programme for 1908 has not been officially announced. But two battle ships of over 19,000 tons displacement are to be laid down in the near future, and the proposition to build two large cruisers of more than 18,000 tons, together with other fast cruisers, has been reported, but not yet substantiated. It is also reported that other battle ships and armored cruisers in addition to those mentioned above are proposed for construction in 1908.

It seemed to the committee, compared with the naval programmes of other countries during the present year, that this was a fair and reasonable authorization on the part of Congress.

Now, gentlemen, I want to say to you I do not believe in the proposition of the gentleman from Minnesota [Mr. TAWNEY] or that of the gentleman from Ohio [Mr. BURTON]. I do not believe in one battle ship, and I do not believe in no battle ship at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that he may have the remainder of the time. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. Mr. Chairman, I do not believe that we have reached that stage of civilization where we can do without a navy. I do not believe we have reached that stage of human perfection where it is not necessary to have a national defense of some kind. I do not believe with the gentleman from Ohio that we can depend for national defense purely upon the enforcement of the Golden Rule or the Ten Commandments. Human nature is as it is, and we must meet it as it is, and we must authorize the establishment of a national defense as we find human nature to exist to-day, and not as it ought to be.

Mr. Chairman, the committee has brought in here a proposition for two battle ships. We believe in an orderly development and construction of the new Navy. Last year the President of the United States said that we needed one battle ship, and this year he asks for four battle ships. I do not believe in a spasmodic development of the American Navy; but I believe in a moderate, systematic development of so many ships a year. I would say two ships a year. When I first came to the chairmanship of this Committee on Naval Affairs I wrote in my report these words, which I would reiterate, as to what shall be the future naval policy:

> Let us build as we have been building—gradually, on broad lines and upon the most advanced ideas of naval construction; not so fast that we will be ahead of the advance of naval progress, but slow enough to secure all the benefits of new improvements and new inventions; or, better still, to do as the American Navy has always done when given an opportunity, to lead the march of the best naval construction, which it demonstrated its ability to do on at least one memorable occasion in American history—when the little "cheese box of Ericsson" in that great contest with the *Merrimac* blazed the pathway for the mighty battle ships of to-day.

In my judgment it is upon that line we should build up the American Navy, not one ship in one year, four ships the next year, and go back to one the year after that. I would build it upon the broad, conservative, statesmanship line. We need a navy, an efficient, strong navy for the maintenance of our interests on this hemisphere and on the other.

I may say to you, gentlemen, that it has been the policy of the committee of which I have been chairman to present a moderate programme that would meet with the fair sense and judgment of the American people, and at the same time a programme which not only keeps up the efficiency, but continues the building up of the Navy. [Loud applause.]

The CHAIRMAN. All debate upon this paragraph is exhausted. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HOBSON. Division!

The committee divided, and there were—ayes 79, noes 190.

Mr. HOBSON. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] and the gentleman from Illinois [Mr. FOSS] will take their places as tellers.

The committee again divided, and tellers reported—ayes 83, noes 199.

So the amendment was rejected. [Loud applause.]

Mr. TAWNEY. I now offer an amendment to strike out "two" and insert "one."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 76, line 2, strike out "two" and insert "one," so as to read "one first-class battle ship."

The question being taken, on a division (demanded by Mr. TAWNEY) there were—ayes 65, noes 205.

Accordingly the amendment was rejected.

Mr. HOBSON. I have an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

> On page 76, line 2, strike out "two" and insert "three," so that it will read "three first-class battle ships."

The question was taken, and on a division (demanded by Mr. HOBSON) there were—ayes 64, noes 208.

Accordingly the amendment was rejected.

Mr. GOLDFOGLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Strike out the words "by contract or in navy-yards, as hereinafter provided," on lines 1 and 2 of page 76, and add, after the word "eight," on line 7, on page 76, the following provision: "At least one of such battle ships shall be built and constructed, under the direction of the Secretary of the Navy, at one of the navy-yards; the other of said battle ships may also be constructed at one of the navy-yards, in the discretion of the Secretary of the Navy, or by contract, as hereinafter provided."

Mr. MADDEN. Mr. Chairman, I make a point of order against that amendment.

Mr. GOLDFOGLE. I ask the gentleman to reserve the point.

The CHAIRMAN. That would not make any difference. The gentleman could not speak to the amendment.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. I ask unanimous consent that I may have five minutes.

Mr. PAYNE. Regular order.

The CHAIRMAN. Objection is made.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. To discuss the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WILLIAMS. Does the gentleman from New York [Mr. GOLDFOGLE] desire to discuss the point of order?

Mr. GOLDFOGLE. I should like to discuss it.

Mr. WILLIAMS. All right, I will wait until the gentleman from New York concludes.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. GOLDFOGLE. Mr. Chairman, in the last Congress a provision of this kind was held to be in order. The bill provides for the building of two battle ships. It provides further that construction may be had either in a navy-yard or by contract, in the discretion of the Secretary. One of the battle ships built under the act of June, 1902, was built at one of the navy-yards, while the other battle ship authorized by that act was built under contract. The present bill provides for discretionary power in the Secretary, so that the amendment now offered presents a mere question as to whether the Secretary shall build at least one of the ships at the navy-yard, or may build under contract, or shall build one of the ships in a navy-yard and one under contract. In directing the manner in which the expenditure may be made the House may direct also how and in what manner the expenditure may be incurred. The point of order was made in the last Congress on a matter substantially similar, and the Chairman ruled the provision to be in order.

The CHAIRMAN. As the Chair now recollects, the amendment offered in the last Congress was to a succeeding section of the bill, was it not, and not to this paragraph?

Mr. GOLDFOGLE. That I do not distinctly recall.

The CHAIRMAN. The Chair thought perhaps the gentleman had the RECORD before him.

Mr. GOLDFOGLE. I do not recall that, but do recall that it was ruled to be in order, and the point of order then raised against it was not sustained.

The CHAIRMAN. The Chair is prepared to rule.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. The Chair is prepared to rule; the Chair does not care to hear the gentleman.

Mr. GOLDFOGLE. I am informed, Mr. Chairman, that in the Fifty-sixth Congress——

The CHAIRMAN. The Chair is prepared to rule. The Chair has not before him the ruling made at the last Congress, although the impression and recollection of the Chair is that the amendment was then offered to a succeeding paragraph in the bill. But the paragraph now before the committee contains the provision that the Secretary of the Navy may build the vessels herein authorized by contract or in such navy-yards as he may designate. That provision of itself might be considered legislation, but, if so, any amendment germane to it would be in order. The Chair thinks the amendment offered by the gentleman from New York is germane, and the Chair therefore overrules the point of order. [Applause.]

The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and on a division (demanded by Mr. Foss) there were—198 ayes and 36 noes.

So the amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which will save twelve months in building a ship.

The Clerk read as follows:

Amend by adding, on page 76, after line 7, the following:
"And toward the construction of each vessel thus authorized the sum of $2,500,000 is hereby appropriated, $1,500,000 toward construction and machinery and $1,000,000 toward armor and armament; in all $5,000,000: *Provided*, That each vessel shall be completed within twenty-four months of the date of signing of the contract for its construction."

Mr. FOSS. I make a point of order against that amendment.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. HOBSON. Yes.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HOBSON. What is the point of order?

Mr. FOSS. That it is not germane to this section of the bill.

Mr. HOBSON. If anything is germane to anything authorized, it is the money with which to secure——

Mr. FOSS. Will the gentleman wait a moment? I have not finished. It is not germane to this section of the bill. If it is germane at all, or if it is in order at all, it would be germane to the section on page 79, construction and machinery, and armor and armament. I am of the opinion that this is new legislation.

Mr. HOBSON. Mr. Chairman, this is germane for two reasons: First, that it is the money with which the ship can be begun, and second, because the time of completing the ship is germane to the ship. It saves twelve months; and furthermore, it is no more new legislation than the paragraph is that authorizes the two battle ships.

The CHAIRMAN. The amendment offered provides that such vessel shall be completed within twenty-four months from the signing of the contract for its construction, and without passing on the other point of order it is clearly a matter of legislation, and hence is obnoxious to the rule, and the Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken, and it was decided that the opinion of the Chair should stand as the opinion of the committee.

Mr. FOSTER of Vermont. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, after the word "eight," add the following:
"*Provided*, That the construction of these ships is begun and continued on approved plans which shall be altered, if expedient, in accordance with the information gained from a test made under this appropriation that shall be carried out at once with outside high explosive shells carrying the heaviest charges of the most powerful explosive ever employed in such shell and fired with velocities to simulate a range of 10 miles, one against the turret and another against the belt armor of the coast-defense vessel Florida, to determine the resistancies and protection necessary to safeguard against such shells, the vitals, and personnel in the new ships."

Mr. MADDEN. Mr. Chairman, I make the point of order against that, that it is new legislation.

The CHAIRMAN. The gentleman from Illinois makes the point of order. Does the gentleman from Vermont desire to be heard on the point of order?

Mr. FOSTER of Vermont. Mr. Chairman, I will submit the question to the Chair without arguing it.

The CHAIRMAN. The Chair sustains the point of order and the Clerk will read.

The Clerk read as follows:

Ten torpedo-boat destroyers, to have the highest practicable speed, and to cost, exclusive of armament, not to exceed $800,000 each.

Mr. LOUD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 76, after line 10, insert:
"Two fleet colliers, 16 knots speed.
"Not less than 12,500 capacity cargo and bunker coal. Cost not to exceed $1,800,000 each, and toward the construction of both $1,500,000 is hereby appropriated."

Mr. LOUD. Mr. Chairman, there is one subject in connection with the Navy that should receive the attention of every business man. I wish to call the attention of the House to the condition of the Navy as far as colliers now owned and which should be owned by the Navy are concerned. We are consuming an immense amount of coal each year in the Navy—600,000 tons.

Mr. YOUNG. Will the gentleman permit a question?

Mr. LOUD. Yes.

Mr. YOUNG. Is this a committee amendment?

Mr. LOUD. It is with the consent of the committee.

Mr. YOUNG. Then it is a committee amendment.

Mr. FOSS. Mr. Chairman, I would state that this subject of colliers has been very carefully considered by the Committee on Naval Affairs. I think I may say that every member of the committee believes that we ought to have more colliers, and the gentleman from Michigan [Mr. LOUD], as chairman of the subcommittee having under consideration the investigation of this subject, offers this amendment for two fleet colliers with the approval, I think, of every member of the committee.

Mr. TAWNEY. Is that in addition to the colliers carried in the bill?

Mr. FOSS. There are no colliers carried in the bill.

Mr. TAWNEY. I understood the gentleman to say that the bill carried two fleet colliers.

Mr. FOSS. I said that there would be an opportunity to vote for them.

Mr. STAFFORD. Will the gentleman please state the reason why it was not incorporated in the bill, if it is an amendment having the approval of the whole committee?

Mr. FOSS. I will state to the gentleman that it had not been fully considered by the subcommittee—the subject of colliers—at the time the bill was finished and made up.

Mr. STAFFORD. Do I understand the gentleman to give the impression to the House that the subject was in no wise considered before the bill was reported to the House?

Mr. FOSS. No; it was considered, but no definite determination had been taken upon it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

Mr. MAYNARD. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "coal" in the amendment insert:
"One of said colliers to be built in such Government yard as the Secretary of the Navy shall direct."

Mr. FOSS. Mr. Chairman, I would like to be heard upon the amendment to the amendment if the gentleman is not going ahead.

Mr. MAYNARD. Mr. Chairman, I desire to say a few words. The House a few moments ago voted to build one of the battle ships provided for in this bill in one of the Government navy-yards. Two sessions ago two battle ships were provided for, one of which was built in the navy-yard in New York and the other was built in a private shipyard. As our Navy is growing, and it looks as if we were going to provide for a larger Navy, it is necessary to have the fleet supplied with coal. It is useless to build a fleet and send it to the Pacific Ocean or anywhere else unless we can have coal go along with it. It is necessary to have colliers and to provide a fleet of colliers, and I think we should adopt the same measures of ascertaining the comparative economy of building in the Government yards and in private yards that we do with the battle ships.

We have in this country navy-yards representing hundreds of millions of dollars in investment, costing over $16,000,000 a year in maintenance, in which yards we are practically doing no construction work. We have been threatened here with the invasion of the yellow man. From wherever the trouble may come, we have not the navy-yards in this country practically in any condition for construction work. At a time like that the navy-yards would be the necessary thing that the Government should have in a condition to be utilized at once, and it is with this in view that I have offered this amendment, so that one of these colliers can be built at a Government yard. If the other is built in a private yard, so there may be a comparative test, and in case of need we may have a force of competent men which we may use when we need them. [Applause.]

Mr. FOSS. Mr. Chairman, I desire the attention of the House for a moment. This is a proposition to build two fleet colliers. The committee is in favor of the amendment. The gentleman from Virginia [Mr. MAYNARD] has amended the motion by providing that one of those colliers shall be built in a navy-yard. I want this committee to understand that the building of this collier in a navy-yard will cost at least 10 per cent more. The constructor told me yesterday 15 per cent was a safe margin. I want this committee to understand that the building of this battle ship upon which they voted will cost several hundred thousand dollars more built in a navy-yard than if built by private contract——

Mr. TAWNEY. A million two hundred thousand dollars more.

Mr. FOSS. Standing here as chairman of the Committee on Naval Affairs, I want to say that looking after the economical construction of the American Navy I think the committee ought to know these things. I am going to ask the Clerk to read from a letter from the Secretary of the Navy showing what he says as to the comparative cost of building a battle ship in a navy-yard and building one by private contract. You will recall the fact that Congress did authorize the building of the *Connecticut* in the Government navy-yard and at the same time it authorized the building of the *Louisiana* by private contract, sister ships in every respect, and as a result of that the Government had to pay between $350,000 and $400,000 more in the construction of the *Connecticut* than in the construction of the *Louisiana*.

Mr. OLCOTT. Mr. Chairman, will the gentleman yield?

Mr. FOSS. Yes.

Mr. OLCOTT. Is it not true, however, the repairs already on the *Louisiana* have greatly exceeded those on the *Connecticut?*

Mr. FOSS. That statement has been circulated and carried through the press and also sent through circulars to Members of the House that the repairs upon the *Louisiana*, the contract ship, were 25 per cent more than upon the ship built in a Government navy-yard, but it is not the fact, and I am authorized by the Chief Constructor of the Navy to say that it is not the fact. Now, I send a full statement from the Chief Constructor of the Navy, and I ask the Clerk to read it.

Mr. GOLDFOGLE. Mr. Chairman——

The CHAIRMAN. Without objection, the Clerk will read——

Mr. GOLDFOGLE. Mr. Chairman, before that is read, will the gentleman from Illinois yield for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOSS. I do.

Mr. GOLDFOGLE. Is it not a fact that the time of the building of the ship in the navy-yard was reduced by 50 per cent, compared with the time it took to build the *Louisiana?*

Mr. FOSS. No.

Mr. GOLDFOGLE. Well, the time was materially reduced, was it not? I may not be right about the percentage.

Mr. FOSS. They were built about the same time.

Mr. GOLDFOGLE. Is it not a fact the *Louisiana* went into the yard to be completed, while the *Connecticut* fully three months before was fully equipped and ready for sailing?

Mr. FOSS. The *Louisiana* went into the yard, but only such work was performed upon her as it was the duty of the Government to perform under the contract, and that is upon the authority of the Chief Constructor of the Navy.

Mr. GOLDFOGLE. Well, how is it, then, that the *Louisiana* was not equipped, was not fitted out, but a great deal of work had to be done toward completion, while the *Connecticut* was absolutely equipped and fitted and was ready to sail?

Mr. FOSS. Here is the report of the Chief Constructor.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment to the amendment——

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the letter from the Secretary of the Navy may be read.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] asks unanimous consent that the letter he has sent to the Clerk's desk may be read. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, April 9, 1908.

SIR: Complying with the request contained in your letter of the 30th ultimo, I beg to inclose herewith a comparative statement of the cost of building the *Connecticut* and *Louisiana*, as shown by the records of the Bureau of Supplies and Accounts; also separate statements showing the expenditures on these vessels for repairs and alterations up to December 31, 1907. The expenditures under repairs and alterations include about $8,000, chargeable to the grounding of the *Connecticut*, for which there is no corresponding charge for the *Louisiana*. Aside from some drafting work in connection with the completion of plans, there have been no expenditures on either of these vessels since December 31, 1907.

In comparing the cost of building the *Connecticut* at the Navy-Yard, New York, with the cost of building the *Louisiana* by contract, only the first summations of the comparative statement should be considered—i. e., $4,562,093.57 for the *Connecticut*, as compared with $4,188,468.36 for the *Louisiana*. The last two items of this statement cover the cost of armor and permanent ordnance fittings which were supplied by the Government for both ships, and the cost of which does not, therefore, affect the comparison of cost of navy-yard work with the cost of contract work.

Very respectfully,

V. H. METCALF,
Secretary.

Hon. GEORGE EDMUND FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

Cost of repairs and alterations to U. S. S. Connecticut to December 31, 1907.

TITLE "D."

[Charged to annual appropriations to the several bureaus.]

	Equipment.	Ordnance.	Construction and Repair.	Steam Engineering.	Total.
To July 1, 1907	$14,419.82	$1,592.44	$34,258.94	$3,523.24	$53,794.44
July 1, 1907, to December 31, 1907:					
Wear and maintenance	23.82	310.30	12,527.13	10,158.90	23,020.15
Changes and additions	4,281.48	9,789.19	74,659.91	8,224.44	96,955.02
Casualties		296.54	4,705.76		5,002.30
Total	18,725.12	11,988.47	126,151.74	21,906.58	178,771.91

Cost of repairs and alterations to U. S. S. Louisiana to December 31, 1907.

TITLE "D."

[Charged to annual appropriations to the several bureaus.]

	Equipment.	Ordnance.	Construction and Repair.	Steam Engineering.	Total.
Prior to July 1, 1907	$12,673.41	$4,158.85	$66,993.03	$21,498.19	$105,323.48
From July 1, 1907, to December 31, 1907:					
Wear and maintenance	1,184.41	465.81	9,161.62	3,427.70	14,239.54
Changes and additions	545.03	3,245.12	36,030.58	5,030.50	44,851.23
Casualties		31.92	4.56		36.48
Total	14,402.85	7,901.70	112,189.79	29,956.39	164,450.73

Comparative statement of the cost of construction of the hull and machinery of the U. S. S. Connecticut and Louisiana to December 31, 1907.

	Connecticut.	Louisiana.
Cost of labor and material applied to construction of hull and machinery:		
Under Bureau of Construction and Repair	$2,994,377.49	$8,631.68
Under Bureau of Steam Engineering	1,078,641.84	634.58
Under Bureau of Equipment	224,083.55	17,947.57
Amount paid to contractors for hull and machinery		4,073,910.22
Cost of general superintendence, office expenses, etc.:		
Under Bureau of Construction and Repair	94,394.21	(a)
Under Bureau of Steam Engineering	13,490.62	(a)
Under Bureau of Equipment	1,323.17	(a)
Cost of drafting and clerical work:		
Under Bureau of Construction and Repair	108,572.48	35,195.75
Under Bureau of Steam Engineering	31,310.76	12,897.52
Under Bureau of Equipment	11,622.53	805.28
Cost of inspection at works of subcontractors for material:		
Under Bureau of Construction and Repair	3,082.74	3,152.47
Under Bureau of Steam Engineering	1,194.18	1,354.86
Amount due contractors in final settlement		33,938.43
Total cost of construction of hull and machinery, except armor and permanent ordnance fittings furnished by the Government	4,562,093.57	4,188,468.36
Cost of armor furnished by the Government	1,579,013.60	1,601,414.89
Cost of turret mounts and other permanent ordnance fittings furnished by the Government and chargeable to Title A, Cost of construction	246,152.88	267,764.35
Total cost of completed vessel under Title A	6,387,260.05	6,057,647.60

(a) All charges of this nature for the *Louisiana* are included in "Amount paid to contractors."

Paymaster General, U. S. N.

NAVY DEPARTMENT,
Bureau of Supplies and Accounts, April 4, 1908.

Mr. BENNET of New York. Mr. Chairman, I rise to advocate the amendment offered by the gentleman from Virginia [Mr. MAYNARD]. I have been told, personally, by the Secretary of the Navy that the difference in cost between the *Con-*

necticut and *Louisiana* was less than 5 per cent, and that in the cost of the *Connecticut* he figured salaries, and so forth, which were not figured in the cost of the *Louisiana*.

Mr. FOSS. May I interrupt the gentleman?

Mr. BENNET of New York. Certainly.

Mr. FOSS. The letter from the Secretary of the Navy which has just been read states that the *Connecticut* cost $373,625 more.

Mr. BENNET of New York. Which is substantially 5 per cent.

Mr. PAYNE. Quite substantially.

Mr. FOSS. I wish to state that the contractor said in the construction of a collier——

Mr. BENNET of New York. I can not yield to the gentleman further.

Mr. FOSS. The percentage will be larger.

Mr. BENNET of New York. I have been shown in the navy-yard in Brooklyn, which is not in my district, and which as far as it exists is a detriment to me politically, a collier in course of construction which has been constructed the quickest of any collier ever built for the United States Navy. We need these fleet colliers and we need them quickly. I do not think there is any substantial difference in the cost, and whatever difference there is is made up by the more efficient ship.

Mr. KNOWLAND. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. KNOWLAND. Is it not a fact that eight hours prevail in the navy-yards and nine hours in the private yards?

Mr. BENNET of New York. Eight hours in the navy-yard and more outside—I do not know how much. When Admiral Evans, with his more than forty years of experience, came to select his flagship for this magnificent Pacific fleet he took the *Connecticut* of all that there were, because he said it was the most efficient battle ship in the United States Navy. [Applause.]

Mr. CALDER. Will the gentleman yield for a question?

Mr. BENNET of New York. Just a question.

Mr. CALDER. Does the gentleman know that Admiral Evans stated that the *Connecticut* was a 25 per cent better ship than the *Louisiana*?

Mr. BENNET of New York. If my colleague assures me so, I know that it is so.

Mr. CALDER. Mr. Chairman, I should add to that that the Secretary of the Navy told me that Admiral Evans had said so to him.

Mr. BENNET of New York. All right. I can reiterate that it must be so.

Mr. FOSS. Does the gentleman from New York live near a navy-yard?

Mr. CALDER. Yes; there is one in my district.

Mr. FOSS. I thought so.

Mr. BENNET of New York. I decline to yield further. Further than that, when the *Connecticut* and the *Louisiana* were both authorized, the result was that the building of a ship in a United States yard brought about the quickest-built ship in the history of modern battle ship building. That is another score on the side of Government work. Another one is that we have got to have a regulator for these outside concerns, for they charge us any price they please if combined, and we have got to keep their figures down, and that is what we did with the *Louisiana*.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. MADDEN. The gentleman stated a moment ago that the contractors who build ships by contract could charge anything they pleased, did he not?

Mr. BENNET of New York. Of course they can.

Mr. MADDEN. A few minutes before that he stated that the Government-built ships cost 5 per cent more than contract-built ships.

Mr. BENNET of New York. Yes.

Mr. MADDEN. Now, if a battle ship costs $10,000,000, how much is 5 per cent of the $10,000,000 that the Government pays more?

Mr. BENNET of New York. The gentleman can do his own figuring. But with the Government out of the race, these four or five shipbuilding concerns outside of the Government can get together and make their own figures.

Mr. MADDEN. Will the gentleman allow me to ask him this one question?

Mr. BENNET of New York. I have only one minute, and I respectfully decline to yield. I think we can do better than that—when our plants get down to business. When they can take advantage of that, there will be few ships built in outside yards, and for these reasons I hope the amendment of the gentleman from Virginia will be carried.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MAYNARD. Mr. Chairman, the statement made by the gentleman from Illinois, the chairman of the Committee on Naval Affairs, may be true. I have not made an investigation, and I am inclined, for the sake of the argument, to accept his statement that the *Connecticut* did cost 5 per cent more. But suppose his statement is true. Suppose the *Connecticut* did cost 5 per cent more. Where did that 5 per cent more go? It went to make the *Connecticut* a better ship and in better wages to the men who work in the Government yard. I do not believe any Member of this House believes that a ship built in an outside yard is as well built as it is in the navy-yards. In the case of a ship built by a private concern the work is hurried. It is cut and pared in every particular that it can be to make a saving, because after they make the competitive bids and get the ship they then have to get a profit out of the ship and do not put any more in than the Government compels them. The saving of 5 per cent is more than taken up in the things necessary to be done after the ship is turned over and in repair.

In a Government yard the conditions are different, and it is not wonderful to me that a ship is turned out like the *Connecticut*. The way it is done speaks well for the Government yards. They built the *Connecticut*, and the *Louisiana* cost 5 per cent less, it is claimed. Where does the money go? Into a better-built ship, a much cheaper ship in the long run. The mechanics and employees at the Government yards work eight hours a day. The difference in price is the extra hour taken from labor without just compensation. Now, this House has put itself on record more than once as being in favor of an eight-hour day for the employees of the Government. [Applause.] Here is a proposition that you are going to build two colliers. We have already divided the battle ships. We want to make the test, as we are now doing in battle ships, as to which is the most profitable to the Government in the building of colliers, Government work or contract. We all recognize that a great navy must have fleet colliers to carry the coal. Therefore we must continue to increase the collier fleet.

This House having gone on record in favor of an eight-hour day for the mechanics and employees of the Government yards, is it fair or honest to refuse to give them employment because a private yard saves 5 per cent by working nine hours? This is a proposition to build one of these ships in a Government yard, with an eight-hour day and only 5 per cent increase in cost, and a better ship as against the nine-hour day's work in the private yard. I do not believe that this House, after its previous record on the eight-hour bill, is now going to turn around and stultify itself by refusing to adopt this amendment to the amendment offered by the gentleman from Michigan [Mr. LOUD] of Government yards and the eight-hour day. [Loud applause.]

Mr. FOSS. Mr. Chairman, I am about to move to close debate upon the paragraph and all amendments to it; but before doing so I desire to state here I have no interest so far as I am concerned personally in connection with the building of these ships. I do not represent a Government navy-yard or live in the vicinity of a Government navy-yard. I want this committee to understand that it means several hundred thousand dollars more to build a battle ship in a Government navy-yard than it will by private contract; and now I bow to the will of the committee, whichever way it may vote on this proposition.

Now, Mr. Chairman, I move to close debate on this paragraph and the amendments.

The CHAIRMAN. The gentleman from Illinois moves to close debate on the paragraph and the amendments thereto.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HUGHES of New Jersey. Division!

The committee divided, and there were—ayes 156, noes 27.

So the motion to close debate was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Virginia to the amendment offered by the gentleman from Michigan. Without objection, the Clerk will report the amendment and the amendment to the amendment.

The amendment and the amendment to the amendment were read.

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Virginia.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. GAINES of Tennessee. Division!

The CHAIRMAN. Is a division called for?

Mr. GAINES of Tennessee. I withdraw the demand for division.

Mr. FOSS. Mr. Chairman, I call for a division.

The committee divided, and there were—ayes 156, noes 43.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Michigan, as amended by the amendment of the gentleman from Virginia.

The question was taken, and the amendment as amended was agreed to.

[Applause.]

Mr. LOUD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LOUD. I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD.

Mr. GOLDFOGLE. I ask the same privilege.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman object?

Mr. WILLIAMS. Has the request been put by the Chair?

The CHAIRMAN. The gentleman from Michigan [Mr. LOUD] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILLIAMS. I will be forced to object to that.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20471, the naval appropriation bill, and had come to no resolution thereon.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill indicated.

Mr. PAYNE. Mr. Speaker, pending that I move that the House do now take a recess until to-morrow morning at 11.30 o'clock.

The question being taken on the motion of Mr. PAYNE the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Division!

The committee divided, and there were—ayes 150, noes 75.

Mr. WILLIAMS. Without any desire to dispute the count, I ask for tellers.

Mr. PAYNE. I make the point of order that the demand for tellers is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. Mr. Speaker, I now ask for the yeas and nays, and thank God in the same breath that the Chair can not rule that out of order. [Laughter.]

Mr. PAYNE. It is difficult to see, under the circumstances, why the gentleman should thank God for that.

The SPEAKER. When the gentleman plants himself on the Constitution, his rights are always respected. [Laughter.]

The yeas and nays were ordered.

The question was taken, and there were—yeas 153, nays 105, answered "present" 9, not voting 120, as follows:

YEAS—153.

Alexander, N. Y.	Cook, Pa.	Foster, Ind.	Howland
Allen	Cooper, Pa.	Foulkrod	Hubbard, Iowa
Ames	Cooper, Wis.	French	Hubbard, W. Va.
Andrus	Cox, Ind.	Fuller	Huff
Bartholdt	Crumpacker	Gaines, W. Va.	Humphrey, Wash.
Bates	Currier	Gardner, Mass.	Jenkins
Birdsall	Cushman	Gardner, Mich.	Jones, Wash.
Bonynge	Dalzell	Gardner, N. J.	Keifer
Boyd	Darragh	Gilhams	Kennedy, Iowa
Brownlow	Davidson	Gillett	Kennedy, Ohio
Burke	Davis, Minn.	Goebel	Kinkaid
Burleigh	Dawson	Graff	Knapp
Burton, Del.	Denby	Greene	Knowland
Burton, Ohio	Diekema	Hale	Küstermann
Butler	Douglas	Hamilton, Mich.	Landis
Calder	Draper	Hardwick	Langley
Calderhead	Driscoll	Haskins	Laning
Campbell	Durey	Haugen	Law
Capron	Dwight	Hawley	Lawrence
Cary	Ellis, Oreg.	Hayes	Lindbergh
Caulfield	Englebright	Henry, Conn.	Littlefield
Chaney	Esch	Higgins	Longworth
Chapman	Fairchild	Hill, Conn.	Loud
Cocks, N. Y.	Focht	Hinshaw	Loudenslager
Cole	Fordney	Holliday	Lovering
Conner	Foss	Howell, N. J.	Lowden
McCall	Mudd	Reynolds	Thomas, Ohio
McKinlay, Cal.	Murdock	Scott	Tirrell
McKinley, Ill.	Needham	Slemp	Volstead
McLachlan, Cal.	Nelson	Smith, Cal.	Waldo
McLaughlin, Mich.	Nye	Smith, Iowa	Wanger
McMillan	Olcott	Smith, Mich.	Watson
Madden	Parker, N. J.	Snapp	Wilson, Ill.
Madison	Parsons	Stafford	Wood
Mann	Payne	Steenerson	Woodyard
Miller	Perkins	Sterling	Young
Moore, Pa.	Porter	Sturgiss	
Morse	Pray	Sulloway	
Mouser	Reeder	Tawney	

NAYS—105.

Adair	Denver	Henry, Tex.	Randell, Tex.
Adamson	Dixon	Hitchcock	Reid
Aiken	Ellerbe	Hobson	Richardson
Alexander, Mo.	Ferris	Houston	Robinson
Ansberry	Finley	Hughes, N. J.	Rothermel
Ashbrook	Flood	Hull, Tenn.	Rucker
Bartlett, Ga.	Floyd	Humphreys, Miss.	Russell, Mo.
Beall, Tex.	Foster, Ill.	Johnson, Ky.	Russell, Tex.
Bell, Ga.	Fulton	Johnson, S. C.	Sabath
Booher	Gaines, Tenn.	Jones, Va.	Saunders
Bowers	Garner	Keliher	Sheppard
Brantley	Garrett	Kitchin, Claude	Sherley
Brodhead	Gill	Lamar, Mo.	Sherwood
Brundidge	Godwin	Leake	Sims
Burgess	Gordon	Legare	Smith, Mo.
Burleson	Granger	Lloyd	Smith, Tex.
Burnett	Gregg	McLain	Spight
Candler	Hackett	Macon	Stephens, Tex.
Carlin	Hackney	Maynard	Talbott
Carter	Hamill	Moore, Tex.	Tou Velle
Clark, Mo.	Hamilton, Iowa	Murphy	Watkins
Clayton	Hammond	Nicholls	Willett
Cooper, Tex.	Hardy	O'Connell	Williams
Craig	Harrison	Padgett	Wilson, Pa.
Cravens	Hay	Page	
Crawford	Heflin	Peters	
De Armond	Helm	Rainey	

ANSWERED "PRESENT"—9.

Bennet, N. Y.	Foster, Vt.	Lee	Roberts
Cousins	Goulden	Moon, Tenn.	Slayden
Fassett			

NOT VOTING—120.

Acheson	Fowler	Lever	Rauch
Anthony	Gillespie	Lewis	Rhinock
Bannon	Glass	Lilley	Riordan
Barchfeld	Goldfogle	Lindsay	Rodenberg
Barclay	Graham	Livingston	Ryan
Bartlett, Nev.	Griggs	Lorimer	Shackleford
Beale, Pa.	Gronna	McCreary	Sherman
Bede	Haggott	McDermott	Small
Bennett, Ky.	Hall	McGavin	Southwick
Bingham	Hamlin	McGuire	Sparkman
Boutell	Harding	McHenry	Sperry
Bradley	Hepburn	McKinney	Stanley
Broussard	Hill, Miss.	McMorran	Stevens, Minn.
Brumm	Howard	Malby	Sulzer
Byrd	Howell, Utah	Marshall	Taylor, Ala.
Caldwell	Hughes, W. Va.	Mondell	Taylor, Ohio
Clark, Fla.	Hull, Iowa	Moon, Pa.	Thistlewood
Cockran	Jackson	Norris	Thomas, N. C.
Cook, Colo.	James, Addison D.	Olmsted	Townsend
Coudrey	James, Ollie M.	Overstreet	Underwood
Davenport	Kahn	Parker, S. Dak.	Vreeland
Davey, La.	Kimball	Patterson	Wallace
Dawes	Kipp	Pearre	Washburn
Dunwell	Kitchin, Wm. W.	Pollard	Webb
Edwards, Ga.	Knopf	Pou	Weeks
Edwards, Ky.	Lafean	Powers	Weems
Ellis, Mo.	Lamar, Fla.	Pratt	Weisse
Favrot	Lamb	Prince	Wheeler
Fitzgerald	Lassiter	Pujo	Wiley
Fornes	Lenahan	Ransdell, La.	Wolf

So the motion was agreed to.

The following additional pairs were announced:

On this vote:

Mr. VREELAND with Mr. WEBB.

Mr. TOWNSEND with Mr. UNDERWOOD.

Mr. TAYLOR of Ohio with Mr. THOMAS of North Carolina.

Mr. SOUTHWICK with Mr. TAYLOR of Alabama.

Mr. RODENBERG with Mr. SPARKMAN.

Mr. PARKER of South Dakota with Mr. RYAN.

Mr. NORRIS with Mr. RAUCH.

Mr. MONDELL with Mr. MCDERMOTT.

Mr. MARSHALL with Mr. LIVINGSTON.

Mr. MALBY with Mr. LASSITER.

Mr. MCGAVIN with Mr. HAMLIN.

Mr. LILLEY with Mr. GOLDFOGLE.

Mr. LAFEAN with Mr. OLLIE M. JAMES.

Mr. HOWELL of Utah with Mr. COCKRAN.

Mr. ELLIS of Missouri with Mr. CLARK of Florida.

Mr. EDWARDS of Kentucky with Mr. CALDWELL.

Mr. DAWES with Mr. BYRD.

Mr. HULL of Iowa with Mr. SLAYDEN.

For the balance of the week:

Mr. DOUGLAS with Mr. ANSBERRY.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 6 minutes p. m.) the House took a recess until to-morrow at 11.30 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KIPP, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20824) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1446), which said bill and report were referred to the Private Calendar.

Mr. BARCLAY, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20836) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 1447), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 869) for the relief of the heirs of Margaret Kennedy—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 1619) for the relief of the personal representative of the estate of Alexander Myers, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 2883) for the relief of the heirs of Asa O. Gallup—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3384) for the relief of the executor or administrator of the estate of C. C. Spiller, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3764) to correct the military record of Robert Mauser—Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 4411) for the relief of the estate of Mary N. Cox, deceased—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5924) granting relief to certain members of the Seventh Michigan Cavalry, war of the rebellion—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 19867) granting an increase of pension to Samuel S. Austin—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 2790) granting a pension to George H. Lozon—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KIPP, from the Committee on Invalid Pensions: A bill (H. R. 20824) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. UNDERWOOD: A bill (H. R. 20825) authorizing the issue of equipment of arms, ammunition, and such accouterment as accompany the same for target practice to the Alabama Boys' Industrial School, Birmingham, Ala.—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 20826) to legalize a bridge across the Mississippi River between the townships of Clough, in Morrison County, and Fort Ripley, in Crow Wing County, Minn.—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 20827) authorizing the Secretary of the Interior to sell not to exceed 640 acres of land included within the Coeur d'Alene Indian Reservation to the University of Idaho—to the Committee on Indian Affairs.

Also, a bill (H. R. 20828) authorizing the appropriation of $100,000 for the purpose of surveying public lands within the State of Idaho—to the Committee on Appropriations.

By Mr. MURPHY: A bill (H. R. 20829) to increase the amount fixed as the limit of cost of site and building at Platteville, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of North Carolina: A bill (H. R. 20830) to increase the limit of cost of the public building at Goldsboro, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 20831) to amend an act entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,'" approved May 9, 1900—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20832) creating the Hudson River National Park Commission—to the Committee on Agriculture.

By Mr. LANGLEY: A bill (H. R. 20833) to regulate the interstate-commerce shipments of intoxicating liquors—to the Committee on the Judiciary.

By Mr. LOWDEN: A bill (H. R. 20834) to appropriate money to eradicate hog cholera—to the Committee on Agriculture.

By Mr. VREELAND: A bill (H. R. 20835) to amend the national banking laws—to the Committee on Banking and Currency.

By Mr. BARCLAY, from the Committee on Pensions: A bill (H. R. 20836) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows of such dependent soldiers and sailors—to the Private Calendar.

By Mr. GREENE: A bill (H. R. 20837) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes—to the Committee on the District of Columbia.

By Mr. FOSTER of Indiana: A bill (H. R. 20876) to provide for the erection of a public building at Princeton, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. PRAY: A bill (H. R. 20877) providing for appropriation for survey of public lands in Montana—to the Committee on Appropriations.

By Mr. STEPHENS of Texas: Resolution (H. Res. 337) directing the Secretary of the Interior to transmit to the House of Representatives certain information relative to the rights of persons of Choctaw or Chickasaw Indian blood to enrollment as members of the Choctaw or Chickasaw tribes of Indians and to receive distributive shares of the tribal property as such—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20838) granting an increase of pension to John A. Thomas—to the Committee on Pensions.

Also, a bill (H. R. 20839) granting an increase of pension to Mary Quillen—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 20840) granting an increase of pension to Henry C. Frazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20841) for the relief of Robert M. Brown—to the Committee on War Claims.

By Mr. BONYNGE: A bill (H. R. 20842) for the relief of Andrew B. Baird and James S. Baird and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as "Baird's Ranch," in the Territory of New Mexico—to the Committee on Private Land Claims.

By Mr. BOUTELL: A bill (H. R. 20843) granting an honorable discharge to Phillip Franklin—to the Committee on Military Affairs.

By Mr. BRADLEY: A bill (H. R. 20844) granting an increase of pension to Susan Holley—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 20845) granting a pension to Frederick H. Cook—to the Committee on Pensions.

By Mr. CHANEY: A bill (H. R. 20846) granting an increase of pension to Lewis N. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20847) granting an increase of pension to John Nuckles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20848) granting relief to Edward Smith on erroneous muster—to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 20849) granting an increase of pension to William McMannis—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 20850) granting an increase of pension to Martin Hope—to the Committee on Invalid Pensions.

By Mr. COOPER of Texas: A bill (H. R. 20851) granting a pension to John T. Bailey—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 20852) granting a pension to George Hutton—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 20853) granting an increase of pension to Henry A. Keyes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20854) granting an increase of pension to David Ross—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20855) granting a pension to Harvey Sinnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20856) granting a pension to Christopher Camp—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 20857) granting an increase of pension to Edwin L. Simpson—to the Committee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 20858) for the relief of Mrs. Sarah E. Dixon—to the Committee on War Claims.

By Mr. HAMILTON of Iowa: A bill (H. R. 20859) granting an increase of pension to John J. Chance—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20860) granting a pension to Miller C. Hunter—to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 20861) for the relief of F. S. McRady—to the Committee on Claims.

By Mr. LAMB: A bill (H. R. 20862) for the relief of J. N. Whittaker—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 20863) granting an increase of pension to James Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20864) granting an increase of pension to Henry C. Norton—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 20865) granting an increase of pension to Adolphe R. Candy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20866) granting an increase of pension to Stephen A. Hunter—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 20867) granting a pension to Charles M. Chamblin—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20868) granting an increase of pension to Rufus Smith—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 20869) granting a pension to Amelia S. Stites—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 20870) granting an increase of pension to Marion Vandiver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20871) granting a pension to Charlotte D. Ohm—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 20872) granting a pension to Frances M. Roach—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 20873) for the relief of W. W. Walters—to the Committee on War Claims.

By Mr. WOOD: A bill (H. R. 20874) granting an increase of pension to George V. H. Weaver—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 20875) granting an increase of pension to John F. Simonds—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Peittion of Local Union No. 71, Amalgamated Sheet Metal Workers, of Buffalo, N. Y., against prohibition in District of Columbia and passage of any prohibition measure—to the Committee on the District of Columbia.

By Mr. ALEXANDER of Missouri: Petition of Central Federated Union of New York, favoring battle-ship construction in navy-yards—to the Committee on Naval Affairs.

Also, petition of F. J. Hasty and 120 other citizens of King City, Mo., favoring the Littlefield original-package bill—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Stephen Corwin—to the Committee on Invalid Pensions.

Also, petitions of Kansas City Clearing House Association, national banks of St. Louis, Business Men's League of St. Louis, the Tootle-Lemon National Bank, of St. Joseph, and letter of C. E. Jones, cashier of National Bank of Plattsburg, Mo., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. AMES: Petition of citizens of the United States, against atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

By Mr. ASHBROOK: Petition of J. Frank Shanul and others, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Joseph W. Lefever—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Erie Foundry Company, of Erie, against Hepburn amendment to antitrust law—to the Committee on the Judiciary.

Also, petition of committee of International Tuberculosis Congress, for use of the House Office Building for meeting of the association in September, 1908—to the Committee on House Office Building.

Also, petition of National Guard Association of Pennsylvania, for the Foss bill, prohibiting anyone not entitled to do so from wearing the National Guard uniform—to the Committee on Militia.

Also, petitions of Griswold Manufacturing Company, Burg Compressor Company, and American Stoker Company, all of Erie, Pa., opposing the Hepburn amendment to the Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of Sharpshooters' Association of Erie, Pa., against further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BRADLEY: Petition of Hamptonburg Grange, Patrons of Husbandry, for a highways commission and Federal aid in building roads—to the Committee on Agriculture.

By Mr. BURKE: Petitions of W. H. Griffin and Thomas J. Gugton, of Pittsburg, for making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of Bloomfield Board of Trade, for legislation to insure proper settlement of accounts of defunct banks and other banking institutions—to the Committee on Banking and Currency.

By Mr. BURLEIGH: Petition of citizens of Maine, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of Local Union No. 24, Photo engravers, of Cleveland, Ohio, for removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. CALDER: Petition of F. J. Halloway, for amendment to the Sherman antitrust law and in favor of the Pearre bill, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of Charles W. Price and James A. Sperry, for the Stevens bill, for removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Phenix Insurance Company, favoring the Crumpacker fund order bill and the postal bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edward Smith & Co., against legislation relative to interstate business affecting the sale of paints—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Wayne Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Joint City Board of Army and Navy Garrisons, favoring S. 4642 and H. R. 15463, providing for changing of title of warrant machinists, United States Navy, to machinists, United States Navy—to the Committee on Naval Affairs.

Also, petitions of John J. Campbell and James Fawcett, for remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. CALDWELL: Petitions of Stanton (Ill.) Trade Council, for exclusion laws to prevent immigration to the United States—to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of sundry churches and branches of the Woman's Christian Temperance Union of Rhode Island, for prohibition in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHANEY: Paper to accompany bill for relief of John Nuckles—to the Committee on Pensions.

Also, paper to accompany bill for relief of Edward Smith—to the Committee on Military Affairs.

By Mr. COOK of Pennsylvania: Petition of the Commercial Exchange of Philadelphia, favoring H. R. 16096, providing for census of standing timber in United States—to the Committee on the Census.

Also, petition of District Lodge No. 44, International Association of Machinists, favoring battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Charles Binder and others, favoring exclusion of labor from the provisions of the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. COUSINS: Petition of citizens of the United States, against atrocities practiced by the Russian Government and favoring the Bennet resolution—to the Committee on Foreign Affairs.

By Mr. DUNWELL: Petition of Downtown Taxpayers' Association, favoring battle-ship construction in navy-yards—to the Committee on Naval Affairs.

Also, petition of Clearing House Association of Banks of Philadelphia, favoring reference of the currency question to a commission—to the Committee on Banking and Currency.

Also, petition of Merchants' Association of New York, against the Crumpacker census bill (H. R. 16954)—to the Committee on the Census.

By Mr. ELLIS of Oregon: Paper to accompany bill for relief of William H. Williams—to the Committee on Pensions.

By Mr. FLOYD: Paper to accompany bill for relief of Francis Brasel—to the Committee on Invalid Pensions.

By Mr. FRENCH: Petition of citizens of Latah County, against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. FULLER: Paper to accompany bill for relief of Edwin L. Simpson—to the Committee on Invalid Pensions.

Also, petition of National Sewing Machine Company, of Belvidere, Ill., B. Eldridge, president, for the Aldrich bill, with certain amendments—to the Committee on Banking and Currency.

By Mr. GARNER: paper to accompany bill for relief of estate of Judge L. Dixon—to the Committee on War Claims.

By Mr. GILHAMS: Petitions of John W. Earle and 108 other citizens of Albion; Ed. White and 16 other citizens of St. Joe, F. B. Moe and 19 other citizens of Fort Wayne, W. S. Smith and 18 other citizens of Larwell, and W. C. Etzold and 189 other citizens of Fort Wayne, all in the State of Indiana, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of W. H. Griffin, of Pittsburg, for making October 12 a national holiday—to the Committee on the Judiciary.

By Mr. HALE: Petition of Board of Trade of Knoxville, Tenn., for appropriation to improve the Tennessee River above Knoxville—to the Committee on Rivers and Harbors.

By Mr. HASKINS: Petition of Chelsea (Vt.) Grange, No. 362, of Chelsea, Vt., for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. HAYES: Petition of T. E. Mitchell and others, for a national highways commission and Federal aid in construction of public highways—to the Committee on Agriculture.

Also, petition of board of directors of San Jose Chamber of Commerce, against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Federated Trades Council, favoring H. R. 10556, for alleviating sufferings incident to accidents in coal mines (McHenry bill)— to the Committee on Mines and Mining.

By Mr. HILL of Connecticut: Petitions of Division No. 1, Ancient Order of Hibernians, and citizens of Stonington, Conn., protesting against a ratification of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HOWELL of New Jersey: Petition of Shrewsbury Grange, Patrons of Husbandry, of Red Bank, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LASSITER: Petition of merchants of Chase City and Nottaway, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of merchants of Amelia, Va., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of Peter Sullivan, urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Thaddeus Fagan, for amendment to the Sherman antitrust law and in favor of the Pearre bill, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

Also, petition of the Fort Wayne Clearing House, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. LINDBERGH: Petition of civil-war veterans of Bertha, Minn., favoring a general pension bill of $30 per month for all honorably discharged veterans of the civil war—to the Committee on Invalid Pensions.

Also, petition of business men of St. Paul, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. PAYNE: Petition of C. G. Wheaton and others, for a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. PRATT: Paper to accompany bill for relief of Amelia F. Stites—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of jewelers of Utica and New York City, favoring enactment of H. R. 18446, to regulate marking of gold-filled and gold-plated watch cases—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Resolutions of the Business Men's Association of Ansonia, Derby, Shelton, and Seymour, Conn., against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, protests of citizens of New Haven, Derby, Taftville, Waterbury, Meriden, Hartford, Danielson, and Wauregan, Conn., against the Hepburn amendment to the Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

Also, protest of the Emmet Club, of New Haven, Conn., against the proposed treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of Minneapolis and St. Paul Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. WOOD: Petition of Polish citizens of Trenton, N. J., favoring the Bates resolution of sympathy for the Prussian Poles—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 16, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11.30 a. m., was called to order by the Speaker.

NAVAL APPROPRIATION BILL.

The SPEAKER. The question is on agreeing to the pending motion made by the gentleman from Illinois [Mr. Foss], chairman of the Committee on Naval Affairs, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—yeas 41, noes 30.

Mr. WILLIAMS. I ask for tellers.

Mr. PAYNE. I make the point of order that that is dilatory.

The SPEAKER. And the Chair sustains the point of order.

Mr. WILLIAMS. Did the gentleman from New York state what his point of order was?

The SPEAKER. That the demand is dilatory.

Mr. WILLIAMS. I did not hear him state it. I ask for the yeas and nays.

Mr. PAYNE. Evidently, Mr. Speaker, no quorum is present, and to facilitate matters I make the point of no quorum.

Mr. WILLIAMS. I make the point, Mr. Speaker, that that is dilatory.

The SPEAKER. On the contrary, it is in the nature of expedition, and not dilatory. A quorum not being present, the Doorkeeper will close the door, the Sergeant-at-Arms will notify absent Members, and as many as are in favor of the motion will, as their names are called, answer "yea;" as many as are opposed will answer "nay;" those present and not voting will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 261, nays 2, answered "present" 12, not voting 112, as follows:

YEAS—261.

Adair	Dixon	Hughes, N. J.	Padgett
Adamson	Draper	Hull, Iowa	Page
Aiken	Driscoll	Hull, Tenn.	Parker, S. Dak.
Alexander, Mo.	Durey	Humphrey, Wash.	Payne
Alexander, N. Y.	Ellerbe	Humphreys, Miss.	Porter
Allen	Ellis, Mo.	Jenkins	Pray
Ames	Ellis, Oreg.	Johnson, Ky.	Rainey
Andrus	Englebright	Johnson, S. C.	Randell, Tex.
Anthony	Esch	Jones, Va.	Rauch
Ashbrook	Fairchild	Jones, Wash.	Reeder
Barchfeld	Ferris	Keifer	Reid
Bartholdt	Finley	Kelliher	Reynolds
Bartlett, Ga.	Flood	Kennedy, Iowa	Richardson
Bates	Floyd	Kennedy, Ohio	Robinson
Beall, Tex.	Focht	Kinkaid	Rodenberg
Bell, Ga.	Fordney	Kipp	Rothermel
Bennett, Ky.	Foss	Kitchin, Claude	Rucker
Birdsall	Foster, Ill.	Knapp	Russell, Mo.
Bonynge	Foster, Ind.	Knowland	Russell, Tex.
Booher	Foulkrod	Küstermann	Sabath
Bowers	French	Lafean	Scott
Boyd	Fuller	Lamar, Mo.	Sheppard
Bradley	Fulton	Law	Sherley
Brantley	Gaines, Tenn.	Lawrence	Sherwood
Brodhead	Gaines, W. Va.	Leake	Sims
Brownlow	Gardner, Mich.	Legare	Slayden
Burke	Gardner, N. J.	Lever	Slemp
Burleigh	Garner	Lilley	Small
Burleson	Garrett	Lindbergh	Smith, Cal.
Burnett	Gilhams	Livingston	Smith, Iowa
Burton, Del.	Gill	Lloyd	Smith, Mich.
Burton, Ohio	Gillett	Longworth	Smith, Mo.
Butler	Godwin	Lorimer	Smith, Tex.
Calder	Goebel	Loud	Southwick
Caldwell	Goldfogle	Loudenslager	Sparkman
Campbell	Goulden	Lowden	Sperry
Candler	Graff	McCall	Spight
Capron	Granger	McDermott	Stafford
Carter	Greene	McHenry	Steenerson
Cary	Gregg	McKinlay, Cal.	Stephens, Tex.
Caulfield	Hackney	McKinley, Ill.	Sterling
Chaney	Hale	McLain	Sturgiss
Chapman	Hamill	McMillan	Sulloway
Clark, Mo.	Hamilton, Iowa	Macon	Talbott
Clayton	Hamilton, Mich.	Madden	Tawney
Cockran	Hammond	Madison	Taylor, Ala.
Cocks, N. Y.	Hardwick	Malby	Thistlewood
Conner	Hardy	Mann	Thomas, Ohio
Cook, Colo.	Haskins	Marshall	Tirrell
Cook, Pa.	Haugen	Mondell	Tou Velle
Cooper, Pa.	Hawley	Moon, Pa.	Underwood
Cooper, Tex.	Hay	Moon, Tenn.	Volstead
Cooper, Wis.	Hayes	Moore, Pa.	Wanger
Cox, Ind.	Heflin	Moore, Tex.	Washburn
Craig	Helm	Morse	Watson
Cravens	Henry, Conn.	Mouser	Wheeler
Crumpacker	Henry, Tex.	Mudd	Willett
Currier	Higgins	Murdock	Williams
Cushman	Hill, Conn.	Murphy	Wilson, Ill.
Dalzell	Hinshaw	Needham	Wilson, Pa.
Darragh	Holliday	Nelson	Wood
Davis, Minn.	Houston	Nicholls	Woodyard
Dawson	Howell, N. J.	Norris	Young
De Armond	Howland	Nye	
Denver	Hubbard, Iowa	O'Connell	
Diekema	Hubbard, W. Va.	Olcott	

NAYS—2.

Harrison	Hobson

ANSWERED "PRESENT"—12.

Ansberry	Fassett	Landis	Roberts
Bennet, N. Y.	Foster, Vt.	Lee	Shackleford
Cousins	Griggs	McGuire	Sherman

NOT VOTING—112.

Acheson	Edwards, Ky.	Kitchin, Wm. W.	Pollard
Bannon	Favrot	Knopf	Pou
Barclay	Fitzgerald	Lamar, Fla.	Powers
Bartlett, Nev.	Fornes	Lamb	Pratt
Beale, Pa.	Fowler	Langley	Prince
Bede	Gardner, Mass.	Laning	Pujo
Bingham	Gillespie	Lassiter	Ransdell, La.
Boutell	Glass	Lenahan	Rhinock
Broussard	Gordon	Lewis	Riordan
Brumm	Graham	Lindsay	Ryan
Brundidge	Gronna	Littlefield	Saunders
Burgess	Hackett	Lovering	Snapp
Byrd	Haggott	McCreary	Stanley
Calderhead	Hall	McGavin	Stevens, Minn.
Carlin	Hamlin	McKinney	Sulzer
Clark, Fla.	Harding	McLachlan, Cal.	Taylor, Ohio
Cole	Hepburn	McLaughlin, Mich.	Thomas, N. C.
Coudrey	Hill, Miss.	McMorran	Townsend
Crawford	Hitchcock	Maynard	Vreeland
Davenport	Howard	Miller	Waldo
Davey, La.	Howell, Utah	Olmsted	Wallace
Davidson	Huff	Overstreet	Watkins
Dawes	Hughes, W. Va.	Parker, N. J.	Webb
Denby	Jackson	Parsons	Weeks
Douglas	James, Addison D.	Patterson	Weems
Dunwell	James, Ollie M.	Pearre	Weisse
Dwight	Kahn	Perkins	Wiley
Edwards, Ga.	Kimball	Peters	Wolf

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. KAHN with Mr. WILEY.

For the day:

Mr. WEEKS with Mr. WOLF.

Mr. POWERS with Mr. PRATT.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. FASSETT with Mr. BARTLETT of Nevada.

Mr. WALDO with Mr. WALLACE.

Mr. HEPBURN with Mr. LAMB.

For the balance of the week:

Mr. DOUGLAS with Mr. ANSBERRY.

For one week:

Mr. OVERSTREET with Mr. MOON of Tennessee.

Until further notice:

Mr. CALDERHEAD with Mr. BRUNDIDGE.

Mr. COLE with Mr. BURGESS.

Mr. DAVIDSON with Mr. BYRD.

Mr. DENBY with Mr. CARLIN.

Mr. DWIGHT with Mr. CLARK of Florida.

Mr. GRAHAM with Mr. DAVENPORT.

Mr. GRONNA with Mr. FITZGERALD.

Mr. HAGGOTT with Mr. GILLESPIE.

Mr. HOWELL of Utah with Mr. GORDON.

Mr. HUGHES of West Virginia with Mr. HACKETT.

Mr. LANING with Mr. HILL of Mississippi.

Mr. LOVERING with Mr. HITCHCOCK.

Mr. MCGAVIN with Mr. OLLIE M. JAMES.

Mr. MCMORRAN with Mr. LAMAR of Florida.

Mr. MCLAUGHLIN of Michigan with Mr. LASSITER.

Mr. MILLER with Mr. LEWIS.

Mr. PARSONS with Mr. LINDSAY.

Mr. PEARRE with Mr. MAYNARD.

Mr. SNAPP with Mr. PETERS.

Mr. STEVENS of Minnesota with Mr. RYAN.

Mr. TAYLOR of Ohio with Mr. THOMAS of North Carolina.

Mr. TOWNSEND with Mr. WEBB.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. COUSINS with Mr. HOWARD.

Mr. MCCREARY with Mr. RHINOCK.

Mr. HARDING with Mr. LENAHAN.

Mr. BRANNON with Mr. FAVROT.

Mr. PRINCE with Mr. GLASS.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. JACKSON with Mr. WILLIAM W. KITCHIN.

Mr. MCGUIRE with Mr. STANLEY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. COUDREY with Mr. EDWARDS of Georgia.

Mr. HUFF with Mr. SULZER.

Mr. LANGLEY with Mr. HAMLIN.

Mr. DUNWELL with Mr. WATKINS.

Mr. POLLARD with Mr. LEVER.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ACHESON with Mr. CRAWFORD.

For the session:

Mr. KNOPF with Mr. WEISSE.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BOUTELL with Mr. GRIGGS.

COLLECTION OF REVENUES.

Pending the announcement of the vote upon the question that the House resolve itself into the Committee of the Whole House on the state of the Union, Mr. PAYNE, from the Committee on Ways and means, reported back with an amendment the bill bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by an act entitled "An act to provide revenues for the Government and to encourage industries of the United States," approved July 24, 1897.

Mr. WILLIAMS. Mr. Speaker, a parliamentary inquiry, involving, possibly, a point of order. Under the rule under which we are now working, is it in order for the gentleman to present this report?

Mr. PAYNE. Mr. Speaker, we are working under the general rules of the House now.

The SPEAKER. That is true. We are working under the general rules of the House.

Mr. WILLIAMS. I beg the pardon of the Chair, but the last rule has expired by limitation, as I understand it, and prior to that we had three special rules. How do they affect this matter?

The SPEAKER. They do not affect the matter in the slightest degree.

Mr. WILLIAMS. I just wanted to know.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask the gentleman from New York a question. I did not recognize from the title of the bill just what this is.

Mr. PAYNE. This is the bill in reference to the Board of Appraisers, and is not the one the gentleman evidently has in mind.

The bill was read a first and second time, and, together with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

NAVAL APPROPRIATION BILL.

The result of the vote was announced as above recorded. The doors were opened.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20471, the naval appropriation bill, with Mr. MANN in the chair.

Mr. MADDEN. Mr. Chairman, I desire to make the point of order against the paragraph beginning in line 11, on page 76, and ending on line 13, page 77. My point of order is that this is new legislation and out of order on an appropriation bill.

The CHAIRMAN. The gentleman from Illinois reserves the point of order——

Mr. MADDEN. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes the point of order upon the paragraph last read. Does the gentleman from Illinois [Mr. Foss] desire to be heard?

Mr. FOSS. Mr. Chairman, I have nothing to say upon the point of order. This point of order has been made on previous naval appropriation bills and it has been held, I think, by the Chair as subject to the point of order, so I have nothing to say upon it.

The CHAIRMAN. The gentleman from Illinois concedes the point of order?

Mr. FOSS. I do.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. HUGHES of New Jersey. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HUGHES of New Jersey. Does the decision of the Chair on the point of order take out of the bill all of that last paragraph?

The CHAIRMAN. It takes out of the bill from line 11, page 76, to line 13, page 77, inclusive.

Mr. HUGHES of New Jersey. Then, Mr. Chairman, I desire to offer the following amendment and ask that the Chair apply it to the proper place in the bill.

The CHAIRMAN. The gentleman from New Jersey offers as a new paragraph the following amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That none of the amount herein appropriated for such construction shall be expended where any laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work except upon permission granted by the Secretary of the Navy during time of war or a time where war is imminent, or where any great national emergency exists: *And provided further*, That the contractor contracting with the United States shall, in the event of the violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract.

Mr. FOSS. Mr. Chairman, I make the point of order on that amendment.

Mr. HUGHES of New Jersey. I ask the gentleman to reserve the point of order.

Mr. FOSS. I make the point of order that it is new legislation.

Mr. HUGHES of New Jersey. I ask the gentleman to reserve the point of order.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard upon the point of order?

Mr. HUGHES of New Jersey. Yes, sir. If the Chair pleases, that language is practically the same as the language passed upon in the Fifty-eighth Congress. It was then held that language such as that embodied in the amendment was a limitation on an appropriation and not subject to the point of order. The object of this amendment, as the Chair can see, is to put the ships to be built in the private yards on a par with the ship which yesterday was sent to the Government navy-yard. In other words, every ship that will be built, if this amendment prevails, will be built under the eight-hour day under conditions which will be fair to the laboring men of this country, and I sincerely trust, Mr. Chairman, that the point of order will not be sustained and the amendment will prevail. Now, a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HUGHES of New Jersey. What paragraph of the bill are we now considering?

The CHAIRMAN. The only paragraph we are considering is the paragraph which the gentleman from New Jersey offered as a separate paragraph.

Mr. UNDERWOOD. Mr. Chairman, I would like to ask where the Clerk stopped reading.

The CHAIRMAN. The Clerk stopped reading last night at the end of line 13 on page 77. That paragraph has gone out on the point of order. The Chair is prepared to rule unless the gentleman desires to be heard. The gentleman from New Jersey offers an amendment as a separate paragraph in the bill beginning—

Provided, That none of the amount herein appropriated for such construction shall be expended where any laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work except upon permission granted by the Secretary of the Navy during time of war or a time where war is imminent, or where any great national emergency exists: *And provided further*, That the contractor contracting with the United States shall, in the event of the violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract.

While the point possibly might be made as to the form of the amendment as a separate paragraph, that question has not been raised.

In form the amendment is somewhat, at least, in the form of a limitation upon the appropriation.

The Chair desires to state a word in reference to the matter of limitations upon appropriations. An amendment very similar to this was ruled in order, as the Chair remembers, two years ago, and ruled out of order one year ago by different chairmen. Under the rules of the House legislation upon an appropriation bill is not in order, but under the rules of the House, the House, having the power to make or refuse an appropriation, may make an appropriation with a limitation upon it. It was at one time construed, or the tendency was at one time to construe, any amendment offered in the form of a limitation as a mere limitation upon an appropriation. But the committee will readily see that if an amendment in the guise of a limitation be offered in such form that the Department must consider the appropriation futile or must consider that the limitation is itself a change of law, the executive officers would undoubtedly hold, should the limitation become law, that Congress had not intended a vain thing, but had meant to make a change of law. In other words, if in order to put the appropriation into effect the Executive Department must violate an existing law in order to comply with the limitation in the appropriation, then the executive officer has the right to presume that Congress by the limitation intended to change the existing legislation, did not intend to make an appropriation which could not be used, because in violation of the existing law. Now, no one will contend that the pending amendment does not change the existing law. If it be considered effective and binding upon the Department so that the pending amendment should be agreed to and become a law, the Department would either be required to consider that the appropriation was futile or that the law was changed by the limitation.

Mr. HUGHES of New Jersey. I wish to suggest to the Chair that we are supposed to be operating under an eight-hour law now, and that the only difficulty in the way is the opposition of the heads of the various Departments. Surely this House can say to the head of a Department that, an eight-hour law being now on the books, he shall conform to it. This is all the present amendment tries to do, to compel the Secretary of the Navy to build these ships under the law as it has been passed on in this House every time this House has had an opportunity to vote on the subject.

The CHAIRMAN. The Chair understands, or thinks he does, the situation. Even though it should be a direction to the Secretary of the Navy to enforce the law, that of itself is legislation and subject to the point of order. It matters not what the existing law may be, unless this be an exact repetition of it in quotation, because any change in the law would be a change of existing law, and if this changes in any way the discretion which the Secretary of the Navy has, and he should consider that this limitation bound him to change his discretion, that would be a change of law and hence would be obnoxious to the rule. And the Chair feels bound, both as to the last precedent and as to the theory of the rule itself, to sustain the point of order. The Clerk will read.

Mr. WILLIAMS. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise for the purpose of taking an appeal from the decision of the Chair upon that last decision.

The CHAIRMAN. The gentleman from Mississippi appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Chairman.

The committee divided, and there were—ayes 115, noes 82.

Mr. HUGHES of New Jersey. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. HUGHES of New Jersey and Mr. Foss were appointed as tellers.

The committee again divided, and the tellers reported—ayes 115, noes 92.

The CHAIRMAN. On this vote the ayes are 115 and the noes 92, so the decision of the Chair stands as the judgment of the committee.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized and directed to contract for eight submarine torpedo boats, in an amount not exceeding in the aggregate $3,500,000, and the sum of $1,000,000 is hereby appropriated toward said purpose, and to remain available until expended: *Provided*, That all such boats shall be of the same type heretofore determined to be superior as the result of the competitive tests held under the provisions of the naval appropriation acts approved June 29, 1906, and March 2, 1907, unless on or before October 1, 1908, a submarine torpedo boat of a different type and of full size for naval warfare shall have been constructed and submitted to the Navy Department for like trial and by such like trial by said Department demonstrated to be not inferior to the best submarine torpedo boat in the competition above referred to.

Mr. HILL of Connecticut. I make the point of order against the whole proviso; it is new legislation and not appropriate in connection with this bill.

The CHAIRMAN. The gentleman from Connecticut makes the point of order against the proviso just read.

Mr. HILL of Connecticut. I refer the House to the decision just made by the Chair, and in which he has been sustained, that this is all in violation of the rules of the House, and is new legislation, and should be stricken out. And if any further argument is needed I would ask that the decision of the Chair on the previous question be read.

Mr. ROBERTS. Mr. Chairman, I would ask the gentleman from Connecticut to point out wherein the proviso mentioned limits the discretion of the Secretary of the Navy. The crux of the decision of the Chair just rendered was that the amendment would limit the discretion which now exists in the Secretary of the Navy. There is no discretion, as I understand it, in existing law reposed in the Secretary of the Navy in regard to contracts for submarine boats. Therefore, if this proviso stands we are not limiting or controlling any discretion which the Secretary of the Navy now has. I submit, Mr. Chairman, upon that ground this is purely a proviso limiting the expenditure of this money, and not controlling the discretion of the Secretary of the Navy; and therefore it is not subject to the point of order. If the Chair will read, he will see that the proviso is aimed purely at the expenditure of the money, for what purpose, and how, and under what conditions it can be expended; and there surely is no discretion now existing in the Secretary of the Navy with regard to the expenditure of money not yet appropriated.

Mr. HILL of Connecticut. If I had my way, I would strike out the whole section; but I can not have my way. If I can not have my way in full, I would amend the remaining part of the section by putting in a clause allowing the Secretary of the Navy to do whatever he saw fit in regard to it. This is, Mr. Chairman, a change of existing law. There is no law providing for the construction of submarine boats. There was an appropriation last year which was limited to competitive tests. If that was law last year, it only operated on the appropriation bill last year. It now goes forward and says he shall buy the products of certain parties, a certain kind of a boat, and it is in violation of any existing law. Now, Mr. Chairman, I am perfectly willing to leave it to the judgment of the Chair, under the decision he has just made, which, it seems to me, absolutely covers this provision.

Mr. CRUMPACKER. Mr. Chairman, I want to say a word or two on the point of order. I do not believe this proviso is subject to the point of order. The gentleman from Connecticut seems to labor under the impression that it is necessary that there be a law authorizing the construction of a war boat before an appropriation can be made. It is well settled by numerous decisions that in relation to appropriations to increase the Navy it is not necessary that the law authorize the construction of boats prior to an appropriation. They may be authorized by an appropriation. Now, take this paragraph, which carries the appropriation for certain submarine boats. It simply defines the kind of boats; that is all. The Committee on Naval Affairs may report an appropriation for any kind of a boat and require it to stand any kind of a test. That is all that the pending paragraph undertakes to do. It defines and describes a certain kind of boat that shall be secured by the money under the appropriation. That is not a limitation. It provides an appropriation for the purchase of a particular kind of boat that shall come up to a particular standard. That can be done without any law. It can be done even if there were a law creating a mode of testing submarines.

The CHAIRMAN. The Chair is prepared to rule. The point of order is made only against the proviso. If it is in order to appropriate for the purchase of submarine boats, it is plainly in order to describe the boats which shall be purchased. In other words, if the House or Congress can provide under the rules that eight submarine torpedo boats can be purchased or contracted for, they can describe the character of the boats. It is not a matter involving the discretion of the Department; it is purely a matter of description, stating what the kind of boats shall be under the appropriation. The Chair does not think it comes within the decision just made. The Chair overrules the point of order.

Mr. HILL of Connecticut. Mr. Chairman, I make the point of order against the whole paragraph, proviso and all, on the same ground, that it is new legislation.

Mr. CRUMPACKER. I think it comes too late.

Mr. HILL of Connecticut. Oh, no.

Mr. BARTLETT of Georgia. Mr. Chairman, the point of order against the whole paragraph is made after the paragraph has been discussed, and it is too late.

The CHAIRMAN. Will the gentleman from Georgia point out where the paragraph has been discussed?

Mr. BARTLETT of Georgia. It was discussed on the point of order.

Mr. ROBERTS. I make a point of order against the point of order of the gentleman from Connecticut.

Mr. BARTLETT of Georgia. Mr. Chairman, I submit that the point of order that the gentleman from Connecticut [Mr. HILL] now makes against the entire paragraph comes too late, since he has made the point of order against a proviso in the paragraph, and that point of order has been discussed.

Mr. CRUMPACKER. Let me suggest that the point of order was made to the proviso alone. Now, can a Member, tentatively and experimentally, select a particular portion of a paragraph and insist that it is subject to a point of order, and eliminate a portion if he can, leaving the balance to stand; and, failing in that, can he afterwards, after that question has been discussed and decided against him, make his point of order against other portions of the paragraph?

The CHAIRMAN. Of course, the usual rule is that the point of order can be made against a paragraph at any time before amendment or debate upon the paragraph. There has been no amendment or debate upon this amendment as yet.

Mr. BARTLETT of Georgia. I suggest to the Chair that the gentleman from Connecticut was called to order by the gentleman from Massachusetts [Mr. ROBERTS] for not discussing the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, the proviso is a part of the paragraph——

Mr. ROBERTS. Will the gentleman permit me?

Mr. GAINES of Tennessee. No; I am discussing the point of order; I am trying to help the Chair.

Mr. ROBERTS. The gentleman from Connecticut [Mr. HILL] discussed this paragraph.

Mr. GAINES of Tennessee. I do not yield to the gentleman. The gentleman can take his own time.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] is endeavoring to enlighten the Chair.

Mr. GAINES of Tennessee. The proviso is a part of the paragraph, and the merits of the proviso have clearly been discussed by the gentleman from Connecticut.

The CHAIRMAN. The Chair failed to hear the gentleman from Connecticut discuss the merits of the proposition.

Mr. ROBERTS. I raised the point of order that he was discussing the merits of the paragraph, and not his point of order, and the gentleman then ceased discussing the merits of it.

The CHAIRMAN. He was discussing the point of order, as the Chair understands.

Mr. GAINES of Tennessee. I submit that the gentleman from Connecticut discussed the merits of the proviso, the proviso being a part of the paragraph. He has therefore discussed the paragraph. Now, he goes back and undertakes to strike out the paragraph, after he has in effect and in fact discussed the paragraph. I do not discuss the merits of the paragraph, but only the parliamentary status.

Mr. STAFFORD. If the Chair will indulge me, I believe there was only one proposition before the House, and only one proposition that was considered, and that was the point of order to the proviso. No other proposition could have been en-

tertained by the Chair during the discussion of the point of order. When that was ruled upon by the Chair it was in parliamentary order for any person, the gentleman from Connecticut or anyone else, to raise a point of order to the entire paragraph; and I contend it is not too late, no discussion having been made on the merits of the paragraph, to make a point of order to the entire paragraph.

Mr. ROBERTS. Mr. Chairman, on the point of order, then, if I may be heard——

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Minnesota rise?

Mr. TAWNEY. For the purpose of discussing the point of order.

The CHAIRMAN. The gentleman from Massachusetts has the floor for that purpose.

Mr. ROBERTS. I yield to the gentleman from Minnesota for that purpose. Will the Chair kindly state the point of order that has been made?

The CHAIRMAN. The point of order is made against the entire paragraph.

Mr. ROBERTS. On what ground?

The CHAIRMAN. If the gentleman desires the gentleman from Connecticut to state that, he has the right to have him state it.

Mr. ROBERTS. I want to find out the grounds for this point of order, in order that I may discuss the merits of it.

The CHAIRMAN. That question is not before the House or before the Chair.

Mr. ROBERTS. I want to know the ground of the point of order; there must be some reason why it is subject to the point of order.

The CHAIRMAN. The question is whether the gentleman from Connecticut has a right to make the point of order at all.

Mr. ROBERTS. I supposed that was all settled. I await the Chair's decision upon that.

Mr. TAWNEY. Mr. Chairman, the question, as I understand, now before the Chair is whether or not the point of order against the paragraph comes too late; the gentleman from Connecticut having previously made a point of order to a part of the paragraph, whether or not he is not now estopped from making a point of order against the entire paragraph. Now, the point of order which he made having been overruled, in my judgment, it can be reasonably concluded that the balance of the paragraph was assumed not to be subject to a point of order, and when the Chair had ruled against the gentleman, he thereby virtually exhausted his rights under the rule against the entire paragraph.

Mr. HILL of Connecticut. Why, Mr. Chairman, the gentleman from Minnesota can not claim for a moment that because a point of order is made against one portion of a paragraph, a Member of the House can thereby estop every other Member from making a point of order against the remainder of the paragraph.

Mr. TAWNEY. I will say that when a paragraph is read, the practice of the House has been to make the point of order, or reserve the point of order, either against the whole paragraph or against the part which the Member making the point desires to have taken out.

Mr. HILL of Connecticut. I would like to ask the gentleman from Minnesota if he claims that one Member can estop all other Members of the House from making other points of order against the paragraph?

Mr. TAWNEY. No. The fact is, however, that when a Member wants to make a point of order against a paragraph and another against a part of the paragraph, the rule and practice has been heretofore that points of order against the paragraph must all be made before the discussion of any one of them.

Mr. PAYNE. Mr. Chairman, the most interest I have in this is for a correct ruling and correct parliamentary procedure. Now, if a Member of the House desires to make a point of order upon one portion of the paragraph and half a dozen other Members wish to make points of order on several different propositions, they can not all get the floor at the same time; and any point of order is in order at any time, if it comes before the paragraph has been considered. That has been the ruling heretofore. This paragraph has not been considered. A point of order simply was made as to a portion of it. The gentleman from Connecticut could not foreclose the rest of us by getting the attention of the Chair and making his point of order. It is true that on several occasions gentlemen have reserved points of order to different parts of a paragraph, but there is no rule of procedure under which that can be done except under the supposition of unanimous consent and because the Chair could not recognize more than one gentleman at a time. A gentleman when making a point of order has the right to have it decided before any other business is done. It seems to me to follow that the gentleman from Connecticut or any other gentleman can raise the point of order as to the balance of the paragraph after the decision has been made by the Chair. Any other rule of procedure would result, perhaps, in injustice, or at least in confusion. This is the proper parliamentary practice, to conduct business according to the rules of the House and without confusion. [Applause.]

Mr. ROBERTS. Along that very line, Mr. Chairman, I made a point of order against the gentleman from Connecticut that he was not discussing the point of order, but was discussing the merits of the paragraph itself. The Chair, I understand, stated that he did not hear the gentleman from Connecticut. I will ask the Chair to call for the reporter's notes, which will prove my assertion that he was discussing the merits of the paragraph.

The CHAIRMAN. The Chair is prepared to rule. Under the common practice when a Member reserves points of order on the paragraph, any Member may afterwards avail himself of the privilege of making a point of order on any portion of the paragraph or the paragraph. It is plainly the right of any member of the committee to make a point of order against the entire paragraph, or any portion of the paragraph, and it is not within the power of one member of the committee, who happens to obtain recognition first, to make a point of order against a portion of the paragraph and prevent another member from making a point of order against the entire paragraph. Whatever discussion the gentleman from Connecticut may have indulged in on the merits of the proposition would make no difference, because, at least theoretically, he was addressing himself to the Chair on the point of order.

The Chair regrets he did not obtain all the light possible by hearing all that the gentleman from Connecticut [Mr. HILL] said. The Chair thinks that the point of order of the gentleman is in time, as no amendment or debate or consideration had been had on the merits of the paragraph itself.

Mr. ROBERTS. Does the Chair desire any arguments on the merits of the point of order?

The CHAIRMAN. The Chair will be glad to hear the gentleman. The Chair will be glad to have the gentleman from Connecticut first state what his point of order is.

Mr. HILL of Connecticut. Mr. Chairman, the point of order is that there is no existing law for the purchase of these boats, and that this is entirely new legislation.

Mr. ROBERTS. Mr. Chairman, I desire to call the attention of the Chair to the fact that the committee is now working under a section of the bill headed "increase of the Navy," and to call the attention of the Chair to the further fact that it has been repeatedly held in order to move under that section for the provision of any sort of a craft which may be called a part of the Navy. Nobody for a moment will contend that a submarine boat is not a part of a navy, and being a part of the Navy, and the committee considering the increase of the Navy, it is clearly in order to move for the purchase or building of submarine boats, as much as it is for the purchase or building of battle ships or destroyers or any other form of vessel which is properly a part of the Navy. For that reason I think the point of order of the gentleman from Connecticut is not well taken and should be overruled.

Mr. UNDERWOOD. Mr. Chairman, if the gentleman from Connecticut moved to strike out the proviso that he seeks to eliminate by a point of order, I would most cheerfully vote with him, but I do not see that there can be any point of order raised against this paragraph, unless we reverse the precedents of the House of Representatives that have existed since 1886, at which time, I think, the gentleman from Kentucky, now the senior Senator from that State, first moved to build a battle ship on an appropriation bill, the Chair sustaining the point of order that it was new legislation, and the House overruling the Chair and authorizing the building of the battle ship on that appropriation bill. I can not see that there is any difference in point of fact between building a battle ship whether it weigh 20,000 tons, or a submarine battle ship that may weigh 500 tons. It is a battle ship of one nature or another, and these submarines are just as much battle ships that come with the acceptance of Rule XXI as the battle ships that we provided for yesterday, which are to weigh 20,000 tons.

Mr. GAINES of West Virginia. They are vessels of war.

Mr. UNDERWOOD. War vessels.

Mr. BONYNGE. Mr. Chairman, I understand the point of order to be that there is no existing law for the construction of these submarines, and that therefore it is out of order under the rule. I desire to call the attention of the Chair to a ruling

in the Forty-ninth Congress at the second session, and I can not find that that ruling has ever been changed since, which holds that the construction of a new vessel for the Navy is the continuation of a public work already in progress. As has been said heretofore, it does not seem it can make any difference what the character of the vessel is, if it be for an increase in the Navy, it is a continuation of a work in progress. Congress has begun upon the work of constructing a Navy for the United States, and these submarine vessels are a part of that work, and therefore it seems to me that it is a continuation of work already in progress and the point of order is not well taken.

The CHAIRMAN. The Chair is prepared to rule. Contrary to all of the other decisions, as the Chair believes, wholly contrary to the general spirit of the decisions on the question of legislation and limitation upon an appropriation bill, it has been ruled, and is the ruling of the House and of the Committee of the Whole, that an appropriation for an increase in the Navy, or certain increases in the Navy, is in order. That ruling was made, as the Chair believes, upon some form of fighting ship. It has been ruled that the proposition for a dry dock was not in order unless authorized by law. The same character of ruling has been made in reference to other vessels in other services, as, for instance, in the Light-House Service as to light-house tenders. There being no question as to admitting an item for a new battle ship, and there being no question as to the absence of authority to insert an item for a dry dock, the Chair is called upon to rule as to submarine boats. The Chair thinks, reasoning along the line of the battle ships or the other fighting ships of the Navy, and taking into account that there are submarine boats in the Navy, it not being a new proposition for an increase of a different kind in the Navy, that it is in order to insert an item for submarine boats. But this item contains an addition to the authorization, and in addition to the appropriation this provision among others, which may also be subject to points of order, "and to remain available until expended." That is legislation which under the rules would change existing law, requiring that these surplus funds be covered into the Treasury at the end of a certain length of time. The Chair, as the paragraph now stands, is constrained to sustain the point of order.

Mr. OLCOTT. Mr. Chairman, I offer an amendment, to be inserted after line 10, page 76.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new section after line 10, page 76:

"For eight submarine torpedo boats, in an amount not exceeding in the aggregate $3,500,000, and the sum of $1,000,000 is hereby appropriated toward said purpose: *Provided*, That all such boats shall be of the same type heretofore determined to be superior as the result of the competitive tests held under the provisions of the naval appropriation acts approved June 29, 1906, and March 2, 1907, unless on or before October 1, 1908, a submarine torpedo boat of a different type and of full size for naval warfare shall have been constructed and submitted to the Navy Department for like trial and by such like trial by said Department demonstrated to be not inferior to the best submarine torpedo boat in the competition above referred to."

Mr. HILL of Connecticut. Mr. Chairman, I make the point of order on the same grounds as before.

The CHAIRMAN. The gentleman from Connecticut will state his point of order.

Mr. HILL of Connecticut. Mr. Chairman, I not only state it on the ground of new legislation, but I call the attention of the Chair to another feature of this amendment, and that is that the language of the original section as stricken out and now continued in this amendment was not a limitation upon an appropriation, but was a peremptory order to the Secretary of the Navy, making it absolutely new legislation that the Secretary of the Navy shall do so and so; that it takes away the ordinary discretion which he has, and is not a limitation upon an appropriation bill in any sense whatever, but absolutely new law from start to finish.

The CHAIRMAN. But the gentleman from Connecticut will pardon the Chair. As the Chair understood the amendment, that portion that was in the paragraph is not in the amendment.

Mr. HILL of Connecticut. I thought I heard it read in that amendment.

The CHAIRMAN. Does the gentleman from Connecticut refer to this?

That the Secretary of the Navy is hereby authorized and directed to contract——

Mr. HILL of Connecticut. No; I refer to the language of the proviso which is in the amendment offered. For that reason I claim the amendment is out of order.

The CHAIRMAN. The proviso is exactly the same.

Mr. HILL of Connecticut. For that reason I claim the whole amendment is out of order.

The CHAIRMAN. The Chair ruled a while ago the proviso was in order.

Mr. BONYNGE. Mr. Chairman, I desire to offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment by way of a substitute for the amendment, which the Clerk will report. The Chair will overrule the point of order. The Clerk will report the amendment offered by the gentleman from Colorado.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase eight subsurface or submarine torpedo boats, in an amount not exceeding in the aggregate $3,500,000, and the sum of $1,000,000 is hereby appropriated toward said purpose: *Provided*, That prior to said purchase or contract for said boats the Secretary of the Navy shall determine the comparative efficiency of the different boats for which bids may be submitted, according to such tests as he shall see fit to prescribe: *And provided further*, That before any subsurface or submarine boat is purchased or contracted for it shall be accepted by the Navy Department as fulfilling all reasonable requirements for submarine warfare and shall have been fully tested to the satisfaction of the Secretary of the Navy.

Mr. STAFFORD. Mr. Chairman, I make the point of order to the proviso in the substitute offered by the gentleman from Colorado.

Mr. BONYNGE. What is the point of order the gentleman makes?

Mr. STAFFORD. The point of order is that it is new legislation carried on an appropriation bill.

The CHAIRMAN. Does the gentleman from Colorado desire to be heard on the point of order?

Mr. BONYNGE. Yes, sir. Mr. Chairman, the proviso simply is limiting the use of the money that is appropriated. There is $1,000,000 appropriated, according to the amendment, for the purchase or construction of the vessels, providing that before he makes the purchase or the contract he shall require that these vessels shall be submitted to certain tests, which is nothing but a limitation as to the manner in which he shall make use of the money that is appropriated.

Mr. ROBERTS. Mr. Chairman, the amendment offered by the gentleman from Colorado goes much beyond that. The amendment offered by the gentleman from Colorado is, in fact, the language that was used in the appropriation of 1907 and relates not only to submarine boats, but to subsurface boats. It limits the discretion of the Secretary with regard to submarine boats and is out of order for that reason alone, because it gives him power under the guise of law where none now exists to purchase a boat not a submarine boat. That is a radical defect in the gentleman's amendment, and it is new legislation. The Secretary has no power now, under the submarine appropriations, to purchase a subsurface boat. This amendment, if it becomes a law, gives the Secretary the power, under the submarine appropriation, to purchase an entirely different kind of boat. Therefore it is new legislation and clearly subject to the point of order.

Mr. BONYNGE. Mr. Chairman, in answer to what the gentleman has stated, I think the ruling of the Chair that was made a few moments ago covers that objection, that an authorization for a subsurface or a submarine boat is simply continuation of a work already in progress; namely, the construction of the Navy for the United States.

Mr. ROBERTS. If the gentleman will pardon me, will the gentleman point out a subsurface boat owned by the Government now or ever authorized by existing law or ever purchased? Will he point out a subsurface boat in existence now?

Mr. BONYNGE. I will point simply to the fact that we are building a navy, and a subsurface or a submarine boat is a portion of the Navy, and is therefore a continuation of a work in progress.

The CHAIRMAN. The Chair is prepared to rule. The proviso in the amendment offered by the gentleman from New York [Mr. OLCOTT], which is the same as the proviso printed in the bill, is:

That all such boats shall be of the same type heretofore determined to be superior as the result of the competitive tests held under the provisions of the naval appropriation acts approved June 29, 1906, and March 2, 1907, unless on or before October 1, 1908, a submarine torpedo boat of a different type and of full size for naval warfare shall have been constructed and submitted to the Navy Department for like trial and by such like trial by said Department demonstrated to be not inferior to the best submarine torpedo boat in the competition above referred to.

The Chair overruled the point of order made against this proviso. When the Chair overruled the point of order, although the Chair had read the proviso several times, the Chair was of the opinion at the time that the proviso referred to tests which has heretofore been authorized. But it seems that

the proviso which has been ruled in order contains the provision:

Unless on or before October 1, 1908, a submarine torpedo boat of a different type and of full size for naval warfare shall have been constructed—

And so forth.

The Chair is inclined to think that the Chair made an error in ruling that portion of the original proviso in order, because that of itself is legislation. There can be no question that the amendment offered by way of substitute is legislation. But, being offered as an amendment to an amendment already ruled in order, covering the same question, the Chair feels constrained to hold the amendment offered by the gentleman from Colorado [Mr. BONYNGE] to be in order.

Mr. BONYNGE. Now, Mr. Chairman, I desire to say a few words in support of the amendment that I have offered. The section of the bill now under consideration, and first reported by the Committee on Naval Affairs——

Mr. HOBSON. May that be read over again?

Mr. BONYNGE. I have no objection. The gentleman from Alabama [Mr. HOBSON] asks that the substitute be read again.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk again read the amendment.

Mr. ROBERTS. Mr. Chairman, I move an amendment to the amendment, by striking out the word "subsurface" wherever it appears in the amendment of the gentleman from Colorado [Mr. BONYNGE].

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS] offers an amendment to the substitute offered by the gentleman from Colorado which the Clerk will report.

The Clerk read as follows:

Strike out wherever it occurs in the amendment the words "or subsurface."

Mr. BONYNGE. Mr. Chairman, I have no objection, so far as I am concerned, to striking it out and let it remain as reading "eight submarine boats."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts to the substitute offered by the gentleman from Colorado.

The question was taken, and the amendment was agreed to.

Mr. BONYNGE. Now, Mr. Chairman, the section of the bill as reported by the Naval Committee provides for the authorization and direction to the Secretary of the Navy for eight submarine torpedo boats, in an amount not exceeding three and one-half millions of dollars, and appropriates at this time the sum of $1,000,000 for the purchase of such boats. It provides further that these boats shall be of the type which has been determined to be superior as the result of the competitive tests held under the provision of the naval appropriation bills of 1906 and 1907, and which type is known to be the "Holland boat," or the boat constructed by the Electric Boat Company, unless prior to October 1 of this year another boat of full size and of a different type shall have been constructed and submitted to the Navy Department.

The practical effect of the language in the section I have referred to is this, and its construction must be that only one type of boat can possibly be purchased under that provision. It forbids any further competition or the possibility of the Government availing itself of any improvement that may take place in the construction of submarine boats during the time that these boats are to be constructed. Now, under the language of this section not more than two or three submarine boats can be constructed this next year, because only $1,000,000 is now appropriated for the purchase of submarine boats, and, as I understand, it will take all of the $1,000,000 to buy two or three submarines. Consequently no additional boats can be constructed until Congress shall make additional appropriation in excess of the $1,000,000. So that if the language remains as reported by the committee, the Secretary of the Navy is compelled—"directed" is the language of the bill—to enter into a contract for the construction of eight, while not more than two or three can be completed within the next year, and the balance must wait until Congress makes an additional appropriation. Therefore if in the meantime, until Congress makes additional appropriation, some American genius shall find a better boat than that which the Government now has, the Government will be deprived of taking advantage of the inventive genius of that American.

Mr. Chairman, it may seem strange to the members of the committee that out in the arid regions, out in the mountain section of the country, an American genius should have developed or have produced a submarine which, according to experts who have seen the model, is far superior to either the Holland or the Lake torpedo boat. Someone who is skeptical may ask whether it is possible that any good can come out of Nazareth; and if he does, I reply to him, in the language of Phillip: "Come and see." They have had a model here in Washington for several weeks, and if you will take the trouble to go down to the naval basin, you will see the model there which is capable of performing not only all of the maneuvers of the Holland and Lake boats, but other additional maneuvers. It is a boat constructed and known as the "Cage dirigible submarine boat," and is operated on the even-keel basis. It can descend vertically, it can be held in the water any distance you desire to hold it, can rise in a vertical position, or it can dive. It is operated by electricity and has less machinery than any other boat that has been constructed, or will be, if the boat is constructed in accordance with the model that is now on exhibition.

It is a well-known fact that the question of submarine boats and the development of submarine boats is still in its infancy. I do not profess to be an expert on questions of this kind, and all that I am pleading for here is that Congress shall by legislation enable the United States Government, through the Secretary of the Navy, to avail itself of whether American genius may be able to produce in advance of what has heretofore been produced. I submit to gentlemen of the committee that this House is not ready to say now that we have reached the climax in the development of submarine boats, and we ought, all of us, to see that we shall not deprive the Government of the United States for the next year of the possibility of taking advantage of any new boats that may be developed. [Applause.]

Mr. ROBERTS. Mr. Chairman, the gentleman from Colorado criticises the language of the appropriation bill which has been submitted this year by the Committee on Naval Affairs. I want to say to the gentleman from Colorado, and to the members of this committee, that in the prior appropriation bills the language presented by the committee has been subject to criticism, and it has been maintained that that language was designed to cut out competition. This year we had a guide for the language to be adopted in the naval bill, and the committee thought by following that guide they would at least escape any criticism on the line that they were cutting out competition. Now, what was the guide that the committee had this year? If anyone will look at the report of the Secretary of the Navy for the year 1907, they will find that he says:

He wants four submarines—

Now, mark this—

of the same type as those recommended as the result of the recent competitive test, provided a more satisfactory type is not developed in the meantime.

That is the recommendation that the Secretary of the Navy gives as a guide to the committee in shaping and framing this legislation for submarine boats. Now, what has the committee done?

Mr. LANDIS. Will the gentleman allow me to ask him a question?

Mr. ROBERTS. Certainly.

Mr. LANDIS. I would like to ask you how you interpret the word "meantime?"

Mr. ROBERTS. I am coming to that if the committee will give me time enough. How to interpret "meantime?" I will say that "meantime" has been interpreted by good lawyers on this floor to mean the date this appropriation becomes available, and the Secretary of the Navy has given that same interpretation; and the committee in interpreting "meantime" as October 1 give three months more time for competition than the Secretary himself recommended.

Mr. LANDIS. If it is to the advantage of the Government to interpret it more liberally, then why not interpret it more liberally? Why confine ourselves to the technical construction?

Mr. ROBERTS. But it is the design of Congress that we shall go on building submarine boats. If I can have a little time from this committee, I will show why I believe it is our intention and why I know it is our duty to build submarine boats.

Mr. COOPER of Wisconsin. Will the gentleman from Massachusetts allow one question?

Mr. ROBERTS. If the committee will give me time, I will answer all questions.

Mr. COOPER of Wisconsin. The gentleman is on the committee, I believe?

Mr. ROBERTS. I am.

Mr. COOPER of Wisconsin. Does this bill anywhere limit the time in which the battle ships appropriated for shall be completed?

Mr. ROBERTS. Oh, the contracts that are entered into by the Navy Department with the shipbuilding firms fix the time within which they shall be built.

Mr. COOPER of Wisconsin. Does this bill limit the time?

Mr. ROBERTS. No; not at all. This bill fixes the time within which contracts for submarines shall be made. That is all. It does not limit the time within which the boats shall be built. It fixes the time within which the Secretary can make the contract, and that alone.

Mr. COOPER of Wisconsin. It limits absolutely the type of boat.

Mr. ROBERTS. Oh, if the committee will only give me time, I will show the gentleman his error, and I will show it, not by my statements, but by the statements of the Secretary of the Navy himself. Now, compare this language I have just read with the language in the appropriation bill.

The Secretary of the Navy was asked that very question. He was asked by Mr. HOWARD before a committee of this House:

Is not the only substantial difference in the Naval Committee's suggestion of the provisions and your own recommendations that the words "on or before October 1, 1908," are used instead of "in the meantime?"

The Secretary said:

Practically the same.

It was the intention of the Committee on Naval Affairs to use language practically carrying the same idea as recommended by the Secretary of the Navy. Now, why was that done? That was done to prevent the bringing up to the Navy Department of plans and of models up in the model tank and retarding the progress of the Navy in building up its weakest arm of defense.

Mr. BONYNGE. Will the gentleman yield for a question?

Mr. ROBERTS. I will.

Mr. BONYNGE. How many boats can you build for the million dollars appropriated in this bill?

[The time of Mr. ROBERTS having expired, by unanimous consent it was extended five minutes.]

Mr. ROBERTS. If the gentleman will specify the type of boat——

Mr. BONYNGE. Of the Holland type of boat.

Mr. ROBERTS. There might be four or five, there might be two, and there is a possibility of only one.

Mr. BONYNGE. Now, the provision is that the Secretary must let the contract for the eight according to the Holland type unless before the 1st of October another boat fully constructed is presented. Is not that the fact?

Mr. ROBERTS. Yes.

Mr. BONYNGE. So you are going to have the Secretary of the Navy now contract for all, although you are only appropriating for enough to build one, and cut off the possibility of having others built.

Mr. ROBERTS. The gentleman is not familiar with the way we appropriate for the increase of the Navy. We have not appropriated a dollar for the two battle ships we authorized yesterday, and we will not——

Mr. BONYNGE. Is not that all left to the discretion of the Secretary of the Navy?

Mr. ROBERTS. Not at all. He makes his contracts for the two battle ships, and then in subsequent appropriation bills we appropriate the money to pay for them.

Mr. BONYNGE. But you know exactly the kind of battle ship you want?

Mr. ROBERTS. No; we do not know.

Mr. BONYNGE. Haven't you fixed the size of the boat?

Mr. ROBERTS. Oh, we have made some limitations on it, but we do not know that we are going to get that kind of boat, let me say to the gentleman.

Mr. BONYNGE. Did not the Secretary of the Navy, before the committee, say that he believed that this whole question should be left to his discretion?

Mr. ROBERTS. He did make that statement, but how are you going to reconcile that with his recommendation to Congress, in an official message, in which he puts the limitations to the battle ships, scout cruisers, torpedo boats, and submarines?

Mr. BONYNGE. I do not know of any statement of his contrary to this.

Mr. GAINES of West Virginia. Will the gentleman yield for a question?

Mr. ROBERTS. I will yield to the gentleman from West Virginia.

Mr. GAINES of West Virginia. If you leave to the Secretary of the Navy a discretion in the matter of designing battle ships, why should we not give him the same discretion as to submarines?

Mr. ROBERTS. We do not give him the discretion as to the design of battle ships.

Mr. GAINES of West Virginia. Then I do not understand the language.

Mr. ROBERTS. Because the gentleman does not understand the situation, he does not read the language of the bill. We do not leave the battle ships to his discretion. Let me read you what the bills says:

For the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed, by contract or in navy-yards, as hereinafter provided, two first-class battle ships, to cost, exclusive of armor and armament, not exceeding $6,000,000 each—

Now mark this and see if he has full discretion—

similar in all essential characteristics with the battle ship authorized by the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Why did we do that? Because, Mr. Chairman, the Secretary in his recommendation to Congress says he wants four battle ships. Did he ask for full discretion? No. He says, "of the same type as the *Delaware* class," limiting his discretion to that kind, and it makes no matter what the progress is in the development of battle ships, you have fixed the kind of battle ship he is to build.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. ROBERTS. I will yield to the gentleman if I can have my time extended.

Mr. GAINES of Tennessee. I want to know if the gentleman construes the language in the bill as cutting off the right of the Secretary of the Navy to entertain a proposition to furnish a submarine by the constitutents of the gentleman from Colorado?

Mr. ROBERTS. It cuts him off in this way——

Mr. GAINES of Tennessee. Does the gentleman think that that is right?

Mr. ROBERTS. I do in this respect: If the company in Colorado has completed a submarine boat that they can present for test and trial and show whether or not it is equal to what we already have, then they can come in under this bill.

Mr. BONYNGE. Does not the gentleman know that it is a physical impossibility to construct such a boat before the 1st of next October?

Mr. ROBERTS. I do not know what the gentleman's company can do. I do not know but they may have Pikes Peak covered with them. [Laughter.] If they only have paper plans and a few scratches on paper, if they have only a model which runs in a model tank, we do not propose to let them come in and, by specious claims as to what they can do, hold up the further addition of submarines to our Navy. There will be other provisions for submarines. There are bound to be from year to year, and whenever they are in a condition to present a complete boat their competition will be welcomed by the Committee on Naval Affairs, by Congress, and by the Navy Department.

Mr. GAINES of Tennessee. But if the gentleman's company in Colorado constructs a perfect model that operates and does all that the other boats do——

The CHAIRMAN. The time of the gentleman from Massachussetts has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts have ten minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Massachusetts be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I am trying to get some information on this subject. The gentleman from Colorado says that the plans of this company is a perfect machine, that they have a perfected machine down here somewhere; that it does all the tricks and stunts that the Holland boat does; that it goes up and goes down, and flies and floats and shoots [laughter], and that it is a better boat than the other, and yet you cut that style of vessels out under this language.

Mr. ROBERTS. If the gentleman from Tennessee knows what the model tank is in the navy-yards he can imagine how great a boat the Denver boat is.

Mr. GAINES of Tennessee. What do you have the model tank for?

Mr. ROBERTS. To get certain data about the draft and amount of power, and so forth. Let me say to the gentleman that you can not find out from the operation of a model of a submarine what a boat of efficient workable size will do. You can not get the same data and information from a model of a submarine in a tank that you can get of surface boats. That is not disputed anywhere.

Mr. LANDIS. And yet the gentleman knows that we had faith enough in the *Monitor* to order a construction of that boat.

Mr. ROBERTS. We did not order a construction of it. The *Monitor* was built by private enterprise and was owned by individuals when it made its great fight. The Government never paid a cent to help out that great naval invention.

Mr. LANDIS. The *Monitor* was ordered by the President of the United States, and the loss was guaranteed in case it was a failure.

Mr. ROBERTS. Well, but it was not paid for, and it was not paid for for years afterwards, as the gentleman well knows, and he knows that the inventor and the builder of that boat got no encouragement from the Government. The only people who have got any encouragement out of the Government, so far as matters of naval development are concerned, and particularly submarines, are the Lake people, whose boat was discredited in the trial last spring. Why, Mr. Chairman, the Board of Inspection and Survey made a report to the Secretary of the Navy that the Lake type of boat was radically defective in principle, in type, not in minor details, and yet, notwithstanding that, that company came up and got a contract from the Secretary of the Navy of $450,000 for one of these discredited types of boats, and in that contract the Secretary of the Navy encourages that company to the extent of $25,000, interest on the money they are going to put into that boat to build it.

Mr. LANDIS. And the only people that got any encouragement from the Naval Committee, apparently, on the construction of submarines were the Holland people.

Mr. ROBERTS. No, indeed. There is where the gentleman from Indiana is following the lead of the gentleman from Connecticut [Mr. LILLEY]. Why, Mr. Chairman, this whole subject has been open to competition. Let me read you something——

Mr. LILLEY rose.

Mr. ROBERTS. Mr. Chairman, I decline to yield.

The CHAIRMAN. Does the gentleman yield?

Mr. ROBERTS. I do not.

The CHAIRMAN. The gentleman declines to yield.

Mr. ROBERTS. Now, Mr. Chairman, the gentleman from Indiana [Mr. LANDIS] says only one company has got favors from the Committee on Naval Affairs.

Mr. LANDIS. I said that only one company seemed to be encouraged——

Mr. ROBERTS. Will the gentleman read the language of the appropriation bill? Now, with regard to that, let me read something for the information of the gentleman from Indiana. Here is a letter dated December 3, 1904, which is to be found in Document No. 75 of the Committee on Naval Affairs. That letter is signed by Simon Lake. He had been complaining that he did not get fair treatment anywhere. He says:

> I want a fair, open, actual competition under the 1905 submarine act, which will decide the superiority, etc., without the opinions and paper comparisons of this member of the Board.

Later he says:

> An attempt has been made to studiously misinform and prejudice you against me, and I have taken our Mr. Whitney's advice and kept silent under the idea that direct competition would protect me from insidious influences.

He says again:

> If you will put us in direct side-by-side competition with the Government submarine, as Congress intended, we will then accept the facts found in said competition as final.

Mark that! If he can once get in competition with the Holland boat, which was owned by the Government, he will accept the results as final. Now, he says again:

> Congress and all honorable officers of the Army and Navy want the United States to have the best protection possible by submarines of the best type and highest development, and there is just one way to get that result—by the Holland and Lake types side by side under the hardest conditions, in all kinds of seas and weather.

That was the appeal of Simon Lake to the Secretary of the Navy. What happened? In 1906 and 1907 we incorporated in the appropriation bill language which compelled these competitive tests, and these tests were held last May, and Simon Lake produced a boat, and the Electric Boat Company produced a Holland type of boat. They went into competition side by side for thirty days, and as a result of that competition the Board of Inspection and Survey, headed by Captain Marix, reported unanimously to the Board of Construction of the Navy Department, headed by Admiral Converse, that the Holland type of boat was the superior boat, and the Board of Construction reported unanimously to the Secretary of the Navy that the Holland type of boat was the successful boat, and recommended that he award a contract for eight boats to the Electric Boat Company for the Holland type of boats; and then the question was raised as to the value of the type. Mr. Lake had said immediately after his crushing defeat in those trials that it was no fault of the type of his boat at all, it was little minor details that could be rectified easily. Now, with that statement made to the Secretary of the Navy, he sends for specific information to the Board of Inspection and Survey, and he asks specific questions, and they reply:

> 1. That the type of submarine boat as represented by the *Lake* is, in the opinion of the Board, inferior to the type as represented by the *Octopus*.
>
> 2. The closed superstructure of the *Lake*, with the large flat deck, which is fitted to carry water ballast, and to contain fuel tanks and air flasks, which is an essential feature of the *Lake* boat presented to us for trial, is inferior to the arrangements on board the *Octopus* for the same purposes, and also is, in the opinion of the Board, detrimental to the proper control of the boat.
>
> 3. The hydroplanes, also an essential feature of the *Lake* boat presented to us for trial, were incapable of submerging the boat on an even keel. They are therefore regarded as an objectionable encumbrance.

They reply that the type, the fundamental principle of the Lake boat, is defective and faulty and dangerous. Now, those are the facts.

Mr. O'CONNELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. ROBERTS. No. And yet the gentleman says that the Committee on Naval Affairs, through its legislation, has not provided for competition. Why, here is the defeated man coming up now, whining that he has not had fair play——

Mr. BONYNGE. Will the gentleman yield?

Mr. LANDIS rose.

Mr. ROBERTS. When he wrote to the Department that he would abide the results of the test as final.

Mr. LANDIS. Will the gentleman answer a question?

Mr. ROBERTS. I yield to the gentleman from Colorado [Mr. BONYNGE].

Mr. BONYNGE. The gentleman from Massachusetts has just——

The CHAIRMAN. The gentleman from Colorado is out of order. The gentleman should first address the Chair when seeking recognition.

Mr. ROBERTS. I yield to the gentleman from Colorado.

Mr. BONYNGE. The gentleman from Massachusetts has just stated that the defeated party is coming up here whining. Does the gentleman mean to say that the Naval Committee or any board of it or any experts have examined the model of the Denver boat?

Mr. ROBERTS. Oh, I do not know what the Denver people have to do with my statement that the Lake people are whining——

Mr. BONYNGE. The amendment now pending is not to let in the Lake people alone, but it is to let in any other boat that may be developed.

Mr. ROBERTS. Mr. Chairman, let me call the attention of the gentleman from Colorado to the fact that the language that is offered is the language that Simon Lake has boasted he forced in the naval bill——

Mr. BONYNGE. The language I have offered——

Mr. ROBERTS. He has made that boast.

Mr. BONYNGE. Permits anybody to come in competition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERTS. Mr. Chairman, I hate to trespass on the time of the committee, but there are so many points that I have not touched upon that I ask their indulgence for another ten minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for ten minutes. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to insert——

Mr. ROBERTS. Insert certain matter in the RECORD.

Mr. WILLIAMS. If this is a request to extend in the RECORD——

Mr. ROBERTS. It is simply to add what I could not find at the moment. I could not lay my hand on certain things at the exact moment.

Mr. WILLIAMS. I can not help that; I can not make any exceptions.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to insert in the RECORD certain printed matter to which he has referred. Is there objection?

Mr. WILLIAMS. I have objected once, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi objects.

Mr. UNDERWOOD. Mr. Chairman, I move to amend the amendment or the proposition offered by the gentleman from New York by striking out all the proviso.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That all such boats shall be of the same type heretofore determined to be superior as the result of the competitive tests held under the provisions of the naval appropriation acts approved June 29, 1906, and March 2, 1907, unless on or before October 1, 1908, a submarine torpedo boat of a different type and of full size for naval warfare shall have been constructed and submitted to the Navy Department for like trial and by such like trial by said Department demonstrated to be not inferior to the best submarine torpedo boat in the competition above referred to.

Mr. ROBERTS. Mr. Chairman, I make the point of order that amendment to this paragraph is exhausted. That is an amendment to an amendment to an amendment.

The CHAIRMAN. That is an amendment to an amendment, which is in order.

Mr. UNDERWOOD. Now, Mr. Chairman, the reason I make this amendment is this: I believe in the submarine boat. I believe it is necessary for the Government to build submarines as an auxiliary to our naval establishment, but it is demonstrated beyond any question of a doubt that if we leave this proviso in this bill that is insisted on by the Naval Committee, we leave the selection of these boats and limit the selection practically to those boats made by the Holland Company or the Electric Boat Company. Now, I think the Electric Boat Company is making a good boat. I have no criticism to make against it. I think that the *Octopus* that the Government last bought from them is a good boat, but I say all these submarine boats are in an experimental stage——

Mr. ROBERTS. So are the battle ships.

Mr. UNDERWOOD. And that we ought to have lines for development, and that the appropriation bill ought to be broad enough to allow the Secretary of the Navy, in his discretion, to contract for the best boat obtainable, unless the Congress believes that the Secretary of the Navy is not going to use that discretion as he should use it. Now, there is no man on the floor of this House who knows the present Secretary of the Navy who doubts his honesty, his integrity, or his judgment in these matters. There is not a man on the floor of this House, and most of us know him well personally, who will doubt that he will exercise that judgment for the best interests of the Navy, and if it will be for the best interests of the Navy, to make another contract with the Electric Boat Company to build eight Holland boats, the Secretary of the Navy will make that contract with the Electric Boat Company. Is there a man on the floor of this House who can rise here now and doubt that proposition?

Not one. Well, then, if you believe that it will do it, if it is to be for the best interests of the Navy, and you can not deny that proposition now, why should you want to write in this appropriation bill a clause that will force him to select the Holland type and buy these submarines from the Electric Boat Company whether he wants to do so or not? That is what this proviso means. It can not mean anything else.

Mr. HARDY. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HARDY. If you strike out this proviso, it would leave the bill requiring the Secretary of the Navy to immediately contract for eight submarine boats, and then would you not get the very thing that you are objecting to?

Mr. UNDERWOOD. Not at all.

Mr. HARDY. The contract for the boats ought to be let as the boats are to be built. I understand that only one, or possibly two or three boats may be built in a year.

Mr. UNDERWOOD. It does not make any difference.

Mr. HARDY. I want to say that I thoroughly agree with the gentleman from Colorado [Mr. BONYNGE].

Mr. UNDERWOOD. The question is very simple. If you strike out the proviso, the Secretary of the Navy can take his own time to contract, and build these boats when he gets ready to have them built. This is not the first time I have moved to strike out this proviso, as I did it once before, and the objection that was then made was that they said that the Secretary of the Navy would not order the building of these boats, but it is demonstrated now from his own report that he will order the building of submarine boats, and what we want him to do is to order the type that he believes is the best type at the present time.

Mr. GAINES of Tennessee. Under your amendment would it let in a proposition like that of the gentleman from Colorado?

Mr. UNDERWOOD. Yes, sir.

Mr. GAINES of Tennessee. Will it let in everybody else?

Mr. UNDERWOOD. It will let everybody else in that has got a submarine.

Mr. GAINES of Tennessee. That is what I am for, and I am going to vote for it.

Mr. UNDERWOOD. And I think it has come now to a time when the House should open the door wide and leave the discretion absolutely to the Secretary of the Navy to contract for the best submarine he can get without any limitations of any kind placed upon him. That is the reason I offer this amendment.

Mr. THOMAS of Ohio. Mr. Chairman, there is one provision in this bill relating to a feature of national defense about which much has been heard during this session of Congress and about which much has been written for several years past. It deals with a subject of great national importance, a subject of vital interest to all sections of our country, and one affecting alike the Pacific and Atlantic coasts, one affecting the interests of North and South. It is a question of adequate protection for our national coast line, a coast line greater in length than that of any one civilized power.

COAST LINE.	*Miles.*
Great Britain	4,500
France	1,485
Germany	800
Total	6,785
United States:	
Atlantic Ocean	5,400
Gulf	4,300
Pacific Ocean	3,100
Total	12,800

Almost double the total of the leading maritime nations of Europe.

In time of war we need battle ships to meet similar war ships of an enemy. We need cruisers to perform the duty of scouting. We need colliers and supply ships to keep the other vessels coaled and provisioned, but we also need a harbor defense of a particular and special kind. This defense is found in the submarine torpedo boat, which is to-day recognized by all powers as of the greatest value in protecting a coast line against invasion.

Some years ago Admiral Dewey, in his testimony before the Naval Committee, declared:

If the Spaniards had had two submarine boats in the harbor of Manila I never could have held it with the squadron I had. With those craft moving under water it would wear people out. With two of those in Galveston all the navies of the world could not blockade that place.

He declared that the entrances to New York, the Delaware and Chesapeake bays could be protected by them, and added:

All our ports should be equipped with them—New Orleans, Galveston, San Francisco, and Puget Sound.

Admiral Dewey has not been alone in thus advocating an adequate number of submarines. His opinion is supported by the best naval experts of the world, and yet I would be willing to take his word alone when he says that all our ports should be equipped with them, for investigation has certainly demonstrated their value. It is a remarkable statement which he makes, that two of these boats could have prevented his holding Manila with the entire squadron under his command; yet can anyone doubt that he did not fully realize that he was making that statement as a naval expert, as a master of the art of naval warfare. Admiral Dewey has not been alone in advocating the submarine. We have the declaration of President Roosevelt, made in January, 1906, in favor of these boats. He said:

I thoroly believe in developing and building an adequate number of submarines.

With the President of the United States and the Admiral of the Navy advocating submarines from the standpoint of experts we next come to the question of the necessity for their use in naval defense.

Within the past few months there have been rumors of impending conflict, and the people of the great Western coast have urged upon Congress the necessity of adequate coast protection. The cry has come from the States of California, Oregon, and Washington that we do something to insure the safety of their ports. The flower of our Navy has been sent to the Pacific, and in case of war Admiral Evans's fleet would go forth to give battle to a like fleet of some other country. The fleet would act in unison, for it could not be distributed to the great cities of the Pacific. It would have to fight as an organized body, thus leaving many cities still open to invasion and attack; but remembering Admiral Dewey's statement that two submarines would have prevented his fleet from holding Manila, we naturally turn to the submarine as a means of special defense for these unprotected cities and harbors. Something should be done to meet this cry from the Pacific, and something should be done to provide adequate protection for Southern and Atlantic cities. At the present time we have nothing like a sufficient number of submarines to anywhere near meet the requirements of this country, to say nothing of the Philippines

and Hawaii. It is to be remembered that in addition to the great coast line of the United States we have in the Philippines another long coast line where submarines could be used to great advantage, thus enabling the war ships and cruisers to concentrate themselves more effectively. The urgent demand for submarines does not lessen the need for more battle ships, but it does show that we should not provide for four battle ships at the expense of adequate coast protection. The question of adequacy should, in my opinion, be determined by the naval authorities, and should take into consideration what foreign nations are doing along this line. England, France, and Germany, with nowhere near the extent of coast line to defend as we have, are providing for more submarines than we are. Their naval programmes contemplate a greater number than is contemplated by the bill as reported by the Naval Committee.

SUBMARINES.

Countries.	Number built.	Authorized and building.
Great Britain	39	9
France	41	58
United States	12	7
Germany	1	2
Japan	7	2
Russia	25	6
Italy	3	3
Austria		6

Not only do we find other nations ahead of us in this respect, but our naval experts have expressed the opinion that ten submarines would not be too many at this time. Admiral Capps, in his testimony before the Lilley investigating committee, made the statement that the Navy Department could well use ten submarines, yet we have provided for only eight. It can well be shown that the eight additional submarines now recommended by the Naval Committee will nowhere near meet the opinion of Admiral Dewey that all our ports should be equipped with these boats.

The question of submarine defense should be considered from the standpoint of both economy and expediency. Two additional battle ships will cost about $20,000,000 and may not be completed under four, five, or six years. It can then be seen that even at the greater cost of battle ships they could not be readily available for defensive purposes. We need something that will afford protection at the earliest possible moment. This can not be found in any other naval boat but the submarine. We can get these boats in about a year, and the additional cost is comparatively small.

One battle ship would cost as much as thirty submarines. It will thus be seen that at a comparatively small expense we can quickly provide for a coast-defense system that we must admit would be effective, for we have the opinion of the best naval experts of this and all foreign countries in their favor. It is therefore an economy to make this appropriation.

The Naval Committee, in reaching the conclusion that eight submarine boats should be authorized, fully investigated the question from all sides. It has desired only that the Navy Department should get as quickly as possible the best boat available. We are willing that our Navy experts should select the best boat, but it is not right to the interests of our country, the interests that need protection, that we should delay buying submarines while somebody shall develop something which might be considered better than we have now. Secretary Metcalf and Admiral Capps, in testifying before the Lilley investigating committee, both indicated that the period of eight months mentioned in the pending bill was as long as we should safely wait. They were also of the opinion that the legislation as now proposed would not restrict them in buying the best submarines obtainable, be that the Holland, Lake, Berger, or any other kind. I think that we can safely, therefore, leave the selection of the best boat to the Navy Department and the naval experts.

In conclusion, therefore, it would appear that we have provided for eight boats, because the necessity of adequate protection makes it imperative that we buy no less a number, and we have not restricted the Navy Department to anything but the best boat; we have left the selection of the best boat to the naval authorities, and I think we can safely trust them not to deviate from their determination, as expressed by Secretary Metcalf, to buy nothing but the best boat obtainable. [Loud applause on the Republican side.]

Mr. GREGG. In the controversy between the different boat companies I have absolutely no interest. The manufacturing establishment of neither of them is in my State nor in my district. Nobody that has any stock in either of them is in my district, so far as I know. Nobody that has any stock in either of them has any kinfolks in my district, so far as I know. The only position I take is that I favor, and I think we need, submarine boats in our Navy. I believe that the submarine is to prove the most efficient coast and harbor defense that we have. I believe that if we have enough of them in our waters no hostile fleet can come within a hundred miles of our shores, and, believing that, I believe in building them, and I believe in contracting for the best that we know anything about, just as we do in our battle ships. Why, if we want submarines, do we let this wrangle between the different companies deter us from having submarines? If they want to develop their different plans, let them develop them and present them to the Government. But if you actually want submarine boats, and you open the door for paper boats and model boats, you will get no submarine boats. The best boat we know anything about is the boat that proved successful in the trials about a year ago, and this bill provides for those. Now, then, if we want submarines, and we want the best that we know anything about, let us vote for this bill as it is drafted. If we want to go out in the field of speculation, let in the paper and the model boats and the discredited Lake boat, we may do so; but if we want to do business, if we sincerely believe that submarines should be added to our Navy, the only thing for us to do is like we do with battle ships and everything else, namely, pick out the best we know anything about and provide for that.

The gentleman from Alabama moves to strike out the proviso. Well, now, I want to show you what effect that will have, if I can get the time. It will accomplish the very opposite of what he wants. The Secretary of the Navy now recommends, this year has asked for, four battle ships of the same type as the *Delaware* class. Why does not somebody else get up and say, "Somebody else may be able to give us a good model, and be able to give us a better battle ship; do not say what you want, but leave that open." On the battle ship proposition we followed the recommendation of the Secretary of the Navy. Then he asks for four scout cruisers of the same type as the *Chester* class, and all the way down he says the kind he wants until he gets to the submarines, and he says: "Of the same type as those recommended as the result of the recent competitive test." That is the best he knows anything about, and he asks that we provide for the best he knows anything about.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question there?

Mr. GREGG. Yes, sir.

Mr. UNDERWOOD. The Secretary of the Navy, you say, thinks they are the best. He has recommended them as the best; and if it is left entirely in his discretion to select the best, is he not going to select them?

Mr. GREGG. Do you say you want competition?

Mr. UNDERWOOD. I do.

Mr. GREGG. Your amendment will prevent competition. Here is what the Secretary says he will do, and how he construes it. The gentleman from Indiana [Mr. LANDIS] asked how the term "in the meantime" is construed. I construe it as the time between the time he makes his report and the 1st of July, when the appropriation becomes available, and the Secretary of the Navy so construes it himself. I want to read you from his evidence before the investigating committee.

Mr. GAINES of West Virginia. Will the gentleman permit me to repeat the question of the gentleman from Alabama? I have asked myself, before, of many persons, why is it that if the Secretary of the Navy is in favor of the Holland boat, those who are also in favor of the Holland boat are unwilling to leave the matter to the discretion of the Secretary of the Navy?

Mr. GREGG. That is not a question with me at all. The question with me is, I want some boats. I do not want paper boats or model boats or discredited boats to come in and hold up the actual getting of boats. Now, I want to read you from the Secretary of the Navy. In his testimony before the investigating committee, he says:

A. I simply say if that date is in the act we would make no contract until after the 1st of October, because a boat might in the meantime be developed which would be equal to the best boat owned by the Government or under contract.

Q. If that date were not in there, would you let a contract at all on or before October 1; if that were not in there, would you let the contract earlier?—A. I would.

Q. Would you think it desirable to let contracts earlier than October 1, 1908?—A. I do not see any reason why a contract should not be awarded as soon as the appropriation was available.

Q. Then would not the extension of the date to October 1, 1908, be rather in the interest of the Lake Torpedo Boat Company?—A. The Lake Torpedo Boat Company might possibly make such changes in its present boat as to come up to the requirements of the act. I have heard informally that on this recent test they have met all the submergence requirements in which they failed in the tests made at Newport. There has been a decided improvement in that respect. The report has not yet been submitted to me, but I understand informally that they did meet the requirement of the submergence tests, or the control under submergence.

Q. Then if no contract before October 1, 1908, they would still have a further time for improvement?—A. Yes.
Q. In that respect would not this bill be in their favor?—A. To a certain extent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREGG. I would like to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GREGG. Now, that is the situation. The gentleman from Alabama moves to amend by striking out the proviso. The Secretary of the Navy states that if that proviso is stricken out or were not in the bill, he will let contracts as soon as this appropriation goes into effect or becomes available, which is the 1st of July.

Mr. UNDERWOOD. I will ask the gentleman why, if the gentleman says he is anxious to get the Holland boat, he is afraid to leave it to the discretion of the Secretary of the Navy?

Mr. GREGG. I have no interest in the Holland boat.

Mr. UNDERWOOD. Then why are you not willing to leave it to the discretion of the Secretary?

Mr. GREGG. Why, that is all covered in here.

Mr. ELLIS of Missouri. If the gentleman from Texas will permit me, I am entirely in accord with him in his statement that the motion of the gentleman from Alabama striking out this proviso should be voted down, in any event, because I believe, as the gentleman has said, it will accomplish just the opposite of what the gentleman from Alabama desires. Now, he says, "Why are you afraid of leaving the discretion with the Secretary?" I want to call attention to this: If you cut out the proviso of the substitute to the amendment of the gentleman from Colorado, you would accomplish the result that is sought by the gentleman from Alabama. In the substitute offered by the gentleman from Colorado it is prescribed that the Secretary may, in his discretion, let these contracts, but in the original he is bound to let these contracts at once. Under the proviso in the amendment by the gentleman from New York the Secretary is bound to purchase or let the contracts for eight torpedo boats; so that the discretion that is desired is not provided for.

Mr. GREGG. I do not care any more about the Colorado boat than I do about any of the boats. I do not believe in holding up this proposition for any Colorado company to develop some kind of a boat.

Mr. BONYNGE. Will the gentleman allow me?

Mr. GREGG. I can not yield; I beg the gentleman's pardon; I have not time.

Mr. BONYNGE. All right.

Mr. GREGG. I say that there has been a disposition to criticise this committee about making restrictive legislation by the tools of or parties interested in some other competing company. We have, in fact, enlarged the chances of competition over and above what was recommended by the Secretary of the Navy.

He said:

Buy the boat which proved the best in the test last year, unless by July 1 some other boat is developed which is better.

We extended the time to October 1. Now, my reason for doing it was this: I understood that the Lake Company people had claimed all the time that their boat was the best, and that they failed in the contest simply by reason of minor defects which could be remedied in a short time. Now, I thought if we could extend the time until October 1 it would give them more time in which to remedy those minor defects. The Secretary of the Navy, in his evidence before the committee, sustains me in that. He says that they have been improving it, that they are improving it, that they have recently submitted to a test that shows great improvement, and that they may be in condition on the 1st of October to enter into a test, and if they have the best boat, or if they can make the best boat, then let them have it. I do not care which gets the contract. I have not a particle of interest toward any of them—not the interest of a constituent—nothing. All I want is, I want this branch of the Navy developed, and the best that we know anything about I am in favor of purchasing.

Mr. RUCKER. If the bill is passed, as proposed by the committee, how many boats of this class can be built in a year?

Mr. GREGG. I do not know the number that could be built.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. I ask that the gentleman have two minutes longer.

There was no objection.

Mr. GREGG. I could not answer the gentleman's question, but I am in favor of contracting for them.

Mr. RUCKER. Has the gentleman any idea how long it will take the Holland Boat Company to construct one or two of these boats?

Mr. GREGG. I understand that the Lake Boat Company took twenty-seven months under their contract, but I do not know how many they could build at the same time.

Mr. RUCKER. Would it not be impossible for the Holland Company to build the eight boats provided for in this bill within a year?

Mr. GREGG. I think so.

Mr. RUCKER. Then why the wisdom of authorizing the Secretary to contract for eight boats?

Mr. GREGG. If you wait until a boat is built, twenty-seven months from now, before making further contracts, the appropriation will have lapsed, and you will have to do the whole thing over again. If you are going to provide for them, you have got to authorize the making of a contract for them.

Mr. RUCKER. Does not the gentleman think it would be wise to authorize the contracting for no more boats at this time than can be constructed?

Mr. GREGG. We have got to fix some number.

Mr. RUCKER. Why not give the Government an opportunity to avail itself of any improvements in the future?

Mr. GREGG. That same objection would apply to contracting for the building of battle ships.

Mr. HUGHES of New Jersey. I should like to ask the gentleman if there has been any evidence before the committee with reference to the feasibility of having some or all of these boats built by the Government itself?

Mr. GREGG. That has been discussed, but it has been decided to be impracticable, because most of the different parts are patented, and it would be impossible for the Government to build them in its own yards.

Mr. HUGHES of New Jersey. If I have the time I should like to read the statement of Admiral Bowles on this subject, in the gentleman's time.

Mr. GREGG. I yield the balance of my time to the gentleman from New Jersey.

Mr. HUGHES of New Jersey. He says:

All the principal machinery can be purchased in the open market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment.

Mr. FOSS. I move to close debate upon this paragraph and all amendments in twenty minutes.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] has been recognized.

Mr. FOSS. Will the gentleman yield to me to move to close debate?

Mr. GAINES of Tennessee. Oh, do not close debate.

Mr. FOSS. I want to get through with the bill.

Mr. GAINES of Tennessee. We want to get through with this job.

The CHAIRMAN. Will the gentleman from Washington indicate where his amendment is to come in?

Mr. HUMPHREY of Washington. It is offered at the end of the substitute.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the substitute the following proviso:
"*Provided*, That the Secretary of the Navy may require any number of said submarine torpedo boats to be constructed on either coast, as he may direct."

Mr. FOSS. Mr. Chairman, I move to close debate on the paragraph and all amendments in twenty minutes.

The CHAIRMAN. The gentleman from Illinois moves to close debate on the paragraph and all amendments in twenty minutes.

The question was taken, and on a division (demanded by Mr. WILLIAMS] there were—ayes 61, noes 49.

So the motion was agreed to.

Mr. HUMPHREY of Washington. Mr. Chairman, we have to-day eleven submarines and eight new ones have been authorized. Of these, seventeen are on the Atlantic coast and two are on the Pacific coast. Now, as we are going to have submarine boats, I think everyone will agree that a part of them, at least, should be on the Pacific coast, and that is the object of this amendment. I call the attention of gentlemen to the fact that if we are to have submarines on the Pacific coast it is greatly to the advantage of the Government to have them constructed there, because, owing to their peculiar type, it will cost a great deal more to have them constructed on the Atlantic coast and taken to the Pacific than it will to construct them on the Pacific in the first place. In other words, if we are going to appropriate money for eight submarines, at least half of them ought to be built on the Pacific coast.

I do not pose as an expert on this question, but I have asked Mr. Frank W. Hibbs, the gentleman who constructed the battle ship *Nebraska* and who practically rebuilt the *Oregon*, a leading authority in naval construction in the country, to make a brief statement on this question. I ask the attention of the committee to what he has to say before a vote is taken upon this amendment. Speaking of submarines, he says:

The Committee on Naval Affairs of the Sixtieth Congress has decided to recommend appropriations for eight submarine torpedo boats.

If this number be finally authorized by Congress, it is urged in the national interest that provision be made in the law for the building of one-half—and if a less number, at least four submarines—upon the Pacific coast, for the following reasons:

First. The inadequacy of the protection to the Pacific coast afforded by the number of submarines already in service there and the striking disparity between the Atlantic and the Pacific coasts in that respect, irrespective of the special considerations which have lately directed particular attention to the condition and needs of the latter.

The naval force as at present completed includes eleven submarines, only two of which have been built and are in service upon the Pacific coast.

Of the contracts for which appropriations are now available, the entire number (eight) authorized by law have been awarded for construction in an Eastern shipyard.

At its present stage of development this most powerful engine of war has demonstrated in actual service conditions that it is peculiarly adapted to defensive purposes, and although the class may yet form an essential part of the fleet for offensive operations, at present it has no such function. Such vessels will therefore operate from a permanent base at a small radius compared with other naval vessels, and will not ordinarily be withdrawn therefrom, remaining at least upon the respective coasts (Atlantic and Pacific) to which they are assigned.

Second. Practical considerations make it expedient, if not necessary, that submarines intended for service upon the Pacific coast should be built there.

There are two alternatives: First, they may be built in the East "knocked down," shipped as freight, and completed in one of the Pacific coast yards; second, they may be completed in the East and transferred to the Pacific coast under their own power or in tow.

The latest type of submarine, which is by far the most effective and most valuable, is altogether too large to transport in any other way even in sections.

The considerations referred to, then, are as follows:

(a) *Cost.*—There can be no necessity of pointing out in detail that, compared with building upon the Pacific coast, the extra cost of building "knocked down" would be about three to one; and considering that whether proceeding under their own power or in tow these vessels would have to be convoyed, that there would be extra expense involved, in especially preparing them for the voyage, in making repairs while en route, and in overhauling and repairing them after arrival upon their station, all over and above the actual expenses for their fuel, stores, and crews, there is no question upon which side of the comparison the balance would show. Moreover, the increased cost of so transferring them would be an actual loss, since, as has already been shown, they are not cruisers, as are the other vessels of the Navy, and will remain upon the Pacific when they get there.

In the case of merchant vessels intended for service on the Pacific coast it is a fact that unless it is possible to carry a cargo of coal or some equivalent on the outward voyage it does not pay to construct them in the Eastern yards.

(b) *Risk.*—The risk alone of handling these vessels upon so long a voyage and the continuous strain upon both machinery and crew constitute a strong argument against such a procedure. It would probably be impossible to insure a private vessel of so extreme a type for such a voyage, and while there is little question that it would be possible in an emergency to get the vessel around, it is not worth assuming the risk of total loss to do so, when it is possible to build them close to the locality in which they are to be used.

(c) *Delay.*—Practically there is no reason why the Pacific coast yards should not complete these vessels in about the same time as the Eastern yards; and although there is no similar case to be mentioned in point, it would probably delay delivery by at least two months to make the voyage around to the Pacific. Speed would not be the governing factor in the case; the special preparation, the loss of time on the way, and the overhauling afterwards would all contribute to the delay; and in addition, there would be the probability of having to wait for a favorable time of the year, or favorable weather, in order to minimize the risk from other causes.

Third. In the case of vessels which, as already shown, would seldom be called upon for service far distant from their base, and particularly in the case of unusual vessels such as these, there is a distinct advantage in having them built in proximity to their base, on account of the facility with which repairs can be made or injured parts duplicated if necessary; and above all, on account of the familiarity with the work, the patterns, and the tools used in the original construction.

The loss of at least a month and possibly of two months, or even more, as frequently happens, to secure duplicate parts from the East, may be of the utmost importance, and is particularly liable to occur with such vessels, which, though themselves standardized, call for special methods of work, a special class of workmanship, and special fittings and materials.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. I ask unanimous consent that I may have five minutes more.

Mr. OLCOTT. I would be glad if I could consent to the gentleman's request, but debate has been limited to thirty minutes, and a part of that has expired.

Mr. GAINES of Tennessee. I object.

Mr. OLCOTT. Mr. Chairman, in so far as it affects the amendment I offered is concerned, I should be glad to accept the amendment of the gentleman from Washington. I have not a particle of objection to having put in the bill the provision that some submarines should be built on the Pacific coast. I appreciate perfectly the force of the argument as to the difficulty and cost of taking them around, even when we have a canal built.

I want, however, to correct an impression that seems to have existed in the minds of some gentlemen who have spoken, that there is any disposition on the part of the Naval Committee to yield to anyone a feeling of entire confidence in the Secretary of the Navy. The gentleman from Alabama asked why it was that we were not willing to leave it to the discretion of the Secretary of the Navy, and consequently strike out the clause that provided for the type of boat. I again call the attention of the gentlemen of the committee to the fact that the Secretary of the Navy particularly asked us to provide for "submarines of the same type heretofore determined to be superior as the result of the competitive tests." A great deal has been said in regard to the test of the two boats then in the market, the two available boats that could be made. There is not the slightest desire on the part of anyone to stop competition or prevent the Government from obtaining the best boat. We want eight submarines built of this particular type, in accordance with the recommendation of the Secretary of the Navy, because——

Mr. BONYNGE. Will the gentleman yield?

Mr. OLCOTT. I will.

Mr. BONYNGE. Can you build the eight submarine boats for a million dollars?

Mr. OLCOTT. Certainly we can not. We can build the eight for three and a half million dollars, but we wish to contract immediately for the boats of the type now in the market. The keels of the eight boats can be laid for a million dollars, and we will be able to complete the eight a great deal more expeditiously in this way than we could in any other. The Lake boat people have a contract with the Secretary of the Navy upon which the Government agrees to pay $450,000 for a completed boat, giving them twenty-seven months to complete it, but some of that time has already expired. The only question in regard to the suggestion that comes from the gentleman from Colorado, as any one knows who has had anything to do with mechanical devices, is that it does not necessarily follow from the test of a model that the test of the completed full size of a mechanical device will act in the same way that the model does. Now, we want eight submarine boats, because this is the only company that can furnish them now, and we can get them quickly. We shall need a lot more, and if any other people have facilities and can make them, they will have their chance when their facilities for building suitable submarines are perfected. I now yield to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, in the time allotted to me——

The CHAIRMAN. The gentleman from New York [Mr. OLCOTT] can not allot time to the gentleman.

Mr. ROBERTS. He had five minutes under the rule.

The CHAIRMAN. The gentleman from Colorado is recognized. The Chair will recognize the gentleman later.

Mr. BONYNGE. Mr. Chairman, I asked the gentleman from New York [Mr. OLCOTT] a few moments ago whether or not the eight submarine boats could be built for $1,000,000. I understood his reply to be "yes" that they could be built for $1,000,000.

Mr. OLCOTT. I said the keels could be laid for a million dollars and that the work could be progressing upon the eight.

Mr. BONYNGE. Then I misunderstood the gentleman, but if the answer be that with a million dollars only a beginning can be made in the construction of the boats, then I desire to call the attention of the committee to what I said in opening, that you are then providing that you shall at this time tie up the Government to the purchase of eight of these submarines of this type, when not one of them will be completed within a year. If you will only get the eight keels started during the year——

Mr. OLCOTT. But I did not say only.

Mr. BONYNGE. You will have to come back to Congress next session and get an additional appropriation before you will have the boats completed. Would it not be better that if we are to build any submarines with this $1,000,000 we should simply contract for such submarines as can be completed with that $1,000,000, and get those submarines during this year? After that we should let the Secretary of the Navy under the authorization to contract for additional submarines take advantage of whatever development and progress there may be in the work of constructing submarines. But the committee contemplates that we shall now contract for the eight of this specific type, although we will not get the eight completed and perhaps not have any completed within a year. So that you will not only not increase the number of submarines, but by following the recommendation of the committee you will make it impossible for the Secretary of the Navy to take advantage

of any progress that may occur in the meantime in the construction of submarines.

Mr. GAINES of Tennessee. I would like to call the attention of the gentleman to the language in the bill, "unless on or before October 1, 1908." Is it possible to build a boat of this kind by that time?

Mr. BONYNGE. Of course everybody knows that is absolutely impossible to do, and that there is nobody who can come in under that competition. What I am asking for is simply what the Secretary of the Navy has recently asked for, and notwithstanding what has been said on the floor it is the authority he is now asking for. In the hearings before the select committee of the House he was interrogated in reference to having let a contract to the Lake Boat Company, and let me say parenthetically that I am not in any way interested in the Lake Boat Company and do not personally know anything about their boats. All I am asking for is that there be an opportunity for everybody who has a boat to enter into this competition. The Secretary was asked if whether what he did in letting a contract to the Lake Company, in his judgment, encouraged the best possible development, and this is what he said:

I do not know whether I can answer that question; it would simply be my opinion. After all, as a matter of fact, I think it would be better to leave this entire question to the judgment and discretion of the Department.

That was the entire question of the construction of submarines. He was then asked by Mr. OLMSTED:

Would it not be better to fix a date for competition each year, the winner to have the entire contract?

No; I do not think so.

Well, you said, Mr. Secretary, that in your judgment it would be better to leave the whole matter to the discretion of your Department.

Yes.

Would that same opinion stand as to all the various vessels used in the Navy?

We have that discretion, as I understand it, at the present time. There is no limitation upon any vessel built by the Navy outside of the submarines.

Now, I submit, Mr. Chairman——

Mr. LOUDENSLAGER. Read the balance of it.

Mr. BONYNGE. Oh, I have read all that I desire to read within the time I have—not that I desire to cut out any portion of it, but the gentleman will have an opportunity to read it himself—so that the Secretary says that he has this discretion as to all other vessels except submarines, and is asking for the same discretion as to them. I submit, gentlemen, that if there is any character of vessel in regard to which the Secretary of the Navy should have this discretion it is the submarine, for that is acknowledged to be still in an experimental stage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, the practical effect of this proposition, as I read it, is to compel the Secretary of the Navy to buy only the *Octopus* type of boats, because the language in the bill says that he must buy those that have been approved by the Naval Board, and the Lake style of boat has already been condemned, leaving the *Octopus* style of boat the only uncondemned style of boat on the market. So you may just as well tell the Secretary of the Navy to go down and buy the *Octopus* style. I say, under the peculiar circumstances of this matter, is it not a business proposition, as well as justice to the Treasury and to the people, that you should open the doors to competition and let the propositions like that suggested by the gentleman from Colorado [Mr. BONYNGE], or the gentleman from Alabama [Mr. UNDERWOOD], or someone from the Indian Territory, if you please, if they could bring in a boat that improves on the *Octopus* or the Lake style or any other style, and give the Secretary of the Navy the liberty and the right and the discretion to buy boats of any kind he in his wisdom finds hereafter to be the best?

As it is, gentlemen, in the most carefully drawn language you have tied the Secretary of the Navy to the *Octopus* type of boat. That is the "hog and hominy" of it——

Mr. ROBERTS. It is the Secretary's own language.

Mr. GAINES of Tennessee. Well, it does not make any difference; we will teach the Secretary to use better language in the future——

Mr. ROBERTS. He says Congress does not know how to use language and——

Mr. GAINES of Tennessee. I esteem the Secretary very, very much, and I do not want to tie his hands to the *Octopus* type of boat; I do not want to tie him to the Lake type of boat; I do not want to tie him to the type of boat of my friend from Colorado; I do not want his hands tied at all in the matter of finding and buying the best boat. It is for the liberty of the Secretary of the Navy that I am fighting. It is a common business proposition, and I am for the rich fruits that come from competition, and hence I stand, Mr. Chairman, for the proposition of the gentleman from Alabama or the proposition of the gentleman from Colorado.

Mr. LOUDENSLAGER. Mr. Chairman, the proposition of the gentleman from Colorado is exactly similar to a proposition made before the House a few years ago. It was discussed, perhaps, for an hour or two, and it was fully elucidated at that time as to whether the Government should buy paper plans or should buy models. It was then demonstrated to the House by the gentleman from New York [Mr. VREELAND] that it was not, in his opinion, the judgment of Congress that the Department should buy either plans or models, and his argument appears in the CONGRESSIONAL RECORD under date of May 16, 1906, on page 7186, so it seems to me that the action of the House in the past, so far as this peculiar legislation is concerned, referring to plans or to models, expresses the opinion it should not be expended on these lines.

Mr. UNDERWOOD. Will the gentleman from New Jersey allow me a question there? The last bill contained this language——

Mr. LOUDENSLAGER. I have only five minutes.

Mr. UNDERWOOD. Congress extended the time six months——

Mr. LOUDENSLAGER. I can not yield for a question, I regret to say; I have only five minutes. So far as the legislation proposed at this time is concerned, either as to the number of vessels that are to be constructed or as to the competition, in my judgment and as I understand it, it is entirely with the Navy Department and exactly as they desire. The testimony before the committee of investigation by Admiral Capps was that ten would not be too many. The testimony of the Secretary of the Navy as it is brought to Congress in his annual report recommends this particular type of boat, which, in the unanimous judgment as to competition, is the best boat, unless in the meantime a better boat is demonstrated, and it does not debar the Lake people from competing, for the facts are that on the 17th day of March, under instructions of the Navy Department and the Secretary of the Navy, they had a test, and the report says that they have improved on their boat, and the Secretary of the Navy in his hearing said that in his judgment it may be possible for them to further improve their boat and enter into the competition and carry off the prize. He says that the words in these acts of Congress limited it to October 1, 1908, and is a longer time than he proposed in his report to Congress.

In answer to the question of Mr. OLMSTED, he said unless that limitation had been had in that bill he would have contracted immediately the appropriation was available. This shows conclusively that the words in the act now before Congress are broader even than the Secretary of the Navy intended, giving him more scope, giving him more limit, giving the other people more time, and if, in sixteen months from the time, they are not able to correct the minor details, which the report says is the only reason they failed in the former test, they could not do it in sixteen years. In my judgment they will be able to correct them, and the Government will get the best boats possible for human ingenuity in this country and capital behind it to produce, and if my friend from Colorado, with his friends, can bring ingenuity and capital for a test in the future, they ought to have it if they can serve the country with the best boats. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has expired and all time has expired. The question is on agreeing to the amendment offered by the gentleman from Alabama to the amendment offered by the gentleman from New York.

Mr. FOSS. Mr. Chairman, I call for a reading of the amendment.

The CHAIRMAN. Without objection, the Clerk will again read the amendment offered by the gentleman from New York and the amendment offered to the amendment by the gentleman from Alabama. Is there objection? [After a pause.] The Chair hears none.

The amendments were again read.

The CHAIRMAN. The Chair will state that the parliamentary situation is this: The gentleman from New York offered an amendment to which an amendment is offered by the gentleman from Alabama. The gentleman from Colorado offered an amendment by way of a substitute to which an amendment was offered by the gentleman from Washington. The question will first be upon perfecting the original amendment offered by the gentleman from New York, and the question now recurs upon the amendment offered by the gentleman from Alabama to the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced that the noes seemed to have it.

Upon a division (demanded by Mr. UNDERWOOD and Mr. BONYNGE) there were—ayes 94, noes 87.

Mr. ROBERTS. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. OLCOTT and Mr. UNDERWOOD were appointed as tellers.

The committee again divided, and there were—ayes 108, noes 104.

So the amendment to the amendment was agreed to.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 77, add the following:
"At least one of these submarine boats shall be built and constructed under the direction of the Secretary of the Navy at some Government navy yard or yards."

Mr. TAWNEY. Mr. Chairman, I make a point of order on that on the ground that it is new legislation.

Mr. HUGHES of New Jersey. Mr. Chairman, it seems to me that this whole paragraph having been declared in order, this attempted limitation or direction of the Secretary is clearly in line with the rest of the paragraph that is germane. I ask for the ruling of the Chair.

The CHAIRMAN. The Chair thinks that the amendment is legislation and is not germane even to that portion of the paragraph remaining. The proviso has all gone out by amendment. The Chair therefore sustains the point of order.

Mr. HARDY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert the following proviso:
"*Provided*, That only two boats shall be contracted for at any one time, and the Secretary shall at the time of making such contract contract for the best type of boat obtainable in his discretion."

Mr. ROBERTS. A point of order, Mr. Chairman. It is legislation. It is not germane.

Mr. HARDY. Mr. Chairman, I think the amendment is in order. The section provides for the construction of eight boats. It is not determinable from the section whether these boats will be built under one contract for the whole eight or under several successive contracts. Since the section provides for the construction of eight boats, it seems to me proper that the same section ought to authorize and provide for the order of the construction—that is, how many at a time. The purpose of the adoption of the amendment of the gentleman from Alabama [Mr. UNDERWOOD] was to prevent the strangulation of all competition, and this amendment enables the Secretary under the section to contract for two boats at one time, and when those boats have been constructed to contract for two more. It is simply providing the manner in which the appropriation shall be expended, and without the proviso which I have offered, or without it being understood that the Secretary would act upon the principle of that proviso, it seems to me we have done something the reverse of what we intended when we, by striking out the proviso in the original bill, authorized the Secretary to make one contract, and that at once, if he sees proper, for the construction of the whole eight submarine boats. In that case all competition is abolished, and the result is that the Secretary, under the law as it stands now, may contract with any boat company——

The CHAIRMAN. The Chair will remind the gentleman that he can only talk to the point of order. Debate has been closed on the paragraph.

Mr. HARDY. Then upon the point of order I take it that it is proper to ask how an expenditure shall be made.

The CHAIRMAN. The Chair is prepared to rule. Paragraph 2 of Rule XXI provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The exception to the general rule in reference to amendments on appropriation bills, which has been applied by the decisions of the Chair as to new vessels in the Navy, has been made upon the theory that they are for continuation of public works or objects already in progress. The rulings of the Chair have not gone to the extent that legislation is in order upon a naval appropriation bill, any more than it is in order upon any other bill, and the only amendment under this provision of the rules which is in order is an appropriation for a vessel on the theory that it is for a work or object in progress. The amendment which the gentleman offers contains this provision:

And the Secretary shall, at the time of making such contract, contract for the best type of boat obtainable in his discretion.

That is clearly a matter of legislation, which in nowise relates to the mere appropriation for a work or an object in progress.

Mr. HARDY. Will the Chair allow me just one question?

The CHAIRMAN. Certainly.

Mr. HARDY. Is that any more a matter of legislation than the original provision, that the boats shall be of a certain type?

The CHAIRMAN. Well, the original provision that boats should be of a certain type was a mere description, as the Chair held in the ruling which the Chair made, a mere designation of the character of the boat which was appropriated for, merely descriptive, without giving any discretion or giving any control to the Secretary of the Navy. The Chair thinks that the point of order is well taken, and therefore sustains the point of order.

Mr. HUMPHREY of Washington. I offer an amendment.

The Clerk read as follows:

Insert the following proviso:
"*Provided*, That any number of such submarine torpedo boats may be built upon either coast as the Secretary of the Navy may direct."

Mr. HUMPHREY of Washington. I offer that as an amendment——

Mr. TAWNEY. I reserve the point of order. I desire to ask the gentleman from Washington if it is not a fact that these boats can not be constructed by the Government of the United States anywhere? I ask him if it is not a fact that the equipment is largely patented, and that it is impossible for anyone to construct the boats except the owners of the patents?

Mr. HUMPHREY of Washingon. It is true that if the Secretary of the Navy constructs them they can be constructed upon the Pacific coast precisely as the ships have been.

Mr. TAWNEY. Does the gentleman claim that the company that owns the patents have facilities for the construction of these boats on the Pacific coast? If the Secretary should exercise this discretion and require them to be constructed on the Pacific coast, it might be necessary for the company owning the patents to build a plant upon the Pacific coast for the purpose of constructing these boats, the cost of which plant would come out of the Government or be added to the cost of the boats. I do not think that the amendment is at all practical.

Mr. HUMPHREY of Washington. The gentleman is mistaken about that. There are shipbuilding plants already out there, and these parties will simply have to make arrangements with those plants for their construction.

Mr. HUGHES of New Jersey. I want to read what was said by Admiral Bowles.

The CHAIRMAN. The only question that can be discussed is the point of order. Debate upon the paragraph has been exhausted. Does the gentleman desire to be heard on the point of order?

Mr. TAWNEY. I think, Mr. Chairman, that the amendment is new legislation, in that it directs the Secretary of the Navy, who now has no discretion. Now, to authorize and direct the Secretary to have these vessels constructed at any particular place seems to me a legislative direction.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. GAINES of Tennessee. My recollection of the reading of the amendment is it does not provide that they shall be made——

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. GAINES of Tennessee. I do not see any reason why the Secretary can not do that. If he can not, I hope we will change the proposition so that he can. We did equivalent to this with reference to these battle ships.

The CHAIRMAN. The Chair will remind the gentleman that he must address his remarks to the point of order.

Mr. GAINES of Tennessee. My attention was diverted from that fact.

Mr. UNDERWOOD. Mr. Chairman, I simply wish to say this: That if under the present paragraph the Secretary of the Navy can build these boats wherever he pleases, then the amendment of the gentleman from Washington does not change existing law; and it seems to me that it is in order.

The CHAIRMAN. That construction would cause the Chair to rule exactly as to what the law is. The Chair could not know what all the law is. The Chair might not be able to determine whether the existing provision is existing law. The

Chair thinks that a provision in form legislative, which purports to state existing law, unless it be the exact phraseology of the existing statute, is legislation, and is obnoxious to the rule. The Chair, therefore, sustains the point of order.

The question recurs on the amendment offered by the gentleman from Washington to the substitute offered by the gentleman from Colorado. Without objection, the Clerk will report the substitute and the amendment.

The substitute and the amendment were again reported.

The CHAIRMAN. The question is on agreeing to the amendment to the substitute offered by the gentleman from Colorado.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Colorado for the amendment offered by the gentleman from New York.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BONYNGE. Division, Mr. Chairman.

The Committee divided, and there were—ayes 59, noes 85.

Mr. BONYNGE. Tellers, Mr. Chairman.

The question was taken on ordering tellers.

The CHAIRMAN. Eighteen gentlemen have arisen—not a sufficient number; tellers are refused, and the substitute is rejected. The question now recurs on the amendment offered by the gentleman from New York as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer or torpedo boat of the type known as "subsurface," "semisubmerged" (or the like), the essential feature of which is to have during its operation some portion of the hull or superstructure always on or above the surface, such vessel to cost not to exceed $400,000 and to have a speed not less than 22 knots; also two small vessels of like type having a speed of not less than 16 knots and to cost not to exceed $22,500 each: *Provided*, That before any vessel of the type provided for in this paragraph shall be purchased or contracted for a vessel of such type shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for a vessel of its class, and for these vessels the sum of $445,000 is hereby appropriated, to be available until expended.

Mr. STAFFORD. Mr. Chairman, I make the point of order to that paragraph on the ground that it is new legislation and in violation of the second paragraph of Rule XXI.

The CHAIRMAN. The gentleman from Wisconsin makes the point of order against the paragraph. Does any gentleman care to be heard on the point of order?

Mr. HOBSON. Mr. Chairman, I am not familiar with the intricacies of certain parliamentary questions bearing on points of order, but if I understand the gentleman from Wisconsin, he thinks by his point of order that this is a new ship of a new type.

Mr. STAFFORD. It is new legislation in that there has never been any authorization for such a character of ship in any prior appropriation act, and accordingly it does not come under the rule which makes an exception of war vessels, where the rulings have been that they are works in progress. This is something entirely new, never having been heretofore authorized by a naval act.

Mr. HOBSON. Mr. Chairman, there has to be a time when every type of vessel is new. The *Delaware* is new in a larger sense than this so-called "subsurface destroyer." This is not an experiment. It is an adaptation. It has been, as I regard it, badly named.

The CHAIRMAN. Will the gentleman from Alabama answer a question from the Chair?

Mr. HOBSON. Certainly.

The CHAIRMAN. Is there now in the Navy any vessel of the type known as the "subsurface" or "semisubmerged" or the like?

Mr. HOBSON. There is the like; and I will explain that to the Chair. This vessel could be constructed out of almost any destroyer by slight modifications.

The CHAIRMAN. Will the gentleman from Alabama answer the Chair, then, whether there is now in the Navy any vessel of the type known as "subsurface" or "semisubmerged?"

Mr. TALBOTT. Authorized by law?

Mr. JOHNSON of South Carolina. Is there an existing vessel of that type in the Navy?

Mr. HOBSON. There is of the type, Mr. Chairman, because it is of the type of a destroyer. If the Chair will permit me just two minutes, I will show him clearly how this is a destroyer. It belongs essentially to the type of destroyers.

The CHAIRMAN. The Chair is urging the gentleman for information.

Mr. HOBSON. It is of about the size of a destroyer. It is of practically the shape of a destroyer. It has a little less power than a destroyer. It has torpedoes that are intended to destroy the enemy, as the destroyer has. It carries those torpedoes below the water, instead of above. It has a protective deck which protects those torpedoes, which the destroyer has not. It has its engines below the protective deck and below the water. They can not be reached by the fire of the enemy. There is no essential difference except this—it has provided more protection for the vitals of the boat. The purpose of the boat, the size of the boat, the shape of the boat, the type of the boat are essentially the same, only the name is badly chosen. And, furthermore, it is a most valuable diversion of the destroyer, giving a long radius of action and putting the engines below the water, where you can use gasoline and gas engines, which can not be well used now, and opening up a great field for development. Furthermore, it is a simple, straight, clean proposition that they will make this destroyer good, not as an experiment, but as a destroyer, before they receive a dollar of money. It is of the type of destroyer, and it is of a most promising type of destroyer.

Mr. STAFFORD. I do not wish to argue the merits of the proposition.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. STAFFORD. I do not ask the gentleman to yield. I am raising the point of order that the gentleman is addressing himself to the merits, and not the point of order.

The CHAIRMAN. The Chair understood the gentleman from Alabama was endeavoring to inform the Chair as to the facts.

Mr. HOBSON. I simply am trying to impress upon the Chair the fact that, if gentlemen should look at the plans of such a boat alongside of the plans of a destroyer, there would be no question about both being of the same type. Its purpose is the same, its general construction is the same, every essential feature is the same, except that in certain features it is an improvement, and opens up a very promising field of improvement, and the question does not involve the expenditure of a dollar unless it is a success.

It is far more of a destroyer in the sense in which that word has been currently used than the *Dreadnought* was of a battle ship when the *Dreadnought* was designed. The *Delaware* was just as much and more of a new type from the then type of battle ship as the subsurface is a diversion from the type of destroyer, and this can be shown to any gentleman who cares to look at the plans. It is a destroyer, Mr. Chairman, and no sophistry can change that fact. They can change the name, but they can not change the type of the boat or the purpose for which it is intended.

The CHAIRMAN. The paragraph under consideration provides that—

The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer or torpedo boat of the type known as "subsurface," "semisubmerged," or the like, the essential feature of which—

And so forth, and makes the appropriation available until expended.

Nearly all the provisions in the paragraph are legislative provisions and not appropriation provisions. So that under the rule the paragraph is subject to a point of order as legislation. While the Chair is not called upon to decide as to whether an appropriation would be in order for a destroyer or torpedo boat known as "subsurface" or "semisubmerged" as a work already in progress, the Chair is inclined to think that the rulings in regard to holding appropriations for new vessels, in order on naval appropriation bills as a work in progress, have gone quite as far as it is possible to carry them, and that where a new type of boat is described it might be well held that the appropriation for it is subject to a point of order on an appropriation bill, the House at all times having the authority to determine such matters upon appropriate legislative bills. The Chair therefore sustains the point of order.

Mr. HOBSON. Will the Chair allow me a suggestion?

The CHAIRMAN. Certainly.

Mr. HOBSON. In stating the type of boat this paragraph states it to be a "destroyer," and destroyers are in the line of progress in the Navy, and have been.

The CHAIRMAN. The Chair read precisely what the bill stated. The Clerk will read.

The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore authorized, $9,832,962.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk reads as follows:

On page 79, in line 3, strike out the word "nine" and insert the word "twelve;" and after line 4, add: "*Provided*, That $3,000,000 of this amount shall be available for hulls, outfit, and steam machinery of the two battle ships provided for in this bill."

Mr. HOBSON. Mr. Chairman, I recur reluctantly to the question of battle ships. I realize that that question was settled yesterday. I bow to the decision of the House. The purpose of my amendment is to carry into effect that decision.

Heretofore the average time of building an American battle ship has been more than sixty months. A part of this time has been due to the fact that the bill authorizing the battle ships did not carry the money with which even to begin the work. At this present juncture, in all the other navies of the world, in building a new type of battle ship such as this the practice is to have all the money needed available at once and begin the construction and push it to completion as fast as possible; but in this bill we do not find a dollar appropriated.

The result will be that unless America begins a new method of construction she will find herself behind when her ships are built. The *Nebraska* that has just gone into commission on the Pacific coast was authorized in 1899. It had become obsolete twice before it went into commission. This Congress, I am sure, not only wishes these two battle ships, but it wishes them to come on the stage in time to give full effect to their existence. Unless we begin now it probably will be five years before these two ships are available.

The chairman of the Naval Committee and the chairman of the Appropriation Committee have made their fight, and nobly, and have kept their appropriations down to a working minimum, and now we come to the question of getting the value and result and efficiency from what has been authorized.

The money will have to be spent. The plans are all ready, the armor-plate factories are ready, the gun foundries are ready, everything is ready, and we only need a little money to start with. Unless you make the appropriation we shall lose nine months, and really lose efficiency and effectiveness that will in the end far outweigh any question of temporary saving, and I trust that the two chairmen will support this reasonable proposition and make more effective and efficient what has been decided on by this Congress.

Mr. ELLIS of Missouri. Will the gentleman yield for a question?

Mr. HOBSON. Certainly.

Mr. ELLIS of Missouri. I presume the gentleman from Alabama has kept track of these authorizations for vessels, steel, machinery, etc., and if so, I would like to have him state the aggregate of those authorizations, and for which it is sought now to make an appropriation and toward which it is sought by this amendment to increase that appropriation.

Mr. HOBSON. The aggregate for the two battle ships?

Mr. ELLIS of Missouri. It is more than that; it covers everything that has preceded this.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. I would be glad to answer the gentleman's question if I had the time.

Mr. FOSS. Mr. Chairman, I desire to state that the committee recommended no appropriation for these ships this year. They have followed the usual custom of authorizing the ships one year and making the appropriation the following year. That has been the custom which has obtained in building up the Navy. We have allowed the constructors to go ahead and prepare their plans and specifications for new ships.

Mr. HOBSON. Will the gentleman permit a short question?

The CHAIRMAN. Will the gentleman yield?

Mr. FOSS. But I may say that the situation is somewhat different this year, inasmuch as it is proposed in the Navy Department to duplicate the plans of the *Delaware* and the *North Dakota* with regard to these two ships. But I think it is a very good thing to allow the Navy Department some little time to carefully go over their plans and revise them and see that they made no mistake in the construction of our ships.

Mr. HOBSON. Will the gentleman permit a question?

Mr. FOSS. Now, in this bill we give authority to the President of the United States to make a contract for these ships, and he can go on and make a contract and arrange the payments upon that contract as he may see fit. Congress will be in session next December and then can look into the situation. This bill as it was reported to the House carried nearly $104,000,000. We have added to it by committee amendments $1,800,000, so that the bill at this moment practically stands $106,000,000, and when I take into consideration the fact that there will be increases undoubedly upon this bill—put upon it by the Senate—increases possibly in the pay of the officers and men of the Navy, increases perhaps in the matter of colliers, increases perhaps in the establishment of the Pearl Harbor station—when I take into consideration all these things which are likely to increase the bill until it reaches a total of $110,000,000, I can not ask the committee to make any appropriation for the construction of these ships at this time.

I now move, Mr. Chairman, to close debate upon this paragraph and all amendments thereto.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to close debate on the pending paragraph and amendments thereto.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment now offered by the gentleman from Alabama.

The question was taken, and on a division (demanded by Mr. HOBSON) there were—ayes 38, noes 110.

So the amendment was rejected.

The Clerk read as follows:

Armor and armament: Toward the armor and armament of domestic manufacture for vessels authorized, $7,000,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. HITCHCOCK. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Nebraska makes the point of order. The gentleman will state his point of order.

Mr. HITCHCOCK. I make the point of order against the words "domestic manufacture," in line 6, that it is new legislation.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HITCHCOCK. Mr. Chairman, it has been the custom in a number of appropriation bills for the Navy to insert the words "domestic manufacture" as applied to armor plate, but I have been unable to find anywhere in existing law any provision to this effect. I care to make no further argument except to say that there is no existing law which can be pointed out except in these annual appropriation bills for the use of the term "domestic manufacture." The very fact that it is inserted here indicates that if it were not inserted competition would be open to the world, as there is no law to the contrary.

Mr. TALBOTT. Mr. Chairman, I will not be certain about it, but I think the first bill authorizing the beginning of the new Navy did carry the words "domestic manufacture."

Mr. HITCHCOCK. I will remind the gentleman that the bill to which he refers, passed some twenty years ago, refers only to the particular vessels authorized in that bill.

Mr. TALBOTT. I am not sure that the phrase was used in that authorization, but I call the attention of the Chair to the fact that the bill authorizing the increase of the Navy, the original bill reported and passed in the Forty-seventh Congress, did employ the words "domestic manufacture."

Mr. BARTLETT of Georgia. Mr. Chairman, I have the act before me to which the gentleman from Maryland referred. The act is March 3, 1887.

Mr. TALBOTT. No; you are mistaken.

Mr. BARTLETT of Georgia. This provides for the building of certain named described vessels and the last paragraph of that act provides, "that said armor and gun steel shall be of domestic manufacture." So did the act preceding that——

Mr. TALBOTT. The act of 1883 I referred to, I think.

Mr. BARTLETT of Georgia. I have all the acts here. I have the act of 1883 also.

Mr. TALBOTT. I think it is in the act of 1883 also.

Mr. BARTLETT of Georgia. The act of 1883 is a mere appropriation bill. The act of 1883 is not a separate and independent statute, but is an act making appropriations for the naval service for the fiscal year ending June 30, 1884.

In fact, I have in my hand, Mr. Chairman, a compilation of all these acts since 1883 down to 1907, and after investigation of it—I have also the act of 1887, under which the reorganization and rebuilding of the Navy was started, and in that act certain vessels and character of vessels are specifically provided for, and the armament.

The CHAIRMAN. Will the gentleman yield? Is the gentleman from Georgia able to inform the Chair, from his study of these acts, whether there is any provision in any of the acts providing for vessels now authorized which fixes the particular quantity and quality of armament to be used?

Mr. BARTLETT of Georgia. Not except in the current appropriation act which did not make it law except for that particular year, as I understand the ruling to be. Of course we have from year to year, as I understand it, provided in the appropriation act certain requirements, but my understanding of the rule is that that is not existing law except for the year. I will not state it does not exist, but from my examination of all

these acts from 1883 to the present time I have not been able to find where there is any specific statute providing, as this does, that the "armor shall be of domestic manufacture."

The CHAIRMAN. Is the gentleman able to inform the Chair whether there is any statute which provides the kind of armor or armament which shall be used on those vessels which have been authorized?

Mr. BARTLETT of Georgia. I am able to state I have not been able to find it, and I have looked for it.

Mr. HITCHCOCK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Georgia yield the floor?

Mr. BARTLETT of Georgia. I yield to the gentleman from Nebraska.

Mr. HITCHCOCK. Mr. Chairman, in continuation of what I said in making my opening statement, I want to add that the very fact that this language is repeated from year to year in the appropriation bill is the very best evidence that no fixed law has been passed directing that armor of domestic manufacture shall be used.

And, furthermore, Mr. Chairman, the simple insertion of the language "hereafter" would have fixed the law, and in no appropriation bill, and I have looked over a number, has use been made of the word "hereafter." The language has been identical with the language in this bill, which evidently applies only to the appropriation provided for in the bill and is evidently new legislation.

Mr. BARTLETT of Georgia. In the first place I find it, Mr. Chairman, in the act of 1887, which provides—I will read it:

Toward securing, testing, and delivering armor and gun steel for the vessels authorized by the act of August 3, 1886, and the unfurnished monitors mentioned in section 3 of the same act, and the vessels authorized by this act, $4,000,000: *Provided,* Said armor and gun steel shall be of domestic manufacture.

Mr. HITCHCOCK. What year is that?

Mr. BARTLETT of Georgia. Eighteen hundred and eighty-seven. Now, in 1883 it was providing for the building of certain vessels, naming the character of them, and also providing for armor, and the act of March 3, 1883, does not provide that the armor shall be of domestic manufacture. I have not, Mr. Chairman, been able from—I would not say a careful study I have given to it, because I did not begin it until this morning—but I have not been able to find the law, except in an appropriation bill from year to year, where any such language is used.

Mr. FOSS. Mr. Chairman, I desire to speak to the point of order. These words, "of domestic manufacture," have been carried in every naval appropriation bill for more than twenty years. In the act of August 3, 1886, under which vessels herein referred to were built, it says:

That the armor used in the construction of said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture.

That is the act, however, which is referred to on page 76 and which went out on a point of order in this bill. But that does not affect this. This paragraph reads:

Armor and armament: Toward the armor and armament of domestic manufacture for vessels authorized, $7,000,000.

This appropriation applies to the vessels heretofore authorized, and not the vessels authorized in this act. Under the act of last year authorizing the vessels of last year and the years before, to which this appropriation would apply, in making payments upon the armor contracts, is the authorization that the armor shall be of domestic manufacture. And, that being so, there is authority of law for making this appropriation, inasmuch as the act of last year and the act of the year before for which this appropriation for the vessels for whose armor this appropriation is made has already——

The CHAIRMAN. Will the gentleman from Illinois inform the Chair whether contracts have been made?

Mr. FOSS. Contracts have been made.

The CHAIRMAN. For the armor for the vessels authorized?

Mr. FOSS. For all vessels that have been authorized.

Mr. HITCHCOCK. Mr. Chairman, I would like to call the Chair's attention to the fact that the acts of last year and the previous years to which the gentleman refers, contain the same provision that this year's act contains, and that each such provision only provided armor of domestic manufacture for the particular armor appropriated in each bill.

The CHAIRMAN. The Chair is perfectly aware of that.

Mr. TAWNEY. Will the gentleman from Nebraska [Mr. HITCHCOCK] permit an inquiry?

The CHAIRMAN. The gentleman from Nebraska has not the floor. The gentleman from Illinois [Mr. Foss] has the floor.

Mr. FOSS. Now, in the appropriation bill of last year we read:

Armor and armament: Toward the armament and armor of domestic manufacture for vessels authorized.

Mr. HITCHCOCK. That provided for the armor and armament of vessels already begun. This provides for the armor and armament of other vessels. It provides other armor.

Mr. FOSS. That provides for the armor of vessels that were authorized, and this provides for the armor of vessels which are already authorized by previous acts—acts previous to this bill.

Mr. HITCHCOCK. Does the gentleman claim that the Government is providing for the duplication of armor? This is certainly different armor.

Mr. FOSS. It is the same armor, only it is——

Mr. HITCHCOCK. You are going to put it on in two thicknesses?

Mr. FOSS. No.

Mr. HITCHCOCK. That is what you imply.

Mr. FOSS. This appropriation is to make payments on contracts already made, and the ships that were authorized last year and every year preceding were built and contracted for under the act which I have referred to, of August 3, 1886.

Mr. DALZELL. Let me ask the gentleman, Are not contracts already made?

Mr. FOSS. Yes. I have said the contracts were already made.

Mr. DALZELL. So you could not in this instance turn over the furnishing of the material and the furnishing of labor to a foreign foe if you wanted to?

Mr. FOSS. No.

Mr. HITCHCOCK. Will the gentleman submit to a question? If the view he takes is correct, why do you provide here for domestic manufacture if it is provided for in existing law?

Mr. FOSS. It is simply descriptive. It is simply to make it plain to the gentleman from Nebraska.

The CHAIRMAN. The Chair is ready to rule.

Mr. TAWNEY. If the gentleman from Illinois [Mr. Foss] will permit me, before he yields the floor, I would like to ask the gentleman from Nebraska [Mr. HITCHCOCK] as to what the particular cause of his enmity is toward domestic manufacture?

The CHAIRMAN. The Chair is ready to rule. In the opinion of the present occupant of the chair the fact that the item has been in for twenty years, more or less, in the annual appropriation bill providing for the purchase of armor and armament of domestic manufacture, does not affect the item in this bill. And the Chair has some doubt and is inclined to the opinion that the fact that there may be contracts outstanding providing for the purchase of domestic manufacture does not require Congress to make an appropriation for that purpose. But in the rulings, which have been uniform for years, items of appropriations for new vessels in the Navy have been sustained as works or objects in progress. It is within the discretion of Congress to provide, as a part of that work in progress, for the purchase of armament and armor. The present occupant of the Chair thinks it would be in order to say red armor or green armament, so long as it is purely descriptive of the article to be purchased and not a change of law, simply describing the article which is to be provided; and Congress having the power to provide for the purchase of armor can provide by describing the kind of armor which shall be purchased. The Chair therefore overrules the point of order.

Mr. HITCHCOCK. I then offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended for armor when awarded by the Secretary of the Navy to the lowest responsible bidder having in view the best results and most expeditious delivery.

The question was taken, and the amendment was agreed to.

Mr. HITCHCOCK. Mr. Chairman, I am sure this amendment will not come within the objection made. On page 79, line 6, I desire to strike out the word "domestic" and insert the words "the best."

The Clerk read as follows:

Page 79, line 6, strike out the word "domestic" and insert the words "the best."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HITCHCOCK. Mr. Chairman, I offer that amendment for the purpose of again bringing before the House the matter which has often been presented—that in the construction of our new Navy and in the purchase of the armor for our battle

ships this country is, practically speaking, in the hands of a trust, which in one session has been outlawed by legislation, and yet for which at all sessions great appropriations have been voted to further enrich it. [Applause.] The farce of competition in armor plate of domestic manufacture has gone on year after year. The country knows, and Members of this House must know, that there is no real competition.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. HITCHCOCK. Yes, sir; if it is briefly.

Mr. TAWNEY. Is the gentleman from Nebraska familiar with the result of the competition of two years ago for the contract for the manufacture of armor for vessels previously authorized, and that as a result of that competition, which was made possible under a provision similar to the one just adopted, the Government secured the armor for the vessels previously authorized at a cost of about $400,000 less than it otherwise would have been able to have obtained it? That was done as a result of competition, which the gentleman says does not exist.

Mr. HITCHCOCK. I trust the gentleman will not consume my time. I know this: That the records of the Committee on Naval Affairs at their recent hearings disclose the fact that there has been a recent advance in the price of armor and that during the past year the United States has been compelled to pay for armor $420 a ton, whereas in 1906 it paid only $345 per ton. I am sure, Mr. Chairman, that if Congress makes no earnest effort to compel the reduction of the cost of armor plate, no reduction will be had.

The figures presented by an official Government report show that last year we paid to the Bethlehem Company $416.54 per ton; we paid to the Carnegie Company $418.36 per ton, and to the Midvale Steel Company $416.15 per ton; practically the same price to all these companies; these companies all having a community of interest and a community of ownership.

Now, Mr. Chairman, is this House, in entering upon a great career of naval construction, to make no effort to procure the cheapest armor? Is this House this year, while it outlaws trusts and combinations in restraint of trade, going to deal with this trust and pay it what it demands, and shall we permit it, as last year, to set its own price for armor? Shall this trust continue to hold the National Government up for armor plate, or shall Congress make some substantial effort to secure cheaper armor plate?

I had hoped that the Chair would rule otherwise on the point of order that I made against the words "domestic manufacture" in the bill. I believe the Chair made a mistake in overruling my objection, but if this amendment can be inserted and embodied the competition would be open to the world, and with another later in the paragraph, that the customs duties at the port of entry shall not be charged against any competing company abroad, we will have an opportunity to discover whether or not cheaper prices can be had for the armor plate for the use of the United States. Now, I may be mistaken in the belief that the price abroad is not as high as the price at home. If the price abroad is not cheaper, and if the trust price is reasonable, then no harm will be done in throwing this matter open to world-wide competition. [Loud applause on the Democratic side.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HITCHCOCK. Division, Mr. Chairman.

The committee divided, and there were—ayes 71, noes 105.

Mr. HITCHCOCK. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. Foss and Mr. HITCHCOCK.

The committee again divided, and there were—ayes 87, noes 116.

Accordingly the amendment was rejected.

Mr. SABATH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Provided, That no part of this sum shall be expended for any armor or armament manufactured in any shop or shops, factory or factories, where children under 14 years of age are employed or permitted to work.

Mr. FOSS. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SHERLEY. Mr. Chairman, before the Chair sustains the point of order, I should like to be heard upon it. Of course if the Chair has excluded the matter——

Mr. FOSS. Regular order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky briefly, and the Chair knows that the gentleman from Kentucky will confine himself to the point of order.

Mr. SHERLEY. I will not waste the time of the committee. The Chair just held that this being a paragraph relating to the continuance of a work in progress, it would have been in order for the House to have provided that the armor should have been red or green, or any other sort of armor that it saw fit. Now, this simply provides, as a limitation upon the money appropriated, that it shall not be expended for armor manufactured by child labor. It is clearly a limitation. I am not speaking of the merit of it. That is a matter about which men may differ; but I do not believe the Chair ought to construe a provision that is clearly a limitation as out of order, and I wanted to make that statement.

The CHAIRMAN. The Chair is prepared to rule. The Chair has ruled several times in the course of the consideration of this bill that a proposition in form a limitation but in substance a change of law was subject to the point of order. And while the Chair——

Mr. SHERLEY. Will the Chair permit a question?

The CHAIRMAN. The gentleman will permit the Chair to make his statement. While the Chair might personally entertain the opinion that probably no armor is now purchased where children under 14 years of age work, yet the Chair does not know what the fact is, and it clearly would be a change of law as to the executive officers.

Mr. SHERLEY. The Chair, as I understood him, held that it would be in order to provide that armor should be red or green. Now, the Chair is not supposed to know that armor is red or green, and yet such an amendment would just as clearly come within the present ruling of the Chair as this proviso.

The CHAIRMAN. The Chair thinks that the difference is just as wide as possible. One is a description of armor; the other is a limitation upon the discretion of the executive department. The Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 79, in line 6, strike out "one" and insert "ten," and after line 7 add: "*Provided*, That $3,000,000 of this amount shall be available for armor and armament of the two battle ships provided for in this bill."

Mr. FOSS. Mr. Chairman, I call for a vote.

Mr. HOBSON. Mr. Chairman, I submit that I have the floor.

The CHAIRMAN. The gentleman has been recognized.

Mr. HOBSON. The gentleman from Illinois referred to certain details that could well be revised in the time that would follow, if provision were not made in this bill for hulls, fittings, and machinery. But armor and armament are essential features. The type of the guns and the thickness of the armor are now settled. It will produce a delay because we have stricken out a provision for the hulls and machinery to be begun; but it will produce a greater delay if we now strike out the provision that will enable us to begin the guns and begin the armor.

It has been the history of American naval construction that the hull and fittings frequently have had to be delayed because the armor and the guns were not ready.

Mr. TAWNEY. Will the gentleman from Alabama permit a question?

Mr. HOBSON. Certainly.

Mr. TAWNEY. Does the gentleman think that the $3,000,000 by which it is proposed to increase this appropriation would be available for the purchase of armor for the new ships that are carried in this bill?

Mr. HOBSON. I know that it would be available to begin the construction of the guns and the manufacture of the armor.

Mr. TAWNEY. That paragraph relates only to the vessels heretofore authorized.

Mr. HOBSON. But this provision of my amendment makes it available for the vessels carried in this bill.

Mr. TAWNEY. I did not so understand the gentleman's amendment.

Mr. HOBSON. If the gentleman will examine the amendment, he will see that.

Now, Mr. Chairman, someone has said that the word "duty" is the greatest word in the language. I agree with that. It is my duty here to lay this case in its essential features, as I know it, before the Congress. I regret very much to see party lines drawn where the great question of national defense is concerned. The question of policy has been settled. Now it becomes a question of efficiency. I am here to tell you that if you strike out the provisions of these amendments you will not save one dollar, but will increase the time and reduce the efficiency and effectiveness of the provision for the battle ships.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and on a division (demanded by Mr. HOBSON) there were—ayes 75, noes 109.

So the amendment was lost.

While the committee was dividing, the following occurred:

Mr. GREGG. As I understand, this is for guns and armor?

Mr. HOBSON. It is for armor and armament, and will save time and add to the efficiency of——

The CHAIRMAN. The gentleman from Alabama will suspend. The gentleman is out of order.

Mr. HOBSON. I was answering the question of the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas had no right to ask a question.

Mr. GREGG. I had a perfect right to ask a question. I asked it of the gentleman privately.

The division of the committee was then completed.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment, to go in on line 7, immediately after the word "dollars."

The CHAIRMAN. The gentleman from Nebraska offers his amendment, to go in at the end of the amendment already inserted.

The Clerk read as follows:

Add after the amendment already adopted, line 7, page 79, the following:

"*Provided*, That no contract for armor plate provided for in this section shall be made at a price in excess of $375 per ton of 2,240 pounds."

Mr. FOSS. Mr. Chairman, I make a point of order against that amendment.

Mr. HITCHCOCK. Has the gentleman made the point of order?

Mr. TAWNEY. Mr. Chairman, I understand this appropriation is intended to pay for the armor heretofore contracted for. Now, the gentleman's amendment can not change the terms and conditions of a contract already entered into by the Government for the purchase of armor at a different price from that stipulated in the contract.

Mr. HITCHCOCK. This only relates to contracts to be made, and not the contracts that have been made. If the contracts have already been made they are safe.

Mr. TAWNEY. The contracts are already made under this provision.

Mr. FOSS. The gentleman from Minnesota is correct. This appropriation is for ships already authorized and for which contracts have already been made.

Mr. HUGHES of New Jersey. Mr. Chairman, with reference to the point of order, I want to call the Chair's attention to the fact that in the Fifty-eighth Congress this same question was raised, and it was then urged that an amendment applied to existing contracts, and the occupant of the chair decided that Congress, having the right not to appropriate at all, had the right to surround that appropriation with any sort of limitation. Consequently the amendment is not subject to a point of order on that ground at least.

The CHAIRMAN. Does the gentleman from Nebraska desire to be heard?

Mr. HITCHCOCK. I do. Mr. Chairman, it has been ruled, and repeatedly ruled, and it was so ruled when I introduced the identical amendment four years ago, that it was in order.

It is stated, on page 355 of the Manual:

To a paragraph providing for armor and armament of naval vessels a proviso that the total cost of armor should not exceed a certain amount and that no contract should be made in excess of a certain price per ton was held to be a limitation merely.

There are other precedents of the same sort.

Mr. CRUMPACKER. Mr. Chairman, this amendment is not a limitation, and it does not purport to be. It provides that the price shall be limited, and it of course limits the discretion of the Secretary of the Navy, which is not now limited by law. It is not in the form of a limitation. It does not provide that no part of the appropriation shall be expended unless for armor at a certain price. It is clearly a limitation on the power and discretion that the Secretary of the Navy already possesses under existing law. Therefore it is legislation.

Mr. HITCHCOCK. Mr. Chairman, this question has been repeatedly passed upon by chairmen of committees in previous Congresses, and if precedents are worth anything at all, then this amendment is not subject to the point of order. The Chair has even gone so far in other cases as to hold that a provision that no greater price should be paid for armor plate than was paid in this country by other governments was in order. This particular amendment now offered has been held in order not once but three or four times.

The CHAIRMAN. Has the gentleman the amendment that was offered at that time?

Mr. HITCHCOCK. Mr. Chairman, I can read it. On page 3482 of the RECORD of the Fifty-fifth Congress, second session, this language was used:

And no contract for armor plate shall be made at an average rate to exceed $400 per ton of 2,240 pounds.

And this practice is not simply once, but it appears repeatedly in the proceedings of this House and in the rulings of the Chairman. The point of order was made in this case. Mr. Ball made the point of order in the following language:

Mr. Chairman, I make the point of order on that provision allowing $400 a ton for armor plate.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Nebraska is:

Provided, That no contracts for armor plate provided for in this section shall be made at a price in excess of $375 per ton of 2,240 pounds.

The Chair is not sure whether the gentleman means to have the amendment apply to the paragraph under consideration or the section. As the Chair is at present informed the bill is in one section only. The amendment does not purport to be a limitation upon the appropriation, does not purport to be a limitation upon the expenditure of money provided for in the bill. The Chair has examined with care the precedents to which the gentleman referred, having them in full upon the desk, and the Chair thinks that they are not identical, that they are not applicable in this case. The Chair feels constrained to sustain the point of order.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment, which I send to the desk.

Mr. FOSS. Mr. Chairman, I move to close debate on this paragraph and all amendments thereto.

Mr. HITCHCOCK. I trust the gentleman will permit me to submit this amendment.

The CHAIRMAN. The gentleman is not endeavoring to cut off the gentleman's amendment. The question is on the motion of the gentleman from Illinois to close debate upon the pending paragraph and all amendments thereto.

The question was taken, and on a division (demanded by Mr. HITCHCOCK) there were—ayes 105, noes 75.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert the following:

"*Provided*, That no part of this money shall be paid to any company or corporation, its agent or representative, where competent proof shall have been presented to the Secretary of the Navy that said company or corporation is a trust or an integral part of a trust operating in violation of existing law."

Mr. FOSS. Mr. Chairman, I make the point of order on that that it is new legislation, a limitation involving new legislation, and that it is a change of existing law.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and, on a division (demanded by Mr. HITCHCOCK) there were—ayes 88, noes 108.

So the amendment was rejected.

The Clerk read as follows:

Increase of the Navy, equipment: Toward the completion of the equipment outfit of the new vessels authorized, $400,000.

Mr. HUGHES of New Jersey. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. FOSS. Mr. Chairman, I move to close debate on the paragraph.

The CHAIRMAN. That motion is not in order until debate has begun. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Provided, That none of said sum be, and none is, appropriated on account of any of the hulls, outfit, or machinery heretofore authorized for use, payment, or application under any contract for any vessel in which said contract the contractor shall not covenant with the United States as follows:

"That no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work except upon permission granted by the Secretary of the Navy during time of war, or a time where war is imminent, or where any great national emergency exists; and that the contractor contracting with the United States shall, in the event of violation of said covenant as to hours of labor, forfeit to the United States the sum of $5 for each laborer or mechanic for every calendar day for which he shall have been required or permitted to labor more than eight hours upon the work under such contract: *Provided*, That this limitation shall not apply to existing contracts."

Mr. FOSS. Mr. Chairman, I make the point of order that that is new legislation.

Mr. HUGHES of New Jersey. On the point of order, Mr. Chairman——

The CHAIRMAN. The Chair has already decided that. The Chair does not care to hear from the gentleman from New Jersey except very briefly.

Mr. HUGHES of New Jersey. I simply say that this is the exact language at the exact relative place in the bill which was held by a former occupant of the chair in the Fifty-eighth Congress to be in order, and my object is to have the Chair either permit the amendment to be in order or flatly reverse the ruling of the Chair.

The CHAIRMAN. Another chairman has already reversed that ruling, and the present occupant of the chair thinks that the chairman who reversed the ruling had the best of the reasoning by long odds. It seems to the present occupant of the chair that everyone who reads the rules and the precedents will see that this amendment is obnoxious to the rule, is legislation upon an appropriation bill, and hence is subject to the point of order, and the Chair sustains the point of order.

The Clerk read as follows:

Total increase of the Navy, $18,677,962.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word in order to call attention to the large increase in our Navy. Mr. Chairman, this addition of eighteen million six hundred and seventy-odd thousand dollars carried in this bill for the increase of the Navy, when added to the nearly $24,000,000 which was carried in the naval appropriation act of 1907, makes between $40,000,000 and $45,000,000 and by that immense sum we have increased the Navy in the past two years; which increase ought to answer the demands of all, even those who are "Navy mad." Certainly, Mr. Chairman, it is sufficient for all the present needs and legitimate purposes of our Government. In the message of President Roosevelt sent to us day before yesterday, urging four huge battle ships, he quoted from the farewell message of President Washington, recommending that the people of this country prepare for war in time of peace. I thought then, and still do, that the moment and the time at which this last message of the President was sent was not proper or in keeping with the high and exalted station of the President, when he sought to influence our action by the message sent at the very time we were considering the question of battle ships. From the same message from which the President quoted he might have gathered wholesome instruction and advice which, had he followed, no such message would have found its way to this House.

The first President of our country, the Father of our Country, in that farewell address so often quoted and a recurrence to which now would be refreshing said:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one and thus to create, whatever the form of government, a real despotism. * * *

If in the opinion of the people of the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in a way which the Constitution designates. But let there be no change by usurpation.

Not only that, Mr. Chairman, but in this same farewell message Washington advises us what to do in relation to foreign powers. He advises us not to make ourselves a great world power and not to mingle in the political affairs of Europe and the Old World, but on the contrary the Father of our Country said:

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop. Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities. Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

If we follow this advice, we need no huge navy, either for defense or to keep the peace. Therefore, Mr. Chairman, I have not voted for four battle ships. I was opposed to them. I did not vote for two; I voted for one, and think that sufficient. I was ready yesterday, and am to-day, to proclaim to the world that we still adhere to the advice of Washington not to intermingle with the affairs of foreign nations, that we have no desire to be a great world power except to advance in peace, in education, in prosperity, and religion, and to keep open our doors of trade and commerce and protect our own people, and establish here forever liberty, prosperity, religion, and peace. [Applause.] In a day or two, Mr. Chairman, the great Christian peoples of the world will meet in their churches and places of worship to celebrate Easter Sunday, the day of the risen Christ, the founder of our religion and our church. Shall not the United States, the foremost Christian people of the world, proclaim now and in Congress that we are not for armaments or for war, but that we are for the peace of the world? [Applause.] May we not, Mr. Chairman, proclaim to the world by this refusal to follow the demand and the dictates of the President for four huge engines of war that we seek not the destruction of our fellow-man by war, but we will take the lead in that path that will conduct us and the other nations of the earth to final and permanent disarmament and to peace? Instead of aspiring, Mr. Chairman, to be feared and dreaded as a great world power, preparing for war and destruction of our fellow-man, I would rather send this message to the world:

Blow, bugles of battle, the marches of peace,
East, West, South, and North bid all strife to cease,
Sing the songs of great joy that the angels began,
Sing of glory to God! and on earth peace, good will to man.

[Loud applause.]

Mr. FOSS. Mr. Chairman, I move that all debate on the paragraph and pending amendments thereto be closed.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

That no part of the sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling attention to certain statements made by the gentleman from Connecticut [Mr. LILLEY] on Saturday of last week concerning the Mare Island Navy-Yard. Some of these statements are so palpably erroneous and misleading——

Mr. LILLEY. Will the gentleman from California yield for a question? These statements were furnished me by the Navy Department, through the Secretary of the Navy. If they are false, you are calling statements made by the Secretary of the Navy false—— .

Mr. KNOWLAND. I will show to the contrary later; but, to continue, I repeat that some of these statements were so palpably erroneous and misleading that I feel it incumbent upon me at this time to call the attention of this House to the errors made by the gentleman from Connecticut. At the outset let me say, I entertain only feelings of friendship toward the gentleman.

Mr. WILLIAMS. I would like to ask the gentleman just one question. Is the part of the speech of the gentleman from Connecticut [Mr. LILLEY] from which you are reading the part which he delivered upon the floor or the part which he inserted in the RECORD?

Mr. KNOWLAND. The part he delivered on the floor.

Mr. WILLIAMS. You are not reading that part he inserted in the RECORD, and which I think he inserted in the RECORD without leave to print?

Mr. LILLEY. The gentleman is mistaken. I asked for leave to print.

Mr. KNOWLAND. Mr. Chairman, as I started to say, I entertain only feeling of the greatest friendship for the gentleman from Connecticut [Mr. LILLEY], and I have no fault to find with his laudable ambition to protect the people of the United States against the onslaughts upon the public Treasury by his colleagues in both branches of Congress who seek appropriations legitimately for the districts they have the honor to represent. I believe, however, that the gentleman should be entirely fair, and I am loath to believe that he willfully intended to do an injustice to the Mare Island Navy-Yard. I wish, however, to call attention to some of his statements, one of which was:

They have a magnificent stone dry dock at Mare Island, costing $1,175,000, and I have at hand a letter from the Secretary of the Navy in which he states that the present stone dock will not permit the docking of a battle ship.

The unfairness of this statement is apparent when I state that the magnificent stone dock to which the gentleman alludes is building, and will not be completed for some months. The present small dock, to which the Secretary no doubt refers, was built many years ago, and is not large enough——

Mr. LILLEY. Will the gentleman yield to a question?

Mr. KNOWLAND. I refuse to yield at this time, as I only have five minutes. I will say it is not large enough for large, modern ships, but the new dock will be ample for the largest vessel of the Navy.

Another statement which the gentleman made was that $728,886.12 has been expended for dredging, while the official figures from the Navy Department, over the signature of the Secretary, gives the amount as $500,699.96, which is $228,186.16 less than stated by the gentleman.

Here we have still another attempt to grossly misrepresent. The gentleman states:

That during the year ending 1907 the expenditures for labor were $1,629,678.97, while the total amount of work done was $928,582.97. In other words, the workmen alone were paid in one year $692,095 more than the value of their product.

This statement was either due to ignorance or was a deliberate attempt to deceive.

Mr. LILLEY. That is the statement that came from the Secretary of the Navy.

Mr. KNOWLAND. Wait until I get through. The gentleman took his statement of "work done" from the report of the Secretary of the Navy, page 41, which clearly states what is included under this head, namely:

Work done at station in construction and repair of vessels and in the manufacture of equipage and supplies for ships and other manufactured products.

But, as the gentleman should well know, this does not include amounts paid for improvements and additions to plant, dry dock, and so forth, items which in the aggregate are large.

Mr. LILLEY. And especially provided for in another appropriation.

Mr. KNOWLAND. It also includes work done for other Departments of the Government for which the Navy Department is reimbursed, together with the pay of employees for holidays and leaves of absence. All of these items, however, have been included in the sum total for labor which the gentleman quoted, and I have a letter from the Department showing these facts.

In this connection, and quoting from the same report made use of by the gentleman from Connecticut, I find a naval station located in the district of the gentleman where the cost of maintenance for the past year is given as $17,504.39, and the amount of work done was $310. To quote the language of the gentleman, "How striking and significant are these figures to any business man."

For the past ten years in New London, in the district of the gentleman, the grand sum total of $529,740.68 was spent for improvements and cost of maintenance, while the amount of work done, according to official figures, was only $2,588.13.

Mr. LILLEY. Now will the gentleman yield?

Mr. KNOWLAND. I will not be interrupted. Again quoting from the gentleman from Connecticut:

I ask you to oppose this waste of the people's money, because it is our sworn constitutional duty.

Reform, like charity, should begin at home. The gentleman did not include New London in his resolution to do away with certain naval stations.

Twenty-seven and one-half feet at high tide is the least depth at the shallowest point in the channel at Mare Island. The gentleman endeavored to convey the impression that there was only 20 feet of water, although that is at low tide. It is true, and I will not attempt to deceive the Members of this House or the country, that we have had difficulty in maintaining a sufficient depth at certain points in the channel, owing to silting, but the dikes under construction and which are about completed are proving satisfactory in maintaining depths. To determine whether the present plan is the best, the President has recently appointed a commission of experts, who are making a thorough investigation of conditions, and this commission will shortly report a plan which will permanently insure a sufficient depth of the channel and set all agitation at rest.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNOWLAND. I ask for one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hea none.

Mr. KNOWLAND. I want to say in conclusion that during the past year there were forty-two vessels undergoing repair at the Mare Island Navy-Yard. It is the second best equipped yard in the United States, both for repairs and shipbuilding. The naval bill is about to pass, and I want to say that I am gratified that the Members of this House have not seen fit to follow the lead of the gentleman from Connecticut in striking the Mare Island items from the bill. His efforts to right all the alleged wrongs in the world have been about as successful as those of Don Quixote. [Aplause.]

Mr. LILLEY. Mr. Chairman, can I have five minutes?

The CHAIRMAN. The gentleman is recognized.

Mr. LILLEY. I want to say, in the first instance, that none of the figures that I have presented for the consideration of Members of this House were mine. They were all taken from the official figures of the Navy Department and from the Secretary himself. The depth of water at Mare Island is the Secretary's own statement. As I understand, he lives very near there and ought to be informed. So far as New London is concerned, there is a coaling station there, and if it has passed its days of usefulness, I am just as much in favor of abandoning it as I am any other. If a commission is appointed, such as I suggested the other day, I hope that they will not only take into consideration the yards that I talked of, but other yards and stations. I am not here for the purpose of seeing how much money I can get from the people of this country to spend in my district. I believe that whatever is proper for the entire country must be good for Connecticut.

The Clerk read as follows:

The Secretary of the Navy is hereby authorized to employ and pay out of the lump appropriations of the several bureaus of the Navy Department such classified civil-service employees as may be necessary to properly perform the clerical, drafting, inspection, messenger, and other classified work at the several navy-yards and stations: *Provided*, That the Secretary of the Navy shall make to Congress each year in the annual estimates a statement of the persons so employed, their duties, and the compensation paid to each.

Mr. TAWNEY. I reserve the point of order to this paragraph for the purpose of asking the chairman of the committee in regard to the necessity of this provision in view of the provision carried in the last general deficiency appropriation bill, and which the Department and the Auditor have held to be permanent law.

Mr. FOSS. Well, the committee did not regard it as permanent law.

Mr. TAWNEY. It takes the place of that provision for the next fiscal year?

Mr. FOSS. Yes.

Mr. TAWNEY. It is not intended to be permanent. Mr. Chairman, I withdraw the point of order, and doing so, wish to ask——

Mr. STAFFORD. As the point of order is withdrawn, I will renew or reserve the point of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOBSON. Mr. Chairman——

Mr. CALDER. I offer the following amendment.

The Clerk read as follows:

Insert the following paragraph:

"The pay of all classified civil-service employees in the United States Navy Department, including civil establishment, shall be in accordance with the recommendations of the committee on grades and salaries, appointed by Executive order of June 11, 1907, as transmitted to Congress by special message of the President dated February 11, 1908, and contained in H. R. Document No. 648."

Mr. FOSS. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. I ask that the committee now return to the consideration——

Mr. HOBSON. I offer an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Tennessee proposes to offer an amendment, and the gentleman from Tennessee is recognized.

Mr. PADGETT. I ask to return to page 53, to the paragraph passed the other day, and offer the following amendment.

Mr. HOBSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOBSON. It is whether a recurrence at this point to a previous paragraph will foreclose the offering of an amendment?

The CHAIRMAN. Well, the Chair will reach that question when it rises.

Mr. HOBSON. If so, I merely ask to delay the recurrence.

The CHAIRMAN. The Chair thinks it would make no difference as a matter of fact. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 53, after line 21, insert: "And the Secretary of the Navy is hereby authorized, from the foregoing appropriation, to make expenditures for repairs and changes on the vessels herein named in an amount not to exceed the sum specified for each vessel, respectively, as follows: The Brooklyn, $453,500; the San Francisco, $600,250; the Baltimore, $683,300; the Alabama, $667,500; the Illinois, $667,500; the Iowa,

$557,500; the Kearsarge, $673,500; the Kentucky, $673,500; the Adder, $46,500; the Bennington, $195,750; the Grampus, $57,500; the Moccasin, $46,500; the Pike, $57,500; the Paul Jones, $77,000; the Nicholson, $25,000; the O'Brien, $25,000; the Narkeeta, $24,000; the Holland, $32,000.88; in all, $5,563,300.88, as per the report of the Secretary of the Navy, House Document No. 656, Sixtieth Congress."

Mr. TAWNEY. Mr. Chairman, I desire to ask the gentleman from Tennessee some questions in regard to this proposed amendment. This amendment is offered in consequence of the paragraph carried in the bill originally going out on a point of order, which gave the Secretary of the Navy general authority to make all these repairs out of the $8,000,000 appropriation for general repairs?

Mr. PADGETT. That is correct.

Mr. TAWNEY. Eight million dollars for general repairs?

Mr. PADGETT. Yes.

Mr. TAWNEY. Now, I want to know from the gentleman from Tennessee how much consideration the committee has given to the necessity of making these repairs, which amount in the aggregate to more than five and a half million dollars, and whether or not the committee has taken into consideration the condition of our public revenue at this time, and whether or not, in the judgment of the committee, these repairs are necessary on these vessels, and whether the expenditure will be made during the next fiscal year?

Mr. PADGETT. I will state to the gentleman from Minnesota that he will find in the statement of Admiral Capps, in the printed hearings, a statement of the matter. Admiral Capps submits as an appendix to these hearings his report in detail. The Secretary of the Navy, in compliance with existing law, submitted a detailed estimate, which I hold here in my hand, giving a statement of the amount required in each of four distinct bureaus, upon each named ship, and describing the nature and character of the work. When Admiral Capps was before the committee, we questioned him about it and he stated that it was needed.

Mr. TAWNEY. On what page of your hearings do you find any testimony taken on these repairs?

Mr. PADGETT. He states on pages 371, 372, and 373, and I have it here if the gentleman desires.

Now, I will state further that these reports were made to the Secretary of the Navy in detail, and he transmitted them to the Speaker of the House, and the Speaker referred them to the Committee on Naval Affairs, and the Admiral went before the committee and stated that these repairs were necessary, that it was important that they be made, and that he had cut out a number of ships on which he declined to make recommendations. He submits a statement showing the ships as to which he had declined to make such recommendations, and states the character of the recommendations which he had refused, and that he had limited his recommendations to things which were absolutely necessary to the fighting efficiency of the ships.

Mr. TAWNEY. I have asked these questions for the purpose of bringing to the attention of the House the fact that we have now entered upon the policy of reconstructing our Navy as well as providing for new construction. The Secretary of the Navy has authority to-day to make the ordinary repairs on any vessel in the service, provided the cost of that repair does not exceed 20 per cent of the cost of the vessel.

Mr. HULL of Iowa. Is there a provision by which he can do that without any specific appropriation?

Mr. TAWNEY. Out of the appropriation for general repairs he is authorized to make that expenditure. The repairs authorized by this amendment are extraordinary repairs. In fact, Mr. Chairman, they are not repairs at all, but they are for the reconstruction of the vessel. Otherwise the enormous amount estimated for would not be approved by the Committee on Naval Affairs.

Mr. HULL of Iowa. If a battle ship met with an accident that would require $500,000 or $600,000 to repair, is there an appropriation by which the Secretary could do the work?

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. Mr. Chairman, for the purpose of having a full explanation, I ask unanimous consent for five minutes more.

There was no objection.

Mr. PADGETT. I now yield again to the gentleman from Minnesota.

Mr. HULL of Iowa. What I wanted to get from the gentleman from Minnesota is this: Here is an appropriation for repairs, limiting the amount, to each vessel so much. If that is exhausted, if an accident happens to another vessel, or it must be repaired in order to preserve it, out of what fund could that be paid for?

Mr. TAWNEY. I am unable to say, if the appropriation for general repairs is exhausted.

Mr. HULL of Iowa. These are general repairs, are they not?

Mr. TAWNEY. No; these are not general repairs at all.

Mr. HULL of Iowa. What are they, then?

Mr. TAWNEY. These are extraordinary repairs, which, under the provision carried in the last naval appropriation bill, require the Department to come to Congress with specific estimates. They are, in fact, reconstruction, and not repairs at all. I want to call the attention of the House to the fact that the committee came here with a report in favor of five and a half million dollars for repairs on the estimates, and tell us that they have simply accepted the estimate of the Department both as to the necessity of the repairs and as to the amount estimated for as being necessary to make those repairs.

Now, inasmuch as this involves a reconstruction of the Navy, I submit to the House that there ought to be a more careful consideration of these estimates for these extraordinary repairs, for, without a careful investigation, without a careful scrutiny of these estimates, the same abuse may exist hereafter that has existed for a long time, namely, the Secretary of the Navy determining when repairs shall be made and making those repairs irrespective of their cost, provided they can be made within the amount of the appropriation; and even the amount of the appropriation has not heretofore limited these expenditures, for only two years ago the Navy Department came to Congress with a deficiency item of $2,000,000 on account of extraordinary repairs made out of an appropriation for general repairs of vessels in the Navy.

The matter is of such importance that I submit to this House that the estimates for extraordinary repairs or for the reconstruction of the Navy should be given the same careful consideration and scrutiny in this case that are given any other estimate submitted by the Department to Congress for an appropriation.

Now, Mr. Chairman, one word more, which has no relation to this particular amendment. The other day we were discussing the matter of an appropriation for buildings at Olongapo, Subic Bay, and the report of the General Board was referred to, in which report it is stated that a new plan has been agreed upon by the Army and Navy which will result in the abandonment of Subic Bay as a permanent naval base. I have been requested by the Secretary of the Navy to state to the House before the conclusion of the consideration of this bill that that report, as submitted here by the chairman of the Committee on Naval Affairs and as considered and discussed by the House, has been approved by the two Secretaries and by the President of the United States. It therefore stands as the settled policy of both the War and Navy Departments in respect to the establishment or nonestablishment of a permanent naval base at Olongapo, in Subic Bay.

Mr. PADGETT. Mr. Chairman, the effect of this amendment is to authorize the Secretary of the Navy to make the necessary repairs upon eighteen ships, in order, if necessary, that they can go to Subic Bay.

Mr. HULL of Iowa. I would like to ask the gentleman a question.

Mr. PADGETT. I will yield to the gentleman.

Mr. HULL of Iowa. Suppose some ship outside of the eighteen becomes disabled and it is necessary to make repairs upon it?

Mr. PADGETT. There is $2,500,000 for that purpose.

Mr. HULL of Iowa. Outside of the five and a half millions?

Mr. PADGETT. Yes; the bill carries $8,000,000 already passed upon by the committee, and this is simply to authorize the Secretary of the Navy to use $5,500,000 of it for these improvements, according to the law passed two years ago.

Mr. HULL of Iowa. If the gentleman's statement is correct, that we have passed under another appropriation $8,000,000, this is $5,500,000 additional, is it not?

Mr. PADGETT. No, it is not; it is in this very section, and of that $8,000,000 this $5,500,000 can be used for this purpose. In this section there is the appropriation of $8,000,000 for general repairs, and this proposed amendment allows $5,500,000 out of it to be used for making the repairs to these particular vessels.

Mr. SABATH. But if the damage exceeds 20 per cent of the estimated cost, there is no authorization for the Secretary to make the repairs?

Mr. PADGETT. None whatever except to these named ships, unless under the provision of the law passed two years ago the vessel is disabled in foreign waters, and then they can expend sufficient upon her to bring her home.

Mr. TAWNEY. If I understand the gentleman, this is an amendment to a paragraph which appropriates $8,000,000 for general repairs?

I would like to have the paragraph read, Mr. Chairman, as it will read if the amendment is adopted and see if, in adopting this amendment, under the language which it contains, it will not add five million and a half dollars to the eight million carried for general repairs.

Mr. PADGETT. Not at all. It is for construction and repairs of vessels, and it proceeds to make appropriation for that purpose and then contains this authorization for the repair of these specific ships. The necessity for that is by reason of the law passed two years ago. Now, Mr. Chairman, I call for a vote.

Mr. TAWNEY. I would like to have the paragraph read as it will read when amended.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. TAWNEY. I want the paragraph read with the amendment.

Mr. PADGETT. Mr. Chairman, this is simply making specific what is general in the proviso that went out.

The CHAIRMAN. Without objection, the Clerk will again report the paragraph "Construction and repair of vessels," together with the amendment as proposed.

There was no objection, and the Clerk reported the paragraph with the amendment.

Mr. HULL of Iowa. Mr. Chairman, I think the gentleman should amend that, unless he wants to appropriate this entire amount in addition to his $8,000,000, because it does not provide that this sum shall come out of the $8,000,000.

Mr. PADGETT. In order to make it absolutely plain, I will ask to add to the first part of the amendment "and out of the aforesaid $8,000,000 the Secretary of the Navy," and so forth.

Mr. TAWNEY. After the word "authorized" to add "from the foregoing appropriation."

Mr. PADGETT. That is all right. Put it in that way.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Insert, after the word "authorized," in the first line of the amendment, the words "from the foregoing appropriation," so as to read "and the Secretary of the Navy is hereby authorized from the foregoing appropriation to make expenditures for repairs, etc."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The question was taken, and the amendment to the amendmen was agreed to.

The CHAIRMAN. The question now recurs upon the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

On page 79, after line 26, add:
"The Secretary of the Navy is hereby further authorized to pay out of the appropriation for coal and transportation the sum of $2,500, under such rules and regulations as he may establish, for prizes to be awarded vessels for economy in the expenditure of coal."

Mr. FOSS. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOBSON. I request the gentleman to reserve his point of order.

Mr. FOSS. I would say that it is so late, that I do not think——

Mr. HOBSON. I wish the gentleman especially to reserve it. There are reasons why it ought to be reserved. I am a member of the committee, and as such I request the chairman of the committee——

Mr. SHERMAN. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The regular order is asked for. The Chair has sustained the point of order.

Mr. FOSS. Mr. Chairman, I will reserve it for three minutes, inasmuch as the gentleman is a member of the committee.

The CHAIRMAN. The gentleman can not reserve it for three minutes. The Chair will recognize the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, since this bill has been completed report has come from the commander in chief of our fleet that prizes, which he has endeavored to establish for the engineer's force, have resulted in the saving of about ten tons per day on every great ship of his squadron, which makes a saving of about $2,500 in three days.

The cost of these prizes pay for themselves in three days, and then they will save to the Government about $250,000 in the next year, with the fleet moving around the world. Furthermore, this gives zest to and quickens interest of the men down in the bunkers and the boiler rooms, who bear the brunt of the toil in these long voyages. We have just provided $130,000 for targets and target practice, for prizes and rewards for the men behind the guns. Can we not do something for the men in front of the machinery, when at the same time we save the Government nearly $300,000 in doing it and add to the general efficiency of the service? [Applause.]

Mr. FOSS. Mr. Chairman, I insist upon the point of order.

Mr. HOBSON. I ask the gentleman to withdraw the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments thereto with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20471, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move to suspend the rules, concur in the amendments, and pass the bill.

The SPEAKER. The gentleman from Illinois moves to suspend the rules, concur in the amendments, and pass the bill. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Mississippi demands a second.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. With sincere regret, I can not grant that consent.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] and the gentleman from Illinois [Mr. FOSS] will take their places as tellers.

The question was taken and the tellers reported that there were—ayes 140, noes 56.

So a second was ordered.

The SPEAKER. The question is on suspending the rules, concurring in the amendments, and passing the bill.

Mr. WILLIAMS. Mr. Speaker, under the rules the gentleman from Illinois has twenty minutes and I have twenty minutes.

The SPEAKER. Well, neither gentleman addressed the Chair, and the Chair proceeded to put the question.

Mr. WILLIAMS. The gentleman from Mississippi was addressing the Chair with all possible haste, while the Chair, possibly with greater haste, was trying to put the question.

The SPEAKER. The gentleman from Mississippi is recognized——

Mr. WILLIAMS. For twenty minutes?

The SPEAKER. The rule, the Chair regrets to say, gives the gentleman twenty minutes. [Great laughter and applause.]

Mr. WILLIAMS. Mr. Speaker, I have always honored the Speaker for his frankness, and I never more than a moment ago when he said he "regretted to say that the rule did give the gentleman from Mississippi twenty minutes." I know that the Speaker meant it. I know that he meant it with all his heart, and I appreciate the frankness and sincerity with which he spoke. It is needless for me to say, Mr. Speaker, I did not have any desire or idea of addressing the House just at this moment, but I never find it out of place to read lessons upon civic righteousness to the Republican party [applause on the Democratic side], especially in this House. Mr. Speaker, I shall read as a part of my remarks certain letters which I hold in my hand concerning the great question of putting wood pulp and print paper upon the free list. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman is not speaking upon the question before the House.

The SPEAKER. The question before the House is on agreeing to the recommendation of the Committee of the Whole House on the state of the Union——

Mr. WILLIAMS. I want to be heard upon the point of order.

The SPEAKER (continuing). And concurring in the amendments and passing the naval appropriation bill.

Mr. WILLIAMS. And the gentleman from New York makes the point of order that wood pulp and free print paper are not germane to that question. Now, I wish to establish beyond all peradventure of a doubt that they are. I shall now argue the point of order. [Applause on the Democratic side.] Now, Mr. Speaker, of the very highest necessity to the maintenance of a navy is the spread of intelligence among the people—now hampered by a tariff tax on wood pulp and print paper—so that

they may know [applause on the Democratic side] how much of a navy is necessary for national defense——

Mr. PAYNE. Mr. Speaker, I renew the point of order.

Mr. WILLIAMS (continuing). So all legislation that contributes to the cheapness of the dissemination of information by repealing the tax contributes to the efficiency of the Navy.

The SPEAKER. The gentleman from Mississippi will please suspend. The gentleman from New York renews his point of order. The Chair sustains the point of order.

Mr. WILLIAMS. The Chair holds, then, that that is not germane to the question?

The SPEAKER. The Chair holds that the remarks of the gentleman from Mississippi are not germane to the question before the House.

Mr. WILLIAMS. Then I must address myself to the passage of the naval appropriation bill entirely.

The SPEAKER. The gentleman from Mississippi will proceed in order.

Mr. WILLIAMS. I understand the ruling of the Chair to be that it is in order to talk about navies and the Navy. Very well, then, Mr. Speaker.

The SPEAKER. The Chair can not answer questions as to what might be. The Chair can only rule on questions as they arise.

Mr. WILLIAMS. Mr. Speaker, I find, as a sailor man, from a careful study of the history of the world that the construction of ships and their navigation and fighting on them and with them go back to a very remote period. I find that in the beginning of historical time men fought and gloriously slaughtered one another in canoes, and later on in skiffs, and still later on in galleys propelled by oars.

I find that still later on they invented sails, and, catching each cupful of wind as it might come, directed their course as best they could, crossing the waterways and attacking the fleet of an enemy or fleeing tactically and with discretion, "the better part of valor," from him; and from that day to this the genius of mankind in warfare, in the management of ships, has been directed to getting away from one another when they were fleeing or of catching one another when they were desirous of fighting. [Laughter.] Therefore, Mr. Speaker, in the consideration of this bill it is of the very utmost importance to consider whether or not an American Navy in the present day can get away from an enemy as rapidly as one could in those distant days to which I have been referring, or whether the American Navy to-day could get at an enemy as effectively as in those remote periods of time, for all of which scientific matters of nautical inquiry I see by the expression of the countenance of the gentleman from New York [Mr. PAYNE], the active leader of an inactive majority, he has the utmost contempt. [Laughter.]

Still later, Mr. Speaker, when human science and progress had advanced the civilization of the world and had degraded it also by teaching men more effective ways of murdering one another, they put cannon loaded with vile saltpetre, "but for which I myself had been a soldier," or sailor, and with bullets upon the decks of ships, and fired them broadcast at one another, regardless of women to be made widows and children to be made orphans, while "man, dressed in a little brief authority, most ignorant of what he was most proud," was "seeking the bauble reputation in the cannon's mouth."

Then, Mr. Speaker, I find a little later on they began to build ships, not out of wood alone, but out of iron.

Mr. HOBSON. Will the gentleman yield?

Mr. WILLIAMS. I can not yield just now. I find that railroad iron cased the first protected ships, and the naval construction of those days was, for those days, remarkably new, and it would have been very foolish to have built too much of a navy plated with railroad iron, for fear an improvement soon might make them obsolete. So our wise ancestors only built a few of them, about two battle ships at a time, so that they could keep up with new types, and new types arose.

I now yield for a question to the gentleman from Alabama [Mr. HOBSON], an expert upon this question.

Mr. HOBSON. I simply rise to ask the gentleman from Mississippi [Mr. WILLIAMS] whether in full consideration of all the history of naval architecture he finally finds himself on the side of the *Merrimac* or the *Monitor?*

Mr. WILLIAMS. Mr. Speaker, I was just about to say that at the time the genius of the South had clothed an old ship hull with railroad iron some genius from north of the line invented the *Monitor*, lying low in the water, a little bit of "a cheese box upon a raft," and these two ships had a great battle down at Hampton Roads. Once more the lesson was taught of not making appropriation for too many battle ships at the same time. [Great laughter.]

Mr. Speaker, I ask order. I am solemly "declaring upon my" legislative "responsibility" my idea of what is good for the American people and best for the American Navy. I ask that the gentlemen shall listen to me with attention and not with laughter. Now, I yield to the gentleman from Alabama [Mr. HOBSON] again.

Mr. HOBSON. In view of the wonderful condition that existed between the *Merrimac* and the *Monitor*, that the United States had both kinds of armored ships, that at that time a foreign nation was contemplating whether it would recognize the Southern Confederacy or not, I would like to ask if the fact that America had the greatest navy in the world and the two armor clads in the world, whether that fact had anything to do with the nation deciding not to acknowledge the independence of the Confederacy?

Mr. WILLIAMS. This is a serious occasion, and the gentleman must not take up too much of my time. [Laughter.] Mr. Speaker, I ask for protection, because I wish to express my ideas.

Mr. Speaker, once more I paraphrase Shakespeare when it was said, "Still harping on my daughter." I go back now to my original proposition. After the *Monitor* was invented, somebody invented a still superior ship to the *Monitor*, not only capable of resisting shot and shell, but capable also of navigating the deep ocean amid bad winds and bad weather.

Again, it was proven that it would not have been wise to have constructed too many *Monitors*, not over about two at a time. Then, a few years ago, we undertook to build some ships of 7,000, 8,000, and 10,000 tons. Then we were informed that naval architecture had advanced and that we ought not to build ships of less tonnage than 10,000 or 12,000. Then we had one more reason why we were not justified in constructing more than two of the old sort at one time. [Laughter.] And now I think we will be justified in not favoring over two at a time of these, because if Kaiser Wilhelm, "our great opposite" war lord, hears we have constructed some of these 10,000-ton ships he is going to construct some of 15,000 instead of 10,000; and then we would have to have this committee say we will construct two of 15,000 tons. The war lords must keep on grounds of equality with one another. It is the policy of human nature. If we construct more than two of these, we will have constructed too many inferior types of vessels, leaving to future ingenuity of men to construct all sorts of superior vessels outrunning or outshooting ours, and thus rendering our "love's labor lost." [Laughter.]

I hope now I have answered to the full bent every word of argument made by the gentleman from Illinois in his proposition to pass this bill under a two-thirds rule on this long-drawn-out nine-day-long suspension day.

Without fearing that I have not, I want to say a few words more. Not only do ships sail the seas to fight one another now, but we are informed by a good many hopeful gentlemen who are expert on matters of this aerial sort that it will not be long before ships are sailing through the air; and when they do begin to sail through the air, we all know human nature—its barbarity, cruelty, and violence—well enough to know that it will not be long before we are equipping, perhaps armoring, ironcladding, and officering, and manning dirigible balloons for the purpose of destroying—no, not for the purpose of destroying anything, not for the purpose of making war at all, but for the purpose of preparing for peace [great laughter], for the purpose of filling the minds of the world with the idea that it is the ardent desire of the American people to go armed in order that it may have no occasion or opportunity to attack anybody. [Great laughter.]

Mr. HOBSON. Will the gentleman allow me to ask him a question?

Mr. WILLIAMS. Yes; but I desire to say that I have answered the argument of the gentleman from Illinois [Mr. Foss], who has so forcibly controlled the time in favor of the motion. [Laughter.]

Mr. HOBSON. I regret very much to take any time from the gentleman. I trust that the gentleman will have unanimous consent that this interruption be not taken out of his time.

Mr. WILLIAMS. Yes.

Mr. HOBSON. It is simply to ask the gentleman if he were going to be in a fleet of balloon ships, and were going to meet another fleet of balloon ships, whether, being in the American fleet of balloon ships, and the enemy being in another class of balloon ships [laughter], he being desirous of keeping his own lofty altitude, and not wishing his tire to be punctured at 10,000 feet in the air, whether he would not prefer to have balloon ships of a little different and better type and a few more of them than the other fellow? [Laughter.]

Mr. WILLIAMS. Mr. Speaker——

Mr. HOBSON. And further, if you could judge by the oratorical powers displayed whether, with a puncture, there would not be, perhaps, danger of more hot air escaping than there is to-day. [Great laughter.]

Mr. WILLIAMS. More than there is to-day, but not more than there was yesterday and the day before. [Great and continued laughter.] Mr. Speaker, I do not want you to understand—for I have the highest regard for your good opinion—I do not want you to understand that I am uselessly consuming the time of this House, and I would not have you or this House to understand, as probably you might from the nature of the question propounded by my young kinsman, the gentleman from Alabama, that I was up in the air in this argument. I am not. I have been merely referring him to the proposition that if fellows are ever to fight battles in the air, with air guns or other aerial weapons, that the eloquence and the oratory of my friend from Alabama will keep pace with the altitude of the other fellow. [Laughter.] And yet there never will be a time when his eloquence could exercise the influence upon him that it did upon me the other day.

I tell you, Mr. Speaker, when he described to me and you how the Japs are yearning for my blood and the blood and property of my children, and in blood-curdling vein how the great yellow race is prepared to inevitably conduct a war upon the great white race, and how we must prepare to take care of ourselves, after we got through with that argument I feared very much for all mankind and for myself and had to retire to the cloakroom for five or ten minutes to smoke, in order that my affrighted imagination could settle down and my reason once more take cool possession of me. [Great laughter and applause.]

Mr. HOBSON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Alabama?

Mr. WILLIAMS. Oh, certainly.

Mr. HOBSON. I simply rose to ask the gentleman whether, when he retired——

Mr. WILLIAMS. Oh, by the way, one thing before the gentleman goes on. I forgot to say in answer to the gentleman's last question that on the first balloon battle-ship appropriation I shall stand for appropriating for two balloons, plus their armor and air guns, at a time, and no more. [Laughter.]

Mr. HOBSON. Will the gentleman say whether, when discussing the naval appropriation bill, he has nightmares over the Japs and retires to the deep recesses of the cloakroom to receive inspiration therefrom, and then ventures forth upon the floor of this House and on a battle-ship appropriation—a question that is not partisan—tells his followers that it is a party question?

Mr. WILLIAMS. Oh, this question of suspending the rules is partisan. [Laughter.]

Mr. HOBSON. And when he makes a speech on the floor of the House, coming from that inspiration, and tells so poor a yarn as he did yesterday——

Mr. WILLIAMS. Oh, now, Mr. Speaker, I decline to be interrupted any further. When a man criticises my reasoning powers, I do not mind it. When a man criticises my sanity, I do not mind it. When a man criticises my personal pulchritude, I can reconcile myself to that. Even when he questions my statesmanship, as profoundly as I reverence it, I can preserve my equanimity; but when a man tells me that I have told a poor joke, it makes me hot under the collar. [Laughter.] "Is thy servant to be made to quit joking and versing both?" Why, Mr. Speaker, if I have two specialties in the world, they are jokes and poetry—principally other people's. And now, Mr. Speaker, the gentleman is to criticise the one to death after the gentleman from Pennsylvania [Mr. DALZELL] has murdered all appetite for the other. [Laughter.] Mr. Speaker, you know it has been my inoffensive habit now and then to draw upon this Republican House a beautiful little poem and, in punishment of "its manifold sins," to read it—verse, at any rate, if not poetry—but the other day, after the gentleman from Pennsylvania got through with his poetry, which halted upon only one foot, with the other one, if any, upon a crutch, and which sometimes saved and sometimes missed the rhyme, I thought of those words of Macbeth, "Sleep no more! Macbeth hath murdered sleep."

And so I announce now to the American Congress, and notwithstanding the objections of my friend from New York [Mr. PAYNE], I announce to the country that I shall henceforth, to avoid his muse, "verse no more, for DALZELL hath murdered verse." [Prolonged laughter and applause.]

Mr. HOBSON. I ask unanimous consent that the gentleman be allowed one minute more——

The SPEAKER. The question is on the motion to suspend the rules, agree to the amendments, and pass the bill. All those in favor will say "aye"——

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 175, noes 83.

Mr. WILLIAMS. Mr. Speaker, owing to the evident hasty dilatoriness and absent-mindedness of the Speaker in making the count, I call for tellers. [Laughter.]

Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is dilatory.

Mr. WILLIAMS. Why, Mr. Speaker, it could not possibly consume the time that the Chair saved in counting. [Laughter.]

The SPEAKER. The Chair sustains the point of order. In the opinion of the Chair, two-thirds having——

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on suspending the rules, agreeing to the amendments, and passing the bill. All those in favor will say "aye," those opposed will say "no," and the Clerk will call the roll.

The question was taken, and there were—yeas, 265, nays 11, answered "present" 9, not voting 102, as follows:

YEAS—265.

Adair	Diekema	Howell, Utah	Nicholls
Adamson	Dixon	Howland	Norris
Aiken	Draper	Hubbard, Iowa	Nye
Alexander, Mo.	Driscoll	Hubbard, W. Va.	O'Connell
Allen	Durey	Huff	Olcott
Ames	Dwight	Hughes, N. J.	Padgett
Andrus	Ellerbe	Hull, Iowa	Page
Anthony	Ellis, Oreg.	Hull, Tenn.	Payne
Barchfeld	Englebright	Humphrey, Wash.	Perkins
Bartholdt	Esch	Humphreys, Miss.	Porter
Bartlett, Ga.	Fairchild	Jenkins	Pray
Bates	Fassett	Johnson, Ky.	Prince
Beall, Tex.	Ferris	Johnson, S. C.	Rainey
Bell, Ga.	Finley	Jones, Wash.	Rauch
Bennet, N. Y.	Flood	Kahn	Reid
Bennett, Ky.	Floyd	Keifer	Reynolds
Birdsall	Focht	Kelliher	Richardson
Bonynge	Fordney	Kennedy, Iowa	Robinson
Booher	Foss	Kennedy, Ohio	Rodenberg
Bowers	Foster, Ill.	Kipp	Rothermel
Boyd	Foster, Ind.	Kitchin, Claude	Rucker
Bradley	Foulkrod	Knapp	Russell, Mo.
Brantley	Fowler	Knowland	Sabath
Brundidge	French	Küstermann	Scott
Burke	Fuller	Lafean	Sheppard
Burleigh	Fulton	Lamar, Mo.	Sherley
Burleson	Gaines, W. Va.	Landis	Sherman
Burnett	Gardner, Mich.	Law	Sims
Burton, Del.	Gardner, N. J.	Lawrence	Slemp
Burton, Ohio	Garrett	Leake	Small
Butler	Gilhams	Legare	Smith, Cal.
Calder	Gill	Lewis	Smith, Iowa
Calderhead	Gillespie	Lilley	Smith, Mich.
Caldwell	Glass	Lindbergh	Smith, Mo.
Campbell	Godwin	Littlefield	Smith, Tex.
Candler	Goebel	Livingston	Southwick
Capron	Goldfogle	Lloyd	Spight
Carlin	Gordon	Longworth	Stafford
Carter	Goulden	Loudenslager	Steenerson
Cary	Graff	Lovering	Sterling
Caulfield	Granger	Lowden	Sturgiss
Chaney	Greene	McCall	Sulzer
Chapman	Hackett	McDermott	Tawney
Clark, Mo.	Hackney	McGavin	Thistlewood
Clayton	Hale	McHenry	Thomas, N. C.
Cocks, N. Y.	Hamill	McKinlay, Cal.	Thomas, Ohio
Cole	Hamilton, Iowa	McKinley, Ill.	Tirrell
Conner	Hamilton, Mich.	McLachlan, Cal.	Tou Velle
Cook, Colo.	Hammond	McLain	Townsend
Cook, Pa.	Hardin	McLaughlin, Mich.	Volstead
Cooper, Pa.	Hardwick	McMorran	Vreeland
Cooper, Tex.	Hardy	Macon	Waldo
Cooper, Wis.	Harrison	Madden	Wanger
Cox, Ind.	Haskins	Madison	Washburn
Craig	Haugen	Mann	Watson
Crawford	Hawley	Marshall	Weeks
Crumpacker	Hayes	Maynard	Wheeler
Currier	Heflin	Miller	Willett
Cushman	Henry, Conn.	Moore, Pa.	Williams
Dalzell	Henry, Tex.	Moore, Tex.	Wilson, Ill.
Darragh	Higgins	Morse	Wilson, Pa.
Davidson	Hill, Conn.	Mouser	Wood
Davis, Minn.	Hinshaw	Mudd	Woodyard
Dawson	Hobson	Murdock	Young
De Armond	Holliday	Murphy	
Denby	Houston	Needham	
Denver	Howell, N. J.	Nelson	

NAYS—11.

Byrd	Hay	Lee	Slayden
Garner	Helm	Russell, Tex.	Stephens, Tex.
Gregg	Jones, Va.	Sherwood	

ANSWERED "PRESENT"—9.

Ansberry	Griggs	Moon, Tenn.	Roberts
Cousins	Langley	Olmsted	Shackleford
Gaines, Tenn.			

NOT VOTING—102.

Acheson	Ellis, Mo.	Laning	Randell, Tex.
Alexander, N. Y.	Favrot	Lassiter	Ransdell, La.
Ashbrook	Fitzgerald	Lenahan	Reeder
Bannon	Fornes	Lever	Rhinock
Barclay	Foster, Vt.	Lindsay	Riordan
Bartlett, Nev.	Gardner, Mass.	Lorimer	Ryan
Beale, Pa.	Gillett	Loud	Saunders
Bede	Graham	McCreary	Snapp
Bingham	Gronna	McGuire	Sparkman
Boutell	Haggott	McKinney	Sperry
Brodhead	Hall	McMillan	Stanley
Broussard	Hamlin	Malby	Stevens, Minn.
Brownlow	Hepburn	Mondell	Sulloway
Brumm	Hill, Miss.	Moon, Pa.	Talbott
Burgess	Hitchcock	Overstreet	Taylor, Ala.
Clark, Fla.	Howard	Parker, N. J.	Taylor, Ohio
Cockran	Hughes, W. Va.	Parker, S. Dak.	Underwood
Coudrey	Jackson	Parsons	Wallace
Cravens	James, Addison D.	Patterson	Watkins
Davenport	James, Ollie M.	Pearre	Webb
Davey, La.	Kimball	Peters	Weems
Dawes	Kinkaid	Pollard	Weisse
Douglas	Kitchin, Wm. W.	Pou	Wiley
Dunwell	Knopf	Powers	Wolf
Edwards, Ga.	Lamar, Fla.	Pratt	
Edwards, Ky.	Lamb	Pujo	

The Clerk announced the following pairs:

Until further notice:

Mr. PARKER of South Dakota with Mr. BARTLETT of Nevada.

Mr. EDWARDS of Kentucky with Mr. LENAHAN.

Mr. JACKSON with Mr. WEBB.

Mr. ACHESON with Mr. UNDERWOOD.

Mr. GARDNER of Massachusetts with Mr. TAYLOR of Alabama.

Mr. DAWES with Mr. SPARKMAN.

Mr. BARCLAY with Mr. SAUNDERS.

Mr. TAYLOR of Ohio with Mr. RANDELL of Texas.

Mr. PEARRE with Mr. PUJO.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. REEDER with Mr. WALLACE.

Mr. MOON of Pennsylvania with Mr. WOLF.

Mr. MONDELL with Mr. LINDSAY.

Mr. MALBY with Mr. BURGESS.

Mr. MCMILLAN with Mr. LAMAR of Florida.

Mr. LOUD with Mr. LASSITER.

Mr. LORIMER with Mr. OLLIE M. JAMES.

Mr. KINCAID with Mr. HITCHCOCK.

Mr. HUGHES of West Virginia with Mr. CRAVENS.

Mr. GILLETT with Mr. COCKRAN.

Mr. ELLIS of Missouri with Mr. CLARK of Florida.

Mr. BEALE of Pennsylvania with Mr. BRODHEAD.

Mr. ALEXANDER of New York with Mr. RIORDAN.

For the balance of the day:

Mr. BROWNLOW with Mr. GAINES of Tennessee.

Mr. KAHN with Mr. WILEY.

Mr. LANING with Mr. ASHBROOK.

Mr. SULLOWAY with Mr. TALBOTT.

So a majority having voted in favor thereof, the rules were suspended and the bill, with amendments, was passed.

Mr. SAUNDERS. Mr. Speaker, I would like to know if I am recorded.

The SPEAKER pro tempore (Mr. WATSON). The gentleman is not recorded.

Mr. SAUNDERS. I was present when the roll was called.

The SPEAKER pro tempore. Was the gentleman present and listening when his name was called and failed to hear it?

Mr. SAUNDERS. I was not listening just at that moment. I intended to vote, but my attention was diverted for a second.

The SPEAKER pro tempore. The rule forbids the Speaker to entertain the request unless the gentleman was in his seat listening when his name should have been called and failed to hear it.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WILLIAMS. I rise to ask unanimous consent to extend my remarks in the RECORD by inserting a sentence which I will read to the House: Sink or swim, survive or perish, live or die.

Mr. PAYNE. Regular order, Mr. Speaker, and I hope that the Speaker will see that the remark of the gentleman does not go into the RECORD.

The SPEAKER pro tempore. The regular order is demanded, which is the announcement of the vote.

The result of the vote was then announced, as above recorded.

Mr. BARTLETT of Georgia. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. BARTLETT of Georgia. I rise for the purpose of preferring a request, which I think is privileged. I ask that the gentleman from New Jersey [Mr. LOUDENSLAGER] and myself may by unanimous consent extend our remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the gentleman from New Jersey [Mr. LOUDENSLAGER] and himself may be permitted to extend remarks in the RECORD. Is there objection?

Mr. WILLIAMS. I am sorry, Mr. Speaker, but I am in a position where I must, if the two requests are coupled, object.

The SPEAKER pro tempore. The gentleman from Mississippi objects.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. R. 66. Joint resolution providing for additional lands for Wyoming under the provisions of the Carey Act—to the Committee on the Public Lands.

S. 5657. An act to provide for the purchase of a site and the erection of a building thereon at Westerly, R. I.—to the Committee on Public Buildings and Grounds.

S. 4692. An act providing for the purchase of a site for a public building at Poplar Bluff, Mo.—to the Committee on Public Buildings and Grounds.

S. 1762. An act for the relief of the trustees of the Davenport Female College—to the Committee on War Claims.

S. 1385. An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

Senate concurrent resolution 50.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound at the Government Printing Office 10,000 copies of the preliminary report of the Inland Waterways Commission, with illustrations, of which 5,000 copies shall be for the House of Representatives, 2,500 copies for the Senate, and 2,500 copies for the use of the Commission—

to the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17305. An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17983. An act for completing the pediment of the House wing of the Capitol;

H. R. 15653. An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war; and

H. R. 20310. An act relating to the liability of common carriers by railroad to their employees in certain cases.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20345, the diplomatic and consular appropriation bill, and pending that I move that general debate be limited to five hours.

Mr. PAYNE. Mr. Speaker, pending that motion, I move——

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman from Iowa [Mr. COUSINS] can not close general debate without going into Committee of the Whole.

Mr. PAYNE. Oh, the gentleman is not familiar with some of our new rules. [Laughter.]

Mr. WILLIAMS. Mr. Speaker, I desire to be heard on the point of order.

Mr. MANN. Mr. Speaker, I withdraw the point of order if the gentleman from Mississippi is going to make a speech.

The SPEAKER pro tempore. The Chair has recognized the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The question was taken, and the motion was agreed to.

Accordingly (at 5 o'clock and 52 minutes p. m.) the House recessed until 11.30 o'clock a. m. to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Minnick Williams, administrator of estate of Charles N. Ordway, against The United States (H. R. Doc. 863)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution of the House (H. J. Res. 162) authorizing the Interstate Commerce Commission to test appliances intended to promote the safety of railway operation, and for other purposes, reported the same without amendment, accompanied by a report (No. 1448), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15850) to extend the provisions of section 4 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, to the Territories of New Mexico and Arizona, reported the same with amendments, accompanied by a report (No. 1449), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, reported the same with amendment, accompanied by a report (No. 1450), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BARTHOLDT, from the Committee on Labor, to which was referred the bill of the House (H. R. 19662) to amend an act entitled "An act to establish the foundation for the promotion of industrial peace," reported the same without amendment, accompanied by a report (No. 1451), which said bill and report were referred to the House Calendar.

Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20384) to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 1452), which said bill and report were referred to the House Calendar.

Mr. HUFF, from the Committee on Mines and Mining, to which was referred the bill of the House (H. R. 20883) to establish in the Department of the Interior a bureau of mines, in lieu of H. R. 11702, 16082, 16870, 10556, 18934, 19663, reported the same without amendment, accompanied by a report (No. 1453), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 15641) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes, reported the same with amendments, accompanied by a report (No. 1454), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 211) to establish a fish-hatching and fish station in the State of Utah, reported the same with amendment, accompanied by a report (No. 1455), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 15663) to establish a fish-hatching and fish station in the city of Sandusky, Erie County, Ohio, reported the same with amendments, accompanied by a report (No. 1456), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 14266) to establish a fish hatchery and biological station at Woodville, Tyler County, in the State of Texas, reported the same with amendments, accompanied by a report (No. 1457), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 16875) to establish a fish-hatching and fish-culture station at Strawberry Island, Point Judith Pond, Rhode Island, reported the same with amendments, accompanied by a report (No. 1458), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 20793) for the relief of Elizabeth G. Martin—Committee on Insular Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 13351) granting an increase of pension to Asa Y. Gibson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 20878) to provide for the testing of electric meters in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. TOWNSEND (by request): A bill (H. R. 20879) to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. COX of Indiana: A bill (H. R. 20880) to provide for a site for a public building at French Lick, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. FOWLER: A bill (H. R. 20881) for the creation of a commission to prepare and submit a measure that will give to the United States a scientific financial and currency system—to the Committee on Banking and Currency.

By Mr. CAULFIELD: A bill (H. R. 20882) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations—to the Committee on Indian Affairs.

By Mr. HUFF, from the Committee on Mines and Mining: A bill (H. R. 20883) to establish in the Department of the Interior a bureau of mines—to the Union Calendar.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 20884) to authorize the township of Manistee, in the county of Manistee, Mich., to construct a bridge across the south channel of the Manistee River—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 20885) to provide for an expert accountant in the Indian Bureau—to the Committee on Appropriations.

By Mr. DENBY: A bill (H. R. 20886) to repeal section 3114 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. LINDBERGH: A bill (H. R. 20887) creating in the State of Minnesota a national forest reserve consisting of certain described lands, and for other purposes—to the Committee on Indian Affairs.

By Mr. REYNOLDS: A bill (H. R. 20888) to provide for holding terms of United States courts at Altoona, Pa.—to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 20889) to provide for the creation of a National Highways Commission, and for the construction, improvement, and maintenance of public highways—to the Committee on Agriculture.

Also, a bill (H. R. 20890) to amend paragraph 3 of section 4693 of the Revised Statutes of the United States—to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 20937) to establish a system of prizes and rewards for economy in coal consumption in the Navy—to the Committee on Naval Affairs.

By Mr. CARY: Joint resolution (H. J. Res. 170) providing for an investigation into alleged illegal practices and breaches of trust on the part of the Western Union Telegraph Company and the Postal Telegraph and Cable Company—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: Resolution (H. Res. 338) requesting certain information from the Secretary of Commerce and Labor—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 339) for the payment of a janitor to the Select Committee on Industrial Arts and Expositions—to the Committee on Accounts.

By the SPEAKER: Memorial of the legislature of Iowa, praying for legislation to give a pensionable status to the members of the Iowa Northern Border Brigade—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 20891) granting an increase of pension to Thomas Osburn—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20892) granting a pension to R. S. B. Nave—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 20893) granting an increase of pension to John B. Maberry—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20894) granting an increase of pension to Arthur Fairman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20895) granting an increase of pension to Edward T. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20896) granting an increase of pension to James I. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20897) granting an increase of pension to Henry J. Soward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20898) for the relief of the legal representatives of Benjamin Haney, deceased—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 20899) referring to the United States Court of Claims the claim of Joseph S. Muster for supplies furnished the United States Army during the civil war—to the Committee on War Claims.

By Mr. COX of Indiana: A bill (H. R. 20900) granting an increase of pension to Henry W. Wright—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 20901) granting an increase of pension to John Mobley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20902) granting an increase of pension to John Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20903) granting an increase of pension to John Bohland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20904) granting an increase of pension to Frederick Binder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20905) to correct the military record of Alonzo Carter—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 20906) granting an increase of pension to Francis M. Town—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 20907) granting an increase of pension to Washington E. Carothers—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 20908) for the relief of the estate of Frederick P. Gray—to the Committee on Claims.

Also, a bill (H. R. 20909) granting an increase of pension to George Newmann—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20910) granting a pension to John W. Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20911) granting a pension to Robert Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20912) granting a pension to David D. Sullivan—to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 20913) for the relief of the heirs of Larkin Echolls—to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 20914) granting an increase of pension to Samuel Handsaker—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 20915) granting an increase of pension to Schuyler M. Beebe—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20916) granting an increase of pension to Charles B. Hackney—to the Committee on Invalid Pensions.

By Mr. HOLLIDAY: A bill (H. R. 20917) granting an increase of pension to James Ohaver—to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 20918) granting an increase of pension to John Maney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20919) granting an increase of pension to Philip Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20920) granting an increase of pension to Edward G. Owen—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 20921) granting an increase of pension to Permelia A. Creed—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 20922) granting an increase of pension to Samuel D. Vorhis—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 20923) granting an increase of pension to Fredrick Winter—to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 20924) granting an increase of pension to James Graham—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 20925) for the relief of the estate of Preston Gaun, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20926) for the relief of the estate of Hampton Hudgens, deceased—to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 20927) granting an increase of pension to Benjamin F. Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20928) granting an increase of pension to John C. Milton—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 20929) granting an increase of pension to Jacob Kimmel—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 20930) granting an increase of pension to John N. Hess—to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 20931) granting an increase of pension to Wesley F. Barry—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 20932) granting an increase of pension to W. A. Baier—to the Committee on Pensions.

By Mr. RODENBERG: A bill (H. R. 20933) granting an increase of pension to Thomas Wright—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 20934) for the relief of Oscar F. Lackey for injuries sustained by him while acting as assistant engineer in the construction of the Panama Canal—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 20935) granting a pension to John Sutherland—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20936) granting a pension to Adeline Camp—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By The SPEAKER: Petition of Jacob Bahret, of Duchess County, N. Y., and 20 others, praying for an appropriation in aid of the construction and improvement of public highways—to the Committee on Agriculture.

Also, petition of the National Wholesale Lumber Dealers' Association, of New York, praying for the passage of legislation for the so-called "national parks" of the Appalachian and White Mountains region—to the Committee on Agriculture.

Also, petition of the Philadelphia Credit Men's Association, protesting against the passage of the so-called "Aldrich currency bill"—to the Committee on Banking and Currency.

Also, petition of Giles Otis Pearce, of Murphy, Calaveras County, Cal., praying for reimbursement for properties seized, taken, and destroyed, and unlawfully appropriated by a mob—to the Committee on Claims.

Also, petition of the officers of various banks and trust companies in the cities of Peoria and Pekin, Ill., and Racine, Wis., protesting against the enactment at the present time of financial legislation—to the Committee on Banking and Currency.

Also, petition of the Merchants' National Bank, of Lawrence, Kans., protesting against the passage of the Senate bill known as the "Aldrich bill"—to the Committee on Banking and Currency.

Also, petition of the Peoria Clearing House Association, of Peoria, Ill., protesting against sections 8 and 11 of the pending Senate bill known as the "Aldrich bill"—to the Committee on Banking and Currency.

Also, petition of the Chamber of Commerce of the State of New York, praying for the passage of legislation creating a currency commission—to the Committee on Banking and Currency.

Also, memorial of the legislature of Hawaii, praying for an amendment of the organic law of the Territory to enable the legislature thereof to amend or repeal the land laws—to the Committee on the Territories.

Also, memorial of the legislature of Hawaii, praying for an appropriation for the settlement of the existing claims of

Liliuokalani, late Queen of the Hawaiian Islands—to the Committee on the Judiciary.

Also, memorial of the legislature of Hawaii, praying for the removal of certain restrictions on the appropriation for expenses of the legislature of Hawaii—to the Committee on the Territories.

By Mr. ANSBERRY: Petition of Fort Wayne Clearing House Association, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. ASHBROOK: Petition of Fort Wayne Clearing House, against the Aldrich bill (H. R. 3023)—to the Committee on Banking and Currency.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Bright Evans—to the Committee on Pensions.

By Mr. BURKE: Petition of the Commercial Exchange of Philadelphia, for H. R. 16096, for appropriation of $250,000 for taking census of standing timber—to the Committee on the Census.

Also, petitions of H. C. Knapp, of Pittsburg, Pa., and Council No. 955, Knights of Columbus, of McKeesport, for legislation making October 12 a holiday—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Dirigo Grange, No. 98, of Freedom, Me., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. BURTON of Delaware: Petition of Roxana Grange, No. 42, Patrons of Husbandry, for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. BURTON of Ohio: Petition of Lake Erie Lodge, No. 188, Order B'rith Abraham, against further restrictive legislation touching immigration—to the Committee on Immmigration and Naturalization.

Also, petition of Lookout Camp, No. 466, Sons of Veterans, favoring care for the monuments to Presidents Garfield and McKinley by the National Government—to the Committee on Appropriations.

Also, petition of Fred J. Albert and others, of Cleveland, Ohio, for construction of at least one battle ship in a navy-yard—to the Committee on Naval Affairs.

By Mr. BUTLER: Petition for a national highways commission and in favor of making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. CALDER: Petition of currency committee of the American Bankers' Association, for amendment to the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Eugene McClosky and others, urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. CARY: Petition of national banks of Milwaukee, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CLARK of Missouri: Petition of United States Monetary League, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. COOK of Pennsylvania: Petition of J. W. Green, urging support of labor's recent memorial to Congress, and particularly remedial legislation excluding labor unions from provisions of the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of District Lodge No. 44, International Association of Machinists, favoring battle ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. COOPER of Wisconsin: Petition of residents of Kenosha, Wis., for legislation requiring time of filing to be placed on telegraph messages, and on other subjects affecting telegraph companies (H. R. 15123, 15267; S. 4395)—to the Committee on Interstate and Foreign Commerce.

By Mr. CURRIER: Petition of citizens of Keene, N. H., for enactment of law providing for a term of the United States circuit and district court annually at said Keene—to the Committee on the Judiciary.

By Mr. DAVIS of Minnesota: Petition of board of directors of Chamber of Commerce of Minneapolis, Minn., favoring Davis bill, to promote technical education in agriculture—to the Committee on Agriculture.

Also, petition of Grand Army of the Republic post of Cannon Falls, Minn., against discontinuance of United States pension agencies—to the Committee on Appropriations.

Also, petition of merchants, jobbers, manufacturers, and citizens of St. Paul, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. DE ARMOND: Petitions of citizens of Rockville, Creighton, and Bates County, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. DIXON: Petition of Ben North Post, No. 94, Grand Army of the Republic, Department of Indiana, for bill granting pension at $30 per month for volunteers of civil war who served one year—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of Congress of the Knights of Labor, against placing wood pulp on the free list—to the Committee on Ways and Means.

Also, petition of board of education of New York, favoring H. R. 20012, establishing marine schools—to the Committee on Naval Affairs.

Also, petition of Kansas City Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petitions of District Lodge No. 44, International Association of Machinists, and Central Federated Union of New York, favoring battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. FOSTER of Illinois: Petition of Clio Club, of Olney, Ill., for H. R. 18445 and S. 5117, to investigate and develop method of treatment of tuberculosis—to the Committee on Appropriations.

By Mr. FOULKROD: Petition of Philadelphia Bourse, against H. R. 17290, amending act to protect trade and commerce against unlawful restraints and monopolies—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of John Beatson, of Rockford, Ill., for the Fuller bill (H. R. 19250), for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of First National Bank of Alton, Ill., opposing passage of Aldrich bill—to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of the Commercial Exchange of Philadelphia, for H. R. 16096, appropriating $250,000 for taking the census of standing timber—to the Committee on the Census.

By Mr. HINSHAW: Paper to accompany bill for relief of Charles B. Hackney—to the Committee on Invalid Pensions.

Also, petition of J. C. Hamilton and others, favoring a postal savings bank and parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petitons of Kansas City Clearing House Association, Baltimore Clearing House, and Clearing House Association of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. JOHNSON of South Carolina: Paper to accompany bill for relief of J. L. Willis—to the Committee on Claims.

By Mr. LINDSAY: Petition of Andrew Muller and others, of Brooklyn, N. Y., urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Louis Winkler, for amendment to the Sherman antitrust law and in favor of the Pearre bill, employers' liability bill, and national eight-hour law—to the Committee on the Judiciary.

By Mr. McMILLAN: Petition of Hillsdale Grange, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. MOON of Tennessee: Papers to accompany House bill for the relief of the estate of Hampton Hulgeres, deceased, of White County, Tenn., and House bill for the relief of the estate of Preston Gaur, deceased, of Hamilton County, Tenn.—to the Committee on War Claims.

By Mr. NYE: Petition of Minnesota State Federation of Women's Clubs, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of directors of the Minneapolis Chamber of Commerce, favoring the Davis agricultural bill, to promote technical secondary education in agriculture—to the Committee on Agriculture.

By Mr. OLMSTED: Petition of Harrisburg Lodge, No. 174, Brotherhood of Locomotive Firemen and Engineers, favoring H. R. 19795, to promote safety of employees upon railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: Paper to accompany bill for relief of heirs of James C. Myatt—to the Committee on War Claims.

By Mr. REYNOLDS: Petition of sundry citizens of Pennsylvania, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. SPERRY: Resolution of the Connecticut State Board of Trade, favoring the bill for acquiring national forests in the Appalachian and White Mountains—to the Committee on Agriculture.

Also, protests of citizens of Hartford, New Haven, Derby, Seymour, New Britain, Bristol, and Middletown, Conn., against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, protest of the Birmingham National Bank, of Derby, Conn., against the Aldrich bill—to the Committee on Banking and Currency.

By Mr. WANGER: Petition of Philadelphia Bourse, against H. R. 17290, a bill to protect trade against unlawful restraints and monopolies—to the Committee on the Judiciary.

By Mr. WHEELER: Petitions of W. H. Deveraux and 33 others, of Wilcox, Pa., and Lewis P. Keoner, of St. Marys, Pa., in favor of passage of S. 3152, for additional protection to the dairy interests—to the Committee on Agriculture.

SENATE.

FRIDAY, *April 17, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on request of Mr. MCCREARY, and by unanimous consent, the further reading was dispended with.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of O. M. Davis, jr., administrator of C. L. Davis, deceased, *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had appointed Mr. TAWNEY a conferee on the part of the House upon the legislative, executive, and judicial appropriation bill in the place of Mr. Brick, deceased.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill H. R. 17305, an act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry organizations of Nebraska, Texas, Michigan, Pennsylvania, Missouri, Minnesota, California, New York, Ohio, District of Columbia, Iowa, Kentucky, Colorado, Massachusetts, New Jersey and Illinois, remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were ordered to lie on the table.

Mr. PLATT presented a petition of Hillsdale Grange, No. 933, Patrons of Husbandry, of Hillsdale, N. Y., praying for the passage of the so-called "rural parcels-post bill," and also for the establishment of a national highways commission, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of S. N. Parks, of Oneonta, N. Y., praying for the enactment of legislation to restrict the immigration of Asiatics into the United States, which was referred to the Committtee on Immigration.

He also presented memorials of sundry citizens of New York City, Yonkers, and Buffalo, all in the State of New York, remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented sundry petitions of citizens of Poughkeepsie, N. Y., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. ANKENY presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation providing for the establishment of a Department of Mines, which was referred to the Committee on Mines and Mining.

He also presented a petition of Ewartsville Grange, No. 114, Patrons of Husbandry, of Pullman, Wash., and a petition of Mayview Grange, Patrons of Husbandry, of Mayview, Wash., praying for the establishment of a rural parcels post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Ewartsville Grange, No. 114, Patrons of Husbandry, of Pullman, Wash., and a petition of Mayview Grange, Patrons of Husbandry, of Mayview, Wash., praying for passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. BRANDEGEE presented the memorial of E. J. Sheehan and sundry other citizens of New Haven, Conn., and a memorial of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER. I present sundry letters from citizens of various States, protesting against Sunday legislation as proposed in a bill now before the Committee on the District of Columbia.

I also present 608 telegrams on the same subject, having presented several hundred telegrams previously. I move that they all be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. SCOTT. On the same subject as that on which the Senator from New Hampshire has just offered petitions, I present a few telegrams. I will state that I think I have received several hundred, if not a thousand, letters protesting against the passage of the Sunday bill. I move that the telegrams be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. GALLINGER presented a petition of the East Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the elimination of grade crossings in the city of Washington, D. C., which was referred to the Committee on the District of Columbia.

He also presented a petition of the Northeast Washington Citizens' Association of the District of Columbia, praying for the enactment of legislation providing for the extension to Union Station of the East Washington Heights Traction Railroad Company, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Woonsocket, R. I., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented memorials of sundry citizens of Illinois, New York, Massachusetts, New Jersey, and Pennsylvania, remonstrating against the atrocities practiced by the Russian Government upon the citizens of that Empire, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 750, United Mine Workers of America, of Dewey Station, Ill., and a petition of Local Union No. 125, Amalgamated Association of Street Railway Employees, of Belleville, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. HEMENWAY presented petitions of 675 citizens of Fort Wayne and South Whitney, in the State of Indiana, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. DICK presented a memorial of Local Union No. 245, United Mine Workers of America, of Barton, Ohio, remonstrating against the enactment of legislation to exclude periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Wyandot Grange, No. 549, Patrons of Husbandry, of Nevada, Ohio, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Lake Seamen's Union of Cleveland, Ohio, remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes, relating to the complement of the crews of vessels, which was ordered to lie on the table.

He also presented a petition of Local Union No. 416, Cigar Makers' International Union of America, of Norwalk, Ohio, praying for the adoption of a certain amendment to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Union No. 172, of East Liverpool; of Local Union No. 111, of Canton, and of Local Union No. 121, of Fostoria, all of the Musicians' Protective Union, in the State of Ohio, praying for the enactment of legislation to prohibit Navy and Marine bands from entering into competition with civilian bands, which were referred to the Committee on Naval Affairs.

Mr. KNOX (for Mr. PENROSE) presented petitions of 1,414 citizens of the State of Pennsylvania, praying for the enactment of legislation providing additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

Mr. KNOX presented a memorial of the board of directors of the Philadelphia Bourse, of Philadelphia, Pa., remonstrating against the enactment of legislation to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," which was referred to the Committee on the Judiciary.

Mr. BULKELEY presented a petition of Colebrook Grange, No. 82, Patrons of Husbandry, of Colebrook, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Danbury, Conn., and a memorial of the Emmet Club of New Haven, Conn., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CURTIS presented a petition of Local Lodge No. 44, United Brotherhood of Leather Workers on Horse Goods, of Wichita, Kans., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Labor Union of Wichita, Kans., praying for the enactment of legislation granting relief to those who are injured in mining disasters, which was referred to the Committee on Mines and Mining.

Mr. MONEY presented a joint resolution of the legislature of Mississippi, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

A joint resolution memorializing Members of Congress to pass a law appropriating cotton-tax fund now in the United States Treasury to pension ex-Confederate soldiers and their widows and orphans.

Whereas there has remained in the United States Treasury for a number of years a sum approximating $60,000,000 illegally collected as a tax on cotton produced and marketed in Southern States during the years 1865, 1866, 1867, and 1868; and

Whereas, after the passage of so many years, it becomes impossible to secure the return of this tax in an equalized manner to the greater number of those who paid this illegal tax; and

Whereas recognizing it is the wish and desire of the people of the Southern cotton-growing States who paid this tax and their descendants that this fund, now held by the United States Treasury, be paid out for the pensioning of old ex-Confederate soldiers, their widows and orphans, understandingly by this method would in a practicable way reach the class of people who bore this injustice: Therefore, be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States is hereby respectfully memorialized and urged to pass a law authorizing and instructing the Treasurer of the United States to pay over this cotton-tax fund to the treasurers of the different Southern cotton-growing States in the proportion as each State contributed and paid this tax that constitutes this fund, for the purpose of distributing the same as pensions to the old Confederate soldiers as the legislatures of the different States may deem proper: Be it further

Resolved, That the Members of Congress from Mississippi are earnestly requested to take such steps as will aid in accomplishing this end.

Mr. HOPKINS presented a petition of the Columbia Damen Club, of Chicago, Ill., praying for the enactment of legislation to regulate the employment of child labor, which was ordered to lie on the table.

He also presented a memorial of Federal Labor Union, No. 1241, American Federation of Labor, of Carpentersville, Ill., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Robert Emmet Memorial Association, of Buffalo, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chicago Association of Commerce, of Chicago, Ill., praying for the enactment of legislation making the available balance of the funds for the improvement of the harbor at that city available for expenditure on existing improvements of the Chicago River, which was referred to the Committee on Commerce.

He also presented a petition of sundry volunteer officers of the civil war of Clay City, Ill., praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of the State of Illinois, praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a memorial of the Lake Seamen's Union, of Chicago, Ill., remonstrating against the enactment of legislation to amend section 4463 of the Revised Statutes relating to the complement of crews of vessels, which was ordered to lie on the table.

He also presented petitions of Local Union No. 1, Commercial Telegraphers' Union of America, of Chicago; of Local Union No. 125, Amalgamated Association of Street Railway Employees of America, of East St. Louis, and of Local Union No. 750, United Mine Workers of America, of Dewey Station, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which were referred to the Committee on the Judiciary.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I notice in the RECORD that the Senator from Maine [Mr. HALE], on Wednesday last, said to the Senate that the District of Columbia appropriation bill would be reported to the Senate this morning.

I had hoped that the committee would be able to complete that bill, so as to report it this morning, but it has been found an impossible task. I wish now to say that on to-morrow the bill will be reported for the purpose of having it printed and considered as soon as possible thereafter.

REPORTS OF COMMITTEES.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 643) for the erection of a monument to the memory of Gen. Patrick Edward Connor, reported it without amendment and submitted a report (No. 523) thereon.

Mr. du PONT, from the Committee on Military Affairs, to whom was referred the bill (S. 3919) granting an honorable discharge to Philip McCormick, submitted an adverse report (No. 524) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CARTER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 6484) to establish postal savings banks for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, reported it with amendments and submitted a report (No. 525) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (H. R. 1062) granting an increase of pension to Charles C. Weaver (Report No. 526); and

A bill (H. R. 1991) granting an increase of pension to Jerry Murphy (Report No. 527).

Mr. SUTHERLAND, from the Committee on Indian Affairs, to whom was referred the bill (S. 5520) to authorize the allotment to J. Morris Cook of his proportionate share in any of the land of the Grande Ronde Reservation, formerly belonging to the Umpqua tribe of Indians, and for other purposes, submitted an adverse report (No. 528) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (S. 5820) ratifying an act of the legislative assembly of the Territory of Arizona providing for the erection of a court-house and jail at Yuma, in Yuma County, Territory of Arizona, reported it with an amendment and submitted a report (No. 529) thereon.

He also, from the same committee, to whom was referred the bill (S. 5816) ratifying chapters 57 and 61 of the session laws of the twenty-third Arizona legislative assembly providing for the issuance of bonds by Mohave County to erect court-house and jail in said county, reported it without amendment and submitted a report (No. 530) thereon.

He also, from the same committee, to whom was referred the bill (S. 5818) ratifying an act of the Arizona legislature pro-

viding for the erection of a court-house at St. Johns, in Apache County, Ariz., reported it without amendment and submitted a report (No. 531) thereon.

FORT DOUGLAS MILITARY RESERVATION EASEMENT.

Mr. WARNER. I report back from the Committee on Military Affairs, without amendment, the bill (S. 6200) granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation, and I submit a report (No. 522) thereon. I call the attention of the Senator from Utah [Mr. SUTHERLAND] to the bill.

Mr. SUTHERLAND. The bill just reported is one of only local concern and it has the approval of the War Department. I ask for its immediate consideration.

Mr. SCOTT. I ask the Senator to state the object of the bill more fully, so that the Senate may understand what is contemplated by it.

Mr. SUTHERLAND. The bill simply grants a right of way across the Fort Douglas Military Reservation for the construction, operation, and maintenance of a pipe line and necessary valve houses in connection with it. The bill sufficiently guards, I think, the rights of the Government, and, as I have already stated, it has the approval of the War Department. I see no reason why it should not be passed.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

Mr. CULBERSON. I should like to ask the Senator in charge of the bill a question. It seems to grant a perpetual easement to the municipality of Salt Lake City. Is there any reservation in the bill of a right to modify or amend the act?

Mr. SUTHERLAND. The bill gives the War Department entire control over the matter. If the Secretary will again read the latter part of the bill, the Senator from Texas will see how it is guarded.

Mr. CULBERSON. May I ask that the latter part of the bill be read?

The VICE-PRESIDENT. The Secretary will read as requested by the Senator from Texas.

The Secretary read as follows:

Provided, That the said conduit and pipe line must be at all times maintained entirely below the surface of the ground; that the ground must be at all times kept in such condition as will enable troops to pass over the same without hindrance; that no fences shall be constructed to prevent the passage of troops and that all work done upon the reservation in pursuance of this grant shall be to the satisfaction of the post commander and under such regulations as he may prescribe in the interest of good order and discipline, and that in case of the removal of the conduit or pipe line or any of the valve houses the ground shall be restored by the grantee to its original condition.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN WISCONSIN.

Mr. CLAPP. For the senior Senator from Wisconsin [Mr. LA FOLLETTE] I report favorably from the Committee on Indian Affairs the bill (S. 4723) authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians. I report the bill without amendment and submit a report (No. 521) thereon. It being a local measure, I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 6667) to provide for the testing of electric meters in the District of Columbia, and for other purposes, which was read twice by its title and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. BURKETT introduced a bill (S. 6668) to regulate commerce, which was read twice by its title and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 6669) granting a pension to Minerva Boyd, which was read twice by its title and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 6670) for the relief of Joseph Shields, administrator of the estate of Herman Baernstein, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. ANKENY introduced a bill (S. 6671) granting an increase of pension to Jesse H. Hockett, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GARY introduced a bill (S. 6672) for the relief of the heirs of W. D. McDowall, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6673) for the relief of John R. Martin, which was read twice by its title and referred to the Committee on Claims.

Mr. DAVIS introduced a bill (S. 6674) for the relief of the estate of Francis McLelland, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. OVERMAN introduced a bill (S. 6675) to correct the military record of Jacob Madison Pruitt, which was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6676) fixing the compensation of the clerk of the United States circuit and district courts for the western district of North Carolina, and for other purposes, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. WETMORE introduced a bill (S. 6677) granting an increase of pension to Harding W. Stoddard, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GAMBLE introduced a bill (S. 6678) granting an increase of pension to Benjamin Flahart, which was read twice by its title and referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 6679) granting a pension to H. H. Michael, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6680) granting an increase of pension to John A. Pattee, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NELSON (for Mr. KITTREDGE) introduced a bill (S. 6681) granting an increase of pension to Samuel Campman, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. NIXON introduced a bill (S. 6682) to reimburse W. B. Graham, late postmaster at Ely, Nev., for money expended for clerical assistance, which was read twice by its title and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. MONEY introduced a bill (S. 6683) to indemnify Clarke County, Miss., in the sum of $40,000 for the court-house, records, and other property destroyed by the Federal troops during the late civil war, which was read twice by its title and referred to the Committee on Claims.

Mr. BACON introduced a bill (S. 6684) for the relief of the Medical College of Georgia, of Augusta, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. CLAY introduced a bill (S. 6685) for the relief of the estate of Joseph Lippman, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 6686) to provide for the completion of allotments to the members of the Choctaw and Chickasaw nations, and for other purposes, which was read twice by its title and, with the accompanying letter from the Secretary of the Interior, which was ordered to be printed, referred to the Committee on Indian Affairs.

Mr. KNOX (for Mr. PENROSE) introduced a bill (S. 6687) granting certain money to the International Exposition Company of New Mexico, which was read twice by its title and referred to the Select Committee on Industrial Expositions.

He also (for Mr. PENROSE) introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6688) granting a pension to Belle Holcomb;

A bill (S. 6689) granting an increase of pension to Sarah M. Hiestand;

A bill (S. 6690) granting an increase of pension to David Keller;

A bill (S. 6691) granting an increase of pension to John M. Rhoads;

A bill (S. 6692) granting a pension to Frederick W. Ellsworth (with the accompanying papers); and

A bill (S. 6693) granting an increase of pension to Mary R. Greer (with the accompanying papers).

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6694) for the relief of F. H. Lane; and

A bill (S. 6695) for the relief of Edward McDevitt.

He also introduced a bill (S. 6696) granting an increase of pension to Henry C. Frazier, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 6697) for the relief of William T. Grady; and

A bill (S. 6698) for the relief of Annie Catherine Mettier.

He also introduced a bill (S. 6699) granting a pension to Jacob C. Adams, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 6700) for the relief of Arthur H. Barnes, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 6701) to provide for payment of interest on judgments rendered against the United States for money due on public work, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6702) for the relief of John W. Knight and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. CLAPP introduced a bill (S. 6703) granting an increase of pension to Susan Schell, which was read twice by its title and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6704) granting an increase of pension to John Worrell; and

A bill (S. 6705) granting an increase of pension to Charles M. Hatcher.

Mr. WARNER introduced a bill (S. 6706) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations, which was read twice by its title and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WETMORE submitted an amendment proposing to appropriate $120 to enable the Superintendent of the Capitol Building and Grounds to pay for the marble bracket in the Supreme Court room supporting the bust of Chief Justice Waite, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $1,827,529.35 to enable the Secretary of the Navy to purchase three new steam colliers of American registry, ready for service, having a cargo-carrying capacity of 7,200 tons dead weight each, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. DEPEW submitted an amendment providing that out of the sum of money hereafter annually paid to the State of New York pursuant to the provisions of the acts of Congress of July 2, 1862, August 30, 1870, and March 4, 1907, there shall hereafter be paid annually to the Mount Tabor Industrial and Manual Training School for Colored Youths the sum of $5,000, intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. NELSON (for Mr. KITTREDGE) submitted an amendment authorizing the Secretary of the Interior to pay out of the appropriations heretofore made and applicable to Anton Rostad, of Vermilion, S. Dak., $80 due him under contract for erection of buildings at the Genoa Indian School, Nebraska, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. BACON submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—MARY E. EDMONDSON.

On motion of Mr. du PONT, it was

Ordered, That Mary E. Edmondson have leave to withdraw from the files of the Senate the papers submitted by her in support of Senate bill 540, first session Sixtieth Congress, granting a pension to Mary E. Edmondson, said bill having been favorably acted upon by the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on April 16, 1908, approved and signed the following act:

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service.

DAM ACROSS RAINY RIVER.

Mr. GALLINGER. I have been informed by the superintendent of the document room that there is a call for the veto message of the President of April 13, 1908, on the bill (H. R. 15444) to extend the time for the construction of a dam across Rainy River, and, at the request of the superintendent, I move that it be printed as a document.

The motion was agreed to.

SETTLEMENT OF SAMOAN CLAIMS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State concerning this Government's obligation to pay to the Government of Sweden the sum of $375, under the convention between the United States, Great Britain, and Germany, for the settlement of Samoan claims, which was signed at Washington, on November 7, 1899.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, April 17, 1908.

HOUSE BILL REFERRED.

H. R. 20471. An act making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

REGULATION OF INJUNCTIONS.

Mr. OVERMAN. I ask unanimous consent to call up the bill (S. 3732) regulating injunctions and the practice of the district and circuit courts of the United States.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on the Judiciary proposes to strike out all after the enacting clause and to insert:

That no temporary or interlocutory injunction, or temporary restraining order, or decree suspending or restraining the enforcement, operation, or execution of any statute of any State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any circuit or district court of the United States or by any judge or justice thereof upon the ground of unconstitutionality of the statute, unless the application for the same shall be presented to a circuit judge and shall be heard and determined, upon issue made and proof taken by affidavit or otherwise, by three judges, of whom two shall be circuit judges, and the third may be either a circuit or a district judge, and unless a majority of said three judges shall concur in granting such application. Whenever such application, as aforesaid, is presented to a circuit judge he shall immediately call to his assistance, to hear and determine the application, one circuit judge and one district judge or another circuit judge. Said application shall not be heard and determined until five days' notice of the hearing has been given to the governor and attorney-general of the State and such other persons as may be defendants in the suit: *Provided*, That if a majority of said judges are of the opinion, at the time notice of said hearing is given as aforesaid, that irreparable loss and damage would result to the applicant unless a temporary restraining order, pending the period of the required notice, is granted, a majority of said judges may grant such order, but the same shall only remain in force until the hearing and determination of the application, upon due notice, as aforesaid, has taken place. That an appeal may be taken directly to the Supreme Court of the United States from any order or decree granting or denying, after notice and hearing, a temporary or interlocutory injunction or restraining order in such case; and the hearing of such appeal shall take precedence over all other cases except those of a similar character and criminal cases.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

Mr. HEYBURN. I would be pleased to hear from the Senator having the bill in charge the purpose of this proposed legislation, which is of quite wide significance.

Mr. OVERMAN. Mr. President, in certain States in the United States, to wit, in Alabama, North Carolina, Minnesota, and other States of the Union, a Federal judge enjoined in certain cases the officers of those States from enforcing the State statutes.

I myself, Mr. President, in the last Congress and also in this Congress, asserted that the right of injunction should be taken away from the district and circuit judges, where the State was a party, and in the rate cases especially, wherever the petition was to enjoin a State officer from enforcing the State statutes, I contended that Congress has a right to take away from Fed-

eral judges the power to issue temporary injunctions. We discussed the question for more than three months here. It was seriously doubted whether Congress had that power or not, and the Senate so decided that Congress did not have that power when it defeated the Bailey amendment.

Since the decision in the Minnesota case and in the North Carolina case many bills have been introduced in the Senate to correct the evil. Early in the session I myself introduced a bill which was more drastic than this, which provided that no injunction should be issued by any Federal judge to suspend any State statute or restrain any State officer from enforcing a State statute.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. Certainly.

Mr. GALLINGER. I simply wish to inquire of the Senator from North Carolina if this is a unanimous report from the Committee on the Judiciary?

Mr. OVERMAN. It is. I want to say that this substitute for Senate bill 3732 is a unanimous report from the committee. I wish to say that there were some bills more drastic than this, and of the bills one was introduced by the Senator from Georgia [Mr. BACON] and another by the late Senator from Florida, Mr. Bryan, and two by myself, and was referred to a subcommittee. The distinguished Senator from Minnesota [Mr. NELSON], who I think has no superior on this floor as a lawyer or as a statesman, prepared the substitute which was reported back to the full committee and unanimously agreed to.

This measure proposes that whenever a petition is presented the circuit judge before whom it is presented shall, before granting the injunction, call in one circuit judge and one district judge or another circuit court judge, making three judges who shall pass upon the question of the injunction.

We think, sir, that if this could be done it would allay much intense feeling in the States. As was said by Mr. Justice Harlan, in his dissenting opinion in the Minnesota case, we have come to a sad day when one subordinate Federal judge can enjoin the officer of a sovereign State from proceeding to enforce the laws of the State passed by the legislature of his own State, and thereby suspending for a time the laws of the State. In other words, in effect we thought under the eleventh amendment a State could not be sued, but the Supreme Court, in the Minnesota case, says a suit against the attorney-general of a State is not a suit against the State. That being so, there being great feeling among the people of the States by reason of the fact that one Federal judge has tied the hands of a sovereign State and enjoined in this manner the great officer who is charged with the enforcement of the laws of the State, causing almost a revolution, as it did in my State, and in order to allay this feeling, if this substitute is adopted and three judges have to pass upon the question of the constitutionality of a State statute and three great judges say that the statute is unconstitutional, the officers of the State will be less inclined to resist the orders and decrees of our Federal courts. The people and the courts of the State are more inclined to abide by the decision of three judges than they would of one subordinate inferior Federal judge who simply upon petition or upon a hearing should tie the hands of a State officer from proceeding with the enforcement of the laws of his sovereign State. This is a substitute for my bill, and while it does not go as far as I would like I hope the substitute will be adopted. Therefore we have submitted this substitute, believing that it will remedy this great evil to some extent.

Mr. BURKETT. Mr. President, I desire to offer an amendment as a substitute for the substitute reported by the committee.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be read.

The Secretary read as follows:

That section 720 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 720. That the writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. Nor shall a writ of injunction or a restraining order be granted by any court of the United States against officers of any State in executing State laws until upon the final hearing and determination of the cause by the court where such action was instituted."

Mr. NELSON. Mr. President, that amendment ought not to be adopted, because one part of it would absolutely prohibit the courts in any case from issuing any other than a final injunction. I can briefly explain it, if it needs any explanation. I do not think it does.

The object of the proposed legislation is simply to provide that when an application is made for the purpose of obtaining an interlocutory or temporary injunction or a temporary restraining order to restrain the officer of a State, like the governor or the attorney-general, from executing the laws of the State, such applications shall be heard and considered before three Federal judges, two of whom shall be circuit judges, and the third one may be either a district or circuit judge; and it requires two of the judges, or a majority of them, to concur in granting the injunction.

It further provides that, except in cases of irreparable damages or injury, there shall be five days' notice of hearing given. Then the bill further provides that an appeal shall lie directly to the Supreme Court from any order granting or denying such application.

The real material difference is that in cases of this kind so important as to restrain the execution of a State law by State officials applications for injunction ought to be considered and passed upon by three Federal judges. The same principle, I may say, was brought into our jurisprudence by the Senator from Pennsylvania [Mr. KNOX] when he was Attorney-General of the United States. Under the law commonly called the "expediting law" the noted Northern Securities case was tried. It was tried before three Federal judges, and an appeal was taken directly to the Supreme Court. In the amendatory interstate-commerce act that we passed in the last Congress we adopted the same principle in reference to judicial proceedings under that act. It is exactly the same principle that was inaugurated by the Senator from Pennsylvania in reference to the Northern Securities case that is applied in reference to what it is proposed to do in this case. I can see no objection to it. I think the Judiciary Committee were all agreed, practically, on the matter.

Mr. BURKETT. Mr. President, I want to say in reply to the Senator from Minnesota [Mr. NELSON] that I have not been entirely oblivious or uncertain as to the objections that would be raised to the substitute which I offer. It is in exact form of a bill which I introduced on this subject some time ago after a good deal of consideration and I will say after a good deal of conference and consultation with some very eminent lawyers of the country.

In my opinion it will reach in a constitutional and proper way a need, and do it in a better way than the measure which the committee has reported. If the Senators will make a comparison of the two bills, they will find that the bill the committee has reported in no wise changes the right of the court to issue injunctions, temporary or otherwise, or "hair-trigger" injunctions, as they have at times been denominated—that is, injunctions apparently without consideration. It only involves the machinery by which those temporary injunctions can be issued and, in my opinion, makes it so cumbersome that it will not be practical nor in the end very satisfactory.

Suppose, perchance, there were a certain judge who wanted to issue an injunction of that sort improperly, and I am not even insinuating that there would be; but if there were a judge who might be inclined to issue an injunction improperly or without sufficient reason, it would be possible for him to call to himself perhaps at least one judge, and together they would make two, or a majority, who could issue an injunction just as improperly as it is possible for a single judge to do. The judge before whom the matter is brought has the selecting of the other two judges to act with him under the provisions of the committee bill.

The amendment which I have offered in the way of a substitute does not prohibit courts from issuing an injunction after the merits of the case have been heard. It simply prohibits them from issuing temporary injunctions, or injunctions before a hearing of the case. Those of us who have had occasion in the past to look up the history of the cases that have reached the Supreme Court and those that are reported in the Federal Reporter as coming from the circuit court of appeals will find that in a great many of those cases the lower courts themselves, after the hearing of the merits of the case, have set aside the temporary injunction that they originally issued before they had given the case a hearing on its merits. Notwithstanding that fact, by reason of an appeal to the Supreme Court, that temporary injunction has followed the case clear through, and the matter has been tied up by reason of a wrong injunction, as determined and adjudged by the circuit court itself afterwards, after a hearing. There was a wrong judgment in a matter of temporary injunction issued before hearing, and to the great damage and detriment of the State, and, I presume, possibly to the chagrin of the court that first made the order.

The amendment which I have introduced simply provides that a court can not issue an injunction until after it has heard the case—that is, after a final hearing of the case in the court where it originated.

Now, to be sure, someone may say that that may result in a great injury being done. That question, I think, was discussed somewhat in the recent Minnesota case, where it was suggested that, if the courts did not have the right to issue preliminary injunctions, great injury would have been done. But, on the other hand, we must remember that in the cases where this preliminary injunction has been issued wrongfully great injury has been done to the other side of the case. The States and the people have suffered injustice and hardship.

I take this position in reference to this sort of legislation: I will say this is an important matter, and, in my opinion, Congress, sooner or later, must take hold of it and determine by legislation, if it can—and, in my opinion, it can—as to where the line of demarcation is between State and Federal authorities in this class of cases.

I remember the excitement which was precipitated a year ago by the decision in the North Carolina cases, and we all will recall that at that time there was a very strained condition between Federal and State authority. It apparently would have taken only a match thrown into the box of tinder to have exploded the whole thing. But, as I now recall, it was the good sense and good judgment of the railroad people themselves, in finally determining to conform to the law until the matter could be heard, that perhaps quieted things in that State and prevented any possibility of an outburst of something that might have been very detrimental, or at least very embarrassing, both to the Federal and State authorities.

In my opinion we have had illustrations enough of this thing in the past to show that there will come a time when Congress must, if it can, define the line of demarcation between Federal authority and State authority in this particular line of cases. I have never been one of those who have had any great fear of the conflict of Federal authority and State authority. In my opinion there is no conflict and what seems a conflict is only the inability to see just where the one ends and the other begins. I believe there is a strong line of demarcation. It does not make so much difference, in my opinion, to the State or to the Federal authority where that line of demarcation is, but it is very important and very essential, in my mind, that we should know where that line of demarcation is. State and Federal laws will easily and readily conform to it if it is definitely known. I find that it varies somewhat from the view point of the observer. When you look at it from one side it spells one thing; and when you look at it from another side it spells another thing. In my opinion we ought to say by legislation just where that line of demarcation is.

The eleventh amendment, that is in controversy, in all these cases was itself adopted because of a lawsuit. That lawsuit was where a man of one State sued another State in the Federal court. The jurisdiction of the Federal court was disputed and it took a constitutional amendment to make it certain.

The people who were most instrumental in passing the Constitution believed, as we will find if we read the Federalist and the debates upon the Constitution at that time, that no citizen of one State had the right to sue another State; yet it came up in a lawsuit, and the Supreme Court decided that such a citizen did have a right to sue another State.

The unanimity with which Congress and the people adopted the eleventh amendment must persuade us that the people construed the Constitution in its adoption to mean differently than what the court said it meant. But the lawsuit decided otherwise, and the eleventh amendment was adopted.

I will say also that right at that time, when the eleventh amendment was adopted, the first portion of this proposed substitute was enacted into law. And I do not want the Senate to think that all of this which has been read is my amendment. This portion of the substitute which I have offered is the present law.

SEC. 720. That the writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy.

As I have stated, that is the present law. During the time that that constitutional amendment was pending for adoption by the States, the first part of that was passed in 1793. The latter part, with reference to bankruptcy, was passed in 1873. The portion which I propose to add is this:

Nor shall a writ of injunction or a restraining order be granted by any court of the United States against officers of any State in executing State laws until upon the final hearing and determination of the cause by the court where such action was instituted.

Now, as I was saying, from the time the eleventh amendment was adopted on down to the present, the courts have been determining in perhaps forty-odd cases where that line of demarcation is and what the eleventh amendment means. In two-thirds of those cases perhaps, for one reason or another, the courts have held that it did not prevent suing of State officers; and in a third, or a little more, of those cases the court has held that it meant that you could not sue State officers. In this one-third, or a little more, it has been held that you could not sue State officers because it was a suit against the State and prohibited by the eleventh amendment. But all the way along in all those cases there have been dissenting opinions. While the court may have decided, by a majority opinion, that suits against State officers were not in violation of the eleventh amendment, there has been a minority in almost every instance of the court, or at least in many instances, that has held that it was in violation of the eleventh amendment. And I may say that in many of those cases where they have held the reverse there has also been a dissenting opinion. I will say, though I have not taken pains to examine all of the cases, in most of them there has been a dissenting opinion holding the other way. So that we see that in each particular case there has been some question and a divided court. And I undertake to say that to-day, after a century of construction, that no dozen lawyers could be found that would agree just when a case comes within the prohibition of the eleventh amendment. To one who has read those opinions it must appear that the questions of the case involved have controlled more than any well-defined philosophy of opinion.

In the first case, perhaps, that came up after it was adopted, it was held that if the State was named as a party the action could not be maintained, because you were suing a State; and in the very next case that came up the court held that you could not look beyond the record to see who the parties were. Then, in the next case that came along, it was held that you must look beyond the record to see who the real party at interest was so as to decide whether the State was a party or not.

The first cases that were determined were determined upon whether the official was doing what he was doing by his discretion or by his duty. A little further along we find the pecuniary interest of the State in the particular case becoming the criterion. In some of the cases absolutely parallel they have been held one way and in other instances in another way, showing that there has been an uncertainty all the way down as to just where this line of demarcation is and just when and just how you could sue State officers. The personnel of the court changes, and the opinions of the same persons have undergone modification, perhaps, in some instances.

Now, let me suggest another thing in passing: In every single one of these cases, so far as I can now recall—and I have gone through, I think, pretty much all of them in times past, although I have not done it very recently—in every single one of those cases which has gone to the Supreme Court every right could have been secured; every right that has been sought to be maintained in the Federal court by this particular process of suing State officers in a Federal court could have been maintained, and the rights of those individuals could have been maintained by other methods than by going into this court. In the recent case from Minnesota that the Senator from North Carolina [Mr. OVERMAN] has referred to there was not any apparent contention anywhere but what the railroads could have maintained their rights in the State courts there equally as well as in the Federal courts, and the result would have been reached and every constitutional question determined as well in the State courts as in the Federal courts, and if either party had been dissatisfied they could have still carried it to the Supreme Court of the United States. So I say that, in my opinion, Congress must, and will at some time, undertake to determine just where the line of demarcation is.

I am not going to take any more time this morning. I have said more than I really intended to say, for I think I have sufficiently measured the feeling of the Senate, in talking with its members individually, to appreciate the fact that the work of the committee, perhaps, is going to be indorsed and that my amendment will not prevail.

I was sorry that the committee, in its wisdom, did not bring out a bill along these lines. However, I will say to the Senator from North Carolina that, in my opinion, his bill is a very great improvement on what we now have, and I would rather see that sort of legislation go through than none at all.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. BURKETT. I will in just a moment. It occurs to me, however, that we had better say now that the court shall not issue injunctions against State officers until after they have had a hearing on the merits of the case.

Mr. OVERMAN. I want to say to the Senator from Nebraska that on February 3 I introduced a bill, which is very similar to the proposition of the Senator from Nebraska. My bill provided

that section 720 of the Revised Statutes should be amended so as to read as follows:

SEC. 720. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. And no district or circuit court shall have jurisdiction to enjoin or restrain any State officer from the execution of the law of a State.

If it had gone a step further, it would have been exactly like the Senator's bill. I would be in favor personally of his bill, but it would be impossible to get such legislation as that at this time. Therefore the Senator from Minnesota has drawn a substitute which as I think, will correct the evils sought to be corrected.

Mr. BURKETT. I will say to the Senator that it seems to me, as I read the legislation of our country and the decisions of our courts, that we have been perhaps more careful about protecting property rights in this country than we have been about protecting the rights of individuals and the liberty of the person. The Federal courts, for example, have practically shut off the writ of habeas corpus to the individual, and yet, so far as I can find, they have never denied in the case of a property right, whether of a corporation or otherwise, the writ of injunction. I will say also that the Congress has taken away from the individual, in the case of a writ of habeas corpus, the right to appeal to the Supreme Court of the United States. I am not going to take the time to discuss that further, but if we can afford, and it is proper legislation, to deny the writ of habeas corpus to individuals in the Federal courts, we can afford to withhold some of the rights of injunction when property is concerned in those courts.

I recall one case now where the defendant was seeking a writ of habeas corpus, and he set forth that he had even been denied a jury trial, and yet he was denied a review of his case on habeas corpus and denied the right of habeas corpus in the court at that time. The court held in that case that if he claimed that some right under the Constitution had been denied, his remedy was by writ of error. I do not know any civil cases that have gone quite that far, and I do not know of any legislation that has gone as far as the act of 1868 in denying the right of appeal in habeas corpus cases to the Supreme Court.

So, I say I am not going to discuss this amendment further. I am simply going to ask for a vote on it, and if the amendment is lost, I hope the bill the Senator from North Carolina has introduced as amended will prevail.

Mr. CLAY. Mr. President, the Senator from North Carolina [Mr. OVERMAN] unintentionally did an injustice to one of the Federal judges in my State in the northern district. He said that this legislation was intended to correct certain conduct of certain judges, naming one in Alabama and in Georgia, in granting injunctions to set aside State statutes in those States. I wish to say to the Senator, I know he did it unintentionally.

Mr. OVERMAN. I did not mention any name. I understood the same trouble had occurred in Georgia that had occurred in Alabama.

Mr. CLAY. No; the same trouble did not occur in Georgia. A bill was filed in the Federal court in my State to enjoin the enforcement of certain statutes. The bill was presented to one of the Federal judges, Judge W. T. Newman, one of the ablest and purest men I have ever known. He granted a writ nisi, calling upon the defendant, the State, to show cause why the injunction should not be granted. When the case came on to be heard a demurrer was filed, on the ground that the Federal court had no jurisdiction to enjoin the State. After a hearing lasting a week, in which the ablest counsel in this country were engaged, Judge Newman sustained the demurrer, ruling that the State could not be made a party in such a case. The case is now pending in his court, and there has never been any appeal from his decision. I simply state this in justice to Judge W. T. Newman.

Mr. HEYBURN. Mr. President, it seems to me without precedent that we should take up for determination a question of this importance under the five-minute rule at this period of the session. It is safe to say that no more important question, or no question involving more important legal propositions, will be presented to the Senate at this or any other session.

In the first place, in my judgment, this proposed legislation, whether as written in the bill itself or in the amendment of the Senator from Nebraska [Mr. BURKETT], is in violation of the Constitution of the United States in its direct terms. I can not understand how the bill could have been reported in view of the application of section 1 of Article III of the Constitution to its present phraseology. That section provides that in all controversies in which a State shall be a party the Supreme Court of the United States shall have original jurisdiction; and this bill undertakes to deprive that court of jurisdiction, or to ignore its jurisdiction, and to place the jurisdiction elsewhere. They have even proposed that the district courts of the United States, which are merely the creatures of Congress, shall have a jurisdiction that by the Constitution is vested by express terms in the Supreme Court of the United States.

The question as to whether or not the statute of a State is in violation of the Constitution of the United States is always determined—well, I may say "always"—through the process of injunction. That is the method and the manner by which such questions are determined. It is not the kind of an infraction of the law that can be brought into court on the ordinary pleadings and presented as an issue between individuals. But the question of whether the legislature of a State has exceeded its powers has been determined, I may almost say always, by the court through the exercise of its power to enjoin the execution of the law of the State and it is a very proper method, and a convenient one.

If a State, in the name of its officers—because, as a rule, that is the way a State proceeds—is interested in maintaining the action of one of the coordinate branches of the State government, to wit, the legislature, then the State is in fact a party to the controversy and is within the rule of the provision of the Constitution to which I have just referred.

This bill undertakes to take away from the Supreme Court of the United States all participation in the determination of such questions, except as it is provided in the final paragraph, that appeals may be taken. Then this bill undertakes to give the parties a right to appeal to the Supreme Court of the United States on interlocutory motions. It departs from the ordinary rule that the jurisdiction of the Supreme Court of the United States attaches only to proceedings that are final in their character, and undertakes to give the right of appeal to the Supreme Court on motions and temporary restraining orders. It is such a radical change, such a radical invasion upon the existing rule of practice and procedure in the United States courts, that it should not be taken up for consideration in any hasty manner or under any limited rule for its discussion.

I was at first prompted to object to the consideration of the bill, but it is a question which has been discussed extensively and agitated in the public mind to such an extent that I thought perhaps we might as well take it up at least for preliminary consideration at this time.

Let me call attention to some of the provisions of the bill that I think must have escaped the attention of the committee reporting it. It provides:

That no temporary or interlocutory injunction, or temporary restraining order, or decree suspending or restraining the enforcement, operation, or execution of any statute of any State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any circuit or district court of the United States or by any judge or justice thereof upon the ground of unconstitutionality of the statute.

That is the only place where the Supreme Court of the United States is recognized—in the mention of the word "justice," because that designation applies to no other judge except a member of the Supreme Court of the United States. That provision undertakes to give coordinate jurisdiction to enforce the orders and decrees of the Supreme Court of the United States, it may be, to a district judge or a circuit judge. Now, let us see for what purposes. To determine, according to the language of the bill, the constitutionality of a statute of a State; in other words, the integrity of a law of a State. That is an action to which the State is a party, although it may be conducted in the name of an officer of the State merely as a matter of form and usage. It is not necessary that the action should be denominated "So-and-so, plaintiff, against The State of Pennsylvania," for instance. If it is an action for the purpose of determining the validity of the law of a State, it is an action to which the State is a party, because it is a law of the State and the State is the one that is interested in maintaining the integrity of the legislation enacted by one of the coordinate branches of the State government.

Are you going to cut out the Supreme Court of the United States entirely from consideration of the question as to whether or not the State has departed from its sovereign power and gone beyond it in enacting a law and enforcing it? Suppose it is a law for the collection of the revenues of the State; suppose it is a law which goes to the very integrity of the State and the State's existence. Are you going to say that that is not an action within the provision of the Constitution of the United States which designates actions to which a State is a party in interest, and say that the Supreme Court of the United States is not to have the jurisdiction that is given it by the Constitution? I do not believe you can do it.

I know, perhaps, what the answer will be—that this is not such an action as is contemplated by this provision in the Con-

stitution, but I think, upon a mature consideration of the nature of the actions that are really under consideration in this proposed legislation, Senators will find that they are just such actions as are contemplated by this provision of the Constitution.

Let us pursue the language of this bill a little further; let us see what we are authorizing the courts to do, and what courts we are authorizing to perform these acts. I have read the bill down to the statement as to the determination of the constitutionality of a statute. Now, it says that this shall not be done—

Unless the application for the same shall be presented to a circuit judge—

Under the Constitution a circuit judge is no part of the machinery of the Supreme Court of the United States. A circuit court is a statutory court. The Supreme Court is not; it is a constitutional court. We create circuit courts and district courts by acts of Congress; and it is now proposed to change the status of those courts and even abandon the name of "circuit court."

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. Do I understand the Senator from Idaho to contend that because an action brought against an officer of a State involves the constitutionality of a law of the State that is an action against the State?

Mr. HEYBURN. Mr. President, I undertook to distinguish between the line of thought suggested by the question of the Senator from Utah and the line of thought suggested by the language of this bill. It depends upon the nature of the action. Some actions would be and some would not be. If the action were one affecting an individual interest, it would not be; if the action were one affecting the validity of a statute upon which the State bases its right of action as a State, it would be.

Mr. SUTHERLAND. Suppose it were an action brought by a citizen against an officer of a State who is seeking to enforce a State law. The citizen or the individual brings an action against the officer, claiming that the law which the officer is seeking to enforce is an unconstitutional law. Does the Senator in that case say that it is in effect an action against the State?

Mr. HEYBURN. No; I have endeavored to say, and I say again, if it were an action that affected only an individual interest, then it would not be an action against the State. If it were an action that affected the right of the State to maintain a law enacted as a part of the government of the State on behalf of the State, then it would be.

Mr. SUTHERLAND. Well, the action to which I referred would be——

Mr. HEYBURN. It is not necessary to consider that. If this bill is broad enough to include another class of legislation that would bring it within the prohibition of the Constitution, why should we pause to consider possible actions in which the question would not be involved? This proposed legislation is written in language broad enough to cover both classes. I repeat, in order that there may be no misunderstanding as to what I say, that where an action is one affecting individual rights it is not within the constitutional prohibition; but where it is an action undertaking to establish the policy of the law of a State, it is within it, because the whole State is a party, and the only party interested.

You must keep that distinction squarely in mind. If the bill is drawn in such broad terms as that it would be applicable to either; we may dismiss from our minds the one consideration and direct our minds to the one that is sufficient.

Mr. SUTHERLAND. Mr. President, as I understand this provision, it is:

That no temporary or interlocutory injunction, or temporary restraining order, or decree suspending or restraining the enforcement, operation, or execution of any statute of any State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued.

Mr. HEYBURN. Yes. Now, Mr. President, the process is the same. If it were a statute authorizing the levy of a tax to maintain the State government, the method of attacking it would be to restrain the assessing officer from performing the function that was vested in him by the act. I am speaking only of those cases in which the State's existence or integrity as a government is involved, and I say that the language of the bill is so broad that it will include or attempt to include that class of cases. It is a waste of my time to undertake to discuss questions as to controversies involving individual rights. I am not discussing it at all from that standpoint, but where the State enacts a law for the collection of taxes for the maintenance of the State government, it is something that no particular individual is more interested in than another. It affects a right that is common to all the individuals of the State. I might name a number of other instances of the same character. They affect the governmental policy, the governmental existence of the State. It is because this bill is so broadly drawn as to include those that I have felt impelled to make the remarks that I am making, and I am not to be diverted from that position by the fact that there are innumerable conditions and cases and circumstances to which the objection I make would not apply.

Mr. President, this bill undertakes to limit the right, under any circumstances, in the class of actions enumerated in the proposed statute, to apply for relief to anyone except certain designated officers under certain enumerated conditions. The United States Supreme Court, by virtue of the power that created it, has the right to make any order, temporary or otherwise, necessary to protect its jurisdiction or to make it effective, and Congress can not take that power from the Supreme Court of the United States. That is inherent, and if the Supreme Court of the United States, acting under its rules, which it makes pursuant to the authority vested in it, says that a justice of that court may grant an injunction without notice where the rights of the State are affected within the provisions of the Constitution that I have already read, Congress can not take the power from it, because it is the exercise of a power necessary to preserve the jurisdiction of the Supreme Court of the United States, which it takes, not from Congress, but from the Constitution.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I call the attention of the Senator from Idaho to the fact that the proposed act is in negative terms. It provides that no temporary injunction, and so on, shall be issued unless certain requisites be provided. What language does the Senator find in the bill which enlarges in any way the power of the courts as they exist to-day? In other words, it does not attempt to enlarge the jurisdiction. It simply provides that before certain things are done certain prerequisites shall have been observed.

Mr. HEYBURN. I am not objecting to the bill so much on the ground that it enlarges the jurisdiction as on the ground that it undertakes to take away from the Supreme Court and the members of that court a jurisdiction which it now has by virtue of the constitutional grant and not by virtue of anything that Congress has authorized it to do.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. I call the attention of the Senator from Idaho to the fact that there is no limitation on the Supreme Court of the United States. The limitation is on the judges of the circuit or district courts of the United States. Of course when a justice of the Supreme Court of the United States sits in a circuit court of the United States he does not sit as a justice of the Supreme Court of the United States, exercising its original powers, but he sits as a circuit judge, and this limitation is only upon the circuit court, and by no process of construction that I can grasp would it apply to the Supreme Court.

Mr. HEYBURN. I have no contention at all with the suggestions of the Senator from Pennsylvania. I certainly did not intend to be understood as suggesting that the Supreme Court justice retained that character when sitting on the circuit. He sits there as a member of the circuit court by designation, and not as a member of the Supreme Court.

By this bill it is undertaken to create a new jurisdiction over something of which an established court now has jurisdiction and to change the nature of the jurisdiction of that established court, which is the Supreme Court of the United States. Of course the district court and the circuit court are the intermediaries between a party aggrieved or deeming himself aggrieved and the court of last resort. They are a part of the machinery that lead up to the Supreme Court, but they are not any part of the Supreme Court of the United States. What I object to is undertaking in this bill to say that these officers enumerated in the bill shall have these powers, because they already belong to another court.

Another thing I object to—and my first and original notes were to that effect—is that the bill undertakes to confer the right of appeal to the Supreme Court "from any order or decree granting or denying, after notice and hearing, a temporary or interlocutory injunction or restraining order in such case."

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. I do.

Mr. KNOX. I wish to say to the Senator from Idaho that I really believe he is wrong in his construction of this bill. I think the bill does not in the slightest degree confer any power where it does not now exist. The purpose of the bill is to put a limitation upon the exercise of an existing power, not to create any new power in the court. The bill does not pretend to say that any State officer or in any form of proceeding to which a State may be a party or in which it may be interested it can be enjoined under the circumstances prescribed in this bill where it could not now be enjoined by a single judge.

I did not have the honor of being present in committee on Monday when the bill was finally ordered to be reported, but there had been some preliminary discussion about the bill in the committee, and its whole scope and purpose, as I understand, and I think the wording of the bill bears it out, is to say to the judges of the United States court that hereafter no individual judge sitting in one of the lower Federal courts, district or circuit, shall lay his hand, where he now has the jurisdiction to lay it single-handed and alone, upon an officer of a State to restrain the operation of a law of the State, unless his judgment is corroborated by two of a court composed of three, in the manner prescribed by the bill. I think that was the purpose of the original bill and is the purpose of the substitute which the Senator from Minnesota has reported.

Mr. HEYBURN. If that is the purpose—and I have no doubt it is correctly stated by the Senator from Pennsylvania—there was no necessity of saying anything more in this bill than what he has said at his desk. The difficulty with this bill is in the elaboration——

Mr. KNOX. I think it says that.

Mr. HEYBURN. It says that, but in its elaboration it creates an uncertainty and an attempt to enlarge a jurisdiction in one way and to restrict it in another, which makes the bill, in my judgment, need some consideration at this time, if it is only the consideration of discussion. It is not well to pass a bill like this without having some explanation of it and some discussion.

It provides as follows:

> Whenever such application as aforesaid is presented to a circuit judge he shall immediately call to his assistance, to hear and determine the application, one circuit judge and one district judge or another circuit judge.

There is no circuit judge in the States of Montana, Idaho, Utah, Colorado, and Nevada. There is one in Oregon. There are two in California; none in North Dakota. That is a question of convenience, and it must be considered also in legislating upon a question of this kind, whether the law is of convenient, practical application or not. Now, our legislatures in those several States that constitute that circuit meet at the same time, and they are enacting laws, and many of them become operative immediately upon the signature of the governor, and the question of determining their application is sometimes one of quick necessity. It is sometimes one that requires an immediate application to a court to prevent the enforcement of a statute that may work great injury and where the aggrieved party may be practically without a remedy in the way of compensation.

This bill was evidently drawn by those who are accustomed to live in States where things are close together; where you can telephone a few blocks and get a circuit or district judge. In our State the district judge lives at the extreme end and corner of the State. It is 513 miles from the city in which I live to where the district judge lives. It is more than a thousand miles to where the circuit judge lives. It would not be possible, much less convenient, to get such a hearing as is provided for by this bill. I believe questions involving the constitutionality of the enactments of a State legislature should not be dealt with "off the bat," if I may use the term. They should be dealt with after due deliberation, and I believe more than one judge should pass upon them; but I believe that for the purpose of that quick and prompt action necessary to preserve rights which may be jeopardized by delay there should be some other provision than that contained in this bill.

I presume in North Carolina, probably overnight, you could bring together three judges of the class named in the bill. You could not do it in our part of the United States in so many days very often for even the preliminary steps; and this proposed law being of general application, it is proper that those of us who are surrounded by exceptional conditions should take notice of these things. It is at least wise that the attention of Congress be called to these objections in passing upon the measure.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. How many Federal judicial districts are there in Idaho?

Mr. HEYBURN. One. That is called Idaho. There are one in Montana, one in Utah, one in Nevada——

Mr. SMITH of Michigan. Where does the circuit judge live?

Mr. HEYBURN. The nearest circuit judge lives in Portland, Oreg.

Mr. McCUMBER. There is one in St. Paul.

Mr. HEYBURN. And the next one in St. Paul, and the next one in California. You must not lose sight of those conditions in enacting a law of general application; at least, we must not lose sight of them.

The provision at the top of page 3——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. I want to call the Senator's attention to the fact that the length of time that would be necessary to assemble the court would be running while the five days' notice was running. Such a case, under the provisions of this bill, could not be heard and determined until five days' notice of the hearing had been given to the governor and attorney-general of the State. As soon as the proceedings had been begun and notice had been served upon the circuit judge he would have to assemble his court, and he would have at least the full statutory period provided there, before which it would not be possible to hear or determine the case.

Another thing I wish to call attention to is that this does not necessarily limit the court that is to sit and hear it to the judges of the particular circuit in which the suit is begun. He can draw from the whole country to get a judge to sit with him.

Mr. HEYBURN. The whole country is farther from us than our neighbors.

Mr. KNOX. But sometimes a neighboring judge may be employed in such a way that he could not come. Then the next most convenient one could come.

Mr. HEYBURN. A little information may be useful here. I have known this condition of affairs to exist: The only United States judge in Montana was sitting in California on the circuit court of appeals. Our judge in Idaho was sitting in California to relieve Judge Morrow, sitting in the circuit court. Judge Hanford, of the State of Washington, was also sitting in California, and the circuit judge who lives in Oregon was sitting in the circuit court of appeals in California. That all happened at one time, and I had personal occasion to know it, because I was there transacting business with those courts. Then there was no judge within a thousand miles. The nearest United States judge to Spokane was in Dakota, to the east; Salt Lake the nearest to the south; or Nevada. It happened at that time that the judge of Nevada was sitting also in court in San Francisco. I have taken one time as an illustration. There was no judge in the State of Washington, the State of Idaho, the State of Montana, or the State of Oregon.

There was the condition. These other judges were engaged in hearing causes in California, and they could not have responded. An application might have been made to them, because they were in the circuit, by going to California. The papers could have been prepared and submitted to them in California, and they could have issued an order, but they were engaged in the performance of their judicial duties, holding court, some of them in the middle of long trials. While nominally they were available, as a practical effect they were not available at all.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. Under the proviso, before a restraining order can be issued to arrest irreparable injury or damage to property, at least two judges must join in making the order. If at the time the notice is given it seems that irreparable injury will be suffered if the order is not granted, a temporary restraining order may be issued, but it requires a majority of three judges to do it.

Mr. HEYBURN. In the first place, you must get to the judge, and if this condition of affairs arises in our country—and such conditions arise pretty sharply sometimes in those mining camps—they arise overnight; we have had to have the Army of the United States in there twice——

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. Certainly.

Mr. KNOX. May I interrupt the Senator for a moment? I fully sympathize with the precaution displayed by the Senator from Idaho in trying to throw all possible protection around the proper exercise of Federal jurisdiction, but I think he misses sight of the essential and only point here. This is not intended to provide a new method of procedure or any method of procedure in connection with any condition that may arise in the mines of Idaho, arising out of disturbance or disorder. The sole and simple purpose of this bill is to prevent a single inferior Federal judge from pronouncing a law of a State unconstitutional. It is not to be presumed that any State of this Union is going to pass any law so preposterous in its terms or so damaging in its effect that the short period of time that is prescribed here to assemble the court to hear and determine the constitutionality of the law can not pass without any serious injury to the public. In my experience I know of no case where a greater period of time has not expired under existing conditions before a single Federal judge has enjoined the operation of State law than would possibly elapse under the terms and provisions of this bill.

I hope the Senator from Idaho will speak to this bill with that notion in his mind—that that is the sole and only purpose of the measure.

Mr. HEYBURN. I realize the force of the suggestion and argument of the Senator from Pennsylvania. I am speaking from an entirely different standpoint from any to which he is accustomed. I have known a legislature that I have in my mind to pass an act that undertook to say who should be hired and who should not be hired under certain conditions; and I remember when it was necessary to take very quick action in regard to it. I do not care to embarrass this question by going into details about it, but I think other Senators have known like conditions to exist. I do not want this legislation to add to the inconvenience that exists under present law. The Federal judges in our country have always stood by the law and for the law, and they have saved us many times from the rule and reign of lawlessness. Our Federal judges have stood between us and riots and the destruction of property. They could not entirely prevent it, but they stayed the hand at the earliest possible moment; and I recall an instance where, by an order from a Federal judge, a mob of rioters numbering thousands was stayed in an hour or two, just as quick as the marshal could get there. I have no doubt that condition has existed in the Senator's State and in other States.

Mr. KNOX. The Senator from Idaho does not wish us to understand that Federal judges have stayed the destruction of property which was impending under the authority of any State statute, I hope; and if that is not the case, then the criticism does not apply.

Mr. HEYBURN. These people had secured control of the legislature for one term, and they had enacted some laws that gave them all of the privileges they had been crying for, and they claimed the right to exercise those privileges, and I think a little investigation of the statutes and the conditions will make very plain what I refer to.

I do not want to bring into this discussion any element of partisanship or of that sharp controversy which exists in this country between labor and capital, as it is called, because I did not rise for that purpose and I do not intend to discuss it. I only want the convenience of our courts to be maintained. I want to be able to go to a United States judge and get a restraining order to restrain those who may undertake to defy the law. I do not want to have to get three judges together where one can accomplish the purpose, simply because it is easy enough to get three judges together in the city of Philadelphia or the city of Washington, or any of these large centers. It is not possible very often to get three judges together in the more thinly settled parts of this country in which we live. But we can always find some one judge.

I remember once having to go clear to San Francisco to find a Federal judge who had jurisdiction to issue certain writs of injunction, and he was the only judge, when I got there, who was in the city who could do it. We are sometimes at a great disadvantage in our country. I have often thought how pleasant it would be to practice law in a city where you get on a street car and go to any court of the State. Instead of that we sometimes have to travel 500 or 1,000 miles.

I want to have this matter thoroughly aired and considered here, so that when we enact this statute we will come as near the right line as it can be drawn.

In respect to what I have said in regard to the attempt that the bill contains, not to confer a jurisdiction, but to limit a jurisdiction that now exists, I think my point is well taken from the standpoint from which I state it, not from the standpoint suggested by the Senator from Utah, not from the standpoint suggested by the Senator from Pennsylvania, but from the standpoint which is peculiar and yet which is applicable to the conditions I have represented.

Mr. President, I think when the question of the validity of a statute affecting the right of a State to collect revenue, to perform those acts which are functions of a State as a State is to be tested, the place to test it and the only place is in the Supreme Court of the United States, which has original jurisdiction for that purpose conferred upon it in express language by the Constitution, and if it has original jurisdiction that is the place to exercise it.

Now, then, to say that the steps that are necessary to be taken to maintain the integrity of that jurisdiction shall be conferred upon three judges only, after notice and hearing, of course, while it is not suggested that that would be conclusive of the jurisdiction of the Supreme Court of the United States, yet nevertheless it has that appearance on its face, and it looks to me as though the fact is lost sight of that the Supreme Court has jurisdiction.

Mr. President, it was not my intention to do anything more than to call attention to these facts. I do not think the bill ought to be considered under Rule VIII, and I have transgressed the five-minute rule of the Senate many times in discussing this question. My purpose was to ask that the bill go over under Rule IX.

Mr. BACON. I understand the bill is not up under Rule VIII.

Mr. HEYBURN. Yes; it is up under Rule VIII.

Mr. BACON. I understand it was taken up by unanimous consent.

Mr. HEYBURN. Under Rule VIII.

The VICE-PRESIDENT. The Senator from Georgia is correct. It was taken up by unanimous consent.

Mr. BACON. It was taken up by unanimous consent.

Mr. President, I am very anxious for the passage of this bill, and I am not going to occupy the time of the Senate more than for a very few minutes, because at 2 o'clock, as I understand, it will be displaced. Consequently I shall be very brief.

Mr. President, I very greatly favor this legislation, which will as far as possible protect the States against the irresponsible granting of injunctions by Federal judges restraining the operation of State statutes. I desire to state that I introduced a bill on this subject upon which this substitute of the committee has been modeled. In fact, it is practically the same bill, contains the same provisions, and in a large part the same words. The only addition to the bill, as introduced by me, is that with reference to the contingency of irremediable loss in case speedier action was not had than that under the five-day provision of the bill. The unnecessary change in phraseology does not in any degree change the identity of the bill. The importance of securing the desired legislation is too great to haggle over matters of detail. Nevertheless, Senate bill 5109, which was introduced by me, and upon which the substitute was modeled, is superior in form to the one that is before the Senate. It is a simpler bill and it avoids some of the things which the Senator from Idaho [Mr. HEYBURN] has been discussing.

The ordinary course, the one usually pursued, naturally would have been for the committee simply to have put on the amendment with reference to the irreparable-injury contingency, if such amendment was deemed proper, and to have passed the bill in its original shape. It is not customary to present a substitute for a bill simply to incorporate thereon one short amendment. But I am so anxious that we should have legislation on this line that I will not make any issue on the subject, but let it go with this statement. I simply ask that, without reading, the bill as originally framed and introduced by me may be put in the RECORD, although, if any Senator desires, it can be read. It is short.

The VICE-PRESIDENT. Without objection, the original bill will be inserted in the RECORD.

The bill introduced by Mr. BACON February 6, 1908, is as follows:

A bill (S. 5109) relating to the issuance or granting of injunctions, interlocutory orders, or decrees by circuit and district courts of the United States or by any circuit or district judge thereof, suspending or restraining the enforcement, operation, or execution of any statute of any State or the action of any officer of such State in the enforcement or execution of such statute in certain cases.

Be it enacted, etc., That no injunction, interlocutory order, or decree suspending or restraining the enforcement, operation, or execution of any statute of any State or the action of any officer of such State in

the enforcement or execution of such statute shall be issued or granted by any circuit or district court of the United States or by any judge or justice thereof upon the ground of unconstitutionality or upon any ground whatsoever unless the application for the same shall be actually heard, and upon issue made and preliminary proof taken, by affidavit or otherwise, the judgment thereon rendered by at least three judges; and each of at least two of said three judges shall be either a judge of the circuit court of the United States or a circuit justice of the Supreme Court of the United States.

No such injunction, interlocutory order, or decree shall be issued or granted except on hearing after not less than five days' notice to the governor of such State and to such other officer or officers as shall be proper parties to said application. An appeal may be taken from any such injunction, interlocutory order, or decree issued or granted upon such application, which appeal shall lie directly to the Supreme Court of the United States, and shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

Mr. BACON. The purpose of the bill is to throw additional safeguards around the exercise of the enormous powers claimed for the subordinate Federal courts. If these courts are to exercise the power of stopping the operation of the laws of a State and of punishing the officers of a State, then at least let it be done on notice and not hastily, and let there be the judgment of three judges to decide such questions, and not permit such dangerous power to one man.

The necessity for this legislation is a very grave one. It is a most serious trouble which now exists—that by the action of one judge the machinery of State laws can be arrested. My individual opinion is that that is an unlawful proceeding. I believe that a proceeding against the officers of a State to arrest the operation of the statute of a State is in violation of the eleventh article of the Constitution.

I will not stop to discuss that, Mr. President, for the reason stated—time does not permit. It has recently been before the Supreme Court of the United States in what is known as the "Minnesota case." I most deeply regret the decision of the court in that case. I can do no more now than cite the dissenting opinion of Mr. Justice Harlan in that case. I would not suggest the language myself in this place, but I may say without impropriety that Mr. Justice Harlan has said in that dissenting opinion that the decision trampled upon the rights of the State of Minnesota, and I may add that if it trampled upon the rights of the State of Minnesota, it necessarily trampled upon the rights of every other State.

I am going to ask that there may be inserted in the RECORD, as a part of my remarks, the dissenting opinion of Mr. Justice Harlan in that case. I regard it as a most important matter, and one that the solution of this particular piece of legislation only begins to touch. The time is ahead of us, and not far ahead of us, when we have got to deal with the question whether or not, as stated by Mr. Justice Harlan, under such a rule as that laid down in this case, the subordinate Federal courts are to supervise and control the official action of the States as if they were dependencies or provinces. If these subordinate courts can exercise such power, then, indeed, the States are but provinces and dependencies. We have got to deal with that question in the near future, and it is one of the most important which can possibly be submitted to us for solution. But, as I said, time does not permit me now to discuss it. I want to say, however, that this legislation is not without precedent.

There was an act approved February 11, 1903, in which, where very much less important interests were involved, Congress provided that certain cases should only be heard when three circuit judges presided. I will give the title of that act, because I do not wish to consume the time in reading the entire act, although it is short. It is "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted." After going on and speaking of a certain situation, it says:

Thereupon such case shall be given precedence over others and in every way expedited, and be assigned for hearing at the earliest practicable day, before not less than three of the circuit judges of said circuit, if there be three or more; and if there be not more than two circuit judges, then before them and such district judge as they may select.

So this has a precedent. That act was passed while the present junior Senator from Pennsylvania [Mr. KNOX] was the Attorney-General, and I have been informed that it was drawn by him. Following that precedent, I framed and offered an amendment to the rate bill in the Fifty-ninth Congress requiring two judges to preside and concur in the judgment before any order of the Interstate Commerce Commission in regard to railroad rates should be enjoined or restrained.

I want to say, Mr. President, that this question of the powers of the Federal courts in their relation to the State and to control of legislation is one which has existed from the foundation of the Government. I saw the other day in Watson's Jeffersonian Magazine, which is published in Georgia, a reference to a debate in the Senate in 1802, which I have since had occasion to examine, a most extended and elaborate debate, in which even in that early day the fathers were engaged and greatly concerned upon the question as to the power of the Federal courts in arresting the proceedings under legislation, Federal and State. If time permitted, I would like to read from that historic debate.

Mr. President, it is a great question; and while it has lasted so long, it is one which is now pressing for solution with very much more acuteness and gravity than it ever has done in the past.

I hope this bill will pass. It comes with the unanimous report of the Judiciary Committee. I will vote for the amendment offered by the Senator from Nebraska because I believe, as I have said, that they have no power to issue the injunctions at all restraining a State officer from executing a State law, that it is a violation of the eleventh amendment to the Constitution, which prohibits a suit against a State. As is most clearly shown by Mr. Justice Harlan in his dissenting opinion in the Minnesota case, it is a play with words to talk about enjoining the officer of a State in the execution of the laws of a State and say that that is not a suit against a State.

Can it be contended that the eleventh amendment simply has reference to the protection of a State so that it may not be sued for money, but that it may be sued to arrest it in the exercise of the powers which were reserved to it when they made the General Government? It is utterly inconceivable that it was contemplated in the formation of the Federal Government that a Federal judge could under the Constitution which was being formed, arrest the laws of a State, and put the officer of the State engaged in the enforcement of the laws of the State in the custody of the marshal of the court and fine and imprison him for not obeying its sovereign order! How many States would have ratified the Constitution with such a provision plainly written in it? It is safe to say not one.

There is an orderly way by which the constitutionality of a State statute can be tested, and that is as provided in the Federal statute, by taking the case to the highest court of a State and thence, if necessary, to the Supreme Court of the United States. That is the road all litigants should be required to travel.

Mr. President, I should like to say more, but I desire that we may have a vote on this measure before the time expires.

The VICE-PRESIDENT. Without objection, the request of the Senator from Georgia to have the dissenting opinion of Mr. Justice Harlan in the Minnesota case inserted in the RECORD in connection with his remarks without reading is granted.

The matter referred to is as follows:

Supreme Court of the United States. No. 10, original.—October term, 1907. Ex parte: In the matter of Edward T. Young, petitioner. Petitions for writs of habeas corpus and certiorari and motion for leave to file same. [March 23, 1908.]

Mr. Justice Harlan, dissenting.

Although the history of this litigation is set forth in the opinion of the court, I deem it appropriate to restate the principal facts of the case in direct connection with my examination of the question upon which the decision turns. That question is whether the suit in the circuit court of the United States was, *as to the relief sought against the attorney-general of Minnesota*, forbidden by the eleventh amendment of the Constitution of the United States, declaring that "the judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state." That examination, I may say at the outset, is entered upon with no little embarrassment, in view of the fact that the views expressed by me are not shared by my brethren. I may also frankly admit embarrassment arising from certain views stated in dissenting opinions heretofore delivered by me which did not, at the time, meet the approval of my brethren and which I do not now myself entertain. What I shall say in this opinion will be in substantial accord with what the court has heretofore decided, while the opinion of the court departs, as I think, from principles previously announced by it upon full consideration. I propose to adhere to former decisions of the court, whatever may have been once my opinion as to certain aspects of this general question.

The plaintiffs in the suit referred to, Perkins and Shepard, were shareholders of the Northern Pacific Railway Company and citizens, respectively, of Iowa and Minnesota. The defendants were the railway company, Edward T. Young, attorney-general of Minnesota, the several members of the State railroad and warehouse commission, and certain persons who were shippers of freight over the lines of that railway.

The general object of the suit was to prevent compliance with the provisions of certain acts of the Minnesota legislature and certain orders of the State railroad and warehouse commisssion, indicating the rates which the State permits to be charged for the transportation of passengers and commodities upon railroads within its limits; also to prevent shippers from bringing actions against the railway company to enforce those acts and orders.

The bill, among other things, prayed that Edward T. Young, "as attorney-general of the State of Minnesota," and the members of the State railroad and warehouse commission (naming them) be enjoined from all attempts to compel the railway company to put in force the rates or any of them prescribed by said orders, and "from taking

any action, step, or proceeding against said railway company, or any of its officers, directors, agents, or employees, to enforce any penalties or remedies for the violation by said railway company of said orders or either of them;" and that said Young, "as attorney-general," be enjoined from taking any action, step, or proceeding against the railway company, its officers, agents, or employees, to enforce the penalties and remedies specified in those acts.

The court gave a temporary injunction as prayed for. The attorney-general of Minnesota appeared specially and, without submitting to or acknowledging the jurisdiction of the court, moved to dismiss the suit as to him, upon the ground that the State had not consented to be sued, and also because the bill was exhibited against him "as, and only as, the attorney-general of the State of Minnesota," to restrain him, by injunction, from exercising the discretion vested in him to commence appropriate actions, on behalf of the State, to enforce or to test the validity of its laws. He directly raised the question that the suit as to him, in his official capacity, was one against the State, in violation of the eleventh amendment.

In response to an order to show cause why the injunction asked for should not be granted the attorney-general also appeared specially and urged like objections to the suit against him in the circuit court.

After hearing the parties the court made an order September 23, 1907, whereby the railway company, its officers, directors, agents, servants, and employees, were enjoined until the further order of the court from publishing, adopting, or putting into effect the tariffs, rates, or charges specified in the act of April 18, 1907. The court likewise enjoined the defendant, Young, "as attorney-general of the State of Minnesota," from "taking or instituting any action, suit, step, or proceeding to enforce the penalties and remedies specified in said act or either thereof, or to compel obedience to said act or compliance therewith or any part thereof." A like injunction was granted against the defendant shippers.

On the next day, September 24, 1907, the State of Minnesota, "on the relation of Edward T. Young, attorney-general," commenced an action in one of its own courts against the Northern Pacific Railway Company—*the only relief sought* being a mandamus ordering the company to adopt, publish, keep for public inspection, and put into effect, as the rates and charges to be maintained for the transportation of freight between stations in Minnesota, those named and specified in what is known as chapter 232 of the session laws of Minnesota for 1907. That was the act which it was the object of the Perkins-Shepard suit in the Federal court to strike down and nullify. An alternative writ of mandamus, such as the State asked, was issued by the State court.

The institution, in the State court, by the State, on the relation of its attorney-general, of the mandamus proceeding against the railway company having been brought to the attention of the Federal circuit court, a rule was issued against the defendant Young to show cause why he should not be punished as for contempt. Answering that rule, he alleged, among other things, that the mandamus proceeding was brought by and on behalf of the State, through him as its attorney-general; that in every way possible he had objected to such jurisdiction on the ground that the action was commenced against him solely as the attorney-general for Minnesota in order to prevent him from instituting in the proper courts civil actions for and in the name of the State to enforce or test the validity of its laws; *that there is no other action or proceeding pending or contemplated by this defendant against said railway company, except said proceedings in mandamus hereinbefore referred to.* Defendant expressly disclaimed any intention to treat this court with disrespect in the commencement of the proceedings referred to, "but believing that the decision of this court in this action, holding that it had jurisdiction to enjoin this defendant, as such attorney-general, from performing his discretionary official duties, was in conflict with the eleventh amendment of the Constitution of the United States, as the same has been interpreted and applied by the United States Supreme Court, defendant believed it to be his duty as such attorney-general to commence said mandamus proceedings for and in behalf of the State, and it was in this belief that said proceedings were commenced solely for the purpose of enforcing the said law of the State of Minnesota."

The rule was heard, and the attorney-general was held to be in contempt, the order of the Federal court being: "Ordered further, that said Edward T. Young *forthwith dismiss or cause to be dismissed the suit of the State of Minnesota* on the relation of Edward T. Young, attorney-general, plaintiff, *v.* Northern Pacific Railway Company, defendant, heretofore instituted by him in the district court of the county of Ramsey, second judicial district, State of Minnesota. Ordered further, that for his said contempt said Edward T. Young be fined the sum of $100 and *stand committed in the custody* of the marshal of this court until the same be paid, and until he purge himself of his contempt by dismissing or causing to be dismissed said suit last herein mentioned."

The present proceeding was commenced by an original application by Young to this court for a writ of habeas corpus. The petitioner, in his application, proceeds upon the ground that he is held in custody in violation of the Constitution of the United States. The petition set out all the steps taken in the suit in the Federal court, alleging among other things: "That your petitioner's office as attorney-general of the State of Minnesota is established and provided for by the constitution of said State, section 1 of Article V thereof providing as follows, to wit: 'The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor, treasurer, and attorney-general, who shall be chosen by the electors of the State.' That neither by statute nor otherwise is your petitioner charged with any special duty of a ministerial character in the doing or not doing of which said complainants in the said bill of complaint or the said Northern Pacific Railway Company had any legal right, and that whatever duties your petitioner had or has with respect to the several matters complained of in the said bill of complaint, are of an executive and discretionary nature. That in no case could your petitioner, even though it was his intention so to do, which it was not, deprive the said complainants or the said Northern Pacific Railway Company, or either of them, of any property, nor could he trespass upon their rights in any particular, and that all he could do *as attorney-general* as aforesaid and all that it was his duty to do in that capacity, and all that he intended to do or would do, *was to commence formal judicial proceedings in the appropriate court of Minnesota against the said Northern Pacific Railway Company, its officers, agents, and employees,* to compel the said company, its agents and servants, to adopt and put in force the schedule of freight rates, tariffs, and charges prescribed by said chapter 232, laws 1907, of the State of Minnesota." He renewed the objection that the suit instituted by Perkins and Shepard, in so far as the same is against him, was a suit against the State to prevent his commencing the proposed action in the name of the State, and was in restraint of the State itself, "and that the said suit is one against the said State in violation of the eleventh amendment to the Constitution of the United States, and that therefore the same is and was, so far as your petitioner is concerned, beyond the jurisdiction of the said circuit court," etc.

This statement will sufficiently indicate the nature of the question to be now examined upon its merits.

Let it be observed that the suit instituted by Perkins and Shepard in the circuit court of the United States was, as to the defendant, Young, one against him *as, and only because he was,* attorney-general of Minnesota. No relief was sought against him individually but only in his capacity *as* attorney-general. And the manifest, indeed the avowed and admitted, object of seeking such relief was *to tie the hands* of the *State* so that it could not in any manner or by any mode of proceeding, *in its own courts,* test the validity of the statutes and orders in question. It would therefore seem clear that within the true meaning of the eleventh amendment the suit brought in the Federal court was one, in legal effect, against the State—as much so as if the State had been formally named on the record as a party—and therefore it was a suit to which, under the amendment, so far as the State or its attorney-general was concerned, the judicial power of the United States did not and could not extend. If this proposition be sound, it will follow—indeed, it is conceded that if, so far as relief is sought against the attorney-general of Minnesota, this be a suit against the State—then the order of the Federal court enjoining that officer from taking any action, suit, step, or proceeding to compel the railway company to obey the Minnesota statute was beyond the jurisdiction of that court and wholly void; in which case that officer was at liberty to proceed in the discharge of his official duties as defined by the laws of the State, and the order adjudging him to be in contempt for bringing the mandamus proceedings in the State court was a nullity.

The fact that the Federal circuit court had, prior to the institution of the mandamus suit in the State court, preliminarily (but not finally) held the statutes of Minnesota and the orders of its railroad and warehouse commission in question to be in violation of the Constitution of the United States, was no reason why that court should have laid violent hands upon the attorney-general of Minnesota and by its orders have deprived the State of the services of its constitutional law officer in its own courts. Yet that is what was done by the Federal circuit court; for the intangible thing called a State, however extensive its powers, can never appear or be represented or known in any court in a litigated case except by and through its officers. When, therefore, the Federal court forbade the defendant, Young, as attorney-general of Minnesota, from taking any action, suit, step, or proceeding whatever looking to the enforcement of the statutes in question, it said in effect to the State of Minnesota: "It is true that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to its people, and it is true that under the Constitution the judicial power of the United States does not extend to any suit brought against a State by a citizen of another State or by a citizen or subject of a foreign state, yet the Federal court adjudges that you, the State, although a sovereign for many important governmental purposes, shall not appear in your own courts, by your law officers, with the view of enforcing, or even for determining the validity of, the State enactments which the Federal court has, upon a preliminary hearing, declared to be in violation of the Constitution of the United States."

This principle, if firmly established, would work a radical change in our governmental system. It would inaugurate a new era in the American judicial system and in the relations of the National and State governments. It would enable the subordinate Federal courts to supervise and control the official action of the States as if they were "dependencies" or provinces. It would place the States of the Union in a condition of inferiority never dreamed of when the Constitution was adopted or when the eleventh amendment was made a part of the supreme law of the land. I can not suppose that the great men who framed the Constitution ever thought the time would come when a subordinate Federal court, having no power to compel a State, in its corporate capacity, to appear before it as a litigant, would yet assume to deprive a State of the right to be represented in its own courts by its regular law officer. That is what the court below did as to Minnesota, when it adjudged that the appearance of the defendant, Young, *in the State court,* as the attorney-general of Minnesota representing his State as its chief law officer, was a contempt of the authority of the Federal court, punishable by fine and imprisonment. Too little consequence has been attached to the fact that the courts of the States are under an obligation equally strong with that resting upon the courts of the Union to respect and enforce the provisions of the Federal Constitution as the supreme law of the land and to guard rights secured or guaranteed by that instrument. We must assume—a decent respect for the States require us to assume—that the State courts will enforce every right secured by the Constitution. If they fail to do so, the party complaining has a clear remedy for the protection of his rights; for he can come by writ of error, in an orderly, judicial way from the highest court of the State to this tribunal for redress in respect of every right granted or secured by that instrument and denied by the State court. The State courts, it should be remembered, have jurisdiction concurrent with the courts of the United States of all suits of a civil nature, at common law or equity, involving a prescribed amount, arising under the Constitution or laws of the United States. (25 Stat., 434.) And this court has said: "A State court of original jurisdiction, having the parties before it, may, consistently with existing Federal legislation determine cases at law or in equity arising under the Constitution or laws of the United States or involving rights dependent upon such Constitution or laws. Upon the State courts, equally with the courts of the Union, rests the obligation to guard, enforce, and protect every right granted or secured by the Constitution of the United States and the laws made in pursuance thereof, whenever those rights are involved in any suit or proceeding before them; for the judges of the State courts are required to take an oath to support that Constitution, and they are bound by it, and the laws of the United States made in pursuance thereof, and all treaties made under their authority, as the supreme law of the land, 'anything in the constitution or laws of any State to the contrary notwithstanding.' If they fail therein, and withhold or deny rights, privileges, or immunities secured by the Constitution and laws of the United States, the party aggrieved may bring the case from the highest court of the State in which the question could be decided to this court for final and conclusive determination." (Robb *v.* Connolly, 111 U. S., 624, 637.) So that an order of the Federal court preventing the State from having the services of its attorney-general in one of its own courts, except at the risk of his being fined and arrested, can not be justified upon the ground that the question

of constitutional law involved in the enforcement of the statute in question was beyond the competency of a State court to consider and determine, primarily, as between the parties before it in a suit brought by the State itself.

At the argument of this case counsel for the railway company insisted that the provisions of the act in question were so drastic that they could be enforced by the State in its own courts with such persistency and in such a manner as, in a very brief period, to have the railway officers and agents all in jail, the business of the company destroyed, and its property confiscated by heavy and successive penalties, before a final judicial decision as to the constitutionality of the act could be obtained. I infer from some language in the court's opinion that these apprehensions are shared by some of my brethren. And this supposed danger to the railway company and its shareholders seems to have been the basis of the action of the Federal circuit court when, by its order directed against the attorney-general of Minnesota, it practically excluded the State from its own courts in respect of the issues here involved. But really no such question as to the State statute is here involved or need be now considered; for it can not possibly arise on the hearing of the present application of that officer for discharge on habeas corpus. The only question now before this court is whether the suit by Perkins and Shepard in the Federal court was not, upon its face, *as to the relief sought against the attorney-general of Minnesota*, a suit against the State. Stated in another form, the question is whether that court may, *by operating upon that officer in his official capacity*, by means of fine and imprisonment, prevent the State from being represented by its law officer in one of its own courts? If the Federal court could not thus put manacles upon the State so as to prevent it from being represented by its attorney-general in its own court and from having the State court pass upon the validity of the State enactment in question in the Perkins-Shepard suit, that is an end to this habeas corpus proceeding, and the attorney-general of Minnesota should be discharged by order of this court from custody.

It is to be observed that when the State was in effect prohibited by the order of the Federal court from appearing in its own courts there was no danger, absolutely none whatever, from anything that the attorney-general had ever done or proposed to do, that the property of the railway company would be confiscated and its officers and agents imprisoned, beyond the power of that company to stay any wrong done *by bringing to this court, in regular order, any final judgment of the State court, in the mandamus suit, which may have been in derogation of a Federal right.* When the attorney-general instituted the mandamus proceeding in the State court against the railway company, there was in force, it must not be forgotten, an order of injunction by the Federal court which prevented that company from obeying the State law. There was consequently no danger from that direction. Besides, the mandamus proceeding was not instituted for the recovery of any of the penalties prescribed by the State law, and therefore no judgment in that case could operate directly upon the property of the railway company or upon the persons of its officers or agents. The attorney-general in his response to the rule against him assured the Federal court that he did not contemplate any proceeding whatever against the railway company except the one in mandamus. Suppose the mandamus case had been finally decided in the State court, the way was open for the railway company to preserve any question it made as to its rights under the Constitution, and, in the event of a decision adverse to it in that court, at once to carry the case to the highest court of Minnesota and thence by a writ of error bring it to this court. That course would have served to determine every question of constitutional law raised by the suit in the Federal court in an orderly way without trampling upon the State, and without interfering, in the meantime, with the operation of the railway property in the accustomed way. Instead of adopting that course—so manifestly consistent with the dignity and authority of both the Federal and State judicial tribunals—the Federal court practically closed the State courts against the State itself when it adjudged that the attorney-general, without regard to the wishes of the governor of Minnesota, and without reference to his duties as prescribed by the laws of that State, should stand in the custody of the marshal, unless he dismissed the mandamus suit. If the Federal court could thus prohibit the law officer of the State from representing it in a suit brought in the State court, why might not the bill in the Federal court be so amended that that court could reach all the district attorneys in Minnesota and forbid them from bringing to the attention of grand juries and the State courts violations of the State act by the railway company? And if a grand jury was about to inquire into the acts of the railway company in respect of the matter of its rates, why may not the Federal court, proceeding upon the same grounds on which it has moved against the attorney-general, enjoin the finding or returning of indictments against the railway company? If an indictment was returned against the railway company, and was about to be tried by a petit jury, why could not the Federal court, upon the principles now announced, forbid the jury to proceed against the railway company, and, if it did, punish every petit juryman as for contempt of court? Indeed, why may it not lay its hands on the governor of the State and forbid him from appealing to the courts of Minnesota in the name of the State to test the validity of the act in question? And why may not the Federal court lay its hands even upon the judge of the State court itself whenever it proceeds against the railway company under the State law?

The subject-matter of these questions have evidently been considered by this court, and the startling consequences that would result from an affirmative answer to them have not been overlooked; for, in its opinion, I find these observations: "It is proper to add that the right to enjoin an individual, even though a State official, from commencing suits under circumstances already stated, does not include the power to restrain a court from acting in any case brought before it, either of a civil or criminal nature, nor does it include power to prevent any investigation or action by a grand jury. The latter body is part of the machinery of a criminal court, and an injunction against a State court would be a violation *of the whole scheme of our Government.* If an injunction against an individual is disobeyed, and he commences proceedings before a grand jury or in a court, such disobedience is personal only, and the court or jury can proceed without incurring any penalty on that account. The difference between the power to enjoin an individual from doing certain things and the power to enjoin courts from proceeding in their own way to exercise jurisdiction is plain, and no power to do the latter exists because of a power to do the former." If an order of the Federal court forbidding a State court or its grand jury from attempting to enforce a State enactment would be "a violation of the whole scheme of our Government," it is difficult to perceive why an order of that court, forbidding the chief law officer and all the district attorneys of a State to represent it in the courts in a particular case, and practically, in that way, closing the doors of the State court against the State, would not also be inconsistent with the whole scheme of our Government, and therefore beyond the power of the court to make.

Whether the Minnesota statutes are or are not violative of the Constitution is not, as already suggested, a question in this habeas corpus proceeding. I do not, therefore, stop to consider whether those statutes are repugnant to the Constitution upon the ground that by their necessary operation, when enforced, they will prevent the railway company from contesting their validity, or upon the ground that they are confiscatory and therefore obnoxious to the requirement of due process of law. While the argument at the bar in support of each of these propositions was confessedly of great force and persuasiveness, those points need not be now examined. I express no opinion about them. Their soundness may, however, be conceded for the purposes of this discussion. Indeed, it may be assumed for the purposes of this discussion that these State enactments are harsh and intemperate, and, in some of their features, invalid. But those questions are wholly apart from the present proceeding. If we now consider them, we must go out of our way in order to do so. We have no evidence in this proceeding as to the effect which the statutes, if enforced, would have upon the value either of the railway property or of the bonds or stocks of the railway company. The question of their validity has not been finally decided by the circuit court, and we have not before us even the evidence upon which its preliminary injunction was based. The essential and only question now before us or that need be decided is whether an order by the Federal court which prevents the State from being represented in its own courts, by its chief law officer, upon an issue involving the constitutional validity of certain State enactments, does not make a suit against the State within the meaning of the eleventh amendment. If it be a suit of that kind, then, it is conceded, the circuit court was without jurisdiction to fine and imprison the petitioner and he must be discharged, whatever our views may be as to the validity of those State enactments. This must necessarily be so unless the amendment has less force and a more restricted meaning now than it had at the time of its adoption, and unless a suit against the attorney-general of a State, in his official capacity, is not one against a State under the eleventh amendment when its determination depends upon a question of constitutional power or right under the fourteenth amendment. In that view I can not concur. In my opinion, the eleventh amendment has not been modified in the slightest degree as to its scope or meaning by the fourteenth amendment, and a suit which, in its essence, is one against the State remains one of that character and is forbidden even when brought to strike down a State statute alleged to be in violation of that clause of the fourteenth amendment forbidding the deprivation, by a State, of life, liberty, or property without due process of law. If a suit be commenced in a State court, and involves a right secured by the Federal Constitution, the way is open under our incomparable judicial system to protect that right, first, by the judgment of the State court, and ultimately by the judgment of this court, upon writ of error. But such right can not be protected by means of a suit which, at the outset, is directly or in legal effect one against the State whose action is alleged to be illegal. That mode of redress is absolutely forbidden by the eleventh amendment and can not be made legal by mere construction or by any consideration of the consequences that may follow from the operation of the statute. Parties can not, in any case, obtain redress by a suit *against the State.* Such has been the uniform ruling in this court, and it is most unfortunate that it is now declared to be competent for a Federal circuit court, by exerting its authority over the chief law officer of the State, without the consent of the State to exclude the State, in its sovereign capacity, from its own courts when seeking to have the ruling of those courts as to its powers under its own statutes. Surely the right of a State to invoke the jurisdiction of its own courts is not less than the right of individuals to invoke the jurisdiction of a Federal court. The preservation of the dignity and sovereignty of the States, within the limits of their constitutional powers, is of the last importance and vital to the preservation of our system of government. The courts should not permit themselves to be driven by the hardships, real or supposed, of particular cases to accomplish results, even if they be just results, in a mode forbidden by the fundamental law. The country should never be allowed to think that the Constitution can, in any case, be evaded or amended by mere judicial interpretation, or that its behests may be nullified by an ingenious construction of its provisions.

The importance of the question under consideration is a sufficient justification for such a reference to the authorities as will indicate the precise grounds on which this court has oftentimes proceeded when determining what is and what is not a suit against a State within the meaning of the eleventh amendment. All the cases agree in declaring the incapacity of a Federal court to exercise jurisdiction over a State as a party. But assaults upon the eleventh amendment have oftenest been made in cases in which the effort has been, without making the State a formal party, to control the acts of its officers and agents, by such orders directed to them as will accomplish by indirection the same results that could be accomplished by a suit directly against the State if such a suit were possible. It will be well to look at some of the principal adjudged cases.

The general question was examined in Cunningham *v.* Macon and Brunswick Railroad Company (109 U. S., 446–451), where the court said that it was conceded in all the cases, and "may be accepted as a point of departure unquestioned, that neither a State nor the United States can be sued as defendant in any court in this country without their consent, except in the limited class of cases in which a State may be made a party in the Supreme Court of the United States by virtue of the original jurisdiction conferred on this court by the Constitution." The court has not in any case departed from this constitutional principle. In Pennoyer *v.* McConnaughy (140 U. S., 1, 9) it said that "this immunity of a State from suit is absolute and unqualified, and the constitutional provision securing it is not to be so construed as to place the State within the reach of the process of the court. Accordingly it is equally well settled that a suit against the officers of a State to compel them to do the acts which constitute a performance by it of its contracts is, in effect, a suit against the State itself." In Cunningham *v.* Macon and Brunswick Railroad Company, just cited, the distinction was drawn between a suit in which the State is the real party in interest, although not technically a party on the record, and one in which "an individual is sued in tort for some act injurious to another in regard to person or property, to which his defense is that he has acted under the orders of the government," in which last case, the court observed, the defendant "is not sued *as, or because he is,* the officer of the government, but as an individual, and the court is not ousted of jurisdiction because he *asserts* authority as such officer." Let it not be forgotten that the

defendant Young was sued not as an individual or because he had any personal interest in these matters, but *as, and solely because he is,* an officer of the State charged with the performance of certain public duties.

In Hagood *v.* Southern (117 U. S., 52, 67, 68), which involved the validity of certain scrip alleged to have been issued by the State of South Carolina, it appeared that the State having denied its obligation to pay, the plaintiff sought relief by simply suing certain State officers, as such, without making the State a formal party. The court said: "These suits are accurately described as bills for the specific performance of a contract between the complainants and the State of South Carolina, who are the only parties to it. But to these bills the State is not in name made a party defendant, though leave is given to it to become such if it chooses; and, except with that consent, it could not be brought before the court and made to appear and defend. And yet it is the actual party to the alleged contract the performance of which is decreed, the one required to perform the decree, and the only party by whom it can be performed. Though not nominally a party to the record, it is the real and only party in interest, the nominal defendants being the officers and agents of the State, having no personal interest in the subject-matter of the suit and defending *only as representing the State.* And the things required by the decrees to be done and performed by them are the very things which, when done and performed, constitute a performance of the alleged contract by the State. The State is not only the real party to the controversy, but the real party against which relief is sought by the suit, and the suit is, therefore, substantially within the prohibition of the eleventh amendment to the Constitution of the United States, which declares that 'the judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State.'" Again: "If this case is not within the class of those forbidden by the constitutional guaranty to the States of immunity from suits in Federal tribunals, it is difficult to conceive the frame of one which would be. If the State is named as a defendant, it can only be reached either by mesne or final process through its officers and agents, and a judgment against it could neither be obtained nor enforced, except as the public conduct and government of the ideal political body called a State could be reached and affected through its official representatives. A judgment against these latter, in their official and representative capacity, commanding them to perform official functions on behalf of the State according to the dictates and decrees of the court, is, if anything can be, a judicial proceeding against the State itself. If not, it may well be asked, What would constitute such a proceeding? In the present cases the decrees were not only against the defendants *in their official capacity,* but, that there might be no mistake as to the nature and extent of the duty to be performed, also against their successors in office." Is it to be said that an order requiring the attorney-general of a State to perform certain official functions on behalf of the State is a suit against the State, while an order forbidding him, *as attorney-general,* not to perform an official function on behalf of the State is not a suit against the State?

The leading case upon the general subject, and one very similar in many important particulars to the present one, is In re Ayers. (123 U. S., 443, 496, 497, 505.) The facts in that case were briefly these: The legislature of Virginia, in 1887, passed an act which holders of sundry bonds and tax-receivable coupons of that Commonwealth alleged to be in violation of their rights under the Constitution of the United States. They instituted a suit in equity in the circuit court of the United States against the attorney-general and auditor of Virginia, and against the treasurers and Commonwealth attorneys of counties, cities, and towns in Virginia, the relief asked being a decree enjoining and restraining the said State officers, and each of them, from bringing or commencing any suit provided for by the above act of 1887, or from doing anything to put that act into operation. The circuit court entered an order enjoining the attorney-general of Virginia and each and all the State officers named "from bringing or commencing any suit against any person who has tendered the State of Virginia tax-receivable coupons in payment of taxes due to said State, as provided for and directed by the act of the legislature of Virginia, approved May 12, 1887." Subsequently the circuit court of the United States was informed that the attorney-general of Virginia had disobeyed its order of injunction. Thereupon that officer was ruled to show cause why he should not be fined and imprisoned. He responded to the rule, admitting that after being served with the injunction he had instituted a suit, in the State circuit court, against the Baltimore and Ohio Railroad Company to recover taxes due the State, and alleging "that he instituted the said suit because he was thereunto required by the act of the general assembly of Virginia aforesaid, and because he believed this court had no jurisdiction whatever to award the injunction violated." He disclaimed any intention to treat the court with disrespect, and stated that he had been actuated alone by the desire to have the law properly administered. He was, nevertheless, adjudged guilty of contempt, was required forthwith to dismiss the suit he had brought, was fined $500 for contempt of court, and committed *to the custody of the marshal* until the fine was paid and until he purged himself of his contempt *by dismissing the suit in the State court.* The attorney-general then applied directly to this court for a writ of habeas corpus, which was granted, and upon hearing he was released by this court from custody. The order for his discharge recited that the suit in which the injunctions were granted was "in substance and in law a suit against the State of Virginia," and "within the prohibition of the eleventh amendment to the Constitution;" that it was one "to which the judicial power of the United States does not extend;" that the circuit court was without jurisdiction to entertain it; that all its proceedings in the exercise of jurisdiction were null and void; that it had no authority or power to adjudge the attorney-general in contempt, and that his imprisonment was without authority of law.

In the opinion in the Ayers case the court said: "It follows, therefore, in the present case, that the personal act of the petitioners sought to be restrained by the order of the circuit court, reduced to *the mere bringing of an action in the name of and for the State against taxpayers,* who, although they may have tendered tax-receivable coupons, are charged as delinquents, can not be alleged against them as an individual act in violation of any legal or contract rights of such taxpayers." Again: "The relief sought is against the defendants, not in their individual but *in their representative capacity as officers of the State of Virginia.* The acts sought to be restrained are the bringing of suits by the State of Virginia in its own name and for its own use. If the State had been made a defendant to this bill by name, charged according to the allegations it now contains—supposing that such a suit could be maintained—it would have been subject to the jurisdiction of the court by process served upon its governor and attorney-general, according to the precedents in such cases. (New Jersey *v.* New York, 5 Pet., 284, 288, 290; Kentucky *v.* Dennison, 24 How., 66, 96, 97; Rule 5 of 1884, 108 U. S., 574.) If a decree could have been rendered enjoining the State from bringing suits against its taxpayers, it would have operated upon the State *only through the officers who by law were required to represent it in bringing such suits, viz, the present defendants, its attorney-general, and the Commonwealth's attorneys for the several counties.* For a breach of such an injunction, these officers would be amenable to the court as proceeding in contempt of its authority, and would be liable to punishment thereof by attachment and imprisonment. The nature of the case, as supposed, is identical with that of the case as actually presented in the bill, with the single exception that the State is not named as a defendant. How else *can the State be forbidden by judicial process to bring actions in its name, except by constraining the conduct of its officers, its attorneys, and its agents? And if all such officers, attorneys, and agents are personally subjected to the process of the court, so as to forbid their acting in its behalf, how can it be said that the State itself is not subjected to the jurisdiction of the court as an actual and real defendant?"*

Further: "The very object and purpose of the eleventh amendment were to prevent the indignity of subjecting a State to the coercive process of judicial tribunals at the instance of private parties. It was thought to be neither becoming nor convenient that the several States of the Union, invested with that large residuum of sovereignty which had not been delegated to the United States, should be summoned as defendants to answer the complaints of private persons, whether citizens of other States or aliens, or that the course of their public policy and the administration of their public affairs should be subject to and controlled by the members of judicial tribunals without their consent and in favor of individual interests. To secure the manifest purposes of the constitutional exemption guaranteed by the eleventh amendment requires that it should be interpreted not literally and too narrowly, but fairly, and with such breadth and largeness as effectually to accomplish the substance of its purpose. In this spirit it must be held to cover not only suits brought against a State by name, but *those also against its officers, agents, and representatives where the State, though not named as such, is nevertheless the only real party against which alone in fact the relief is asked, and against which the judgment or decree effectively operates.* But this is not intended in any way to impinge upon the principle which justifies suits against individual defendants, who, under color of the authority of unconstitutional legislation by the State, are guilty of *personal trespasses and wrongs,* nor to forbid suits against officers in their official capacity either to arrest or direct their official action by injunction or mandamus, where such suits are authorized by law, *and the act to be done or omitted is purely ministerial,* in the performance or omission of which the plaintiff has a legal interest."

It is said that the Ayers case is not applicable here, because the orders made by the Federal circuit court had for their object to compel Virginia to perform its contract with bondholders, which is not this case. But that difference between the Ayers case and this case can not affect the principle involved. The proceeding against the attorney-general of Virginia had for its object to compel, by indirection, the performance of the contract which that Commonwealth was alleged to have made with bondholders—such performance, on the part of the State, to be effected by means of orders in a Federal circuit court directly controlling the official action of that officer. The proceeding in the Perkins-Shepard suit against the attorney-general of Minnesota had for its object, by means of orders in a Federal circuit court, directed to that officer, *to control the action of that State* in reference to the enforcement of certain statutes by judicial proceedings commenced in its own courts. The relief sought in each case was to control the State *by controlling the conduct of its law officer, against its will.* I can not conceive how the proceeding against the attorney-general of Virginia could be deemed a suit against that State, and yet the proceeding against the attorney-general of Minnesota is not to be deemed a suit against Minnesota, when the object and effect of the latter proceeding was, beyond all question, to shut that State entirely out of its own courts, and prevent it through its law officer from invoking their jurisdiction in a special matter of public concern, involving official duty, about which the State desired to know the views of its own judiciary. In my opinion the decision in the Ayers case determines this case for the petitioner.

More directly in point, perhaps, for the petitioner, Young, is the case of Fitts *v.* McGhee (172 U. S., 516, 528, 529, 530). That suit was brought by the receivers of a railroad company against the governor and attorney-general of Alabama. Its object was to prevent the enforcement of the provisions of an Alabama statute prescribing the maximum rates of toll to be charged on a certain bridge across the Tennessee River. The statute imposed a penalty for each time that the owners, lessees, or operators of the bridge demanded or received any higher rate of toll than was prescribed by it. The relief asked was an injunction prohibiting the governor and attorney-general of the State and all other persons from instituting any proceeding against the complainants, or either of them, to enforce the statute. An injunction, as prayed for, was granted. In the progress of the cause the solicitor of the district in which the case was pending was made a defendant and the injunction was extended to him. By amended pleadings it was made to appear that the tollgate keepers at the public crossing of the bridge were indicted for collecting tolls in violation of the statute. In the progress of the cause the plaintiffs dismissed the case as to the State, and the cause was discontinued as to the governor. But the case was heard upon the motion to dismiss the bill upon the ground that the suit was one against the State in violation of the Constitution of the United States.

After stating the principles settled in the Ayers case and in other cases this court said: "If these principles be applied in the present case there is no escape from the conclusion that, although the State of Alabama was dismissed as a party defendant, this suit against its officers is really one against the State. *As a State can act only by its officers, an order restraining those officers from taking any steps, by means of judicial proceedings,* in execution of the statute of February 9, 1895, *is one which restrains the State itself, and the suit is consequently as much against the State as if the State were named as a party defendant on the record.* If the individual defendants only held possession or were about to take possession of, or to commit any trespass upon, any property belonging to or under the control of the plaintiffs, in violation of the latter's constitutional rights, they could not resist the judicial determination, in a suit against them, of the question of the right to such possession by simply asserting that they held or were entitled to hold the property in their capacity as officers of the State. In the case supposed, they would be compelled to make good

the State's claim to the property, and could not shield themselves against suit because of their official character. (Tindal *v.* Wesley, 167 U. S., 204, 222.) No such case is before us." Again, in the same case: "It is to be observed that neither the attorney-general of Alabama nor the solicitor of the eleventh judicial circuit of the State appear to have been charged by law with any special duty in connection with the act of February 9, 1895. In support of the contention that the present suit is not one against the State, reference was made by counsel to several cases, among which were Poindexter *v.* Greenhow (114 U. S., 270), Allen *v.* Baltimore and Ohio Railroad (114 U. S., 311), Pennoyer *v.* McConnaughy (140 U. S., 1), In re Tyler (149 U. S., 164), Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 362, 388), Scott *v.* Donald (165 U. S., 58), and Smyth *v.* Ames (169 U. S., 466). Upon examination it will be found that the defendants in each of those cases were officers of the State, especially charged with the execution of a State enactment alleged to be unconstitutional, but under the authority of which, it was averred, they were committing or were about to commit *some specific wrong or trespass* to the injury of the plaintiff's rights. There is a wide difference between a suit against individuals, holding official positions under a State, to prevent them, under the sanction of an unconstitutional statute, from committing by some positive act a wrong or trespass, and a *suit against officers of a State merely to test the constitutionality of a State statute, in the enforcement of which those officers will act only by formal judicial proceedings in the courts of the State.* In the present case, as we have said, neither of the State officers named held any special relation to the particular statute alleged to be unconstitutional. They were not expressly directed to see its enforcement. If, because they were law officers of the State, a case could be made for the purpose of testing the constitutionality of the statute, by an injunction suit brought against them, then the constitutionality of every act passed by the legislature could be tested by a suit against the governor and attorney-general, based upon the theory that the former as the executive of the State was, in a general sense, charged with the execution of all its laws, and the latter, as attorney-general, might represent the State in litigation involving the enforcement of its statutes. That would be a very convenient way for obtaining a speedy judicial determination of questions of constitutional law which may be raised by individuals, but it is a mode which can not be applied to the States of the Union consistently with the fundamental principle that they can not, without their assent, be brought into any court at the suit of private persons. If their officers commit acts of trespass or wrong to the citizen, they may be individually proceeded against for such trespasses or wrong. Under the view we take of the question, the citizen is not without effective remedy when proceeded against under a legislative enactment void for repugnancy to the supreme law of the land; for, whatever the form of proceeding against him, he can make his defense upon the ground that the statute is unconstitutional and void. And that question can be ultimately brought to this court for final determination." I am unable to distinguish that case, in principle, from the one now before us. The Fitts case is not overruled, but is, I fear, frittered away or put out of sight by unwarranted distinctions.

Two cases in this court are much relied on to support the proposition that the Perkins-Shepard suit in the circuit court is not a suit against the State. I refer to Reagan *v.* Farmers' Loan and Trust Company (154 U. S., 362) and Smyth *v.* Ames (169 U. S., 466, 472). But each of those cases differs in material respects from the one instituted by Perkins and Shepard in the court below. In the Reagan case it appears that the very act, under which the railroad commission proceeded, authorized the railroad company, or any interested party, if dissatisfied with the action of the commission in establishing rates, to bring suit against that commission in any court, in a named county, with right to appeal to a higher court. This court when combating the suggestion that only the State court had jurisdiction to proceed against the commission, and give relief in respect of the rates it established, said: "It may be laid down as a general proposition that, whenever a citizen of a State can go into the courts of a State to defend his property against the illegal acts of its officers, a citizen of another State may invoke the jurisdiction of the Federal courts to maintain a like defense. A State can not tie up a citizen of another State, having property rights within its territory invaded by unauthorized acts of its own officers, to suits for redress in its own courts. Given a case where a suit can be maintained in the courts of the State to protect property rights, a citizen of another State may invoke the jurisdiction of the Federal courts. * * * It comes, therefore, within the very terms of the act. It can not be doubted that a State, like any other government, can waive exemption from suit." The declaration of the court in the Reagan case, that that suit was not, within the true meaning of the eleventh amendment, to be regarded as a suit against the State, must therefore be taken in connection with the declaration in the same case that the State having consented that the commission might be sued in one of its own courts, in respect of the rates established by the statute, must be taken to have waived its immunity from suit in the circuit court of the United States sitting in Texas. In Smyth *v.* Ames, above cited, which was a suit in a circuit court of the United States, involving the constitutional validity of certain rates established for railroads in Nebraska, it appeared that the statute expressly authorized any railroad company claiming that the rates were unreasonable to bring an action *against the State* before the Supreme Court in the name of the railroad company or companies bringing the same. Thus the State of Nebraska waived its immunity from suit, and having authorized a suit against itself in one of its courts, in respect of the rates there in question, it could not, according to the decision in the Reagan case, deny its liability to like suit in a court of the United States. It is true that this court, in its opinion in Smyth *v.* Ames, did not lay any special stress on the fact that Nebraska, by the statute, agreed that it might be sued, but it took especial care in its extended statement of the case to bring out that fact. Its silence on that point is not extraordinary, in view of the fact, as appears from the opinion of this court, that the question whether that suit was to be deemed one against the State was not discussed at the bar by the Nebraska State board. We there quoted from the Reagan case these words: "Whenever a citizen of a State can go into the courts of a State to defend his property against the illegal acts of its officers, a citizen of another State may invoke the jurisdiction of the Federal courts to maintain a like defense. A State can not tie up a citizen of another State, having property rights within its territory invaded by unauthorized acts of its own officers, to suits for redress in its own courts." That the Reagan and Smyth cases did not go as far as is now claimed for them is made clear by the later case of Fitts *v.* McGhee, already referred to, in which the doctrines of In re Ayers were reaffirmed and applied.

We may refer in this connection to Gunter *v.* Atlantic Coast Line (200 U. S., 273, 291), in which case one of the points made was that the circuit court of the United States had no power to restrain the attorney-general of South Carolina and the counsel associated with him from prosecuting in the State courts actions authorized by the laws of the State, and hence that the court erred in awarding an injunction against said officers. This court said: "Support for the proposition is rested upon the terms of the eleventh amendment and the provisions of section 720 of the Revised Statutes, forbidding the granting of a writ by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. The soundness of the doctrine relied upon is undoubted. (In re Ayers, 123 U. S., 443; Fitts *v.* McGhee, 172 U. S., 516.) The difficulty is that the doctrine is inapplicable to this case. Section 720 of the Revised Statutes was originally adopted in 1793, whilst the eleventh amendment was in process of formation in Congress for submission to the States, and long, therefore, before the ratification of that amendment. The restrictions embodied in the section were, therefore, but a partial accomplishment of the more comprehensive result effectuated by the prohibitions of the eleventh amendment. Both the statute and the amendment relate to the power of courts of the United States to deal, against the will and consent of a State, with controversies between it and individuals. None of the prohibitions, therefore, of the amendment or of the statute relate to the power of a Federal court to administer relief in causes where jurisdiction as to a State and its officers has been acquired *as a result of the voluntary action of the State in submitting its rights to judicial determination.* To confound the two classes of cases is but to overlook the distinction which exists between the power of a court to deal with a subject over which it has jurisdiction and its want of authority to entertain a controversy as to which jurisdiction is not possessed."

Counsel for the railway company placed some reliance on Pennoyer *v.* McConnaughy (140 U. S., 1, 18), in which the previous cases on the general subject of suits against the States were classified. That case was a suit in equity against certain parties "who, under the constitution of Oregon, as governor, secretary of state, and treasurer of that State, comprised the board of land commissioners of that State, to restrain and enjoin them from selling and conveying a large amount of land in that State, to which the plaintiff asserted title." That suit, in view of the nature of the relief asked, and of the relations of the defendants to the matters involved, was held not to be one against the State within the meaning of the eleventh amendment. But after a review of the facts the court, *as explanatory of the conclusion reached by it,* took especial care to observe: "In this connection it must be borne in mind that this suit is not nominally against the governor, secretary of state, and treasurer, *as such officers,* but against them collectively, as the board of land commissioners." The present suit is, in terms, against Young "as attorney-general of Minnesota," and the decree was sought against him, as such officer, not against him individually, or as a mere administrative officer charged with certain duties.

One of the cases cited in support of the decision now rendered is Missouri, Kansas and Texas Railway Company *v.* Missouri Railroad and Warehouse Commissioners (183 U. S., 53, 58, 59). But although that particular suit was held not to be one against the State, the case, in respect of the principles announced by the court, is in harmony with the views I have expressed. For the court there says: "Was the State the real party plaintiff? It was an early day held by this court, construing the eleventh amendment, that in all cases where jurisdiction depends on the party, it is the party named in the record. (Osborne *v.* United States Bank, 9 Wheat., 738.) But that technical construction has yielded to one more in consonance with the spirit of the amendment, and in In re Ayres (123 U. S., 443) it was ruled upon full consideration that the amendment covers not only suits against a State by name *but those also against its officers, agents, and representatives where the State, though not named as such, is nevertheless the only real party against which in fact the relief is asked, and against which the judgment or decree effectively operates.* And that construction of the amendment has since been followed." In the present case the State, although not named on the record as a party, is the real party whose action it is sought to control.

There are other cases in this court in which the scope and meaning of the eleventh amendment were under consideration, but they need not be cited, for they are well known. They are all cited in In re Ayers (123 U. S., 443, 500). "The vital principle in all such cases," this court said in the Ayers case, "is that the defendants, though professing to act as officers of the State, are threatening a violation of the personal or property rights of the complainant, for which they are personally and individually liable," or cases in which the officer sued refused to perform a purely ministerial duty, about which he had no discretion and in the performance of which the plaintiff had a direct interest. The case before us is altogether different. The statutes in question did not impose upon the attorney-general of Minnesota any special duty to see to their enforcement. In bringing the mandamus suit he acted under the general authority inhering in him as the chief law officer of his State. He could not become personally liable to the railway company *simply because of his bringing the mandamus suit.* The attorney-general stated that all he did, or contemplated doing, was to bring the mandamus suit. The mere bringing of such a suit could not be alleged against him as an individual in violation of any legal right of the railway company or its shareholders. (In re Ayers, 123 U. S., 443, 496.) The plaintiffs recognized this fact and hence did not proceed in their suit upon the ground that the defendant was individually liable. They sued him only as attorney-general and sought a decree against him in his official capacity, not otherwise.

Some reference has been made to Ex parte Royall (117 U. S., 241) and other cases that affirm the authority of a Federal court, under existing statutes, to discharge upon habeas corpus from the custody of a State officer one who is held in violation of the Federal Constitution for an alleged crime against a State. Those cases are not at all in point in the present discussion. Such a habeas corpus proceeding is ex parte, having for its object only to inquire whether the applicant for the writ is illegally restrained of his liberty. If he is, then the State officer holding him in custody is a trespasser, and can not defend the wrong or tort committed by him by pleading his official character. The power in a Federal court to discharge a person from the custody of a trespasser may well exist, and yet the court have no power in a suit before it, by an order directed against the attorney-general of a State, as such, to prevent the State from being represented by that officer as a litigant in one of its own courts. The former cases, it may be argued, come within the decisions which hold that a suit which only seeks to prevent or restrain a trespass upon property or person by one who happens to be a State officer, but is proceeding in viola-

tion of the Constitution of the United States, is not a suit against a State within the meaning of the eleventh amendment, but a suit against the trespasser or wrongdoer. But the authority of the Federal court to protect one against a trespass committed or about to be committed by a State officer in violation of the Constitution of the United States is very different from the power now asserted, and recognized by this court as existing, to shut out a sovereign State from its own courts by the device of forbidding its attorney-general, under the penalty of fine and imprisonment, from appearing in such courts in its behalf. *The mere bringing of a suit on behalf of a State by its attorney-general* can not, this court has decided in the Ayers case, make that officer a trespasser and individually liable to the party sued. To enjoin him from representing the State in such suit is therefore, for every practical or legal purpose, to enjoin the State itself. This court in the Debs case (158 U. S., 564, 584) said: "Every government, entrusted by the very terms of its being with powers and duties to be exercised and discharged for the general welfare, has a right to apply to its own courts for any proper assistance in the exercise of the one and the discharge of the other, and it is no sufficient answer to its appeal to one of those courts that it has no pecuniary interest in the matter. The obligation which it is under to promote the interest of all and to prevent the wrongdoing of one resulting in injury to the general welfare is often of itself sufficient to give it a standing in court. This proposition in some of its relations has heretofore received the sanction of this court." If there be one power that a State possesses which ought to be deemed beyond the control, in any mode, of the National Government or of any of its courts, it is the power *by judicial proceedings* to appear in its own courts, by its law officer or by attorneys, and seek the guidance of those courts in respect of matters of a justiciable nature. If the State court, by its judgment in such a suit, should disregard the injunctions of the Federal Constitution that judgment would be subject to review by this court upon writ of error or appeal.

It will be well now to look at the course of decisions in other Federal courts.

Attention is first directed to Arbuckle *v.* Blackburn (113 Fed. Rep., 616, 622), which was a suit in equity, one of the principal objects of which was to restrain the enforcement of an act of the Ohio legislature relating to food products, particularly of a named coffee in which the plaintiffs were interested. The circuit court of appeals held that the bill was properly dismissed, saying, among other things: "What, then, is the object of the injunction sought in this case? It is no more or less than to restrain the officer of the State from bringing prosecutions for violations of an act which said officer is expressly charged to enforce in the only way he is authorized to proceed—by bringing criminal prosecutions in the name of the State. This is virtually to enjoin the State from proceeding through its duly qualified and acting officers. If the food commissioner may be enjoined from instituting such prosecutions, why may not the prosecuting attorney, or any officer of the State charged with the execution of the criminal laws of the State? While the State may not be sued, if the bill can be sustained against its officers, it is as effectually prevented from proceeding to enforce its laws as it would be by an action directly against the State. This view of the case, in our judgment, is amply sustained by the cases above cited, and by the latter case of Fitts *v.* McGhee (172 U. S., 516). In so far as this action seeks an injunction against the respondent from proceeding to enforce by prosecution the provisions of the statutes of Ohio above cited, the courts of the United States are deprived of jurisdiction by the eleventh amendment to the Constitution."

In Union Trust Company *v.* Stearns (119 Fed. Rep., 790, 791, 792, 795) the circuit court of the United States for the district of Rhode Island had occasion to consider the scope of the eleventh amendment. The case related to a statute regulating the hours of labor of certain employees of street railways and imposing a fine for a violation of its provisions. The court upon an elaborate review of all the cases in this court dismissed the action. The defendants Stearns and Greenough were, respectively, the attorney-general and assistant attorney-general of the State. They were not named in the act nor charged with any special duty in connection therewith. The court said: "The purpose of the present bill, in substance and effect, is to enjoin the State of Rhode Island from the enforcement of a penal statute. Indictments under the act are brought in the name and on behalf of the State for the protection of the State. These defendants, the attorney-general and his assistant, merely represent the State in such proceedings. They are simply the officers and agents of the State. It is not as individuals, but solely by virtue of their holding such offices, that they prefer and prosecute indictments in the name of the State. A State can only act or be proceeded against through its officers. If a decree could be entered against the State of Rhode Island enjoining prosecutions under this act, it could only operate against the State through enjoining these defendants. An order restraining the attorney-general and his assistant from the enforcement of this statute is an order restraining the State itself. The present suit, therefore, is as much against the State of Rhode Island as if the State itself were named a party defendant." After referring to In re Ayers and Fitts *v.* McGhee, and upon a review of the cases, the court proceeded: "The defendants Stearns and Greenough hold no special relation to the act of June 1, 1902. They are not specially charged with its execution. They are not thereby constituted a board or commission with administrative powers, nor are they as individuals, and apart from the official authority under which they act, threatening to seize the property of the complainant or to commit any wrong or trespass against its personal or property rights. They have no other connection with this statute than the institution of formal judicial proceedings for its enforcements in the courts of the State in the name and behalf of the State. Upon reason and authority the present bill is a suit against the State of Rhode Island, within the meaning of the eleventh amendment to the Constitution of the United States."

In Morenci Copper Company *v.* Freer (127 Fed. Rep., 199, 205), which was an action in equity to restrain and inhibit the defendant, in his official capacity as attorney-general of West Virginia, from proceeding to institute an action in the State court for forfeiture of the charter of the plaintiff corporation for a failure to pay a license tax imposed by a State statute, and which statute was alleged to be in violation of the Federal Constitution, the circuit court reviewed the decision of this court upon the question as to what and what were not suits against the State. The circuit court held that it had no jurisdiction of the case, saying: "But it may be said, if the court holds that no remedy of this sort will lie in the circuit court of the United States to prevent this breach of a contract by the State of West Virginia by means of the machinery of a law violative of the Constitution of the United States, how are the rights of corporations to be preserved? The answer is that such alleged unconstitutionality is matter of defense to any suit brought for the forfeiture of complainant's charter, and could be set up as an answer and defense to any bill brought for that purpose, and, if the highest court of the State ruled adversely to that contention, appeal would lie to the Supreme Court of the United States. Or the case can be removed to the circuit court of the United States if it presents a case arising under the Constitution or laws of the United States."

A well-considered case is that of Western Union Telegraph Company *v.* Andrews (154 Fed. Rep., 95, 107). In that case the telegraph company sought by bill to enjoin the prosecuting attorneys of the various judicial circuits of Arkansas from instituting any proceeding for penalties for its failure or refusal to comply with the provisions of an act of the legislature of Arkansas relating to foreign corporations doing business in that State and fixing fees, etc. The bill charged that the various prosecuting attorneys would, unless restrained, institute numerous actions for the recovery of the penalities prescribed by the act, which was no less than $1,000 for each alleged violation. The defense was, among other things, that the action was one against the State, and therefore prohibited by the Constitution. After a careful review of the adjudged cases in this court and in the subordinate Federal courts the circuit court held the action to be one against the State, forbidden by the eleventh amendment, saying, among other things: "The allegations in the bill show that this is an attempt to prevent the State of Arkansas, through its officers, who by its laws are merely its attorneys, to represent it in all legal actions in its favor or in which it is interested, from instituting and prosecuting suits for the recovery of penalties incurred for alleged violation of its laws, actions which can only be instituted in the name of the State and for its use and benefit."

Upon the fullest consideration and after a careful examination of the authorities, my mind has been brought to the conclusion that no case heretofore determined by this court requires us to hold that the Federal circuit court had authority to forbid the attorney-general of Minnesota from representing the State in the mandamus suit in the State court or to adjudge that he was in contempt and liable to be fined and imprisoned simply because of his having, as attorney-general, brought that suit for the State in one of its courts. On the contrary, my conviction is very strong that, if regard be had to former utterances of this court, the suit of Perkins and Shepard in the Federal court, in respect of the relief sought therein against Young, in his official capacity as attorney-general of Minnesota, is to be deemed—under the Ayers and Fitts cases particularly—a suit against the State of which the circuit court of the United States could not take cognizance without violating the eleventh amendment of the Constitution. Even if it were held that suits to restrain the instituting of actions directly to recover the prescribed penalties would not be suits against the State, it would not follow that we should go further and hold that a proceeding under which the State was, in effect, denied access, by its attorney-general, to its own courts, would be consistent with the eleventh amendment. A different view means, as I think, that although the judicial power of the United States does not extend to any suit expressly brought against a State by a citizen of another State without its consent or to any suit the legal effect of which is to tie the hands of the State, although not formally named as a party, yet a circuit court of the United States, in a suit brought against the attorney-general of a State, may, by orders directed specifically against that officer, control, entirely control, by indirection, the action of the State itself in judicial proceedings in its own courts involving the constitutional validity of its statutes. This court has heretofore held that that could not be done and that such a result would, for most purposes, practically obliterate the eleventh amendment and place the States, in vital particulars, as absolutely under the control of the subordinate Federal courts as if they were capable of being directly sued. I put the matter in this way, because to forbid the attorney-general of a State (under the penalty of being punished as for contempt) from representing his State in suits of a particular kind, in its own courts, is to forbid the State itself from appearing and being heard in such suits. Neither the words nor the policy of the eleventh amendment will, under our former decisions, justify any order of a Federal court the necessary effect of which will be to exclude a State from its own courts. Such an order attended by such results can not, I submit, be sustained consistently with the powers which the States, according to the uniform declarations of this court, possess under the Constitution. I am justified, by what this court has heretofore declared, in now saying that the men who framed the Constitution and who caused the adoption of the eleventh amendment would have been amazed by the suggestion that a State of the Union can be prevented by an order of a subordinate Federal court from being represented by its attorney-general in a suit brought by it in one of its own courts; and that such an order would be inconsistent with the dignity of the States as involved in their constitutional immunity from the judicial process of the Federal courts (except in the limited cases in which they may constitutionally be made parties in this court), and would be attended by most pernicious results.

I dissent from the opinion and judgment.

Mr. NELSON. I move to lay the amendment of the Senator from Nebraska [Mr. BURKETT] on the table.

The VICE-PRESIDENT. The Senator from Minnesota moves to lay the amendment offered by the Senator from Nebraska [Mr. BURKETT] on the table.

The motion was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. GORE. Mr. President, I desire to offer an amendment to the pending bill. On page 2, line 18, after the word "thereof," I move to strike out all the remainder of the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma is not in order. The Senate, as in Committee of the Whole, agreed to the amendment; but, without objection, the Chair will regard the bill as being still in Committee of the Whole and open to amendment. The amendment will be read.

The SECRETARY. On page 2, line 18, after the word "thereof," strike out the remainder of the substitute bill, in the following words:

Upon the ground of unconstitutionality of the statute, unless the application for the same shall be presented to a circuit judge and shall

be heard and determined, upon issue made and proof taken by affidavit or otherwise, by three judges, of whom two shall be circuit judges, and the third may be either a circuit or a district judge, and unless a majority of said three judges shall concur in granting such application. Whenever such application, as aforesaid, is presented to a circuit judge he shall immediately call to his assistance, to hear and determine the application, one circuit judge and one district judge or another circuit judge. Said application shall not be heard and determined until five days' notice of the hearing has been given to the governor and attorney-general of the State and such other persons as may be defendants in the suit: *Provided*, That if a majority of said judges are of the opinion, at the time notice of said hearing is given as aforesaid, that irreparable loss and damage would result to the applicant unless a temporary restraining order, pending the period of the required notice, is granted, a majority of said judges may grant such order, but the same shall only remain in force until the hearing and determination of the application, upon due notice as aforesaid, has taken place. That an appeal may be taken directly to the Supreme Court of the United States from any order or decree granting or denying, after notice and hearing, a temporary or interlocutory injunction or restraining order in such case; and the hearing of such appeal shall take precedence over all other cases except those of a similar character and criminal cases.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. GORE].

The amendment was rejected.

Mr. BURKETT. May I ask what was done with the amendment that I offered?

The VICE-PRESIDENT. The amendment was laid upon the table on the motion of the senior Senator from Minnesota [Mr. NELSON].

Mr. BURKETT. I understand that it is too late to ask for a yea-and-nay vote on my amendment.

The VICE-PRESIDENT. It is too late.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT. The Calendar under Rule VIII is in order. The first bill on the Calendar will be stated.

The SECRETARY. A bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. NELSON. The Senator from West Virginia [Mr. SCOTT] is interested in the bill, and in his absence I will ask to have it passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice at the request of the Senator from Minnesota.

NATIONAL FORESTS.

The bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains was announced as the next in order.

Mr. BRANDEGEE. I desire to state that the senior Senator from Colorado [Mr. TELLER] desires to speak upon the bill. He informed me that he is indisposed, and he asked me to let the bill go over to some other day.

The VICE-PRESIDENT. Without objection, the bill will be passed over without prejudice at the request of the Senator from Connecticut.

OMNIBUS CLAIMS BILL.

Mr. McCREARY I desire to ask what was done with House bill 15372, known as the "omnibus claims bill?" It was reported more than a month ago, and it is a very important bill. It contains many items that persons in various States are interested in; a number of them are items my constituents are interested in. I desire to know why it is that we propose to pass over that bill.

The VICE-PRESIDENT. The bill will be announced by title.

The SECRETARY. A bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts.

Mr. SMOOT. I will state to the Senator from Kentucky that the reason why the bill has not been taken up for consideration is that the chairman of the committee, the Senator from Oregon [Mr. FULTON] is absent from the city, and before leaving he requested that the bill be not taken up for consideration until his return. I understand that the chairman will be here about the 21st or the 22d of this month.

I wish also to say that I do not think it would hasten the passage of the bill in any way by pressing it at this time. I therefore ask that the bill may go over without prejudice.

Mr. McCREARY. I have no desire whatever to press the consideration of the bill, but as it was reported by the Committee on Claims more than a month ago, I desired to know why it was not acted upon when it was reached. The explanation of the Senator from Utah that the chairman of the committee [Mr. FULTON] will be here in a few days is entirely satisfactory to me.

The VICE-PRESIDENT. Without objection, the bill will go over without prejudice at the request of the Senator from Utah.

SUSPENSION OF COMMODITY CLAUSE.

The joint resolution (S. R. 74) suspending the commodity clause of the present interstate-commerce law was announced as the next business in order on the Calendar.

Mr. NELSON. In the absence of the chairman of the Committee on Interstate Commerce [Mr. ELKINS], who reported the bill, I ask that it be passed over.

The VICE-PRESIDENT. It is so ordered.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 4855.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes.

Mr. BACON. I move to strike out the fifth and sixth sections of the bill.

The VICE-PRESIDENT. The Senator from Georgia proposes an amendment, which will be read by the Secretary.

The SECRETARY. Strike out all of sections 5 and 6.

Mr. FLINT. I move to lay the amendment on the table.

Mr. BACON. I ask, before the motion is put, that the sections be read from the desk.

The VICE-PRESIDENT. The Secretary will read the sections proposed to be stricken out.

The Secretary read as follows:

SEC. 5. That where there are lands in any State not owned or held by the United States which are swamp or overflowed lands, and it shall be made to appear to the Secretary of the Interior that reclamation works by drainage can be advantageously constructed and maintained by local authority under the laws of such State, and that the drainage of such lands is feasible and conducive to public health and the general welfare, the Secretary of the Interior, in his discretion, is hereby authorized, under such rules and regulations as he may prescribe, to loan out of the drainage fund to such State or to any municipality of such State, corporation, or drainage district authorized by the laws thereof to construct and maintain such improvements the funds necessary to construct the same, in order that such lands may be drained and reclaimed. Such loan shall be upon the bonds of such State or a municipality, corporation, or drainage district thereof issued under the laws of such State, secured by a first and paramount lien upon the land benefited by the improvement, shall run not exceeding ten years, the same to be due in installments to be determined by the Secretary of the Interior. Before granting such a loan the Secretary of the Interior shall require that the land proposed to be reclaimed shall be subdivided into lots of an area satisfactory to the Secretary of the Interior not to exceed a quarter section and held for sale for a prescribed period to actual settlers, at a price to be fixed by him and upon such terms and conditions as he may prescribe, to the end that such reclaimed land may eventually be occupied by actual settlers and home builders. When any loan under this act is repaid the amount shall be put into the drainage fund and may be again loaned the same as the original sum: *Provided*, That any drainage project covered by said bonds shall be constructed, operated, and paid for under the same conditions and regulations, so far as applicable, as are required and imposed upon drainage projects constructed and operated by the Secretary of the Interior under sections 2, 3, and 4 hereof. Any private corporation seeking to obtain the benefits of this section must first show to the satisfaction of the Secretary of the Interior that such corporation is empowered to act under this section.

SEC. 6. That the Secretary of the Interior is hereby authorized to enter into such contracts as he may deem advisable with any persons or private or public corporations or States for carrying into effect the provisions of this act or to assist or cooperate in the drainage of lands, and may acquire by gift or grant land or other property or rights or securities, and shall be authorized to sell, lease, or dispose of lands acquired or reserved under the provisions of this act or of any rights, property, or securities so received.

Mr. HALE. Mr. President, let me ask the Senator in charge of the bill, before he insists on his motion to table the amendment of the Senator from Georgia, to reflect that there has been no opportunity to debate these sections. They are very remarkable sections. They propose to extend the power of the Government into a domain which it has never yet invaded. They excite not only attention, but opposition, and it has been the practice, almost a rule, of the Senate that opportunity shall be given for legitimate debate upon any subject-matter.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from California?

Mr. HALE. Certainly.

Mr. FLINT. I have no desire to stop debate upon the amendment of the Senator from Georgia. No one here seemed to desire to discuss the amendment. I asked the Senator from Georgia this morning if he desired to further discuss the bill and I understood him to say that he did not. I put it in the form of a motion to lay the amendment on the table, so as to dispose of the matter. If anyone desires to debate the bill, either these sections or any other section, I do not care to shut him off, and I will be very glad to withdraw the motion.

Mr. HALE. That is entirely in conformity to what has been the usage, and the good usage, of the Senate.

The VICE-PRESIDENT. The Senator from California withdraws his motion to lay on the table the amendment of the Senator from Georgia.

Mr. HALE. The rule of the Senate and the practice of the Senate require the disposition of a matter after it has been debated, and that has been the defense of the Senate against the attempt at different times to incorporate into our rules such proceedings as characterize other bodies. The previous question—what they call in England the cloture—we have always resisted, upon the theory that after due debate upon any question if the Senate desires to pass any measure it always passes it.

We had a marked instance last week on the employers' liability bill. Without any previous question, without any rule that prohibits debate after an entire day spent in its consideration, with debate pro and con upon different amendments, it became apparent that the Senate desired to pass the bill unamended, and at 6 o'clock all opposition closed—not in the minds of members, for it was not a perfect bill. It was very far from a perfect bill, but it had become established in the minds of the Senate by the debate which had taken place that the Senate desired to pass the bill unamended, and it passed without even a division or a vote by yeas and nays.

I felt myself at the time that that was a remarkable tribute to the safety and the wisdom of our rules and our practice. It showed that we do not need arbitrary methods for the purpose of enforcing votes upon measures, but that the good sense of the Senate will always prevail. That is why I appealed to the Senator, who is always responsive to a reasonable appeal, that upon this matter, where Senators are divided, until fair debate is had upon the propositions involved in these two sections the Senator should not seek to foreclose consideration by moving to lay the amendment upon the table, and the Senator very readily acceded to that.

There are provisions in the bill that I look upon as being great departures in legislation, to which I can not, for one, agree; but if the Senate, after reasonable debate, wants the bill passed, the Senator from California will get the bill passed. There is a sense of fairness in the minds of Senators that will prevail, as it always has prevailed. I am very glad that the Senator has withdrawn for the present his motion to lay the amendment on the table.

Mr. McCUMBER. The Senator from Georgia moved to strike out the two sections. I can see some reason myself for striking out section 6, but I should like to have the Senator from Georgia explain his reasons for eliminating section 5.

Mr. BACON. Mr. President, before replying directly to the inquiry of the Senator from North Dakota, I wish to say, in response to the statement made by the Senator from California that he had approached me to know whether I desired to discuss the bill, that that would rather imply that I stood as the special opponent of the bill or that I was charged with the special opposition to it. I am opposed to it, but I never heard of the bill until it was read here the other day. So I am not in a position of leading any organized, concerted opposition to it in any way. I am speaking solely for myself. The fact that I did not propose to speak on it did not indicate what anyone else might wish to do.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. FLINT. I did not intend to convey the idea that I thought the Senator from Georgia was making any special point against the bill or leading any opposition. The motion having been made by him to strike out sections 5 and 6 and having discussed the bill day before yesterday, I happened to have some conversation with him, and I asked him if he desired to debate the bill further. He told me that he did not, and I simply made that statement to the Senate.

Mr. BACON. I wish simply to relieve myself from what might have been concluded by others by the Senator making the statement that I was specially charged, or that I was representing anybody else, in the matter of my opposition to this bill.

Mr. President, I think that the reasons for the opposition to section 5, of which the Senator from North Dakota makes inquiry, are best explained by reading the section. It seems to me the mere reading of it shows the objectionable features and that those objectionable features would naturally suggest themselves to anyone upon the reading. As I said a moment ago, I knew there was some such bill pending, but I never saw it and never heard its provisions until the bill was read here on Wednesday.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do, with pleasure.

Mr. FLINT. I am somewhat surprised to hear the statement of the Senator from Georgia that he never heard of this bill before.

Mr. BACON. I corrected that; I modified it.

Mr. FLINT. I mean until within a few days.

Mr. BACON. No; I modified that. I said I knew there was some such bill, but that I had never heard its specific provisions and never had seen the bill until Wednesday. I did know that the late Senator from South Carolina, Mr. Latimer, was advocating a bill of this kind and that there was a bill upon the general subject of the reclamation of overflowed land, but what its provisions were I did not know; I had never sought to be informed.

Mr. FLINT. What I referred to was a letter from the Senator to the governor of Georgia in receiving a report from the representative of the State of Georgia appointed by the governor of that State to the drainage congress in Baltimore, in which I understood the Senator from Georgia had said he had read that report and it was a matter which had his careful consideration.

Mr. BACON. A letter from me?

Mr. FLINT. This very bill or a like bill was one of the things discussed in that report.

Mr. BACON. A letter from me?

Mr. FLINT. It was so reported in a Georgia paper that was sent to me some months ago.

Mr. BACON. Mr. President, that may be so. If it is so, I can only account for it in this way, that I, as all other Senators, frequently have inquiries about pending legislation; and I simply write back, stating that I will give it proper consideration when it comes up. It may be that there was a letter prepared which I signed which committed me to the fact of knowledge of the bill, which is not the fact. We all know how letters are prepared by our clerical force on routine matters, and however inadvertently I may have signed such a letter—I do not dispute that—I have no recollection of it whatever. But if I did sign it, it was just in some such way as I have indicated. I certainly have had no familiarity with the measures which were proposed to be incorporated in the bill. I did know the fact in a general way that there was a proposition for some legislation looking to the reclamation of overflowed lands.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. With pleasure.

Mr. FLINT. The reason I mentioned that fact was that when this bill was prepared and drafted, it was after a consultation, as I understand, with Members from all the States in which there were swamp and overflowed lands, after there had been two congresses held, known as "drainage congresses," where this subject was under discussion. The bill that was drafted and introduced by me, and other bills which were introduced by other Senators last session, were there given consideration. I reached the conclusion that there was some doubt as to the constitutionality of the bill. We then had a conference in the office of the Secretary of the Interior. It is my understanding that all the Southern States which had swamp and overflowed lands were represented at that conference, and that invitations had been sent to the Senators and Members of the House from those States, and that this bill was the result of that conference. As I understood from the communications I had received, this bill met with the approval of practically all the Senators on that side of the Chamber; and I am somewhat surprised now to find a strong opposition to sections 5 and 6 in this bill, which were inserted after the conference to which I have referred and at the request of representatives from that side of the Chamber.

Mr. BACON. Mr. President, I have no doubt all that the Senator from California [Mr. FLINT] says is true. I simply qualify it to the extent that I myself never participated in such a conference, and I myself have never given, knowingly at least, my consent to the provisions of this bill. I repeat that, so far as the detailed provisions of it are concerned, I never heard of them and never knew of them until the bill was read here two days ago.

Now, Mr. President, replying to the question of the Senator from North Dakota [Mr. McCUMBER], I will read section 5, and I trust Senators will listen to it in order that they may appreciate the magnitude of the proposition and may also appreciate the reasons why some of us are not prepared to put the burden upon the Government to undertake the risk which this section

necessarily will put upon and entail upon the Government if the bill becomes a law. Section 5 is in these words:

SEC. 5. That where there are lands in any State not owned or held by the United States which are swamp or overflowed lands, and it shall be made to appear to the Secretary of the Interior that reclamation works by drainage can be advantageously constructed and maintained by local authority under the laws of such State, and that the drainage of such lands is feasible and conducive to public health and the general welfare, the Secretary of the Interior, in his discretion, is hereby authorized, under such rules and regulations as he may prescribe, to loan out of the drainage fund to such State or to any municipality of such State, corporation, or drainage district—

"Corporation"—private corporation. Those are the words.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. FLINT. The Senator from Georgia dwells on and reads with emphasis the word "corporation." I want to state to him that the word "corporation" was added to the bill. I myself thought it was questionable whether the word "corporation" should be used or permitted. The Senator from Alabama [Mr. JOHNSTON], who was present at that conference, requested that that word should be put into the bill for the reason that, under the constitution of his State, they can not form drainage districts, and they would have to have in the bill the word "corporation" or amend the State constitution, which they did not want to do.

Mr. BACON. That may be a good reason for it, but while that might be a good reason, it is the use of a word which would not be limited in its practical operation to the particular conditions in Alabama, but would include every corporation in the United States which might have an interest in overflowed lands anywhere in the United States—any corporation of any kind, large or small. If that does not open the door wide enough to haul all the money out of the Treasury in a six-horse wagon, I do not know how you could find language that would be better adapted to the purpose.

Mr. McCUMBER. I call the Senator's attention——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I do, with pleasure.

Mr. McCUMBER. If the Senator will read along further he will see that the security——

Mr. BACON. Yes; I am coming to that.

Mr. McCUMBER. Which the Government has may be nothing more than the bond of the corporation, whatever that may be.

Mr. BACON. Yes.

Mr. McCUMBER. I can see the reason in section 6, because in that section you not only make the contracts with private corporations, but with individuals—with one or more persons. I could see the objection, but my attention had not been called specifically to the word "corporation" in the previous section.

Mr. BACON. Yes. Well, Mr. President, it seems to me that we do not even have to rest our objection on the simple matter of the use of the word "corporation." "Municipality" is a pretty wide word, and means every sort of municipal corporation, of which there are a good many hundred thousand, I suppose, in the United States.

Mr. McCUMBER. I should like to understand, if the Senator will yield to me——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I do, with pleasure.

Mr. McCUMBER. I should like to understand the reason given by the Senator from California [Mr. FLINT] for the use of this word "corporation." Do I understand that there is no municipal corporation in the State of Alabama that could provide for this drainage—either the State itself or some municipal corporation under the State?

Mr. FLINT. The Senator from Alabama [Mr. JOHNSTON] is now in the Chamber and can answer that for himself.

Mr. McCUMBER. I can not imagine a condition in which the State of Alabama itself could not enter into the arrangement for a loan of funds the same as any other State.

Mr. JOHNSTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. BACON. With pleasure.

Mr. JOHNSTON. Mr. President, I want to say that the conditions in Alabama which required that provision are these: In the lower part of the State is a large quantity of swamp and overflowed lands not owned by the State originally, but ceded to the State by the Government. The purpose is to enable the owners of those lands to form a corporation and come in under the provisions of this bill. I repeat, these are not lands owned by the State or by any municipality, but the purpose is to enable their owners to organize a corporation and bring them in and have this development made, subjecting them to entry as are other lands.

Mr. BACON. Mr. President, I will continue to read, in response to the question propounded to me by the Senator from North Dakota [Mr. MCCUMBER]—

Under such rules and regulations as he may prescribe—

That is, the Secretary of the Interior—

to loan out of the drainage fund—

It is true it is limited to the money which comes in from the proceeds of the sales of the public lands referred to—

to such State or to any municipality of such State, corporation, or drainage district authorized by the laws thereof to construct and maintain such improvements the funds necessary to construct the same, in order that such lands may be drained and reclaimed.

Mr. President, the provision is absolutely without limitation as to what shall be the character of the work; what its cost shall be, and as to who shall be the judge of it. It is true the rules and regulations are to be prescribed by the Secretary of the Interior, but I do not believe in giving to any man, whether he be an official or a private citizen, these wide privileges which relate to the expenditure of the public money.

Talk about extravagance! Mr. President, there is not any possible specific appropriation which can be suggested, or which has been suggested, which begins to reach out as this does in its absolutely limitless proportions for the expenditure of public money.

Mr. CLAPP. Mr. President, will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. Yes.

Mr. CLAPP. I think the authority will necessarily be limited to the fund, which is limited to a certain amount——

Mr. BACON. The drainage fund?

Mr. CLAPP. To money derived from a certain source; so that, while there is some latitude as to where the Secretary of the Interior could put the money, there is a limit to the amount which could be used under the provisions of the bill.

Mr. BACON. Mr. President, I regard the scheme as one wild in the extreme—I think those words are not extravagant—a scheme wild in the extreme. I am simply stating this in answer to the inquiry of the Senator from North Dakota, because I had occupied so much of the time on Wednesday that I did not intend to occupy any further time, but I am responding to the Senator's inquiry.

Mr. HALE. Will the Senator allow me to interrupt him long enough to follow out the suggestion of the Senator from Minnesota [Mr. CLAPP]? He is, as we know, a conservative Senator, a lawyer, who believes in the line of division between the States and the nation. I wish he would tell the Senate, following out his suggestion—and it was a pertinent suggestion—that, however bad the operation of this bill might be, it would be limited by the extent of the fund which could be used in ways to which the Senator from Georgia and others of us are opposed. But in the construction of this bill, in the consultation and consideration of the entire scope and effect of the bill, can the Senator from Minnesota tell us what it was believed would be the extent of the fund which can be used under the provisions of sections 5 and 6? I am asking the question in good faith, because I do not know in the least how much has been left by otherwise profound schemes and plans that have been incorporated into law for the absorption of the proceeds of the sale of public lands. How much do the friends of this scheme believe will be the amount of the fund that could be used in carrying out the provisions of this bill? What was the contemplation of the originators of the plan?

Mr. CLAPP. Will the Senator from Georgia pardon me, as the question of the Senator from Maine calls for a slightly extended interruption?

Mr. BACON. I shall be more than happy if the Senator will proceed. I am on the floor simply in response to the Senator from North Dakota.

Mr. HALE. I think we are all trying to get light on this matter.

Mr. BACON. Yes; and I shall be delighted to have some information along that line.

Mr. CLAPP. On the primary question of the Government taking hold as an instrumentality in the development of this country, of course I would not at this time enter upon a discussion. Some time ago, as Senators will all remember, a proportion of the proceeds from the sale of the public lands was dedicated to the reclamation of arid lands, briefly stated, constituting something in the nature of a revolving fund. The bill provides that the

money received from the sale and disposal of the public lands in the States that are mentioned in the first section since the year 1901—the time at which we began to take the money for the reclamation of arid lands—shall be set aside as a drainage fund. As near as we can ascertain, that sum amounts now to about $5,000,000.

There were three conditions that were to be met. First, where the Government had public land or where the Government was acting as the trustee for ceded Indian reservations. That far the question would be free from very much complication. Under the drainage law the area that can be taken into a drainage district is limited and easily defined, and provision can be made for placing it subordinate to the action of the Federal Government in the administration of the drainage scheme. It would be somewhat difficult for the Federal Government to approach the drainage of lands not owned by the Government in that way.

Many of the States already have laws whereby drainage districts can be created under the State law, the right of eminent domain being exercised, and, under the State law, bonds issued and made a first lien upon all the land embraced in the drainage district.

I may as well say right here that so far as I am personally concerned, looking at this purely from a selfish standpoint, I would have no objection whatever to letting sections 5 and 6 go out of this bill.

Mr. CLAY. Right there, with the Senator's permission, Mr. President——

The PRESIDING OFFICER (Mr. DILLINGHAM in the chair). Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. CLAPP. Yes.

Mr. CLAY. As I understand, there are two schemes in this bill——

Mr. CLAPP. Three.

Mr. CLAY. Yes, three. One is to take the proceeds of the public lands that have been collected since 1901 and convert those proceeds into a drainage fund amounting to $5,800,000.

Mr. CLAPP. Approximately.

Mr. CLAY. Yes; I have the figures; and for that fund to be used in draining swamp lands owned by the Government of the United States, and then to be loaned out to private individuals or corporations in States wishing to drain private lands, not lands belonging to the State or to the Government. In other words, as I understand, the provisions in sections 5 and 6 contemplate that if corporations or drainage companies own swamp lands in the States and the Secretary of the Interior thinks it proper to let those persons or corporations have public funds for the purpose of draining their lands, then the Secretary of the Interior can grant that privilege and take a lien upon the land in the shape of the bonds of the private companies for the purpose of securing the Government. Am I correct in that statement?

Mr. CLAPP. I was trying to explain that.

Mr. CLAY. Just a word right there, with the Senator's permission. When we undertake by taxation to collect money from the entire American people and loan it to private individuals to develop their private enterprises, is it not a very dangerous step?

Is it not true, I will ask, with the Senator's permission, that if you let the drainage companies have public funds to develop their private enterprises, men who may want to develop railroads or factories or any other geat enterprises may say. "Follow the same line, collect money, and loan it to us to develop our enterprises?" Is not it a very dangerous precedent when we undertake to collect funds for any other purpose except to pay the expenses of the Government?

Mr. CLAPP. Mr. President, I share with the Senator in charge of this bill surprise at the attitude of some Senators in regard to this particular section 5. We had a conference, at which several Southern Senators and several Southern Representatives in Congress were present, and we were advised by them that in some of their States neither the State nor the counties could issue bonds. I think the State of Arkansas was mentioned as one of them, although we afterwards learned that drainage districts in that State could issue bonds in order that this money might be used. In those States where, under their constitutions, neither the counties nor the State could issue bonds which the Secretary of the Interior could purchase to aid them by taking their bonds, at the suggestion of some of these gentlemen from States thus situated with reference to their constitutions, those who worked on this measure, after two or three conferences, inserted the word "corporation." As I said before, so far as my State is concerned and so far as I am personally concerned, I have no objections whatever to sections 5 and 6 going out of this bill. They were inserted in order that this money might not be limited in its use to the States in which the money was collected, but that those States which had no public lands, if they could not reach out either as States or by the action of their counties and participate in the benefits of this fund, could, under their statutes, authorize the creation of drainage districts, which had to be called "corporations," and thus obtain their share of the benefits of this bill.

Mr. FOSTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Louisiana?

Mr. CLAPP. In just one moment. I should like to complete this sentence. I can see no great difference in principle between the United States Government depositing money in the banks or using its money to carry on reclamation projects in the form of a revolving fund and the use of this money for this particular purpose. The principle is already established. Now I yield to the Senator from Louisiana.

Mr. FOSTER. Just for information, Mr. President, I should like to ask upon what basis this fund is to be distributed among the different States?

Mr. CLAPP. Mr. President, there could be fixed no definite basis. If there could have been, it would have been to the disadvantage of the States represented by some of the Senators who seem to be in opposition to this bill. For one, representing a State that has contributed a large amount to this Government fund, I should be perfectly satisfied, looking at it purely from a selfish standpoint, to limit this to the States in proportion as it came from the States, but in a spirit of fairness and recognizing the condition——

Mr. CLAY. Mr. President, with the Senator's permission——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. CLAPP. Yes.

Mr. CLAY. The Senator can not think that it would be just and equitable to take the public lands belonging to the Government of the United States located in certain States and sell those lands, take the proceeds, and utilize them for the benefit of the States in which the land is located? The public lands of the United States belong to the American people.

Mr. CLAPP. I do not say that would be fair.

Mr. CLAY. Well, I understood the Senator to say that he would be perfectly willing——

Mr. CLAPP. I said "looking at it from a purely selfish standpoint."

Mr. CLAY. I understand the Senator now. Certainly, that would not be equitable.

Mr. CLAPP. But taking a fair view and a broad view, this fund would be distributed.

Mr. FOSTER. I should like to ask another question.

The VICE-PRESIDENT. Does the Senator from Minnesota yield further to the Senator from Louisiana?

Mr. CLAPP. Certainly.

Mr. FOSTER. What limitation or restriction is placed upon the Secretary of the Interior in the matter of loans to private corporations and individuals?

Mr. CLAPP. There is no limitation, except that the State seeking the benefit of this bill must pass the necessary laws authorizing action to be taken by the State itself if, under its constitution, it can borrow the money, or by the counties, or, if neither the counties nor the State, under the State constitution, can borrow it, then to authorize the creation of corporations for that purpose. If the Secretary of the Interior is satisfied of the legality of those proceedings and the security that is provided for the bond issue, he may use the money for that purpose.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. CLAPP. Yes.

Mr. HALE. I am in search of information, and I have not the familiarity with the operation of the land laws, for instance, that Western Senators have. I am going to make an inquiry which may only demonstrate my lack of information on this subject. The Senator refers to the use of this fund as though it were a special and existing fund by itself. It is made up of the proceeds from the sale of public lands that have come into the Treasury since the year 1901. Am I correct in that?

Mr. CLAPP. Yes, sir.

Mr. HALE. Now, as I have said, it may disclose my entire lack of information, but what has become of the funds that have been realized from the sale of public lands since 1901, unless they have gone into the Treasury? And if those funds

have gone into the Treasury like any other funds received by the Government, wherein does this bill differ from in terms appropriating so much money out of the Treasury in order to create this reserve from which these appropriations and expenditures shall be made?

As I say, I am not familiar enough to know. When the Government collects duties they go into the Treasury. The money comes from a specific source. But it is a part of the revenue and becomes a part of the Treasury fund. Is there any law by which funds derivable by the Government from the sales of public lands differ from any other assets of the Treasury? And if not, why refer to this as a special fund which has been received by the Government since 1901? Why not make an outright appropriation? I wish the Senator would tell the Senate. It may be that everybody else knows why this is so. I do not.

Mr. CLAPP. I will say to the Senator from Maine——

Mr. FOSTER. If the Senator from Maine——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Louisiana?

Mr. CLAPP. With pleasure.

Mr. FOSTER. If the Senator from Maine will read the first section of the bill, I think he will find that this is an appropriation equal to the amount of the money received from the sales of public lands since 1901.

Mr. HALE. I had so supposed.

Mr. FOSTER. Yes.

Mr. HALE. Why not put it in terms as an appropriation?

Mr. CLAPP. I will explain why. Of course in effect it is an appropriation of this money, and there is no disguising of that fact in the bill. But when we started the Reclamation Service there was possibly some sort of sentiment that while this money was in the Treasury of the United States, yet, having come from some particular source, it was proper to use it for the purpose of reclaiming the arid lands; and it was simply to put it on all fours with that, to give it the same claim to the consideration of the Senate, to place it upon a parallel with the general scheme of the reclamation of arid lands, that it was limited to a sum equal to the money received from the sale of public lands in the States named.

Mr. HALE. Then the Senator recognizes the fact that it is an appropriation from the Treasury, only limited in amount by what the avails of this fund have been for the last seven years?

Mr. CLAPP. Certainly.

Mr. HALE. It is an outright appropriation from the Treasury.

Mr. CLAPP. That is the reason why these States were referred to. We felt, as I have already said, that it would place this plan on all fours with the plan to appropriate this sum in that way. I think that is all I care to say, unless some other Senator cares to ask questions.

Mr. McCUMBER. Mr. President, some years ago the Government entered upon this great step of making homes for the American people. It started out with the arid lands of the West. The same economic spirit which actuated the Senate in voting for the reclamation of arid lands logically would lead the Senate to vote for the reclamation of swamp lands. The reasons are the same, and the conditions are practically the same. So I find myself heartily in favor of the Government assisting in that great project, which may be said to be too great for the States to handle alone. It is proper to drain these swamp lands where we can do so.

But I can not say that I am in exact harmony with the provisions of this bill and the methods by which it seeks to accomplish that particular purpose. The public lands in any State are to a certain extent assets of that State. They belong to the State. They become part of the property of the State. As the lands in one portion of a State, being very rich, might be taxed in order to open up and develop other lands that were less valuable, so it might be proper that the proceeds of the sale of lands in some portions of the United States might well be utilized in the development of other sections of the country. So we have made no objection to that proposition.

We will suppose now that there are in Florida a few hundred thousand acres of swamp lands, or there may be a million acres of swamp lands, that can properly be drained. The State does not want to take hold of the proposition. The Government itself is able to take hold of it. But I can not imagine why we can not reach this by a simple proposition and by a contract with the State in every instance. There is not a State in the Union which, by reason of its sovereignty, can not make any provision it sees fit for the taxation of lands in any district or in any portion of the State for the purpose of its internal development; and if it can make such a law affecting the lands within the State, it can also pass a law which would be in harmony with the spirit of this bill for the utilization of a portion of the funds raised under it to be used in the State and to be secured in such way as the laws of the State may designate.

So there seems to me to be the first objection that can be logically made against this bill. It seeks to deal with the municipality. It seeks to deal separately with the county. It seeks to deal with the drainage district, and finally it goes further and deals with a corporation, and ends up by making a special contract with any individual who wishes to have his farm drained, and the nation itself is placed in a position where it must enter into a contract with that individual if he has 1 or 10,000 acres to be drained.

I do not believe that the Government itself, if it is going to enter on this project, should deal with anyone but the State, and Congress should pass a law framed in such a way that the State itself can take advantage of it and pass such laws as it sees fit in order to secure the repayment of the fund that may be provided for this purpose.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from California?

Mr. McCUMBER. Certainly.

Mr. FLINT. The purpose of this bill is just as outlined in the statement of the Senator from North Dakota, and the language which he refers to, "individuals or corporations," was inserted to cover a certain condition that exists in certain States. In my opinion, those two words should be stricken from the bill, and it should be left so that the transaction would be entirely with the State or with a drainage district or a municipality.

Mr. McCUMBER. I would go further than that and eliminate the municipality and the drainage district, and let the State provide by its own laws what portion of the State it desires to have drained, and then make provision to act in harmony with the General Government in seeking to reclaim that particular district.

But here is another objection that I have outside of that, and that is to the use in one State of funds realized in another State. I can see how it would operate, more particularly in my own State. Out of the twenty-five or thirty million dollars that has been raised for the reclamation fund my own State has contributed eight or ten million dollars. Of the eight or ten million dollars already contributed there has been used within the State only about a half a million dollars. Most of it has gone to Colorado and Arizona, where it was thought they needed it in those great projects. We are not seriously objecting to the fact that they take the money received from the sales of land in our State to develop these other States, but along the eastern line of that State and the western line of the State of Minnesota there is a vast tract of country—the valley of the Red River of the North, about 40 miles at the south end, gradually growing wider, until it is nearly 600 or 800 miles wide at the north end of the valley. It is alluvial land. It is subject to overflow during many years by the rise of the Red River, and much damage has been done. On the west side to some extent, on the eastern side to a great extent, they have suffered by reason of the inability to drain the country.

A great system must be inaugurated, a system that will take in a section of country as large as several of the Eastern States. Now, that can only be dealt with by the Government itself. The State of Minnesota has appropriated millions of dollars for drainage on the eastern side, and yet they have only begun that great project. If we are to deal with the Government, we prefer that the money realized in our State, or at least a goodly portion of it, may be used for that purpose, and not go off wholly to another State. I wish to make the provisions of this bill so broad and so certain that if the two great States of Minnesota and North Dakota desire to enter into a contract whereby eight or ten million dollars from those States are to be used for this purpose they shall have the power to do so, and they shall have a preference right before the balance of the fund is taken to develop some other sections of the country.

Under the present condition the money will all, perhaps, be used in the development of the country in the southern section. But we can not have one law for one State and another law for another, and so I think we should modify this bill so that the contract shall be made at all times between the State and the General Government, and the contract shall be such as shall be satisfactory to the Secretary of the Interior, and as will insure the repayment of the sum loaned for that purpose.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. TELLER. I wish to ask the Senator from North Dakota whether the land to which he refers has passed into private ownership or whether it belongs to the State under the act of 1850 granting to the States the swamp lands within their boundaries?

Mr. McCUMBER. Nearly all of the public land in that section of the country has been taken up. On the west side through our State there is, perhaps, not an acre that is not now in private ownership. But the Senator must remember that in this reclamation project we must take in private with public lands. The land for the most part has entered into private ownership, and it makes no difference to the Government whether the land is to-day in public ownership and to-morrow will go into private ownership or whether it is in private ownership to-day and will remain so to-morrow. The object is to make a certain portion of the country productive, so that it may support the vastly increasing population of the United States.

Mr. TELLER. I think the Senator is somewhat mistaken. I think the Reclamation Service deals only with public lands. I know it is said that the Government has been going beyond that, but I think the act itself did not contemplate anything but the management of public lands.

Mr. McCUMBER. I think the Senator is mistaken, because I think he will find provisions in the act as to land in private ownership. We have a project to-day in our own State, although it is only a small system of a few thousand acres, and yet, perhaps, three-fourths of that is in private ownership. So whatever our system may be in the future, we shall have to consider it as applying to private lands, and as it applies to lands in private ownership we will have to deal with the State, which has jurisdiction over the land, in order to get the proper authority for condemnation proceedings and otherwise.

Mr. TELLER. I should like to ask the Senator from North Dakota if he has given any attention to the decisions of the Supreme Court in two or three cases, where they have declared that the Reclamation Service could only be sustained on the theory that the Government was improving its own land? The court was very emphatic in the case of Kansas *v.* Colorado, which can be found in 206 United States——

Mr. CLAY. Page 80.

Mr. McCUMBER. I remember very well that case.

Mr. TELLER. The question came before the court——

Mr. McCUMBER. I understand the theory of the court.

Mr. TELLER. The question came before the court whether it could sustain the constitutionality of that act, and it put it, I understand, rather reluctantly and rather feebly, on the ground that it was Government land and the Government was improving its own land.

Mr. McCUMBER. I have no doubt whatever of the constitutionality of a law which should declare that the proceeds of the sales of public lands in any given area may be used for the development of certain sections of the United States, with the consent of the State in which the land is situated and upon a law passed by that State.

This is all I desire to say in reference to the matter. It does seem to me that we ought to modify the bill so as to get rid of municipalities, private corporations, and individuals and deal only with the great States.

Mr. CLARKE of Arkansas. Mr. President, the bill contains a provision which is so manifestly unjust that it devolves upon those who have charge of the measure to explain, as I do not think they can justify on any principle of justice familiar to me. The fund is raised by the sale of land in thirteen enumerated States, and under section 5 the money may be loaned out to any drainage project in any of the forty-six States of the Union. The so-called "arid and semiarid States" have had all of the public lands within their borders donated to them for the purpose of reclaiming lands of that character by irrigation. Quite a considerable fund has been created from sales of these lands. The State of Texas reserved all of the public lands in that republic at the time it was made a part of the Union. Yet all these States have a right to participate in the distribution under this bill, notwithstanding the fact they have contributed nothing to the fund. The thirteen States, the sale of whose land has produced the fund, have absolutely no preference.

It is perfectly obvious that it is left entirely to the discretion of the Secretary of the Interior to select the particular drainage scheme to which he will devote the fund. It rests in his discretion absolutely, without control or supervision. It is a power solely vested in him. He may conclude that some New England enterprise first requires to be developed, rather than some one located in some one of the thirteen States, the proceeds of the sale of the land within whose borders constitute the fund. It widens that bureaucratic idea of discretion which ought not to be further enlarged. The determination of a matter of this magnitude should not, in justice to all sections and interests concerned, be submitted to the uncontrolled discretion of any one man, no matter how eminent he may be. So far as I am concerned, I am not willing to so submit it on behalf of the State of Arkansas.

The Senator from North Dakota [Mr. McCUMBER] has just said, with much force, that there is a certain relation between the public land in a State and the State itself; and the policy of the Government has been to regard the money derived from this source as a fund legitimately to be devoted to the development and improvement of the locality in which it is raised. That policy was adopted and carried out in the early history of the Government, when the swamp and overflowed lands act of September, 1850, was passed. It is further shown in the act providing for the reclamation system under which many irrigation projects are being carried forward. There is no reason why that traditional policy should be departed from now, unless the explanation is to be found in the fact that it has become necessary to get more Congressional votes in its support than could be marshaled if the bill were limited to a recognition of that first and salutary practice. It is recognized as among the permissible tactics of legislation that sometimes bills must contain provisions more comprehensive than their actual merit in order to enlist enough votes to make them laws. That seems to me to be the only excuse why it should in this instance be provided that a fund raised by the sale of public lands in thirteen particular States shall be available for distribution throughout the entire Union.

The New England States have no public lands, and never had any in the sense we now understand the term. The supposition is that these States have from time to time received an equivalent in the way of Government favors which will more than equalize in the general accounting the absence of a body of public lands.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from New Hampshire?

Mr. CLARKE of Arkansas. Certainly.

Mr. GALLINGER. I am not familiar with this subject, my attention not having been called to the bill until to-day. I wish to ask the Senator from Arkansas, who is familiar with it, whether if these public lands belonging to the Government were sold the money would not go into the Treasury of the United States.

Mr. CLARKE of Arkansas. Unquestionably.

Mr. GALLINGER. And the New England States would naturally derive some benefit from that fund.

Mr. CLARKE of Arkansas. Yes.

Mr. GALLINGER. If these lands are to be disposed of as provided for in this bill, is there any injustice in providing that the States which do not have public lands within their borders shall derive some benefit from the measure itself? Is there any injustice in it?

Mr. CLARKE of Arkansas. I would hardly characterize it so strongly as "injustice," but I should say it was not consistent with the policy of the Government, which, from the beginning, has been to treat the proceeds arising from the sale of these lands, not as part of the revenue of the Government, but as a means of developing the vicinity in which the lands are situated. Under the settled policy of the Government these lands and the proceeds of the sale thereof are deemed parts of the public revenue in a limited and special way only. The whole course has been to devote them and their proceeds to the development of the locality in which they are situated. A primary dedication was laid upon them for that purpose. After sale for cash, and the proceeds have become in fact a part of the general revenues of the Government, the State's share therein has been fixed at 5 per cent. The States are allowed to appropriate, under existing law, to their own use 5 per cent of the proceeds of the sale of public lands within their borders. This is the State's entire interest after the public lands have become by cash sale a part of the public revenues.

Mr. President, the objection I have to the bill in its present form is fundamental. After the Government has pursued so long and so uniformly this policy of using the public lands in a locality for the improvement of that particular locality, it ought not to be departed from now. The proceeds of the sale of the lands in these thirteen States should be used to create a drainage fund, and there should be devised some fair and just system of distribution among the States whose lands contributed to the raising of the fund, and it should not be left entirely to the discretion of any officer, no matter if he is a mem-

ber of the Cabinet, to say that a single drainage scheme in some State remote from those contributing to the fund shall absorb it all, to the exclusion of the contributors. Even if there should be a basis of distribution adopted that would distribute to the noncontributing States only part of the fund, still that would only qualify the injustice.

As the Senator from North Dakota [Mr. MCCUMBER] has stated, his State contributed $10,000,000 to the irrigation fund, and although that Service has been in operation for some ten years less than half a million have been expended in his State. It may be that the area of the States with which North Dakota is grouped is so small and the fund is so large that ultimately they will get around to North Dakota in the distribution and do justice to that Commonwealth. But that never can happen in this case, for the reason that North Dakota and every other State in the Union, many of which have been liberally and amply provided for in other ways, will be entitled to participate in the benefits of the act to the same extent—possibly to the exclusion—as the thirteen States, the sale of whose lands has brought into existence the fund. I protest against it. I can see no reason founded in justice and a due recognition of the equities that have grown out of a fixed and generally observed policy why it should be so.

Mr. CLAPP. Mr. President, I can hardly agree with the Senator from Arkansas [Mr. CLARKE] in his position. While it is true that the amount appropriated by this bill is based upon the amount that has been received in the past from the sale of public lands in the States named, and that there is also appropriated the money which is to be received from those States, still the fact remains that the money which is in the Treasury of the United States belongs to the people of the United States, and it should be placed where, all things considered, the demands of the situation and everything else, it ought to go. If there were some particular place that required relief to-day we would appropriate money for that purpose, even though that locality might not have contributed a dollar thereto.

Mr. CLARKE of Arkansas. Why, then, do you refer to the money derived from the sale of public lands since 1901? Why do you not say that "$5,000,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated?"

Mr. CLAPP. Because it would have taken more language and would have been no clearer.

Mr. CLARKE of Arkansas. It is a question of language? I thought it was a question of money.

Mr. CLAPP. If the Senator will pardon me for a moment, there are two provisions of this appropriation. First, we appropriate an amount of money equal to that which they have paid and then we appropriate the money hereafter received from the sale of land in these States.

There is nothing obscure about it in that respect. No one who reads the bill can fail to see that in one instance it is in effect taking money which is to-day in the Treasury of the United States, and, while so far as some of our States are concerned it would be to their benefit, perhaps, to limit it as suggested by the Senator from Arkansas, this is a measure that can only be justified upon the ground that it is for the general good of the people of the United States.

Mr. BACON. I should like to ask the Senator a question, with his permission.

Mr. CLAPP. Certainly.

Mr. BACON. The Senator might say that with reference to the reclamation of public lands, because when reclaimed they would be enhanced in value, and the benefit of that enhancement would enure to all. Could the Senator say that to lend money to corporations or municipalities or other owners of particular overflowed lands is a matter for the general good; something that will enure to the benefit of all people?

Mr. CLAPP. If it is not, it can not be justified.

Mr. BACON. I think the Senator is right in that respect.

Mr. CLAPP. We will take a community in some frontier State of this Union. There is not a citizen of the United States who to some degree—it might be difficult to determine to what degree—is not interested in the prosperity, the welfare, and the happiness of that community. Upon what other theory can you take money which is paid into the Treasury of the United States and expend it to deepen a river in Oregon or in Louisiana? It is on the principle that it is for the benefit of the entire people of the United States.

Mr. BACON. The river is open to the commerce of the United States.

Mr. CLAPP. The land, perhaps, in Missouri that is reclaimed under this bill is open to the homeseeker from some great city of the East.

Mr. BACON. I am not speaking of public lands.

Mr. CLAPP. I am speaking of private lands—lands that to-day could not be made a home by the individual. A thousand people from New York City seeking homes would not have the means to take a tract of land and convert it into cultivable land so that they could make a living off of it.

Mr. BACON. I will ask the Senator this question: Would not the same reason justify the Government in lending a farmer money with which to buy fertilizer for his land on the ground that it would produce more crops and thus be a benefit to all the people of the United States?

Mr. CLAPP. No; because, as a rule, the farmer, no matter how small his farm, is able to cultivate his farm; but when you find a large area overflowed, the poor settler is not able to drain that land.

Mr. BACON. I do not wish by my inquiry to be possibly misunderstood by some unreasoning person as saying that I would favor loaning money to the farmer for that purpose. I simply endeavored to show the untenableness of the argument of the Senator from Minnesota by that illustration. I think that one would be equally as proper a subject of consideration by the Government as the other.

Mr. CLAPP. I think there is a vast difference between an individual who in some way can cultivate his little farm and people trying to recover swamp and overflowed land that can only be done either by a large amount of capital or by the combined credit which rests upon the value of the lands when they are reclaimed.

But, as I said before, that is a phase of the bill I do not care particularly for. It seemed to me when I drew the bill, and it seems to me to-day, that it is a very proper measure.

In regard to the relation of the State to the bill, this was done because those who drew the bill and worked the bill out were advised that certain States under their constitutions could not carry this work forward, and the only thing which they could do would be to pass a law, just as I understand was done in Arkansas, to authorize a drainage district to incur indebtedness and issue bonds.

So far as one interested in the bill, I am perfectly willing to concede the position of the Senator from North Dakota, if it is fair in view of the constitutional limitations which rest, I understand, upon some of the States. There was nothing secret about these conferences. We tried to get all who were interested in drainage from the North and the South and the West. The South was particularly interested, and it was represented at the conferences. We tried to draw a bill which would be fair to all those who might be interested in the outcome.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. CLAPP. Certainly.

Mr. CLAY. Does not the bill go very much further than the bill we passed for reclaiming arid lands? If I remember correctly the substance of the bill we passed reclaiming arid lands, we simply dealt with the lands belonging to the Government and such adjoining lands belonging to private individuals as might be necessary to accomplish the scheme proposed.

Mr. CLAPP. Yes, sir.

Mr. CLAY. In other words, it provided that where the Government owned lands in Wyoming and the other States referred to, the funds arising from the proceeds of the public lands in those States should be utilized to reclaim them, and the Government was authorized to condemn such other lands as the Government found necessary to carry out the scheme.

The reclamation act, as I understand it, did not contemplate that the Government funds should be utilized for the purpose of loaning money to private individuals to develop and reclaim their lands. This bill not only deals with swamp lands for the purpose of reclaiming them, but it also authorizes States, municipalities, and corporations owning these private lands to borrow money from the Government to reclaim them. It strikes me that this scheme goes much further than the scheme we adopted for reclaiming arid lands.

Mr. CLAPP. If the Senator will pardon me, I tried to make that plain in the previous statement this afternoon. The area that can be brought into an irrigation plan or scheme, as we use that term here in this debate, is easily defined. While I am not as familiar with irrigation matters as I am, perhaps, with this question, I understand that under the irrigation plan the owner of private land has to subordinate his land to the irrigation scheme, and he has to make a certain agreement. From the difficulty of embracing within a fixed limit by Government administration the land contained in the drainage area, instead of trying to provide that the owners should first subject

their land to Government control and then receive them back again after the advances by the Government had been made for the drainage, as is substantially the rule in reclamation, in order that the condition might be more easily met, we provided here that the State should pass the necessary law creating drainage districts and authorize the issuance of bonds upon the drainage district; and instead of temporarily holding the title of the land until reimbursed from the sale, the Government would hold the bonds issued upon that drainage district.

That is a question purely of policy for the Senate to determine. I do not think that those of us who perhaps might be said to have this matter more immediately in hand care particularly what disposition the Senate makes of section 5 and section 6.

Mr. CULLOM obtained the floor.

Mr. BACON. Will the Senator pardon me just a minute in order that we may have this matter in shape?

Mr. CULLOM. I yield to the Senator from Georgia for a moment.

Mr. BACON. I ask the Senator from California if there is not a misprint in the bill? I understand that there is a large amount of public land in California; yet in the enumeration of States I do not find the name "California." Will the Senator tell me whether I am correct in that?

Mr. FLINT. Yes.

Mr. BACON. It is a misprint?

Mr. FLINT. No; it is not a misprint. The proceeds of the sale of lands in the State of California are covered into the reclamation fund. Now, the Senator from Georgia and a number of Senators on the other side of the Chamber——

Mr. BACON. Oh, well——

Mr. FLINT. I want to emphasize it.

Mr. BACON. The Senator need not speak about this side of the Chamber. It is not a party matter.

Mr. FLINT. I want to say that——

Mr. BACON. Oh, no.

Mr. FLINT. Either we have been mistaken in what we have done or we did not understand what those on that side of the Chamber desired. The bill originally was drawn by me providing that the money should be disbursed in the States from which the money was received, but the Senators from South Carolina with other Senators insisted that it should be changed for the reason, they said, that "we can not contribute to this fund, and at the same time we have swamp lands that we think should be drained." Owing to that condition, in the last drainage congress they insisted on an amendment to the bill as set forth in the present measure.

Mr. BACON. What does the Senator say about the Senator from Maine? The Senator insists on speaking about Senators on this side of the Chamber.

Mr. FLINT. Because Senators on that side of the Chamber were those who insisted on the change.

Mr. CLAY. What Senator?

Mr. FLINT. I refer particularly to the late Senator Latimer in the drainage congress. The original bill provided that the money should be expended in the States from which the money was received.

Mr. CLAY. The honorable Senator from South Carolina represented himself.

Mr. FLINT. Not only that, but the entire drainage congress adopted his views and declined to approve of the measure.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Georgia.

Mr. FLINT. When I have finished. He declined to permit an approval of the amendment, and in conference, for the purpose of obtaining the passage of a measure, it was amended so as to provide that the money should be expended generally in all the States from which it was derived.

Mr. CULLOM. Mr. President——

Mr. CLAY. One moment. The Senator speaks of Senators on this side of the Chamber. I did not know that party politics had anything to do with the bill. I was criticising the bill, judging it as I read it, on its merits. Surely the Senator from California does not think that a drainage congress could get together and discuss a measure of this kind and find Senators on this side of the Chamber or on the other side either——

Mr. FLINT. I am not attempting to have it bind the Senate in any way. I am simply giving the Senator the reason why those who in conference drafted the bill decided to change it from having the work carried out in the States in which the money was received rather than throughout the entire country.

Mr. CLAY. I will say to the Senator, with his permission, that I do not believe the Government of the United States ought to collect money by taxation and loan it to individuals or anybody else for the purpose of carrying on their business. I believe that we ought to confine taxation to the amount of money necessary to pay the legitimate expenses of the Government, and not use it for any other purpose.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from California yield to the Senator from Illinois?

Mr. CULLOM. I was recognized some time ago for another purpose than the discussion of the pending bill. It is evident that the bill can not be passed to-day, and it is very important that we should have a brief executive session.

Mr. TELLER. Will the Senator from Illinois yield to me for a moment?

Mr. CULLOM. Certainly.

Mr. TELLER. I do not want to detain the Senate now, but I wish to reply to some things that have been said about the Reclamation Service and to set the matter right if I can. When the bill comes up on another day I will be prepared to speak on it.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 18, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 17, 1908.

CIRCUIT JUDGE.

A. N. Kepoikai, of Hawaii, to be judge of the circuit court of the second circuit of the Territory of Hawaii. A reappointment, his term expiring April 18, 1908.

PROMOTIONS IN THE NAVY.

Midshipman Douglas L. Howard to be an ensign in the Navy from the 13th day of February, 1908, to fill a vacancy existing in that grade on that date.

P. A. Surg. Ralph W. Plummer to be a surgeon in the Navy from the 23d day of February, 1908, vice Surg. Victor C. B. Means, retired.

APPOINTMENTS IN THE NAVY.

The following-named citizens to be assistant surgeons in the Navy from the 11th day of April, 1908, to fill vacancies existing in that grade on that date:

George C. Rhoades, a citizen of West Virginia;
Sankey Bacon, a citizen of Nebraska;
Frank P. W. Hough, a citizen of Virginia; and
Joseph A. Biello, a citizen of Pennsylvania.

PROMOTIONS IN THE ARMY.

Medical Department.

Capt. Thomas S. Bratton, assistant surgeon, to be surgeon, with the rank of major, from April 15, 1908, vice Flagg, resigned.

Cavalry Arm.

Lieut. Col. George A. Dodd, Fourth Cavalry, to be colonel from April 14, 1908, vice Kerr, Twelfth Cavalry, appointed brigadier-general.

Maj. John Pitcher, Second Cavalry, to be lieutenant-colonel from April 14, 1908, vice Dodd, Fourth Cavalry, promoted.

Capt. Stephen L. H. Slocum, First Cavalry, to be major from April 14, 1908, vice Pitcher, Second Cavalry, promoted.

First Lieut. John W. Moore, Second Cavalry, to be captain from April 14, 1908, vice Slocum, First Cavalry, promoted.

POSTMASTERS.

COLORADO.

George C. Bruce to be postmaster at Fort Lupton, Weld County, Colo., in place of Sidney C. Smith, resigned.

FLORIDA.

William L. Keefer to be postmaster at Fort Pierce, St. Lucie County, Fla., in place of Peter P. Cobb, resigned.

GEORGIA.

Samuel B. Robinson to be postmaster at Sandersville, Washington County, Ga., in place of Cicero F. Harrison. Incumbent's commission expired November 24, 1907.

Robert L. Williams to be postmaster at Griffin, Spalding County, Ga., in place of Robert L. Williams. Incumbent's commission expired February 19, 1907.

ILLINOIS.

Charles A. Brown to be postmaster at Toluca, Marshall County, Ill., in place of James P. Mathis. Incumbent's commission expired March 31, 1908.

Frank E. Davis to be postmaster at Arlington Heights, Cook County, Ill., in place of Frank E. Davis. Incumbent's commission expired April 12, 1908.

John Grierson to be postmaster at Morrison, Whiteside County, Ill., in place of John Grierson. Incumbent's commission expires April 21, 1908.

Harry Whitver to be postmaster at Walnut, Bureau County, Ill., in place of Harry Whitver. Incumbent's commission expires April 27, 1908.

INDIANA.

Charles T. Benton to be postmaster at Brownstown, Jackson County, Ind., in place of Hamlin Smith. Incumbent's commission expires April 21, 1908.

John W. Call to be postmaster at Gary, Lake County, Ind. Office became Presidential April 1, 1908. Postmaster removed.

Harry H. Crooke to be postmaster at Odon, Daviess County, Ind., in place of George D. Abraham. Incumbent's commission expires April 27, 1908.

Francis H. Manring to be postmaster at Greentown, Howard County, Ind., in place of Charles E. Disbro. Incumbent's commission expired January 25, 1908.

Will K. Penrod to be postmaster at Loogootee, Martin County, Ind., in place of Henry Wood. Incumbent's commission expires April 27, 1908.

William A. Phillips to be postmaster at Atlanta, Hamilton County, Ind., in place of Austin B. Cochran, resigned.

IOWA.

William A. Grummon to be postmaster at Rockwell, Cerro Gordo County, Iowa, in place of William A. Grummon. Incumbent's commission expired March 7, 1908.

KANSAS.

Charles Hodgson to be postmaster at Mulvane, Sumner County, Kans. Office became Presidential April 1, 1907.

George W. Hook to be postmaster at Sabetha, Nemaha County, Kans., in place of George W. Hook. Incumbent's commission expires April 27, 1908.

M. M. Michael to be postmaster at Burrton, Harvey County, Kans., in place of Joseph S. Stone. Incumbent's commission expired December 17, 1907.

MASSACHUSETTS.

William H. Pierce to be postmaster at Winchendon, Worcester County, Mass., in place of William H. Pierce. Incumbent's commission expires April 19, 1908.

MICHIGAN.

Albert J. Capen to be postmaster at Fennville, Allegan County, Mich., in place of Albert J. Capen. Incumbent's commission expired December 10, 1906.

Edmund O. Dewey to be postmaster at Owosso, Shiawassee County, Mich., in place of Edmund O. Dewey. Incumbent's commission expired April 5, 1908.

William J. Ingersoll to be postmaster at Mayville, Tuscola County, Mich., in place of William J. Ingersoll. Incumbent's commission expired April 5, 1908.

Montague W. Ripley to be postmaster at Montague, Muskegon County, Mich., in place of Montague W. Ripley. Incumbent's commission expired March 30, 1908.

MINNESOTA.

John Atz to be postmaster at Hancock, Stevens County, Minn., in place of John Atz. Incumbent's commission expired February 23, 1908.

Francis M. Shook to be postmaster at Aitkin, Aitkin County, Minn., in place of Francis M. Shook. Incumbent's commission expires April 27, 1908.

MISSOURI.

Charles L. Farrar to be postmaster at Macon, Macon County, Mo., in place of Samuel J. Wilson. Incumbent's commission expired March 13, 1907.

Louis Haeffner to be postmaster at Valley Park, St. Louis County, Mo. Office became Presidential January 1, 1908.

Thomas R. Tolleson to be postmaster at Leadwood, St. Francois County, Mo. Office became Presidential April 1, 1908.

MONTANA.

Lottie M. Conyngham to be postmaster at Kendall, Fergus County, Mont., in place of John Jackson, jr., resigned.

NEBRASKA.

James H. Overman to be postmaster at Stella, Richardson County, Nebr., in place of James H. Overman. Incumbent's commission expires April 27, 1908.

William Royer to be postmaster at Seward, Seward County, Nebr., in place of William Royer. Incumbent's commission expired March 12, 1908.

NEW YORK.

Francis C. Allen to be postmaster at Ovid, Seneca County, N. Y., in place of Lewis B. Jewell, removed.

David Everit to be postmaster at Union Springs, Cayuga County, N. Y., in place of Reuben F. Hoff, deceased.

Frank S. Kenyon to be postmaster at Adams, Jefferson County, N. Y., in place of Frank S. Kenyon. Incumbent's commission expires April 19, 1908.

Frank N. Lovejoy to be postmaster at Macedon, Wayne County, N. Y., in place of Charles H. Parker. Incumbent's commission expired March 24, 1908.

Conrad Metzger, jr., to be postmaster at Jeffersonville, Sullivan County, N. Y. Office became Presidential April 1, 1908.

NORTH DAKOTA.

W. H. Pray to be postmaster at Valley City, Barnes County, N. Dak., in place of Ellef K. Myhre. Incumbent's commission expired March 12, 1908.

OHIO.

William A. Campbell to be postmaster at Lima, Allen County, Ohio, in place of William A. Campbell. Incumbent's commission expired March 8, 1908.

Chandler W. Carroll to be postmaster at St. Clairsville, Belmont County, Ohio, in place of Chandler W. Carroll. Incumbent's commission expired December 17, 1907.

Sheridan G. Dowds to be postmaster at Mount Vernon, Knox County, Ohio, in place of George E. Canning. Incumbent's commission expired January 16, 1906.

Pearl W. Hickman to be postmaster at Nelsonville, Athens County, Ohio, in place of William P. Shepard, resigned.

W. J. Weirick to be postmaster at Loudonville, Ashland County, Ohio, in place of W. Sherman Hissem, resigned.

PENNSYLVANIA.

Daniel W. Bedea to be postmaster at Shenandoah, Schuylkill County, Pa., in place of Daniel W. Bedea. Incumbent's commission expired April 3, 1906.

John H. Brubaker to be postmaster at Elizabethtown, Lancaster County, Pa., in place of John H. Brubaker. Incumbent's commission expires April 19, 1908.

John F. Fenstermacher to be postmaster at Mount Joy, Lancaster County, Pa., in place of John F. Fenstermacher. Incumbent's commission expires April 27, 1908.

John H. Grove to be postmaster at New Freedom, York County, Pa. Office became Presidential April 1, 1908.

Caroline E. Hall to be postmaster at Swarthmore, Delaware County, Pa., in place of Edward W. Hannum. Incumbent's commission expired February 5, 1907.

Anne D. Moore to be postmaster at Avondale Chester County, Pa., in place of Anne D. Moore. Incumbent's commission expires April 27, 1908.

John Roland to be postmaster at New Holland, Lancaster County, Pa., in place of John Roland. Incumbent's commission expires April 27, 1908.

Charles A. Suesserott to be postmaster at Chambersburg, Franklin County, Pa., in place of David Maclay, deceased.

PORTO RICO.

Augusto Font to be postmaster at Aguadilla, Aguadilla County, P. R., in place of Augusto Font. Incumbent's commission expired November 17, 1907.

Alfredo Gimenez y Moreno to be postmaster at Bayamon, San Juan County, P. R. Office became Presidential January 1, 1908.

SOUTH CAROLINA.

James Marion Byrd to be postmaster at Branchville, Orangeburg County, S. C., in place of William H. Reedish, deceased.

TENNESSEE.

John W. Jackson to be postmaster at Columbia, Maury County, Tenn., in place of Archelaus M. Hughes, removed.

TEXAS.

John H. Carson to be postmaster at Dayton, Liberty County, Tex. Office became Presidential April 1, 1908.

Leland S. Howard to be postmaster at Roscoe, Nolan County, Tex. Office becaume Presidential April 1, 1908.

William B. Montgomery to be postmaster at Stanton, Martin County, Tex. Office became Presidential April 1, 1908.

UTAH.

Stephen W. Ross to be postmaster at Lehi, Utah County, Utah, in place of Stephen W. Ross. Incumbent's commission expires April 19, 1908.

WISCONSIN.

William Vanzile to be postmaster at Crandon, Forest County, Wis., in place of William Vanzile. Incumbent's commission expired April 5, 1908.

WYOMING.

Joseph L. Kidwell to be postmaster at Douglas, Converse County, Wyo., in place of James B. Wilson, resigned.

Joseph Munz to be postmaster at Saratoga, Carbon County, Wyo., in place of Andrew M. McAnally. Incumbent's commission expired April 12, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 17, 1908.

PUBLIC PRINTER.

John S. Leech, of Illinois, to be Public Printer.

RECEIVER OF PUBLIC MONEYS.

Nazario V. Gallegos, of Tucumcari, N. Mex., to be receiver of public moneys at Tucumcari, N. Mex.

PROMOTIONS IN THE NAVY.

Lieut. Walter S. Turpin to be a lieutenant-commander in the Navy from the 30th day of January, 1908.

To be lieutenants (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade:

Stephen C. Rowan,
Samuel M. Robinson,
Ernest Friedrick,
Lamar R. Leahy,
Harold R. Stark,
William Ancrum, and
Charles E. Smith.

To be lieutenants in the Navy from the 3d day of February, 1908, to fill vacancies existing in that grade on that date:

Stephen C. Rowan,
Samuel M. Robinson,
Ernest Friedrick,
Lamar R. Leahy,
Harold R. Stark,
William Ancrum, and
Charles E. Smith.

Assistant Naval Constructor Henry Williams to be a naval constructor in the Navy from the 4th day of April, 1908, upon the completion of four years' service in present grade.

APPOINTMENT IN THE NAVY.

William S. Shacklette to be a hospital steward on the retired list of the Navy with the rank and three-fourths the sea pay of a pharmacist, in accordance with the provisions of an act of Congress approved April 3, 1908.

POSTMASTERS.

COLORADO.

Preston Holbrook to be postmaster at Blackhawk, Gilpin County, Colo.

KANSAS.

W. A. Fleming to be postmaster at Summerfield, Marshall County, Kans.

William H. Smith to be postmaster at Colby, Thomas County, Kans.

MAINE.

Fred H. Atwood to be postmaster at Rumford (late Rumford Falls), Oxford County, Me.

NEBRASKA.

Thomas J. Taylor to be postmaster at Wilber, Saline County, Nebr.

NEW HAMPSHIRE.

Forrest W. Peavey to be postmaster at Wolfeboro (late Wolfboro), Carroll County, N. H.

ARBITRATION WITH NORWAY.

The injunction of secrecy was removed April 17, 1908, from an arbitration convention between the United States and Norway, signed at Washington on April 4, 1908.

ARBITRATION WITH PORTUGAL.

The injunction of secrecy was removed April 17, 1908, from an arbitration convention between the United States and Portugal, signed at Washington on April 6, 1908.

EXTRADITION WITH SAN MARINO.

The injunction of secrecy was removed April 17, 1908, from a treaty for the mutual extradition of criminals between the United States and the Republic of San Marino, signed at Rome on January 10, 1906.

RECOVERY OF CONTRACT DEBTS.

The injunction of secrecy was removed April 17, 1908, from a convention signed by the delegates of the United States to the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, respecting the limitation of the employment of force for the recovery of contract debts.

NEUTRAL POWERS IN NAVAL WAR.

The injunction of secrecy was removed April 17, 1908, from a convention adopted by the Second International Peace Conference held at The Hague from June 15 to October 18, 1907, concerning the rights and duties of neutral powers in naval war.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 17, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11.30 a. m., was called to order by the Speaker.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Chair announced the appointment of Mr. TAWNEY as conferee on the legislative, executive, and judicial appropriation bill, to take the place of Mr. Brick, deceased.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WATKINS, for ten days, on account of important business.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The pending motion is that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20345, the diplomatic and consular appropriation bill, pending which motion the gentleman from Iowa [Mr. COUSINS] moves that the House limit the general debate upon that bill to five hours. The question is on the latter motion of the gentleman from Iowa.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 61, noes 30.

Mr. WILLIAMS. Mr. Speaker, I respectfully demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point that that is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. Then, Mr. Speaker, I demand the yeas and nays.

Mr. PAYNE. Mr. Speaker, in view of the vote, I make the point that no quorum is present.

The SPEAKER. The point of order is sustained. No quorum being present, the Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion of the gentleman from Iowa, to close debate on the diplomatic and consular appropriation bill in five hours. The Clerk will call the roll.

The question was taken, and there were—yeas 164, nays 102, answer "present" 16, not voting 105, as follows:

YEAS—164.

Alexander, N. Y.	Crumpacker	Hale	Livingston
Allen	Currier	Hamilton, Mich.	Longworth
Andrus	Cushman	Harding	Loudenslager
Barclay	Dalzell	Harrison	Lovering
Bartholdt	Davidson	Haskins	Lowden
Bates	Davis, Minn.	Haugen	McCall
Beale, Pa.	Dawson	Hawley	McKinlay, Cal.
Bennet, N. Y.	Denby	Hayes	McKinley, Ill.
Bennett, Ky.	Diekema	Helm	McLachlan, Cal.
Birdsall	Draper	Higgins	McLaughlin, Mich.
Bonynge	Driscoll	Hill, Conn.	McMorran
Boyd	Durey	Hinshaw	Madden
Bradley	Dwight	Holliday	Madison
Burleigh	Ellis, Mo.	Howell, N. J.	Mann
Burton, Del.	Ellis, Oreg.	Howell, Utah	Marshall
Burton, Ohio.	Englebright	Howland	Moon, Pa.
Butler	Esch	Hubbard, Iowa	Morse
Calder	Fairchild	Hubbard, W. Va.	Mouser
Calderhead	Focht	Huff	Mudd
Campbell	Fordney	Hull, Iowa	Murdock
Capron	Foss	Jenkins	Murphy
Cary	Foster, Ind.	Jones, Wash.	Needham
Caulfield	Foulkrod	Keifer	Nelson
Chaney	French	Kennedy, Iowa	Norris
Chapman	Fuller	Kennedy, Ohio	Nye
Clark, Mo.	Gaines, W. Va.	Knapp	Parker, N. J.
Cocks, N. Y.	Gardner, Mass.	Knowland	Parker, S. Dak.
Cole	Gardner, Mich.	Küstermann	Parsons
Conner	Gardner, N. J.	Lafean	Payne
Cook, Colo.	Gilhams	Laning	Pearre
Cooper, Pa.	Gillett	Law	Perkins
Cooper, Wis.	Goebel	Lawrence	Porter
Cousins	Graff	Lindbergh	Pray
Crawford	Graham	Littlefield	Prince

Reeder	Sperry	Thomas, Ohio	Watson
Reynolds	Stafford	Tirrell	Weeks
Rodenberg	Steenerson	Townsend	Wheeler
Scott	Sterling	Volsted	Wilson, Ill.
Slemp	Sturgiss	Waldo	Wood
Smith, Cal.	Tawney	Wanger	Woodyard
Smith, Iowa	Thistlewood	Washburn	Young

NAYS—102.

Adair	Dixon	Houston	Rothermel
Adamson	Ellerbe	Hughes, N. J.	Rucker
Aiken	Ferris	Hull, Tenn.	Russell, Mo.
Alexander, Mo.	Finley	Humphreys, Miss.	Russell, Tex.
Ashbrook	Fitzgerald	Johnson, Ky.	Ryan
Bartlett, Ga.	Flood	Johnson, S. C.	Sabath
Beall, Tex.	Floyd	Jones, Va.	Saunders
Bell, Ga.	Fornes	Kitchin, Claude	Sheppard
Booher	Foster, Ill.	Lamar, Mo.	Sherley
Bowers	Fulton	Leake	Sherwood
Brantley	Garner	Lewis	Sims
Brodhead	Garrett	Lloyd	Slayden
Burgess	Glass	McHenry	Smith, Mo.
Burnett	Godwin	McLain	Smith, Tex.
Byrd	Gordon	Macon	Spight
Caldwell	Granger	Moore, Tex.	Stephens, Tex.
Candler	Gregg	Nicholls	Sulzer
Carlin	Griggs	O'Connell	Talbot
Carter	Hackney	Padgett	Thomas, N. C.
Clayton	Hamilton, Iowa	Page	Tou Velle
Cooper, Tex.	Hamlin	Pujo	Underwood
Cox, Ind.	Hammond	Rainey	Willett
Craig	Hardy	Rauch	Williams
Cravens	Heflin	Reid	Wilson, Pa.
De Armond	Henry, Tex.	Richardson	
Denver	Hobson	Robinson	

ANSWERED "PRESENT"—16.

Ansberry	Foster, Vt.	Langley	Roberts
Bartlett, Nev.	Gaines, Tenn.	McDermott	Shackleford
Brownlow	Gillespie	McGuire	Sherman
Fassett	Kelliher	Moon, Tenn.	Sparkman

NOT VOTING—105.

Acheson	Gill	Lamar, Fla.	Pou
Ames	Goldfogle	Lamb	Powers
Anthony	Goulden	Landis	Pratt
Bannon	Greene	Lassiter	Randell, Tex.
Barchfeld	Gronna	Lee	Ransdell, La.
Bede	Hackett	Legare	Rhinock
Bingham	Haggott	Lenahan	Riordan
Boutell	Hall	Lever	Small
Broussard	Hamill	Lilley	Smith, Mich.
Brumm	Hardwick	Lindsay	Snapp
Brundidge	Hay	Lorimer	Southwick
Burke	Henry, Conn.	Loud	Stanley
Burleson	Hepburn	McCreary	Stevens, Minn.
Clark, Fla.	Hill, Miss.	McGavin	Sulloway
Cockran	Hitchcock	McKinney	Taylor, Ala.
Cook, Pa.	Howard	McMillan	Taylor, Ohio
Coudrey	Hughes, W. Va.	Malby	Vreeland
Darragh	Humphrey, Wash.	Maynard	Wallace
Davenport	Jackson	Miller	Watkins
Davey, La.	James, Addison D.	Mondell	Webb
Dawes	James, Ollie M.	Moore, Pa.	Weems
Douglas	Kahn	Olcott	Weisse
Dunwell	Kimball	Olmsted	Wiley
Edwards, Ga.	Kinkaid	Overstreet	Wolf
Edwards, Ky.	Kipp	Patterson	
Favrot	Kitchin, Wm. W.	Peters	
Fowler	Knopf	Pollard	

So the motion was agreed to.

The Clerk announced the following pairs:

For the vote:

Mr. FASSETT with Mr. BARTLETT of Nevada.

For the day:

Mr. WEEKS with Mr. WOLF.

Mr. POWERS with Mr. PRATT.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. HEPBURN with Mr. LAMB.

For Friday and Saturday:

Mr. HUGHES of West Virginia with Mr. HARDWICK.

For the balance of the week:

Mr. DOUGLAS with Mr. ANSBERRY.

Until Wednesday forenoon:

Mr. MOORE of Pennsylvania with Mr. KELIHER.

For one week:

Mr. OVERSTREET with Mr. MOON of Tennessee.

Until further notice:

Mr. MCKINNEY with Mr. PATTERSON.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. MCCREARY with Mr. RHINOCK.

Mr. BANNON with Mr. FAVROT.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. KAHN with Mr. WILEY.

Mr. MCGAVIN with Mr. OLLIE M. JAMES.

Mr. HENRY of Connecticut with Mr. CLARK of Florida.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. JACKSON with Mr. WEBB.

Mr. POLLARD with Mr. LEVER.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. DUNWELL with Mr. WATKINS.

Mr. LANGLEY with Mr. HAMLIN.

Mr. COUDREY with Mr. EDWARDS of Georgia.

Mr. FOSTER of Vermont with Mr. POU.

Mr. MCGUIRE with Mr. STANLEY.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. BROWNLOW with Mr. GAINES of Tennessee.

Mr. GRONNA with Mr. LASSITER.

Mr. AMES with Mr. BRUNDIDGE.

Mr. ANTHONY with Mr. BURLESON.

Mr. BARCHFELD with Mr. COCKRAN.

Mr. BRUMM with Mr. DAVENPORT.

Mr. BURKE with Mr. GILL.

Mr. COOK of Pennsylvania with Mr. GOLDFOGLE.

Mr. DARRAGH with Mr. HAMILL.

Mr. GREENE with Mr. HILL of Mississippi.

Mr. LORIMER with Mr. HAY.

Mr. LOUD with Mr. HOWARD.

Mr. MCMILLAN with Mr. KIPP.

Mr. MALBY with Mr. LAMAR of Florida.

Mr. MONDELL with Mr. LEGARE.

Mr. MILLER with Mr. LEE.

Mr. OLCOTT with Mr. LINDSAY.

Mr. SMITH of Michigan with Mr. MAYNARD.

Mr. SNAPP with Mr. PETERS.

Mr. SOUTHWICK with Mr. SPARKMAN.

Mr. STEVENS of Minnesota with Mr. RANDELL of Texas.

Mr. SULLOWAY with Mr. WALLACE.

Mr. TAYLOR of Ohio with Mr. SMALL.

Mr. VREELAND with Mr. TAYLOR of Alabama.

Mr. ACHESON with Mr. HACKETT.

For the session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. SHERMAN with Mr. RIORDAN.

Mr. KNOPF with Mr. WEISSE.

Mr. BRADLEY with Mr. GOULDEN.

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is, Will the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20345, the diplomatic and consular appropriation bill?

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The SPEAKER. The gentleman from Mississippi demands a division.

The House divided, and there were—ayes 164, noes 99.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 244, nays 23, answered "present" 10, not voting 110, as follows:

YEAS—244.

Adair	Cooper, Wis.	Gilhams	Küstermann
Adamson	Cousins	Gillespie	Lafean
Aiken	Cox, Ind.	Glass	Landis
Alexander, Mo.	Craig	Godwin	Laning
Alexander, N. Y.	Cravens	Goebel	Law
Allen	Crawford	Graff	Lawrence
Andrus	Crumpacker	Graham	Leake
Anthony	Currier	Granger	Lewis
Barclay	Cushman	Greene	Lloyd
Bartholdt	Dalzell	Gregg	Longworth
Bates	Darragh	Griggs	Lovering
Beale, Pa.	Davidson	Hale	Lowden
Bell, Ga.	Davis, Minn.	Hamilton, Iowa	McCall
Bennet, N. Y.	Dawson	Hamilton, Mich.	McDermott
Bennett, Ky.	De Armond	Hammond	McHenry
Birdsall	Denby	Harding	McKinlay, Cal.
Bonynge	Denver	Hardy	McKinley, Ill.
Booher	Diekema	Harrison	McLachlan, Cal.
Bowers	Dixon	Haskins	McLain
Boyd	Draper	Haugen	McLaughlin, Mich.
Brantley	Driscoll	Hawley	McMillan
Brodhead	Durey	Hayes	McMorran
Brownlow	Dwight	Heflin	Macon
Burke	Ellerbe	Higgins	Madden
Burleigh	Ellis, Mo.	Hill, Conn.	Madison
Burleson	Ellis, Oreg.	Hinshaw	Mann
Burnett	Englebright	Hitchcock	Marshall
Burton, Del.	Esch	Holliday	Maynard
Burton, Ohio	Fairchild	Houston	Miller
Butler	Ferris	Howell, N. J.	Moon, Pa.
Calder	Finley	Howell, Utah	Moore, Tex.
Calderhead	Floyd	Howland	Morse
Campbell	Focht	Hubbard, Iowa	Mouser
Candler	Fordney	Hubbard, W. Va.	Mudd
Capron	Foss	Huff	Murdock
Carter	Foster, Ill.	Hughes, N. J.	Murphy
Cary	Foster, Ind.	Hull, Tenn.	Needham
Caulfield	Foulkrod	Humphrey, Wash.	Nicholls
Chaney	Fowler	Jenkins	Norris
Chapman	French	Jones, Wash.	Nye
Clark, Mo.	Fuller	Keifer	O'Connell
Clayton	Fulton	Kennedy, Iowa	Padgett
Cocks, N. Y.	Gardner, Mass.	Kennedy, Ohio	Page
Cole	Gardner, Mich.	Kinkaid	Parker, N. J.
Conner	Gardner, N. J.	Kitchin, Claude	Parker, S. Dak.
Cook, Colo.	Garner	Knapp	Parsons
Cooper, Pa.	Garrett	Knowland	Payne

Pearre	Rucker	Sperry	Volstead
Perkins	Russell, Mo.	Spight	Waldo
Porter	Ryan	Stafford	Wanger
Pray	Saunders	Steenerson	Washburn
Prince	Scott	Stephens, Tex.	Watson
Pujo	Sheppard	Sterling	Weeks
Rainey	Sherley	Sturgiss	Wheeler
Rauch	Sherwood	Talbott	Willett
Reeder	Slemp	Thistlewood	Williams
Reid	Smith, Cal.	Thomas, N. C.	Wilson, Ill.
Reynolds	Smith, Iowa	Thomas, Ohio	Wilson, Pa.
Robinson	Smith, Mo.	Tirrell	Wood
Rodenberg	Smith, Tex.	Tou Velle	Woodyard
Rothermel	Sparkman	Townsend	Young

NAYS—23.

Ashbrook	Caldwell	Helm	Russell, Tex.
Bartlett, Ga.	Carlin	Henry, Tex.	Sabath
Bartlett, Nev.	Cooper, Tex.	Humphreys, Miss.	Sims
Beall, Tex.	Fitzgerald	Johnson, Ky.	Sulzer
Brundidge	Flood	Jones, Va.	Underwood
Burgess	Fornes	Lamar, Mo.	

ANSWERED "PRESENT"—10.

Ansberry	Gaines, W. Va.	Langley	Sherman
Foster, Vt.	Johnson, S. C.	Roberts	
Gaines, Tenn.	Kelliher	Shackleford	

NOT VOTING—110.

Acheson	Goulden	Lee	Powers
Ames	Gronna	Legare	Pratt
Bannon	Hackett	Lenahan	Randell, Tex.
Barchfeld	Hackney	Lever	Ransdell, La.
Bede	Haggott	Lilley	Rhinock
Bingham	Hall	Lindbergh	Richardson
Boutell	Hamill	Lindsay	Riordan
Bradley	Hamlin	Littlefield	Slayden
Broussard	Hardwick	Livingston	Small
Brumm	Hay	Lorimer	Smith, Mich.
Byrd	Henry, Conn.	Loud	Snapp
Clark, Fla.	Hepburn	Loudenslager	Southwick
Cockran	Hill, Miss.	McCreary	Stanley
Cook, Pa.	Hobson	McGavin	Stevens, Minn.
Coudrey	Howard	McGuire	Sulloway
Davenport	Hughes, W. Va.	McKinney	Tawney
Davey, La.	Hull, Iowa	Malby	Taylor, Ala.
Dawes	Jackson	Mondell	Taylor, Ohio
Douglas	James, Addison D.	Moon, Tenn.	Vreeland
Dunwell	James, Ollie M.	Moore, Pa.	Wallace
Edwards, Ga.	Kahn	Nelson	Watkins
Edwards, Ky.	Kimball	Olcott	Webb
Fassett	Kipp	Olmsted	Weems
Favrot	Kitchin, Wm. W.	Overstreet	Weisse
Gill	Knopf	Patterson	Wiley
Gillett	Lamar, Fla.	Peters	Wolf
Goldfogle	Lamb	Pollard	
Gordon	Lassiter	Pou	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. TAWNEY with Mr. GORDON.

Mr. GILLETT with Mr. HOBSON.

Until further notice:

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. SOUTHWICK with Mr. RICHARDSON.

The result of the vote was announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. LATTA, one of his secretaries, who also announced that the President had, on April 16, approved of the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

S. 6525. An act authorizing the Secretary of the Interior to remove restrictions on Indian allotments in Oklahoma for school-site purposes;

S. 6159. An act to establish a permanent national bison range;

S. 6155. An act to provide for an enlarged homestead;

S. 5950. An act to provide for the disposition of pensions due inmates of the Naval Home;

S. 5616. An act to amend section 3744 of the Revised Statutes;

S. 5505. An act to define and suppress vagrancy within the District of Columbia;

S. 4186. An act creating in the State of Minnesota a national forest consisting of certain described lands, and for other purposes; and

S. 122. An act authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

The message also announced that the Senate had passed the bill (H. R. 4063) for the widening of Benning road, and for other purposes, with amendments, in which the concurrence of the House was requested.

SAMOAN CLAIMS.

The SPEAKER. If there be no objection, the Chair will lay before the House the following message from the President.

There was no objection.

The Clerk read the message, as follows:

To the Senate and House of Representatives:

I transmit a report by the Secretary of State concerning this Government's obligation to pay to the Government of Sweden the sum of $375, under the convention between the United States, Great Britain, and Germany for the settlement of Samoan claims, which was signed at Washington on November 7, 1899.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, April 16, 1908.

The SPEAKER. The message is ordered to be printed and referred to the Committee on Appropriations. The gentleman from Pennsylvania [Mr. DALZELL] will take the chair as Chairman of the Committee of the Whole House on the state of the Union for the consideration of the diplomatic appropriation bill.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill. Under the order of the House general debate has been limited to five hours.

The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20345) making appropriation for the diplomatic and consular service for the fiscal year ending June 30, 1909.

Mr. COUSINS. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

Mr. WILLIAMS. To that request, Mr. Chairman, I am compelled to make objection.

The CHAIRMAN. The gentleman from Mississippi objects. The Clerk will read.

The bill was read at length.

Mr. GAINES of Tennessee. If there is now five-minute debate, I would like to ask three, four, or five minutes.

The CHAIRMAN. General debate has been limited to five hours by the order of the House. The gentleman from Iowa [Mr. COUSINS] is recognized.

Mr. COUSINS. Mr. Chairman, one-half of that time fixed by the vote of the House will of course be conceded to the minority side, and that time, under the circumstances, will be controlled by the gentleman from Virginia [Mr. FLOOD].

The CHAIRMAN. The Chair begs to say to the gentleman from Iowa [Mr. COUSINS] that time is controlled by the Chairman of the Committee of the Whole. He will recognize, however, the wishes of the gentlemen on this side.

Mr. COUSINS. What I mean to say is I am willing to yield it in that way. I should not wish to take more than our share of the time. In view of the fact, Mr. Chairman, that some gentlemen wish to speak to other subjects than those pertaining to the propositions of this measure, reserving the balance of my time, and withholding the very few remarks that I deem necessary to make in explanation of the bill, I yield one hour to the gentleman from Ohio [Mr. BURTON].

The CHAIRMAN. The gentleman has no time to yield, but the Chair will recognize the gentleman from Ohio [Mr. BURTON] in his own right.

Mr. BURTON of Ohio. Mr. Chairman, I take advantage of the latitude granted in general debate and the courtesy of the gentleman from Iowa [Mr. COUSINS] to speak upon the present business depression. I must excuse a treatment of this subject which will be in a measure academic, because of a conviction of the necessity of exact definition and elaborate examination of the causes of economic events. It is better to correctly solve one problem than to jump at a hundred. Great dangers arise from corruption and dishonesty in public and private life. But at the same time we should not omit consideration of the errors which lurk in hasty judgments and superficial thinking.

Last October, in the midst of a period of abounding prosperity, there was a sudden check. Banking circles were overcome with fright. There was a rapid and very disastrous fall in prices. Men were thrown out of employment. Collections became much more difficult. Those who had obligations to meet were subjected to harrowing expedients in providing the funds for payment. In short, there occurred what may be called a "crisis" or "panic."

In our understanding of this subject it is essential that we should realize that there are two classes of these disturbances; one temporary, a matter of days or weeks; the other having a larger degree of permanence and lasting at least for months and probably for years. The first is correctly called a crisis or a panic; the second, a depression. The first is financial in its

essential nature, while the depression involves the whole field of production, consumption, and distribution and is essentially industrial and commercial.

Crises come like cyclones—unexpectedly. The signal for them may be a conspicuous failure or a revelation of dishonesty. But we can not perceive their causes or accurately forecast the dates of their appearance. Sometimes they go, leaving no permanent effect, and the industrial craft, like a ship after a storm, though the waves are still high, rides out the rough water and sails on its course. That was true of the Black Friday of September, 1869, when there was a sharp crisis but no ensuing depression. Again, in May, 1901, at the time of the flurry in the stock of the Northern Pacific Railway, there was a serious crisis, but no resulting abatement of prosperity. More frequently, however, these crises are the beginning of a season of diminished activity, characterized by decreased employment of labor and a slackening in all branches of business.

It is sometimes falsely said that the crises cause the depressions. For instance, many have indulged in the delusion that if Jay Cooke had not failed on the 18th day of September, 1873, there would have been no depression in 1873. Others ascribe to the failure of the Knickerbocker Trust Company in October, 1907, all of our existing difficulties. Both alike are entirely in error. These failures but revealed the instability, perhaps the rottenness, which was already in existence, and had they not occurred this instability might have continued until the shock would have been even more severe. Let us, then, observe this very fundamental distinction.

There is also a distinction between depression and poverty. Depression may continue for a few years, but, nevertheless, its occurrence in a country is consistent with a steady growth and onward movement decade by decade. Poverty means a permanent loss of resources and a permanent disadvantage. Much has been said about agricultural depression in England and in Europe. We find even better illustrations in Vermont and some portions of New England, where farms have been abandoned. This, although it does not indicate a condition of want, may be designated in a general sense as poverty. The cultivation of these lands which have been deserted is no longer profitable, either because their productive power has declined or there is destructive competition from newer fields. In this condition there is a loss which is more lasting than that in a depression—in fact a phase of poverty.

We shall not understand the nature of these alternations of favorable and unfavorable periods unless we realize that they are distinctive features of a progressive civilization, where operations have to do with calculations upon future requirements, and where the greatest profits are realized from a successful anticipation of prospective conditions. A French writer who has been more correct than any other in foretelling when crises are to occur wrote, "Paradoxical as it may seem, the riches of nations may be measured by the violence of the crises which they experience." If he had said, "The material growth of nations may be measured by the violence of the crises," he would no doubt have been right. China has no crises nor seasons of depression, Persia has none, Turkey has none, because in these countries there is a permanent condition of stagnation. The Argentine Republic had none until 1890 or thereabouts; but then came a great era of awakening, railway building, improvements of every kind; and this era of exceptional activity, as we should expect, was followed by a crisis which, as an object lesson, is one of the most valuable for study in the whole history of the business world. The same is true of Australia in the year 1893. At the end of a period of apparently unprecedented prosperity a severe crises occurred, with an ensuing depression.

The best example of them all, and the most typical, is our own depression of 1873. At that time there appeared all the distinctive features which pertain to these recurring disturbances, and they stood out with such prominence that the minor and incidental features which are sometimes mistaken for the true causes were obscured. In the first place there was an inflated and irredeemable paper currency, which always proves the fruitful parent of misdirected enterprise and public and private extravagance. In the next place there was, at least throughout the North, a new spirit of nationality, a greater degree of energy and push, due to the successful result of the great struggle. During this period there took place the opening of the Suez Canal, in 1869, an event which marked a great epoch in the development of the commercial world. Also, there had been from 1865 to 1873 more railroad building in the country than in all the years prior to 1865. Everywhere there was enlargement, which led to excessive expenditures in every department of activity. Then came a crash, with the failure of Jay Cooke and of the Northern Pacific Railroad.

In this connection I wish to detail the three general causes of these depressions. The first is public and private extravagance. The world can not make progress in wealth or even maintain a stationary position unless from the surplus of capital there is a sufficient amount set aside for future utilization. If we use up all we are making, it is like a man who eats more food than he can regularly supply. In the same class with this public and private extravagance are enterprises which fail, as did the Northern Pacific Railroad, where, instead of a completed system of transportation, there resulted mere scattered embankments and excavations.

A second cause is a lack of equilibrium between different classes of products, so that there appears a glut of one along with a scarcity of the other. Production in different branches is out of harmony. It was well said by a German writer on this subject that if in the industrial world the arrangement could be as perfect as in a watch factory, so that for every thousand cases there should be a thousand springs and a thousand faces, there would be no recurring seasons of depression. But in the complexity and wide ramifications of our industrial life such harmony is impossible.

If I were to offer a passing opinion about the future development of the United States, I should express the hope that a larger degree of attention might be given to agriculture. There is a very substantial reason for this. In the great haste with which we are using our resources of coal and of timber we must rely more and more upon the produce of the soil, which comes season by season with rain and sunshine. With the quickness of results which are possible in manufacture, and the contrasting slowness in the acquisition of wealth from the cultivation of land, there is a constant tendency to utilize our enormous stock of raw materials for manufacturing. But our development would be more symmetrical if the tastes of our people and their energies were more largely directed to the fruits and products of the farm. Yet this more ideal direction of effort is hardly practicable in a country where everyone is free to follow his own bent.

The third and most substantial cause of these recurring depressions is to be found, as already mentioned, in the distinctive features of progressive industry and in the fact that in a progressive country a very large share of human energy and of capital is expended in preparation for the future, in great works fitted to enlarge our facilities and provide an increased supply of the necessities, comforts, and luxuries of life. These cause depression by reason of the substitution of fixed for circulating capital, because of the absorption of an undue share of the available forms of wealth in something which does not give early return. There are many illustrations—such works as the Hoosac Tunnel, the subways under New York City and the adjacent neighborhood, and the Panama Canal, the largest of them all. Years must elapse before great works of this kind can be utilized. In the meantime the food consumed and the labor and machinery employed might be applied to producing something which would bring an immediate return.

Why, the course of events is practically the same as would arise if, in an industrial community where wages had been paid once or twice a month, it were suddenly announced that thereafter the workman must wait until the end of the year for his pay. There would not only be delay and a necessity for obtaining credit, but a measurable lack of assurance as to whether the workman would ever get his pay at all. In like manner, in all enterprises of exceptional magnitude, not only is the enjoyment of the energy exerted upon them postponed, but it is more or less problematical whether they will prove a success when finished.

This postponed utilization of productive forces marks the difference between a country which stands still and a progressive country like the United States, which looks forward to the future and bases its calculations upon a larger prospective population, and even more upon a larger consumption in proportion to population; for along with our increase of population account must be taken of our increased average consumption. This preparation for larger operations in the future is sure to cause these disturbances in the business world, because human wisdom is not sufficient to resist the impulse for expansion and for speculation which exists under such conditions.

People sometimes say, "Speculation and fraud are the sufficient explanations of panic." Others ascribe the distress to the unusual strain upon credit. But how plainly it appears on a brief analysis that these can not be the responsible causes, but are rather manifestations of potent underlying forces. Men do not speculate for the mere sake of speculation. They do not buy real estate in expectation of a rise unless there is probability of an increased value by which they can real-

ize profits. Robinson Crusoe, out on his island, did not have any incentive to buy corner lots, because there was no visible prospect of a demand for them. Speculation does not come first. Growth comes first. It is the hope of gain that leads men to indulge in speculation, and when they see around them numerous instances of investors who have grown rich over night they will plunge into speculative ventures, and the fever becomes general.

Fraud also is but an incident; it is readily perpetrated when transactions are hurriedly completed and unusual profits are frequent. At such a time men are afraid that some more lucky wight will get ahead of them in making some fortunate investment, and so those who are buying or investing do not scan prospectuses or give attention to the possibility of success with the same care as when profits are small and transactions moderate.

It should not be forgotten that while there is much loss and waste in expenditures made during the active times prior to a depression, most of the objects upon which capital is expended ultimately become useful additions to the wealth of the people. This is well illustrated by the events of the depression of 1873. Very few of the great public or private works of that day were abandoned. The railroads constructed at that time still constitute most valuable portions of the transportation facilities of the country. Everything which was then installed, if after a proper model, is in use to-day. But much of that which was constructed was in advance of the demand, and it was necessary that the country, by increase of population and of consumption, should reach a point where it could profitably use these forms of invested capital which, for the time, were in excess of current need.

In that time of adaptation, between 1873 and 1878, there was dire distress. Overproduction was evident in some branches. We were passing through a period of readjustment, and must await a time when supply and demand should once more correspond. There were distinctive phenomena. Very interesting deductions may be reached by analyzing statistics of exports and imports. The proportion of our exports increased while that of our imports fell off; first, because with less money and impaired credit we were forced to sell more and buy less, and, second, because with the increased equipment for production which had been created prior to the depression we were able to produce in larger amounts and more cheaply, and so to sell more advantageously abroad. But when the day of depression was passed the country went on again with leaps and bounds, unchecked in its splendid career of prosperity.

In the same line with expenditures of capital in preparation for the future is another very important factor. It is the abandonment of old appliances and methods. There is no country in the world where quite so much is thrown upon the scrap heap as in the United States. I remember seeing at a mine near Lake Superior valuable mining machinery, which had been purchased because supposed to be of the very latest pattern, absolutely thrown aside unused because the order for it had scarcely been filled before other machinery was found which was better. Thus apparatus absolutely new was discarded. All this is characteristic of the progressiveness of this country. The influence of such a spirit helps to maintain our position in the forefront as the purveyor of the world's wants.

And yet this abandonment of old appliances is not without its troubles. Much capital is lost. The country once had an equipment for the production of cut nails. It was found that wire nails were preferable in many respects. What was done? We had the old plants for the manufacture of cut nails and a new set for that of wire nails in competition. In time the new practically superseded the old. The capital invested in the cut nail was lost and that invested in the other became utilized, though with some degree of slowness, while the people were becoming accustomed to the new variety.

I have said this much, Mr. Chairman, upon the general nature of crises and depressions in order to meet the assertions so commonly made, that this panic has been due to the action of the President or to the policies of the Republican party or to some other cause of that kind. All these assertions show the disposition to ascribe undue importance to the effects of legislation and political action upon business conditions. True, there are certain elements that we must take into account—the necessity for confidence, the absence of threatening legislation, and of regulations which are contrary to sound economic law. But confidence can not create prosperity. Economic law of a wise and judicious kind is essentially requisite to prosperity, but can not create it. To rely on confidence to bring prosperity would be to rely upon conjecture rather than upon actual facts.

On the other hand, there have been appalling disclosures of dishonesty in the management of large enterprises in this country. It has been necessary to apply the pruning knife with the greatest degree of severity. It has been necessary to cut to the quick. But, I think we all would say that if the question arises between mere prosperity on the one side and a reign of honesty on the other, the reign of honesty must prevail though our prosperity suffer. [Applause.] President Roosevelt has attacked prevalent abuses with vigor, as it was right and essential that he should do. That this disturbance was not due to his action, however, or to any force peculiar to this country, is sufficiently proven by the widespread extent of this commercial and industrial depression, as severe in Germany as here, existing in England as well, and in a measure in France, though the last mentioned is a country which by reason of its conservatism and the stability of its enterprise is freest from these sharp alternations of activity and dullness. France does not increase in population as do the other countries. It can not be compared in material growth with the Argentine Republic or with our own growing country. In addition, there are other reasons why severe crises do not exist there. There is much in the temperament of the people and in a strict bankruptcy law.

Yet I must add in this connection that a revival will be retarded by fear of hostile legislation, especially by the States. To omit to say this would be to fall short of a full portrayal of the situation. It is necessary that there should be a spirit, if not of harmony, at any rate of rational confidence, between the mass of the people and those who engage in great enterprises. The latter must be assured that no spirit of persecution is to be exercised against them. Legislation which is not based upon careful study and consideration of every interest is a blow at confidence and at the business of the country.

After a period of popular indifference and great leniency, in which many fraudulent methods have been successfully pursued, it is inevitable that in the face of numerous revelations of dishonest management the pendulum will swing to the other side, and with an arousing of the public conscience there will be danger of indiscriminate attacks upon successful enterprise. In this, as in everything else, the good sense of the American people must be exercised. Legislation must be based upon a careful regard for the rights of all, with severe penalties for dishonesty and the oppressive use of corporate power, but with a full realization of the necessary magnitude of commercial and industrial undertakings in the United States and the vital importance of securing to honest and intelligent effort its full reward.

It has also been said that the prevention of crises is a question of banking; that if the banks had possessed the right to issue more bank notes last autumn there would have been no crisis. This is quite as wrong as any other contention. The scarcity of currency in its most serious phase followed the fright and did not produce it. No doubt there would have been great relief and the sharp distress would have been very largely alleviated if there had been a more suitable currency system under which securities of stable value might have been protected from sale at ruinous prices, and commodities might have been readily moved to markets.

What should be done in regard to the currency? We ought, in the first instance, to provide paper money that is absolutely safe. Along with many defects in the last forty years there has been one merit in all the money which has circulated among us, and that is its absolute security. It is good not merely in the United States, but it is good all over the globe. The people of this country will not and should not accept any change which introduces an element of doubt in the security for a bank note or other forms of paper money issued. They will not tolerate a régime under which when a man reads in the morning paper that a bank has failed he will take out his pocketbook and look to see if he has any of the bills of that bank. Any plan which stops short of entire assurance of safety is faulty and should be rejected.

In the next place, it should have the quality of flexibility or elasticity, so that it may respond to the varying demands of trade, and this includes the right to withdraw currency from circulation when it is redundant as well as to put it out when it is needed. A model system would know no limitation of withdrawals to nine millions a month. It would allow them to be made to any amount whenever the currency is not needed.

The result of the present system, under which a decrease in volume is so rigidly limited, is that available money is invested in speculation at the time when demands are slack, so that when, under an emergency or increased demand, there is a pressing call for more, there is no more to be obtained. The problem is not so much the sufficiency of the volume of money, as the manner in which it shall be issued and withdrawn.

That agency which can best provide the issuance of currency

should issue it. In this connection I do not desire to go beyond the scope of the address which I have outlined, but I must express a preference for a currency issued by some other agency than the Government of the United States. This perilous experiment of Government issue has been tried on both sides of the water, and practically every progressive nation has given it up, and given it up after trial, with the idea that it was not the proper method. There are obvious reasons. The expenditures and receipts of a government naturally balance each other. That which is collected in the way of taxes is to meet expenditures. If collections exceed expenditures, taxation is unnecessarily burdensome. If a government emits paper currency, it must maintain a gold reserve. A hundred and fifty millions is the amount of our gold reserve, which must be maintained by taxation or by issuing bonds. Presumably the strain upon this reserve will be greatest when the fiscal condition of the Government is worst. The Treasury has no fund to provide for the redemption of notes, unless it is maintained by collections foreign to its ordinary and proper levies; a bank has, because, if properly managed, it has a constant incoming stream of payments from maturing discounts and obligations due to it. So that it is a proper function for a bank to issue bills, while, if not an improper function, it is a very dangerous and troublesome one for a government.

How long will this present depression last? How does it differ from others? The depression of 1893 had several distinctive features; a vicious currency system, a fear that we would change to a silver basis, a prevalent feeling abroad and at home that our monetary system was not sound. To this was joined grave apprehension of revolutionary tariff legislation. On the other hand, the depression of 1907 occurred at a time of unparalleled expansion and growth, a time when we could look back twenty years and see that the commerce and wealth of the country had doubled in that period. Whatever you may say of the administration of our national affairs since 1897, you must say that it has been characterized by a disregard of nonessentials, by harmony in those things which make for the growth and prosperity of this country, and by laws which promote wealth and enlarge opportunity—all in an unparalleled degree.

But in this unequaled expansion it was impossible that there should not be a check, and that check came because there was overaction and we had disturbed the normal relations in many branches between supply and demand, although not in others. Products of agriculture, for the most part, continued and very likely will continue at quite as high a level of prices as prior to last October. Securities have suffered most. There has been a general slackening of enterprise all along the line.

The present disturbance will not by any means last as long as the depression of 1893 or that of 1873. What are some of the reasons? In the first place, the enormous yearly addition to the world's supply of gold, the metal which is used for primary money in civilized countries all over the globe. This increase is not without its dangers, because it unduly stimulates enterprise, while at the same time furnishing an impetus to new undertakings and making the meeting of obligations easier. During the civil war business embarrassments in the North were few, because there was a constant increase of paper money which raised prices and rendered less difficult the payment of debts. There was no excuse for any man to fail; hence commercial failures were more rare than in any previous year for which we have accurate statistics. It created an unwholesome condition, under which inflation was sure to become more and more marked, and when the fall came it was all the more serious. But there was that buoyancy which comes from the enhancement of prices and the availability of plentiful supplies of money. The increase of gold, though attended by some of the same dangers, will be much more wholesome in its effect upon industrial development.

Another reason why the present trouble will not prove as severe is the greater degree of skill in business management, the greater degree of cooperation, both national and international, in the management of financial institutions and in all commercial and industrial relations. Not only has there been a development of skill and ability, but those engaged in business have come to see that there is a community of interest among them. Twenty or thirty years ago when a bank was in trouble its competitors looked on with some degree of complacency. They thought, "If this bank should fail, it takes one of our rivals out of business, and we will have a larger field." To-day the welfare of one is regarded as the welfare of all, and unless there is glaring instability or corruption in any financial institution, all join in supporting it. There is the same development in cooperation from an international standpoint. Money crosses over the line from France to Germany and from Germany to France, notwithstanding the traditional animosities between the two countries. When there is a stringency in any country, assistance is rendered from another.

Another reason, particularly applicable to our own country, is the improved access to foreign markets. With better transportation facilities, both at home and with foreign countries, and with wider markets, we have broadened our industrial and commercial horizon. Equally important is the larger quantity and improved quality of that which we have to offer. We no longer supply any "pent-up Utica" or limited area, but our products go to the remotest parts of the globe. Their superiority is being recognized in foreign countries—their greater cheapness, in many instances—so that if at any time there is a surplus of manufactured or other goods at home there are widely extended outlets for them abroad, which will diminish the distress of a season of depression and make it more short-lived.

One other fact, of which I speak with all due deference, is the consolidation of industries. Notwithstanding the tendency of such consolidation toward monopoly, notwithstanding opportunities for oppression and for arbitrary raising of prices, all of which should be met by decisions of the courts and by suitable regulations, this very consolidation has made it possible to check in a greater degree ruinous competition, to forecast the future of the markets and to determine what steps are necessary to minimize depression.

There is another consideration which is very important in this connection. A larger share of our capital and our energy is given to investments which have been tried and found to be successful. Back in 1865 to 1873 the whole West was girdled with railroads, many of which were constructed in unsettled localities, which were virtually as unproductive as desert wastes. For a considerable time after the civil war many new industries were established for the manufacture of iron and steel and in new forms of the textile industry, as well as in a wide range of manufacturing. These were undertaken without assured certainty of favorable results. Now, these fields have been exploited and the enterprises have been found to be profitable, so that capital is expended in a far greater measure for the enlargement of that which has already been tried and found successful and very much less for that which is problematical. This difference is especially noticeable in the case of railroads, upon which the greater share of expenditures is now devoted to the double-tracking of existing lines and to providing enlarged terminals and equipment, instead of, as formerly, to the construction of new roads.

In passing, however, I can not omit to call attention for a moment to the dangers of diminished efficiency of the American employer and the American laborer. Just as the history of olden times is replete with the records of tribes which swept down from the mountain upon the plain and the valley, and subdued those who had not the incentive to labor, or the discipline of self-denial and effort of those in more barren regions, so there is danger that in industrial competition those who have more of a struggle for bread will gain advantages over us. This amounts almost to saying that success here is too easy. How wonderful has been the acquisition of wealth in this new America!

There have been instances in which the poor emigrant, migrating to the New World—he scarce knew why, but with a feeling that he would here enjoy greater equality and opportunity—has achieved such success that he might build a palatial mansion far more stately than the baronial castle of his one-time overlord, and his wife might array herself in garments richer than the coronation robes of a queen. How wonderful have been the triumphs of the American business man! Many can enjoy a magnificence far outshining—

> The wealth of Ormus and of Ind,
> Or where the gorgeous East, with richest hand,
> Showers on her kings barbaric pearl and gold.

But all this abundance has its menace of an extravagant enjoyment of our opportunities, in which lurk dangers of decay. If there is any salutary lesson that we can derive from our industrial and political life, it is that we should practice the old-time virtues of frugality and economy. [Applause.]

In every country there will always be especial attention paid to certain persons who are in the lime light. And who are in the lime light in this country? Is it not those who possess great fortunes, who achieve great success in the fields of industry, of commerce, or of transportation; so that whenever any one of them is guilty of profligacy, or of anything which decreases the respect of his countrymen, it is a blow to the body politic and creates social unrest? The great novelist, M. Balzac, in one of his stories, describes the condition in France on the return of the Bourbons in 1815, how the people

looked to them for leadership and for performing some noble service for France. But the returned Bourbons would have no prime ministers except noblemen, and they had no noblemen who were fit to be statesmen. They had none in the ranks of their effete aristocracy who were able to rise to the requirements of the situation. Hence, after a comparatively brief period, their dynasty was thrown down. So, in this country, the responsibilities of great wealth can not be overemphasized. They call for the manifestation of the true spirit of patriotism, of honesty, of regard for all American citizens, rich and poor alike, with an ever-increasing conviction that he who has gained notable success must also achieve notable results for his country and for his kind. [Applause.]

It is in the extravagance and the profligacy which wealth sometimes breeds that I see a danger ahead. Many things have caused unrest and discontent; many factors have caused disturbance in our economic life; yet, after all, though our sky is not cloudless, there never were more auspicious omens for any country than for ours to-day. We realize that when in the past these seasons of diminished activity have come upon us they have proven only temporary, and that now, as then, we shall surmount our difficulties and go forward with still further increased prosperity, and with a larger enjoyment of the comforts and the luxuries of life. Let this be our confidence.

I do not wish my reference to the currency question to be misunderstood. I regard it as of the utmost desirability that this House should do something in the way of currency legislation. I have only sought to refute the claim that lack of proper legislation was responsible for our trouble last fall. There were weightier forces which had been at work. Again, there is much plausibility in the assumption that if the crisis had been longer postponed it would have been more severe when it came. This is also a valid argument to meet the accusation of those who say that anything done by the President or the Administration brought on this difficulty. It would not have been well to have allowed dishonesty to run riot. Nor would it have been well to have allowed this expansion to continue unchecked, because the longer dishonesty continued and the more prolonged this expansion, the greater the final disturbance and disaster when the crisis came. [Loud applause.]

Mr. Chairman, I yield to the chairman of the committee the balance of the time allotted me, unless some one desires to ask a question.

Mr. FLOOD. Mr. Chairman, I request the Chair to recognize the gentleman from Georgia [Mr. GRIGGS] for one hour.

Mr. GRIGGS. Mr. Chairman, it has been said that there is more dynamite under the race question than under any other question ever before the American people. No matter how true this may have been in the past, it seems now no longer true. I might multiply illustrations to prove this, but the fact that a few weeks ago it was discussed on this floor, vigorously, but without acrimony or even unpleasantness of any character, and the conduct and apparent trend of the present campaign for the Republican nomination for President are sufficient to demonstrate the fact that the negro is no longer, as he once was, the "ward of the nation." As a free man, he is 44 years old, and the country at large looks upon him as full grown. Upon this fact the whole country, North and South, is to be congratulated.

I propose to-day to present to the American people one phase of the question that has been overlooked. Five years ago I was invited to deliver the annual address at the commencement of the Georgia School of Technology. Speaking then to a school of young white men who were being educated along technical lines, I could but let my mind go over the field of possible future competition between the white men and the black men of America. I spoke what was in my mind and heart, with malice toward none and charity to all, and my only excuse for imposing it on the House to-day is the verification since of so many of the suggestions then put forward. I said:

There is a question now pressing hard upon all of us in the South, and in a manner which makes it of peculiar importance to young men who are about to become a part of the great industrial world. I saw in a reputable magazine, published in one of the Northern States, some days since an article on technical education and manual training in the South. Knowing that I would soon speak to you, I began to read it with interest, hoping to get some thought for your edification. Imagine, if you can, my surprise and chagrin when I found two negro schools only cited as examples of what technical education is doing for the South. Ignoring this great institution and others of like character in neighboring States, two negro schools were named as representing the great advance of the South along lines of technical education and manual training. This is not all. I have been reading of late in some of our Northern and few of our Southern newspapers solemn and heavy editorials, urging manual training and technical education for the negroes of the South as the solution of the race question.

In the ponderous language of superior wisdom these gentlemen discuss the accomplishments of certain prominent negroes along this line, all solemnly assuring us in conclusion that this is the solution of the race problem. Northern newspapers and Northern philanthropists, if they believe as they profess, may be correct in their position. They profess to believe in the equality of all people and all races, modified only by opportunities and achievements. I shall discuss the question, however, from the standpoint of a Southern white man, who does not believe this any more than he believes the "leopard can change his spots." The negro is with us, the race question is ours, and it is for use to solve in the best interest of the Southern white man and with all possible tolerance for the negro. By us it will be solved. Others may aid us or may hinder us in its final solution by example or advice, well meant or otherwise. It will still be our problem.

I lay down the broad proposition which I do not believe will meet with denial in any State of large negro population (indeed I do not believe it will meet with honest opposition from any white man anywhere), that the negro race is not the equal of the white race, and never can become so, no matter what its environments or accomplishments. Just as in the struggle during the thousands of years gone by, the white man has led, so will he continue to lead to the end of time. The assertion that manual training and technological education for the negro will solve the race question is itself a declaration of the inferiority of the negro. It does suggest the possibility of equality with the white man for the future, however.

It declares equality now for the negro with the large number of white men engaged in pursuits other than the so-called learned professions. But they tell us that this will solve the race question. If so, then the sooner we cease all controversy over it and unite our energies toward a consummation so devoutly to be wished the better for us and for the black man of the Southern States. If, however, it is not the solution of the question, and if it will, as I know, only go to "weave a more tangled web" in our already tangled civilization, then it behooves us to search earnestly for the solution if solution there be. I shall discuss the question to-day in perfect loyalty to my own race, and at least, in perfect kindness to the other and weaker race, remembering always that—

> When self the quivering balance shakes
> 'Tis rarely right adjusted.

Since mankind grew from families into tribes and these began their predatory incursions into the territory belonging to their neighbors, there has always been a race question sharply at issue somewhere in the world. Profane history abounds with descriptions of race wars, and the great book of books is filled from Genesis to Revelation with narratives of race antagonisms and racial antipathies. We are told that Cain went into the Land of Nod for a wife and I am not sure that evidence is wanting there of parental objection on account of race or color.

The history of Egypt affords us more illustrations of racial antipathies and race wars than the history of any other country. The rich valley of the Nile has been from remotest antiquity a bone of contention among the people of southwestern Asia, northern Africa, and all Europe.

The civilizations of Egypt have been at once the admiration and astonishment of all succeeding generations. The deeds of her soldiers and statesmen have been preserved in stone and emblazoned in brass. We can read her history from her ruins. Like our own people, they have always been a little extravagant and often grandiloquent in relating their accomplishments.

We are told that on a stone near Mount Sinai, erected by himself, is the representation of an Egyptian king, smiting the enemy, and describing himself as the "Smiter of Nations," the "Great God," and "The Lord of Justice.'

That history does sometimes repeat itself, we see in the airs of the heads of two great nations of very modern times. One of them is an emperor; the other shall be nameless here. [Laughter and applause.] The deeds of her different kings are celebrated by columns and obelisks all over the present territory of Egypt, Palestine, Asia Minor, Scythia, and Thrace. Looking at it from this distance, it would seem that no civilization before or since has surpassed that of which I speak.

A neighboring people, a different race, saw and coveted this fair land, and the Shepherd King with an army "Like unto an army of locusts" laid waste her beautiful gardens, destroyed her great cities, and demolished her magnificent temples.

He swept away as far as he could every vestige of Egypt's former civilization. A few tombs and obelisks were left, the only monuments to her former glory. For five hundred years that race ruled over Egypt.

During all this time the races kept separate and distinct. One was dominant, the other subservient. When at last the aboriginal race succeeded in defeating and driving out the invaders of five hundred years before, it was a victory of racial instinct and race pride. The race problem was settled.

It was the dream of every ancient Egyptian ruler to add Ethiopia to his dominions. Army after army went down from Egypt only to be hacked in pieces and hurled back in defeat. The last effort of Egypt to absorb Ethiopia met with such disastrous defeat that the Ethiopian king became the ruler of Egypt. The Ethiopians then governed, the Egyptians served.

Ethiopian rule was at length overthrown and Ethiopia became, for the first time, a province of Egypt. Again the Egyptian ruled and the Ethiopian served. During all this period the "Ethiopian did not change his skin," and pride of race still lived in both peoples.

The Ethiopian of to-day is as far removed from the Egyptian, although both are subject to British rule, as he was 2,000 years ago. To-day the white man rules in Egypt, others serve.

The Punic wars were race wars. The implacable hatred between the people of southern Europe and northern Africa arose from nothing except the racial instinct planted in the hearts of both by the Creator.

When the first Punic war ended and a treaty of peace was made, we are told that it was engraved on brass, and, amid a great flourish of trumpets, it was deposited in the capitol at Rome, so that all the world might see and know the deep and abiding love between the dark people of Carthage and the white men of Rome. The great race question was once again settled.

I can see the Peace Commission sitting at Rome, somewhat like our many Indian commissions. I can hear the assurances of love and affection from one commissioner to another as the bowl of peace was passed around, and I can see the glad peace jubilee at Carthage and at Rome over the tidings of great joy, announcing the final settlement of the race question, which had for so long disturbed their world.

That peace lasted a little longer than the time required for the commission to dissolve and the commissioners to return to their homes.

Following that for one hundred and twenty-five years there was bitter war between those people, ending only with the complete destruction of the Carthaginian nation and the wiping of the great city of Carthage from the map. Again a race question was solved.

The Hebrews were seventy years captives in Babylon, and the Book of Daniel is full of the race troubles of that unhappy period; yet, after seventy years in slavery, they returned to Canaan, the same proud race who "hanged their harps upon the willows and sat down by the rivers of Babylon" seventy years before to "weep when they remembered Zion."

They were five hundred years in Egypt. The Angel of the Passover, notwithstanding, overlooked no Hebrew home as he passed over the land to mark the way for the death angel who followed him on that terrible night of the plague of the first born.

When Moses marshaled the hosts to seek the promised land there was no difficulty in determining who should go.

When the Red Sea rolled back, leaving the dry road to pass over, none but Jews walked through; and when Pharaoh's host, pressing hard upon them, was engulfed by the closing waters, no Jew was among the dead.

During all these long years the Egyptians ruled and the Jews served. Hard Egyptian taskmasters daily drove suffering Hebrews to the making of "bricks without straw."

Coming down to later times, one of the strongest illustrations of race antipathy and its converse is found in the history of Spain. The old Kingdom of Spain was a hotbed of Jewish oppression. No Jew had any rights which a Spaniard was bound to respect. The Jew was subject to the whims and caprices of his neighbors of Spanish blood, and had no redress for any wrong anywhere.

In the sixteenth century the army of Mohammed having grown restless for other worlds to conquer swept from southwestern Asia into Africa. Completing the subjugation of northern Africa, their eyes turned in avarice to the fair fields and lovely gardens of Spain. They swarmed across the narrow water which rolled between the continents, and the proud nobles of Spain surrendered to the Arabs.

The conquerors from the desert were the children of Hagar, and related by blood to the children of Sarah, who had suffered Spanish persecution during so many years.

Conditions were at once reversed; the Jew, who for many years had served the Spaniard, at once became a master, the equal in every way of his kinsman from across the sea; his every right was now respected and he in turn saw the humiliation of Spain's proud grandees, who now had no rights which Jew or Moor was bound to respect.

The Spaniard persecuted the Jews; the Moors subjugated Spain and placed the Jew in power and affluence. The Moor was his kinsman. The Spaniard belonged to another and different race. The Spaniard ruled and the Jew served. The Moor and the Jew ruled and the Spaniard served. Is there a better illustration of the maxim that "blood is thicker than water?"

It may be insisted that the world has advanced beyond every illustration I have given. If so let him who believes it consult current history. I have but to call your attention to the hatred between the Celt and the Briton, the riots which mark every meeting of the Austro-Hungarian Parliament, between the Germans and the Slavs, the two distinct races which make up the dual empire now tottering to its fall, and the hatred which all the world knows exists in India to-day between the natives and the British.

Burnham, in his account of British rule in India, tells us that the lines between Briton and native are more closely drawn to-day than ever before, and that race hatred deepens as the years roll on.

The deplorable conditions in Macedonia and Armenia, where the blood of murdered Christians daily cries aloud to high heaven, speak in language more eloquent than words of the powerful prejudice which drives the Turk to oppress and murder all not of his blood.

The cry that stirs all Russia more than any other to-day is "the Turk must get out of Europe."

The Frenchman hates the German, not because of Metz but because of the difference in blood of the two great races of Continental Europe.

All history is made up of stories of race pride and race antipathy. From the time the world began all races have had in their hearts love for their kind and have constantly struggled to gain and maintain supremacy over every other race. It is the law of nature, and is not to be overcome by the edict of a sovereign or the pronunciamento of a legislature. It can not be educated or refined away. It had its inception in the birth of the races. At their death only will it die.

We of the present generation, both white and black, were born into the conditions which exist in the South. These conditions are not to be charged against either of us. He was our slave. He is now our political equal by the same power of law which made him our property. Can he continue our equal before the law and our inferior in fact, without endangering our social fabric? This is at last the question which ever intrudes itself upon us, and is really the race question of this day and this people.

As I said at the outset, it is now asserted by many of our friends in the North, and admitted by some of our neighbors, that the settlement of the race question must come from manual training and technical education for the negro. They tell us that his and our future happiness depends on teaching his eye and his hand. He must be taught to labor with these. According to them, his hand is to be encouraged and his head discouraged. This all sounds very well at an educational rally.

The great fact is overlooked that, after all, the brain directs the eye and the hand, or its work is of no value. The manual laborer is a brain worker just as if he held the pen rather than the jackplane. The imaginary line between the so-called brain worker and the manual laborer was drawn by the brain worker himself, and it only marks a difference in the field of brain activities.

One puts his thoughts on paper, his conceptions on canvas and in marble; the other works with wood and steel and iron. All are directed by the same intelligence, and individuals succeed or fail in accordance with the brain power behind the hand.

I confess I can not understand how you may successfully encourage the hand and the eye without at the same time developing the brain which must direct them both.

If I am mistaken in my opinion, however—if this can be done—and the line to be laid down for the limit of progress of the negro be religiously hewn to by him, let me ask what you propose to do about the bitter competition which will follow between him and the thousands of our young men who are not fortunate enough to possess the means to secure a liberal education and entrance into a learned profession or, who, like you, have determined that technical education and manual training will better prepare you to build up the waste places of our land?

Our Southern friends who advocate this remarkable proposition insist that the negro must not compete with our so-called brain workers.

According to this propaganda, however, he must be educated to compete with the white carpenter, the white blacksmith, the white factory boss, the white farm superintendent, but must not be allowed to enter into competition with our doctors, our lawyers, and other professional men. Our friends have not followed their thoughts on this subject to their logical and inevitable conclusion.

The number of men and women, white and black, in the United States engaged in professional pursuits is 1,258,538. All other pursuits combined equal 27,814,696. There are 114,460 lawyers, 132,002 physicians and surgeons, 30,038 journalists, and 446,133 teachers and college professors in the United States.

Our colleges are turning out about 6,000 doctors and 5,000 lawyers every year. Statisticians estimate that 2,500 doctors and 3,000 lawyers per annum would serve to keep the ranks of these two professions full. Therefore, there is a surplus every year of 3,500 doctors and 2,000 lawyers. That both professions are crowded to that degree where there is no longer room even at the top is patent to the most careless observer.

If other professions are equally overcrowded it will not be many years before the ranks of the manual laborer or the tradesman, who, though not generally classed as such, is himself a manual laborer, will be largely swollen by the addition of failures in the professional classes.

If the figures given be correct, and they can not be successfully contradicted, let me ask you how a solution, or anything approaching a solution of the race problem, is to come from negro technical education and manual training. It would serve only to put him into active competition with the vast majority of our white people, excepting only that small professional class where competition is now so great that the "survival of the fittest" is no longer the unvarying law.

If the negro is to be educated by us to compete with the great majority of our people; if he is to be thus made the competitor of our artisans, why should our artists be immune? I ask in all candor, Does any man who knows anything of the race question from actual contact and experience believe that this would even tend to a settlement of the problem?

It would undoubtedly be better for the negro, provided it brought with it a field for his activities. This it can not do, and without this it would be a curse not only to the white man of the South, but to the negro as well—yes, a thousand times over.

The difference between the Northern and the Southern man on this question is this: The Northern man, outside of the professions, has been brought up to look upon his hand as worth so much to himself and his family. The labor of his hand will produce much or little, according to its training. This is his stock in trade. It is his capital. Upon the strength and skill of that depends his progress in the world. The Japanese, the Chinaman, or the negro, with a cheaper hand, comes in competition with him. At once, as the result of this competition, his hand cheapens in value, his stock in trade is reduced, his capital cut down, his income cut off. He resents this and race riots follow in our Northern cities.

The environment of the Southern white man for a long time was different. For years the negro did all of the manual labor of the South, and he was in no sense a competitor of the white man. This condition existed for the many years before the war. Since his freedom his presence in the South in great numbers has been and is a social menace, overshadowing every other phase of the race question and, indeed, every other question.

The breaking of the social barriers established by the white man of the South for the preservation of our civilization is the forfeiture of the black man's right to life, liberty, and the pursuit of happiness. We of the South all see and understand this.

His entrance into competition with the white laborer of the North is a forfeiture of his right, by the sweat of his brow, to earn his bread. The white laboring men of the North all see and understand this. A distinction with very little difference.

Industrial conditions in the South have not been at a standstill during all these years since the war. We are no longer a purely agricultural and professional people. We are now largely manufacturers. More of our young men are every year entering the ranks of manual labor.

Advocates of this proposition are assuming two impossible conditions. First, they assume that the negro can be educated up to a line and held there (whether voluntarily, by law, or by public opinion I do not know); second, that technical education of the negro will eliminate competition between him and his white neighbor. Neither will nor can be done.

Educate the negro to compete with the white laboring man and you may as well open wide the door to every other avenue of thought and action. Make him the competitor of this large majority of our people, North and South, and expect peace!

> You may as well go stand upon the beach
> And bid the main flood 'bate his usual height;
> You may as well forbid the mountain pines
> To sway their high heads and make a noise
> When they are fretted by the gusts of Heaven.

[Applause.]

Our friends in the North have this view of the labor end of the negro problem, and they are about persuaded to take the southern view of the social question. Some of our Southern people, in an honest effort, no doubt, to meet our Northern friends halfway on the race problem, are about to sacrifice the very principle of white supremacy—that feature of the race question which is best understood in the North. They have not thought. As I have said, we of the present generation found the negro here, and the negro found us here. Neither of us deserves any particular credit or discredit for that fact.

The negro lovers of the North are as far wrong as the few negro haters of the South. I am discussing the question as the friend of the white man; I am discussing it as a white man to white men, all of whom are interested in the future of our race, and all of whom love the land which gave us birth. There is no fear for the white race in the South. This land and this people are our present burden. I harbor no hatred for the negro. I recognize the faithfulness of the black man to his master in time of war, but I can not forget the horrible orgies of reconstruction days. I deeply pity his misfortunes, but I am for white supremacy first. There is a political maxim—

> The utter extermination of a race of people is inexpressibly sad, yet if its existence endangers the welfare of mankind it is fitting that it should be swept away.

This is the Briton's defense for his heartless conquests in every quarter of the globe.

The only justification ever offered for our conquest of the Philippines is based on this historical maxim.

It is cited here, not because I believe it will ever be necessary in the South; not that I believe that the white people of the South will ever need or desire to invoke it. I cite it in justification of what is, in my opinion, the only other solution of the race question ever proposed.

The Hebrews were commanded to exterminate the races of Canaan. Nations have time and again been wiped from the map and races swept out of existence in pursuance of this great natural law. But as I have said there is no necessity for, and no danger of destroying the negro race in the Southern States. I would not be misunderstood. I say I speak to-day as the friend of the Southern white man, and I am not the enemy of the Southern negro, I simply stand for the supremacy of our race, let is cost what it may.

We could not prevent the education of the negro if we would, neither can we direct the lines upon which it shall proceed nor where it shall end.

Determination to be educated has its reward in final success everywhere.

But for God's sake let us not depend on the technical education of the negro to solve the race problem. This proposed solution will accomplish only one of two things—it will either drive the great majority of our young white men into other States, or, it will create the most terrible race war ever written of in the history of the world. I do not believe our young men will be driven from their homes. If perchance they should refuse to live in a land with conditions so deplorable, and if, like their fathers before them, they should go out and build new homes for themselves in the wilderness, we would have left to us a land made up of two classes of people, a professional class of whites and a laboring class of blacks. To see the absurdity of this condition requires only that I call attention to it.

It is impossible for the two races to live together many years longer on terms of exact political equality and peace. It has never been done and never will be done. Where two races have lived together without amalgamation, one has always been absolutely dominant and the other absolutely subservient. One has ruled; the other has served. The white man rules in the South to-day.

The Indian has faded before the white man because he would not accept the white man's terms. The negro has lived thus far with the white man, because he has willingly accepted the humble seat given him by his white neighbor.

This must continue, or separation must come. Social equality and amalgamation are not to be thought of.

The great Teutonic race to which we belong has, through its various branches, developed more of race pride than any race on God's footstool.

Their restless energy has carried them into all climates and among all people. They have mixed with all, amalgamated with

none lower than they. They have consorted with all, mated with none of an inferior race. Race pride is so strong with the men of this race that it rises beyond and above even parental love, thought to be the strongest of human feelings. There is no danger of amalgamation.

Then what must be if we are to live together in peace? As I have intimated, there must be perfect submission from one and complete control by the other.

The Anglo-Saxon, cradled in war, full of endurance and courage, self-sacrificing, glorying in his manhood and the achievements of centuries, will never yield the land which is his by all the ties which can bind man to his home.

It was bought with the blood of our fathers and, please God, it will not be yielded up by the sons. There is not a white man in any one of the so-called negro States who would not gladly see the repeal of the constitutional amendments making the negro a citizen and a voter. While this is true there is a disposition in some quarters of the South to laugh at the efforts of earnest patriotic men in this direction. There is no complete salvation for the South outside of this one thing.

Many gentlemen say it is impossible. The same gentlemen would very probably have said ten years ago that present conditions and feelings of the people North and South on the social side of this question were impossible.

This is absolutely necessary to our final salvation. Everything else is a miserable makeshift, only to tide us over to the time when public opinion everywhere will approve of the repeal of these amendments and the correction of these terrible mistakes.

A union half white and half black can live no more than a union "half slave and half free."

Separation of the races would be best for white and black alike; but it seems that neither race is yet ready for that. The time will be, however, in the years to come when the manhood of the country, North and South, white and black alike, will demand it.

Separation will not come in our generation, but many of us here to-day will live to see the repeal of these amendments. Separation will follow disfranchisement as the night the day.

The cupidity of the white man and the stupidity of the negro will delay this consummation, but it is sure to come, and I believe as peacefully as the sun will rise to-morrow morning.

As I said, however, that is not to be now. Neither race is yet prepared for it, and only disfranchisement is left to insure the white control so necessary to the peace and prosperity of the South.

The negro could not be less a factor in the political life of the South if disfranchised than he now is. No one need fear the oppression of the negro if denied by law the privilege of voting. He is only a menace and a scarecrow now; not a factor in determining political issues. His rights are guaranteed to him now only through white judges and white jurors in all of the States of the South. That will not be changed by repealing these amendments. The privilege of voting is now scantily exercised by the negro in all of the Southern States.

Political privileges are not granted as a matter of right. They are either granted by grace, or they are the achievements of the individual, and eternal vigilance and unfailing courage is their price. Some men are born free, some are made free, and some achieve freedom. The first and last classes are those who are really free, and constant struggle is the price of preserving their privileges. Those made free by the sacrifices of others, possessing that which was obtained through no personal effort or sacrifice, neither understand nor appreciate its meaning. Constant struggle is the price of life. That which we call the business world is an everlasting warfare governed by the inexorable law of the "survival of the fittest."

Idealists confidently look forward to the time when all men will live in perfect peace—when all races will dwell together in perfect harmony.

All history teaches the contrary; all nature tells us that it is an impossible condition. The king snake braves the deadly fangs of the rattler not alone because he belongs to a different family. He kills him to satisfy his appetite as well.

All nature feeds and fattens on nature. This will continue to the end.

When our fathers were oppressed they made their way to other lands. They faced the dangers of the floods, the wild beasts of the wilderness, and the hatred of brave and strong and crafty savages, as they carved these great States and built up this great Union.

If the negro in the South is oppressed either by law or in fact, let him follow the white man's example. Let him find and make for himself a home. He need not complain of poverty because the poverty of the negro can not surpass that of the Pilgrim Fathers and the debt-ridden cavaliers who first settled on our shores.

"Be ye not unequally yoked together" is as applicable to us as to the Corinthian Christians, for "what communion is there between light and darkness?"

The repeal of the constitutional amendments conferring suffrage will be only preliminary to final separation. Disfranchisement will come first in the States of the South. It will finally become law in all of the States. The negro will turn for a home to those States guaranteeing greatest privileges to him. As his numbers increase in these States and he encroaches more upon the privileges of the white man, he will in turn be disfranchised there and will seek other homes, until finally, under the impulse of race pride, which, during these many years in the wilderness, will grow strong within him, he will establish somewhere with the white man's help, an abiding place. This is the only final solution of this question.

Think not that we can accomplish that which the Lord of Hosts would not undertake in Egypt. All of the plagues of Egypt did not secure to the Jews their natural, to say nothing of their political, rights, and not until they had wandered for forty years in the wilderness under the rod of God's chastisement did they finally reach the land of Canaan and begin to write their glorious history. Let the negro take courage from their example.

Finally, the greatest struggle of all will one day come, the great contest for supremacy between the white and the colored races of the world. By colored I do not mean the negro races alone.

In that contest of which I speak on one side will be arrayed all the white men of the world and on the other all the yellow, brown, and black men of the world. When that conflict comes, will the American negro ally himself with us? Remembering the wrongs to himself and his fathers from the time when Noah sent Ham out with a curse upon him until to-day, he will forget that he is an American citizen and remember only that he is a negro. He will stand, as you will stand, with his own race, with his own color, with his own blood, against what is to him an alien race, an alien color, and an alien blood.

To weaken the white race in the South is to weaken the white race everywhere. To strengthen us is to strengthen the arm which must one day be tested in this great contest for world control between the white and the colored races.

The destruction of Southern civilization will not be the ruin of the Southern States alone.

"Think not that thou in the king's house can escape more than all the Jews." It will reach, in its powerful and baneful effects, the great States of the North, and their civilization will suffer with ours. I do not fear the destruction of either Southern or Northern civilization.

Our fellow-citizens of Caucasian blood who are not now struggling with this problem as we are will not refuse to listen to their brethren of the South. We are all of the same blood. We have fought the same fight to reclaim the wilderness and to establish and guarantee life and liberty to ourselves and our children.

For every Lexington there is a King's Mountain. For every Saratoga there is a Yorktown. For every Gettysburg there is a Bull Run. For every Shiloh there is a Chickamauga. Bone of our bone, flesh of our flesh, with these glorious memories, the common heritage of all, they will not finally refuse to lend us their aid in solving this, the most serious problem ever given to any people. [Applause.]

I said this nearly five years ago. Almost daily happenings in all parts of the Union confirm the correctness of my views.

Mr. Ray Stannard Baker, a Northern man, who has studied this question intelligently, both North and South, is publishing a series of articles in the American Magazine, and I quote from the March, 1908, number of that magazine:

> Hostile physical conditions of life in the North are not the only difficulties that the negro has to meet. He thought he left prejudice behind in the South, but he finds it also showing its teeth here in the North. And, as in the South, a wide difference is apparent between the attitude of the best class of white men and the lower class.
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> Different degrees of prejudice, it is true, are apparent in the two sections. In the South the social and political prejudice, the natural result of the memories of slavery and reconstruction, of the greater mass of the negro population and of the backward economic development is stronger. In the North, on the other hand, comparatively little social and political prejudice is apparent; but the negro has a hard fight to get anything but the most subservient place in the economic machine.
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> One of the first white men with whom I talked (at Indianapolis) said to me with some impatience: "There are too many negroes up here; they hurt the city." Another told me of the increasing presence of negroes in the parks, on the streets, and in the street cars. He said: "I suppose sooner or later we shall have to adopt some of the restrictions of the South."
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In Boston, of all places, I expected to find much of the old sentiment. It does exist among some of the older men and women, but I was surprised at the general attitude which I encountered. It was one of hesitation and withdrawal. Summed up, I think the feeling of the better class of people in Boston (and elsewhere in northern cities) might be thus stated: We have helped the negro to liberty; we have helped to educate him; we have encouraged him to stand on his own feet. Now, let's see what he can do for himself. After all, he must survive or perish by his own efforts.

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In short, they have "cast the bantling on the rocks."

Though they still preserve the form of encouraging the negro, the spirit seems to have fled. Not long ago the negroes of Boston organized a concert at which Theodore Drury, a colored musician of really notable accomplishments, was to appear. Aristocratic white people were appealed to and bought a considerable number of tickets; but on the evening of the concert the large block of seats purchased by white people was conspicuously vacant. Northern white people would seem to be more interested in the distant southern negro.

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In the North the negro finds himself in an intense industrial atmosphere where relationships are more strictly impersonal and business-like. What he gets he must pay for. Charity exists on a large scale, as I shall show later, but it is the sharp, inquiring, organized charity of the North.

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In short, coming North to find a place where he will be treated more like a man and less like a serf, the negro discovers that he must meet the competitive struggle to which men of the working class are subjected in the highly developed industrial system of the North.

There are counties and towns where no negro is permitted to stop overnight. At Syracuse, Ohio, Lawrenceburg, Ellwood, and Salem, Ind., for example, negroes have not been permitted to live for years. If a negro appears he is warned of conditions, and if he does not leave immediately he is visited by a crowd of boys and men and forced to leave. A farmer who lives within a few miles of Indianapolis told me of a meeting, held only a short time ago by thirty-five farmers in his neighborhood, in which an agreement was passed to hire no negroes, nor to permit negroes to live anywhere in the region.

* * * * * * *

White ministers sometimes have spasms of conscience that they are not doing all they should for the negro.

Let me tell two significant incidents from Philadelphia. The worst negro slum in that city is completely surrounded by business houses and the homes of wealthy white people. Within a few blocks of it stand several of the most aristocratic churches of Philadelphia. Miss Bartholomew conducts a neighborhood settlement in the very center of this social bog. Twice during the many years she has been there white ministers have ventured down from their churches. One of them said he had been troubled by the growing masses of the ignorant colored people.

"Can't I do something to help?"

Miss Bartholomew was greatly pleased and cheered.

"Of course you can," she said heartily. "We are trying to keep some of the negro children off of the streets. There is plenty of opportunity for helping with our boys' and girls' clubs and classes."

"Oh, I didn't mean that," said the minister. "I thought, in cases of death in their families, we might offer to read the burial service."

And he went away and did not see the humor of it.

Another minister made a similar proposition; he wanted to hold a Sunday school for colored people. He asked Miss Bartholomew, anxiously, where he could hold it.

"Why not in your church in the afternoon?"

"Why, we couldn't do that," he exclaimed; "we should have to air all the cushions afterwards!"

HUMAN NATURE NORTH AND SOUTH.

In fact, the more I see of conditions North and South, the more I see that human nature north of the Mason and Dixon's line is not different from human nature south of the line.

Mr. Chairman, the South needs the labor of the negro, but we want none of the riffraff of Europe to supplement it.

While we would give heartiest welcome to all from our sister States who, understanding American institutions, make good citizens everywhere, we are absolutely and unconditionally opposed to indiscriminate immigration. The South is being rapidly populated now in the good old-fashioned way, and if left alone to settle our social and domestic problems, we shall, within the next decade, show to the world the richest and greatest, as she is now the fairest, domain on the face of the earth.

Let all thinking men everywhere ponder well these words. [Applause.]

Mr. PERKINS. Mr. Chairman, what I have to say might be properly said in the five-minute debate on the bill, but because I want to speak of one or two questions affecting the diplomatic corps with a little more fullness I have decided to address my remarks to the committee at this time.

There is a special reason for this, because a recent diplomatic incident, familiar to us all, in reference to our legation in Berlin, has brought before the Congress and the people of the country largely the question on which I purpose to briefly speak.

I am very sorry, Mr. Chairman, that there is not included in this bill any provision for the purchase of embassies for our foreign representatives, but I do believe that either through the diplomatic appropriation bill or through some separate legislation ere long that need—a need which I think is recognized by many to whom a few years ago it would have been a new idea—can be supplied. The people of this country do not desire their diplomatic representatives to make any excessive display, but I think the feeling is universal that the representatives of our Government should be properly, decorously, decently housed in a manner befitting the country they represent.

Almost every great nation except our own has a permanent residence for its representatives in the great capitals, and the lack of that presents our own country in a way that sometimes is not merely squalid, but is almost ludicrous. At one time our representative is found in a palace; at another time, at the same capital, the representative of the same country is found in a hotel or a boarding house or a pension. More than that, in every great capital there is some building to which the citizens of other nations can turn, where they can find the home of their own land in a foreign capital. There is hardly one of us here that has not experienced the sensation of asking in Paris, in London, in Berlin, or any of the great capitals, "Where is the embassy, where is the home of the American people," and finding that not one person in one thousand could tell us; the reason being that in none of those capitals is there a permanent place where the representatives of our country at all times can be found.

Now, Mr. Chairman, there is a further consideration in connection with this, arising out of the inadequate salaries that, as everybody recognizes, are paid to our diplomatic representatives. No one desires that our representatives abroad should live in a style of offensive splendor, but, on the other hand, every one recognizes the fact that they should live in a way that is decorous, proper, and fitted to the social usages of the place.

I presume, Mr. Chairman, that a large part of our diplomatic representatives are obliged to pay for the rent of the house which they occupy probably one-third of the entire salary which they receive, and some pay a much larger sum. The results of that are in a twofold way unfortunate. The man of very great wealth left to his own resources and his own taste, selects what he sees fit, and chooses a residence far beyond the means of most, and is surrounded by a splendor that might be called palatial. I think that, perhaps, to some extent, is unfortunate. He is succeeded by a man of moderate means, whose only resources are found in his salary, and who is by necessity obliged to occupy a residence that, compared with that of his other associates, is not only modest but sometimes unseemly.

The result of purchases by the Government of residences for its representatives would work a double gain. It would restrict the possibility of what we might call undue splendor. It would help the man of moderate means and by paying a portion of his expenses largely assist him in making ends meet. In other words, the building that should be selected should not be so great or magnificent that only a millionaire could live in it, because you may buy a palace, and give it to a man rent free, and yet he must be a millionaire to be able to live in it. On the other hand, they should not be so small as to seem squalid when representing a nation as great and as rich as ours. A building should be selected and purchased, that would be decorous and sufficient for the dignity of the Government, and yet not too great for those living, not with excessive splendor, but with just propriety. The possibility of what we may perhaps call undue display would be reduced—the condition of the man of moderate means would be improved. In other words, the man of moderate means would find it easier to make the ends meet, and the multimillionaire would find the possibility of social display somewhat checked. Both of these, I think, would be regarded as desirable results by the American people.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PERKINS. Yes.

Mr. CLARK of Missouri. Do all the other great nations of the earth own their embassies generally in foreign capitals?

Mr. PERKINS. Generally they do. It is the ordinary rule.

Mr. CLARK of Missouri. Does the gentleman think that this proposition which he advocates would do very much good without raising the salary of our foreign ambassadors and ministers?

Mr. PERKINS. It would do just this amount of good: The salary, for instance, of an ambassador is $17,500. Let us take a man who has no private means. If he has not to pay out of his salary four or five thousand dollars rent—and it is almost impossible in a great capital like London or Berlin or Paris to obtain a proper residence for less than that—if the building is furnished him free, he is $5,000 better off. It may be that in addition to furnishing these buildings the Government will find it requisite to do what is done by most other great nations—that is, make some allowance to its representatives for the expense of furnishing and maintaining the house. But to a considerable extent, certainly, it will relieve the problem and bring this additional advantage, that the unfortunate difference in splendor between some enormously rich men and other representatives who follow them may be lessened.

Mr. CLARK of Missouri. One other question. Does the

gentleman think, really, now, that it makes any more difference what kind of a house our ambassadors and ministers live in, in respect to their influence, than it does about the hotel that we board at here in Washington or the residence we occupy or the place where we live, with reference to our influence in this House?

Mr. PERKINS. Yes; I think it does. I think the situation is quite different. Here in this House a man's station is made entirely by what he does and says in the House. I do not know of any body in which I think the effect of a man's wealth or his mode of living outside of the body is of less importance than in the House of Representatives, and that that should be so is certainly very much to the credit of the body. [Applause.]

Mr. STERLING. Have any of the foreign nations proposed to build or own buildings here in Washington for their representatives?

Mr. PERKINS. Yes. The British Government owns its own residence, and France has bought land on which it expects to build. The Chinese have erected an embassy, and Germany, unless I am wrong, owns its own embassy. Not only do many of the great powers do this, but the powers of smaller importance.

Mr. STERLING. Are they any more imposing or impressive than the residences our representatives occupy in foreign capitals?

Mr. PERKINS. That depends on the representative. If you compare them with the representative that we now have in London, they are very much less imposing; but if you compare them with some of the places I have seen where our representatives reside, particularly when they were living in a pension, they are very much more imposing.

Mr. NORRIS. Mr. Chairman, for my information, and, I think, perhaps, for the information of others, I would like to ask the gentleman if he can give us some information as to the amount of allowances that he says are made by foreign countries to their representatives.

Mr. PERKINS. Oh, I do not know; it varies.

Mr. NORRIS. And while I am asking the question, you can answer both at once. How do the salaries allowed by foreign countries compare with those allowed by our country?

Mr. PERKINS. The salaries and allowances go together; they are very much larger. To the representatives of most of the great powers, first, the salary is larger to start with; the house is furnished, of course, free of rent, and then an allowance is made for furnishing, and, I think, an allowance is made for a certain amount of diplomatic receptions, for a certain amount of social display. Great Britain allows her representative here $48,000 in all; in Paris, $44,000. France allows $36,000 here, and $38,000 in London. Germany allows $36,000 in London, and Austria $28,000. In addition to this residences are furnished.

Now, Mr. Chairman, this subject has been suggested, I think, to all of us by a somewhat curious and a somewhat unfortunate incident which recently occurred. As we all know it was suggested, and there was foundation for the suggestion, that Doctor Hill, who had been selected as the representative of our Government to Berlin, was possibly persona non grata at that capital. No one suggested, Mr. Chairman, anything against Doctor Hill's ability. No question could be raised. He was, of course, exceptionally fitted for that service, and for any diplomatic position, alike from long experience and large ability. No one suggested that he had ever said or done anything which would be distasteful to the Government to which he was accredited. The suggestion that came from Berlin through devious courses had undoubtedly a social foundation. No one desired in any way, nor is there any reason why anyone should criticise the present representative of our Government there, but the fact exists that he is a man of very great wealth—I make no criticism of it—and that he has been extending a very profuse hospitality, which doubtless has been gratifying to those who have been fortunate enough to share therein.

One result of our somewhat unfortunate system of not only paying low salaries, but further refusing to assist the minister by furnishing him at least with a residence, is that positions of this sort, being out of the power of a poor man or a man of moderate means, have naturally come into the hands not only of the rich, but of the very rich. A position which a man of moderate means can not fill naturally becomes a position that falls to a man of very large wealth as a thing that is held apart for those of his class, and as a result the feeling, to some extent, has grown up abroad, not only in Berlin but elsewhere, that the American ambassador is naturally a person who has very great possessions in this world's goods and can extend a profuse, extensive, and splendid hospitality. Now, hospitality has its uses, Mr. Chairman. Dining and wining are not without value in diplomatic life or any other life, but after all, if it has come to be the chief recognized function of American ambassadors, that they must be persons who shall be fitted to entertain on a scale of the greatest splendor, then surely the time for American ambassadors as an American institution has gone by. [Applause.]

I think the possibility of a recurrence of just such an incident as occurred at Berlin would be very much lessened if our Government did as I suggest—provide residences for its representatives, not so splendid that they can only be lived in by multimillionaires, but sufficient so they will assist to reduce tho expenses of any fit person who may be sent to fill those positions. Thus the possibility of such incidents, and the danger of our diplomatic positions falling entirely and exclusively into the hands of those who shall attract the attention of foreign capitals chiefly by the extraordinary magnificence of their life, will certainly diminish. It is evident that abroad, as well as at home, the merits of plain living and high thinking are not appreciated in all cases, and whatever can be done by our own Government and by the proper action of Congress to bring about in our diplomatic service a mode of living by which shall be avoid alike the extremes of squalor and the extremes of undue splendor will, I am sure, meet the approval of this House and the public at large. Now, Mr. Chairman——

Mr. GARRETT. Does not the condition now prevailing have a tendency to cause the people of any nations to whom an ambassador or minister is accredited by the United States to believe that the greatest emphasis is to be laid upon the wealth of the ambassador?

Mr. PERKINS. I think that is so to some extent.

Mr. GARRETT. If the gentleman has time to permit me to insert this statement——

Mr. PERKINS. I have the time if the gentleman will be brief.

Mr. GARRETT. A gentleman said to me not long ago that he was dining as a guest of the American ambassador to Great Britain a year or two ago, and during the course of the dinner an English editor, who was sitting by him, turned to him and said:

It must be very gratifying to Americans to know they have an ambassador able to rent the best house that is for rent in London.

That must have meant that this Englishman thought that is the only thing that Americans might be proud of—that is, the wealth of the ambassador. This is the result of conditions against which my friend [Mr. PERKINS] is complaining, and with whom, in this, I agree.

Mr. PERKINS. Now, Mr. Chairman, I wish to say just a word more about another proposition in connection with a bill which is before the House, and which we hope to bring to its attention, and that is the proposition to purchase proper buildings for consulates in China, Japan, and Korea.

There is, Mr. Chairman, a special necessity there, because in the extreme East it is difficult at any price to obtain proper residences for people from the West. In the Chinese cities there are certain portions set aside for the foreign population. They are small, and experience shows that it is often difficult to obtain in them any place proper for the residence of the consul or the minister and for the business of the American consulate. It is specially unfortunate, Mr. Chairman, because in the East more than in the West, in China very much more than in Europe, the surroundings, the residences, the modes of life of our representatives are not only of social but of actual commercial importance.

The people of the East, more than ourselves, pay much attention to the outside of the platter. It is difficult for the oriental mind to believe where it sees a representative of one government housed in a magnificent residence, surrounded by all that may appeal to the eye, and on some other street, in a tumbledown house, in a second-class part of the town, the residence and the official home of the representative of this country, that those two nations can be of equal importance. And this has an effect upon oriental trade to an extent that we in the West perhaps do not fully understand.

Now I will show to the gentlemen that are kind enough to listen to my speech these pictures. [Exhibiting pictures.] There is an object lesson. There are two buildings taken on the same scale. They are two photographs taken in the city of Shanghai, one of the great centers of eastern trade. This building [indicating] represents the place which every Chinaman and every Chinese merchant as he walks by knows is the home and the official residence of the consul of the German Empire, and the German Empire is pushing its trade in the East in a way which we can not disregard.

It is a rival, becoming constantly more dangerous, for the possession of the great Eastern market, and so far as the oriental mind is affected by its residence in Shanghai, there is the home of Germany, and there is the home of the country that we call the greatest commercial nation in the world. You may think that has no influence. We may think, Mr. Chairman,

that that has no influence upon the oriental mind; that when he sees on the one side——

Mr. STAFFORD. Can the gentleman give an estimate as to the respective cost of those two quarters?

Mr. PERKINS. Germany, England, and, I think, France, in Shanghai own their own buildings.

Mr. STAFFORD. Can the gentleman give an idea of the cost of the quarters he has shown to the committee?

Mr. PERKINS. Owned by Germany?

Mr. STAFFORD. The cost of the consulate you have just shown, so that the committee, and the country also, can gain some idea as to the respective quarters in which the two representatives are domiciled.

Mr. PERKINS. I will answer the gentleman by saying that in eleven Chinese cities, and five cities in Japan and Korea, including a building in Shanghai which shall be large enough not only to provide a residence for the consul, but also a home for the Chinese court, including proper buildings, fit and sufficient buildings, in all these other places, the entire expense would be less than it costs to build one-seventh of a battle ship. Now, which is the more useful to American trade, to American enterprise, to the development of American commerce, is for us to consider. In other words, about $1,200,000 would furnish all the buildings that are asked for in the Orient.

Mr. STAFFORD. My inquiry is not directed as to the expediency of this, but as to whether the gentleman could give some more definite information, so it would appear in the RECORD, as to the cost of the building, the picture of which he showed us, wherein the German consulate was quartered, and that in which the American consulate was quartered—the relative cost?

Mr. PERKINS. I imagine that the cost of the building of the German consulate probably is from $300,000 to $400,000. Our building is rented. [Indicating.] I do not know what that costs, but a very small sum.

Mr. HILL of Connecticut. The Government has just bought in Constantinople a residence for our ambassador at a cost of $150,000, including the furniture, which is a credit to our American nation.

Mr. PERKINS. It is; yes, sir. At a time when we are considering the problem of the extension of our trade in the East, we should make proper, but not excessive or extravagant, appropriations, which shall put our Government—the American merchants who need the assistance of our Government—on the same footing with the other great commercial nations of Europe. This is certainly greatly demanded, and I do sincerely hope, even before this Congress adjourns, that some proper appropriation will have been made, alike for the dignity of our country in Europe and for the extension of our trade in Asia. [Applause.]

Mr. STAFFORD. Will the gentleman permit a further question anent the query propounded by the gentleman from Connecticut? Will he state to the committee the number of Government buildings that we have erected for the use of ambassadors, similar to that we have erected in Constantinople, or whether that is the exceptional and only instance?

Mr. PERKINS. The Government owns legation premises at Peking, China; Tokyo, Japan; Constantinople, Turkey; Tangier, Morocco, and Bangkok, Siam.

Mr. STAFFORD. Can the gentleman state the exceptional reasons, if any, why the Government has erected quarters for our diplomatic representatives in those places?

Mr. PERKINS. The reasons are that in those cities it is practically impossible to rent any residence that is fit for our Western modes of life.

Mr. STAFFORD. The same reason that you advance for advocating that our Government establish consular quarters in the East?

Mr. PERKINS. Yes. When it comes to Europe, of course consular quarters fit and proper can be obtained there. It is a mere question of renting them. The question of owning embassies in Europe is of course a different question and presents different suggestions.

I yield back the remainder of my time.

Mr. SLAYDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Texas is recognized for thirty minutes.

Mr. SLAYDEN. I feel that I ought to apologize to the House for the crudity of the remarks I am going to submit. I did not know until yesterday afternoon that this bill would be taken up to-day, or I should have taken more time and given more adequate preparation to a subject which I consider of unusual importance. I have, however, thrown together hastily a few observations on two questions, that of suitable premises for the residence of our diplomatic agents abroad and that of the development of trade particularly in South and Central America and in the Orient. I treat them as allied subjects.

After having devoted ourselves for several days to the work of strengthening one of the great military arms of the Government, it is pleasant to turn to the less expensive and more exalted duty of equipping that branch of our political establishment that is dedicated to the task of keeping the peace and of promoting good will among men.

AIMS OF DIPLOMACY.

Our ambassadors and diplomatic agents of all rank are ministers of peace. While they are at their stations there is at least and always an outward show of friendship. When the breach comes they depart. When peace is reestablished they return. They go abroad to protect the honor and the interests of their country, and the most important duty with which they are charged is to maintain honorable peace. After it is broken they are devoted to the noble work of reestablishing it and to the negotiation of new treaties of friendship and commerce.

Some of the greatest men in the history of our country have represented us in that capacity. There was, at the very beginning of our history, the wise old printer and philosopher, Dr. Benjamin Franklin; John Adams, a sterling patriot and learned egotist, who became the second President; Thomas Jefferson, who is with the immortals; Livingston, Monroe, and others, whose names would add luster to the roll if I could take the time to call them. They were untrained in the arts of diplomacy, but they dealt successfully with great and perplexing problems in real crises. Later they were followed by other great Americans, who upheld the dignity of democracy at the most aristocratic courts of Europe. I do not care what a man's politics may be, he must be proud of the fact that the Adamses, Buchanan, Motley, Lowell, Bayard, Phelps, and Andrew D. White were his countrymen.

The work that these great men did was of such a nature that it did not come under the immediate observation of the people. It has not been properly appreciated by the masses simply because it has been perfectly understood only by students of international politics.

We owe something to the memory of these illustrious and useful men. We owe something to the corps in which they served with distinction, and we ought to pay the debt without further delay.

Mr. Chairman, we ought to get rid of the idea that a diplomatic station is a pleasant asylum for politicians who have lost out at home, or a recompense to men of wealth who have contributed to campaign funds. As one citizen of the country who has traveled somewhat and observed a few things, I will take this occasion to say that the selections for exalted diplomatic stations have not, apparently, always been made with the idea that the American representative should be a man of good manners or pleasant address. One or two unfortunate experiences have convinced me that the obscure American will avoid the embassies if he is wise.

HOMES FOR AMBASSADORS.

I am advised, Mr. Chairman, that the Committee on Foreign Affairs will probably recommend to this House that the Government shall provide suitable residences for our diplomatic representatives in foreign countries. If such a measure is submitted, I sincerely hope that it may be adopted. Contrasted with the accommodations supplied by foreign governments to their representatives, the embassies of the United States are either ludicrously inadequate or, if the diplomat happens to be a man of large wealth, almost grotesque in their extravagance. American representatives of equal rank may live over a shop or occupy a palace.

This inequality can only be corrected by Congress. The work of providing suitable embassies for our diplomatic agents in foreign countries should have been undertaken long ago, and it ought to have been persisted in until every ambassador and minister had been housed with comfort and dignity. Each Government of importance in the whole world—and some of very little importance, also—has its representative at the seat of other governments. We have them all the way from Petersburg of the White Czar to Monrovia in the fantastic black Republic, and no one has suggested that we should discontinue a practice that is universal.

Now, if it is worth while having these representatives at all it is worth while to maintain them in a manner that is in harmony wth the dignity and importance of the country. If we do not do this, we will be virtually saying to the world that the great North American Republic, despite its declaration of equality, has set aside certain of its more important offices for the exclusive enjoyment of the rich by making it impossible for the citizen of small means to occupy them.

I have often thought that, in view of what is expected of them, the two classes of American officials who are the most inadequately paid are Cabinet officers and foreign ministers.

Both unavoidably incur great social obligations. The Cabinet officer may avoid a part of these obligations without impairing his usefulness, but the foreign minister can not do so and maintain his mission at the highest state of efficiency. As a consequence of these conditions the tendency is more and more to select men of large wealth for such places. It is wrong, and it is decidedly un-American.

I do not believe that a citizen is disqualified for office because he has made or inherited riches, and I certainly do not think that the possession of a fortune qualifies him for public service, and, above all, I abhor the thought that certain places of right belong to the man of wealth just because he is so fortunate as to be above the necessity of earning a living.

Under difficulties, we are led to infer, a rich man may enter the kingdom of heaven, and he may be as accomplished in statecraft as Motley, Lowell, or Bayard, but these really great men should not have their memories insulted by mention in the same breath with another class who are only distinguished because they give costly dinners or pay extravagant rent for the palaces they occupy while socially exploiting themselves as American officials.

Two great Governments have just been jolted by the mere replacing of one representative by another. It was rumored, I hope without foundation, that the substitution of a highly trained diplomat of exalted character, but of limited means, for another who may be equally qualified and who is a man of great wealth, did not meet the approval of the sovereign to whose court he was to be sent, just because he was classed as a poor man. The rumors were denied from the court of that sovereign, and our diplomat, it now appears, is persona grata and will be received.

But the very fact that such stories could be circulated, Mr. Chairman, shows the state of mind of the public. Out of it all comes a great degree of embarrassment that I hope will help us to establish a standard for American ambassadors.

Let us give the American representatives a decent and dignified residence, with a fair salary, and then make up in character and qualifications for any lack of individual wealth. We are behind nearly all the other important governments in the world in this respect. We own embassies in China, Japan, Siam, Turkey, and Morocco, and here and there in oriental countries we also own certain unimportant consulates.

I have never investigated the matter, but I dare say that the reason we have buildings in those countries is that an American could not find a house for rent that he could or would occupy with his family.

In all of Europe and in the twenty or more American governments we do not own a single building. If our ambassador to any of these European countries happens to be a man of wealth who has taken the place for the social prestige it confers, he can command a house that will be suited to his purposes; but if, on the other hand, he should be a man whose wealth is measured by his salary, he will find it quite impossible to find a residence that the diplomatic representative of the United States should occupy.

In South and Central America, I am told, and in Mexico, I know, it is almost impossible for the American ambassador or minister to get a proper house; yet no provision is made for them, as has been done in China, Japan, and Morocco. I protest against this discrimination. We ought at least to reciprocate the courtesy of those countries that have acquired buildings in Washington. England, Germany, China, Japan, and Mexico own buildings here. The French Republic is to build, I am told.

The money that American ambassadorial residences in foreign capitals will cost will not be thrown away. I am convinced that it will prove to be a profitable investment. Because I appreciate its political and commercial importance I am particularly anxious to see the United States own an embassy at the seat of each independent government in the Western Hemisphere. It is a courtesy that the people of the American governments will appreciate.

Last summer I had the honor of an interview with the President of Mexico, one of the really great men in public life in any country, and with him I discussed this question. In the last twenty-five years Mexico has grown marvelously, and General Diaz has grown with it. His history for that period is largely the history of his country. The development of Mexico has been the development of Porfirio Diaz. Beyond the boundaries of his own country his chief interest seems to be in watching the development of the United States of the north, as Mexicans refer to us, and in securing to his country and to ours the benefit of friendly intercourse and commercial exchange. We do nothing of importance in the Congress of the United States to-day that is not a part of the knowledge of President Diaz to-morrow.

In my interview with him he referred to my effort of a year ago to get an embassy building in Mexico. He was surprised that I had not been successful. His great mind refused to comprehend the point of order that was my undoing. I told him that we would try again this year and that I hoped for success. He smilingly reminded me of the fact that property in Mexico was rapidly advancing in value.

Now, Mr. Chairman, I do not believe that we should build such a palace in Mexico that the man of merely average means would rattle around in it. But we ought to have a handsome, dignified, commodious house that would accommodate the ambassador and his family and the offices of the embassy.

The present ambassador to Mexico, in reply to an inquiry of the Secretary of State, recommended an appropriation of $300,000 for the purchase of ground and the erection and furnishing of a building. In my judgment it is at least 50 per cent more than will be required. Two hundred thousand will certainly be all that is necessary, and very likely $150,000 will be enough.

AMERICAN AND ORIENTAL TRADE.

We are appropriating a considerable sum this year for consulates and court buildings in the Orient, and so far nothing has been recommended for the American countries.

I shall invite your attention to a brief analysis of the trade of the Orient in comparison with that of Central and South America, both actual and potential. The remarkable journey made by the Secretary of State, Mr. Root, was a recognition of the vast and growing importance in commerce and politics of the South American countries. No better missioner could have been sent afield. A broadly intellectual man, with large training in great business affairs and a protracted experience in high and responsible public office, he was quick to comprehend the people of the American Republics and the possibilities of their development. It will amply reward any member of this body to read his addresses, and with maps and statistics follow him through that great tour.

The average citizen of our country no more understands the facts about South America than he does the language of those countries. It is news to most of them to learn that Brazil is as large as the United States and will then have a remnant of territory as big as California and South Carolina left over. The Argentine Republic is as large as all the United States east of the Mississippi and with Texas added. Mexico, with which we are more familiar, is equal in area to nearly all the States east of the Mississippi River. It is nearly three times as big as Texas.

I wish I had time, Mr. Chairman, to give a lot of these interesting facts about South and Central American countries, or I wish I had the power to compel every man who has the right to vote on these appropriation bills to read the data that I shall insert in the RECORD. Better still, if Members will only avail themselves of the facilities offered by the International Bureau of American Republics, they have open to them sources of information that will delight and instruct them. That useful Bureau is actually introducing the citizens of the North American Republic to their neighbors in the south.

In Latin America are twenty governments that have a population of about 50,000,000 people who do a total annual business of nearly $2,000,000,000. They import $897,128,563; they export $1,070,660,724; making a total of $1,967,789,287, to be exact.

What particularly interests us is to know what share of that vast trade we control in the United States and how to increase it. Our merchants sell to Latin America $237,840,679 worth of stuff each year and buy to the value of $316,496,576, a total trade with the United States of $554,337,255. How many of our people know that we do a business of more than half a billion dollars each year with Mexico, Central and South America, and the West Indies? For that matter, how many Members of Congress know it? Mr. Barrett, the head of the International Bureau of American Republics, in an article that appeared in Munsey's Magazine last June, called attention to the fact that the total foreign trade, exports and imports, of the ten South American Republics for the year of 1905, plus that of the British, French, and Dutch Guianas, exceeded $1,200,000,000. He directed attention to the deplorable fact that notwithstanding our favorable geographical situation, the United States had less than $250,000,000 worth of that trade. Then this magnificent business is not at a standstill. It has not reached its full growth. In fact, it is just beginning to grow. All that vast area to the south of the United States, so many times larger than our own country, has a population of only about 50,000,000. It covers nearly all habitable latitudes. It extends nearly as far to the south of the equator as we do to the north of it. Everything that the soil yields that man requires can be produced somewhere in Central or South America or Mexico. It is a land of magnificent possibilities near home that we overlook for things of smaller value farther away.

Let me invite your attention to a few of the interesting facts disclosed by a study of the commercial and financial statistics of the principal countries of the world.

The people of the Argentine Republic import $34.86 worth of foreign merchandise for each person in that country. The people of China import 78 cents' worth of stuff per head. In other words, each citizen of Argentina is worth forty-five times as much as a Chinaman as a customer. Brazilians are worth twelve times as much, and Mexicans ten times as much, measured by imports. Little Uruguay, which is larger than New York and West Virginia, by the way, imports for each man, woman, and child in the country to the extent of $21.13, or more than twenty-seven times as much as China.

Now, I am going to ask your attention for a few minutes while I make a brief comparison of two or three of these neglected South American countries with one in the Orient that is much in the public eye.

The Argentine, as I have already stated, consumes foreign imports to the value of $34.86 per head. Japan imports to the value of $5.07 per head. It is perfectly plain that in the present development of trade each citizen of Argentina is worth, approximately, seven times as much as a Japanese. The people of far-away New Zealand are worth nearly fourteen times as much per head as customers as are the people of Japan, but they are not so much in the lime light, and we almost forget them. Down in Central America one citizen of Costa Rica buys as much foreign-made stuff as three Japanese, and the latter are of less value to our exporters, man for man, than the inhabitants of Ecuador and Paraguay, two countries of minor importance in the south.

While I am on this subject I will also call attention to the fact that even with a vast amount of stores brought into the Philippines for the American army, the inhabitants of that archipelago only take imports to the value of $3.38 per head. They are surpassed in commercial importance by the inhabitants of Argentina, Bolivia, Brazil, Costa Rica, Guatemala, Nicaragua, Salvador, Cuba, Ecuador, Haiti even, Mexico, Paraguay, Peru, Santo Domingo, Uruguay, and Venezuela as to their value per head as customers.

I am firmly impressed with the idea, Mr. Chairman, that if we were to quit squandering such vast sums on the less important trade of the Far East and devote a tithe of it to the cultivation of business with other American countries, we would be doing a wiser thing.

THE LAND OF TO-MORROW.

Mr. Barrett, in his article to which I have referred, very felicitously speaks of South and Central America as the "Land of to-morrow." Now, that can not be said of the East Indies, of China, or even of Japan. At best they are "the lands of the day after to-morrow." All the American countries have vast unoccupied areas of fertile soil. The Orient is already crowded to suffocation.

The marvelously rapid development of our own country, the high standard of wages, and the prosperity and independence of the people of the United States, have been very clearly due to the fact that we had an undeveloped continent overflowing with opportunity. The fertility of the soil, the wealth of the mines and of the forest, and the small population when contrasted with resources, have kept our people from industrial slavery. Although opportunities are lessening with the increase of population we still have such outlets for their energies and talents that no American workman need yet apprehend the hard conditions of overpopulated Europe, or the intolerable condition of congested China or Japan.

In Japan, China, and the East Indies men work for a few cents a day because they can do no better. In South America they do not have to, because they can go to the land and be independent. There is no emigration to the countries of the Orient. The people of Europe who emigrate will not go to a country like Japan, where 2½ acres is the average size of a farm. They prefer America, in the North or the South, and they are going in increasing numbers to the South. There they find conditions that would look like paradise to an Oriental.

Because I do not want to see my own country settled too rapidly, as I have sometimes feared it was doing, I have rejoiced to see the tide of European emigration turning toward South America. It means comfort for the industrially oppressed of Europe, and it means a tremendous expansion of trade possibilities in neighboring countries for the business men of the United States. Let us show our appreciation of it and go after it.

If our characteristic American energy is exercised in the development of the possibilities in South and Central America, there is scarcely any limit to the volume of business that may be done between countries on the same continent and ourselves, having the same political institutions, and aspiring along the same lines, political, social, and commercial. [Loud applause.]

APPENDIX A.

Commercial and financial statistics of the principal countries of the world.

Country.	Per capita.						Railroads.		Telegraphs.		Post-offices, per 10,000 inhabitants.	Printed matter, etc., sent, per 10,000 inhabitants.	Letters and postal cards sent, per 10,000 inhabitants.
	Imports.	Exports.	Revenue.	Expenditure.	Debt.	Interest.	Per 10,000 inhabitants.	Per 10,000 square miles.	Length of line, per 10,000 inhabitants.	Length of wire, per 10,000 inhabitants.			
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Number.*	*Number.*	*Number.*
Argentina	34.86	54.87	17.95	17.33	78.27	5.32	21.5	10.8	57.0	132.4	4.0	384,723	364,404
Australasia:													
Australia, States	46.10	68.33	40.95	40.75	278.80	10.89	37.0	5.0	111.7	.....	16.4	394,458	694,224
New Zealand	70.23	85.70	41.87	38.99	344.27	11.43	28.3	24.0	93.9	282.2	21.3	340,378	744,859
Austria-Hungary	9.20	9.62	1.52	1.52	23.07	1.02	5.1	101.0	.....	.....	.....	.....	.....
Austria, including Bosnia and Herzegovina	.....	.....	13.58	13.56	30.03	1.55	.....	.....	9.0	42.9	3.3	93,657	391,855
Hungary	.....	.....	13.03	13.03	54.82	2.21	.....	.....	7.2	38.4	2.6	26,233	158,536
Belgium	81.78	62.34	15.06	15.27	86.81	3.48	6.1	397.7	5.7	32.2	1.9	507,568	331,293
Bolivia	4.11	5.97	2.28	2.56	1.38	.....	3.2	1.0	12.7	.....	2.2	1,718	4,670
Brazil	10.10	15.12	8.26	7.91	37.83	2.43	7.4	3.3	10.8	21.4	2.0	19,984	25,668
Bulgaria	5.88	7.11	5.67	5.67	18.29	1.54	2.4	25.6	8.1	17.2	5.1	29,795	49,852
Canada	43.98	33.87	12.11	8.39	39.44	2.04	3.0	7.0	58.7	160.2	16.9	78,913	515,206
Central America:													
Costa Rica	16.22	25.19	10.53	10.53	64.90	1.25	9.2	12.8	29.6	.....	.....	.....	.....
Guatemala	3.79	4.57	1.48	1.98	7.84	1.08	2.2	8.5	17.9	.....	1.6	.....	.....
Honduras	3.08	7.47	1.91	1.93	140.05	.22	.8	1.2	51.2	.....	3.4	762	6,024
Nicaragua	6.40	7.85	3.27	2.69	12.66	.38	3.4	3.5	63.0	.....	2.7	.....	.....
Salvador	4.32	5.60	3.74	4.40	4.57	1.68	1.0	14.9	18.5	.....	.8	.....	.....
Chile	22.19	31.87	17.46	17.46	29.55	1.58	9.1	10.5	28.7	.....	3.1	8,752	182,495
China	.78	.38	.....	.....	1.38	.07	.08	.8	.5	.8	.04	130	570
Colombia	3.61	3.16	2.66	2.66	4.89	.21	1.0	.8	16.2	.....	.....	3,083	6,985
Cuba	60.27	70.04	18.82	12.08	30.32	1.64	10.1	36.8	.....	.....	3.1	15,751	150,775
Denmark	64.82	55.55	8.90	8.94	24.95	.83	7.9	132.7	9.2	34.3	5.2	419,719	396,357
Equador	5.47	6.45	4.24	4.58	10.53	1.03	1.3	1.6	18.3	.....	.....	.....	.....
Egypt	10.85	10.25	6.86	6.61	47.69	2.32	3.3	8.4	2.8	11.6	1.2	13,568	22,862
France	23.47	23.90	18.19	18.22	143.90	6.05	7.4	140.2	24.9	94.1	3.0	372,271	284,857
Algeria	14.16	8.44	3.52	3.52	1.21	.14	4.3	12.9	14.2	41.4	1.1	32,580	34,449
Tunis	9.64	6.18	8.21	8.20	25.42	.84			11.8	35.1	1.9	29,219	70,094
French East Indies	2.01	1.97	1.34	1.34	.....	.....	.8	3.4	4.2	7.1	.1	1,286	3,675
French colonies, n. e. s.	1.61	1.37	.76	.76	.....	.....	.4	.3	3.5	.....	.2	305	1,649
German Empire	28.05	22.56	9.47	9.47	14.21	.50	5.7	165.2	14.8	54.8	7.9	451,492	339,571
German States	.....	.....	18.46	17.32	49.09	2.00	.....	.....	.....	.....	.....	.....	.....
German colonies	.69	.46	.25	.27	.....	.....	.4	.5	1.6	1.8	.1	.....	.....
Greece	10.86	7.18	8.11	8.03	68.63	2.21	2.9	27.8	16.1	24.3	2.5	42,580	58,688
Haiti	4.08	9.47	3.18	3.13	18.42	1.67	1.0	14.0	.....	.....	.2	.....	.....
India, British	1.15	1.74	1.40	1.37	3.83	.13	1.0	16.0	2.1	7.7	.5	2,349	18,817
Italy	10.99	9.17	14.00	13.11	82.37	3.89	3.0	62.9	8.9	34.6	2.6	172,186	106,135
Eritrea (Massoua)	5.36	1.94	.....	.....	.....	.....							
Japan	5.07	3.30	5.14	5.14	19.43	1.52	1.0	31.7	4.0	18.5	1.0	41,795	181,550
Formosa	3.98	3.95	4.19	4.19	.....	.....	.8	17.8	3.1	10.8	.4	.....	.....

Commercial and financial statistics of the principal countries of the world—Continued.

Country.	Per capita.						Railroads.		Telegraphs.		Post-offices per 10,000 inhabitants.	Printed matter, etc., sent, per 10,000 inhabitants.	Letters and postal cards sent, per 10,000 inhabitants.
	Imports.	Exports.	Revenue.	Expenditure.	Debt.	Interest.	Per 10,000 inhabitants.	Per 10,000 square miles.	Length of line, per 10,000 inhabitants.	Length of wire, per 10,000 inhabitants.			
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Number.*	*Number.*	*Number.*
Kongo Free State	0.20	0.54	0.80	0.35	.....	.....	0.2	0.3	.....	.....	0.03	32	209
Korea	1.33	.29	.31	.33	.....	.....	.4	6.4	1.8	.....	.....	.....	.....
Luxemburg	.....	.....	13.35	13.72	9.41	0.65	.....	.....	27.3	56.6	4.0	285,272	352,103
Mexico	8.08	9.92	3.77	3.55	16.32	.93	9.0	15.9	25.7	.....	1.8	57,169	47,577
Netherlands	184.36	143.01	12.78	13.37	81.91	2.63	3.8	164.1	7.8	35.5	2.5	369,914	324,545
Dutch East Indies	2.18	3.29	1.71	1.82	.....	.....	.4	1.9	2.4	3.2	.4	2,941	4,250
Dutch possessions in America	.....	.....	11.86	15.59	.....	.....	2.5	.7	.....	.....	1.2	18,146	65,993
Norway	36.22	21.91	11.61	11.64	39.71	1.63	6.6	12.2	26.4	52.2	12.3	292,336	223,963
Paraguay	5.66	5.05	3.34	2.95	19.34	.25	2.5	1.0	17.8	.....	2.5	.....	.....
Persia	3.52	2.49	.92	.92	2.19	.12	.04	.1	8.4	13.6	.1	.....	.....
Peru	4.65	4.40	2.71	2.79	3.39	.03	2.9	1.8	8.3	.....	.8	.....	.....
Portugal	12.98	6.43	12.02	12.22	167.51	4.14	3.0	43.1	10.4	23.5	6.0	66,688	92,219
Portuguese colonies	4.43	3.18	1.40	1.41	.....	.....	.9	.8	3.2	3.5	.3	698	3,904
Roumania	10.05	13.61	7.12	7.08	42.94	2.48	3.0	38.7	6.7	17.8	5.1	56,866	76,904
Russia	2.38	3.68	10.29	11.71	28.64	1.22	2.8	4.6	8.0	27.0	.9	34,471	50,789
Finland	18.12	16.74	7.23	8.14	9.48	.42	7.2	14.4	.....	.....	5.0	80,918	74,275
Santo Domingo	4.49	11.28	3.98	3.93	49.57	1.73	1.9	6.5	7.0	.....	1.1	.....	.....
Servia	3.99	5.17	6.40	6.40	33.09	2.07	1.6	23.6	7.6	17.8	4.6	29,224	39,071
Siam	3.48	5.81	3.22	3.17	.97	.04	.9	.9	6.6	.....	.2	.....	.....
Spain	9.72	9.51	9.28	8.90	98.25	3.72	4.7	45.0	10.8	25.5	2.5	97,982	104,411
Sweden	29.23	22.93	9.85	9.85	19.40	.70	14.9	45.2	20.5	61.0	6.9	341,602	275,520
Switzerland	76.99	54.08	7.21	6.51	5.72	.30	7.6	16.5	11.3	40.5	11.4	562,003	619,659
Turkey	4.21	2.63	.57	.57	18.39	.38	1.2	2.8	10.6	17.0	.6	1,853	9,088
United Kingdom	63.62	37.14	16.21	15.82	88.83	3.47	5.3	188.7	12.1	136.1	5.3	236,719	777,209
British colonies, n. e. s	33.44	29.36	9.57	10.23	40.81	1.59	7.4	11.7	22.1	.....	2.5	.....	.....
United States	14.57	20.41	9.06	8.75	11.11	.29	25.9	60.2	24.1	149.3	7.8	567,403	768,372
Philippine Islands	3.38	4.18	1.50	1.33	1.89	.04	.3	1.7	9.1	.....	.6	.....	.....
Porto Rico	.....	.....	.....	.....	.....	.....	2.0	58.8	5.2	.....	.8	.....	.....
Uruguay	21.13	38.34	18.24	18.13	120.99	6.61	11.6	16.8	47.4	.....	7.3	143,218	50,265
Venezuela	3.35	6.03	4.14	3.94	18.54	1.06	2.4	1.1	15.6	.....	.8	.....	.....

APPENDIX B.

Foreign commerce, population, and areas of the twenty Latin-American Republics, from the latest available statistics.

	Commerce.			Population.	Area.	
	Imports.	Exports.	Total.		Square miles.	Equal to—
Mexico (1906–7)	$110,325,587	$135,569,405	$245,894,942	13,607,260	767,000	All States east of Mississippi, less Florida and Georgia.
With United States (1907)	67,692,618	57,005,795	124,698,413	.....	.....	
Guatemala (1906)	7,220,759	7,136,271	14,357,030	1,842,150	48,290	Kentucky and New Jersey.
With United States (1907)	2,310,593	4,243,795	6,554,388	.....	.....	
Honduras (1906)	2,511,610	2,877,743	5,389,353	500,140	46,250	Pennsylvania and Rhode Island.
With United States (1907)	1,809,039	2,477,586	4,286,625	.....	.....	
Nicaragua (1904)	3,202,000	3,926,000	7,128,000	428,190	49,200	New York.
With United States (1907)	1,790,598	1,202,878	2,993,476	.....	.....	
Costa Rica (1906)	7,278,464	8,802,000	16,080,464	341,600	18,400	Maryland, Connecticut, and Rhode Island.
With United States (1907)	2,840,539	5,281,877	7,188,791	.....	.....	
Salvador (1906)	4,346,000	5,647,000	9,993,000	1,006,860	7,225	Little less than New Jersey.
With United States (1907)	1,592,473	1,191,701	2,784,174	.....	.....	
Cuba (1906)	98,530,622	106,258,618	204,789,240	1,722,953	45,883	Greater than Pennsylvania.
With United States (1907)	52,543,849	92,429,267	144,973,116	.....	.....	
Haiti (1905)	3,871,069	4,500,000	8,371,069	1,400,000	10,200	Greater than New Jersey and Delaware.
With United States (1907)	3,145,853	1,220,420	4,366,273	.....	.....	
Dominican Republic (1906)	4,065,437	6,536,378	10,601,815	610,000	18,045	Maryland, Connecticut, and Rhode Island.
With United States (1907)	2,549,774	3,310,918	5,860,692	.....	.....	
Panama (no statistics)	.....	.....	.....	361,000	32,380	Little less than Maine.
With United States (1907)	18,665,323	1,680,953	20,346,276	.....	.....	
Colombia (1904)	14,453,000	12,658,000	27,111,000	4,500,000	438,436	One-half area east of Mississippi.
With United States (1907)	3,169,382	6,466,429	9,635,811	.....	.....	
Venezuela (1906)	8,676,000	15,630,000	24,306,000	2,323,527	593,950	One-half area east of Mississippi, with California.
With United States (1907)	2,771,739	7,590,139	10,361,878	.....	.....	
Ecuador (1906)	8,505,000	11,690,243	20,196,043	1,500,000	420,000	California and Texas.
With United States (1907)	1,884,107	2,835,395	4,719,502	.....	.....	
Peru (1906)	24,953,602	28,479,404	53,433,006	2,980,000	697,600	Three-fourths area east of Mississippi, with South Carolina and Massachusetts.
With United States (1907)	6,876,217	7,098,298	13,974,515	.....	.....	
Bolivia (1906)	17,543,662	27,827,258	45,347,420	2,267,940	709,000	Area east of Mississippi, omitting Florida, Georgia, and Delaware.
With Unitod States (1907)[a]	1,502,622	.....	1,502,622	.....	.....	
Brazil (1906)	165,000,000	265,000,000	430,000,000	19,910,646	3,218,130	All United States with area equal to California and South Carolina over.
With United States (1907)	21,002,566	85,436,070	106,438,636	.....	.....	
Uruguay (1905)	30,777,603	30,774,247	61,551,850	1,103,040	72,210	New York and West Virginia.
With United States (1907)	3,971,001	2,902,085	6,873,086	.....	.....	
Paraguay (1906)	6,267,194	2,695,139	8,962,334	635,571	196,349	California and Maine.
With United States (1907)	170,893	7,261	178,154	.....	.....	
Argentine Republic (1907)	285,860,683	296,204,369	582,065,052	5,974,771	1,135,840	Area east of Mississippi, with Texas.
With United States (1907)	30,111,672	16,171,129	46,282,801	.....	.....	
Chile (1906)	79,000,000	97,000,000	176,000,000	5,000,000	291,544	Texas and West Virginia.
With United States (1907)	11,439,821	17,944,580	29,384,401	.....	.....	

Total trade.	Imports.	Exports.	Total.
Latin America	$897,128,563	$1,070,660,724	$1,967,789,287
With United States (1907)	237,840,679	316,496,576	554,337,255

[a] The figures given above for commerce with the United States are taken from reports of the United States Bureau of Statistics and do not in all cases agree with the reports issued by the several countries. For example, the Bolivian consuls at New York and San Francisco report for the year 1907 shipments to Bolivia amounting to $2,852,460.30. The discrepancy in this case possibly arises through crediting exports from the United States intended for Bolivia, but which pass in transit through ports of Peru, Chile, or Brazil to the latter countries instead of to Bolivia. The Bolivian consuls secure their data from consular invoices which show final destination.

Mr. HILL of Connecticut. Mr. Chairman——

The CHAIRMAN. The gentleman from Connecticut is recognized for forty-eight minutes.

Mr. HILL of Connecticut. Mr. Chairman, it is now generally admitted that the time has come when the tariff is to be revised, and with two objects in view: First, to secure a readjustment of protective duties at home; and second, to aid in developing and extending our trade abroad.

It would be a sad comment upon the legislative wisdom of this Congress if concurrently with such action we should, by adopting a new monetary system with a currency bearing a higher tax than that of any other nation on earth, thereby not only force down the wages of labor at home and at the same time prevent all possibility of competing with our commercial rivals abroad, but which, whatever the intent of its advocates, would inevitably result in preventing the inflow of gold and probably be the direct cause of the expulsion of much of that which we now have.

For fifteen years, since the repeal of the silver-purchase clause of the Sherman Act, which was the preliminary step toward the theoretical adoption of the single gold standard in 1900, a reform and reconstruction of our banking system and the necessity for adapting it to the fluctuating and growing needs of this great country have annually been dinned into the ears of our national legislators, and precisely what happened last fall, namely, a practical breakdown of the system, has been prophesied.

For that result the men who have steadily opposed any change must accept the responsibility. During these years, with a constantly decreasing supply of Government bonds and a constantly increasing demand for banking facilities, the number of national banks has doubled and the volume of bank notes, for which the burden of current redemption is thrown upon the Treasury, has increased by nearly $500,000,000, or 250 per cent.

Now, with a circulation per capita of $35.35, relatively and actually larger than that of any other country, and larger than ever before in our own history, and ignoring the fact that the recent panic was the natural result of a world-wide overextension of credit, it is seriously proposed to provide relief for the future by making it possible to pile debt upon debt, and without any provision for a gold reserve and in defiance of every principle of sound finance, by expressly stipulating that one bank note may be paid by another, to inject into the circulation five hundred millions more of notes for the payment of which, in gold or its equivalent, the Treasury of the United States is made responsible, while the banks which issue them are relieved from that burden.

AS OTHERS SEE US.

It is sometimes well to see ourselves as others see us. At a recent meeting (February 4) of the London City and Midland Bank, the managing director, Mr. E. H. Holden, referred to the United States as follows:

The pressure of trade on the money markets of the world continued in increased measure during the year 1907 and occasioned a great struggle for gold, which was fiercest in America and Germany, these two countries requiring more gold in order to protect the excessive amount of credits created during recent years. The creation of credit has been growing in America during the last ten years, and the climax was reached last year, when the breakdown, which had been predicted for some time, took place, a breakdown which was sure to come, because bankers there so persistently ignored the first principle of banking—that credit should not be increased unless at the same time it be accompanied by an adequate increase of gold for its protection.

Later in the same address, in considering the question whether the world has not already entered on a period of contraction of trade and of lower money rates, he made this significant remark:

A fall in prices means less credits and a consequent smaller demand for gold. A smaller demand for gold, coupled with a constantly increased supply of that metal from South Africa and elsewhere, should bring about lower rates for money, and this will probably take place unless overruled by the course of legislation in America. If the effect of that legislation be to largely increase the currency on the basis of securities, either Government or otherwise, without any relation to gold, then we may again have an outburst of speculation which may not only prevent prices from falling, but may increase them and thus bring about a worse condition of affairs than that which we have recently witnessed.

Every pending proposition ignores this except the Fowler bill. [Applause.]

In view of that last sentence, which, in my judgment, is as sound in principle as the Ten Commandments, and considering the action of the United States Senate in passing the Aldrich bill, is it any wonder that one of the great London papers a short time ago characterized the United States as an "international financial nuisance?" [Laughter.]

THE PANIC CONDITIONS, WORLD-WIDE.

I have said that the conditions of last fall were world-wide, and not, as many people here seem to think, a purely local disturbance.

Let me quote from the London Times Financial Review of the year 1907:

While some agricultural countries, such as Argentina, have been favored by excellent crops and get the benefit of high prices, the industrial depression which has set in is practically world-wide. *The United States have had general business depression on the top of a financial débacle, and are thus worse off than, say, Germany and the United Kingdom, which, to the beginnings of industrial decline, have added only monetary stringency. But though the condition of the great industrial countries differs in degree, it is the same in essence; the change from trade expansion to trade depression has come, and we are beginning to experience the comparatively lean years which always follow the immoderately fat ones.*

Again, referring to the forced advance in the English bank rate to 7 per cent, it says (what some of us may well ponder over):

From that time onward the outlook in the United States became steadily blacker, and it was not improved by the frantic attempts made on behalf of the numerous class of persons of various degrees of importance who had overspeculated to prove that the whole situation had arisen because President Roosevelt was determined to enforce the law against misuse of trust funds and certain clases of "deals" which were becoming a public danger, and said so in disagreeably plain language. The crisis has shown once more the weakness of the American systems of banking and currency.

Referring to the iron industry, it says:

The year which began in hope and confidence ended in distrust and depression. And the distrust was felt and was working its depressing effect before the financial crisis in America. The world's appetite for iron and steel seems to have been suddenly satiated.

The peculiarity of the year was the abruptness and completeness with which forward buying ceased, as confidence disappeared before the apparent dread of some great calamity about to occur. In point of fact, what was dreaded was not the monetary scarcity in America which has upset international finance, but the results of the termination of the industrial "booms" in America and Germany.

The situation in Canada is described as follows:

A change, however, came over the scene as the second half of the year began. Money, the rates upon which, owing to the past years of rapid expansion, had been showing a gradual tendency to stiffen, became exceptionally scarce. Bankers began to see in the situation many elements of danger, and a policy of retrenchment was introduced. The country had been spending more than it was earning apparently; and had the bankers not exercised the pruning knife industriously and skillfully, there is little doubt that ere this a condition of affairs fully as bad as that which was seen in the United States would have prevailed in Canada.

Even far-off South Africa has not been exempt. I quote:

Every branch of productive industry except farming and mining has been virtually stagnant, and in spite of the steady efflux of artisans, clerks, and shop assistants throughout the greater part of the year each of the chief centers of population has had a considerable army of unemployed. Retrenchment and the cutting down of salaries have been the universal rule. But the exodus and the diminished spending power of those who remain do not serve fully to explain the abnormal conditions which have obtained and still continue. The primary causes of the state of demoralization lie deeper. The great commercial centers are still paying the penalty of overtrading and excessive speculation.

Reviewing our own condition, it says:

THE PANIC OF OCTOBER.

The month of October will always be memorable for the financial catastrophe that overwhelmed the country, bringing about the suspension of numerous financial institutions, causing runs on many banks and trust companies, and compelling the associated banks in New York and banks in other cities to resort to the issue of clearing-house certificates. Some of the causes of that panic had their origin long before, and included overspeculation, extravagance, a congestion of securities, exhaustion of floating capital, undue stirring up of the mistaken prejudice against wealth, and an overstraining of credit generally. The more immediate causes are too familiar to require extended mention.

With reference to conditions in Germany, I quote from the Frankfurter Zeitung of February 10:

Though things up to the present have not culminated in an actual crisis or a general smash, yet there is universal stagnation. There are no transactions on the Bourse, its functions are atrophied in an unparalleled fashion, its foreign business and even its home issues are almost at a standstill, and the possessors of every kind of security are brooding over heavy losses. In industry the interests of buyers and sellers are opposed, in the great branches of trade demand is forcibly contracted, and no one will buy; there is a cessation of new orders. Certainly we have good reason, looking back at the year's end, to review its course and gain light by which to realize the present and to gain a glimpse of the future.

Reviewing France, the Times says:

Of all the large financial centers Paris remains the best supplied with available funds and will be doubtless looked to whenever an application for fresh capital is made.

Of Egypt—

The rapid rate of Egypt's commercial expansion has been temporarily checked by the financial crisis of 1907, which for the past nine months has had a depressing influence on most of the branches of her import trade and minor industries. It is easy to be wise after the event, and most of those people who have hitherto fought shy of this market will be disposed to give Egypt a bad mark for her latest act of folly, but they would do well to reserve criticism until they have become acquainted with some of the causes which led up to the climax, when the banks insisted on the prompt settlement of all overdrawn accounts and refused to advance money any longer on imported merchandise or other security.

And so I might continue, but in the whole review of the world's condition I find but one spot where the year ended better than at its beginning, and that is in Argentina:

GOOD CROPS AND LAND DEVELOPMENT.

BUENOS AYRES, *December 4.*

The year which is about to close has been, in spite of various adverse circumstances, one of progress and prosperity for the Republic.

And yet in none of them was there a practical suspension of the banks as there was here in our reserve centers, where hundreds of Government checks were refused payment and millions of dollars of bank balances were settled by clearing-house certificates of indebtedness.

Is it not a good time for us to stop and think whether we may not be mistaken as to the perfection of our own banking system and to profit by the experience of the rest of the world?

THE ALDRICH BILL.

In lieu of that the Aldrich bill is offered, and the alternative given as that or nothing. For one I say, better, infinitely better have nothing, for in my honest judgment the enactment of this bill into law will only make conditions worse. [Applause.]

What is its purpose? There need not be the slightest doubt in regard to it, for on page 17 of the published speech of the Senator from Rhode Island he says:

There should be no misunderstanding as to the sole controlling purpose of this bill; it proposes by its provisions to prevent panics and furnish the means of relieving panic conditions.

And on page 2833 of the CONGRESSIONAL RECORD he says, in opening the debate on this bill:

I made the statement that it must be apparent to everybody that there is no demand at this moment for emergency circulation.

And further on he added:

It is not a question whether or not there is an additional currency issue demanded now, but the point is that when the emergency arises, whether it shall be to-morrow, or next day, or next week, or next year, or ten years from now (I hope it will be deferred ten years, or twenty, or thirty), we should be prepared for it. That it is the paramount duty of Congress to furnish the necessary machinery which will be effective when the demand arises.

Mr. Chairman, in a certain city in Connecticut is a drawbridge where a terrible accident once happened and a train plunged into the river, resulting in a great loss of life. To prevent a repetition of such an accident, a switch has been placed a short distance from the bridge, so that when the draw is open the train will be thrown from the track. The invention is called a "derailer," and while it may prevent the train plunging into the open draw it offers the alternative of death and destruction to the passengers on land.

What this country needs to-day is a banking system with which to "*do business*," and not simply emergency propositions to prevent disaster or relieve its victims.

Mr. PERKINS. Will the gentleman allow me a question?

Mr. HILL of Connecticut. Certainly.

Mr. PERKINS. Will the gentleman state briefly the difference between the Aldrich bill and the Vreeland bill?

Mr. HILL of Connecticut. I would if I had time. It is the addition of an unfortunate complication to an already complicated condition. [Laughter and applause.]

As I have read the provisions of the Aldrich bill and studied them with reference to the trade necessities and requirements of the country, I have been forcibly reminded of the press notices which have become so common nowadays concerning the surgical operations of many distinguished physicians, that "the operation was a success, but the patient failed to rally and died." [Laughter and applause.]

Suppose that the Aldrich bill had been upon the statute books prior to October, 1907. What would have been its effect? Referring to the annual report of the Secretary of the Treasury for the fiscal year ending June 30, 1906, I find on page 13 the following:

In the early part of April an unusual stringency in the money market was relieved by the temporary increase of public deposits with depositary banks to facilitate the importation of gold. In the import movement thus sustained more than $49,000,000 in gold was added to the general stock of that metal in the country.

Does anyone suppose for a moment that there is any conceivable way by which the issuance of the emergency circulation provided for in the Aldrich bill would have resulted in such an importation of gold?

During the first quarter of 1907—

The Secretary adds—

additional temporary deposits of public moneys were made in depositary banks to enable them to import gold, which by October 15 resulted in an addition of $34,119,000 to the stock of that metal. At two other times during that year the Treasury was compelled to come to the relief of the money market, and the addition to our stock of gold during the year was over $118,000,000.

This was reserve money and was a basis for the expansion of our credit to at least $500,000,000.

Is anyone so blind that he can not see that during that year the Aldrich bill would have been put in operation, with the result that the gold would not have come to us, and that the issue of an equivalent amount of nonreserve money based purely upon the existing debts would have resulted in expelling from the country a very considerable amount of gold which was already here? [Applause.]

Indeed, the Secretary says concerning 1902—I quote from page 43 of his report:

Financiers generally now recognize, and some of the best known have publicly announced that but for what was then done a panic would have ensued rivaling in severity any in our history, and which would possibly have continued until industrial conditions were disastrously affected.

In 1903 the trouble was met again by a deposit of Government funds and the purchase of Government bonds. The Secretary adds:

The national-bank circulation was also stimulated to some extent.

In 1905 he says:

The anticipated stringency was deferred by extensive refundings of Government bonds into consols of 1930, which, in conjunction with withdrawals of deposits, lowered the price of consols to a point where banks found the maintenance of circulation profitable, and an increase of $25,000,000 resulted.

He adds:

The crisis inevitable came, though some months delayed.

In 1906, speaking of the crop-moving period, he says:

Everything seems serene to everybody except to those who recognize that in this latitude crops mature in the fall.

And, finally, on page 49, he says:

These cases have been thus reviewed, not for the purpose of expressing an opinion as to the wisdom or want of wisdom exercised by this Department, but solely as the basis of an argument in favor of some Congressional legislation on the subject of a more elastic currency.

I have thus briefly reviewed the report of the Secretary of the Treasury and the conditions of the past five years, to show that what is needed now is not temporary, emergency legislation to meet a panic once in ten, or twenty, or thirty years, but legislation which will permit the growing industries of the United States to naturally expand, and that if we do not have such legislation the country must necessarily avail itself at each recurring crop period, and at each time of excessive stock speculation, of the expensive and cumbersome methods which are covered by the provisions of this bill.

A PIECE OF PATCHWORK.

On page 35 of the speech to which I have referred the Senator says:

While our existing currency system may perhaps be fairly characterized as a piece of patchwork, composed of elements which seem perhaps diverse and inharmonious, as a whole it has answered well the purposes of this great nation, and none of its elements are dangerous in character.

So far as the patchwork description is concerned, I fully agree with him, but I call the attention of our people to a higher authority than that of the distinguished author of this bill, which will be found in the ninth chapter of Matthew, sixteenth verse, and which reads as follows:

No man putteth a piece of new cloth into an old garment, for that which is put in to fill it up taketh from the garment and the rent is made worse.

And this is precisely what this patch of the Aldrich bill will do to our banking system, for if the purpose of this bill is carried out it will take $550,000,000 from the commercial funds of the country and lock it up in unliquid securities—securities as a rule not listed on any stock exchange and controlled largely by individual dealers in both the purchase and the sale of them. Indeed, on page 23 of the Senator's speech, he says:

The Congress, in my judgment, might properly, in the wise exercise of its supervisory control over the investments of national banks, require these institutions to invest a portion of their assets in this class of securities, and this without reference to their use as security for possible note issues or United States deposits. This requirement would be in the interest alike of the public and of stockholders.

And on page 24 he adds:

If all the national banks of the country should hold the entire amount of bonds that would be acceptable for security for note issues to the amount of $500,000,000, it would mean the investment of little more than 6 per cent of the total resources of such banks in this class of securities.

The whole tenor of the bill shows this to be its purpose, so that so far from furnishing relief by supplying additional loanable funds for the carrying on of our industries and commerce, it literally "taketh from the garment, and the rent is made worse."

It is true that for this expenditure of loanable capital there could be received in return 90 per cent in bank notes, which would not, however, be available as reserve money, but the investment would be at a probable loss of from 2 to 6 per cent when no emergency was existing, a loss varying according to the prevailing rates of discounts in different parts of the

country, and a loss which is certain to be incurred by all banks, except possibly in the reserve cities and in the low-rate call-money markets of the country, where speculative banking institutions might take the dangerous chance of investing the reserves of country banks and availing themselves of the provisions of this bill by satisfying in times of stress their depositors with this emergency circulation.

It should be noted, however, that no more ingenious method can be devised of retaining these deposits at such a time than is found in the provisions of this bill, for when these payments were made in this nonreserve money the country banks which would receive it would find their reserves decreased by precisely the amount which they drew from the reserve banks, for while the credit stands upon the books of the reserve bank it can, under the law, be counted as a part of the country bank's reserve and commercial discounts can be based upon it, but the moment it is drawn and paid in this emergency circulation it ceases to be a reserve, and the discounts of the country bank must be reduced accordingly. Under these circumstances, the probabilities are that the central reserve cities would be safe from any very extensive drafts upon the deposits of the country banks.

The alternative for owning the bonds under the provisions of this bill is that in times of stress the banks of the country should go into the markets and purchase the promiscuous bonds which are available under the provisions of the bill for circulation.

It needs no argument to show what the result would be under such conditions, when 7,000 national banks were bidding against each other for bonds which are largely held and controlled by a few bond dealers and the "*basement-annex companies*" of the speculative banks which are now being organized.

The full realization of this situation could only be understood when the period of stringency had passed and these same banks attempted to realize on the State, town, and district securities which they had practically been forced to purchase.

Is it any wonder that the national banks of the country, which for the last ten years have probably lost more on the rise and fall of Government bonds than they have made in profit on circulation issued against them, should look forward with apprehension and dread to future experiences of this kind with reference to promiscuous securities?

I do not know that I can give any better proof of the danger to the banks of making an investment in these promiscuous bonds than is found in the statement of the author of the Aldrich bill, the quotation being taken from a discussion in the Senate in 1905, when the question of securing Government deposits by promiscuous bonds was up for consideration. At that time, according to the Senator from Wisconsin, the Senator from Rhode Island said:

Mr. ALDRICH. I understand. But do you suppose that a bank in your State or in any State is going to buy other bonds and take the chances of fluctuation? The Government bonds are sold substantially along a certain line. They vary very little in price. The risk of loss growing out of the purchase is infinitesimal as compared with other security.

Take the bonds of the State of Massachusetts, to which I have alluded. A few years ago they were selling far above par. Take the bonds of the city of New York; take the large amounts of bonds which have been issued by States and municipalities throughout the Union. In these days they are fluctuating widely, and no prudent banker could afford to buy bonds other than the bonds of the United States.

But even if this emergency circulation could be issued without a loss to the banks, it would be of little or no benefit even for the purpose for which its author intended it. In the statement made to Congress by Secretary Cortelyou, with reference to the operations of the Treasury during the panic of last year, he says:

As usual, in emergencies the difficulty of obtaining bonds, and other obstructions of detail, prevented the increase in circulation becoming effective to the full amount until some time after the need for it had passed.

Just before the acute stage of the crisis the national-bank note circulation stood (on October 15) at *$607,118,742*. While strenuous efforts were made, especially by some of the large banks in New York and Chicago, to comply with the expressed wishes of the Department and of the Comptroller of the Currency to increase circulation, the amount outstanding had risen on November 1 only to *$611,822,676*, and on November 15 to *$631,344,943*. *The most important increase in the circulation took place after the announcement, about to be referred to, of the Government issues of Panama bonds and one-year Treasury certificates, so that the circulation attained on December 1 the amount of $656,218,196; on December 15, $676,914,235; and, finally, on December 31, $690,130,895. By the latter date the urgent pressure for currency had practically ceased, and yet notes continued to be issued in compliance with orders previously received, until the outstanding circulation on Saturday, January 18 last, was $695,927,806.*

And yet, during that entire time only ninety millions of circulation was added, with nearly three hundred millions of outstanding United States bonds, and a new issue of fifty millions of Panama bonds, and one hundred millions of United States certificates authorized for that purpose, and the highest issue for any one day, with the entire force of the Treasurer's office working overtime in verifying bonds and counting notes, was three and one-half million dollars.

COST OF CHANGE OF NOTE ISSUE.

There is another feature of this bill to which thus far little attention has been given, and that is the cost to the banks and to the country of putting this so-called emergency legislation into operation, if indeed it is possible to put it into operation at all except after extensive amendment. Under section 6 of the bill, the law authorizing the present outstanding issue of circulating notes is repealed and it is provided that the new "notes shall state upon their face that they will be redeemed by the United States in lawful money on presentation at the Treasury."

This refers of course not only to the proposed emergency circulation, but to all outstanding national-bank notes. Undoubtedly so long as the present notes are in circulation and until they are presented at the Treasury for current or final redemption the change in the law would not affect them, but it would make it impossible for the Treasury Department to reissue them, the purpose of the bill being to have all the bank notes, whether based on United States bonds or promiscuous securities, alike in form and appearance.

The same section requires the Secretary of the Treasury to prepare additional notes to the amount of 50 per cent of the capital of national banks and deposit them in the Treasury and subtreasuries of the United States, so that they may be available for immediate use.

In effect this means the reprinting from new or altered plates of about twelve hundred millions of dollars of national-bank currency and the making or altering of about 13,400 plates, at an expense to the banks of more than a million dollars.

According to the best estimate which I can procure, the making of these plates will require about three years' time, and the altering of the existing plates, if they can be altered, will take about a year and a half. I understand that the gentleman from New York [Mr. VREELAND] has a later estimate that the plates can be altered in forty-eight weeks. In addition to this, there is now on hand in the Treasury Department two hundred millions of national-bank notes ready for use by the banks, which, of course, must all be thrown away, so that the total loss and cost of this change of circulation for paper and printing and transportation charges, according to the estimate which I have received, will be considerably in excess of two and a half millions of dollars.

A further cost involved in this emergency circulation will be in the additional force required to handle the notes and pass upon the securities, and the estimate which I have received for that is an annual charge upon the Treasury of about $230,000.

In addition to this, ten new vaults must be built in the subtreasury cities. All told, making a necessary appropriation of about $5,000,000 for an emergency circulation of which the country could not avail itself to any noticeable extent under a period of from one and a half to two years.

CONTRACTION WILL BE CAUSE.

It is perfectly manifest also that a very serious contraction of the currency would be involved by reason of the fact that bank notes presented for redemption under the terms of this bill could not be reissued, for the redemptions last year aggregated about $250,000,000.

If the notes bore one inscription and were equally available for issue in all parts of the country this difficulty would be avoided, but under the terms of the bill the circulation is to be distributed artificially and assigned pro rata to the different sections of the country and to the different banks, with their name and inscription printed upon the notes as now, so that it would seem almost impossible to deal justly and fairly with all sections of the country and not cause severe contraction in localities, unless the entire issue to replace the Government bond-secured notes was prepared in advance.

As proof of this I submit a statement of circulation worked out in accordance with the terms of this bill and published by the Wall Street Journal on the 31st day of March last:

The Aldrich bill, which has passed the Senate, provides that emergency circulation, which must not at any time exceed $500,000,000, shall be distributed among the States on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States.

It also provides that in case the quota assigned to a State is not applied for, the amount not applied for may be assigned to any applying association or associations in States in the same section of the country.

The sections of the country recognized by the Treasury Department are the New England States, Eastern States, Southern States, Middle Western States, Western States, and the Pacific States.

In the following table the Wall Street Journal gives the capital and surplus of all the national banking associations in each State and section, the proportion of capital and surplus to that of all the national

banking associations of the United States, stated as percentage, and the quota of the total $500,000,000 emergency circulation to which each State and section of the country would be entitled.

State.	Capital and surplus.	Per cent.	Quota.
Maine	$12,629,000	0.86	$4,325,000
New Hampshire	7,766,000	.53	2,652,000
Vermont	7,393,000	.50	2,532,000
Massachusetts	92,928,000	6.36	31,729,000
Rhode Island	10,256,000	.72	3,551,000
Connecticut	29,857,000	2.04	10,220,000
New England States	160,836,000	11.01	55,000,000
New York	295,281,000	20.22	101,300,000
New Jersey	38,113,000	2.62	13,050,000
Pennsylvania	229,522,000	15.72	78,700,000
Delaware	4,160,000	.28	1,420,000
Maryland	28,193,000	1.93	9,654,000
District of Columbia	9,274,000	.64	3,176,000
Eastern States	604,543,000	41.41	207,300,000
Virginia	20,057,000	1.37	6,869,000
West Virginia	11,949,000	.82	4,092,000
North Carolina	7,937,000	.54	2,718,000
South Carolina	4,583,000	.31	1,569,000
Georgia	14,603,000	1	5,000,000
Florida	6,148,000	.42	2,106,000
Alabama	11,350,000	.78	3,867,000
Mississippi	4,601,000	.31	1,576,000
Louisiana	12,948,000	.89	4,434,000
Texas	57,449,000	3.94	19,670,000
Arkansas	5,176,000	.36	1,773,000
Kentucky	22,065,000	1.51	7,558,000
Tennessee	13,047,000	.89	4,468,000
Southern States	191,918,000	13.14	65,700,000
Ohio	85,184,000	5.84	29,170,000
Indiana	33,466,000	2.30	11,460,000
Illinois	85,896,000	5.88	29,420,000
Michigan	20,194,000	1.38	6,195,000
Wisconsin	21,846,000	1.50	7,481,000
Minnesota	31,577,000	2.16	10,820,000
Iowa	26,321,000	1.80	9,714,000
Missouri	44,262,000	3.03	15,160,000
Middle Western States	348,749,000	23.89	119,420,000
North Dakota	5,660,000	.39	1,938,000
South Dakota	4,029,000	.28	1,380,000
Nebraska	17,649,000	1.21	6,044,000
Kansas	16,153,000	1.11	5,531,000
Montana	5,262,000	.35	1,782,000
Wyoming	2,402,000	.16	822,000
Colorado	13,592,000	.93	4,654,000
New Mexico	2,521,000	.17	863,000
Oklahoma	15,278,000	1.05	5,246,000
Western States	82,489,000	5.65	28,260,000
Washington	10,901,000	.75	3,733,000
Oregon	6,170,000	.42	2,114,000
California	44,265,000	3.03	15,160,000
Idaho	2,778,000	.19	951,000
Utah	3,185,000	.22	1,091,000
Nevada	2,004,000	.14	636,000
Arizona	1,128,000	.07	336,000
Alaska	172,000	.01	59,000
Pacific States	70,606,000	4.83	24,120,000
Islands	837,000	.07	200,000
Total	1,459,987,000	100	500,000,000

It will be observed that the State of New York would be entitled to more than one-fifth of the entire amount of emergency circulation, and that the six New England States with the five Eastern States and the District of Columbia together would be entitled to more than half of the $500,000,000 emergency circulation.

The proportion of emergency circulation to be assigned to the thirteen Southern States is $10,000,000 more than that allotted to the New England States.

The smallest proportion of the emergency circulation would go to the Pacific States and the next smallest to the Western States.

Under its terms, the bill as drawn makes a direct contraction of one hundred and fifty millions, and prevents any emergency circulation whatever. It also provides for an "emergency currency," which will require four and one-half years for withdrawal and meanwhile is penalized at 9 per cent. Of course this was not intended, but the fact that the bill so reads shows the folly of hastily dealing with so important a subject.

EFFECT ON TREASURY OPERATIONS.

But aside from the mechanical difficulties, which are apparently inseparable from the operation of the provisions of this bill, it is a very serious question as to what the effect will be upon the Treasury Department by the issue and sudden compulsory retirement of five hundred millions of bank notes redeemable by the Treasury in legal tender and payable by the banks themselves in other bank notes. During the last three months of 1907 there was a practically forced issue of ninety millions of bank notes, and for the past month the Treasury has been literally swamped by their return, and the morning statements are now showing more than forty millions of national-bank notes stored in the vaults of the Treasury, unassorted and uncounted, for which the Treasury has been called upon to pay legal tender and for which they can get no returns from the banks until the regular process of redemption has been completed.

While it is not necessary to go into the discussion of this situation at the present time, it is a very serious question whether, with an emergency circulation such as this bill proposes returning in great volume upon the Treasury, and a deficit in the revenues such as now exists occurring at the same time, it would not become absolutely necessary for the Treasury Department to go into the market and buy gold for the redemption of national-bank notes, as they were compelled to do for the redemption of greenbacks in 1894, and ex-Comptroller Dawes admitted this in his remarks the other day.

A somewhat careful study of existing conditions convinces me that this would be the necessary result of enacting this bill into law, if such conditions should occur simultaneously at any time in the future, for it must be remembered that of the two hundred millions added to our monetary stock last year one hundred and ten millions were in gold and only ninety millions in bank notes, and yet the congestion in the Treasury now exists.

During the past three months the redemptions of 1907 and 1908 have been as follows:

	1907.	1908.
January	$31,730,178	$54,425,863
February	20,296,953	29,627,607
March	18,187,815	38,949,474

TAX ON CURRENCY.

But another feature of this patchwork legislation which makes the rent worse than it was before is the tax which is put upon this currency. The past ten years have been a period of wonderful progress and growth for this nation. The development of our industries at home, both in agriculture and manufacturing, has never been exceeded in any like period of our history, and to-day we are looking out upon the world and seeking in every direction for opportunities to extend our foreign trade and develop markets for our surplus products. It is the belief of many people, a belief which I must admit that I share to a certain extent, that the unit cost of production in agriculture and manufacture in this country is not far in excess of that found among our commercial rivals, and that in some industries at least we already outclass them. I can see but little difference between paying a higher rate for wages *here* than *there*, and paying a higher cost for the use of money with which to pay an *equal* wage, and for us to think that we can have an annual recurring circulation bearing a tax of from 6 to 9 per cent and involving a discount rate far in advance of that which we now have, and still be able to compete with countries having an untaxed tool of trade and medium of exchange would seem like folly.

Our strongest commercial rivals, as well as the largest markets for our surplus products, are found in England, Germany, France, Italy, and Canada. In England there is no tax on money. In France no tax. In Canada no tax. In Germany no tax when the bank circulation is covered by gold; beyond that seventy-nine million of uncovered paper can be issued without a tax, and beyond that a tax of 5 per cent. Italy has a limit of circulation of three times its bank capital, and no tax. Why should we handicap ourselves in the world's competition by deliberately doubling our discount rates in periods of our greatest prosperity and development?

I do not believe that the American people will consent to maintaining an antiquated system of bank-note redemption at the enormous cost which will be imposed upon all of their industries under this provision of the Aldrich bill. It is useless to claim that the tax will not be added to the cost of discounts; and to cite, as the Senator has done on page 27 of his published speech, the letters of three foreign bankers in justification of his claim. Every one of these citations is a refutation of that claim, the first showing that "*very often* and under *peculiar circumstances* the normal discount rate was allowed to stand," the second asserting that "it must not be presumed that whenever the bank had to pay the tax it would raise its rate of discount to the *full extent* of the tax incurred," and the third only claiming that the reduced rate had been maintained on "*several occasions.*"

But the circumstances under which the tax is laid in Germany are entirely different from that which would obtain in

this country. There the bank is a Government institution and the German treasury shares in the profits, and it can be easily understood how that in times of stress, in dire calamity, such as existed in Germany last fall, the Government might well forego a share of its profits and accept with equanimity reduced dividends on its ownership in the bank by consenting to a lower rate of discount, for a short period, than would necessarily result if the entire tax was added to the normal rate; and yet, even under these conditions, we find that during the panic period of 1907 the official discount rate of the German bank was 7½ per cent, while the normal rate is 3½ to 4 per cent.

How utterly absurd it is, therefore, to claim that with a prior loss of 2 per cent to 6 per cent upon a bond investment, the independent national banks in the United States, with due regard to the interests of their stockholders, would for a moment think of adding to that loss this tax of 6 to 9 per cent upon these emergency notes, and continue discount rates as in normal times.

But this is not all, for it could not be otherwise but that an annual recurring high rate would necessarily extend itself more or less over the normal rate as well, and the ultimate effect would be a partial distribution of the emergency tax over all discount rates in the United States.

EFFECT UPON GOVERNMENT BONDS.

There is another feature of this case which is worthy of our careful consideration, and that is the effect upon the outstanding Government bonds of an artificial increase of the interest rate in the United States and the adoption of a new form of securities bearing higher rates of interest as a basis for circulation.

I think it must be admitted that the adoption of this new system could not possibly stop with the passage of this bill, and that legislation would quickly follow increasing the amount of the issue and reducing the rate of taxation.

We are all familiar with the old motto, "Facilis est descensus Averni, sed retrorso;" and I know of no place where it is more applicable than in the issue of Government paper money. A premium on a Government bond bearing 2 per cent interest can only be maintained by artificial methods.

The English consol to-day, bearing 2½ per cent interest, is selling among the 80s. A United States Government 2 per cent bond sells at 104, solely because of the limited amount and the purpose for which it can be used. The owners of seven hundred millions of these bonds will look with fear upon the introduction into our currency system of a new class of securities, and it will require but one Populistic extension of the provisions of the Aldrich bill to force the bonds of the United States down to their natural and normal value among the securities of the world; indeed, it is a serious question, if this bill should be enacted into law, whether the bonds now authorized for the construction of the Panama Canal could be sold at all under the limit of par which the law places upon the Treasury in its disposal of them.

I can understand how the great bond dealers of the country who hold and control the market for the class of bonds to be used under the provisions of this bill can look with glee upon its enactment into law.

I can understand how the speculative banks which, in defiance of law, if not in direct violation of it, have been speculating in securities in the past and are now forming trust companies and side-door institutions to enable them to enjoy the rich profits of the splendid market which the passage of this bill will bring to them, may be justified in claiming that this legislation, *or none*, will be the result of the present session of Congress; but I do not believe that the workingman, the farmer, the manufacturer, or the representatives of the industrial forces of this Republic will look upon it as any measure of relief, or will fail to hold responsible the men who vote for it, when the workings of this new system are fully understood and its effect upon those industries realized. They will speak for themselves in the fullness of time.

RESERVES.

Under the national-bank act of 1864 the banks of the reserve cities were required to keep on hand at all times in lawful money 25 per cent, both of deposits and circulating notes, as a reserve.

All other banks were to keep 15 per cent. It was provided, however, that three-fifths of this 15 per cent might consist of balances due to an association, available for the redemption of its circulating notes, from associations approved by the Comptroller for that purpose. And the banks in the reserve cities might select banks in New York and San Francisco where they should redeem their circulating notes, and for that purpose they might keep one-half of their reserve with such banks in cash deposits. The reserve balances of the country banks and the reserve cash deposits of the reserve-city banks were both for note-redemption purposes.

In 1874 the reserve against circulation was abolished and redemption of circulation at the Treasury instituted, with a 5 per cent redemption fund provided, which should count as a part of the reserve against deposits, to be constantly kept good by cash payments by the banks in sums of not less than $500 as redeemed notes were charged up against it.

But the old rule of permitting a portion of the reserve to be kept outside of the bank vault was retained, and it needs but little figuring to show that not only was the reserve in the bank against deposits weakened by this change by about one-third, but it was still further reduced by counting the redemption fund as a part of it, it being wholly unavailable for that purpose.

The Aldrich bill, in its eighth section, proposes to double the cash reserve in the vaults of the country banks and make it two-thirds instead of one-half of the required amount in the vaults of the reserve city bank.

Based on the conditions of the banks on December 3, 1907, this change would have drawn from the reserve and central reserve cities the sum of $201,771,561 and scattered it in small sums among more than 6,000 different banks. It would undoubtedly put each one of these institutions in a better condition to stand a run on deposits such as we witnessed last fall but for the fact that with this change was another which more than offset any advantage thereby secured, for the bill also provided that of this amount $134,515,374 might be permanently withdrawn from use as a cash reserve by being invested in long-term promiscuous bonds, against which 90 per cent of bank notes could be issued which are not reserve money.

A good argument can be advanced for the investment by national banks of *surplus* funds in railroad or other bonds listed on the stock exchanges of the country, and thereby quickly exchangeable into cash, but, in my judgment, there is neither argument, reason, nor excuse for this provision in this bill which permits unlisted or any other securities to be substituted for a part of the cash reserve of a discount and deposit bank.

It is fair to assume that when an emergency circulation is needed the funds of a bank will be first exhausted in loans, and it inevitably follows that if these bonds are then taken from the reserve as a basis for emergency currency every dollar so subtracted will compel the payment of an equal amount of discounted paper.

Imagine the effect, then, upon the country, in the face of a panic, of compelling the liquidation of several hundred millions of commercial paper in order to secure an equal amount of non-reserve currency. I am very sure that if panic conditions were not in existence prior to such action they would very speedily follow it.

In my judgment it would be better to leave the reserve law as it now is, but to provide that the balances due the country banks shall be held in the reserve city banks and no interest paid upon them.

A far better system yet would be to have these reserves massed without interest in one central reserve institution.

EFFECT OF SECTION 2.

There is another feature of this bill which, whatever its effect may be upon other parts of the country, will be destructive of the national banking system in the New England States.

From the time of the civil war till now the farmers of New England have seen the value of their land steadily decreasing as the result of long-distance competitive railroad rates under which the products of the Western farms have been put in direct and crushing competition with our own. As a result our people have turned their attention from agricultural operations to a great variety of manufacturing industries, and with the growth of our industrial towns and cities has come the necessity for banking facilities, and side by side these industrial and financial institutions have grown up together. Each has developed the other, until to-day they are inextricably mingled in ownership and in use.

Our system of mutual savings banks, with their investments directed and controlled by legislative enactment, provide funds for the loans on real estate and absorb the long-term bonds of our towns and villages and the other fixed and permanent interest-bearing obligations. With us the bank is the mainstay of the factory, and the factory furnishes business for the bank. The enterprising, active, strong men of New England, who have built up its industries, and without a single raw material within its borders have developed industrial conditions which are unequaled in the world, are also the directors and officers and managers of our banking institutions.

Under the provisions of section 2 of the Aldrich bill, as construed by legal authority in the Comptroller's Office and outside of it, the discounting of the notes of these industrial establishments, and even the discounting of collateral loans with the stocks and bonds of our industrial establishments used for that purpose, would be forbidden.

I am confident that in many towns and cities of New England the enforcement of this law would drive from the boards of directors of our national banks the majority of their membership.

However much of merit there may be in a proposition of this kind looking to the divorcing of speculative national banks now controlled by the leaders of high finance, from stock gambling operations, the commercial banks of New England will not accept its provisions.

There is an old saying that "one can lead a horse to water but he can not make him drink," and the inevitable result of the enforcement of this law will be the destruction of the national banking system in the six New England States and the reorganization of those banks as State institutions.

I do not believe that the author of this section of the bill for one moment realized what its effect would be.

BURDEN OF REDEMPTION.

Permit me, now, to call your attention to the effect on the Treasury of the burden of redemption involved in the provisions of this measure.

Up to 1890 lawful money paid into the Treasury for the retirement of national-bank notes was withdrawn from circulation and held by the Treasury until a corresponding amount of bank notes had come in and been canceled.

At that time Senator Sherman, in an effort to stave off the free coinage of silver, promised in the Senate that bank notes should be at once reissued on redemption, and that the money paid in for their retirement should go into the general fund of the Treasury and thence into circulation, thus practically maintaining the general volume of paper money.

In that speech he used this language:

The bank notes will continue in circulation until presented to the Treasury for redemption; they will become in legal effect United States notes, and will only be presented for payment when unfit for use.

So far as their gold-drawing power to-day is concerned, with only one intermediate step, they are as effective as a greenback.

In June, 1893, we had outstanding one thousand two hundred and eighty-seven million dollars of various forms of money dependent on the gold reserve of one hundred millions, and the experience of that time led us to increase that reserve to one hundred and fifty millions.

Since June, 1900, national-bank notes have increased about four hundred and fifty millions, and we now have one thousand seven hundred and fifty millions of various forms of money dependent upon one hundred and fifty million gold reserve in the Treasury.

Add to this five hundred millions of notes possible under the Aldrich bill, and probable at every crop-moving period and excessive stock speculation, and you throw upon this reserve of one hundred and fifty millions, two thousand two hundred and fifty million dollars of money to be maintained at parity with gold, with no other provision anywhere, either in the Treasury or the banks, for a penny of gold reserve against it. If experience has shown that the greenback requires a one-third gold reserve, why should not the banks be required to hold a like amount against the bank note?

I know it is said that we have now a billion dollars of gold in the Treasury, but the fact is that aside from the reserve fund it is almost wholly covered by gold certificates outstanding against it, and the very fact of this enormous increase in our paper money will have a tendency to compel this gold to find a hiding place here or be expelled by a redundancy of paper money to foreign countries.

On page 32 of the Senator's speech he says:

It has not been found possible, and I think it is quite as impossible to-day as ever, to provide by legislation for the retirement of any of these forms of currency.

The same difficulty would exist in the future concerning his emergency currency which he claims exists now with reference to the present issue, and the tendency will be irresistible when we have once entered upon the endless path.

GERMAN SYSTEM.

He attempts to justify this measure by the statement, on page 11, that—

The plan for additional notes which the committee recommend is substantially the plan of the Imperial Bank of Germany, with a change in class of securities required and an increase in the rate of taxation.

I challenge anyone to find a single analogous feature between the two systems.

In the German system there is a single note-issuing power, the Imperial Bank of Germany, practically controlled by an imperial government supposed to have an eye single to the general good.

Here are 6,500 independent national banks, all of them in duty bound to look out for the interests of their own stockholders, and with almost no power as individuals to affect the general good, even if they were prompted by such a desire.

The Aldrich-bill notes are limited to five hundred millions and taxed at 6 and 9 per cent.

The Imperial Bank of Germany can issue notes to an unlimited extent when covered by gold, and this free of tax. A further issue is authorized of seventy-nine millions not covered by specie and also free of tax, and then an unlimited issue, taxed at the rate of 5 per cent, but with a compulsory gold reserve of 33⅓ per cent, and the balance covered by commercial paper at not to exceed ninety days' time and bearing two or more indorsers.

The Aldrich-bill notes are secured by long-term bonds, the legal title of which is transferred to the Government, and the German notes by gold and commercial paper held by the bank itself.

Furthermore, the tax on the German note is not intended to expedite redemption, but rather by raising the rate of discount to restrict an overissue. There is not one single feature of similarity between the two systems.

There is no necessity in Germany or in France for providing any system of forced redemption, for there being but one note-issuing power in each country every maturing obligation, either at the banks themselves or any of their branches, tends by its payment to effectively reduce the outstanding volume of currency.

Here, with 6,500 banks issuing notes and current redemption and retirement being carried on through the Treasury, no man can even imagine what the effect upon the Treasury will be by throwing this additional burden upon it, for it must be borne in mind while under this new bill this new issue can be paid by the banks in other bank notes, the Treasury itself must redeem in legal tender.

It would seem as though we had almost forgotten that a Government Treasury is not endowed with banking functions. A bank is organized to loan money, and from a constantly inflowing stream of maturing loans can meet the notes which it has put out; but while a Government borrows, it does not lend, and has no inflowing receipts, except from taxation, which should be adjusted to its expenditures only.

"EMERGENCY" CIRCULATION NOT NEEDED.

The author of this bill in the opening of his speech said that it must be apparent to everybody that there is no demand at this moment for emergency circulation. I fully agree with him, and I submit the proposition, whether it is not wiser, in view of the experience of the past few years, to provide now for something in the nature of a reform of our banking system.

We have to-day two hundred millions more of money and currency in this country than we had last year, with no probability whatever of anything like the use for it, either this year or next, that we had a year ago. I do not mean by that that I think the period of recovery from the effects of the panic of 1907 are to be protracted to anywhere near the extent of that of the panic of 1893, for in 1893 there was a balance of trade against us of over eighteen millions, while in 1907 the balance in our favor was over five hundred millions.

During the five months from October to March our sales to foreign nations have been nearly a thousand millions, and the balance in our favor for these same months has been $486,000,000. The favorable balance for March was $52,283,748, and indications now point to a balance in our favor for the fiscal year of 1908 of over $750,000,000. Of this balance we have received but a little over one hundred millions in gold, and we have but to continue to make reasonable prices for our products and practice ordinary economy in our purchases to find ourselves in a reasonable time in a safe and sound financial condition again.

While it is not probable that the remaining balance will be settled in gold until the dividends on foreign investments in this country are absorbed and maturing short-term railroad loans abroad are canceled, it is practically certain that if the shipments of the products of our factories and farms continue for a few months longer on a like basis the yellow tide of gold will again turn this way and build up our reserves for the future development of our industries at home.

How foolish is it, then, with this prospect before us, to enter upon a career of money inflation, the only result of which must be to artificially stimulate the prices of our products and bring about another suspension of shipments such as existed before

the panic and compel us to send gold back again to Europe in settlement of these maturing obligations.

Better by far to gradually liquidate now than to have stagnation for a while, with a certain collapse again in the near future, for the surplus products must be sold at some time and somewhere, and at prices in competition with the outside world.

Is it not better by a well-organized commission to carefully study the lessons taught by the sore experience of 1907, and when the cries of the demagogues and the charlatans shall have ceased to beat the air and the heat and passion of a political canvass shall have passed away, plan our future course?

Meanwhile the recuperative forces of a naturally vigorous constitution will be doing their perfect work. [Loud applause.]

Mr. BYRD. Mr. Chairman, I have listened with much interest to the great speeches I have heard this afternoon as to the causes of the recent panic, and I would indeed be glad if my friends who engaged in this discussion would listen to my remarks. There have been many theories advanced for the financial ailments that afflict the country; but I would have my Republican friends to believe that chief among all the reasons for this trouble, in my opinion, is the fact that the infamous policy of protection has dominated the country for the last forty years. [Applause on the Democratic side.]

My friend from Connecticut [Mr. HILL], who has just taken his seat, contrasted the peculiar difference in which the recent, as he said, world-wide panic has affected Germany and Argentina; showing that the former has suffered therefrom far more than the latter. There is nothing peculiar or strange about this seeming disparity when we remember that Argentina, next to the United States, is the largest exporter of raw material, chiefly food products, of the world. She feeds one-third the commercial nations of Europe, and having a great foreign market from which to draw financial aid, she is not victimized by every little financial flurry that sweeps her own shores. She is fast becoming our most formidable competitor in the food markets of the world, and not being herself surrounded by an insurmountable tariff wall, she has access to the free markets of Europe for her overflowing surplus, and consequently she can demand money from abroad to meet any crisis at home.

Now, as to Germany, next to the United States she is the most highly protected of all nations, largely dependent, like ourselves, upon her home market for the sale of her products, and consequently every little storm sweeping across her financial horizon produces a panic, just as in this nation. When her finances are congested, her consumers, having no means of getting money, can not purchase her products; her business is paralyzed, her factories close, and her laborers are turned out of employment to tramp the country for bread.

Mr. Chairman, my distinguished friend from Ohio [Mr. BURTON] said that our agricultural products had suffered less depreciation in prices on account of the panic than any other commercial commodity. Now, why is this true? It is perfectly plain when considered in the light of the fact that our agricultural products, and especially cotton, is not dependent upon the hidebound home market for its prices. Two-thirds of the crop is sold abroad, where the price of the whole is fixed. This being true, a panic would have to strike all the countries abroad at the same time to materially affect the price of cotton. If needed by other nations, they will take it and pay the prices fixed in the markets beyond the sea. And this is why the evil effects of the panic fell more lightly on our agricultural industry than any other. Of course the panic prevented the holding of the crop for better prices, but in actual price it is mainly dependent on conditions abroad.

In less than thirty days after the panic struck New York half the sawmills in the South were closed down, and thousands of idle laborers were turned upon the country without employment. This was true with the iron and steel factories, as well as many of the highly protected industries. And from this class of enterprises came quite all of the 3,000,000 idle laborers now roaming the country. How many farm laborers have you seen out of employment? Not one.

To further show my Republican friends how disastrous has been this panic to the protected industries of the South, I want to say that a prominent mill man of that section wrote me a few days ago that the lumber industry of the Southern States was in a deplorable condition; that there was no demand for the lumber, and a number of mills were daily going into the hands of receivers. The same is equally true of the protected iron and steel industries at Birmingham and elsewhere. All of this is because they have been nurtured in the hothouse of protection, and having never before realized the dreadful calamity that would befall them by this market-destroying policy. Many thousands of laborers, by their downfall, have been driven into the cotton fields to swell the present crop to such an extent as to threaten coming bankruptcy to that industry.

The rich markets secured at home by the tariff rates, manipulated by the crew of the trusts, gave the highly protected industries a degree of prosperity hitherto unknown in this or any other age or country. Sawmills, furnaces, and factories ran day and night, and the railroads were powerless to handle their accumulating freight. Maddened by the accumulation of riches at home, they forgot the rich fields of trade for their increasing products abroad, and hence when the financial storm broke in New York they withered like a hothouse flower exposed to the burning sun.

This is the logical result of the protective system. Having to depend on the home markets almost exclusively, all the industrial effort is paralyzed at the first approach of a financial crisis. The banks close down, no money circulates, the home people practically quit buying the products of the factory, and the latter, not having any customers abroad, accumulates an overcrowding surplus, and closed doors and discharged labor result.

Does anyone believe that the financial flurry that struck New York last October, if it had been in any other first-class nation, would have produced such disastrous results to her industries as it did to ours? Who ever heard of the breaking of one or more financial institutions in England paralyzing her entire industrial system at the high tide of her industrial prosperity and without notice depriving 3,000,000 of her laborers of bread-earning work? Our recent panic is without a parallel in history, coming, as it did, unheralded and at the noon hour of our national development, suddenly wrecking industries and factories, driving men into bankruptcy and suicide, and making those who were millionaires yesterday paupers to-day. It could not have happened in England or any other first-class nation, for they have learned of the folly of national selfishness and of the futility of depending on barricaded home markets.

England on account of her fair and liberal trade policy has expanded her foreign commerce to such an extent that, unlike this country, she is not wholly dependent on her home consumers. After supplying her 43,000,000 of people at home in 1905 she exported manufactures to the amount of $1,310,000,000, or $30.50 per capita, while ours for the same year was only about $5.30 per capita.

These figures ought to convince the gentleman from Connecticut [Mr. HILL] of the true reason why England withstood the recent panic better than the United States and Germany. She does not undertake to carry "all of her eggs in one basket," as we do. However violent may be a world-wide financial disturbance, England is better prepared to withstand it than any other nation, for by virtue of her marvelous foreign trade she can draw on the coffers of every country for cash when needed, and nothing less than international bankruptcy could prostrate her industries like ours are now.

Mr. Chairman, it is conceded by many of our best thinkers that 90 per cent of the trusts, of which there are more than 300 in the United States, are the direct fruits of protection. All opposition from abroad being destroyed by the protection schedules of the Dingley law, home industries combine to destroy all local competition—hence a trust. As the tariff profits of a trust increases, in order to keep from the public their outraging dividends, they water their stock by increasing it, ofttimes tenfold, and hence $10 worth of credit is suddenly thrown upon the market with only $1 in cash to back it, and when the least misfortune appears, the dividends fade, the watered stocks go to the wall; then comes the panic.

For instance, take an article which is used in everyday life upon which there is a tariff tax of 50 per cent, which is a modest rate compared with some of the Dingley schedules, and suppose that you, I, and another should form a corporation of a hundred thousand dollars capital to manufacture that article, and then suppose we should form a trust by taking in all competitors in the protected home market, which would enable us to add the 50 per cent duty as extra profit. After all competition has been destroyed and this excessive duty has been added in the way of additional profits, we find the stock is paying a dividend of 25 per cent. Instead of being satisfied with this, the stock is immediately converted—watered—into $500,000, paying a 5 per cent dividend. Thus we have $5 worth of business being transacted on $1 in actual capital, and in this manner hundreds of trusts were formed, sheltered under the protecting wings of Dingleyism, and multiplied millions of watered stocks and inflated credits of every description were thrown upon the market, and since it takes just the same amount of cash to manipulate these inflated stocks and credits upon the markets as it does those that are legitimate, our money supply was wholly inadequate to sustain the bloated volume of commerce.

In this manner I charge that protection is the direct cause of the panic—that it bred the trusts, and the trusts the inflated cred-

its that congested the stock markets of the country and produced the panic, and I charge that the country will never be rid of the periodical recurrence of these financial shocks until we abandon this policy of trust-breeding protection. We may pass the Aldrich bill or any other financial measure, but let me charge you that unless we destroy the prime factor of this evil all the gold buried beneath the Andes coined into American dollars will be inadequate to take care of the trust-inflated credits upon our markets. [Applause on Democratic side.]

Listen, my Republican friends; you are indeed "between the devil and the deep blue sea" on the tariff question. Your household is divided against itself. The distinguished gentleman who now sits in the chair [Mr. DALZELL] a few days ago said that he did not know whether he was in favor of revising the tariff upward or downward, and it does not seem that my friend from New York [Mr. PAYNE] is going to revise it in any way, since, by his ponderous corporosity, he has crushed the life out of all tariff-reform measures in the Ways and Means Committee, of which he is chairman. The President, Senator BEVERIDGE, and other leading Republicans favor a tariff commission, but the leaders of this House, speaking through the gentlemen in the chair [Mr. DALZELL], regard that proposition as unworthy of consideration. We suspect that their chief reason for not wanting this measure is they do not want the public to know how much graft there is in this protective-tariff business. The distinguished gentleman from Ohio, Mr. Taft, seems to have the best chances of any other, except a Democrat, of being our next President, and his idea of protection, as reflected in the recent Ohio platform, is a reduction of the tariff to such an extent as will leave a protective margin to equal the difference in the cost of production at home and abroad. If this means anything, it means a Democratic tariff or a tariff for revenue only, since the difference in the cost of production here and abroad is so insignificant as would reduce the duties under that declaration to a revenue basis, and should he be elected President and stand by this proposition, were I the leader of our party I would clasp his hand in peace upon this question and thereby forever eliminate it from party politics. But if elected, however sincere he might be, he would be powerless to pass any such measure through this House as now constituted. Its leaders represent the limit of high protection and would fight such a proposition in season and out of season.

Is there a Republican on this floor so silly as to think that this country has any confidence in this promise of tariff reform? There will perhaps be a new tariff law, to be known as the "Payne law," but what can the people expect from a measure having such paternity? What a mockery would be such a law! It would be a travesty of justice and a crucifixion of the truth.

Mr. Chairman, the people are not so much concerned about tariff revision as they are about who is going to revise it. Shall it be by the servants of the people or the emissaries of the trusts? In considering this question shall this House be organized into a high court of justice in which all the rights of all the people in all sections will be respected, or shall its proceedings be like those of a star chamber? Shall the millions of consumers be given a voice in making this law, or shall it be prepared by the trusts before Congress convenes and then railroaded through the House without leave to amend or debate? These are questions that must be answered at the November election?

Now, a few words about expanding our markets by reciprocity treaties. What an abortion have been our trade conventions negotiated under the reciprocity provisions of the Dingley law, and what more can we hope for along this line if the party in power are permitted to enact the next tariff law! Did you not hear the distinguished gentleman in the chair [Mr. DALZELL] some time ago say that he was in favor of a maximum and a minimum tariff, and that the minimum tariff must be sufficiently high to protect every American industry, and the maximum tariff must be still higher? And in like manner spoke the chairman of the Ways and Means Committee [Mr. PAYNE]. What kind of a reciprocity treaty could be consummated under such a tariff policy? Even the present law is far more liberal in this regard.

The greatest Republican that ever lived, in my judgment, was James G. Blaine, and when the McKinley bill was up for consideration he wrote Mr. McKinley, who was then the chairman of the Ways and Means Committee of the House, that if the tax then written in in the bill on hides and other South American products should become a law, it would forfeit to this country the rich commerce of South America, and how prophetic was his utterence in this regard, for since that time, while our favored few have been reveling about the fleshpots of protection, the European nations, by virtue of their free and liberal trade concessions, have appropriated that trade, England and Germany now having more than 65 per cent thereof and we less than 11 per cent, notwithstanding that it should be ours by reason of both political and geographical affinity.

High protection at home and expanding markets abroad are inconsistent; one must succumb to the others. If we ever hope to increase our commerce in other countries, we must liberalize our contracted markets at home. Reciprocal trade concessions are the bed rock of international trade. The history of the world attests the truth of this assertion. Lord Beaconsfield and Gladstone won more markets and riches for England by their liberal commercial statesmanship than were ever opened by all of her armies, while in the great brain of Bismarck was planned a system of protection for Germany so liberal and flexible as to meet her trade emergencies with any nation. But how different is our system, and how abortive have been the reciprocity provisions of the Dingley law. We have outlawed the world at large by our tariff schedules, having erected the same insurmountable barrier against the cross-eyed Oriental and the half-civilized hibrid of South America as we have against the most skilled artisans of Europe. The latter, by competition, might curtail the profits of some American industries, but what have we to fear from the competition of the former? What harm could befall us from the most liberal trade relations with people of that class, and are not they the world's greatest consumers of European products? Indeed, our system of protection must have been conceived in imbecility and born in selfishness.

Mr. Chairman, let me warn you of a prophetic truth, that unless we abandon this market-destroying policy, many of our other industries will undergo the same depressing experience as that visited upon the sawmill and steel industries. Having reached the limit of the home market in many lines of our manufacturing development, we must look to foreign markets or be flooded by overproduction. This policy of overselling at home and underselling abroad can not long withstand the fury of an outraged people, and soon you will witness many of these hothouse industries, now growing rich by robbing at home and dumping abroad, eating the bitter fruit from the tree they have planted. As certain as fate the time will come when they will have to face the competition of the world and have the prices of their whole production fixed by the prices of their surplus sold abroad, however insignificant it may be. Then they will have realized the folly of protection and the necessity of fruitful foreign markets.

The CHAIRMAN. The gentleman's time has expired.

Mr. BYRD. Grant me one moment in conclusion, Mr. Chairman, for I want to say to my Republican friends that we have everything to sell and nothing to buy, and that unless we destroy this Chinese wall shutting us out of the markets of the world, we may hope for nothing less than to be afflicted for all the years to come with pauperized labor, thieving trusts, and destructive panics. [Loud applause on the Democratic side.]

Mr. SAUNDERS. Mr. Chairman, at the present session of Congress, Mr. DAVIS of Minnesota has reintroduced his bill for "An appropriation for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations."

This is a bill not only of peculiar interest to the agricultural sections, but of vast importance to the people of the entire country.

It is surprising that there should have been any delay in its passage, or that its consideration should have been postponed in favor of projects of far inferior merit.

Mr. Chairman, I desire to have leave to print as a part of my remarks, the text of this bill, a portion of the speech of the patron of the measure, and a letter from the president of an agricultural college of my State.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to insert in the RECORD as a part of his remarks the matter to which he refers. Is there objection?

Mr. MANN. Mr. Chairman, in the absence of the gentleman from Mississippi and at his implied request, I object. [Laughter.]

Mr. WILLIAMS. Mr. Chairman, the gentleman from Mississippi has never objected to a request of this kind from this side of the Chamber, but announced in the beginning that he would object to requests from that side of the Chamber.

Mr. SAUNDERS. I hope the gentleman from Illinois will not object, inasmuch as leave to print has been given to one of the Members on his side, Mr. HILL of Connecticut.

Mr. MANN. I will withdraw the objection.

Mr. SAUNDERS. The full text of the bill is as follows:

A bill (H. R. 18204) to provide an appropriation for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations, and regulating the expenditure thereof.

Be it enacted, etc., That commencing with the fiscal year beginning July 1, 1911, there shall be, and hereby is, annually appropriated, to be paid as hereinafter provided, to each State and Territory and to the District of Columbia, for the maintenance of instruction in agriculture and home economics in agricultural schools of secondary grade and instruction in mechanic arts and in home economics in city schools of secondary grade, a sum of money equal to not more than 10 cents per capita of the population of each State and Territory and the District of Columbia, respectively, as shown by the last preceding Federal or State census: *Provided*, That in any State with less than five counties and in any State or Territory with less than 100,000 rural population there may be one agricultural secondary school, which shall receive not more than $8,000 annually under the provisions of this act: *Provided*, That commencing with the fiscal year beginning July 1, 1908, there shall be, and hereby is, annually appropriated to each State and Territory and the District of Columbia, for the maintenance of normal instruction in agriculture, home economics, and mechanic arts in State and Territorial normal schools now established or which may be hereafter established, an additional sum of money equal to not more than 1 cent per capita of the population of each State and Territory and the District of Columbia, respectively, as shown by the last preceding Federal or State census: *And provided further*, That the amount appropriated to any State or Territory for normal schools shall be not less than the sum of $2,000 annually.

SEC. 2. That the funds thus appropriated for instruction shall be used only for distinctive studies in agriculture and home economics in agricultural secondary schools, and for distinctive studies in mechanic arts and home economics in city schools, and for distinctive normal courses in agriculture, home economics, and mechanic arts in State and Territorial normal schools, and that all States, Territories, and the District of Columbia accepting these funds shall provide other funds with which to pay the cost of providing the necessary lands and buildings and to pay the cost of instruction in such other and general studies as will complete a well-rounded secondary or normal school curriculum suited to the needs of the respective sections of the Union.

SEC. 3. That the Secretary of Agriculture shall annually estimate to Congress the allotments to be made to the respective States and Territories and the District of Columbia under the provisions of this act and shall annually designate to the Secretary of the Treasury the sum apportioned at not more than 10 cents per capita on the population, to each incorporated city, town, or village containing not less than 2,000 inhabitants for instruction in mechanic arts and home economics, and the sum apportioned, at not more than 10 cents per capita, to the total rural and other population not included in said cities, towns, and villages of the respective States and Territories for instruction in agriculture and home economics.

SEC. 4. That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory for the maintenance of branch agricultural experiment stations on the farms of the agricultural secondary schools appropriated for in this act a sum equal to one-fourth of the sum allotted to it under this act for agricultural secondary schools, said branch agricultural experiment stations to be under the direction of the State agricultural experiment stations now established or which may hereafter be established in the respective States and Territories in accordance with the act of Congress approved March 2, 1887: *Provided*, That no State or Territory shall be entitled to the benefits of this section of this act until its legislature shall by law have provided for the establishment and the equipment of such branch stations and shall have provided for the annual maintenance of such branch stations a sum at least equivalent to that appropriated annually to the State or Territory under this section of this act; and the sum paid to each State or Territory under this section of this act shall be applied only to paying the necessary expenses of conducting by such branch experiment stations experiments bearing directly upon the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States and Territories.

SEC. 5. That the Secretary of Agriculture is hereby authorized to give the agricultural secondary schools to which money is appropriated under this act such advice and assistance as will best aid them to organize and maintain satisfactory courses of instruction in agriculture and country home making, and he is also authorized to give the branch experiment stations established under this act such advice and assistance as will best promote their work.

SEC. 6. That the Secretary of Agriculture shall annually ascertain whether the said schools and branch experiment stations are using the funds granted to them under this act in an efficient manner for the promotion of the agricultural interests of their respective localities and in accordance with the terms of this act, and he shall make a report thereon to Congress from year to year.

SEC. 7. That each State and Territory, in order to secure the benefits of this act, shall accept its provisions and shall divide the State or Territory into combined agricultural secondary school and branch experiment station districts, the total number of such districts in a given State or Territory to be not less than one for each fifteen counties nor more than one for each five counties or fraction of five counties: *Provided*, That in States where separate schools are maintained for the colored race the districting and allotment of money shall be so arranged as to be fair to both races, and whether said districts for the two races are coterminous or not coterminous their total number shall be determined by the number of districts permissible under the provisions of this section of this act.

SEC. 8. That the sums hereby appropriated to the respective States and Territories and to the District of Columbia for the maintenance or instruction in agriculture, mechanic arts, and home economics and of branch agricultural experiment stations shall be annually paid, one-half on the 1st day of July of each year and one-half on the 1st day of January of each year, by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture out of the Treasury of the United States to the treasurer or other officer duly appointed by the governing boards of said schools and branch experiment stations designated by State law to receive the same.

SEC. 9. That if any portion of the moneys allotted under this act shall by any action or contingency be diminished or lost or misapplied, it shall be replaced by said State, Territory, or the District of Columbia, and until so replaced no subsequent appropriation shall be allotted or paid to such State, Territory, or the District of Columbia: *Provided*, That no portion of said moneys shall be applied directly or indirectly under any pretense whatever to the purchase, erection, repair, or rental of any building or buildings, nor to the purchase or rental of lands.

SEC. 10. That it shall be the duty of each institution receiving funds under this act, annually on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operation, including a statement of all receipts and expenditures, a copy of which shall be sent to the Secretary of Agriculture; and on or before the 1st day of September in each year to make to the Secretary of Agriculture on blanks provided by him for that purpose a statement of receipts and expenditures of money under this act.

SEC. 11. That on or before the 1st day of July in each year after this act becomes operative the Secretary of Agriculture shall certify to the Secretary of the Treasury as to each State and Territory and the District of Columbia whether it has complied with the provisions of this act and is entitled to receive its share of the allotments herein provided for secondary and normal schools and branch agricultural experiment stations under this act, and the amounts thereupon which it is entitled to receive. If the Secretary of Agriculture shall withhold a certificate from any State, Territory, or the District of Columbia, for the whole or any part of its allotment, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separately in the Treasury until the close of the next Congress, in order that the State, Territory, or the District of Columbia may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury, and the Secretary of Agriculture is hereby charged with the proper administration of this law.

SEC. 12. That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures, and on the work of the institutions to which allotments are made under this act; and also whether the appropriation of any State, Territory, or the District of Columbia has been withheld, and if so, the reasons therefor.

SEC. 13. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

This measure in its beneficent operations will supply a long-recognized deficiency in our scheme of popular education, and will serve to correct a present drift from the country to the cities. This drift, in great measure, has been due to the fact that a large proportion of our country people have not been so educated, as to enable them to make the business of agriculture either as agreeable, or as profitable, as it can be made when the resources of industrial science are laid under contribution for its pursuit.

There is no lack of opportunity for technical instruction in the "professions," so called; but the men in the professions constitute only a small proportion of the world's workers.

Outside of this limited sphere of activities, an immense mass of work is being done by a class of workers who are illy prepared for their tasks. In consequence, much of that work is poorly and inadequately done, and many of the workers, either give up their chosen tasks to begin again under different and more promising conditions, or else drift along in a state of dreary hopelessness, or sullen discontent.

This is not as it should be. "The soil is the fundamental source of our wealth, prosperity, and happiness."

Agriculture should be pursued, and its problems attacked, in the light of present scientific knowledge, and we fail in our duty to the public, when we neglect to afford to the people who work the soil, and live on the farm, the opportunity to become acquainted with the last word of science on its cultivation, and management.

This bill is the logical outcome, the evolution, in fact, of the Morrill Act of 1862, establishing for the first time that system of public instruction in the States commonly known as the "land-grant colleges."

By this measure Mr. Morrill justified himself as a farseeing statesman, and builded better than he knew.

Many flourishing seats of learning which have been most potential in educational work of an intensely practical character, owe their stimulus and, in many cases, their establishment, to the funds provided by this act.

One of the most noted of these colleges is the Virginia Polytechnic Institute, which, beginning with a few score pupils, now has an enrollment of over five hundred. But for this, and like colleges in other States, many a poor, but ambitious and deserving young man, would have been denied the opportunities of college education.

Great, however, as has been the work of these institutions, numerous as have been their students, there is a much larger number of deserving youth, both male and female, who have been, and will continue to be, unable to attend them.

As compared with the great body of eager students outside of these institutions, the number of actual matriculates is relatively insignificant.

It is not an exaggeration to say that the benefits of the Davis Act will reach ten, nay, twenty times as many young men, and young women, as are reached through the present land-grant colleges.

Moreover, the pupils who will be taught in the schools that will be established under this act, will be specially prepared for

the courses in agriculture, and mechanic arts, which are such prominent features in the instruction offered in the land-grant colleges, and they will thereby be stimulated to attend these institutions.

Thus, the operation of the Davis Act, will tend to induce a large increase in the number of students at these colleges.

In the old education a young man took his degree in letters, and fancied that it was an open sesame for the tasks that were ahead of him.

In large measure, he soon found that much of his time had been wasted. When he came to select his specific line of work, he looked about in vain for some school of specialized instruction.

All of this has been changed in the purely professional pursuits. Having made his selection of a profession, he finds ready to hand numerous institutions affording the most ample courses of technical instruction. This instruction is thorough, comprehensive, and up-to-date, and is offered in institutions abundantly supplied with funds, either by the appropriations of the States, or the donations of philanthropists. But these institutions do not reach at least 75, or 80 per cent, of the boys and girls who are to do the world's work.

This should be rectified. In the boys and girls of the present, we are educating the workers of the future. The curriculum of the schools which they attend should be broadened, and enriched by the addition of some portion, at least, of that wonderful stock of industrial knowledge which we owe to the researches of the last few decades.

The man who has learned how to grow two blades of grass on the soil which formerly produced but one, does not become a benefactor until his methods are imparted to the public.

But how can the public secure this knowledge, and become acquainted with these, and other methods of improving their condition, unless opportunity is made for its acquisition in some adequate system of public schools?

Whenever suitable provision is made for teaching the country boys and girls, the rudiments of industrial and agricultural education, we will have made a long step forward, toward increasing the efficiency of the individual worker, and his consequent capacity to make the most of his surroundings.

It is a mistake to cultivate in individuals tastes which outrun their earning capacities. Teach them how to secure the things which please the tastes, and then desire and realization will go hand in hand.

Every original advocate of the Morrill Act, every subsequent observer of its operation, ought to favor this measure.

What will be the cost of providing for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch experiment stations? The answer is given in the speech of the patron of this bill:

> The sum it is proposed to appropriate is less than 1 per cent of the revenues of the Government, and is based upon an appropriation to the various States and cities of 10 cents per capita of the inhabitants thereof, provided that the sum of 1 cent per capita be raised by them. This means practically appropriating for the industrial education of each pupil of school age 30 cents per annum, or for each pupil actually in school 60 cents per annum.
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> There is to be no inequality in the distribution, for the money going to each State will be equally divided between the city and the country people, so that at least one agricultural high school can be maintained in each Congressional district. I need not emphasize what this will mean in the way of opportunity and of education to the children of the rural communities.

If this was an original proposition, the people who make cavilling objections to everything new, would say that it was an experiment. But the experiment has been made in the agricultural and mechanical colleges which were established under the Morrill Act of 1862.

In Virginia we have been entirely satisfied with our experiment on this line at Blacksburg, and thousands of young men who graduated from that school, are now doing useful work in every portion of the United States.

But having tried our "'prentice" hand at industrial and agricultural education, we must go further; having benefitted hundreds in the colleges, we must now benefit thousands in the schools.

An extension of this system will not be a further venture on untried ground, but will merely serve to afford the fruits of a successful experiment, to the eager thousands of boys and girls who hungrily await this boon at our hands. Viewed as an investment, the appropriation provided by this bill will furnish the most fruitful returns.

> It is believed by those well informed, that every dollar appropriated for the Federal Department of Agriculture, and for the State experimental stations, and State colleges, returns to the American people, or rather earns for the American people, at least $20.

Why should the money to be expended under this act be less productive?

The amount of appropriation contemplated by this measure is about $8,000,000. This amount, if the provisions of the bill are accepted by the States, will be sufficient to establish 300 agricultural high schools in the United States.

A very interesting statement is made by the patron of this bill, as to what has already been done in a few of the most progressive States of the country, in the matter of establishing agricultural and mechanical high schools:

> Minnesota, Nebraska, Alabama, Georgia, and other States have demonstrated that the industrial education started in our State colleges, should be extended into a system of agricultural high schools, and into our city high schools. The trend has been to organize an agricultural high school for each group of about ten counties, as has been done in Alabama and Georgia, and to develop mechanic arts education, both in separate city high schools, and as courses of study in general city high schools. Minnesota and Nebraska led in devising and developing schools of agriculture of high-school grade, articulating with the college above, and with both the rural schools and the farms below. Alabama and Georgia have recently taken the lead in establishing one of these schools in each Congressional district. Minnesota and Nebraska have agricultural high schools with 600 and 300 students, respectively. The graduates of these schools nearly all go back to the farm. A very small number go into other vocations, and probably 10 per cent go forward into collegiate courses in agriculture, most of them to become agricultural technicians. These schools have demonstrated so effectively that farm boys, and girls can be educated for country life, and returned to country life, that everyone who looks into the work of these institutions is ready to promote this kind of schools for the entire country.
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> To Georgia belongs the credit and honor of first taking the step thoroughly to establish a sufficient number of well-equipped agricultural high schools, to meet the needs of the farm boys and farm girls of the State. Last July the Georgia legislature authorized Governor Terrell to establish an agricultural high school, in each of Georgia's eleven Congressional districts. A State appropriation of $6,000 was provided annually as a current expense fund with which to begin each school. The districts securing these schools, were required to provide at least 200 acres of land, and to erect buildings and equip the schools. The different localities sought to secure the location of these schools. The result was such, that it is inspiring the entire country with an interest and faith in high-school education in agriculture, and home economics. By private subscription Georgia has raised $800,000 with which to establish and equip these eleven schools. Never before have the American people so emphatically expressed their faith in agricultural education. In no way has the South better expressed the fact, that she is rising from the difficulties and depression which resulted from the civil war.

What has been done in Georgia can, and will be done, in other States.

Speaking for my own State, I am sure that Virginia will gladly accept the terms and conditions of this bill. She is already increasing her school facilities in the direction indicated by modern progressive thought. No State has done more for the higher education; no State, in proportion to her means, is doing more for secondary education, save in this one respect of a system of high schools for teaching agriculture, and mechanic arts.

But in this direction too, she has been feeling her way, and only a heavy public debt, and lack of means, have so far hindered her from the establishment of such schools as are contemplated by this measure. When she is given her apportionment under this bill, which will amount to some $200,000 a year, I hazard nothing in saying that she will furnish the necessary lands, and buildings, and funds to establish an agricultural high school in each of her ten Congressional districts.

There is a realizing sense in the South that, great as is the industrial future now opening before our view, after all the cultivation of the soil is to be, as it has been, the chief source of our permanent prosperity. The workers of that soil ought to be as well equipped for their task, as the craftsman for his work.

Increase the efficiency of the farmer's boys and girls; increase their ability, each in his own rôle, to operate the modern devices which contribute to the comforts of the home; put within their reach the opportunity to acquire the knowledge appropriate to their particular function in the home and farm life, and you increase to such an extent the attractions of life on the farm, that the present eager desire of our young men and women to get away from the country to the cities will be counteracted. [Applause.]

The establishment of high schools in the country districts for agricultural and mechanical instruction, will mean that, for the first time, thousands of country boys will learn that farming is something more than mere digging the soil, after the fashion of our fathers and grandfathers; that there is a science of agriculture, just as there is a science of law, or medicine.

He will acquire in these schools that knowledge which will enable him to make his home better and happier. To that end he will learn to lay under contribution the discoveries of science. We have gone too far in the direction of public school educa-

tion, to stop with the colleges, and common schools. They are well enough in their way, and will be continually improved; but the agricultural high school, the mechanical arts high school, the high school which educates women in relation to the domestic work of the home, these are the schools which must, and will be established, whether this bill is passed or not.

But why should we hesitate to pass this bill? Such a measure is the natural sequence of the Morrill Act. Such a measure became inevitable, the moment that the Morrill experiment became an assured success.

In addition to the amount appropriated by this bill for the high schools, there is a further appropriation of $2,500, to be duplicated by the respective States, to be used to supply branch agricultural experiment stations, for each agricultural high school.

These stations are a necessary part of the successful agricultural high school. Theory and practice ought always to go hand in hand. An experimental farm is as necessary, in connection with instructions in agriculture, or horticulture, or dairying as a hospital and clinics are, in connection with a course in medicine and surgery. As well endeavor to teach anatomy without dissection, as to teach agriculture without a farm.

The average boy or girl considers agriculture, and its cognate pursuits of horticulture, and floriculture, as a dull and prosy round of digging and pruning, perchance of watering and spraying, in which like will produce like, in monotonous succession, for all ages to come. What an awakening will come to such a boy, or such a girl, what a vista of delightful possibilities will be unfolded before his wondering eyes when, in these schools and on these farms, he will be introduced to the fascinating studies of Luther Burbank in the world of fruits and flowers.

We now have one Burbank. As an outcome of the proposed system we may see many successors come forward to carry on with increased results, the wondrous work which he is now doing with such success that whatever is desired in form, or flavor, is apparently produced at will.

On the whole, the purpose of this bill is so meritorious, its beneficial results so certain, and its constitutionality so apparent, that there ought to be no objection to its passage. I am in receipt of many letters from distinguished educators from my own State, approving its scope and plan. One of these letters I will insert in this connection, without giving the name of the author:

Hon. E. W. SAUNDERS, *Rockymount, Va.*

DEAR SIR: During the present session of Congress H. R. 24757 will be brought up by Hon. C. R. DAVIS of Minnesota. I can not conceive of any move on the part of the Federal Government, that would offer more hope to the State of Virginia. Anyone who leaves the South, and passes through the Northwest, and sees the clean, orderly, scientific agriculture of those States, can not but be impressed by the fact that they have a training which we have not. This is particularly true of Minnesota, which leads the Union in agricultural high schools. There is no reason under heaven why Virginia should not be a dairy State, and rank with Minnesota. When we recall the fact that agriculture was at one time in the history of Virginia its most honored calling, we will see that we can make this true again. Nothing will enable us to do this so well, as high-class agricultural schools in each district.

The merits of the bill are so obvious, the results that its passage and operation will afford are so palpable, that the mere statement of its provisions ought to secure its passage.

What objection can be urged against it? Is it suggested that it is unconstitutional? Then the original land-grant act was unconstitutional. Does some ultra advocate of the rights of the States view it with apprehension? If he does, his apprehensions are easily dispelled. In no way does this measure trench upon, or interfere with the functions of the States.

Out of the abundant revenues of the nation it is proposed to aid the States which are willing to go forward in the work of educating their sons and daughters, so as to make them more capable, more self-reliant, happier, and more efficient. The money is turned over to the States and Territories to be administered for special purposes by local functionaries.

So long as it is expended for these purposes, under the control of State agencies, the amount appropriated to each State and Territory, will be paid over to the proper authorities. Any payment that is lost, or misapplied must be replaced, and until that is done, no subsequent appropriation will be apportioned, or paid over to the delinquent. No money will be paid to a State, in the first instance, until that State has given its legislative assent to the purpose of the grant. Hence, so far from compelling a State to be an unwilling participant in a policy of which it disapproves, any payment to her is conditioned upon her voluntary cooperation.

No community which is opposed to the establishment of the agricultural high schools contemplated by this measure, will be made an unwilling recipient of a forced bounty.

The amount to be appropriated under this measure is ludicrously small, compared with the sums that are expended annually in other directions. Every time that we order the construction of a battle ship, we incur an expense greater than the annual payments under this bill. Lurid pictures of imaginary invading forces landing on our shores, or of the machinations of imaginary enemies conspiring to overrun our colonial possessions, or to exclude us from the enjoyment of our rights as a world power, are usually furnished, when an extra appropriation is asked for more battle ships, or a larger Army. Under the impulse of these fantastic alarms, it too often happens that money is appropriated for purposes of destruction which, if invested by law in schools, or works of internal development, would yield so rich a return of happiness and prosperity that thousands now unborn, would rise up hereafter to acclaim as benefactors the men associated with this legislation.

A battle ship at $10,000,000 is a precarious investment. In a few years, at best, it becomes obsolete, fit only to become a target for the latest monster produced by the experts who devote themselves to playing the endless game of check and countercheck, in the evolution of the machinery of defense, and destruction.

A battle ship, unlike wine, does not improve with age. It can not be added to, improved upon, renovated, or built over. In a short time it is old junk, and its assembled materials sell for a mere song.

A school plant is susceptible of indefinite enlargement, is continually being brought up to date, never becomes obsolete, and like the great universities of the world, increases in usefulness, as it takes on age and prestige. The original investment is never lost. It is the mere foundation upon which future generations will build. We may never see the completed work, but in the flow of time this structure of patriotic hands, and loving hearts will assume grander and more imposing proportions.

Mr. Chairman, many millions have been spent in the cause of scientific research. Many results have been obtained in the prosecution of this research. which open up new vistas of health, comfort, and happiness to mankind. In the interest of the general welfare of our people, in the discharge of our duties as the chosen Representatives of the great American public, we cannot afford not to bring these results within the reach of the millions of boys and girls who eagerly await the passage of this bill.

The amount of money that is needed to set this great project on foot, is insignificant compared with the vast sums that we have wasted, and are preparing to waste, on projects of naval and military preparation against chimerical enemies.

We have done enough in the way of preparation for possible wars.

Call a halt in the wicked and wasteful enlargement of our military expenditures, and the means will be available for this, and many another work of popular interest, and national development. There are many things we cannot afford to leave undone. The passage of this bill is one of them. [Loud applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] has introduced in the House a concurrent resolution for a survey of a continuous inland waterway from Boston, Mass., through Cape Cod, to Beaufort, N. C. This resolution was prepared after a conference with Members of Congress from the south Atlantic coast and from New England. I was present at that conference, and the resolution was prepared after the conference by a committee of which my colleague, Mr. SMALL, was a member.

The survey, under the resolution, is to be made by the War Department, by the route or routes deemed most available, from Massachusetts across the States of New York, New Jersey, Delaware, Maryland, Virginia, and North Carolina, by Long Island Sound, Raritan Bay, Delaware River, Chesapeake Bay, Albemarle and Pamlico sounds, to the Atlantic Ocean at Beaufort, N. C. The estimates are to be for a minimum depth of 16 feet along the entire route and of such depth in excess as may be required for commercial, naval, or military purposes.

It is proposed to appropriate $100,000 for this survey.

Mr. Chairman, I am very heartily in favor of the passage of this resolution, either independently or by incorporation hereafter in a river and harbor bill. This waterway is of great importance to my State, and the terminus of the proposed waterway is in my district at Beaufort. By the river and harbor bill passed last Congress the sum of $550,000 was appropriated for the purpose of dredging the waterway from Norfolk, Va., to Beaufort, N. C., and this work is now in progress. The survey has been made, and the titles to the rights of way are being investigated and will be acquired by the Government. This waterway from Norfolk, Va., to Beaufort, N. C., is one of the links in the proposed waterway from Boston to

Beaufort, for which a survey is asked by the resolution. The continuation of the waterway between the ports of Norfolk, Va., and Beaufort, N. C., northward to Boston, Mass., through Cape Cod, will be of incalculable value to the whole country, in cheapening freight rates, in opening up another avenue of commerce and transportation, in avoiding the dangers of Cape Hatteras and other dangerous points on the Atlantic coast, and of great benefit to the country in time of war for naval and military purposes.

The whole drift of the times is in the direction of improving the waterways of the country. Such improvement has become a commercial necessity. Regardless of the question of cheaper freight rates by water, the railroads of the country are unable to haul the large amount of freight now being transported and can not cheaply or successfully carry the class of freight which can be transported by water. The extension of the Norfolk and Beaufort waterway northward to Boston, Mass., will benefit New England as well as the South, and New England and Southern men are united in asking this waterway at the hands of Congress. The importance of developing our waterways and the popularity of this movement have been distinctly shown and manifested by the investigation and report of the Inland Waterways Commission, of which Hon. THEODORE E. BURTON, chairman of the Rivers and Harbors Committee, is chairman, transmitted to Congress by the President in a late message, and also by the large and enthusiastic meetings of the National Rivers and Harbors Congress recently held in Washington. The President ranks the Atlantic waterway next to the Mississippi.

I want to say in this connection that, in my opinion, the National Rivers and Harbors Congress, of which my distinguished friend and colleague, Hon. JOSEPH E. RANSDELL, of Louisiana, is president, has done very much, not only toward shaping public sentiment in favor of the improvement of our waterways and liberal appropriations therefor, but also in bringing to the attention of the country the absolute necessity of such improvement. No man who attended the last session of the Rivers and Harbors Congress and heard the addresses of James J. Hill; Governor John A. Johnson, of Minnesota; Governor R. B. Glenn, of North Carolina, and others could fail to be impressed with the fact that, from every point of view, additional and larger appropriations for rivers and harbors, and especially for the great waterways of the United States, were not only a commercial necessity, but in line with the best and most enlightened policy of our Government. [Applause.]

Mr. THOMAS of North Carolina. Mr. Chairman, I ask unanimous consent for leave to print this resolution of the gentleman from Pennsylvania to which I have referred. There has been no objection to printing of bills.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to print with his remarks the bill which he has indicated. Is there objection?

Mr. PAYNE. I am compelled, Mr. Chairman, to object.

Mr. THOMAS of North Carolina. But there has been no objection to the printing of bills.

Mr. MANN. There has been an objection to everything by the gentleman from Mississippi.

Mr. FLOOD. But the gentleman from Mississippi did not object to the gentleman from Connecticut [Mr. HILL] printing something.

Mr. MANN. That trade was evened up.

Mr. BYRD. Mr. Chairman, I ask unanimous consent to extend the remarks I made in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. PAYNE. Mr. Chairman, in the absence of the gentleman from Mississippi [Mr. WILLIAMS], I desire to object.

The CHAIRMAN. The gentleman objects.

Mr. COUSINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. MANN, Speaker pro tempore, having taken the Chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20345, the diplomatic and consular appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6163. To authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest—to the Committee on Indian Affairs.

S. 122. Authorizing the purchase of ground for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes—to the Committee on Public Buildings and Grounds.

S. 4186. Creating in the State of Minnesota a national forest consisting of certain described lands, and for other purposes—to the Committee on Indian Affairs.

S. 5505. To define and suppress vagrancy within the District of Columbia—to the Committee on the District of Columbia.

S. 5616. To amend section 3744 of the Revised Statutes—to the Committee on Naval Affairs.

S. 5950. To provide for the disposition of pensions due inmates of the Naval Home—to the Committee on Invalid Pensions.

S. 6155. To provide for an enlarged homestead—to the Committee on Public Lands.

S. 6159. To establish a permanent national bison range—to the Committee on Indian Affairs.

S. 6525. Authorizing the Secretary of the Interior to remove restrictions on Indian allotments in Oklahoma for school-site purposes—to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. PEARRE, for one week, on account of important business.

Mr. HENRY of Connecticut, for one week, on account of important business.

Mr. MCCREARY, indefinitely, on account of sickness.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20345, the diplomatic and consular appropriation bill.

Mr. PAYNE. Mr. Speaker, pending the motion of the gentleman from Iowa, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

The SPEAKER pro tempore. Pending the motion to go into the Committee of the Whole House, the question is on the motion of the gentleman from New York, that the House take a recess until 11.30 o'clock to-morrow morning.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 95, noes 49.

Mr. WILLIAMS. Mr. Speaker, I demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER pro tempore. The gentleman from New York makes the point of order that the demand of the gentleman from Mississippi for tellers is dilatory, and the Chair sustains the point of order.

Mr. WILLIAMS. I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman demands the yeas and nays.

Mr. PAYNE. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER pro tempore. In the opinion of the Chair there is no quorum present.

Mr. WILLIAMS. Mr. Speaker, I submit to the Chair the question of whether or not that point of order made by the gentleman from New York is dilatory.

Mr. GARRETT. I make the point of order, that it does not require a quorum to take a recess.

Mr. WILLIAMS. Oh, yes; it does.

Mr. GARRETT. Under the rule which has been adopted a recess takes the place of an adjournment.

The SPEAKER pro tempore. In the opinion of the Chair it requires a quorum to take a recess. In the opinion of the Chair there is no quorum present. The point of no quorum is not dilatory. The Doorkeeper will close the door, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion of the gentleman from New York that the House do take a recess until to-morrow morning at 11.30 o'clock. The Clerk will call the roll.

The question was taken, and there were—yeas 133, nays 81, answered "present" 10, not voting 164, as follows:

YEAS—133.

Allen	Byrd	Currier	Fassett
Ames	Calderhead	Cushman	Ferris
Andrus	Capron	Dalzell	Finley
Barchfeld	Cary	Darragh	Focht
Barclay	Caulfield	Davis, Minn.	Fordney
Bartholdt	Chaney	Diekema	French
Bates	Chapman	Draper	Gardner, Mich.
Birdsall	Clark, Mo.	Driscoll	Gardner, N. J.
Bonynge	Cocks, N. Y.	Durey	Gilhams
Booher	Cole	Ellis, Mo.	Graff
Boyd	Cooper, Pa.	Ellis, Oreg.	Graham
Burleigh	Cooper, Wis.	Englebright	Greene
Burton, Ohio	Cousins	Esch	Hamilton, Iowa
Butler	Crumpacker	Fairchild	Hamilton, Mich.

Harding	Kinkaid	Needham	Sterling
Harrison	Knowland	Norris	Sturgiss
Haskins	Küstermann	Nye	Tawney
Haugen	Lafean	Parker, N. J.	Thistlewood
Hawley	Laning	Parsons	Thomas, Ohio
Hayes	Law	Payne	Townsend
Hill, Conn.	Longworth	Perkins	Volstead
Hinshaw	Lorimer	Porter	Vreeland
Holliday	Lovering	Pray	Waldo
Howell, N. J.	Lowden	Reynolds	Wanger
Howell, Utah	McKinlay, Cal.	Rodenberg	Weeks
Howland	McLaughlin, Mich.	Russell, Mo.	Wheeler
Hubbard, Iowa	McMorran	Scott	Wilson, Ill.
Hubbard, W. Va.	Madden	Smith, Cal.	Wood
Huff	Mann	Smith, Iowa	Woodyard
Hull, Iowa	Marshall	Smith, Mich.	Young
Humphrey, Wash.	Morse	Southwick	The Speaker
Jones, Wash.	Mouser	Sperry	
Kennedy, Iowa	Murdock	Stafford	
Kennedy, Ohio	Murphy	Steenerson	

NAYS—81.

Adair	Fitzgerald	Humphreys, Miss.	Ryan
Adamson	Flood	Johnson, Ky.	Sabath
Aiken	Floyd	Johnson, S. C.	Saunders
Ashbrook	Foster, Ill.	Jones, Va.	Sheppard
Bartlett, Ga.	Fulton	Kipp	Sherley
Bartlett, Nev.	Garner	Kitchin, Claude	Sherwood
Beall, Tex.	Garrett	Lamar, Mo.	Sims
Bell, Ga.	Gill	Leake	Slayden
Bowers	Gillespie	Lloyd	Small
Brantley	Godwin	McHenry	Smith, Mo.
Brodhead	Gordon	Macon	Smith, Tex.
Burgess	Gregg	Maynard	Spight
Burnett	Griggs	Moore, Tex.	Stephens, Tex.
Candler	Hardy	Nicholls	Sulzer
Carter	Hay	Page	Thomas, N. C.
Clayton	Heflin	Rainey	Tou Velle
Cooper, Tex.	Helm	Rauch	Williams
Cravens	Henry, Tex.	Reid	Wilson, Pa.
Denver	Houston	Richardson	
Dixon	Hughes, N. J.	Robinson	
Ellerbe	Hull, Tenn.	Russell, Tex.	

ANSWERED "PRESENT"—10.

Ansberry	Craig	Gaines, W. Va.	Moon, Tenn.
Bennet, N. Y.	De Armond	Jenkins	
Bradley	Gaines, Tenn.	Langley	

NOT VOTING—164.

Acheson	Fornes	Knopf	Parker, S. Dak.
Alexander, Mo.	Foss	Lamar, Fla.	Patterson
Alexander, N. Y.	Foster, Ind.	Lamb	Pearre
Anthony	Foster, Vt.	Landis	Peters
Bannon	Foulkrod	Lassiter	Pollard
Beale, Pa.	Fowler	Lawrence	Pou
Bede	Fuller	Lee	Powers
Bennett, Ky.	Gardner, Mass.	Legare	Pratt
Bingham	Gillett	Lenahan	Prince
Boutell	Glass	Lever	Pujo
Broussard	Goebel	Lewis	Randell, Tex.
Brownlow	Goldfogle	Lilley	Ransdell, La.
Brumm	Goulden	Lindbergh	Reeder
Brundidge	Granger	Lindsay	Rhinock
Burke	Gronna	Littlefield	Riordan
Burleson	Hackett	Livingston	Roberts
Burton, Del.	Hackney	Loud	Rothermel
Calder	Haggott	Loudenslager	Rucker
Caldwell	Hale	McCall	Shackleford
Campbell	Hall	McCreary	Sherman
Carlin	Hamill	McDermott	Slemp
Clark, Fla.	Hamlin	McGavin	Snapp
Cockran	Hammond	McGuire	Sparkman
Conner	Hardwick	McKinley, Ill.	Stanley
Cook, Colo.	Henry, Conn.	McKinney	Stevens, Minn.
Cook, Pa.	Hepburn	McLachlan, Cal.	Sulloway
Coudrey	Higgins	McLain	Talbott
Cox, Ind.	Hill, Miss.	McMillan	Taylor, Ala.
Crawford	Hitchcock	Madison	Taylor, Ohio
Davenport	Hobson	Malby	Tirrell
Davey, La.	Howard	Miller	Underwood
Davidson	Hughes, W. Va.	Mondell	Wallace
Dawes	Jackson	Moon, Pa.	Washburn
Dawson	James, Addison D.	Moore, Pa.	Watkins
Denby	James, Ollie M.	Mudd	Watson
Douglas	Kahn	Nelson	Webb
Dunwell	Keifer	O'Connell	Weems
Dwight	Kelliher	Olcott	Weisse
Edwards, Ga.	Kimball	Olmsted	Wiley
Edwards, Ky.	Kitchin, Wm. W.	Overstreet	Willett
Favrot	Knapp	Padgett	Wolf

The Clerk announced the following additional pairs:

On this vote:

Mr. FULLER with Mr. ALEXANDER of Missouri.
Mr. CALDER with Mr. CALDWELL.
Mr. CAMPBELL with Mr. CARLIN.
Mr. CONNER with Mr. CRAIG.
Mr. COOK of Colorado with Mr. CRAWFORD.
Mr. DAVIDSON with Mr. DE ARMOND.
Mr. PRINCE with Mr. GLASS.
Mr. DENBY with Mr. GRANGER.
Mr. DWIGHT with Mr. HACKNEY.
Mr. FOSS with Mr. HAMMOND.
Mr. FOSTER of Indiana with Mr. HITCHCOCK.
Mr. GOEBEL with Mr. HILL of Mississippi.
Mr. HALE with Mr. LIVINGSTON.
Mr. HALL with Mr. MCDERMOTT.
Mr. LAWRENCE with Mr. SPARKMAN.
Mr. LOUDENSLAGER with Mr. MCLAIN.
Mr. PARKER of South Dakota with Mr. PUJO.
Mr. PEARRE with Mr. ROTHERMEL.
Mr. SLEMP with Mr. RUCKER.
Mr. WATSON with Mr. UNDERWOOD.

For the balance of the day:

Mr. JENKINS with Mr. BRUNDIDGE.
Mr. DAWSON with Mr. PADGETT.
Mr. BURTON of Delaware with Mr. HOBSON.
Mr. KEIFER with Mr. O'CONNELL.
Mr. BOUTELL with Mr. HACKETT.
Mr. FOULKROD with Mr. MAYNARD.

Until further notice:

Mr. KNAPP with Mr. WILLETT.
Mr. SULLOWAY with Mr. TALBOTT.
Mr. MUDD with Mr. WALLACE.
Mr. ALEXANDER of New York with Mr. RICHARDSON.
Mr. HUBBARD with Mr. COCKRAN.

The SPEAKER pro tempore. On this vote the yeas are 133, the nays are 81, present 10. A quorum is present, and the Doorkeeper will open the doors. The ayes have it, and accordingly the House determines to take a recess until 11.30 to-morrow morning.

Accordingly (at 5 o'clock and 42 minutes p. m.) the House took a recess until to-morrow at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Maumee River, Ohio (H. R. Doc. 865)—to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 536) to establish a fish-cultural station in the State of Delaware, reported the same without amendment, accompanied by a report (No. 1461), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 2328) to establish a fish-cultural station in the State of North Carolina, reported the same without amendment, accompanied by a report (No. 1462), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HALL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4132) creating an additional land district in the State of South Dakota, reported the same without amendment, accompanied by a report (No. 1463), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of Massachusetts, from the Select Committee on Industrial Arts and Expositions, to which was referred the bill of the Senate (S. 4639) to provide for participation by the United States in an international exposition to be held at Tokyo, Japan, in 1912, reported the same with amendments, accompanied by a report (No. 1464), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 18704) to establish a fish-culture station in the State of New York, reported the same without amendment, accompanied by a report (No. 1465), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MCCALL, from the Committee on the Library, to which was referred the bill of the House (H. R. 16647) for the erection of a replica of John Quincy Adams Ward's statue of Washington, reported the same with amendment, accompanied by a report (No. 1466), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18694) relating to the use, control, and ownership of lands in

the Canal Zone, Isthmus of Panama, reported the same with amendments, accompanied by a report (No. 1467), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the resolution of the House (H. Res. 334) directing the Secretary of the Interior to furnish the House copies of correspondence and other papers on file relating to use of United States soldiers within the Navajo Indian Reservation in arresting By-a-lil-le and other Navajo Indians, which resulted in killing two Indians, reported the same with amendment, accompanied by a report (No. 1459), which said resolution and report were referred to the House Calendar.

He also, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20383) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 1460), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 20413) granting a pension to Andrew Dine—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19483) granting a pension to Guy R. Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20905) to correct the military record of Alonzo Carter—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHERMAN: A bill (H. R. 20938) to provide for the completion of allotments in the Choctaw and Chickasaw nations, and for other purposes—to the Committee on Indian Affairs.

By Mr. LAW: A bill (H. R. 20939) fixing the compensation of the mechanics in the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: A bill (H. R. 20940) authorizing the extension of Minnesota avenue NE.—to the Committee on the District of Columbia.

By Mr. JONES of Washington: A bill (H. R. 20941) providing for the resurvey of a certain township of land in Stevens County, Wash.—to the Committee on the Public Lands.

By Mr. LOVERING: A bill (H. R. 20998) to legalize the issue of clearing-house certificates—to the Committee on Banking and Currency.

By Mr. PARSONS: A bill (H. R. 20999) providing for an additional judge for the second judicial circuit—to the Committee on the Judiciary.

By Mr. PARKER of New Jersey: Resolution (H. Res. 340) amending Rule I, paragraph 5, of the House of Representatives—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 20942) granting an increase of pension to Nelson Matteson—to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 20943) to remove the charge of desertion against Lewis Mock and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: A bill (H. R. 20944) granting an increase of pension to Mary I. Reese—to the Committee on Pensions.

By Mr. BRANTLEY: A bill (H. R. 20945) for the relief of Nancy E. Latimer, executrix of the estate of D. E. Knoles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 20946) for the relief of the estate of Joseph Lippman, deceased—to the Committee on War Claims.

By Mr. BURTON of Ohio: A bill (H. R. 20947) granting an increase of pension to John M. Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20948) granting an increase of pension to Samuel B. Grover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20949) for the relief of Adam Zarn—to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 20950) authorizing the Secretary of War to bestow a medal of honor upon Maj. Thomas Gibson—to the Committee on Military Affairs.

By Mr. CHANEY: A bill (H. R. 20951) granting an increase of pension to Anderson Keen—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 20952) granting an increase of pension to James C. Taylor—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 20953) granting an increase of pension to Samuel D. Meek—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 20954) granting an increase of pension to Edward O. Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20955) granting an increase of pension to William Satchell—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 20956) granting an increase of pension to Joseph W. Shirey—to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 20957) to authorize the President to appoint Lieut. Col. William H. Corbusier, retired, a brigadier-general—to the Committee on Military Affairs.

By Mr. GAINES of Tennessee: A bill (H. R. 20958) granting an increase of pension to G. W. Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20959) to remove the charge of desertion from the military record of William Widdis and pay him a pension—to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 20960) for the relief of George Davis—to the Committee on War Claims.

Also, a bill (H. R. 20961) for the relief of Hudson M. Harris—to the Committee on Military Affairs.

By Mr. HARDWICK: A bill (H. R. 20962) granting an increase of pension to David E. Lutz—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 20963) granting an increase of pension to George H. Cady—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 20964) granting a pension to Amos C. Keepers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20965) granting a pension to Alice V. Marks—to the Committee on Pensions.

By Mr. LAMAR of Missouri: A bill (H. R. 20966) granting an increase of pension to Edgar A. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20967) granting an increase of pension to De Villo P. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20968) granting an increase of pension to John H. Roper, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20969) granting an increase of pension to Belfield Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20970) granting an increase of pension to F. A. Minor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20971) granting an increase of pension to J. M. Herndon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20972) granting a pension to George W. Pfeifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20973) granting a pension to Malinda Burris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20974) for the relief of Sarah J. Hobson—to the Committee on War Claims.

By Mr. LIVINGSTON: A bill (H. R. 20975) for the relief of the heirs of Robert Young Rodgers, deceased—to the Committee on War Claims.

By Mr. McLACHLAN of California: A bill (H. R. 20976) granting an increase of pension to John Schalber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20977) granting an increase of pension to Lafayette Decker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20978) granting an increase of pension to William Summerville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20979) granting an increase of pension to Thomas M. Herrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20980) granting an increase of pension to Edwin Bailey—to the Committee on Pensions.

By Mr. MURDOCK: A bill (H. R. 20981) granting an increase of pension to Erastus S. Russell—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 20982) granting an increase of pension to Samuel Wheeler—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 20983) granting a pension to William T. Mayes—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 20984) granting an increase of pension to Frederick R. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20985) granting an increase of pension to William H. H. McCowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20986) granting an increase of pension to George Searles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20987) granting an increase of pension to John S. Schuyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20988) granting an increase of pension to Michael Myers—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 20989) granting an increase of pension to Allen Matley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20990) granting a pension to Sarah L. Owens—to the Committee on Pensions.

By Mr. BOYD: A bill (H. R. 20991) granting an increase of pension to Danford Taylor—to the Committee on Invalid Pensions.

By Mr. BRODHEAD: A bill (H. R. 20992) granting an increase of pension to Henry Bischoff—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 20993) for the relief of J. T. McCaleb, of Fincastle, Va.—to the Committee on War Claims.

Also, a bill (H. R. 20994) for the relief of the estate of Robert J. Hope, deceased—to the Committee on War Claims.

By Mr. KIPP: A bill (H. R. 20995) granting an increase of pension to Freeman N. Dixon—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 20996) granting an increase of pension to George F. Sloane—to the Committee on Invalid Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 20997) for the relief of Lenorah E. Copeland—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Nelson Matheson—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of Buffalo Clearing House Association, of Buffalo, N. Y., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. ASHBROOK: Paper to accompany bill for relief of Elizabeth Grave—to the Committee on Invalid Pensions.

By Mr. BATES: Paper to accompany bill for relief of Adam Bible (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. BONYNGE: Petition of Colorado African Colonization Society, of Denver, Colo., for an appropriation to aid Afro-Americans to emigrate to Liberia—to the Committee on Appropriations.

By Mr. BRADLEY: Paper to accompany bill for relief of Joseph Lippman—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of citizens of Skowhegan, Me., for national highways commission and Federal aid in construction of public roads (H. R. 15837)—to the Committee on Interstate and Foreign Commerce.

Also, petition of George D. Bisbee, of Rumford Falls, Me., against partial revision of tariff—to the Committee on Ways and Means.

By Mr. CALDERHEAD: Petitions of William Knipe, of Garrison, and Hanover State Bank, of Hanover, Kans., favoring the McKinney currency bill (H. R. 15262) and against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. CARY: Papers to accompany special bill granting medal of honor to Thomas Gibson—to the Committee on Military Affairs.

By Mr. CHANEY: Paper to accompany bill for relief of Anderson Keene—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: Petition of Union Course Board of Trade of New York, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

By Mr. DUNWELL: Petition of Fort Wayne Clearing-House, against the Aldrich currency bill (H. R. 3023)—to the Committee on Banking and Currency.

By Mr. FULLER: Petition of Philadelphia Credit Men's Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. FULTON: Petition of legislature of the State of Oklahoma, for legislation permitting State of Oklahoma to enter into negotiations with the Chickasaw and Choctaw Indian nations for purchase of certain coal and asphalt lands, etc.—to the Committee on Indian Affairs.

By Mr. GAINES of West Virginia: Petition of Associated Bankers of Charleston, W. Va., against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of G. W. Wheeler—to the Committee on Pensions.

By Mr. GOULDEN: Petition of Theodore T. Ross, relative to the amendment proposed to the Sherman antitrust law, Pearre bill limiting issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of Cedar Rapids (Iowa) Clearing-House, against amendment of banking and currency laws—to the Committee on Banking and Currency.

Also, petition of James A. Van Cleve, of the Insurance Times, for removal of duty on white paper and wood pulp—to the Committee on Ways and Means.

Also, petition of District Lodge, No. 44, International Association of Machinists, of Washington, D. C., for construction of one battle ship in a Government yard—to the Committee on Naval Affairs.

Also, petitions of Marietta (Ohio) Council, No. 478, and Martinsburg (W. Va.) Council, No. 1169, Knights of Columbus, for making the 12th of October a national holiday—to the Committee on the Judiciary.

By Mr. HILL of Connecticut: Petition of Pomona Grange, No. 9, of Oronoque, Fairfield County, Conn., for a national highways commission and for Federal aid in construction of public highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of executive council of Connecticut State Board of Trade, for forest reservations in White Mountains and Southern Appalachian Mountains (H. R. 10457)—to the Committee on Agriculture.

Also, petition of First Division of Ancient Order of Hibernians, of Bridgeport, Conn., against a treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. HOBSON: Paper to accompany bill for relief of heirs of Richard Appling—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: Memorial of residents of Jersey City, N. J., against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. HOWELL of Utah: Petition of B. F. Peixotto Lodge, No. 421, of Salt Lake City, against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

By Mr. HUFF: Petition of Branch No. 83, Glass Bottle Blowers' Association of the United States and Canada, for an amendment to the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. KIPP: Paper to accompany bill for relief of William R. Campbell—to the Committee on Military Affairs.

By Mr. KNAPP: Petition of Watertown (N. Y.) Grange, favoring a national highways commission and appropriation for Federal aid in construction and improvement of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. KÜSTERMANN: Petition of Baldwin Lodge, No. 189, Brotherhood of Locomotive Firemen and Engineers, of Green Bay, Wis., favoring enactment of S. 6320 and H. R. 19795, to equip all locomotives with automatic ash pans—to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of Grand Street Board of Trade of Brooklyn, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of David Hunter and others, of Brooklyn, for amendment proposed to Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liabil-

ity bill, and national eight-hour law—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of Mrs. S. T. Hirst—to the Committee on Invalid Pensions.

Also, petition of Mr. John Halter, urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. LITTLEFIELD: Petition of William N. Ingersoll and other citizens of Maine, for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

Also, petition of David E. Joy and other citizens of Addison, Me., favoring S. 5122, for parcels post on rural delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Robert L. Rodgers as assignee of Mrs. M. E. Rodgers and as heir of Dr. Robert Y. Rodgers—to the Committee on Claims.

By Mr. MOUSER: Petition of Milan (Ohio) Grange, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. McMILLAN: Petition of citizens of Luzerne and Hadley, favoring the Sims prohibition bill—to the Committee on the District of Columbia.

By Mr. OVERSTREET: Petition of Harrison W. Blake and others, of Indianapolis, Ind., against H. R. 4897, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Tri-State Live Stock Dealers' Association, indorsing the Culberson-Smith car and transportation service bill (S. 3644 and H. R. 13841)—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Paper to accompany bill for relief of Rufus Smith—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Petition of International Union of Steam Engineers, against the Penrose bill (S. 1518) amending section 3893 of Revised Statutes—to the Committee on the District of Columbia.

Also, petition of Clearing House Association, against sections 8 and 11 of the Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of Golden Grange, of Union, Ky., favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. RYAN: Petition of Robert Emmet Memorial Association, of Buffalo, N. Y., against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Lake Seamen's Union, against H. R. 225, to amend section 4463 of the Revised Statutes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Baltimore Clearing House, against the Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of city council of Chicago, Ill., favoring H. R. 15123, 15267, and 15929, governing conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward Smith & Co., of New York, against the Marshall paint bill, legislation affecting sale and interchange of paint—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petitions of the Associated Civic Societies of New Haven, Conn., of the Connecticut Congress of Mothers, and the New Haven Consumers' League, favoring the child-labor bill (S. 4812), to regulate child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Higganum Grange, of Haddam, Conn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Third Division of the Ancient Order of Hibernians, of Ansonia, Conn., protesting against a ratification of a treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, protest of citizens of Hartford, Derby, New Haven, Ansonia, Torrington, New Britain, and Portland, against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. UNDERWOOD: Petition of A. S. Miller and other citizens of Birmingham, Ala., for a postal savings-bank system and parcels post—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *April 18, 1908.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

In my Father's house are many mansions. If it were not so, says the Savior, I would have told you. I go to prepare a place for you.

And in the prayer of the last supper He says: Neither pray I for these alone, but for them also who shall believe on me through their word, that they all may be one, as Thou, Father, art in me and I in Thee, that they may be one in us.

Father of life, it has pleased Him to pray for us in these last words of His life, He prays that we may be one—one in purpose, one in thought, one in work, for the coming of Thy kingdom.

Be pleased to consecrate to all of us here the memories of the past, to keep our memories green, that we may translate those memories into hopes and instructions for these days that are before us.

For every word and work of Thy servants who have gone before and whom Thou hast lifted into that larger life which rests on truth and honor and purity, we thank Thee. For every memory of lives consecrated to the nation and to the world, by Thy servants who have left us, we thank Thee. For every word which such men have spoken which speaks of Thine infinite law and Thy perfect truth, we thank Thee.

And now here is to-day before us, and to-morrow, and all this future, O God, take this nation into Thine own arms. Inspire us with Thine own Holy Spirit, that we may do justly, love mercy, and walk humbly with Thee. Make us strong in the infinite strength, that so Thy kingdom may come and Thy will may be done on earth as it is in heaven.

Here is our prayer as it was our Savior's prayer, that we may be made one in Christ Jesus and in Thee.

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is done in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of The Trustees of the Presbyterian Church of Somerset, Ky., *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of Oklahoma, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

PETITION OF THE LEGISLATURE OF THE STATE OF OKLAHOMA.

To the Congress of the United States:

Whereas the segregated coal and asphalt commission provided for by resolution of the constitutional convention of the State of Oklahoma have submitted their report to the governor and the legislature of the State of Oklahoma; and

Whereas the report shows that there are about 444,000 acres of land in the Chickasaw and Choctaw nations in the State of Oklahoma that are segregated from the lands of said nations and are not subject to sale, lease, or settlement; and

Whereas this land is situated almost entirely in Coal, Pittsburg, Latimer, Leflore, and Haskell counties, and as long as it is held as it is it is nontaxable, making it very difficult for the counties to maintain their county organization; and

Whereas it is desired by the people of the State of Oklahoma to further investigate the extent and value of the coal and asphalt deposits on said lands, with a view of purchasing the same, provided the same can be lawfully done; and

Whereas it is the desire of the said Chickasaw and Choctaw nations to have the surface of said lands and the coal and asphalt deposits sold to one purchaser; and

Whereas the best interests of the State of Oklahoma demand that the State own the said segregated lands, provided the same can be purchased at a reasonable and fair price: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and are hereby, requested to enact the necessary legislation permitting the State to enter into negotiations with the said nations and with the proper officers of the Government of the United States looking to the purchase of said lands

by the State of Oklahoma, and that full and complete authority be conferred upon the said nations and the proper officers of the United States to complete and carry out the sale of said lands to the State.

WM. H. MURRAY,
Speaker of the House of Representatives.
J. C. GRAHAM,
President pro tempore of the Senate.

C. H. PITTMAN, *Chief Clerk.*

The VICE-PRESIDENT presented a petition of the State Federation of Women's Clubs of Pennsylvania, and a petition of the State Federation of Women's Clubs of Rhode Island, praying for the enactment of legislation providing for the investigation and the development of the methods of the treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of Local Union No. 124, International Union of Steam Engineers of Fort Edward, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. GALLINGER presented memorials of sundry citizens of Michigan, Missouri, Pennsylvania, Indiana, New York, and North Carolina, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented sundry memorials in the form of telegrams from citizens of Oregon, Louisiana, Michigan, Pennsylvania, Washington, New Jersey, Texas, Connecticut, Idaho, Rhode Island, Illinois, Vermont, Georgia, Iowa, and Indiana, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition, in the form of a telegram, from M. E. Swanson, of Ballard, Wash., praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a memorial of sundry citizens of Worcester, Mass., and a memorial of sundry citizens of Waltham, Mass., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. BULKELEY presented a memorial of Third Division, Ancient Order of Hibernians, of Ansonia, Conn., remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented a memorial of the H. M. Warren Post, Grand Army of the Republic, Department of Massachusetts, of Wakefield, Mass., remonstrating against the enactment of legislation to abolish certain pension agencies throughout the the United States, which was referred to the Committee on Pensions.

Mr. BACON presented sundry papers to accompany the bill (S. 2612) for the relief of the heirs of Joseph V. Connerat, deceased, late of Savannah, Ga., which were referred to the Committee on Claims.

Mr. STEPENSON presented a memorial of the national banks of Milwaukee, Wis., and a memorial of the Clearing-House Association of Racine, Wis., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

He also presented a memorial of sundry officers of the Wisconsin National Guard, of Milwaukee, Wis., remonstrating against the adoption of the so-called "Tawney amendment" to the Army appropriation bill prohibiting officers from competing for medals, which was ordered to lie on the table.

He also presented a petition of the Structural Building Trades Alliance of Superior, Wis., praying for the enactment of legislation providing for the installation of the People's telephones in the several departments of the new Federal building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of M. E. Sexton Post, No. 185, Department of Wisconsin, Grand Army of the Republic, of Sextonville, Wis., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Trades and Labor Council of La Crosse, Wis., praying for the enactment of legislation providing for the relief of those who are injured in mining disasters, which was referred to the Committee on Mines and Mining.

He also presented a memorial of the Trades and Labor Council of La Crosse, Wis., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented a memorial of the Wisconsin Retail Implement and Vehicle Dealers' Association, of Markesan, Wis., and a memorial of Chequamegon Council, No. 245, United Commercial Travelers of America, of Ashland, Wis., remonstrating against the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Association of Masters, Mates, and Pilots, of Milwaukee, Wis., praying for the enactment of legislation to remove discriminations against American vessels in the coastwise trade, which was referred to the Committee on Commerce.

He also presented a memorial of the South Division Civic Association, of Milwaukee, Wis., remonstrating against the enactment of legislation permitting any further diversion of the water from Lake Michigan into the Chicago drainage canal, which was referred to the Committee on Commerce.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation providing for ocean mail service between the United States and foreign ports and to promote commerce, which was referred to the Committee on Commerce.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying that an appropriation be made for agricultural and industrial instruction in secondary schools, for normal instruction in agricultural and industrial subjects in normal schools, and for branch agricultural experiment stations, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of Local Grange No. 114, Patrons of Husbandry, of Ewartsville, Wash., and a petition of sundry citizens of Thurston County, Wash., praying for the enactment of legislation to establish postal savings banks, which were ordered to lie on the table.

He also presented a petition of Local Grange No. 114, Patrons of Husbandry, of Ewartsville, Wash., and a petition of sundry citizens of Thurston County, Wash., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Appropriations, to whom was referred the bill (H. R. 20063) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1909, and for other purposes, reported it with amendments, and submitted a report (No. 532) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (H. R. 11778) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves" (Report No. 533);

A bill (S. 4313) for the relief of John V. Vickers (Report No. 534); and

A bill (S. 4312) for the relief of William E. Moses (Report No. 535).

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 5788) for the relief of the estate of Julius Jacobs, reported it without amendment, and submitted a report (No. 536) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 38) granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906, reported it without amendment, and submitted a report (No. 538) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4134) to correct the military record of Thomas Smith, reported it without amendment, and submitted a report (No. 539) thereon.

Mr. FLINT, from the Committee on Public Lands, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were indefinitely postponed:

A bill (S. 4314) for the relief of William E. Moses (Report No. 540);

A bill (S. 519) to amend an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves" (Report No. 541); and

A bill (S. 481) appropriating the receipts from the sale and disposal of public lands in certain States to the construction

of works for the drainage or reclamation of swamp and overflowed lands (Report No. 542).

Mr. WETMORE, from the Committee on the Library, to whom was referred the joint resolution (H. J. Res. 124) authorizing the presentation of the statue of President Washington, now located in the Capitol grounds, to the Smithsonian Institution, reported it with amendments, and submitted a report (No. 543) thereon.

FORT LAWTON RESERVATION, WASH.

Mr. WARREN. From the Committee on Military Affairs, I report back favorably, with an amendment, the bill (S. 5126) to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal, and I submit a report (No. 537) thereon. I call the attention of the Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. This is a very urgent matter, and I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, to add at the end of section 1 the following additional proviso:

Provided further, That if, at any time, the discharge of said sewer shall become injurious to the sanitary conditions of Fort Lawton, the city of Seattle, upon notification by the Secretary of War, shall take prompt measures to abate the objectionable features: *And provided further*, That if the construction of the Lake Washington Canal shall have been decided upon before the completion of said sewer, the city of Seattle, with the approval of the Secretary of War, may so modify the location of the outfall and the route across the reservation as best to meet the new conditions created by the canal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DANIEL introduced a bill (S. 6707) for the relief of J. N. Whittaker, which was read twice by its title and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6708) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land on Hampton Roads, Virginia, and the buildings, structures, piers, and improvements thereon, for the use of the Navy Department of the United States as a naval training station and a coaling station, and for other governmental purposes, which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SCOTT introduced a bill (S. 6709) for the relief of the heirs of William Dillon, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. KNOX introduced a bill (S. 6710) to provide for the revision of the military record of Horace L. Haldeman, which was read twice by its title and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 6711) to place upon the list of retired officers of the Army the names of the surviving officers of the First Corps, United States Veteran Volunteers (Hancock's corps), which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SMOOT introduced a bill (S. 6712) granting an increase of pension to George W. Tilton, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6713) for the enlargement of the Capitol grounds, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. FOSTER introduced a bill (S. 6714) for the relief of Gilbert L. Dupre, administrator of the estate of Cyprian Dupre, deceased, and others, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DIXON submitted an amendment providing that the lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, shall be open to settlement and entry by proclamation of the President, the proclamation to prescribe the time when and the manner in which said lands may be settled upon, occupied, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JOHNSTON submitted an amendment proposing to appropriate $445,000 to enable the Secretary of the Navy to contract for or purchase one destroyer or torpedo boat of the type known as "subsurface," "semisubmerged," etc., to have a speed of not less than 22 knots, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed,

Mr. LODGE submitted an amendment providing that after June 30, 1908, all clerks and draftsmen and classified civil-service employees whose compensation is based on a monthly or yearly rate, employed at United States navy-yards, shall be granted thirty days' leave of absence in each year, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $40,500 for repairs to the U. S. S. *Enterprise*, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the salary of one writer in the general storehouse, Boston Navy-Yard, Mass., from $1,017.25 to $1,200, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the clerk at Boston Navy-Yard, Mass., from $1,200 to $1,400, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $5,000 to enable the Secretary of the Navy to pay, out of the appropriation for coal and transportation, for prizes to be awarded vessels for economy in the expenditure of coal, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to create an additinal division of the railway mail service with headquarters at New Orleans, La., etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. KNOX (for Mr. PENROSE) submitted an amendment intended to be proposed to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

FISH-CULTURAL STATION IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6335) to establish a fish-cultural station in the State of Minnesota.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $25,000 for the establishment of a fish-cultural station in the State of Minnesota, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State, to be selected by the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL ADDRESSES ON THE LATE SENATORS FROM ALABAMA.

Mr. BANKHEAD. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read by the Secretary.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hons. JOHN T. MORGAN and EDMUND W. PETTUS, late Senators from the State of Alabama.

Resolved, That as a mark of respect to the memory of the deceased Senators, the business of the Senate be now suspended to enable their associates to pay proper tribute to their high characters and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

Mr. BANKHEAD. Mr. President, in accordance with the time-honored and beautiful custom, we have set apart this hour to speak in memory of a distinguished Alabamian, who for thirty years was an honored and beloved member of the Senate of the United States. I must frankly confess that I am appalled at an attempt to pay even the tithe of a tribute to the life, services, and character of the departed stateman, whose

obsequies we have paused to solemnize—for in truth, Mr. President, of all the great men who have served in this Chamber none had a more profound and brilliant intellect, a broader grasp and discernment of economics and government, nor a more sublimated patriotism than JOHN T. MORGAN. Knowing him as I did in life, knowing the disinclination that always possessed him to be acclaimed with fulsome speech or vainglorious praise, any words of eulogy addressed to his memory, other than in simple justice to his public achievements would fail to be in keeping with the spirit of his earthly pilgrimage or of the motives that actuated his conduct among men. During the year 1907, and within the space of a few months, my State was bereft of both her illustrious representatives in the Senate. Scarcely were the garlands with which a grateful and affectionate people had strewn the new-made sepulcher of her senior Senator withered before Alabama was called to fresh lamentations by the intelligence that his comrade in arms and his colleague in honors, EDMUND W. PETTUS, had succumbed to the call of the inexorable Messenger, and he, too, "Wrapt in the mantle of his people's praises," was laid to sleep in the bosom of his cherished State. During this hour fitting tribute will be paid to the memory of this brave, gentle, and useful life.

Senator MORGAN was born on the 30th day of June, 1824, and had he lived a few days longer would have attained the age of 83 years. The last eighty-three years of this Republic is a wonderful story in the history of mankind. The imagination can scarcely conceive and the human memory staggers beneath the marvelous things that have been accomplished in that reach of years. It has witnessed the periods of exploration and discovery, of development and exploitation, of conquest and acquisition, of fratricidal strife—almost dismemberment—and then reconciliation and harmonious reunion. It has seen this Government wage a costly and sacrificial but, as always, successful war for the emancipation of a people struggling to be free from the tyranny of a European monarchy. Those years have produced most of our national literature—they have seen our greatest national tragedies, they have brought the marvels of the arts and sciences, which contribute so much now to the comforts and pleasures of our daily life. A truly marvelous eight decades in all things that go to make a great people, and JOHN T. MORGAN lived through them all, and through them was always an able leader, always abreast with and often ahead of the times.

We have but little data or reminiscence touching the early life of Senator MORGAN. His parents moved from Tennessee to Talladega County, Ala., when he was 9 years of age, and in a country neighborhood he spent his years of youth, and there attended the country school, where were laid the foundations of that intellectual training which in its fullness and maturity was destined to be the admiration and wonder of the world. It is doubtless true that a subsequent love of justice and his profound knowledge of and love for the things of nature received their first nurture and impetus from the primitive and unpolluted environments of his childhood. It is recorded that many of his playmates were Indian children, and his knowledge of their language, customs, and traditions, which in legislative deliberation made him a powerful champion of the rights of the red men, were instilled into his heart and mind by his youthful associations. The educational advantages offered at that time to poor country boys in Alabama were pitifully meager, but in addition to his natural mental sprightliness the future Senator was blessed with a mother who, with patient admonition, daily encouraged him in the acquisition of knowledge and wisdom. Mr. President, it is but another illustrious instance of the godliness, sacrifice, steadfastness, and patriotism of an American mother, wrought into the fabric of a splendid manhood's service to a grateful Republic.

At quite an early age young MORGAN decided to adopt the law as a profession, and having diligently applied himself to his studies in the office of William P. Chilton at Talladega, he was admitted to the bar in his twenty-first year, and entered upon his distinguished career as an advocate and counselor. He located at Selma, but soon removed to Cahaba, and here he received the first real recognition of his brilliant powers of analysis, logic, and delivery, which were to carry him onward to the very front ranks of the legal fraternity.

In 1860 Senator MORGAN was named as one of the electors at large on the Breckinridge-Lane ticket in Alabama. The years immediately preceding that contest were most memorable in the history of American politics from a standpoint of contention and controversy. The great unsettled problem of slavery was being discussed upon every stump and at every fireside. The passion and differing sentiments of the people of the country at large were stirred as in a seething volcano. The impending struggle, despite the earnest efforts of those who sought a peaceful settlement of the controversy, was inevitable. Senator MORGAN upon the great issues involved in that memorable campaign was firm and resolute in his advocacy of the cause which was afterwards so gloriously sustained by Confederate arms. His campaign of the State only served to augment his reputation and standing as a public debater, worthy of the sword of the most dextrous adversary. The ticket upon which Senator MORGAN was an elector carried the State of Alabama, and he was subsequently elected as a delegate from Dallas County to the secession convention.

His first military service was on the staff of Major-General Clemmens, who had command of the State forces at Fort Morgan, where he was on duty until the fort was transferred to the Confederate government. He entered as a private in the Cahaba Rifles, which was afterwards mustered into the Fifth Alabama Infantry, and upon the organization of the regiment he was elected major. This was the command of which Robert E. Rodes was colonel. When this regiment was reorganized, he resigned his command as lieutenant-colonel, and returned to Alabama for the purpose of recruiting a regiment of partisan rangers. This work he accomplished mainly by his own efforts and equipped it without any aid from the government, and was elected its colonel August 11, 1862. In June, 1863, at the instance of General Lee, who was then preparing for the Gettysburg campaign, and who personally notified him of his promotion, he was appointed brigadier-general, but being impelled to the conclusion that his duty was to remain with his regiment, he resigned the commission, but was again in November, 1863, promoted to brigadier-general for conspicuous and invaluable services.

The field of the operation of the command in which he served extended from the Gulf to the Cumberland River, and from Nashville to Bull Run. His command saw constant, active, and arduous service, often far in front of the advancing army, without support or reenforcement, and often dependent upon the courage of its men and the ingenuity of its commanders to prevent capture or destruction.

General MORGAN was always a modest soldier. He had not taken up arms as a profession, but as what he conceived to be a solemn and imperative duty. He was not ambitious of rank, nor was he obsequious in undertaking to gain the favor of his superior officers. "He declined a brigadier's commission when it would have left his regiment without a field officer, and when it needed him; he accepted a brigadier's commission when his regiment, recruited by himself, could safely spare him." He was exceedingly zealous for the comfort and, as far as may be, the safety of his men, and shrank from seeking to obtain glory or praise by the unnecessary and fruitless sacrifice of the lives of his private soldiers.

When the inevitable termination of the war was reached, and when MORGAN and his comrades who survived laid down their arms and quit the conflict forever, there was none among them with a sadder heart than this gallant soldier, for he had loved and served the South "with an affection that hoped and endured and was patient." General MORGAN went back to the people of Alabama to reenlist with them in a greater and possibly more troublous conflict than confronted the people of the South upon the field of battle. Upon every side was the ruin and desolation of war. The old aristocracy of the South, almost feudal in its magnificence, had been swept away. Poverty and despair and desolation were almost the universal condition of our people, but this great man, well knowing the steadfastness of Southern character and its ability to raise itself above conditions that at the time seemed desperate and hopeless, by his calm courage and wise counsel led and encouraged his people in that safe and sane pathway of redemption which ultimately led to our present happy condition. In the presence of conditions that made the most courageous and hopeful falter he never lost confidence in the ultimate triumph of the right. It is a great thing, Mr. President, for one to have been a helpful apostle of cheerfulness through an epoch of despair.

In 1876 General MORGAN was named as Presidential elector upon the Democratic ticket from the State at large. His wisdom and eloquence and powers of forensic argument had ripened and become polished with the passing years. His eloquence and earnestness were irresistible, and in that campaign he achieved yet higher and more enduring honors as a statesman and publicist. The confidence and admiration of his people were so aroused by his eloquence and patriotism that in 1876 he defeated George S. Houston for the United States Senate, one of the greatest and most popular men that Alabama has ever produced. At that time I was a member of the State senate in Alabama, and voted for Senator MORGAN. So great has been the implicit confidence of the people of Alabama in his wisdom and judgment, so profound their admiration for his intellect

and statesmanship, so loyal their affection for his stainless and blameless character, that for thirty years, almost a third of a century, the people of a great State retained him as their senior representative in the greatest deliberative body on earth, a striking commentary upon the possibility of reward that may come to a great heart and a great mind that holds itself aloof from "variableness or the shadow of turning."

The Senatorial career of Senator MORGAN, the things that he strived to accomplish, and that he did accomplish, the great national problems that he aided in solving, as well as the great national perils that he labored to conquer, are so well and generally known that it will be useless on this occasion to attempt to augment his public career by their recital. He was a student of wonderful application, and was never content with superficial knowledge of any subject. He was familiar with the history and governments of all nations. His comprehensive understanding made him familiar with social and economic philosophy; his marvelous store of knowledge concerning things of the historical and political world, as well as familiarity with subjects which to the ordinary mind would be of no consequence, justly gave him the reputation of being one of the most learned and erudite members who ever honored this body. He was many times honored with positions of great responsibility that called into exercise the most delicate as well as the most comprehensive knowledge of things and men. His recognized fitness for the position caused him to be named as a member of the Bering Fisheries Commission and also as one of the representatives of the United States on the Board of Arbitration, upon both of which he served with distinguished credit.

Senator MORGAN's advocacy of the Isthmian Canal was for years earnest and indomitable. It is true that he was partial to the construction of this great project across the Nicaraguan route, yet no well-informed person who is anxious to preserve the truth of history may successfully contend that any other American statesman more deserves to be called the father of the Isthmian Canal than JOHN T. MORGAN. By his persistent and successful advocacy of that great enterprise he has builded for himself a monument more enduring than bronze or marble. It was one of the most pathetic features connected with the death of this great man that he was not blessed to live long enough to see the successful completion of this great national undertaking, to which he had contributed so much research, enthusiasm, and persistence.

Senator MORGAN was a man of wonderful perspective, and his mental horizon was not limited by local conditions or partisan convictions. His statesmanship was of that quality "that he could see the near side of far things, and the far side of near things." The universe was his forum and humanity his field of endeavor. Senator MORGAN's life was gentle. In social intercourse he was always affable, considerate, and just. His affectionate solicitude for the happiness of his household was beautiful in its tenderness. He was scrupulously honest and fair in all his dealings with men. "He locked his lips too close to speak a lie. He washed his hands too white to touch a bribe."

Soon after the lamented death of Senator MORGAN, Judge Thomas G. Jones, United States district judge in Alabama, related the following incident that had come under his personal observation a short time prior to Senator MORGAN's death:

I well recall the last time I saw him in Washington, over a year ago. We were friends, and he talked freely in the intimacy of such relation of his past public service and what he hoped to do in the few days which might remain with him. Going to his bookcase, he took down a volume, which I was surprised to find he kept in his library, and read aloud to me this sentence:

"The public servant who fails to act as his conscience dictates for fear that considerations which commend themselves to him will not meet the approval of the people mistrusts those who trust him, and in setting up higher standards of right and morality for himself than he accords to the people the representative often unwillingly betrays their best interests."

He said he had always followed that rule. It is not surprising, therefore, that he frequently led rather than followed the popular opinion of the hour and sometimes resolutely set his face against it.

Mr. President, in addition to all of Senator MORGAN's magnificent endowments of brain and heart and understanding, he was a Christian. His acute philosophy never raised him to that point where he could find any justification for renouncing the old-time religion of his fathers, which he at all times recognized as the last solace for those who had outlived their earthly hope and the last restraint of those who had raised themselves above every human fear. He went to his last reward an earnest believer in the faith of the Methodist Church, in which he had been a communicant from the years of his early life. He is safely entwined within the affectionate gratitude and loyal remembrance of the people of Alabama. His fame as a statesman and publicist will always remain as a common heritage of all the States, and he will go down in history one of the truly great men of our Republic.

In delivering the speech of acceptance of the nomination of my party as a successor of Senator MORGAN in this body, I used the following language, which was then and now is a true expression of my appreciation of Senator MORGAN's greatness and of his service to his people:

I trust that this legislature, before its adjournment, will make an appropriation for a handsome statue to Senator MORGAN, to be erected in Statuary Hall in the Capitol at Washington, under whose dome for so many years, and with such brilliancy, he served his people.

Mr. JOHNSTON. Mr. President, in all the history of the Republic I believe no State has ever been called upon, by the quick succession of death, to mourn at the same time the loss of two Senators whose ability, integrity, and patriotism was so known and honored in every State of the Union, and who so largely commanded the respect and confidence of the Senate. My colleague is to speak of one of these, and it is my privilege to make some record of the life, services, and character of my predecessor.

EDMUND WINSTON PETTUS was born in Limestone County, Ala., July 6, 1821. He was the youngest son in a family of nine children. His father, John Pettus, was a planter, and a soldier in the Creek war, and his mother a daughter of Capt. Anthony Winston, of Virginia, a Revolutionary soldier. An older brother, John J. Pettus, was governor of Mississippi during the war between the States. General PETTUS was educated in the common schools and at Clinton College, Tennessee. He was admitted to the bar in 1842, and commenced the practice of the law at Gainesville, Ala. In 1844 he was elected solicitor of the seventh circuit. In June, 1844, he was married to Mary, daughter of Judge Samuel Chapman, who was his faithful and devoted wife for more than sixty years. He served as a lieutenant in the Mexican war. In 1849 he went with a party of his neighbors, on horseback, to California.

After his return to Alabama (in 1855) he was elected judge of the seventh circuit, but resigned the office in 1858 to return to the practice, and settled in Dallas County, Ala., where he lived, and continued in the practice, until elected to the Senate, except during the period covered by the civil war.

He entered the Confederate army in 1861 as major of the Twentieth Alabama Regiment, and soon afterwards was made lieutenant-colonel. In October, 1863, he was promoted to brigadier-general for gallant and meritorious service. He was in many battles and was wounded four times. After the war he resumed the practice of the law and never sought or held any political office until 1896, when he was elected to the United States Senate for the term commencing March 4, 1897, and was reelected in 1903 and again in 1907 for the term ending March 3, 1915.

Six children were born to him, Mrs. Lucy Roberts, Mrs. Mary N. Lacey, and a son, Francis L. Pettus, and three who died young. His son was at different times speaker of the house and president of the senate in Alabama.

There is one instance, Mr. President, in the career of General PETTUS that should never be forgotten, because it illustrates the courage of American soldiers, and should alone make his name immortal. Major-General Stevenson, of the Confederate army, in an official report of an action that occurred at Vicksburg on the 22d of May, 1863, says:

An angle of one of our redoubts had been broached by their artillery before the assault and rendered untenable; and toward this point, at the time of the repulse of the main body, a party of about sixty of the enemy, under the command of a lieutenant-colonel, made a rush and succeeded in effecting a lodgment in the ditch at the foot of the redoubt, and planting two flags on the edge of the parapet; the work was so constructed that this ditch was commanded by no part of our line, and the only means by which they could be dislodged was to take the angle by a desperate charge and either kill or compel the surrender of the whole party by the use of hand grenades. A call for this purpose was made and promptly responded to by Lieutenant-Colonel PETTUS and about forty men of Walls's Texas Legion. A more gallant feat than this charge has not illustrated our arms during the war. The preparations were quickly made, but the enemy seemed at once to divine our intentions and opened upon the angle a terrible fire of shot, shell, and musketry. Undaunted, this little band, its chivalrous commander at its head, rushed upon the works, and in less time than it requires to describe it the flags were in our possession.

Gen. Stephen D. Lee, who commanded PETTUS's brigade, commenting upon this action, says:

When the fort was first taken an attempt was made to recapture it by Captain Oden, of the Thirtieth Alabama Regiment, but he and Lieutenant Wallace and every man in the company were killed.

* * * * * * *

When a call for volunteers was made to again make the assault two companies of Walls's Texas Legion responded to a man; about 20 men were cut off from the right, and either Major Steele or Captain Bradley asked Colonel PETTUS if he was going to tell them how to take the fort. PETTUS replied: "I will not tell you how to take the fort, but will show you," and he took a musket and took his place at the head of the assaulting party. PETTUS arranged with General Lee how he should approach the fort, and to concentrate the Confederate fire upon it until he should signal to cease firing. This was done, and immediately after the signal was given PETTUS and his men rushed into the

fort and for the flag on the parapet. It was seized at the same instant by PETTUS and Bradley, and neither would for a moment relinquish it; then PETTUS said: "The flag honorably belongs to the Texans, and they shall have it." The surrender of the Union soldiers in the ditch outside of the fort was compelled by PETTUS cutting the fuses of 12-pound shells so they would explode in a few seconds and throwing them over into the Federal ranks, which resulted in the surrender of a lieutenant-colonel and about 50 men.

On the 23d of May, 1863, General Lee addressed the following note to General Stevenson:

GENERAL: I send you the flag taken by the Texans under the lead of our gallant Lieut. Col. E. W. PETTUS, Twentieth Alabama Regiment. It was as gallant an act as I have ever seen during the war. I have pledged myself to give it to the captors. I beg that you and General Pemberton will bear me out.

Your obedient servant,
STEPHEN D. LEE,
Brigadier-General.

It is also recorded that on the night of the assault the Texans engaged in it unanimously elected PETTUS to be a Texan, and he always considered this one of the greatest compliments ever paid him.

I remember well, Mr. President, during the reconstruction period, when a contest was on as to whether Lindsay or Smith should be seated as governor, and Federal troops were camped about the capitol of Alabama, and it was feared that a collision would occur, that General PETTUS was selected to guide and direct the Democratic cause, because of the universal confidence of the people in his unflinching courage and wise discretion. The results justified this confidence.

In figure he was tall, strongly built, with a noble head and rugged features. His constitution was powerful, his habits temperate and frugal. His integrity and sincerity were never questioned. He was angular in his methods of thinking and language. He was a strong lawyer, brushing aside immaterial issues and driving hard for the main points. He stood at the very front of the bar for nearly or quite forty years. He was a hard worker in his cases, preparing them diligently in advance of trial. He had few of the graces of the orator and but little imagination, and yet few were more successful before juries or on the stump, because he inspired all with absolute confidence in the candor and sincerity of his views.

That he was fearless in the line of duty is shown by his leadership in the desperate charge at Vicksburg. Knowing him as I did, I am sure that it was a strong sense of patriotic duty that put him at the head of the assaulting column and then made him incur the peril of handling shells liable to explode in his hands. He never weighed his own fate or future when duty beckoned him on.

He was of rugged character, strong in his convictions, and aggressive in the maintenance of them. Yet those who knew him best knew that deep down in his breast was a heart tender and sympathetic, always ready to forgive an offense, full of human sympathy, and prompt to kindly action. I have myself seen his eyes fill with tears on being reconciled to an estranged friend.

It seems to me, Mr. President, that a man who nurses an injury and prides himself on relentlessly pursuing an enemy may be an able man, but he can never be either a great or a good man. We may not be able to rise to the sublime height of loving our enemies, these mountain tops of Christian character, giving glimpses of the radiance of the coming world, may be too lofty for our attainment; we may be unable to blot out the memory of a wrong committed against us by those who knew it to be without excuse or justification; but a man who steels himself against forgiveness and goes through life with resentment in his heart will never command the admiration of his people or deserve their leadership. How much nobler it is to have it recorded of a man that he loved his friends and conquered his enemies by the generosity of his disposition, as can be said of this great man.

He had no toleration for a timeserver or a trimmer, and no respect for a man not faithful to his convictions, promises, or duty.

He was a constant reader of the Bible, and nothing delighted him more than to quote some text that would explain or illustrate his opinion or meaning. "Remove not the ancient landmarks which thy fathers have set" was frequently on his lips. In this day of innovation and change, when nothing seems safe from the spoliator, it would be well that none of us should forget this divine command. Another text he seemed to love was "Thine own friend and thy father's forsake not." Only a few days since a report was submitted to the Senate for the repeal of an act, and the committee in its report quoted from a report made last year to the Senate by Senator PETTUS, in which he said:

The pardon of the President in a temporary sense had the same effect as the pardon of our Master, as described in the Bible: "Let the wicked man forsake his ways and the unrighteous man his thoughts and the sin which he has sinned shall be mentioned unto him no more forever."

The people of Alabama, Mr. President, in my opinion, had more confidence in the judgment and wisdom of General PETTUS on any public question, and in his unerring instinct to follow the path of duty and safety than of any man of his generation. It is most remarkable that a private citizen, engaged in the practice of his profession and holding no office to attract public attention to him, for forty years, should, during all that time have had this commanding position and influence in his State.

Mr. President, it is given to few men to be such a factor for good, to inspire so many with the love of truth and integrity and patriotism, and to close the busy years of a long life in the highest position within the gift of his State, and finally, to lay down his life in the harness, with the respect, confidence, and affection, not only of his colleagues in the Senate, but the people of his State.

Talent and genius may command the admiration of men, but to command the respect, confidence, and affection of those who know him for a long life, can only rest upon a character founded in integrity, sustained by unflinching courage, and fortified by a love of justice.

What nobler conclusion can come to one who has lived a long, unselfish, and useful life than to go down to his grave, like Senator PETTUS, after eighty-six years of faithful service, loved and mourned by his people, and honored and respected by the nation.

An affectionate husband, a tender father, a true friend, an upright citizen, a great lawyer, an able statesman, a brave soldier, and a noble soul, passed away when EDMUND W. PETTUS died.

Mr. CULLOM. Mr. President, we have come together to-day not to engage in the regular business of the Senate, but as Senators to reverently raise our voices in speaking of the dead.

I believe there have been a greater number of deaths among the members of this body since the adjournment on the 4th of March, 1907, than during any similar period in the history of the Senate. Neither the old nor the young have been spared. The oldest, the youngest, Senators who but a short time ago were occupying their seats here, apparently in full prime and vigor, have been taken.

Never during my service in this Senate have the two Senators from the same State passed away during the same recess—both in their seats on the day of adjournment and both absent at the reconvening of this body, having passed from earth to another world.

Both the late Senators from Alabama had passed the age of fourscore years, Senator PETTUS being 86 and Senator MORGAN nearly 83. These able and distinguished Senators laid down the burdens of life together. They were neighbors, friends, statesmen, patriots, representing the same city, the same State, the same country. How interesting the fact that these great men should go together through the journey of a long life, through the civic struggles of peace and the fierce battles of civil war, and finally within a few brief days of each other surrender to the common enemy of us all.

Senator MORGAN in many respects was one of the most remarkable men whom it has been my good fortune ever to know. He had just completed his fifth full term in this Senate—thirty years of continuous service. Few have served so long, and fewer still have gained such prominence in the Senate and the country. He very soon rightfully took his place as one of the strong men of the Senate. He was a man of high sense of honor and of marvelous industry. He was always at work and there were few subects with which he was not familiar. He was a profound student, a great reader, with an extraordinary memory, and hence he was seldom surprised in debate by any statement of fact pertaining to the subject under discussion. He had strong convictions on all public questions and was slow to yield to the arguments of others who differed from him. He was a Democrat and loyal to his party on the recognized doctrines and policies of the party, but on questions that he did not deem properly party ones he followed his own convictions of duty, regardless of party.

For many years he took great interest in the construction of a canal connecting the two oceans. Perhaps no man in this country did as much to secure an interoceanic canal. He favored the Nicaraguan route and was greatly in earnest in its advocacy. When Panama was determined upon by Congress Senator MORGAN's heart seemed almost broken, as he felt sure that Congress made a mistake. He fought for the Nicaraguan route with such tenacity and power that he was almost irresistible. He never yielded. He opposed with all his power the treaties with Colombia and Panama—first in committee and then in the Senate. I believe to the day of his death Senator

MORGAN felt that the Panama Canal could never be built. Let us hope that he was mistaken.

Senator MORGAN was appointed by President Harrison as a member of the Paris Fur Seal Fishery Arbitration Tribunal, which was considered at the time to be one of the great arbitrations of the world.

He was also named by President McKinley as one of the commissioners to report on a form of government for the Territory of Hawaii. With the late Robert R. Hitt and myself, he visited the Hawaiian Islands and did his full part in the investigation, the preparation of the report, and the bill which was afterwards adopted by Congress.

For many years I was intimately associated with him. Generally, I think, he was one of the most lovable of men, but, as with most men of strong character and pronounced convictions, he disliked opposition and was a bitter, never-yielding antagonist.

Senator MORGAN was for many years a very able member of the Committee on Foreign Relations, and during two Congresses was its chairman. He was punctual in his attendance at the meetings of the committee and was thoroughly conversant with every matter coming before it. There was no man in the country better informed on all questions pertaining to the relations of our Government with the nations of the world. He was always zealous and watchful of the interests and honor of his country. He did not believe that partisan politics should enter into the consideration of our relations with other countries. Such questions are not partisan.

He was specially interested in anything which had a humanitarian object. The Kongo question was a good illustration of this. He brought that subject before the Senate. I remember very well the last time he attended a meeting of the committee. He was exceedingly feeble, but the committee had the Kongo question under consideration, and he could not keep away. He made an extensive statement in reference to the resolution. Several times during his remarks I feared that he was about to collapse. The Kongo resolution was not disposed of at this meeting, and at the next meeting Senator MORGAN was confined to his home by illness, but he wrote me a note, which I will be pardoned for reading, as this was the last subject before the committee in which he was able to take any interest:

"DEAR SENATOR CULLOM: I regret that I can not attend the committee this morning. Please count me for a quorum and cast my vote for the Kongo resolution without change. I regard it as being of the highest importance to get this subject into the hands of the diplomatic branch of the Government as soon as practicable. Unless the matter is so disposed of by the committee without delay, it is now obvious that the Kongo question will become a field of wild, uninformed, and dangerous discussion. I hope we will turn this subject over to the proper authority without any other indication of the personal views of the members of the committee than is stated in the resolution, which is that humanity seems to require a serious inquiry into the conditions that are alleged to exist in the Kongo Free State.

"JOHN T. MORGAN."

Mr. President, as a citizen, as a soldier, as a legislator, as an arbitrator, in all the various responsibilities placed upon him, he brought to the subject great ability, great knowledge, and brought forth important results.

Senator MORGAN has gone from this Senate to that realm from whence no traveler has ever returned. He leaves behind a great name, a priceless legacy of industry, patriotism, and achievement in the interest of his country and of humanity.

Those of us who have been here for many years have seen one eminent Senator after another fall by the way. The older ones in the Senate are nearly all gone and new men take their places, and may we trust and believe that in the future, as in the past, we may not be wanting in wise and good men to guide the destinies of the nation.

Mr. GALLINGER. Mr. President, a sweet old age is more to be desired than almost anything else the world can bestow. To grow old gracefully, keeping the heart young, the mind serene, and the temper sweet is an accomplishment that comes to comparatively few of those who round out the scriptural limit of human life. It means control of the varied emotions and ambitions of the soul, a philosophic view of the disappointments and failures that come to all, an existence in an atmosphere above the level of the envies, jealousies, and hates seemingly almost inseparable from life itself. Such men are rare, and dear old Senator PETTUS was a conspicuous type of that class. Others knew him better than I, and will speak at length of his services to his State and nation. It is sufficient for me to speak a few simple words of admiration for the man as I knew him during his service in this body, and of his history as gleaned from his modest biography in the Congressional Directory.

Senator PETTUS's long life of four score and six years covered the most momentous epoch in the history of the Republic. Born shortly after the second war for independence, a grandson of a Virginia soldier of the Revolutionary war, he was himself a soldier in his youth in the war with Mexico. In his maturer years he served gallantly as an officer of high rank in the Confederate army. His was an adventurous and stirring career, for, beside his military service, he was one of the intrepid pioneers who in 1849 braved the perils of the savage Indian tribes and the still more savage wilderness, and crossed the continent with a party of companions to seek for gold in the magic sands of California.

Yet in spite of a life including so much of hardship and of hazard, Senator PETTUS was singularly kindly and gracious with his fellows—literally as brave as a lion and as gentle as a child. These contrasts of character are fortunately not infrequent in the heroes of our country. The utmost manly courage has, time and time again, been associated in the great men of America with the greatest warmth of heart. This combination always results, as it did in the case of Senator PETTUS, in a strikingly winning and noble personality.

For sixty-five years, or almost the allotted life of man, he was a lawyer actively engaged in the practice of his profession, save only as this was interrupted by his service in the field and his adventurous experiences in California. His professional career was distinguished by fidelity to duty and a constant effort to deal justly as between man and man; and though his professional life in Alabama brought him no great political honors or financial emoluments it did earn for him such a high place in the esteem of his fellow-citizens that in the mellow autumn of his life, at 75 years of age, he was nominated and elected to the United States Senate, the first political office for which he had ever been a candidate, and six years thereafter he was honored with a reelection to another six-year term. Though he came thus late into this Chamber he quickly earned the admiration and affection of his associates. He was a true Senator—a man of noble experience and ripened wisdom—and his career here has left all of us the richer for the privilege of his acquaintance. His State may well cherish the memory of his long and honorable service as one of the most precious of her heritages.

If Senator PETTUS had an enemy it certainly was not in Washington. Here he was respected by all, and greatly loved by his associates. Learned in the law, skillful in debate, full of humor, and always solicitous for the welfare of others, he gained a place in the confidence and affection of his associates that was sublime. Senators on both sides of the Chamber vied with each other to do him honor, and his death came to us in the nature of a personal bereavement. He is missed. His gentle admonitions are no longer heard; his strong, vigorous treatment of great questions is remembered and cherished. When he died, a real gentleman passed away and the world was made poorer because of that fact. But he had acted well his part, had lived up to the full measure of duty and destiny, and at a ripe old age passed out of our sight into the mysteries of the life beyond. It seems to me that he had accepted what Aristotle told the world to do centuries ago, "Live as nearly as you can the immortal life." Thus living he doubtless died in the full belief that somewhere in God's universe there must be time and room to complete the great work of development and progress. All we can do is to mourn him and tenderly place on his grave our tribute of affection and veneration. No; one thing more we can do. We can believe that death is transition, not annihilation, and taking the words of Washington Gladden as our own we can say:

> Assume that death ends all, and you have a theory of the universe which confounds your reason and scoffs at your sense of justice and takes the nerve out of your courage and freezes hope at the bottom of your heart. Assume that death ends all, and the springtime has no promise for you, and the sunrise no gospel, and the stars in the black vault overhead mock you at your prayers.

As we saw Senator PETTUS during the last year of his life we might well have applied the words of Joaquin Miller to him, using the first and last verses of one of Miller's beautiful poems:

> He walked the world with bended head.
> "There is no thing," he moaning said,
> "That must not some day join the dead."
> * * * * *
> And then the old man smiling said,
> With youthful heart and lifted head,
> "No good deed ever joins the dead."

And so we say to our departed friend, "Adieu for a brief period, when those of us who live as you lived 'the immortal life,' will again be joined in a higher and sweeter companionship than that of this world. Adieu."

Mr. TELLER. Mr. President, my acquaintance with Senator MORGAN commenced with his service in this body in March, 1877. He came here with a well-earned reputation as a soldier and civilian.

He had held a high commission in the Confederate forces and had won a reputation for efficiency and zeal in that service. He demonstrated very soon that the devotion and zeal so given were thereafter to be exercised in the discharge of his duties here.

He entered into the service here with that earnest and intelligent zeal that marked his service in this body for thirty years. He took an active part in the work of this body, being a constant attendant of its sessions and a careful and constant watcher of the work of the Senate.

He accepted the final results of the war with a proper spirit, exhibiting neither humility nor hatred, but with the spirit of a patriot he sought in every practical and constitutional method to heal the wounds inflicted in that conflict on the Government and people and to bring about that spirit of amity and friendship so necessary not only to the happiness of the people, but to the very existence of a government such as ours.

He was well fitted for the duties of a senator. He was industrious, learned, and full of love for the Government with which he had so lately contended, and endeavored by his service here to efface as far as possible all recollections of the war. If he came into the Senate with any of the animosities engendered by the war, he did not show it, and he compelled his associates here, by his intelligence and zeal for the public welfare, to equally forget and to accept him as a coworker in the interest of all the people in every part of the United States.

While he loved the people in the section from which he came and the whole people of the South, he loved the people of every section of our common country. By his conduct in the Senate he deserved and secured not only the confidence of his associates here, but the confidence and respect of the people of the United States irrespective of party affiliations.

He was learned, wise, and patriotic, and his death was a loss to the cause of good government everywhere. His record and his reputation are safely incorporated in the legislation in which he took an active part during the thirty years that he served in the Senate.

His opinions were formed after much study and consideration, and when once formed he adhered to them with great pertinacity, regardless of opposition, announcing them with positiveness, yet without arrogance.

He was for many years an earnest advocate of a canal across the Isthmus by what has been known as the "Nicaragua route," and the files of the Senate will attest not only his industry and zeal in the matter, but his wisdom as well. He did not approve of the canal proposed by the French, and he insisted to the last that the Panama Canal would disappoint its supporters if it did not prove an entire failure, and he often asserted that the Nicaragua route would eventually be recognized as the only feasible route.

He was a firm believer in the capacity of the people for self-government; a believer in rights of the States to manage and control their own local affairs; but while so believing he never minimized the power of the General Government in the affairs of the nation.

He was able to distinguish between the powers delegated to Congress and those reserved to the States and people.

He was a lover of justice, a fair opponent, advocating and defending his position with the evidence of much research and learning. He was courteous always in his treatment of those who differed with him. Of him it may be said, he was a Senator worthy of the best days and best traditions of the body that he graced so long.

Mr. PERKINS. Mr. President, the memory of the man whom we meet to honor here to-day is worthy of all the praise that is due one who has lived an eminently useful and unselfish life, animated by high ideals and using his talents for the benefit of his fellows.

Senator PETTUS lived long beyond the ordinary limit of human existence, but those eighty-six years were crowded with good deeds, and when he died there was not one who could not say that his had been a life well spent. Devotion to duty was one of his notable characteristics, and he at all times strove to impress it upon those around him. Just entering upon a successful career as a lawyer, he ignored brilliant prospects to serve his country in the Mexican war; just as, later, he again took up arms in a struggle in which he again saw his duty, and in which his ability, his zeal, and his courage brought him high rank and the respect and honor of all who knew him. He was always close to the fundamentals of life, building upon that sure foundation a character broad and strong, which no storms of passion could shake, and no waves of prejudice could undermine. He once unconsciously showed to me the secret of his moral strength and his wide human sympathy. He was telling me of his experience in 1849 when he went overland to California by one of the old trails. He said that he had resolved to take, and that he did take, to the land of gold the best law library that California could have. I wondered at such a resolve and expressed my surprise that he should transport by ox team thousands of miles the heavy tons of Alabama State reports, the bulky volumes of reference books, and all the court decisions which take so much space in the library of a successful lawyer. He smiled, and said that all those were not necessary; that his library—the best and most complete of any ever taken across the Plains—was composed of the Bible and Shakespeare. Here, I at once understood, were the sources of his success as a lawyer and a man. From the Bible he imbibed those firm principles of justice which always characterized him, and from Shakespeare that wide sympathy with humanity which made him a loyal counselor and a wise judge.

When Senator PETTUS first took his seat in this Chamber he was nearly 76 years of age. He had already spent a long life in work, which had brought to him the honor and respect of all who knew him. The high and responsible positions which he had occupied were already more in number and more important in character than fall to the lot of most men. And in all of them he had displayed an uprightness, disinterestedness, and public spirit that had endeared him to everyone with whom he came in contact. These qualities were recognized at once when he took his seat in the Senate, and in consequence of them he became one of the most respected and influential members of this body. On whatever subject he spoke his words carried weight and were listened to with pleasure and with profit. And with a colleague who possessed a character equally high and with abilities acknowledged to be of the first order, the State of Alabama was here represented in a manner which gave her a commanding position.

Senator PETTUS believed in the States rights and that they had never been delegated to the Federal Government. He was democratic in every sense of the word. He was always close to the people, being one of them in aims and sympathies, and striving for their advancement and well-being. This made him a true American, of which he gave evidence in his eulogy of the late Senator Hoar when he said:

> It sometimes happens in republics like ours that men affect to care nothing for their own ancestry and even ridicule others who are not of the same disposition. But the American does not live who would not be proud of the fact if he could truthfully state that his ancestor was a signer of the Declaration of Independence or served his country faithfully in the Revolutionary war. And such pride should be cultivated. It makes patriots and heroes by stirring the ambition of the young men to serve their country with all their power in peace or war and to work so as to become well qualified for such service. It creates that spirit of high and heroic daring displayed by England's great admiral at Trafalgar, when he exclaimed: "Victory or Westminster Abbey," and gained the greatest naval victory and a most honored place in Westminster Abbey on the same day.

He did not think that our Statuary Hall was dedicated to receive statues of great Americans simply to honor the illustrious dead. It was also to "fire the souls of generations living and to come" and to teach them that no labor is too great, no danger too imminent, no endurance too long in the service of their country if they aim to be among those honored for wise and faithful counsel or for brave and noble deeds.

I think it would be difficult to find words expressing a higher patriotism than those of Senator PETTUS just quoted. He who will live up to the ideals which these words express need have no fear that his name will not in the future be remembered with honor. And this was the spirit in which not only he but his colleague served the Republic here. In his earlier life Senator PETTUS performed brave and noble deeds in the spirit of self-sacrifice, which glorifies the acts of men. Here, in this Chamber, he gave wise and faithful counsel, based on the experience of a long life of honest endeavor and sympathy with mankind. A few days ago there was read here a report prepared by Senator PETTUS before his death, which contains this quotation from the Bible:

> Let the wicked man forsake his ways and the unrighteous man his thoughts, and the sin which he has sinned shall be mentioned unto him no more forever.

I think that these words very clearly indicate the attitude which Senator PETTUS bore toward the world—one of kind consideration for the imperfections of man and a ready willingness to blot out from the past of those who have returned to righteousness all memory of the results of weakness, of ignorance, or of mistakes. His conception of a man worthy of the respect and honor of his fellows is, I think, portrayed in the

words spoken in this Chamber in eulogy of a friend soon after he first took his seat here, and may be applied now to him:

He never claimed to be better than other men. He was simply a true man, trusting in God and trying to keep His commandments. His personal life was pure, and his conduct as a private citizen and in official places was free from any suspicion of stain. He was too proud to think of doing a mean thing, and he was too brave to consider how any duty or responsibility might be avoided.

Such was his idea of the character of a man whom through the stress of war he had come to know well; and such is our conception of the character of Senator PETTUS, whom we were able to know well through the stress of those struggles of a different nature which necessarily arise in legislative business. "He was simply a true man, trusting in God and trying to keep His commandments."

May we not learn a lesson from the life of this good man that will aid us in our struggle to so live that it can be said of us, as we now truthfully say of him, that in every walk of life, in every position of responsibility and trust, it was his creed to honestly and fearlessly do his duty as God gave him the light to see his way?

May we not profit by this example? May we not inscribe upon our banner the motto:

Show us the truth and the pathway of duty,
Help us to lift up our standard sublime,
Until earth is restored to its order and beauty
Lost in the shadowless morning of time.
Teach us to sow the seed of many a noble deed,
Make us determined, undaunted, and strong,
Armed with the sword of right,
Dauntless amid the fight,
Help us to level the bulwarks of wrong.

Mr. LODGE. Mr. President, Senator MORGAN was a remarkable man. I do not say this in the beaten way of eulogy, but merely as the statement of a truth. In any company of men gathered for a serious purpose, of action or debate, his presence would have been felt and noticed. It was easy to disagree with him; it was impossible to ignore him. In whatever he said or did, whenever he took part in any controversy no one failed to recognize that here was a real and powerful human force and one bound to make itself felt.

It is not for me to attempt to tell the story of his full and active life or to mark the course of his distinguished career. Mine is a much humbler task. I would fain gratify my own feeling of friendship and affection for Senator MORGAN. I should like, also, to give some expression of the sorrow which his death brought to me personally. But most of all, I desire to honor his memory, so far as I can, by placing in our record my estimate of him as a man and as a Senator.

I had known Senator MORGAN well by reputation and slightly as an acquaintance before I entered the Senate and while I was serving in the House. After I took my seat in the Senate I came to know him well, and later, when I began my service with the Committee on Foreign Relations, I learned to know him very well, indeed. The better I knew him the more I liked and respected him. He was a man of wide accomplishments and master of an extraordinary and minute knowledge of those subjects in which he was interested. I doubt very much if we have ever had a Senator who knew our relations with other countries, both past and present, and the political conditions of foreign nations so thoroughly as Senator MORGAN. He was a tireless worker, and yet I have often wondered where he found time to gather all the information he possessed and to master all the details of every question which he took up for consideration. All this information, all those details, whether of diplomacy, of politics, or of engineering, he had under complete control and could pour them forth at any moment, marshaled and ordered and following each other in perfect sequence. He had an extraordinary gift of expression. Combined with his mastery of details this gift often led him to a greater length of speech than was profitable to his cause. But no matter how or when he spoke, whether on the spur of the moment or after careful preparation, his sentences always fell from his lips complete and finished. In him fluency never degenerated into loose phrases or slovenly speech. His English was remarkably good and always pure and simple. He had a profound reverence for the noble language which was his birthright, and never failed to show his respect for it, as he did for all the great traditions of his race and country. It is the fashion to be heedless of this splendid inheritance and to disfigure it with slang on one side and weaken it by feeble artifices which are supposed to be fine writing on the other. Senator MORGAN had no patience with either defect and, much and often as he spoke, never failed in respect and care for the "ample speech, the subtle speech," he used so well.

He had survived nearly all his contemporaries in active life. The generation to which he belonged was one which had met great problems and looked war in the face. It had certain ideals which, whether we accept them or not, have, unfortunately, gone out of fashion. But the important fact is that the men of his day had ideals, both in the conduct of life and in politics. In a time like our own, when it is too much the habit to sneer at ideals and regard them as impracticable sentimentalities, it is well to remember that these men of ideals who belonged to the past were a hard-fighting, brave, and peculiarly effective generation. It is equally important not to forget that now, as always, it is only the men of ideals who in the long run can move and guide the people, for however vivid may be the admiration for mere success, those whom the people really trust and follow must be men who are not content to minister to their appetites or their prejudices, but who bid them raise their eyes and beckon them forward to the heights beyond. We may, in our wisdom, have changed all this, but the nobler instincts still remain ready to start into life at the master's touch. One might easily differ with Senator MORGAN as to the ideals which he followed as the years of his long life succeeded one another in their ceaseless march, but one could never fail to respect their possessor or to admire the indifference which he showed to money in an age of extreme money worship, and the ardor with which he pursued objects which had no personal value to him, but which, in his belief, would benefit his country and mankind.

There never was a better or more thorough American than he, or one who made the welfare of the United States more absolutely the test and touchstone of every act and of every policy. But his patriotism was not that of the village or the parish. He knew too much of the history of other countries; he had dealt too constantly with large affairs to be provincial. But his guiding star was what he believed to be the large and permanent interest of the United States, and that interest he wished to promote and defend with malice toward none and with charity toward all, but yet without flinching and without fear.

Like most strong, determined men of decided convictions, he was ready always for battle, and the fighting spirit would blaze out sometimes very quickly. But he carried no grudges. When the fight was over the war ceased, so far as he was concerned, and at all times, no matter how aggressive and combative he might seem, he had a fund of sane and cheerful humor which was never lacking and was always one of the charms of his companionship.

When all is said, however, of his ability and his learning, of his many accomplishments, and of his long and distinguished public service, that which stands out most sharply in my memory as the dominant note in his character was his complete independence of thought and action. He may often have thought mistakenly, but he always thought for himself. If he expressed an opinion, you could be sure at least that it was his own. No one did his thinking for him. I have seen him oppose a President of his own party and support the policy of his opponents with equal cheerfulness, because he was satisfied that the one was wrong and the other right, and yet no stronger, no more loyal party man ever lived. His sense of the dignity of the Senate was as strong as his sense of his own dignity, and far quicker in assertion.

As a man he took orders and directions from no one; as a Senator it never occurred to him that any outside influence could touch or control him, although he would consider with the most entire respect all that any great officer of the Government wished to say to him. He was quite ready to advise and consult with others, but the final decision must be all his own, and when it was reached modification became difficult and abandonment impossible. He was a stubborn fighter, and possessed a most extraordinary capacity for developing theories in support of his position and then defending them, no matter how difficult they might appear, with remarkable force and ingenuity. With this ingenuity and pertinacity combined, those who did not agree with him often and quite naturally became impatient, but no one could fail to respect the energy, persistence, and fighting capacity which he always displayed, even under the most adverse conditions. But behind it all was the dominant note, a firm courage, a lofty and fearless independence of soul. I always think of Senator MORGAN when I read Swinburne's noble lines in the Prelude to The Songs before Sunrise:

Save his own soul's light overhead,
None leads him, and none ever led,
Across birth's hidden Harbor-bar,
Past youth where, shoreward, shallows are,
Through age that drives on toward the red
Vast void of sunset hailed from far,
To the equal waters of the dead;
Save his own soul he hath no star,
And sinks, except his own soul guide,
Helmless in the middle turn of tide.

He remained among us, working to the last, fighting back the weakness of age and the attacks of illness, with undaunted spirit and with unflagging interest in the great policies he had at heart, and in the great questions he had striven to settle.

The end came to him after a long life spent in the service of his State and country. At his advanced age, after years of toil in which he had never spared himself, death was not unexpected. But it none the less brought a sense of deep sorrow and of great loss to his State, to the country, and to all who had been his friends of many years in the Senate. Upon his associate, the friend of a lifetime, the blow fell with crushing force, and Senator PETTUS, who was honored and beloved by us all, soon followed his colleague. The friendship and affection between these two venerable men was very fine and very touching. I do not think there was a member of the Senate who watched them as they sat and talked together here day after day who was unmoved by the love and confidence and attachment they showed for each other. Such a relation between two men of such an age, still engaged in the active work of public life, is as much to be admired as it is rare in our experience. Nothing could have been more pathetic than the silent grief of Senator PETTUS when his colleague died. The slender cords which held him to life snapped, and in a few weeks he followed his friend to the grave. They were two impressive figures in the Senate, as eminent in service as they were admirable in friendship. They leave a memory to be cherished and honored among all who knew them, and especially among us who had the privilege of serving with them.

Mr. FORAKER. Mr. President, my knowledge of Senator MORGAN amounted to little more than what I saw of him in the public service, but that was enough, and of such character as to reveal the real man, for it went beyond what occurred on the floor of this Chamber, and embraced years of the closest intercourse in the work of the committee.

The RECORD bears witness that he was an untiring worker, who discussed elaborately every great question of his day. To those who only heard him it was a constant marvel how he could find time and, in his latest years, command the strength necessary for the exhaustive speeches he made, for they show the widest observation, the closest study, and the most thorough investigation.

But all who served with him in committee work soon learned that what to the ordinary man in the matter of speech making is such a burdensome labor was to him but a restful recreation.

He was blessed with exceptionally good health, studious tastes and disposition, a rich vocabulary, and a marvelously accurate and retentive memory. Seemingly he never forgot anything that he either heard, read, or saw. In consequence his mind was not only well stored with useful knowledge, but that knowledge was at all times available.

All this is indicated by his speeches in the Senate. But it was in the freedom of the committee room where his brilliant powers were exhibited to the highest advantage.

Although a ready and forceful debater, and a good extemporaneous speaker, his speeches in the Senate were generally carefully prepared and delivered from manuscript.

He practiced none of the arts of oratory, and made no effort at display of any kind, but usually read in a straight-forward way, entirely unmindful of the style or manner of his delivery.

In consequence, to those not specially interested in the subject he was discussing, his speeches sometimes appeared dry, formal, uninteresting, and hard to follow.

For this reason they frequently attracted much less attention than they deserved.

But in the committee room, where there was less formality and, as a rule, no previous preparation of what was to be said, his discussions were of the most entertaining and instructive character.

He always spoke in a modest, unassuming, conversational tone and style, rarely showing even the slightest excitement in voice or manner, but, although he spoke extemporaneously, nevertheless his remarks had the same broad sweep of thought, the same logical arrangement, the same completeness of illustration and application that characterized what he said in the Senate. For reenforcement and illustration he drew at pleasure, with accuracy and generously from history, art, literature, science, personal experience, and every other source of knowledge.

The time of the committee was, of course, always limited, but that did not seem to hurry him or to cause him to slight any point, nor did the time he occupied seem to excite the impatience of even those of his fellow-members who differed from him and desired to answer the views he expressed.

He was always a grand old man, venerable in age, in the Senate, and in appearance, from whom all wished to hear to the full extent he might be willing to speak.

He was invaluable to his colleagues who differed from him as well as to those with whom he was in accord, for no point or phase of any question escaped his notice or failed to receive at his hands the fullest elucidation.

Those who agreed with him were strengthened in their opinions by his presentation of the strongest arguments of which their case admitted, while those who differed felt that if they could answer him there was nothing more to be feared; they had heard the worst that could be said in opposition.

My first service with him was during the year preceding the Spanish-American war. The Cuban question in some form was before the committee at every meeting, both regular and special, and we had many special meetings during that period on that account.

The Democratic members of the Foreign Relations Committee at that time had been selected from among the ablest Democrats in the Senate.

With Senator MORGAN, as representatives of his party, were associated in that service, George Gray, David Turpie, JOHN W. DANIEL, and Roger Q. Mills.

They were all men of the highest character and of the highest order of ability, but it is no disparagement to any one of them to say that no one of them so completely mastered every detail of that complicated and troublesome subject or did so much to illuminate the dark places and make clear and plain the course for our Government to pursue as did JOHN T. MORGAN.

In those days, the first of my service with him, I came to admire him not only for his ability, his wide range of knowledge, and his zeal in the discharge of all his duties, but also for his sensitively honorable character as a man, his kindness and gentleness of heart, his quiet, unostentatious demeanor, and the politeness and consideration he uniformly showed to his opponents in his discussions with them. No matter how much aroused he might be, no matter how earnest he might become, no matter how acutely he might differ from his colleagues, he never permitted himself, in making answer, to show the slightest disparagement for either them or their arguments, but throughout was always as chivalrous and generous as the typical knight of the olden time.

I came to admire, respect, and almost affectionately regard him, not only because of the virtues mentioned, but because added to all these noble qualities he constantly exhibited the loftiest patriotism. In all that he did he was scrupulously jealous of his country's honor, good name, and highest interests.

One uninformed might well have imagined, learning that he had participated in our civil war, that he had been a leader on the Union side, for no follower of Grant could have been more loyal to our Government than was this white-haired old veteran who had distinguished himself as a follower of Lee.

All these early impressions were confirmed and intensified by the long years of service that followed.

He probably did more hard work, made more speeches, and labored more incessantly along every line of opportunity to secure the construction of an interoceanic canal on the Nicaragua route and to oppose the location of that canal on the Panama route. He showed more feeling on this subject than on any other in which he took a special interest. He gathered information from every source, until he could present more as to the climatic and other natural conditions that was favorable to the Nicaragua route and unfavorable to the Panama route than any other man living.

In one carefully prepared address after another he laid all this information before the Senate. In connection with it, and as a part of the same investigation and work, he developed and presented all the legal aspects of the two propositions. It seems impossible that anyone at his advanced age could have performed such a great labor. It would not have been possible except only for the fact that he was so thoroughly equipped with knowledge, and had such a logical mind and such a fluency of speech that to address the Senate on such a familiar topic was really a relief rather than a labor.

He never exulted over success, and seldom showed disappointment when defeated.

The Nicaragua case was one of the exceptions to the general rule. In that instance he did show the keenest disappointment—almost despondency; not, however, because of anything personal to himself, but only because he thoroughly believed we had made a mistake amounting to an irreparable disaster in rejecting the Nicaragua and accepting the Panama route.

It would have been to him gratifying in a personal sense to have been successful in a controversy in which he was so thoroughly enlisted, but it can be safely said that as in that case, so in all others, he was patriotic enough to subordinate self to the public good.

Probably every member of the Senate, on both sides of the Chamber, who differed from him in that matter regretted that

his sense of duty compelled him to do so, for all felt that he had labored so zealously, consistently, self-sacrificingly, and patriotically that in every personal sense he thoroughly merited a victory.

It is impossible to recall his last years of service without at the same time recalling Senator PETTUS, his colleague. They were widely different men in some respects, but they were both so venerable in fact as well as in age and appearance, and both were such typical representatives of the highest and best type of American citizenship, men of such probity, such uprightness, such scrupulous integrity, such general nobility of mind and character, and with all so thoroughly in harmony in all their aspirations and in all their efforts that their State and the whole country might well be congratulated upon the high honor of having such representatives.

They had both been officers of high rank in the Confederate army. They had distinguished themselves in that service as in every other they undertook, but they were also representatives of that highest and best sentiment of the Southern people which led them when their cause was lost to accept the situation in good faith, adapt themselves to its requirements, strive to bind up the wounds that had been inflicted, make a union of States in sentiment as well as in name, and bring about a common development of the whole country whereby the prosperity, honor, and good name of the American nation might be advanced not only at home, but throughout the world.

It will stand forever to the credit of Alabama that she continued these two remarkable men in the public service until the end of their days. They have left a record of which their families and friends, their State, and the nation may always be proud.

Mr. MCCREARY. Mr. President, the death of Senator JOHN TYLER MORGAN removed from the United States Senate a distinguished statesman, a great lawyer, a wise legislator, a faithful soldier, and a conspicuous citizen.

The Republic, no less than Alabama, may lay wreaths of laurel and cypress on his grave, for although he was a native Southerner, typifying all that is purest, noblest, and most attractive in Southern nature, his thirty years' service in the United States Senate was performed in behalf of our entire country.

I first met Senator MORGAN at the close of the civil war, and I was deeply impressed with his utterances about the war, and his views about the duty of the Southern people to submit in good faith to the results of the war and strive for peace, progress, and prosperity. He had not been prepared by military training for service in the army, but he was of the very best type of the Southern volunteer soldier and was courageous and careful, ready and resourceful, dauntless of danger and undismayed by disaster.

He entered the army as a private soldier, and was soon made major of the Fifth Alabama Regiment, and then colonel, and later brigadier-general, and after a while he resigned as brigadier-general to again command his old regiment, and was subsequently again commissioned as a brigadier-general, which position he held until the close of the war.

In military life, as in civil life, he was the architect of his own fortune. He was not the beneficiary of heredity or environment. He came from the great common people, and had no illustrious lineage to give him eminence or emolument; no fortune or fame to attract attention or admiration, but he began at the bottom, and when his life ended he was at the top.

I had business relations with Senator MORGAN before he was elected United States Senator, and I had good opportunities to study his intellect and character. At the time of his election as a United States Senator he was an able and successful lawyer, and a leader at the bar of Selma, Ala. My service with him in the Senate and on the Committee on Foreign Relations gave me additional knowledge of his intellect, energy, fidelity to duty, and splendid equipments. It may truly be said of him: He never touched a subject that he did not illuminate and exhaust; he never encountered a problem that he did not solve, and he never had a friend that he did not retain. It was the dying boast of Pericles that he had never made an Athenian weep, and the friend of Senator MORGAN may boast that no Alabamian ever blushed because of an ignoble word or deed of Senator MORGAN.

Entering the United States Senate March 5, 1877, and being reelected five times, it may be appropriately said his life work was in the United States Senate, and here his brilliant record was made. In the Senate Senator MORGAN took the highest rank as a great constitutional lawyer, and being for many years a member of the Committee on Foreign Relations, he closely studied all matters connected with our foreign affairs, and he ranked as one of the greatest authorities of his time on international law. He possessed a wonderful fund of knowledge and a wide range of information, he spoke with readiness and fluency, he was logical and convincing, and he appealed to reason rather than to the emotions.

The financial policy of the Government engaged his profound attention and closest study when he first entered the Senate, and his speeches on financial questions were logical, interesting, and luminous. His first prepared speech was on a question which at the time attracted wide attention, and was known at the "Stanley Matthews resolution to pay the bonds of the United States at the option of the Government in gold or silver of the standard value," and this speech immediately won for him recognition as one of the great speakers of the Senate.

Guizot, in his history of France, declares that "great events and great men are the fixed points and peaks of history." Very few men have ever lived in our country who were actors in so many great legislative events as Senator MORGAN. He performed his part conspicuously and faithfully in the great tariff struggles when the Morrison tariff bill, the Mills tariff bill, the McKinley tariff bill, the Wilson tariff bill, and the Dingley tariff were considered in the Senate.

He was prominent and conspicuous in the great debates on free coinage of silver, and on the repeal of the purchasing clause of the Sherman Act and other coinage laws.

In the parliamentary struggle and great debate on the so-called "force bill" Senator MORGAN was among the ablest, most indefatigable and earnest speakers and workers who finally secured the defeat of that measure.

As a member of the Committee on Foreign Relations he took a leading part when war was declared by Congress against Spain and when Cuba was made free and independent.

When he entered the United States Senate there were but thirty-eight States in the Union, and he participated in all the legislation enacted by Congress in connection with the admission of eight sovereign States.

It was, however, as an earnest, persistent, and able advocate of the greatest engineering enterprise of all time, being the construction by the United States of an interoceanic canal to connect the waters of the Atlantic and Pacific oceans, that Senator MORGAN achieved his greatest distinction.

He was many years chairman of the Senate Committee on Interoceanic Canals, and the labor he performed in connection with problems relating to interoceanic canals was stupendous, and perhaps never equaled by an other member of a parliamentary body on one subject under consideration.

He did more, perhaps, than any other Senator to develop sentiment in Congress in favor of the United States Government furnishing the money and building the canal, and his knowledge of legal, engineering, sanitary, and meteorological questions connected with the various canal projects was not equaled by any other man. His valuable acquisitions and contributions, embracing not only his own thoughts, but the thoughts and convictions of the best engineers and scientists of many countries, will not only attest the power of his intellect and energy, but will be of great value to our country.

The abandonment of the Nicaragua route which he advocated for so many years was a grievous disappointment to Senator MORGAN, but after the Panama route was chosen and necessary legislation enacted, he did not oppose appropriations or try to impede or thwart the success of the world's greatest enterprise.

It is immaterial to his fame that the route finally chosen was not the route preferred by Senator MORGAN. The salient, conspicuous fact is that an interoceanic canal, to connect the waters of the Atlantic and Pacific oceans, is being built by the United States Government, and when completed, among those entitled to a great share of honor and credit will be Senator JOHN T. MORGAN.

During his long career in the United States Senate many high honors came to him. Among them was his appointment as a member of the commission selected to prepare a system of laws for the Hawaiian Islands after those islands became the territory of the United States. He was also appointed in 1892 by President Harrison as one of the representatives of the United States on the Bering Sea arbitration court, which met in Paris, France, the following year, and he served with distinguished ability on this notable tribunal.

Senator MORGAN took a deep interest in everything that benefited the whole country, and he watched with pride and satisfaction its progress, its wonderful achievements, its magnificent success, its extending Christianity, its industrial and educational advancement, its glorious heroism, and its tender and generous charities, with liberty, law, and order smiling on a happy, contented people, the progress and possibilities of whose country can not be estimated or measured.

He loved his family and his home and the great State that honored him so long and that he honored with faithful service and with devotion that was never exceeded. He was with Alabama in her gloom and in her glory. By his speeches he infused new life into the energies and aspirations of the people of his State, and no man took a deeper interest or by his eloquence and argument encouraged more than he did the development of the resources, the erection of furnaces, the construction of railroads, and the cultivation of the soil.

He saw the issues of civil war fade in the distance and the animosities and horrors of civil strife give place to fraternity and friendship and questions of commerce, trade, tariff, and finance. He had stood with his countrymen of the South in their defeat, disaster, and disappointment, and he rejoiced with them in their rehabilitation, restored happiness, and marvelous onward march to prosperity and wealth.

Senator MORGAN was wedded to high ideals and took but little interest in the ordinary pleasures of the world. He liked excellence and perfection wherever they could be found. He loved the great party to which he was loyal without shadow of turning all his life, and whose principles and policies he upheld with unsurpassed eloquence and unanswerable argument for more than a half century. His faith in the people and in our form of government was strong and steadfast, and his pride in the Senate and his jealous care of its constitutional rights, prerogatives, and dignity were conspicuous and seemed to grow stronger as he grew older.

No man in his life better illustrated the forceful words of Burton's Kasidah:

Do what thy manhood bids thee do, from none but self expect applause. He noblest lives and noblest dies who makes and keeps his self-made laws.

He died full of years and full of honors, and future generations will view with admiration his great personality, his splendid intellect, his unblemished record, and his service to his country of the first magnitude.

He has fought a good fight; he has finished his course; he has kept the faith.

Mr. SCOTT. Mr. Presdent, it is with profound sorrow that I rise to-day to do honor to the memory of the late Senator EDMUND WINSTON PETTUS, of Alabama, who "passed over" during our recess last summer, after having performed his duties as a member of the Military Committee long after Congress had adjourned.

When I bade him "good-bye" for the remainder of the summer, I did not expect it was to be a long farewell, and that I would not see his venerable face again. I mourn him, not only as a fellow-member, but as a dear old friend. To me he was the embodiment of the true meaning of the expression "a Southern gentleman," courteous, honorable, and upright. I have heard many stories of his bravery and gallantry during the Mexican war and the civil war, and of his brilliant rise from private in the ranks to brigadier-general. His experience and knowledge of "things military" made him a very valuable member of the Senate Military Committee, on which he served for many years. Notwithstanding the slight infirmities which his advanced age brought him, his intellect was as brilliant, his judgment as keen as that of the average man of fifty. Old age had touched him very gently, and he died, as I am sure he would have wished, before his mind was impaired or his physical infirmities became master of him.

"He has written his virtues and memory on the rocks, and his faults have we written upon the sands." The love and confidence of the people of Alabama, and appreciation of his service to his own beloved State and people, as well as to this nation, is attested by the fact that he continuously served them as one of their representatives in the United States Senate from the time of his first election thereto until the time of his death. We live and gain friendship, love, affection, and confidence in what we do for God and humanity, and this life is but the pathway to eternity—a sweeter and lovelier world—and where Faith, Love, and Charity reign supreme, where fame, power, and wealth are unknown, and where the crown of reward for this life's efforts is awarded.

He firmly believed in a reunited country and was ever ready and willing to lend his mite to weld more firmly the boundaries and in the erasing of any sentiment hostile to the interests of these United States. He was always found advocating liberal appropriations for the support and maintenance of our Army and the betterment of that service—a soldier as well as a statesman. Senator PETTUS was a man who, like many other old soldiers who had fought and endured the hardships of war, yet retained no bitterness and believed in the strengthening and reuniting of the different sections of the country. He had suffered honorable defeat, had seen his beloved South, for which he had so gallantly fought, conquered, and yet no man had the interests of the Union more at heart in later years than he.

My first acquaintance with Mr. PETTUS was formed during the first year of my service as a member of this honorable body, but which can hardly be said to have been formed under the most pleasant circumstances, for it began during the time when he was taking a most active part in support of the contention against my title to a seat in this body; but I did not at that time, nor have I ever had cause to believe since, that he was not conscientious and honest in his contentions and that he spoke his true convictions. That fact has been fixed more firmly in my mind by our after association and friendship, which were of the most pleasant nature.

We served together as members of the Committee on Military Affairs, and it was during our service together as members of that body that we were thrown in close touch with each other and the warmest personal and confidential friendship grew up between us. That friendship was of such a nature that upon one occasion, when leaving the committee room after a meeting, he put his arm upon my shoulders and said: "Senator, if anything should happen to me that I should have to be taken home from Washington in my wooden overcoat, I want you to promise me that you will go with me." He well realized the fact that the fast-flying hours had destinies in them, and that our journey through life is but our journey to death, and that while the pilgrimage of some may seem sweeter and calmer than that of others, yet they have the same earthly ending—death.

Such a beautiful character was that possessed by our departed colleague. The Angel of Death has taken him away from the turmoil and strife, cruelty and injustice of this world and has numbered him among those to whom God has given his beloved sleep.

Sweet hours of peaceful waiting,
Till the path that we have trod
Shall end at the Father's gateway
And we are guests of God.

Mr. NELSON. Mr. President, in the long period of eventful years that preceded the civil war the South had been favored with a school of brilliant and able men in the halls of Congress, whose renown extended throughout the entire country. And while that great strife had wrought havoc and destruction on all sides among the people of the South, it had not wholly destroyed or exhausted the supply of wise and able statesmen and legislators. There were still a number of brilliant and forceful men who survived the tragic ordeal of the great struggle. And, tempered as they were in the fiery furnace of war, they were in some respects better equipped and more highly inspired for the great task of serving their reunited country than were the great statesmen of antebellum days. Great trials subdue the harsher and colder intellectual side of our natures and make us more charitable and sympathetic to our fellows. They make us more responsive to the needs and demands of our common humanity and make us readier to find a remedy for the wrongs and perils afflicting and threatening the social and economic fabric.

Foremost among the great statesmen and legislators of the South who survived the great civil war was our late colleague, Senator MORGAN. He came to this Chamber in 1877, tempered in the fiery furnace of war and its most trying aftermath—reconstruction—a learned and trained lawyer and one of the ablest of debaters. In this body of so many able men he at once took, and held to the end, a leading part. His vision and work from the very beginning and throughout the long period of his public service were those of a statesman rather than a mere legislator, addressing himself to temporary and transitory affairs. He always considered great public questions from constitutional and national standpoints and bearings. His range of vision and his argument covered the entire scope of the problem in hand. Any subject that he took up and discussed he would exhaust. He left no "terra incognita" in that behalf. Many brilliant men fail because of lack of industry and application. They rely wholly upon their power of speech and look to their associates for a supply of law and facts and piece these out with their metaphors and glittering periods, oblivious oftentimes of the fate of the measure after it has been baptized with their oratory. Not so with Senator MORGAN. He was the most industrious legislator I have ever met. There was no limit and no end to his industry and research. He was not content to borrow or take things at second hand. He always went back to original sources for data, facts, and information, and hence it came to pass that when he discussed a measure he could handle it in all its aspects and bearings. His remarks on any subject were not only illuminating and brilliant, but always highly instructive to his associates. He was a mine of learning and research from which all of us gathered wisdom and knowledge.

He was a man of strong convictions and indomitable will, and never a mere caterer to popular clamor or popular favor. When after careful investigation and research he had come to a conclusion and made up his mind as to the merits and quality of any measure there was no swerving him from the path he had marked out for himself. It mattered little to him whether many or few concurred in his view; he felt that he was right, and that was all-sufficient to him. He felt that it was his duty to point out the right course to the Senate, and when he had done that thoroughly and fully, he did not feel called upon to hunt for votes or to resort to any private logrolling to repress or promote a measure.

While Senator MORGAN may not, in the popular acceptance of the term, have been regarded as a great orator, yet no one can deny that he was one of the greatest, most forceful, and most instructive of debaters. He had no use for and wholly eschewed the ponderous and glittering philippics of a past generation. He may fairly be regarded as one of the fathers of that modern school of oratory which aims to convince by a clear statement of facts, by true logic and sound argument, rather than by rhetoric or an appeal to the passions. There was an assurance and a calm serenity about his speech that tokened his full mastery of the subject and carried conviction to his hearers. He spoke because his mind was full of the subject, and because his insight, study, and research craved and impelled utterance. And what a flow of pure, clear, and undefiled English was his speech!

On several occasions I occupied the chair while he was addressing the Senate at length and wholly extempore, when I made a special note not only of the substance, but also of the form of his speech. Not only was his argument clear and logical, but his periods and sentences were perfect and conformed to the strict rules of grammar and rhetoric, and needed no pruning or correction for a permanent place in the RECORD. I am informed that he never corrected his extempore speeches, and I am quite sure he never had occasion so to do. Few if any Senators ever equaled him in this respect.

Many able speeches lose much of their force from a lack of earnestness and sincerity in the speaker. Not so with him. He was always earnest and sincere, and never more so than when addressing the Senate. His great profoundness made him a serious man. The problems of life were to him serious, and his duties as a Senator were to him the most solemn and serious of all. His devotion to his duties and his continued and persistent industry and unflagging zeal could not be excelled. The range of legislative subjects is so extensive that most of us can only keep in touch with and understand fully those which pertain to the committees of which we are members. As to other subjects we look for guidance and instructions to other committees and their members. But Senator MORGAN seemed to have a knowledge of every bill on the Calendar and of its scope and object. His legislative vision was omniscient, but he was never supercritical or obstructive. He was always kind and ready to lend a helping hand to a new Senator, and never objected to the consideration of a measure for the mere purpose of showing how scrupulous and watchful he could be and how important it was to check the exuberance of a new member. He was an omnivorous reader and a great student of history, well versed in the history and political status and condition of all the governments of the Old World.

He was one of the first of the older Senators to meet me and greet me when I first entered the Senate. I shall never forget the kind and encouraging words he uttered on that occasion; and, next to this, what struck me most forcibly was the familiarity he manifested with the people and the institutions of that small country on the northern verge of Europe—Norway, the land of my birth. Even that small country had found a place in his historical curriculum. He seemed as familiar with that as one would naturally suppose him to be with countries like Great Britain, France, and Germany.

Though he was a profound lawyer, exceedingly well versed in the fundamental principles of the Constitution and the common law, yet he had never become so saturated with these that it had dwarfed him and unfitted him, as is the case with some great lawyers, for the generous and liberal consideration of all the great problems that enter into and are essential to the well-being, prosperity, and happiness of this country. He dwelt in the spirit rather than the dry letter of the law. When he felt he was right—and he never advanced unless he was conscious of being right—there was no limit to his patience, persistence, and perseverance. Though on occasions he seemed to stand almost alone, yet he never shrank or flinched. The courage of his conviction was so intense that he never faltered. And what a grim, fearless legislative Spartan he was! In my mind's eye I still see him standing at his well-known desk, erect and determined, hoary with wisdom and with age, instructing the Senate on great public questions in choice, terse, and clear English. Even those who did not agree with him could not help but admire and respect his sincerity, his thoroughness and fearlessness. And all of us found something to learn, something we did not know, when he addressed the Senate.

Such men as Senator MORGAN give a character and standing to the Senate among the American people which it could not have without them. When he passed away he was one of the great patriarchs of this body who had helped to bring us back into the promised land of a reunited country, one in heart, in spirit, and in aspirations, a country that we all love, that we live for, and are ready to die for.

These tributes that we pay to his memory to-day, these garlands of speech that we strew on his grave, are feeble compared with the tributes that he paid his country by thirty years of faithful, honest service in the Senate. In the fullness of years, when his great life work was ended, he bade us a final farewell, final as to his mortal presence, but not final as to the inspiration that comes to us from his life and the work he wrought and accomplished. That spirit that was his will survive to us so long as we are faithful to the high and noble standard which was his.

Grand old Southern Puritan, you are with us no more, but the memory of your noble and upright life, of what you did and sought to do for the good of humanity, will be cherished by your associates to the end of their days. Alabama has been represented by many noble and great men in the Congress of the United States, but by none nobler or greater than Senator MORGAN. His most lasting monument will be not in the granite or marble that is placed over his tomb, but in the records and files of the United States Senate.

May the spirit that guided him be our guide and mentor to the end that what has been said of him can be said of us—that we have been faithful to our trust and duty.

Mr. OVERMAN. Mr. President, one by one the old landmarks of our political life are passing away, one by one the links which connect a glorious past with the present are sundered. The departed Senator in tribute to whose memory this day has been set apart by reason of his great strength lived ten years and six beyond the three score and ten years spoken of by the psalmist as the alloted period for man's earthly existence. And though in the natural course of human events it was apparent that his life of usefulness and honor must soon be rounded to a peaceful close, yet his death came as a distinct shock to those who loved him well. It is given to few men to have received the measure of love and devotion accorded to him, not only by his own people, but by all who knew him. I served with him for four years in the Senate, sat around the table with him in the committee rooms, learned to know him and to love him in his daily walk of life, and it is with the profoundest respect and admiration for this noble example of a long and useful life that I am constrained on this occasion to pay the simple tribute of a few words to his memory.

I will leave it to others who are more familiar with it to give the detailed history of his life—a life stretching almost throughout the length of one century and into another, and so full of usefulness and of good deeds that hardly a man of his native State but felt his death a personal loss.

Senator EDMUND WINSTON PETTUS was cast in heroic mold—heroic in stature, heroic in character, heroic in intellect. Destined by nature to be a leader, a man of action and of strength, his young life was cast in troublous times, and he early left his impression upon the history of his State. Such was their confidence in his ability and integrity that in times of peril he was more than once made almost the arbiter of the fate of his people. Especially will his services be recalled during the dark days that followed civil strife. When it seemed that in the heat of passion the South was to be delivered into the hands of the carpetbagger and a race but lately out of bondage, Senator PETTUS, by his coolness and his courage, the leader of a small band of determined men, forced back the wave of anarchy and confusion that threatened to engulf them. As his was the leading spirit in that period of struggle, so when the people of Alabama came into their own again there was nothing in their gift which he might not have had for the asking. But he was not attracted to a public career, preferring rather to go back to the practice of that profession to which he had devoted his life. Death has lifted him now above us, and we can view his character in a clearer light. Looking backward we are impressed with the fact that his was a life well rounded to a fitting and harmonious close. From early manhood destined to play an important part in the affairs of his people and his State, his life was full of action as befitted his character. He early be-

came a man of mark, but in the fullness of his life certain events and characteristics stand out with peculiar distinctness.

Unlike his colleague, Senator MORGAN, for whom his devotion was most marked, he won his fame not in the public forum, but in the private walks of life. Until his seventy-sixth year he had never held office except of a judicial character. Then he expressed a wish to round out his life in the Senate of the United States. The people of Alabama, delighted to honor him whose life for more than three-quarters of a century had been a blessing to his fellow-man, elected him to the highest office within their gift. He never had but one contest—his first election—when two great men of Alabama were both aspirants for the same honor. At each succeeding election by the legislature he was unanimously reelected, and at the time of his death had yet eight years more to serve, having been already elected to succeed himself at the expiration of his term in 1909.

In the Senate of the United States his influence was not measured by the length of his service. He sprang at once into prominence and became a national figure. Entering public life at an age when other men are ready to lay aside the active duties of life, without legislative experience, he yet speedily impressed himself upon this body. His familiarity with public affairs, his great legal ability and training, his devotion to duty, and his wonderful fund of common sense soon marked him as a man of mind and power, and the wisdom of his counsel was not unheeded by this body. His coolness and his self-control, his vast store of knowledge, and his power of command over men marked him a great leader either upon the battlefield or in the public forum. Had he entered the Senate earlier in life, had he been bred a parliamentarian, he would undoubtedly have attained the foremost rank and left his impress upon the affairs of the nation as he has upon the history of his State.

Senator PETTUS was not a politician. He despised hypocrisy and subterfuge. He never espoused a popular cause to curry favor with the masses, nor was it ever necessary for him to do so. Simple, straightforward, unaffected, of rugged honesty and sincerity of purpose, he followed the dictates of his own conscience without regard to popular approval or favor. And though he loved the people, yet he could not be swayed from the path of duty by false clamor or unhealthy public opinion. Born under the régime of the "Old South," imbued with the doctrine of State rights, loving the South, her people, and her traditions with a fervor amounting to passion, he viewed with disfavor and suspicion every measure which seemed to him to point to a centralization of power in the hands of the Federal Government.

Senator PETTUS came of martial parentage. His mother was the daughter of Capt. Anthony Winston, of Virginia, a soldier of the Revolution. He served as a lieutenant in the war with Mexico, and when the irrepressible conflict came, at the first call for troops, he marched away at the head of the Cahaba Rifles to offer his sword to the cause of the South. In many of the fiercest and bloodiest battles of the war General PETTUS displayed a quality of courage and a power of command that secured for him speedy promotion, and he rose to the rank of brigadier-general. As the leader of a forlorn charge his courage never wavered; in the deliberations of council of war his advice was ever marked by its wisdom; in the privations and hardships of a struggle that was growing rapidly more and more hopeless his devotion and his loyalty never faltered. Small wonder, then, that his people accorded to him a measure of love and devotion that has seldom been surpassed and that when the Grim Reaper should come there was not a fireside in Alabama that did not feel a personal loss.

The early life of Senator PETTUS was full of stirring incidents. As a soldier of two wars and a "forty-niner" he sought in these channels an outlet for the activity of a vigorous spirit. He was wont to say that his boyhood was inclined to be wild and rough. That he learned to curb this spirit and turn its activity into the channels of usefulness was due in great measure to the influence of the gentlewoman who for sixty years was his wife and companion—who bore with him every hardship and who took a gentle pride in the honors accorded him by a grateful people. Two characteristics stand out preeminent in the life of Senator PETTUS—his love and devotion to his family and his fidelity to his friends. Imbued with the spirit of chivalry, with a high ideal of honor, a lover of the truth, he was ever on the side of right and justice and the cause of the weak found in him a steadfast champion.

His life was strangely intertwined with that of his colleague whose death preceded his by a scant two months. We now recall with what solicitude he watched the failing strength of his life-long friend. From earliest boyhood in the little town of Cahaba, where they grew side by side into manhood, their lives flowed as twin currents until the discovery of gold in California drew the more adventurous spirit of Senator PETTUS. Returning after two years, they both gave their best efforts to the cause of the South, and after the war both settled in Selma, where the stream of their lives, broken once, was reunited and flowed thus without interruption for nearly half a century. In June of 1907 Senator PETTUS was called upon to follow the body of his friend to its last resting place. The current of their lives, thus rudely broken, seemed to foreshadow his own approaching end. Returning from the grave of his life-long companion, surrounded by his family and his friends, he spoke of death and, though apparently still vigorous, of his own approaching end. MORGAN was dead; he was soon to follow. He wanted no eulogies and no elaborate display when he should be laid to rest, but asked that the simple ceremonies of the Presbyterian Church should be read over him in his own home. And so it was. Scarcely yet had the flowers laid upon the tomb of his friend withered away, when the people of Alabama were called to pay the last tribute to this other "grand old man." Beneath the trees of beautiful Live Oak Cemetery they together sleep the sleep that knows no waking. As in life they stood, so in death they lie side by side, and to the memory of each the people of a grateful State and nation have given that measure of love and devotion which is the meed of a life well spent and a race well run.

Simple, straightforward, unassuming, unselfish to a degree, of rugged honesty and sincerity of purpose, and yet withal gentle as a woman, the life of Senator PETTUS breathes the spirit of the old South, of a régime that is rapidly passing away. Like a granite pillar chiseled from his own native quarries, his life rises before us, lofty and massive and yet withal graceful. With its base standing enshrouded in mist—the troubles and hardships of his early life—it rises in its grandeur above the clouds, the mists fall away, and sun-kissed it stands in the light of heaven, a monument of a glory that is past and a guide to that which is to be.

The potentates on whom men gaze,
When once their rule has reached its goal,
Die into darkness with their days.
But monarchs of the mind and soul,
With light unfailing and unspent
Illumine fame's firmament.

Mr. DANIEL. Mr. President, MORGAN and PETTUS of Alabama were two of Plutarch's men. They were unique, distinctive, heroic, achieving, characterized by traits peculiarly their own. Their long lives were filled with efficient services of good citizenship in both civic and military life. They were a noble pair, supplements and complements of each other in the diversity of their talents and attainments, and yet alike in congruing temperament and in the devotion of their hearts and minds to the common good. As they were neighbors and friends of the town of Selma, in Alabama, so they were yokefellows in the Senate.

It was a pleasing spectacle to behold the mutual cooperation, deference, and confidence with which they performed their labors. No one could see them without recognizing in their personalities, which mark the expression of a people, that they were American men, and no one could know them without realizing that their Americanism was of that manly, broad, wholesome, and friendly type which communicated the instincts of freedom and fellowship. It was more than this. It was Americanism deeply rooted in the free institutions of the English-speaking people, that has builded upon them in our own Republic of many mansions the strongest, freest, and the most hopeful fabric of the world's history and aspiration.

Some day it is to be hoped the biographer will make faithful portraiture of the lives, the services, and the personal characteristics of these typical Americans. There would be found in them the graphic narrative of the great era in which they lived, and of the rare conditions and scenes of adventure, risk, hardship, trial, and tribulations through which they passed. It was not an era that can ever repeat itself, and although we are told that "The thing which hath been is the thing which shall be," it seems quite sure that while the philosophic truth may be preserved, in the current of nature it can never again assume the forms, shapes, and stirring incidents with which the past era of American history has been so deeply marked. Some features of that era were unprecedented in the world's history, and this country now knows itself too well to admit the thought of its recurrence.

As MORGAN and PETTUS were in life united, so in death they were but briefly divided, I will speak of them together. They were both my friends, whom I greatly honored and dearly loved.

They were independent men. That great virtue of manly

independence was seen in their whole life course. I have never known in the Senate two men who possessed more of this pure and lofty quality.

Thy spirit, independence, let me share,
Lord of the lion heart and eagle eye—

was the invocation which had been fully answered unto them.

When they had opinions it required no effort on their part to state them openly and fearlessly. Truth of sincere conviction was their abiding guide.

They were party men, such as are all of us in a Republic which is governed by party. Those who stay with party organizations because they believe that only through their unity and sympathy of action great and worthy ends can be accomplished have often to bow, for a time, at least, to both men and measures when they are not in thorough consonance with them. No doubt this was sometimes the lot of MORGAN and PETTUS, for it is the common lot and seems to be an inevitable feature of great political concerns; but none as a rule could be more scrupulous or consistent than they in hewing to the line of great fundamental principles upon which this Government was founded.

PETTUS, the older Senator, was born in Alabama in 1821. The common school and Clinton College, in Tennessee, were the avenues of his approach to education.

In that State MORGAN was born in 1824, but in youth he removed to Alabama, and there the lifelong friends alike entered the profession of the law—PETTUS in 1842 and MORGAN in 1845.

The spirit of adventure was alive in the breast of young PETTUS. He entered in the war with Mexico as a lieutenant, and in 1849 rode with the great stream of adventurers to the golden fields of California.

PETTUS was 75 years of age when he came to this Chamber. He brought with him the ripeness of his years, and the natural increasing disposition to dispense with things extraneous, remote or discursive. He was not a frequent speaker, but when he spoke he drove right ahead at the pith of the matter in a plain, common-sense fashion. His speeches were often illustrated by some apt adage, and quaint, mellow humor would now and then fix attention and attract concurrence when prosaic details would only weary.

Of the old Revolutionary Virginia stock—his grandfather, Anthony Winston, having served as a captain in the War of Independence—he preserved in his own character and career the marked ancestral traits.

MORGAN entered the Senate on the 4th of March, 1877, at the age of 55, a time astir with the last great commotions which were involved in the aftermath of war. From that time forth he took part in all the great debates in this Chamber and did efficient and successful work on many committees. He had great knowledge of foreign affairs, of Indian affairs, of the Constitution, of the laws, and of the literature of this country, and, indeed, of all questions that came before the Senate in his time. He read much. His memory was marvelous—"wax to receive and marble to retain." No matter what the subject was on which he fixed attention, he poured forth copiously the streams of his knowledge. His mind was so suggestive that he turned the subject in all lights and shades in which it could be regarded, and when he finished his speech a contribution had been made to the literature of the subject which would become the resort of all who desired to stir their own reflections or to inform themselves fully upon it. Nevertheless, when his mind was aroused by the sharpness of debate, he could be as salient as he could be philosophic, as witty or as humorous as he could be argumentative and instructive, and the flashes of his penetrative wisdom have often illumined and felicitated the Senate.

We can not think of MORGAN without thinking also of the isthmian canal, to which he devoted so many years of his life. No man in this country knew more on that subject than he did. No man more sedulously studied or more fully expounded it. None more thoroughly believed in the good it would bring to America and to mankind. As Maury was to the science of the ocean tides and currents and to the courses of the merchantmen that cover the oceans, so MORGAN was to the isthmian canal that will unite them.

That his great work did not eventuate through the particular plan which he commended was a deep disappointment to him, but he took up the plan which others preferred, and with loyal spirit continued to the end in view with irrepressible and unabated spirit.

Neither can we think of PETTUS without remembering his last good-natured and successful plea to the Senate to remove a relic of civil strife that remained as a bar to the recovery of certain claims in which the South is interested. Its aptness quelled opposition.

MORGAN was of a slenderer build than PETTUS, of manly and graceful bearing, his form crowned with a noble head and dome-like brow, and with fine features which suggested to the mind the lawyer, the statesman, the judge, and the senator.

PETTUS was a stalwart. His commanding figure was a pillar of power. His was a tall, stout, well-knit frame, large limbed and well proportioned. His figure intimated the soldier who rode with the Ironsides and would cleave with the broadsword in battle. A powerful brain filled his massive, Websterian head, and his strong features, beaming with benign intelligence, had that noble expression of the St. Bernard dog which bespeaks alike courage and generosity.

Both of these men were soldiers. MORGAN started in the war of 1861 as a private, becoming first major and then lieutenant-colonel in the Fifth Alabama Infantry, under Col. Robert E. Rodes, afterwards the brilliant major-general of the Confederacy, who fell in the desperate battle of Winchester.

PETTUS about the same time entered the Twentieth Alabama Infantry as a major, became its lieutenant-colonel, and subsequently a brigadier-general for deeds of great daring in actual conflict upon the field.

MORGAN, after creditable service in the first great battle of the war at Bull Run, and afterwards in others, rose to a similar distinction, and in whatever line of vocation they appeared they showed that they were born leaders of men. They were borne to the front by moral and intellectual gravitation, just as surely as natural gravitation moves the world and the planets.

They were both lawyers; lawyers of learning and of manifold abilities; of assiduous application and successful practice; well equipped and well capable to dispute with the first foemen of the bar; indefatigable workers, patient, but bold, and conscientious advocates, each an honor to his profession.

MORGAN loved the lore of the law, traversed its broad fields, explored its recesses and found delight in its philosophies.

PETTUS delighted more in the rugged maxims hewn from life, although he was lacking in nothing of reading or of reflection that furnishes the good lawyer with his armor or enables him to do his part in the lists of controversy before the bench or before the jury.

They were domestic men. To our race the home is the capital. As it will have peace if it have to fight for it, it will have a home though it have to wander over the seas, mountains, and deserts to build it.

The home was to them the first consideration, and in their homes they were the revered fathers and heads of families. They were husbands who found under their roofs the sacred and enchanted castle that held and guarded their treasures. There the charms of life solaced and rewarded their labors. There they found that happiness which may be sought through the boiling waves of ocean, by the midnight lamp, or through the tempest of the battle, but which can only be found 'mid the quiet scenes where love wields its scepter.

They were orators who could stir men's blood; debaters who could hold their ground in any intellectual conflict; fellow-men who could do the man's part in council, field, or forum; notable specimens of those who can write, speak, and fight; but above all they were peacemakers—never fomenters of strife between neighbors, between races, or between sections.

They were patriots. In the unhappy times of sectional aberration and alienation they were true to what they were and to what their people were; and men thus true to themselves could not possibly be false to any cause or to any man. When their country was cemented in the whole unbroken nation by the blood and sacrifices of the brave who fought on each side, they dedicated to it their faithful service. They had nothing in common with the worm that bites itself in the dust; they accepted and they did the best they could with what had come to pass. "God decides; let that suffice." These golden words of Robert E. Lee were their intimate thoughts. They loved the whole country and all its people, and nothing human was alien to their hearts. Out of that love flowed their service, and in that service all men knew that they "bore" each for himself "without reproach the grand old name of gentleman." As they honored all, so in the equity of nature all honored them.

They had civic courage, a rarer virtue than that of the sea or the field of battle. They did not ask, "Is this the popular side of the question?" but only, "Is this the right side?" Those questions answered to their conscience and fixed their course. Men who quail not before a serried hostile line or an imminent deadly breach often quail before an opposing multitude. But MORGAN and PETTUS did not quail, but went their own gait wheresoever duty led them.

They were statesmen—statesmen in a very high, a very useful, and a very efficient sense; old-fashioned American statesmen, deeply imbued with the teachings of history and warned

by them of the rocks on which nations have been shattered—statesmen not only in studious and penetrating reflection upon the conditions of the country, but upon the questions of foreign policy it has to deal with; statesmen in knowledge of its multifarious and varigated interests; statesmen of the conserving good sense which must be employed to keep in conciliation and in common spirit the immense masses of widespread regions, differing in climates, productions, and in all natural features, whether of field, or forest, or desert, or mine, or river, or lonely wilderness, or crowded city; statesmen, too, knowing the complexity of racial and industrial problems which are before a people consisting of the old-time populations of colonial stock, side by side, with the vast inpourings of immigration from all corners of the globe.

To hold such an immense mass in the balances of well-adjusted laws and to transfuse it into a homogeneous whole is a stupendous thing to contemplate, and it is the marvel of the world that so far our unprecedented and unmatched Constitution has availed to preserve our inheritance and to keep alive here the hope and faith that the future may prove worthy of the past. A greater people have never yet appeared upon this globe than the Americans, and it must solemnize any just mind to realize the responsibility which comes to it with the injunction to take heed that no ill befall the Republic.

Statesmanship is sometimes exemplified by great measures, but most great measures are the products of many minds, crystallized into expression by the few and perhaps associated with the name of one who presented them but took little part in their molding. As an instance I may cite the misnamed Sherman law. Senator John Sherman proposed a bill for which Senator Hoar offered a substitute which was adopted. Mr. Hoar humorously remarks in his memoirs, "It was so called (Sherman law) for no other reason that I can think of, except that Mr. Sherman had nothing to do with framing it." But the statesman, like the good citizen who constantly instills by good example as well as by precept the great stable and fundamental doctrines which conjure moderation of conduct and fidelity to principle and through them confirm confidence and make peace, renders a service to his country and to mankind which can not be overestimated.

PETTUS and MORGAN rendered such a service not only to their people at home, but to the whole country, and they constantly worked for their country with the hope and aspiration—

> That her fair form may stand and shine,
> Make bright our days and light our dreams,
> Putting to shame with light divine
> The falsehood of extremes.

They were never trimmers. They stood four square to all the winds that blow, and in their State they were as patriarchs in Israel.

They were not money lovers or money seekers. They were not hustlers, rushing hither and thither to get ahead of anybody else or to get unto themselves hasty riches. They had time to do everything that was for them to do, but no time to waste for the frail, flitting, and adventitious things upon which many set great store. Like the princes of their race, "I serve" was the watchword of their instinct and ambition, and so faithfully did they serve that those served by them felt so safe in their hands that they never questioned their servants, but were proud to serve in turn the things they aimed at, which were their country, God, and truth.

The tender and forceful speech in which PETTUS—when advocating increase of salary—depicted the life of MORGAN, its possibilities and its renunciation of riches for public service, made deep impression on all who heard it.

Tears do not become the memory of MORGAN and PETTUS. Mourning is not the badge which we should wear for them. Rather bring the flowers of rejoicing tribute that they did so many things so well and that they acquitted themselves like men. The country has sent back their bodies and consigned them to rest amongst the loyal hearts of the people of Alabama, whom they loved and whom they served so well. But above the ceremonious tributes of State rises the high honor of a whole people for patriots who were true to every loyal instinct and affection. Length of days had been given them. Their strength endured until the sun hung low in the western sky. Then their work was done. At evening's close their hour had come. "Well done, good and faithful servants," was the parting salutation of all who worked with them and of all for whom they had worked. And so they rest from their labors, and their works do follow them.

Mr. DEPEW. Mr. President, when a man dies in youth or in his prime with years of usefulness before him, the sentiment is grief or despair. Every year which one enjoys in health and the full possession of all his faculties beyond the Psalmist's limit of life is a source of gratitude. If he is still at fourscore in the forefront of the battle when the summons comes, the event elicits reminiscence, record and applause.

Alabama, through her two venerable and great Senators, MORGAN and PETTUS, had in this body a unique distinction. These two representatives, or as they might be called, ambassadors of a sovereign State, one 83 and the other 86, and by reason of their ability and power destined to reelection which would carry them both toward their century, present a picture which has no parallel in our history. Senator MORGAN was in the front rank of the statesmen of the Republic. His great ability, vast acquirements, profound erudition, indomitable industry, self-sacrificing devotion to the public welfare and rare elequence have placed him in a niche of the temple of American fame. He possessed an almost unequaled command of English pure and undefiled, and in giving utterance to his thought it was done with such correct expression that after a running debate in which he took a principal part and which would last a day, his sentences were so perfect that his speech required neither review nor correction. More than any other of our statesmen he resembled the great English writer and orator, Edmund Burke. His colleague, Senator PETTUS, was a good lawyer and an able judge, but preeminently, in all his characteristics, the soldier. The friendship and interdependence of these associate representatives of Alabama upon each other and their daily intercourse was one of the most interesting and attractive pictures in the Senate. The General followed with awe and admiration the lead of the veteran and distinguished Senator, and the slender and fragile Senator seemed to lean with reverential regard upon the vigorous, aggressive and gigantic General, but at the moment when their State seemed unanimously resolved to keep them here without limit as to time the summons came to both, and they died as they had lived, neighbors and friends, possessing to the last the full vigor of their physical and mental powers.

Such an event inspires many reflections upon youth and age. The tribute of the world is given wholly to youth. Its admiration is for early achievement. It is apt to dismiss age or be impatient that it lingers upon the stage. I remember a distinguished English statesman remarking to me with disappointment and disgust after Mr. Gladstone's Midlothian campaign had electrified the country, "There is no use waiting for old men to die. After seventy they go on forever." The brightest pages of history, the most brilliant passages in oratory and the highest flights of rhetorical expression are devoted to the achievements of precocious genius. In our day everything is subjected to the merciless analysis of science and research. The most valued traditions of childhood are shattered by the cold processes of historical delving. William Tell becomes a myth and Arnold Winkelreid an exaggerated tradition. By the same bloodless dissection alienists and physiologists are now endeavoring to prove that in the formation and growth of the brain an unnatural and unhealthy early development tends either to degeneracy or, in rare instances, where there is great natural power, to extraordinary and morbid maturity in infancy and youth. It is the inspiration and despair of the schools that Alexander the Great was a wise ruler at 18 and conquered all Greece at 20. At 26 he wept because there were no more worlds to conquer and died at 30. His achievements and his tragic death were alike due to an abnormal brain which made him meet the characterization of Pope, "The youth who all things but himself subdued." In this he stands in marked contrast with Cæsar, who matured more slowly and naturally, and was at the zenith of his powers when assassinated at 56, and of whom Pope also said, "Cæsar was the world's great master and his own." Hannibal was in sight of the fulfillment of the vow to his father of the destruction of Rome when he was 31, but then his genius seemed to decay. Napoleon had reached the zenith of his powers at 35 and at Waterloo was the victim of premature senility. Byron's genius began to fade in his early thirties, and he died before he was 40. Pitt was prime minister at 25, and the maturity of his gifts was under 40. Goethe, the great German genius, and one of the greatest the world ever saw, on the other hand, grew normally to maturity and was no exception to nature's laws. The work which gave him universal recognition, "Iphigenia," was written when he was 37, but his immortality is largely based upon "Faust," which was published when he was 55. He lived without any abatement of mind until he was 83. Thiers, having accomplished a world of literary work and done much political service, saved France from total dismemberment at 71 and remained three years after in the presidency to consolidate his work. Von Moltke at 71 had become one of the most famous generals of the centuries, while Bismarck late in life consolidated the German people into one Empire under the great sovereign

who wielded the scepter vigorously until past 90. Gladstone's most triumphant campaign, and one of the most remarkable in English history, was won by a stumping tour of unequaled vigor and versatility when he was 84. The dead line of 50, which had been the rule of the past, no longer exists in our day. Shakespeare divided life into seven ages.

At first the infant,
Mewling and puking in the nurse's arms.
Then the whining school-boy, with his satchel
And shining morning face, creeping like snail
Unwillingly to school. And then the lover,
Sighing like furnace, with a woeful ballad
Made to his mistress' eyebrow. Then a soldier,
Full of strange oaths, and bearded like the pard,
Jealous in honour, sudden, and quick in quarrel,
Seeking the bubble reputation
Even in the cannon's mouth. And then the Justice,
In fair round belly with good capon lin'd,
With eyes severe and beard of formal cut,
Full of wise saws and modern instances;
So he plays his part. The sixth age shifts
Into the lean and slipper'd pantaloon,
With spectacles on nose and pouch on side,
His youthful hose, well sav'd, a world too wide
For his shrunk shank; and his big manly voice,
Turning again toward childish treble, pipes
And whistles in his sound. Last scene of all,
That ends this strange, eventful history,
Is second childishness and mere oblivion,
Sans teeth, sans eyes, sans taste, sans everything.

But Shakespeare died at 50.

Mr. President, we have only to look about this Senate to note the marvelous difference between Shakespeare's period and our own. It was then the survival of the fittest who possessed the vigor of constitution and strength which could resist the pestilence, plague, and disease common to the unsanitary conditions of the home, uncleanliness of the person, and wild excesses and intemperance of the times. According to Shakespeare's view, "the lean and slipper'd pantaloon" came between 50 and 60, and second childhood, "Sans teeth, sans eyes, sans taste, sans everything," between 60 and 70. But in our day the leaders in the professions, the captains of industry, and the controlling minds in public life are largely those who look with equanimity upon three score and ten.

The life of Senator PETTUS is one of those American careers which are the perennial inspirations of our youth. Equipped with a vigorous constitution and a good education as his only capital, he began the battle of life with an optimistic cheerfulness and indomitable perseverance which were his characteristics for the succeeding sixty-five years. He was admitted to the bar in 1842, and was in the active practice of his profession, except when on the bench or in wars, for sixty-four years. He early won the favor of a large constituency, and two years after his admission to the bar, at the age of 23, was elected solicitor for the seventh circuit of Alabama. Heredity is either the curse or the blessing of us all. The dominant characteristic in the blood may skip several generations to ultimately assert itself with double force. It was the grandfather, who was a soldier of the Revolution, whose militant and virile spirit was reincarnated in his grandson. The call to arms in the Mexican war drew him instantly from the brilliant career upon which he had entered in legal and political life and he marched to Mexico as a lieutenant of an Alabama company. The stirring experiences of that campaign, with its battles and marches, its assaults and victories, were exquisite happiness to the young and enthusiastic soldier.

He returned from the war at the time when the country was excited, as it had never been before, by the gold discoveries in California. The romance and perils of the West appealed overwhelmingly to this adventurous spirit. That he did not have the money for this expensive trip was no obstacle to a man to whom obstacles were invitations. He started on horseback and found his way across the Great Plains of the West when its trails were infested by bands of hostile Indians. When he arrived the situation did not interest him. His was not the nature to endure hardships and the wild life of a mining camp of that period simply for gold. Glory was his ambition, gold only of value so far as it might help him to attain that end. The voyages and marches of the Forty-niners are a picturesque chapter in the story of the settlement and development of our Territories. They were practical Argonauts, whose search had its reward for some in fortunes greater than were possible to the seekers of the Golden Fleece, but for most of them bitter disappointment and unmarked graves. The sordid side of these early struggles on the golden coast repelled this chivalric knight and we find him soon returned to renewed activities at the bar and in the public life of his State. He had been brought up in the strictest school of State rights. The resolutions of 1789 were his political gospel and John C. Calhoun his political guide. One of his last acts in the Senate was to vote against the railroad rate bill, notwithstanding the public sentiment in its favor, because he believed that it violated in principle his fundamental beliefs in the rights and sovereignty of the States. He was among the earliest to enlist for the war in the Confederate army, and believed as thoroughly in the righteousness of his cause as did his patriot grandfather in that of the Revolution.

His commanding figure made him an ideal soldier. He was elected a major of his regiment, but his gallantry upon many bloody battlefields soon won him the stars of a brigadier-general. His impetuosity and daring made him a prisoner of war, but he received the consideration of his captors which gallant soldiers always pay to heroic enemies against whom have gone the fortunes of the fight. The civil war ended, he again resumed the activities of peace. Having vigorously and conscientiously done the work of his laborious profession and accepted many honors from his fellow-citizens, he thought that at 75 he would like to retire to the dignity and congenial duties of a Federal judge, with its permanency of office, securing the pleasures of comfortable and serene old age, but the political powers of his State hurt his pride and aroused his spirit by informing him that he was too old. This stirred the soldier to conflict, and with the answer, "If I am too old to be a judge, I am young enough to be a United States Senator," he entered a contest before the people for the place. He broke down all opposition, and overthrowing the leaders of his party captured the imagination and support of the people, and at 76 was triumphantly elected Senator of the United States from the State of Alabama. When the time for his reelection came, he was 83 years of age, but there was no opposition, and his triumph was complete. It was one of his most gratifying recollections that his second election cost only $1, the legal fee for his certificate. He was reelected at the end of his second for a third term, which, if he had lived, would have carried him to the age of 95. There is no such record in the whole history of the Senate.

I served with him on the Committee on the Judiciary. He never missed a meeting, and his reports upon the questions referred to him as a subcommittee were not only able and judicial, but possessed a picturesque originality and humor which gave them the flavor of that Elizabethan literature of which he had been all his life an ardent student. His humor was resistless, and we all remember the occasions when the driest debate was suddenly lifted into life and his side enormously helped by the ripple of laughter which disturbed this august assemblage at one of his sallies. As impregnable were his opinions, so unshakable were his friendships, and he would make any sacrifice to aid or defend those whom he loved.

Side by side in the old churchyard in the village of Selma lie these great statesmen of Alabama, not of Alabama alone, but of the United States. As the years go by that will become sacred ground and a mecca for the youth of the South who would get inspiration for great careers in the civil or military life of their country. The Senators who were privileged to serve with MORGAN and PETTUS unite in paying to their memories the deepest and tenderest tributes of respect and admiration. Long after we are gone, among the cherished traditions of this body will be the recollection of the lives, the genius, the work, and the picturesque personality and originality of these historical figures fighting back death and serving their country when past four-score years, and dying, as they had lived, together.

Mr. BURKETT. Mr. President, but for the invitation of the Senator from Alabama, the successor of him to whose memory we are here paying tribute, I should have remained quiet and listened to those older in the service and better acquainted with our late distinguished friend and colleague.

It is certainly very proper that the Senate should lay aside its work and devote this hour to the life and memory of one who was so long one of its most important members and who honored this body and the country he served so much as did the late Senator MORGAN. It is, however, more appropriate that those who served with him longer and knew him better should occupy most of the time, and therefore I shall ask the indulgence of the Senate but a moment.

The parting with friends at death is always sad. The ties of friendship and affection are broken, and those who are left are deprived of a sweet companionship and beloved association. But in this case the loss is more than personal, for the country has lost one of its most devoted public servants. Senator MORGAN's public life was so long and his service in this body of such an unusually high character that I can well understand the great sorrow that has been shown by those of his former associates who have already spoken. I have been very deeply impressed by what has been said, and as I have listened to the words of others it has seemed to me that, after all, life is worth living if it is lived rightly, and that a man's work is properly

measured and appreciated. The words that have been uttered to-day are not only tokens of the esteem in which he was held by those who knew him so long and so well, but they are monuments imperishable and everlasting to the honesty, the courage, the energy, and the devotion of our late colleague to the great public service that he made his life work.

In the rush and hurry of life there is not always opportunity and perhaps there is not always inclination to recognize properly the worth of men, but it is when the trials are passed and the books are closed that the proper and everlasting estimate of a man is made. I have no doubt that there have come to our deceased friend times of disappointment, times of discouragement, and times when he would have given the richest things that he had to have been assured of the appreciation of his fellow-men that has been expressed here to-day. It has been no fulsome praise; it has been the expression of genuine appreciation of men most competent to judge. There may be erected to his memory monuments of marble and bronze. They will keep his name fresh in the memory of men, but these remarks to-day tell, as the cold stone can never tell, of the things for which he was loved and that made him great in the estimate of mankind. There is no reward equal to the respect of one's fellow-men. It is a reward that may always be had, yet one that is not always had. It is a reward that must be earned, and happy indeed is he who gains it and few are there who gain it in the degree and the measure, so universally and with so many people as did the late Senator. Men may inherit riches, they may buy the gaudy things of life, and temporary honors may at times be theirs by accident, but the undying affection and respect of men comes neither by inheritance, by purchase, nor by chance. It is truly a reward of merit.

The life of such a man is an encouragement to everyone who knows of it. As I have heard from the lips of Senators here to-day the splendid tributes to the noble life of Senator MORGAN, I have thought what an inspiration to right living and faithful performance of duty, and that although he is dead, still those traits of character and manliness are living on, as they shall ever continue to live in the life and in the work of succeeding generations. For thirty years he had been a member of this great body. For more than half a century he had devoted himself to public duty, and there is no stain upon his garments nor any reproach upon his memory. He honored himself, the work that he was engaged in, and the country he served. The story of his life is a part of the history of his country. The one can not be written without involving the other.

As a student of history I knew him long before I had ever met him personally. I knew his sturdiness of character, his manliness of action long before I came in personal contact with him, and one of the things that I looked forward to most fondly in coming to Washington and entering public life was the opportunity of meeting him and others of his distinguished colleagues, of whom I had read so much. I entered this body the youngest member, and he was among its older members. Our service together was not long, and accordingly it was not given to me to become personally well acquainted with him, but I can here testify to a generous and courteous treatment at his hands. I found him gracious and always ready to extend a helping hand and to encourage and direct a beginner along the paths that he knew so well.

Of course I did not know those little personal traits that endeared him to those of you who knew him well, nor did I come in close enough contact with him to overcome the veneration and awe that comes to us of those that we have known so long at a distance and to whom we have learned to look for guidance and inspiration. But, sirs, I did know him as one of the truly great men of his time, and loved and respected him as one of the most distinguished of public men. No man was ever more devoted to public duty than he and none more tireless and energetic in his work. And though the years crept on and weakened his body, yet his energy was unflagging. His mind, a storehouse of information, was drawn upon to the last in the service of his country, and what he had gained by his years of study and service he used, even unto the end, with the same courage and sincerity of purpose that had characterized his long and busy life. His death was a distinct loss to the country. We could ill afford to lose him, and yet, if measured in amount of work done or success achieved, we can truly say his work was ended and he was entitled to that rest to which all men must go. He lived at a time when there was great work to be done, and he helped to perform the greatest work that it has ever been given any man to do. No government has ever been so successful as the United States has been during the last fifty years. No country has ever made the material progress; human liberty has never attained the high standard, and the people have never attained the opportunities anywhere in the world's history that they have during those fifty years.

It was given to him to see the States double in number, the population increase threefold, and the wealth of the country increase a hundredfold. He saw an expansion of trade and commerce in the comparatively few years of his life such as had never been dreamed of before in the six thousand years of the world's history. He saw the production of steel increase from 16,000 tons to 16,000,000 tons. He saw the railroad mileage develop from nothing to more than 200,000 miles. He saw the nation rise from insignificance to a world power, and to it all contributed of his energy and his work.

The men of his generation who have had their hand on the pilot wheel of this Republic will be more appreciated as time goes by, and I can not see them passing from us without a deeper sensibility and realization of the responsibility of those of us younger in years and upon whom must devolve the burdens that these older men have so patriotically and so successfully borne. And fortunate, indeed, shall we be if their successors shall be able to carry onward and upward the work and the glory of the Republic as these men have in the past.

Every generation has its own problems, and every man has his duty to perform. Human and frail as we are, we are liable to think that all good begins with us and that all good will end with our generation. We forget that our great responsibilities are the achievements of our predecessors. If greater problems confront us than ever before, it is because greater men lived last generation than ever before. But, sirs, whatever the future may have in store, into whosesoever hands the guidance of public affairs may come, we shall be fortunate indeed if the work shall be performed as successfully and well as it has been done by those men who have directed our course for the last thirty or forty years. I speak as one of a younger generation, acknowledging a debt of gratitude to a preceding generation and as one who fervently prays that their example may be an inspiration and a guiding star in the work of this generation.

I can not add more to what has been said of his work and merit, and in closing will only add he lived long, he worked hard, and the world is better because he lived. He performed his duty well and was a useful man to society in the day and generation that he lived, and his reward will be the undying affection of all the generations that shall come after him.

Mr. JOHNSTON. Mr. President, I want to express the regret of my colleague and myself that the Senator from Georgia [Mr. CLAY] was prevented by sickness from paying a tribute to the late Senator PETTUS.

I want also to thank, in the name of all the people of Alabama, the Senators on both sides who have spoken so eloquently and so affectionately of the dead Senators from Alabama.

Mr. President, I move that as a further mark of respect the Senate adjourn.

The motion was unanimously agreed to, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, April 20, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 18, 1908.*

[*Continuation of the legislative day of Monday, April 6, 1908.*]

The recess having expired, the House, at 11.30 a. m., was called to order by the Speaker.

Mr. SIMS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SIMS. For a parliamentary inquiry. I wish to ask if it is in order at this time to move to take from the Speaker's table the bill H. R. 4063, with Senate amendments, and move to concur in the same?

The SPEAKER. A privileged motion is pending that the House do resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill, which is a motion of very high privilege. Until that motion is disposed of it will not be in order.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 50, noes 25.

Mr. WILLIAMS. What is the vote, Mr. Speaker?

The SPEAKER. The ayes are 50, and the noes are 25.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

Mr. PAYNE. Mr. Speaker, at the same time I make the point of no quorum.

The SPEAKER. Evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify

absentees; as many as are in favor of the motion will, when their names are called, answer "yea;" as many as are opposed will answer "nay." The Clerk will call the roll.

The question was taken, and there were—yeas 221, nays 5, answered "present" 13, not voting 148, as follows:

YEAS—221.

Adair	Cushman	Henry, Tex.	O'Connell
Adamson	Dalzell	Higgins	Padgett
Aiken	Davenport	Hill, Conn.	Page
Alexander, Mo.	Davis, Minn.	Hinshaw	Parker, N. J.
Alexander, N. Y.	Dawson	Hitchcock	Parker, S. Dak.
Allen	De Armond	Houston	Payne
Ames	Denver	Howell, N. J.	Perkins
Andrus	Diekema	Howland	Pray
Anthony	Dixon	Hubbard, Iowa	Rainey
Ashbrook	Draper	Hull, Iowa	Rauch
Barchfeld	Driscoll	Hull, Tenn.	Reeder
Bartholdt	Dwight	Humphrey, Wash.	Reid
Bartlett, Ga.	Ellerbe	Humphreys, Miss.	Richardson
Bartlett, Nev.	Ellis, Mo.	Jenkins	Robinson
Bates	Ellis, Oreg.	Jones, Wash.	Rodenberg
Beale, Pa.	Englebright	Keifer	Rothermel
Beall, Tex.	Esch	Kennedy, Iowa	Russell, Mo.
Bell, Ga.	Fairchild	Kennedy, Ohio	Sabath
Bennet, N. Y.	Ferris	Kinkaid	Saunders
Bennett, Ky.	Finley	Kipp	Scott
Birdsall	Flood	Kitchin, Claude	Sheppard
Bonynge	Floyd	Küstermann	Sherley
Booher	Focht	Lafean	Sherwood
Bowers	Fordney	Lamar, Mo.	Sims
Boyd	Fornes	Landis	Slayden
Brodhead	Foss	Laning	Smith, Cal.
Brumm	Foster, Ill.	Lawrence	Smith, Iowa
Burke	French	Leake	Smith, Mo.
Burleson	Fuller	Lenahan	Smith, Tex.
Burnett	Fulton	Lindbergh	Southwick
Burton, Del.	Gardner, Mich.	Lloyd	Sparkman
Butler	Gardner, N. J.	Longworth	Sperry
Byrd	Garner	Loud	Spight
Caldwell	Garrett	Loudenslager	Stafford
Campbell	Gilhams	Lowden	Steenerson
Candler	Godwin	McCall	Stephens, Tex.
Capron	Goebel	McGavin	Sterling
Carlin	Graff	McKinlay, Cal.	Sturgiss
Cary	Graham	McKinley, Ill.	Taylor, Ala.
Caulfield	Granger	McLain	Thistlewood
Chaney	Greene	McMillan	Thomas, N. C.
Chapman	Gregg	Macon	Tirrell
Clark, Mo.	Griggs	Madden	Tou Velle
Clayton	Hackney	Madison	Volstead
Cockran	Hale	Mann	Wanger
Cocks, N. Y.	Hamilton, Iowa	Marshall	Watson
Conner	Hamilton, Mich.	Moon, Tenn.	Wheeler
Cook, Colo.	Hammond	Moore, Tex.	Williams
Cooper, Pa.	Harding	Morse	Wilson, Ill.
Cooper, Tex.	Harrison	Mouser	Wilson, Pa.
Cooper, Wis.	Haskins	Murdock	Wood
Cousins	Haugen	Murphy	Woodyard
Craig	Hawley	Needham	Young
Cravens	Hay	Nelson	
Crumpacker	Hayes	Norris	
Currier	Helm	Nye	

NAYS—5.

Fitzgerald	Johnson, Ky.	Nicholls	Russell, Tex.
Hardy			

ANSWERED "PRESENT"—13.

Ansberry	Gaines, Tenn.	Langley	Shackleford
Brantley	Gaines, W. Va.	Lever	
Brownlow	Holliday	Patterson	
Foster, Vt.	Johnson, S. C.	Roberts	

NOT VOTING—148.

Acheson	Gill	Lamb	Pratt
Bannon	Gillespie	Lassiter	Prince
Barclay	Gillett	Law	Pujo
Bede	Glass	Lee	Randell, Tex.
Bingham	Goldfogle	Legare	Ransdell, La.
Boutell	Gordon	Lewis	Reynolds
Bradley	Goulden	Lilley	Rhinock
Broussard	Gronna	Lindsay	Riordan
Brundidge	Hackett	Littlefield	Rucker
Burgess	Haggott	Livingston	Ryan
Burleigh	Hall	Lorimer	Sherman
Burton, Ohio	Hamill	Lovering	Slemp
Calder	Hamlin	McCreary	Small
Calderhead	Hardwick	McDermott	Smith, Mich.
Carter	Heflin	McGuire	Snapp
Clark, Fla.	Henry, Conn.	McHenry	Stanley
Cole	Hepburn	McKinney	Stevens, Minn.
Cook, Pa.	Hill, Miss.	McLachlan, Cal.	Sulloway
Coudrey	Hobson	McLaughlin, Mich.	Sulzer
Cox, Ind.	Howard	McMorran	Talbott
Crawford	Howell, Utah	Malby	Tawney
Darragh	Hubbard, W. Va.	Maynard	Taylor, Ohio
Davey, La.	Huff	Miller	Thomas, Ohio
Davidson	Hughes, N. J.	Mondell	Townsend
Dawes	Hughes, W. Va.	Moon, Pa.	Underwood
Denby	Jackson	Moore, Pa.	Vreeland
Douglas	James, Addison D.	Mudd	Waldo
Dunwell	James, Ollie M.	Olcott	Wallace
Durey	Jones, Va.	Olmsted	Washburn
Edwards, Ga.	Kahn	Overstreet	Watkins
Edwards, Ky.	Keliher	Parsons	Webb
Fassett	Kimball	Pearre	Weeks
Favrot	Kitchin, Wm. W.	Peters	Weems
Foster, Ind.	Knapp	Pollard	Weisse
Foulkrod	Knopf	Porter	Wiley
Fowler	Knowland	Pou	Willett
Gardner, Mass.	Lamar, Fla.	Powers	Wolf

The Clerk announced the following additional pairs:

For this session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. SHERMAN with Mr. RIORDAN.

Mr. KNOPF with Mr. WEISSE.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. WALDO with Mr. BURGESS.

Mr. GRONNA with Mr. LASSITER.

Mr. BROWNLOW with Mr. GAINES of Tennessee.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. MCGUIRE with Mr. STANLEY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. COUDREY with Mr. EDWARDS of Georgia.

Mr. LANGLEY with Mr. HAMLIN.

Mr. DUNWELL with Mr. WATKINS.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. POLLARD with Mr. LEVER.

Mr. JACKSON with Mr. WEBB.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. HENRY of Connecticut with Mr. CLARK of Florida.

Mr. KAHN with Mr. WILEY.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. BANNON with Mr. FAVROT.

Mr. MCCREARY with Mr. RHINOCK.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. MUDD with Mr. WALLACE.

Mr. SULLOWAY with Mr. TALBOTT.

Mr. KNAPP with Mr. WILLETT.

Mr. TOWNSEND with Mr. UNDERWOOD.

Mr. THOMAS of Ohio with Mr. SULZER.

Mr. TAYLOR of Ohio with Mr. SMALL.

Mr. STEVENS of Minnesota with Mr. RYAN.

Mr. SMITH of Michigan with Mr. RUCKER.

Mr. SLEMP with Mr. PUJO.

Mr. REYNOLDS with Mr. PETERS.

Mr. PEARRE with Mr. MAYNARD.

Mr. OLCOTT with Mr. MCHENRY.

Mr. MOON of Pennsylvania with Mr. MCDERMOTT.

Mr. MILLER with Mr. LIVINGSTON.

Mr. MALBY with Mr. LINDSAY.

Mr. MCMORROW with Mr. LEWIS.

Mr. LOVERING with Mr. LEGARE.

Mr. LORIMER with Mr. LEE.

Mr. LAW with Mr. LAMAR of Florida.

Mr. HUFF with Mr. JONES of Virginia.

Mr. HUBBARD of West Virginia with Mr. HUGHES of New Jersey.

Mr. PRINCE with Mr. GLASS.

Mr. GILLETT with Mr. OLLIE M. JAMES.

Mr. FOULKROD with Mr. HOWARD.

Mr. FOSTER of Indiana with Mr. BRANTLEY.

Mr. FASSETT with Mr. HOBSON.

Mr. DENBY with Mr. HILL of Mississippi.

Mr. DAVIDSON with Mr. HEFLIN.

Mr. DARRAGH with Mr. HAMILL.

Mr. COOK of Pennsylvania with Mr. HACKETT.

Mr. COLE with Mr. GOLDFOGLE.

Mr. CALDERHEAD with Mr. GILLESPIE.

Mr. CALDER with Mr. GILL.

Mr. BURTON of Ohio with Mr. CRAWFORD.

Mr. BURLEIGH with Mr. CARTER.

Mr. TAWNEY with Mr. BRUNDIDGE.

For this day:

Mr. HUGHES of West Virginia with Mr. HARDWICK.

Mr. HEPBURN with Mr. LAMB.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. POWERS with Mr. PRATT.

Mr. WEEKS with Mr. WOLF.

Mr. OVERSTREET with Mr. RANDELL of Texas.

Mr. DOUGLAS with Mr. ANSBERRY.

Until Wednesday morning:

Mr. MOORE of Pennsylvania with Mr. KELIHER.

For this vote:

Mr. HOLLIDAY with Mr. COX of Indiana.

The SPEAKER. On this question the yeas are 222, nays 5, voting "present" 13. The motion prevails. A quorum is present, and the Doorkeeper will open the door.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20345, the diplomatic and consular appropriation bill. The Chair will recognize the gentleman from Pennsylvania [Mr. NICHOLLS] for twenty minutes.

Mr. NICHOLLS. Mr. Chairman, I desire to read to the committee a resolution adopted by the annual convention of the United Mine Workers of America, indorsing the Pearre anti-injunction bill, and to speak for a short time upon the subject.

The special committee on injunctions reported the following preamble and resolutions to the nineteenth annual convention of the United Mine Workers of America, which were unanimously adopted:

We, your committee on government by injunction, after a thorough investigation of the subject, beg leave to submit the following for your careful consideration:

"There is no one right for which the English-speaking people of the world have contended with greater zeal than that of trial by jury in all cases where alleged violations of the law have taken place and the life, liberty, or property of any citizen has been involved.

"The peace of Wedmore, concluded between Alfred the Great and Guthram the Dane, in the year 878 A. D., provided that 'If a king's thane be charged with killing a man, if he dares to clear himself, let him do it before twelve king's thanes.' The Magna Charta of Great Britain, wrested from King John because of the arbitrary methods of his judicial agents, declared that 'No freeman shall be taken or imprisoned or disseized or outlawed or banished or in any way destroyed, nor will we pass upon him, nor will we send upon him unless by the judgment of his peers.' The Declaration of Independence gives as one of the causes of the separation from the mother country 'for depriving us in many cases of the benefit of trial by jury.' The Constitution of the United States and of the several States guarantees this right. Many wars have been waged, innumerable laws have been passed, judges have been impeached and deposed in order to maintain this sacred right which has long been recognized as one of the principal pillars in the structure of human liberty.

"This course has been made necessary because experience has demonstrated that judges are but human and prone to human errors, and while many of them may hear and determine such cases as come before them with conscientious care, there are those who do not hesitate to stretch, or even break, the law in their eagerness to promote the interest of those who are in a position to assist them in securing wealth, power, or notoriety.

"All men are more or less influenced by their associations. Judges are like other men. They are moved by the same feelings, prejudices, or passions that influence ordinary citizens. Their associates are men of wealth and their social circle is one that few workingmen enter. Their discussions of economical and industrial questions are almost invariably with the rich and affluent, who view the whole field of human effort from the standpoint of an employer. Judges would be more than human if they did not gradually, even though unconsciously, become tainted with the ideas of some of the employing classes which are so widely at variance with the standards of right and equity revered by millions of those who toil. With a knowledge of these facts wage-workers would be false to themselves, their families, and republican institutions if they failed to protest, with all the vigor and power they possess, against any system of jurisprudence that can deprive a citizen of his liberty or property without the facts in his case having first been determined by a jury of his peers.

"The broad scope that has recently been given to injunctions in labor disputes places an unlimited power in the hands of one man, and it makes no difference whether you call that man a czar or a judge, the result is the same. If he has a right to restrain a thousand men, the same right would apply to a million. If he can by law restrain a portion of the people, he can by the same law restrain the remainder, and thus make himself dictator. Those who have not felt the heavy hand of this despotic system may feel secure in the enjoyment of "life, liberty, and the pursuit of happiness," but it is a false security. The power that can break the Constitution to crush the employees of a coal king or a railroad magnate—that can restrain the competitors of a trust or a syndicate—can destroy the business and curtail the liberties of any citizen whenever it suits the purpose of that power to do so.

"Injunctions are not a modern innovation in the jurisprudence of the world, although their use in labor disputes is of very recent introduction. They can be traced into the remote past, and have been handed down to us from the days of absolute despotism, when the monarch, combining in his own person the legislative, judicial, and executive branches of government, issued his edict, personally or through his judicial agents, restraining persons from doing those things which were obnoxious to him.

"In the early English practice, from which our system was derived, the court in chancery had the sole privilege of issuing injunctions, but it was only exercised in those cases where the property of the plaintiff was threatened with damage for which the statute or common law provided no adequate remedy. Upon this claim of the English courts our State and Federal judiciaries base their power to issue injunctions.

"Injunctions in labor disputes are usually granted against violent or unlawful acts, for which the State or common law provides ample remedy, and is a clear violation of the right of trial by jury. They go far beyond the point of protecting the property interests of the plaintiff, and deny to the members of the trade union that has been restrained, their constitutional right of public assemblage. They prevent us from going upon our own property to hold meetings, because it may happen to be near to, or within sight of, the property of our employers, although it would be difficult to imagine how it would be possible for us to own any property that is not adjacent to some other property. They deny us the right to talk to our fellow-citizens and endeavor to persuade them to cease working for the plaintiff, and injunctions embodying these orders are granted because it is alleged that if meetings are held and the employees are induced to cease work the property of the employer will be injured beyond any legal means of redress. That their property is entitled to the same protection that the property of other citizens receives can not be denied, but when an injunction is issued restraining the members of a union from in any manner interfering with an employee, it carries with it the assumption on the part of the court that the employer seeking the order has a property interest in his employees, an assumption absolutely contrary to the letter of our Constitution and the spirit of our laws.

"The only objects attained by their issue is to embarrass the wage-workers in their efforts to secure higher wages and better conditions of employment and to take out of the hands of a jury the right to hear and determine the facts in any case of violation, or alleged violation, of law.

"The trade unionists of our country never have and do not now ask for any immunity from the requirements of the law. We are now and ever have been defenders of law and order. We ask no special privileges at the hands of our Government. We seek only to secure for ourselves the same rights that are accorded to other citizens of our land, and we will not cease this agitation while the power remains in the hands of any one person, be he judge or layman, to issue an injunction revoking our constitutional rights to publicly assemble and freely discuss our grievances [applause] and to deprive us of our liberty or property without the fact of our guilt having first been determined by a jury of our peers.

"If the liberties of the American people are to be maintained; if we are to perpetuate a 'government of the people, for the people, and by the people;' if we would prevent a moneyed oligarchy from usurping the rights of the Republic, the power to issue and enforce injunctions in labor disputes must be taken from the courts. Persons must be punished for the crimes they have committed when a jury of their peers has determined their guilt, and under no pretense must they be deprived of liberty or property through the judgment, malignity, self-interest, or caprice of any one man.

"If we desire relief from this condition that has grown upon us, we must act in concert. We must first understand our needs and put into effect the necessary machinery to get relief. We have nearly one-half million voters directly engaged in mining in the United States, who are distributed throughout the country in such proportion that we may determine the composition of Congress, and when we remember this fact we realize that if we do not secure remedial legislation, the fault is our own. If we expect to secure relief, every laboring man must act, not by denouncing the courts or those who issue injunctions, but to demand of our Representatives in Congress to know where they stand with reference to the growing evil of government by injunction.

"The American Federation of Labor has indorsed the Pearre bill intending to remedy this wrong. No measure can be more important than one necessary to protect the rights and liberties of the people. We, therefore, recommend the indorsement of the Pearre bill without amendments of any kind, and urge that every official and member of our organization write personal letters to their Congressmen and Senators urging the passage of this bill immediately.

"We recommend that the United Mine Workers' of America cooperate with any and all other organizations that may desire to cooperate with us in securing the passage of this measure, and we therefore recommend that the international officials be instructed to communicate with every national and international trade organization, urging them to take similar action.

"Respectfully submitted.

"T. L. LEWIS, *Chairman.*
"W. B. WILSON, *Secretary.*
"JOHN P. WHITE.
"JOHN H. WALKER.
"JAMES CLARK.

"JOHN MITCHELL, *President.*
"Attest:
"W. B. WILSON."

In reading over the statement of Mr. D. W. Dillon, of Fayetteville, W. Va., representing the New River coal operators before the House Committee on Judiciary in 1904, I selected a few passages which seem important in this great question, inasmuch as they indicate the opinion that the coal operators have as to the rights of individuals upon the bench as against those who are in private life.

In answer as to whether any person who is accused of violating an injunction order ought to be entitled to a trial by jury, Mr. Dillon said:

I do not know.

When pressed for an opinion later on he said:

My own opinion is that he is not entitled to it and should not be entitled to it.

Replying to this question:

If injunctions have issued by Federal judges which restrains workmen from doing lawful things, do you think Congress should legislate to prevent such injunctions from being issued in the future?

Mr. Dillon said:

No, sir; I do not think Congress should do it.

Then admitted that—

It is not unusual that a court issuing a temporary injunction order may get language in it that it ought not to put in it.

Continuing further, he said:

I want to say in answer to one question that was propounded, whether or not in my opinion, a violator of an injunction order was entitled to a trial by jury, I do not think so, for the reason that I think the court has the right of *self-defense*, to protect its own orders; and it is the right of every court that the orders of *that court* are subjects of review by *that court* alone, and that *the* court would determine whether or not *the order* had been violated.

Now, gentlemen, it does not seem to be fair play, nor good policy even, for our judges to be allowed such unlimited powers, as to make it *possible* for them to do wrong by issuing injunctions forbidding persons to do certain things which they have a right to do, and then to be permitted to maintain their own wrongdoing by penalty or imprisonment, without appeal, review, or a trial being allowed the accused person.

Having broken the law by issuing a certain form of injunction, it does not seem equitable that the same judge should be allowed to punish such persons as refuse to be wronged by him.

Our fundamental laws do not, I understand, contemplate giving authority to a judge or any other person to make laws, define the meaning of laws, and execute them. Yet in these cases we have lawmaker and judge combined in one person.

After admitting that "*it is not unusual that a court issuing a temporary injunction order may get language* in it that it *ought not* put in it." It sounds ridiculous and unfair to read his other statement that "The court has the right of self-defense," but that the poor man who has been injured, and who has violated the unjust order, shall *not* have the right of self-defense, namely, a trial by jury—some one to judge between him and the possibly unjust judge. It is equal to allowing a criminal to constitute himself the law, and declare a certain criminal act legal, then judge himself as to whether or not he had committed a crime. Then, finding from an examination that the wrong he had committed had been declared *by himself* to be no crime, he decides, as judge, that he is not guilty. Finally he proceeds to have brought before him such persons as may have declared by words or deeds that *his* act was wrong and to punish them summarily.

The power of judges to issue injunctions in any matter which they see fit and in any manner they please should be taken away from them in the interest of the people's safety and liberty.

There has been sufficient experience had by the employers with strikes and the matters attending them, to enable them to ask for such laws as will give them *proper* protection.

If they honestly desire *only to be protected* in their rights, as equals with other citizens, they would seek such legislation as would secure them in this and would not insist upon expanding the powers of judges to the extent of making them dictators.

In my opinion, the workingmen of the nation will not long tolerate the present conditions of affairs. They will take a greater interest in politics and will support such representatives for legislative positions as will represent their ideas in the important questions concerning them. [Applause.]

With a few others, I have been sent here to protest against the refusal of Congress to enact such legislation as will, by statute, deprive the courts of the powers which they have arbitrarily arrogated to themselves.

It has been suggested by friends who believe an evil exists and that something ought to be done, that a hearing be given before a temporary injunction be issued.

Why should we hesitate to take away from *any* person the power to enact laws, declare certain persons to be in violation of the same, and to punish them at his pleasure? Then, again, even after a hearing, in which the injustice of the application for an injunction has been shown, the judge *still* has the *unrestricted power* to issue it regardless of the facts. Are there unjust men? May there not be unjust judges?

Another phase to be considered is that the persons against whom a restraining order is applied for are usually poor working people, who are not able financially to employ an attorney to go into court to argue against the issuance of a temporary injunction, or against it being later on made permanent. If the case is not fought by those enjoined, the injunction will likely be made permanent.

There will be no use in going before the people during the coming campaign to tell them how much we love them and how much we are going to do for them. They want an earnest of our intentions now. Let us pass upon, in this House and in the Senate, the measures which are desired by the people *now*. Then the people will believe our protestations of great interest in their welfare. I hope when the committee rises some one who can get recognition for that purpose will ask consent for the discharge of the Committee on the Judiciary from further consideration of the Pearre anti-injunction bill and that it be considered in the House.

This question is of too great importance to be settled finally by a committee. Let the House discuss it and go on record in the case. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. NICHOLLS. May I be permitted one minute more?

The CHAIRMAN. General debate on that side of the House has been exhausted.

Mr. BRUMM. I ask unanimous consent that the gentleman may have one minute.

The CHAIRMAN. The time fixed by the House before going into Committee of the Whole, as equally divided, has been exhausted on that side of the Chamber. The gentleman from Ohio is recognized for twelve minutes.

Mr. NICHOLLS. Mr. Chairman, I ask unanimous consent to insert these last few lines in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent extend his remarks in the RECORD. Is there objection? After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, inasmuch as there was no objection to the extension of the gentleman's remarks in the RECORD, I wish to ask if it will be in order now to ask unanimous consent that the gentleman from California [Mr. HAYES] and the gentleman from Texas [Mr. SLAYDEN] may be permitted to extend the remarks they made a few days ago in the RECORD?

The CHAIRMAN. It is in order to ask.

Mr. MADDEN. I ask unanimous consent that leave be granted to those two gentlemen.

Mr. WILLIAMS. Mr. Chairman, in keeping with a certain policy which I announced, I am compelled to object to requests for unanimous consent on that side of the Chamber.

Mr. LONGWORTH. Mr. Chairman, I desire to submit a few observations upon the general subject of the provision that this country makes for the maintenance of our diplomatic and consular service. Especially I desire to again call attention to a condition which this bill does not go far to ameliorate, a condition under which some of our highest offices have ceased to be the reward of merit and of fitness and are now the reward practically for wealth alone. That such a condition should exist in any country, even in a czar-governed country, would be bad enough, but in a republic, and especially in this Republic, the most democratic that has ever existed, it is lamentable in the extreme. And yet this is the condition under our present system, and I repeat that it is utterly unrepublican, utterly undemocratic, utterly un-American.

I have occupied so much time in the past and have inflicted this House on so many occasions with observations on this subject that I had decided not to occupy any time during the consideration of this bill, and I would not do so now except for an incident that occurred a short time ago, alluded to yesterday by the gentleman from New York and the gentleman from Texas, which it seems to me justifies the position I have taken and emphasizes the immediate necessity of changing our system, at least to the extent of providing a suitable residence and diplomatic establishment for our ambassador at Berlin.

A few weeks ago the newspapers were filled with stories that the German Emperor had refused to receive Dr. David Jayne Hill, recently designated by the President as our ambassador to Germany. Later this was officially denied by the German Government, and it has since been given out by the German Government that he would be received. Nevertheless, there is no doubt that there was a foundation for these stories beyond mere rumor, and it is undoubtedly true that persons high in authority in Germany have for some time been saying that Doctor Hill was not persona gratissima to the Emperor. Now, what could possibly be the objection to Doctor Hill as an ambassador to any country? Was it that he was not experienced in diplomacy? Not at all, because his experience probably exceeds that of any other American. Was it that he was not sufficiently learned in international law? Not at all, because he is a world-wide authority on that subject. Was it that he was not sufficiently able and representative? Not at all, because he is a man whose ability is unquestioned and who represents preeminently the highest type of American citizenship. No. The objection to him was simply and solely that his private fortune would not enable him to represent properly the dignity of the American nation; that because he was not sufficiently well off to pay the difference between the amount paid him as salary and the amount necessary to properly maintain his position as ambassador, he would not only not be able to keep up such an establishment as that of the present American ambassador, but would not be able to keep up any establishment at all.

Now, without going into the question as to whether our present ambassador has maintained too luxurious an establishment, I think that everybody will concede that the American ambassador to Germany should at least have a house to live in and not be compelled to live in a hotel or a flat. [Applause.] And yet under conditions as they exist in Berlin and in almost every capital of Europe he would have to do so, unless he is either a very rich man or unless this Government should provide a residence for him. Anyone who has ever been in Berlin can not help being impressed by the absence of private dwellings. Practically all buildings are constructed on the apartment-house plan. Thus the problem of finding a separate house presents conditions which would seem almost incredible to anyone who has never been there. The situation simply is that our next ambassador to Germany either must be furnished with a residence by this Government or else must become one of the thousands of other flat dwellers in the city of Berlin. Is this a condition that we can continue much longer to view with stolid equanimity? Is it a condition that comports with the power and wealth and dignity of the American nation?

Mr. BATES. Mr. Chairman, may I ask the gentleman from Ohio a question?

Mr. LONGWORTH. The gentleman will realize that my time is very limited.

Mr. BATES. Has any bill of a legislative character been presented which will enable us to vote on that proposition?

Mr. LONGWORTH. I will refer to that in a moment. Is it a system in accordance with the principles upon which this great Republic is based that our ambassador, with the minister, the only other officer of this Government except the President and Vice-President, who represents the whole American people, should live sometimes in a palace and sometimes in a flat? Is it truly democratic that the American embassy should invariably reflect, in a way apparent to the eyes of all, the amount of worldly goods with which the particular incumbent happens to be blessed?

John Smith, a multimillionaire, is succeeded by Tom Jones, a statesman and a scholar. Both are American ambassadors. Both represent the American people. Is it wise or according to republican institutions that it should be flouted in the face of the world that John Smith is a very rich man and that Tom Jones is only moderately well off? And yet that is the condition to-day, and must necessarily remain so until we adopt the plan of providing residences for our diplomatic representatives.

By all means, too, the offices and the residence of the ambassador or minister should be in the same building. The American citizen and the foreign ambassador who have business with the American ambassador should transact their business with him in the same building and under the same conditions.

It is no excuse that we do not act because financial conditions do not warrant the expense. An office-holding aristocracy is bad enough in any country when based on birth and blood, but when based on wealth it is infinitely worse, and worst of all in a republic. [Applause.] I would say that any amount of money was well spent which would uproot such a system from this country. [Applause.]

I want it to be distinctly understood that what I have said is in no sense a reflection upon anyone who is now holding the office of American minister or ambassador. This country has been peculiarly fortunate in the fact that there have been men of large means who have been abundantly well qualified by learning and ability to fill these high offices, and such are the men who are now filling them. But this fact does not in any way destroy the principle that wealth should not be a necessary qualification for any office under this Republic. It would be the cheapest demagogy to say that wealth should be a bar to holding office. On the other hand, it would be arrant flunkeyism to say that it should be a qualification for holding office. [Applause.] It is the right of the American people to be represented by a man and not a pocketbook. [Applause.] And when the man is found who is qualified by learning and ability and patriotism to represent them, it ought to make no difference whether his pocketbook be fat or lean. [Applause.]

If we look upon it purely as a matter of dollars and cents, the expense is very small, and in the long run would be no expense at all. Three million and a half dollars would provide an American embassy in every capital where we have an ambassador, and some legations besides. In ten years they will have greatly increased in value. This has been the experience of every nation that has owned its legations and embassies in foreign capitals. It has been our own experience in the few cases in which we have done this. In Tokyo and Pekin, and in Seoul—where our former legation is now used as the consulate—the property we purchased has enormously increased in value. What better investment can there be in the long run than real estate in the heart of the capital of a great nation?

All that I have said applies almost with equal force to providing consular establishments in some countries, and especially in the Orient. Of course the representative principle is not the same, for a consul does not represent the American people, and it is true that at almost every post our consul can live upon his salary. But especially in the Orient, where we are particularly engaged in expanding our foreign trade and where we are in direct competition with many of the great nations of Europe, we should provide our representatives with proper establishments, so that they may be somewhere nearly on a par with the representatives of other countries. [Applause.]

While I realize that there is little probabilty of a large sum being appropriated at this session of Congress for the purposes I have indicated, I want, in conclusion, to impress upon you the desirability of passing some legislation at this session which, while appropriating only a small amount, would leave to future Congresses the power to make appropriations for these purposes. This could be accomplished by the passage of a bill simply to authorize the Secretary of State to acquire land and buildings for diplomatic establishments and residences and for consular establishments whenever Congress shall appropriate therefor. Then it would be in order to appropriate for each proposition as it comes up on its own merits.

Mr. SLAYDEN. And not be subject to a point of order.

Mr. LONGWORTH. It would not be subject to a point of order.

If such a bill could be passed at this session of Congress, carrying an amount sufficient to acquire an embassy in Berlin and an amount sufficient to provide a building to contain a consulate and the consular court at Shanghai, we will have taken a long step in the right direction. Such a bill has been drafted and will shortly be introduced. Pass it and the time will soon be at hand when there will be no office in the gift of the people that can not be held by any man, rich or poor, provided only he measures up to the proper standard, which no amount of wealth can give him, but only learning, ability, and love of his country. [Applause.]

Mr. COUSINS. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa is recognized for twelve minutes.

Mr. COUSINS. Mr. Chairman, as I indicated when the bill was reported and when we went into Committee of the Whole, I shall need but a very few moments to outline the proposition which it contains. I may say that it is much on the line of the bill which we passed at the last session, and particularly so in the increases which we recommend. The bill carries $3,520,283.91, which is $366,130 over our last appropriation, and is $437,000 less than the present estimates. If the matters of foreign appropriation carried in the general appropriation bill at the last session had been included in our bill, the diplomatic bill, the increase proposed in this bill would be less than $300,000 because there was carried in the general appropriation bill $69,000 for various items, and a million dollars for an international bridge across the Rio Grande, which I do not consider in this estimate when I say that the bill would be less than $300,000 over the preceding bill.

The chief feature of this bill now reported, like the chief feature of the preceding bill in the last Congress, is the increase of the contingent fund for our diplomatic service and for our consular service. That is the fund through which the improvement in these establishments can be made, and the only fund through which it can be made. There is no possible way under our rules by which we can provide for the improvement of our chancellories and consulate buildings abroad except through this contingent fund. The increases proposed for the embassies and consulates is $112,500. The increase for the consular contingent fund, which is the largest increase perhaps in the bill, is $175,000, and these two items account for all of the increase in this bill over the last.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. COUSINS. I have only twelve minutes, and later, under the five-minute rule, I would be glad to accommodate the gentleman. This is the only way in which this committee can provide for the improvement which is so much demanded for the consulates and chancellories connected with the embassies. We are told about the dilapidated condition of our buildings there and of our service. They are not exactly that, but they are not what they should be. Our consuls in many instances are living in out of the way places that are not consistent with the Government which they represent. The furniture which they have in these buildings is old and dilapidated, but I do not admit that our service is inferior to any in the world. [Applause.]

The men who are living in these places are sometimes located in alleys, but the men who are putting up with this sort of old dilapidated furniture are the best men to-day that ever represented us in our foreign service. [Applause.] Now, I have said as much on that as I need to say at this time, but later on it will be discussed.

There is one item in the bill which I ought to allude to, and that is $18,000 for the improvement of the machinery of the Bureau of the American Republics.

Since the establishment of the Bureau of American Republics in 1890 we have witnessed results that justify our confidence in its purposes and accomplishments. The movement of the various countries of Central and South America in the line of comity and industrial investigation and development is of itself a justification of all that has been expended and all that is proposed, even if there were not a more material justification. I submit this statement, showing the phenomenal growth of trade between the United States and others of the family of American Republics in recent years.

Memorandum showing total trade, exports and imports, with the United States of the twenty countries which, together with the United States, compose the International Union of American Republics and support the International Bureau—Mexico, Guatemala, Salvador, Nicaragua, Honduras, Costa Rica, Panama, Cuba, Dominican Republic, Haiti, Colombia, Venezuela, Ecuador, Peru, Bolivia, Brazil, Uruguay, Paraguay, Argentina, and Chile.

	Exports from Latin America to United States.	Exports from United States to Latin America.	Total trade.
1890	$186,539,341	$72,571,110	$259,110,451
1895	199,154,286	74,807,946	273,962,232
1900	169,928,283	115,776,654	285,704,937
1905	307,500,108	181,581,296	489,081,404
1907	331,472,793	255,722,152	587,194,945

Increase of United States exports to Latin America, seventeen years, $184,000,000, or 250 per cent.

Increase of United States purchases from Latin America, seventeen years, $145,000,000, or 80 per cent.

Total increase trade exchange, seventeen years, $330,000,000, or over 130 per cent.

NOTE.—These figures show that the commerce of the United States with the Latin American republics during the seventeen years of the existence of the International Bureau of the American Republics has increased by the immense sum of approximately $330,000,000, while in the last two years it has grown nearly $100,000,000.

If there were no other object, Mr. Chairman, than the development of commerce among the American republics, that of itself would be sufficient justification for all that has been done. But there is vastly more achieved and to be accomplished. The very fact of acquaintance and of mutual understanding amounts to even more than trade. We have hitherto been comparatively strangers, although physically near together. Facts concerning commercial intercourse between the various republics are not shown in our Treasury statistics. All that must be revealed by the International Bureau. Knowledge of their various customs, laws, and regulations, and other laws, and of commercial treaties is not set forth in any of our public reports. That must be acquired and compiled by the Bureau. Details of general systems of industrial investigations and of scientific achievements and of resources are not revealed in any of our governmental statements. All that must come to us and to each of these various twenty-one republics through the medium of this International Bureau. We want all this information. They want it all. Proportionately to our various populations, we are paying for the machinery to compile and publish such information, and every one of the republics has joined in the recommendation that an increase of contribution be made on the basis of population, which fixes our share at $18,000, making our annual total contribution $54,000.

These republics recently received our distinguished Secretary of State with generous courtesy that elicits our cordial friendship and our patriotism, and every one of them whose dominion borders on the eastern or the western sea, met with magnanimous hospitality our speeding fleet as it coursed through the friendly waters of the two great oceans on its serene and peaceful way, offering the courtesies of the Atlantic to the far Pacific coast and to the farther oriental world.

The motive which inspires this international intercourse between the American republics is most worthy in its inception and practical development. It partakes of nobler qualities than mere commercial greed. It looks primarily to just and equitable dealing with each other and with the world of nations. It aims at friendly intercourse and at compassing the knowledge of each other's laws and customs relating to trade and industry and education.

The United States does not disguise the fact that we solicit larger trade relations with the American republics, believing that all would be benefited thereby. It is not necessary to disclaim motives of territorial exploitation. Our highest ideal is responsible, respectable, and successful government in all the American republics. We are neighbors, and the fundamental principle of the Monroe doctrine may be thereby sustained. We invite the consideration of every one of these republics in support of that historic doctrine. We solicit their friendly and commercial intercourse, but not their territory. Successful, solvent, and responsible self-government on the American Continent at all times will be the happiest realization of the United States. We depend upon them to see to it that no justification shall arise for any power to encroach upon their territory. [Applause.]

Your committee have unanimously joined in the recommendation of the governing board of the various republics proposing the proportionate increase for improving the machinery to carry on the good work of this international establishment. [Applause.]

The CHAIRMAN. The time for general debate has expired. The Clerk will read.

The Clerk read as follows:

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, and Turkey, at $17,500 each, $175,000.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to proceed for ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for ten minutes. Is there objection?

There was no objection.

Mr. HARRISON. Mr. Chairman, we have heard a great deal in recent years about the improvement in the diplomatic service. To those of us who have traveled much abroad this improvement is not so evident. Of course it is not fair to compare the diplomats of to-day with the diplomats of former times, times when men were selected for the diplomatic service by reason of their craft or cunning, and were sent, as a wit of former days has said, to "lie abroad for their country," or were sent abroad to negotiate single handed a treaty with some astute sovereign in Europe, or, if necessary, to overturn a dynasty. The foreign cable has entirely changed the state of affairs to-day, so that critics have said that our foreign ambassadors now are in some cases little more than messenger boys to carry the dispatches sent to them by the Department of State for transmission to the foreign secretaries. Thus it has come about that in the selection of diplomats in the last decade more attention seems to be paid to external appearance than to the man himself. Old William of Wickham said that "manners maketh man."

Well, perhaps they do make man, but it is sometimes doubtful what the man is stuffed with, whether it is sawdust or a backbone that is underneath. This has come about very largely because of the sensitiveness of the American public to criticism by the foreign chancelleries of what they used to call our "shirt-sleeve diplomacy." Foreign critics may perhaps overlook the fact when they talk about our shirt-sleeve diplomats that at six different times in the history of our country our Government has been obliged to dismiss foreign representatives of the most polite nations of Europe in the United States for gross breaches of propriety or of manners. Our diplomats abroad have no such record as that, but still they have been pretty universally criticised as shirt-sleeve diplomats. Now, shirt sleeves are not very beautiful to behold, but it is a pretty good costume to work in and it is a pretty good costume for a fight, if need be, and the almost unbroken line of diplomatic successes made by our shirt-sleeve diplomats in the past are certainly sufficient to justify the selection of the men that we have sent abroad. [Applause.]

The modern tendency is, however, away from a shirt-sleeve diplomacy, and is to select dinner-table diplomats or dietetic diplomats. The modern ambassadors are selected apparently because of their riches, and the under secretaries because of their club membership in the exclusive clubs at home; the rich men because they may be able to give banquets and thereby, as the old saying is, "reach the heart" of the foreign monarch through his stomach. The under secretaries, not perhaps because they are able to give these banquets, but because of the table manners with which they are possessed, so that they may fill the definition of gentility given by Chaucer when he held up to succeeding generations for admiration the picture of a perfect lady as one who "let no morsel from her lippes drop." Now, table manners seem to be the chief requirement of our secretaries of embassy. The Department seems to operate in the selection of them very much in the way that one of our famous preparatory schools in New England selects scholars for admission to study at that school. Those scholars only are admitted whose mothers belong to the "Four Hundred," and that is the method apparently by which the selections have been made for our secretaries of embassy or legation abroad.

Now, of course, it is ridiculous to assert that rich men are not capable per se of being efficient diplomats. Some of our very rich men have been our very best diplomats. It is true particularly at the Court of St. James, where, I think, our last two diplomats, Mr. Joseph H. Choate and Mr. Whitelaw Reid, both very rich men, have ranked up in character, in intelligence and efficiency, well with the foremost of the long list of distinguished Americans whom we have had at the court of England; but when the lavish extravagance or expenditure of American money at the courts of Europe creates such an inordinate appetite for American luxury among the minor officials of the courts there as to bring humiliation upon the head

of a man of more moderate means, one of the most distinguished and capable public servants we have in our foreign service, when his name is proposed to represent the American people at Berlin, then, I say, it is time to call a halt; and then, I say, it is time to apply the remedy suggested by the gentleman from Ohio [Mr. LONGWORTH] in the speech which he has just made. At least if we build these embassies abroad, we will prevent the possibility in the future of these violent fluctuations between the "wherewithal" and style of living of ambassadors who succeed one another at those posts.

Now, to return for a moment to a discussion of the secretaries of embassy, a magnificent example of what I have said of the "Four Hundred" process of selection is our first secretary in London to-day, a most amiable and charming gentleman and one who reminds one irresistibly of the white rabbit in "Alice in Wonderland." As he scuttles through the drawing-rooms of London you can picture him saying: "Oh, the duchess! the duchess! oh, my fur and whiskers, I shall be late!" What do you suppose this gentleman says to himself when he is left all alone as chargé d'affaires of that embassy and contemplates the firm and determined stand taken by an American diplomat in London in the past (Charles Francis Adams) at a time when grave national peril was upon us—the man who said to the English prime minister: "It is perhaps superfluous for me to point out to your lordship that this is war." That is an example, if you like, of shirt-sleeve diplomacy, but it was an example of a manly and vigorous defense of this country in time of need upon which, perhaps, we can not count with all of our diplomats to-day.

Now, another dietetic diplomat, if I may call him such, is our ambassador to France to-day. He has spent the greater portion of his years in the foreign service, and consequently it may be that he has lost touch somewhat with American sentiment. Anyway, the newspapers have reported recently that our ambassador to the sister Republic of France is in the habit of appearing at public functions in court costume, in silk knickerbockers and gold lace and a gold-hilted sword, maybe. I do not know whether this report is correct, but if it be so, I would commend to our ambassador to the sister Republic of France a study of the Revised Statutes, which specifically forbid the wearing by our ambassadors abroad of any costume not previously authorized by Congress.

I would commend to him also a study of the historic stand taken by Minister James Buchanan at the Court of St. James, in which he insisted upon appearing in the plain dress of an American gentleman, and I will call our ambassador's attention, further, to the picture of that former representative at the court of France, when that court was the wittiest and the richest and the most luxurious court of the day. I refer to the first, the foremost, and the greatest of all our diplomatic representatives abroad, Benjamin Franklin. [Applause.] Mr. Franklin appeared in that scene of laces, and ruffles, and perfume, and powder, silk knickerbockers, and red-heeled slippers, and white wigs as the representative of this Republic, clad, as a French writer of that day reports, "in the plain dress of an American cultivator." In his brown coat and round hat, and wearing his own hair rather than a wig, instead of being the object of ridicule he became the object of adulation from everybody in that Kingdom from prince to peasant. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCALL. Mr. Chairman, I have been a good deal interested in the remarks of the gentleman from New York [Mr. HARRISON] and in those of the gentleman from Ohio [Mr. LONGWORTH] with reference to the accommodations our representatives abroad should have and their compensation. I can not say that I am greatly impressed with the argument that is deduced from the alleged incident that recently was said to have occurred at Berlin, when the diminutive rent roll of an accomplished American scholar was said to have been received with a royal sniff. The gentleman from New York [Mr. HARRISON] has spoken of the era of the shirt-sleeved diplomat from America. I am forcibly reminded by this incident of another era, when the same sort of diplomat existed abroad. Macaulay is authority for the statement that in the days when Frederick the Great was king his ministers at foreign courts walked on foot or drove shabby old carriages until the axletrees broke. The total charge of the royal kitchen was said to be less than $10,000 a year. His majesty had but a single gala dress, which lasted him all his life. Those were days of poverty for Prussia, but they were also days of glory. And if there is any foundation for the incident at Berlin, then it seems emphatically to mark the difference between that time and this. I do not think there is any necessary connection between splurge and ostentation on the part of our diplomats and their real efficiency. I think the raising of the grade of our representatives in certain cases from that of minister to that of ambassador has not had an entirely good effect. It has made those offices more and more the game of very rich men, and it seems to threaten a porky and showy era, which nobody could desire to see. I believe, however, that we should provide our ministers and ambassadors with suitable residences, that they may maintain the style of living of an American gentleman, and that they may represent this Government with the simplicity and with the dignity such as is befitting the representatives of a democratic republic.

The proposed bill for the embassy at Berlin is a very good one. I trust that it may be brought into the House and become a law, and that we may provide residences elsewhere and make the salaries larger than they now are, so that men who are fitted to represent this country abroad may represent it, even if they do not have large private fortunes. I think that these offices will become less and less the game under such a system for very wealthy men, for men who may have relieved the aching void in campaign chests and would take these places as their compensation. [Applause.]

Mr. HITCHCOCK. Mr. Chairman, I desire in a few words to reply to some statements made by the gentleman from New York [Mr. HARRISON] concerning the American ambassador to France. It seems to me he was peculiarly unfortunate in selecting that particular diplomatic representative of the United States for criticism. He is the only ambassador representing the United States who has worked his way up to his present dignity on merit. He has been successively appointed to one position after another because of valuable service.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. HITCHCOCK. Yes, sir.

Mr. BENNET of New York. I think the gentleman has forgotten the case of Ambassador Riddle at St. Petersburg, who has gone clear up from the bottom of the service, and I think to some extent it is the case with Doctor Hill at Berlin.

Mr. HARRISON. How about Lloyd Griscom at Rome?

Mr. HITCHCOCK. I will allow the gentleman to make his own speech. My information has been that Ambassador White, representing the United States in France, is the only ambassador who began his diplomatic career abroad in a subordinate position. I think it was in London, probably as a secretary.

Certainly if there is any representative of the United States who has worked his way up by merit through several administrations, it is Ambassador White. Anyone who has had an opportunity of observing Ambassador White in the performance of his official duties abroad will recognize the truth of what I say when I assert that he is one of the American ambassadors most considerate and courteous to Americans in the discharge of his duties. This is in contrast with some other diplomatic and consular dignitaries abroad. He is, moreover, most democratic and simple in his habits, and altogether most representative of the American spirit of democracy.

Mr. McCALL. Mr. Chairman, will the gentleman permit me for just a moment? I intended to say, right in line of what the gentleman is saying, that I think Mr. White is a very excellent ambassador.

Mr. HITCHCOCK. Mr. Chairman, I am very glad to have the testimony of the gentleman from Massachusetts in this matter. At the time I visited Paris last year, Ambassador White was living in a rented house, an artist's studio, in the simplest and most unostentatious fashion. He was conducting himself more like an American citizen abroad than like a high official seeking to copy foreign fashions. Having had a little experience with ambassadors and consuls in other places at various times when I have been abroad, I am very glad to be able to testify to the fact that Henry White is a representative American, and that he has little ostentation in his make-up and as little official formality as can be found in any position of ambassadorial dignity.

I think that the gentleman from New York could hardly have seriously intended to attack Mr. White personally in this House on a mere idle newspaper report, of which the foundation has been by no means established. Our representative in France is an American ambassador who stands—if not as the only one, at least prominent—as one who has worked himself up by merit through the minor positions in the diplomatic service. It seems to me that is exactly the sort of service that ought to be encouraged, and not attacked upon the floor of the House of Representatives, and any such suggestion is rather unfair.

Mr. BENNET of New York. Mr. Chairman, I take the floor to differ a little from my colleague on the committee [Mr. HARRISON]. I am not a member of the "400" and he is, and is, therefore, perhaps, more competent to judge as to the proper conduct of those coming within the "400." But I have trav-

eled abroad as the representative of the Government. I have not had comparative experience, because I have only been abroad twice—both times last year and both times representing the Government. I have never seen the first secretary to the embassy at London, but had occasion to ask him just one thing, and that in writing, during my four days' stay in London. It was attended to quickly and accurately, and therefore, while, so far as I know, he may spend his evenings marching through drawing rooms, during business hours I can testify he attends to business. [Applause.]

Now, in relation to the ambassador at Paris, I have not the pleasure of his personal acquaintance, but I have been in Rome, where he was ambassador. I know Americans who lived there during the time he was there, good Methodist people who belonged to the Methodist Church, and that is a church which is never accused of being in favor of extra circumstance and style, and among those people and among others he left a good impression of his qualities as an American gentleman; and if there is any place where there is a temptation to ostentation and display it is the capital at Rome.

Now, as to the secretaries. For the most part they are rich men. Here we are providing in the bill for the third secretary to the embassy at Constantinople $1,200. The second secretary gets $2,000. Of course they spend more money than that. That is the system; whether right or wrong I do not attempt at this time to say.

Mr. UNDERWOOD. Will the gentleman allow me to interrupt him at this place?

Mr. BENNET of New York. Certainly.

Mr. UNDERWOOD. The gentleman overlooks the fact that the ambassador takes at least sixty days' leave of absence each year and his entire salary goes to the first secretary, so that he gets that, and the minister's salary goes on at the same time.

Mr. BENNET of New York. I had that impression myself. I thought the salary went to the secretary, but after some inquiry abroad, I am inclined to think that that is a matter of personal arrangement between the minister and the secretary.

Mr. UNDERWOOD. I have served on the Committee on Appropriations which considered the deficiency appropriation bill, and have seen these salaries paid at this end of the line, and understood that it was the customary thing to do.

Mr. BENNET of New York. Then the gentleman knows, and of course it would go to the first secretary; but as to the other secretaries, I found at every southern port of Europe and Asia I visited, efficient men, so far as my individual judgment is concerned, in the diplomatic service, particularly the men who were acting as first secretaries and in the consular service, who were spending more than we are paying them. I have seen an American representative in foreign countries living in two rooms, establishing one room as an office, when his total compensation from fees, after paying clerk hire, must have been less than $400 a year. He speaks five languages, and the day I was there had 120 visits from people interested in American affairs.

I have met these secretaries in Constantinople, in Rome, and elsewhere, and I have always found them prompt and efficient. It is no discredit to a man that he is rich. There are some gentlemen on both sides of this House who labor under that embarrassment. The only question is, "Is he attending to his duties?" And as far as I can find out, these gentlemen are.

Now, I have introduced a bill that I should like to see the Committee on Foreign Affairs report, and I am glad that the gentleman from Indiana [Mr. LANDIS] is here, because he is chairman of the subcommittee, to provide for a commission of three Members from this House and three from the Senate, to go abroad and go through our consulates and embassies, and get the knowledge which will guide us in our legislation on the floor of this House. I do not say that we are not legislating efficiently now, but that will enable us to legislate with a greater degree of knowledge on these subjects.

[The time of Mr. BENNET of New York having expired, by unanimous consent it was extended five minutes.]

Mr. BENNET of New York. I can urge this, because it would be of no personal benefit to me in the most remote degree, because the bill provides that the three men from the House shall be members of the Committee on Foreign Affairs, and that the three members of the commission from the Senate shall be members of the Senate Committee on Foreign Relations, and I am not on the House committee.

Mr. BARTHOLDT. Does not the gentleman think the Committee on Public Buildings and Grounds should be consulted in matters of this kind? [Laughter.]

Mr. BENNET of New York. I will say for the information of the House that the gentleman who has just spoken was on a commission appointed in the last Congress, which came over to New York and had a good time for two or three days, investigating our post-office building, and I am not opposed to letting him go as far as he wants to. The result of that visit, I may say, was that his commission has recommended a very good bill, that I hope the Committee on Public Buildings and Grounds will report before the Congress ends.

Mr. BARTHOLDT. Judging from the results of the investigation in New York, the result of an investigation abroad would be the same.

Mr. GAINES of Tennessee. I wish to ask the gentleman from New York if it is not true of the consular service in many cases that the service rendered or to be rendered is not of sufficient importance to make it worth while to try to have any service at all?

Mr. BENNET of New York. Oh, no; I think the consular service is of great benefit.

Mr. GAINES of Tennessee. I mean at minor places that are insignificant.

Mr. BENNET of New York. At places of that kind we are usually represented by a consular agent, who gets no compensation except the fees that he takes in. He costs the Government nothing, and he is recompensed largely by the dignity of the position.

Mr. GAINES of Tennessee. Will you cite us to a case of that sort?

Mr. BENNET of New York. I will, in the island of Corfu, in the city of Damascus, in the city of Jaffa, and in the city of Kaifa. Our consular agents in the island of Corfu averages about $15 a year in compensation, and when the American fleet visited that island some years ago, he gave all the officers of the fleet a dinner that cost him more money than he can ever hope to receive in compensation.

Mr. GAINES of Tennessee. Was he from Tennessee?

Mr. BENNET of New York. No; nor from Missouri either.

Mr. MANN. Did that dinner benefit the public service any, or did it permit the fellow to swell himself as he wanted to?

Mr. BENNET of New York. I do not know that that particular thing benefited the service, but he is there day after day, attending to the wants of American citizens.

Mr. COOPER of Pennsylvania. Mr. Chairman, I have absolute confidence in and high regard for what the gentleman from New York [Mr. HARRISON] ordinarily says, and I have no doubt he thinks he is well informed and has just reasons for the statement he has made concerning our ambassador to France, but after my own personal experience on a visit to that embassy I should feel that I was not doing justice to Mr. White if I did not make a statement concerning my own personal observations on the occasion of my visit there last July. I had never met the ambassador prior to that time, but I must say that he is a man of very courteous and democratic manner, very cordial, and in my conversation with him, which lasted a considerable time, I was impressed that he was a most thorough and patriotic American. What others may have observed and what they may have learned I do not know, but I was thoroughly impressed upon my visit that we were well represented in that city, at that court, by a thorough and patriotic American, and one of whom we would have no occasion to be ashamed.

I have no doubt that what the gentleman from New York [Mr. HARRISON] has said and what a number of others have said here in relation to the necessity for better service and better paid consular and diplomatic officers is absolutely correct. So far as my own personal observation goes, I believe we are getting a much better service than we are entitled to for the compensation paid. This question should be agitated, should be considered, and should not be allowed to rest until the people of this country show a proper appreciation of the services they are getting abroad.

Mr. UNDERWOOD. Mr. Chairman, I think one of the most serious criticisms that can be made to the supply bills that are coming into the House in this Congress and the last few Congresses are that almost every appropriation committee that represents a particular branch of the Government service is advocating an increase of salaries of those services because the men who occupy the positions can not maintain a social position on the salary they now receive. I believe that the officers of this Government, whether they are in Congress, in the Army, or in the diplomatic service, should receive a sufficient compensation to properly care for themselves and their families and maintain the position in life of an American citizen. But I do not agree at all with the proposition that is advocated that the officers of this Government must maintain a position in society of their social standing. They do not represent the American people when they seek to maintain such a position.

Now, I have no criticism whatever to make of these people of great wealth in this country that do maintain a social position and set the pace for a social position. I think the country should be congratulated that they attempt to do so, that they have their great houses, their country villas, their retinue of servants, which is beneficial to the country, because they spend the money which they have accumulated; but it is no part of the position of the officers of the American Government to attempt to copy the pace, with that standing and that position, either at home or abroad.

The persons who maintain the high positions in this country—the club member in the great city, or the man of great wealth, the society man—do not in any way in this country represent the people or the sentiment of the people of the United States, and never have and never will. They may do so in the aristocracy such as we find in London or in Berlin, but they do not represent the people here, and it is not necessary for us to pay salaries commensurate with that class that live there to our ambassadors abroad, the Army and Navy officers at home, or to Members of Congress.

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. LONGWORTH. Does the gentleman believe that the present British ambassador to this country lives with any undue display or in any manner in which the representative of a great power should not live?

Mr. UNDERWOOD. I must say that I am not a society man myself; and although I have been here twelve or thirteen years, I have not been thrown into contact with the ambassador from Great Britain—only on one or two occasions—and I have no means of my own of judging as to the form in which he lives or conducts himself.

Mr. LONGWORTH. The gentleman knows nothing which would induce him to make such a statement?

Mr. UNDERWOOD. I have made no such statement.

Mr. LONGWORTH. I asked him for the purpose of pointing out the fact that the present British ambassador to this country receives a salary of $50,000 a year, lives in an embassy rent free, which is kept up for him by the British Government; that the present British ambassador, being one of the greatest scholars in the world and not being a man of wealth or independent means, asked of Great Britain, before accepting the position of ambassador to this country, an increase of salary of, I think, $5,000 a year over that which had previously been given to the British ambassador.

[The time of Mr. UNDERWOOD having expired, by unanimous consent he was granted five minutes more.]

Mr. UNDERWOOD. Mr. Chairman, I will take that as an example. I acknowledge my ignorance absolutely as to the mode of life of the British ambassador, but I will say that I presume the British ambassador comes here to represent his people in an official way, to come in contact with the officials of this Government. I take it as a matter of course that whether he spends $2,500 or whether he spends $50,000 in maintaining his establishment in this city his access to the President of the United States and his influence with the President of the United States and members of the Cabinet will not be affected one iota in the city of Washington. [Applause.]

As to his relations to the other branches of this Government, I doubt very much whether there are 10 per cent of the members of the Congress of the United States that have ever been invited into his home. I suppose that the members of the Committee on Foreign Affairs and some others have been there. If the British ambassador spends a large amount of money in this city, it is to maintain his social status with the society people of Washington, and certainly is not spent to aid any influence or any upholding of his position so far as representing the British Government before the American people.

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. LONGWORTH. I should think probably the last criticism that could be made or passed upon Mr. Bryce, the present ambassador, would be that he was a society dude.

Mr. UNDERWOOD. Mr. Chairman, I have not made that criticism. The gentleman puts words in my mouth that I have not uttered. I simply say—and I challenge the gentleman to correct the statement—that it is probable that the British ambassador has not received within his establishment 10 per cent of the Members of Congress of the United States, and that whether he spends one dollar of his great salary for entertainment or whether he lives in a very moderate capacity, his mode of life would not affect his influence as ambassador of Great Britain one iota with the President of the United States or the Cabinet officers with whom he is here to transact his business.

Mr. LONGWORTH. Oh, of course not.

Mr. UNDERWOOD. If it is true here, why should it not be true abroad? Can any gentleman say that because we have an ambassador at the Court of St. James who can spend a fortune every year in entertaining the nobility of England, that that affects his standing with the British ministry; that that aids us in carrying on the diplomatic arrangement of this Government with the British Government? Why, not at all. Of course we want our ambassadors abroad, our Army and Navy officers at home, and our representatives of the Government of the United States in every capacity to live in a way that will do credit to the United States Government, but it does not require vast sums of money to maintain such a position.

Mr. LONGWORTH. The gentleman surely would not say that it was a proper condition where a circumstance could arise sure as arose last year, when our ambassador at Paris, of whom some unpleasant things have been said to-day, I think most unjustly, was compelled to send out notice to all American citizens in Paris on the 4th of July, saying it was impossible for the American ambassador to receive American citizens upon that day because he had no quarters in which to receive them.

Mr. UNDERWOOD. I am satisfied the American citizens if they wanted to see him, would have been glad to meet him in his hotel.

Mr. WILLIAMS. Mr. Chairman, I do not rise for the purpose of discussing the question of the dignity, character, and fitness of our ambassadors abroad. Some of them have been overrich and several of them have been a bit snobbish, but as a rule they are thoroughly competent, courteous, and efficient men. I agree with much that was in the interview coming from the pen of the gentleman from Michigan [Mr. DENBY] the other day. Undoubtedly, I agree that these employees of the Government ought to have homes. I do not see any necessity for some things now that go on when they do not have homes, however. For instance, a very courteous gentleman, very effective in his public work, very efficient in every way, is the ambassador of the Court of St. James, but there is no particular reason why he should rent Dorchester House, and there is no particular reason why anybody else, when employed as minister plenipotentiary or ambassador or otherwise, should think that our ambassador at St. James had created a standard with which he should put himself on a level.

What I arose for, however, Mr. Chairman, was to ask the chairman of the committee why it was that there should have been an increase of $2,000 a year in the salary of the envoy extraordinary and minister plenipotentiary at Chile, and why the change of law in the next paragraph should have been made, giving us two new ministers to Central America in addition to the old roll.

Mr. COUSINS. I will say to the gentleman that if he will hold that in abeyance until we get to that paragraph, perhaps we can simplify it. I would be very glad to give him such explanation as I can.

Mr. WILLIAMS. Oh, I thought we had reached that. When we get to that paragraph, instead of having to ask the gentleman again, I hope he will rise and explain to the House.

Mr. PERKINS. Mr. Chairman, though I occupied some time of the committee yesterday, I wish to speak a word in connection with the debate which has arisen this morning. Doubtless there is no necessity for and no one desires unnecessary and extravagant display. On the other hand, anyone who thinks, as apparently the gentleman from Alabama [Mr. UNDERWOOD] thinks, that the social relations are unimportant in any diplomat or can be disregarded by any Government, shows an insufficient knowledge of the subject. My friend from New York [Mr. HARRISON] in the criticisms he made, in which I do not wholly agree, and in some remarks he made in reference to the service, in which I entirely agree, cited Benjamin Franklin as an exemplar of a great and wise American sent to perform public duty abroad. In that judgment everyone will agree. The career of Benjamin Franklin in his diplomatic relations was of more importance to the success of this country in the Revolution than that of any other man in the country except George Washington. He went an untried man to France, and had a record of success in obtaining assistance from that country of men and money and an alliance that can not be excelled in any diplomatic career. My friend commented upon the wisdom that Franklin showed in his costume. His costume was not always quite as severely democratic as my friend suggests.

He had the wisdom to dress just well enough and never too well, and always maintained just enough of the Philadelphia Quaker, mingled with the costume of the foreign country, so there should be nothing that would be unseemly. But I wish to come to the importance of social relations as illustrated in Franklin's career. No one would claim that he was a multimillionaire, who went abroad to spend his money, or a social

snob who wished to display his graces. We all know that Franklin combined to a extraordinary extent the practical common sense, by which he did the thing that was necessary to accomplish a result. He was abroad to obtain assistance for us from another country, and that result he obtained. Now, Franklin knew perfectly that in order to obtain the best results for his own country social relations by no means could be disregarded. Six days of almost every week, as those know who are familiar with the history of those times, he was constantly in social life, one of its most popular members. He lived at his own house in Passy. He visited largely. Any person in France whose position was such that he could be of service to the Republic, that person Franklin would know, and if he did not know him, he found a way to know him. These people he met pleasantly, wisely, and agreeably through social life. He was not paid a salary, but his expenses were paid, and we may be sure that Benjamin Franklin, wise and patriotic, wasted no penny of the scanty funds of the thirteen struggling Colonies in social life or social relations, except as he felt was for the good of the country whose representative he was.

During the long years he was there, first going there, as I remember, in 1777 and continuing until the treaty was signed in 1783, he was paid for his expenses, which were at the house at Passy (which, by the way, was given him rent free by a Frenchman, a great admirer of this country and of Franklin), he was paid for the expenses rendered necessary by his mode of life on an average of £3,000 a year. That was $15,000, and no one will question that $15,000 in 1777 represented quite as much in purchasing power and in the expense of living as $50,000 would to-day. The man who spent $15,000 in 1776 was a rare man in this country. There were few who lived in that way, and yet that was the average expenditure for the social life of this diplomat, perhaps the best and wisest diplomat that this country has ever had. I think we may safely, in fixing the appropriations for our ambassadors to-day, follow the example that was set by the first and greatest of American ambassadors—Benjamin Franklin. [Applause.]

Mr. PARSONS. Mr. Chairman, I move to strike out the last word of the paragraph.

The CHAIRMAN. The gentleman from New York is recognized to strike out the last word of the paragraph.

Mr. PARSONS. Mr. Chairman, I am surprised at the criticisms leveled by my colleague from New York [Mr. HARRISON] against the first secretary of our embassy at London, for I have always understood that that gentleman, who has worked himself up from the position of third secretary, I believe, to that of first secretary, was one of the most useful men in our diplomatic service. I am quite sure that he had the confidence of Mr. Choate when he was ambassador. It is my impression that Mr. Choate recommended his retention there as one of the secretaries, and I had supposed that he had the full confidence and esteem of our present ambassador to Great Britain, Mr. Reid. I know that, so far as the State Department is concerned, our first secretary there has the Department's full confidence, and that when the ambassador is absent the Department does not hesitate to confide to Mr. Carter matters of great delicacy and importance. I do this in justice to him in order to correct any wrong impression that might have been made by my colleague. I do not know just what he had in mind.

I would like to say something in answer to the gentleman from Alabama on this matter of the position which our ambassadors should have in foreign countries. At the time that Mr. William Walter Phelps, who was long a Member of this House, was ambassador to Berlin I was a student at the University of Berlin.

Mr. Phelps was a man of large means, but not a man of display. He kept open house to all Americans, and it was the universal testimony of the men who were studying there that they were enormously helped by the fact that he was a man of means and in that way was enabled to know all the prominent men in German public life, and so could help the students there in numberless little ways. Mr. Phelps, who was a man of a great deal of ability, was able to do this, however, largely because of his ability to entertain, due to his large means. He did entertain extensively, although not lavishly, and came to know all the prominent men in German public life and knew them intimately, among them Bismarck. Having been a student, I can say from their point of view that this sort of legislation, which will always enable our ambassadors to maintain decent establishments, will help all Americans resident abroad, especially the student class.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question there? We all know Mr. Phelps's great reputation as a man of ability. We know that, and a few of us know of his reputation as a man of wealth, and I would like to know as to whether the gentleman thinks that Mr. Phelps's standing with the able, distinguished, and learned men of Germany was based on his wealth or on his distinguished ability as a student and a statesman?

Mr. PARSONS. It was a combination of the two. So far as his official position was concerned, in negotiations as a representative of this country he represented what the country stood for, but he would not have known as intimately as he did, and in a way that was beneficial to the country, the important men of Germany unless he had been able to keep up a considerable establishment.

Mr. UNDERWOOD. I do not agree with the gentleman. I think Mr. Phelps and all other able men abroad are received for their ability and not for their wealth by the able men of the country they visit.

Mr. PARSONS. I give that as the contemporaneous testimony of the students who were there at the time.

I withdraw the pro forma amendment.

Mr. KÜSTERMANN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in order to give our ambassadors a chance to do justice to this great country, to give dignity to their position, one or the other thing is necessary. Either we have got to raise their salaries or we must give them buildings in which to live and in which to do their work. When I was in Berlin seven months ago, my pride as an American citizen was somewhat wounded when, after looking at the beautiful embassies of other countries, I found the office of the American ambassador, the representative of the United States, in the second story of an unpretentious-looking building and over a second-hand book store, with a little two-by-three flag, our glorious banner, dangling from the window. Now, right across the street was the Russian embassy, with an immense banner over the building, and a little farther up the street the French, the Spanish, and others. I tell you, gentlemen, if we want to be represented right and have prestige in those countries, we must give our ambassadors sufficient funds to live so as to lend dignity to the office, and we ought to furnish them with proper buildings. The ambassador in Berlin pays $20,000 rent for his private residence. He only receives $17,500 per year salary. Now, it is contrary to all traditions of this country to send only rich men to represent us in foreign lands, and as it is to-day, with the salaries our representatives are receiving and with no embassies, men of limited means can not maintain the official dignity due our great country. For that reason I say we must do either one thing or the other, increase their salaries or give them proper buildings in which to live.

I withdraw the pro forma amendment.

Mr. CLARK of Missouri. I would like to ask the gentleman from Ohio [Mr. LONGWORTH], who seems to know a great deal about this, what is the intention of the proponents of this embassy-building matter with reference to increasing the salaries of ambassadors and ministers abroad?

Mr. LONGWORTH. That, so far as I know, is not embodied in any bill before Congress.

Mr. CLARK of Missouri. I know it is not embodied in this bill, but is it embodied in the intention of the proponent of this measure?

Mr. LONGWORTH. If the gentleman refers to me as one of the proponents, it is not.

Mr. CLARK of Missouri. I do refer to you, because you introduced the bill.

Mr. LONGWORTH. No; I have never advocated the increase in direct compensation—that is to say, the salary.

Mr. CLARK of Missouri. My understanding is that the gentleman from Ohio is the first man that introduced the bill to construct these embassy buildings. I want to ask him a question that I asked the gentleman from New York yesterday, and that is, if he thinks that the influence and standing of the United States depends in any manner on the style in which our foreign representatives live?

Mr. LONGWORTH. Oh, I think not at all; I think the great difficulty is in inducing, under the circumstances, any man not of great wealth, who is otherwise well qualified, to accept the position at all.

Mr. CLARK of Missouri. If these buildings are constructed and we own them, that does not anyway near place our representatives abroad on an equal footing with the representative of Russia, for instance, named by the gentleman from Wisconsin, as to the amount of money they can spend, does it?

Mr. LONGWORTH. Oh, not at all.

Mr. CLARK of Missouri. Then why not go the "whole hog?"

Mr. LONGWORTH. Well, I do not know that I would go the "whole hog." The trouble is that the authorities in charge of

appropriations keep too tight hold on the national purse strings, I think—at least, so far as expenditures abroad are concerned.

Mr. CLARK of Missouri. Mr. Chairman, I want to say a word or two about what the gentleman from New York said about Benjamin Franklin. I think he was one of the greatest representatives we ever had abroad; and I have no doubt if the gentleman says that he had £3,000 per annum that he spent it. But I wish to suggest to the gentleman from New York and everybody else concerned that the time at which Benjamin Franklin represented this country abroad and the circumstances in which he found himself and his country in those days were entirely different from the situation in which our representatives abroad find themselves now. Their duty is purely perfunctory, as a rule. Their chief duty is to have a good time, as I apprehend. Franklin's business over there was to cultivate the grandees and the financiers of France and make them sufficiently friendly toward us, in the first place, to recognize our independence, and in the second place to lend us money with which to carry on the Revolutionary war. Naturally and inevitably that was an expensive business.

Mr. PERKINS. Will the gentleman permit me to ask him a question?

Mr. CLARK of Missouri. Certainly.

Mr. PERKINS. Doubtless at many periods the duties of the diplomat are exceedingly slight. There may be no need of having a representative for some time. But the theory is, and the only theory on which we maintain a diplomatic corps is, that the time will come when our representative will have some important work to do. Does not my friend from Missouri think that when Mr. Adams was at the Court of St. James during the civil war that it was of value to him to have had personal association and agreeable relations with the men he was to meet?

Mr. CLARK of Missouri. Certainly; and his situation was almost identical with that of Franklin. My excuse for making any remarks on this subject at all is that I served with a great deal of pleasure and advantage to myself for six years on the Foreign Affairs Committee, and my own conclusion about these representatives abroad is this—I do not know that a single soul on earth agrees with me about it—it would be better really to withdraw the entire diplomatic corps as a general thing, and then when we need a representative at a foreign court, whenever we have need for anyone to attend to these delicate duties—and they are sometimes very delicate—pick out a man of the highest capacity in this country, whether he has not a dollar or a hundred millions. I am not in favor of discriminating against a rich man because he has got money if he got it honestly, or a poor man because he has not got it. Send him there and give him a sufficient sum of money, whatever it may be, to do these social honors and make the friends that we need on those occasions. The Federal Government would have been entirely justified in giving Charles Francis Adams $100,000 a year to spend in his diplomatic duties in England, or if the Confederacy could have gotten a representative over there accredited to the court the Confederacy would have been justified in spending $100,000 or £100,000 to cultivate friendly relations with that Government. I am not in favor of our ministers undertaking to keep up with the richest of those nobles. You take the Duke of Bedford, for instance. I do not know whether he is participating in public life or not; but there are only two or three men in the United States that can vie with him in his expenditures—perhaps only Rockefeller and this man out in Wisconsin, who owns all the timber out there, whatever his name is.

Mr. COUSINS. Mr. Chairman, I move that debate on this paragraph be now closed.

The CHAIRMAN. Without objection, debate on the paragraph will be now closed, and the Clerk will read.

The Clerk read as follows:

SCHEDULE A.

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors extraordinary and plenipotentiary to Austria-Hungary, Brazil, France, Germany, Great Britain, Italy, Japan, Mexico, Russia, and Turkey, at $17,500 each, $175,000.

Mr. WILLIAMS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. The motion before the House has not been disposed of. I mean the motion made by the gentleman from Wisconsin [Mr. KÜSTERMANN.]

The CHAIRMAN. The Chair will state that the pro forma amendment will be considered as having been withdrawn. Debate upon this paragraph having been closed, the Chair directed the Clerk to proceed to read the next paragraph.

Mr. WILLIAMS. Mr. Chairman, whenever a motion is before the House and that motion is not withdrawn, it is the duty of the Chair not to pass to the next paragraph until the motion has been withdrawn or disposed of.

The gentleman made a motion to strike out the last word, and that motion is still pending before the House.

The CHAIRMAN (Mr. CAPRON). The Chair recalls clearly that the Chair stated distinctly, in reply to the motion of the gentleman from Iowa [Mr. COUSINS], chairman of the committee, that debate having been exhausted upon this paragraph, without objection the Clerk would read.

Mr. WILLIAMS. The Chair did, but the Chair did not state that without objection the pro forma amendment would be withdrawn, and it has got to be disposed of now. I ask that the formal amendment may be withdrawn.

The CHAIRMAN. The Chair will say to the gentleman from Mississippi that the method by which we proceed when a motion is made to strike out the last word has become a custom almost, but the Chair stands corrected by the gentleman from Mississippi, and now announces that the pro forma amendment to strike out the last word will, without objection, be considered as having been withdrawn.

Mr. WILLIAMS. Do not break down any of my barriers. I may need them later on.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COOPER of Pennsylvania, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6200. An act granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation;

S. 4723. An act authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians; and

S. 3732. An act regulating injunctions and the practice of the district and circuit courts of the United States.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 17305. An act to regulate the establishment and maintenance of private hospitals and asylums in the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6200. An act granting a perpetual easement and right of way to Salt Lake City, Utah, for the construction, operation, maintenance, repair, and renewal of a conduit and pipe line and valve houses upon and across the Fort Douglas Military Reservation—to the Committee on Military Affairs.

S. 3732. An act regulating injunctions and the practice of the district and circuit courts of the United States—to the Committee on the Judiciary.

S. 4723. An act authorizing the Secretary of the Interior to issue patents in fee to the Protestant Episcopal Church for certain lands in Wisconsin set apart for the use of the said church for missionary purposes among the Oneida Indians—to the Committee on Indian Affairs.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, China, Cuba, the Netherlands and Luxemburg, and Spain, at $12,000 each, $84,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of renewing very briefly the discussion which ceased a few moments ago. I would not do this at this time, but on several occasions when an amendment has been offered to this bill providing for the purchase or provision of embassies abroad I have made a point of order upon it, and I shall do the same thing if such an amendment be proposed at this time.

I have served in this House now a little more than eleven years. Not gifted with any great amount of wealth, though I have had the distinction of being published among the list of millionaires, that is the nearest I have ever got to owning very much. I have yet to learn that in this House it makes any difference whether a man has wealth and lives high, or whether he has no wealth and lives economically. I have yet to learn

where the foreign embassies are in Washington, with one exception. Although I have visited more than one, I would not be able to locate more than one, and I think that is a wholly undesirable place to live in. That is the one out on Connecticut avenue, which does no credit to any government, though doubtless it was wise as a purchase of property at the time it was established. I have yet to learn that those ambassadors or ministers who entertain their own circle, consisting of other ambassadors and ministers, exercise any more influence in affairs diplomatic than the ones who attend to the business of their country, regardless of their social affairs or the wealth that they display in living.

Mr. PERKINS. Will the gentleman yield for one question?

Mr. MANN. Yes; certainly.

Mr. PERKINS. I beg to suggest that the gentleman with his acute intellect is a little bit away from the proposition.

Mr. MANN. Then do not interrupt me until I get to it.

Mr. PERKINS. I will ask the gentleman a question which perhaps will turn his attention in that direction.

The CHAIRMAN. Does the gentleman from Illinois decline to yield?

Mr. MANN. Oh, I always yield to the gentleman from New York.

Mr. PERKINS. The proposition made was not one for an increase of the salaries, so as to allow a very large expenditure for the purposes of social display, but was for the purchase of buildings that should be permanent homes in foreign capitals for this nation, which is a quite different question from that of social display.

Mr. MANN. I can see no distinction at all. That is the very purpose of it, social display.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. MANN. I will yield to the gentleman, hoping that the committee will give me a little time.

Mr. COOPER of Wisconsin. The question I want to propound is suggested by the statement made by the gentleman from Illinois. As I understand it, England owns the embassy building up on Connecticut avenue, a very commodious and, as I think, not an unpleasantly located structure, and it gives the ambassador from England $38,000 a year.

Mr. SLAYDEN. Fifty thousand dollars a year.

Mr. COOPER of Wisconsin. Does the gentleman think that in furnishing that building and giving the ambassador a salary of $50,000 a year, as I am informed by the gentleman from Texas [Mr. SLAYDEN], it is for purposes of social display, when they send as ambassador here a scholar and statesman like James Bryce?

Mr. MANN. Mr. Chairman, I am very much surprised that a gentleman for whom I have such great respect and who is usually so particular about the niceties of social affairs should ask such a question as that, which he knows it would not be polite for me to answer under any consideration in any way but one. I will remind the gentleman, however, that England does not own the embassy. It is Great Britain that owns it. In that respect, on questions of facts, I seem to be a little ahead of the gentleman.

Now, Mr. Chairman, a few years ago the salary paid a Representative in Congress was $5,000 a year, and the salary of a Senator was the same. It is now $7,500 a year, and the salary of a Senator is the same. So far as I have been able to ascertain, the Members of Congress are able to live in some way on their salaries and to attend to the public business, and it makes no difference here whether a Member lives on more than $7,500 a year or less than $7,500 a year if he attends to the duties of the office which he fills here.

In my judgment it makes no difference abroad whether the man spends large sums of money or smaller sums of money, if he attends to the duties of the office, for the duties of the office do not consist in social entertainment. Why, according to the theory of some gentlemen here, it would be necessary, owing to the great expense of living of some gentlemen in this House, to give them homes to live in, to give other people possibly homes to live in, in order to live on the same basis. We have not got to that yet in this country, and I hope we will not. Ah, but the gentleman from Wisconsin says he has looked at a Russian consulate side by side with an American consulate. I point to the distinction between the Russian Government and the American Government. Let Russia have her consulates; let us have our Government and the respect of the country and of the world and of our people. If Russia prefers to spend her money in consulates and have dissatisfaction at home, that is the privilege of Russia. I prefer the spirit of Americanism abroad and the quality of satisfaction at home. [Applause.]

[The time of Mr. MANN having expired, by unanimous consent his time was extended for five minutes.]

Mr. MANN. Mr. Chairman, I am not going to detain the committee at any length, but during the last few years, since I first made a point of order upon the proposition, I have gotten into the habit of making newspaper clippings with reference to some of our enterprises and duties abroad by our ambassadors and diplomatic representatives. I hold in my hand one which is typical, although I have others more entertaining. It is headed "Towers plan flower ball." This refers to an event in Berlin during the last few weeks. It reads as follows:

TOWERS PLAN FLOWER BALL—AMERICAN EMBASSY AT BERLIN BECOMES BOWER ON FEBRUARY 18.

[By wireless telegraph to the Washington Post.]

BERLIN, *February 8, 1908.*

Court and diplomatic society is looking forward with keen anticipation to the flower ball which will be given by Ambassador and Mrs. Tower at the American embassy on February 18. Over 500 invitations have been issued for the function, which promises to be one of the most beautiful that Berlin has ever seen.

The embassy, in the Koenig Platz, will be transformed for the occasion into a huge bower of spring blossoms, with artificial sunshine furnished by a unique use of incandescent lighting effects. Crown Prince Frederick William, with the princess; Prince Eitel-Frederick and his princess, and Prince Adalbert, the Kaiser's three grown-up sons, will all be present.

All the ladies will wear costumes representing various flowers, while the men will wear distinctive boutonnières. The ball will be the Towers's last elaborate entertainment for the court and diplomatic corps, and therefore will probably eclipse in splendor the long series of affairs which have taken place at the American embassy under their régime.

Is it for this class of people and this class of work that we propose to furnish foreign ambassadors with embassies abroad? What would the Towers do with the commonplace embassy which we would proceed to purchase? Could the Towers live in the same embassy that Doctor Hill could live in?

Mr. LANDIS. I will suggest to the gentleman——

Mr. MANN. If the gentleman from Indiana wishes to ask a question I will yield, but as for his making suggestions, I am able to make those myself. [Laughter.]

Mr. LANDIS. I never questioned the gentleman's ability to measure up to any situation to an elaborate degree, but I would ask the gentleman if this thought has not occurred to him—that the very bill which the gentleman from Ohio has introduced, providing for buildings for ambassadors, would not protect the American people against just such visitations in the newspapers as he has read?

Mr. MANN. Certainly not. Does the gentleman think the Towers would have lived in an embassy that the Government provided abroad?

Mr. LANDIS. Of course they would. We could compel them to do so.

Mr. MANN. You can not compel them.

Mr. LANDIS. I submit to the gentleman that we could by statute provide that the embassy building should be occupied by the ambassador.

Mr. MANN. You could provide a building for each Member of Congress that were identically alike and compel them to live in them, but you never will.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Tennessee.

Mr. GAINES of Tennessee. Will the gentleman inform the House whether or not our representatives, ambassadors, and ministers away back in the days of Whigs and Democrats were rich people or in moderate circumstances?

Mr. MANN. I have no doubt under the system now being most earnestly pressed upon us from every side, requiring that all campaign contributions, practically, shall be made by rich men, that forever, unless we provide against it, ambassadors will be rich men as a rule. [Applause.] It is one of those things that come that way. We have forbidden corporations to make campaign contributions, and, therefore, under every administration these ambassadorships, as a rule, have gone to men who have the means themselves or the means of getting from others large sums of money.

Mr. GAINES of Tennessee. Will the gentleman indulge me with one more inquiry? I am merely after information.

Mr. MANN. The gentleman ought not to seek information from me.

Mr. GAINES of Tennessee. The gentleman is one of the best sources in the House for information. Does not the gentleman think the Government of the United States should so fix the salaries that poor men with brains, genuine Americans with brains, could fill these places that seem to be filled now by only the very rich?

Mr. MANN. Mr. Chairman, we all judge richness by comparison. I am serving in this House at a salary of $7,500 a year, living in a home in Washington, the most expensive city probably in the world in which to live, or one of the most, and doing my work fairly well, getting along without any difficulty so far as society is concerned, so far as department work is

concerned, so far as dealing with the Government and executive officers is concerned, and so far as my position in this House is concerned, and I think I could do equally well on $17,500 a year, which we pay to our ambassadors. I do not know whether that answers the gentleman or not. And the gentleman himself is doing equally well, and he would represent the Government abroad with equal capacity with the salary that he is now receiving or even with a smaller salary. [Applause.]

Mr. GAINES of Tennessee. I thank the gentleman. I would not spend the Government's money in entertaining. I would attend to the public business, but I think that we should pay enough for a poor man to fill these places, instead of giving the jobs to the rich, because the rich only can meet the expenses.

Mr. SLAYDEN. Mr. Chairman, after having had his abilities and character so generally, and let me say so correctly certified, it is with some degree of embarrassment that I find myself in the position of differing from my distinguished friend from Illinois [Mr. MANN]; but if he has a right conception of the purpose of the legislation which has been suggested, then I have an entirely erroneous conception of it. The very purpose, as was suggested by the gentleman from Indiana [Mr. LANDIS], of the legislation is to avoid the possibility of absurd display by extravagantly rich men who are exploiting themselves socially instead of giving us the most efficient diplomatic representation abroad that we have a right to expect. I know of no suggestion from any gentleman favoring this project, or from any other, that the salaries of ambassadors should be increased. The purpose, so far as I know—and certainly it is mine to the extent of my vote and influence—is to keep the salaries at the rates already fixed; but it is desirable, if my observation and experience count for anything, and if the testimony of 90 per cent of the people who have impartially observed and reported on this question is of any value, to fix a standard for ambassadors and ministers abroad so that the poorest man in the country, if he possess the ability and character, may go without humiliation in succession to an enormously rich representative and give to this Government official representation that every American citizen can be proud of. The salary is big enough, I think, but our experience in many of the great capitals in the world has shown that the minister or ambassador, whatever his rank, can not live in the way that, despite the opinion of gentlemen to the contrary, he is compelled to live, and save a penny for his family, and in most cases they live beyond the compensation given them by the Government. That is a condition that we ought to correct. We hope that never again in the history of this country will it occur that the mere displacing of a wealthy ambassador by a highly trained diplomat will cause such a disturbance that it will disturb the political fabric of two great governments. The purpose of the legislation is to equalize, to level, to make more democratic the representation that we have abroad, and I believe that the House and I am convinced that the country will sustain such legislation. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. GAINES of Tennessee. Mr. Chairman, I want to make one observation, and that is on the question of compensation or salaries. It has never been the policy of this Government from the time we framed the Constitution for its public officers to work for the public without compensation. That question was thoroughly thrashed out in the great convention which framed our Constitution. Wealth has accumulated in this country. If we do not fix salaries so that a poor man can come to Congress, either the House or the Senate, or, if you please, if we do not fix the salary of the President of the United States so that a poor man can come here and be put upon a parity with others—I do not mean socially, because a gentleman is a gentleman whether poor or rich—if we do away with the salary of the office of either President or Congressman and fail to give them sufficient to defray their expenses, then we will turn this Congress over to the millionaires of this country. The poor people would stay at home, because they could not come here and undertake the heavy expenses that they have to undertake in this, the most expensive city, I think, in the world—certainly the most expensive in which I ever lived.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Tennessee one question. The British Parliament gives no pay to its members, does it?

Mr. GAINES of Tennessee. That is what I am told.

Mr. CLARK of Missouri. And yet some of the most distinguished men who ever served in the British Parliament were as poor as Lazarus, among them Edmund Burke. Suppose we had that arrangement here. Do not you believe a constituency who have poor men they wanted to send would send them just as certain men of the British Parliament are kept there; for instance, the Irish members who get a salary, which they do not derive from the Government, but the people make it up and pay them, and the laboring members, too. Do you believe if we did not draw any salary here that there would not be anybody in this House but rich men?

Mr. GAINES of Tennessee. I mean to say there would be more millionaires in Congress if we had the English system. The rich are mostly elected to Parliament, and a few laboring men. It came out in the great debate——

Mr. GAINES of West Virginia. Is not the very purpose of having the British Parliament without a salary in order that the Government of that country may be as far as possible confined to the landed aristocracy of the country who can afford to serve without pay?

Mr. GAINES of Tennessee. Exactly.

Mr. CLARK of Missouri. I would like to ask the gentleman from West Virginia a question. Is it not true, notwithstanding that declaration now, that a very large percentage of the present House of Commons are as poor as the average man here?

Mr. GAINES of Tennessee. No, sir; I think the gentleman is mistaken.

Mr. GAINES of West Virginia. It is true that a very large percentage of the British Parliament, as I understand it, are men of very little means, and it is also true that their constituency makes up a fund for them, but it does seem to me that the democratic principle is that of compensation, rather than of having a majority of the persons those who are able to serve without compensation and having others known as a poor class of people for whom the hat is passed among their constituents.

Mr. BRUMM. As objects of charity.

Mr. GAINES of Tennessee. Here is the point I want to make. I want to say in answer to my friend from Missouri that the labor members of Parliament to-day are poor, their constituents are paying their salary and some of this money our people contribute. I have a great—just a moment, Mr. Chairman, I ask the Chair to give me a minute, because most of my time has been taken up by questions. I am for the labor set, the intermediate set. The rich men take care of themselves. I say, and I maintain it here, and if I were in Parliament I would maintain it, that the country is safest which gives a reasonable compensation to its public servants, so that the poor man with brains and heart and Americanism can come in and fill the high places here, places that I believe if filled by the very rich they would legislate for the very rich and not for the great body of the people, the gravel train upon which I have traveled most of my life. [Loud applause.]

The Clerk read as follows:

Secretary of legation to Salvador and consul-general to San Salvador, $2,000; and the words "San Salvador" in the consular reorganization act of April 5, 1896, are hereby repealed.

Mr. MANN. Mr. Chairman, reserving the point of order, I would like to know what the purpose is in repealing the words "San Salvador." Was not this all covered by the consular act?

Mr. COUSINS. No; the occasion for that is the fact that we have a consul-general at the city of San Salvador. By this bill he will be superseded by a secretary of legation, who will perform all the duties, at a saving to the Government of $1,500, his salary being but $2,000.

Mr. MANN. This merely combines a secretary of legation and consul-general?

Mr. COUSINS. Precisely.

Mr. MANN. Are they both there now?

Mr. COUSINS. When this bill goes into effect they will be.

Mr. MANN. Are they both there now?

Mr. COUSINS. No; the secretary is not there now. The minute the secretary goes the other will go out.

Mr. MANN. Was not this covered in the consular reorganization act?

Mr. COUSINS. No.

Mr. MANN. It was claimed we had all consular places——

Mr. COUSINS. Well, the consular readjustment bill is not yet passed; it is in conference.

Mr. MANN. It passed two years ago.

Mr. COUSINS. You mean the old one—the reorganization bill?

Mr. MANN. Certainly.

Mr. COUSINS. It was not covered in that.

Mr. MANN. Then, an erroneous statement was made about the bill about the time it was considered on the floor. I withdraw the point of order.

The Clerk read as follows:

Secretary of legation to Persia, who shall be an American student of the language of that country, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of the Persian language, $2,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I noticed in the bill that in the first place you require that the secretary of legation shall be an American student of the language. The same is true as to the item of second secretary of embassy to Turkey, but when you get over further, to the third secretary of the embassy to Japan and the third secretary of the embassy to Turkey, you only require them to be students, in the first place, of the Japanese language, and, in the second, of the Turkish language. Do you not have a provision in here requiring all these secretaries to be American citizens?

Mr. COUSINS. All of what?

Mr. MANN. All of these secretaries to be American citizens?

Mr. COUSINS. They are all American citizens.

Mr. MANN. Why do you make a distinction between the second secretary, an American student, and the third secretary, a mere student?

Mr. COUSINS. In the case of Japan and China we have student interpreters.

Mr. MANN. I am not speaking of the student interpreters. At the bottom of page 4, for instance, it says: "Second secretary of embassy to Turkey, who shall be an American student," and on page 5 is the third secretary to Turkey, "who shall be a student of the Turkish language." Is there any reason for a fine-haired distinction, and is it a fine-haired distinction?

Mr. LANDIS. It is merely the verbiage that has been used. They are American citizens and they are students of the language.

Mr. MANN. In one case you say "American student," and in another mere "student." That is a distinction I could not understand in view of the fact that they are required to be American citizens. Now, in the distinction which is made, you require the secretary of legation to Persia shall be allowed and required, with the direction of the Secretary of State, to devote his time to the acquisition of the Persian language. Do you propose to have him do anything else?

Mr. COUSINS. Yes; they all have to.

Mr. MANN. This requires him to devote his time to that. He has no time for anything else.

Mr. COUSINS. That was by the direction of the Secretary.

Mr. MANN. That is only the method. The law requires him to devote his time to studying the language.

Mr. COUSINS. No; it is in the discretion of the Secretary.

Mr. MANN. Mr. Chairman, I make the point of order on that paragraph, commencing with line 13, as follows:

And shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of the Persian language.

Mr. COUSINS. What amendment is that? Do you wish to amend by saying "a portion of his time?"

Mr. MANN. I made the point of order on that portion of the paragraph.

Mr. COUSINS. Do you wish to say he shall devote a portion of his time to the study of the language? If so, there will be no objection to that.

Mr. MANN. The Secretary of State now has authority to direct him to spend a portion of his time studying the language, and you provide that he shall be a student of the language, but here you propose to require him to devote all of his time.

Mr. COUSINS. No; it is in the discretion of the Secretary.

Mr. MANN. I do not think it is, under that provision. They may construe it that way.

Mr. COUSINS. I would be perfectly willing to accept an amendment that he devote such portion of his time as may be possible to the study of the language.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes a point of order against the language in lines 13 to 16. It is undoubtedly legislation.

Mr. MANN. Did the Chair get the language that I made the point of order against?

The CHAIRMAN. From the word "and," in line 13, down to——

Mr. MANN. The word "language," in line 16.

The CHAIRMAN. In line 16. It is undoubtedly legislation. The Chair sustains the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I want to read just one paragraph of the record of the House on the salary matter, to which reference was made a few moments ago. It will take but a minute or two. I am now reading from the RECORD of January 23, 1907, from a historian, Senator LODGE, and Senator TILLMAN, both of whom voted for the measure raising Congressional salaries. Senator LODGE said:

Mr. TILLMAN. The Senator is usually so accurate that I dislike to question his statement, but unless I am very much mistaken, since the last election and the entry into Parliament of a very large number of representatives of labor unions, or what are known as the "working classes," I recall having seen in some paper a statement that Parliament has passed a law giving salaries for the first time in the history of their Parliament. I may be mistaken. It may have been merely introduced and not passed.

Mr. LODGE. The Senator, I am certain, is mistaken. No such act has passed.

The English system came down from the time when the House of Commons was made up almost exclusively of landowners, men of considerable income. In later times poor men have entered the House of Commons, notably among the Irish members, and many of the Irish members in the house have been paid by contributions from their own countrymen and from their sympathizers in this country. Now, they have a large number of labor members, and those men are at this moment paid, unless I am greatly misinformed, by contributions of their labor unions.

That seems to me the worst possible system, and it is bound to come in any representative government where there is a large democratic representation, because otherwise poor men can not serve in the representative bodies, and I think we shall find that England will perceive under present conditions the mistake that has been made and will come to the system of paying.

We have always paid in common with all the other representative bodies, and it seems to me perfectly plain that what we want to do and what we should aim at doing is to pay to Senators and Representatives a salary which will enable them to live becomingly, in accordance with the great position of trust which they hold, which may relieve them, if they desire to be relieved, of the effort to make money in other ways.

Now, Mr. Chairman, that is right along the line of the discussion had a few moments ago by the gentleman from Missouri [Mr. CLARK] and the gentleman from West Virginia [Mr. GAINES]—that is, that the British Parliament is made up of landowners, what we might call "millionaires," and that that policy is kept up on purpose so as to keep the titled crowd or the very rich in power to make the laws of that country. It has gone to such an extent that the labor unions say, "We will pay our own men a salary out of our pockets rather than not be represented at all in Parliament," and some of the money thus used comes from the United States. Now, I say if we did not pay our Members of Congress and other officers of this Government a just compensation, that sooner or later the millionaires and landowners would have charge of Congress, and then the great middle class or the very poor would have but few champions in this great body.

For that very reason, for that very identical reason and a few others, the framers of the Constitution in 1787 said Members of Congress must be paid a compensation to be fixed by Congress. Hence it is, Mr. Chairman, that I take the floor just now to speak in behalf of the poorer-class people of this country, who have brains, but who have not wealth, but who have love of country and the legal right and the inherent right, you may say, to be Members of Congress, but who are too poor to be in or remain in Congress. Let proper salaries be paid so they can, and be thus placed on a parity with the richer class. By this means the selfish rich will never run this country; at all all events not very long.

Mr. BURLESON. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. BURLESON. I want to ask the gentleman if he does not think that the British Parliament responds more readily to the will of the people than this House responds to the will of this country?

Mr. GAINES of Tennessee. Yes; I think it does. I have been for years trying to keep up with what this House does, but in England they have a way of forcing a response to the will of the country? But who, after all, writes the law? The landowners and rich and the titled set.

Mr. MANN. I will ask the gentleman if he will be willing to state at this time the fact that they have a ministry over there that the cabinet officers respond much more readily to the will of the Parliament than they do over here? [Laughter.]

Mr. GAINES of Tennessee. Well, yes. We should have a complex Congress, composed of all classes of good society. Give the middle class a chance, whether they are as poor as Lazarus or not; they will make as good lawmakers as the very rich, and better by far. Take the middle class and, as a rule, they make the best lawmakers. Make it sure that they have an equal chance. That is the principle I am speaking for.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Second secretary of embassy to Turkey, who shall be an American student of the language of that court and country, and shall be allowed and required, under the direction of the Secretary of State, to devote his time to the acquisition of the Turkish language, $2,000.

Mr. MANN. Mr. Chairman, I make the point of order to the language on page 5, commencing with the word "and" in line 1 down to and including the word "language" on line 3.

Mr. COUSINS. I will say to the gentleman that that is the existing law and has been for a good many years and is not subject to the point of order.

Mr. MANN. Well, it is subject to the point of order unless it is the provision of a statute, and I am sure it has not been there for years.

Mr. COUSINS. I have no personal objection to its going out if the gentleman wishes it to go out. But I think it leaves it for greater security in the administration of the position.

Mr. MANN. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Third secretary of embassy to Japan, who shall be a student of the Japanese language, $1,200.

Third secretary of embassy to Turkey, who shall be a student of the Turkish language, $1,200.

Mr. MANN. For the third secretary of embassy to Japan why not put in "who shall be an American student?" Why should that provision not be made?

Mr. COUSINS. They are Americans.

Mr. MANN. But you have left out "American." Is there any reason for that?

Mr. COUSINS. You would like to insert the word "American" before the word "student?"

Mr. MANN. It is done in the other two cases; I do not see why it should not be inserted in here.

Mr. COUSINS. Very well. You want to put in the word "American?"

Mr. MANN. Yes.

Mr. COUSINS. Very well, we will accept that.

Mr. MANN. I move to amend by inserting before the word "student," in line 10, the word "American," and in line 13.

The Clerk reads as follows:

Page 5, lines 9 and 12, strike out the words "a" and insert before "student" in each case the word "an American."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

TRANSPORTATION OF DIPLOMATIC AND CONSULAR OFFICERS IN GOING TO AND RETURNING FROM THEIR POSTS.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts, or when traveling under the orders of the Secretary of State, at the rate of 5 cents per mile, but not including any expense incurred in connection with leaves of absence, to continue available during the fiscal year 1909, so much as may be needed.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I do not know just what the effect of this provision is, but I wish to ask if it is customary to make an appropriation without regard to the amount.

Mr. COUSINS. There are certain items that can not be determined, and this is one of them. There are certain items in this and other appropriation bills that employ the language "so much as may be needed."

Mr. MANN. This is the first time I have ever seen it.

Mr. COUSINS. There are several others. The gentleman will see the reason for it. It is definitely known and ruled upon by the Comptroller as to who are the officers entitled to 5 cents a mile. In the last session it was not determined how much would be needed, and the general appropriation bills carried part of this mileage. We carried part of it, so that you can see it is impossible for us to know exactly how much would be required; but not one cent more——

Mr. MANN. That is the case with nearly all appropriations. You can not tell exactly how much will be required, but we have a method of making deficiency appropriations when the amount appropriated is not sufficient. That is the very purpose——

Mr. COUSINS. This is absolutely fixed by law, so that not one cent more than they are entitled to can be had.

Mr. MANN. Well, but Congress is entitled to know how much it is appropriating for these things. That is the very purpose of making an appropriation.

Mr. COUSINS. Last year it amounted to about $41,000. We can not tell just how much traveling will be required from year to year. The service is growing.

Mr. MANN. Take the Post-Office Department. We have just made an appropriation of over $200,000,000. Nearly every item in it is fixed by law. They can not tell exactly how much it will be. If the appropriation is not needed, it is not expended. If it is too small, then an application comes in for a deficiency appropriation, and the same would be true to a large extent of various measures, that it is impossible to tell absolutely the amount in advance, and yet we ought to have knowledge of the appropriation, and I think the gentleman should put in the amount. I think it is subject to a point of order anyhow.

Mr. COUSINS. I will show the gentleman one such instance in this bill.

Mr. MANN. Oh, well, I will not say you have not got instances in this bill.

Mr. COUSINS. The gentleman says he knows of no instance in any appropriation. If he will look back on page 5, line 25, he will find the language, under section 1740 of the Revised Statutes, "so much as may be necessary for the fiscal year."

Mr. MANN. Yes.

Mr. CRUMPACKER. Let me suggest to the gentleman from Illinois, in relation to the post-office service, there is a certain amount of business that has to be done by special agents, and experience shows about how much that may be from year to year. These traveling expenses depend for their amount upon the number of vacancies that may occur in diplomatic and consular positions. There may not be two in the next fiscal year, and, on the other hand, there may be two hundred. There is no uniformity in the business, and it would seem to me that it would be a mere guess, and the wildest kind of a guess, to undertake to fix the amount.

Mr. MANN. I dare say the amount runs about the same from year to year.

Mr. CRUMPACKER. I undertake to say that it does not.

Mr. MANN. I undertake to say that it does, and neither the gentleman nor myself knows anything about it, and we will ask the gentleman from Iowa [Mr. COUSINS] which one of us is right.

Mr. CRUMPACKER. Allow me to suggest that at the beginning of a new administration there are a great many changes, and there should be a large appropriation for traveling expenses.

Mr. SLAYDEN. We will attend to that next year. [Laughter.]

Mr. MANN. If it is the expectation that the next Republican President or the next Democratic President is going to change these diplomatic officers, that might be a good reason, although I should hope——

Mr. CRUMPACKER. It illustrates that there is no uniformity in the number of resignations or vacancies in either the diplomatic or consular service—no uniformity year by year.

Mr. MANN. Well, the fact of the matter is that in the diplomatic and consular service, as elsewhere, there are few deaths and fewer resignations.

Mr. CRUMPACKER. Occasionally one is recalled.

Mr. MANN. Occasionally one is recalled as ambassador; not often in other places. Occasionally the obligation to the man who has been appointed has expired, and, that being so, they recall him and put in another to whom obligations have been incurred.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. MANN. I withdraw the point of order, in view of the contingencies of next year.

The Clerk read as follows:

BRINGING HOME CRIMINALS.

Actual expenses incurred in bringing home from foreign countries persons charged with crime, $7,000.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. I do not mean to suggest that the article I shall ask the Clerk to read is entirely pertinent to this particular paragraph, although it is not so much of a misfit as some people might think. A few weeks ago the moral sense of the country was shocked by seeing an advertisement in a New York paper of the sale of works of art that had been accumulated in foreign countries that were frankly labeled as "loot." The account of that sale, the extraordinary nature of the collection, its marvelous beauty, and its royal origin is set forth so clearly, so strongly, in that article that I ask the Clerk as a matter of general interest to read it to the House.

The Clerk read as follows:

LOOT AT AUCTION.

"How," said a prominent foreigner in a New York club on Saturday, "would you Americans feel if, ten years after a Chinese raid on Washington, you heard of a Peking auction sale at which were offered many of the treasures of the White House and the finest residences of your capital?" The question was called forth by the sale this week at auction of what is described as "antique and modern Chinese porcelains, enamels, brasses, bronzes, jades, ivory carvings, lacquers, Buddhas, ancient weapons, a great number of imperial and mandarin robes, original rolls of rich silk and gold brocades which were made for the imperial household; beautiful embroideries and palace hangings, etc., all collected prior to and after the siege of the legations in Peking in 1900 by the widow of the American minister to China during the Boxer rebellion." It is admitted to be a marvelous collection, in

point of artistic value and the variety of the items which it comprises. But ought not Americans to blush for shame that the proceeds of wholesale plunder can be offered for sale so frankly?

Let us at once disclaim the slightest intention of insinuating that the present owner, or her personal representatives or relatives, had any hand in the looting of the imperial palace which went on in Peking in the name of humanity and Christianity and civilization. We have every reason to believe the statement in yesterday's Sun that this collection is "not the slow aggregation of years of indulgence in the collector's hobby, but represents the timely purchases of a practical woman with a taste for the beautiful, who found herself at an unlooked-for emergency in an exceptionally favorable position to obtain objects in which all the world is interested." As we understand it, after the relief of the legations and the solemn march through the imperial palace Peking abounded in loot. The vandals not only wore, in some cases, American uniforms; they wore those of every Western nation represented in the bloody column which marched up from Tientsin, killing and burning all the way. Our own troops, we believe, were the least of the offenders, and beyond doubt many Boxers and Chinese criminals, patterning after the invaders, helped to carry on the plundering, which spared no mandarin's or rich man's dwelling that offered an opportunity for easy burglary. At the trial of a German officer a couple of years ago it was officially charged that he made a practice, when off duty, of raiding with a couple of attendants and a ladder, and that he was not at all particular against which house he placed that ladder. Now, the private soldiers who picked up odds and ends speedily found that there were definite limits to their knapsacks, and, like the Chinese thieves, they became aware that they had a fine opportunity to sell to practical men and women "with a taste for the beautiful" and ready to take advantage of the "exceptionally favorable position" in which they found themselves.

The dealing was either directly with the thieves themselves or with the receivers of stolen goods. The "fence," the professional go-between for robbers and customers, was thus exalted by international indorsement to a height of respectability and usefulness never before occupied. And the American minister's wife was not the only American to take advantage of the exceptional advantages. There was our own precious Lieut. Col. Littleton W. T. Waller, of the Marine Corps—to cite one example—who was subsequently tried for the gentle pastime of putting to death in cold blood a dozen or so natives of Samar who had carried his baggage across the island. This the court attributed to temporary derangement; but no such allegation will be made, we believe, when it comes to appraising the value of the two carloads of relics of the Boxer rebellion which followed Colonel Waller to this country. They have not yet been placed on sale; but we violate no confidence when we state that connoisseurs the world over are hoping they will be at no distant day. The wife of the American minister had, however, one great advantage over all others. She was able to bring her carefully selected loot into this country free of duty.

We regret that we have not space to dwell at length upon the exceptional articles in this collection. We can merely call attention to one or two choice bargains:

Among the curious things are two small silver canisters of fine Pekoe tea which was put up for the Emperor's use. They were taken from the imperial palace. * * * In the gallery, where are hung robes and the rolls of rare silk (from the imperial palace), the eye can revel in color from the stunning imperial yellow and wonderfully rich vermilion to the quietest of neutral tones. And over in the corner is a robe made for a Mandarin baby, which sets the hearts of the women visitors to the gallery a-flutter.

Plainly, not since Napoleon's Old Guard ravaged Europe has there been afforded to plain citizens such an opportunity to acquire the possessions of an emperor and his court. We trust, of course, that no one will accuse us of any sympathy for the heathen who were robbed. Doubtless the baby's robe is so fine because the Mandarin, her father, ground the cost thereof out of the peasants he ruled. And, then, probably the Chinese did not appreciate what they had; if they still resent being robbed—why, so much the worse for them! What we are particularly concerned with just now is the honor of our own country, and we confess to a certain feeling—old-fashioned, if you please—for the reputation and standing of our diplomatic corps. Is there no generous and wealthy American ready to rival Mr. Morgan for the speed and the honor which marked his return of the famous Cope of Ascoli as soon as he became aware that he was the innocent possessor of stolen goods? If there is, we can think of no finer opportunity to demonstrate the innate courtliness and honesty of the American people, no more delicate act of international comity, than for him to acquire the stolen property of the Imperial family of China, and ship it back with the compliments of the whole people. The Washington Government has no funds to do this; otherwise, we are sure the President's devotion to honesty, public and private, would induce him to step forward before anyone else.

[During the reading of the article the time of Mr. SLAYDEN expired, and by unanimous consent his time was extended five minutes.]

Mr. SLAYDEN. Mr. Chairman, the newspaper accounts of that sale from day to day made some mighty interesting reading. It was particularly observed by the reporters, and the benefit of their observations given to the country, that the fact that the greater part of this plunder was stolen from the royal palaces, that these rich robes of silk and interesting examples of the art of the goldsmith and silversmith came from the royal family, did not in any way lessen the desire of the simple Republican patrons of the auction to possess them.

Mr. MANN. Does the gentleman think that if we had owned a Government building over there for the minister it would have made any appreciable difference in the amount of property he had stolen?

Mr. PERKINS. I do.

Mr. SLAYDEN. I am sure that if we had a legation there the minister would have been less tempted.

Mr. MANN. Then the purpose of the Government buildings is to affect the moral sense and sensibilities of our ministers abroad?

Mr. SLAYDEN. It might help to put Satan, in the shape of temptation, behind him.

Mr. CRUMPACKER. If the gentleman will yield, did it not occur to the gentleman that this newspaper article was simply a bunco advertisement to sell goods upon a reputation that did not exist?

Mr. SLAYDEN. I will say to the gentleman from Indiana that I have personally conversed with a great many gentlemen who were in China at the time, and who have assured me that the most shameless robbery of the imperial palace occurred. They did not go themselves, perhaps, to plunder this royal residence, but being scrupulously honest they only traded with the thieves. [Laughter.] They became the fence to help the soldier who had less conscience to dispose of the plunder he had accummulated during that expedition. The missionaries in China must find it very difficult at times to explain to the heathen the conduct of Christian nations.

The pro forma amendment is withdrawn.

The Clerk read as follows:

ALLOWANCE TO WIDOWS OR HEIRS OF DIPLOMATIC OFFICERS WHO DIE ABROAD.

Payment, under the provisions of section 1749 of the Revised Statutes of the United States, to the widows or heirs at law of diplomatic or consular officers of the United States dying in foreign countries in the discharge of their duties, $5,000.

Mr. COOPER of Pennsylvania. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by adding, after the word "dollars," at the end of line 4, page 11, the following: "And to Clara A. Carter, widow of Martin J. Carter, late consul of the United States at Yarmouth, Nova Scotia, who died at his post of duty on the 9th day of October, 1905, the sum of $861.11, being the balance of one year's salary."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. COOPER of Pennsylvania. Mr. Chairman, I desire to make a brief statement. Martin Carter was consul at Yarmouth, Nova Scotia, appointed in 1901, at a salary of $1,500 a year, which in 1904 was increased to $2,000 a year. In October, 1905, he died very suddenly. He and his wife were living at Yarmouth, and before he had been able to make up his expense account for that quarter his death occurred. The widow finally made up the account, and in settling with the Government was unable to state clearly and collect the compensation for the expenses to which she was really entitled. I called upon the State Department for a report of this case and for the precedents, and in order to get the matter clearly before the House I will ask the Clerk to read the reply of the Secretary of State to my letter.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, April 14, 1908.

Hon. ALLEN F. COOPER,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, and in reply to inform you that Mr. Martin J. Carter was appointed American consul at Yarmouth, Nova Scotia, March 8, 1901. He took the oath of office March 14, 1901, on which date his salary began. At the time of his appointment the salary of the Yarmouth office was $1,500. It was raised to $2,000 for the fiscal year ending June 30, 1904. Mr. Carter served as consul at Yarmouth until his death, October 9, 1905. Consuls are not commissioned for any specified term, but hold their positions during the pleasure of the President. The law provides for the payment to a widow or heirs at law of a consul who dies at his post a sum of money equal to the allowance made to such officer for the transit period between his post and Washington, which in the case of Yarmouth is six days. It also provides for the payment of the expenses of the transportation to their former homes in this country and the interment there of the remains of consuls who die abroad. The law makes no provision for any other payment in the case of deceased consuls than those above named. Under date of the 8th instant, the Auditor for the State and other Departments reported "that $33.33 was paid to Mrs. Carter on account of allowance to widows or heirs of diplomatic officers who die abroad, in accordance with section 1749, Revised Statutes, and also the amount that was found due her late husband in the final settlement of his accounts of $260.77, which amount was remitted to her as administratrix of the estate."

By reference to Senate Report 238, Forty-ninth Congress, first session, you will find a list of diplomatic officers who have died in the service and whose families have received various sums from six months' salary to one year's compensation. Since then Congress has provided for Mrs. Verona E. Pollock, widow of Alexander L. Pollock, who died while consul of the United States at San Salvador, the sum of $6,480, which included a claim for the loss of private property and her late husband's compensation. (See 30 Stat. L., p. 1489.)

Congress also provided an act approved April 17, 1900 (Stat. L., 1899–1900, p. 29), for the payment to Mrs. Clare M. Ashby, widow of William W. Ashby, who was drowned while consul of the United States at Colon, the sum of $2,866, which represented the balance of one year's salary.

Again, by act approved March 3, 1901 (Stat. L., 1900–1901, p. 1011), Congress provided for the payment to Ella Lowery Moseley, widow of Robert E. Moseley, who died while consul-general at Singapore, a sum equal to three months' salary, or $750.

Also, by an act approved February 6, 1903 (Stat. L., 1901–1903, p. 1606), Congress provided for the payment of an allowance to the widow of W. W. Cobb, who died while consul of the United States at Colon, of $1,755.49, the balance of her husband's salary for the year of his death.

These are the only cases of payment of this nature provided by Congress to widows of consular officers which the Department recalls at present.

I have the honor to be, sir,
Your obedient servant,

ROBERT BACON,
Acting Secretary.

Mr. COOPER of Pennsylvania. Mr. Chairman, the Cobb case was in the Fifty-seventh Congress, and here is a report giving a list of cases of similar character that have been allowed, and there is also a case in the Fifty-sixth and one in the Fifty-fifth Congress and some cases cited in this report of the Forty-ninth Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Pennsylvania. I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Will the gentleman yield?

Mr. COOPER of Pennsylvania. Yes.

Mr. MANN. Are not the cases that the gentleman refers to Private Calendar claims, passed by special bills in Congress?

Mr. COOPER of Pennsylvania. I will say to the gentleman that some of these cases were reported from the Committee on Claims and some private bills from the Committee on Foreign Affairs, but I take it that it does not make any difference in what form they get before the House if they have merit, so that the House understands the merit of these bills. I call the gentleman's attention further to the fact that I introduced a bill that was referred to the Committee on Foreign Affairs, and by that committee has been referred to a subcommittee, and the members of that subcommittee, so far as they are present, are unanimously in favor of it and are ready to report the bill.

Mr. MANN. But they have not reported it, and even if they had it would not have passed.

Mr. COOPER of Pennsylvania. They will report it.

Mr. MANN. What is the amount that the gentleman puts in this claim?

Mr. COOPER of Pennsylvania. Eight hundred and sixty-one dollars and eleven cents, being the balance of a year's salary.

Mr. MANN. How much salary does it represent?

Mr. COOPER of Pennsylvania. A little over five months.

Mr. MANN. On what basis does the gentleman wish us to pay the balance of a year's salary to a man when there is no fixed tenure of office?

Mr. COOPER of Pennsylvania. The salary is for $2,000 a year. The balance of the year was over five months, and, figured up in proportion at that rate, I reach this sum that I ask for.

Mr. MANN. Suppose the consul, instead of dying at the end of the fifth month, died at the end of the tenth, what then?

Mr. COOPER of Pennsylvania. I would have asked for the balance of the year.

Mr. MANN. Suppose he had died at the end of the first month of the year, would the gentleman still have asked for the balance of the year?

Mr. COOPER of Pennsylvania. I think I would.

Mr. MANN. On what basis does the gentleman propose to make that distinction between the widows of consuls?

Mr. COOPER of Pennsylvania. There is no distinction between the widows of consuls for this reason—that these precedents show that in every instance, no matter how much of the year was left, the widow was paid for the balance of the year's salary, and the gentleman knows that with the employees of this House it has been frequently the custom to allow for the salary of the deceased to the end of the year. I want to call the gentleman's attention to a statement the widow makes to me. I asked for a statement, and she wrote me the following letter:

Hon. A. F. COOPER,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to our conversation concerning the bill you are about to introduce in my behalf, Mr. Carter made several business trips to Boston in the interest of the Government to prevent a lawsuit, each time being obliged to remain there several days. His sudden death prevented his recording this expense.

The week following Mr. Carter's death I was informed that his successor would arrive in a short time to take charge of the office. In order to vacate I was obliged to call in an auctioneer, who disposed of my furniture at a great sacrifice. I was compelled to pay the rent from October to January 1, 1905, as Mr. Creevy did not bring his family until January 1.

Very respectfully,

CLARA A. CARTER.

I want to say to the gentleman that this consul's salary was practically the only income the man had for himself and his family and his death was very sudden. He died after about twenty minutes of sickness. His widow was stricken, almost prostrated, and has never recovered from the shock. She needs a little support, and I am asking for a small amount. There is a long line of precedents for this case, and I ask the gentleman if in his heart he can not see his way clear to let this go through.

Mr. MANN. I asked the gentleman for precedents and he has not given me a single one. I asked the gentleman whether any such item has ever been put into a diplomatic and consular appropriation bill, or rather, whether these were not private bills. The gentleman has not stated a single instance.

Mr. COOPER of Pennsylvania. I will ask the gentleman, in reply, whether it makes any difference if this goes into a diplomatic and consular appropriation bill or whether it goes into a general appropriation bill, the sundry civil, or some private bill.

Mr. MANN. I think it makes a great deal of difference whether a claim of this sort is considered by the Committee on Claims, which has jurisdiction of the matter, or whether it should be considered by the Committee on Foreign Affairs, which has no jurisdiction, by the way. And if the gentleman's bill was reported, it would not be considered, because that committee has no jurisdiction.

Mr. COOPER of Pennsylvania. I will say to the gentleman that the same question of the point of order would still be applicable if this came in the sundry civil bill or any other appropriation bill.

Mr. MANN. But that committee has no jurisdiction over the bill.

Mr. COOPER of Pennsylvania. The House has passed them all the same.

Mr. MANN. All of those items which have come in the sundry civil bill have been inserted by a body where they put in anything at anybody's request.

Mr. COOPER of Pennsylvania. I ask the gentleman if he thinks it is more important to stand upon some mere technicality than it is to do justice.

Mr. MANN. I think it is important to stand upon technicalities, but the gentleman is not seeking justice. What he is seeking is favoritism. The gentleman does not undertake to say, I apprehend, if any employee of the Government dies, the mere fact that he was poor is a reason for paying his family a——

Mr. COOPER of Pennsylvania. I have called your attention to the facts——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Pennsylvania. Now, I want to call the gentleman's attention to the fact that, as stated by the letter from the widow, he made two or three trips to Boston the last quarter, for which he never received any compensation either in the way of pay or expense account. He died suddenly of heart disease, and I understand he died within twenty minutes of the time after he was stricken. She knew nothing about his expenses, and consequently could not render any account. She said that she was compelled to dispose of her property at a sacrifice, and, outside of the gentleman's claim of favoritism, I submit if there is not some question of equity and justice that is due when we consider all the circumstances of the case, and I ask my friend if he will not be considerate enough to withdraw the point of order and allow this claim to pass?

Mr. DENBY. Will the gentleman yield for a question?

Mr. COOPER of Pennsylvania. Certainly.

Mr. DENBY. As a question with regard to the subcommittee has been raised, I am on that subcommittee and I wish to state to the gentleman from Illinois and the committee that the two members of the three who were present when the bill was presented favored its being reported with a favorable recommendation, but they did not recommend it, because of the absence of the third member. We are convinced that the bill is a meritorious bill and it makes a strong appeal to the members of the Foreign Affairs Committee who have examined it. I know it is subject to the point of order, but I also know that similar bills have in times past been reported from the Committee on Foreign Affairs and have been passed by the House.

Mr. MANN. The bills the gentleman refers to came from the Committee on Claims and under the rules the Committee on Foreign Affairs has not jurisdiction of such a bill.

Mr. COOPER of Pennsylvania. Not all of them.

Mr. MANN. It seems to me, Mr. Chairman, the bills——

Mr. DENBY. The bill I refer to was before the Committee on Foreign Affairs and was considered by the subcommittee of the Committee on Foreign Affairs.

Mr. COOPER of Pennsylvania. Take the case reported to the Senate Committee on Foreign Affairs——

Mr. MANN. I was not criticising the Committee on Foreign Affairs for considering a bill referred to them, although if they would read the rules more carefully on the subject, instead of considering it they would have asked to have it sent, under the rules, to the committee having jurisdiction of the subject—that is, the Committee on Claims.

Mr. DENBY. We are not all as well informed as the gentleman from Illinois——

Mr. MANN. If the gentleman will take the trouble to read the rules——

Mr. PERKINS. So many bills belonging to our committee are stolen from us that we take anything that comes in.

Mr. MANN. Mr. Chairman, I would not object to a bill, possibly, which made provision for the payment of widows of consuls, but I have always considered that it as a species of favoritism which provides for payment of money to one person and not to another, unless there is an absolute precedent in the case, but, notwithstanding the desire to help my friend from Pennsylvania, whose earnestness and solicitude deserves better treatment, I am not willing to establish upon this bill a precedent that anyone on the floor of the House may offer for consideration in the Committee of the Whole House a claim pure and simple and have it inserted in the bill. I think I will have to insist upon the point of order.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk read as follows:

INTERNATIONAL BUREAU AT BRUSSELS FOR REPRESSION OF THE AFRICAN SLAVE TRADE.

To meet the share of the United States in the expenses of the special bureau created by article 82 of the general act concluded at Brussels July 2, 1890, for the repression of the African slave trade and the restriction of the importation into and sale in a certain defined zone of the African continent of firearms, ammunition, and spirituous liquors, for the year 1909, $100.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. This section of the bill makes appropriation to continue our share of a bureau established by the International Anti-Slavery Convention held at Brussels in 1890.

The newspapers a few weeks ago reported that the Secretary of State had sent a very sharp letter of admonition to the King of the Belgians about his management of the Kongo Free State. This is reversing the former policy of the State Department, and the very words of the Secretary himself in the letter he wrote to the gentleman from Michigan [Mr. DENBY] on this subject in 1906. He said in that letter:

We are parties to a general act for the suppression of the slave trade and the regulation of the firearms and liquor traffics in Central Africa, but that act relegates and confines all power and functions to those ends to the several powers having possessions or spheres of influence in Africa. The United States has neither, and its participation in the general act was on the distinct understanding that we had no territorial or administrative interest in that quarter. Our only potential function is in relation to the search and capture of slave vessels within certain waters of the African coast, and no occasion has arisen to exercise that function.

Now, Mr. Chairman, I sincerely deprecate the action of the Secretary of State in response to a misguided clamor on the subject of the Kongo, in writing a letter to the King of the Belgians in relation to the internal affairs of the Kongo Free State.

Let us see what is the condition of affairs in the Kongo State. Charges of cruelty by officials against the inhabitants of the Kongo Free State have had circulation through the newspapers in this country during the last few years. This was promptly investigated by a commission appointed for the purpose, and by a number of independent travelers, and the general consensus of opinion now is that the Belgians never were responsible for any of the atrocities alleged in the Kongo Free State, and that the mutilations cited as examples of those atrocities were committed by different native tribes upon one another, and were common in Uganda and the British possessions as well as in the French Kongo. Thereupon when it became evident that the Belgians are doing their best to stop these atrocities of the natives one upon another the agitations about cruelties in the Kongo ceased, and in its place there has been taken up an agitation against an alleged condition of slavery now supposed to exist in the Kongo Free State.

In a few words I wish to touch upon the injustice of such an agitation. The King of the Belgians, in response to an appeal by Pope Leo XIII, entered upon the undertaking, single-handed, of extirpating the Arab slave trade in Central Africa, which was carrying off and enslaving and killing about a hundred thousand natives in that region a year. The King of the Belgians furnished the means and money and men to fight the Arab slave traders and drive them out of Africa, and succeeded in accomplishing what other nations had regarded as almost impossible. Ever since that day in the Kongo Free State an attempt has been made by the Belgians to do away with the domestic institution of slavery, which always existed throughout Central Africa among the natives, one tribe enslaving another.

Now, let us see where this agitation comes from. It is the result of a propaganda from Great Britain, and the situation can best be summed up in the words of Cardinal Gibbons, who says that England (not referring to the country by name) "is playing the rôle that King Ahab enacted toward Naboth," where you remember, he coveted his neighbor's vineyard and finally got it. England covets the Kongo Free State.

A few years ago we had allegations of internal maladministration in Egypt. The result was a war and then the internationalization of Egypt, which, in other words, is an English province to-day. Then we heard allegations by English of mismanagement of affairs in the Orange Free State and Transvaal. The net result was a war and the acquisition by England of those two countries. Now, if you will look at the map of Africa, you will see that Cecil Rhodes's cherished project of a Cape-to-Cairo railway, from Cape Town to Cairo, must go through the territory either of the Congo Free States or of German East Africa.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection, [After a pause.] The Chair hears none.

Mr. HARRISON. Germany is a strong power, and England naturally will not dare to advance her railway line through——

Mr. PERKINS. Could not that railway pass through the sphere that is under English influence without passing through either the Congo Free State or the——

Mr. HARRISON. It could not. If the gentleman will look at the map he will see that the sphere of English influence is north, at Victoria Nyanza, and abutting upon English possessions in Egypt.

Mr. PERKINS. I had always understood that it was to the east and south of Nyassa.

Mr. HARRISON. I beg the gentleman's pardon; it is not. Their object in getting control of the Kongo Free State is to build a great railroad the length of the continent entirely in English territory. That is one of the motives in this campaign against the Kongo. Another is that Antwerp has replaced Liverpool as the center of the rubber trade of the world.

Now, I have given you the motives that are actuating the English cabinet in this affair. What I object to is our Secretary of State being misled by this clamor, stirred up by only about 25 English missionaries out of some 600 missionaries down there, who are advancing the splendid work of humanity in Central Africa. I object to the English inducing our Secretary to jump into this clamor and attack King Leopold and thereby try to pull the chestnuts out of the fire for England. The English people can take care of their own affairs.

Mr. FINLEY. Will the gentleman permit me to ask him a question?

Mr. HARRISON. Certainly.

Mr. FINLEY. Is it not a fact that some American missionaries have complained also?

Mr. HARRISON. That is true; but, by investigation, the complaint made by American missionaries is shown to be groundless.

Mr. FINLEY. I understood the gentleman a moment ago to speak of domestic slavery. Does he mean human slavery?

Mr. HARRISON. Domestic human slavery of negroes by other negroes. It is common in Africa, and has been in all the provinces of Africa, so far as I know about the history of those races. The Belgians are trying to stop it.

Mr. FINLEY. This appropriation is the enormous sum of $100. How could that much money be utilized in any effective way to put down slavery in the Congo Free State or anywhere else?

Mr. HARRISON. I will inform the gentleman, and beg that he will then let me proceed. This $100 goes to the international bureau, located at Zanzibar, and the duty resting upon members is to send to the bureau information, if they have any, as to any condition of slavery existing in Africa.

Mr. FINLEY. It is a publicity bureau?

Mr. HARRISON. It is a publicity bureau. That is all. That is as far as it extends, and no further.

I sincerely regret the position taken this year by the Secretary of State in attacking the King of Belgium and thereby endangering the transference by the King of the royal domain in the Kongo Free State to Belgium. I object to the agitation started in England for selfish purposes, endeavoring to bring the Kongo Free State under English rule. I believe that the

natives in the Kongo Free State are better off mentally, morally, and physically than they are in the adjoining territories of Uganda and Southern Nigeria, belonging to England.

Mr. MADDEN. If the gentleman will permit me, Is his statement to the effect that the agitation for the elimination of slavery in the Kongo Free State based upon fact?

Mr. HARRISON. No. The charges of atrocities and slavery by Belgian officials were originally made by Capt. Guy Burrows, the author of a book which he offered for sale to the Kongo officials, but they refused, as it was offered as a means of blackmail. The man was afterwards sued in the English courts for libel by the Belgian officials, and he was mulcted in damages. That was the beginning of a long agitation, carried on with unparalleled hypocrisy and self-interested motives.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I move to strike out the last word. I want to ask the gentleman, who are the leading factors in this rubber enterprise over yonder in this country you are talking about?

Mr. HARRISON. Well, I do not know what is the purpose of the gentleman's question.

Mr. GAINES of Tennessee. Has he never heard of the rubber trust? Has there been any agitation against them? Who are in that rubber trust?

Mr. HARRISON. I do not know.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman has hit the nail exactly on the head. A lot of New Yorkers of national and international financial fame have gone over to this little black country and laid their long, hungry hands on these people's rubber rights and are proceeding, under some sort of seductive charm or compulsory process, to get control of the rubber industry over there.

It seems now that they are strong enough to cause England to join in the pursuit, and also strong enough to have the United States join in the enterprise. I am quite familiar with the newspaper reports of some twelve or fifteen months ago that stated that some of these greatest financiers of New York, that work underneath the earth and on top of the earth, on top of the waters, and wherever human beings or a camel can go or a donkey tip along and carry you, were working an enterprise of some sort to get hold of this rubber industry and had gobbled up the whole thing. It seems to me now, from the very highest authority, the gentleman from New York, that some English people have gone and joined in the gobbling. Mr. Chairman, I do not mean to blame anybody for making money legally and justly. England stepped in and stood behind her Cecil Rhodes, the gold hunter and Boer war maker. We should not in this country make a Cecil Rhodes nor stand behind any Cecil Rhodes for the purpose of going into any land, whether it be barren, beauteous, or bleak or not, and allow people to gobble up the rights of defenseless people, whether they are black or white, old or young. Protect the very humblest from rapacity. [Applause.]

The Clerk read as follows:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, $2,000, or so much thereof as may be necessary.

Mr. MANN. I reserve a point of order on that paragraph.

Mr. WILLIAMS. I wish to ask the gentleman in charge of the bill what work is still left for the International Prison Commission to do? How long have they been at it and about when will they probably be through with it?

Mr. COUSINS. It was provided for in the Fifty-fourth Congress. I think very likely we can do away with this matter in a couple of years, when the next report is made.

Mr. MANN. Can the gentleman inform us what was the original provision of law? Was there no limitation in it?

Mr. WILLIAMS. That is quite a pertinent question. Was there any limitation in the original act creating the commission?

Mr. COUSINS. There was no limitation.

Mr. MANN. What was the provision of the law?

Mr. COUSINS (reading):

The commission is a committee of the International Prison Congress, which is composed of commissioners from France, Italy, Switzerland, Denmark, Spain, the Netherlands, Russia, Austria, and the United States. The congress meets once in five years at the different capitals; the commission every alternate summer in Switzerland. The subscription to the commission is based upon the population of the countries represented, the share of the United States being $325. The money thus received is expended in the publication of monographs, reports, etc., which are sent to the governments in proportion to their subscription. Thus, of the $2,000 appropriated by Congress annually, $325 goes to the commission and the balance to the "expenses of the commissioner." The commissioner for a number of years has been Samuel J. Barrows, of New York, formerly of Boston.

Mr. MANN. He was formerly a Member of this House.

Mr. COUSINS. Yes. I will say to the gentleman that I have had in mind for a year or so a special inquiry into this, and very likely we may dispose of it next time.

Mr. MANN. Was it two years ago that that International Prison Congress met here?

Mr. COUSINS. I think not so recently.

Mr. LANDIS. That was the International Arbitration Congress.

Mr. MANN. No; the International Prison Congress.

Mr. COUSINS. There is to be another meeting in the near future. I forget whether it is next year or the following year. I feel satisfied that after that meeting we can dispense with it.

Mr. MANN. I do not believe you will dispense with it. What has been stated refreshes my recollection about it. They are engaged very largely in trying to get some uniformity in the matter of the erection and regulation of prisons. That is the purpose of it.

Mr. COUSINS. It has served a very useful purpose.

Mr. MANN. They have issued some useful reports.

Mr. WILLIAMS. I do not doubt that, but my purpose in asking the question is to call the attention of the House to this fact, that whenever one of these commissions is created it seems to continue indefinitely. Its work is hardly ever finished, and about the only way to put an end to one of them is to quit appropriating for it. We are getting to be very largely a government by commissions, and a commission once created is almost immortal. It seems to me that it would be well for the chairman to get the information he desires; to let the matter pass this time, but unless the commission can show some justification for itself, to fix or put an end to it in the next bill.

Mr. COUSINS. That meets with my approbation, and I intend to do that.

Mr. MANN. My impression is that as long as the appropriation is continued and Mr. Samuel J. Barrows is commissioner, he will not stop drawing the salary.

Mr. WILLIAMS. I do not know about Mr. Barrows, but that is true of most men who are appointed commissioners.

The Clerk read as follows:

REPAIRS TO LEGATION PREMISES AT CONSTANTINOPLE.

To enable the ambasador to Turkey to make, under the direction of the Secretary of State, all needed repairs to and improvements in the embassy premises owned by the Government of the United States at Constantinople, Turkey, the sum of $25,111.19 is hereby appropriated, the same being the unexpended balance of the sum of $150,000 appropriated by the diplomatic and consular act approved June 16, 1906, for the purchase of legation premises at Constantinople: *Provided*, That the total cost shall not exceed the amount herein appropriated.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what is the occasion for making the repairs and improvements to the embassy in Constantinople provided for in this item?

Mr. COUSINS. There were eighteen people owning these premises, and whoever was acting for them agreed to put the building in perfect repair and make certain additions that would serve to properly house the officers of the embassy. In order to get title from these people and prevent somebody else from getting the building, we took it without the repairs being made, but after making an agreement that the estimated cost of repairs, $25,111.19, should be deducted from the cost price, the ambassador believing that he could use the balance for repairs. But the Comptroller ruled that he would not and could not allow the amount for repairs and additions without special authorization from Congress. The item herein contained simply reappropriates what we have already appropriated.

Mr. MANN. Mr. Chairman, the explanation of the gentleman, which I suppose is necessarily furnished to him by other officials, is very clear and very plain. But the amount is identical with the exact balance of the appropriation. In other words, the building which we have just purchased under the appropriation, the people interested seeing the money was there within reach of their hand, and the hand only held by the Comptroller, want that Comptroller removed so they can reach it for repairs of the building just purchased. I have no doubt if we go into the business of purchasing embassies we will go into the business of repairing and improving them in order to provide quarters for additional persons not included in the original act.

Mr. COUSINS. I hope the gentleman from Illinois will not put the Department in a false position because this estimate was made on what the repairs would cost, and that is the reason the items appear just as enumerated here, and the dollars and cents referred to are the result of estimates that were carefully made to include the repairs.

Mr. MANN. The gentleman is mistaken about that. There was no estimate of these repairs when the original purchase was made.

Mr. COUSINS. I did not say so.

Mr. MANN. To make the gentleman's statement correct, it would be necessary to say that you estimated the amount of repairs before you made the purchase.

Mr. COUSINS. No; they expected to have the repairs made so that they could take it over for $150,000. The estimate had to be made after the property was bargained for.

Mr. MANN. And it happened that the estimate comes to a cent with the fund that is left out of the original appropriation?

Mr. COUSINS. It is just as if the gentleman from Illinois was figuring upon the addition or repairs to his house; it might come out in even dollars and it might not.

Mr. MANN. If the gentleman from Illinois was figuring on an addition and repairs to his house, he probably would ascertain just how much he had and then the estimate would come out according to the fund he had; but that is not the way the ordinary man would figure it.

Mr. PAYNE. I would like to ask the gentleman from Illinois if it would relieve the situation to cut off the 19 cents? [Laughter.]

Mr. MADDEN. I would like to ask the gentleman from Iowa a question.

Mr. COUSINS. I will yield to the gentleman.

Mr. MADDEN. Was the contract made for the purchase before the appropriation was made?

Mr. COUSINS. No. They had certain negotiations through which they knew what they could get it for.

Mr. MADDEN. Is it a new building?

Mr. COUSINS. No; but I am told by those who have seen it that it is a very desirable building and was a good purchase.

Mr. MADDEN. Did the American agent know that it would require to be repaired after its purchase?

Mr. COUSINS. He intended that the repairs should be included in the purchase price.

Mr. MADDEN. Was the amount of money required for the repairs estimated in the amount required for the appropriation?

Mr. COUSINS. Certainly; that is, estimated by the ambassador and the eighteen coowners, not by the Department of State.

Mr. MADDEN. This estimate for repairs was made before the building was bought?

Mr. COUSINS. Yes.

Mr. MADDEN. They must have known how much the repairs were going to cost or they would not have included it in the appropriation.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

International Bureau of American Republics, $54,000: *Provided*, That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies, for distribution by the Bureau every month during the fiscal year ending June 30, 1909.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph; and I make the point of order on the language in lines 18 and 19, "from rents, or other sources," unless the gentleman desires me to reserve it.

Mr. COUSINS. That is in the existing law, and has been for some time.

Mr. MANN. The gentleman means in the current appropriation.

Mr. COUSINS. It is in the act, the appropriation bill.

Mr. MANN. If it is in the act, then the gentleman does not need it here. We have been recently striking out all of these appropriations that pay back money into a fund, so that Congress retains control over the appropriatiohs.

Mr. LANDIS. This does not change existing law.

Mr. MANN. The gentleman means does not change current appropriations. It does change existing law.

Mr. LANDIS. This same language has been in this bill for several years.

Mr. MANN. I know it, but it ought not to be in the bill.

Mr. CRUMPACKER. What does the point of order cover?

Mr. MANN. The language "from rents or other sources."

Mr. CRUMPACKER. This does not prevent the payment of money into the Treasury in making it a permanent appropriation. Why does not the gentleman include the words "shall be paid into the Treasury as a credit, in addition to the appropriation," and so forth? Include the whole clause.

Mr. MANN. The gentleman is right about that. I withdraw the point of order.

Mr. WILLIAMS. Mr. Chairman, I renew the point of order. I would like to ask the gentleman in charge of the bill to explain why this increase of $18,000 was made.

Mr. COUSINS. Mr. Chairman, I spoke about that subject when I explained the bill. It is because that in this family, as you might say, of American republics, through the governing board, which consists of representatives from all of them, it has been recommended that in proportion to the population an increase be made for the machinery and carrying on of this good work. They have agreed to it, and we are the largest brother in that family. It would seem a very doubtful thing not to accede to that recommendation.

Mr. WILLIAMS. I want to ask the gentleman another question, and I am just asking the gentleman for his own opinion. Does he think that this International Bureau of American Republics is going to become a permanent thing?

Mr. COUSINS. We have accepted a gift from Mr. Andrew Carnegie to build a very fine building for it and have appropriated $200,000 ourselves for that purpose, and no doubt it will be permanent, at least so far as we can see now. I will say to the gentleman that it has been one of the best investments we have ever gone into.

Mr. WILLIAMS. Now, I do not know much about what the Bureau has been doing lately. I have been too much occupied for five years in other things. I took quite an interest in it, however, some six years or more ago. It seemed to me that it was doing very little that amounted to anything, publishing a whole lot of stuff for the most part obtainable in Government publications of their respective countries—some consular reports and some quite interesting little monographs about this, that, or the other industrial condition of some other country. Are they doing any better work now?

Mr. COUSINS. I must say that they are. I will say that I started in to examine this matter myself somewhat skeptical, and the more I investigated—the more the committee investigated—the more firmly we became convinced that this is a good investment.

Mr. WILLIAMS. I think it is of the very highest importance and worthy of all encouragement that there should be the very closest sort of relationship and friendliest sort of feeling between the people of the United States and the other countries of the three Americas.

Mr. STEPHENS of Texas. If the gentleman from Mississippi will permit me to interrupt, I will state that I live on the border of Mexico, and they are doing quite a good work there between the United States and Mexico. We get a great deal of valuable information with reference to the products of Mexico and the exchange of products between this country and Mexico.

Mr. WILLIAMS. They were giving that before, but it was all obtainable in the census reports of other countries. I was going to say that the danger of this is that certain people get into it and stay in it and there is circumlocution of office, but if they will do good work, and there is work to be done there, it will more than repay all the expense incurred in the doing of it.

Mr. COUSINS. I will say to the gentleman that I recently went through the establishment and made careful examination, and I wish to say I have seen no livelier exertions or more thorough work being done, apparently, than I witnessed there.

Mr. WILLIAMS. I am very glad to hear it.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. I see this section provides for the printing of 5,000 bulletins monthly. What goes with these bulletins?

Mr. COUSINS. Who distributes them?

Mr. CLARK of Missouri. Yes.

Mr. COUSINS. They are distributed by the Bureau. They would be distributed on the gentleman's order, for instance, if his constituent asked for them. I myself recently have had many requests for these various bulletins on the different republics, and they have served constituents of mine very satisfactorily.

Mr. CLARK of Missouri. Were not they originally distributed through the members of the House and Senate?

Mr. COUSINS. They were put to our credit, but they were distributed through the Bureau at the request of gentlemen. For instance, the Bureau would supply a constituent of the gentleman.

Mr. CLARK of Missouri. They are very interesting documents and we used to get a copy, but I have not heard of or seen one for two or three years.

Mr. MANN. The gentleman's secretary is a little negligent, perhaps.

Mr. CLARK of Missouri. He is a very bright young man, I will say.

Mr. MANN. Maybe he reads them himself.

Mr. CLARK of Missouri. Maybe he does.

Mr. LANDIS. I will say to the gentleman from Missouri that he can have his name placed upon the list and have the bulletins sent regularly by simply furnishing his name to the Director of the Bureau.

Mr. CLARK of Missouri. Do you get one?

Mr. LANDIS. I do not get one, but I can get one when I want one.

Mr. CLARK of Missouri. Do you get one regularly?

Mr. LANDIS. No; I am not on the list.

Mr. CLARK of Missouri. Why do you not get on the list?

Mr. LANDIS. I will say to the gentleman from Missouri that I believe it would be to the advantage of every Member of Congress to have his name placed on that list.

Mr. CLARK of Missouri. I think so, and I had supposed they had quit publishing them. I used to read them every time I got one.

Mr. LANDIS. I do not believe there is any money spent by the Government at this time that is spent more advantageously than the money that is spent in increasing the friendly relations between the United States and Latin America and developing the trade relations between North America and Central America and South America; and I will say that this increase in the appropriation is made because of an agreement which was arrived at by the governing board at a meeting held in Washington about a year ago. This board is composed of the diplomatic representatives of the various republics. The matter was brought to the attention of the Pan-American Congress which was held at Rio Janeiro in 1906, and the scope of the work of this Bureau was enlarged by resolutions which were passed at that conference, and plans were made for additional ramifications of the work. I will say that the present Director, Mr. John Barrett—and I say it without reflecting in any manner upon his predecessors—is, in my opinion, better equipped than anyone ever identified with the Bureau for carrying on the work; and since he took charge of this Bureau in January, 1907, the work has been more than doubled, and unless this appropriation is made they will find themselves absolutely unable to meet the demands made upon them.

Mr. COUSINS. If the gentleman will allow me a moment, I want to add to what was said a moment ago, that when this Bureau was established in 1890 the exports from the United States to Latin America was $72,571,000. In 1907 they amounted to $275,722,000, an increase of 250 per cent.

Mr. MANN. What is the need of a ship subsidy, then? [Applause.]

Mr. CLARK of Missouri. If the gentleman from Indiana will permit me, I would like to say I am very much in favor of maintaining this Bureau and making it as effective as possible. It has been my theory for years that we ought to have this South and Central American trade, and I am willing to do anything reasonable to get it. I would like to see all the walls of partition broken down that are between us in a commercial way.

Mr. LANDIS. Would the gentleman go so far as to provide mail facilities——

Mr. CLARK of Missouri. I will not vote for a ship subsidy under any circumstances whatever. [Applause on the Democratic side.]

Mr. LANDIS. Would the gentleman go so far as to provide payment for carrying the United States mails to such an extent as to induce ships to go into that trade?

Mr. CLARK of Missouri. No; but I am in favor of all sorts of arbitration treaties and reciprocity treaties with the States of Central and South America, and if we had acted with any common sense in the last forty years, we would have had the bulk of their trade now.

Mr. WILLIAMS. I will suggest to the gentleman from Missouri that the ships would come of their own accord if we had the trade, and if we could reduce the tax upon our goods going there and the tax upon their goods coming here, a merchant marine would build itself.

Mr. CLARK of Missouri. Why, certainly it would.

Mr. PAYNE. I want to say to the gentleman from Missouri [Mr. CLARK] that we had all sorts of reciprocity agreements with these Central American States until the Democratic Administration came in, in about 1894, when they repealed the law under which they were founded and abrogated all the treaties. I am glad that the gentleman from Missouri [Mr. CLARK] is converted to our idea of it.

Mr. CLARK of Missouri. Let me ask the gentleman from New York [Mr. PAYNE] a question. Why does not the Republican Senate ratify these reciprocity treaties that John A. Kasson, the agent of President McKinley, negotiated with these South and Central American States and other commercial nations of the world?

Mr. PAYNE. I am not a member of the Senate. I know what would actuate me. They treat us like a jug handle, and we hardly get the handle of the jug.

Mr. ADAIR. I was going to say in connection with what has been said on the subject of bulletins that I never had to be placed on that list, and I have not been a Member of this House very long. But my term had scarcely begun until I began receiving these bulletins, and I have received them practically ever since my term of office began. I never asked to be placed on the list.

Mr. LANDIS. You are talking about the consular reports?

Mr. ADAIR. Yes, sir.

Mr. LANDIS. This is an entirely different publication.

Mr. ADAIR. What publication is it that the gentleman has reference to?

Mr. LANDIS. This is a monthly bulletin issued by the International Bureau of American Republics. What the gentleman refers to are the consular reports.

Mr. MANN. Printed in English and Spanish.

Mr. ADAIR. I have received those regularly..

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, there is a point of order pending here.

The CHAIRMAN. The Chair would like to have the attention of the gentleman from Mississippi [Mr. WILLIAMS]. Does the gentleman from Mississippi reserve the point of order?

Mr. WILLIAMS. Mr. Chairman, as far as I am concerned, being satisfied with the explanation made, I will withdraw the point of order, but I understand the gentleman from Illinois [Mr. MANN] wishes to renew it.

Mr. MANN. I wish to renew the point of order on what I first made it.

The CHAIRMAN. The gentleman will state what his point of order is.

Mr. MANN. Lines 18 and 19, the words "from rents or other sources."

Mr. GAINES of Tennessee. What does that cut out?

Mr. MANN. The whole paragraph is a legislative paragraph, as far as that is concerned, and the reason for my point of order is this, that it provides that the money that comes in in this way shall be paid out again without being reappropriated. Now, I do not make that as to the money that comes in from the sale of publications. I think that the money that comes in to the Government in any way under ordinary circumstances ought to be paid into the Treasury of the United States and paid out again by appropriation.

Mr. PAYNE. I want to suggest to the gentleman that this is really paid to the United States itself for specific purposes in carrying out the objects of this Bureau.

Mr. MANN. I do not make the point of order on the point that the money that is paid in by the Bureau, by the various American republics, or the money that is paid in from the sale of publications; but I am not willing, as far as I am concerned, if I can help it, to have money coming into the Government Treasury in ordinary ways being paid out without appropriation. It says "from rents or other sources." I do not know what the other sources may be, but they do not include the money that is contributed by the other countries.

Mr. PAYNE. Have they the rents of that part of this office building that is rented here by these Republics?

Mr. PERKINS. It belongs to the Bureau.

Mr. PAYNE. That is just as much in trust as the other.

Mr. MANN. If we have built a building here to rent, that is something we did not know.

Mr. PAYNE. If the American Republics have built a building larger than they can use, and it is their building, and the rents come in, it is just as much a part of this trust on the part of the United States to execute as it is from the money coming to——

Mr. MANN. If this Bureau has built a building here to rent, and nearly all of the money has come out of the Treasury of the United States and not from any other country, it is time we ascertained it.

Mr. PAYNE. All have contributed.

Mr. MANN. We contribute three-fourths or two-thirds?

Mr. PAYNE. I do not know the proportion, but our proportion ought to be a good deal larger than the small republics down there.

Mr. MANN. Can any gentleman here tell us how large a proportion the United States has contributed?

Mr. LANDIS. It is about one-half.

Mr. MANN. Does the gentleman make that as an authoritative statement?

Mr. LANDIS. I make that statement upon information that has come to the committee.

Mr. PERKINS. We pay a little more than half.

Mr. MANN. I take the gentleman's statement; but my impression, from the information I have received, is that we pay about two-thirds.

Mr. LANDIS. It is a trifle more than a half. Now, speaking about the point of order, I do not think it matters whether the words "from rents and other sources" do go out of this bill. The bill has carried these words for years. These words were put in by reason of the fact that the Bureau, originally, when it rented a building, took a building larger than it needed and sublet some of the rooms, and the money thus paid in they desired authority to use and apply on their own rent.

Mr. MANN. Which is proper enough. But I do not understand that applies now.

Mr. LANDIS. That does not apply now. The gentleman does not make the point of order against the Bureau having the use of the money paid for the sale of the publications?

Mr. MANN. Oh, no; I can see reasons for that.

The CHAIRMAN. The Chair will ask the gentleman if the ground of the point of order is that it is new legislation——

Mr. MANN. It is legislation, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GAINES of Tennessee. I would like to find out what was eliminated.

Mr. MANN. Just "from rents and other sources."

The Clerk read as follows:

Page 14, line 18, after "publications," strike out the words "from rent and other sources."

Mr. GAINES of Tennessee. Now, Mr. Chairman, I would like to ask somebody how much revenue this amendment cuts off?

Mr. MANN. It does not cut off any.

Mr. GAINES of Tennessee. I myself personally well know Mr. Barrett. I have known him for a long time, and I want to say that he is a proper man for the place. He has proved that.

Mr. LANDIS. The information that we have is that this will not cut off a cent from the Bureau.

Mr. GAINES of Tennessee. We have not paid enough attention to our trade down there in South America for a great many years. One of the greatest Republicans, Mr. Blaine, tried to teach his party for years that we ought to extend our trade there instead of going over across the Atlantic, where we have so much competition in all we have to sell. Mr. Barrett has been all over South America. He went down there as an officer of the American Government.

I think he was appointed by President Roosevelt. He went to the northern part of South America. He also went down to South America with Secretary Root. I have had long talks with him about his trips and this subject. He went all across the Andes Mountains, riding a donkey and walking some, possibly having to fly at times to get along, but he always got there and reported. He went all over these countries down there and investigated the possibility of opening up trade with those countries. Now, he has come back here. He is well informed as to the business wants and the condition of those people. I was delighted to hear the gentleman from Iowa say that our trade under John Barrett's administration down there had increased about 255 per cent.

Mr. COUSINS. Since 1890.

Mr. GAINES of Tennessee. I was glad to learn that, and I venture to say a large part of this increase has been under Mr. Barrett's administration. He is a man that is very fully equipped for his duties; he is a man of brains and talks several languages—about as many as the human tongue can manage; he is a good fellow, and, as proof of the fact, he was educated in the city of Nashville, Mr. Chairman. [Laughter and applause.]

Mr. MANN. I am somewhat surprised that so good a lobbyist as Mr. Barrett, with such an able friend as the gentleman from Tennessee, has not been so good as to send a single copy of the bulletin to the gentleman from Tennessee which he sent to other Members of Congress.

Mr. GAINES of Tennessee. I talked with Barrett.

Mr. MANN. It must be a compliment to me that he should send me a copy.

Mr. GAINES of Tennessee. I see Mr. Barrett and talk with him every week, and talk with him about his public business.

The Clerk read as follows:

INTERNATIONAL BUREAU OF THE PERMANENT COURT OF ARBITRATION.

To meet the share of the United States in the expenses for the year 1907 of the International Bureau of the Permanent Court of Arbitration, created under article 22 of the convention concluded at The Hague July 29, 1899, for the pacific settlement of international disputes, $1,250.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word.

There are some expenditures made by a government that are investments returning interest many fold. What little money we have spent for this purpose can be ranked in that class. I want, however, to say that it seems to me that we ought to go further. To appropriate $1,250 for the sole purpose for which this appropriation is made is sufficient, but we ought to take in some other purposes. I do not believe that the court at The Hague is ever going to amount to anything until it is made really permanent and really stable and given by that international prestige. I do not believe it is ever going to do any real good until men are appointed as members of it for long terms at any rate, and are men who are international lawyers, of international reputation—until they are paid salaries sufficient to enable them to devote their entire energies to the purposes contemplated by the organization of The Hague court, to wit, to act as arbitrators when selected as arbitrators, but especially, and above all things, by employing themselves, together with the other members of The Hague court, in codifying existing customs and laws constituting what is called "international law," and in suggesting amendments to existing recognized international law, with a view to more certainly preserving the peace and more certainly preventing war, and more certainly alleviating the miseries of war when war, in spite of all of it, shall come.

When a member of the Interparliamentary Peace Congress at London, sent there as one of the delegates from the American group, I made two suggestions to the American group which were adopted by them, one of which was adopted by the council, subsequently by the congress, and afterwards became a part of the model arbitration treaty. That one was to include amongst the matters submitted to arbitration "all questions concerning debt." My second proposition—which was adopted by the American group and reported by them to the council, but concerning which the council said it thought it would be better to postpone its consideration to another congress, in order to give time for its mature consideration because of the vital importance of it and the novelty of it—was this: That each nation subscribing to the treaty establishing The Hague court should be permitted to appoint, as at present, as permanent members of The Hague court not more than four members—to appoint four or three or two or one, just as the particular nation saw fit; but to fix by law, first each nation for itself and subsequently by international treaty, a fixed and uniform and agreed salary to be received by the members of that court and paid by each nation to its own representatives—I should say certainly not less than $15,000 a year—so as to employ men who could devote their lives to that study and that purpose, and so as to employ men who could afford not to take in other law cases involving any question of international law.

The world was somewhat shocked, or at least I was, to learn that some members of The Hague court were attorneys for some of the nations having questions to settle before The Hague court. Of course they were not sitting in the particular case as selected arbitrators, but, being thrown with the others all the time, it seemed to me a mixing up of functions that was not advisable.

Now, one of the things to recommend my plan is this: At the present time each nation has an equal vote in The Hague court. If you left each to appoint not more than four members, but each nation to pay the salaries of its own members, then the large, populous, and rich nations would appoint the full quota to which they are entitled—four—and some of the other countries, like Costa Rica, let us say, small countries, would not want to pay that much, and would appoint one member each, or two or three, so that there would come about somewhat of an approximation to representation in proportion to population.

But leaving all that out, it seems to me that it is about time for the United States Government to set the pace and to invite others to follow it, to make of The Hague court a permanent body. I would not care if the members of it were appointed for life, but they certainly ought to be appointed for not less than, say, ten years, and to receive a salary sufficient to get the very best international genius of the world, not only most competent in knowledge of international law and the customs of nations but of international reputation and prestige, inviting the confidence of all the world.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WILLIAMS. I move as an amendment to strike out the last two words.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman can not first make a motion to strike out the

last word, and then, his time under that motion being exhausted, follow it up with a motion to strike out the last two words.

The CHAIRMAN. Does the gentleman from Mississippi ask unanimous consent to extend his time?

Mr. UNDERWOOD. Mr. Chairman, to relieve the painful situation, I will ask unanimous consent that the gentleman's time be extended five minutes.

Mr. WILLIAMS. If the gentleman from Illinois wants to make the point of order I will stop now, unless the Chair overrules the point of order. I do not see why a motion to strike out the last two words is not as good as an amendment to the motion to strike out the last word.

Mr. MANN. I am willing to ask unanimous consent that the time of the gentleman from Mississippi shall be extended five minutes, or let the gentleman from Alabama ask it.

The CHAIRMAN. The Chair has already put the question. The gentleman from Alabama asks unanimous consent that the time of the gentleman from Mississippi be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. How did the Chair rule on the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. WILLIAMS. That a motion to strike out the last two words is not good as an amendment to a motion to strike out the last word?

The CHAIRMAN. But the gentleman from Mississippi has already occupied five minutes on a motion to strike out the last word.

Mr. WILLIAMS. Very well.

Mr. MANN. The gentleman from Illinois made the point of order because the gentleman from Mississippi a while ago insisted on the parliamentary practice being followed.

Mr. WILLIAMS. The "gentleman from Mississippi" will be a little more insistent in a few minutes. The "gentleman from Mississippi" has not been insistent, but has permitted by unanimous consent a motion to strike out the last word to be withdrawn without forcing you to a vote on the motion, and it could not have been withdrawn without unanimous consent. If the "gentleman from Mississippi" had been "filibustering," as your side charges, he would have been pursuing a totally different course. But, on the contrary, the "gentleman from Mississippi" has been pursuing a certain course of calling for the yeas and nays, so that at each call there would go upon the wings of that call notice to the people that the majority of the Republican party has not thus far legislated upon the matters which the Democracy and your President agree ought to be enacted into law—a totally different thing this focusing of attention on failure to legislate from mere filibustering. I could hold one of these appropriation bills in committee two weeks by real filibustering if I desired to do so.

Mr. MANN. I hope the gentleman will not feel impatient because the point of order is made under the circumstances, when he recalls that this forenoon he made the point of order himself about withdrawing the pro forma amendment.

Mr. WILLIAMS. And at once gave unanimous consent that it should be withdrawn, but I did protest, and shall again, if needful, against the chairman going over the bill without disposing of the amendment, either by its being voted upon by the House or being withdrawn. I shall do it in the future to conserve undestroyed one of the few barriers that the minority has left between it and the Committee on Rules.

Now, Mr. Chairman, I have been taken off the subject-matter, and I will try and get back to where I was. The gentleman from Illinois is mistaken if he thinks I am impatient. I am merely undertaking to reply out of order to an argument made out of order.

Now, I say that one of the chief good things about the court of arbitration is that it shall possess the confidence of the civilized world, and that it shall be a permanent court constituted in such a manner that all the nations of the world shall know beforehand of its stability, prestige, and dignity. In order to give it prestige and dignity and stability and reputation it ought to be composed of international lawyers, as I said a moment ago, of international reputation and of men of high character for integrity.

The other provision concerning The Hague court, the manner of selecting the arbiters from the membership of The Hague court, is good enough. Mr. Chairman, it ought to be made a part of the duty of the members of The Hague court to codify, publish, systemize, and suggest to the nations, for their approval, improvements in the international law of the world. We speak of the science of international law as if there was a code of law known as "international law." There is not. It is a mere set of customs and proceedings among nations, a set of precedents following other precedents, but the so-called "international law" is uniformly binding nowhere. What is published as international law in America, gathered from precedents by Wharton and Moore, outlining what has been done by us in our connection with foreign powers, is not altogether the international law that would be recognized in Prussia gathered from the same source, their historic precedents and experiences. The international law laid down by Vattel, what you might call the common law of international law, is a mere text-book statement of international ethics, where it is taken for granted that nations will be guided by ethical principles, like individuals, and will be guided by such principles as are by him laid down.

Mr. SLAYDEN. Will the gentleman allow an interruption? I am in sympathy with the gentleman's position about arbitration, but I would like to know, if he has the information, how the decrees of the permanent court at The Hague would be enforced?

Mr. WILLIAMS. Mr. Chairman, the gentleman from Texas has asked a pertinent question. Of course, the decrees of the permanent arbitration court at The Hague would be merely persuasive, and could not be enforced any more than any other international arbitration decision could be enforced. Whenever two nations agree to submit a matter to arbitration, the one against whom the arbiters decide may yet go to war if it chooses not to observe good faith, but the decrees of The Hague court would be of more force than the decrees of ordinary arbiters.

What I would like to make out of The Hague court is to make an amphictyonic council of the civilized world.

Mr. BURLESON. Public opinion would aid in enforcing the decrees.

Mr. WILLIAMS. It is seldom ever that a civilized nation submits a matter to arbitration and refuses to abide by the decision of the arbitrators.

And they would be the less apt to refuse to abide by a decision of a great and permanent court of international dignity like this proposed by me, the members of each board of arbitration selected out of its membership to act as arbiters, than they would be in cases where, as is now generally the case, one nation selects one and another another and each goes there to represent not justice, but his own country, and the two selecting, in case of difference, a third. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the payment of the quota of the United States for the support of the International Institute of Agriculture at Rome, Italy, for the fiscal year 1907, $4,800.

Mr. MADDEN. Mr. Chairman, I reserve the point of order on the paragraph just read. I wish to ask the gentleman in charge of the bill what is intended to be accomplished by this appropriation?

Mr. MANN. It is intended to support that man down in Italy.

Mr. COUSINS. This is the amount agreed to as our quota, no part of which goes to any commissioner. That part will be performed probably by our representative at Rome.

Mr. MADDEN. How long has this method of engaging in the work of agriculture at Rome been in existence?

Mr. COUSINS. About two years. It was created by the gentleman's Committee on Appropriations.

Mr. MADDEN. When was it created, and by what authority, and by what law?

Mr. COUSINS. About two years ago, by the Committee on Appropriations, of which the gentleman is a member.

Mr. MADDEN. This is the first time it has appeared in this bill?

Mr. COUSINS. Yes; I think so.

Mr. MADDEN. I make the point of order against this, Mr. Chairman.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to say that this is legislation?

Mr. MADDEN. Yes.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For rent of quarters for the student interpreters attached to the embassy at Tokyo, Japan, $600, or so much thereof as may be necessary.

Mr. WILLIAMS. Mr. Chairman, I make the point of order for the purpose of getting an explanation, at least. I wish the gentleman would explain to the House these student-interpreters' business and why it becomes necessary for the first time to rent quarters for them.

Mr. COUSINS. Our student interpreters in China are housed in our legation buildings. The student interpreters to Japan have no building.

Mr. WILLIAMS. How long have we had these student interpreters in Japan?

Mr. COUSINS. Two years in Japan, and in China about six. These student interpreters in Japan are now obliged to live out among the missionaries or wherever they can find a place to live, and in order to give them the instructions it is necessary, or desirable at least, that they should be together in some place, so that the instructor can meet them.

Mr. WILLIAMS. What is this? It has come upon this bill since I was a member of the committee. It is rather new to me and I have never had it explained. Are these Americans who are there studying Japanese for the purpose of providing our embassies and consulates with their own interpreters?

Mr. COUSINS. Precisely; and for any other necessities that may arise. There are one or two of them now serving as deputy consuls, and they are really the most efficient class of clerical assistants that we have.

Mr. WILLIAMS. How are they appointed?

Mr. COUSINS. By the President, through this board of examination. They have to pass a rather rigid examination.

Mr. WILLIAMS. Is that an examining board in the State Department?

Mr. COUSINS. Yes; one of whom is a member of the Civil Service Commission, and others are chosen by the Department.

Mr. WILLIAMS. This is a sort of school, then, through which these young fellows are put, in order to fit them for the work around legations and consulates.

Mr. COUSINS. Precisely.

Mr. WILLIAMS. I withdraw the point of order.

The Clerk read as follows:

The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their actual expenses during such sessions, not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary during the fiscal year ending June 30, 1909, is hereby appropriated.

Mr. WILLIAMS. Mr. Chairman, I want to call the gentleman's attention to this language:

The judge of said court * * * shall receive not to exceed $10 per day for the judge and $5 per day for the district attorney, and so much as may be necessary, etc.

The gentleman will notice that that is not "or so much as may be necessary," nor "or so much thereof as may be necessary in order," nor "and so much as may be necessary for this purpose," but it is, "and so much as may be necessary during the fiscal year," and so forth. It seems to me that leaves an absolutely unlimited appropriation, not circumscribed at all.

Mr. COUSINS. It was not so intended. That is the language of the law the Appropriation Committee has provided for this.

Mr. WILLIAMS. It seems to me that ought to read, "or so much as may be necessary for said purposes," so as to limit it.

Mr. PERKINS. I think the gentleman is wrong in his reading. The provision provides, first, that the judge is to be allowed $10 a day for his expenses.

Mr. COUSINS. I think the gentleman from Michigan will be able to explain——

Mr. WILLIAMS. The gentleman from New York is about to do so.

Mr. PERKINS. The district attorney gets $5 a day for his expenses, and that means of course so much money is appropriated as is necessary to pay the expenses of these two officials while on duty——

Mr. WILLIAMS. For this purpose?

Mr. PERKINS. Yes.

Mr. WILLIAMS. Then that ought to be in there. Mr. Chairman, I offer an amendment, to insert on page 17, line 15, after the word "necessary," the words "for said purposes."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, line 15, after the word "necessary," insert the words "for said purposes."

Mr. McCALL. I would like to ask the chairman of the committee if this allowance for expenses is under some statute?

Mr. COUSINS. It is under the law. It is the very law which was passed by the Appropriations Committee.

Mr. McCALL. Does the statute provide compensation for the district attorney by the day?

Mr. DENBY. This is existing law, I will state to the gentleman, but——

Mr. McCALL. I was simply wondering why the judge's expenses should be twice as great as those of the district attorney. I could see no reason for the discrimination in the law.

Mr. DENBY. It has existed since the foundation of the court.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For rent of premises for the use of the United States court for China at Shanghai, $2,400.

Mr. WILLIAMS. Mr. Chairman, I reserve the point of order on the paragraph that it changes existing law. I desire to ask the chairman of the committee how it happens that those words become for the first time necessary. How has the court been housed up to this time?

Mr. COUSINS. They were housed in a consulate building there where they were all thrown together in a very promiscuous way, and it has been very difficult for the court to continue its business, and they want to get out of that building and be separate by themselves——

Mr. WILLIAMS. And get a building exclusively for court purposes?

Mr. COUSINS. Yes.

Mr. WILLIAMS. I withdraw the point of order.

The Clerk read as follows:

BOUNDARY LINE, UNITED STATES AND CANADA.

For the more effective demarcation and mapping of the boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, and draftsmen as are necessary to reduce field notes, and to be immediately available and continue available until expended, $20,000, or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I make the point of order against the words in lines 16 and 17, "and to be immediately available and continue available until expended."

The CHAIRMAN. The Chair sustains the point of order.

Mr. COUSINS. One moment. I wish the gentleman to reserve his point for a moment. Unless this is made immediately available, these parties can not proceed on their work. It would simply stop the work unless it was made immediately available, because there are no funds whatever.

Mr. MANN. Why did not they send in a deficiency estimate before the Appropriations Committee? Why does not the Department follow the law?

Mr. COUSINS. These parties have to be made up before the 1st of June, and it will simply delay the work another year unless this money is immediately available. They can not equip themselves. Now the Canadian commissioners are provided for.

Mr. MANN. They can make up their party; they can make a contract before the 1st of July.

Mr. COUSINS. But they have no money.

Mr. MANN. They can still go before the Appropriations Committee, which still have to make up the deficiency appropriation bill. I think this Department of the Government ought to follow the law covering these things.

Mr. COUSINS. Well, this properly belongs to the Committee on Foreign Affairs.

Mr. MANN. Not as a deficiency appropriation.

Mr. PAYNE. Is this a new appropriation?

Mr. COUSINS. No; it is in accordance with the treaties providing for this boundary.

Mr. MANN. I did not make the point where it was in Alaska because I could see there it might be necessary to reappropriate the balance of this year's appropriation and make the new appropriation instantly available. There is some reason for that, because the working season in Alaska is very short, but there is no reason for it here; the working season is not short. If the Department fails to do its duty and follow the law, I do not know——

Mr. COUSINS. They have been doing their duty and following the law, but they need this money to do the work.

Mr. MANN. Why did they need to make this to continue available until expended?

Mr. COUSINS. The same language was used last year.

Mr. MANN. What is the good of it? What is the object of sticking into these bills provisions contrary to the usual rules upon appropriation bills, when there is no necessity for it?

Mr. COUSINS. It happens that there is necessity for it, as I have stated, in order to make up these parties, and proceed with the work, which must be proceeded with by the 1st of June; it was necessary to have the money.

Mr. MANN. How much was appropriated for this year?

Mr. COUSINS. The same amount.

Mr. MANN. Well, if that runs through the fiscal year, why do you need to make this available? If that does not run through the fiscal year, why have not you increased this?

Mr. COUSINS. We have not increased it, because it is not made certain we need an increase.

Mr. MANN. I should say it was made certain you needed an increase if you need this money available now.

Mr. WILLIAMS. The work may be finished.

Mr. MANN. Finished? It will not be finished until you and I are in the ground many years.

Mr. COUSINS. Oh, yes; I will say to the gentleman we have required every session the Commissioner to appear before us, and he has estimated how long it will take, and even has gone so far as to estimate the probable cost. This is one of the most important works that is now being done.

Mr. MANN. Can the gentleman tell us where they are now working?

Mr. COUSINS. Yes. They are beginning at the peaks of the Rocky Mountains and are approaching the New England coast and the Great Lakes.

Mr. MANN. Where are they now working?

Mr. COUSINS. Just now they are working nowhere.

Mr. LANDIS. They are working on their computations now in Washington.

Mr. MANN. Last year where were they working?

Mr. COUSINS. They completed from the summit of the Rocky Mountains westward.

Mr. MANN. It has been completed from the summit of the Rocky Mountains westward?

Mr. COUSINS. Yes.

Mr. MANN. That has taken something over one hundred and twenty-five years?

Mr. COUSINS. Oh, no.

Mr. MANN. Now, you propose to finish in a few days or a few years from the Rocky Mountains eastward. I think the statement I made, that the gentleman from Mississippi [Mr. WILLIAMS] and myself will be under the ground many years before this is completed, is correct. We have an International Boundaries Commission, for which we make appropriations, and we have this Boundary Line Commission, for which we make appropriations.

Mr. McCALL. I would like to ask——

Mr. COUSINS. I can tell you exactly how many miles remains to be done. One thousand two hundred and twenty miles remains to be done, exactly, as I stated, from the summit of the Rocky Mountains to Lake Superior.

Mr. MANN. That is exactly what I stated. Most of it remains to be done.

Mr. McCALL. Can this work be done in the winter time?

Mr. COUSINS. No; it can not be done in the winter time.

Mr. MANN. This Commission has never marked a boundary line from Lake Superior east. We have got an International Boundary Commission to mark that. All this Commission has done is on the west of Lake Superior.

Mr. COUSINS. This is an International Boundary Commission.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman a question if nobody else is talking.

Mr. McCALL. I would like to ask a question or make the suggestion that as the time in which this appropriation can be practically used is from the 1st of June until winter, practically this is an appropriation for the coming year, beginning at June and ending next winter, and that it would be a mere technicality to throw out the work so necessary as the marking of a boundary line between this country and Canada simply because the work could not be delayed until the 1st of July.

Mr. MANN. We have got an appropriation of $20,000 for the fiscal year, I will say to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. I understood that appropriation was expended before last winter began. This is work that can not be carried on in the winter.

Mr. MANN. The gentleman had a misunderstanding. That appropriation is not so expended.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. COUSINS] has expired.

Mr. CLARK of Missouri. I ask unanimous consent that the gentleman be given five minutes, so that I can ask him a few questions. How long is it contemplated it is going to take to establish this boundary line?

Mr. COUSINS. The nearest estimate we can get is from six to seven years.

Mr. CLARK of Missouri. Why, it was established in 1847, was it not?

Mr. COUSINS. I am sure I do not remember.

Mr. CLARK of Missouri. That is precisely when it was.

Mr. COUSINS. But it is estimated that in not more than eight years they will complete this work.

Mr. CLARK of Missouri. What is it they are doing?

Mr. COUSINS. They are marking the boundary with monuments as nearly imperishable as possible, and it is to save controversies that may arise in the future. It has been said that if we had had marked the boundary lines of Venezuela that would have saved several millions of dollars that were expended because of the controversy that arose there. The gentleman knows that good fences make good neighbors.

Mr. CLARK of Missouri. Were not brass monuments put on this line years ago—this very identical line between the United States and Great Britain's possessions?

Mr. COUSINS. So far as they have gone recently they have put up aluminum monuments.

Mr. WILLIAMS. How long has this boundary commission been on the work?

Mr. COUSINS. I really do not know.

Mr. CLARK of Missouri. The line from the Lakes east was agreed on in 1843 and the line west was agreed on in 1847. It has taken a long time to fix the monuments.

Mr. COUSINS. Very little was ever done until the Venezuela trouble arose, and then they went to work with a full realization of the importance of defined boundaries.

The Clerk read as follows:

INTERNATIONAL CONGRESS ON TUBERCULOSIS.

To enable the Government of the United States suitably to participate in the International Congress on Tuberculosis, which will convene at Washington, September 21 to October 12, 1908, $25,000.

Mr. MANN. I reserve the point of order on that paragraph, not for the purpose of speaking to the paragraph, but on another matter.

This morning the subcommittee on the distribution of rooms had a meeting, where gentlemen who are the active managers of this proposed tuberculosis congress were heard. They made an argument before us in favor of the tuberculosis congress, using the House Office Building, and also in favor of a concurrent resolution, which I introduced recently, permitting them to use this Chamber and the Senate Chamber and the adjoining corridors and lobbies.

In the course of the next few days I would like to have, and I know the other members of our committee would like to have some expression of opinion from Members of the House as to whether we desire to create the precedent of giving up the House Office Building to outside congresses or for other purposes; and whether, if we do not do that, we desire to make an exception of the Capitol Building. The original circular letter which was sent out by Doctor Fulton and Doctor Buyer proposed to make use of the individual office rooms and committee rooms over in the building.

Mr. PAYNE. I would like to ask the gentleman if there is any precedent for the use of this room or the Senate Chamber for such outside purposes?

Mr. MANN. When I proposed to introduce this resolution the other day, I spoke to the gentleman who furnishes so much parliamentary information to various Speakers and chairmen—and, by the way, he is the greatest parlimentarian in the world, and as he can not hear me I say that. He said to me that there had been many precedents for it, and it had been very difficult to break away from them, and that if it was established again it would make it still more difficult.

Mr. PAYNE. It has been a good thing to break away from them.

Mr. MANN. Undoubtedly.

Mr. PAYNE. And the sooner we break away from them the better. I would like to see it made so that they will not get back to them again.

Mr. MANN. The room over there is not satisfactory. They will have, they state, as high as seven or thirteen sections. I may have got the numbers confused.

Mr. WILLIAMS. Have we got that many vacant rooms?

Mr. MANN. We have no vacant rooms there at all that are finished. The principal conference and general committee room and other accommodation of that sort are not finished. The Superintendent of the Capitol is not willing to go on with the work until Congress adjourns, and he will not be able to finish these large rooms in time for the meeting of this tuberculosis congress in September.

But what they first asked for in sending out the letters about which I suppose some Members have received correspondence already was the use of the individual office rooms. What they say now is that they do not desire that, but they would desire to use the corridors over there and some of the larger rooms where they can house their exhibits. They propose to have exhibits, some of the exhibits upon tables, models, and various things, and then a large number of hangings, maps, for exhibits of various sorts. Of course they would not contemplate the use of the exhibits by hanging them on the walls of the corridor, because that would damage the walls, but to put up some kind of framework to which the exhibits could be hung.

They say that they have already received acceptations from

a large number of foreign countries, and I think they state from twenty-six States, all of which wish to make large exhibits.

If our information and our impressions are correct, it will take a very large portion of the space in the corridors over there. I told them that as far as I was concerned, and some of the other members of the committee said the same thing, that we never would be willing to turn over the individual office rooms for the use of anybody outside, because if we authorized our own constituents to ask us for the use of our individual office rooms over there and created that precedent, every congress that met in Washington would have their Members doing the same thing, and no Member with authority to turn over his room to his constituents was in a position well to refuse it.

Mr. KEIFER. The gentleman has very nearly answered a question that I was going to ask him, and that is whether Members of the House have a right to assign or transfer or sublease their office rooms to this meeting or "congress," as I believe it is called, or to anybody.

Mr. MANN. If the gentleman desires me to give my opinion about that plainly, I should say that no Member has that right without the authority of the House or Congress.

Mr. KEIFER. That is the point I want to get at. I understand that a number of Members that have been written to, as I have been written to, with a request that we agree that the rooms shall be used, have answered and said that the rooms could be used; and I think the congress that is seeking to meet here this coming summer expects now to use a number of rooms with the assent of the Members to whom the rooms have been assigned. I wish it to be understood that I am willing to let my room be used in that way if I have the authority of the House.

Mr. BURTON of Delaware. I wish to say to the gentleman that in all probability these letters have been written by people who did not understand what the congress really needed. They would not or could not have any use for the private rooms which have been referred to. They simply wanted the use of the corridors for the exhibits, and the use of some of the large committee rooms for the sections, to which I do not say that there can be any reasonable objection.

Mr. MANN. The gentleman says there would be no objection. Does the gentleman think it would be desirable to let somebody else go into the committee rooms over there, where the committee's files are and everything of that sort, and throw them open in the summer time and have them public?

Mr. BURTON of Delaware. As I understand, the large rooms where they have hearings have no files in them. It is only the private rooms.

Mr. MANN. The gentleman is mistaken about that. The largest room over there that is a committee room is the Ways and Means Committee room. I do not think it would be practicable to let them use the Ways and Means Committee room, because it is essential that there be some work done in that committee room. As to the other large rooms that are not finished, they are not available for public hall purposes without furniture or hangings in them.

Mr. PAYNE. There are some enthusiastic gentlemen who say they can convert that large room that was assigned to the Ways and Means Committee into a room where the members can hear each other from opposite sides of the table. If they can have a couple of months at it during the summer time, and if that desirable object can be attained, of course it ought to be done.

Mr. MANN. That will be very easy to be done and must be done, and we could not consent to give them the room for the purpose which has been proposed here.

Mr. BURTON of Delaware. The assembling of doctors there might improve the health of that room.

Mr. MANN. There is no trouble with the health.

Mr. GRAHAM. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. GRAHAM. Is there not necessity over there for improvement in the acoustic properties of those large rooms, and might there not therefore be some use for the Committee on Ventilation and Acoustics to get their fine work in over there? As chairman of that important committee I did not know but what there might be room for the committee to have some hearings and have some printing done.

Mr. MANN. Mr. Chairman, if the gentleman desires an answer to the question, I would suggest that he is occupying, as chairman of that distinguished and important committee, one of the rooms over there, while I have not had the good fortune to move over, although I hope to soon.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIAMS. I would like to ask the gentleman if it would not be possible for them to use the unfinished room by putting chairs and a temporary platform in it?

Mr. MANN. I do not think so. About the last thing that is finished is the floor, and it is not possible to use a room very well until you have a floor.

Mr. WILLIAMS. Is there no floor down at all?

Mr. MANN. No floor in these rooms. The rooms are not suitable for a public meeting on account of the echo in all the rooms until they have furniture and hangings. I would like to have the sentiment of Members of the House on this question for the next few days. Personally I am inclined to think that owing to the importance of the Congress and the fact that they expect to have here 3,000 or 4,000 delegates, that it will be probably not only the largest medical convention, but the largest convention of an international sort that has ever been held in this country, and I have been inclined on account of the importance of it to let them use this room and the Senate Chamber and put their exhibits in the lobbies and the corridors.

Mr. WILLIAMS. When would they hold their meetings, in the nighttime or in the daytime when we might want to use it?

Mr. MANN. Oh, the convention is to be for three weeks, in September or October; not when Congress is in session at all. There will be two meetings, as they explained to me, where they may all gather together, and where they would hold those I do not know. Then they divide it into sections, and they would perhaps place a section in this room, a section in the lobby, a section in the Senate Chamber, and a section in the marble room, and then they would have to find other places for other sections.

Mr. PERKINS. But does not the gentleman know that a permission so granted by this Congress would have to be granted for every important meeting hereafter?

Mr. MANN. Of course it is much easier to refuse future congresses the use of the Capitol than it would be to refuse them the use of the House Office Building, if you create a precedent.

Mr. PERKINS. If you create a precedent, how could you refuse anyone?

Mr. PAYNE. I should be reluctant to vote to establish a precedent allowing any outside body to occupy the House and the Capitol; I do not care who they are. It is difficult to distinguish between bodies of citizens who might for benevolent or beneficent purposes ask for the use of the Capitol. If you once begin, I do not know where the end would be. I would much rather vote for an appropriation to hire a building in the city and rent it for three weeks than to vote for the devotion of the Capitol to this purpose, and in the end I am not sure but that it would be much cheaper than to utilize the Capitol.

Mr. MANN. I feel exactly as does the gentleman from New York, and I would much rather vote for an appropriation to hire a building, if there were any in Washington. There are no suitable buildings in Washington.

Mr. WILLIAMS. It will be in the summer time and they could hire a theater.

Mr. MANN. That is a mere bagatelle to the space they want.

Mr. PAYNE. The old Convention Hall has more space than the Capitol.

Mr. MANN. I do not undertake to say myself, but they have been to Convention Hall and they say that the space there is wholly inadequate.

Mr. PERKINS. There is more space there than there is here.

Mr. MANN. Not more space there if you take into consideration the rooms, the lobbies, and these corridors.

Mr. HITCHCOCK. Mr. Chairman, I desire to ask the gentleman from Illinois a question to see if the matter can not be clarified. Is it not a fact that this international congress has been recognized by other countries and that their meetings have been held in public buildings in other lands?

Mr. MANN. It is so stated.

Mr. PERKINS. Does the gentleman know whether the English Government has ever allowed any meeting of this kind in the Parliament buildings?

Mr. MANN. My understanding is not. My understanding is that the last meeting was held in the Reichstag.

Mr. HITCHCOCK. The Imperial Government at Berlin recognized this international congress. From the very nature of the case this is investigation and legislation that no single country can undertake. It is an investigation of an international subject, and it ought to have the support of every legislative body in all civilized countries It is a little like the Inter-

national Postal Congress, which is held in various countries at different times, and has the official recognition and support of the various governments. It seems to me we would be setting no precedent which would rise to plague us if we allowed the International Congress on Tuberculosis to meet in the Capitol building at Washington, and use the halls of the Senate and the House of Representatives just as we would permit any postal congress to meet in a public building in this city.

Mr. WILLIAMS. Or any other international convention.

Mr. HITCHCOCK. Or any other international convention of public moment and having an official recognition of the Government. It seems to me that no dangerous precedent would be set, and I, for one, would like to see the Capitol building turned over to the use of this international congress, so far as possible, without interfering with any public matters. I think, as far as the Office Building is concerned, that might be subject to objection, but certainly there can be no objection to allowing the use of this Chamber, which will then be idle; the Senate Chamber, which will then be idle, and the corridors of the Capitol, which will then be unoccupied.

Mr. GAINES of Tennessee. Mr. Chairman, the last point the gentleman from Nebraska [Mr. HITCHCOCK] made is one that argues very strongly in favor of turning over the Chambers of the Capitol building to this International Congress. As he said and well said, Congress can not and will not then be in session. The corridors will be empty and the Chambers will be empty and the galleries will be empty and possibly a great many of the offices in the Capitol will be absolutely empty. And, inasmuch as the civilized nations of the world are trying to unite to study and exterminate this terrible disease, tuberculosis, we certainly should approach the subject, not as a matter of national importance only, but as a matter of international importance. The United States, in other words, is the host of this affair, and we are directly interested in the subject.

I have no doubt that many of the gentlemen present have read of the great number of people who die yearly from tuberculosis. Why, I know now of an individual who weighed over 200 pounds when stricken with this disease, and the physicians can not account for it. The fair patient is fading away, though tenderly attended with all that love and money can bestow.

Mr. BURTON of Delaware. Mr. Chairman, I would say for the information of the committee that, with many unfinished rooms in the Office Building, if they would simply put chairs in there it would serve any purpose that might be necessary. It is not necessary for them to go into the rooms where files may be disturbed, but in any event they are not a class of people that would disturb anything.

Mr. GAINES of Tennessee. They are people of the very highest order, of course.

Mr. BURTON of Delaware. I think they ought to be given the best accommodation the Congress can afford.

Mr. GAINES of Tennessee. Why, these people come representing foreign countries and not as individuals. They are here representing foreign nations from all over the world who are trying to eliminate this scourge of the human family. It does seem to me that the American Congress should bestir itself at once, and, if necessary, let a special committee be appointed to tend to the matter. Let the people of these foreign countries who are trying to overcome this terrible disease be received with dignity and consideration which so distinguished a body and the subject merit. Let us from our own standpoint as American people, afflicted as we know we are with this disease, treat the matter not from a local or selfish standpoint, but rise above that, and become international in treating the whole matter. I want to help the victims now and those to come and these visitors who are to investigate the subject. I have received a number of letters which were quite unnecessary, for I realized the importance of the matter. I do not see any reason why we should not take a great pleasure in taking up the matter and agreeing to turn over these empty halls in the Capitol to these international representatives and bid them Godspeed in their great undertaking.

Mr. MANN. Mr. Chairman, the gentleman from Delaware [Mr. BURTON] spoke of utilizing the present unfinished rooms in the House Office Building. To my mind that is wholly impracticable. The rooms that are unfinished in the House Office Building will be needed, when finished, for the use of the House. There is a general committee room. There is a conference room. Now, either we would have to leave those rooms as they now are until next winter, when we can not finish them and will not have the use of them next winter at all, or else we will have to finish them during the summer, and if we attempt to finish them during the summer they will be just in that condition where they can not be used next September and October. So far as I am concerned, I am quite unwilling to say that we will hold those rooms in their present condition for a year and a half simply that the tuberculosis congress may use them during the space of three weeks.

Mr. BURTON of Delaware. I would like to ask the gentleman if there is not plenty of time between now and October to finish these rooms?

Mr. MANN. Well, the tuberculosis congress will commence in September, permit me to say to the gentleman, and the Superintendent of the Capitol tells me that he will not undertake to finish those rooms between now and the time of the meeting of the tuberculosis congress—that is, that he does not think it possible to do it.

Mr. FOSTER of Illinois. Mr. Chairman, it occurs to me the international gathering of physicians and scientists to be held in the city of Washington next September is of such great importance to the people that we can well afford to encourage it in every way that it is possible for us to do. Now, if there was another hall in the city of Washington that would accommodate this gathering I would believe that it would be right to make an appropriation to take care of this meeting, but the evidence shows that there is not such a hall or any such halls in Washington that are able to accommodate this great crowd that will be here at that time. I am not in favor of giving up the National House to every meeting that may come to Washington, but when we think of the great importance that is attached to such a gathering as will be held here in September, I believe that we can well forego any feeling that we have in this matter and allow the use of this Hall at that time.

Mr. GAINES of Tennessee. If the gentleman will allow me, it being international, it will be a long time before they come back here.

Mr. FOSTER of Illinois. It is hardly possible that they will be back here for several years to come. Now, it is a fact, Mr. Chairman, when we think of the investigations that have taken place in the last few years in regard to yellow fever, when we have seen what has been done, and I dare say that if it had not been for the investigations in yellow fever and in malarial fever and the way to prevent these diseases, it would have been almost an impossibility to have dug the Panama Canal. [Applause.]

The physicians who went to Cuba and investigated those diseases demonstrated to the world what it meant to find out the cause and manner of transmission of those diseases, and it has been of inestimable value in the saving of suffering and human lives, and I say to you to-day that tuberculosis is as important or possibly more important than that of yellow fever or malaria. More lives are lost on account of it. So with this feeling that I have and what little I know of medicine, I feel possibly more importance attaches to it than you do, but I believe we can afford to encourage and do all that is in our power to bring about a successful meeting here in Washington City that may in the end result in finding out a way to prevent and cure this dreadful disease that afflicts the human race and results in such great mortality. [Applause.]

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

SALARIES, CONSULAR SERVICE.

For salaries of consuls-general, consuls, and consular inspectors, as provided for in the act approved April 5, 1906, entitled "An act to provide for the reorganization of the consular service of the United States," $1,061,000.

Mr. DENBY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Provided, That deputy consuls-general at Shanghai are hereby invested with authority to exercise, and shall exercise, without compensation, and upon the written direction of the consul-general at Shanghai, the same judicial powers that are possessed by the consul-general.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the amendment.

Mr. DENBY. Mr. Chairman, the purpose of this amendment is to relieve the consul-general at Shanghai from certain justice-court jurisdiction which he exercises to-day in the trial of cases which were left to him by the Shanghai court act of two years ago. The American consul-general at Shanghai is the highest paid and most important consular officer in Asia. His duties are very numerous and exceedingly engrossing, and to compel him to take two or three days per week or more to try cases involving amounts of only $500 or less, or punishment in criminal cases of sixty days, is wasting his ability and the money of the Government.

Mr. WILLIAMS. On whom does the gentleman's amendment invest authority?

Mr. DENBY. On the deputy consuls-general in writing by the consul-general without any additional compensation. An appeal will lie in all these cases to the United States court in Shanghai, and it simply relieves the consul-general from a great burden.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question. Are these courts what are called "courts of first instance," nisi prius courts?

Mr. DENBY. This court I refer to here is a remnant of the judicial power left in the consular court under the extraterritorial jurisdiction exercised by the United States. It corresponds exactly to the justice-court cases in the United States.

Mr. CLARK of Missouri. Does an appeal lie upon their decisions to the American court in China?

Mr. DENBY. It does, and thence to the court in California and the Supreme Court of the United States.

Mr. MANN. Mr. Chairman, not very long ago we enacted some legislation concerning the court to be maintained over in China. I supposed it was fairly well digested. It came from the distinguished committee of which the gentleman is chairman, and I do not think we ought to endeavor on the floor of the House to change that character of legislation.

Mr. DENBY. Mr. Chairman, as to that, I will point out that that court was the first court of that kind ever created under the United States Government. What errors there were it was difficult to foresee and difficult to avoid. And the fact that so few errors were found in the act itself later is evident that it was carefully considered. But we seek now to perfect it simply to this extent, for the relief of the consul-general. It has nothing to do with the court. It keeps the jurisdiction in the same consular body, and merely authorizes the consul-general to transfer the jurisdiction and designate a deputy to try these cases.

Mr. MANN. Mr. Chairman, I think I will insist upon the point of order.

The CHAIRMAN. It is proposed new legislation and obnoxious to the rules. Therefore, the Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill how much of this sum of $1,061,000 is to be used for consuls-general, consuls, consular inspectors, and so on? Last year the bill provided for an appropriation for this service in detail, and this year it provides for it without any detail whatever. Will the gentleman be kind enough to tell us something about it?

Mr. COUSINS. I have not added up the various amounts that go to the consuls-general and consuls, for the reason that a readjustment is now pending in conference, which makes some changes in existing law.

Mr. MADDEN. It seems to me that this appropriation is of sufficient importance to warrant having it made in more detail than it is made in this bill.

Mr. COUSINS. All of their salaries are fixed, the gentleman understands, of course——

Mr. MADDEN. By law?

Mr. COUSINS. Yes; by law.

Mr. MADDEN. I withdraw the pro forma amendment.

The Clerk read as follows:

For thirteen consular assistants as provided for by law, $18,300; seven additional consular assistants, subject to the same provisions of law as the above thirteen, $7,000; total, $25,300.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. Why the necessity for these seven additional consular assistants, who used to be called consular clerks?

Mr. COUSINS. The Department recommended seventeen. These officers are very much needed in the service. The gentleman is probably aware that they begin with a salary of $1,000, receiving that for three years, and after that an increase until they reach $1,800.

Mr. WILLIAMS. But, if the gentleman will pardon me, this is an increase of 50 per cent in a year. Why does the increase become necessary? Of course, the Department recommends it.

Mr. COUSINS. They need these men in the various positions because they are among the very best men that we have. They are men that look forward to promotion, and we get better service from them. The service is constantly growing, and while the Department thought there was need of seventeen we thought if we could allow some extra gradually, as we do here, only seven, making the total number only twenty, that that would be progressing with reasonable rapidity.

Mr. WILLIAMS. Yes; but this is an increase of over 50 per cent—a very sudden rise in one year. What exigency, what new work, has given rise to this new demand?

Mr. COUSINS. I will remind the gentleman that during the first year under the operation of the consular reorganization act, passed at the last Congress, there was saved to the Government 53 per cent by the improvement that we made in the service.

Mr. WILLIAMS. We ought to keep on saving, and not go to work——

Mr. COUSINS. We expect by this method to still improve the service and still continue to save.

Mr. WILLIAMS. Where are these consular assistants to be stationed?

Mr. COUSINS. All through the service. They are sent, like emergency men, wherever they are needed.

Mr. WILLIAMS. Just seven additional consular assistants, to be located according to the discretion of the Department of State?

Mr. DENBY. Where they are most needed.

Mr. WILLIAMS. And they have not shown you any new work that has arisen, any special exigencies for them, along with thirteen last year?

Mr. COUSINS. Yes; and we have for several years, but this also aids in what is called "Americanizing" the service. We want to get Americans into the foreign service.

Mr. WILLIAMS. Well, you can not get them in by substitution. It is not necessary to get them in by addition.

Mr. COUSINS. All of these, it is understood, must be Americans, because the salary is the question which requires that they shall be American. The salary amounts to $1,000 a year, and the person appointed must be an American.

Mr. WILLIAMS. These men will substantially take the place of other men, who are not Americans, who are employed at less salary?

Mr. COUSINS. Very largely.

The Clerk read as follows:

ALLOWANCE FOR CLERK HIRE AT UNITED STATES CONSULATES.

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $242,690: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated.

Mr. WILLIAMS. I reserve the point of order to the proviso, "That the total sum in any one year shall not exceed the amount appropriated." Under the law prior to this, as I understand it, these appropriations were specific allowances of certain amount for such a place and such a place, and going on specifically through the long list. Now, it strikes me Congress has been attempting with all these Departments for a long time to get rid of these lump-sum appropriations that leave so much discretion in the Departments, and have caused the exercise of too little discretion upon the part of the legislative department of the Government, and, besides that, furnish a temptation to men who are in control of Executive Departments to exercise arbitrary power in connection with classification of salaries and placing men. I think I will reserve the point of order to ask the gentleman why his committee should have departed from that policy that seems to have been adopted by the other committees with reference to all the Departments and go back to the discredited policy?

Mr. COUSINS. I want to say to the gentleman that at the last session we agreed upon this plan of consolidating this sum for this purpose, and the Department told us they recommended at this session $33,000 more, or an increase. They told us that if they could have these clerks' pay for the use of these offices they could do for the same amount of money they now have probably what they could do if they had $33,000 more. The argument is this: If a railroad is maintaining a number of stations, as they do, here and there and elsewhere, and if the general manager was limited to expending a certain amount of money for help at these offices, that amount would have to be expended there and he would have no flexibility of service; but if he has a little discretion he can save money at one place where the money is not needed and use it at another place where it is needed.

Mr. WILLIAMS. I understand that and how the gentleman's rule will operate, but in that case the railroad people are using their own money in their own discretion, and their discretion will teach them how to use it economically. This is the people's money, used by their agents only, and in making the appropriation of the money by lump sum there is a loss of opportunity and power on our part to identify the Department's expenditures and to keep control over them. The question of specific allowances versus lump-sum appropriations has been argued out fully upon the floor and in committee rooms, and the various committees have pretty well decided that as far as they possibly could they would cut out the lump-sum way of appropriating money, leaving the Executive Departments with discretion to expend it as they chose and losing to Congress the power and the benefit of following up

the expenditure of each dollar to each individual purpose, and substitute for it specific appropriations in detail.

Mr. COUSINS. Let me call the attention of the gentleman to the fact that the larger sums of appropriation, $525,000 for contingent expenses at consulates and a large amount for embassies, are appropriated in a lump sum.

Mr. WILLIAMS. Yes; but that is necessary.

Mr. COUSINS. And this is for allowances.

Mr. WILLIAMS. Contingent expenses are uncertain anyhow.

Mr. COUSINS. But they are allowances.

Mr. WILLIAMS. That is what I say, for fixed service and not contingent. The rate of allowance is fixed by law, and the salaries ought to be fixed by law in all cases and in each case, instead of being left, as here, in a lump sum.

Mr. COUSINS. The allowance can not be the same. The amount of service may change and the thing for which the amount of service is required at one place may vary, and all that.

Mr. WILLIAMS. I understand that, but Congress has objected to placing this matter in the discretion of the executive officers, which results in the evil that I have just described, the evil of not being able to keep track of these appropriations.

Mr. Chairman, I make the point of order that that is a change of existing law. The appropriation last year, under the head of allowance for clerk hire, I find on pages 22, 23, 24, and 25, and on the top of page 26 of the committee bill. They recite these various places where the clerks are employed and the specific salary at each place. For instance, for allowance for clerk hire at the consulates as follows: London and Paris. $10,000 each, $20,000; Shanghai, $4,500; Hongkong, $3,500, and so on, for three pages.

Now, the point I make is that this appropriation in the mere lump sum, leaving the discretion hitherto not vested in the Secretary of State to fix salaries to suit himself, instead of leaving them as they were fixed by law, is a change of existing law, and is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COUSINS. Mr. Chairman, if that obtains, that strikes out the appropriation, as I understand it. I ask unanimous consent, then, that the law as it now exists be inserted in place of that.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. May I ask whether the Chairman sustained the point of order because of the proviso or because of the form of the appropriation?

The CHAIRMAN. Because of both.

Mr. MANN. Has the Chairman examined the law of last year in reference to it?

The CHAIRMAN. He has not. The Chair takes the statement of the gentleman from Mississippi. The Chair will hear the gentleman from Illinois if he has a suggestion to make.

Mr. MANN. While the allowance for clerk hire last year was in separate amounts, still the law last year fixed what the clerk hire should be in this language:

> From and after the 1st day of July, 1907, the salaries of consular clerks shall be at the rate of $1,000 a year for the first three years of continuous service as such, and shall be increased $200 a year for each succeeding year of continuous service, until the maximum compensation of $1,800 a year shall be reached, and section 1704 of the Revised Statutes and its amendatory act of June 11, 1874, are hereby so amended: *Provided*, That the salary of no consular clerk herein provided for and now in the service shall be reduced by this act.

Now, it seems to me under that provision of the law the amount of the salary of the consular clerks is fixed and the number of consular clerks is fixed, and that a lump-sum appropriation for these consular clerks in accordance with the law is in order.

The CHAIRMAN. But the gentleman from Illinois overlooks the fact that the statement here is that the appropriation shall be expended under the direction of the Secretary of State.

Mr. MANN. That part of it is true, but I was asking the Chair whether the point of order that the Chair had in mind to sustain was to the appropriation being in a lump sum?

The CHAIRMAN. Not at all as to the appropriation, but simply as to a change of law.

Mr. MANN. Then I suggest to the gentleman from Iowa that he offer as an amendment:

> Allowance for clerk hire at consulates, $242,690.

That covers his case.

The CHAIRMAN. The Chair did not understand the point of order to be made to the sum appropriated in the paragraph.

Mr. PARKER of New Jersey. Mr. Chairman, if the gentleman will allow me a moment, I desire to point out that on page 6, in lines 4, 5, and 6 of this bill, exactly the same mode of appropriation is followed. It reads:

> For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, $65,000.

It being in the nature of a general appropriation, governed by the specific law of last year.

Mr. MANN. Mr. Chairman, I offer as an amendment the following:

> Allowance for clerk hire at consulates, $242,690.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Insert after line 24, page 19, the following:
> "Allowance for clerk hire at consulates, $242,690."

Mr. WILLIAMS. Mr. Chairman, I reserve the point of order on that.

Mr. PAYNE. A point of order on what?

Mr. WILLIAMS. I make the point of order twofold: First, that even if this were an original motion, it would be a change of existing law; and secondly, that the gentleman's amendment is merely to restore to the bill precisely that which a moment ago was stricken out of the bill on a point of order. So the point of order against it is twofold, being well taken in itself and as having just been virtually sustained.

The CHAIRMAN. What was stricken out was not because it was subject alone to the point of order, but because of the context. It is competent for the gentleman to insert that which is not subject to a point of order, the amendment which he is now offering.

Mr. WILLIAMS. But I make the point of order that it is subject to the point of order of being itself a change of existing law.

Mr. MANN. The paragraph was clearly subject to a point of order. It contains two provisions, one a proviso that the total sum expended in one year should not exceed the amount appropriated, and the other a provision of law requiring the money to be expended under the direction of the Secretary of State. It is competent for Congress to make an appropriation for clerks for consulates, the salary and number of whom have been provided by law.

Mr. WILLIAMS. Ah, Mr. Chairman, the gentleman seems to think that because he strikes out the words "under the direction of the Secretary of State" that therefore he has stricken out the discretion proposed to be vested by the amendment in the Secretary of State, which was the gravamen of the point of order.

The fact that this provision, stricken out of the bill by my point of order, vested in the discretion of the Secretary of State certain payments fixed by law as being specifically allowed by Congress. Notwithstanding the fact you strike out the words "under the direction of the Secretary of State," without inserting other words limiting his discretion to the former act of Congress, vests in him the discretion. For example, the consular agents at London and Paris by law are paid $10,000 each. Now, if the gentleman's amendment is passed, it will clearly lie in the power of the Secretary of State, if he wishes, to pay the one at London $12,000 and the one at Paris $8,000, so that there would be a giving to him of discretion to vary the salary now fixed by law. If you say, as the amendment reads, "allowances for clerk hire at consulates, $242,690"—in a lump sum—without any words specifying to what particular purpose any part of the total amount should go or even citing present law, you necessarily repeal enough of the old law to leave the discretion in the Secretary of State, by classification and arrangement, to dictate the method and proportion of its expenditures.

Mr. MANN. Quite the contrary. If the provision of the bill gives the Secretary of State the discretion, he has the discretion. If the bill only gives the item of appropriation, it must be expended in accordance with law.

The CHAIRMAN. The gentleman from Mississippi made a point of order against the provision "allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $242,690: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated."

Now, it is perfectly clear that that paragraph, as the Chair has read it, is a change of existing law, and therefore the Chair sustained the point of order; but it is not only competent but proper that Congress should make an allowance for clerk hire at consulates, and the amendment proposing to make such allowance or appropriation is not subject to a point of order unless it proposes to make some change in the salary.

Now, the amendment offered by the gentleman from Illinois

proposes to make the allowance for clerk hire of a certain amount of money, which is to be expended in accordance with existing law, and is, therefore, in the opinion of the Chair, not subject to a point of order.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. Suppose the amendment passed and became a law, would it not be true that the Secretary of State could under it fix the amount of the salary for the consular agent at London at $11,000 and the agent at Paris at $9,000, and is it not true that now their respective salaries are fixed at $10,000 by law?

The CHAIRMAN. If what the gentleman from Illinois read to the Chair is existing law, and he assumes that it is, the appropriation must be expended by the Secretary of State in accordance therewith.

Mr. WILLIAMS. If I thought the opinion of the Chair correct—that the Secretary of State could not under this amendment change or vary the salaries as fixed by law—I should, of course, have no objection to the amendment.

Moreover, the very object and purpose of the Secretary of State in fixing the language that is in the bill now, as explained by the chairman of the Committee on Foreign Affairs, would be defeated, because he said that the object was to be able to make elastic and to vary these salaries at various places—to make one higher than it now is and another lower than it now is—to satisfy the exigencies of the service. If he can do that under the amendment, then, plainly, he can change existing salaries, and, plainly, therefore, this amendment giving him discretion to do it is a change of existing law.

The CHAIRMAN. The Chair does not understand that under the amendment he can do that, and therefore overrules the point of order. The question is on the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, $30,000, or so much thereof as may be necessary.

Mr. WILLIAMS. Mr. Speaker, I move to strike out the last word. I want to ask the chairman of the committee whether he has received any complaints that the sum now being appropriated for the purpose of relief and protection of shipwrecked American seamen is insufficient for that purpose? Have some of them been left unrelieved and not sent home because of lack of appropriations?

Mr. COUSINS. I think not. I have the amounts that have been expended for the last two or three years. In 1905 the amount was $25,573.81; in 1906, $25,726.89; in 1907, $36,799.55.

Mr. WILLIAMS. The appropriation in the bill is $30,000. Last year they actually expended $36,000. Evidently this is about $6,000 short of what it ought to be. I ask because I have received some complaints——

Mr. COUSINS. It is all the Department of State asks.

Mr. WILLIAMS. That is all the Department asks?

Mr. COUSINS. Yes.

Mr. WILLIAMS. Then I shall not move to increase it, but I have received some complaints that sailors have received answer that the appropriation was exhausted and no money available. I withdraw the pro forma amendment.

The Clerk read as follows:

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (allowance for rent not to exceed in any case 30 per cent of the officers' salary), postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, $525,000.

Mr. MADDEN. Mr. Chairman, I reserve the point of order on that part of the paragraph beginning after the word "rent," in line 17, page 22, and ending on line 18, of the same page, with the word "salary," and I ask the chairman of the committee to tell the House——

Mr. WILLIAMS. Mr. Chairman, I reserve the point of order on the paragraph also.

Mr. MADDEN (continuing). To tell the House why the allowance for rent is increased from 20 to 30 per cent. It seems to me that this is a very large increase, and there ought to be some reason as to why it is made.

Mr. COUSINS. The present limit of allowance is 20 per cent, and has been so since 1856. As a matter of fact, the cost for rent has increased very rapidly throughout the world, much more rapidly than the salaries, and there are several places where we were unable to secure a place at all during the last year.

Mr. MADDEN. The fact is that under the reorganization of the consular service the salaries of all those engaged in that service have been increased.

Mr. COUSINS. Not all.

Mr. MADDEN. Well, almost all. If that be true, 30 per cent of the salary list for rent would mean much more than one-third additional to the expense for that purpose, because 20 per cent of the original salary would be very much less than 30 per cent of the present salary.

Mr. COUSINS. The salaries have been increased very little. If the gentleman will take the consular reorganization act, he will find that the advances were very small, indeed. Of course you do not have to expend 30 per cent of the salary for rent. It is just as discretionary as the present law at 20 per cent. That law was passed in 1856.

Mr. WILLIAMS. As a matter of fact, it will be expended.

Mr. COUSINS. Oh, no; they do not now.

Mr. WILLIAMS. They spend the whole 20 per cent now, do they not?

Mr. COUSINS. No. It is just as discretionary under the law as it exists and will be if it is 30 per cent.

Mr. MANN. Do I understand the gentleman to say that they do not expend the 20 per cent?

Mr. COUSINS. No; they do not.

Mr. MADDEN. Then, why is it necessary to have 30 per cent?

Mr. COUSINS. Because in some places it is impossible to get a building at 20 per cent.

Mr. WILLIAMS. And in other places it is possible for less?

Mr. COUSINS. Yes.

Mr. MADDEN. There is an increase of $175,000 in the amount.

Mr. COUSINS. This fund is the only way we have of not only securing better places and better accommodations, but it is the only way we have of securing furniture and fixtures.

Mr. MADDEN. How much does this 10 per cent additional amount to?

Mr. COUSINS. Well, the average now is about $400 to a consulate.

Mr. MADDEN. How many consulates are there, all told?

Mr. COUSINS. There are 310, at 10 per cent——

Mr. MADDEN. This would amount to about $60,000.

Mr. WILLIAMS. Last year it was $325,000, so 10 per cent would be $32,500.

Mr. COUSINS. I present this matter to the gentleman's benevolent consideration.

Mr. MADDEN. Mr. Chairman, I withdraw the point of order.

Mr. COUSINS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 92, noes 48.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20345) making appropriation for the diplomatic and consular service, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COUSINS. Mr. Speaker, I move to suspend the rules, agree to the amendments, and pass the bill as amended.

The SPEAKER. The gentleman from Iowa moves to suspend the rules, agree to the amendments, and pass the bill.

Mr. WILLIAMS. Mr. Speaker, upon that motion I demand a second.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Mr. Speaker, forced by a sense of duty and the inactivity of a Republican Congress in the matter of remedial legislation——

Mr. PAYNE. Mr. Speaker, I make the point of order that those remarks of the gentleman should not go in the RECORD.

Mr. WILLIAMS. Mr. Speaker, the gentleman from New York on yesterday injected some remarks twice——

The SPEAKER. The gentleman from New York demands the regular order, and we will have the regular order, and the

gentleman from Iowa and the gentleman from Mississippi will take their places as tellers.

The House divided, and the tellers [Mr. COUSINS and Mr. WILLIAMS] reported that there were—ayes 97, noes 51.

So a second was ordered.

The SPEAKER. The gentleman from Mississippi is entitled to twenty minutes and the gentleman from Iowa to twenty minutes.

Mr. COUSINS. Mr. Speaker, I reserve my time.

The SPEAKER. The gentleman from Iowa reserves his time. The gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, if I can make a compromise with the House now I would like to do it. Instead of speaking twenty minutes upon this particular bill, I would like to touch up the wood-pulp question for about five minutes.

Mr. PAYNE. Regular order, Mr. Speaker.

The SPEAKER. Regular order is demanded.

Mr. WILLIAMS. Then, Mr. Speaker, if that is ruled out, I would like to say that I would then be willing to effect this compromise; I would be willing to spend five minutes in examining into the reasons why a publicity bill for campaign contributions does not come out of the Committee on Election of the President, Vice-President, and Representatives in Congress.

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman should confine himself to the question before the House.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. I submit to the point of order, if it is well taken. Then I would add this, that I would like, if I dreamed that I could, for about five minutes to dwell upon another question. I should feel exceedingly happy—five minutes to enforce the wisdom of passing a bill which has——

Mr. DALZELL. I call the gentleman to order.

Mr. WILLIAMS. The gentleman does not know to what bill I was about to allude.

Mr. DALZELL. I call the gentleman to order.

Mr. WILLIAMS. I submit, Mr. Speaker, the gentleman does not know from what I said on what to make the point of order.

The SPEAKER. The gentleman is called to order. The gentleman from Mississippi understands the rules of the House.

Mr. WILLIAMS. Oh, yes; the "gentleman from Mississippi" also understands——

The SPEAKER. The gentleman is not in order.

Mr. WILLIAMS. Will the Chair point out what words of "the gentleman," just uttered, and concerning which the point of order is made, are not in order?

The SPEAKER. The gentleman from Mississippi will suspend. Under the rules of the House, the gentleman is called to order by the gentleman from Pennsylvania.

Mr. WILLIAMS. Yes. Now, I want to discuss the point of order.

The SPEAKER. The gentleman from Mississippi understands perfectly well what the rules provide, and that it is not subject to debate.

Mr. WILLIAMS. Oh, yes; but it is.

The SPEAKER. One moment. The gentleman from Mississippi is not proceeding in order. The Chair sustains the point of order, and the gentleman from Mississippi will proceed in order.

Mr. WILLIAMS. Now, then, having no right to argue the point of order, for the purpose of a parliamentary inquiry——

The SPEAKER. It is in the discretion of the Chair. The Chair does not desire to hear any argument. [Laughter and applause on the Democratic side.]

Mr. WILLIAMS. One further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. If the Speaker will be patient, because I am of an investigating turn of mind and trying to learn as I proceed. The Chair tells me it is in his discretion to determine that it is not necessary to hear argument. Does the Speaker say that his discretion is a judicial or an arbitrary discretion?

The SPEAKER. In the Speaker's discretion, under the rules of the House, on points of order, if the Chair does not desire to hear discussion he decides the point of order; and the Chair in this instance has not any doubt whatever, nor has the gentleman from Mississippi any doubt.

Mr. WILLIAMS. Perhaps the Speaker did not hear my attempted remarks upon the point of order made, which were to the effect that I had not proceeded far enough in my last sentence for either the gentleman from Pennsylvania or anybody else to know.

The SPEAKER. The Chair does not care to hear the gentleman from Mississippi.

Mr. WILLIAMS. Now, then, I would like to say this, as germane to the question and the procedure now: I find myself enjoined, as it were, by the point of order and by the Speaker from proceeding to dwell upon the subject I wanted to dwell upon. Finding myself enjoined in this manner, perhaps it would be in order to talk about the law of injunctions, and I submit that as a parliamentary inquiry.

Mr. PAYNE. Mr. Speaker, I hope that the rules will be enforced. The gentleman has been called to order three times, and it is time for him to take his seat.

Mr. WILLIAMS. I shall now proceed in order.

The SPEAKER. The gentleman from Mississippi will have the kindness to be seated.

Mr. WILLIAMS. Why, I confessed the point of order well taken.

The SPEAKER. The point of order is made, and the gentleman will please be seated until it is disposed of.

Mr. WILLIAMS. Very well.

The SPEAKER. The Chair sustains the point of order and appeals to the gentleman from Mississippi that under the rules of the House he proceed in order.

Mr. WILLIAMS. I shall now proceed in order, Mr. Speaker, by saying in closing the argument I have just made against the motion to suspend the rules and pass the consular and diplomatic appropriation bill that, having accomplished the purpose for which I arose, I will now reserve the balance of my time and yield any of it to anybody upon this side who may desire it. Does anybody want three or five minutes upon this motion?

There seems to be no one desiring it, Mr. Speaker; and having accomplished my purpose by making the announcements of policy I wanted to make, I now yield the balance of my time to the Speaker himself.

The SPEAKER. The question is on the motion to suspend the rules, agree to the amendments, and pass the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided, and there were—ayes 34, noes 78.

Mr. WILLIAMS. Mr. Speaker, I respectfully demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 166, nays 26, answered "present" 9, not voting 186, as follows:

YEAS—166.

Adair	Dawson	Hawley	Norris
Aiken	Denver	Hayes	Nye
Alexander, Mo.	Diekema	Henry, Tex.	Padgett
Allen	Dixon	Higgins	Parker, N. J.
Ames	Driscoll	Hill, Conn.	Parsons
Barchfeld	Durey	Hinshaw	Payne
Bartlett, Ga.	Dwight	Holliday	Perkins
Bartlett, Nev.	Ellerbe	Howell, N. J.	Pray
Beall, Tex.	Ellis, Mo.	Howell, Utah	Rainey
Bede	Ellis, Oreg.	Howland	Rauch
Bell, Ga.	Englebright	Hubbard, Iowa	Reeder
Bennet, N. Y.	Esch	Huff	Robinson
Birdsall	Fassett	Hughes, N. J.	Rodenberg
Bonynge	Ferris	Humphrey, Wash.	Rothermel
Booher	Finley	Jones, Wash.	Russell, Mo.
Bowers	Floyd	Keifer	Ryan
Boyd	Fordney	Kennedy, Iowa	Sheppard
Bradley	Fornes	Kennedy, Ohio	Slemp
Brumm	Foss	Kinkaid	Smith, Cal.
Burke	Foster, Ill.	Kipp	Smith, Iowa
Burnett	Foster, Ind.	Klistermann	Smith, Mich.
Burton, Del.	Fowler	Landis	Smith, Tex.
Butler	French	Lenahan	Southwick
Campbell	Fuller	Lloyd	Stafford
Candler	Fulton	Loudenslager	Steenerson
Capron	Gardner, Mich.	Lowden	Sterling
Carter	Gardner, N. J.	McGavin	Sturgiss
Cary	Garner	McKinley, Ill.	Tawney
Chaney	Gilhams	Macon	Thistlewood
Chapman	Gillespie	Madden	Thomas, Ohio.
Conner	Godwin	Madison	Tirrell
Cooper, Pa.	Gordon	Mann	Tou Velle
Cooper, Wis.	Graff	Marshall	Volstead
Cousins	Graham	Moon, Tenn.	Waldo
Cox, Ind.	Greene	Moore, Tex.	Watson
Craig	Hale	Morse	Wheeler
Cravens	Hamilton, Iowa	Mouser	Williams
Currier	Hamilton, Mich.	Murdock	Wilson, Pa.
Cushman	Harding	Murphy	Woodyard
Dalzell	Harrison	Needham	Young
Darragh	Haskins	Nelson	
Davidson	Haugen	Nicholls	

NAYS—26.

Byrd	Hardy	Lamar, Mo.	Small
Carlin	Hay	Maynard	Smith, Mo.
Clark, Mo.	Helm	Page	Spight
Cooper, Tex.	Houston	Sabath	Thomas, N. C.
Crawford	Hull, Tenn.	Shackleford	Underwood
Davenport	Johnson, S. C.	Sherwood	
Fitzgerald	Kitchin, Claude	Sims	

ANSWERED "PRESENT"—9.

Adamson	Clayton	Gaines, Tenn.	Lever
Ansberry	De Armond	Gaines, W. Va.	McMorran
Ashbrook			

NOT VOTING—186.

Acheson	Foulkrod	Lamb	Powers
Alexander, N. Y.	Gardner, Mass.	Langley	Pratt
Andrus	Garrett	Laning	Prince
Anthony	Gill	Lassiter	Pujo
Bannon	Gillett	Law	Randell, Tex.
Barclay	Glass	Lawrence	Ransdell, La.
Barthoidt	Goebel	Leake	Reid
Bates	Goldfogle	Lee	Reynolds
Beale, Pa.	Goulden	Legare	Rhinock
Bennett, Ky.	Granger	Lewis	Richardson
Bingham	Gregg	Lilley	Riordan
Boutell	Griggs	Lindbergh	Roberts
Brantley	Gronna	Lindsay	Rucker
Brodhead	Hackett	Littlefield	Russell, Tex.
Broussard	Hackney	Livingston	Saunders
Brownlow	Haggott	Longworth	Scott
Brundidge	Hall	Lorimer	Sherley
Burgess	Hamill	Loud	Sherman
Burleigh	Hamlin	Lovering	Slayden
Burleson	Hammond	McCall	Snapp
Burton, Ohio	Hardwick	McCreary	Sparkman
Calder	Heflin	McDermott	Sperry
Calderhead	Henry, Conn.	McGuire	Stanley
Caldwell	Hepburn	McHenry	Stephens, Tex.
Caulfield	Hill, Miss.	McKinlay, Cal.	Stevens, Minn.
Clark, Fla.	Hitchcock	McKinney	Sulloway
Cockran	Hobson	McLachlan, Cal.	Sulzer
Cocks, N. Y.	Howard	McLain	Talbott
Cole	Hubbard, W. Va.	McLaughlin, Mich.	Taylor, Ala.
Cook, Colo.	Hughes, W. Va.	McMillan	Taylor, Ohio
Cook, Pa.	Hull, Iowa	Malby	Townsend
Coudrey	Humphreys, Miss.	Miller	Vreeland
Crumpacker	Jackson	Mondell	Wallace
Davey, La.	James, Addison D.	Moon, Pa.	Wanger
Davis, Minn.	James, Ollie M.	Moore, Pa.	Washburn
Dawes	Jenkins	Mudd	Watkins
Denby	Johnson, Ky.	O'Connell	Webb
Douglas	Jones, Va.	Olcott	Weeks
Draper	Kahn	Olmsted	Weems
Dunwell	Keliher	Overstreet	Weisse
Edwards, Ga.	Kimball	Parker, S. Dak.	Wiley
Edwards, Ky.	Kitchin, Wm. W.	Patterson	Willett
Fairchild	Knapp	Pearre	Wilson, Ill.
Favrot	Knopf	Peters	Wolf
Flood	Knowland	Pollard	Wood
Focht	Lafean	Porter	
Foster, Vt.	Lamar, Fla.	Pou	

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. FAIRCHILD with Mr. BRODHEAD.

Mr. MCMORRAN with Mr. RICHARDSON.

Mr. ANTHONY with Mr. BRUNDRIDGE.

Mr. BANNON with Mr. BURLESON.

Mr. BEALE of Pennsylvania with Mr. DE ARMOND.

Mr. CRUMPACKER with Mr. FLOOD.

Mr. FOCHT with Mr. GREGG.

Mr. HUBBARD of West Virginia with Mr. HAMILL.

Mr. JENKINS with Mr. HAMMOND.

Mr. LAFEAN with Mr. HEFLIN.

Mr. LAWRENCE with Mr. HITCHCOCK.

Mr. LOUD with Mr. JOHNSON of Kentucky.

Mr. MCCALL with Mr. HOBSON.

Mr. MCMILLAN with Mr. LEE.

Mr. PARKER of South Dakota with Mr. O'CONNELL.

Mr. PEARRE with Mr. REID.

Mr. SCOTT with Mr. RUSSELL of Texas.

Mr. TOWNSEND with Mr. SAUNDERS.

Mr. VREELAND with Mr. SHERLEY.

Mr. WILSON of Illinois with Mr. TAYLOR of Alabama.

Until April 28:

Mr. CAULFIELD with Mr. HARDY.

Until Wednesday:

Mr. COCKS of New York with Mr. RUCKER.

For the remainder of this day:

Mr. LANING with Mr. ASHBROOK.

Mr. LONGWORTH with Mr. CLAYTON.

Mr. LORIMER with Mr. HUMPHREYS of Mississippi.

Mr. ANDRUS with Mr. PUJO.

Mr. ALEXANDER of New York with Mr. SPARKMAN.

Mr. BENNETT of Kentucky with Mr. HACKNEY.

Mr. PORTER with Mr. CALDWELL.

Mr. GILHAMS with Mr. GARRETT.

Mr. DRAPER with Mr. STEPHENS of Texas.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The question was taken.

The SPEAKER. The ayes have it——

Mr. WILLIAMS. Division, Mr. Speaker.

The SPEAKER (continuing). And the House stands adjourned until to-morrow at 12 o'clock noon.

Accordingly, under the order heretofore made, the House (at 6 o'clock and 17 minutes p. m.) adjourned until Sunday, April 19, 1908, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for conveying the votes of electors at the coming election of President and Vice-President (H. R. Doc. 866)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting a response to the inquiry of the House as to investigations into the management of the International Paper Company and other corporations (H. R. Doc. 867)—to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes, reported the same with amendment, accompanied by a report (No. 1468), which said bill and report were referred to the Committee of the Whole House on he state of the Union.

Mr. DALZELL, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes, in lieu of H. R. 247, 264, 292, 293, 294, 295, 3906, 4052, 4888, 9155, 9162, 9225, 11709, 11740, 13093, 13258, 13669, 13676, 16631, 16632, 16633, 16634, 16635, 16636, 16869, 17990, 18119, 18201, and 18205, reported the same without amendment, accompanied by a report (No. 1470), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARSONS, from the Committee on Insular Affairs, to which was referred the resolution of the House (H. Res. 303) requesting the Secretary of War to transmit to the House for its information the laws and ordinances of Porto Rico and the military orders and decrees affecting Porto Rico, reported the same without amendment, accompanied by a report (No. 1472), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAMILTON of Iowa, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6363) granting title to a parcel of land in the city of Dubuque, Iowa, heretofore known as St. Raphael's Cemetery, to the archbishop of Dubuque and his successors in office, and confirming and establishing title thereto accordingly, reported the same with amendment, accompanied by a report (No. 1469), which said bill and report were referred to the Private Calendar.

Mr. CRAVENS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 2245) authorizing the Court of Claims to hear and adjudicate the claims against the Choctaw Nation of Samuel Garland, deceased, reported the same without amendment, accompanied by a report (No. 1471), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 8739) for the relief of Levi J. Billings, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CALE: A bill (H. R. 21000) to preserve certain coal deposits in the district of Alaska, and for other purposes—to the Committee on the Public Lands.

By Mr. ROBERTS: A bill (H. R. 21001) to provide for the purchase of a site and the erection of a public building thereon at Chelsea, in the State of Massachusetts—to the Committee on Public Buildings and Grounds.

By Mr. VREELAND: A bill (H. R. 21002) for the purchase of a site and the erection of a public building thereon in the city of Salamanca, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL, from the Committee on Ways and Means: A bill (H. R. 21003) fixing the compensation of certain officials in the customs service, and for other purposes—to the Union Calendar.

By Mr. ANDREWS: A bill (H. R. 21004) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Portales, N. Mex.—to the Committee on the Territories.

By Mr. PARSONS: A bill (H. R. 21005) to amend section 3 of the act of August 18, 1894, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," so as to provide safeguards to life on boats and scows—to the Committee on the Merchant Marine and Fisheries.

By Mr. LANGLEY: A bill (H. R. 21006) to limit the effects of the regulations of commerce between the several States and with foreign countries in certain cases—to the Committee on the Judiciary.

By Mr. HITCHCOCK: A bill (H. R. 21007) to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. MARSHALL: A bill (H. R. 21008) to provide for the purchase of sites for public buildings in cities having second-class post-offices in the United States—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 21009) to further amend an act entitled "An act to provide for the construction of a lighthouse and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras," approved April 28, 1904, as amended by an act approved March 3, 1905—to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 21010) authorizing the Secretary of the Interior to grant easements on certain lands in the Coeur d'Alene Indian Reservation, in Idaho—to the Committee on Indian Affairs.

By Mr. DALZELL: Resolution (H. Res. 341) modifying Rule XXVIII of the House rules—to the Committee on Rules.

By Mr. SCOTT: Resolution (H. Res. 342) for the relief of John B. Lancaster—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 21011) granting a pension to William C. Stanford—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 21012) granting an increase of pension to Edward P. L. Jones—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 21013) granting an increase of pension to Mary R. Greer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21014) granting an increase of pension to John Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21015) granting an increase of pension to Hiram Prusia—to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 21016) granting an increase of pension to William H. McGuire—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 21017) for the relief of J. Howard Mitchell—to the Committee on Claims.

By Mr. CALDERHEAD: A bill (H. R. 21018) granting a pension to William H. Kendall—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 21019) to reimburse Agnes M. Harrison, postmaster at Wheeler, Miss., for loss of money-order remittance—to the Committee on Claims.

Also, a bill (H. R. 21020) for the relief of R. J. Warren—to the Committee on Claims.

By Mr. CUSHMAN: A bill (H. R. 21021) granting an increase of pension to Delano Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21022) granting an increase of pension to Elijah H. McAlmond—to the Committee on Pensions.

By Mr. DIXON: A bill (H. R. 21023) granting a pension to Isaac Stroude—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21024) granting a pension to James H. Sale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21025) granting a pension to Warren L. Malcomb—to the Committee on Invalid Pensions.

By Mr. DUNWELL: A bill (H. R. 21026) granting a pension to Mary A. Le Bars—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 21027) granting an increase of pension to Thomas G. Gambill—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: A bill (H. R. 21028) granting a pension to Joseph E. La Rocque—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 21029) for the relief of James W. Sears—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 21030) granting a pension to John E. McClintic—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 21031) granting an increase of pension to James E. Tedrick—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 21032) for the relief of the legal representatives of John Clark—to the Committee on War Claims.

By Mr. LOVERING: A bill (H. R. 21033) for the relief of the citizens of Fort Revere, Hull, Mass.—to the Committee on Claims.

By Mr. McCALL: A bill (H. R. 21034) to correct the naval record of John Coughlan—to the Committee on Naval Affairs.

By Mr. MACON: A bill (H. R. 21035) granting an increase of pension to Isaac Shoemaker—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 21036) granting an increase of pension to E. W. Cone—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 21037) granting an increase of pension to Washington T. Alsup—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 21038) granting an increase of pension to Edward B. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21039) granting an increase of pension to Esther Reed—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 21040) granting an increase of pension to John S. Richardson—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 21041) granting an increase of pension to Joseph A. Hollister—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 21042) granting an increase of pension to Eli R. Westfall—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 21043) for the relief of William Murray and David Murray—to the Committee on Claims.

Also, a bill (H. R. 21044) for the relief of William Murray and David Murray—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Building and Loan Federation of Western Pennsylvania, for amendment of H. R. 18525 so as to exempt from its operations building and loan associations that loan to their members only—to the Committee on Ways and Means.

Also, petition of Grange No. 1351, of Pennsylvania, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Jersey (Ohio) Grange, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways (H. R. 15837)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Elizabeth Grave—to the Committee on Pensions.

By Mr. BATES: Petition of secretary of the Commercial Exchange of Philadelphia, favoring H. R. 16096, appropriating the sum of $250,000 for taking a census of the standing timber of the United States—to the Committee on the Census.

Also, petition of German-American Alliance of St. Louis, Mo., for repeal of anticanteen law—to the Committee on Military Affairs.

Also, petition of Central Federation of Labor of the United States, favoring battle-ship construction in navy-yards—to the Committee on Naval Affairs.

Also petitions of President W. S. McGunnigle, of the Merchants' National Bank, of Meadville, Pa.; Clearing-House Association of the Banks of Philadelphia; Manley Crosby, cashier

of National Bank of Corry, Pa.; and R. R. Whitley, cashier of Marine National Bank, of Erie, Pa., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of District Lodge No. 44, International Association of Machinists, praying for construction of battle ships in Government navy-yards—to the Committee on Naval Affairs.

Also, petition of Typographical Union No. 77, of Erie, Pa., favoring H. R. 15651 (the eight-hour bill)—to the Committee on Labor.

Also, petition of National Foundry Company, of Erie, Pa., against the Hepburn amendment (H. R. 19745) to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Army and Navy Union of the United States, for H. R. 19361, increasing the pay of officers and enlisted men of the Navy—to the Committee on Naval Affairs.

By Mr. BENNET of New York: Paper to accompany bill for relief of Joseph A. Hollister—to the Committee on Invalid Pensions.

By Mr. BOOHER: Paper to accompany bill for relief of Chauncey H. Graves—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of John A. Kavannagh, favoring amendment proposed to the Sherman antitrust law, Pearre bill limiting issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of Branch No. 52, Glass Bottle Blowers' Association of United States and Canada, against Hepburn amendment to antitrust law—to the Committee on the Judiciary.

Also, petition of J. J. Samuels, urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of legislative committee of the Trades and Labor Council of Racine, Wis., favoring building of at least one battle ship in a navy-yard—to the Committee on Naval Affairs.

By Mr. DAWSON: Petition of Iowa Pharmaceutical Association, favoring some modification of the Sherman antitrust act—to the Committee on the Judiciary.

By Mr. DRAPER: Petitions of International Union of Steam Engineers and International Brotherhood of Pulp Workers, against removal of duty on wood pulp—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of Interdenominational Council of Women for Christian and Patriotic Service, favoring an antipolygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Grand Street Board of Trade, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. FOSTER of Vermont: Petition of Riverside (Vt.) Grange, favoring H. R. 15837, for a national highways commission and appropriation for Federal aid in road building—to the Committee on Agriculture.

By Mr. FORNES: Petition of Thomas Shea, of Brooklyn, favoring remedial legislation excluding labor unions from provisions of the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York City, against H. R. 16954 (Crumpacker census-employee bill)—to the Committee on the Census.

Also, petition of Clearing House Association of Philadelphia, Pa., against Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. HAMILL: Petition of residents of Bayonne, N. J., against any treaty of arbitration with Great Britain—to the Committee on Foreign Affairs.

By Mr. HUGHES of New Jersey: Petition of Chamber of Commerce of city of Richmond, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of the Association for the Protection of the Adirondacks, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of Manufacturers' Association of New York City, favoring an investigation of the industrial depression—to the Committee on Labor.

Also, petition of Fort Henry Local, No. 1, Pulp, Sulphite, and Paper Mill Workers, against the removal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Anthony McOwen, of New York City, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petition of Grand Forks Council, No. 1260, Knights of Columbus, favoring H. R. 7559, making October 12 a holiday—to the Committee on the Judiciary.

Also, petition of George W. Short and A. S. Short, of New York City, against any amendment or treaty provision to extend right of naturalization, etc.—to the Committee on Immigration and Naturalization.

Also, petition of James Clark, jr., and others, for amendment to the Sherman antitrust law, for the Pearre bill limiting injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

By Mr. KIMBALL: Paper to accompany bill for relief of Michael Laughlin—to the Committee on Pensions.

By Mr. LINDSAY: Petition of Branch No. 52, Glass Blowers' Association, of Brooklyn, N. Y., favoring Hepburn amendment to antitrust law—to the Committee on the Judiciary.

Also, petition of W. W. Locke, for amendment to the Sherman antitrust law, for the Pearre bill regulating issuance of injunctions, employers' liability bill, and national eight-hour bill—to the Committee on the Judiciary.

Also, petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Fort Edward, N. Y., against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of American Bison Society, favoring the Flathead national bison herd bill (S. 6159)—to the Committee on Indian Affairs.

By Mr. MALBY: Petition of Kirkland Grange, of Redwood, N. Y., for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. NORRIS: Petition of Local Branch No. 29, United Brotherhood of Leather Workers, against all prohibition legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. PAYNE: Paper to accompany bill for relief of George F. Sloane—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Paper to accompany bill for relief of Garland Hammond, alias A. G. Hamilton—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Angus Gillis—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of N. P. Long and 12 others, of Fort Morgan, Colo., against religious legislation for the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. WOOD: Petition of sundry citizens, requesting passage of concurrent resolution No. 28, against atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 19, 1908.*

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord, our God and our Father, who hath made us a little less than divine, and hast crowned us with glory and honor, we thank Thee for all the disclosures Thou hast made of Thyself in the great Book of Nature, the sun which shines by day, the moon and the stars which shine by night, the change of seasons, seedtime and harvest, and the wonderful adaptation of means to ends.

Surely Thou openest Thy hand and satisfieth the desire of every living thing. Especially do we thank Thee for Thy Son, Jesus Christ, His life, death, and resurrection, through whom Thou hast revealed Thine own heart to the world, which palpitates with eternal love and affection for all Thy children, and that we can never go where Thou art not. "If I ascend up into Heaven, Thou art there; if I make my bed in the grave, behold Thou art there. If I take the wings of the morning and dwell in the uttermost parts of the sea, even there shall Thy hand lead me and Thy right hand shall hold me."

We rejoice, O Lord our God, with all the world this day in the resurrection of Thy Son, Jesus Christ, which proves the strength and power of life over death.

We are met here to pay a tribute of love and respect to one who served with distinction upon the floor of this House. We thank Thee for his patriotism, for his citizenship, for his public service, and we most fervently pray for all who are bound to him by the ties of kinship, love, and affection. Let the Ever-

lasting Arms be about them, and especially do we pray for his companion who walked by his side, sharing his joys and sorrows, his victories and defeats. Help her to look forward to the resurrection morn, which shall be for all of us, and pæans of praise we shall ever give to Thee in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of the legislative day of Monday, April 6, was read.

The SPEAKER. Without objection, the Journal will stand approved. [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. MADDEN] will take the chair.

Mr. MADDEN assumed the chair as Speaker pro tempore.

EULOGIES ON THE LATE REPRESENTATIVE GEORGE W. SMITH, OF ILLINOIS.

The SPEAKER pro tempore. The Clerk will read the order under which the House is in session.

The Clerk read as follows:

On motion of Mr. THISTLEWOOD, by unanimous consent,

"*Resolved*, That the House of Representatives shall meet at 12 m. on Sunday, April 19, 1908, for the purpose of having eulogies upon the life, character, and public services of the Hon. GEORGE W. SMITH, late a Representative in Congress from the Twenty-fifth District in Illinois."

Mr. THISTLEWOOD. Mr. Speaker, I have a resolution which I wish to submit.

The Clerk read as follows:

Resolved, That in pursuance of the special order heretofore adopted the House now proceed to pay tribute to the memory of Hon. GEORGE W. SMITH, late a Member of this House from the State of Illinois.

Resolved, That as a special mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the exercises to-day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. THISTLEWOOD. Mr. Speaker, there are a number of Members who expected to speak this afternoon, but who will be deprived by other engagements. I ask unanimous consent that those gentleman, and any others who desire, may print remarks in the RECORD on the life, character, and public services of Mr. SMITH.

The SPEAKER pro tempore. If there be no objection to the request of the gentleman from Illinois, it will be so ordered.

There was no objection.

Mr. THISTLEWOOD. Mr. Speaker, on the 4th day of March last I introduced in this House a resolution by unanimous consent fixing the hour of 12 o'clock, Sunday, April 19, for the hearing of eulogies on the life, character, and public services of Congressman GEORGE W. SMITH, late a Member of this House and long an honored representative of the Twenty-fifth District of Illinois.

It is not my purpose to make any extended remarks as to his Congressional services here, but rather, in what I shall have to say, confine myself to his youthful days, to his early struggles, and to his determination to educate himself so as to be fitted to meet the responsibilities of life.

I propose to leave for you who have served with him here so long and who know how faithful he was to his district, to his State, and to his country, the opportunity of speaking of his splendid services as a legislator.

The life and public service of Congressman SMITH were in many respects remarkable. He was of humble parentage. His father, James Smith, came from Scotland and settled in Ohio at an early date. His mother's maiden name was Agnes Morton, and she was a native of Ohio. Congressman SMITH was one of a family of ten children, six boys and four girls. He was born in Ohio August 18, 1846. His father early emigrated to Indiana, and later settled in Illinois in 1851. The parents of Congressman SMITH were of that hardy class of pioneers who were the early settlers of Illinois, and who pushed forward before the days of the railroads and helped to make Illinois one of the great States of the American Union.

His father took up land in Wayne County, and proceeded to make for himself and family a home in what was then a comparative wilderness. His neighbors were few and far between; houses were to be built; the land was to be cleared, broken, and inclosed. In this work all would join; while the father would fell the trees the mother and children would gather and burn the brush; or, while the father would hold the plow the remainder of the family would plant the crop. Thus all contributed to the wealth and maintenance of the household.

The schools in those days in Illinois were very primitive. The children of the Smith household attended school only for a short time during the winter months, being compelled to help the mother in the house and the father in the field during the spring and summer.

Congressman SMITH when a small boy was a hard worker and a hard student. He gave early evidence of a desire to educate himself. He studied and worked, and worked and studied. He was untiring in his efforts; all the time adding to his store of knowledge.

He early learned the trade of blacksmithing, and by working on the farm and at his trade he was enabled to save up enough money to take a course in the literary department of McKendree College, at Lebanon, Ill. Later he began reading law, and graduated from the law school of Bloomington, Ind., in 1870, and was admitted in the same year to practice in Illinois by the supreme court. He located at Murphysboro, and soon took a leading place as an attorney in Jackson County and in the then Eighteenth Congressional District.

His ambition as a boy and as a man was to go to Congress, and when he had attained that ambition he seemed satisfied. In 1880 he was elected on the Republican ticket as the elector for the Eighteenth District and cast his vote for President Garfield.

In 1888 he received the Republican nomination for Congress and was elected by a handsome majority, thus reaching the goal of his ambition, and he continuously served in Congress from that time until his death, being always elected by very large majorities.

On December 29, 1884, Congressman SMITH was married to Miss M. Alice Dailey, of Murphysboro, Ill. Mrs. Smith had two brothers and one sister, all of whom, together with her parents, have passed away, she being the only surviving member of her immediate family; and it is particularly sad to relate that the next day after her husband's death her father also died, and both were buried on the same day, the father in Missouri, the husband in Illinois.

Those of you who have served with Congressman SMITH here, and who know how faithful he was to every obligation imposed on him, are better fitted than I am to speak of his official life; but my long acquaintance with him in relation to the people whom he so efficiently served gives me an insight into his character and enables me to speak of that close bond of friendship which existed at all times between him and the people of his district.

I think I may say that no complaint was too trivial for him to investigate, and no letter was ever received by him that did not receive an answer couched in the most gracious language. Congressman SMITH was not only strong in his party, but he had hosts of friends in the opposite party that voted for him as regularly as did his party friends.

I think I may say that he had no ambition for any political honors outside of his Congressional district, being content to serve his constituents, and for their interest to devote all his time.

A very strong bond of friendship existed between him and the veterans of the great war. He was their friend and they were his friends. A great part of his time was devoted to aiding the veteran soldiers and seeing that they secured the pensions due them from the Government.

Congressman SMITH died November 30, 1907, at his home in Murphysboro, where he had resided for nearly forty years, attended by his devoted wife and surrounded by his intimate friends of Murphysboro and Jackson County. Besides his wife, he left an elder sister, Mrs. Margaret Pucket, who now lives near the old homestead in Wayne County.

The people of Jackson County and of the entire district will miss Congressman SMITH. He was charitable and benevolent, gentle and kind, always cheerful, always doing something to contribute to the happiness of others. He was a devoted husband. His honesty of purpose and his integrity were well known; his life and work, public and private, were above reproach. He was successful as an attorney and gave satisfaction as a public servant, as attested by his being elected ten successive terms from his district. His constituents appreciated his services and delighted to honor him. His disposition and eagerness to serve them, regardless of politics, were well known, and therein was much of his strength. One of his chief characteristics was his attention to the little things in life, small things and kindnesses, thoughtfulness of deeds in which few men in their busy spheres of life ever take time to think of. He was thoughtful, kind, loving, and gentle as a woman. Those who knew him well best appreciated his sterling worth.

When a good man dies,
Upon whose honored name
There rest no flaw, no blame,
No heartless, cruel shame,
No tarnish to his fame;
We can not count the cost,
Nor reckon what we've lost,
When a good man dies.

When a good man dies,
Whose nobleness succeeds
To bless the many needs
And cheer the heart that bleeds
With high, unselfish deeds;
We can not count the cost,
Nor reckon what we've lost,
When a good man dies.

When a good man dies,
Whose name can proudly stand
Whose memory can command
The tribute, sweet and grand,
An honor to the land;
We can not count the cost,
Nor reckon what we've lost,
When a good man dies.

Mr. RODENBERG. Mr. Speaker, as a rule obituaries, eulogies, and epitaphs are discounted. We are too apt to employ extravagance when we speak or write of our friends whose passing we mourn. In what I have to say on this occasion of my late colleague, GEORGE W. SMITH, I shall speak with knowledge of his private character and public services, based upon a close acquaintance with his career, and I believe that my estimate of the man will not be mixed with fulsome flattery or inordinate eulogy. The looms that construct the warp and woof of time are never idle. Their tireless, incessant weaving is seen in the threads and colors that make up our several lives, and when the light of criticism is turned upon them the whole world may make the final analysis, thus discovering the defects and the beauties of the workmanship. And so in a few brief sentences I shall endeavor to epitomize the story of some of the characteristics of our friend's life as they come to me.

GEORGE W. SMITH was a native of Putnam County, Ohio, where he was born on the 18th day of August, 1846. When he was 4 years old his parents went to Illinois. There he learned the trade of blacksmithing, but, like Elihu Burritt, the great thinker and patriot, he soon broke away from the restrictions of the anvil and forge to make his way to the professional pursuits of life. After attending the common schools he graduated from McKendree College in 1868. At this time he became ambitious to study and master the law, and following that inclination he was graduated at the University of Bloomington, Ind., 1870, being admitted to practice by the supreme court of Illinois the same year, after which he practiced his profession in his home town of Murphysboro. He was a master in the details of organization, and one of the keenest judges of men that I have ever met; therefore his way to political paths was easy and natural.

In 1880, as an elector for his Congressional district, the old Twentieth, he cast his vote for Garfield and Arthur, and in 1888 he was elected to a seat in this body. From the Fifty-first Congress until his death, which occurred at his home November 30, 1907, he was returned at each election, thus rounding out a splendid service of over eighteen years. This long and continuous service is in itself a magnificent tribute to the estimate placed upon his worth by the constituency which he served so faithfully and so well. To aspire to membership in the Congress of the United States is an honor worthy of the ambition of any man, but to have occupied a seat in the nation's councils for almost a generation is an honor never achieved by any but the truest, the bravest, and the best.

Mr. Speaker, the crowning virtue and capstone of GEORGE W. SMITH'S character was his transparent honesty and singleness. He was the very soul of honor, the personification of loyalty. The mask of an actor never fitted him. He knew naught of expediency, and he was never known to temporize. The dominant trait of his public and private life was a sincere devotion to the highest and best ideals of patriotic citizenship. In all the vicissitudes of his eventful career he followed ever the path of duty, outlined clearly and unmistakably by a conscience that was responsive always to the noblest impulses of true manhood. Men who really knew him recognized his robust virtues and admired them. They likewise discerned his faults and merged them into his manly qualities, because he wore them both upon his breast. And thus he had grown upon his friends, his constituents, and his colleagues as one who might fitly use as his own the words which Homer puts in the mouth of the hero of his Iliad:

For I hate with perfect hatred.
Hate him like the gates of hell,
Who within him one thought harbors
While his lips another tell.

Above all, beyond it all, our friend possessed the attributes of a man that "stood four square to all the winds that blew." Mr. Speaker, we glory in our material greatness, our unequaled empire with its 90,000,000 freemen, our growth in wealth and culture, the dazzling sweep of mechanical ingenuity and invention, our beautiful cities, and our railroads and electrical appliances. But let us not forget to keep uppermost in our thoughts that after all the *man* is greater, higher than them all, the man is more than the great city, more than all of the combination of modern methods and conveniences of our wonderful twentieth century, more than the ingenuity of human thought and genius will ever attain.

Our friend was a firm believer in the fatherhood of God and the brotherhood of man. In the daily walks of life he practiced faith, hope, and charity, which are the divine characteristics of every manly heart. He was an ardent adherent to the beautiful teachings of Masonry, having been honored by that order many times. He had made the pleasant journey that led him through the York rite, which is the corner stone and essence of all Masonry. He presided over his lodge several times, a record to which he pointed with much pleasure. Here he was taught and believed with his whole soul that the man who so conducts the order of his life that when the summons comes that beckons him over into the eternal morning, leaving a marked imprint for good or traits of character worthy of record, that man has not lived for himself alone, but that his life was worth all the tears and trouble of the living. And such a life may fitly be said to be like "a tree planted by the rivers of water that bringeth forth fruit in season, whose leaves shall not wither," and whom no evil can befall, whether it be alive or dead.

Our departed colleague's veneration of and unmixed gratitude to the men who marched away during the war of the rebellion in defense of the flag and who kept that flag from dishonor were a part of his faith. He made several attempts to enter the Army, but failed because of his immature age and by reason of physical infirmities. This was ever a matter of regret to him, but his interest in those who made it possible for this Government to exist was a continuing, earnest one. His warm heart answered in generous sympathy the admiration that came from all over his district from soldiers, their widows and orphans. Patiently and consistently he contended for their rights, pressing with passionate interest the claims of the broken soldier and the debt owing to him by that nation which he served so well. To him the vanishing Army of Blue was full of pathetic interest. He saw them marching away until the purple hills that divide us from the Valley of the Shadow are crowded with those who became weary of the long march, at the termination of which they will again repeat the dear old war refrain, "We are coming, Father Abraham," as they enter the ever-swinging curtains of the waiting skies and meet him, the apotheosis of freedom's holy light, whose incomparable career has not been approached since the angels sang at Bethlehem and wept at Calvary's crime—their Lincoln, the world's Lincoln.

In the historic little city of Murphysboro we laid our friend away on that gray autumn day, the season that typifies the end of Nature's beautiful products, amid the tears of those he loved. The solemn scenes of that sad, sad day have left an impress on my memory which time can not efface. With bowed heads and sobbing hearts his friends and neighbors by the thousands followed the funeral cortege as it slowly wound its way through the streets of the mourning city to the little cemetery on the hill. There we left him to hurry out into the busy, throbbing, forgetful world, wondering who of us will closely follow and meet him—

Where no storms ever beat on the glittering strand,
And the years of eternity roll.

Mr. Speaker, we can not force our vision through the mists and shadows that separate us from our dead. We stand in the mysterious, solemn silence, and there is no sound save the quickened heart beat; but the cable of hope, of faith intertwined with roses, reaches "beyond the smiling and the weeping." Over it we may send our messages of love and with the listening ear of trust that comes from the Master we can hear the response from across the shoreless sea, saying:

All is well.

Mr. RUSSELL of Missouri. Mr. Speaker, I am informed that it is quite unusual for a new Member of this House to take part in memorial meetings of this kind, and especially where the new Member comes from a different State than that formerly represented by the deceased Member, but when the light is shed upon our past relations, I hope that my remarks at this time will not be considered inappropriate, nor my appearance an unbecoming intrusion on my part.

I have known Mr. GEORGE W. SMITH for many years, and although we lived in different States, we were in fact neighbors and friends, and in many respects our paths in life were similar and parallel. He was reared upon an Illinois farm, I upon a Missouri farm. We both entered the legal profession early in life, and for more than a quarter of a century we practiced law in adjoining circuits, but in different States.

In 1880 Mr. SMITH was a Presidential elector, and voted for Mr. Garfield, a Republican President, and in 1884 I was an elector and voted for Mr. Cleveland, a Democratic President. At the time of his death we represented in Congress adjoining districts, separated only by the Mississippi River, and while that great river separated us physically and geographically, a common interest in its improvement and welfare served to draw us nearer together officially and as friends.

Mr. SMITH and I were members of the same party of mutual friends from his district and mine, who, on board the steamboat *Dick Fowler*, accompanied President Roosevelt and his party on his recent trip down the Mississippi River. This great flotilla, consisting of seventeen boats, parading in orderly procession from St. Louis to Memphis, was, without question, the greatest and most imposing spectacle ever witnessed in the history of Mississippi River navigation, and emphasized to all the world the growing commercial importance of that mighty stream.

The several days that Mr. SMITH and I were thus thrown together on this extended trip, with frequent opportunities to personally converse, enable me to know better and to appreciate more fully his true worth and the noble characteristics of his life.

He was as gentle and sympathetic as a child, and still as determined and steadfast in his purposes as a military chieftain. He was always grateful and loyal to his friends, without regard to their influence or station in life, and, above all, his life was consecrated to the faithful discharge of his duties as a public servant.

The welfare of his constituents was to him the supreme law of his official action, and it at no time suffered any infraction by any willful act of his.

These, with many other good qualities, made him strong with the people of his district. He was, in fact, invincible to all opponents in his own party, and stronger than his party in the general elections.

I remember quite well our last separation at Cairo, when he said to me that he would be very glad to meet me in Washington City at the opening of this Congress, and would take great pleasure in assisting me in any way that he could in the discharge of my new duties as a Member of this House. I thanked him then for his generous offer, and now that he is gone I shall gratefully remember this kindly expression of his friendship and esteem.

How uncertain is life! How often it is that death intervenes and interferes with the calculations of men. Instead of meeting him here at the opening of this sesssion of Congress, and seeing his familiar face and enjoying again the friendly grasp of his hand, I was on the opening day shocked by the information of his death, and was at that time appointed by the Speaker of this House a member of the committee to attend his funeral in his home State.

We witnessed there, at his home in Murphysboro, many and unmistakable evidences of the secure and warm place he held in the hearts of his people. The city was in mourning, all business was practically suspended, special trains brought hundreds of his friends from all parts of his district; his Masonic brethren came from all parts of the State; the streets about the Logan House were crowded by a sorrowing multitude, unable to gain admission or to hear the beautiful and touching tribute to his memory expressed by the Reverend Doctor Flint, an old boyhood friend, and Mr. RODENBERG, his close personal friend and former colleague in this body.

The people of his home city seemed to perfectly realize the fact that they had in his death not only lost their most distinguished citizen, but their benefactor and friend; and their presence, their tears, and the many floral offerings all testified to the sincerity of their professions and the depth of their grief.

Our friend was laid to rest in the presence of thousands of his former constituents, neighbors, fraternal associates, and friends, by the Masonic fraternity, with their beautiful funeral service at the grave, which again impressed us all with the uncertainty of this life and of the frailties of all things mortal.

Our Masonic brethren sometimes compare human life to the hour-glass, and the comparison is striking and appropriate:

Behold how the grains of sand contained in this machine pass away almost imperceptibly, and yet in one short hour they are all exhausted. So wastes man. To-day he puts forth the tender buds of hope; to-morrow he blooms and bears his honors thick upon him; the next day the chilling frosts of death destroy all, and while he thinks his greatness is still aspiring he falls like autumn leaves, to enrich our mother earth.

But we were reminded by the evergreen, deposited by hundreds of the fraternity in the grave with the mortal remains of our departed brother, that—

There is in man an immortal spark which bears a close affinity to the Supreme Architect of the universe that shall never die. This enables all good Masons to look forward with hope and confidence to a blessed immortality beyond the grave, and we doubt not that on the resurrection morn our bodies shall rise up and become as incorruptible as the soul.

Mr. CHAPMAN. Mr. Speaker, among the men who have represented the State of Illinois in the National Congress since its admission into the Union, GEORGE W. SMITH was one of the few who had been honored by his district with a long, continued, and uninterrupted service. Had he lived to the expiration of the Sixtieth Congress, he would have been in continuous service for twenty years. During this time the nation has made more progress in the family of nations than in any other corresponding period of its history. He was born in the State of Ohio August 18, 1846. When four years of age his father removed to Wayne County, Ill. He was reared on a farm, attended the common schools, learned the blacksmith's trade, worked his way through McKendree College, at Lebanon, Ill., graduating in 1868, read law in a country lawyer's office at Fairfield, Ill., in his home county, and from there he went to the university at Bloomington, Ind., receiving his law degree in 1870, was admitted to practice in the same year, moved to Murphysboro, Jackson County, Ill., and began his life work as a lawyer. In the active practice of his profession he attained considerable distinction, and was regarded by his associates at the bar with that respect and confidence to which his legal abilities entitled him, and had he remained in the practice of law, no doubt he would have attained a high position in the profession, for he was painstaking, careful, studious, and always watchful of every interest of his clients, and above all, was regarded as thoroughly honest in everything pertaining to his profession. The profession of law, especially in a country town, naturally leads to politics, and in the case of Mr. SMITH it was to be expected that he, sooner or later, would become a candidate for political honors, for he had every incentive, both by nature and surroundings, to cause him to seek the political arena as a field for his future operations.

He was a fluent talker, a splendid organizer, a clear thinker, a good judge of men, and had that very necessary and important faculty which every successful public man must possess, of surrounding himself with loyal friends. And in addition to this, the county he had chosen for his residence had been the home of John A. Logan, who became famous during the period of the civil war both as a Congressman and volunteer soldier, and who afterwards, as a Senator from Illinois, served his country with equally as great ability in civil life as he had served it in military life. Living in these surroundings, it was natural that a man with the ability and standing which Mr. SMITH had acquired in his profession should have a desire to emulate the example of his distinguished neighbor and fellow-citizen. He was a candidate for the nomination three times on the Republican ticket for Congress before he succeeded. He was successful as a candidate for the nomination to the Fifty-first Congress, was elected, and was a Member continuously until his death. The indomitable will and persistent effort to accomplish his purpose when once he had made up his mind is clearly shown in his overcoming the handicap of three sucessive defeats before he attained his goal. There are but few aspirants in the political world who have shown sufficient courage and confidence in ultimate success to put forth another effort after meeting with so many reverses as he did before securing the position he sought. This phase of his character was one of the predominant features of his private and public life. When once he made up his mind that a thing was right and ought to be done, nothing swerved him from his purpose, and his life's history shows that he usually accomplished all of his undertakings.

I knew Mr. SMITH personally before he came to Congress, and was identified with him in some of his early political struggles. I was his constituent during fourteen years of his service in Congress, and I have the privilege and the honor now of representing four of the counties that formerly belonged to the district which he represented. He was my personal friend, and when I was elected to the Fifty-ninth Congress and came here inexperienced in the methods of procedure and unacquainted with the duties which I was expected to perform, it was from Mr. SMITH, my former Congressman and friend, that I sought advice and information, and I owe a debt of gratitude to him for the many favors shown me. For he was kind and considerate and took time from his own duties to explain and show me how to accomplish those things which every Representative must learn, either by experience or by the advice of others, and which he was eminently qualified to do from his long experience and large store of information on all the subjects affecting our national life. In equipping himself for the discharge of his duties as Representative, Mr. SMITH did not confine himself alone to studying the institutions of his own country. He

perhaps had traveled as extensively as any other Member of Congress. As a member of the Insular Committee he felt the necessity of visiting our island possessions, that he might acquaint himself at first hand, so that he could be better prepared to understand and legislate upon the propositions which are continually being presented in regard to them. In pursuance of this plan he had visited the Philippines, Porto Rico, Hawaii, Alaska, and the Canal Zone, and no one of my acquaintance could talk more intelligently and furnish more information upon the practical questions arising out of our island possessions than Mr. SMITH.

His extensive travels had given him a breadth of mind and a vast amount of information which enabled him to grapple with and solve with ease the many problems which are continually arising in our national affairs. He had no personal pride in in his own opinions, and was willing to receive advice and information from others, but after once making up his mind he was firm in his convictions and steadfast in his purposes. As his constituent for many years and colleague during a portion of his Congressional career, I never knew or heard of any adverse criticisms from members of his own party of any of the many votes he cast upon public questions, so careful was he to thoroughly inform himself before casting his vote.

As was evidenced by his long-continued service in Congress, he was held in high esteem by his constituents. But few men in public life were more trusted and loved by the people they represent than he, and in return he was a believer in the people and early in his Congressional career there was adopted in his district, at his suggestion, a system of primary elections for the nomination which gave each member of his party an opportunity to express his choice for candidates. This voluntary primary adopted many years ago in his district has been, with very little amendment, lately enacted into a law which now governs the nomination for all candidates in the State of Illinois. A great many of his constituents were soldiers of the civil war, and during his entire service in Congress he was their constant, loyal, and true friend, at all times ready and willing to render them any service possible. As the "soldiers' friend," he was known and honored throughout southern Illinois, and he richly deserved the title, for few have been the men who have been able to accomplish more for the soldiers of his district than Mr. SMITH. In return for this service he was loved, honored, and trusted by the soldiers, regardless of politics, in his district, and this fact was strongly exemplified at his funeral by the long line of members of the Grand Army of the Republic which marched at the head of the funeral procession, following to his last resting place one who, though not their comrade, had earned the right to honorary burial as such by his unselfish efforts and untiring energy in their behalf.

In his private life he was genial, hospitable, and generous. He was always ready to lend a helping hand to the unfortunate, and no one ever appealed to him in time of trouble who did not receive his advice and assistance. His heart was kind and sympathetic, and it seemed impossible for him to say "No" to any worthy one appealing to him in adversity. He died poor in the possession of the goods of this world, but rich in the esteem of his fellow-men, to which his high standard of living and conscientious devotion to truth and justice entitled him. His word was his bond, and was so taken and accepted both in his political life and in his dealings with his fellow-man. I was a member of the committee of the House that attended his burial at his home in Murphysboro, Ill. A profound sorrow was over the little city. The business houses were closed out of respect for the occasion, and a large number of his constituents, friends, and neighbors gathered to pay a last sad tribute to his mortal remains. From every county in his district came large delegations, all of them his personal friends and knew him well, to show the high esteem in which he was held by all of his constituents. He was buried under the auspices of the Masonic fraternity, of which he had been a devoted and honored member for many years, and the large number of the brethren of this order which gathered to pay the last sad rites to his memory attested the high standing in which he was held by the fraternity. May his memory ever be fresh in the affections of his friends and of the people who honored and loved him as their Representative and whom he served and loved so well.

Mr. LOWDEN. Mr. Speaker, again we are met to pay our tribute of affection and respect to a departed friend.

When we separated last spring, GEORGE W. SMITH had as good a right to expect many years of useful life as any of us who are here to-day. But suddenly Death met him face to face, and he went out from our midst, leaving many heavy hearts. I knew him well and loved him much.

The district he represented was the old Logan district. It was from this district that John A. Logan enlisted in the war with Mexico. It was from this district that Colonel Logan, resigning his seat in Congress, set out in the early days of the civil war on that career which was to lead him to immortal fame as the most illustrious citizen-soldier of the century. Under the tutelage of that great man GEORGE W. SMITH received his first lessons in politics. It was to be expected, then, that fidelity in all relations should be, as it was, a distinguishing quality of his life.

Southern Illinois is remarkable in this, that more than anywhere else, so far as I know, the Puritan of New England and the cavalier of the South met face to face, and in the rivalry between them only the best qualities of each survived.

The virtues of the North and the virtues of the South, mingling, produced a well-nigh perfect type of man. This people is patriotic in the extreme, but always sane. They are brave, but modest. They are hearty, but unaffected. They are hospitable, but simple. They are shrewd, but fair. If you would win their affections, you must first gain their respect. A more interesting people can nowhere be found. And when you have once visited southern Illinois you will not be content until you return. And when you have gone back you will feel at home.

Modest beyond most, it was given only to the family and closest friends of GEORGE W. SMITH to know his manly worth. But he who once was fortunate enough to gain his friendship could count on him in all times, whether of good report or bad report. Warm-hearted and loyal, like the great constituency he represented here so faithfully and well for a generation, he will be greatly missed in this House and in Illinois.

And what words of sympathy may we speak to the devoted wife, who mourns him most of all? I know that I utter the sentiment of all his friends here and his friends at home when I say that she has been much in our thoughts since the separation came. We know that any spoken words of ours can not assuage her grief, and that only from on high can comfort come to her wounded heart. May the Father of us all be very tender to the sorrowing companion of his earthly days. May she find peace in the glorious hope of a reunion beyond the grave.

Not affecting brilliancy of speech, but relying upon industry and good common sense, Representative SMITH served his people and his country well.

I have been many times in his district. He had an affectionate hold upon his constituents which nothing could shake loose. He trusted them and they believed in him. When the hour struck and he passed from mortal sight, the people of southern Illinois mourned the loss not only of their distinguished Representative, but of their friend as well.

Mr. GRAFF. Mr. Speaker, my late colleague, Hon. GEORGE W. SMITH, who passed away at his home in Murphysboro, Ill., in the first days of the present session of this Congress, preceded me as a member of this body by three Congresses, being first elected in 1888 to the Fifty-first Congress, making ten successive Congresses to which he had been elected from southern Illinois.

I knew him well and met him almost daily during the last twelve years when this House was in session. Among the 391 Representatives here there remain but 6 who equal or exceed in terms of service that of my lamented colleague. They are Speaker CANNON, from my own State, with seventeen terms; Representative BINGHAM of Pennsylvania, fifteen terms; Representative PAYNE of New York, twelve terms; Representative DALZELL of Pennsylvania, eleven terms; Representative HEPBURN of Iowa, eleven terms, and Representative SHERMAN of New York, ten terms. For a period of twenty years he survived the mutations of politics, the rivalries of political associates, factional strife, the unavoidable disappointment of followers, as well as the attacks of the opposing party. All this is necessarily involved in such a long and uninterrupted legislative career.

The Representative in Congress is the only national official chosen directly by the people. His constituency is not too large to come in personal contact with him and to form an independent individual estimate of his character and ability. His brief term of two years brings him back quickly to learn the people's latest mandate, their opinions, the objects of their present thought, their problems and their difficulties. Custom has added to his legislative duties that of being the people's agent with reference to their individual matters with the Government, thus bringing him into daily contact with them in even their private affairs.

Mr. SMITH had passed the stage of accidental preferment. He had withstood the eliminating and inexorable test of time, with all the trials common to such an experience. That he surmounted these difficulties through the years is of deep significance when we remember that this affirmative answer comes from an intelligent constituency of almost 200,000 people.

For eighteen years prior to his first election to Congress the people of his section knew Mr. SMITH as a lawyer at Murphysboro, and had nominated and elected him in 1880 as a Republican Presidential elector. They knew him intimately and well and had the very best opportunity to measure the elements of his character and ability. Therefore their unwavering loyalty to him through a fifth of a century is a higher tribute to his character and noble qualities of mind and heart than the most eloquent panegyric that could be uttered here by his friends and colleagues.

Mr. SMITH served at various times during his service here upon the following committees: Claims, War Claims, Militia, the Post-Office and Post-Roads, and Insular Affairs, and was for many years the chairman of the Committee on Private Land Claims. He devoted himself very industriously to the work upon his committees, where, as we all know, the most of the real work of this House is done. Being for many years on the subcommittee of the Committee on the Post-Office and Post-Roads, which framed the post-office appropriation bills, he had to do with the appropriation made for the trial of rural free delivery, and he took a just pride in being one of the earliest supporters of this service while it was yet in its experimental stage. He was also an earnest advocate of penny postage, and first introduced a bill for that purpose in 1892 and continued to introduce the same measure each Congress until his death, presenting from time to time numerous petitions from over the country in behalf of that movement. While on this committee he visited Australia and contributed on his return to the bringing about of the parcels-post convention between the United States and Australia.

While upon the Committee on Insular Affairs, his last important committee, he felt it his duty to make a trip to the Philippines and Porto Rico that he might be better equipped for his duties in that behalf.

Mr. SMITH also visited Cuba, the Isthmus of Panama since our operations in the construction of the canal, Alaska, and almost every part of the mainland of the United States. He also broadened his observations of the world by a trip to Europe, and endeavored to prepare himself as best he could for the work which devolved upon him as a Representative of the people. Upon his election to Congress he gave up the practice of his profession of the law and devoted himself entirely to his official duties. He secured three appropriations at different times for the national cemetery at Mound City, in his district, and through his efforts had allotted from time to time, out of the general appropriation for the Mississippi River, an aggregate of at least a half million dollars for the carrying out of projects along that portion of the river within the boundaries of his district, where they were properly needed.

He was an earnest advocate of the popular primary system, and was three times nominated by a primary called by the Congressional committee of his district before any primary law had been passed by the State of Illinois. Mr. SMITH was only 15 years old when the civil war began; nevertheless he offered himself as a volunteer soldier before that contest closed, but was rejected because of his then physical condition. He took great interest in the Federal soldiers and their widows when their claims were pending in the Pension Bureau or before Congress in the shape of legislation, and in his district I am sure that they will remember his helpfulness for many a year yet to come.

He loved his country and was proud of its history and confident of its glorious and successful future. Our colleague was a warm-hearted, loyal, manly man, and had no associate on the Illinois delegation who was not his friend and wellwisher. Rancor, jealousy, meanness seemed to have no place in his soul. He speedily forgot a slight or injury, but ever remembered a friendly obligation. His honesty and sincerity were both unquestioned. His home life was congenial and delightful; but whether at home or elsewhere, his kindly spirit was always manifest, leaving in companionship never an impression that rankled, never a cut that hurt. At home this broad and generous bearing must have disarmed and conquered many an enmity and won many a fast friend and adherent. The people adhered to him and were drawn by him. Were they mistaken? I am sure they were not, for they knew him and correctly interpreted his character and life.

This modest colleague has passed away. He was not given to heralding his own accomplishments, either here or at home; much less was he accustomed to enlarging upon them. But now that he has gone, it has seemed to me that he would prefer a truthful narration of his faithful work and efforts for his home community and his nation to stilted phrase and fulsome laudation.

In the midst of the activity of his career he immediately stepped from this life into the beyond. While we regret his departure, yet, for the consolation of his faithful wife and friends, was he not fortunate in not being compelled to linger just outside the portals, through protracted and weary months of pain and helplessness, a prisoner to disease, craving death to free him? God only knows, but since Providence had determined that his earthly work had ceased and the time of his departure was at hand, I prefer to believe that an infinite and divine love summoned his spirit thence without a probationary period of pain.

[Mr. PRINCE addressed the House. See Appendix.]

Mr. FULLER. Mr. Speaker, I wish to pay my tribute of respect and esteem to and of affection for my late colleague, GEORGE W. SMITH. If these services were to be held in his home district in Illinois, there would be no building large enough to accommodate his friends who would desire to be present. A man is best known at home. I am not one of those who believe that the prophet is not without honor save in his own land. At his own home and among his own neighbors he is best known. There, if he is worthy, he is appreciated at his full worth, and there GEORGE W. SMITH was best known and most appreciated. For the people of his district he labored in season and out of season. He loved his home and appreciated his home people, and his strength and his political prestige were based on the fact that he was always for his home people and for their interests. No Congressman who ever held a seat on this floor was more faithful to, or more diligent in looking after the wants and the interests of the people of his district than GEORGE W. SMITH.

Green be the turf above thee,
Friend of my better days;
None knew thee but to love thee,
None named thee but to praise.

The people of his district will miss him, and as the years go by will know that in him they have lost a true and devoted friend. Of him they will say:

While memory bids me weep thee,
Nor thoughts nor words are free,
The grief is fixed too deeply
That mourns a man like thee.

I have been profoundly impressed with the great number of our colleagues here who have been called from life during our term of service. We are reminded, oh, so often, that neither great nor small can avoid the call of the grim monster, Death. Our fathers met him and were vanquished. We shall each in our turn meet him and pass on; to a better or worse condition, we know not. We must all cross the deep, dark river; how soon, we know not. What is on the other side we do not know. We can only hope that life is eternal and that over there somewhere we shall meet the friends gone before us.

The thoughts we are thinking our fathers did think;
From the death we are shrinking our fathers did shrink;
To the life we are clinging our fathers did cling,
But it speeds from us all like the bird on the wing.

We bid our friend farewell. We shall see him no more.

We pass; the path that each man trod
Is dim, or will be dim, with weeds;
What fame is left for human deeds
In endless age? It rests with God.

Mr. CHANEY. Mr. Speaker—

I have seen man in the pride of his strength. He walked, he leaped, he ran, he rejoiced in that he was more excellent than the rose. Again I saw him, and behold, life had departed from him and the breath from out of his nostrils.

We all realize the fact that death is in the world, but what a gracious thing it is to know that men are remembered for what they have done. In the last week or two in this House we have supposed that there is not room enough on the earth for all of us, if we were to accept the appearances, but when there comes a time to us all, which must come to everyone, whatever may be our political belief and whatever may have been our political contests, whatever may be the religious belief which we hold, we, after all, come together, American citizens, bone of one bone and flesh of one flesh, recognizing the eternal mandate that, after all, we are brethren, that we are our brother's keeper, and that we appreciate each other.

Times have changed very greatly in the years in which we have had our experiences. We live in a day of enlightened religion. Hell is not as large as it used to be. Seventy-five years or so ago it was decidedly the largest section of the universe. Everybody went there except our own set. Now very

few are going. The soldiers of truth have come home from the wars covered o'er with the smoke and dust of battle, but they are marching beneath arches of flowers erected by loving and sympathetic hands. I have an abiding faith in the immortality of the soul. I believe that this earth is only the nursery from which there is to be transplanted the trees which are to blossom and bear their fruit in another world. I believe, therefore, that the work that we may do here is worthy of appreciation by everyone, and that each one as he passes hence is entitled to that respectful consideration and that grateful word of remembrance to which all men, honored for the work they have done here, are entitled. I believe that when a life, balanced by death, shows a credit of good deeds done against life's mistakes and faults, that will receive the plaudit "Well done." Indiana and Illinois are very closely related in a business way as well as by geographical boundaries.

The citizens of Illinois are very closely related to those of Indiana. Indiana is able to appreciate the greatness of that great State. Indiana had a hand in the education of GEORGE W. SMITH. He graduated in the law department of the Indiana University. Above all, however, he was an American citizen who believed in his country, believed in his fellow-men. He served his people well at home and he served his people well here. It is a splendid thing, indeed, to know that those who are most intimately acquainted with him, who associated with him almost daily through his life, can speak the words of praise that they do, and speak them with a heartfelt appreciation of what he was. I was one of the committee which went out to his funeral, and my heart was filled with gratitude indeed to see that large assemblage of people in his home city, to see them tenderly cover his coffin with flowers, and as tenderly go out to the city of the dead.

He was our fellow-citizen, he was an Illinoisan, but he was an American. State lines do not encompass the privileges of men in the United States. I glory in the fact that in this land of liberty one man is only better than another if he behaves himself better. I am glad to know that that was the guiding star of GEORGE W. SMITH. He appreciated his opportunities, he embraced his responsibilities, he acted up to the dignity of American civilization, and went out to eternity to meet his God, having served his country well. It is not for us to judge faults of men, for if the faults of human kind were all unpardonable sins there would be no hereafter of promise, but on this resurrection day, under this beautiful sky with this bright sun, we can appreciate that it is not only an appropriate day to pronounce a eulogy on a well-spent life, but it is also an appropriate day to look forward to that immortality which is given to all those who remember the Creator of the Universe.

Mr. DE ARMOND. Mr. Speaker, GEORGE W. SMITH served long and creditably in this House. His people commissioned him for still longer service. Death and not his constituents terminated his career. He retained the confidence of his people to the end. They knew him well, and he could not so long and so firmly hold their respect and esteem except upon merit. Their steadfast support is strongest evidence of his worth.

Life has its own unobtrusive reciprocity. The people sustained Representative SMITH, and Representative SMITH strove manfully to serve them, not only officially, but also personally. He never tired of the labor of love—and such it surely was in his case—performed throughout his entire career, in doing for his constituents collectively and for thousands of them individually whatever their wants suggested and his ability with his opportunities could accomplish.

His admiration for and pride in the people who honored him and whom he served was very great. His people were ever uppermost in his mind. He was a diligent and faithful representative of a great constituency, and those whom he served stood manfully between him and political danger.

Faithfulness to the people who put us in high places surely is admirable, and thus faithful was our friend. The Congressman who serves well his immediate constituency almost always serves his country well. On the other hand, the Member who serves special interests is a bad representative of any American constituency, as well as a bad lawmaker for the Republic. A special interest is none the less a special interest because located in one's own district, and its servant in the Congress of our country is none the less an enemy of good government because his home and the home of his master are in the same city or county. To the honor of GEORGE W. SMITH it can be truthfully said that the people—the many and not the few—appealed to his sense of justice and of gratitude, and to them his services were gladly given.

It is no secret among the friends of Mr. SMITH that he was not entirely satisfied with his treatment in late years in the make-up of committees. But if he was proud and felt keenly the sting of what he esteemed a wrong suffered in the household of political friends, he was also sensitive, and pride and sensitiveness combined to make him silent.

He was a good friend and a manly antagonist. He was every man's friend, and the enemy of no one. He was too kindly in disposition and too broad to harbor hatred or ill will. He was a true man. So let his faults rest in the grave with his body, while we cherish the memory of his many good traits and good deeds.

Mr. STEENERSON. Mr. Speaker, we have met to-day to pay fitting tribute to the character and public services of a distinguished Member of this House and a faithful servant to the people. I first met Mr. SMITH at the beginning of the Fifty-eighth Congress, where we happened to be both assigned to the same committee, the Committee on the Militia. Soon after a vacancy occurred in the chairmanship, and Mr. SMITH, who ranked me, very promptly sent word that, having another chairmanship, he did not desire the place, but advised me to assert my claim as the next one in order. Being a new Member I did not get the place at that time, but I always felt grateful to Mr. SMITH for his kindness and consideration in the matter. When Congress adjourned for the holidays in December, 1906, we both joined a party of Congressmen for a trip to Panama, and on this delightful trip of three weeks we were together a great deal, both on shipboard and ashore, and I found him a most delightful companion. He had been reared on the frontier and seen his own immediate neighborhood advance from a wilderness to one of the richest and most prosperous agricultural sections of the whole country. He knew the hardships and sacrifices of pioneer life and his sympathy with the people was natural and genuine. He was not only a well-read man generally, but had traveled extensively in his own country as well as nearly every country on the globe. He was a close observer and an independent and original thinker. He had studied social and political questions abroad, and no doubt to this fact was largely due his constant interest in the extension and betterment of the mail service in our own country. To hear him tell of his travels and observations was not only a continuous source of information, but a delight.

Of him it might be truly said:

> He foreign countries knew; but they were known
> Not for themselves, but to advance his own.

Mr. SMITH was first elected to Congress in 1888, and was successively reelected nine times. He served in the Fifty-first and Fifty-second Congresses on the Committees on Territories and Claims, and in the Fifty-eighth and Fifty-ninth Congresses he was chairman of the Committee on Private Land Claims. His most important service, however, was on the Committee on the Post-Office and Post-Roads, of which he was an active and influential member for ten years, from 1893 to 1903. He was one of the originators of the rural free-delivery service, in which fact he always took a just pride. His last speech on the floor of the House, February 19, 1907, was devoted to this subject, and he reviewed the origin and growth of the rural free-delivery service from the beginning and its beneficent influence upon the people.

The State of Illinois has in the past furnished more than its share of great names to illuminate the pages of our country's history. Illinois is still furnishing at least her share of the illustrious statesmen who are now in the present guiding our Ship of State, and in such a galaxy it is difficult to shine; but though the services of these may be more conspicuous they could not excel in high conception of honor and fidelity to duty the more humble career of our departed and honored friend.

> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.

That the people whom he had so long and faithfully served appreciated him and loved him was most pathetically shown by the large outpouring of the people and universal evidences of grief on the occasion of his funeral at his old home.

He died in the fullness of his prime, and in his death the people lost a faithful friend and wise legislator. He has gone to—

> The undiscovered country, from whose bourn
> No traveler returns—

And whose secrets we may not know, except by faith in love divine; but this we know, that earth has received into its final embrace few men more beloved than was GEORGE W. SMITH.

The SPEAKER pro tempore. This closes the exercises, and, in accordance with the resolution previously adopted, I now declare the House adjourned until 12 o'clock to-morrow.

Accordingly (at 1 o'clock and 33 minutes p. m.) the House adjourned.

SENATE.

MONDAY, *April 20, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

LIST OF VOLUNTEER OFFICERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 21st ultimo, a list of officers of United States volunteer organizations under the act of March 2, 1899, for service in the Philippines, showing the difference between the amount paid each officer under the act of May 26, 1900, as travel pay, etc., and the amount each would have received under the law in force at the time of their muster into the service, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 20345) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1909, in which it requested the concurrence of the Senate.

The message also communicated to the Senate resolutions commemorative of the life and public services of Hon. GEORGE W. SMITH, late a Representative from the State of Illinois.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of Local Lodge No. 24, of Berlin; of Local Lodge No. 9, of Franklin, in the State of New Hampshire; of Local Lodge No. 3, of South Glens Falls; of Local Lodge No. 5, of Ticonderoga, in the State of New York; of Local Lodge No. 10, of Wilder, and of Local Lodge No. 19, of Milton, in the State of Vermont, all of the International Brotherhood of Pulp, Sulphite, and Paper Mills Workers, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. PLATT presented a petition of Buffalo Council, No. 184, Knights of Columbus, of Buffalo, N. Y., praying for the enactment of legislation making October 12 a national holiday, to be known as "Discovery Day," which was referred to the Committee on the Judiciary.

He also presented a petition of the Central Federated Union of New York, of New York City, praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at a Government navy-yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of Wide Awake Grange, No. 747, Patrons of Husbandry, of Phelps, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the New York Board of Trade and Transportation, of New York City, remonstrating against the adoption of certain amendments to the so-called "Sherman antitrust law," which was referred to the Committee on the Judiciary.

He also presented a petition of West Shore Lodge, No. 213, Brotherhood of Locomotive Firemen and Enginemen, of Syracuse, N. Y., praying for the enactment of legislation to promote the safety of employees upon railroads, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Poughkeepsie, N. Y., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented memorials of Gilbert & Bell, of Waterford,; of Local Lodge No. 1, of Fort Edward; Local Lodge No. 3, of South Glens Falls; of Local Lodge, of Ticonderoga; of Local Lodge No. 11, of Morrisonville, all of the International Brotherhood of Pulp, Sulphite and Paper Mill Workers, in the State of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. NELSON presented a petition of the Twin City Implement, Vehicle and Hardware Club, of Minneapolis-St. Paul, Minn., praying for the enactment of legislation to authorize the Interstate Commerce Commission to decide the merits of freight rates placed in effect by the various railroads, which was referred to the Committee on Interstate Commerce.

Mr. DICK presented a petition of sundry citizens of Akron, Ohio, praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 4, American Federation of Musicians, of Cleveland, Ohio, praying for the enactment of legislation to prohibit Navy and Marine bands from entering into competition with civilian bands, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Board of Trade of Bisbee, Ariz., praying for the enactment of legislation requiring a strict construction of the laws relating to mining claims, which was referred to the Committee on Mines and Mining.

He also presented a petition of the Merchants and Manufacturers' Association of Milwaukee, Wis., praying for the enactment of legislation providing for ocean mail service between the United States and foreign ports and to promote commerce, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Medina, Ohio, and a petition of sundry citizens of Randolph, Ohio, praying for the passage of the so-called "rural parcels post and postal savings banks bills," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Union No. 68, American Federation of Labor, of Bellaire, Ohio, remonstrating against the passage of the so-called "Penrose bill," to exclude periodicals from second-class mail privileges, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of J. H. Stewart Lodge, No. 243, Brotherhood of Railroad Trainmen, of Chillicothe, Ohio, praying for the passage of the so-called "employers' liability bill," which was ordered to lie on the table.

He also presented a petition of Local Union No. 24, Photo-engravers' Association of Cleveland, Ohio, praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a petition of the New Connecticut Chapter, Daughters of the American Revolution, of Painesville, Ohio, praying for the enactment of legislation to regulate the employment of child labor, which was referred to the Committee on Education and Labor.

Mr. BRIGGS presented a petition of the Ferracute Machine Company, of Bridgeton, N. J., praying for the enactment of legislation to create a tariff commission, which was referred to the Committee on Finance.

He also presented the petition of D. B. Stevens, of Trenton, N. J., praying that an appropriation be made for the necessary expenses incurred by railway postal clerks in the performance of their duties while away from home, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the National Bank of Haddonfield, N. J., remonstrating against the enactment of legislation to secure deposits in national banks against loss, which was referred to the Select Committee on National Banks.

He also presented petitions of sundry citizens of Madison and Hackensack, and of the Society for the Prevention of Cruelty to Children, of Morris County, all in the State of New Jersey, praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of District Council No. 2, Metal Polishers, Buffers, Platers, Brass Molders, and Brass and Silver Workers' Union of North America, of Newark, N. J., praying for the enactment of legislation providing for the construction of all the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Branch No. 63, Glass Bottle Blowers' Association, of Williamstown, N. J., and a petition of Local Branch No. 7, Glass Bottle Blowers' Association, of Millville, N. J., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the State executive committee of the Young Men's Christian Association, of Newark, N. J., and a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation providing for the investigation and the development of the methods of treatment of tuberculosis, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Political Study Club of Elizabeth, N. J., praying for the enactment of legislation pro-

viding for the conservation of the national forests, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of sundry citizens of Bayonne, N. J., and a memorial of sundry citizens of Paterson, N. J., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Grange No. 170, Patrons of Husbandry, of Lawrenceville, N. J., praying for the passage of the so-called "Currier good-roads bill," which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Frankford Grange, No. 160, Patrons of Husbandry, of Augusta, N J., and of Shrewsbury Grange, No. 161, Patrons of Husbandry, of Red Bank, N. J., praying for the passage of the so-called "rural parcels post and postal savings banks bills," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of sundry surviving soldiers and sailors of the civil war of Pulaski County, Ill., remonstrating against the enactment of legislation transferring to that county certain roadways leading to the National Cemetery at Mound City, in that State, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry labor organizations of Belleville, French Village, and Alton, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of the Wyoming Stock Growers' Association, of Wyoming, praying for the enactment of legislation requiring railroads to provide sufficient facilities for transporting freight, for the eradication of disease among domestic animals, for the preservation of the forests of the country, and for the Federal control of public grazing lands, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Ansonia, Conn., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee an Foreign Relations.

He also presented a petition of sundry citizens of Winchester, Conn., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Union League Club of Chicago, Ill., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. ELKINS presented a paper to accompany the bill (S. 5756) to remove the charge of desertion from the military record of Solomon M. Bennett, which was referred to the Committee on Military Affairs.

He also presented a paper to accompany the bill (S. 3565) granting an increase of pension to George W. Parsons, which was referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 6379) grant an increase of pension to Abraham W. Howard, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 1710) granting a pension to Laura A. Swiger, which were referred to the Committee on Pensions.

He also presented a memorial of the Shenandoah Pulp Company and Harpers Ferry Paper Company of West Virginia, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. DANIEL presented a petition of the Board of Trade and Business Men's Association of Norfolk, Va., praying that an appropriation be made for the erection of a monument at Richmond, Va., to the memory of John Tyler, ex-President of the United States, which was referred to the Committee on the Library.

Mr. FRAZIER presented an affidavit to accompany the bill (S. 2370) for the relief of the estate of Henry Sessler, of Knox County, Tenn., which was referred to the Committee on Claims.

Mr. GAMBLE presented the petitions of R. E. Harter, C. E. Rubendale, F. Lauritsen, C. J. Christensen, Alfred Jensen, Louis Nelson, Fred Nelson, L. Elder, Conrad Reesburg, Peter J. Schmidt, Valentine Leer, A. N. Helligson, C. M. Clark, C. P. Farnsworth, L. S. Peterson, Geo. W. Miller, R. B. Hawley, G. W. Stilson, F. R. Isaac, G. A. Dunning, W. H. Powell, J. Livingston, H. P. Rogress, Geo. W. Bowen, and W. A. Bapp, all citizens of South Dakota, praying for the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. HOPKINS presented memorials of sundry national banks of Peoria and Pekin, in the State of Illinois, remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

He also presented a petition of the city council of Chicago, Ill., praying for the enactment of legislation to prohibit the giving to or receipt by public officers of any free frank or privilege for the transmission of messages by telegraph or telephone and to prevent discriminations in interstate telegraph and telephone rates, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry labor organizations of Belleville and Rock Island, in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

NATIONAL PUBLICITY BILL.

Mr. CULBERSON. Mr. President, I present a petition of the National Publicity Bill Organization. In presenting it, it is not inappropriate to say that this organization is absolutely nonpartisan and that the demand for the legislation proposed comes from the entire country and from the general public.

The underlying purpose of this movement for the publication of contributions made for campaign purposes is to limit the expenditures in political contests to legitimate purposes and to lessen the use of money in political elections.

No complaint, Mr. President, is made of nonaction on the part of the Senate Committee on Privileges and Elections so far as this petition is concerned. I invite the attention of the chairman of that committee, however, and of the Senate, to the fact that bills have been pending for many months on this subject before that committee. On the 10th of December, 1907, I introduced a bill on the subject, and it was referred to that committee. On February 28, 1908, a bill was introduced by the Senator from South Carolina [Mr. TILLMAN], much more elaborate in form, upon the same subject. I would refer, if it were proper to do so, to measures of this character introduced in another body; and my sole purpose in calling attention to it now is to suggest the general nonpartisan interest of the country in legislation of this character.

I present the petition and ask particularly, as I understand under the rule it is necessary to do so, that the signatures attached to the petition may be printed in the RECORD, with the petition itself, as well as the accompanying papers, which consist of letters written by prominent men of different political parties throughout the country. I ask that it be printed in the RECORD as it appears in the manuscript which I send to the desk, and that it be referred to the Committee on Privileges and Elections.

There being no objection, the petition and accompanying papers were referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD as follows:

THE PETITION OF THE NATIONAL PUBLICITY BILL ORGANIZATION.

To the Senate and House of Representatives:

The National Publicity Bill Organization respectfully asks the Congress to enact at the present session a suitable law for the publicity both before and after election of campaign contributions made to national committees to be used in influencing the approaching election of November 3, 1908.

The organization is constrained to make this appeal at this time without urging Congressional legislation requiring publicity of contributions made to State committees or other committees operating only in one State. The association has limited the scope of its efforts to securing publicity of contributions made to national committees and Congressional committees formed to influence in more than one State elections where Members of the National House of Representatives are to be chosen; and to promote by all appropriate means State legislation designed to accomplish in every State the same purpose of publicity.

It is thought that the wisest method of preventing election corruption through money contributions will be not through national laws alone nor through State laws alone, but through both methods; each cooperating and not conflicting with the other and both making the best and most effective system.

This would secure harmonious cooperation of both the national and State legislatures, and avoid any discussion of troublesome constitutional questions. There can not be any doubt of the power of Congress to do what we propose, nor any doubt about the power of the States to provide the additional regulations desired. An act of Congress carefully framed might prove to be a model law for the States to follow.

Moreover it seems to this organization that at this late day in the present session it will be impossible to accomplish the passage by Congress of anything more than a publicity law applicable to national committees and Congressional committees operating in more than one State. The differences in the last Congress between those who sought to do this and those who sought to do more proved fatal to any legislation whatever. It is to aid in preventing another such fatality that the association makes its present earnest appeal.

The National Publicity Bill Organization is nonpartisan and hopes that the efforts to secure the beneficial laws so much needed will not

become involved in the controversies of political parties. But it is impossible to overlook the fact that the present minority party will impose upon the majority party the weighty responsibility for the failure of any legislation, if such failure shall ensue. To avoid such a deplorable political issue, should not the members of both parties unite in postponing all propositions on which there may be a sincere division of sentiment and in passing through Congress without further delay a bill upon which all cordially agree?

Accompanying this petition are letters from members of the Publicity Organization showing that their views are in accord with those herein presented.

THE NATIONAL PUBLICITY BILL ORGANIZATION,
By PERRY BELMONT,
JOHN M. THURSTON,
WM. E. CHANDLER,
JOHN E. LAMB,
CRAMMOND KENNEDY,
Acting for the Committee on Legislation.

APRIL 9, 1908.

Hon. PERRY BELMONT.

DEAR SIR: Your favor of the 4th to hand. I regret exceedingly that I can not be present at the meeting of the National Publicity Law Organization on April 16. I certainly concur in the opinion that we should advocate the enactment of a national law for publicity of contributions made to National and Congressional committees. If we attempt to interfere with the States, we will get into serious trouble. I may be influenced in my opinion by the fact that we have a law in this State that requires publicity in regard to all contributions in political campaigns.

Regretting that I can not be with you and wishing you great success in the movement you have so ably and earnestly carried on, I have the honor to be,

Very respectfully, yours, HENRY T. KENT.

INTERNATIONAL TYPOGRAPHICAL UNION,
Indianapolis, Ind., April 9, 1908.

Mr. PERRY BELMONT.

DEAR SIR: Replying to the communication of April 4, signed by Mr. Perry Belmont and Mr. W. E. Chandler, I have to say that in my opinion the National Publicity Law Organization should advocate only the enactment of a law for the publicity of contributions made to the National and Congressional committees of the political parties, leaving legislation concerning contributions to State and other local committees to be dealt with by State laws.

If the nation will set the example, the States will follow.

Sincerely, JAMES M. LYNCH.

Hons. PERRY BELMONT and W. E. CHANDLER.

GENTLEMEN: In compliance with your request, permit me to say that my present impression is that we want to make a start. The direction of the step we take is of infinitely more importance than the length of it, and I cordially agree with you that we "should advocate only the enactment of a law for the publicity of contributions made to the National and Congressional committees of the political parties" at this time.

In this country the great governing power is public opinion, and to have an intelligent public opinion requires a public knowledge of the facts. Take this step first, and the public will, in course of time, demand all of the facts needed.

Very respectfully, yours, JAMES K. JONES.

NEW YORKER STAATS-ZEITUNG,
New York City, April 9, 1908.

Hon. PERRY BELMONT.

MY DEAR MR. BELMONT: In reply to your favor of the 4th instant in relation to legislation for the publicity of campaign contributions, I beg to state that I am impressed with the necessity of giving such legislation the broadest possible scope, covering contributions made not only to National and Congressional committees of the political parties, but to State and local committees also.

Should Congress deem it advisable to limit its action to the first-named class of contributions, no effort should be spared to induce the legislators of the several States to supplement Congressional legislation by the enactment of adequate State laws.

Yours, faithfully, HERMAN RIDDER.

NEW YORK, *April 9, 1908.*

Hon. PERRY BELMONT and Hon. W. E. CHANDLER.

DEAR SIRS: Answering the inquiry contained in your letter of April 4, I would say that I heartily concur in your opinion that at present you should advocate only the enactment of a law for the publicity of contributions made to National and Congressional committees of the political parties, leaving legislation concerning contributions to State and other local committees to be dealt with by State laws.

I am, your obedient servant, FRANCIS LYNDE STETSON.

Here is another letter:

NEW YORK CITY, *April 9, 1908.*

Messrs. PERRY BELMONT and WILLIAM E. CHANDLER.

GENTLEMEN: Acknowledging receipt of the favor communicated to me, bearing date April 4, 1908, in which you ask to receive a statement of my present impression as to the legislation which you should urge the committee of Congress to report and recommend for passage, I beg to say that I coincide entirely with the opinion contained in your circular of that date, that the organization should advocate only the enactment of a law for publicity of contributions made to National and Congressional committees of the political parties.

Very truly, yours, EDWARD LAUTERBACH.

IOWA CITY, IOWA, *April 9, 1908.*

Hon. PERRY BELMONT and Hon. WILLIAM E. CHANDLER.

GENTLEMEN: I am in receipt of your circular of April 4, asking as to my views concerning legislation to be sought in Congress concerning publicity of election expenses. I note with great respect the suggestion that we should limit our attempts to seeking the passage of a law to make public contributions to National and Congressional committees of the political parties. Having heard the debates more or less in the House of Commons when the present law was passed in England and having spoken and printed more or less in this country, I must express my strong conviction that a very carefully drawn and comprehensive law is necessary and that anything less than this is of little, if any, avail except as it may be possibly the forerunner of a more complete and drastic law. If an opening is left for fraud or secrecy we may be sure that the very competent persons seeking to gain by such means will avail themselves of this opening.

The original Wisconsin law, which I drew, was so modified in its passage that it did not compel proper reports from political committees. Candidates, therefore, simply subscribed any sum they desired expended and turned it over to a committee. They reported this fact, but there was no means of ascertaining what the committee did with the money.

If you build a fence which is to keep out noxious animals, it will be unavailing if there is a hole in it. I am very strongly of the opinion that the law should limit the amount which may be spent by a candidate or by the organization backing him in the canvass for an office. Within a day or so I have heard of the judge of a supreme court who has been defeated for reelection, and it is said that he spent $6,000 and that the successful candidate spent $15,000. Political campaigns ought not to be contests in buying, and our national law ought to stringently limit the expenses in a national election and to compel every cent to be accounted for as effectively as the English law or as the California law or Missouri law in this country.

I write promptly on the receipt of your circular. I realize fully the difficulty of shaping a law and carrying it containing provisions of the nature indicated. I shall be grateful for your efforts in carrying any measure, but my observation and investigation convince me that only the most comprehensive, thorough, and far-sighted statute can operate to exclude financial fraud and corrupting influences from our elections. Many of the State statutes are so defective that they are a mere cover for fraud. When I offered a draft of a law in Wisconsin, I found the principal opposition was to its being made thorough.

I beg to express my very warm appreciation of your efforts in this course and my earnest hope that they may be successful.

Very sincerely, yours, CHARLES NOBLE GREGORY.

JEFFERSON CITY, MO., *April 9, 1908.*

Hon. PERRY BELMONT.

DEAR SIR: Replying to your circular letter of April 4, I beg to say that I heartily approve the efforts of your committee to induce Congress to pass a law compelling publicity of campaign contributions; and, knowing from experience how difficult it is to get any effective legislation through Congress regulating such matters as this, I think you will do well if you succeed in getting legislation requiring publicity of contributions for National and Congressional campaigns; leaving all other matters to be acted upon in the future or by the separate States.

I wish most heartily to commend the work which your committee is doing and to express most earnestly the hope that it may succeed in getting something done.

Regretting that I will not be able to attend the meeting of the committee on April 16, I assure you of my earnest desire to favor the movement in any way that I can.

Very truly, yours, W. D. VANDIVER.

BOWDOIN COLLEGE,
Brunswick, Me., April 9, 1908.

Mr. PERRY BELMONT, *Washington, D. C.*

DEAR MR. BELMONT: In reply to your inquiry, I beg to say that in my opinion it would be wisest to confine the proposed legislation to contributions made to the National and Congressional committees of the political parties.

Very truly, yours, WM. D. W. HYDE.

ANTIOCH COLLEGE,
Yellow Springs, Ohio, April 10, 1908.

Hon. PERRY BELMONT.

DEAR SIR: I am heartily in favor of the plan of centralizing the effort of your committee upon the effort to get Congressional legislation upon publicity of contributions in any way connected with national elections, directly or indirectly. If too many things are attempted at once we may lose everything. But if we can secure the enactment of such a law for national elections, and its benefits clearly shown by the actual results of a few elections, the influence will go a good ways in the way of securing State legislation to the same end. I sincerely hope that your committee may be successful in getting Congress to enact such a law.

Very truly, yours, STEPHEN F. WESTON.

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, April 10, 1908.

Hon. PERRY BELMONT.

DEAR SIR: I have yours of the 4th instant, apprising me that there will be a meeting of the committee on legislation of the National Publicity Law Organization on Thursday, April 16.

I regret to say that my public duties will not permit my being in Washington at that time.

My administration as governor is drawing to a close and I have much to do before I give way to my successor on May 18.

With us, in Louisiana, it is four years in the governor's office and out. The constitution prohibits a second consecutive term.

Relative to the work of the organization, I am of the opinion that we should advocate only the enactment of a law for the publicity of contributions made to the National and Congressional committees of the political parties, leaving legislation concerning contributions to State and other local committees to be dealt with by State laws.

Yours, very truly,

N. C. BLANCHARD.

ALBANY, *April 1, 1908.*

DEAR SIRS: Replying to your favor of the 4th instant, it seems to me more expedient that your committee should advocate the enactment of a law applicable to the National and Congressional committees of the political parties.

Very truly, yours, WM. J. WALLACE.

Hon. PERRY BELMONT and Hon. WM. E. CHANDLER.

LEBANON, ILL., *April 11, 1908.*

Hon. PERRY BELMONT.

MY DEAR SIR: Replying to yours of the 4th instant, I have to say that I am in entire accord with your view that, for the present, the National Publicity Law Organization should confine its efforts to secure an "enactment of a law for the publicity of contributions made to the National and Congressional committees of the political parties."

While I think additional requirements might be properly made, I am clear that the undertaking too much in that direction might prove fatal to a more conservative method of legislation.

Very respectfully,

M. H. CHAMBERLIN.

STAMFORD, CONN., *April 11, 1908.*

Hon. PERRY BELMONT.

MY DEAR SIR: In answer to your communication of April 4, I would say that I am in accord with the proposition set forth in the third paragraph of your letter and doubt if it is advisable to pursue the matter further at this time.

Very truly, yours, HOMER S. CUMMINGS.

KANSAS CITY, *April 11, 1908.*

MY DEAR SIR: I quite agree with you on the advisability of urging the passage of a bill of limited scope for the publicity of election expenditures. Such a measure would mark a distinct forward step and could be supplemented later by any legislation found necessary.

I am inclosing an editorial on the subject from the Star of April 11.

Very truly,

W. R. NELSON.

Mr. PERRY BELMONT.

[Inclosure.]

CAMPAIGN CONTRIBUTIONS.

For some years there has been earnest agitation of the question of enforcing the publicity of all campaign contributions relating to national elections. A strong public sentiment has been created in favor of this important regulation. In obedience to this sentiment, a bill is now pending in Congress providing for the desired publicity. The question is whether the bill will be passed, defeated, or smothered.

No party should be afraid to go before the country with a record of its campaign financiering. No candidate for office should hesitate to have the people know the sources of campaign money. In other words, such contributions should come only from legitimate sources, and only money from such sources would be accepted if the facts had to be made public. Hence the great importance of publicity. The people do not want successful candidates to owe their election to special interests affected by the subsequent administrations of such candidates. Such favors and the obligations they involve are absolutely against the principles of honest government, whether that government be national, State, or municipal.

PHILADELPHIA, *April 13, 1908.*

GENTLEMEN: I think you are right in your conclusion that it would be better to have the committee advocate only "the enactment of a law for the publicity of contributions made to the National and Congressional committees of the political parties, leaving legislation concerning contributions to State and other local committees to be dealt with by State laws."

While I was governor of this Commonwealth I succeeded in having a law passed which requires publicity for such expenses. I am informed that practically it is a success, and that the campaign expenses of candidates have besides been very much reduced.

Very truly, yours,

SAM'L W. PENNYPACKER.

Messrs. PERRY BELMONT and W. E. CHANDLER.

NEW HAVEN, CONN., *April 15, 1908.*

Hon. PERRY BELMONT.

MY DEAR MR. BELMONT: I believe that it would be well for the present to ask for a law confining its provisions to National and Congressional committees, leaving State and local committees to be dealt with by State laws; but I want it understood that I favor the fullest publicity of all contributions. The election of United States Senators by the people and the publicity of campaign contributions before election will go far to remedy many of the abuses that the people complain of.

With assurances of my high personal regard and regretting that I can not be with you, believe me,

Truly, yours, ALEX. TROUP.

[From the minutes of the meeting of the Democratic National Committee at Washington, D. C., December 12, 1907.]

Resolved, That the Democratic National Committee approves the movement now under way to insure the publicity in the States, as well as in the nation, of all contributions of money or other things of value to and of expenditures made by any person, association, committee, or other organization for political purposes.

REPORTS OF COMMITTEES.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 15725) to relinquish, release, and confirm the title of certain lands in California to the Western Power Company, reported it without amendment and submitted a report (No. 546) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 6572) to authorize the Ruston, Natchitoches and Northeastern Railroad Company to construct a bridge across Bayou D'Arbonne, in Louisiana, reported it without amendment and submitted a report (No. 547) thereon.

Mr. LONG, from the Committee on the District of Columbia, to whom was referred the bill (S. 4375) authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 548) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 19463) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with an amendment and submitted a report (No. 549) thereon.

He also, from the same committee, to whom was referred the bill (H. R. 19737) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it without amendment and submitted a report (No. 550) thereon.

He also, from the same committee, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 551) accompanied by a bill (S. 6715) granting pensions and increase of pensions to certain soldiers and sailors of the Spanish war and other wars, and to the widows of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 1655. Arabella H. Colahan;
S. 1743. Edith Burt Trout;
S. 3180. Lucy Scott West;
S. 4774. Fletcher Vilott;
S. 5370. William E. Thompson;
S. 5757. Beatrice Paul Marmion;
S. 5977. Mary Eddy Driggs;
S. 6044. Joseph Goose (Can-te-tere);
S. 6045. Charles Lauder;
S. 6107. John W. Winslett;
S. 6176. David Raulerson;
S. 6197. Thomas J. Zipperer;
S. 6304. George A. Hicks;
S. 6305. Mary Robertson;
S. 6306. Elizabeth McKell;
S. 6321. Newton A. Way; and
S. 6424. Katharine E. Looker.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I report back from the Committee on Agriculture and Forestry, with amendments, the bill (H. R. 19158) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1909, and I submit a report (No. 544) thereon.

I will state in this connection that the bill came from the House to the Senate carrying $11,508,806. We report it from committee carrying $11,642,146, an increase of only $133,340.

I wish to give notice that I desire to take up the bill at the earliest opportunity. I hope there may be time toward the end of the present legislative day for at least the reading of the bill.

Mr. HEYBURN. I should like the bill to be printed a sufficient length of time before it is taken up that I may investigate some items in it.

Mr. WARREN. There will be no undue haste about it, and if taken up there will be a printed report and a printed bill lying on all the Senators' desks. If there is any objection made to such early consideration, of course I will not press it.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

PUBLIC BUILDING AT EASTON, PA.

Mr. CLAY. From the Committee on Public Buildings and Grounds, I report back favorably, with amendments, the bill (S. 1930) to provide for the erection of a public building at Easton, Pa., and I submit a report (No. 545) thereon.

This is a bill introduced by the senior Senator from Pennsylvania [Mr. PENROSE]. He has been detained at his home on account of sickness, and I ask for the immediate consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The first amendment was, on page 1, line 12, after the words "one hundred," to strike out the words "and fifty;" and after the word "dollars," in line 13, to strike out the words "which is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site purchased pursuant to the act of June 30, 1906, a suitable building, with fireproof vaults therein, for the accommodation of the United States post-office and other Government offices at the city of Easton, in the county of Northampton and State of Pennsylvania. The plans and specifications and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space not less than 40 feet, including streets and alleys.

The amendment was agreed to.

The next amendment was, on page 2, after the word "alleys," to insert a period and to strike out the remainder of the bill in the following words:

And that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Pennsylvania shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 6716) granting an increase of pension to Nancy J. Ayres, which was read twice by its title and referred to the Committee on Pensions.

Mr. HEYBURN. I introduce a bill, in the nature of a substitute for Senate bill 6098, and ask its reference, with the accompanying paper, to the Committee on Military Affairs:

The bill (S. 6717) to authorize the President to appoint Lieut. Col. William H. Corbusier, retired, a brigadier-general was read twice by its title and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 6718) for preventing the manufacture, sale, or transportation of adulterated or mislabeled paint, turpentine, or linseed oil, which was read twice by its title and referred to the Committee on Manufactures.

Mr. KEAN introduced a bill (S. 6719) granting a pension to Mattie Ashby Birney, which was read twice by its title and referred to the Committee on Pensions.

Mr. OWEN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 6720) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes; and

A bill (S. 6721) for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

Mr. FRAZIER introduced a bill (S. 6722) to remove the charge of desertion against William Widdis, which was read twice by its title and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6723) granting a pension to William T. Mayes, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6724) for the relief of the estate of Jacob Glenn, deceased;

A bill (S. 6725) for the relief of the heirs of W. T. Garrett, deceased; and

A bill (S. 6726) for the relief of the heirs of Amasa Ezell, deceased.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6727) for the relief of the heirs or estate of James Ward, deceased; and

A bill (S. 6728) for the relief of the heirs or estate of William Civiels, deceased.

He also introduced a bill (S. 6729) for the erection of a public building at Greenville, N. C., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6730) granting an increase of pension to George A. Sorrels, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 6731) granting an increase of pension to V. A. Witcher, which was read twice by its title and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 6732) granting a pension to Myra Bibb, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6733) for the relief of M. J. Vanarsdall, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 6734) granting an increase of pension to Clifford A. Lake, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6735) granting an increase of pension to W. F. Landers; and

A bill (S. 6736) granting an increase of pension to Washington Deem.

Mr. SMITH of Michigan introduced a bill (S. 6737) granting an honorable discharge to Benjamin W. Ehle, which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6738) granting a pension to Ralph S. Jordon;

A bill (S. 6739) granting a pension to Alvena Wiggins;

A bill (S. 6740) granting an increase of pension to Charles A. Norris;

A bill (S. 6741) granting an increase of pension to Peter Boyer; and

A bill (S. 6742) granting an increase of pension to Charles H. Sedgwick (with the accompanying papers).

Mr. ALDRICH introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6743) granting an increase of pension to Philip D. Gibson;

A bill (S. 6744) granting an increase of pension to Thomas W. Manchester;

A bill (S. 6745) granting an increase of pension to John W. Richards;

A bill (S. 6746) granting an increase of pension to Mary A. Rose; and

A bill (S. 6747) granting a pension to John B. Kenney.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $15,000 to defray the cost of mining and transporting coal in and from Alaska for a steaming test by a vessel of the United States Navy to determine the value of the coal to the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PLATT submitted an amendment providing that civilian professors at the Naval Academy shall receive annually during the first five years of service $2,200, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,606.08 for one superintendent of teams, or quarterman, at the navy-yard, New York, N. Y., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment providing that no pension or portion thereof shall be withheld or retained for the purpose of establishing any fund or assisting in the expenses of any Soldiers' Home, State or national, etc., without the consent of the pensioner, intended to be proposed by him to the pension appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

HEARING BEFORE COMMITTEE ON WOMAN SUFFRAGE.

On motion of Mr. CLAY, it was

Ordered, That 10,000 additional copies of the hearing of the Select Committee on Woman Suffrage March 3, 1908, be ordered printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had, on March 23, 1908, approved and signed the following joint resolution:

S. R. 69. Joint resolution granting authority for the use of certain balances of appropriations for the Light-House Establishment to be available for certain named purposes.

HOUSE BILL REFERRED.

H. R. 20345. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1909, was read twice by its title and referred to the Committee on Appropriations.

PENSIONING OF TEXAS VOLUNTEERS.

Mr. CULBERSON. The Senator from Idaho [Mr. BORAH] has very kindly yielded to me to ask for the consideration of the bill (S. 5581) pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year 1855 to the year 1860, inclusive; and also to include the surviving widows of such of said officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in the service mentioned in this act the fact of reimbursement to Texas by the United States, as evidence by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. BURROWS. I should like to inquire from what committee the bill was reported?

The VICE-PRESIDENT. It was reported from the Committee on Pensions.

Mr. BURROWS. The chairman of that committee is not present.

Mr. CULBERSON. Of course, if there is to be discussion about this matter, I will not insist upon considering it now, in view of the notice given by the Senator from Idaho. But I will state to the Senator from Michigan, and probably his objection will be removed, that this is the unanimous report of the Committee on Pensions, and I think an identical bill has been reported unanimously from the Committee on Pensions of another body.

Mr. BURROWS. I make no objection, then.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Let the report be published in the RECORD with the bill, showing the number of people who are pensionable under it, and so on.

Mr. CULBERSON. Certainly; I have no objection.

There being no objection, the report submitted by Mr. SCOTT April 9, 1908, was ordered to be printed in the RECORD, as follows:

The Committee on Pensions, to whom was referred the bill (S. 5581) pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes, have examined the same and beg to report as follows:

An exactly similar bill (H. R. 1) has been favorably reported by the Committee on Pensions of the House of Representatives and is now on the House Calendar. The report submitted by that committee is hereby adopted and the passage of the bill is recommended.

The House report is as follows:

"The Committee on Pensions, to whom was referred the bill (H. R. 1) pensioning the surviving officers and enlisted men of the Texas volunteers, etc., have considered the same and respectfully report as follows:

"A similar bill (H. R. 25892) was before your committee in the Fifty-ninth Congress, but was not reported to the House owing to lack of time for its consideration.

"A small number of men are surviving who volunteered for the protection of the frontiers of the State of Texas against marauding Mexicans and Indians between the years 1855 and 1860, and who are not beneficiaries of the acts of Congress passed in grateful recognition of the valorous deeds of the pioneer defenders of the nation. They are now, nearly fifty years after the close of their service, of advanced age and consequent infirmity, if not entirely disabled, and, as a rule, in pecuniary need. It is probable that when the act of July 27, 1892, was passed its provisions were expected to extend to all those who took part in the early Indian wars, but the class named in the bill were not provided for because the period of their service was subsequent to that named in the act to bestow title to pension, though by later legislation (act of June 27, 1902) similar service rendered in other Indian wars and disturbances, as late as the year 1858, was recognized:

"The following letters from the Adjutant-General set forth further pertinent facts:

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
Washington, February 20, 1907.

SIR: Referring to your letter of the 16th instant, relative to a resolution (H. J. Res. 210, 59th Cong., 2d sess.) extending the benefits of existing Indian war pension laws to certain surviving officers and enlisted men (and their widows) who rendered military service for thirty days or more in defense of the frontiers of the State of Texas against Mexican marauders and Indian depredations between February 28, 1855, and June 21, 1860, in which letter you request information as to whether the War Department holds that a "state of recognized warfare existed during the period and in the locality named," and if so, whether the proposed beneficiaries under the resolution were actual participants in the same, I beg leave to advise you as follows:

Nothing has been found of record to show whether a "state of recognized warfare" existed in Texas between February 28, 1855, and June 21, 1860. In this connection it is proper to remark, however, that in considering the proviso to the sixth section of the Army appropriation act approved June 21, 1860, which section provided for "payment of volunteers called out in defense of the frontier of that State since the 28th day of February, 1855," the Secretary of War decided that "there was a necessity for calling out the Texas volunteers mentioned therein, and that they were called out by competent authority." That decision was made November 15, 1860, and is printed as "No. 118" on page 133 of House Executive Document No. 277, Forty-second Congress, second session.

It is impracticable to ascertain from the records of the War Department whether the proposed beneficiaries under the resolution in question were actual participants in the operations in defense of the State of Texas against Mexican marauders and Indian depredations.

Under date of April 30, 1872, the Secretary of War, in accordance with a request of the subcommittee on appropriations, transmitted to the House of Representatives a report of Lieut. Thomas H. Bradley, Twenty-first Infantry, concerning the history and character of certain claims of the State of Texas. That report is printed as Executive Document No. 277, House of Representatives, Forty-second Congress, second session, and contains—

(1) A résumé of "the condition of affairs that may have rendered it necessary from time to time to employ Texan rangers or volunteers within that State" at various dates between November 1, 1854, and some time in September, 1860, for the purpose of suppressing Indian hostilities on the frontier; and

(2) An exhibit of the character of the troops, the circumstances under which employed, and, as far as ascertained, a history of their services.

A history of the disturbances and military operations in Texas during the period in question, so far as ascertainable from the records of the War Department, can be obtained from the document before referred to.

The letter of January 11, 1907, to Hon. A. S. BURLESON, House of Representatives, inclosed with your communication, is herewith returned.

Very respectfully,
F. C. AINSWORTH,
The Military Secretary.

Hon. H. C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, December 31, 1907.

SIR: In compliance with the request contained in your letter of yesterday, received this morning, for an estimate of the probable number of beneficiaries under the bill (H. R. 1, 60th Cong., 1st sess.) "pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes," who will survive on March 1, 1908, I beg leave to advise you as follows:

The rolls and other records on file in the War Department of troops in the service of the State of Texas between February 28, 1855, and June 21, 1860, in defense of the frontier of that State against Mexican marauders and Indian depredations, account for 1,301 officers and enlisted men. That number does not include 174 officers and men who were in the military service of the United States and who are probably pensionable under existing law.

The 1,301 officers and enlisted men before referred to may include some few duplications due to the service of the same man in different organizations at different times, but whether it does, and if so how many, can not be determined from the records. The number of such duplications, however, can not be very large, and to disregard it will probably not materially affect an estimate of the number of survivors at this remote date.

Assuming that the 1,301 officers and enlisted men were from 21 to 25 years of age at the date of their service and having in mind the probability that many of those men were in the military service (either Union or Confederate) during the civil war, and consequently were exposed to a higher rate of mortality during that period, it is estimated that on March 1, 1908, there will be surviving about 390 of those officers and men.

This office has no data upon which any estimate of the number of the surviving widows of those men that would be at all reliable can be based. However, assuming that every one of them who has died left a widow who has not since remarried and also assuming that the widows were approximately ten years younger than their husbands, it is estimated that on March 1, 1908, there will be surviving approximately 400 widows entitled to the benefits of the bill under consideration.

Very respectfully,
F. C. AINSWORTH,
The Adjutant-General.

Hon. HENRY C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

A full reprint of Executive Document No. 277 (H. R., 42d Cong., 2d sess.) appears in Executive Document No. 19 (45th Cong., 2d sess.) and gives a detailed narrative of the organization, operations, engagements, casualties, and achievements of these forces. It is deemed unnecessary to reproduce the same herein at length.

The service of these veterans having been acknowledged by the Government in reimbursement of the State of Texas for their pay, and the uniform course of legislation having been to grant service pensions after the lapse of forty years from the war or disturbance on account of which pensions have been granted, and in appreciation of the inestimable value of their service and the perils, privations, and sufferings with which they were beset, all contained in history, your committee respectfully recommend the passage of the bill when amended as follows:

In line 9, after "extended," insert "from the date of the passage of this act."

In lines 10 and 11 strike out "participated" and insert "served."

In line 4, page 2, strike out "who have died."

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. BORAH. Pursuant to notice, I ask the Chair to lay before the Senate Senate bill No. 6206.

The VICE-PRESIDENT. The Secretary will read the bill by title.

The SECRETARY. A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Mr. BORAH. Mr. President, on the 13th of August, 1906, in the town of Brownsville and the State of Texas an occurrence took place which has come to be to some extent at least a national question. I presume almost everyone, whether in official life or out of official life, has expressed an opinion in regard to this affair, and with the indulgence of the Senate, in as brief a manner as I may, I now propose to do the same thing.

I shall not likely add any considerable amount of new material to this discussion. Probably I shall add none. But during the somewhat uneventful and leisurely days which a new Member has at his disposal it has occurred to me to go carefully through the evidence, not only that which was taken by the court-martial, but that taken by the Senate Committee on Military Affairs, and it has occurred to me also that I might be able in a limited way to assist in abstracting and epitomizing and placing the evidence before the busier members of this body. Not much more than this is it my ambition upon this occasion to do.

I think I ought to say, in order to remove a handicap, in the beginning of this discussion that I have no ambition to appear in any respect as answering the argument of the Senator from Ohio [Mr. FORAKER]. I think it a very easy matter to present the evidence which is in the record that discloses who was guilty of the raid at Brownsville. But it is a task entirely beyond my power to answer the Senator from Ohio. So I shall confine myself entirely to the smaller task.

Mr. President, the first question involved here is a simple question of fact, and with the solution of that question of fact all other questions which inhere in this controversy readily settle themselves. I apprehend that there can be no considerable controversy between us with reference to the other questions which are supposed to inhere in the affair, if we shall first be able to determine whether or not any members of the Twenty-fifth Infantry were raiders in the town of Brownsville upon that night. In other words, if it should appear that a part of the soldiers of the Twenty-fifth Infantry stationed at Brownsville entered the city at midnight, when the citizens were defenseless, and assaulted them in their homes, maimed a citizen for life, and took the life of another, I apprehend that no one would contend for a moment that such men should be in the Army.

If it should further appear that a considerable portion, or some of them, who did not actually participate in the raid, necessarily must have known of it, they, too, should not be members of or remain in the Army. For so far as the discipline and the good of the Army are concerned, it is immaterial whether the parties actually participated in the raid or connived at it or concealed knowledge coming to them by means of which the guilty persons could have been punished.

Furthermore, if it should appear from the evidence that, owing to the manner and method of the execution of this conspiracy, owing to the manner and method of the execution of this raid, it is impossible to separate the innocent from the guilty, knowing that there are guilty parties among them, then all should go, because the discipline and the good of the Army is paramount to a man's individual right to contract as a soldier in the United States Army. I would not say that it is paramount to a man's right to liberty or his right to life, but I would say, unhesitatingly, paramount to the mere contractual right which exists between a soldier and the Government, because the very object of having the Army and the object of Government is to give protection to the home, protection to the property and the lives of the citizens. As was once said by General Lee upon a notable occasion, if there be those among them who can not be separated from the guilty, they must suffer for the general good, and certainly no one had a more tender heart for his soldiers than Robert E. Lee.

It is undoubtedly our duty to use every means at our command to ascertain the particular parties who are guilty and to segregate and separate the innocent from the guilty. But if it can not be done, there can be no question, in my mind, as to the necessity of eradicating the cancerous growth even at the expense of some healthy flesh around.

There are a few general observations to make before going to a discussion of the evidence. The first is the nature of the defense which is interposed as an explanation of the incriminating evidence against these soldiers. It has been found necessary, in order to relieve or explain the incriminating facts against the soldiers, to charge that there was a counter conspiracy among the citizens of Brownsville, which conspiracy manufactured evidence so that it could be used against the soldiers.

I do not hesitate to say, and I believe that the discussions concerning this matter will disclose it, that without the existence of that counter conspiracy, unless it is satisfactorily shown, and shown furthermore that they manufactured evidence and placed it against the soldiers, the evidence in this record is overwhelming and conclusive against them. In other words, without this interposing agency in the manufacture of testimony and placing it against the members of the Twenty-fifth Infantry, the evidence becomes direct and positive, and, in my judgment, overwhelming as to their guilt.

It is therefore necessary, in the first instance, to consider this question of a counter conspiracy, because it inheres in the affair. It is a part of the defense, and without it there can be no successful defense to the evidence.

As we watch this citizens' conspiracy operate we shall find that it is charged with doing not only improbable things in order to relieve this incriminating evidence, but what to my mind are impossible things. For instance, the question of the shells and the bullets; without this was manufactured by some active interposing agency, no member of the Senate would contend for a moment that it is not the most direct and positive proof of the guilt of the men charged.

In order that I may not misstate it, because it is an important one, I want to call attention to the position which has been taken with reference to this matter. From the minority report I read:

> The testimony also shows conclusively that it was possible for the citizens to have acquired these cartridges from those left behind by the Twenty-sixth Infantry.

And again, in an article published in the North American Review by the Senator from Ohio [Mr. FORAKER], who understands the position of the defense better than anyone else perhaps, it is said:

> The most careful testimony elicited only showed the animus of the citizens and a reason why they might have attacked the soldiers, but none whatever why the soldiers should attack the citizens.

It is, perhaps, well to stop here for a moment and say that there might be some evidence, and there is possibly some, showing why the citizens might have attacked the soldiers. But I submit that there is no evidence to a reasonable mind why the citizens should have attacked themselves. The soldiers were not attacked. No bullet went in the direction of the garrison, and no soldier was disturbed in the remarkably sound sleep which all were enjoying that night. Again it is said:

> It does not seem to have occurred to anyone to investigate upon the possibility that some of the citizens of Brownsville might have shot up their own town for perfectly obvious and plausible reasons and evident motives.
>
> If these shells—

Quoting further from the same authority—

> If these shells had been fired from one of the soldiers' rifles they would have been scattered over an area of some 10 feet in diameter. They could not have fallen as they were found, while the six clips found with them would have held thirty instead of only seven cartridges.

The shells in question evidently came from guns which were possessed alone by the soldiers. So it is said that fired as they were they would have been scattered, and the inference therefore is that some active agency had in the first instance stolen the shells and in the second instance scattered the shells at a particular point in such a way as to disclose the act of this interposing agency.

Now, in order to be logical with that proposition, if we assume that they had stolen the shells or had gotten hold of them, we must follow it a step further, and in a few moments we arrive at the conclusion that this same agency was the agency which did the shooting up of the town; and therefore we have opened up as an entirety a conspiracy on the part of the citizens, which conspiracy operated not upon the fort or the soldiers but upon the home people, the wives of their friends, and finally succeeded in taking the life of their own citizen.

It is well to watch as we proceed the working of this conspiracy, because, as I have said, without it there is no other way by which to remove this evidence.

> The shells with which it was identified must therefore have been fired on the target range at Fort Niobrara. That the shells picked up in the streets of Brownsville were not fired there was conclusively shown through microscopic inspection and other ways.
>
> The presence of those shells in the streets of Brownsville, which had not been fired there, is suggestively accounted for by the fact that Company B took with it to Brownsville as a part of its baggage a box of exploded shells and a proportionate number of clips, and that this box stood open on the back porch of B barracks where anyone passing could have helped himself. The conclusion seems inevitable that the shells were found in the streets of Brownsville because some one for some purpose had taken them from the box and scattered them there on the night of the raid.

And in the remarkably able presentation of this matter a few days ago it was said:

> It would seem more reasonable to suppose that if the shooting of Natus had any reference to the treatment of the soldiers by the saloons, that he was killed by some one who objected to the saloons accommodating the soldiers.

Coming back all the time to the active agency which was operating upon the home citizens, and not upon those against whom they seemed to entertain an ill feeling.

Again, quoting from the minority report, it is said:

The officers and men all testify that except only on the target range at Fort Niobrara there never was in the history of the regiment any such double insertions of cartridges or any occasion for such double insertions. It was the opinion of all the officers and men who testified on the subject that these double insertions never could have occurred except only on the target range at Fort Niobrara. * * * The idea that the raiders would undertake, in the darkness of such a night, under such circumstances, to recover an ejected cartridge that had failed to explode in order that it might be reinserted in the piece is utterly untenable. The same is equally true as to these cartridges showing double indentations.

I have quoted thus for the purpose of getting, if I can, the views of the different parties with reference to the explanation of this evidence. But I want to call attention to another peculiar feature of this conspiracy upon the part of the citizens. It has all the modern improvements. There is not only an original conspiracy, but attached to it is also the conspiracy of silence, against which so much objection has been made upon the part of the soldiers, for, notwithstanding the fact it happened some two years ago, and notwithstanding some forty or fifty citizens must have been engaged in it, and others taken into the workings of it in the way of reaming out the guns, and so forth, some two years have passed, most of them have been on the witness stand, and no one has ever revealed a single fact which would indicate the existence of such a conspiracy so far as their direct evidence is concerned.

It also involves the question of perjury, because it must have been the original design of the conspiracy to fasten this testimony upon the soldier by sworn statements upon the part of some one who was a member of the conspiracy.

These are the positions of the parties who accept the view that the soldiers did not participate in that raid and those who reject it, one claiming that it was a conspiracy upon the part of certain members of the Twenty-fifth Infantry, the other, in order to explain it, claiming that it must have been done by citizens of Brownsville.

Mr. President, I now come to the question of the local feeling which existed at the time. I desire to call attention noticeably to it, for the question of motive inheres in it. It seems that when the soldiers were sent to Fort Brown there was some protest against their being sent there.

Immediately after they arrived this feeling manifested itself in different ways. In the first instance, they were not permitted to go to the bars to drink, except in certain instances they were given separate bars and permitted to enter the door to the bar through an alley. There is plenty of evidence in the record to disclose that this was not at all pleasing to these soldiers. Notwithstanding the fact that it might be argued at this time, or after the trouble happened, that it was not a serious affair, yet the soldiers looked upon it as making a distinction which they did not care to have made.

Again, one of the colored men was coming over from Matamoras and he had in his possession a pen which he had purchased in Mexico. It was taken away from him and some words were passed between the colored gentleman and the customs officer, leading to some discussion at that time which disclosed a manifestation of feeling upon the part of the citizen particularly. Again, another colored man was pushed off the plank into the river by a citizen and another, who was sent out to call in the passes upon the evening of the disturbance, was greeted in a way that led to an unpleasant controversy between them. Another party was passing along the sidewalk and a citizen drew a revolver and knocked him down. Of course, this naturally led to some feeling upon the part of the soldier, as was disclosed by the discussion which took place in regard to it after he reached the fort. Another affair which occurred was one in which it was charged that a colored soldier assaulted a reputable woman residing in the town. All this led to an intense feeling upon the part of the citizens, and undoubtedly to some resentment and feeling upon the part of the soldiers, because it was by reason of this that the passes were cut off and the soldiers were ordered to remain in the fort that night.

Everyone who has lived near a fort or knows anything in regard to it, knows that the soldier loves his pass; and the very fact that the soldiers were placed in a position by reason of this disturbance where they could not enjoy the ordinary facilities and conveniences of a fort led to discussion among them, as the evidence shows, with reference to these particular matters. All these occurrences and disturbances were discussed by them, as stated by the soldiers themselves, prior to the disturbance that night. It is impossible to say how much it takes to furnish a motive for a criminal action; it is impossible to say, where race prejudice inheres, upon what men will act and upon what they will not act; but it is manifestly certain from this record that both the citizens and the soldiers, upon the evening of the 13th of August, 1906, entertained toward one another such a feeling as was calculated to cause a clash if the opportunity presented itself. No one can read this record and come to any other conclusion.

Now, it might be said, and has been said, that this furnished a motive for the citizens to attack the soldiers. That is true; but the unfortunate feature of that, as a logical proposition, is that the soldiers were not attacked, while the citizens were. So it clearly appears who acted upon the motive and who did not.

I want to call attention to a statement here by one of the colored soldiers as to what occurred before and on that night. The evidence is found in the record. I quote from Israel Harris. He says in his testimony:

I thought perhaps the soldiers and citizens had gotten mixed up in some way, and that was why I listened about this roll call.

Q. Why did you think any of the soldiers were mixed up with the citizens?—A. Only from past events down in Texas. We had had some trouble; that is, they claimed—I do not know—that they had been insulted and intruded upon by some of the people when we had been soldiering down in Texas.

Q. Trouble between the soldiers and the citizens?—A. Yes, sir; trouble between the soldiers and the citizens.

Q. Shooting between them?—A. We had some shooting down there, and for that reason I thought, perhaps, something similar to that had happened. In other words, I thought they had gone out and got into a shooting match with the citizens. That flashed across my mind as soon as I heard the shooting. I had heard there was some difficulty about the rights of the soldiers at the bars. I had heard they were not allowed to go into these saloons and be served; that they would not be served unless they went around the back way.

Q. So that from the talk you heard among the men within a limited number of days and from the previous occurrences you spoke of you had reason to think there would be trouble between your soldiers and citizens?—A. I had reason to fear there would be something. * * * I had heard before of depriving the soldiers of the bar privileges and knocking this man down with a pistol and of pushing the soldiers off the gang plank, and all these things were discussed.

It is unreasonable to assume that the soldiers did not resent this treatment; it is unreasonable to assume that, under these conditions, they did not entertain some feeling of ill will toward the citizens, and they clearly disclosed by their evidence that they did. Major Penrose says in his report of August 15, 1906:

That the enlisted men have been subjected to indignities since their arrival here there can be no doubt, and this has caused a good deal of feeling among them and to one case I attribute this outbreak.

He then speaks in reference to Private Newton being knocked down on the streets.

William C. Nolan, who was a soldier, says:

I will not be positive how many nights it was before the shooting, but the negro that was hit in the head with a pistol—I was on night duty at the hospital that night—came up to the hospital that night after I had gone to bed. I got up and went to the door and asked what the trouble was and he said "I am hurt." I walked into the dispensary, set him down in a chair and looked at him and found his face was covered with blood and he had several cuts about his head. I got some water and washed him off and asked him what was the matter. He said, "I was hit on the head with a six-shooter." I asked him who it was hit him and he said, "Oh that is all right, we will get them ——— some day."

Using words which it is not necessary to put in the RECORD.

This condition of affairs, which existed upon the evening of August 13, 1906, became so intense that the major in command felt it necessary to deny his soldiers the right to leave the fort that night; and such a condition, as some of the colored soldiers say, led them to anticipate that there would be some difficulty.

Now, what was the occurrence? What was it that happened upon the night of the 13th of August? About 12 o'clock that night a posse of men—not a straggling individual here and there, but a posse of men—rendezvousing near the fort wall, marched down Elizabeth street, into the alley on to Fourteenth street, on to Washington street, and the different parts of the town, and shot into the homes where they must have known people were living, and shot in such a way as to indicate that they were reaching for the lives of citizens. They did not shoot at the chimneys nor at the houstops, but they shot on a level with where the people would be in the houses, and there was not a step nor a movement upon the part of this conspiracy from the time it rendezvoused at this fort wall until it returned again that did not indicate a determination upon the part of those participating to take life wherever they could find it. It was not a drunken debauch; it was not the act of straggling citizens. It was the act of men actuated by hatred, by ill will and seeking for lives they finally got, or at least some of them. This should be borne in mind when we are asked to believe that the citizens went out and assaulted their own people.

I want now to call attention to some of the first reports which came in in regard to this matter, because it occurs to me that they are a necessary part of this record. Major Penrose, in his telegram to the President, says:

I believe the shooting was done by enlisted men in this place, but have not as yet been able to detect the guilty parties.

Again, he says, later, after having made his investigation:

I am not only convinced that it was perpetrated by men in this command, but that it was carefully planned beforehand.

I want the Senate to remember that at the time Major Penrose made that report he knew all about the question of the gun racks. He knew all about the question of ammunition and of the cleaning of the guns, and as to the roll call and every other feature, except one to which I shall call attention later—all thoroughly understood by the commanding officer of this battalion at the time he sent this message to the President. Not a single circumstance, except the one to which I will call attention, has been developed since that time, which was not fully in the mind or within the knowledge of the commanding officer of this battalion at the time he sent that telegram to the President that a part of his men had been out and committed this crime.

Some one has said that there was undue haste. Where could there be more direct evidence of the unfitness of men to be members of the Army than the statement of the commanding officer who had and has always shown that he was and is in sympathy with the colored soldiers?

Major Blocksom says:

That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. The evidence of many witnesses of all classes is conclusive. The shattered bullet shells and clips found are merely corroborative.

I do not know Major Blocksom, and you will have to take his antecedents from others. The President has said in one of his messages that he was born in Ohio. Of course that is entirely to his credit. The Senator from Ohio, in answer to that, says that his father was a Democrat, for which, of course, Major Blocksom is greatly to blame. I shall not undertake to answer either one of these charges. I simply say that Major Blocksom's report agrees entirely with the report of Major Penrose, who was at all times and has at all times been in sympathy with the soldiers. The report of the assistant United States district attorney of Texas, September 6, 1906, says:

The city of Brownsville without doubt has suffered a terrible and unreasonable attack by soldiers who should have acted just the opposite in affording them protection.

I want to call attention to a resolution which was passed by the friends of the soldiers a short time after this occurrence, but after a large portion of the facts had been printed. This is a resolution adopted by some of the colored citizens of Boston:

Brooding on repeated insults and outrages, a few of these colored soldiers went into the town on the night of August 13 last, with their guns, determined to do for themselves what the uniform of their country could not do for them and what the police power of white Brownsville would not do for them, to wit, protect them from such insults and outrages and punish at the same time the authors of their misery.

If we want to understand the motive, and that which the colored soldiers considered was sufficient and efficient, we get it from the language of their brothers when they passed the resolutions in their defense. The way in which it would operate upon the minds of those men can be gathered to some extent from the manner in which it operated upon the minds of their brothers when they read this evidence—not that they were innocent or did not participate in it, but that they went out to do what the uniform of the United States soldier would not do, namely, to execute revenge upon those against whom they entertained this view.

I say, too, here, by way of digression, that at the time the order came to dismiss these men from these companies there was not a discordant note upon the part of the officers or friends or anyone else as to the guilt of these men. Everyone who had been called upon to investigate came to the same conclusion; and when the evidence reached the President of the United States but one conclusion had been arrived at by all who had been called upon to act, and that was that the evidence was overwhelming and conclusive.

I have some further quotations which I desire to present. They are as follows:

REPORT OF CITIZENS' COMMITTEE.

A few moments before midnight on Monday, the 13th, a body of the United States soldiers of the Twenty-fifth United States Infantry, colored, numbering between twenty and thirty men, emerged from the garrison inclosure carrying their rifles and an abundant supply of ammunition, and began firing in town and directly into dwellings, offices, stores, and at police and citizens. During this firing, one citizen, Frank Natus, was killed, etc.

FROM REPORT OF INSPECTOR-GENERAL GARLINGTON, OCTOBER 22, 1906.

It has been established by careful investigation beyond reasonable doubt that the firing into the houses of the citizens of Brownsville while the inhabitants thereof were pursuing their peaceful vocations or sleeping, and by which one of the citizens was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry, belonging to the battalion stationed at Fort Brown.

LETTER OF GENERAL NETTLETON, NOVEMBER 27, 1906.

There was simply a cold-blooded conspiracy of the most cowardly possible sort to terrorize the entire community and kill or injure men, women, and children in their homes and beds or on the streets, and this at an hour of night when concerted or effective resistance or defense was out of the question, and when detection by identification of the uniformed criminals outside of the garrison was well-nigh impossible.

I read now from the testimony of Lieutenant Grier. He said:

The circumstantial evidence was such that no reasonable man could think, hardly, but what some of the soldiers had been implicated in it—a reasonable man could not come to any other conclusion at that time.

I am aware that these men afterwards modified their views—a proposition to which I hope to come later.

Captain Macklin says:

It looked to me as though the men had done the shooting. It seemed so on *account of the shells*. It looked very much so. I continued of that opinion right along. I could not believe anything else.

It is well to bear in mind here that Captain Macklin is the man who found the shells bunched, and this fact was a fact known to him at the time he came to the conclusion that they were guilty. The only man who ever saw these shells in that condition was Captain Macklin, and he was in full possession of the information at the time he came to the conclusion on that question that these men participated in the raid, and every other fact and circumstance, save one, to which I will call attention later, was then within the knowledge of this officer.

Now, we come to the direct evidence in regard to the affair. These were but collateral matters which it seemed necessary to go over before taking up the direct evidence. I call attention, in the first place, to the condition of the night and to the lights of the city. It has been suggested that it was impossible to see under the conditions in which these parties claim they saw the soldiers. In the first place, there were two large lights over the gate which marks the entrance through a fort wall into the garrison. Then there were three lights upon Washington street, and three lights upon Elizabeth street, aside from the lights which were in the houses as testified to by the witnesses.

I want to call here attention to the testimony, not of a citizen, but to some of the other parties. Israel Harris testified:

Q. And you do not think anybody came into that entrance while you were there?—A. No, sir; I do not think a soul came in.—Q. Was there light enough so you could have determined if anyone had come in?—A. There were a couple of lights over the gate.—Q. Oil lamps?—A. Yes, sir. The light was clear so that I could see as well as I can in this room.

This is the statement of a colored soldier, and he is speaking with reference to that particular place where Mr. Rendall says he saw these soldiers rendezvous right there under the lights at the gate of the garrison. Mr. Harris says the light was sufficient so that he could see as well as he could in the room where he was sitting.

Major Penrose says:

Captain Lyon called his company right out and we followed him out in the road. As he was posting his company there Sergeant Taliferro reported to me at that time armed with a rifle. I saw the rifle. There was a light on the gate and for a short distance back you could see people, probably 20 feet, readily.

Mayor Combe, who was also the physician at the post, says:

There were two lights, one on either side of the gate of the barracks. On the corner of Fourteenth and Elizabeth streets, at the corner of the Leahy Hotel, there was a light. The next light was one in front of the Miller Hotel office, an acetylene, and one in the courtyard of Miller's Hotel, also an acetylene light. The next light was on the corner of Wreford's office, diagonally across from Miller's Hotel. The next light was on Elizabeth street at the corner of the Merchants' National Bank on Elizabeth and Twelfth streets. There was also a light on the cornor of Fourteenth and Washington streets, and also at the corner of Thirteenth and Washington streets. There was a light at the corner of Twelfth and Washington streets. There was also a light on Elizabeth in front of Crexell's saloon.

This is the territory over which the raiders went upon the night in question, and it will be found that there was sufficient and efficient light to discern and individualize parties, so far as their dress was concerned, without any inconvenience whatever, especially when they were passing near the lights, as they were at the Cowen house, at the Miller Hotel, at the Leahy Hotel, and at the other places where they were particularly identified.

With this brief mention of the question of the lights, I now ask attention for a short time to the eyewitnesses of this disturbance. The first important witness is Mr. Rendall. He lived in the upper story of what is known as the "Western Union Telegraph Building." His window fronted out upon the garrison, overlooking directly Barracks B and the fort. He testifies that upon the night of the 13th of August he heard some shots, got up and went to the window, looked out and saw some men moving about, and that as four or five of them passed down under these lights he easily distinguished them as colored soldiers in their uniforms.

I want you to bear in mind that he does not claim to have identified as soldiers all the men whom he saw, but he does claim to have identified those whom he saw passing under the lights which have been described by Israel Harris, and about that he says he can not be mistaken.

It is claimed that this witness is contradicted by McDonald and by the fact that he is blind in one eye. Let us see. McDonald lived upon the corner of Adams street and Fifteenth street, over two blocks away. Rendall says that when he heard five or six shots the men immediately went over the wall. McDonald says he heard five or six shots and that he then got up from his bed, partially dressed, went down to Fifteenth street, and from Fifteenth street went down to what is known as the alley between Washington and Elizabeth streets, and after he had reached this alley for the first time he saw the soldiers.

It is not claimed by Mr. Rendall that he saw the soldiers go over the wall at the time that Mr. McDonald was in a position to see them if they had gone over the wall. Rendall says that he saw them immediately after the five or six shots were fired, and McDonald says the five or six shots were fired, upon which he got up and dressed and then moved down a block and a half to a position where he was enabled to see these men; but McDonald does say that he saw them at the point where Rendall says they were after going over the wall. He says that they were colored soldiers; that they were dressed in the uniform of the United States soldier; that they were in possession of their arms, and that they immediately left that particular point and went down to the center of the city.

I have read and reread the testimony of McDonald and Mr. Rendall, and, with all due respect to a different interpretation, I have been unable to find any contradiction as between the statement of those two witnesses. I do not say that it does not exist. There are others who are more familiar with the evidence, who heard it given, but I do say that I have been unable, after the most searching effort, to find a single point of contradiction between Mr. Rendall and Mr. McDonald. They were not looking at the men at the same time, they did not have an opportunity to see them at the same time, and they were not testifying with reference to the same point of time when they testified.

I now read from the testimony of Mr. McDonald and Mr. Rendall, as follows:

George W. Rendall, age, 72 years; residence, Brownsville; business, mechanical and civil engineer. Residence in the upper story of the Western Union Telegraph office building, on the front of the Government wall, and is right on the corner of Elizabeth and Fifteenth streets.

On the night of the 13th I was asleep and shots awakened me. I went to the window facing toward the garrison. The house is about 35 feet from the brick wall of the garrison. I looked out of the window and at the right at the entrance of the big gate going into the garrison there were *two large lights*, and my attention was naturally called toward those lights, because the shots were apparently at the right-hand side of me. I saw from three to five men coming apparently toward the big gate as though they were going out into Elizabeth street. * * * Just as I glanced at them, there was a shot to the left that drew my attention that way. * * * I looked up to the left and saw a number of men, ten or twelve, and as my vision rested on those there were two shots fired. * * * Those shots were inside the inclosure of the barracks. The men were grouped together. They were apparently coming from different places. I moved from one window to another. When I looked at them again, on running to the window overlooking the garrison, they were close to the wall inside the garrison. They were huddled in there, apparently, and I could see from the reflection of the light. * * * The next thing I saw of these men they were going over the wall, and after they got into Fifteenth street I could not tell which way they went. They were out of my sight. * * * The only men I identified sure were those first seen when I was looking out of the window. They were close up under the light. I think there were five. They were colored men with the Army uniform. They collected together, apparently with the intention of going over the wall, at one place. * * * My house was shot into that night. The shot passed through five thicknesses of lumber, through my mosquito bar, over my bed, and through four thicknesses of lumber on the other side. At the time it penetrated the house my wife and I were looking out of the window facing on Elizabeth street. * * * I am positive these men were colored soldiers which I saw inside of the wall.

James P. McDonald lives at Brownsville. On the night of the 13th of August was living on Adams street, near fifteenth, on an irregular block there. I fronted on Adams street. I was in my house on the night of the 13th, and I heard some shooting. The first thing I heard was some shots that night. They seemed to be down toward Elizabeth street. I had no window looking out that way. There was a window toward the garrison wall, but there were two houses between me and the garrison wall, so I could not see the garrison from the window. * * * I heard some four or five or six shots. I had not retired for the night; I was laying down, but not fully undressed. When I heard these shots, I got up and put on my shoes; probably I picked up my hat, and I proceeded down Fifteenth street and then down to the alley between Elizabeth street and Washington street. * * * I took about two or three minutes to get down. When I got to that point there were two shots fired—that is, at the alley. I did not see anybody in the street in front of the wall until just after I heard those shots. Just after the shot was fired I turned my attention down the street, and I saw some men collecting right at the corner of Elizabeth and the garrison wall road. It looked to me like there might have been eighteen or twenty.

They were out in the street. They had guns and had on uniforms. I could see them quite distinctly. They were right up against the Western Union Telegraph Building. I did not see anyone jump over the wall. The wall was not always in my view, for when I would be looking down the street the wall would be at my left. At that particular time I was in a position where I could have seen them if they had jumped over the wall. These men came up to the mouth of the alley. I got up close to the Yturria fence and moved away from them as swiftly as I could. They came up and turned in the alley, then I came back to the corner and watched them. They were very nearly through the alley. They were negroes in United States uniform.

Again, Mrs. Rendall testifies that she went to the window and saw these parties at the same time, or practically the same time. A little incident occurred here which, it seems to me, indicates beyond a question the veracity of Mr. Rendall and Mrs. Rendall. At the time that they were standing near their window a shot was fired which passed through both sides of the house and within a few feet of the old lady, Mrs. Rendall. If we will stop to consider that incident alone for a moment, it indicates to a reasoning mind who it was who was doing the shooting. It does not seem possible that the citizens of that town would have organized a conspiracy and gone down under the eaves of the barracks, started their conspiracy, and the first thing turn their guns upon one of the elderly ladies of that city. The very instinct of the situation, the very intuition of the condition, would have suggested that they fire in another direction, in the direction of those against whom they entertained a feeling of malice.

Something has been said with reference to the eyesight of Mr. Rendall. I want to call attention to it for a moment, because it is evident that Mr. Rendall had one eye and he was able to discern these soldiers, not only when they were not under command, but when they were. I quote from his testimony:

Senator FORAKER. Senator WARNER asked if you had but one eye. Do I understand you are blind in the other?

A. Yes, sir.

Q. How long have you been blind in this one eye?—A. I have been blind in this right eye since 1866.

Q. Did you have an accident at that time?—A. Yes, sir. There was a splinter from a piece of steel struck my eye.

Q. I notice you wear glasses. How is the strength of your other eye?—A. Well, I could not estimate that. It has come on me so by degrees, my sight failing, but apparently I can see with proper glasses as well as I ever could. I can read the finest print and I can see at a long distance nearly as well as I could when I was 35 or 40 years of age. * * *

Q. Were you without glasses this night?—A. I could not say. I am under the impression that I put my glasses on. I think I gave that idea to Colonel Glenn, but I am not positive about that. I can conscientiously say that I do not know whether I put my glasses on that night or not, but usually I have them on a stand right alongside the bed, and when I get up in the morning I put my glasses on.

Q. You see all the objects in this room distinctly, don't you?—A. Yes, sir.

Q. Can you tell how many men are at the end of the room, without any difficulty?—A. Yes, sir.

Q. It is no trouble to you to tell?—A. No trouble at all.

Q. Could you tell if they were a hundred feet farther away?—A. Yes, sir.

Q. Tell how many there were and the color of them?—A. Well, there are two black men there at the end of the room.

Q. You see them distinctly?—A. Yes, sir.

Q. You have no trouble in distinguishing parties near you and you would not if they were farther away?—A. No, sir.

Q. Now, do you see in the daylight at that distance without your glasses?—A. Yes, sir.

Q. Distinctly?—A. Well, not as distinctly as I can with them.

Q. You can tell how men were dressed 100 feet away from you in daylight?—A. Oh, yes.

Q. Without your glasses?—A. Very well.

Q. Tell the color of their clothes, whether they had on hats or caps, and all such things as that?—A. Certainly.

We come to another incident in which the eyesight of this man was tested. For another purpose it became essential apparently to show that immediately after the roll call one of the officers took his soldiers out into the town, and Mr. Rendall, standing at the same window, looking out from the same point, and with the same eye, distinctly identified what was going on, as is proven by those who contend that he did not have good eyesight:

Q. You remained there, looking out of the window for some time?—A. Yes, sir.

Q. Did you see a company form and march into town?—A. I saw a squad. I do not know whether there was a company.

Q. Then, how many?—A. I did not count them.

Q. Can you give us an idea?—A. I should judge there were fifteen or twenty.

Q. Did they come out at the gate?—A. Yes, sir.

Q. Were they under command of an officer?—A. Yes, sir.

Q. Where did they go when they came out of the gate?—A. They came out of the gate and turned and went up on the sidewalk. There was a mudhole in the street there. They came up on the sidewalk, passed right through on my sidewalk, and went up Elizabeth street.

Q. They went up Fifteenth street, didn't they?—A. No, sir; Elizabeth street.

Q. Captain Lyon testified how he took his company and went out and patrolled the town.—A. He took his company up Elizabeth street to Twelfth street and then turned up.

Identifying the captain and those who were in charge of the soldiers.

Of course, it is an admitted fact that he had only one eye, but it does seem clear from the record that he used that eye with considerable success upon that night in both instances.

I call attention to the testimony of another eyewitness, who certainly was not a member of that "citizen's conspiracy," a man who was in a position to see and to know and to feel, because during the engagement he lost an arm. This is Dominguez, the lieutenant of police:

Age, 58; lieutenant of police. Four years in the custom-house at Brownsville. *Last eight years was lieutenant of police.* At eight minutes till 12 o'clock on the night of the 13th of August I was at the market waiting to hear the bell ring at the schoolhouse. I heard shooting toward the garrison. I proceeded toward the garrison on Washington street. I got to Fourteenth street and Policeman Padrone was there, and I asked him what the shooting was about. He told me they had just gotten through shooting at Cowen's house—that is, the soldiers. I was on horseback, a gray horse. I got down and girthed the saddle, and just as I got off the horse I saw four soldiers pass, run right across the alley. From there I returned to the corner of Fourteenth street, on Washington street. Then I returned back. I was on Fourteenth street and Washington street and the soldiers came up Fourteenth street on up the alley. I crossed the alley in front of the Miller Hotel.

I heard a word by the gate, the Miller Hotel, just in the alley, "Give them hell." Just about that time I crossed the alley. There were two files of soldiers, one on each side the alley. * * * I could see distinctly they were colored soldiers. They had uniforms. After the words, "Give them hell," there was a volley fired. I went down the street giving an alarm, because I thought I could not stand against fifteen or twenty men. I proceeded on Thirteenth street, and immediately afterwards they came up to the Miller Hotel on Thirteenth street. They came up into Thirteenth street, from the alley into Thirteenth street. At that time I was between two lights, one at the corner of Wreford's and one at the corner of Bolack's corner. They were shooting at me and I was looking back. These men came out of the alley and were colored soldiers, and there were about fifteen or twenty, more or less. They had their guns.

They shot me. That was on the corner of Elizabeth and Thirteenth streets; also killed my horse.

Q. You had no doubt they were colored soldiers?—A. No doubt in the world.

One can not read the testimony of this lieutenant of police and doubt that he was in a position to see or doubt the fact that he did see. It might be argued that he could not detect the color of a man's face as far as he said he did, but it can not be successfully contended, it seems to me, that a man in the position in which he was, contending with his deadly foes, as they were passing under that light, could not detect how they were dressed. It is unreasonable and improbable that this man was a member of the conspiracy when he lost his arm in attempting to save the lives of the citizens of that town. There must be some other reason alleged besides a citizen's conspiracy before this direct and incriminating evidence is taken from off the shoulders of these men.

I come now, after passing several other witnesses whose testimony I will ask to insert in the RECORD, to the testimony of another witness, and that is Amada Martinez, a working girl, who was in the house owned by the Cowen family. This to me is one of the strongest pieces of evidence in this affair. Here was a girl who could not have had any membership in a conspiracy. She could not have had any considerable feeling with reference to the situation which prevailed, and upon the night that the Cowen house was attacked she went to the window when she heard the shots and undertook to close the window blinds. When she looked out of the window, there were facing her, within 5 to 10 feet, ten or twelve men, whom she says she identified without any question. How are you going to take away the testimony of that kind of a witness? What reason for perjury on her part? That she was in a position to see is undoubted, because they shot the lamp off the table within 2 feet of her. That she saw, according to her belief, can not be gainsaid; and no reason can be suggested why this witness should go upon the stand twice and testify to a deliberate falsehood. I call attention, too, that twice she appeared before the ablest counsel in this country, where she was subjected to cross-examination, and she did not vary her testimony the width of a hair. If it had been false, it could not have stood the test. She simply saw what she saw when she saw it.

You might say that the owner of a saloon, a gambler, a rowdy about town, was a member of a conspiracy to kill their own, but you can not say that the working girls of that town and people from all classes were members of that conspiracy and satisfy a reasonable mind upon the proposition. There is only one explanation given, and that is that the members of this home citizens' conspiracy darkened their faces, stole the uniforms of the soldiers, marched down the street, and tried to kill this working girl in the Cowen house.

I now call attention to the testimony of Mrs. Kate Leahy, who kept a hotel. She said she does not know what physical fear is, and I agree with her. She hid two policemen that night, and went across the street and took care of the family while the fight was going on. That she did these things is unquestioned. She is another witness who saw, and has narrated with rare certainty, with circumstantial certainty, precisely what she did see. She said:

My husband was a soldier in the Eighth Cavalry. I have lived in Brownsville all my life; am a hotel keeper. My house is on the corner of Elizabeth and Fourteenth streets. I was there when the colored troops came; never had any trouble with them. I was in my bedroom when the shooting commenced, but had not gone to bed. The first shot was in the direction of the post. Then it came down toward my house. * * * The shooting was from high-power rifles. I went upstairs and saw them shooting off the galleries. My house is two stories. I went downstairs and walked out into the street, because I thought it was a fire on Elizabeth street. Then the first volley that came surprised me, and when the second volley came I realized that the town was being shot on and I went back and went upstairs. I heard them still shooting in the alley. They stopped, turned around, and shot into Cowen's house. They stopped in the middle of the street. When they stopped in the middle of the street, one man touched the other on the shoulder and looked up at the window where I was and said something that I could not understand. The other man looked up and said, "No; keep straight ahead and shoot to the front," and a volley was shot down the alley toward the Miller Hotel. I saw the faces distinctly of these two men. They were two negroes. They had soldiers' clothes on, khaki suits, and one had a blue shirt. They were in plain view at that time in the middle of the street. The shooting then continued up toward the Miller Hotel. Besides these two men, there were fourteen other men with them. I counted them. I might have made a mistake in the count, but I doubt it. They were in khaki uniforms, but I could not see except the two distinctly in the faces, but they were dressed in soldiers' uniforms. I am quite clear about that. These two I speak of were looking straight at me. I saw them. There were two bullet holes went into my kitchen and four in the back fence. I saw them again that night. In about fifteen minutes my daughter, my sister, one of Mr. Cowen's children, and Mr. Elkins saw six of them running to the post. And I presume an hour afterwards I saw one of them that did the shooting in the alley come back with Captain Lyon and his company again.

Q. You think one of those men you saw with Captain Lyon was with those men you saw in the street?—A. I do not think so, sir; I am positive of it. I was standing at my front gate near Captain Lyon's company post. They passed within 5 or 6 feet.

The next witness to whose testimony I call attention is Hale Odin, who was stopping temporarily in the town of Brownsville. He was not a citizen of Brownsville and was not permanently located there. I think he was born in Detroit, Mich., is a graduate of Ann Arbor, a man of some respectability and standing, apparently, and it does not seem from the record that there is any reason why he should state that which was false, or how a man of his intelligence and observation and with his opportunity to see could have been mistaken. He says:

Age, 54; business, land and immigration; born in Detroit, Mich.; graduated at Ann Arbor, class of '72; married. Was in Brownsville the night of August 13, 1906. About 11.55 on the night of August 13, I was sitting in the alley window of our bedroom in the Miller Hotel, on the second floor, when I heard shots in the direction of the alley toward the fort. I noted the time. It was five minutes till 12. I counted about sixty shots before they arrived at our window. I called my wife, and she and my little boy came to the window, and I heard persons on the run coming toward us in the alley from the direction of the fort. And when they had passed our window I counted six negro soldiers, three abreast, in two columns, with one soldier running along the side who stopped across the alley opposite our window, and one large negro soldier gave the order "halt" and said, "There he goes, shoot," and they fired a volley.

Immediately one other negro soldier joined them from the same direction from which the other seven had come. Then there were four more negroes followed and joined the other eight. These four came ahead from the direction of Fort Brown through the alley. Before the first soldiers arrived I noticed a large black dog running through the alley ahead of the soldiers, and supposed it was a mad dog they were chasing and shooting at. Then one large soldier stepped back to the center of the alley slightly in the rear of the other eleven and raised his gun, and another volley was fired. Immediately following this report a large negro with a freckled face fired point-blank at us. The ball from his rifle passed through the lower window sash and up into the ceiling, and the bullet fell back upon the floor. I picked it up the next morning and later forwarded it to the Secretary of War. We had a lamp in the room burning. From the flashes of the guns I could see the soldiers distinctly, and I discerned their uniforms and dress and the color of their faces. Seven of the soldiers had on their usual dark-brown uniforms. Four were without jackets, one without a hat, bareheaded, they all carried rifles, and one carried a revolver. When the two volleys were fired the negro soldier that gave the order said, "We got that s—— of a b——." I heard a heavy fall as of a horse or some animal and a groan which sounded like a groan of a dying horse. Then I heard a scream from a man, and immediately following this I heard some running northward up the street which faces the Miller Hotel, which is Elizabeth street. Then an order was given to "shoot this way," and a volley was fired to the right on Thirteenth street.

Then they crossed Thirteenth street nearly to the opposite side and fired a volley into the Miller Hotel. I had left the window facing on the alley and had gone to the Thirteenth street window. My wife was opposite me. I saw twelve men at that point. I counted them and said to my wife, "There are just twelve of them." After firing at the Miller Hotel they passed northward up the alley. Some may have gone east on Thirteenth street without my seeing them. In about two minutes after they passed northward I counted five more shots, and in about two minutes twelve negroes appeared again, going toward Fort Brown, and crossed Thirteenth street and entered the alley at the rear of the Miller Hotel. They were going double-quick and passed out of my sight. I did not hear any more shots. The lights from the street lamps from Elizabeth street and Washington street gave us plenty of light to distinguish them plainly and their dress and to tell distinctly that they

were negroes. I could see their faces distinctly when they looked up toward the window, and I state positively they were negroes in United States uniforms.

I now call attention to the evidence of the following additional eyewitnesses:

PADRON.—When I had concealed myself in the obscure place when the lieutenant crossed the alley and had gone a short distance I saw three soldiers pointing in the direction he was going, and they said, "There goes one; fire at him." Then I saw the three fire at him, and I saw others coming. I knew they were soldiers, because they wore the uniform of soldiers.

CHARLES E. HAMMOND.—Toward the alley from the window is a door. The shooting seemed to be all around the hotel. While I stood in that corner I heard a man go by on horseback, and I heard a nigger say, "There goes the s— of a b——; let him have it," and I heard a muffled conversation. I do not know whether I could see every shot, but I could see the flashes of the gun through the crack of the window and under the door.

RAMIREZ.—The lieutenant went on crossing the alley. He crossed over the alley and I remained at the outside about 30 feet from him; that is, 30 feet from the point where I was to the mouth of the alley. As he crossed the alley I heard a voice within the alley which said as follows: *"There goes one. Is he a soldier? If not, give him hell."* * * * I remained there. The lieutenant had passed the alley a short distance when the group of soldiers came out with carbines and fired at him. The light which shone through the window of the closet of the hotel, together with the light on the corner of Washington street, gave sufficient light for me to recognize them as soldiers. * * * After they shot they said, "Here are two more," and when they said, "Here are two more," I immediately left the point and retreated rapidly, at which time they fired at us. * * *

Q. Did you recognize whether they were colored soldiers or not?—A. Yes, sir; they were colored soldiers.

Q. How did you recognize they were colored soldiers?—A. Because I saw them with my eyes.

CANADA.—Newspaper business. As this policeman and his horse fell I heard voices that I took to be the voices of negroes. I do not have the least doubt about it.

V. S. FERNANDEZ.—Twenty-five years of age; reside in Brownsville; been on the police force about three years; deputy sheriff before that. When I first heard the shooting I was asleep on Washington street. I heard the shooting down toward the barracks. I ran down Eleventh street, and from there to Mrs. Bolack's on Twelfth street, and there I heard Mr. Preciado hollering for an officer. I went there and I named him and another man by the name of Alanis as officers. I saw Frank Natus lying there wounded. Preciado was shot in his coat and his hand was wounded, and about 3 feet from the cistern in the yard was Frank Natus, a young boy about 20 years old, lying down. I did not see anyone who did the shooting.

VALDEZ CALDERON.—Live in Brownsville for twenty-five years; was on the police force for eight years. I heard the shooting that night of August 13. Did not see any of the parties. I first heard shooting in the direction of the gate of barracks and near Elizabeth street, and then it went in the direction toward the center of the city. I went in the direction of the shooting two squares. I heard many more shots. I did not go down and attempt to arrest them. One of my companions, who was with me, Rivas, who had been a soldier, said: "Those shots are not pistol shots, but it is a gun of the soldiers." I then went to the city hall to receive orders.

HERBERT ELKINS.—About 18 years of age; live in Brownsville. On the night of August 13 was living at the Leahy Hotel in the second story. I had just gone to bed when I heard the first shot. I was not asleep. It sounded like it was just about the post wall. I sat up and was leaning on the window and saw two men running up toward Fourteenth street, and when they got about 6 or 8 or 10 feet from the mouth of the alley one of them ran into a soft, muddy place and called to the other man not to run ahead or he would get in the mudhole. They stepped out there and fired two or three shots in Cowen's house. Then they reloaded and emptied their guns, I suppose; anyway, they fired about five rounds apiece, and one had trouble with his gun, and both of them together fixed it. They then ran on up the alley and across Fourteenth street, back of the hotel. They had on khaki leggings and pants, and one of them had a blue shirt and a belt. The other man was dressed in the same way except that he might have had on a coat. After these men had passed across Fourteenth street into the alley back of the hotel, I saw a bunch of soldiers, negro soldiers, come running up the alley. They turned around the corner and directly in front of the Cowen house into Fourteenth street. They stopped between my window and the Cowen gate. They stopped as if they did not know what to do, and then I heard a voice calling to them. Then they turned around. The voice said something like this: "Come this way," or "Come here." They then went toward the voices toward the window and I stepped back. They shot two or three times. I recognized them as negroes. I could tell that. Of course some were standing behind others. They had on khaki uniforms worn by soldiers. Those in front I could see had guns. * * * I occupied a room next the alley. My window fronted on Fourteenth street.

FRED E. STARCK.—Thirty-nine years old; married; have a wife and seven children; my residence in Brownsville is on Washington street, close to Thirteenth street. I was at home on the night of August 13. The Miller Hotel was situated southwest from me. There were eight shots fired into my house. Every bullet which went into the house went clear through it. I went out next morning and picked up some shells, and I think they were Springfield rifle shells. I picked up the shells right in the middle of the street in front of my house. My house is about 15 or 16 feet from Mr. Tate's house.

C. B. CHACE.—Locomotive engineer; 51 years of age; native of Massachusetts. Was stopping at the Miller Hotel the night of August 13. I retired as usual about 9.30. I was awakened by a volley of shooting over toward the barracks. I got up and looked out of the window. After being there a short time I heard four or five voices holler, "Put out that light." I glanced farther up the street and saw the lieutenant of police turn into the street on horseback. I watched him coming down the street until he passed under my window, and just after he passed under my window I saw two men coming out of the alley back of the Miller Hotel and cross Thirteenth street, and when they got on the opposite side of the street they stopped and fired several shots. I heard the bullets whizzing around my window and I ducked my head and got away. A few seconds after there was another volley of shooting on the side of Thirteenth street, under my window. After the shooting was all over I got up and looked out of the window and saw the horse of the lieutenant lying down on Elizabeth street. * * *

Q. How many of these men did you see?—A. I saw two men who had soldier's clothes on—that is, they were dressed like soldiers, the same uniforms, leggings, etc. * * * There was a great deal of excitement. The women were screaming and hysterical.

JOSEPH BODIN.—Railroad fireman. Was running with C. B. Chace on August 13. I was stopping at the Miller Hotel. I was awakened by the shooting. I first heard several shots in the direction of the barracks, and then I heard a volley or two afterwards. The shooting came up in the direction of the Miller Hotel. I did not go down at all. The Miller Hotel is on the corner of Thirteenth and Elizabeth streets. While they were doing the shooting around the Miller Hotel I was in the window, and while at the window I heard the footsteps of a horse coming from Washington street toward me. Just as I heard them coming, with a man on him, I heard shots, and they were shooting at him as he passed under me, and when he got to Elizabeth street the horse fell. I looked and saw two men dressed in United States uniform crossing the street, and just as they got about 10 feet on the far side of the alley, they turned and fired in my direction, and then I went in and did not come out no more.

Q. Did you form an opinion as to whether they were soldiers or not?—A. Yes, sir; they were, according to the clothes they wore.

Q. Have you ever had any doubt since?—A. No, sir; I could see distinctly the character of the uniforms, and I think they were soldiers.

A. N. MACKEY.—My age is 39. I am a banker. Formerly lived in Iowa; native of Illinois. I am in the banking business. I was in Brownsville the night of August 13, and stopped at the Miller Hotel, on the second floor in the front room. I heard severe firing. It seemed to come from toward Fort Brown. The firing seemed to be fierce over toward the fort, and then it came up the alley back of the hotel. In the first place, the sound appeared to start from Fort Brown, and then the character of the report impressed me as not being that of an ordinary rifle or sporting gun. I was not alarmed at first, but the people in the hotel were, especially the women and children. They were screaming and were hysterical. I saw two marks in the hotel; bullet marks. I went down to the Cowen house the next morning, and it was literally riddled with bullets; must have been twelve or fifteen.

JOSE MARTINEZ.—Lived at Brownsville. Clerk in a drug store. My home was in Brownsville on the night of August 13 right in front of the barracks, between Washington and Elizabeth streets, at the corner of the alley and Fifteenth streets. I was keeping batch. Just before 12 o'clock I heard four or five shots at the same time. I had not yet gone to bed. The shot was right in front of my door, inside of the garrison, between the garrison wall and the barracks. When I heard the first shots I tried to go out and see what was the trouble and I heard voices calling "hurry up" or "jump." I blew out the light and lay down on the floor. I could not say positively that I saw people go over the wall, but I heard them jump. Some moments after I heard people running toward the center of the town along the alley. I saw four or five. I could distinguish the uniform, but it was impossible to distinguish, or, I did not pay any attention to the countenances. * * * The four or five men whom I saw went toward the Cowen house. There were others, but I could not see in what direction they went. They had guns and carried them with the stock at the hip. I recognized them as soldiers. I lay down on the floor because I was afraid. * * * After the parties passed my house, the next firing I heard was in the direction of the center of the town. I heard a great many shots, possibly 150 or 200.

Cross-examination by Senator FOSTER:

A. There is no doubt about my hearing those men jump over the wall and there is no doubt whatever, as I saw them with my own eyes, that they were dressed in uniforms and carrying guns. I could not recognize the faces, but I could see they were dressed in United States uniforms and had guns.

A. H. SANBORN.—Reside at Brownsville; manager of the Western Union Telegraph Company's office. Held that position for thirty years. The night of the 13th I was sleeping in my room immediately at the rear of the telegraph office, same building. I was awakened by heavy firing. The report was evidently of high-power rifles—some seven or eight shots. I had no idea in the world what it was. I got up and opened the slats of the blinds and looked out, and just as I was looking I saw come along by the whitewashed garrison fence—and I saw plainly, because there was a lamp on each side of the large gate—I saw a man going along. He was a colored man in uniform and had his gun. I could see him very distinctly. The lights over the gate showed him plainly against the light gray wall. He was probably not over 25 or 30 feet away. I recognized him as a colored man and a soldier.

CHARLES H. THORNE.—Age 50 years. Resided at Brownsville. Am a dentist. I was in my house the night of the 13th near the Miller Hotel. I was about to drop off to sleep when I heard firing. I did not at first turn over, but when it kept up I began to think something was up. I raised up in bed and I found the firing was coming nearer. It was on my right, toward the garrison. It came nearer and nearer. After while, when there was such a number of them fired, I concluded that the soldiers were trying to terrify the police and I thought I would get up and look out. The window was up and the blinds were closed and I could hear them. I could tell from the voices they were negroes talking to themselves, and one of them spoke in a loud tone of voice, referring to some one who was down the alley, evidently, saying, "There they go," or "There he goes," I do not remember which, and one said, "Give him hell." I was perfectly satisfied at the time they were negroes from their voices. I had no doubt of that whatever. At the time I heard their voices I was about 30 or 40 feet from them.

Y. GARZA.—Clerk at the Yturria House. Lived in Brownsville about thirteen years. My mother and father are Mexicans. On the night of the 13th I was at my house, which is on Fourteenth street between Washington and Elizabeth streets. I am right in front of the Cowen house. I am a married man. I was awakened by some shots in the direction of the garrison. Then I heard the shooting by the alley where I lived. It was high-power rifles. Then there was some shooting in front of the Cowen house. It seemed to me there were about thirty shots there. I did not see any of the persons who did the shooting. My wife and I were very much frightened. I could hear the working or pumping of the guns. My wife and I both could hear that. When I entered my house after the shooting I could hear some one running through the alley—sounded like three or four running in the direction of the post.

MRS. HELEN MOORE.—Age, 43; am in Brownsville in the hotel business, the Miller Hotel, situated on the corner of Thirteenth and Elizabeth streets. I was in my room the night of the 13th. Had gone to bed when the shooting commenced. My room was in the second story. When I first heard the shooting it was in the direction of the barracks. Then it came straight down toward my house between the alley. I stood there and watched out of the window until they fired another vol-

ley right at the corner of the alley on Fourteenth street, and we could see the flashes of the guns. Then they came right down the alley toward the hotel. They were shooting as they came, and we dropped right down below the window and crawled into the hallway, and then Mr. Goldsmith, the young man boarding with us, hollered not to put our heads out of the window, that it was the soldiers shooting up the town. I was very much frightened. I heard one of the soldiers say, "Shoot him, the s— o— b—; there he goes; get him." I could hear the pumping of the guns like as if they were reloading. The effect which this shooting had upon the people was awful. There wasn't any ladies that would go on the streets until those niggers left there. They were frightened to death.

MISS MAYFIELD.—Reside at Brownsville, Tex. Was at Brownsville the night of the 13th. Was asleep in my room and was awakened by the shooting. It seemed to be in the direction of the barracks. Then it came from toward our house, then a volley was fired which went into the Cowen house. Then they went down the alley behind the hotel, shooting as they went. I was in the hall at this time. There is a window opening from the hall right into the alley. The window was open. I could hear the parties who were doing the shooting talking. I heard them say, "There he goes down Elizabeth street; shoot him." They used some profane language. It was certainly negroes' voices. I could distinguish their voices very easily. They were right under the window.

Mrs. COWEN.—Live in Brownsville, Tex.; have lived there every since I was about ten months old. I was in town the night of the 13th of August. My house is the corner of Fourteenth street and the alley—a small one-story frame building. There had been a children's party at my house that night. I think they had left about a quarter of an hour before the shooting. I was dressed sitting at the table when the shooting commenced. When I first heard the shots the children ran to me and called out "fire." They thought it was a fire. I thought the soldiers and the policemen had gotten into a clash. Mr. Cowen had gone out for lunch and I kept looking for him. When I heard them I told the children to get under the bed. They got under the bed. The Mexican servant girl went to the window and she saw the soldiers right at the alley fence, my alley fence. She saw them put a gun over the fence and blow out this lamp on the table. She was not 3 feet from it. She fell down and crawled into my room. Afterwards Mrs. Leahy, the lady across the street, called out to us and she said, "Shall we come over for you?" and I said, "I wish you would." We went back with them. There were twenty-three bullet holes found in our house.

AMBROSE LITTLEFIELD.—Age 26; had been deputy sheriff; was in Brownsville the night of August 13 at the Rio Grande Hotel. My mother and father were proprietors of the hotel. It is on Jefferson street between Eleventh and Twelfth. I had just dropped off to sleep when the shooting commenced. I put on my shoes and pants and hat and coat, and that was all. The shooting was in the direction of the post. I recognized them as high-power rifles. I went down Elizabeth street until I came to the alley between Washington and Elizabeth streets, and I turned down the alley toward the post. When I got middle way between Eleventh and Twelfth streets in the alley I seen a shot fired in front of me and I heard a number of others. I could see a crowd of people in the alley in front of me. I followed them as they went around the corner of the alley into Thirteenth street. I passed the Ruby Saloon and was probably 20 feet past the door of the Ruby Saloon. I stood there until the firing stopped and then went to the corner of the alley on Thirteenth street, and I saw a bunch of people runing diagonally across Washington and Thirteenth streets. I saw those people run across there, and as they were passing they passed in about 20 feet of the street lamp, and I recognized them as United States soldiers or people in the United States uniform. I was at the time at the mouth of the alley between Washington and Elizabeth streets. There was one of them that I distinctly recognized as being a colored soldier. As I was standing there and looking at them this one turned his head and looked back the way they had come from, and that turned his face directly toward me, and the light was shining directly in his face and I recognized him as a colored soldier at the time. There were about five to seven of them in the party. I had no doubt at the time about this being soldiers in uniform, and that this one man especially was a negro soldier.

I shall not take further time in discussing the direct testimony, because I want to call attention now to some of the circumstantial evidence which is found in the record. We ordinarily say that circumstantial evidence is less satisfactory than direct evidence, and ordinarily that is true; but the circumstantial evidence which is in this record, especially taken in connection with the direct evidence, points to but one conclusion.

In the first place, there were the bullets which were picked up on the premises or found in the different houses. These bullets were experted. It was found that they were Government bullets, and that they had been fired in either a Krag or a Springfield rifle. The only parties in that country who had Springfield rifles were the colored soldiers. After the experting of the bullets, we may take them and go out over the ground over which the raiders traveled, and we find the Springfield shell and the Springfield clip. We now have the circumstance of the bullets being Government bullets, of having been fired in one of two guns, one of those guns in the possession of the soldiers alone, and the shells scattered out over the ground over which the raiders traveled.

This becomes a very important fact, because here we have got to get the citizens' conspiracy into practical operation again. In order that this powerful and positive circumstantial evidence may be removed and the force and effect of it taken from the affair, it is necessary to show that the citizens' conspiracy did what? That they got hold of some Krag guns, that they stole these shells, that they fired these bullets, and then went over the ground and picked up the Krag shells and went back over the ground and planted Springfield shells.

Is there any other explanation than that? Yes. One other, and that is that the citizens' committee took these Krag rifles and went to a machine shop and had them reamed out, so that they could fire the other shells. I can imagine a blacksmith in Brownsville reaming out a Krag rifle so as to fire a Springfield rifle shell, and yet these are the impossible and the improbable things which you have got to explain as having been done by the citizens' conspiracy before you remove the direct evidence of the guilt of these men.

Again, another incident. These bullets were afterwards examined and found to contain lead, antimony, and tin. It was found that the Government contract with this company called for only lead and tin. Therefore the composition of the bullets seemed to be directly against the theory that the soldiers participated in the raid. But further investigation disclosed that back in 1905 the same company, in making its bullets, used lead, tin, and antimony; and that is proven beyond dispute in the record.

Then, going a step further, it is disclosed that a part of this ammunition which was manufactured under that contract, and which was an exceptional manufacture, was issued to Fort Niobrara and went to these soldiers. Nothing but a Divine revelation could be stronger evidence against these men than that.

It was not subject to be manufactured. It was not within the power of anybody in Brownsville to change it. It was beyond the reach of the citizens there. I submit that no explanation of that incident can be given which is not only consistent with, but is direct proof of, the guilt of these men. So we have the direct evidence of some fifteen or twenty witnesses, coming from all walks of life, all professions, and all trades, and these circumstantial facts going directly to the proof of the participation of these soldiers in the Brownsville raid.

Mr. President, to say that these guns were reamed out or that the citizens stole the shells might be sufficient before a jury to save a man's life, but I submit, in the interest of the great Army of the United States and its honor and the welfare of the home and the protection of the lives of the citizens, that it is not sufficient upon which to keep a man in the United States Army. We are not trying men for murder or imposing punishment for crime. We are to determine whether or not these facts are such as justify us, as was so well said by the Senator from Virginia [Mr. DANIEL], in untying this contract with the Government.

Passing on, I call attention now to the minor corroborative facts with reference to this affair:

1. Shells of cartridges picked up from B Company rifles.
2. Company B was the last to completely assemble.
3. Some of the men of Company B were completely dressed when they assembled.
4. Drinking in Company B that night. One was dead drunk.
5. A great deal of confusion and straggling in upon the part of Company B and getting into ranks.
6. Bullet holes in Randall's and Yturria's houses indicate the shots came from the second floor of or near B barracks.
7. Some four or five witnesses state they saw flashes from the second floor of B barracks.
8. Bullets taken from the houses were Government bullets.
9. The cartridges and clips and shells picked up on the streets were Government cartridges and shells.
10. The composition of the bullets correspond to the composition of the bullets made under contract of 1905 and ammunition issued to Twenty-fifth Infantry under that contract.
11. Bandolier was a Government bandolier.

I shall notice only briefly some of the features, with reference to the explanatory effect of this evidence, and will not detain much longer those who have honored me with their presence.

There is no defense interposed in this matter except a defense which is based upon the presumption that no noncommissioned officer participated in this affair. So far as I have been able to analyze the explanation of this testimony, there is no explanation other than that which departs when we get rid of the assumption that no noncommissioned officer participated. I say that for this reason: The questions of the roll call, of the gun racks, of the ammunition, of the cleaning of the guns, of the fourth gun, all disappear immediately if we do not act upon the assumption that no noncommissioned officer was interested, because if any noncommissioned officer was interested or participated in the affair these things were just as easily accomplished as anything else that is charged to the companies.

I want to call attention now to the statement of Major Penrose in support of what I say. Major Penrose says:

> They slipped out of quarters, did the shooting, returned while companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is all made possible from the fact that the shooting all occurred within two short blocks of the barracks.

The questions of cleaning the rifles and of getting the ammunition and the gun racks and those matters are explained in a word by the commanding officer, who certainly is not a prejudiced judge as against these men. If a noncommissioned officer knew of this or connived at it, the soldiers had all the time, from the time they came back until the next morning, to take care of the question of gun racks and the cleaning of guns and the getting of ammunition beforehand, and could have done so as easily as if there had been no key to the gun rack at all.

Just one word in reference to the roll call. No officer of this company contends or has contended, so far as I have been able to find, that the question of the roll call cuts any figure with reference to the innocence of these men, for the reason, in the first place, that the roll call took place after the time when they had the time to return from the shooting to answer the roll call. They were 250 yards, at the farthest, from the place where the roll call was had. They had only 250 or 300 yards to travel. Witness Willie H. Miller, a colored boy, explains how easy it was to return. Miller says:

Native of Tennessee. Enlisted in Richmond, Va. Came off guard on Monday, the 13th, about 10 or 11 o'clock. I went on pass to Matamoros that day. My pass gave permission to be absent from 12 noon until 5 a. m. on the 14th of August, 1906. I was over in Matamoros on the 13th, in the afternoon. I returned from Matamoros that night about 10.30. When I returned I went to my cousin's, in Brownsville—Mack Hamilton. He had been in the Army. He lived two blocks from Elizabeth street. I was there until 11 o'clock. Then I went to a saloon—a Mexican saloon. When I was in the saloon some firing commenced in town, and he closed the door of the saloon until the firing had about ceased.

The firing stopped the game. The firing seemed like it was up the street toward the barracks. When the doors closed I was in there, and I talked to this Mexican, the proprietor of this place, and I showed him my pass and I says, "If anything ever comes of this, I want to show you this." He was talking and said he thought the soldiers were firing on the town, etc. I suppose I stayed there five or six minutes after the firing commenced. I stayed until after it ceased. Then I went to the quarters. I went in a hurry, but I did not run—I walked fast. I entered across the fence. My company was just falling in in front of the barracks. They told me to get my gun and join the company, and I got my gun. I did not have any gun that time (when I was in town). I went upstairs and got a gun and joined my company.

This man, who had been to Matamoros, stayed at the saloon till the firing ceased, then walked a block and a half farther than any other man had to walk, and got back there in time to answer and form with his company. Will it be contended that the men who realized what they had done, and who had planned evidently beforehand to get back, could not have made it in half the time that Miller made it and been back there in plenty of time to answer roll call?

I call attention to another matter in this affair. The record shows that—

Private Lee stayed the night at a house in the city. Was out that night. (S. Doc., p. 128.)

Private E. Johnson (p. 132) stayed that night in town with his wife.

Private G. Johnson (p. 120) was sleeping at the corral and knew nothing about the matter until he was told about it afterwards.

Private John Streater (p. 134) was asleep in the corral. Never knew anything about it.

Private G. Thomas (p. 117) was at a colored woman's house in Brownsville and did not return until the next morning.

Private Hardin (p. 131) was absent from the quarters sleeping at Lieutenant Higgins's quarters and did not appear until the next morning.

Private Turner (p. 135) was absent from the quarters sleeping at Lieutenant Hayes's.

Private Kirkpatrick (p. 133) was in the hospital.

Private John Brown (p. 151) was asleep in the baker shop.

Private Elmer Brown (p. 151) was asleep in the corral.

Private Newton (p. 140) was asleep in the quarters of Lieutenant West.

Private Jones (p. 139) was asleep in Captain Lyon's quarters.

Private Mapp (p. 141) was asleep in the bake shop.

Private Halley (p. 144) was asleep in the corral.

Private John Henry (p. 144) was in the quartermaster's corral.

Private Charles W. Hawkins (p. 140) was in town on a pass.

In addition to these absentees there were absent on duty within the post at the guardhouse four noncommissioned officers.

Private Miller was out on a pass.

Major Penrose said they reported to him two men absent.

The record shows that on this occasion there were several absent who did not get home until next morning, and it further shows that there were a number of them who were so sound asleep in different parts of the garrison that they never did discover the fact until some of their comrades went down and told them about it.

I mistrust it is barely possible that there was a reason for their not discovering that fact, and that was that they thought it would place them too near to that which they knew they were guilty of.

A suggestion with reference to the question of the fourth gun. The question of the fourth gun depends alone at last, when it is boiled down, upon the oral statement of McCurdy. There are other circumstances which have been construed to support that proposition, and I will admit they seem to, but when you come to examine the record in all its parts, you will find that there is no identification of the gun so as to establish the fact that it was not used that night except the oral statement of McCurdy. There is no other way by which it can be identified and shown not to have been used; and if it should be believed possible that McCurdy, like the sergeant at Sturgis City, Dak., let loose of the key that night when the Twenty-fifth Infantry was involved in another raid of this kind, it would be very easy to explain where the fourth gun was.

All they had to do in this matter was simply to pass the key to the parties who desired to participate in this raid, and when you have the fact of the bullets, the analysis and composition of the bullets, the shells found upon the street, we must come to the conclusion at once that some one who was identified with the noncommissioned force was cognizant of this raid. That is one of the reasons why it is a necessary conclusion from the evidence in this case that not only were there those who participated, but those who must inevitably have known something of it who did not actually participate in it.

When this matter is boiled down to what the record actually shows, whether or not McCurdy's gun was used that night depends upon the oral statement of McCurdy.

McCurdy claims that the racks were never open, and yet any fair interpretation of his somewhat inconsistent testimony shows that Alison's gun was placed in the rack after August 11.

Blaney testified that he cleaned his rifle prior to turning it over both at Fort Niobrara and at El Reno, and yet when rifle 45683 was received at the Springfield Armory it had a foul bore, showing that it had been used some time and not properly cleaned. This was likely the hurried cleaning which it got that night.

The above is either correct or else Sergeant Blaney was mistaken as to cleaning the rifle, or the property book is in error as to the serial number which Blaney held either at Fort Niobrara or at El Reno.

The evidence is that the serial numbers of the rifles stored in the box were not checked; hence the evidence that any particular rifle was in said box was not conclusive.

Lieutenant Lawrason, upon whose testimony the presence of the rifle 45683 largely depends, states that he was not present when said box was packed at Fort Niobrara.

Sergeant Blaney, who is supposed to have had rifle 45683, left Fort Niobrara on his furlough June 8. Lieutenant Lawrason did not assume command of Company B until July 1 thereafter, hence he was not in command of Company B when Sergeant Blaney went on his furlough and turned his rifle over at Fort Niobrara.

When, on the morning of August 14, Lieutenant Lawrason verified the rifles of Company B he did not verify them by serial numbers, but by their total numbers, taking only one or two rifles out of the boxes; hence there is no evidence that 45683 was actually in one of those boxes at the time.

Lieutenant Lawrason was not certain that the boxes of rifles had not been opened since they were packed at Fort Niobrara.

The evidence does not show that the rifles issued to the men of Company B were ever checked by their serial numbers with the men to whom assigned since they were issued about April 1, 1906; hence there were about four months at Fort Niobrara and two weeks at Fort Brownsville during which time the rifles of the company may have been exchanged inadvertently or purposely without the records of transfers having been entered in the property book. That such transfers were not unfrequent may be gathered easily from the evidence.

The ordnance property book was carelessly kept, as admitted by Lieutenant Lawrason and also as shown by the statement of irregularities in the keeping of this book.

It is also shown by the evidence that rifles are exchanged in order to allow a good marksman to get a good rifle.

Now, Mr. President, I have gone over some of the evidence which discloses, to my mind, beyond a reasonable doubt, that some of the soldiers of the Twenty-fifth Infantry participated in that raid. If they were guilty at all, they were guilty of murder thought upon and planned and deliberately executed.

There can be no doubt that it is a serious question—that of disturbing a soldier in his relationship to the Government—but there can be no more serious question than that of keeping the

United States Army free from the cancerous growth of the disturbances which prevail in more than one part of this country.

To my mind this was treason, not technically so, but morally aggravated treason. In these times, when a spirit of lawlessness pervades a certain part of the social realm, when a social organization, or professing to be one, preaches lawlessness as one of the tenets of its faith, to find this spirit of lawlessness in the Army is shocking beyond the power of words to tell.

Finding it there so close to the vital forces of the nation, what was the duty of those upon whom it devolved to act? Strike it down, enforce the judgment of the Government in such a way as to instill both dread and respect in those who lightly toy with human life and thus degrade the standing of the Army.

It should be known to these people, the same as it is known to all of us, the colored race and the white race, that this is a Government of law and of order. If the disturbers and raiders and dynamiters throughout this country think that the American people as a whole will connive at the violation of law, they misunderstand the instinct and the inspiration of the Anglo-Saxon race.

The negroes have helped to build up this country. Their labors in slavery and out of slavery have helped to build it, and their valor has helped to preserve it. No man would take from the colored race of this country one iota of praise or honor for the heroic climb which it has made from slavery to its respectable position in the civilization of the world.

But no leader of the colored race ever did a greater injury to the thousands of colored men who are struggling up to the high plane of civilization than to teach them that their Government will connive at a breach of the law. For one and all, white race and black race, there is but one rule, which is that when the rights of the American citizen are involved, the peace of the home and the protection of life, party politics disappear and American citizenship is the only chord which will receive a responsive strain from the American people. I can not imagine a more cowardly act, a more pusillanimous act upon the part of a great party than to undertake to connive at a crime so thoroughly proved as this because of anticipated political exigencies. It is our duty to say to the people of this country that the party which gave the colored man his freedom will also teach him that this Government can only be preserved by observing the law and observing the rights of citizens in their homes. [Manifestations of applause in the galleries.]

EMPLOYMENT OF CHILD LABOR.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order.

Mr. KEAN. Let us proceed with the Calendar.

The VICE-PRESIDENT. The first bill on the Calendar will be announced.

The SECRETARY. A bill (S. 4812) to regulate the employment of child labor in the District of Columbia.

Mr. NELSON. Let the bill be passed over.

The VICE-PRESIDENT. The bill will be passed over, without prejudice, at the request of the Senator from Minnesota.

OMNIBUS CLAIMS BILL.

The bill (H. R. 15372) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, was announced as next in order.

Mr. KEAN. I hope to call up that bill in a few days and make it the unfinished business of the Senate. I ask that it may go over to-day.

The VICE-PRESIDENT. The bill will go over, without prejudice, at the request of the Senator from New Jersey.

NATIONAL FORESTS.

The bill (S. 4825) for acquiring national forests in the Southern Appalachian Mountains and White Mountains was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. BRANDEGEE. On page 1, line 1, after the words "Secretary of Agriculture," I move to insert the words:

For the purpose of preserving the navigability of navigable streams.

The amendment was agreed to.

Mr. BRANDEGEE. On page 4, at the end of section 6, I move to strike out the period and to add the words:

For the purpose of preserving the navigability of navigable streams.

The amendment was agreed to.

Mr. BRANDEGEE. I send to the desk and ask to have read a memorial of the Association for the Protection of the Adirondack Mountains in behalf of the pending bill.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Georgia [Mr. BACON], to strike out sections 5 and 6 of the bill. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment. If there are no further amendments——

Mr. BACON. Mr. President, I think in the confusion incident to the closing of the speech of the Senator from Idaho, the Senate is not really informed as to what is before it. I should like to have the attention of the Senate to the particular measure. Let the title of the bill be read.

The VICE-PRESIDENT. The Secretary will again read the title of the pending bill.

The Secretary again read the title of the bill.

Mr. CLAY. If I understand the bill now, since sections 5 and 6 have been stricken out, it simply provides that the money arising from the proceeds of public lands hereafter sold and the proceeds from the lands sold since June 1, 1901, shall be applied to the drainage of swamp land belonging to the Government. In other words, the funds arising from the sale of the public lands will hereafter be applied to the draining of swamp land in the States where the Government lands may be located; and, in addition to that, the bill appropriates the sum of about $5,000,000 for the purpose of carrying out the provisions of the act.

Mr. FLINT. The Senator states the bill correctly.

Mr. TELLER. I understand then it leaves simply the proposition that the Government may drain its own lands. Is that correct?

Mr. FLINT. That is correct, as the bill now stands.

Mr. TELLER. Mr. President, I expected to make some remarks on the other feature of the bill. I do not care about going on if that is the way the bill stands now.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Without objection, the amendments will be considered in gross. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. BACON. Mr. President, I dislike to appear to be importunate about this matter, but I think it is a very unwise proposition, and I therefore move to strike out all after the enacting clause of the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia, to strike out all after the enacting clause of the bill. [Putting the question.] By the sound, the noes have it.

Mr. BACON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison	Depew	Hale	Overman
Bacon	Dick	Heyburn	Paynter
Brandegee	Dixon	Johnston	Perkins
Brown	Dolliver	Kean	Piles
Bulkeley	Elkins	Knox	Rayner
Burkett	Flint	Lodge	Richardson
Burrows	Foraker	Long	Scott
Clapp	Foster	McCreary	Smith, Mich.
Clay	Frazier	McCumber	Smoot
Culberson	Gamble	Money	Stone
Curtis	Gary	Nelson	Teller
Daniel	Gore	Nixon	Warner

The VICE-PRESIDENT. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

NAVAL APPROPRIATION BILL.

Mr. HALE. I report back with sundry amendments, from the Committee on Naval Affairs, the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes, and I submit a report (No. 552) thereon. I shall try to call up the bill to-morrow morning for the action of the Senate.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

The Senate resumed the consideration of the bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes.

Mr. TELLER. Mr. President, I wish to call the attention of the Senate to what I think is a serious defect in the bill. Section 4 of the bill provides—

That the Secretary of the Interior shall make appropriate provisions for limiting the area to be taken by homestead entrymen under this act for ceded Indian or other lands to areas not less than 5 acres nor more than a quarter section.

That does not limit the area, I understand, to the Indian grounds, but it applies to "ceded Indian or other lands." I move to strike out the words "or other" before "lands."

Mr. CLAPP. Will the Senator from Colorado pardon me for a moment?

Mr. TELLER. Certainly.

Mr. CLAPP. The words "or other lands" were inserted upon the theory that the Government would have lands to drain other than those which might be to-day classed as ceded and Indian lands. I have no objection to striking out those words.

Mr. TELLER. My objection is that we are authorizing the Secretary of the Interior to determine what a homestead shall be when Congress has determined for a great many years that it shall be 160 acres. There is no limit here. The reclamation act does provide for some control over the area and fixes the smallest area of land that can be used and made into a homestead at 80 acres. If this were amended so that it would be 80 acres instead of the present language, I should not have any objection to it. As it stands it might be 1 acre or 5 acres. I want to confine the limitation of a homestead to Indian lands alone.

Mr. CLAPP. I suggest to the Senator from Colorado that the better way to meet that would be to change the limitation and make it 80 acres, if the Senator prefers.

Mr. TELLER. That might be too much Indian land, perhaps.

Mr. CLAPP. I do not know that it would be. If those words were stricken out, it would then confine it entirely to lands which to-day would be classed, perhaps, as ceded Indian lands, instead of the general public domain.

Mr. TELLER. I will venture my hand at an amendment to the bill by striking out the word "five" and inserting "not less than 40 acres, nor more than 80 acres."

Mr. FLINT. I will accept the amendment.

The VICE-PRESIDENT. The Senator from Colorado proposes an amendment which will be stated.

The SECRETARY. On page 4, line 4, it is proposed to strike out the word "five" and insert "not less than forty nor more than eighty"——

Mr. CLAPP. Mr. President, I will suggest, for the benefit of the Secretary, that what the Senator from Colorado [Mr. TELLER] desires is to strike out "five" and insert "forty," on line 4; and then to strike out, on line 5, the words "a quarter section" and to insert "80 acres," so that it would read:

Areas not less than 40 acres, nor more than 80 acres.

Mr. TELLER. That will do it.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Colorado.

The SECRETARY. In section 4, on page 4, line 4, it is proposed to strike out "five" and insert "forty;" and in line 5 to strike out the words "a quarter section" and to insert "80 acres," so that it will read:

Not less than 40 acres, nor more than 80 acres.

Mr. TELLER. Mr. President, the other day when this bill was under consideration there was some question about the reclamation act, and the Senator from North Dakota [Mr. MCCUMBER] made a statement which I did not think was borne out by the act. I now have the act before me, and I find that the only authority which the Government has for taking private property into this reclamation scheme is contained in section 6 and section 8 of that act. Section 6 provides that the Government shall not sell to private owners of land more than the water for 160 acres. It is also provided in section 7:

That where, in carrying out the provisions of this act, it becomes necessary to acquire any rights or property, the Secretary of the Interior is hereby authorized to acquire the same for the United States by purchase or by condemnation under judicial process, and to pay from the reclamation fund the sums which may be needed for that purpose.

Mr. President, when the reclamation act was passed nobody concerned in its consideration had any idea that the Government was going to buy land from private citizens to reclaim it. We then believed that that should be done by the private citizen. I now understand that the Government is, I think without any authority of law, making arrangements to acquire and put into the reclamation scheme lands in private ownership.

Mr. President, I do not think that that is justified by the law. I think section 7 was intended to mean that when it was necessary to build a reservoir and some land in private ownership was included in the reservoir site the Government might acquire such land. That was at least the construction originally put upon the act by the Department, but lately, I understand, they have gone beyond that, which only shows that when we are enacting laws we have got to enact them with a good deal of exactness or a construction may be put upon them by the executive department which is entirely different from what the legislative department of the Government intended.

Mr. President, I do not myself feel very much interest in this bill. I do not believe there is any such demand or necessity for it as there was for the inauguration of reclamation service. Practically all swamp land, with very small exceptions, is the property of the States and might be utilized by the States by drainage. I will not deny that the Government has the same authority under the law, when the proper necessity arises, for draining land as it has for irrigating land; but I must say that I have not yet seen a case that seemed to me to justify Government interference for the purpose of draining land.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. MCCUMBER. Let the amendment be again stated.

The VICE-PRESIDENT. The amendment is to strike out all after the enacting clause of the bill. The Secretary will call the roll, on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. He not being present, I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. As he is absent from the Chamber, I will transfer that pair to the senior Senator from New York [Mr. PLATT] and vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He does not appear to be present, and I therefore withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained from the Chamber by illness. I therefore withhold my vote.

Mr. FRAZIER. I am paired with the junior Senator from South Dakota [Mr. KITTREDGE]. As he is absent, and I do not know how he would vote if present, I withhold my vote.

Mr. DANIEL. I am paired with the Senator from North Dakota [Mr. HANSBROUGH], and I therefore withhold my vote.

Mr. MONEY. I desire to state that my colleague [Mr. MCLAURIN] is necessarily absent on business.

Mr. DAVIS. I am paired with the Senator from Oregon [Mr. FULTON]. I desire to transfer that pair to the Senator from Florida [Mr. MILTON], so as to be able to vote. I vote "yea."

The result was announced—yeas, 15, nays 37, as follows:

YEAS—15.

Bacon	Davis	Kean	Rayner
Clarke, Ark.	Foster	McCreary	Smith, Md.
Clay	Gary	Money	Teller
Culberson	Johnston	Paynter	

NAYS—37.

Aldrich	Clapp	Knox	Smith, Mich.
Allison	Curtis	Lodge	Smoot
Beveridge	Depew	Long	Stephenson
Borah	Dick	McCumber	Stewart
Brandegee	Dixon	Nelson	Sutherland
Briggs	Dolliver	Newlands	Warner
Brown	du Pont	Nixon	Warren
Bulkeley	Flint	Perkins	
Burkett	Heyburn	Piles	
Burrows	Hopkins	Richardson	

NOT VOTING—40.

Ankeny	Dillingham	Hale	Overman
Bailey	Elkins	Hansbrough	Penrose
Bankhead	Foraker	Hemenway	Platt
Bourne	Frazier	Kittredge	Scott
Burnham	Frye	La Follette	Simmons
Carter	Fulton	McEnery	Stone
Clark, Wyo.	Gallinger	McLaurin	Taliaferro
Crane	Gamble	Martin	Taylor
Cullom	Gore	Milton	Tillman
Daniel	Guggenheim	Owen	Wetmore

So Mr. BACON'S amendment was rejected.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 21, 1908, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 20, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. DALZELL. Mr. Speaker, I submit the following report from the Committee on Rules:

QUESTION OF PRIVILEGE.

Mr. WILLIAMS. Mr. Speaker, before that I desire to be recognized for a question of privilege.

Mr. DALZELL. This is a question of privilege.

The SPEAKER. Does the gentleman from Mississippi [Mr. WILLIAMS] rise to a question of privilege or personal privilege?

Mr. WILLIAMS. A question of the privilege of the House.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] rises to a question of privilege of the House.

Mr. WILLIAMS. Mr. Speaker, I find Rule IX——

The SPEAKER. Has the gentleman a resolution?

Mr. WILLIAMS. It is not easily susceptible of a resolution. It is a question concerning the privilege of the House under Rule IX, which I will read.

The SPEAKER. The Chair is under the impression that a question of the privilege of the House invariably requires a resolution. A question of personal privilege does not.

Mr. WILLIAMS. Mr. Speaker, I do not desire to intrude unnecessarily now upon the time of the Chair. If the Chair will permit me to state the question, I think the Chair will agree with me it is almost impossible to put it specifically in the shape of a resolution.

The SPEAKER. The gentleman can proceed by unanimous consent without a resolution, but under the rules the question of the privilege of the House, in the opinion of the Chair, requires a resolution. A question of personal privilege to the Member does not.

Mr. WILLIAMS. Does the Chair decline to let me state what the question of privilege, in my opinion, is before arguing?

The SPEAKER. The Chair makes no objection. By unanimous consent the gentleman could proceed.

Mr. WILLIAMS. The power of recognition is within the discretion of the Chair. If the Chair will recognize me to state——

The SPEAKER. Not on a question of privilege of the House. That is a question of the highest privilege, and under the rules requires a resolution; but I apprehend that the House will make no objection, and the Chair will submit it. Is there objection to the gentleman——

Mr. PAYNE. Mr. Speaker, how much time does the gentleman want?

Mr. WILLIAMS. Why, I suppose about fifteen minutes—ten or fifteen.

Mr. PAYNE. I ask unanimous consent, Mr. Speaker, that the gentleman from Mississippi [Mr. WILLIAMS] may have fifteen minutes in which to state his question of privilege.

Mr. GAINES of West Virginia. It seems to me that the gentleman from Mississippi [Mr. WILLIAMS], in view of his refusal to let anybody have unanimous consent who desired it, should himself ask it. I shall object, myself, unless the request is made by the gentleman from Mississippi.

Mr. PAYNE. I hope the gentleman will withdraw that.

Mr. GAINES of West Virginia. Mr. Speaker, at the request of the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL], I very reluctantly withdraw my objection.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Mississippi for fifteen minutes to present a question of the privilege of the House without introducing a resolution.

Mr. WILLIAMS. Mr. Speaker, I wish to read from the RECORD of Saturday, April 18. On page 4947 of the RECORD I find this entry:

> Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.
> The question was taken.
> The SPEAKER. The ayes have it——
> Mr. WILLIAMS. Division, Mr. Speaker.
> The SPEAKER (continuing). And the House stands adjourned until to-morrow at 12 o'clock noon.

The Speaker will note that the usual form of putting the question, "The ayes seem to have it, the ayes have it," which is done for the purpose of enabling anyone in opposition to call for a division, was omitted. The Speaker will also note that before the Speaker had announced the conclusion, with his statement that "The House stands adjourned until to-morrow at 12 o'clock," the gentleman from Mississippi [Mr. WILLIAMS] called for a division, a call evidently heard by the Speaker; from all of which two facts will appear: First, that nobody on the floor or from the chair made the point of order that the call for a division was dilatory; secondly, that the Speaker himself, being a Member of the House, with the power to do that, to wit, to make the point by announcing a purpose not to entertain the motion because dilatory, whatever may be said of the goodness or badness of the practice of making of himself at once objector and judge, did not himself make the point in a manner in which he could have made it, by saying to the House, "The Chair regards the call for a division as dilatory, and therefore refuses to entertain it," upon which announcement by the Chair the House or any Member thereof could have controlled subsequent conduct accordingly. The Speaker made no *ruling* whatsoever.

Now, Mr. Speaker, in all due, cool, unimpassioned manner, I desire to say a few words concerning this incident, involving as it does, in my opinion, a grave and dangerous breach of the privileges of the House under Rule IX, which reads:

> Questions of privilege shall be, first, those affecting the *rights of the House collectively*, its safety, dignity, and *the integrity of its proceedings*.

Now, Mr. Speaker, of course I can make due allowance for what the darkies would call in Mississippi the degree of "pestering" that I have inflicted upon the Chair for some time, which I have been pursuing with a view of bringing about a result which I thought could be brought about best in that way, if at all. Making all allowance for human nature which, becoming intolerant of opposition and "pestering" in that way, might override what has been the historical usage, I want to state now that if I am right about this matter, and I think I am, it is one of the gravest things that has occurred in the parliamentary history of the United States; and with a view to getting it exactly right, or as nearly as possible, and in order to keep my statement of it cool and collected and unimpassioned, a little before I came up this morning I sketched in lead pencil what I thought ought to be presented to the House.

I have, upon second thought, a resolution here which, when I sit down, I shall offer; I have dictated its substance to a friend who is writing it, and will offer it then.

My statement of the breach of privilege is as follows: Mr. Speaker, all talk about a breach in the personal friendship existing between the Speaker and me, growing out of what I regard as his Saturday evening's arbitrary adjournment of the House, is nonsense. Real friendships in this world are too hard to form and to maintain and too precious after they are formed to be lightly shaken off by sensible men. This is a totally different proposition, however, from voluntarily becoming a party to the treatment as a jest of so grave an attack upon the form and spirit of representative government as the Speaker's action or act upon the closing of the legislative day of Monday, April 6, or the calendar day of Saturday last constituted. I say action or act, and not ruling; because if it had been based upon an open and announced ruling by the Speaker, even if made on his own initiative, it would have been different. That would have been within his power if not within his technical right, whatever we may think of the danger of the practice. I do not deny that if any Member had risen in his place and made the point of order that my call for a division was dilatory the Speaker could, under the discretion vested in him by the rules of the House, have sustained the point of order made and announced his ruling, which, without successful appeal, would have bound me and the other Members of the House. I do not deny, further, that under our peculiar rules the Speaker could, the point of order being made and an appeal having been taken, have ruled the appeal itself out of order as dilatory.

Again, I do not deny that the Speaker himself—and I ask the Speaker's attention to this part of it—being a Member of the House, could make the point of order himself by simply announcing from the desk that "The Speaker regards the call for a division as dilatory, and therefore refuses to entertain it." That the Speaker has a right to make a ruling, as Speaker, on a point of order suggested by himself as a Member is one thing; that he has a right to act sub silentio without a ruling, and without giving to the House the opportunity that such an announced ruling would have given to correct it, or for the subsequent exercise of the constitutional right of one-fifth of the House to secure a roll call, is another thing. That the Speaker's action was taken with this very view of ultimately preventing a roll call is undeniable. It is undenied by him in his interview which he has given to the papers in connection with the matter. It is a fact too plain to need assertion. It will remain, I know, undenied by him, because he is a perfectly truthful man.

Thus far he has, in his interview referred to by me, uttered no word of denial, but this is his statement:

THE SPEAKER'S POSITION.

The Constitution does provide that on demand of one-fifth of the Members present the yeas and nays shall be spread upon the Journal. Representative WILLIAMS did not demand the yeas and nays, nor did any other Member of the House. As he did not choose to exercise his right under the Constitution, the Chair ignored his dilatory demand for a division and declared the House adjourned. The bare statement of the proceedings shows that Representative WILLIAMS did not know how to avail himself of his constitutional rights or did not choose to do so.

The Speaker, as a Member of the House, though it may be bad practice, has the power to make a point of order himself and to sustain his own point of order under our rules. This is a sad fact, but his right to make a point of order, even though accompanied by the power to sustain it, stands on the same footing as that of any other Member, and on no higher footing than that of any other Member. It must be openly made and openly sustained. There must be an open ruling within the hearing and the view of the House. What would be thought, for example, if, on a paragraph upon a general appropriation bill, it being new legislation, the Speaker were simply to erase it from the bill, or order the Clerk to pass it over in the reading of the bill; or if, on an amendment offered from the floor, obnoxious to the same rule as new legislation upon a general appropriation bill, the Speaker were simply to pass it over—"ignore it," to use the Speaker's own phrase in his printed interview—without announcing why, so as thereby to put the House in possession of his reasons, and give it, or any Member of it, an opportunity to regulate his subsequent conduct accordingly? How could the House control or overrule the Speaker? There would be no ruling to question, but simply a fait accompli to digest. The rules do not provide, Mr. Speaker, that the Speaker may "ignore" a motion or demand as dilatory, but that he may rule it out of order; or, to use the language of the rule, may "refuse to entertain it," announcing that fact to the House—making a ruling whereby he refuses.

Nobody not foolish or else laboring under great temporary excitement can fail to see the difference between the two things. The first is a mere arbitrary act with an unannounced motive, in foro conscientiæ, and as it is unheard and unseen by and unknown to the House, and hence uncontrollable by it, even if every Member of the House save the Speaker differed in opinion with him; the latter, to wit, an announcement that the Chair refuses to entertain, because the motion is in violation of order as being dilatory, or for any other reason, is an *official decision of the Chair*, controllable or reviewable by the House, and leaving moreover other parliamentary rights upon its announcement, or in consequence of its announcement, or held in abeyance until its announcement, intact and whole. The Speaker I think can not and will not deny that it was his real intent and purpose to cut off the right to demand the yeas and nays, and that that was the reason why he did not make an open ruling, even upon his own initiative, as he might have done if he had chosen to do so, but instead resorted to this unprecedented parliamentary device of ignoring, sub silentio, an ordinarily proper demand—never becoming improper save and until when *ruled* to be so—and then explaining subsequently through the newspapers, and after adjournment had been declared by him, when there was no House to appeal to or to which to explain his purpose, which was undoubted and is undenied, until it had been accomplished and was past recall or review.

The truth is, Mr. Speaker, that you are one of the best men in the world; but a long and undisturbed power, whose lesser abuses have been good-naturedly passed over and tolerated, has made you somewhat despotic and too intolerant of opposition. For some moons both the Members of the House and of the press gallery have noticed that you frequently make a jest of performing the solemn official act of counting those standing on a division, and I think that in this case of Saturday last you thought that the matter would be treated trivially and lightly as a jest, exciting no serious comment. It was an act, or I will say conduct—not a ruling, I repeat—the motive, purpose, and effect of which was, by an unprecedented, unexpected, and unannounced internal ruling—if that may be called "ruling" which ruling was none, for there can be no ruling save an announced ruling—to destroy the very essence of representative government by annihilating the constitutionally guaranteed right of one-fifth of the Members of this House to place themselves and others on record in all cases. The Speaker knew that if he had said "The Chair refuses to entertain the demand because it is dilatory," I would have replied, as was my right, "Then, Mr. Speaker, I demand the yeas and nays." It was because he knew this that he acted without a ruling, in violation of his own rules—because it is not too strong a statement to call these rules the Speaker's own rules—and afterwards in the newspapers promulgated this startling doctrine of a right, without a ruling, to ignore a demand for a division. To ignore a demand for a division, without announcing why, will be followed as the next logical step by the assertion of a right to ignore a motion without announcing why. Where will it stop? This is totally different from the power or the technical right of the Chair to refuse to entertain a motion and refuse to put it to the House, announcing to the House that he so refuses because it is violative of the rules of the House by being dilatory or otherwise.

The Speaker in his interview says that I did not call for the yeas and nays and that I either was ignorant of my right to call for the yeas and nays or else chose not to exercise it. Mr. Speaker, I dare say that in your cooler moments you do not believe for one moment that I was either ignorant of the fact that I had a right to call for the yeas and nays or that I chose not to exercise it. The one statement is a non sequiter of the other. I had a right to call for a division first, and I had a right to have that call either heeded by being executed or else ruled out of order, neither of which courses was pursued by the Speaker. In either case the call for the yeas and nays, held rightfully by me in reserve, would have followed. The Speaker knew this. It had been my uniform course for two or three weeks, and he never thought previously of cutting off that right by the newborn doctrine of ignoring it without a ruling until Saturday.

Mr. Speaker, human nature is human nature. You and I have our full measure of it. In intolerance of opposition bred by power you then resorted to this summary, arbitrary, unprecedented, and dangerous procedure. At heart a fair man, in my opinion you will, before the close of the session, in some way say that you have been hurried on the Saturday's occasion by my nagging, or whatever you choose to call it, beyond the bounds of orderly procedure.

I saw the other day a cartoon of "The Speaker sitting down on the minority." But when the Speaker arose, evidently excitedly, from his seat, each head of the minority was in the shape of a small tack, which evidently had been worrying the Speaker, and the tacks constitute a calumny upon us by being named "JOHN SHARP WILLIAMS and minority." The Speaker will find that the sort of sitting down on the minority tried on Saturday will hurt him more than us.

Now, Mr. Speaker, this desire to "sit down on the minority" may have had something to do with it. You and I love humor. I love it a bit too much, I am free to say, but let neither of us love it so much as to try to make a jest of sacred rights and duties. I believe before the close of the session you will come to the conclusion yourself that this brand-new precedent will be "honored more in the breach than in the observance."

My best excuse for carrying this matter thus far is that. The fact of the Speaker's being carefully interviewed in the newspapers demonstrates that it has finally dawned on him as a grave question and one to be gravely considered by the House and by the country.

The SPEAKER. The gentleman has consumed twenty minutes, but, without objection, he will proceed.

Mr. WILLIAMS. I do not want to proceed, Mr. Speaker, except to send up a resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the action of the Speaker of the House of Representatives in adjourning the House on Saturday, April 18, 1908, was a breach of the privileges of the House affecting its safety, dignity, and the integrity of its proceedings.

Mr. PAYNE. Mr. Speaker, I make the point of order that that resolution does not present any question of privilege.

The SPEAKER. The Chair is of opinion that the resolution is privileged.

Mr. SHERMAN. I move to lay the resolution on the table.

The SPEAKER. The Chair craves the indulgence of the House for a few moments. The rules of the House are to be observed under normal conditions, and the exceptions to normal conditions are contained in the rules themselves. In the recollection of the Chair since the present Speaker has occupied it, respect has been paid to the Constitution and to the rules framed under it. One rule of the House is as follows:

No dilatory motion shall be entertained by the Speaker.

What is the condition under which the Speaker acted in declaring that the motion to adjourn had prevailed? For two weeks past—it is an open secret, time and again avowed by the gentleman who leads the minority—he was resorting to dilatory proceedings for the purpose, as it seemed to him justifiable, to emphasize, as he claimed positions aliunde matters that were pending at the time touching general legislation.

The gentleman shortly before the motion to adjourn was made again avowed that intention and sought to justify his action. It is not for the Chair to condemn the action of any Member. All Members are equal, including the occupant of the chair, in their constitutional rights and in their rights under the rules. The Chair is a Member of the House as well as Speaker, and therefore exercises his right as a Member.

The Constitution of the United States, which governs all rules and all proceedings, the fixed law of the land that we can not violate with propriety and without rendering ourselves subject to the most severe condemnation, not only of the House, but of the country, is as follows:

Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

The rules as framed under the Constitution, and there would be power to frame them even if the Constitution did not grant that right, are to be taken as a whole. The gentleman, proceeding in a dilatory way, when the Chair announced that the motion to adjourn prevailed did demand a division. The RECORD correctly states what happened, as read by the gentleman from Mississippi. The Chair heard the gentleman. The Chair knew of the constitutional provision. The gentleman from Mississippi knew of the constitutional provision, but as the gentleman proceeded, as he had for two weeks and many times upon that day and just before the motion to adjourn to exercise his power for dilatory proceedings, again resorted to dilatory proceedings, and the Chair watched carefully to see if he invoked the constitutional right which he had to demand the yeas and nays, and as the gentleman did not, and as no other Member demanded the yeas and nays, the Chair, as Speaker and as Member, after a long session of the House, after a vote was taken viva voce upon the motion to adjourn and there was an overwhelming majority voting in favor of adjourning, at the hour of nearly half past 6 o'clock, after a seven-hour session, the Chair held it to be not only his privilege, but his duty to sweep aside a merely dilatory demand and to declare the House adjourned. [Great applause on the Republican side.]

The gentleman from Pennsylvania [Mr. DALZELL] will please take the chair.

Mr. WILLIAMS. Mr. Speaker, I believe it is usual to allow the proponent of a resolution——

The SPEAKER. The gentleman from Mississippi can only speak by consent of the House.

Mr. WILLIAMS. The whole thing has been going on that way. It is usual to allow the proponent of a resolution to conclude the debate.

Mr. DALZELL took the chair.

Mr. WILLIAMS. Does the Chair rule I have not that right now?

Mr. PAYNE. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from New York moves to lay the resolution on the table.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. A division is demanded. [Applause on the Democratic side.]

The House again divided, and there were—ayes 121, noes 79.

Mr. WILLIAMS. Mr. Speaker, I respectfully demand the tellers.

Mr. PAYNE. Mr. Speaker, I make the point of order that that demand is dilatory, in view of the overwhelming vote.

Mr. WILLIAMS. Will the Chair rule upon it?

The SPEAKER pro tempore. The vote is 121 yeas to 79 nays, and the Chair thinks the request is dilatory.

Mr. WILLIAMS. Then, Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Mississippi asks for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 148, nays 119, answered "present" 13, not voting 107, as follows:

YEAS—148.

Alexander, N. Y.	Bennet, N. Y.	Calderhead	Crumpacker
Allen	Bingham	Campbell	Cushman
Ames	Birdsall	Capron	Dalzell
Anthony	Bonynge	Chaney	Davidson
Bannon	Boyd	Chapman	Davis, Minn.
Barclay	Burke	Cole	Dawson
Bartholdt	Burleigh	Conner	Denby
Bates	Burton, Del.	Cook, Colo.	Diekema
Beale, Pa.	Butler	Cooper, Pa.	Douglas
Bede	Calder	Cousins	Draper
Driscoll	Haskins	Loudenslager	Scott
Durey	Haugen	Lovering	Slemp
Dwight	Hawley	Lowden	Smith, Cal.
Ellis, Mo.	Hayes	McGavin	Smith, Iowa
Ellis, Oreg.	Higgins	McKinley, Ill.	Smith, Mich.
Englebright	Hill, Conn.	McKinney	Snapp
Esch	Hinshaw	McLachlan, Cal.	Southwick
Fassett	Holliday	McLaughlin, Mich.	Sperry
Focht	Howell, N. J.	McMorran	Stafford
Fordney	Howell, Utah	Madden	Steenerson
Foss	Howland	Madison	Sterling
Fowler	Hubbard, Iowa	Mann	Sturgiss
French	Hubbard, W. Va.	Marshall	Tawney
Fuller	Huff	Miller	Thistlewood
Gaines, W. Va.	Humphrey, Wash.	Morse	Thomas, Ohio
Gardner, Mich.	Jones, Wash.	Mouser	Townsend
Gardner, N. J.	Keifer	Needham	Volstead
Gilhams	Kennedy, Iowa	Norris	Waldo
Gillett	Kinkaid	Nye	Wanger
Goebel	Knopf	Parker, N. J.	Watson
Graff	Knowland	Parker, S. Dak.	Weeks
Graham	Küstermann	Parsons	Weems
Greene	Lafean	Payne	Wheeler
Gronna	Landis	Pollard	Wilson, Ill.
Hale	Laning	Pray	Wood
Hamilton, Mich.	Lawrence	Reeder	Woodyard
Harding	Longworth	Rodenberg	Young

NAYS—119.

Adair	Davenport	Hitchcock	Rauch
Adamson	De Armond	Houston	Reid
Aiken	Denver	Hull, Tenn.	Rhinock
Alexander, Mo.	Dixon	Humphreys, Miss.	Richardson
Ansberry	Edwards, Ga.	James, Ollie M.	Robinson
Ashbrook	Ellerbe	Johnson, Ky.	Rothermel
Bartlett, Ga.	Ferris	Johnson, S. C.	Russell, Mo.
Bartlett, Nev.	Fitzgerald	Kipp	Russell, Tex.
Beall, Tex.	Floyd	Kitchin, Claude	Ryan
Bell, Ga.	Fornes	Lamar, Mo.	Sabath
Booher	Foster, Ill.	Lassiter	Saunders
Bowers	Fulton	Leake	Shackleford
Brantley	Garner	Lenahan	Sheppard
Brodhead	Garrett	Lever	Sherley
Brumm	Gill	Lewis	Sherwood
Brundidge	Gillespie	Lloyd	Sims
Burgess	Glass	McDermott	Small
Burleson	Godwin	McHenry	Smith, Mo.
Caldwell	Gordon	McLain	Smith, Tex.
Candler	Granger	Macon	Sparkman
Carlin	Griggs	Maynard	Spight
Carter	Hackney	Moore, Tex.	Stephens, Tex.
Clark, Mo.	Hamilton, Iowa	Murphy	Sulzer
Clayton	Hammond	Nelson	Taylor, Ala.
Cockran	Hardwick	Nicholls	Thomas, N. C.
Cooper, Tex.	Harrison	O'Connell	Tou Velle
Cooper, Wis.	Hay	Page	Underwood
Cox, Ind.	Heflin	Patterson	Williams
Craig	Helm	Pujo	Wilson, Pa.
Cravens	Henry, Tex.	Rainey	

ANSWERED "PRESENT"—13.

Bradley	Gaines, Tenn.	Moon, Tenn.	Sherman
Cary	Hardy	Murdock	
Finley	Hughes, N. J.	Padgett	
Foster, Vt.	Lamb	Roberts	

NOT VOTING—107.

Acheson	Gardner, Mass.	Langley	Porter
Andrus	Goldfogle	Law	Pou
Barchfeld	Goulden	Lee	Powers
Bennett, Ky.	Gregg	Legare	Pratt
Boutell	Hackett	Lilley	Prince
Broussard	Haggott	Lindbergh	Randell, Tex.
Brownlow	Hall	Lindsay	Ransdell, La.
Burnett	Hamill	Littlefield	Reynolds
Burton, Ohio	Hamlin	Livingston	Riordan
Byrd	Henry, Conn.	Lorimer	Rucker
Caulfield	Hepburn	Loud	Slayden
Clark, Fla	Hill, Miss.	McCall	Stanley
Cocks, N. Y.	Hobson	McCreary	Stevens, Minn.
Cook, Pa.	Howard	McGuire	Sulloway
Coudrey	Hughes, W. Va.	McKinlay, Cal.	Talbott
Crawford	Hull, Iowa	McMillan	Taylor, Ohio
Currier	Jackson	Malby	Tirrell
Darragh	James, Addison D.	Mondell	Vreeland
Davey, La.	Jenkins	Moon, Pa.	Wallace
Dawes	Jones, Va.	Moore, Pa.	Washburn
Dunwell	Kahn	Mudd	Watkins
Edwards, Ky.	Kelliher	Olcott	Webb
Fairchild	Kennedy, Ohio	Olmsted	Weisse
Favrot	Kimball	Overstreet	Wiley
Flood	Kitchin, Wm. W.	Pearre	Willett
Foster, Ind.	Knapp	Perkins	Wolf
Foulkrod	Lamar, Fla.	Peters	

So the motion to lay the resolution on the table was agreed to.

The Clerk announced the following pairs:

For balance of this session:

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. TAYLOR of Ohio with Mr. WOLF.

Mr. PORTER with Mr. RANDELL of Texas.

Mr. TIRRELL with Mr. PETERS.

Mr. REYNOLDS with Mr. LINDSAY.

Mr. PRINCE with Mr. LEGARE.

Mr. HUGHES of West Virginia with Mr. LEE.

Mr. PEARRE with Mr. LAMAR of Florida.

Mr. OVERSTREET with Mr. HOWARD.

Mr. MOON of Pennsylvania with Mr. HOBSON.
Mr. MCMILLAN with Mr. HILL of Mississippi.
Mr. LORIMER with Mr. HAMILL.
Mr. LINDBERGH with Mr. HACKETT.
Mr. FAIRCHILD with Mr. GREGG.
Mr. JENKINS with Mr. GOLDFOGLE.
Mr. FOSTER of Indiana with Mr. FLOOD.
Mr. FOULKROD with Mr. FAYROT.
Mr. BARCHFELD with Mr. DAVEY of Louisiana.
Mr. ANDRUS with Mr. BYRD.
Mr. BROWNLOW with Mr. GAINES of Tennessee.
Mr. OLMSTED with Mr. RANSDELL of Louisiana.
Mr. MCGUIRE with Mr. STANLEY.
Mr. FOSTER of Vermont with Mr. POU.
Mr. LANGLEY with Mr. HAMLIN.
Mr. DUNWELL with Mr. WATKINS.
Mr. ADDISON D. JAMES with Mr. KIMBALL.
Mr. KNAPP with Mr. WILLETT.
Mr. SULLOWAY with Mr. TALBOTT.
Mr. MUDD with Mr. WALLACE.
Mr. MCCREARY with Mr. RHINOCK.
Mr. ROBERTS with Mr. BROUSSARD.
Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.
Mr. KAHN with Mr. WILEY.
Mr. HENRY of Connecticut with Mr. CLARK of Florida.
Mr. LOUD with Mr. PADGETT.
Mr. BOUTELL with Mr. WEISSE.
Mr. COUDREY with Mr. HUGHES of New Jersey.
Mr. JACKSON with Mr. WEBB.
Mr. HULL of Iowa with Mr. SLAYDEN.
Mr. ACHESON with Mr. MCDERMOTT.
Mr. CAULFIELD with Mr. HARDY.
Mr. OLCOTT with Mr. BURNETT.
Until Wednesday:
Mr. MCCALL with Mr. JONES of Virginia.
Mr. COCKS of New York with Mr. RUCKER.
Mr. MOORE of Pennsylvania with Mr. KELIHER.
For this day:
Mr. HEPBURN with Mr. LAMB.
Mr. POWERS with Mr. PRATT.
Mr. WEEKS with Mr. WOLF.
For this vote:
Mr. DARRAGH with Mr. CRAWFORD.

Mr. GAINES of Tennessee. Mr. Speaker, I want to inquire if my colleague [Mr. BROWNLOW], has voted?

The SPEAKER pro tempore. He did not.

Mr. GAINES of Tennessee. Then, I withdraw my vote in the negative and ask to be counted "present."

The name of the gentleman from Tennessee [Mr. GAINES] was called and he answered "present."

The result of the vote was announced as above recorded.

ORDER OF BUSINESS.

Mr. DALZELL. Mr. Speaker, I ask the Clerk to report the resolution which I send to the desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolution 341.

Resolved, That during the remainder of this session Rule XXVIII shall be, and hereby is, modified in the following particulars:

First. The use of the motion shall not be restricted to the first and third Mondays of the month.

Second. The vote on agreeing to the motion shall in all cases be by majority instead of by two-thirds; and upon the demand of any Member opposed to the motion a second shall be considered as ordered.

Mr. DALZELL. Mr. Speaker, it does not seem to me that under the circumstances there ought to be forty minutes of the time of the House exhausted in discussion of this rule. I do not wish, however, to seem to be discourteous to my colleagues on the Committee on Rules, and I therefore will yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS] and five minutes to the gentleman from Missouri [Mr. DE ARMOND], if they see fit to accept of it, and will consume only a corresponding amount of time on our side.

Mr. WILLIAMS. I will ask the gentleman to yield to the gentleman from Missouri [Mr. DE ARMOND] first.

Mr. DALZELL. I yield to the gentleman from Missouri [Mr. DE ARMOND] five minutes. [Applause on the Democratic side.]

Mr. DE ARMOND. Mr. Speaker, when a rule was adopted by this House not long since I took occasion to remark that the adoption of that rule would show the ability of the majority to do precisely what it chooses to do, and that the failure to do anything would be due to the fact that the majority wills not to do it. This rule no doubt will be adopted and will emphasize the force of what I then asserted. When this session shall have closed, and the time for accountability shall have come, there need be no doubt upon the proposition that just what the majority of this House chooses to do the majority of this House will have done. Neither will there be room for doubt upon the other proposition, that that which is not done is precisely that which this House by its majority decided not to do.

Now, these rules are far-reaching and comprehensive, and a great deal might be said against the adoption of them, against the departure from the ordinary course of proceeding. In one sense, however, while opposed to these rules and believing they ought not to be adopted, I will say I do not seriously regret their adoption, because every one is a fresh demonstration of the responsibility of the majority in the House. Many things that ought to have been done ere this have not been done, and many things that ought to be done before adjournment will not be done; but the responsibility of the majority for the neglect and the refusal will be so clear that no man need be confused about it, and so thoroughly demonstrated that no man can doubt it. At least the record will be clearly made up. What you will have done, if creditable, you will claim and you will get credit for doing; what you will have failed to do of the many things that ought to be done you certainly will be condemned for not doing; and there will be no way of escaping a just measure of condemnation. Under this rule, anything that you choose to put to a vote can be put to a vote, and a majority can carry it; and it can be done at any time from the hour of the adoption of this resolution until the hour of adjournment.

Now, then, when the question is asked, as it will be asked, why was not this done, why was not that done, the answer will be as clear as sunlight—because the Republican party willed that it should not be done. [Loud applause on the Democratic side.] That philosophy may be applied in bulk, and it may be applied distinctly to any particular measure to which the people of this country choose to apply it; respecting any measure pending, in any state of progress—upon the Calendar, or in committee—that test may be applied, and it will work precisely and surely. Why was not this measure upon the Calendar put to a vote—because the Republican party would not permit a vote upon it. Why was not that measure, smothered in committee, put to a vote in the House upon a proposition to suspend the rules and pass it—because the Republican majority would not permit a vote to be taken by the House upon it.

Now, that record will be so clear and distinct that if the people err in their conclusions and decision concerning it, the fault will be their own, not yours. For once at least, and when the next campaign opens, we shall have clearly and distinctly before the people the fact that you are responsible, and you alone, for the failure to pass any measure and every measure not passed; and you and you alone will be held responsible for the failure to submit to a vote any particular measure introduced in this House, whether upon its Calendar or before any one of its committees. Aye, more; if you permit it, any Member of this House may bring before the House, at any time from the moment of the passage of this resolution until the adjournment at the close of this session, any measure whatsoever; because if the Speaker will recognize a Member, he can move to suspend the rules and pass any measure pending or not pending. No two-thirds vote will be required, but a mere majority will suffice.

The trouble about getting wholesome legislation lies in the denial of the privilege and right of having a vote upon wholesome measures. Now, then, when a vote is denied upon a measure, whether it be done affirmatively or negatively, by refusal of the Speaker to recognize a Member, or by some other process of repression, the majority will have willed that there shall be no vote upon that proposition. [Loud applause on the Democratic side.]

Mr. WILLIAMS. The gentleman from Pennsylvania [Mr. DALZELL] said he thought we could ill afford to lose forty minutes in the discussion of this rule—twenty minutes on a side—time is so exceedingly precious, Mr. Speaker. That is a part of the scheme to make the country believe that the course which has been pursued by the minority in attempting to focus the attention of the country and to procure certain legislation desired by it and the President has resulted in hindering and delaying the public business. The facts absolutely contradict that insinuation. The House was never so far ahead, in my recollection, in the consideration and disposition of the great supply bills as it is right now. Our course is simply to send to the country with each call of this House a message saying, "We call the roll again unnecessarily, in so far as the particular question being voted on is concerned, in order that you may know that a Republican majority, with legislative power to do anything it pleases, has as yet done nothing along the lines to

which we called the attention of the country, and to which the President also called attention in his messages."

Mr. Speaker, if this rule is adopted, then you, as Speaker, will have no further excuse before the country; because if this rule is adopted, then there is absolutely nothing standing between the Speaker's will and consideration of legislation. He can recognize the gentleman from Minnesota [Mr. STEVENS] or the gentleman from Wisconsin [Mr. KÜSTERMANN] to-morrow to move to discharge the Ways and Means Committee from the further consideration of their respective bills to put wood pulp and print paper upon the free list and put them upon their passage through the House without power of amendment, under a suspension of the rules. Thus also with a campaign contributions publicity bill—all that is wanted is the Speaker's nod of recognition and a motion from the man recognized by him to suspend the rules.

Mr. Speaker, we have not been delaying the public business. The supply bills and the public business are further ahead than usual. Our course hurries up legislation and prevents waste of time in useless talk and adjournments. But I want to examine this particular rule. I want to show you what a farce it is.

It provides that—

Upon the demand of any Member opposed to the motion a second shall be considered as ordered.

Now, what is a second? Let us read its definition in the rules:

All motions to suspend the rules—

Says clause 2 of Rule XXVIII—

shall before being submitted to the House be seconded *by a majority* by tellers if demanded.

What is the reason of the rule? It is to avoid going through the loss of time incident to trying to get two-thirds majority for a proposition when even a majority can not be obtained for its consideration. And yet the special rule now proposed provides that a majority of the House shall be considered as having seconded the rule whenever a second is demanded!

That is not all, Mr. Speaker. What a farcical thing all this is. The Speaker has the power to declare a second itself to be dilatory. Aye, according to the action of the Speaker upon Saturday last, just approved under the whip and spur of the party lash, by a majority upon that side of the House, he has a right, without the point of order being made by anyone and without any open announcement of his purpose to the House, without even saying from his seat in the chair that "The Chair will not entertain the demand for a second because it is dilatory," simply to ignore it and pass along to "sweep it away," as he expressed himself this morning in his reply to my argument; to "sweep it away," to "ignore" it, and to explain why later and when too late for any error of his to be corrected. We have finally gotten to the point where the procedures of this House lie within the secret conscience of the Speaker. There is no duty any more for him to communicate his reasons, his motives, or his rulings to the House. He can make a so-called ruling and submit it to the chancel of God, and then pass upon it himself, without even submitting it to an appeal to God in this world, whatever may be the case in the next, much less any control from the House. [Applause on the Democratic side.]

Mr. DALZELL. Does the gentleman from New York [Mr. SHERMAN] want to occupy some time?

Mr. SHERMAN. I will take two or three minutes.

Mr. DALZELL. I yield to the gentleman from New York.

Mr. SHERMAN. Mr. Speaker, I think that the gentleman from Missouri [Mr. DE ARMOND] was rather happier to-day than upon the other day, in omitting all reference to the Constitution. I do not know whether that omission was caused by my suggesting to the gentleman the other day that there were times when the Democratic party had not been so scrupulous about the Constitution as they are now.

The gentleman from Missouri, in his opening sentences, correctly stated the situation as it is to-day. He stated that when this rule was adopted the Republican majority would be responsible for everything done and not done. I tried to make clear the other day, Mr. Speaker, and I repeat now, that the Republican majority is anxious that the country should know that we are responsible for both what is and what is not done. I tried to make it clear the other day that the Republican party in this House, as well as the Republican party in the nation, in distinct contrast to our Democratic friends on most occasions, is not seeking to avoid responsibility, but accepts full responsibility for all that is done, as well as for all that is not done.

For, sir, both what is done and what is not done is actuated solely by our desire to do that which will best serve the interests of the greatest number of all the people of our beloved country.

Now, Mr. Speaker, one word in reference to the rule which the gentleman from Mississippi has spoken of, and one word in reference to the gentleman's criticism of the Speaker. Mr. Speaker, section 10 of Rule XVI says, "No dilatory motion shall be entertained by the Speaker." It is an absolute prohibition on the Speaker's recognizing anybody for a motion which he considers dilatory, just as much a prohibition against his action as is the constitutional provision that he must recognize a demand for the yeas and nays. It is incumbent on the Speaker. He does not have to make a ruling; here is a direct demand from the Members of the House, who are the masters of the Speaker, from the majority of the House, regularly enacted by them——

Mr. WILLIAMS. Will the gentleman yield to a brief interruption?

Mr. SHERMAN. Yes; if it is brief.

Mr. WILLIAMS. Does not the gentleman recognize the difference between refusing to entertain a motion and ignoring it without refusing?

Mr. SHERMAN. I recognize, Mr. Speaker, that here is a rule, adopted by this House, which tells the Speaker what he can not do, and I concede it to be the duty of the Speaker when the rule is there to obey it, and fail to recognize anybody who makes a motion which in the judgment of the Chair is purely dilatory. [Applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, I infer from the remarks made by the gentleman from Mississippi that he is in favor of the rule, inasmuch as it will enable the Republican majority in the House to do all the things they want to do—not all the things the gentleman from Mississippi, however, desires to have done. If what the gentleman from Mississippi says with respect to the progress of the business in this House is true, then two things have been illustrated: First, the utter futility of the filibuster on the Democratic side of the House, and, secondly, the power of the majority under the rules of the House to pass just such legislation as it sees fit to pass.

I want to call the attention of the House to the fact that the rules that have heretofore been introduced, and the rule that is now introduced, are intended to enable the House to do business in the normal way, not to introduce anything that is deleterious to the minority, not anything that will do injustice to the minority, but to enable the House to act just as it would if it were not for the prevailing filibuster.

The rules that have heretofore been introduced and adopted had relation to legislation upon appropriation bills. In the absence of the first rule that was adopted, the House, proceeding in an orderly way by unanimous consent, would take a House bill with Senate amendments from the Speaker's table, deal with it as it saw fit, and take a long step toward bringing the minds of the two Houses together.

Mr. FITZGERALD. Will the gentleman yield?

Mr. DALZELL. I will yield to the gentleman from New York.

Mr. FITZGERALD. That is not the manner provided in the rules for disposing of such bills.

Mr. DALZELL. No; but it is a method that has grown up as a custom in the House for many years and is always indulged in unless there be prevailing some such filibuster as there is now.

Mr. FITZGERALD. I beg the gentleman's pardon——

Mr. DALZELL. Under the rules the bill would go to the committee and come back again and then go to the Committee of the Whole House, and all the amendments—for instance, in the legislative bill 367 amendments—would be dealt with in the Committee of the Whole, and days and weeks would be necessary to be spent in passing legislation of the most important character. This filibuster was inaugurated to encourage just such a condition of things in the House. The rule adopted by the House renders nugatory the filibuster and enables us to conduct business in substantially the same way as if the filibuster did not prevail.

The next rule adopted permitted the introduction into the House and the passage by the House of an appropriation bill reported from the Committee of the Whole House to the House without these intervening, dilatory motions calling for the yeas and nays. Now, we come to another class of bills aside from appropriation bills. There is no gentleman in this House who does not know that a very large proportion of the business of this House is done by unanimous consent.

It can not now be done by unanimous consent, because the

gentleman from Mississippi objects. He does not object to the granting of unanimous consent having any regard to the merit of the bill or to its lack of merit; he objects because by objecting he can obstruct the public business and compel the House in the execution of its duty——

Mr. WILLIAMS. Mr. Speaker, if the gentleman will submit to a brief interruption.

Mr. DALZELL. Certainly.

Mr. WILLIAMS. Does not the gentleman think it would be fairer to state the motives of the gentleman from Mississippi as he gives them? The gentleman from Mississippi does not refuse unanimous consent "in order to obstruct the business of the House," but in order to prevail upon the majority to bring in for consideration by the House certain proposed legislation.

Mr. DALZELL. Then I will put it this way: The gentleman does not do it to obstruct the business of the House, but he does it for a perfectly impossible purpose. There is no man within the sound of my voice who does not know that it is absolutely impossible for the minority to prevent the majority from enacting such legislation as it sees fit, and there is no gentleman within the sound of my voice who does not know that the minority is equally powerless to compel the majority to enact any legislation that it does not see fit to enact. [Applause on the Republican side.] The purpose of the gentleman from Mississippi is an announced purpose of an attempt to do an impossibility. Now, Mr. Speaker——

Mr. GARRETT. Mr. Speaker——

Mr. DALZELL. I can not yield for an interruption; I have only a few minutes. There are gentlemen on both sides of this House who have bills in which their constituents are vitally interested. By the passage of this rule we will be enabled to deal with that sort of business; in other words, to take up for consideration bills that ordinarily would be considered by unanimous consent. I want to say to you, gentlemen, that you very much mistake the temper of the majority if you think we will not find a means for considering and passing the bills that gentlemen on this side of the House are interested in. How many of your bills will be passed of that character I leave to your imagination. [Applause on the Republican side.]

Mr. WILLIAMS. We do not care about that threat——

Mr. DALZELL. Oh, I know the gentleman from Mississippi is willing to sacrifice his wife's relations. He says that you do not care about that, but when you gentlemen go back to your constituents and you are asked why this bill or that bill in which they have a vital interest has not been considered, and you answer that you voluntarily cut off from yourselves the possibility of considering such bills because you wanted to make the majority do something that you wanted them to do and they did not, I think that they will tell you that you were playing politics at a very dear cost. [Applause on the Republican side.] I ask for a vote——

Mr. FITZGERALD. Mr. Speaker——

Mr. DALZELL. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I demand the yeas and nays, for fear a request for a division may be disregarded.

The SPEAKER. The gentleman from Mississippi demands his constitutional right, that nobody will ignore. [Applause on the Republican side.]

The yeas and nays were ordered.

The question was taken, and there were—yeas 139, nays 113, answered "present" 4, not voting 131, as follows:

YEAS—139.

Alexander, N. Y.	Chaney	Ellis, Oreg.	Hawley
Allen	Chapman	Englebright	Higgins
Ames	Cole	Esch	Hill, Conn.
Anthony	Conner	Fassett	Hinshaw
Barclay	Cook, Colo.	Focht	Holliday
Bartholdt	Cooper, Pa.	Fordney	Howell, N. J.
Bates	Cooper, Wis.	Foss	Howell, Utah
Bede	Cousins	Fowler	Howland
Bennet, N. Y.	Crumpacker	French	Hubbard, W. Va.
Birdsall	Cushman	Fuller	Huff
Bonynge	Dalzell	Gaines, W. Va.	Humphrey, Wash.
Boyd	Darragh	Gardner, N. J.	Jenkins
Brownlow	Dawson	Gilhams	Jones, Wash.
Brumm	Denby	Goebel	Keifer
Burke	Diekema	Graff	Kennedy, Iowa
Burleigh	Douglas	Graham	Kennedy, Ohio
Burton, Del.	Draper	Greene	Kinkaid
Butler	Driscoll	Hale	Knopf
Calder	Durey	Hamilton, Mich.	Knowland
Calderhead	Dwight	Harding	Küstermann
Capron	Ellis, Mo.	Haskins	Lafean
Landis	Madden	Prince	Thistlewood
Langley	Madison	Reeder	Thomas, Ohio
Laning	Mann	Rodenberg	Volstead
Lawrence	Miller	Scott	Vreeland
Lindbergh	Mouser	Slemp	Waldo
Loudenslager	Needham	Smith, Cal.	Wanger
Lovering	Nelson	Smith, Mich.	Watson
Lowden	Norris	Snapp	Weeks
McGavin	Nye	Southwick	Weems
McKinley, Ill.	Parker, N. J.	Sperry	Wheeler
McKinney	Parker, S. Dak.	Stafford	Wood
McLachlan, Cal.	Payne	Sterling	Woodyard
McLaughlin, Mich.	Pollard	Sturgiss	Young
McMorran	Pray	Tawney	

NAYS—113.

Adair	Cravens	Heflin	Rauch
Adamson	Crawford	Helm	Reid
Aiken	De Armond	Henry, Tex.	Richardson
Alexander, Mo.	Denver	Hitchcock	Robinson
Ansberry	Dixon	Houston	Rothermel
Ashbrook	Ellerbe	Hull, Tenn.	Russell, Mo.
Bartlett, Ga.	Ferris	Humphreys, Miss.	Russell, Tex.
Bartlett, Nev.	Fitzgerald	James, Ollie M.	Ryan
Beall, Tex.	Flood	Johnson, Ky.	Sabath
Bell, Ga.	Floyd	Johnson, S. C.	Shackleford
Booher	Foster, Ill.	Kipp	Sheppard
Bowers	Fulton	Kitchin, Claude	Sherley
Brantley	Gaines, Tenn.	Lamar, Mo.	Sherwood
Brodhead	Garner	Lenahan	Sims
Brundidge	Garrett	Lever	Small
Burgess	Gill	Lloyd	Smith, Mo.
Burleson	Gillespie	McDermott	Smith, Tex.
Burnett	Glass	McLain	Sparkman
Byrd	Godwin	Macon	Spight
Caldwell	Gordon	Moon, Tenn.	Stephens, Tex.
Candler	Granger	Moore, Tex.	Sulzer
Carlin	Gregg	Murdock	Thomas, N. C.
Carter	Griggs	Murphy	Tou Velle
Clark, Mo.	Hackney	Nicholls	Underwood
Clayton	Hamilton, Iowa	O'Connell	Williams
Cockran	Hammond	Page	Wilson, Pa.
Cooper, Tex.	Hardwick	Patterson	
Cox, Ind.	Harrison	Pujo	
Craig	Hay	Rainey	

ANSWERED "PRESENT"—4.

Bradley	Foster, Vt.	Hardy	Padgett

NOT VOTING—131.

Acheson	Gardner, Mich.	Leake	Pou
Andrus	Gillett	Lee	Powers
Bannon	Goldfogle	Legare	Pratt
Barchfeld	Goulden	Lewis	Randell, Tex.
Beale, Pa.	Gronna	Lilley	Ransdell, La.
Bennett, Ky.	Hackett	Lindsay	Reynolds
Bingham	Haggott	Littlefield	Rhinock
Boutell	Hall	Livingston	Riordan
Broussard	Hamill	Longworth	Roberts
Burton, Ohio	Hamlin	Lorimer	Rucker
Campbell	Haugen	Loud	Saunders
Cary	Hayes	McCall	Sherman
Caulfield	Henry, Conn.	McCreary	Slayden
Clark, Fla.	Hepburn	McGuire	Smith, Iowa
Cocks, N. Y.	Hill, Miss.	McHenry	Stanley
Cook, Pa.	Hobson	McKinlay, Cal.	Steenerson
Coudrey	Howard	McMillan	Stevens, Minn.
Currier	Hubbard, Iowa	Malby	Sulloway
Davenport	Hughes, N. J.	Marshall	Talbott
Davey, La.	Hughes, W. Va.	Maynard	Taylor, Ala.
Davidson	Hull, Iowa	Mondell	Taylor, Ohio
Davis, Minn.	Jackson	Moon, Pa.	Tirrell
Dawes	James, Addison D.	Moore, Pa.	Townsend
Dunwell	Jones, Va.	Morse	Wallace
Edwards, Ga.	Kahn	Mudd	Washburn
Edwards, Ky.	Keliher	Olcott	Watkins
Fairchild	Kimball	Olmsted	Webb
Favrot	Kitchin, Wm. W.	Overstreet	Weisse
Finley	Knapp	Parsons	Wiley
Fornes	Lamar, Fla.	Pearre	Willett
Foster, Ind.	Lamb	Perkins	Wilson, Ill.
Foulkrod	Lassiter	Peters	Wolf
Gardner, Mass.	Law	Porter	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BANNON with Mr. FORNES.

Mr. BEALE of Pennsylvania with Mr. GOLDFOGLE.

Mr. BENNETT of Kentucky with Mr. HACKETT.

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. LONGWORTH with Mr. LASSITER.

Mr. SMITH of Iowa with Mr. TAYLOR of Alabama.

Mr. STEVENS of Minnesota with Mr. LEAKE.

Mr. CARY with Mr. MAYNARD.

Mr. HUBBARD of Iowa with Mr. RHINOCK.

For this vote:

Mr. GARDNER of Michigan with Mr. EDWARDS of Georgia.

Mr. HALL with Mr. MCHENRY.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PAYNE in the chair). On this question the yeas are 139, the nays 111, present 4. The ayes have it, and the previous question is ordered. The question is on agreeing to the resolution.

Mr. WILLIAMS. Before that motion is put, I call for a separate vote on the two different substantive propositions.

The SPEAKER pro tempore. What are the substantive propositions?

Mr. DALZELL. There are not two. There is only one.

Mr. WILLIAMS. The first one is that—

The use of the motion to suspend the rules shall not be restricted to the first and third Mondays of the month.

The second one, which is totally independent and separate, leaving the first one, if it stood by itself, an independent clause and fully complete, is:

The vote on agreeing to the motion shall in all cases be by majority instead of by two-thirds.

Mr. Speaker, I see that there are three substantive propositions. I had not noticed the third one. The third one is:

Upon the demand of any Member opposed to the motion a second shall be considered as ordered.

In other words, unanimous consent for a second shall be considered as granted, rather than the rule now, which is that a majority is necessary to make a second where unanimous consent is refused. Now, Mr. Speaker, if this rule simply read that—

During the remainder of this session Rule XXVIII shall be, and hereby is, modified in the following particular:
The use of the motion shall not be restricted to the first and third Mondays of the month—

It would be a distinct, separate, self-dependent, independent, substantive provision of procedure. If it simply read—

That during the remainder of this session it is hereby modified in the following particular:
That the vote on agreeing to the motion shall, in all cases, be by a majority instead of by two-thirds—

That would also be a separate, distinct, self-dependent, and substantive proposition in itself. And if it read—

That during the remainder of this session Rule XXVIII shall be, and hereby is, modified in the following particular:
Upon the demand of any Member for a second, opposed to a motion, a second shall be considered as ordered—

That would also be complete in itself, independent, self-dependent, and a substantive proposition.

I therefore call for a separate vote upon the three separate propositions.

The SPEAKER pro tempore. The Chair is ready to rule. The resolution reads:

Resolved, That during the remainder of this session Rule 28 shall be, and hereby is, modified in the following particulars—

That would mean nothing unless the particulars were stated. If that were voted down or up, it would have no effect whatever. And then it reads:

The use of the motion shall not be restricted to the first and third Mondays of the month.

Now, those two propositions, taken together, do make a substantive proposition; but if they were voted down and the House voted for the other proposition—the second proposition—it would have no effect whatever. It would be without sense; it would be nonsense if the House would adopt only what comes after the word "second." Each proposition must stand alone; each proposition must be a substantive proposition. Neither of these propositions will stand alone or could have any effect unless some of the others are adopted. The Chair, therefore, is very clear that there is only one proposition in this resolution, and so rules. The question is on the adoption of the resolution.

Mr. FITZGERALD. I desire to call the attention of the Chair to the fact that if all the language after that read by the Chair was voted down, there would still be left a distinct proposition.

The SPEAKER pro tempore. Oh, no; the gentleman is entirely mistaken.

Mr. FITZGERALD. Oh, yes. If it would say that the rule would be modified in the following particulars, namely, that the motion to suspend the rules should not be limited to the first and third Mondays—if that were adopted and the balance of the rule——

The SPEAKER pro tempore. This language has reference to something in the first proposition, which is a proposition in itself in order to make any sense to it. It does not stand alone. It says:

Second. The vote on agreeing to the motion—

What motion? There is no explanation of that proposition.

Shall in all cases be by majority instead of by two-thirds, and upon the demand of any Member opposed to the motion a second shall be considered as ordered.

There is nothing in the second proposition to show what motion it is or what rule is being affected. The Chair is very clear about it, and will put the motion on the adoption of the resolution.

Mr. WILLIAMS. Mr. Speaker, I respectfully appeal from the decision of the Chair.

Mr. DALZELL. I make the point of order that the appeal is dilatory.

The SPEAKER pro tempore. The Chair, following a long line of precedents, without the question being raised by the gentleman from Pennsylvania, and the point of order made by him, is ready to hold that this appeal is dilatory. And the Chair wants to state that time and again Speakers of the House have ruled on a motion such as the gentleman made Saturday, in asking for tellers, that the motion was——

Mr. WILLIAMS. I call the Speaker to order.

The SPEAKER pro tempore (continuing). Was a dilatory motion, and under the rules it has frequently been ruled out of order.

Mr. WILLIAMS. I call the Speaker to order.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 136, nays 116, answered "present" 8, not voting 127, as follows:

YEAS—136.

Alexander, N. Y.	Dawson	Higgins	Needham
Allen	Denby	Hinshaw	Norris
Ames	Diekema	Holliday	Nye
Anthony	Douglas	Howell, N. J.	Parker, N. J.
Bannon	Draper	Howell, Utah	Parker, S. Dak.
Barclay	Durey	Howland	Parsons
Bartholdt	Dwight	Hubbard, W. Va.	Payne
Bates	Ellis, Mo.	Huff	Pollard
Beale, Pa.	Ellis, Oreg.	Humphrey, Wash.	Pray
Bede	Englebright	Jenkins	Reeder
Bennet, N. Y.	Esch	Jones, Wash.	Rodenberg
Bingham	Fassett	Keifer	Scott
Birdsall	Focht	Kennedy, Iowa	Slemp
Bonynge	Fordney	Kennedy, Ohio	Smith, Cal.
Boyd	Foss	Kinkaid	Smith, Iowa
Brumm	Foster, Ind.	Knopf	Smith, Mich.
Burke	Fowler	Knowland	Snapp
Burleigh	French	Küstermann	Southwick
Burton, Del.	Fuller	Lafean	Stafford
Butler	Gaines, W. Va.	Landis	Steenerson
Calder	Gardner, N. J.	Laning	Sterling
Campbell	Gilhams	Lawrence	Thistlewood
Capron	Gillett	Lindbergh	Thomas, Ohio
Chaney	Goebel	Loudenslager	Volstead
Chapman	Graff	Lovering	Vreeland
Cole	Graham	Lowden	Waldo
Conner	Greene	McGavin	Wanger
Cooper, Pa.	Gronna	McKinley, Ill.	Watson
Cousins	Hale	McKinney	Weeks
Crumpacker	Hamilton, Mich.	McLachlan, Cal.	Weems
Cushman	Harding	Madden	Wheeler
Dalzell	Haskins	Mann	Wood
Davidson	Hawley	Morse	Woodyard
Davis, Minn.	Hayes	Mouser	Young

NAYS—116.

Adair	Denver	Henry, Tex.	O'Connell
Adamson	Dixon	Hitchcock	Page
Aiken	Ellerbe	Houston	Patterson
Alexander, Mo.	Ferris	Hubbard, Iowa	Rainey
Ansberry	Fitzgerald	Hull, Tenn.	Rauch
Bartlett, Ga.	Flood	Humphreys, Miss.	Reid
Bartlett, Nev.	Floyd	James, Ollie M.	Richardson
Beall, Tex.	Fornes	Johnson, Ky.	Robinson
Bell, Ga.	Foster, Ill.	Johnson, S. C.	Rothermel
Booher	Fulton	Kipp	Russell, Mo.
Bowers	Gaines, Tenn.	Kitchin, Claude	Russell, Tex.
Brantley	Garner	Lamar, Mo.	Ryan
Brodhead	Garrett	Lassiter	Shackleford
Brundidge	Gill	Leake	Sheppard
Burgess	Gillespie	Lenahan	Sherley
Burleson	Glass	Lever	Sherwood
Burnett	Godwin	Lewis	Sims
Byrd	Gordon	Lloyd	Small
Caldwell	Granger	McDermott	Smith, Mo.
Candler	Gregg	McHenry	Smith, Tex.
Carter	Griggs	McLain	Sparkman
Clark, Mo.	Hackney	Macon	Spight
Clayton	Hamilton, Iowa	Maynard	Stephens, Tex.
Cockran	Hammond	Moon, Tenn.	Sulzer
Cooper, Tex.	Hardwick	Moore, Tex.	Thomas, N. C.
Cooper, Wis.	Harrison	Murdock	Tou Velle
Cox, Ind.	Hay	Murphy	Underwood
Craig	Heflin	Nelson	Williams
De Armond	Helm	Nicholls	Wilson, Pa.

ANSWERED "PRESENT"—8.

Ashbrook	Crawford	Lamb	Padgett
Bradley	Hardy	McMorran	Sherman

NOT VOTING—127.

Acheson	Cook, Colo.	Favrot	Henry, Conn.
Andrus	Cook, Pa.	Finley	Hepburn
Barchfeld	Coudrey	Foster, Vt.	Hill, Conn.
Bennett, Ky.	Cravens	Foulkrod	Hill, Miss.
Boutell	Currier	Gardner, Mass.	Hobson
Broussard	Darragh	Gardner, Mich.	Howard
Brownlow	Davenport	Goldfogle	Hughes, N. J.
Burton, Ohio	Davey, La.	Goulden	Hughes, W. Va.
Calderhead	Dawes	Hackett	Hull, Iowa
Carlin	Driscoll	Haggott	Jackson
Cary	Dunwell	Hall	James, Addison D.
Caulfield	Edwards, Ga.	Hamill	Jones, Va.
Clark, Fla.	Edwards, Ky.	Hamlin	Kahn
Cocks, N. Y.	Fairchild	Haugen	Keliher

Kimball	McKinlay, Cal.	Pou	Sturgiss
Kitchin, Wm. W.	McLaughlin, Mich.	Powers	Sulloway
Knapp	McMillan	Pratt	Talbott
Lamar, Fla.	Madison	Prince	Tawney
Langley	Malby	Pujo	Taylor, Ala.
Law	Marshall	Randell, Tex.	Taylor, Ohio
Lee	Miller	Ransdell, La.	Tirrell
Legare	Mondell	Reynolds	Townsend
Lilley	Moon, Pa.	Rhinock	Wallace
Lindsay	Moore, Pa.	Riordan	Washburn
Littlefield	Mudd	Roberts	Watkins
Livingston	Olcott	Rucker	Webb
Longworth	Olmsted	Sabath	Weisse
Lorimer	Overstreet	Saunders	Wiley
Loud	Pearre	Slayden	Willett
McCall	Perkins	Sperry	Wilson, Ill.
McCreary	Peters	Stanley	Wolf
McGuire	Porter	Stevens, Minn.	

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. CARY with Mr. CRAVENS.

Mr. HILL of Connecticut with Mr. CRAWFORD.

Mr. MADISON with Mr. DAVENPORT.

Mr. CALDERHEAD with Mr. ASHBROOK.

Mr. EDWARDS of Kentucky with Mr. GOLDFOGLE.

Mr. MCKINLAY of California with Mr. CARLIN.

Mr. MCLAUGHLIN of Michigan with Mr. LIVINGSTON.

Mr. MALBY with Mr. HOUSTON.

Mr. MILLER with Mr. RHINOCK.

Mr. STEVENS of Minnesota with Mr. SABATH.

Mr. TAWNEY with Mr. TAYLOR of Alabama.

Mr. TOWNSEND with Mr. SAUNDERS.

For this vote:

Mr. MCMORRAN (in favor of rule) with Mr. PUJO (against rule).

Mr. POLLARD. Mr. Speaker, I would like to know how I am recorded?

The SPEAKER pro tempore (Mr. PAYNE). The gentleman is not recorded.

Mr. POLLARD. I vote aye.

The SPEAKER pro tempore. Was the gentleman present in the House during the time when his name should have been called and failed to hear it?

Mr. POLLARD. Yes, sir.

The SPEAKER pro tempore. Call the name of the gentleman.

The name of Mr. POLLARD was called, and he voted "yea."

Mr. CALDER. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore. The gentleman is not recorded.

Mr. CALDER. I was in the House and failed to hear my name called.

The SPEAKER pro tempore. Was the gentleman listening when his name should have been called, and failed to hear it?

Mr. CALDER. I was.

The SPEAKER pro tempore. Call the name of the gentleman.

The name of Mr. CALDER was called, and he voted "yea."

Mr. LAMB. Mr. Speaker, I voted "no." I am paired with the gentleman from Iowa [Mr. HEPBURN]. I wish to withdraw my vote and to vote "present."

The name of Mr. LAMB was called, and he answered "present."

Mr. COOK of Colorado. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman present during the time when his name should have been called, and failed to hear it?

Mr. COOK of Colorado. I was not on the floor; I was out in the adjoining room.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

The result of the vote was then announced, as above recorded.

CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. SHERMAN. Mr. Speaker, I move to suspend the rules and adopt the conference report on the Indian appropriation bill.

The SPEAKER. The gentleman from New York moves to suspend the rules and adopt the conference report on the Indian appropriation bill.

Mr. WILLIAMS. Upon that question I demand a second.

The SPEAKER. A second is ordered under the rule, being demanded by the gentleman from Mississippi.

Mr. SHERMAN. I will reserve my time.

The SPEAKER. The gentleman from New York [Mr. SHERMAN] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. WILLIAMS. Mr. Speaker, I will ask whether any gentleman on the Democratic side who is on the Committee on Indian Affairs, now present, desires any time. If not, Mr. Speaker, I will confine what remarks I have to make to this small compass—that I do not object to the motion in itself, but I do object to it because of the fact that it is made under this rule, enabling a suspension by bare majority and without the power really to demand a second and to enforce that damand by an adverse vote against the motion. My objection to it is to the method pursued by the majority of this House in securing the passage of the resolution to suspend, and my objection to the method is so great that I shall think it my duty to vote against the motion to suspend the rules for this or any other purpose, except one of plain, palpable, and obvious public benefit, until the proper safeguards for the House—upon that side, as well as upon this side of the Chamber—have been restored by the abrogation of the rule which was passed this morning.

Mr. Speaker, it was not without reason that the rule which is to be abrogated by the special rule was deliberately adopted. When you move to suspend the rules, the House has no power to amend. There is no power to single out the different propositions contained in a motion or bill and to consider them separately upon their respective merits or demerits. The House must vote up the entire proposition or bill or vote down the entire proposition or bill. This was such a summary method of legislating—so much out of the ordinary—that all rules have, from time out of mind, provided that there should first be a second by a majority of the House, and, secondly, that there should be at least a two-thirds majority before that peculiar sort of summary legislation should be enacted.

That rule was adopted for the protection of the country, for the protection of the House, and to secure a consideration by the House of each proposition of legislation upon its individual merits or else to require a majority very large for passage—not less than two-thirds. Attempting to abrogate this rule and to do away with the safeguards surrounding this extraordinary procedure is legislation so bad in itself that nothing, no matter how good, unless there be literally no doubt, it being so plain, ought to be permitted to go through under that procedure of suspending the rules.

Having expressed myself to that effect, I now reserve the balance of my time.

The SPEAKER. As many as favor the motion to suspend the rules and pass the bill will say aye——

Mr. WILLIAMS. Has the previous question been called upon the original motion?

The SPEAKER. This is a motion to suspend the rules.

Mr. WILLIAMS. That is true. I beg the Chair's pardon.

The question being taken on the motion to suspend the rules and pass the bill, the Speaker announced that the ayes appeared to have it.

Mr. WILLIAMS. Mr. Speaker, division; and I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 148, nays 79, answered "present" 15, not voting 145, as follows:

YEAS—148.

Adair	Douglas	Howland	Nicholls
Alexander, N. Y.	Draper	Hubbard, Iowa	Norris
Ames	Driscoll	Hubbard, W. Va.	Nye
Bannon	Dwight	Huff	Parker, N. J.
Barclay	Ellis, Mo.	Humphrey, Wash.	Parker, S. Dak.
Bartholdt	Ellis, Oreg.	Jenkins	Payne
Beale, Pa.	Englebright	Jones, Wash.	Pollard
Bede	Esch	Keifer	Pray
Bennet, N. Y.	Fassett	Kennedy, Iowa	Rauch
Bingham	Fitzgerald	Kennedy, Ohio	Reeder
Birdsall	Focht	Kinkaid	Rodenberg
Bonynge	Fordney	Knopf	Scott
Booher	Fornes	Küstermann	Slemp
Boyd	Foss	Lafean	Smith, Cal.
Brumm	Foster, Ind.	Landis	Smith, Iowa
Burke	French	Laning	Smith, Mich.
Burleigh	Fuller	Lawrence	Snapp
Burton, Del.	Gaines, W. Va.	Lindbergh	Southwick
Butler	Gardner, Mich.	Longworth	Stafford
Calder	Gilhams	Loudenslager	Steenerson
Campbell	Gillett	Lowden	Stephens, Tex.
Capron	Goebel	McGavin	Sterling
Chaney	Graff	McKinley, Ill.	Tawney
Chapman	Graham	McKinney	Thistlewood
Cocks, N. Y.	Greene	McLachlan, Cal.	Thomas, Ohio
Cole	Gronna	McLaughlin, Mich.	Townsend
Conner	Hale	Madden	Volstead
Cook, Colo.	Hamilton, Iowa	Madison	Vreeland
Cooper, Pa.	Hammond	Mann	Wanger
Cousins	Harding	Marshall	Watson
Crumpacker	Haugen	Miller	Weems
Cushman	Hawley	Moon, Tenn.	Wheeler
Dalzell	Higgins	Morse	Wilson, Ill.
Davis, Minn.	Hinshaw	Mouser	Wilson, Pa.
Dawson	Holliday	Murdock	Wood
Denby	Howell, N. J.	Murphy	Woodyard
Diekema	Howell, Utah	Needham	Young

NAYS—79.

Adamson	Denver	Hull, Tenn.	Rothermel
Aiken	Dixon	Humphreys, Miss.	Russell, Mo.
Alexander, Mo.	Ferris	James, Ollie M.	Russell, Tex.
Ansberry	Flood	Johnson, S. C.	Ryan
Bartlett, Ga.	Floyd	Kipp	Sabath
Bartlett, Nev.	Garner	Kitchin, Claude	Saunders
Beall, Tex.	Garrett	Lamar, Mo.	Shackleford
Bell, Ga.	Godwin	Lassiter	Sheppard
Bowers	Gordon	Lenahan	Sherley
Brantley	Granger	Lloyd	Sherwood
Brodhead	Gregg	McDermott	Sims
Brundidge	Griggs	Macon	Slayden
Burgess	Hamlin	Moore, Tex.	Small
Burleson	Hardwick	O'Connell	Smith, Mo.
Burnett	Harrison	Page	Smith, Tex.
Candler	Hay	Patterson	Thomas, N. C.
Carlin	Heflin	Rainey	Tou Velle
Clark, Mo.	Helm	Reid	Underwood
Cockran	Henry, Tex.	Richardson	Williams
Cooper, Tex.	Houston	Robinson	

ANSWERED "PRESENT"—15.

Ashbrook	De Armond	Hamilton, Mich.	Padgett
Bradley	Finley	Hardy	Roberts
Clayton	Foster, Vt.	Lamb	Sherman
Cox, Ind.	Gaines, Tenn.	Leake	

NOT VOTING—145.

Acheson	Foster, Ill.	Knowland	Porter
Allen	Foulkrod	Lamar, Fla.	Pou
Andrus	Fowler	Langley	Powers
Anthony	Fulton	Law	Pratt
Barchfeld	Gardner, Mass.	Lee	Prince
Bates	Gardner, N. J.	Legare	Pujo
Bennett, Ky.	Gill	Lever	Randell, Tex.
Boutell	Gillespie	Lewis	Ransdell, La.
Broussard	Glass	Lilley	Reynolds
Brownlow	Goldfogle	Lindsay	Rhinock
Burton, Ohio	Goulden	Littlefield	Riordan
Byrd	Hackett	Livingston	Rucker
Calderhead	Hackney	Lorimer	Sparkman
Caldwell	Haggott	Loud	Sperry
Carter	Hall	Lovering	Spight
Cary	Hamill	McCall	Stanley
Caulfield	Haskins	McCreary	Stevens, Minn.
Clark, Fla.	Hayes	McGuire	Sturgiss
Cook, Pa.	Henry, Conn.	McHenry	Sulloway
Cooper, Wis.	Hepburn	McKinlay, Cal.	Sulzer
Coudrey	Hill, Conn.	McLain	Talbott
Craig	Hill, Miss.	McMillan	Taylor, Ala.
Cravens	Hitchcock	McMorran	Taylor, Ohio
Crawford	Hobson	Malby	Tirrell
Currier	Howard	Maynard	Waldo
Darragh	Hughes, N. J.	Mondell	Wallace
Davenport	Hughes, W. Va.	Moon, Pa.	Washburn
Davey, La.	Hull, Iowa	Moore, Pa.	Watkins
Davidson	Jackson	Mudd	Webb
Dawes	James, Addison D.	Nelson	Weeks
Dunwell	Johnson, Ky.	Olcott	Weisse
Durey	Jones, Va.	Olmsted	Wiley
Edwards, Ga.	Kahn	Overstreet	Willett
Edwards, Ky.	Kelliher	Parsons	Wolf
Ellerbe	Kimball	Pearre	
Fairchild	Kitchin, Wm. W.	Perkins	
Favrot	Knapp	Peters	

So, under the special rule, a majority having voted in favor thereof, the rules were suspended and the conference report was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. STURGISS with Mr. TAYLOR of Alabama.

Mr. WALDO with Mr. MCLAIN.

Mr. PERKINS with Mr. LEWIS.

Mr. PARSONS with Mr. LEVER.

Mr. MONDELL with Mr. JOHNSON of Kentucky.

Mr. MCKINLAY of California with Mr. HITCHCOCK.

Mr. LITTLEFIELD with Mr. HACKNEY.

Mr. KNOWLAND with Mr. GILLESPIE.

Mr. HASKINS with Mr. GILL.

Mr. HALL with Mr. FOSTER of Illinois.

Mr. GARDNER of New Jersey with Mr. LEGARE.

Mr. GARDNER of Massachusetts with Mr. CRAIG.

Mr. FOWLER with Mr. CALDWELL.

Mr. DUREY with Mr. BYRD.

Mr. DAVIDSON with Mr. CLAYTON.

Mr. COOK of Pennsylvania with Mr. SPIGHT.

Mr. ANTHONY with Mr. SULZER.

Mr. ALLEN with Mr. CARTER.

Mr. POWERS with Mr. PRATT.

Mr. LOVERING with Mr. SPARKMAN.

For the balance of the day:

Mr. ANDRUS with Mr. FULTON.

Mr. HAYES with Mr. MCHENRY.

Mr. BURTON of Ohio with Mr. PUJO.

Mr. PRINCE with Mr. GLASS.

On this vote:

Mr. BATES with Mr. ELLERBE.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6335. An act to establish a fish-cultural station in the State of Minnesota; and

S. 5126. An act to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hons. JOHN T. MORGAN and EDMUND W. PETTUS, late Senators from the State of Alabama.

Resolved, That as a mark of respect to the memory of the deceased Senators, the business of the Senate be now suspended to enable their associates to pay proper tribute to their high characters and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senators, the Senate do now adjourn.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5126. An act to grant to the city of Seattle, in the State of Washington, certain rights of way for sewer and street purposes through and along the military reservation of Fort Lawton, Wash., and through the reservations for the Lake Washington Canal—to the Committee on Military Affairs.

S. 6335. An act to establish a fish-cultural station in the State of Minnesota—to the Committtee on the Merchant Marine and Fisheries.

TRACKS TO UNION STATION.

Mr. SMITH of Michigan. Mr. Speaker, I call up the conference report on the bill (S. 902) authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, and move to suspend the rules, insist on the House amendment, ask a conference with the Senate, and direct the Speaker to appoint the managers without intervening motion.

Mr. SIMS. Mr. Speaker, on that I demand a second.

The SPEAKER. A second is ordered under the rules. The gentleman from Michigan is entitled to twenty minutes and the gentleman from Tennessee to twenty minutes, and the House will be in order.

Mr. SMITH of Michigan. Mr. Speaker, I may speak somewhat hurriedly, and if I do it is because I desire to yield some time to other Members. After several meetings on the part of the conferees of the Senate and the House, we have failed to agree, and our differences I desire to state. The Senate agrees with the House that the service down New Jersey avenue is preferable to that down North Capitol street and also that the cross-town service is better legislation than that contained in the Senate bill. I think the House will remember the parliamentary situation, that the House struck out all after the enacting clause of the Senate bill, and it comes to us to-day in the form of an amendment to the Senate bill. Our main differences are three in number. The Senate insists upon their proposition for tracks in front of the Union Station, which, to make it clear to every Member of the House, are just double the number of those on Pennsylvania avenue. They insist also that on either side of the plaza there should be the same number of tracks that there are upon Pennsylvania avenue, and also down Delaware avenue. The House proposition is to have in front of the Union Station the same number of tracks that are upon Pennsylvania avenue, take the tracks from either side of the plaza, and on the west side let them come up on what is called a new street, and upon the east side upon First street. It is only fair for me to say in this connection that the Senate conferees insist that they inserted the proposition for tracks upon the plaza in the Senate bill, not because of their own wish, but because it was the judgment of the engineers—the engineer of the terminal station, the engineers of the railroad companies, and the report of the Engineer Commissioner of the District.

Our second difference is upon the question of universal transfers. It will be remembered that in the House bill, in sections 16 and 17, we provided for universal transfers. The Senate insists that if we are to have universal transfers the passenger in every case shall pay an additional 2 cents; that is, upon the proposition if you purchase six tickets for a quarter and desire a transfer, that you shall pay an additional 2 cents, or if you pay a straight 5-cent fare, that you shall pay an additional 2 cents for a transfer. In this connection I want to say that one of the conferees of the Senate addressed a let-

ter, which, if there be no objection, I will insert in the RECORD, for I do not think I have the time now to read it, to one of the leading lawyers, if not the leading lawyer, in the city on the question of whether or not the universal-transfer proposition would be legal or constitutional. The letter was addressed to Mr. Darlington of this District, and, not having the time to read the opinion, I can only say that he held that it would be unconstitutional. Upon the other hand, we obtained the opinion of the corporation counsel of the District, and he took an opposite view. I would also like to have the privilege of inserting his opinion in the RECORD.

The third proposition upon which we differ is the question of supervision. It will be remembered that in the eighteenth section of the bill we provided that the railroad companies of the District—that is, the electric railway companies of the District—should be under the supervision of the District Commissioners. To this the Senate conferees object, and, in lieu of the District Commissioners, we offered then to accept the Interstate Commerce Commission. They offered a section in lieu of section 18, but the conferees of the House did not and do not think that the section would be acceptable to the House. Mr. Speaker, we recognize, as conferees on the part of the House, the necessity of getting the tracks to the Union Station, and we can do so by yielding on all three of these propositions.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SMITH of Michigan. Yes.

Mr. MADDEN. Does the gentleman mean to say to the House that as a member of the conference committee of the House he recognizes that getting the tracks to the depot is the most important question involved in this bill?

Mr. SMITH of Michigan. Well, I will not say that it is the most important, but it is one of the most important, to say the least.

Mr. MADDEN. Does the gentleman think there is any importance attached to the question of universal transfers and supervision by the District Commissioners?

Mr. SMITH of Michigan. Yes; and I further recognize there is a great deal of importance to be attached to the question of tracks upon the plaza.

Mr. MADDEN. Does the question of getting the tracks to the station seem to the gentleman as more important than the settlement of a question which involves a principle as to whether or not the people of the District have any rights that the traction companies of the District are bound to respect?

Mr. SMITH of Michigan. Well, I can say to the gentleman, in reply, that the people of the District are repeatedly saying to us that they think the first and important thing is to get the tracks to the station. We are not only urged by the people of the District, but the traveling public that come here are saying to us that they think the most important thing is to get the tracks to the station.

Mr. MADDEN. Let me ask this further question: Does the gentleman think it is of more importance to get the tracks to the station than to insist upon the right of the Congress of the United States to write the laws, rather than let the street railroad companies of the District of Columbia write them?

Mr. SMITH of Michigan. Well, I think it is only fair to say to the gentleman that it is not the railroad companies of the District that have been insisting, as he suggests. I want to say the leading citizens of the District here are insisting upon these things. Mr. Speaker, how much time have I used?

The SPEAKER. Twelve minutes.

Mr. SMITH of Michigan. I reserve the balance of my time.

Mr. CUSHMAN. Will the gentleman yield to one question?

Mr. SMITH of Michigan. Certainly.

Mr. CUSHMAN. Is it not a fact that the lines of both of these companies are interstate lines—that is, that they run beyond the outskirts of the District of Columbia?

Mr. SMITH of Michigan. They run into Maryland; yes.

Mr. CUSHMAN. If that be true, then, would not the control of these lines, being interstate lines, naturally be vested in the Interstate Commerce Commission?

Mr. SMITH of Michigan. I am not altogether sure about that. I can say to the gentleman, as I said before, that the conferees on the part of the House were perfectly willing to yield, as far as they are concerned, and put the supervision in the hands of the Interstate Commerce Commission.

Mr. CUSHMAN. Well, if the Interstate Commerce Commission is claiming the power on one hand to control these companies, and the Commissioners of the District upon the other, does it not naturally seem that the proper place to vest the jurisdiction of an interstate carrier would be in the Interstate Commerce Commission?

Mr. SMITH of Michigan. I can say, in that connection, there is some claim made now that the Interstate Commerce Commission have already taken charge of all the electric railroads in the country, not only in the States, but in the District of Columbia.

Mr. CUSHMAN. One other question and then I will subside. If the companies are compelled to put in this loop to the Union Station, what additional compensation will accrue to the companies? What do they get for the money they spend to make this connection, if any?

Mr. SMITH of Michigan. There is a difference of opinion, I want to say to the gentleman, as to whether they will get very much more passenger traffic than now. Possibly they may get some, and some will be taken away from the hacks undoubtedly, but what the railroads will get by putting their tracks in there is not at all very clear——

Mr. CUSHMAN. Has the gentleman anything showing what the additional cost will be to the companies for putting in the loop?

Mr. SMITH of Michigan. Not that alone; but it is estimated that the provisions of the bill S. 902 as amended, I think, in round numbers, will cost these railroads about $1,000,000. That means the service down New Jersey avenue and a cross-town service in addition to other provisions in the bill.

Mr. CUSHMAN. What additional increase will these companies get?

Mr. SMITH of Michigan. I can say to the gentleman that the Washington Electric Company insists that there are not enough people residing in the northeast portion of the city who will avail themselves of this service to make a large item. On the other hand, the Capital Traction Company takes the position and says that if we will authorize them they will build tracks into that section of the city and wait for further developments.

Mr. ALEXANDER of New York. Mr. Speaker, may I ask the gentleman what is the objection to four tracks on the plaza that the Senate seems to have determined upon?

Mr. SMITH of Michigan. Well, the objection that is frequently made by many is that it would be dangerous. That is the oft repeated objection.

Mr. ALEXANDER of New York. Is there any other objection?

Mr. SMITH of Michigan. No; I think that is the most serious objection that is urged.

Mr. ADAIR. I would like to ask the gentleman a question.

Mr. SMITH of Michigan. In just a minute.

Mr. CRUMPACKER. It strikes me it is exceedingly unfortunate that you have got all of these questions involved in one proposition. Suppose now that the gentleman's motion prevailed. The effect of it would be a final declaration on the part of the House to insist upon every one of the propositions; and will it not most likely result in a disagreement?

Mr. SMITH of Michigan. I hope not. As conferees we shall go and try to arrive at some adjustment of this matter; I assure you of that.

Mr. CRUMPACKER. I do not believe there is any logical arrangement between the supervision of tracks and the proposition as to transfers.

Mr. ADAIR. The gentleman has stated that the people of the District of Columbia are insisting especially upon these tracks being built to the Union Station.

Mr. SMITH of Michigan. Yes, sir.

Mr. ADAIR. I imagine a very large percentage of the population of the city of Washington very seldom go to the Union Station, and I am at a loss to understand the reason for their insisting on this work being done so quickly and so suddenly.

Mr. SMITH of Michigan. Let me ask the gentleman if he has been reading the editorials in the papers in this city as to what we ought to do?

Mr. ADAIR. I have.

Mr. SMITH of Michigan. I suppose they speak the sentiment of the community, to some extent.

Mr. ADAIR. Is it the traveling public that is insisting upon this work being done promptly?

Mr. SMITH of Michigan. I will say that many visitors have been in the city for weeks past, and many are here now, and a good deal of complaint is made that there are no tracks to the Union Station.

Mr. ADAIR. Is it not a fact that many times articles in the newspapers do not reflect the sentiment of the people?

Mr. SMITH of Michigan. Yes. I will here submit the following letters as a part of my remarks:

SEC. —. That every street railroad company or corporation owning, controlling, leasing, or operating one or more street railroads within the District of Columbia shall, on each and all of its railroads, supply and operate a sufficient number of cars, clean, sanitary, in good repair, with proper and safe power, equipment, appliances, and service, comfortable and convenient, and so operate the same as to give expeditious

passage, the speed not to exceed 15 miles per hour within the city limits and 20 miles per hour in the suburbs, and shall do all things reasonable and usual to avoid and discourage the overcrowding of its cars. Jurisdiction is hereby conferred on the Interstate Commerce Commission to make, after notice and hearing, all proper and necessary orders for the enforcement of the provisions of this section, and any railroad company which shall willfully fail to abide by, perform, and carry out any of the provisions of this section within a reasonable time after any order or orders of the Interstate Commerce Commission, shall, in every case of refusal or failure, be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding $100, to be recovered in a suit or suits to be brought by the United States district attorney for the District of Columbia, in the supreme court of the District of Columbia, at the direction of and on information furnished by the Interstate Commerce Commission.

UNITED STATES SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, April 1, 1908.

MY DEAR MR. DARLINGTON: There is a proposition pending before a conference committee of the two Houses of Congress providing for universal transfers between the Capital Traction Company and the Washington Railway and Electric Company and any other independent companies which may hereafter be created whose lines may connect with existing street railways. I am anxious to know whether or not a provision of that kind would be constitutional. In other words, can one street railway corporation be required to accept from another and wholly unrelated corporation a passenger and transport said passenger without compensation?

I will esteem it a great favor if you will kindly give me your opinion on this subject prior to noon of Friday.

I have the honor to be, very respectfully, yours,

J. H. GALLINGER, *Chairman.*

HON. J. J. DARLINGTON, *Washington, D. C.*

LAW OFFICES OF J. J. DARLINGTON,
410 FIFTH STREET NW.,
Washington, D. C., April 2, 1908.

MY DEAR SIR: In accordance with your letter of the 1st instant, it affords me pleasure to lay before you my opinion as to the constitutionality of the proposed legislation requiring street car companies to transport over their lines, without compensation, any passengers who may have been transported by any other street car company, for compensation, to an intersecting point of their respective lines. This I take to be the purpose of sections 16 and 17 of Senate bill No. 902, though in its present form its effect is to entitle any passenger upon the lines of one street railway company, no matter at what point he may alight therefrom, to a transfer which will entitle him to transportation, without compensation, by any intersecting company, over its lines, if presented within thirty minutes from the arrival of the car upon which he has been a passenger at the transfer or intersecting point.

Each of the street car lines in the District of Columbia exists under a charter prescribing its route and, in consideration of the outlays of money necessary for its construction, equipment, and operation, vesting it with the necessary franchises to use its property, so acquired, for the transportation of passengers over the designated routes, at prescribed rates of fare per passenger, with a reservation of the right by Congress to amend, alter, or repeal the charter act.

Of such charters the Supreme Court has said in the Binghampton Bridge (3 Wall., 51, 73): "We have supposed, if anything was settled by an unbroken course of decisions in the Federal and State courts, it was that an act of incorporation was a contract between the State and the stockholders. All courts at this day are estopped from questioning the doctrine. The security of property rests upon it, and every successful enterprise is undertaken in the unshaken belief that it will never be forsaken. A departure from it now would involve dangers to society that can not be foreseen, would shock the sense of justice of the country, unhinge its business interests, and weaken if not destroy that respect which has always been felt for the judicial department of the Government."

In Delaware Railroad Tax (18 Wall., 206, 225) the same court adds: "Nor does it make any difference that the uses of the corporation are public if the corporation itself be private. The contract is equally protected from legislative interference, whether the public be interested in the exercise of its franchise or the charter be granted for the sole benefit of its corporators."

With respect to the franchises conferred by the charters, the Supreme Court declares that they are, "properly speaking, legal assets vested in the corporation itself as soon as it is in esse. They are not mere naked powers granted to the corporation, but powers coupled with an interest." (Dartmouth College *v.* Woodward, 4 Wheat., 518, 700; Gordon *v.* Appeal Tax Court, 3 How., 133, 150; Society for Savings *v.* Coite, 6 Wall., 594, 606.) In other words, the franchises are property.

With respect to the right reserved to amend, alter, or repeal, the court in the Sinking-Fund cases (99 U. S., 720) declares: "That this power has a limit no one can doubt. All agree that it can not be used to take away property already acquired under the operation of the charter or to deprive the corporation of the fruits actually reduced to possession of contracts lawfully made; but as was said by this court, through Mr. Justice Clifford, in Miller *v.* The State (15 Wall., 498), 'it may safely be affirmed that the reserved power may be exercised, and to almost any extent, to carry into effect the original purposes of the grant or to secure the due administration of its affairs, so as to protect the rights of stockholders and of creditors and for the proper disposition of its assets;' and, again, in Holyoke Company *v.* Lyman (id., 519), 'to protect the rights of the public and of the corporators or to promote the due administration of the affairs of the corporation.' Mr. Justice Field, also speaking for the court, was even more explicit when, in Tomlinson *v.* Jessup (id., 459), he said, 'the reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State;' and, again, as late as Railroad Company *v.* Maine (96 U. S., 510), 'by the reservation * * * the State retained the power to alter it [the charter] in all particulars constituting the grant to the new company formed under it of corporate rights, privileges, and immunities.' Mr. Justice Swayne in Shields *v.* Ohio (95 U. S., 324) says, by way of limitation, 'The alterations must be reasonable; they must be made in good faith, and be consistent with the object and scope of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment or alteration.' The rules as here laid down are fully sustained by authority. Further citations are unnecessary."

As late as Bienville Water Supply Company *v.* Mobile (186 U. S., p. 282), the court quotes from the case last cited the following: "All agree that it can not be used to take away property already acquired under the operation of the charter or to deprive the corporation of the fruits actually reduced to possession of contracts lawfully made;" and in the Bienville Company's case the court sustains a decree below, refusing an injunction against the revocation of a clause in its charter giving it the exclusive right to supply the city of Mobile with water, which monopoly was void under the constitution of the State, on the ground that the revocation of the unconstitutional monopoly left to the complainant company unimpaired its right to its tangible property and the right to use that tangible property for the purposes of the charter.

Recurring to the limitation of the power to amend, alter, or repeal, as declared in the Sinking-Fund cases, the present inquiry would seem to be reduced to the question whether a requirement that a passenger who has ridden as far as he desires to be transported upon the lines of one street car company for its prescribed fare shall be transported over the lines of any connecting company, without compensation to it, falls within that limitation. Can such a requirement be said to be one "to carry into effect the original purposes of the grant or to secure the due administration of its affairs so as to protect the rights of stockholders and of creditors," or "for the proper disposition of its assets," or "to protect the rights of the public and of the corporators," or "to promote the due administration of the affairs of the corporation?" In my opinion it falls under no head of the classifications specified.

The same result equally follows from another line of decisions in the Supreme Court.

In the Railroad Commission cases (116 U. S., 307, 331) and again in Railway Company *v.* Minnesota (134 U. S., 418, 455), the court says: "Under pretence of regulating fares and freights, the State can not require a railroad corporation to carry persons or property without reward, neither can it do that which in law amounts to a taking of private property for public use without just compensation or without due process of law;" and in the second case cited, at page 458, it adds: "If the company is deprived of the power of charging reasonable rates for the use of its property, and such deprivation takes place in the absence of an investigation by judicial machinery, it is deprived of the lawful use of its property, and thus, in substance and effect, of the property itself, without due process of law and in violation of the Constitution of the United States."

In Railway Company *v.* Smith (173 U. S., 684, 694) an act requiring the sale of mileage tickets at a lower than the usual rate is declared unconstitutional on the ground that if the power of the legislature extends so far, "*it can compel the company to carry certain persons or classes free.*" This is precisely what the present proposed requirement undertakes to do. Its provision is that a passenger who, upon payment of its lawful charge for that purpose, has ridden as far as his business or pleasure induces him to go upon the Capital Traction lines shall thereupon be carried free over the lines of the Washington Railway and Electric Company, provided, within thirty minutes from alighting from the Capital Traction car he boards a Washington Railway and Electric car at an intersecting point. It is, in my judgment, no answer to say that the proposed legislation requires the Capital Traction Company to extend a like privilege of free transportation over its lines to passengers of the Washington Railway and Electric Company. The latter owes no duty to its passenger to have him transported beyond its own lines. His transportation beyond them is not even within the scope of its charter nor within the purposes for which its stockholders have expended their money or accepted their charter contract from the Government. It is no part of any duty which is has assumed by the acceptance of its charter, and I can conceive of no legal principle upon which such an obligation can be compulsorily imposed upon it, to be enforced by prosecution and fine in the police court as proposed.

In view of the foregoing it is perhaps scarcely necessary to consider at any length the proposed "alteration" or requirement from the standpoint of its "reasonableness," as essential to its constitutionality under Shields *v.* Ohio (95 U. S., 324). The route of the Washington Railway and Electric Company embraces, in lineal extent, more than 20 miles; the Washington, Alexandria and Mount Vernon Railway Company about 2 miles, of which about only one-half mile extends along streets occupied for either business or residence purposes. The proposition is that upon terms of offering the like facilities over its inconsiderable, relatively inexpensive, and unimportant route of 2 miles in the District of Columbia, the latter road shall offer to its passengers transportation, free of cost, over the costly and valuable route and equipment of the former company, 23 miles in extent and embracing the principal and most important parts of the city and District. Bearing in mind that the "reasonableness" under consideration relates to the quid pro quo, the compensation given for the service exacted, it must be apparent, I think, that the courts would find it wholly impossible to declare the proposition one reasonably equal between the parties and therefore capable of being sustained. The same inequality, though differing in degree, applies to the other railway companies to be affected.

Other conditions exist which, in my opinion, would render the provision constitutionally invalid, but which, in view of the length of this opinion, I will refer to but briefly.

Corporations, it is elementary, are "persons" in the sense of the law, possessing within their corporate scope the same rights, and subject, only, to the same liabilities as natural persons. The legislature is as much without power to compel the corporation to do an act which it is under no contractural or other obligation to do as to compel a private person to do that act. It may, it is true, "amend, alter, or repeal" the corporate charter within the limitations laid down by the Supreme Court; but this is quite a different thing from compelling it to do acts not within its corporate or charter obligation or scope, under penalty of being prosecuted and fined in the police court.

In Railway Company *v.* Campbell (61 Kans., 439) an act requiring railroads over which stock was shipped to carry the shipper free of charge, with his stock, was declared unconstitutional.

In Wilson *v.* Traction Company (72 N. Y. App. Div., 233) a law requiring street car companies to carry policemen and firemen free of charge was held unconstitutional.

In re Parrott (1 Fed. Rep., 481, 486, 491) an article of the constitution of California prohibiting the employment of Chinese by corporations was held to be unconstitutional and not a legitimate exercise of the reserved power. "It amounts in effect to a declaration that the corporation formed under the laws of this State, and their stockholders, hold their property, so far as its beneficial use and enjoyment are concerned, at the mercy of the legislature, and that rights which in

the case of private individuals would be inviolable, have for them no existence. * * * It is not merely the title to the property that is protected from legislative confiscation, but that which gives value to all property, the right to its lawful use and enjoyment."

The foregoing considerations leave no doubt, in my own mind, that the proposed legislation is in violation of the Constitution, and incapable of being enacted into valid law.

Yours, very truly, J. J. DARLINGTON.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

OFFICE OF THE CORPORATION COUNSEL,
Columbian Building, April 8, 1908.

Hon. SAMUEL W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives, City.

MY DEAR SIR: I have the honor to acknowledge your letter of the 6th instant, referring to me the written opinion of Mr. J. J. Darlington in the matter of the validity of sections 16 and 17 of Senate bill No. 902, which is addressed to the extension of certain lines of street railway companies, and, among other things, to universal transfers, so-called.

For purposes of this review I divide the matters discussed into matters of law and matters of fact.

The matters of law suggested, briefly stated, are that the charters granted street railway companies constitute contracts which prevent legislative interference; that the franchises granted both in reference to corporate existence and privileges are powers coupled with an interest, legal assets, or property; that the right reserved in the charters to alter, amend, or repeal can not be used to take away property; that a reasonable compensation for carriage of passengers is not provided, and that Congress is without power to require street railway corporations to comply with the sections mentioned, because the things required are not within their corporate obligations.

While the universal transfer system proposed is new, yet Congress has, under the power reserved by it to alter, amend, or repeal street railway charters, regulated transfers, exchange of tickets, rates of fare, reciprocal trackage, and extension of lines for public convenience.

By act of Congress approved June 6, 1900, the Metropolitan Railroad Company was required to extend its lines from Eighteenth street and Columbia road to Sixteenth street and Park street, and was assessed benefits for the widening of Sixteenth street and Columbia road, under the provisions of this act, to the extent of $25,000.

By act of August 2, 1894 (28 Stat., 217), it is provided:

"SEC. 5. That the Metropolitan Railroad Company is hereby authorized and required immediately to make reciprocal transfer arrangements with street railroad companies whose lines now connect with its lines and to furnish such facilities therefor as the public convenience may require. Upon the completion of the underground electric system provided for in this act the said Metropolitan Railroad Company is hereby further authorized and required to enter into reciprocal trackage arrangements with connecting roads. The schedules and compensation shall be mutually agreed upon between the said Metropolitan Railroad Company and the companies with whose lines its lines connect; and in any case of failure to reach such mutual agreement, the matters in dispute shall be determined by the supreme court of the District of Columbia, upon petition filed by either party: *Provided*, That every street railway company in the District of Columbia whose lines connect, or whose lines may hereafter connect, with the lines of any other street railway company, is hereby subjected to the same requirements as to transfers and trackage arrangements, and upon similar conditions, as in this section provided in the case of the Metropolitan Railroad Company and the lines connecting therewith."

The original charter of the Metropolitan Railroad Company, March 31, 1865 (13 Stat., 536, sec. 1), allowed a rate of fare not exceeding 8 cents per passenger.

The exchange of tickets was provided for by act of May 25, 1894 (28 Stat., 78).

Free transfers were also provided by section 3 of the act of May 28, 1896 (29 Stat., 187).

"SEC. 3. That the Capital Railway Company, the Metropolitan Railroad Company, and the Capital Traction Company are hereby required to issue free transfers at the point of intersection of their respective lines, so that for the payment of one fare a passenger on either road shall have the privilege of riding over the lines of both."

See also act of June 25, 1898, section 3.

Section 19 of the charter of the East Washington Heights Traction Company, approved June 18, 1898, provides:

"SEC. 19. That said company shall receive a rate of fare not exceeding 5 cents per passenger; but six tickets shall be sold for 25 cents: *Provided*, That the said company and the Capital Traction Company are hereby required to issue free transfers, whereby a passenger on the said East Washington Heights Traction Company shall be entitled to a continuous ride over the line of the other company, or vice versa."

Many other provisions of law might be cited in illustration of the control Congress has exercised under the power reserved to it over street railway corporations.

All street railway charters contain the provision that Congress reserves the right to alter, amend, or repeal them.

While a State may grant a charter to a private corporation whose uses are public so as to vest rights which subsequent legislation can not render invalid without "impairing the obligation of contracts," in my judgment the charters of the street railway companies are not within this principle, for the reason, among others, that they were granted and accepted under the reserved power to alter, amend, or repeal them. Whether the question of the impairment of the obligation of contracts is involved under the provisions of section 10 of the Constitution of the United States may be doubted, but this question is not necessarily involved here.

In Metropolitan Railroad Company *v.* Macfarland et al. (20 App. D. C., 421–439) the court of appeals, in referring to the act of Congress of June 6, 1900, above mentioned, said:

"It may be conceded that this reserved power in Congress is not entirely without limit, and that the power to alter, amend, or repeal must be exercised within reasonable bounds for the preservation of right and justice. It has been said by high authority that the power must not be exercised in such arbitrary way as to destroy vested rights acquired in good faith under the charter powers of the corporation. But it does not follow that this power to alter or amend may not be exercised to add new duties and obligations to those originally imposed, though such new duties and obligations may require the expenditure of large sums of money in their performance.

"The question is, For what purpose was this power of alteration, amendment, and repeal reserved, if not to be exercised to promote the interest of the public and to meet the requirement of that interest as it may arise? It was certainly not only intended to authorize the making of mere formal changes in the charter, but, as it has been most justly said, one of the most obvious reasons for reserving to the legislature the right to alter, amend, or repeal such charters is to enable it to compel an unwilling corporation to perfect and extend its connections with other railroads, or to extend its road to certain localities, as the convenience of the public may from time to time require."

The court also said:

"It is contended that Congress could not exercise the power of requiring or compelling the extension of the lines of the road, as required in this case, without the consent of the corporation. But to sustain such a contention would simply render the reserved power to Congress to alter, amend, or repeal the charter nugatory and without effect. The very object of this reservation of power in the charter was to dispense with the consent of the corporation, and to retain a power superior to the mere will of the corporation, or those who compose it. Nor can the exercise of such reserved power be construed as impairing the obligation of a contract as between Congress and the corporation."

Shields *v.* Ohio (95 U. S., 319, 326) affords an example of the valid change of a railroad rate for passengers under the reserved power to alter, amend, or repeal. In that case the legislature in 1846 incorporated a railroad company and empowered it to charge such tolls for the transportation of freight and passengers as it might deem "reasonable." In 1873 the legislature enacted that "any corporation operating a railroad in whole or in part in this State may demand and receive for the transportation of passengers over said road not exceeding 3 cents per mile for a distance of more than 8 miles." The charter granted the company was subject to the constitutional provision that no "special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly." The court discussed both the question of franchise and the power of alteration and amendment. It said:

"It is urged that the franchise here in question was property held by a vested right, and that its sanctity, as such, could not be thus invaded. The answer is *consensus facit jus*. It was according to the agreement of the parties. The company took the franchise, subject expressly to the power of alteration or repeal by the general assembly. There is, therefore, no ground for just complaint against the State.

"When an act of incorporation is repealed, few questions of difficulty can arise. Equity takes charge of all the property and effects which survive the dissolution and administers them as a trust fund, primarily for the benefit of the creditors. If anything is left it goes to the stockholders. Even the executory contracts of the defunct corporation are not extinguished. (Curran *v.* Arkansas, 12 How., 304.)

"The power of alteration and amendment is not without limit. The alterations must be reasonable; they must be made in good faith, and be consistent with the scope and object of the act of incorporation. Sheer oppression and wrong can not be inflicted under the guise of amendment or alteration. Beyond the sphere of reserved powers, the vested rights of property of corporations, in such cases, are surrounded by the same sanctions and are as inviolable as in other cases. Two authoritative adjudications throw a strong light from opposite directions upon this subject. We cite them only for the purpose of illustration. In Miller *v.* Railroad Company (21 Barb., 513), the legislature under the reserved power of alteration, required the company, which had been previously incorporated, to construct a highway across their road. The work was expensive and of no benefit to the company. The act imposing the burden was held to be void.

"In Worcester *v.* Railroad Company (109 U. S., 103), the legislature had passed an act requiring the railroad companies therein named to unite in a passenger station in the city of Worcester (the place to be fixed as provided), to extend their tracks in the city to the union station, and, after the extension, to discontinue parts of their existing locations. The act was held to be constitutional and valid, being a reasonable exercise of the right reserved to the legislature to amend, alter, or repeal the charters of those companies." (See also Com. *v.* Essex Co., 13 Gray, 239, and Crease *v.* Babcock, 23 Pick., 334.)

The law proposed to be enacted does not on its face purport to deprive street railroad companies of their property, tangible or intangible, within or beyond their charters.

In Maine Central Railroad Company *v.* Maine (96 U. S., 499) Mr. Justice Field said:

"By the reservation in the law of 1831, which is to be considered as if embodied in that act, the State retained the power to alter it in all particulars constituting the grant to the new company, formed under it, of corporate rights, privileges, and immunities. The existence of the corporation and its franchises and immunities, derived directly from the State, were thus kept under its control. Rights and interests acquired by the company, not constituting a part of the contract of incorporation, stand upon a different footing."

In Miller *v.* New York State (82 U. S., 478) Mr. Justice Clifford said:

"The reserved power may be exercised, and to almost any extent, to carry into effect the original purposes of the grant or to secure the due administration of its affairs so as to protect the rights of the stockholders and of creditors, and for the proper disposition of the assets."

In Tomlinson *v.* Jessup (82 U. S., 454) Mr. Justice Field said:

"The reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State. Rights acquired by third parties, and which have become vested under the charter, in the legitimate exercise of its powers, stand upon a different footing; but of such rights it is unnecessary to speak here. The State only asserts in the present case the power under the reservation to modify its own contract with the corporators; it does not contend for a power to revoke the contracts of the corporation with other parties, or to impair any vested right thereby acquired."

Mr. Justice Brewer, in Bienville Water Supply Company *v.* Mobile (186 U. S., 212), said:

"All agree that it can not be used to take away property already acquired under the operation of the charter, or to deprive the corporation of the fruits actually reduced to possession of contracts lawfully made. Nothing of this nature was, however, attempted by this legislation. The plaintiff was left in undisturbed possession of its tangible property. So we need not stop to consider what protection could be afforded if the attempt had been made to take away its property."

The proposed act applies to all passengers, and does not therefore constitute a discrimination in favor of a special class constituting a small number of the whole community, which was the fact in Lake Shore and Michigan Southern Railway Company *v.* Smith (173 U. S., 684).

In Elliott on Railroads, second edition, section 1602 (vol. 4, p. 447), it is said:

"A regulation requiring a transfer check where the fare is paid upon one line and a transfer is permitted to another line for the one fare is reasonable and valid in the absence of any charter or statutory provision to the contrary, and the company is not liable for the ejection of a traveler who has entered a car on the second line, at a point or a time different from the reasonable time and place specified in his transfer check, and refuses to pay his fare." Citing Percy *v.* Metropolitan Railroad Company (58 Mo. App., 75); also Heffron *v.* Detroit City Railroad Company (92 Mich., 406; 52 N. W., 802; 16 L. R. A., 345; 31 Am. St., 601).

Application of the principles set forth in the cases cited, and in cases not cited, to the proposed legislation indicates to my mind that contract rights are not impaired thereby, and that the real question as to the validity of the legislation turns upon whether there is a taking of property without just compensation or without due process of law.

There must be evidence that fares will be reduced to a confiscatory amount or to an amount which would render it unprofitable to operate the road. Thus the constitution of the State of Texas provided that: "No irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the legislature or created under its authority shall be subject to the control thereof."

After the adoption of this constitution the city extended the charter rights of two street railway companies and provided that they should charge 5-cent fare for one continuous ride over any one of their lines, with one transfer to or from either line to the other. Later the city passed an ordinance which provided that street railway companies should issue half-fare tickets to school children. It was held that no contract existed with respect to which it could be asserted that this legislation impaired its obligation, and that as there was no allegation that the fares had been reduced to a confiscatory amount or to an amount which would render it unprofitable to operate the road, and no evidence that the reduction of the school tickets in question would seriously impair its revenues or leave the company an insufficient income to pay for repairs or a fair income on its investment, the provision in favor of school children mentioned was valid. (San Antonio Traction Company *v.* Altgelt, 200 U. S., 304.)

It may be noted, although not expressly in point, that the Supreme Court decided November 4, 1907, that a street railway company whose charter subjects it to "all the duties, liabilities, and restrictions set forth in all general laws now or hereafter in force relating to street railway companies," is bound by the requirements of a statute previously enacted that street railway companies shall transport school children at a reduced rate, although such statute may be unconstitutional as to already existing corporations. Mr. Justice Holmes, speaking for himself, declared the act to be constitutional on the theory that such an act is a valid exercise by a State of its police power, education being one of the purposes for which this power may be exercised. Justice Harlan concurred in the affirmance of the decision of the lower court on the ground that the act in question did not deny to the railway company equal protection of the laws, nor did it deprive it of its property without due process of law. (Interstate Consolidated Street Railway Company *v.* Massachusetts, Advance Sheets No. 2, p. 26.)

In rate cases the Supreme Court originally held that the legislature had power to fix rates, and that the courts had no power to pass upon the reasonableness of such rates. Later cases qualify this doctrine by declaring that statutes fixing rates amounting to confiscation are void. The rule now may be fairly stated to be that the State has the power to regulate rates, but that such regulation must not operate to deprive anyone of a fair and reasonable return upon the money invested in such enterprise. If the State does enact statutes which operate to deprive anyone of a fair and reasonable return upon the capital invested in such enterprise, then recourse may be had to the courts to determine the reasonableness of such rates, and if they are found to be unreasonable their enforcement may be enjoined. The ultimate decision, therefore, must in all cases rest upon the result of judicial review. Many cases might be cited, but it is deemed sufficient to refer to Stanislaus County *v.* San Joaquin (C. & I. Co., 192 U. S., 201), where Mr. Justice Peckham said:

"It is not confiscation nor a taking of property without due process of law, nor a denial of the equal protection of the laws, to fix water rates so as to give an income of 6 per cent upon the then value of the property actually used, for the purpose of supplying water as provided by law, even though the company had prior thereto been allowed to fix rates that would secure to it 1½ per cent a month income upon the capital actually invested in the undertaking. If not hampered by an unalterable contract, providing that a certain compensation should always be received, we think that a law which reduces the compensation heretofore allowed to 6 per cent upon the present value of the property used for the public is not unconstitutional. There is nothing in the nature of confiscation about it."

It may be that the street railway companies involved must accept or reject the proposed legislation entirely; and that, if they do not, the extension of their lines, as provided in the act, may operate as an acceptance of the universal-transfer provision and prevent valid objection on their part thereto.

As before pointed out, there is no unjust discrimination in the proposed legislation such as existed in the case cited to sustain this proposition. Is it not likely, however, that the free-transfer provision will inure to the benefit of the companies by increasing the number of passengers carried, and hence afford them a larger income than they now enjoy?

Mr. Justice Brewer said, in Chicago Railway Company *v.* Wellman (143 U. S., 343): "May it not be possible—indeed, does not all experience suggest the probability—that a reduction of rates will increase the amount of business, and, therefore, of earnings?"

Is not the power which it is proposed to exercise in promotion of the interest of the public and for the convenience of the public, and therefore within the reserved power of alteration, amendment, and repeal as indicated by our court of appeals in the case cited?

It may be wise to provide for intercorporate adjustment between railway companies of railroad fares by agreement between the companies in respect to the carriage of passengers on universal transfers, and, in event of disagreement, for adjudication of the question involved by the supreme court of the District of Columbia, as has been done in previous legislation affecting street railway companies.

Of course, if Congress has information that the rate prescribed is confiscatory or would destroy the franchises or property of street railway companies the legislation could not be legally justified. On the other hand, can it be foretold that the legislation is destructive or confiscatory until after the operation of the universal-transfer system for a reasonable time?

In conclusion, my opinion is that the legislation is valid on its face, but is subject to judicial review.

Respectfully submitted.

EDWARD H. THOMAS,
Corporation Counsel.

Mr. SMITH of Michigan. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has seven minutes remaining.

Mr. SIMS. Mr. Speaker, I want to be notified when I have used fifteen minutes.

Mr. Speaker, in considering and acting on the matters in conference there is much of an embarrassing nature. If there is a more embarrassing service in this House than the service on the District Committee I do not know what it is, and especially when we come to deal with the public-service franchise corporations. The people of this District who are well to do, many of them, are owners of stocks in these corporations. We meet them everywhere. They are nice people. There is no reflection to be made upon them, but they have an interest to serve. We as conferees have nothing but a public interest, or ought not to have anything but a public interest, in the legislation proposed. Everywhere we go we meet somebody who is ready to frown and say that you are holding the tracks away from the Union Station, and that you are discommoding the public, all of which is true. Why is it true? Because Congress heretofore has voted the right to these corporations to use and operate their cars on these streets without a cent of compensation; have given them monopolistic powers, franchises of great value; and my experience has been, so far as these street-car companies are concerned, that it has been absolutely impossible to legislate against them when they were not asking for legislation, and almost impossible when they are. For three months or more we have considered this bill, the House Committee and the House conferees, after a vote in the House that was unanimous. What are the differences? The chairman has explained. The material differences are two. The demand on the part of the House for free transfers for passengers. The other is, that the railway companies of the District of Columbia shall be subjected to a reasonable and just but mandatory control, lodged somewhere, in some commission capable of exercising it—the bill provides the Commissioners of the District of Columbia, because they are the local managing board, so to speak, of such matters in the District. They are, as it were, the mayor and the executive officers of the District.

But when these gentlemen, the officers of these companies, representing them, come before the committee they say that they have no objection to the present Commissioners. They are opposed to lodging power in the Commissioners that requires expert knowledge.

Then the proposition is made to let the Interstate Commerce Commission have these powers, which they are claiming to be altogether too great to be intrusted to the District Commissioners, who have control of everything else. We say we will give it to those who control 220,000 miles of steam railways; but even with this they do not want the language conferring this control used in the House bill. We insist on giving it to them. What is the idea of these street car companies? What is their idea of control? For fear I may make a mistake I will read what Colonel Hamilton, an able lawyer and excellent gentleman, who has lately been elected president of the Capital Traction Company, said when he came before the conference committee. He said:

So far as the control feature is concerned, we are decidedly opposed to it. We are not opposed to a fair and reasonable control by Congress.

* * * * * * *

That would be my view on the subject and is, I am sure, the view of the board that I have the honor to represent on the matter of control.

Congress controls—or the committees control, and that means control of Congress virtually by these gentlemen—not corruptly, not dishonestly, not improperly. Now they absolutely refuse to remove all trouble in the way of the conferees by coming up like patriots and saying, "We will give you a free transfer, and we do not object to control, because we do not expect to do anything wrong."

Who is Colonel Hamilton? He is the attorney of the Baltimore and Ohio Railway Company. He is the attorney of the Washington Terminal Company. He was lately made president of the Capital Traction Company in the place of the lamented Mr. Dunlop, a practical man. What does he know about operating street railroads? He may know all about it, but if he does it does not so appear. Why was he selected? The stockholders had a right to select whomsoever they chose. Why was Mr. Hamilton elected, Mr. Speaker, excepted to utilize such influ-

ence in legislation as a gentleman occupying the position he does would naturally have? Congressional control means committee control—that is exactly what it means—because this House does not have time to take up everything coming from the District Committee, and must accept virtually what the committee recommends. Now, how embarrassing it is when Congress or a committee of Congress, even the present committee of conference of both Houses, have to consider matters pertaining to the franchise corporations here, whose emoluments grow out of grants of legislation, to find high officials of this Government stockholders in these very corporations. It is very embarrassing. It is not unlawful for them to hold these stocks. It is not unlawful for a Member of the House or a member of the Senate to be a stockholder in these franchise corporations, but it is exceedingly embarrassing. One of these companies is but little short of a monopolistic trust. It combines in its ownership a number of street car companies, as well as the Electric Light and Power Company. The Electric Light and Power Company is furnishing $142,000 per annum worth of service to the Government of the United States and the District by way of public lighting. Each of these street railways performs service for the Government of the United States and District of Columbia.

What do I find in reading over this list of stockholders here? In the Capital Traction Company one Senator is reported as the owner of a large number of shares. These are reports made to Congress. I am telling no secrets and disclosing nothing that you do not or can not know. I have got nothing to say about him except to commend him for having the courage to have the stock in his own name. What else? Why, last fall the papers were full of the story that another gentleman in high official station, who must necessarily have great influence in legislation, had become a large stockholder in the Washington Electric Railway Company, which company also owns the Electric Light and Power Company. Who is he? William Loeb, jr., of New York. Who is William Loeb, and what are his qualifications for the office of director? The newspapers show that he was elected a director of this company, and the newspapers further say that he is to be president of the company. The report, which is sworn to, shows that he owns 4,700 shares of the stock of the Washington Electric Railway Company, which owns the Electric Light and Power Company that sells its service to the Government of the United States, as I have stated, to the amount of about $142,000 per annum for public lighting.

Mr. GAINES of Tennessee. Will my colleague yield? Does this Senator to whom he has referred object to regulation by the Commission?

Mr. SIMS. I do not know that he does.

Mr. GAINES of Tennessee. I think Congress ought to say a word to him.

Mr. SIMS. I had just as soon that the Senator now owning the stock should continue to own it as for any other Senator to own it. But I wish to read the biography of William Loeb, jr., as found in the Congressional Directory:

William Loeb, jr., of Albany, N. Y., secretary to the President (1454 Rhode Island avenue), was born in the city of Albany, N. Y., October 9, 1866; had common and high school education; in 1888 was stenographer of the New York State assembly; afterwards was law and general reporter and acted as private secretary to various public officials, among them the president pro tempore of New York State senate, speaker of the assembly, and lieutenant-governor; in 1894, constitutional convention; in 1895, grand jury and district attorney's stenographer of Albany County; January 1, 1895, stenographer and private secretary to the governor of New York; March 4, 1901, appointed secretary to the Vice-President of the United States; September 25, 1901, appointed assistant secretary to the President; February 18, 1903, appointed secretary to the President.

His whole qualifications are those of a stenographer. These fit him for the duties of a private secretary. But why should he be made a director and mentioned for the presidency of a corporation that in part sells its services to the Government of the United States and is regulated alone by the laws of Congress? Is it not embarrassing? It is not unlawful to own these shares of stock; but suppose the private secretary of the Speaker of the House should own such stocks, or suppose our own private secretaries owned stock? Why not? If it is right for one member of a legislative body to hold stock in a public-service corporation, it is right for all.

Are we going to stand here and let two grasping, greedy corporations, while nominally independent, but really working together, say "We defy you?" They have repealable charters. I say to them, "We will repeal your charters, and we will charter a new company, and that new charter will have restrictions in it, and one of them will be that no officer of the Government of the United States will be a stockholder or a director in such company." If it is right for one Member of Congress to own stock, it is right for all. If it is right for the Secretary to the President of the United States, on the pay roll of the Government of the United States, to be a director in a public-service corporation which is selling part of its service to the Government, it is right for every secretary of every Cabinet officer to do the same.

I am not making a personal attack upon these gentlemen. God knows I do not want to; but a sense of duty compels me to tell the truth. This matter stands too high for personal friendship or personal like or dislike to stand in the way.

Now, Mr. Speaker, as a conferee I do not need any instruction. I will stand for these provisions. A few mornings ago I saw a woman on a street car, with a strap in one hand and a child in the other, who could not get a seat. Yet these corporations, which perpetrate such outrages, are maintained, paid, and sustained by the powers given by this Congress. I want to look the Member of this House in the face who will vote to send the street-car tracks down to that station without these provisions, with the absolute knowledge beforehand that it means we will never touch them again, so far as service regulation is concerned or so far as a reduction of fares is concerned. You do not have to instruct me. I am going to stand out for these provisions until this Congress ends, if the Union Station goes down with it. [Applause.]

Mr. Speaker, I yield the rest of my time to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. The Capital Traction Company earns $1,500 per annum on every car it operates. Its earnings are increasing every day. The ever-increasing population of the District adds new value to the property. This company is capitalized for $660,000 per mile, and pays dividends on it. No one will claim that it costs anything like this to build and equip the road. Ninety thousand dollars a single-track mile is all that can be honestly spent for that purpose. So that if we allow $180,000 per double-track mile as the cost it will be seen that the company is capitalized for nearly four times the cost. This looks like watering stock. What has Congress done to prevent it? Nothing.

The Washington Electric Railway Company owns 149 miles of single track, about 90 miles of which is overhead trolley, costing not to exceed $30,000 per mile to build and equip; about 60 miles is underground, costing not to exceed $90,000 per mile to build and equip. This company is capitalized and bonded for $33,000,000, and earns dividends and pays interest on it. Will anyone contend that this company is being unjustly treated? Will anyone deny that several barrels of water have been pumped into the capital of this company? What are we going to do about it? What can we do about it? We seem to be powerless. The railroad companies seem to have more power to legislate on the transportation question than Congress has.

Legislation is pending to provide for transportation facilities to the Union Passenger Station. This legislation was passed by the House with a provision for universal free transfers, and one authorizing the District Commissioners to supervise and regulate the operation of the cars. The companies object to these conditions. They are the first Congress has attempted to impose. Arguments are made to the effect that railroad facilities to and from the Union Station are of paramount importance and that all conditions should be set aside to that end.

It is desirable that street car facilities be afforded those wishing o reach the Union Station, but it is vastly more important hat the rights of the people be conserved. Better never allow lines built or cars operated to the Union Station than that they should be built and operated on terms dictated by the street car companies. The question is, Shall the Congress of the United States or the traction companies write the laws under which the traction companies are given the right to operate? [Applause.]

Shall we fix the terms on which the railroad companies can operate, or shall the railroad companies be allowed to tell the Congress the kind of laws they will accept? This is a question of vital importance to the people of America. We should name conditions just alike to the companies and the people, and if the present companies are unwilling to accept such terms, the privilege of operating cars in the District should be given to others.

We grant the street car companies the privileges which they enjoy; we give them the opportunity of earning large dividends on fabulous capitalization; we supply part of their capital by giving the use of the streets; we give them these rights, and they want them without conditions. Are the people to receive no consideration at the hands of these companies? Are we to sit here and be dictated to, or will we refuse to act unless the companies are willing to accept the privileges on equitable terms? Shall they be granted the privilege of operating cars in the District of Columbia without conditions, or shall we de-

mand such conditions as the importance of the concessions warrant us in demanding on behalf of the people? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Michigan. I will yield to the gentleman from Illinois two minutes more.

Mr. MADDEN. Now, Mr. Speaker, my thought is that the most important question before the House to-day is not Shall the street railroad companies be unconditionally permitted to extend their tracks to the Union Station, but Shall the Congress of the United States make conditions upon which they will allow the street railway companies to operate the street railways within the District of Columbia? The most important question before the House to-day is not Shall the House agree to the method of reaching the Union Station as proposed by the Senate or as proposed by the House, but Shall the Congress name the terms to be imposed on the street railway companies as a condition precedent for being permitted to operate street cars on any street in the District of Columbia?

The question is, Have the people in the District of Columbia the right to be represented on this floor by Members of Congress, and if they have that right, will we protect them in the exercise of the right by insisting upon the imposition of such conditions as will compel the street car companies to operate their cars on the streets of the District of Columbia on such terms as will enable every man, woman, and child, whether he be permanently a resident of the District or only temporarily such, to feel that their interests are certain to be properly safeguarded by their representatives in this body? The question before us is, Shall we insist upon the instruction which we gave to the committee on conference to maintain the position heretofore taken by the House of Representatives, namely, that universal transfers shall be given and that the Commissioners of the District shall be empowered to regulate the street car service? By all means we should never yield. [Applause.]

Mr. SMITH of Michigan. I now yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, if I understand this situation, the differences between the two Houses upon which the legislation is hanging are threefold. Neglecting the third difference, which is relatively unimportant; the House insists upon universal transfers and the Senate refuses them. Secondly, the House also insists upon giving to some public utilities commission—the particular proposition is to the District Commissioners—the powers of commissioners to secure efficient service, equal treatment, and so forth. As far as I am concerned, speaking as a Member of the House, I would rather stay here until July than to let the Senate, if it is determined upon it—I hope it is not so much determined upon it as not to withdraw after a while—win out in this particular fight. [Applause.] The question of free transfers is very important, but the most important question is to give to some commission, whether the existing District Commission or a board or commission created for that special purpose by compromise in conference, the power to supervise these utilities and to see that the service rendered by them is efficient and that the management of them is honest.

Now, I think that the people of the District of Columbia—those of them who are wise and patriotic, at any rate—will be willing "to walk a while" from C street to the railway station rather than to forego either one of these two ends, but especially rather than to surrender the latter one of the two. Mr. Speaker, I think the House conferees might very well agree to give up so much of their proposition as involves the idea that the commission shall be constituted of the present District Commissioners. They could agree to a specially created public-utilities commission. I do not think they ought to give up, however, to another compromise idea that I understand has been proffered, which is to confer this duty upon the Interstate Commerce Commission. The Interstate Commerce Commission is not adapted for it. It has too much to do already. But we ought to insist that a commission of some sort competent for this purpose should be clothed with the power and duties set forth in the House amendment. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. SMITH of Michigan. Mr. Speaker, I yield one minute to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, I am not surprised that the street railroads of the District of Columbia object to the provision which puts the supervisory control of the street railroads in the District Commissioners. That board is not permanent or continuing in its personnel. Its membership shifts frequently; it is absorbed in administrative work in a large degree; it does not and can not have expert knowledge of transportation matters; it is in a sense a political body, and I do not think the control of the street railways should be placed in the District Commissioners. I believe that supervisory control ought to be put under the Interstate Commerce Commission, a permanent board engaged in the control of transportation companies, a board that is supposed to have expert knowledge, and I believe the result will be infinitely better all the way around. I expect to vote for the motion, however, to adhere to the House propositions.

Mr. SMITH of Michigan. Mr. Speaker, in the moment I have remaining I want to say to the House that our difficulty as conferees is this: We talk with a portion of the Members of the House, and they say do not yield on the proposition of the tracks. Another portion say do not yield on transfers, and another portion of the House say never yield on the third proposition. Now, I regret, as one of the conferees, that we could not have an hour or two in which the Members of the House could express their views so that we might be able to arrive at some idea of what the House would like to have us do.

Mr. OLLIE M. JAMES. In regard to the provision applying to universal transfers I understand one portion of the House wants you to stand for it.

Mr. SMITH of Michigan. Yes.

Mr. OLLIE M. JAMES. But you can not say what the House wants you to stand for——

Mr. SMITH of Michigan. No; I can not say——

Mr. MADDEN. Then would the gentleman be willing to take the consensus of opinion relating to it by a vote of the House?

Mr. SMITH of Michigan. I would be very glad to have such an expression of opinion.

Mr. MADDEN. Then will not the gentleman modify his motion so as to give an opportunity to instruct the conferees?

Mr. SMITH of Michigan. I want to say to the gentleman that after conferring among ourselves and with Members of the House it was not thought wise for us to ask for a motion of that kind at this time.

The SPEAKER. The time of the gentleman has expired. The question is on suspending the rules——

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. MADDEN. Mr. Speaker, before that question is put to the House I would like to make a parliamentary inquiry. The motion made by the gentleman representing the conferees of the House provides that the conference committee shall insist and ask for a conference and that conferees may be appointed without intervening motion. I wish to ask whether, in view of that situation, the motion now to instruct the conferees would be in order.

The SPEAKER. It would not be in order.

Mr. MADDEN. Would it be in order by unanimous consent? If it were, I would like to ask unanimous consent to make the motion to instruct the conferees when the time comes.

The SPEAKER. If this motion is agreed to, it disposes of it. It suspends the rules and disposes of the proposition before the House.

Mr. MADDEN. Would it be in order, then, Mr. Speaker, to ask the gentleman representing the conferees, who made this motion, to withdraw that part of the motion which prevents the making of another motion to instruct the conferees upon the question?

The SPEAKER. A second has been ordered. What is the gentleman's request?

Mr. MADDEN. My request is for unanimous consent to be permitted to make a motion to instruct the conferees on the bill now before the House to insist upon the position which the House has already taken.

The SPEAKER. That motion can be put later, but the matter pending, and debate having been exhausted upon the motion to suspend the rules, it occurs to the Chair that that motion had better be disposed of.

Mr. MADDEN. Very well.

The SPEAKER. Unanimous consent can take care of itself after the motion is disposed of.

Mr. CRUMPACKER. I suggest that a vote on this motion is substantially an instruction. If the motion prevails, it is equivalent to an instruction to insist upon the House proposition.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Michigan to suspend the rules, insist on the House amendment to the Senate bill, ask a conference with the Senate, and direct the Speaker to appoint the managers without intervening motion.

The question was taken, and there were—yeas 218, nay 1, answered "present" 10, not voting 158, as follows:

YEAS—218.

Adair	Cushman	Helm	Needham
Adamson	Dalzell	Henry, Tex.	Nelson
Aiken	Davis, Minn.	Higgins	Nicholls
Alexander, Mo.	De Armond	Hinshaw	Norris
Alexander, N. Y.	Denby	Holliday	Nye
Ames	Denver	Houston	O'Connell
Ansberry	Diekema	Howell, N. J.	Parker, S. Dak.
Anthony	Dixon	Howland	Parsons
Bannon	Douglas	Hubbard, W. Va.	Patterson
Barchfeld	Draper	Huff	Payne
Barclay	Dwight	Hull, Tenn.	Pollard
Bartholdt	Ellis, Mo.	Humphrey, Wash.	Pray
Bartlett, Ga.	Ellis, Oreg.	Humphreys, Miss.	Rainey
Bartlett, Nev.	Englebright	James, Ollie M.	Rauch
Bates	Esch	Jenkins	Reeder
Beale, Pa.	Fassett	Johnson, Ky.	Richardson
Beall, Tex.	Flood	Johnson, S. C.	Rothermel
Bede	Floyd	Jones, Wash.	Russell, Mo.
Bell, Ga.	Focht	Keifer	Russell, Tex.
Bennet, N. Y.	Fornes	Kennedy, Iowa	Ryan
Bingham	Foss	Kennedy, Ohio	Sabath
Birdsall	Foster, Ill.	Kinkaid	Scott
Bonynge	Foster, Ind.	Kipp	Shackleford
Booher	French	Kitchin, Claude	Sherley
Bowers	Fuller	Knopf	Sherwood
Boyd	Gaines, Tenn.	Knowland	Sims
Brantley	Gaines, W. Va.	Küstermann	Slemp
Brodhead	Gardner, Mich.	Lafean	Small
Brownlow	Garner	Lamar, Mo.	Smith, Cal.
Brumm	Garrett	Laning	Smith, Mich.
Brundidge	Gilhams	Lawrence	Smith, Mo.
Burgess	Gill	Leake	Smith, Tex.
Burleigh	Gillett	Lenahan	Southwick
Burleson	Godwin	Lever	Spight
Burton, Del.	Goebel	Lindbergh	Stafford
Butler	Gordon	Lloyd	Steenerson
Byrd	Graff	Loudenslager	Stephens, Tex.
Calder	Graham	Lowden	Sterling
Campbell	Granger	McDermott	Thistlewood
Candler	Greene	McGavin	Thomas, N. C.
Capron	Gregg	McKinley, Ill.	Thomas, Ohio
Carlin	Griggs	McLachlan, Cal.	Tou Velle
Chaney	Hackney	McLain	Townsend
Chapman	Hale	McLaughlin, Mich.	Underwood
Clark, Mo.	Hamilton, Iowa	Macon	Volstead
Clayton	Hamilton, Mich.	Madden	Wanger
Cole	Hammond	Madison	Watson
Conner	Harding	Mann	Wheeler
Cook, Colo.	Hardwick	Maynard	Williams
Cooper, Pa.	Harrison	Miller	Wilson, Pa.
Cooper, Tex.	Haskins	Moore, Tex.	Wood
Cooper, Wis.	Haugen	Morse	Woodyard
Cousins	Hawley	Mouser	Young
Cox, Ind.	Hay	Murdock	
Crumpacker	Heflin	Murphy	

NAY—1.

Sulzer

ANSWERED "PRESENT"—10.

Ashbrook	Foster, Vt.	Lamb	Roberts
Ellerbe	Gardner, N. J.	Longworth	
Finley	Hardy	Padgett	

NOT VOTING—158.

Acheson	Foulkrod	Lee	Ransdell, La.
Allen	Fowler	Legare	Reid
Andrus	Fulton	Lewis	Reynolds
Bennett, Ky.	Gardner, Mass.	Lilley	Rhinock
Boutell	Gillespie	Lindsay	Riordan
Bradley	Glass	Littlefield	Robinson
Broussard	Goldfogle	Livingston	Rodenberg
Burke	Goulden	Lorimer	Rucker
Burnett	Gronna	Loud	Saunders
Burton, Ohio	Hackett	Lovering	Sheppard
Calderhead	Haggott	McCall	Sherman
Caldwell	Hall	McCreary	Slayden
Carter	Hamill	McGuire	Smith, Iowa
Cary	Hamlin	McHenry	Snapp
Caulfield	Hayes	McKinlay, Cal.	Sparkman
Clark, Fla.	Henry, Conn.	McKinney	Sperry
Cockran	Hepburn	McMillan	Stanley
Cocks, N. Y.	Hill, Conn.	McMorran	Stevens, Minn.
Cook, Pa.	Hill, Miss.	Malby	Sturgiss
Coudrey	Hitchcock	Marshall	Sulloway
Craig	Hobson	Mondell	Talbott
Cravens	Howard	Moon, Pa.	Tawney
Crawford	Howell, Utah	Moon, Tenn.	Taylor, Ala.
Currier	Hubbard, Iowa	Moore, Pa.	Taylor, Ohio
Darragh	Hughes, N. J.	Mudd	Tirrell
Davenport	Hughes, W. Va.	Olcott	Vreeland
Davey, La.	Hull, Iowa	Olmsted	Waldo
Davidson	Jackson	Overstreet	Wallace
Dawes	James, Addison D.	Page	Washburn
Dawson	Jones, Va.	Parker, N. J.	Watkins
Driscoll	Kahn	Pearre	Webb
Dunwell	Keliher	Perkins	Weeks
Durey	Kimball	Peters	Weems
Edwards, Ga.	Kitchin, Wm. W.	Porter	Weisse
Edwards, Ky.	Knapp	Pou	Wiley
Fairchild	Lamar, Fla.	Powers	Willett
Favrot	Landis	Pratt	Wilson, Ill.
Ferris	Langley	Prince	Wolf
Fitzgerald	Lassiter	Pujo	
Fordney	Law	Randell, Tex.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. LONGWORTH with Mr. COCKRAN.

Mr. FOWLER with Mr. GILLESPIE.

Mr. BEDE with Mr. MOON of Tennessee.

Until further notice:

Mr. TAWNEY with Mr. SHEPPARD.

Mr. STEVENS of Minnesota with Mr. PAGE.

Mr. SMITH of Iowa with Mr. REID.

Mr. MCKINNEY with Mr. ROBINSON.

Mr. FORDNEY with Mr. BOWERS.

Mr. DAWSON with Mr. FERRIS.

The result of the vote was announced as above recorded.

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADDEN] rise?

Mr. MADDEN. For the purpose of ascertaining whether or not it is now in order to move a resolution of instructions to the conferees on the bill S. 902, or, in lieu of the right to move such a resolution, ask unanimous consent for the purpose of introducing such a resolution?

The SPEAKER. The House has just insisted on its agreement to the Senate amendment, and the Chair announces the following conferees under the order: Mr. SMITH of Michigan, Mr. CAMPBELL, and Mr. SIMS.

Now, the gentleman asks if it will be in order to move to instruct the House conferees. It would not be in order except by unanimous consent.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that I may be allowed to introduce the following resolution of instruction.

The SPEAKER. Is there objection?

Mr. BATES. Mr. Speaker, I object.

Mr. MADDEN. I would like the resolution read for information. I hope the gentleman will withhold his objection until the resolution is read.

The SPEAKER. But the gentleman from Pennsylvania [Mr. BATES] objects.

Mr. MADDEN. I hope the gentleman will not object until after we have heard the resolution.

Mr. WILLIAMS. Reserve the objection.

The SPEAKER. The Chair has no option if the gentleman from Pennsylvania does not reserve his objection.

Mr. BATES. I reserve the objection in order to listen to the resolution of instruction.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the House conferees be, and they are hereby, instructed to insist on the universal-transfer provision in the bill S. 902, and on the provision empowering the Commissioners of the District of Columbia to supervise and regulate the method of running the cars, or for the appointment of a special commission with authority to regulate said cars.

The SPEAKER. Is there objection?

Mr. BATES. I object, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania objects. The gentleman from Michigan [Mr. YOUNG] is recognized.

MEDICAL CORPS OF THE ARMY.

Mr. YOUNG. Mr. Speaker, I move to suspend the rules and adopt the conference report upon the bill S. 1424, the bill to increase the efficiency of the medical corps of the Army.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and agree to the conference report on the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

Mr. HAY. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman demands a second. A second is ordered under the rules. The gentleman from Michigan [Mr. YOUNG] is entitled to twenty minutes and the gentleman from Virginia [Mr. HAY] to twenty minutes.

Mr. YOUNG. Mr. Speaker, I ask that the statement attached to the conference report may be read.

The SPEAKER. Without objection, it will be read.

Mr. WILLIAMS. Mr. Speaker, before that request is put to the House, I would like to ask if the conference report is there?

Mr. YOUNG. It is.

Mr. WILLIAMS. So you ask consent to read the statement in lieu of the conference report?

Mr. YOUNG. I am not. I am asking consent to read the statement in my time.

Mr. WILLIAMS. To that I have no objection.

The SPEAKER. The conference report or the statement should have been read before the second was ordered. Without objection, the conference report or the statement, one or both, will be read. [After a pause.] The Chair hears no objection.

The conference report and statement were read, as follows:

CONFERENCE REPORT.

[To accompany S. 1424.]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 4, 5, and 7; and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert "and five;" and the House agree to the same.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "twenty-nine" and insert in lieu thereof "twenty-seven;" and the House agree to the same.

H. O. YOUNG,
ADIN B. CAPRON,
JAMES L. SLAYDEN,
Managers on the part of the House.

F. E. WARREN,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 1424) "To increase the efficiency of the Medical Department of the United States Army," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the House, namely:

Amendment No. 1 proposes to make the number of colonels in the Medical Department 14 instead of 16, as proposed by the Senate; and the Senate recedes.

Amendment No. 2 proposes to make the number of lieutenant-colonels 20 instead of 24, as proposed by the Senate; and the House recedes.

Amendment No. 3 proposes to make the number of majors 100 instead of 110, as proposed by the Senate; and the Senate recedes with an amendment, making the number 105.

Amendment No. 4 provides that only officers below the rank of lieutenant-colonel must pass an examination for promotion; and the Senate recedes.

Amendment No. 5 makes that portion of the bill agree with the portion amended by amendment No. 4; and the Senate recedes.

Amendment No. 6 provides that any contract surgeon not over 29 years old at date of his appointment as such shall be eligible to appointment in the regular corps; and the Senate recedes with an amendment, making the age 27 instead of 29.

Amendment No. 7 provides that any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as provided in the bill, and who shall be unwilling and refuse to accept such service shall forfeit his commission; and the Senate recedes.

Mr. YOUNG. Mr. Speaker, it will be seen that this conference report makes very little change practically in the bill as it passed the House. I reserve the balance of my time.

Mr. HAY. Mr. Speaker, I am in favor of the passage of the bill, and if any gentleman on this side is opposed to it and wants any time, I will be glad to yield it to him. Otherwise I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, as it seems the bill will probably pass unanimously, I will not occupy the entire five minutes in discussing the question, but I want to say that I consider this one of the most important bills that ever came before this House. If there is one thing that was absolutely demonstrated in the Spanish war it was that our Medical Corps was not properly organized, that the great number of men that we lost in that war were lost from sickness and not from bullets. We lost them because we did not have the proper organization to meet the emergency when the war took place. This is a delayed bill, coming ten years after the Spanish war, attempting to perfect an organization of the Medical Corps of the Army that will meet those defects that we suffered from during that time, and for that reason I am most heartily in favor of the passage of the bill.

Mr. HAY. Mr. Speaker, I do not desire to use any more time.

The question was taken, and the motion was agreed to.

DRAINAGE OF SWAMP LANDS IN MINNESOTA.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 19541, with the amendments recommended by the Committee on Public Lands.

The SPEAKER. The gentleman from Minnesota moves to discharge the committee. Which bill does the gentleman desire to pass? Is it the bill with amendments or the bill pending before the Committee of the Whole House on the state of the Union?

Mr. VOLSTEAD. I move to discharge the committee from the further consideration of the bill and consider it in the House, and pass it with the amendments recommended by the committee and an amendment I will send to the Speaker's desk, which I am authorized to offer.

The SPEAKER. Are they committee amendments?

Mr. VOLSTEAD. They are committee amendments.

The SPEAKER. Reported by the committee?

Mr. VOLSTEAD. Reported by the Committee on Public Lands.

The SPEAKER. The gentleman from Minnesota moves to discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill and pass the same with committee amendments and with an amendment the gentleman sends up in addition. Is that correct?

Mr. VOLSTEAD. With an amendment I am authorized by the committee to offer.

The SPEAKER. Is it reported as a committee amendment?

Mr. VOLSTEAD. Yes.

The SPEAKER. Then the motion is to suspend the rules and pass the bill with the committee amendments and an additional amendment. The Clerk will report the bill with the committee amendments and the additional amendment.

The bill was read, as follows:

A bill (H. R. 19541) to authorize the drainage of certain lands in the State of Minnesota.

Be it enacted, etc., That all lands in the State of Minnesota, when subject to entry, and all entered lands for which no final certificates have issued, are hereby made and declared to be subject to all of the provisions of the laws of said State relating to the drainage of swamp or overflowed lands for agricultural purposes to the same extent and in the same manner in which lands of a like character held in private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entries made under the public-land laws of the United States are accorded all the rights, privileges, and benefits given by said laws to persons holding lands of a like character in private ownership.

SEC. 2. That the cost of constructing canals, ditches, and other drainage works incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all lands covered by unpatented entries, and all unentered public lands affected by such project; and officially certified lists showing the amount of the charges assessed against each smallest legal subdivision of such lands shall be furnished to the register and receiver of the land district in which the lands affected are located as soon as said charges are assessed, but nothing in this act shall be construed as creating any obligation on the United States to pay any of said charges.

SEC. 3. That all charges legally assessed may be enforced against any unentered lands, or against any lands covered by an unpatented entry, by the sale of such lands subject to the same manner and under the same proceedings under which such charges would be enforced against lands held in private ownership.

SEC. 4. That when any unentered lands, or any lands covered by an unpatented entry, have been sold in the manner mentioned in this act, a statement of such sale showing the price at which each legal subdivision was sold shall be officially certified to the register and receiver immediately after the completion of such sale.

SEC. 5. That at any time after any sale of unentered lands has been made in the manner and for the purposes mentioned in this act patent shall issue to the purchaser thereof upon payment to the receiver of the minimum price of $1.25 per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws. But purchasers at a sale of unentered lands shall have the qualification of homestead entrymen, and not more than 160 acres of such lands shall be sold to any one purchaser under the provisions of this act. This limitation shall not apply to sales to the State, but shall apply to purchases from the State of unentered lands bid in for the State. Any part of the purchase money arising from the sale of any lands in the manner and for the purposes provided in this act which shall be in excess of the payments herein required and of the total drainage charges assessed against such lands shall also be paid to the receiver before patent is issued.

SEC. 6. That any unpatented lands sold in the manner and for the purposes mentioned in this act may be patented to the purchaser thereof at any time after the expiration of the period of redemption provided for in the drainage laws under which it may be sold (there having been no redemption) upon the payment to the receiver of the fees and commissions and the price mentioned in the preceding section, or so much thereof as has not already been paid by the entryman; and if the sum received at any such sale shall be in excess of the payments herein

required and of the drainage assessments and cost of the sale, such excess shall be paid to the proper county officer for the benefit of and payment to the entryman.

SEC. 7. That a copy of all notices required by the drainage laws mentioned in this act to be given to the owners or occupants of lands held in private ownership shall, as soon as such notices issue, be delivered to the register and receiver of the proper district land office in cases where unentered lands are affected thereby and to the entryman whose unpatented lands are included therein, and the United States and such entrymen shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership; and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second.

The SPEAKER. A second is ordered under the rule. The gentleman from Minnesota [Mr. VOLSTEAD] is entitled to twenty minutes, and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. VOLSTEAD. Mr. Speaker, this act is sought for the purpose of giving the State of Minnesota an opportunity to drain lands belonging to the Government in the northern part of the State. It is not intended to have the National Government advance any money or to do any of the work of drainage, but to give the State authority to treat this land the same as privately owned land situated in the State. If this bill passes, the State will have authority to go on this land, cut the ditches necessary for purposes of drainage, and then charge the expenses of that drainage up to the land. This does not take away any opportunity to enter any of the lands affected or to prevent settlement upon the lands, but will aid in settling and disposing of them.

In case a drainage proceeding is started, there will be at least two years after initiation of the proceedings before there would be any sale of unentered land. If in the meantime that land is entered, the entryman will have in addition a period of three years after sale within which to redeem. It is the intention to treat this land just the same as privately owned land, with this exception, that whatever the National Government has the right to receive for this land under the present law must first be paid. We do not take away from the National Government anything or ask the National Government to part with anything. We simply ask authority to drain these lands that we may make use of them, making the charge for drainage a claim upon them. At the present time they are incapable of being used because of their swampy condition.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question or two? First, whether this land is Government land or whether it is owned by Indian tribes?

Mr. VOLSTEAD. These lands are partly Indian lands and partly Government lands, but the Indian title has been ceded to the National Government, with the arrangement that they are to be sold at $1.25 an acre for the benefit of the Indians.

Mr. CRUMPACKER. The National Government holds the Indian title as trustee?

Mr. VOLSTEAD. Yes.

Mr. CRUMPACKER. Well, now, does the swamp-land act of 1852, or did it not apply to the State of Minnesota? I do not remember the public-land history of Minnesota.

Mr. VOLSTEAD. The swamp-land act applied except in this Indian reservation.

Mr. CRUMPACKER. These lands are all in an Indian reservation?

Mr. VOLSTEAD. This was in an Indian reservation; not all of it; there is some, a little, outside, but practically all of it is in the Indian reservation.

Mr. CRUMPACKER. I understand this bill simply subjects this land to the drainage laws of the State of Minnesota, in the same manner as lands of private owners are subject to the drainage laws, and before a patent shall issue from the Federal Government for the lands there must be at least $1.25 an acre and expense paid to the Federal Government?

Mr. VOLSTEAD. Yes; paid to the Federal Government. This will mean a good deal to the States, because there are in the vicinity 3,000,000 acres of land that is so swampy that it can not be used. There are about a million and a half acres that have not been entered at all, because nobody could make use of them for homes.

Mr. WILLIAMS. Mr. Speaker, if the gentleman will permit it, if I understand the bill correctly, it gives to the State of Minnesota the right to impose a tax or charge, as a lien, upon a part of the public domain?

Mr. VOLSTEAD. Yes.

Mr. BONYNGE. No.

Mr. VOLSTEAD. That is, it charges the expenses of the drainage.

Mr. WILLIAMS. And the State of Minnesota is to determine what those expenses are.

Mr. VOLSTEAD. They are to be determined just the same as they would be as to any other lands in a drainage proceeding.

Mr. WILLIAMS. I understand. The fact remains it is a charge levied by the State upon the land owned by the United States. I asked that because the gentleman a moment ago said he asked nothing from the Federal Treasury. I understand, of course, that that is in a sense taking nothing from the Federal Treasury, but if these lands were not subjected to that charge, and you asked merely that the State of Minnesota might use them or have an easement over them for digging its ditches and perfecting its drainage work, they would be very much increased in value and the money from the increased value would ultimately come to the Federal Government.

Mr. VOLSTEAD. Yes; but we felt that it would not be fair for the people, who are nearly all of them poor, to tax their privately owned lands that might lie between these Government lands, and in that way increase the value of the national lands that are now open to settlement at $1.25 an acre.

Mr. WILLIAMS. If these national lands that are open to settlement could be improved and made good by drainage, as much as the private lands interspersed among them, why could they not now be entered and brought by their owners into the drainage system?

Mr. VOLSTEAD. They can be entered under this law. That is, this law would not prevent them from being entered, even after the drainage project is started.

Mr. WILLIAMS. I understand, but if the interspersed privately owned lands are being improved, and could be improved and made tillable and valuable, that fact is known there; and why could not the people enter those lands and then go into these drainage associations. If profitable to present owners, why not profitable to enter lands in order to do so. I suppose you have territorial assessments for drainage purposes, do you not?

Mr. VOLSTEAD. Yes.

Mr. WILLIAMS. Similar to our levee districts. Why could not that be done? We have never asked that the levee districts should fix a charge upon the Federal lands.

Mr. VOLSTEAD. I suppose the gentleman has in mind that this might mean the taking of lands in large tracts. That is not possible. The land which is affected by this bill is public land. Some of it has been entered, while other portions are so poor that they can not be entered. For instance, in one place there are twenty townships that are practically all one large swamp. Now, there are a number of entrymen in there, but those entrymen have been unable to make any payments. They have been unable to make any improvements, and Congress has extended the time within which they are required to make payments to the Indians. Unless we have some relief of this kind it is absolutely impossible for people to maintain themselves in that section if conditions remain anything like what they have been during the last six or eight years.

Mr. WILLIAMS. One other question. Under the provisions of this bill, would or would not the State of Minnesota have a right, in case the charges fixed upon lands were not paid, to sell them in order to get the money?

Mr. VOLSTEAD. They would have the right to sell them, and they would be sold at public auction.

Mr. WILLIAMS. Yes. Now, that brings us to this, that we pass a bill which enables the State of Minnesota to sell at public auction lands which are a part of the public domain before they are subjected to private ownership.

Mr. VOLSTEAD. Oh, no.

Mr. WILLIAMS. Well, that is the question I asked you. Now, let me ask you again. Speaking of the lands that are a part of the public domain, is there any provision of this bill which permits them to be sold for the charges to be levied upon them under the bill by the State of Minnesota?

Mr. VOLSTEAD. Yes; but it is two years before there can be a sale after the drainage project is started. During that time there can be no question but that every foot of this land reclaimed by drainage will be taken.

Mr. WILLIAMS. Suppose a section of this land were not entered within that time and the title still remained in the United States, then could that land be sold under this bill?

Mr. VOLSTEAD. Yes; but in any event it must be sold to a person who has the qualifications of a homesteader, and not more than 160 acres can be sold to any one person.

Mr. HUMPHREYS of Mississippi. Is there a minimum price fixed?

Mr. VOLSTEAD. He must pay not less than $1.25 an acre, and the usual fees and commissions of homestead entrymen, in addition to the drainage charges.

Mr. SMALL. I desire to ask the gentleman a question.

Mr. VOLSTEAD. I will yield to the gentleman.

Mr. SMALL. I desire to ask if, under section 3, there is not a provision that the land may be sold, that the drainage charges assessed against it must be paid, and if that is not an answer to the question of the gentleman from Mississippi?

Mr. VOLSTEAD. Yes; and that is limited by the amendment that I have sent to the Speaker's desk, which has been read, The amendment limits the sale of unentered lands to persons qualified as homesteaders in tracts of not more than 160 acres.

Mr. WILLIAMS. Still, you can sell the public domain, provided you do not sell it in blocks exceeding 160 acres, and you sell it to a person qualified as a homesteader?

Mr. VOLSTEAD. Yes.

Mr. WILLIAMS. Under charges fixed by the State on Federal property.

Mr. HUMPHREYS of Mississippi. How are you to collect the charges except by a scale?

Mr. VOLSTEAD. We never could collect them if we could not do something of this kind. If you are willing to give us a chance to use these swamps, you must do it in some such way as this. If you want to preserve them for all time for the frogs, good and well; but it seems to me that here is an opportunity to furnish homes for 100,000 people. We are not asking near as much as the people that go upon the arid lands of the West. The National Government gives the work and advances the money to reclaim those lands. We do not ask that. We expect to go down into our own pockets to pay for it, and we will do it cheerfully if you will only give us the right.

Mr. JONES of Washington. May I ask the gentleman a question?

Mr. VOLSTEAD. Certainly.

Mr. JONES of Washington. As a matter of fact, if you put in this drainage system, you can not do it and reclaim the land without reclaiming the Federal land, so that there must be some provision to collect the charges.

Mr. VOLSTEAD. Certainly.

Mr. JONES of Washington. Now, you provide that these lands may be sold at public sale to people who have the qualifications of homesteaders. Are they required to settle on it?

Mr. VOLSTEAD. No. If no one sees fit to settle on it after it is actually reclaimed it is not worth considering. Now, this feature has the recommendation of the Department of the Interior. It was thought that if settlement was required the counties would not be able to secure reimbursement for their drainage expenditures.

Mr. JONES of Washington. If no person qualified as a homesteader bids for the land, the lands are not sold?

Mr. VOLSTEAD. No; they still remain with the charges for reclamation against them. The State has a right to sell at private sale, but they must sell to people qualified as homesteaders, and they must sell in not more than 160-acre lots.

Mr. JONES of Washington. So that the Government will get every dollar due it, and the lands will be reclaimed?

Mr. VOLSTEAD. Yes.

Mr. HUMPHREYS of Mississippi. Is that the fact? Where nobody bids, the State will make the sale; and is there a limit fixing the price so that the Government will get its $1.25?

Mr. VOLSTEAD. Yes; the provision is that no patent shall issue until that money has been paid—until the $1.25, or whatever the sum fixed, is paid. In some instances the price is as high as $4, because under the competitive system of bidding for certain lands the price was raised on some of this land to $4, and they would have to pay the $4 an acre, and in addition, pay the fees as the commissions.

Mr. HUMPHREYS of Mississippi. There is no chance for the Government to lose this land without the price?

Mr. VOLSTEAD. Not a chance at all.

Mr. GAINES of Tennessee. Suppose some of this land is ditched, and you sell it, and no private person buys it, then what becomes of the land?

Mr. WILLIAMS. The State has to buy it in.

Mr. VOLSTEAD. The charge remains against it, but the State would bid it in and would hold it subject to this provision that it must sell.

Mr. GAINES of Tennessee. With interest accumulating on it all the time.

Mr. VOLSTEAD. If it can not sell it at public sale, it probably could sell it for the full amount, but would have to discount and lose a part of the amount that it has advanced for the purpose of digging those ditches.

Mr. GAINES of Tennessee. How much is this land worth unditched?

Mr. VOLSTEAD. Absolutely worthless, most of it. So worthless that some of it has remained there for forty years unentered.

Mr. GAINES of Tennessee. Some people are living on this land?

Mr. VOLSTEAD. No and yes.

Mr. GAINES of Tennessee. Are there no people living near it?

Mr. VOLSTEAD. Near some of it. On much a person can not go on it and make a home.

Mr. GAINES of Tennessee. I understood somebody to say that there were intermediate owners.

Mr. VOLSTEAD. There are in some places.

Mr. GAINES of Tennessee. In some places, then, there are settlers on this land.

Mr. VOLSTEAD. On some of it. There are a million and a half acres at least that no settler has gone on, and it has been opened some of it for forty years and other parts for fifteen years.

Mr. GAINES of Tennessee. When they have the ditch as contemplated what will it be worth per acre?

Mr. VOLSTEAD. It will be worth what they make it. If it is completely drained it will in a few years be worth probably fifteen or twenty dollars per acre or even higher.

Mr. GAINES of Tennessee. The gentleman is conversant with this. In his judgment about how much value is added to this land by the ditching?

Mr. VOLSTEAD. I wish to reserve the balance of my time.

Mr. GAINES of Tennessee. I would like to get that question answered. How much does the ditching of the land add to its value?

Mr. VOLSTEAD. That depends entirely upon the circumstances.

Mr. REEDER. It is worth nothing before it is ditched.

Mr. CRUMPACKER. If this land had not been created into an Indian reservation prior to the admission of Minnesota into the Union, every acre of it would have gone to the State of Minnesota under the swamp-lands grant of 1852 anyway.

Mr. VOLSTEAD. Yes; we would have got it all.

Mr. CRUMPACKER. Got the fee simple title.

Mr. VOLSTEAD. Yes; but it happened to be inside of an Indian reservation, and we did not get it for that reason. I now yield to the gentleman from Minnesota [Mr. STEENERSON].

The SPEAKER. The gentleman has two minutes remaining.

Mr. STEENERSON. Mr. Speaker, this bill was favorably recommended by the Secretary of the Interior and has the unanimous report of the Committee on Public Lands. A majority of these lands are located in my district. They were formerly a part of what is known as the Red Lake Reservation. They were ceded to the United States Government in trust to be disposed of under the homestead law, some at $1.25 an acre and some at $4 an acre. Outside of that money, which goes to the Indians, the United States has no interest whatever. The United States can not make any money out of them. It was impossible to do any more than to raise enough money to pay the Indians. The Indians will never get their money unless some system is adopted to improve and reclaim these lands so they can be sold. There are, as has been stated, perhaps a million and a half acres that have been open to settlement at $1.25 an acre for fifteen years, and some at $4 per acre have been open to sale for four years.

Mr. WILLIAMS. I would like to ask the gentleman what proportion of these lands belong to the Government and what proportion to the Indian tribes?

Mr. STEENERSON. The lands all belong to the Indian tribes, and were ceded to the United States, as I said, in trust, and the swamp-land act never applied to the Red Lake Reservation. Consequently these swamp lands passed to the United States in trust, to be disposed of under the homestead law. If the swamp-land act had applied to this reservation, the State of Minnesota would have every foot of this land in fee under the swamp-land grant, but it did not attach; it was so decided by the Supreme Court of the United States, and therefore we have this situation. There are thousands of acres now unfit for cultivation because of swamp. There are a few tracts interspersed between them that were fit to be settled upon, and were settled upon by settlers who paid $1.25 an acre, and some $4 an acre; but the situation confronting them was that a majority of these lands could not be assessed because they are Government lands. You could not extend the drainage improvements against them, and consequently all drainage improvements failed.

Mr. GAINES of Tennessee. Is it timber land?

Mr. STEENERSON. There is no timber——

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. WILLIAMS. I yield two minutes longer to the gentleman.

Mr. GAINES of Tennessee. What sort of timber is on this land?

Mr. STEENERSON. There is no timber on any of this land, except possibly a few scattered poplar groves. All this ceded land is classified by the United States Government as timber and agricultural land, but the timber has been sold, or will be sold, under the law that enables the purchaser to cut off the timber, and when it is cut off it is subject to homestead entry and the homesteader gets the land, stripped of the timber, and pays $1.25 an acre——

Mr. GAINES of Tennessee. But the bill alludes to pine land——

Mr. STEENERSON. Pine land where stumpage has been sold and the money gone to the Indians, and the land on which the stumps stand is subject to entry under the homestead law. That is the only pine land there is.

Mr. VOLSTEAD. The pine land has been eliminated.

Mr. GAINES of Tennessee. Who gets that?

Mr. VOLSTEAD. That is not subject to entry under this.

Mr. GAINES of Tennessee. Who will own it?

Mr. VOLSTEAD. The United States Government.

Mr. STEENERSON. I want to emphasize the fact that the United States has no interest in these lands whatever, except to see that they are disposed of to settlers. They could in no event, whether this law is passed or not, make any money out of it, except to pay the Indians, and the Indians will never get any money unless such a law be passed or the Government should undertake the reclamation directly, as I preferred, to drain it and make it valuable.

Mr. HUMPHREYS of Mississippi. Will the gentleman allow me to ask a question? There are a number of propositions now pending in this House looking to the use of public lands for drainage purposes along the line adopted in the Reclamation Service?

Mr. STEENERSON. Yes.

Mr. HUMPHREYS of Mississippi. This bill, I understand, in nowise effects the title to land so as to prevent it from becoming a part of this drainage fund proposed to be created by the pending bills?

Mr. STEENERSON. Not at all. These lands were not——

The SPEAKER. The time of the gentleman has again expired.

Mr. WILLIAMS. I yield the gentleman one minute additional.

Mr. STEENERSON. The lands provided for in the bill to which the gentleman refers are other lands. They are not these lands and it would not affect these, although, as I already said, I should have preferred to have the Government take the drainage of these lands directly, but this Congress will not do that, so the only thing left to do is to enable the State to include these lands in drainage districts and make assessments for drainage applicable to these lands, and thereby the whole country can be developed and settled upon. There is no possible chance for speculation.

Mr. LEAKE. What proportion of these lands included in the drainage area is composed of lands owned by the Government and lands owned by private individuals?

Mr. STEENERSON. A large majority of the land is owned by the Government in trust for the Indians.

The SPEAKER. The time of the gentleman has expired. Do I understand the gentleman from Mississippi to yield any further time?

Mr. WILLIAMS. Mr. Speaker, I do not understand that any further time is asked. Mr. Speaker, this is a strong but not singular illustration of the viciousness and unwisdom of the special rule under which we are working. Legislation is hurried before Members of the House, without any opportunity to amend a pending bill, and yet a mere majority is sufficient to pass it. I have tried the best I could to get some knowledge of the provisions of the bill, and I had to ask a Member to loan one to me, because the bill was not around upon the desks of Members, so I have tried to get information on the bill by inquiry of the gentleman in charge of it. I have no hesitancy in saying I would rather a great deal vote for a bill to donate these lands outright to the State of Minnesota and let Minnesota get out of them what she can, the Federal Government paying the Indians, where the Indians own the land, the upset price of $1.25 an acre, and letting Minnesota pay that amount back to the Federal Government.

This bill involves a strange mixing up—a veritable jumbling—of sovereignties. The gentleman says that the United States Government does not own the land, but the title is in the United States Government for the benefit of these Indian tribes, and here is a bill under which the lands belonging to the United States Government as legal owner and belonging to the Indian tribes as beneficiaries can be sold by the State of Minnesota, and the State of Minnesota can buy the lands in.

Mr. STEENERSON. Subject to the money——

Mr. WILLIAMS. I understand; subject to a theoretical right of the Indians to get their money back. But the upshot of it all is that the State of Minnesota can make itself the owner of the lands, while the Indians may lose the lands. It is a strange mixture of sovereignties involved in an idea of a State tax and weighting with State charges Federal property.

Mr. TAWNEY. My colleague [Mr. VOLSTEAD] wants to ask the gentleman a question.

Mr. WILLIAMS. One word. It is a strange mixing up of sovereignties whereby a State charges with a lien land belonging to the United States, in so far as the title is concerned, at any rate—it makes no difference who are the beneficiaries—charges it with a State territorial assessment or tax, and can sell those lands to others, or in default of a sufficient amount realized on sale, to pay back $1.25, plus the charge of drainage, can itself become the owner of the land. That is all of it in a nutshell, as I understand it.

Mr. VOLSTEAD. The State of Minnesota can not acquire title under its laws. The State can bid them in to preserve the lien, but it does not acquire title. It can assign or sell its right to a party who has the qualification of a homestead entryman, but before that party can secure title he must pay to the Federal Government $1.25 an acre and commission fees.

Mr. WILLIAMS. I understand that.

Mr. VOLSTEAD. The State of Minnesota simply holds it.

Mr. WILLIAMS. I understand that, and that is the reason I said a moment ago that in a certain sort of theoretical way the Government or Indian was protected, but if the lands were worth $1.25, plus the drainage charges, the State would not have had to buy them in, even as a trustee or in any other way. Meanwhile the Indians have lost them. Now, Mr. Speaker, it seems to me that this is not the sort of a bill to be passed in this way. I note also an absence of any reservation of mineral right, if there should be any, in connection with these lands. Whether there are or not, it is usual to put that reservation in these bills, and it is absent from this one.

Mr. HUMPHREYS of Mississippi. Will my colleague let me ask him a question? The gentleman says that in the meantime the Indians will have lost them. Just what does he mean by that?

Mr. WILLIAMS. I mean by that that the title will have passed out of the United States Government, as I have said, for the Indian tribes.

Mr. HUMPHREYS of Mississippi. Let me ask the gentleman just one other question. When the title passes out of the Federal Government there must be $1.25 go into the Federal Government at the same time.

Mr. WILLIAMS. Where and how and when?

Mr. HUMPHREYS of Mississippi. Under the provisions of the bill.

Mr. WILLIAMS. One dollar and twenty-five cents goes into the Federal Treasury, provided the lands sell for $1.25 plus the drainage charge.

Mr. HUMPHREYS of Mississippi. Oh, no.

Mr. WILLIAMS. But if they do not sell for $1.25 plus the drainage charge, then nothing goes into the United States Treasury. The drainage charge constitutes a first lien. The State of Minnesota is not obliged to buy them in.

Mr. VOLSTEAD. May I call your attention to this: Under the law of our State if the land does not sell for enough the State must bid it in, and the State to get its drainage money out of it must sell it, and the man that gets it must pay the United States Government $1.25 for the land.

Mr. WILLIAMS. Now, stop a minute. The gentleman says if the State gets it the State must sell it, and the State must sell it so as to get the drainage charges out of it, and after which get the $1.25 for the Federal Government. Now, the preferential charge upon the land is the drainage charge, and the State is to get that, and then the Federal Government is to get $1.25 afterwards if it can—that is, if the land sells for enough to pay $1.25 plus the drainage charge, and there is no limit of the amount per acre of the drainage charge. It is like improving a ward or orphan out of his property.

Mr. VOLSTEAD. If it is not worth enough so that the National Government can get its drainage charge, it must sell for less, because the man who buys must pay the National Government for that land.

Mr. WILLIAMS. But suppose the State of Minnesota sells it afterwards for only 50 cents an acre; what becomes of the 50 cents?

Mr. VOLSTEAD. If it sells it for 50 cents an acre, the man that buys must to get title go to the Government of the United States and pay the $1.25 an acre before he gets a patent from the United States. He can not get a foot of this land without paying the Government of the United States first.

Mr. WILLIAMS. What part of the bill justifies that statement? Read it, please.

Mr. VOLSTEAD:

At any time after any sale of unentered lands has been made in the manner and for the purposes mentioned in this act patents shall issue to the purchaser thereof upon payment to the receiver of the minimum price of $1.25 per acre or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws.

Before a man can obtain any of this land he must pay the Government what is due the Indians and due the National Government.

Mr. WILLIAMS. The gentleman thinks that bears that construction?

Mr. VOLSTEAD. Why, that is what it is put in there for; and there is another provision later on in the bill, in reference to entered land, making a similar provision.

Mr. WILLIAMS. The State can bid in large quantities of this land. Let us say it is 15,000 acres, and upon 10 of the 15,000 acres let us say that a large profit is made, while upon the other 5,000 acres there is a loss. The State has made its profit on the whole transaction.

Mr. VOLSTEAD. Let me say that the State can not make a profit, because this bill provides that if there is an excess it shall go to the National Government and not to the State.

Mr. WILLIAMS. I understand; but the State has made an enormous profit by the improvements of its land——

Mr. VOLSTEAD. But we must pay for that.

Mr. WILLIAMS (continuing). And by the improvement of land in private ownership, and every other way, by the building up of the country and its cities. It seems to me it would be much plainer, and I would have less objection to it, to come in with a bill to donate these swamp lands to the State of Minnesota. In fact, Mr. Speaker, I would like to see this policy begin to prevail about the public lands; in any State where they are reduced to a small amount, as they are in Minnesota and in my own State, and others, where they are swamp lands or otherwise not valuable lands, the less valuable lands (which they must be or they would have been entered long ago), that they be turned over to the State, and the land offices there and their expenses be abolished. This is an illustration which should discourage the House from the consideration of legislation that is important, under suspension by bare majority, without opportunity of amendment being offered, under the present special rule.

Mr. FITZGERALD. I want to inquire if these lands are certain Indian lands that were opened for settlement? If I recollect, a provision of the act under which they were opened up provides that these lands should be sold under sealed bids for a minimum price fixed for a certain number of years—five, I think, is the usual period. If the lands were not sold for that they should then be disposed of to the highest bidder, without regard to the minimum price. Is the gentleman able to state whether the act opening the land occupied by the Chippewas for settlement contained that provision?

Mr. VOLSTEAD. The minimum is $1.25 per acre.

Mr. FITZGERALD. Can the gentleman state whether or not that act does contain that provision?

Mr. VOLSTEAD. The minimum is $1.25.

Mr. FITZGERALD. But the gentleman states that there is a provision by which, if the minimum can not be obtained, these lands shall be sold.

Mr. STEENERSON. The minimum in that case was $4.

Mr. FITZGERALD. Suppose it could not be sold for the minimum, whatever it was sold for should be turned over to the Indians. Is that provision in this bill?

Mr. VOLSTEAD. Under this bill it must be sold for not less than $1.25 an acre. It must sell for the price fixed by law, not less than for $1.25 an acre. If it sells for more, the excess also goes to the Indians.

Mr. FITZGERALD. It can not be sold for less than the minimum?

Mr. WILLIAMS. Now, I desire to yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I am ordinarily in favor of the reclamation of swamp lands; but if all the purposes outlined and described could be accomplished by this bill, there is still a basic objection to it which has been touched upon by the gentleman from Mississippi [Mr. WILLIAMS].

There are two classes of lands embodied in this bill: Lands held in trust by the United States for the Indians and public lands in which the absolute title is held by the United States. Now, as I say, if the purposes of the bill could be accomplished as outlined by its author, the gentleman from Minnesota, I think it is defective in that it provides a mixed ownership, and will result in complications. Now, presumably it is the intention——

Mr. TAWNEY. Will the gentleman from North Carolina permit a question?

Mr. SMALL. Certainly.

Mr. TAWNEY. Do you think there is any more likelihood of complication or difficulty arising out of this than there would be if this drainage plan is not adopted? If it is not adopted, neither the Government lands nor the State lands around the Government lands will be of any value whatever, and without this plan either the Government must adopt a general drainage scheme there, including the State lands, or the State must adopt a general drainage plan, including the Government lands. Otherwise the land will continue worthless. In this way the Government will secure the drainage of its lands without any expense to it, not even any expense for administration.

Mr. SMALL. Yes; that is the proposition; but the question is whether it can be carried out by this bill, and if it can be, whether it ought to be. I submit it is a vicious proposition for the United States to permit any of the lands it owns, in trust or absolutely, to go into partnership with any drainage association, by which the land shall be drained and an absolute lien created upon it, and, as provided in this bill, the land be sold for the purpose of enforcing that lien.

Now, there is a provision in the bill here that all the drainage charges shall be a lien upon the land and give the right to sell it under the drainage laws of the State of Minnesota.

Mr. REEDER. Will the gentleman yield for a question?

Mr. SMALL. Yes; for a question.

Mr. REEDER. I should like to ask how it is possible for this land to be of any value when the Government will not transfer the title without the payment of $1.25 an acre?

Mr. SMALL. Then it is of value to somebody. It is of value to the United States, or to the drainage association which has put its money into the drainage of the land. If by any means, through the machinery of this bill, the drainage association should be deprived of its money, then it is a vicious bill; and if the Government of the United States should be deprived of its rights, either absolutely or those which it holds in trust, then it is also a vicious bill; and I say that the viciousness of it exists in this: That it creates a condition in which the United States holds a title upon the one part and the drainage association holds a lien upon the other; and if that lien is enforced, then you have an owner, a citizen of the State of Minnesota or elsewhere, claiming title to the land, subject to the right of the United States to receive its dollar and a quarter before it will issue a patent to that purchaser. Therefore you have this condition: One person claiming the title to the land and a certain conditional title upon the part of the United States, and that is a vicious condition which ought not to exist and which ought not to be created by any law of Congress.

Mr. VOLSTEAD. Is not the same thing true so far as the Reclamation Service out West is concerned?

Mr. SMALL. I do not understand that any such condition as that applies to the reclamation of arid lands. There the United States expends the money which comes from the proceeds of public lands, expends the money of the United States, and having expended it and reclaimed those lands, then they become open to settlement.

Mr. WILLIAMS. No other sovereignty charges the land with a lien.

Mr. SMALL. That is correct.

Mr. STEENERSON. Is it not better for the Government to submit these lands to this drainage charge as long as its only interest is to secure the money that is due to the Indians, than to let the lands remain useless forever? Does the gentleman know that they have been open to settlement for eighteen years without anybody wanting to take them?

The SPEAKER. The gentleman's time has expired. All time has expired.

Mr. WILLIAMS. Mr. Speaker, how much time remains on this side?

The SPEAKER. None. It is all exhausted. The question is on suspending the rules, agreeing to the committee amendments and the amendment offered by the gentleman from Minnesota, and passing the bill.

Mr. PAYNE. Pending that, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

LEAVE OF ABSENCE.

The SPEAKER. If there be no objection, the Chair will lay before the House, pending that motion, a personal request.

By unanimous consent, leave of absence was granted to Mr. STURGISS, for one week, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the reference of the bill S. 5337, an act for the relief of Mates William Jenney, William W. Beck, Thomas W. Bonsall, William Boyd, John Griffin, James Hill, Frank Holler, Robert Robinson, and Silas T. C. Smith, United States Navy, retired, who have been placed on the retired list with the rank and pay of one grade above that actually held by them at the time of retirement, was changed from the Committee on Claims to the Committee on Naval Affairs.

RECESS.

The SPEAKER. The question is on the motion of the gentleman from New York, that the House take a recess until to-morrow at 11.30 a. m.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I call for a division by yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 124, nays 83, answered "present" 11, not voting 169, as follows:

YEAS—124.

Adair	Davis, Minn.	Haugen	Mouser
Allen	Dawson	Hawley	Murdock
Ames	Denby	Higgins	Needham
Bannon	Diekema	Hinshaw	Nelson
Barchfeld	Douglas	Holliday	Norris
Bartholdt	Draper	Howell, N. J.	Nye
Bates	Driscoll	Howell, Utah	Parker, N. J.
Beale, Pa.	Durey	Howland	Parsons
Bede	Dwight	Hubbard, W. Va.	Payne
Bennet, N. Y.	Ellis, Oreg.	Huff	Pollard
Birdsall	Englebright	Humphrey, Wash.	Pray
Bonynge	Esch	Jenkins	Reeder
Boyd	Fassett	Jones, Wash.	Rodenberg
Burleigh	Focht	Keifer	Scott
Burton, Del.	Fordney	Kennedy, Iowa	Slemp
Butler	Foss	Kennedy, Ohio	Smith, Cal.
Calder	Foster, Ind.	Kinkaid	Smith, Iowa
Calderhead	French	Knopf	Smith, Mich.
Campbell	Fuller	Knowland	Snapp
Capron	Gardner, Mich.	Küstermann	Southwick
Chaney	Gardner, N. J.	Lafean	Stafford
Chapman	Gilhams	Landis	Steenerson
Cole	Gillett	Lindbergh	Thomas, Ohio
Cook, Colo.	Goebel	Lowden	Volstead
Cooper, Pa.	Graff	McKinley, Ill.	Vreeland
Cooper, Wis.	Graham	McLachlan, Cal.	Watson
Cousins	Greene	Madden	Wheeler
Crumpacker	Gronna	Madison	Wilson, Ill.
Cushman	Hamilton, Mich.	Mann	Wood
Dalzell	Harding	Miller	Woodyard
Davidson	Haskins	Morse	Young

NAYS—83.

Aiken	Denver	Henry, Tex.	Robinson
Alexander, Mo.	Dixon	Houston	Russell, Mo.
Ansberry	Ferris	Hull, Tenn.	Russell, Tex.
Bartlett, Ga.	Fitzgerald	Humphreys, Miss.	Sabath
Beall, Tex.	Floyd	James, Ollie M.	Saunders
Bell, Ga.	Fornes	Johnson, S. C.	Shackleford
Bowers	Foster, Ill.	Lamar, Mo.	Sheppard
Brantley	Garner	Legare	Sherley
Brundidge	Garrett	Lever	Sherwood
Burgess	Gill	Lloyd	Sims
Burleson	Godwin	McLain	Small
Byrd	Granger	Macon	Smith, Mo.
Caldwell	Gregg	Maynard	Smith, Tex.
Candler	Griggs	Moore, Tex.	Spight
Carter	Hackney	Murphy	Stephens, Tex.
Clark, Mo.	Hamilton, Iowa	Nicholls	Thomas, N. C.
Clayton	Hardwick	O'Connell	Tou Velle
Cooper, Tex.	Harrison	Page	Underwood
Cox, Ind.	Hay	Patterson	Williams
Davenport	Heflin	Reid	Wilson, Pa.
De Armond	Helm	Richardson	

ANSWERED "PRESENT"—11.

Adamson	Finley	McGuire	Rainey
Brownlow	Foster, Vt.	Moon, Tenn.	Sherman
Ellerbe	Gaines, Tenn.	Padgett	

NOT VOTING—169.

Acheson	Burnett	Davey, La.	Goldfogle
Alexander, N. Y.	Burton, Ohio	Dawes	Gordon
Andrus	Carlin	Dunwell	Goulden
Anthony	Cary	Edwards, Ga.	Hackett
Ashbrook	Caulfield	Edwards, Ky.	Haggott
Barclay	Clark, Fla.	Ellis, Mo.	Hale
Bartlett, Nev.	Cockran	Fairchild	Hall
Bennett, Ky.	Cocks, N. Y.	Favrot	Hamill
Bingham	Conner	Flood	Hamlin
Booher	Cook, Pa.	Foulkrod	Hammond
Boutell	Coudrey	Fowler	Hardy
Bradley	Craig	Fulton	Hayes
Brodhead	Cravens	Gaines, W. Va.	Henry, Conn.
Broussard	Crawford	Gardner, Mass.	Hepburn
Brumm	Currier	Gillespie	Hill, Conn.
Burke	Darragh	Glass	Hill, Miss.
Hitchcock	Lenahan	Olcott	Sterling
Hobson	Lewis	Olmsted	Stevens, Minn.
Howard	Lilley	Overstreet	Sturgiss
Hubbard, Iowa	Lindsay	Parker, S. Dak.	Sulloway
Hughes, N. J.	Littlefield	Pearre	Sulzer
Hughes, W. Va.	Livingston	Perkins	Talbott
Hull, Iowa	Longworth	Peters	Tawney
Jackson	Lorimer	Porter	Taylor, Ala.
James, Addison D.	Loud	Pou	Taylor, Ohio
Johnson, Ky.	Loudenslager	Powers	Thistlewood
Jones, Va.	Lovering	Pratt	Tirrell
Kahn	McCall	Prince	Townsend
Kelliher	McCreary	Pujo	Waldo
Kimball	McDermott	Randell, Tex.	Wallace
Kipp	McGavin	Ransdell, La.	Wanger
Kitchin, Claude	McHenry	Rauch	Washburn
Kitchin, Wm. W.	McKinlay, Cal.	Reynolds	Watkins
Knapp	McKinney	Rhinock	Webb
Lamar, Fla.	McLaughlin, Mich.	Riordan	Weeks
Lamb	McMillan	Roberts	Weems
Langley	McMorran	Rothermel	Weisse
Laning	Malby	Rucker	Wiley
Lassiter	Marshall	Ryan	Willett
Law	Mondell	Slayden	Wolf
Lawrence	Moon, Pa.	Sparkman	
Leake	Moore, Pa.	Sperry	
Lee	Mudd	Stanley	

So the motion was agreed to.

The following additional pairs were announced:

For the session:

Mr. WANGER with Mr. ADAMSON.

For the balance of the day:

Mr. HALE with Mr. SULZER.

Mr. DAVIS with Mr. BARTLETT of Nevada.

On this vote:

Mr. TAWNEY with Mr. RYAN.

Mr. STERLING with Mr. ROTHERMEL.

Mr. STURGISS with Mr. RAUCH.

Mr. PARKER of South Dakota with Mr. MCDERMOTT.

Mr. MARSHALL with Mr. CLAUDE KITCHIN.

Mr. LOUDENSLAGER with Mr. KIPP.

Mr. LAW with Mr. HAMMOND.

Mr. LANING with Mr. GORDON.

Mr. CONNER with Mr. BRODHEAD.

Mr. ALEXANDER of New York with Mr. BOOHER.

The result of the vote was then announced as above recorded.

Accordingly (at 5 o'clock and 13 minutes p. m.) the House took a recess until to-morrow at 11.30 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Navy, transmitting a statement of comparative costs of the U. S. S. *Connecticut*, built at the New York Navy-Yard, and the U. S. S. *Louisiana*, built at a private yard at Newport News, Va. (H. R. Doc. 868)—to the Committee on Naval Affairs and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of northeast fork of Nanticoke River (or Marshyhope Creek), Maryland (H. R. Doc. 869)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Neches River, Texas (H. R. Doc. 870)—to the Committee on Rivers and Harbors and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a response to the inquiry of the House as to appropriations for permanent, specific, and indefinite objects (H. R. Doc. 871)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PARKER of New Jersey, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12403) to amend section 876 of the Revised Statutes, reported the same with amendment, accompanied by a report (No. 1473), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 2794) granting a pension to the minor children of William Ferguson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9769) for the relief of Thomas C. Capell—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 9770) for the relief of Tennessee J. Spiller—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 9773) for the relief of William F. McGee—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 9776) for the relief of Walter Barbee—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 9777) for the relief of Alfred C. Coker, heir of M. O. Coker—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 9781) for the relief of Thomas H. Holcomb—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 21017) for the relief of J. Howard Mitchell—Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 21045) to amend an act entitled "An act to license billiard and pool tables in the District of Columbia, and for other purposes," approved February 25, 1897—to the Committee on the District of Columbia.

By Mr. SLEMP: A bill (H. R. 21046) to provide for the erection of a public building at Norton, Va.—to the Committee on Public Buildings and Grounds.

By Mr. GARNER: A bill (H. R. 21047) authorizing the Aransas Harbor Terminal Railway Company to construct a bridge across the Morris and Cummings channel near Aransas Pass, Tex.—to the Committee on Interstate and Foreign Commerce.

By Mr. BRADLEY: A bill (H. R. 21048) granting condemned ordnance to certain institutions—to the Committee on Military Affairs.

By Mr. BENNET of New York: A bill (H. R. 21049) to establish a simple and scientific monetary system founded upon gold, and to fix certain rules and regulations whereby the financial operations of the Government shall cease to be a disturbing factor in our trade and commerce—to the Committee on Banking and Currency.

By Mr. GARDNER of New Jersey: A bill (H. R. 21050) to provide for the erection of additional buildings and inclosure to mailing platform at the public building in Atlantic City, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 21051) amending the penal laws of the United States—to the Committee on the Judiciary.

By Mr. BENNET of New York: A bill (H. R. 21052) to amend sections 11 and 13 of an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States"—to the Committee on Immigration and Naturalization.

By Mr. LANGLEY: A bill (H. R. 21086) to regulate the interstate commerce shipments of intoxicating liquors—to the Committee on the Judiciary.

By Mr. CANNON: Resolution (H. Res. 344) for the appointment of a select committee to investigate as to wood pulp and print paper, and for other purposes—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 21053) granting an increase of pension to Washington Cordray—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 21054) granting an increase of pension to August Williams—to the Committee on Pensions.

By Mr. BATES: A bill (H. R 21055) granting an increase of pension to Mary R. Greer—to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 21056) granting an increase of pension to Osmer C. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21057) granting an increase of pension to Robert B. Rhodes—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 21058) for the relief of R. J. Warren—to the Committee on Claims.

By Mr. CARLIN: A bill (H. R. 21059) granting an increase of pension to Nicholas Cassidy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21060) giving jurisdiction to the Court of Claims to ascertain the interest of Anna M. Fitzhugh, and the value of such interest, in the wood taken from the estate of Ravensworth by the military authorities of the United States—to the Committee on War Claims.

By Mr. CHANEY: A bill (H. R. 21061) granting an increase of pension to William H. H. Adams—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 21062) granting an increase of pension to Joseph Sennotte—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 21063) granting an increase of pension to Alexander H. Monroe—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 21064) for the relief of J. Caples Mallonee—to the Committee on War Claims.

Also, a bill (H. R. 21065) to reimburse the city of Savannah, Ga., $1,169.13, for paving charges expended for paving streets around Government buildings in Savannah, Ga.—to the Committee on Claims.

Also, a bill (H. R. 21066) for the relief of Mrs. Matilde Chaplin and her infant son—to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 21067) granting an increase of pension to William B. Long—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 21068) granting a pension to Felix G. McMinimy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21069) granting a pension to Calvin Shoop—to the Committee on Invalid Pensions.

By Mr. HARDING: A bill (H. R. 21070) granting a pension to Albert Garland—to the Committee on Pensions.

By Mr. HASKINS: A bill (H. R. 21071) granting an increase of pension to Samuel B. Pettengill—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 21072) granting an increase of pension to Oakly F. Davis—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21073) granting a pension to Maude Strange—to the Committee on Pensions.

By Mr. LANDIS: A bill (H. R. 21074) granting an increase of pension to Thomas Moore—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 21075) granting an increase of pension to Baptist Firmbach—to the Committee on Invalid Pensions.

By Mr. McGUIRE: A bill (H. R. 21076) granting an increase of pension to Adrian Reynolds—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: A bill (H. R. 21077) for the relief of Andrew Klasz—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 21078) for the relief of the heirs of Elizabeth A. Jarboe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21079) for the relief of the heirs of Benjamin Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21080) granting a pension to Ann R. Stuller—to the Committee on Invalid Pensions.

By Mr. REID: A bill (H. R. 21081) granting a pension to Isac Johnson—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 21082) for the relief of Milton Garretson—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 21088) to correct the military record of Richard Baker—to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 21084) granting an increase of pension to Edwin W. Parker—to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 21085) for the relief of George W. Clevenger—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of A. W. Williamson and 75 other citizens of Pulaski County, remonstrating against the proposed plan to transfer to the county three roads leading to the Mound City National Cemetery—to the Committee on Military Affairs.

Also, petition of Citizens' Industrial Association of America, against any legislation which would take from the courts the power of injunction or legalize the boycott—to the Committee on the Judiciary.

Also, petition of James D. Harris and 3 other residents of Washington, D. C., for an investigation of charges of bribery in the political campaign of 1904—to the Committee on Election of President, Vice-President, etc.

Also, memorial of the Cattle Raisers' Association of Texas, praying for a continuation of the work of stamping out and preventing contagious diseases among cattle—to the Committee on Agriculture.

Also, memorial of the Cattle Raisers' Association, of Fort Worth, Tex., praying for an increase of the appropriation devoted to the study of the fever tick (*Boophilus annulatus*)—to the Committee on Agriculture.

Also, memorial of Glass Creek Grange, of Michigan, praying for the establishment of a national highways commission—to the Committee on Agriculture.

Also, memorial of the legislative committee of Concord, N. H., praying for legislation to establish a national highways commission—to the Committee on Agriculture.

Also, memorial of J. M. Edsall, of Buffalo, N. Y., and 23 others, praying for the enactment of legislation to establish a highways commission—to the Committee on Agriculture.

Also, memorial of the New England Hardware Dealers' Association, praying for the enactment of legislation for the establishment of the Appalachian and White Mountains Forest Reserve—to the Committee on Agriculture.

Also, memorials of members of sundry granges, praying for Federal encouragement for the construction of roads—to the Committee on Agriculture.

Also, memorial of the Massachusetts Wholesale Lumber Association, praying for the enactment of legislation for the establishment of the Appalachian and White Mountains Forest Reserve—to the Committee on Agriculture.

Also, memorial of the faculty of Leander Clark College, of Toledo, Iowa, praying for the passage of the bill to provide for the Appalachian and White Mountain Forest Reserve—to the Committee on Agriculture.

Also, memorial of the Commercial Telegraphers' Union of Chicago, Ill., praying for legislation to regulate the telegraph business in the United States—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Cattle Raisers' Association of San Antonio, Tex., praying for legislation to prohibit railroad companies from advancing interstate rates, except upon approval of the Interstate Commerce Commission after notice thereof to the interested parties—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Cattle Raisers' Association of Texas, praying for the enactment of legislation to force common carriers to provide sufficient facilities for transporting freight, live stock, etc.—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Chicago Local No. 1, Commercial Telegraphers' Union of America, praying for the enactment of legislation relating to the antitrust law, the issuance of injunctions, employers' liability, and the hours of labor—to the Committee on the Judiciary.

Also, memorial of the Brotherhood of Railroad Trainmen of Freeport, Ill., praying for the enactment of legislation in relation to the liability of common carriers to their employees—to the Committee on the Judiciary.

Also, memorial of the G. E. Boynton Lodge, Brotherhood of Railway Trainmen, of Eagle Grove, Iowa, praying for legislation in relation to employers' liability, injunctions, and railway passes—to the Committee on the Judiciary.

Also, memorial of the Cattle Raisers' Association of Texas, praying for the enactment of legislation for the leasing of the public lands to stockmen—to the Committee on the Public Lands.

Also, memorial of the Kiowa, Comanche, Apache, and Wichita Free Home Association, of Anadarko, Okla., praying for national aid in perfecting titles to their homesteads—to the Committee on the Public Lands.

Also, memorial of the bureau of immigration of the Territory of New Mexico, praying for the enactment of legislation to extend the provisions of the so-called "Carey Act" to the Territories of New Mexico and Arizona—to the Committee on the Public Lands.

Also, memorial of the Society of Masters, Mates, and Pilots of San Francisco, Cal., protesting against certain legislation for the preservation of life and property on the water—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the Marine Engineers' Beneficial Association, of San Francisco, Cal., protesting against the enactment of certain proposed legislation relating to the preservation of life and property on the water—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the city council of Burlington, Iowa, praying for an appropriation for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, memorial of the Muscatine Commercial Club, of Muscatine, Iowa, praying for an appropriation for the improvement of the upper Mississippi River—to the Committee on Rivers and Harbors.

Also, memorial of the Chamber of Commerce of the State of New York, praying for legislation to establish a commission to investigate the currency and banking systems of the United States—to the Committee on Banking and Currency.

Also, memorial of the New England Hardware Dealers' Association, protesting against the enactment of legislation for the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Hebrews of Worcester, Mass., protesting against certain legislation in relation to the restriction of immigration—to the Committee on Immigration and Naturalization.

Also, memorial of the Polish Society of Union City, Conn., praying for action to mitigate the alleged severities practiced on the Poles in the jurisdiction of the Prussian Government—to the Committee on Foreign Affairs.

Also, memorial of Lincoln Post, Grand Army of the Republic, Department of Pennsylvania, in relation to the so-called "widows' pension bill"—to the Committee on Invalid Pensions.

Also, memorial of the Cattle Raisers' Association of Texas, praying for the establishment of tariff rates upon a maximum and minimum basis—to the Committee on Ways and Means.

By Mr. ALEXANDER of Missouri: Petitions of the merchants of Cameron, Smithville, Hamilton, and Denver, all in the State of Missouri, and the Western Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ANTHONY: Paper to accompany bill for relief of Louisa St. Clair Crall—to the Committee on Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Andrew Hogge (previously referred to the Committee on Pensions)—to the Committee on Invalid Pensions.

Also, petition of J. W. Riley and others, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John H. Blessing—to the Committee on Invalid Pensions.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. BOOHER: Paper to accompany bill for relief of William H. McGuire—to the Committee on Invalid Pensions.

By Mr. BONYNGE: Petition of Wild Rose Grange, No. 160, Patrons of Husbandry, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, petition of William Murphy and others, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Colorado, favoring S. 5122, for parcels post on rural delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH. Petition of Tranquillity Grange, of Lincolnville, Me., in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

Also, petition of citizens of Maine, in favor of H. R. 15837, for a national highways commission and appropriation giving Federal aid to construction and maintenance of public highways—to the Committee on Agriculture.

By Mr. BUTLER: Petition of E. S. Eppehimer and others, for legislation upon economic and political questions—to the Committee on the Judiciary.

By Mr. CALDER: Paper to accompany bill for relief of Frank E. Pierce—to the Committee on Pensions.

Also, petition of citizens of Brooklyn, N. Y., for amendment to Sherman antitrust law, for the Pearre bill, to regulate injunctions, and for a national eight-hour law—to the Committee on the Judiciary.

Also, petition of A. K. Atherton, of Brooklyn, N. Y., favoring remedial legislation excluding labor from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against the Hepburn bill, amending Sherman Act (H. R. 19745)—to the Committee on the Judiciary.

Also, petition of Tennessee River Improvement Association, for appropriation to improve the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. COOK of Pennsylvania: Petition of Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. COUSINS: Petitions of Stephen E. Spaulding, of Springville, N. Y., and W. J. Walsh, of St. Louis, Mo., favoring concurrent resolution 28, condemnatory of outrages by the Russian Government—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Fort Edwards, N. Y., against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Union League Club, of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committtee on Agriculture.

Also, petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Morrisonville and Ticonderoga, N. Y., against repeal of the duty on wood pulp—to the Committee on Ways and Means.

By Mr. EDWARDS of Georgia: Paper to accompany bill for relief of J. Caples Malonee—to the Committee on War Claims.

By Mr. FOSS: Petition of Chicago Union League Club, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. FULLER: Petition of F. A. Eastman, favoring S. 4432, for improving the status of the Dental Corps in the Army—to the Committee on Military Affairs.

Also, petition of Local Union No. 99, Cigar Makers' International Union of America, of Ottawa, Ill., for amendment of the Sherman antitrust law—to the Committee on Interstate and Foreign Commerce.

By Mr. HASKINS: Petitions of Local Union No. 19, of Milo, Vt., and Local Union No. 10, of Wilder, Vt., Brotherhood of Pulp and Paper Mill Workers, against removal of duty on wood pulp and paper—to the Committee on Ways and Means.

By Mr. HARRISON: Petition of New York Board of Trade and Transportation, against H. R. 19745 (amendment to Sherman antitrust law)—to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Petition of John G. Roberts and other citizens of New Jersey, asking for passage of H. R. 15837, to create a national highways commission—to the Committee on Agriculture.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. LAW: Petition of Warner Council, No. 13, Junior Order United American Mechanics, against use of mails for anarchistic publications—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSAY: Petition of New York Board of Trade and Transportation, against H. R. 19745 (the Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of citizens of Brooklyn, N. Y., for remedial legislation excluding labor unions from the provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Joseph Muntefering and other citizens of New York, for exemption of labor unions from the operations of the Sherman antitrust law; for the Pearre bill, regulating injunctions; for the employers' liability act, and for the eight-hour law—to the Committee on the Judiciary.

Also, petition of American Paper and Pulp Association, against removal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Tennessee River Improvement Association, for improvements in the Tennessee River—to the Committee on Rivers and Harbors.

Also, petition of J. C. Halzel, for alumni of the New York Nautical School, favoring H. R. 20012, for Government aid for public nautical schools—to the Committee on Naval Affairs.

Also, petition of Grand Street Board of Trade, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. McCALL: Petition of Perry Belmont and other prominent citizens of the National Publicity Bill Organization, for enactment at the present session of a suitable law for the publicity, both before and after election, of campaign contributions made to national committees to be used in influencing the approaching election of November 3, 1908—to the Committee on Election of President, Vice-President, etc.

By Mr. McGAVIN: Petition of Columbia Damen Club, of Chicago, indorsing the Beveridge-Parsons child-labor bill—to the Committee on Labor.

By Mr. OVERSTREET: Petition of Franklin Vonnegut, for the enactment of H. R. 17295, to aid the Lincoln Farm Association of New York to build and endow a national memorial to Abraham Lincoln on the site of the Lincoln birthplace farm in Kentucky—to the Committee on Appropriations.

Also, petition of Glass Blowers' Association of Terre Haute, Ind., favoring amendment to the Sherman Act in behalf of the working people of the country—to the Committee on the Judiciary.

Also, petition of J. A. Johnson, on behalf of the Indianapolis Local Council of Women, for a sixteenth amendment to the Constitution, granting suffrage to woman—to the Committee on the Judiciary.

By Mr. PADGETT: Paper to accompany bill for relief of James E. Scobey—to the Committee on War Claims.

By Mr. RIORDAN: Petition of International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Fort Edward, against repeal of duty on wood pulp—to the Committee on Ways and Means.

Also, petition of American Paper and Pulp Association, against repeal of the duty on wood pulp—to the Committee on Ways and Means.

Also, petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Board of Trade and Transportation, against the Hepburn amendment to the Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Buffalo Council, No. 184, Knights of Columbus, of Buffalo, N. Y,. favoring bill to make October 12 a holiday—to the Committee on the Judiciary.

By Mr. SULZER: Petition of Union League Club of Chicago, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of New York Board of Trade and Transportation, against the Hepburn amendment to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of Alumni Association of the New York Nautical School, favoring H. R. 20021, for public marine schools—to the Committee on Naval Affairs.

Also, petition of New York Board of Trade and Transportation, against the Hepburn bill, amending Sherman antitrust act (H. R. 19745)—to the Committee on Interstate and Foreign Commerce.

Also, petition of the International Congress on Tuberculosis, for the use of space in Congressional building for exhibits of the congress on tuberculosis—to the Committee on Public Buildings and Grounds.

By Mr. THISTLEWOOD: Petition of Duquoin (Ill.) Central Labor Union, for an exclusion law to prevent immigration into the United States of all Asiatics—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *April 21, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCREARY, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

PROPOSED DRAINAGE INVESTIGATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of December 9, 1907, certain information in regard to the location and area of swamp and overflowed lands in the United States susceptible of being drained for agriculture; the effect of drainage on such lands; the area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom, etc., which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfill-

ing treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909.

The message further announced that the House insists upon its amendments to the bill (S. 902) authorizing certain extensions to be made in the lines of the Anacostia and Potomac River Railroad Company, the Washington Railway and Electric Company, the City and Suburban Railway of Washington, and the Capital Traction Company, in the District of Columbia, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. CAMPBELL, and Mr. SIMS managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Citizens' Industrial Association of America, remonstrating against the enactment of legislation which will benefit the few at the expense of the many, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Merchants and Manufacturers' Association of Milwaukee, Wis., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented resolutions adopted by the United States Medal of Honor Club of Washington, D. C., favoring the location selected by the Park Commission for the memorial to General Grant, in the city of Washington, and tendering thanks for the appropriation made for the erection of this memorial, which were referred to the Committee on the Library.

He also presented a petition of the Central Federated Union of New York City, N. Y., praying for the enactment of legislation providing for the construction of at least one of the proposed new battle ships at a Government navy-yard, which was referred to the Committee on Naval Affairs.

He also presented the petition of Noah Lewis, of Washington, D. C., praying for the passage of the so-called "child-labor bill," which was ordered to lie on the table.

Mr. RICHARDSON presented a petition of sundry citizens of Wilmington, Del., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. FLINT presented a petition of Progressive Grange, No. 308, Patrons of Husbandry, of Healdsburg, Cal., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT presented memorials of the International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Palmer, Sandy Hill, Luzerne, and Piercefield, all in the State of New York, remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

He also presented a petition of the Central Federation of Labor, of Albany, N. Y., praying for the enactment of legislation to restrict the immigration of Asiatics into the United States, which was referred to the Committee on Immigration.

He also presented a petition of Valley Grange, No. 1050, Patrons of Husbandry, of Ellenburg Depot, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of New Paltz, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Branch No. 52, Glass Bottle Blowers' Association, of Brooklyn, N. Y., and a petition of sundry citizens of Brooklyn and Poughkeepsie, N. Y., praying for the adoption of a certain amendment to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. SCOTT presented a petition of Local Branch No. 86, Glass Bottle Blowers' Association, of Mannington, W. Va., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

Mr. ANKENY presented petitions of members of sundry granges, Patrons of Husbandry, of Pullman, Moscow, Van Zandt, Tekoa, Oakesdale, Palouse, and Garfield, all in the State of Washington, praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Grange No. 195, Patrons of Husbandry, of Tekoa, Wash., praying for the enactment of legislation to create a national highways commission, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of Brighton Park Grange, No. 163, Patrons of Husbandry, of Tumwater, Wash., and a petition of Whelan Grange, No. 117, Patrons of Husbandry, of Pullman, Wash., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a memorial of Mrs. L. A. Corey, of Arlington, S. Dak., and the memorial of E. W. Stratton, of Dell Rapids, S. Dak., remonstrating against the enactment of legislation to further protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. CULLOM presented sundry petitions of local branches, Glass Bottle Blowers' Association, of Alton, Ill., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of Local Grange No. 1117, Patrons of Husbandry, of Birdsall, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade and Transportation of New York City, N. Y., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Council No. 184, Order of Knights of Columbus, of Buffalo, N. Y., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 124, International Union of Steam Engineers, of Fort Edward, N. Y., remonstrating against the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. CURTIS presented a memorial of Group No. 3, Kansas Bankers' Association, of Fort Scott, Kans., remonstrating against the passage of the so-called "Aldrich currency bill," which was ordered to lie on the table.

He also presented a memorial of the Negro Republican League of the State of Kansas, of Cherokee, Kans., remonstrating against the continuous and open violation of the Constitution of the United States by passing State laws in conflict with the Constitution, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Lawrence, Kans., praying for the passage of the so-called "Burnham rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Union No. 36, Cigar Makers' International Union of America, of Topeka, Kans., and a petition of the trade unionists of Wichita, Kans., praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of sundry citizens of Blair, Nebr., praying for the passage of the so-called "Acheson bill" to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented memorials of the Pulp, Sulphite, and Paper Mill Workers' unions of Wilder and Milton, in the State of Vermont, remonstrating against the repeal of the duty on wood pulp, white paper, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. BEVERIDGE presented a memorial of the board of directors of the Hebrew Congregation of Indianapolis, Ind., remonstrating against the enactment of legislation to restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Local Council of Women of Indianapolis, Ind., praying for the adoption of an amendment to the Constitution to prohibit the disfranchisement of citizens of the United States on account of sex, which was referred to the Select Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Wabash, Ind., praying for the enactment of legislation to prohibit the importation and sale of opium in the United States and insular possessions, which was referred to the Committee on Finance.

He also presented a petition of the Laporte County Pastors' Club, of Michigan City, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of Decatur Council, No. 864, Order of Knights of Columbus, of Decatur, Ind., praying for the enactment of legislation making October 12, the anniversary of the discovery of America by Christopher Columbus, a national holiday, which was referred to the Committee on the Judiciary.

He also presented a memorial of the National Association of Clothiers of New York City, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," and also praying for the passage of the so-called "Fowler currency bill," which was ordered to lie on the table.

He also presented a petition of the Kiowa, Comanche, Apache, and Wichita Free Home Association, of Anadarko, Okla., praying for the enactment of legislation granting free homes to the settlers in the Indian reservation which was opened for settlement on August 6, 1901, which was referred to the Committee on Indian Affairs.

He also presented a memorial of sundry citizens of Kokomo, Ind., and a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Indiana Division, Travelers' Protective Association, of Muncie, Ind., remonstrating against the enactment of legislation to permit the sale of leaf tobacco to the consumer without the payment of the internal-revenue tax, which was referred to the Committee on Finance.

Mr. HOPKINS presented petitions of Local Union No. 2708, United Metal Workers of America, of French Village; of Cigar Makers' Local Union No. 99, of Ottawa, and of Local Union No. 87, Amalagamated Sheet Metal Workers' International Alliance, of Belleville, all in the State of Illinois, praying for the adoption of certain amendments to the so-called "Sherman antitrust law" relating to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry surviving soldiers and sailors of the civil war of Mound City, Ill., remonstrating against the enactment of legislation transferring to that county certain roadways leading to the national cemetery at Mound City, in that State, which was referred to the Committee on Military Affairs.

He also presented a petition of the Union League Club, of Chicago, Ill., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

He also presented a memorial of the Trades and Labor Assembly of Decatur, Ill., remonstrating against the adoption of any amendment to the Constitution to extend the right of naturalization, which was referred to the Committee on Immigration.

Mr. BURKETT presented a petition of sundry citizens of Blair, Nebr., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Fort Morgan, Colo., remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of Palouse Grange, No. 177, Patrons of Husbandry, of Palouse, Wash., praying for the establishment of postal savings banks, which was ordered to lie on the table.

He also presented a petition of Palouse Grange, No. 177, Patrons of Husbandry, of Palouse, Wash., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

CROW INDIAN RESERVATION.

Mr. CLAPP. I present a copy of the hearing before the Committee on Indian Affairs of the Senate on the bill (S. 2087) to incorporate a company for breeding horses on the Crow Indian Reservation, Mont., and for other purposes, and the bill (S. 2963) for the survey and allotment of Indian lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment. I move that it be printed as a document.

The motion was agreed to.

RESTRICTIONS ON LANDS IN INDIAN TERRITORY.

Mr. TELLER. I present a memorial of the Quapaw, Wyandotte, Seneca, and other tribes of Indians in the Indian Territory, remonstrating against the enactment of legislation removing restrictions from lands held under certificate of contract from the Government of the United States. It is a very interesting statement made by the Indians, and it will be valuable, I think, to the committee. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 6600) authorizing the St. Louis, Brownsville and Mexico Railway Company to construct bridges across the Rio Grande at some point at or near the town of Brownsville, in Cameron County, Tex., reported it without amendment, and submitted a report (No. 553) thereon.

BILLS INTRODUCED.

Mr. BANKHEAD introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6748) for the relief of heirs of J. P. McGaha, deceased;

A bill (S. 6749) for the relief of heirs of John Seymour, deceased;

A bill (S. 6750) for the relief of heirs of Lemuel Hannah, deceased;

A bill (S. 6751) for the relief of Samuel H. Yarbrough and estate of John Jones, deceased; and

A bill (S. 6752) for the relief of heirs of Andrew C. Legg, deceased.

Mr. GUGGENHEIM introduced a bill (S. 6753) to provide for instruction in forestry in the colleges of agriculture and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, and for experiments in forestry in the agricultural experiment stations established under an act of Congress approved March 2, 1887, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6754) granting a pension to James C. Sellers;

A bill (S. 6755) granting an increase of pension to Wilbert B. Teters;

A bill (S. 6756) granting an increase of pension to Kate Brown;

A bill (S. 6757) granting an increase of pension to Adelia Ditman; and

A bill (S. 6758) granting an increase of pension to John C. Kennedy.

Mr. DIXON introduced a bill (S. 6759) granting an increase of pension to James W. Brown, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BOURNE introduced a bill (S. 6760) to provide for the payment of certain volunteers who rendered service to the Territory of Oregon in the Cayuse Indian war of 1847 and 1848, which was read twice by its title and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 6761) for the relief of the heirs, devisees, and legatees of the estate of Willis Lowe, deceased, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. PILES introduced a bill (S. 6762) granting an increase of pension to Marion L. Metcalf, which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 6763) granting an increase of pension to Thomas Phelan, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARNER introduced a bill (S. 6764) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri, which was read twice by its title and referred to the Committee on Claims.

Mr. CRANE introduced a bill (S. 6765) granting a pension to Laura M. Granger, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6766) for the relief of Burrel C. Smith;

A bill (S. 6767) for the relief of heirs of Charles P. McLain, deceased;

A bill (S. 6768) for the relief of heirs of John W. Stallings, deceased;

A bill (S. 6769) for the relief of heirs of James M. Lawrence, deceased;

A bill (S. 6770) for the relief of heirs of Zebudee Slaton, deceased;

A bill (S. 6771) for the relief of heirs of Duncan Murchinson, deceased;

A bill (S. 6772) for the relief of heirs of Andrew J. Casey, deceased;

A bill (S. 6773) for the relief of heirs of D. M. McCurry, deceased; and

A bill (S. 6774) for the relief of heirs of William Adams, deceased.

Mr. GAMBLE (by request) introduced a bill (S. 6775) construing certain provisions of an act of Congress entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, relating to Indian allotments, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. KNOX introduced a bill (S. 6776) granting an increase of pension to Samuel W. Brewer, which was read twice by its title and referred to the Committee on Pensions.

Mr. CURTIS introduced a bill (S. 6777) granting an increase of pension to Harrison L. McGinnis, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 6778) granting an increase of pension to Thomas J. Hart, which was read twice by its title and referred to the Committee on Pensions.

Mr. CLAPP introduced a bill (S. 6779) granting an increase of pension to Calvin Boyer, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 6780) for the relief of Frederick A. Holden, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 6781) granting an increase of pension to Horace R. Butts, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6782) granting a pension to Cora H. Weaver, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PILES submitted an amendment relative to articles that shall be imported from foreign countries for the sole purpose of exhibition at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Wash., in 1909, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Select Committee on Industrial Expositions, and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment authorizing the Secretary of War on behalf of the United States to acquire the fee-simple title to certain lands adjacent to the present site of the Army post located at Fort Logan, Colo., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEMENWAY submitted an amendment proposing to appropriate $25,000 for the construction of a public building at Bedford, Ind., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EFFICIENCY OF THE MEDICAL DEPARTMENT OF THE ARMY.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 4, 5, and 7; and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert "and five;" and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "twenty-nine" and insert in lieu thereof "twenty-seven;" and the House agree to the same.

F. E. WARREN,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
H. O. YOUNG,
ADIN B. CAPRON,
JAMES L. SLAYDEN,
Managers on the part of the House.

The report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HALE. I ask that the naval appropriation bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Maine asks that the Senate proceed to the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be taken up in their order.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered, in their order. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. Now, Mr. President, as the bill is before the Senate, I do not propose to go on with it, as the Senator from Missouri [Mr. WARNER] has given notice that he desires to address the Senate this morning, and he tells me that he is ready to submit his remarks. Therefore I give way to the Senator from Missouri.

Mr. WARREN. One moment, before the Senator puts the bill aside.

Mr. HALE. Certainly.

Mr. WARREN. As the Senator knows, the bill has not been before us sufficiently long for a very thorough examination. I have an amendment which, if the Senator is willing, I should like to offer now. I intended to bring it to his notice when the bill was in committee. With his permission, I will send the amendment to the desk and ask that it be printed.

Mr. HALE. I have no objection.

The VICE-PRESIDENT. The proposed amendment will lie on the table and be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. WARNER. I ask the Chair to lay Senate bill No. 6206 before the Senate.

The VICE-PRESIDENT. The Secretary will read the bill by title.

The SECRETARY. A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. WARNER. With pleasure.

Mr. CLAPP. Before the Senator from Missouri begins to speak, and not knowing whether this particular matter is covered by his speech, with the Senator's permission, I should like to ask him to state, if he cares to do so, after an examination of the records in this case, how many of the members of this battalion, to the best of his judgment, participated in the affray. I make the request that it may be a part of the record in this case.

Mr. WARNER. My judgment, Mr. President, would be that there were from eight to fifteen.

Mr. CLAPP. Has the Senator, after his investigation of the case, reached the point where he would care to express an opinion as to how many members of the battalion, in his judgment, outside of those who participated in the affray itself, were cognizant, either before or after the affray, as to the participants in it.

Mr. WARNER. Mr. President, that certain members of the battalion were accessories before and certain other members after the fact, in my judgment, there can be no question. But I can not give or attempt to give an accurate number of such.

Mr. CLAPP. I am much obliged to the Senator.

Mr. WARNER. Mr. President, by its resolution the Senate instructed the Committee on Military Affairs to take and have printed testimony for the purpose of ascertaining all the facts with reference to, or connected with, the affray at Brownsville, Tex., on the night of August 13–14, 1906, "*without questioning the legality or justice of any act of the President in relation thereto.*" This resolution was framed after an exhaustive discussion was had in this Chamber as to the constitutional powers of the President, as Commander in Chief, summarily to terminate the term of enlistment of an enlisted man by discharge, with or "without honor." And as a result of that discussion the phrase "without questioning the legality or justice of any act of the President," was inserted in the resolution.

An examination of the RECORD will show that on the 19th

day of December the senior Senator from Ohio submitted to the Senate resolutions as follows:

Resolved, That if the Committee on Military Affairs deem it necessary, in connection with the consideration of the President in response to resolutions Nos. 180 and 181, to take further testimony to establish all facts connected with the discharge of the members of Companies B, C, and D, Twenty-fifth United States Infantry, that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

This resolution was modified, from time to time, until on the 17th day of January, 1907, a Senator from Kentucky, Mr. Blackburn, submitted an amendment to insert in line 1, after the words "Resolved, That," the following:

without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United States.

So that the resolution, when amended, would read:

Resolved, That, without questioning or denying the legal right of the President to discharge without honor enlisted men from the Army of the United States, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to, or connected with, the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, and administer oaths, to sit during sessions of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expense of the investigation to be paid for from the contingent fund of the Senate.

Four days thereafter the Senator from Ohio modified his resolution, so that the Senate, "without questioning the legality or justice of any act of the President," empowered the Committee on Military Affairs, "to ascertain all the facts with reference to or connected with the affray at Brownsville." The resolution in full is as follows:

Resolved, That, *without questioning the legality or justice of any act of the President in relation thereto*, the Committee on Military Affairs is hereby authorized and directed, by subcommittee or otherwise, to take and have printed testimony for the purpose of ascertaining all the facts with reference to, or connected with, the affray at Brownsville, Tex., on the night of August 13–14, 1906. Said committee is authorized to send for persons and papers, to administer oaths, to sit during sessions or recess of the Senate, and, if deemed advisable, at Brownsville or elsewhere; the expense of the investigation to be paid from the contingent fund of the Senate.

The supporters of this resolution are, I submit, estopped from challenging either the legality or the justice of the President's order in discharging "without honor" the soldiers of Companies B, C, and D, Twenty-fifth United States Infantry, if this solemn resolution of the Senate, reached after long and careful debate, is to be taken seriously as reflecting the deliberate judgment of this body.

The question of fact whether or not members of those companies participated in the Brownsville affray should be answered without prejudice, either in favor of or against them, by reason of their race or color, and it is to be regretted that a studious and systematic effort has been made to arouse the race feeling of the negroes of the country against the President because of his action with reference to those companies.

Those who thus seek to arouse a race issue have taken upon themselves a heavy responsibility, for their action must necessarily serve to increase the race prejudice which now exists to an unfortunate extent. It is incredible to me that any intelligent man, white or black, should have the hardihood to charge that the President, in issuing the order discharging those soldiers, was influenced against them by reason of their color. Before I could believe that his action was inspired by hostility to the colored race all his official accomplishments would have to be undone, and all his declarations unsaid. In the nation's history no President has been more emphatic in his declarations and in his actions looking to the equal protection of the negro under the law than the present occupant of the White House.

In his message of December 19, 1906, on the Brownsville affray, he says:

It is of the utmost importance to all our people that we shall deal with each man on his merits as a man, and not deal with him merely as a member of a given race; *that we shall judge each man* by his conduct and not by his color. This is important for the white man, and it is far more important for the colored man. More evil and sinister counsel never was given to any people than that given to colored men by those advisers, whether black or white, who, by apology and condonation, encourage conduct such as that of the three companies in question. If the colored men elect to stand by criminals of their own race because they are of their own race, they assuredly lay up for themselves the most dreadful day of reckoning. Every farsighted friend of the colored race in its efforts to strive onward and upward, should teach first, as the most important blessing alike to the white men and the black, the duty of treating the individual man strictly on his worth as he shows it. Any conduct by colored people which tends to substitute for this rule the rule of standing by and shielding an evil doer because he is a member of their race, means the inevitable degradation of the colored race. It may and probably does mean damage to the white race, but it means ruin to the black race.

By the rule thus aptly stated, the evidence as to the midnight assault upon the people of Brownsville should be weighed upon the scales of justice, evenly balanced to every man wearing the uniform of a United States soldier.

Mr. President, before entering upon a discussion of the evidence before the committee, and by it submitted to the Senate, I desire to go upon record as not sharing in the adverse criticism of the Administration for sending negro troops to garrison Fort Brown. Men who are good enough to wear the uniform of United States soldiers are good enough to serve their country wherever the flag floats. And, Mr. President, I cheerfully join with the Senator from Ohio in paying a tribute to the negro as a soldier.

The negro, in all the intervening years since the blood of Crispus Attucks, a martyr to American liberty, stained the streets of Boston, has by his courage in battle earned the right to stand up and be counted a man. He has shared the privations of the camp, the hardships of the march, and the dangers of the battle with a patience, endurance, and courage equal to that of his white comrade. And whenever given the opportunity he has been ready to fight the battles of his country. In the war of 1812 no troops did better service than the Louisiana colored volunteers who were called into service by the ever memorable address to them by General Jackson. A part of the address I read:

HEADQUARTERS SEVENTH MILITARY DISTRICT,
Mobile, September 21, 1814.

To the free colored inhabitants of Louisiana:

Through a mistaken policy you have heretofore been deprived of a participation in the glorious struggle for national rights in which *our* country is engaged. This no longer shall exist.

As sons of freedom you are now called upon to defend our most inestimable blessings. *As Americans*, your country looks with confidence to her adopted children for a valorous support, as a faithful return for the advantages enjoyed under her mild and equitable government. As fathers, husbands, and brothers, you are summoned to rally around the standard of the Eagle, to defend all which is dear to existence.

Your country, although calling for your exertions, does not wish you to engage in her cause without remunerating you for the services rendered. Your intelligent minds are not to be led away by false representations—your love of honor would cause you to despise the men who should attempt to deceive you. With sincerity of a soldier and in the language of truth I address you.

In response to this stirring appeal the freemen of Louisiana quickly responded; they rallied to the "Standard of the Eagle;" their soldierly qualities won from General Jackson as high a tribute as was ever paid "by a military chief" to his soldiers. In an address to them on December 18, 1814, he said:

Soldiers: When, on the banks of the Mobile, I called you to take up arms, inviting you to partake the perils and glory of your *white fellow citizens, I expected much from you;* for I was not ignorant that you possessed qualities most formidable to an invading enemy. I knew with what fortitude you could endure hunger and thirst, and all the fatigues of a campaign. *I knew well how you loved your native country*, and that you, as well as ourselves, had to defend what *man* holds most dear—his parents, wife, children, and property. You have done more than I expected. In addition to the previous qualities I before knew you to possess, I found among you a noble enthusiasm, which leads to the performance of great things.

Soldiers: The President of the United States shall hear how praiseworthy was your conduct in the hour of danger, and the representatives of the American people will give you the praise your exploits entitle you to. Your general anticipates them in applauding your noble ardor.

The enemy approaches; his vessels cover our lakes; our brave citizens are united, and all contention has ceased among them. Their only dispute is, who shall win the prize of valor, or who the most glory, its noblest reward.

In the battle of New Orleans, which followed in a few days thereafter, no regiments did better service than did the black regiments. In that battle they won "the prize of honor."

In the civil war, the greatest of all wars of modern times, no soldiers displayed greater courage than did the negro troops. As evidence of their stubborn resistance permit me to call the attention of the Senate to two or three of the many notable instances that might be given.

At Milliken's Bend (July 7, 1863) the Ninth Louisiana black regiment lost, in battle, in killed and wounded, 64 per cent of the men it took into action.

Again, at Chapin's Farm (September 29, 1864) the lost in battle of the Sixth United States Colored Regiment was 57 per cent, the killed and wounded of these regiments on the battlefield far exceeding the loss of the light brigade in its charge at Balaklava, a charge at which "all the world wondered"—a charge which has been immortalized in verse; yet in that charge the loss in killed and wounded was but 38 per cent.

And what regiment, sir, rendered more conspicuous service in the Spanish-American war than did the Tenth United States Cavalry (colored) at Santiago?

Mr. President, in the war of 1861–1865 I served in the same command with negro troops. The surviving veterans of those troops wear with me, as comrades, the button of the Grand Army of the Republic, and certain it is I have no prejudice against negro soldiers, and am not prepared to cry out against negroes as soldiers because I believe that members of the Twenty-fifth Infantry at Brownsville disgraced the uniform and

stained the honorable record of their race as soldiers. Lawlessness is not a distinguishing characteristic of any race or color.

Mr. President, in the investigation of the Brownsville affray, extending through months, I have endeavored to weigh the evidence with the sole view of doing even-handed justice to the soldiers of Companies B, C, and D of the Twenty-fifth Infantry, and guided by this rule I am driven to the conclusion that members of those companies whose identity has not been shown made the midnight assault on the sleeping and helpless citizens of Brownsville.

At the outset I deem it proper to call to the attention of the Senate the documentary evidence before the committee which led the President to issue the order discharging "without honor" the soldiers of the Twenty-fifth Infantry who were present at Fort Brown on the night of the assault.

The first official knowledge coming to the President of that unfortunate affray was a telegram under date of August 15–16, 1906, conveying the report of the citizens' committee. It reads:

The undersigned, a committee of citizens, appointed at and by a mass meeting of the people of Brownsville, held in the Federal courthouse in this city, on Tuesday, the 14th instant, to investigate the attack made on the city by negro troops stationed at Fort Brown, adjoining the city, after an almost continuous session of two days find as follows:

"That at a few moments before midnight on Monday, the 13th, a body of United States soldiers of Twenty-fifth United States Infantry (colored), numbering between twenty and thirty men, emerged from the garrison inclosure, carrying their rifles and abundant supply of ammunition, and also began firing in town and directly into dwellings, offices, stores, and at police and citizens. During this firing one citizen, Frank Natus, was killed in his yard, and the lieutenant of police, who rode toward the firing, had his horse killed under him, and was shot through the right arm, which has since been amputated at the elbow. After firing about two hundred shots the soldiers retired to their quarters. After the most diligent inquiry we find that no shots were fired from the town into or toward the garrison, nor any provocation given for the attack. We find that negro soldiers who had been stationed here only a few weeks have taken exception to the fact that they have been refused liquor in the saloons at the same bars or counters as the white citizens, and that a few days ago a negro soldier was knocked down for rudely jostling a white woman, the wife of a Federal officer, off the sidewalk."

* * * * * * *

This telegram bore the following signatures:

John Bartlett, county judge; Frank W. Kibe, city attorney; Celedonce Garza, sheriff; E. H. Goodrich, superintendent public instruction; George Conner, chief of police; John G. Fernandez, banker; Frederick J. Combe, mayor; James A. Brown, alderman; J. H. Florence, State quarantine officer; J. O. Wheeler, editor Daily Herald; William Kelly, chairman citizens' committee.

The committee making this report, as shown by the evidence, was composed of the best men of Brownsville; its chairman, Capt. William Kelly, one of Brownsville's oldest and most respected citizens, a civil war veteran of the Union Army, a companion of the Loyal Legion, and a member of the Grand Army of the Republic, having commanded a colored company at Appomattox, having, as he testified, no prejudice against colored soldiers, but regarding them

as good soldiers as were in the Army, when properly officered.

Following the report of the citizens' committee came to the President, through the Military Secretary, a telegram from Major Penrose, commander of the colored battalion, under date of August 16, two days after the shooting, as follows:

Reference your telegram yesterday, a shooting occurred in Brownsville about 12.10 morning of 14th, in which one civilian was killed and the chief of police wounded in right arm, which had to be amputated. *Believe shooting was done by enlisted men of this post, but have not as yet been able to detect guilty party.* Am conducting most thorough investigation possible and working in perfect harmony with citizens committee and mayor of Brownsville. Guard of one-third of garrison, one company, constantly on duty. All enlisted men confined strictly to post, and no one allowed to enter but mayor, member of citizens' committee, and those having official business. Conditions well in hand by both mayor and myself. No trouble since shooting, and anticipate none. Full facts reported to department commander by wire and mail.

From this report it will be seen that Major Penrose concurred with the citizens' committee in the conviction that soldiers of his command were guilty of the shooting. Nor did he, at any time before his court-martial, seven months after the affray, express a doubt as to their guilt.

In his report to the Military Secretary of the Department of Texas, under date of August 15, 1906, Major Penrose stated that when Doctor Combe, the mayor of Brownsville, called upon him about 2 a. m. the morning of the attack, claiming that the killing of a citizen and wounding of the lieutenant of police had "been by soldiers" he then felt confident that the mayor was mistaken, as all his men had been reported "present or accounted for;" but he says:

The mayor again called upon me about 10 a. m. (August 14) and informed me a few empty cartridge cases and used clips for our Springfield rifle had been found in the streets, and later in the morning told me there had been picked up between seventy-five and a hundred empty cases and used clips, as well as a few cartridges that had not been fired. *Some of these I examined, and there is no doubt they are those manufactured by our Ordnance Department and issued to the troops.*

* * * * * * *

Here it will be well for me to state that Doctor Combe served as a volunteer surgeon during the Spanish-American war; was a brigade surgeon during the greater part of the Philippine insurrection; and is at the present time employed to attend the sick of the post during the absence of the surgeon.

* * * * * * *

Were it not for the damaging evidence of the empty shells and used clips I should be of the firm belief that none of my men was in any way connected with the crime, but with this fact so painfully before me I am not only convinced it was perpetrated by men of this command, but that it was carefully planned beforehand. I have the affidavits from three noncommissioned officers who were in charge of quarters on the day and night, and they swear positively the rifles were verified and the racks locked after drill (practice march of Companies B and D, drill of Company C) and the old guard returned to the quarters, that they never left the quarters, and that the keys to the locks of the racks were never out of their possession, and that the racks were not opened until call to arms sounded, and were then opened by them.

From testimony gathered by the citizens' committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack, and after check roll call was taken—for all were reported present at 11 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.

I am conducting the most rigid examination possible, examining every man, and working in conjunction with the citizens' committee, and I believe the offenders will be apprehended, although it will take time. The best of the men are very much perturbed over the matter, and I believe through them rather than my own efforts the perpetrators of this wanton crime will be apprehended.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. WARNER. I do.

Mr. CLAPP. Is the statement which the Senator is reading, that they cleaned their rifles, the statement of the officer?

Mr. WARNER. Yes; I am reading from the statement of Major Penrose, for the purpose of showing what was thought by the man who is supposed to know the time it would take, the man of all men in the United States who was most interested in protecting the good name of his command. Major Penrose further says:

That the enlisted men have been subjected to indignity since their arrival here there can be no doubt, and this has caused a good deal of feeling among them, and to one case I attribute this outbreak, the subject of which I will make an official report as soon as the collector of customs, Mr. Vann, returns to the city.

Before making his report, Major Penrose had examined noncommissioned officers and many of the enlisted men of the battalion, each of whom denied that he was either a party to, or had any knowledge of, any member of the command being engaged in the shooting. More than that, Major Penrose then knew from the company officers of the inspection that had been made of the guns and ammunition on the morning following the shooting. He also knew of the roll call that had been made, and he knew the opportunity, or lack of opportunity, afforded those engaged in the shooting of getting back into the fort and joining their companies unobserved by their officers. In fact he had before him all the facts and circumstances attending the midnight assault, and, animated no doubt—as every officer should be—with the laudable desire to defend the good name of the soldiers of his command, and to clear them, if possible, of the charge of midnight assassination—he reported—

I am not only convinced it [the shooting] was perpetrated by men of this command, but that it was carefully planned beforehand.

And further—

from testimony gathered by the citizens' committee and given to me by Doctor Combe, I believe from seven to ten men were implicated in this matter. Some one of them must have had a key to the gun rack and after check roll call was taken—for all were reported present at 11.30 p. m. roll call—they slipped out of quarters, did the shooting, returned while the companies were forming, and at some time during the early hours of the morning cleaned their rifles. *This is made possible from the fact that the shooting all occurred within two short blocks of the barracks.*

Yet the President (having this report before him), that he might be further advised of the facts, ordered Major Blocksom, an experienced Inspector-General of the Army, to Brownsville, to investigate the affray and report his findings to the War Department. That officer, on the 20th day of August (two days after his arrival in Brownsville), wired to The Military Secretary, United States Army, as follows:

Causes of disturbances are racial. People did not desire colored troops here, and showed they thought them inferior socially by certain slights and denials of privileges at public bars, etc. Soldiers resented this. There were several individual encounters between soldiers and citizens. *About midnight of 13th, party of soldiers, probably 9 to 15, made raid through several squares of town, firing 75 to 150 shots, killing a bartender and dangerously wounding a lieutenant of police. They also fired into several houses, where women and children narrowly escaped being shot.* Raid lasted from 8 to 10 minutes. Claim made that citizens fired first, but, I believe, without foundation. Although act probably preconcerted, do not think commanding officer could have

foreseen. Citizens can not identify individual raiders, and authorities have made no demand for them. Investigation now going on has as yet discovered none. Commanding officer to-day invited a committee of three citizens to assist in conducting investigation. People are still in a state of great nervous tension, and men nearly all carry arms openly at night. Women and children still frightened. I consider it necessary to remove colored troops—sooner the better. While now apparently under perfect control, an entire company is on guard each day—a great strain with little prospect of relief. Differences between soldiers and citizens are irreconcilable. Suspected men might get a fair trial here at hands of civil authorities, but could not be properly protected from mob violence. Fuller report about investigation will be made in regular course.

Major Blocksom, after an exhaustive investigation extending through ten days, reported to the Military Secretary the result of his labors. The report as to the facts, as he found them, as to the shooting and the occurrences leading up to it, in statement is impartial and in tone judicial. I have read and reread it. I saw Major Blocksom upon the witness stand, and certain it is there is nothing in the report and nothing that he said upon the witness stand that would indicate to me at least that he was prejudiced against these men because of their color.

After being at Brownsville a week, Major Blocksom made a full report under date of August 29, 1906, in which, among other things, he says:

BROWNSVILLE, TEX., *August 29, 1906.*

SIR: I have the honor to report investigation of trouble caused by soldiers of Twenty-fifth Infantry, midnight August 13. I arrived at Brownsville the night of August 18.

* * * * * * *

I examined privately the *five* officers present when trouble occurred (Major Penrose, Captains Lyon and Macklin, Lieutenants Grier and Lawrason, all of the Twenty-fifth Infantry) all men who made affidavits, etc., A" to F" (as well as post noncommissioned staff, a number of old noncommissioned officers in each company, etc.), all important witnesses in A"' to B"' Mayor Combe, Mr. Dominguez, Mr. and Mrs. Evans, etc. I interviewed nearly all prominent officials—Federal, State, and county—saloon keepers, and other citizens of all classes. I examined the houses, interviewing inmates, of Messrs. Cowan, Rendall, Starck, and Yturria, observing where shots entered and left; also saloon where bartender was killed, and a number of other buildings having bullet marks.

The committee invited by Major Penrose to investigate (referred to in D') practically delegated its authority to Captain McDonald, of State Rangers, who is also a detective. He was given every assistance by the commanding officer. He served the warrants the first time.

And after all this examination, talking with the officers, mixing with the citizens, examining the buildings that had been fired into, he reports:

CAUSES.

First. The soldiers heard they were not to go to Camp Mabry because Texas troops had threatened to use ball cartridges against them in maneuvers. They knew Colonel Hoyt made a request that the Twenty-fifth be not sent to Texas.

Second. The people did not desire the colored troops and thought they should not be sent here. I learned this *before* the rumored abandonment of Brown from prominent citizens, members of the committee of safety, etc. I think requests were sent to Senators, Congressmen, etc., to use their influence in the matter, but am not positive. If a fact it is probably known at the War Department.

Third. Soldiers of the Twenty-fifth were not allowed to drink with white people at the principal bars in town, though in some cases saloon keepers put up a separate bar for their use, this having an opposite effect to that intended. The bartender was killed in such a saloon.

Fourth. Tate-Newton, Baker-Reed cases, etc., (see B and B"'). Tate-Newton case was that of a party of ladies standing on street sidewalk; claimed that two colored soldiers rudely jostled them. Mr. Tate, inspector of customs, husband of one of the ladies, knocked down one of the soldiers with his revolver. The ladies were obstructing the sidewalk, although anybody could have easily gotten by them. The soldier was rude and probably insulting in his manner. Tate's remedy was too drastic. It was "in the manner of the South." He told me he would have used it against any man—white or black. Mr. Vann, collector of customs, invited Major Penrose to assist at an investigation of this case, but latter had no time after the 13th. Reed and another colored soldier were at ferry landing, having returned from Matamoros. Mr. Baker, inspector of customs, claimed they were drunk and disorderly (confirmed by an unprejudiced witness); that he told them to move on, and finally pushed one who fell off plank walk into mud and water about knee deep, more through his condition than strength of the push. Baker probably used more than he acknowledged. Facts in these two cases were exaggerated on both sides and increased the bitter feeling between soldiers and citizens. I heard of several cases of threats from both sides before the 13th, but believe them manufactured.

Fifth. Case of Mrs. Evans (see B). There is no doubt she was seized by the hair and thrown violently to the ground by a tall negro soldier, who then ran away through fear of people close by. This incident, occurring on the 12th, inflamed and infuriated the people very much. The canceling of passes, sending out patrols, etc., probably increased the resentment of the soldiers against the people of Brownsville.

THE RAID INTO TOWN.

From the evidence obtainable I believe the first shots were fired between B Company barracks and the wall separating post from town. A number were fired into the air for the purpose of creating an alarm. The soldiers, 9 to 15, possibly more, then jumped the wall and started through town. There is no reliable evidence to support the claim that the first shots came from town, and no bullet marks were found on barracks. From their direction, etc., I am sure three shots through Mr. Yturria's house came from a point near the center of B Company's upper back porch.

This I will have occasion to refer to hereafter. It may be well to a proper understanding of this to remark as we proceed that on the morning of the 14th of August, immediately following the shooting, Major Penrose made an inspection of all the barracks of the battalion, and there was not the scratch or the mark of a bullet upon any one of them, nor was there a shot fired in such a manner as to endanger the life or the limb of a soldier. This simply is important when we come to consider whether this was an attack by the citizens upon the soldiers.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. WARNER. With pleasure.

Mr. SMITH of Michigan. I should like to ask the Senator from Missouri, who is very familiar with the testimony and all the hearings in connection with this matter, whether any officer or enlisted man in any of the companies concerned in the Brownsville affair have ever been tried before any court, civil or military?

Mr. WARNER. Did I understand the Senator to say officers or privates?

Mr. SMITH of Michigan. Officers or men.

Mr. WARNER. Major Penrose was court-martialed; Captain Macklin was court-martialed, and a certain number of the men were arrested at Brownsville, but on investigation had by the grand jury they were discharged, as I think I shall show, because it was impossible to identify the individual men.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield further to the Senator from Michigan?

Mr. WARNER. Certainly.

Mr. SMITH of Michigan. I notice in the printed report a letter from The Military Secretary, under date of September 3, addressed to William Loeb, jr., secretary to the President, in which it is stated a number of times that it is the intention of the President to try these men by military court. Has that eminently fair and laudable plan been abandoned? Are we to treat this case, so far as any court-martial or trial of any character is concerned, as a closed incident? Is that the purpose of the Senator's argument, and is that the purpose of the bill he has offered, or are these men to be given their day in court, where they can face their accusers?

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. WARNER. Certainly.

Mr. BORAH. With the permission of the Senator from Missouri, I will ask if the Senator from Michigan refers to privates or officers?

Mr. SMITH of Michigan. I refer to both privates and officers.

Mr. BORAH. Two of the officers have been tried by court-martial.

Mr. SMITH of Michigan. And acquitted?

Mr. BORAH. And acquitted.

Mr. SMITH of Michigan. What officers?

Mr. BORAH. Major Penrose and Captain Macklin; but in the Penrose court-martial——

Mr. WARNER. I will come to that in a few moments.

Mr. BORAH. In the Penrose court-martial issue was tendered as to the participation of the soldiers.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. WARNER. Certainly.

Mr. FORAKER. I must be allowed to say in answer to that suggestion that the men were not before the Penrose court-martial at all, and were not represented before the Penrose court-martial. In my opinion, if that is to be brought in here, there will be more plain talking on that subject than on any other that has been introduced in connection with this matter.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. WARNER. I dislike to have this controversy interjected, but I will say to the Senator from Ohio that I shall take occasion during the remarks I shall make to refer to the findings of the court-martial in the Penrose case.

Mr. FORAKER. Yes; I have no doubt the Senator will; but when the Senator does it he will state what the record shows and he will not mislead anybody as to what is in the record.

Mr. WARNER. Not if I know it.

Mr. FORAKER. I know the Senator will not.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. WARNER. What is the Senator's question?

Mr. SMITH of Michigan. I should like to ask the Senator from Missouri whether as a matter of fact the civil proceedings which were initiated by Judge Welch were ever completed; whether the proceedings of the grand jury were simply dropped or superseded by some other action, or whether, as a matter of fact, they were carried to completion?

Mr. WARNER. I will say, if the Senator from Michigan will pardon me—I really desire interruptions, ordinarily, being used to them in the practice of the law, but I have marked out a certain course here, and I should like to pursue it. I will, however, answer the question. As I understand, the Senator's question is whether those proceedings have been concluded.

Mr. SMITH of Michigan. Yes.

Mr. WARNER. In the criminal court?

Mr. SMITH of Michigan. Yes; and whether the grand jury made its report.

Mr. WARNER. If the Senator has before him Document No. 155, he will find that the grand jury did make its report, and, as I have said, Mr. President, sufficient evidence was not found to identify any individual soldier so as to secure an indictment; but, as the county attorney, Mr. Kleiber, testified before the committee, the grand jury did believe the shooting had been done by the colored battalion, but could not identify the men.

Mr. SMITH of Michigan. I do not wish to annoy the Senator. I am asking purely for information——

Mr. WARNER. The Senator can not annoy me; he is too kind.

Mr. SMITH of Michigan. But the Senator has quoted several times from Major Blocksom, and I find on page 93 of the record that Major Blocksom reported to the Military Secretary at Washington that—

> The accused men can not get a fair trial in this county on account of prejudice.

Now, I want to know from the Senator from Missouri whether, notwithstanding that statement and report, the grand jury did set aside all these charges because they could not be fixed upon anyone?

Mr. WARNER. I thought I had answered that, but whether the prejudice existed there, as Major Blocksom states, or not, those living there could tell better than I, and the Senator from Michigan has, with me, the same opportunities of knowledge. The grand jury did fail to return an indictment because it could not identify the individual soldiers, but, as the county attorney said, the grand jury did believe that the men of the command had done the shooting. And to the preceding question of the Senator I will say that the case, as far as any court-martial is concerned, is a closed incident, and that the President, in discharging these soldiers "without honor," acted clearly within his constitutional powers as Commander in Chief of the Army and in conformity with the Articles of War, and his action in this respect is not questioned by the Senate resolution authorizing this investigation.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. FORAKER. I will not interrupt the Senator at all if he has the slightest objection, but I should like to suggest to the Senator here that it should go in the RECORD in that connection that the men against whom the grand jury found nothing—put it on the ground of lack of identity, if you please—were the men who necessarily would have known something, or have had something to do with it, if the soldiers had done the firing, because they were the noncommissioned officers, including the sergeant in charge of the guns that night.

Mr. WARNER. But conceding that for the moment—which I do not, in fact, fully concede—conceding that for the moment, the mere suspicion that these officers knew about it would not be sufficient to secure an indictment against individual soldiers. The Senator from Ohio would not contend that.

I continue the reading of Major Blocksom's report:

> A Mexican boy sleeping on the floor of the Yturria porch said they were among the first fired.
>
> Mr. Rendall lives over telegraph office opposite post gate. A bullet went through his sitting room; it came from a point near the wall opposite southwestern end of C Company barracks. Some of the first shots fired also came from the vicinity of D Company barracks. The line of barracks of B, D, and C companies runs northeast to southwest. The wall between post and town is parallel to and about 75 feet northwest of line of barracks. An alley through town, perpendicular to wall, beginning at a point nearly opposite space between B and D Company barracks, was the line of operation (about three blocks in length).
>
> The raiders first struck Cowan's house (at end of first block). There were two women and five children in it. It is a miracle some of them were not shot. The raiders could not help knowing they had not yet gone to bed. About ten shots were fired, nearly all going through house at a height of 4½ feet or less above floor. One shot put out the lamp setting on a table. Mrs. Cowan has been on the verge of hysterics ever since. It is said the Cowan children had made fun of the "nigger soldiers;" but I could not pin down the reports. There must be some truth in them. The lieutenant of police, Dominguez, heard the firing and rode through it, accompanied by two policemen. Near corner of Miller Hotel (end of second block) the two policemen turned back, but Dominguez kept on, and the raiders started firing upon him. He said there were about 15 colored soldiers in the party. He was mounted on a white horse, and went half a block after reaching corner of hotel, when his horse fell dead, shot through the body several times. The raiders were probably at the corner and continued firing on the fleeing man until horse fell. Dominguez was shot in right arm (afterwards amputated below elbow). He did not even draw his revolver from holster. A number of shots were also fired at the other two policemen. Dominguez, many years on the police force, is universally respected. The raiders fired seven or eight times into the Miller Hotel, including several shots at a guest sitting by a window. After shooting Dominguez they divided. One party proceeded along the alley. Frank Natus, bartender in Tillman's saloon (about two-thirds the way down third block) heard them coming and started to close the back door, but was shot and probably instantly killed about 20 feet from door. A Mexican in the saloon, Precindo by name, was slightly wounded in the hand by a bullet which passed through his coat. Natus had never had any trouble with the soldiers, as far as known. Five or six shots were fired through the back door. This party tried to get into the back door of another saloon, but it was closed.
>
> The other party went half a block to the right, then turned to the left and fired five or six shots into Mr. Starck's house (second from corner on street parallel to alley), evidently mistaking it for Tate's (which is third). Bullet marks in Starck's house are higher than in Cowan's. Mrs. Starck said two shots went through mosquito bar over bed in which she and two children were sleeping. These were the last attacks, and raiders then probably ran back. Bullet marks were found on several other houses in vicinity of those already mentioned.
>
> None of the individual raiders was recognized. Streets are poorly lighted, and it was a dark night. Those who saw them were busy trying to keep out of sight themselves. The soldiers were comparative strangers in town, having arrived only two weeks before. That the raiders were soldiers of the Twenty-fifth Infantry can not be doubted. *The evidence of many witnesses of all classes is conclusive.* Shattered bullets, shells, and clips found are merely corroborative.
>
> RESPONSIBILITY BEFORE AND DURING THE FACT.
>
> I do not think the commanding and other officers and some of the senior noncommissioned officers can be blamed for not discovering the *preconcerted* raid. It is easy to say, in the light of later events, that the guard should have been doubled and other precautions taken the night of the 13th, but who could imagine that American soldiers in a body would try to murder unoffending women and innocent children?
>
> The commanding officer did cancel passes and send out patrols early in the evening, as much to allay the anger of townpeople as to prevent men from committing other excesses. It may be interesting to note here that troops were paid on the 11th.
>
> All the officers firmly believed (most of them till morning) the garrison was attacked from the town side as a result of the assault on Mrs. Evans, the general ill feeling of townpeople, etc., and this delusion was heightened by the call to arms sounded by order of the sergeant of the guard (probably too early during the firing to be genuine). *As a consequence the raiders were not suspected by their officers and had an easy time getting back; while arm racks were opened with difficulty in the dark, preparations made for defense, etc., cleaning the rifle requires a few minutes only.*
>
> Major Penrose is indefinite in his statement as to time command was paraded. It was at least ten minutes after the first shots were fired; probably longer. Captain Macklin, officer of the day, says he went to bed between twenty and ten minutes to midnight, very much fatigued, and slept through all the uproar until about 1 a. m. The first shots were fired a few minutes *before* midnight. It is singular the members of the guard sent to wake him up could not find him, although, as far as he is concerned, I found no reason to doubt his statement.
>
> RESPONSIBILITY AFTER THE FACT.
>
> *I think Major Penrose, as soon as he believed the criminals were soldiers, should have arrested and placed in solitary confinement Sergeant Jackson, B Company (senior sergeant present in company, as well as in charge of quarters)*, Sergeant Reid, B Company (sergeant of the guard), Private Howard, D Company (sentinel around barracks), and Scavenger Tamayo (at B Company water-closet, next the wall where firing began). It is very probable that proper effort would have induced one or more of these men to tell what he knew. The soldiers are among those arrested, but not the scavenger, although I recommended him to the district attorney.
>
> Major Penrose has conducted himself in a manly way under trying circumstances, although subjected to much undeserved abuse. Almost the only criticism against him is that above. The officers appeared to be trying to find the criminals, but it is certainly unfortunate for the reputation of the battalion that they have as yet hardly discovered a single clue to such a terrible preconcerted crime committed by so many men. *I believe the battalion had an excellent reputation up to the 13th of August, but the stain now upon it is the worst I have ever seen in the Army.* Many of its old soldiers, who had nothing to do with the raid, must know something tangible as to the identity of the criminals. If they do not disclose their knowledge they should be made to suffer with others more guilty, as far as the law will permit.
>
> RECOMMENDATION.
>
> *If satisfactory evidence concerning the identity of the criminals does not come from members of the battalion before a certain date, to be fixed by the War Department, I recommend "that all enlisted men of the three companies present on the night of August 13th be discharged the service and debarred from enlisting in the Army, Navy, or Marine Corps."*

It will be recalled, Mr. President, that Major Penrose, in his report of August 15, to the Military Secretary, said:

> I am conducting the *most rigid examination possible*, examining every man and working in conjunction with the citizens' committee, and I believe the offenders will be apprehended, although it will take time. The best of the men are very much perturbed over the matter, and I believe through them rather than my own efforts the perpetrators of this wanton crime will be apprehended.

Yet that officer, with his ripe experience, after conducting the "most rigid examination possible" for five weeks, and having the benefit of the counsel of such experienced officers as Colonel Lovering and Major Blocksom, under date of September 20, 1906,

thirty-five days after the Brownsville raid, reported to the military secretary of the Department of Texas as follows:

FORT RENO, OKLA., *September 20, 1906.*

THE MILITARY SECRETARY, DEPARTMENT OF TEXAS,
San Antonio, Tex.

SIR: In obedience to the department commander's instructions contained in your telegrams of August 26 and 28, the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, have been held at this post without privileges of any kind, and prior to arrival here, from August 14 to 27, were confined strictly to the limits of Fort Brown, Tex. Therefore they have had no liberty of any kind or character for over a month.

Since arriving at Fort Reno, in addition to allowing no privileges whatever and being confined within the limits of the post, I have given the enlisted men of these companies extra guard, extra drills, and constant police work, besides having tattoo roll call for them, and always one, sometimes two, inspections after the regular 11 o'clock p. m. inspection.

At first I was under the impression that these extra drills, police and privations would have the effect of inducing some one who was not among the criminals, but who has knowledge of the guilty parties to the shooting at Brownsville, to give me some information that would lead to the detection of some of the men, but up to this time it has proven an utter failure, and I doubt very much if it will ever *accomplish the desired results.* In fact I am of the opinion that it is having the contrary effect, *by keeping the men constantly on their guard, and this view is shared by the officers of the battalion, as well as many of the old noncommissioned officers* who are thoroughly reliable and trustworthy, and whose opinions in such matters are worthy of consideration.

In view of this fact I respectfully suggest that one of the two following plans be authorized:

First. Take off all restrictions imposed. Return to the regular routine of post duty, and lead the men to believe the whole Brownsville matter has been dropped, but have three colored detectives enlisted and one assigned to each of the three companies.

Second. That authority be granted by the Secretary of War to discharge, if necessary, all but 20 per cent of the enlisted men of the three companies, the discharges to be so notated that enlistment again would be impossible.

To carry out this latter suggestion I would have it published to the men that on a certain specified date, a month later, for instance, if the criminals were not detected and reported, 20 per cent of each company would be discharged. At the end of a second period of thirty days, if the men still remained undetected, a second lot of 20 per cent of the original numbers of the companies would be discharged, and so on, in periods of thirty days, until but 20 per cent of the men are left. The men discharged, in all cases, to be selected by the company commanders. This latter is a drastic measure and should, in my opinion, be resorted to only after the first suggestion had been given a fair trial and had proven a failure.

Mr. CLAPP. I was called out of the Chamber for a moment. Is the Senator now reading the recommendation of Major Penrose?

Mr. WARNER. Yes; his report of September 20, showing what was before the President.

Mr. FORAKER. I should like to state, for the information of the Senator from Minnesota, that later Major Penrose and all the other officers changed their minds as to the guilt of these men, and so testified.

Mr. WARNER. The Senator from Ohio, I trust, will do me the justice to say that I shall refer to that at the proper time.

Mr. FORAKER. It may be that the Senator will, but it is a privilege we generally take here to prevent our colleagues from making an improper impression.

Mr. WARNER. I am glad to be thus prevented, although, of course, I had no such purpose.

Mr. FORAKER. I am sure the Senator had not, but I made the statement only because of the fact of the lack of information which possibly the Senator from Minnesota had on the subject.

Mr. WARNER. I continue the reading:

I am strongly of the opinion that but few men have any knowledge of the deplorable Brownsville affair, but it is quite evident those few will never betray their comrades under present conditions. The majority of the men, particularly the old soldiers who have served their country for years gallantly and faithfully and borne themselves honorably, feel this matter very deeply, and, I believe, are doing all they can to detect the guilty; *but it must be remembered the negro race is a very secretive one, and those having knowledge of the shooting, without being participants, will hesitate a long time under most adverse conditions before giving information.*

I recommend that the first plan be given a fair trial, for once the present restraint is removed and the men given the usual liberty they will be more apt to talk, *and especially after drinking a little,* but to be reasonably hopeful of success detectives must be employed.

Very respectfully,

C. W. PENROSE,
Major, Twenty-fifth Infantry, Commanding.

Mr. President, five weeks of patient investigation strengthened Major Penrose's belief that men of his command made the assault on Brownsville. For the discovery of the guilty parties he recommended two plans, the first being questionable and the second drastic.

There was an investigation of the shooting by the grand jury of Cameron County, of which Brownsville is the county seat. This investigation was had the week following the shooting. Mr. John L. Kleiber, the district attorney for that county, who conducted the examination of witnesses before the grand jury, when before the committee, in answer to the question by Senator Foraker:

Now, in the investigation before the grand jury you proceeded upon the assumption that some of the negro soldiers had done the shooting, didn't you?

said:

No, sir; I did not proceed upon any assumption.

And in answer to the further question,

Was not that the general opinion in Brownsville?

He said:

I had no opinion about it except such as I have formed from evidence.

He then added—

I want to say to the committee that my course throughout this whole matter has been that of an official trying to do his duty, not only for the people who we felt had been injured, but to the parties accused of having committed that injury, and although we were satisfied from the evidence, and the grand jury reported to the court that this shooting had been done by men of the Twenty-fifth Infantry, yet that the evidence did not point with sufficient certainty to any individual or individuals to justify or warrant them in bringing in an indictment and presenting these parties.

The conclusion reached by the grand jury that the shooting was done by soldiers was the same as that reached by the citizens' committee and by Majors Penrose and Blocksom.

By every investigation up to this time there was but one conclusion ever reached as to who the parties were; that is the parties, not the individuals.

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. WARNER. Certainly; with pleasure.

Mr. BULKELEY. I should like to ask the Senator if there is any record of the finding of the grand jury, except that they failed to return an indictment?

Mr. WARNER. None that I know of. I have not claimed that there was.

Mr. BULKELEY. As I understood the Senator, he made the claim that the grand jury found the same as the citizens' committee; and if I understand the evidence before the Senate committee, there was no finding whatever by the grand jury, except that they failed to return an indictment and were then discharged by order of the court.

Mr. WARNER. I have read, if the Senator will permit me, the testimony of the State's attorney, who said that they so reported to the court that the shooting had been done by members of the Twenty-fifth Infantry, and then I said that this finding that the shooting was done by members of the Twenty-fifth Infantry was in accordance with the findings of the citizens' committee and of Majors Penrose and Blocksom.

Mr. BULKELEY. I do not understand, from any of the records, that there was any finding whatever presented to the court except the failure to return an indictment.

Mr. WARNER. If the Senator will pardon me, I have not claimed or intimated, nor does the State's attorney claim, that a written report was made to that effect, but he says that they reported to that effect.

Mr. BULKELEY. But there is no record of any such finding by the jury.

Mr. WARNER. We shall have no controversy about that, I apprehend.

Although, Mr. President, all the reports coming to the President from civilians and Army officers concurred in the finding that the assault on Brownsville was made by unidentified soldiers of the colored battalion, yet he was loath to issue the order discharging, "without honor," all, or part, of the battalion present at Fort Brown on the night of the shooting, in the hope, no doubt, that further investigation would develop facts that would enable him, with reasonable certainty, to separate the innocent from the guilty. This delay, it was claimed in certain quarters, showed, on his part, not only a want of regard for the discipline of the Army, but also for the protection of the lives of the citizens, some even going so far as to charge that the delay was because of favoritism to the negro troops.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. WARNER. Certainly.

Mr. BEVERIDGE. I understand this affray occurred on the 13th of August?

Mr. WARNER. On the night of the 13-14th of August.

Mr. BEVERIDGE. What was the date of the final order issued by the President?

Mr. WARNER. The 5th of November.

Mr. BEVERIDGE. How many reports had the President received from Army officers, civilians, and others concerning this affair before he made his order?

Mr. WARNER. That is what I am about to state.

Mr. BEVERIDGE. The Senator is coming to that point?

Mr. WARNER. There was first the report of the citizens' committee; then the telegram and report from Major Penrose; then came the report from Major Blocksom, accompanied by affidavits and statements of citizens, and then the report of September 20, by Major Penrose.

Mr. BEVERIDGE. Now, I want to ask my final question—whether or not the final order made by the President was made by him upon the recommendation of the War Department, the War Department having first formulated the order?

Mr. WARNER. It was made upon the recommendation of Major Garlington, the Inspector-General, who went down there. I think I am correct in that. But the order discharging these men was the order of the President.

Mr. BEVERIDGE. Certainly.

Mr. WARNER. And he never has attempted to shift the responsibility to anyone else.

Mr. BEVERIDGE. Of course——

The VICE-PRESIDENT. Does the Senator from Missouri yield further to the Senator from Indiana?

Mr. WARNER. Certainly.

Mr. BEVERIDGE. Of course no President, as Commander in Chief of the Army, will attempt to avoid responsibility for any order issued by him. The point that these questions sought to elicit was that the order had been made in the usual course of business upon recommendation of the War Department after the President had waited a time so long that, as the Senator says, it subjected him to criticism for not maintaining discipline. In other words, as I have listened, it has appeared not to be an order originated by the President.

Mr. FORAKER. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. WARNER. Certainly.

Mr. FORAKER. No one, from the beginning of this controversy, has asserted at any time that there was any kind of a report made to the President down to the time when he issued his order except only a report in the nature of the guilt of the soldiers. He had no suggestion made to him of innocence as opposed to their guilt. That is to say, all the inspecting officers sent there and all the citizens of Brownsville were of one mind about it. But the trouble was that all that was ex parte.

Mr. WARNER. If the Senator from Ohio will pardon me, I have stated all that.

Mr. FORAKER. I know the Senator has.

Mr. WARNER. I am willing to yield to any interruption, but it seems to me where it is only a repetition of what I have said, interruptions are unnecessary, because the Senator from Ohio and I will not or ought not to disagree as to the facts in this case.

Mr. FORAKER. Although the Senator had stated it and stated it clearly, and I fully understood it, nevertheless the Senator from Indiana asked a question, and I was trying to help out the Senator from Missouri in the matter.

Mr. WARNER. I thank the Senator from Ohio.

In a final effort to get, if possible, additional facts, the President, on the 4th day of October, 1906, ordered Brigadier-General Garlington, Inspector-General of the United States Army, an officer of long service, to proceed to Fort Reno, Okla., where the Brownsville battalion was then stationed, and make further investigation of the Brownsville affray, with instructions to notify the soldiers of Companies B and C and D that if the identity of the guilty parties was not revealed, an order of dismissal, without honor, would be issued. General Garlington, after many days of careful investigation at Fort Reno, Okla., where the Brownsville battalion was then stationed, being in constant consultation with the officers, found, "beyond reasonable doubt," to use his language,

that the firing into the homes of citizens of Brownsville * * * was done by enlisted men of the colored battalion.

I read from General Garlington's report:

I recommend that orders be issued as soon as practicable, discharging, without honor, every man in Companies B, C, and D of the Twenty-fifth Infantry, serving at Fort Brown, Tex., on the night of August 13, 1906, and forever debarring them from reenlistment in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government. In making this recommendation I recognize the fact that a number of men who have no direct knowledge as to the identity of the men of the Twenty-fifth Infantry who actually fired the shots on the night of the 13th of August, 1906, will incur this extreme penalty.

It has been established, by careful investigation, beyond reasonable doubt, that the firing into the houses of the citizens of Brownsville, while the inhabitants thereof were pursuing their peaceful vocation or sleeping, and by which one citizen was killed and the chief of police so seriously wounded that he lost an arm, was done by enlisted men of the Twenty-fifth Infantry belonging to the battalion stationed at Fort Brown. After due opportunity and notice, the enlisted men of the Twenty-fifth Infantry have failed to tell all that it is reasonable to believe they know concerning the shooting. If they had done so, if they had been willing to relate all the circumstances—instances preliminary to the trouble—it is extremely probable that a clew sufficiently definite to lead to results would have been disclosed. They appear to stand together in a determination to resist the detection of the guilty; therefore they should stand together when the penalty falls. A forceful lesson should be given to the Army at large, and especially to the noncommissioned officers, that their duty does not cease upon the drill ground, with the calling of the company rolls, making check inspections, and other duty of formal character, but that their responsibilities of office accompany them everywhere and at all times; that it is their duty to become thoroughly acquainted with the individual members of their respective units; to know their characteristics; to be able at all times to gauge their temper, in order to discover the beginning of discontent or of mutinous intentions, and to anticipate any organized act of disorder; that they must notify their officers at once of any such conditions. Moreover, the people of the United States, wherever they live, must feel assured that the men wearing the uniform of the Army are their protectors, and not midnight assassins or riotous disturbers of the peace of the community in which they may be stationed.

No absolutely accurate verification of the rifles and men of the battalion was made on the night of the 13th of August in time to account for all the rifles or all the men at the beginning of the firing or immediately upon its conclusion. This failure is explained as follows: The commanding officer and his associates, when the alarm was sounded and they heard the firing, assumed that it came from the city of Brownsville, and that the guns were in the hands of civilians; in other words, that the garrison was being fired into from the outside by civilians. It does not appear to have occurred to any of them that certain enlisted men of the Twenty-fifth Infantry had possession of their arms, and were committing the crime of firing into the houses and upon the citizens of Brownsville until the mayor of the city came into the garrison and informed the commanding officer, Major Penrose, that one man had been killed and another wounded by his soldiers.

The finding by General Garlington that soldiers of the colored battalion were guilty of the murderous assault on the sleeping and helpless men, women, and children was but confirmatory of every report that had come to the President, whether from citizens or Army officers. To have retained these soldiers in the service with the stain of that crime resting upon them would have been criminal. No community in which they might be stationed would feel secure. Instead of being regarded as protectors they would be feared as a menace. The President realizing that "there can be nothing more important than for the United States Army, in all its membership, to understand that its arms can not be turned with impunity against the peace and order of the civil community," and acting clearly within his constitutional power as Commander in Chief, on the 5th day of November, 1906, directed the issuance of the order discharging "without honor" the enlisted men of the battalion of the Twenty-fifth Infantry who were present at Fort Brown on the night of the shooting. Sir, while it is to be regretted that some of the battalion, who, in all probability, were guiltless, either as principals or accessories before or after the fact, came within the order, yet, regrettable as that fact is, better this than that a band of lawless raiders should continue to wear the uniform of United States soldiers.

Mr. President, since the President's order there have been three separate investigations of the Brownsville affray—one ex parte, it is true, by Major Blocksom, of the United States Army, and Mr. Purdy, of the Department of Justice; another by the Penrose court-martial, and the next by the Senate committee. The evidence taken at each of these investigations has strengthened the reports submitted to the President and upon which he based his order of dismissal. An impartial review of the testimony of these investigations leads irresistibly to the conclusion that some of the members of the colored battalion participated in the "shooting up" of the town of Brownsville and that others were guilty as accessories before or after the fact.

The court-martial that tried Major Penrose on the charge of "neglect of duty, to the prejudice of good order and military discipline, in violation of the sixty-second article of war," while it acquitted that officer it found that certain men of his command shot, wounded, and killed citizens of Brownsville. The charge and the specifications under which Major Penrose was tried were as follows:

Charge.—Neglect of duty, to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification I.—In that Maj. Charles W. Penrose, Twenty-fifth United States Infantry, commanding the post at Fort Brown, Tex., after being on the morning of August 14, 1906, between 1 and 2 a. m., duly informed by the mayor of Brownsville, Tex., one Doctor Combe, that soldiers of his command had shot and killed one civilian of the city of Brownsville, Tex., and badly wounded a lieutenant of police of that city, did immediately thereafter and until daylight wholly fail and neglect to take or order sufficient measure or action by prompt inspection of guns or pistols or otherwise, or any due exercise of discipline, to detect the men engaged in said attack and killing, or any of them, or to restrain or bring them to justice for said crime. This at Fort Brown August 14, 1906.

Specification II.—In that Maj. Charles W. Penrose, Twenty-fifth United States Infantry, being aware of the feeling of resentment in his command toward citizens of Brownsville, Tex., as a result of assaults upon certain individuals of the command, and having been notified by a Mr. Evans, of Brownsville, about 5 p. m., August 13, 1906, of an attack upon his wife by a soldier of the command, and knowing of the inflamed feeling existing in the town toward the soldiers as a result thereof, did nevertheless fail to give any orders to Capt. E. A. Macklin,

Twenty-fifth Infantry, officer of the day, requiring special vigilance on his part or that of the guard; or to make frequent inspections, or any inspections during the night after 12 o'clock; and did wholly fail and neglect to take or order sufficient measures or precautions to hold at the post the men of his command, or in any manner to watch, restrain, or discipline said men; by reason of which failure certain men of his command, to the number of about 12 or more, were enabled to assemble, and did assemble, armed with rifles, and did proceed to the town of Brownsville, Tex., and did then and there shoot and wound and kill certain citizens thereof. This at Fort Brown and Brownsville, Tex., August 13 and 14, 1906.

Right here I may state that the Evans case is the charge that some soldier, unidentified, had seized the woman and dragged her from her horse as she was returning to her home. I simply throw this in here to show what was referred to.

Upon this specification Major Penrose was tried.

Mr. FORAKER. Mr. President——

Mr. WARNER. I hope the Senator from Ohio will pardon me. I prefer to finish.

Mr. FORAKER. I only wanted to ask the Senator whether he was reading the specification as originally framed.

Mr. WARNER. If the Senator will pardon me a moment, I will get to it. I am reading the specification as originally framed. The Senator will see I am coming to it.

On the first specification the finding of the court was "Not guilty."

On the second specifications the finding was "guilty," except the words "being aware of the feeling of resentment in his command toward the citizens of Brownsville, as a result of assaults upon certain individuals of the command, and;" and the word "inflamed," and the words "special vigilance on his part or that of the guard, or to make;" and the words "and did wholly fail and neglect to take or order sufficient measures or precautions to hold at the post the men of his command, or in any manner to watch, restrain, or discipline said men, by reason of which failure;" and substituting for the words "by reason of which failure" the words "after which," and also except the words "to the number of twelve or more were enabled to assemble and;" and of these excepted words he was found "Not guilty."

The amended specification upon which Major Penrose was found guilty is worthy of the attention of every Senator. It reads——

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. DU PONT in the chair). Does the Senator from Missouri yield to the Senator from Ohio?

Mr. WARNER. Certainly.

Mr. FORAKER. The Senator says "upon which Major Penrose was found guilty." Was Major Penrose found guilty?

Mr. WARNER. On the second specification.

Mr. FORAKER. Charged with what?

Mr. WARNER. But no criminality attached thereto.

Specification II, as amended, is as follows:

In that Maj. Charles W. Penrose—

Mr. TELLER. I wish the Senator from Missouri would state what specification this officer was tried upon—whether upon the one he has just read or upon the one he is going to read.

Mr. WARNER. The one I have just read he was tried upon, but the court-martial found certain words in that specification that he was not guilty of and framed the specification which I shall now read, and found him guilty.

Mr. TELLER. Did it try him again?

Mr. WARNER. Not again; but it seems under the practice they could find him not guilty as to certain parts——

Mr. BULKELEY. As I understand, then, the Senator now states that Major Penrose was not found guilty under the specification which he has read.

Mr. WARNER. I have tried to make myself plain, that he was not found guilty as to certain parts of it, and under the other specification he was found guilty.

Mr. TELLER. A new specification was prepared?

Mr. WARNER. It is new only in this, that upon certain words in the first specification he was found not guilty. If the Senator will permit me to read the specification——

Mr. TELLER. I should like to have it made clear.

Mr. WARNER. I will read it. The amended specification of which Major Penrose was found guilty reads as follows:

Specification II.—In that Maj. Charles W. Penrose, Twenty-fifth United States Infantry, having been notified by a Mr. Evans, of Brownsville, about 5 p. m., August 13, 1906, of an attack upon his wife by a soldier of the command, and knowing of the feeling existing in the town toward the soldiers as a result thereof, did, nevertheless, fail to give any orders to Capt. E. A. Macklin, Twenty-fifth Infantry, officer of the day, requiring frequent inspections, or any inspections, during the night after 12 o'clock, *after which certain men of his command did assemble, armed with rifles, and did proceed to the town of Brownsville, Tex., and did then and there shoot and wound and kill certain citizens thereof.* This at Fort Brown and Brownsville, Tex., August 13 and 14, 1906. And the court attaches no criminality thereto on his part.

It will be observed that the court found that Major Penrose, knowing of the feelihg existing on the part of his soldiers toward the citizens of Brownsville, "did fail to give any orders" to the officer of the day requiring frequent inspections or any inspections, and the court further found that—

during the night, "after 12 o'clock," certain men of his command did assemble, armed with rifles, and did proceed to the town of Brownsville, and did then and there shoot, wound, and kill certain citizens thereof.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. WARNER. Certainly.

Mr. FORAKER. I do not understand the language to which the Senator has just now called attention to be a finding of guilty. If the Senator will read the next line he will see that is a part of the specification, and they find him not guilty of the charge.

Mr. WARNER. He was found guilty on this specification.

Mr. FORAKER. I do not see that there is any finding of that kind before me in the record. The finding of the court-martial follows immediately, and is that he is not guilty of the charge. That is the specification upon which he was put to trial as the court-martial amended it after they had heard the testimony.

Mr. WARNER. If the Senator has the record there I will show him.

Mr. FORAKER. I will not interrupt the Senator further.

Mr. WARNER. The record will show beyond peradventure that I am correct in this statement.

Mr. FORAKER. Well, I do not——

Mr. WARNER. The general court-martial making these findings was composed of one colonel, six lieutenant-colonels, and six majors. The trial continued through a period of four months, the testimony submitted to the court covering over 1,200 pages. It will hardly be claimed that the officers of that court were prejudiced against the soldiers. An examination of the court-martial proceedings will show that the main effort upon the part of the learned counsel, who so ably represented Major Penrose, was directed to the issue that the men of the command of the accused did not participate in the shooting. Substantially all the evidence that was introduced before the Committee on Military Affairs was introduced before the court-martial.

It does not weaken the finding of the court, that unidentified members of the colored battalion were guilty of the midnight attack on Brownsville, to say that it was Major Penrose and not the colored soldiers who was on trial. For, if it could be shown that the shooting was not done by men of his command, then there could be no case against Major Penrose. The importance of this line of defense was never for a moment lost sight of by counsel for Major Penrose, for on his part evidence was introduced to show that all the soldiers of the battalion were in the barracks at the time of the shooting; that immediately following the shooting a roll call showed that all the members of Companies B, C, and D were present or accounted for; that an inspection showed that each soldier had the required amount of ammunition; that the guns showed no signs of having been fired; that the result of experiments showed that on a moonless, starlit night such as that of August 13–14 it was impossible to distinguish a colored man from a white man at a distance of a few feet. Nor was the materiality of this and other evidence tending to show who did the shooting, and therefore bearing upon the question of the guilt or innocence of those soldiers, ever doubted by counsel participating in the court-martial proceedings. In other words, it was necessary as a matter of law for the court-martial, before rendering a verdict of guilty against Major Penrose, to find: First, that the shooting up of Brownsville was done by soldiers of his command; second, that Major Penrose did not take such precautions to prevent the raid as his duty as commanding officer required him to take. The court found against him on the first proposition, and in his favor on the second, and hence acquitted him.

I submit, Mr. President, that the members of the court, by means of their training, were peculiarly qualified to determine the weight to be given to the evidence as to the accuracy of the roll call of the companies soon after the shooting, the distance those engaged in the shooting would have to go in order to join their company undetected, the opportunity for enlisted men to obtain surplus ammunition, the habits of soldiers to have extra cartridges in their possession, the weight to be given to the inspection of the guns and ammunition a few hours after the shooting, and other facts urged to show that the assault was not made by soldiers of the colored battalion. These experienced officers were uninfluenced by prejudice, passion, or political considerations. That Colonel Glenn, the chief counsel for Major Penrose, in his determined effort to convince the court,

by evidence and argument, that the negro soldiers did not participate in the shooting, showed great industry in the preparation of the evidence, and marked ability in its presentation, no one who reads the proceedings of the court-martial will doubt.

Mr. President, one hundred and seventy witnesses appeared before the committee; of these, eighty-four were the noncommissioned officers and privates of Companies B, C, and D of the Twenty-fifth Infantry. In the taking of the testimony little regard was paid to the rules of evidence; hearsay evidence in the first, second, and third degree was admitted, the aim of the committee being to open every avenue to get at the facts. That its investigation was patient and searching, no one who will read the thousands of pages of evidence will question, yet at the conclusion of the committee's investigation the main facts of the affray were left practically where the documentary evidence which I have submitted to the Senate left them. A discussion in detail of the evidence of each witness would be too great a tax on the patience of the Senate. A few preliminary statements as to the feeling, whether friendly or unfriendly, between negro soldiers and citizens of Brownsville prior to the night of the shooting may aid in an understanding of the occurrence on the night of the affray.

Brownsville is a border Mexican town, having from six to eight thousand inhabitants, two-thirds of whom are classed as Mexicans; that is, either Mexican or Mexican descent, and the remaining one-third Americans. It is fairly deducible from the evidence that a considerable number of the Americans—newcomers as they are styled by some of the witnesses—were opposed, and I am justified in saying, bitterly opposed, to the stationing of negro troops at Fort Brown, while others—that is, the old settlers—headed by the mayor, an ex-army surgeon, and Capt. William Kelly, ex-Union veteran of the civil war, had no objection to the coming of the colored battalion. The Mexicans, as a class, had no race prejudice; they, or at least a large portion of them, in the language of the witnesses, "affiliated with the negro troops, making no distinction between them and their own race." In fact, it does not appear from the evidence that, during the stay of the colored battalion at Brownsville, there was the least trouble between any of its members and the Mexicans.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Wyoming?

Mr. WARNER. Certainly.

Mr. WARREN. I observe that my colleague on the committee has quite an amount of material before him, and he has very kindly consented to numerous interruptions. If I mistake not, he shows some fatigue. I wish to suggest to him that if he should desire to lay aside this matter and take it up to-morrow he would have that privilege.

Mr. WARNER. I was advised at the commencement that the Committee on Naval Affairs would like to proceed with the naval appropriation bill to-day. I wish to adjust myself to the business of the Senate. I am not in the habit of interfering with it. I can resume to-morrow after the morning business.

Mr. HALE. Then I will ask the Senate to resume the consideration of the naval appropriation bill.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Ohio?

Mr. HALE. Certainly.

Mr. FORAKER. I understand that the Senator from Missouri suspends for to-day and he will resume to-morrow. Was that the announcement?

Mr. WARREN. He so gave notice.

Mr. WARNER. Pardon me; I did not hear the Senator from Ohio.

Mr. FORAKER. I was only asking what is the understanding. I understood the Senator from Missouri to say that he would suspend at this time and resume to-morrow.

Mr. WARNER. Yes.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20471) making appropriations for the naval service for the fiscal year ending June 30, 1909, and for other purposes.

The VICE-PRESIDENT. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, on page 3, lines 3, 4, 5, and 6, under the subhead "Pay of the Navy," to increase the appropriation from $27,274,201 to $30,844,620.40.

Mr. HALE. On page 3, at the end of line 5, I move to strike out "forty" before "four" and insert "thirty," and in line 6, before the word "hundred," to strike out "six" and insert "one," so as to read "$30,834,120.40."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 3, after line 6, to insert:

The pay of all commissioned officers, warrant officers, midshipmen, and pay clerks in the Navy, civilian professors and civilian instructors at the Naval Academy, is hereby increased 20 per cent. And the pay of all noncommissioned officers, mates, and other petty officers, musicians, and other enlisted persons in the Navy is hereby increased 10 per cent: *Provided*, That the word "pay" as used in this paragraph shall be exclusive of all additions in the form of allowances or commutations: *Provided further*, That hereafter the pay and allowances of professors of mathematics, naval constructors, and civil engineers and assistant civil engineers in the Navy shall be the same as are or may be provided by or in pursuance of law for officers of the same rank in the Medical and Pay Corps of the Navy, but nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer of the Navy. And the rate of pay herein established shall continue to be in force until changed by new enactment of law.

Mr. NELSON. I desire to move an amendment to that paragraph.

Mr. HALE. There are one or two committee amendments to the amendment that I desire to put in first.

Mr. NELSON. Very well.

Mr. HALE. On page 3, line 7, after the word "all," I move to insert "active and retired," so as to read:

The pay of all active and retired commissioned officers—

And so forth.

The amendment to the amendment was agreed to.

Mr. HALE. On page 3, line 10, after the word "all," I move to insert "active and retired," so as to read:

And the pay of all active and retired noncommissioned officers—

And so forth.

The amendment to the amendment was agreed to.

Mr. HALE. On page 3, line 15, after the word "commutations," I move to insert:

and section 1267, Revised Statutes, shall not apply to officers of the Navy.

The amendment to the amendment was agreed to.

Mr. HALE. In line 22, after the word "officer," I move to insert "or enlisted man," so as to read:

So as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Navy.

The amendment to the amendment was agreed to.

Mr. WARREN. Has the Senator perfected his amendments?

Mr. HALE. I have perfected this clause.

Mr. WARREN. That takes in the amendment?

Mr. HALE. Yes; it takes in the amendment.

Mr. WARREN. I ask the Senator if he will not agree to lay it aside until we can see it in a reprint or know the way the amendment will read as perfected. Can we not pass it over for the present?

Mr. NELSON. I desire to move an amendment to the amendment as it has now been perfected by the committee.

Mr. HALE. The rule is——

Mr. NELSON. It is certainly amendable. In line 12, on page 3, I move to strike out "ten" and insert "twenty," so as to read:

Is hereby increased 20 per cent.

I move this amendment to the end that the enlisted men in the Navy may receive the same rate of increase as the commissioned officers. I think it is an unjust discrimination to increase the pay of all kinds of commissioned and warrant officers, including midshipmen 20 per cent, and to give the enlisted men only 10 per cent.

The VICE-PRESIDENT. The Senator from Minnesota proposes an amendment to the amendment, which will be stated by the Secretary.

The SECRETARY. On page 3, in the committee amendment, line 12, strike out the word "ten" and insert "twenty," so as to read "20 per cent."

Mr. WARREN. Mr. President, I realize fully the spirit in which the Senator from Minnesota offers the amendment, and it does him credit, but I think he offers it on a misunderstanding.

Heretofore the pay of the enlisted men of the Army has been fixed by law and it has remained so fixed for a great many years. In fact, the last act, except this bill now in conference, was to lower the pay and since that time it has remained upon a fixed schedule.

On the other hand, the enlisted pay of the Navy has, under the law, been subject to change whenever the President saw fit to change it. Therefore the President has raised the pay in

the Navy until, before the increase proposed in the Army bill and that proposed in this bill, the enlisted men and warrant officers in the Navy have been receiving on an average, with bonuses and reenlistment raises, $33 a month, while the enlisted men and noncommissioned officers of the Army corresponding with them have been receiving $17.73.

Now, as to the commissioned officers, the law heretofore has been, as to the Army, that a certain fixed rate or schedule of pay should be given to commissioned officers and, as to the Navy, that its commissioned officers should receive the same rate of pay as that given to officers of corresponding rank in the Army. Therefore the pay of the Navy's officers has not been heretofore raised, whereas that of the rank and file of the Navy has been almost doubled.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 4855) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes.

Mr. ALDRICH. I ask that the pending appropriation bill may take the place of the bill which has just been laid before the Senate as the unfinished business.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the pending bill be substituted for the unfinished business.

Mr. DANIEL. Let the title of the unfinished business be read.

The VICE-PRESIDENT. The Secretary will read the title.

The Secretary read the title of Senate bill 4855.

The VICE-PRESIDENT. Is there objection to the request?

Mr. CULBERSON. What is the request?

The VICE-PRESIDENT. The request is that the Naval Appropriation bill be substituted for the unfinished business. Is there objection?

Mr. HALE. As the unfinished business.

Mr. ALDRICH. As the unfinished business.

The VICE-PRESIDENT. That is as the Chair understands. Is there objection? The Chair hears none; it is so ordered.

Mr. WARREN. In view of what I have stated, I hardly think the Senator from Minnesota [Mr. NELSON] would want to raise the pay of the rank and file of the Navy, as he has proposed. I may go further and say that I have had occasion to look this up very thoroughly during the winter, and, in fact, during the session preceding it, and there has been no call made on the part of the Navy itself or generally on the part of its friends to raise the pay of the rank and file of the Navy at all, because it is already nearly twice that of the Army. The amendment of the Senator would make it nearly or quite double the proposed increased pay of the Army.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota to the amendment of the committee.

Mr. HALE. I wish to say to the Senator from Minnesota that the committee has not put this provision in without considering the enlisted force in the Navy, which it desires to properly care for. As the Senator from Wyoming has said, the Navy pay from time to time in the rank and file has been increased away beyond that of the Army. The provision that is incorporated here will not only leave the rank and file of the Navy the equal of the Army under the new provision of increased pay, but will leave it from 10 to 15 per cent higher than the Army pay, which the committee believe to be proper, because the services are of a different kind. The service takes the men away from home and the pay ought to be rather more than that of the Army.

I can say to the Senator from Minnesota that the committee desires and means to care for the enlisted men of the Navy fully as much as the officers, but the percentage of 20 per cent increase which is applied to the officers if applied to the rank and file would leave them something near double that of the Army. The committee considered that this was a fair adjustment.

Mr. NELSON. Mr. President, I am not a member of the Committee on Naval Affairs, and, of course, I am not as familiar with the subject as the Senator from Maine. I was under the impression until that Senator and the Senator from Wyoming made their statements that the pay of the enlisted men of the Navy was like that of the Army—a fixed matter. But I understand from the statements which have been made that their pay is of an elastic character and can be modified and increased by the President; that that has been done in several instances, and that they are now getting a very large pay compared with the Army. Under that view of the case, I think it but fair to withdraw my amendment.

The VICE-PRESIDENT. The Senator from Minnesota withdraws his proposed amendment to the amendment of the committee.

Mr. WARREN. I wish to ask that this item be laid over. I wish to make a few remarks on the matter of the commissioned officers' pay as well as that of the men, and I can do it at a later time, if the Senate prefers. I should like to have the amendment passed over for the time being.

Mr. HALE. At the request of the Senator I am entirely willing that, for the present, this clause shall be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment of the Committee on Naval Affairs was, under the subhead "Pay, miscellaneous," on page 4, after line 1, to insert:

> The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount in money of all pay under the provisions of this act and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this act and for all enlisted men so included.

Mr. WARREN. At that point would come in the amendment which I offered earlier in the day. I will ask the Senator if he has yet had time to scrutinize that amendment?

Mr. HALE. I looked at the Senator's amendment. It goes much further and comprehends matters not included in this paragraph. I should not be willing to modify this amendment, which is very simple and only requires a statement by the Secretary, so that at the next session we may all know what each officer and man receives in pay and allowances. If the Senator desires to incorporate his amendment as an independent proposition, I think there will be opportunity of that kind before the bill is completed. I should not want to substitute the Senator's amendment.

Mr. WARREN. It might be considered that the adoption of this amendment provided sufficiently for the object sought. I may say in a few words what my object is in the amendment that I have offered.

We have here in the naval bill, bunched together, some $40,000,000—a vast sum, indeed—which goes to pay various officers and enlisted men, but which conveys no sort of information to show what any one of these officers or men is paid; what is paid to the staff and what to the line.

Now, applying this to, or rather comparing it with, the appriation bill for the Army, there is contained in this bill one great, huge "slush fund," if I may term it such, which in the Army bill, or the two Army bills—Army appropriation bill and Military Academy bill—would be divided into probably 250 items—to be exact, 248 items—and showing plainly by such subdivision how the money is expended.

You can look at the Army bill and find what the Staff, what the Commissary Department, what the Quartermaster's Department, what the Ordnance Department draw, what their officers get, how much they get in regular pay, how much they get in additional pay for longevity, how much for retired pay; but here we have, I submit, one big slush fund that covers almost everything in the Navy except construction, and we have no manner or means of knowing upon this floor the items for which we are spending that money.

Of course I understand that the committee scrutinizes it carefully, and I find no fault with the amounts that they may propose here; but when it is stated on this floor, as it has been stated by Senators, the oldest in this body, that they have voted year after year the pay for the Navy without knowing certain items concerning it—for instance, Senators who have been here twenty-five or thirty years learned for the first time at this session that the President has the privilege of making the rate of pay for the enlisted men, and we look and see that they have been so paid ever since 1814, nearly one hundred years. Then, I submit, it would seem that now, after nearly a hundred years groping around in the darkness with a slush fund, it is pretty nearly time to take the Senate and the country into our confidence and show what division is made of this money—this $40,000,000, nearly—appropriated in one lump.

The Senator's committee amendment leads in that direction, and I believe that he intends eventually to subdivide it as a great many Senators wish it to be done, so that, as the Senator from Georgia [Mr. BACON] says, we may be taken into the confidence of the committee reporting the appropriation.

But it was my desire to put in language that would compel the division in the construction of a bill at another place where this naval appropriation bill originates.

I will submit to the Senator in charge of the bill that the naval appropriation bill always reaches the Senate late in the session, when he and those associated with him are busily en-

gaged upon other great supply bills, and he has not the time, and those who work with him on his committee have not the time to subdivide and segregate this bill as it ought to be subdivided and segregated.

My amendment is intended not only to bring the information the Senator asked for from the Department, but to cause the House committee, in constructing the bill, to subdivide it as has been done for nearly a score of years in the Army bill.

We had the same kind of thing once in the Army and the bill for years ran along with the large lump sums, but at one time, twenty years or more ago, when General Bragg was at the head of the committee in the House, a demand was made and insisted upon that the Department should render an account and should take us into confidence and show us where this money went, and that it should go into the original draft of the appropriation bill so that Members of the House and the Senate should know where the money went.

I know the Senator in charge of this bill desires the same thing. I want to accomplish it, and I want to accomplish it in the next naval appropriation bill.

Mr. BACON. I ask that the amendment be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Wyoming [Mr. WARREN].

The SECRETARY. After the amendment of the committee at the top of page 4, it is proposed to insert:

> The act of appropriation for the support of the Navy shall hereafter show, under the head of "Pay of the Navy," the sums allowed for pay of officers belonging to the line, to the several departments of the staff, and to the retired list; the appropriations to show under each head the amount allowed for pay proper, for increases due to longevity and foreign service, and for pay at sea rates to officers employed on shore; together with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases; where the rate of pay in the case of a warrant or petty officer or seamen is fixed in the discretion of the President, the rate as so established, together with the authority therefor, shall be stated in each act of appropriation.

Mr. WARREN. Now, if the Senator from Georgia will allow me, I will say that the statement from the Department in the way of an estimate has been made very much in detail every year. I hold in my hand a list for this year, in fine print, giving all these particulars. But the House has taken no notice of it in constructing the bill, and we have given it no notice here in the Senate. I submit to the Senator, and I think he will join me in the desire, that we ought to make it incumbent upon the House to put these subdivisions into the bill so that we may know where the money goes.

Mr. WARREN subsequently said: I ask permission to insert in my remarks to-day about the subdivision of appropriations a memorandum which I have prepared.

The VICE-PRESIDENT. Without objection permission is granted.

The paper referred to is as follows:

APPROPRIATIONS FOR THE PAY OF THE ARMY AND NAVY.

Prior to 1872 the clause of appropriation for the pay of the Army was stated very briefly and in general terms. This is shown in the act of June 6, 1872, which contains the following provision for the pay of officers and enlisted men:

"For pay of the Army, and for payment to discharged soldiers for clothing not drawn, $12,105,591.32."—Act of June 6, 1872 (17 Stat. L., 259).

In the Army appropriation act of May 4, 1880, the number of officers of the several grades of rank in the military establishment was given. The following is the clause of appropriation for pay in that year:

"For pay of the Army: One general, 1 lieutenant-general, 3 major-generals, 15 brigadier-generals, 70 colonels, 85 lieutenant-colonels, 243 majors, 312 captains, mounted, 306 captains, not mounted, 34 chaplains, 21 storekeepers, 40 adjutants, 40 regimental quartermasters, 202 first lieutenants, mounted, 360 first lieutenants, not mounted, 146 second lieutenants, mounted, 305 second lieutenants, not mounted; including the additional pay to 35 aides-de-camp, to the adjutant and quartermaster of the Engineer battalion, to 180 acting assistant commissaries of subsistence, in addition to pay in line, to officers of foot regiments while on duty which requires them to be mounted, to the officer in charge of public buildings and grounds in Washington, and to the examiner of State claims in the office of the Secretary of War; 400 retired officers; enlisted men of all grades not exceeding 25,000 men; 450 enlisted men of the Signal Corps; the allowances for travel, retained pay, and clothing not drawn, payable to enlisted men on discharge; and 1 retired ordnance sergeant, $11,548,601.55."—Act of May 4, 1880 (21 Stat. L., 110).

The appropriation continued to be made in this form until 1886. When the Army appropriation bill was undergoing preparation in the House Committee on Military Affairs in that year, the chairman, Gen. E. S. Bragg, required the Department to furnish a complete analysis of the various items of expenditure under the head of "Pay of the Army," and this analysis of expenditures has been continued in succeeding acts of appropriation. In the pay clauses of the act of appropriation for the support of the Army of June 30, 1886 (24 Stat. L., 93), the several items of pay are arranged under the following heads:

Pay of officers of the line.
Pay of enlisted men.
Pay of the General Staff (Adjutant-General's Department, Inspector-General's Department, Judge-Advocate-General's Department, and Corps of Engineers).
Pay of the staff (Quartermaster's, Subsistence, Pay, Ordnance, and Signal departments).
Pay of retired officers.
Pay of retired enlisted men.
Miscellaneous; including separate items under the heads of mileage, commutation of quarters, pay of clerks to paymasters, expenses of courts-martial, courts of inquiry, etc.

This analysis has been insisted upon in estimates, and has been embodied in all subsequent acts of appropriation for the support of the military establishment.

The pay clauses in the current act of appropriation for the support of the Army (chapter 2511, act of March 2, 1907; 34 Stat. L., 1159–1165) cover *five and one-half pages of the Statutes at Large*, in which the several items under the head of pay of the Army are fully and exhaustively analyzed.

The pay clauses of the current act of appropriation for the support of the Navy (chap. 2512, act of Mar. 2, 1907; 34 Stat. L., 1176), cover *thirty-six lines of one page*, of which *eight lines and one word* relate to the pay of officers, warrant and petty officers, and seamen, the remaining lines being devoted to other subjects, such as the pay of clerks, hire and commutation of quarters, and certain items of special legislation. The clause relating to the pay of the Marine Corps, which is in another part of the appropriation bill, is itemized along the lines of the Army pay bill, but the analysis of expenditure is much less complete.

The appropriations for the Naval Academy are included in the general act of appropriation for the support of the Navy. The appropriations for the Military Academy are embodied in a separate act of appropriation. The Military Academy bill for the current year (chap. 2508, act of Mar. 2, 1907; 34 Stat. L., 1063) *covers ten and three-quarter pages of the Statutes at Large*, in which the various items of expenditure are fully analyzed under the several heads of appropriation.

The clause of the naval act of appropriation for the support of the Naval Academy *covers two pages of the Statutes at Large*, and purports to appropriate, as the apparent total cost of the support of the Academy	$440, 728. 36
To this should be added:	
Pay of naval cadets, included in item "Pay of the Navy" (875 cadets, at $500 each)	437, 500. 00
Commutation of rations, appropriated for under the head of "Provisions"	95, 812. 50
	974, 040. 86
Excess of cost of Naval Academy, exclusive of new building construction, over the appropriations carried under the head of "Naval Academy"	533, 312. 50

The number of naval cadets represents the maximum. It is assumed, of course, that there are always vacancies existing, so that the maximum amount is never appropriated. The pay of cadets is appropriated for in great detail in the Military Academy bill. It does not appear in the clauses relating to the Naval Academy in the naval appropriation bill, so that the footing, if not carefully read, would lead to the belief that the money appropriated under the head of the "Naval Academy" covered the entire cost of its support.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. WARREN. I ask the Senator if he is not willing that my amendment shall take the place of the committee amendment.

Mr. HALE. Certainly not. If the Senator wants to move it as an additional amendment, it is for the Senate to decide.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. HOPKINS. I should like to have the chairman of the Naval Committee give some expression of views as to the correctness of the suggestions made by the Senator from Wyoming on the amendment he offers.

Mr. HALE. The amendment submitted by the committee has a distinctive range and scope. It does not in any way go into the question how appropriation bills shall be constructed hereafter by the body which initiates them, but it does provide for the information of Congress that at the beginning of the next session, in order that all committees may have notice of its provisions, the Secretary of the Navy shall send to the Senate a schedule which shall cover the pay and allowances of all officers in the Navy, in amounts reckoned in money, and of all petty officers, seamen, and enlisted men, so that at a glance everyone here can see where the money goes, what each rank and grade gets, both in line and staff, and for retired officers and men, and for the petty officers and seamen.

It does not go to the extent of providing that in making up appropriation bills hereafter the House committee shall subdivide all these items and report in detail. The object of the two is entirely different. I do not say that the objects are antagonistic, and if the Senate desires as an additional amendment to embody the provision submitted by the Senator from Wyoming, I shall not object. It will all come up in conference, but I would not want to substitute the Senator's amendment for the amendment of the committee, which has a distinctive purpose in view. Therefore, if the Senator desires to offer his amendment as an additional one to come in after the committee amendment, I shall not make any objection.

Mr. WARREN. Mr. President, I want to commend the Senator rather than find fault with him for the rapidity with which this bill has been handled and for his desire to have it passed and out of the way, because I know the demands made upon

that Senator in connection with other great appropriation bills. There has not been given much time to consider the matter, but while this discussion has been going on I have read both provisions. The Senator is entirely right. They are not antagonistic, but they correspond well together, and one does not take the place of the other. I therefore will offer my amendment to come in at the end of the committee amendment. They do not conflict in any way.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WARREN. With the consent of the Senator in charge of the bill, I will offer my amendment now.

Mr. HALE. I do not object to that.

The VICE-PRESIDENT. The proposed amendment has been heretofore read.

Mr. CULBERSON. Mr. President, I was out of the Chamber, and would be very glad to have the amendment again read.

The VICE-PRESIDENT. The amendment will be read.

The Secretary again read the amendment submitted by Mr. WARREN.

The VICE-PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming.

The amendment was agreed to.

Mr. BACON. Mr. President, we had some little discussion the other day as to whether or not we would look with a little more care into the details of appropriation bills. The Senator will pardon me, therefore, if I ask him what may appear to be a very trivial question. What is the character of the commissions provided for? I can understand that in some cases interest ought to be paid, but in line 8, page 4, what commissions are referred to?

The provision to which I refer was in the bill as it came from the House, and as was said the other day, Mr. President, we generally take these bills and pay no attention to anything except the Senate amendments. I must confess there is always a great deal in the bills as they come from the House about which I think it would be very well for those of us who are not on the inside to be somewhat informed.

Mr. HALE. Mr. President, the pay transactions of the Navy of course have grown to be immense. They involve accounts, deposits of money, and drafts in almost every quarter of the globe, and in the transaction of this business there are commissions to be paid, as there are in private transactions. What they amount to I do not know, but I know that they are a necessary adjunct to doing business by drafts and checks, instead of paying money in terms and in currency. These items are all inserted in order that the accounts of the pay department will pass the Comptroller. That is why provision for the payment of commissions and interest—which is charged sometimes—is put in.

Mr. BACON. I think the information is quite satisfactory. I simply desired to know in what particular way this indebtedness is incurred. I suppose I am to understand, from the Senator's statement, that it is in the transmission of funds which are needed in different parts of the world where different parts of our fleet may be.

Mr. HALE. I am trying to take the Senate into my confidence with regard to these matters.

Mr. BACON. I am very much obliged to the Senator. I want to say to the Senator, if he will pardon me, right in that connection, that when the amendment was offered by the Senator from Wyoming [Mr. WARREN] as to pay, it occurred to me that a similar system might be adopted with some advantage, not only as to the pay, but as to the other expenditures which are provided for in appropriation bills—not this bill in particular, but generally. For instance, we will have a whole body, sometimes two or three pages of items for which expenditures are to be made, with no specification as to the particular magnitude of the expenditure for each particular item, and at the end of two or three pages there will be some such words as "five or six million dollars." There is no possible opportunity for members of the Senate to have any idea whatever as to the correctness of these expenditures. Of course the Senator will not understand me as in any way criticising the committee, but I think these expenditures ought at least be classified.

Take the very next paragraph to the one to which I called the attention of the Senator from Maine. It is made up probably of two or three dozen items. I recognize that it would be impracticable and probably not to be desired that there should be any particular specification of expenditures for each item, but there could be more classification than there is, which would give some opportunity on the part of Senators who are charged with the responsibility of voting for or against this bill to form some idea whether the expenditures are proper or not.

I am very much obliged to the Senator for the promise that he will take us into his confidence. I really think we ought to know something more about these matters than we do. I do not refer particularly to the pending appropriation bill. The Senator is eloquent in his statement to us as to the immense amounts which these appropriation bills involve, and I know of no one in the Senate who can do more to enable the Senate, if possible, to guard against undue expenditures than he can by, as he suggests, taking us into his confidence and letting us know what in each instance is the particular necessity or propriety of the expenditure which is provided for in the bill—I will not say in each instance, but generally, classifying each one.

Mr. CULBERSON. Mr. President, I notice that accompanying this bill there is quite a brief report, No. 552, and among other things is a tabulation showing the total annual appropriation for the support of the Navy from 1883 to 1907, inclusive. In 1883 the total appropriation was $14,819,976.80. In 1907 the total appropriation was $98,958,507.50, or an increase in twenty-five years of $85,000,000 for the support of the Navy.

The amount carried by the House bill as it came to the Senate was $105,405,768.43, an increase of $6,000,000 over the amount appropriated in 1907. The Senate committee reports an increase in this bill of $7,579,031.45, but there is no statement in this report as to the items of this increase of over seven million and a half dollars. If the Senator will kindly state briefly what that increase consists of, I shall be glad to have him do so.

Mr. HALE. I am very glad to have the Senator ask the question, for I have got the figures here before me. Of course, the largest amount is for the increased pay, which amounts to three million five hundred and odd thousand dollars. Then, accompanying that, are certain small increases in pay to equalize, amounting to about $20,000 in all. For the naval training station at Port Royal there is $50,000; for public works, for which I will say the estimates were something like $15,000,000, $400,000 are appropriated; for Pearl Harbor and the establishment of a naval base, a proposition which passed the House almost or quite unanimously, a million dollars, all these items aggregating $5,157,000. Then three additional colliers are provided for. I should have been glad, if the bill were not so large already, to have made the number six, for I am very deeply impressed with the inadequacy of the American Navy in this feature. I had occasion not long ago to call the attention of the Senate to the fact that this great fleet of ours is dependent for its supplies of coal upon foreign colliers that have been hired by the Government. There are twenty-six or twenty-seven ships of other nations to nine or ten or eleven of ours, whichever it may be, used for this purpose. I think this subject has not been sufficiently considered. But the committee has put this item on, which amounts to eighteen hundred thousand dollars. The increase in the Marine Corps——

Mr. MONEY. Will the Senator permit an inquiry?

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. I welcome inquiry.

Mr. MONEY. I wish to ask the Senator from Maine if he proposes to give to the Senate a table to show the proportion of colliers to the fighting fleet of the other nations of the world and our own status in that particular; in other words, the comparison between the coal-carrying capacity of our fleet and that of other fleets in proportion to the fighting capacity of the fleet.

Mr. HALE. Does the Senator mean a comparison of our Navy with other navies—of all auxiliary ships—or simply of the colliers to supply coal for these squadrons?

Mr. MONEY. I mean the colliers to supply coal to the fighting fleet, whatever character that fighting fleet may be, whether battle ships, cruisers, torpedo boats, submarine boats, or anything else that is used in action. Has the Senator for the use of the committee any table to show a comparative statement of the capacity of the United States to carry its fuel in proportion to its fighting ships and that of other nations?

Mr. HALE. No; but its actual condition can not perhaps be better illustrated——

Mr. MONEY. If the Senator will permit me, that was to lead up to another question, which was, What is our capacity in coaling stations to supply the lack of these colliers scattered throughout the seas where we cruise?

Mr. HALE. Of course the United States, Mr. President, has not such an elaborate system of coaling stations throughout the seas of the world as has Great Britain. It can not in any way compare with that country, and that is one reason why, if we are to dispatch our fleet not only once, but repeatedly, all over the waters of the globe and circumnavigate the earth,

we shall constantly need colliers. I have not the figures which show our lack of colliers as compared with what other nations have, but that is illustrated by the fact that when we started this fleet on this, what I called spectacular cruise, we could not have moved a thousand miles without appealing to other nations to furnish us with colliers, and the proportion, as I stated the other day, is, I think, twenty-six or twenty-seven foreign colliers to ten or eleven of ours.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I yield to the Senator.

Mr. BACON. Mr. President, I do not wish to anticipate the Senator in anything he may have in reserve. He is now speaking of the necessity for colliers growing out of this spectacular cruise, as he denominates it. I simply desire to know of the Senator whether, before the pending bill is concluded, he will be prepared to give to the Senate, or whether the bill discloses—rather, I will say, whether or not the bill, in connection with the explanation of the Senator, will disclose approximately, if not definitely, what will be the cost of this cruise? In other words, what is the increased expense of the Navy growing out of the cruise? As I say, I will not ask the Senator to reply at present if that will come at a later stage in the consideration of the bill.

Mr. HALE. No, sir; it will not, and the country will never know the expense of this cruise for years to come. The wear and tear upon the ships, the depreciation, the accidents, the making good of the long voyage, conducted, as I have reason to believe that it is, in the best and most businesslike manner, will not be known for years. When the ships come back and are docked, and appropriations are first estimated for and then made by Congress in detail, the amount for the first time will then be known. But I can not give the Senator any nearer approach to an estimate of the cost of this trip than could be given of what the total expenditure would be if the Senator should start out upon a cruise around the globe, living in a liberal way and meeting calls and necessities as they arise. I do not think anybody can tell.

Mr. BACON. Mr. President, I suppose, of course, that the Senator will, as everyone else must, recognize the distinction between the character of the cruise if it is limited to our western coast and the character of the cruise if it is extended around the world, as we now have the intimation from the press, apparently given with authority, will be the extent of that cruise, or rather that it will extend to that globe-circling journey.

Of course it may be possible, and I will say probable, that the cruise of this fleet to our western coast may have had much more substantial cause for it and need for it than would be properly denominated as a spectacular performance. There may be grave considerations which require the fleet to go to the western coast; there may be some advantages in more ways than one in the sending of at least a part of the fleet, or even the whole of it, to the western coast, and it is possible that we may never know—it is impossible for anybody to know—what may be the advantages to result therefrom. But I can quite agree with the Senator that when it comes to sending the fleet around the world it is a spectacular performance, and it may be a very dangerous performance.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. Of course we are all responsible for our own vocabulary.

Mr. BACON. Yes.

Mr. HALE. I did not mean, when I characterized this voyage as spectacular, to indicate that in the minds of the powers that ordered it—Congress did not order it; Congress simply pays the bill—there was not what was believed to be some good object; but, all the same, however good the object, and however good the purpose, the sight of such an immense fleet circuiting all the waters of the globe has never been displayed before by any great or small nation and is a spectacle most remarkable and wonderful, and in that regard is spectacular. So that the characterizing of it does not mean that it was not expected by those who projected it and ordered it to accomplish some real good. Just what that good is we can not tell; and whether it balances the expense, the cost, the burden, we can never know until the fleet turns its prows this way and at last finds moorings in the ports of the United States at home. We have got to wait.

Mr. BACON. I am not in a position to criticise, and I do not wish to be so understood. At the same time, I think there is responsibility upon Senators in some degree to give expression to their views upon a matter which so largely concerns the welfare of the people and the expenses of the country.

I am very frank to say that I can readily, as I have suggested, understand why there may be a very valuable object accomplished in the sending of the fleet to the western coast, although it involves risks and a very large expenditure. I am very frank to say, however, that unless some views are presented to my mind which have not yet occurred to me, that is not true, in my opinion, if the fleet should be sent around the world. That must involve large risks of more kinds than one.

In the first place, if our fleet is needed for protection, it seems to be a very hazardous thing to send it where it would be entirely out of reach, and where it could not be restored to the waters which are adjacent to our country within any reasonable time in case of an emergency. It must result in a very large increase in what the Senator from Maine [Mr. HALE] has suggested as to the wear and tear of these ships. To send these ponderous machines around the world must entail very large expense.

Why, Mr. President, in the simple matter of the fleet passing through the Suez Canal—I have not made an investigation in regard to the matter or asked any one who is in a position to give definite information—I should judge it will cost nearly, if not quite, a million dollars. The tolls on the fleet through the Suez Canal will be between half a million and a million dollars, if not fully a million dollars. I base that estimate upon a very limited knowledge, but still upon something which may be a basis for conclusion. I myself once had the opportunity to go through the Suez Canal on a ship of only 3,500 gross tons burden, and my recollection is that the tolls on that ship were over $13,000. I may be mistaken in my recollection, but I do not think I am in error. Taking that as a basis, we can very readily understand what is going to be the expense for the fleet. I desire to know whether that expense is contemplated in the bill? The ships are measured. The officers come on board and measure a ship and the tolls are according to the size of the ship.

If I am correct in my recollection as to the tolls paid by that little vessel, Senators can form some idea of what sixteen battle ships and all their colliers and all the destroyers going through the Suez Canal will have to pay.

I hope, Mr. President, we are mistaken in the information which we gather from the outgivings of the press as to the intention to send this great fleet around the world. I am perfectly content that it should remain where it is for as long a time as it may be deemed proper that it should remain there; I am perfectly content with the fact that it has been sent there, and have no criticism to make upon it, even though I may have differed in judgment upon the matter; but I do hope that the outgivings of the press are not to be relied upon and that the information is not correct when it is stated that the purpose is to send this great fleet around the world.

It is to be deprecated, in my opinion, upon many grounds. The fleet ought not to be put out of our reach to that extent. It ought not to be subjected to the wear and tear that a voyage around the world will necessarily entail, and the people of the United States ought not to be put to the great expense, millions of dollars over and above what is necessary for the maintenance of that fleet where it now is, which will be involved and entailed if it is sent upon that long journey.

Mr. BEVERIDGE. I should like to ask the Senator from Georgia a question.

Mr. BACON. With pleasure.

Mr. BEVERIDGE. I merely wish to ask the Senator whether the wear and tear of the voyage will be very much greater, if any, than if the fleet was retained in its former waters making the occasional voyages that it necessarily had to make and performing its customary maneuvers. The wear and tear in one instance would not be very much greater, I take it, than in the other, because in both instances the ships are in the water; they are in action, and must be maintained.

Mr. BACON. I am not a nautical expert by any means, and I am not able to answer the Senator with any degree of certainty, but it seems to me that a long voyage of 15,000 or 20,000 miles must necessarily be attended with greater wear and tear, not to the hull of the ship in passing through the water, but to the machinery in its active and powerful exertions, long continued, than when the ship is kept in port and sent a short distance on an occasional trip for one purpose or another or for purposes of maneuvering.

I will say to the Senator from Indiana that the suggestion as to wear and tear did not originate with me. The Senator, I think, was not in his seat at the moment, but in reply to the inquiry made by me the Senator from Maine [Mr. HALE] in

summing up what would be the consequences in the way of expense of this voyage mentioned as one of the prominent necessary expenses, something which could not be now estimated, the wear and tear of the ships on the voyage.

Mr. BEVERIDGE. There is a question I should like to put to the Senator from Maine while the Senator from Georgia is on his feet.

Mr. BACON. With pleasure.

Mr. BEVERIDGE. It is whether this Government has sufficient facilities in the Pacific Ocean for overhauling, repairing, dry-docking, and so forth, to keep the fleet in constant condition.

Mr. HALE. I should think not, Mr. President. That, of course, is one of the additional expenses of the voyage. The Senator from Indiana is right in saying that wherever the fleet is there will be wear and tear and the depreciation of strength and utility that goes as a companion of passing years in ships, men, and everything else. But it is added to, undoubtedly, by the long voyage. For instance, in the broad Pacific we have not the opportunity for keeping the ships in good condition that we have if they were kept in our own waters. Whatever is done has to be done in foreign ports and in as limited a way as is possible. But it will all add to the expense.

I should have no doubt in saying to the Senator from Indiana that while everything is not to be attributed to the voyage, there will be a very considerable additional expense. It is rather difficult for one not knowing the magnitude of this enterprise to appreciate that this fleet carries 15,000 men, and the ships, the auxiliaries, the colliers, and the attendant vessels of the different kinds that go to make up what I may call the "retinue" I have seen stated amount to 60 or 70. You can not project such an immense squadron around the globe without having a large additional expense.

Mr. BEVERIDGE. Will the Senator from Maine permit an interruption?

Mr. HALE. Certainly.

Mr. BEVERIDGE. The Senator from Maine said there were not facilities for overhauling the fleet while in Pacific waters as there are in our own waters. Perhaps I misunderstood the Senator, because, of course, the Pacific waters are our own waters quite as much as the Atlantic. Our coast line is as long on one ocean as on the other. Besides that, in the Pacific Ocean we have more possessions than we have in the Atlantic and Gulf, too. So if we have not facilities there, it reveals the fact that we ought to have, provided we are going to keep any of our fleet at all upon the Pacific coast.

Mr. HALE. Mr. President, that raises another question. That is not a part of the expense of the fleet. It raises another question—how largely we shall go into the establishment of these great naval bases such as England has and which cost millions upon millions of dollars. That opens up another very serious side of what we may have to encounter in the future. We provide, and I think we are obliged to do so, quite an extensive base for naval supplies, repairs, and so forth, in the Hawaiian Islands. Whether we shall hereafter take up Guam and the Philippine Island and spend there tens upon tens of millions of dollars is a question suggested by the inquiry of the Senator from Indiana. We are not doing very much of that upon this bill, because the appropriation is so large that we can not do all of these things in a military way this year.

Mr. MONEY. Will the Senator from Maine permit me to interrupt him?

Mr. HALE. Certainly.

Mr. MONEY. I want to get back to the question of supplying the fleet with coal. I do not say that I have given any careful study to the question, because I have not. I know nothing about this bill, but I have given to it that casual observation which I presume every Senator here has done from a sense of duty to the country.

Now, I believe it is generally known that the fighting radius of a ship is one-third the distance which her coal will carry her to her fighting point and one-third for the fight and one-third to return to her port—that is, she can go one-third the distance the coal she carries will send her and no farther. That will necessitate, where there is no coal provision of a permanent nature, a large fleet of colliers to attend the ships. It has been demonstrated within the last ten years that you can coal at sea. That was doubted, I believe, up to that time.

I am very much interested in the fact that the ship shall have coal, because without it she is inert and useless. She can neither fight nor run. If we have not a sufficient number of colliers to keep the fleet supplied with coal wherever it may go, taking advantage of coaling stations that may be at our command belonging to us or to any friendly powers, then it is well enough to stop the construction of fighting ships until we have a fleet of colliers sufficient to keep them supplied with power—the life of the ship.

I do not know what information has come to the committee. I presume the bureau of information could furnish something like an approximate estimate of the number of ships required, and it ought to be prepared to furnish an exact estimate, but I do not know whether the committee has the information, and I will ask the Senator from Maine whether the committee has followed the estimate of the Department in this one particular. Has it appropriated for the number of colliers which the Department says is necessary? We know that the present number is extremely inadequate.

Mr. HALE. Yes; they are upon this bill.

Mr. MONEY. All that were estimated for?

Mr. HALE. I have some figures——

Mr. MONEY. Excuse me. I can not hear the Senator.

Mr. HALE. I do not want to interrupt the Senator.

Mr. MONEY. I was asking for information only. I am waiting. I want to know whether the committee has put in this bill the number of colliers estimated for by the Department.

Mr. HALE. The estimate of the Department for four of the big battle ships, costing, as was stated in the debate, when fully completed and ready for sea, something like $11,000,000 each, has been cut down to two.

Mr. MONEY. If the Senator will excuse me, I was asking only as to the estimate for colliers.

Mr. HALE. I am leading up to that.

Mr. MONEY. Excuse me.

Mr. HALE. In connection with that and as a part of the policy of not this year adopting the big programme of four battle ships, I may say perhaps in consequence—for it was not a part of the original programme—of the discussion that has arisen, the programme has been cut down to two, and there have been embodied in this bill provisions for five large colliers. I should be in favor not only this year, but hereafter of a moderate programme for battle ships, considering the really very great Navy of battle ships which we now have. I should be in favor hereafter of a moderate programme upon battle ships and a programme for colliers certainly as large as this, and I should be willing to go further than that. I think we ought to equip our fleet with colliers for any emergency, because if there ever shall be an emergency, as we are told may arise, the need of colliers is immensely greater than the need of further battle ships.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Michigan?

Mr. HALE. Certainly.

Mr. MONEY. One moment more, if the Senator will allow me.

The VICE-PRESIDENT. The Senator from Maine has yielded to the Senator from Michigan.

Mr. MONEY. Excuse me.

Mr. BURROWS. I wish to say a word. The question of colliers being under discussion, I have sought in the different reports to ascertain the exact number of colliers that the United States owns. Unable to find it, I called up the Secretary of the Navy, and he advises me that the United States owns fifteen colliers, and that is all.

Mr. CULLOM. How many are needed?

Mr. BURROWS. I did not inquire into that, but simply asked the number we now have.

Mr. MONEY. I should like to know, supplemental to that information, how many colliers are needed for the fighting fleet of the United States.

Mr. HALE. That depends upon what purpose you put the fleet to.

Mr. MONEY. If the Senator from Maine will allow me to say in that particular, the foundation for modern fleets is found in colonies. There would be no great fleet to-day if there were no colonies, no great dependencies which demand battle ships and colliers and all the other machinery of war.

Mr. HALE. Undoubtedly.

Mr. MONEY. We have embarked in this business of having great dependencies, and they are across the globe. We have no real interest in them, and they have less in us. We are holding together over seven and a half millions of people, I believe, entirely foreign to us in every particular, at the loss of several hundred million dollars, with a prospect of increase of expenditure of hundreds of millions more, for the mere pleasure of subjugating somebody else, for the mere pleasure of ruling other people.

Now, is it wise to continue this scheme of dependencies across the globe, or anywhere else so far as that is concerned, without providing for the means to hold them and to resist attacks, because we certainly do put ourselves in the vortex of the wars of the future. War is an integrant in the life of every sover-

eign nation in the world, and it is not at all necessary that both of the parties to the quarrel shall be wrong any more so than that two individuals meet, one entirely in the wrong and the other entirely in the right, and they have a quarrel, and fight. So this is one of the necessary incidents of the life of a sovereign people, and the difficulty can be no more anticipated than a personal quarrel on the street can be anticipated.

Look how suddenly we had war clouds loom up in the Far East because of the action of the school board in the city of San Francisco, pursuing an undoubted right that belonged to the State, not only inherently, but inalienably, of policing its own matters, of regulating its own schools, without regard to the United States or Japan or anybody else in the world. And yet it seemed to us, from what we heard, that it was necessary for the authorities of the State of California to retrogress from the position which they undoubtedly had the right to take in order that we might avoid difficulty with Japan. Now, it is not so far a cry from Nagasaki or Yokohama to Manila; I suppose about twelve or fifteen hundred miles. I do not know exactly.

Mr. BACON. Not so much as that.

Mr. MONEY. Not so much as that, my traveled friend, the Senator from Georgia, says. I think myself it is about 1,500 miles, but he knows better. Half way is the island of Formosa, which was an indemnity the Japanese received from the Chinese in the war of 1894. That is a beautiful island of 13,000 square miles, with over 3,000,000 people, and would constitute a tremendous base of military operations against our possessions in the Philippines. The Japanese navy never expects or intends to leave Pacific waters. We have to divide our Navy into two parts, and we are compelled, if we keep the Philippines, to have two great navies where we should have only one. If we drop the policy of maintaining our Government over the Philippines, we blot out the expectation of war in that quarter. We absolutely throw a safeguard around the whole Pacific coast.

Mr. BEVERIDGE. Will the Senator from Mississippi permit me to ask a question?

Mr. MONEY. Certainly.

Mr. BEVERIDGE. The Senator stated very correctly a moment ago the difficulty that arose between this country and Japan over the action of the California authorities with respect to schools.

Mr. NELSON. Mr. President, we are unable to hear what is going on in the Chamber.

Mr. BEVERIDGE. The Senator from Mississippi a moment ago very clearly showed that a war can be no more anticipated than a quarrel between two men, one being in the right and the other being in the wrong, or regardless of that fact. He illustrated that by the difficulty, which now happily has passed, that this country had or was about to have with Japan over the school question in San Francisco. The Senator said that the State was by force of circumstances compelled to recede from the position which it had taken in order, as he says, to avoid difficulty with Japan.

Now, the question I have to ask the Senator is this: Suppose the school board of San Francisco first had declined and the authorities of the State had declined to recede from the position they first took in the matter of Japanese school children; and Japan having notified us, perhaps unofficially, but anyhow notified us, that she considered this a violation of our treaty with her, asked us for a redress we could not give. Then does not the Senator think, as I understood him to say, that war with Japan would have been very natural and quite probable?

Mr. MONEY. No; I do not think so, because there are always circumstances which alter conditions and make what would be probable in one case impossible in another. There are motives and motives, and, in my opinion—I do not know whether I am correct or not; very likely I am wrong—there was something more than the exclusion of the Japanese from the white schools in California——

Mr. BEVERIDGE. I think so, too.

Mr. MONEY. Because that was no infringement of any treaty right.

Mr. BEVERIDGE. Quite so.

Mr. MONEY. I am a little bit familiar with the treaties, and I know what I am talking about, I think. There was no infringement of any right. They had no ground under any treaty existing or which ever did exist to claim that right. But there was something behind it, and Japan was ready to provoke a quarrel, not to secure the entrance of her own citizens into the schools of the city of San Francisco, but because there was something else she wanted, and this might be the casus belli and not the real cause of the war. In other words, it might furnish the occasion and not the cause. That is quite true. But to remove the temptation——

Mr. BEVERIDGE. Before the Senator——

Mr. MONEY. Excuse me for a moment. Japan was probably brought to a realization of her disadvantage in that quarrel because it happened very fortunately for us, and very opportunely, that the same difficulty arose in British Columbia, and Japan being in a treaty of alliance, defensive and offensive, with Great Britain she was suddenly brought to consider the fact that her only western ally was holding the same position that we did in California, and that there was the same prejudice of race in British Columbia as was manifested in the city of San Francisco. That no doubt helped Japan to realize that it was a larger proposition than she originally entertained.

Now, I want to say in addition that if we are to keep these colonies it is perfectly idle to talk about a small navy or a small army. If we insist upon this colonial system—it is not a colony—this dependency business, we must conclude that we are going to maintain a navy in the Pacific just as large as Japan will ever put afloat, because she is the power we have to meet.

I recollect also that a semiofficial announcement was made in London that Great Britain would be true to her alliance, whatever the consequences to the United States. Whether that was published by inspiration I do not know, but I know it was published.

Mr. BEVERIDGE. Whether the school incident was bona fide or whether it had a concealed and hidden reason behind it, still unpleasantness was impending for some cause.

Mr. MONEY. Certainly.

Mr. BEVERIDGE. Certainly; and whatever we may conclude about it—and I do not as a Senator assume to charge another power with having a concealed motive——

Mr. MONEY. Or no other power.

Mr. BEVERIDGE. No. The fact of the possibility of conflict very suddenly flamed up, as the Senator said.

Now, in case the unhappy circumstance had eventuated that these events led up to, as the Senator says, a very large navy would have been necessary, not only to protect our honor, but to defend our safety.

Mr. MONEY. Yes.

Mr. BEVERIDGE. The Pacific Ocean is as much American waters as the Atlantic.

Mr. MONEY. I understand that. Nobody has said to the contrary. Here is the point I am getting at. We are maintaining a condition here of our own will which we can terminate at our own pleasure. That condition enforces a large Army and a large Navy, unless we have the lack of wisdom to prepare for what is, as I said, an incident of every nation in the world.

I recollect that De Witt, the grand pensionary of Holland, once said very wisely that his people loved liberty and were not afraid to fight, but that they were too stingy in time of peace to prepare for war. Consequently they were always taken advantage of by their enemies, whether German or French or Spanish. I will not say that of the American people, because they are not stingy at any time; but we are a people who are laboring under a great deal of taxation. We want to minimize the burden that every man must carry in this country. Therefore people who consider the welfare of all the people do not want the extraordinary burden of a large navy and a large army, but if we maintain the condition that in wisdom demands these things, what are we going to do? You can not disarm in the face of the foe. You can not hold yourself in unreadiness for anything that may transpire.

I do not want a large navy or a large army per se. But I do not believe it is the part of wisdom to discontinue a liberal enlargement of the Navy, and of the Army, too. I am not one of those people who want a large army. I do not want it to be possible to say here, like it is said of the German people or other European people, that every man carries a soldier on his back.

We do not here want any burden at all in the race for life. We want to strip our people, if possible, of every incumbrance of taxation and everything else. We want to divest our people of the fear of anything that might come like war, which is always a catastrophe, I do not care whether it is successful or not, because it demoralizes the whole country, although I will not say that war has not its uses also, because it brings out the heroic and manly and patriotic impulses of the people and consumes as in a fire the grosser spirit and purifies the people who struggle in it.

Mr. HALE rose.

Mr. MONEY. Mr. President, the Senator from Maine still permitting me to go on, as I have said, I do not understand the

bill. I have not read it. I told him some time ago, I believe, that in these matters I depend upon his own good judgment; that I thought I would follow him in this whole matter. I suppose I will. I will vote with him. But it does seem to me that all those of us who believe we ought not to increase the Army and Navy of the United States beyond its present limits and ought to vote to decrease it in order to lessen the burdens of taxation upon the people, should immediately take some steps to terminate our relations with these worse than useless dependencies.

Long ago everybody realized that a mistake was made. Long ago everybody believed that this talk about trying to convert those people to the Christian religion, from the Roman Catholic to the Protestant in most of them, but in a small part from Mohammedanism to Christianism, was mere cant. Nobody but missionaries and preachers believed in it. The statesmen did not believe in it, but they wanted to utilize it because of the moral power in this country; that is all. Nobody now believes that we ever cared a straw about the welfare of the Filipinos, or whether they had any good government. As a matter of fact, we are here to take care of the American people and no others. This is not a parliament of man or a federation of the world here. It is simply the American Congress. This is a part of it. If we can drop our relations with those people, then we have, I think, withdrawn entirely an incentive to war in that quarter, and we can diminish the Navy there to a very small proportion.

The expense of fortifying Hawaii has been talked about, and I believe a million dollars has been appropriated for Pearl Harbor. That is a wise provision. The fact that we own that mid-ocean outpost is to say that we command the Northern Pacific Ocean, and to say also that we need not expend hundreds of millions of dollars to fortify cities on the Pacific coast. With that properly fortified, coaled, and garrisoned there will be no danger from any attack on our Pacific possessions. As I said, we would take away the inducement to war by dropping our relations with the Philippine Islands, but as long as we persist in this policy, so long will we willfully incur the risk that must come to us by its continuance. Then, I do not believe that it is wise to talk about cutting down the naval expenditures. I can not for the life of me understand how we are going to avoid responsibility.

I do not believe that ten years will roll away before we will have a fight with Japan for something. I do not know what the cause will be, and nobody else does. I make no claim for any prevision whatever in the matter, but I have been a student of history, which is only philosophy teaching by example, and I have learned from that that these wars come around very frequently when probably no one is to blame about it. I recollect what I said on this floor in answering Mr. Stewart, of Nevada, who wanted just at that time to double the Navy for the express purpose, he said, of preventing Germany from taking the Philippine Islands. Without knowing any more about the bill than I do about this, but upon this general policy, I stated that there was not the slightest danger from Germany, but that the Japanese who were then about to engage in a war with Russia would defeat her on sea and land. That prediction came true. Then, I said, having expanded continentally, she would desire to expand insularly.

The papers yesterday or to-day bring us news that she has now a large fleet on the Chinese coast, because of the threatened boycotting of Japanese by Chinese merchants, and the Japanese boat which was seized has been turned back with an ample apology to Japan. Their readiness for war is unquestioned. Their desire for it is unquestioned. Their courage is undisputed, and I want to say it has never been exceeded in any history I have ever read in my life. Their physical endurance is a marvel. I do not depreciate the valor and courage and resources of this country, because no country on earth has as great, in my opinion; but there is a tremendous army with not one drunkard in the army, nor a guardhouse in the whole army. What is the punishment? If a soldier is disorderly or turbulent or disobedient he is not permitted to go into the next battle. That is the severest punishment known in the Japanese army. What is the result? Tears and cries and begging and all that sort of thing, and then at last, if permission is not granted, he commits hari-kari, and that is the end of the matter and of his dishonor.

Those people go to the lyceum at 5 in the morning and at 9 p. m., and so at the university at Tokyo. They are turned out of the lyceum capable of entering the service. Their traits have made them the most enduring people in the world. You can take the best regiment in the American Army—and I pay honor to the American soldier, in resources, in natural courage, which are the commonest qualities in the American soldier; I notice he never lacks them and is conspicuous in them in battle, and I have been in a good many myself. Granting all that, you may take the crack regiment of the United States and run it a mile double-quick, and I can go in and kill them with a baseball bat; they will be completely exhausted. Yet when the first Japanese army crossed the Yalu River—some of them swam and some waded—they ran at double-quick across 3 miles of barren sand over their shoe tops, and climbed up the escarpment, protected by live wires and barbed wires and everything else, and with every kind of artillery and gun, automatic and rifle, and everything else firing at them all the way across, scaled to the summit, and drove out the Russians to the ditches, where they retired.

I do not exaggerate the Japanese capacity for fighting. I think everybody will well understand it. I want to say, gentlemen, whenever we tackle that little nation of brown men we are going to have all we can do. It is not worth while to say that our fleet will pass through the Isthmus or around the Cape of Good Hope or any way to get back into the Atlantic waters, but you have got to keep that sized navy there if you hold on to the Philippines. We might just as well have the Navy come around to this side—the most of it—and sever our relation with the Philippines and say "Godspeed." We need not be uneasy about their being able to take care of themselves. Every nation in the world is capable of independence. They are not going to govern themselves as we do, because they have not the concept of government that we have.

I want to say also that we are not complimenting any nation in the world by any imitation. The Swiss Confederation is nothing but a confederation governed by different methods peculiar to different parts of it, but really governed by the great parliament of Europe, her frontiers equally distributed and all that sort of thing, and yet she will maintain herself very gallantly by her own efforts.

France can not be said to be so, because it is militarism more than anything else, and a great many people are afraid of that here. I am not afraid of it as far as I am concerned, but I simply do not want the increased burden of maintaining a very large army and a very large navy. I do hope that this Congress, if not now, will at some time see to it that either we have stripped ourselves to a small army and a small navy or that we have prepared for any emergency that large possessions may entail upon us.

Mr. President, I did not intend to make these remarks. I simply wanted the information I thought my friend from Maine had about the number of colliers, because my attention was very forcibly directed to it by a magazine article by Park Benjamin not long since, and I presumed the bureau of information had furnished the committee with everything that was needed. I hope the Senator will have, before he concludes the bill, a statement of the battle ships and the cruisers, armored and protected, and the submarines and torpedo boats and torpedo-boat destroyers, the colliers, and everything else that belongs to the different nations of the world.

Mr. HALE. I have the statement right here.

Mr. MONEY. I am very happy to hear that. I think the Senator will find that in proportion to the colonies is the size of the Navy. Great Britain did not get to be such a great maritime country until she had colonies. Spain swept the ocean when she colonized the earth. So the Phœnicians had no great navy until they colonized Africa and a part of Spain and Sicily. The Greeks did nothing in the way of a navy, although half of them were on islands, until they, too, began to colonize southern Italy, eastern Sicily, a part of southern France, and other countries. It is only when you begin to have great dependencies that you are compelled to have a big navy, but if you do have dependencies you must have a navy. There is no use to talk about a navy with an army that is commensurate with it, because when you have the navy at one part there might be an invasion from another part of our coast. We are not impervious to attack. We have thousands upon thousands of miles of continental coast line as well as that in our dependencies now, and all are to be taken care of in some way.

Mr. BEVERIDGE. There are something over twelve thousand miles.

M. MONEY. There are something over twelve thousand miles, my friend from Indiana tells me, and I have no doubt he is correct, as he usually is. All that has got to be considered. The stories you see in the newspapers about a probable invasion when our fleet is absent, of course, work on the imagination, and they are so susceptible of realization that it is very well for us to take heed of them.

I do not want to make a speech on this matter, and I have insensibly, as sometimes other people do, drifted on the current of my own thought. That is all. But I am glad to know the Senator from Maine has got these estimates, that we

may know exactly how we stand. While we are the first nation of the world in resources, yet, unfortunate for us, the modern war is extremely short. Germany prostrated Austria in a six weeks' campaign and one battle. She prostrated France, the greatest military power, it was thought, in Europe, in a campaign of two months. So the wars of late have been short wars. We drove Spain off the earth almost in two months. It was my prophecy also that that war would not last over two months and would be a naval war. I think still we never ought to have sent our men to Cuba; but Cuba was willing to admit them. The whole thing was a useless sacrifice, in my opinion, then as now, and I so advised the President, who did me the honor to ask me about it, I having had some acquaintance with the island.

Mr. LODGE. Mr. President, I was not fortunate enough to hear the beginning of this discussion in regard to the voyage of the fleet to our western coast, but from what I did hear I gathered that it has been criticised. As I am one of those who think that voyage a very valuable thing to the Navy, and very wisely undertaken, I wish to say a word in regard to it.

It is not enough in a navy to have the units the best in the world. We have, no doubt, a large number of ships of the very highest class; probably they average better than any other navy in the world to-day, with fewer of an obsolete type among them and fewer useless ships. But the units are not enough. It is necessary in order to have a really efficient navy to have an efficient fleet. The units must be massed and grouped and able to act together as a fleet.

I will venture to say, speaking now of the Navy of the last few years, that we have never until this year produced an efficient fleet. I think this voyage has created the fleet. I think it has done more for the Navy and for the personnel than anything that has been undertaken for the development of our Navy as a fighting force.

I happened to see a letter from one of the principal officers in command of the fleet, and I was greatly interested in what he said there as to the effect of the voyage on the personnel of the fleet—on the crews, on the officers, and on all branches of the service. He also pointed out what I think is a very important thing, that this long voyage, far removed from navy-yards and naval stations, had compelled the officers and men on the ships to make the necessary repairs for the slight injuries or defects which were disclosed in so long a cruise; that an immense amount of work had been done, and thoroughly done, on the ships while they were actually at sea or when they stopped to coal, which, if they had been at the Atlantic port, would have meant their running into the nearest navy-yard and having the repairs made there. It rendered the entire mechanical force on the ships more efficient than it had ever been before.

I think the success of the voyage and the fleet which has been developed by it are of immense value not only to the Navy, but to the country, and I believe it is one of the greatest instruments for the maintenance of peace that we have had produced in many years.

Now, Mr. President, as to the Navy being the result of our possessing the Philippine Islands and the island of Guam, it seems to me that they have no bearing on it at all. I do not think if we were to abandon the Philippines to-morrow, or if we had never had them, it would make the slightest difference as to the fleet we need.

The drift of the debate here to-day has seemed to indicate that when we are sending the fleet where it is at this moment we are sending it to strange waters and on account of distant Pacific possessions.

Mr. President, the fleet to-day is in home waters. The Pacific coast is just as much a part of the United States and just as necessary to our welfare as the Atlantic coast.

I am a dweller on the Atlantic coast, and I am very glad that the American Navy in this great and imposing fleet has gone to the Pacific coast.

This is not the place to discuss war or the rumors of war or the attitude of other nations, but I observed when the Senator from Mississippi [Mr. MONEY] was telling the Senate what dangers might arise from our dependencies, the only instance of a casus belli or a possible casus belli which he suggested was something that had occurred on the coast of the United States and not in any outlying island. There has never been any difficulty with a foreign nation arising out of the Philippine Islands or from Guam or from Hawaii, so far as I am aware.

We need a great fleet for the Pacific coast and the Atlantic coast of the United States, and wherever the fleet is it ought to be one fleet, unless we are prepared to keep two of equal size, one on each coast of the United States. Nothing could be more foolish than the division of the fleet and having part of it here and part of it there.

Therefore, Mr. President, it seems to me that no wiser thing could have been done than to have sent the fleet on this voyage, for the purpose of developing the American fleet, making it a fleet in action, and getting once for all beyond the stage of the naval unit of a single ship.

Mr. President, it is very true that a great navy is a great expense. Fortunately we do not need a large army. There is no need of a greater army than we have to-day. It ought not to be increased. We have no neighbors to threaten us.

But the Navy is the guaranty of our peace and our safety. It is better than all the forts that can be constructed. A strong navy means, to my mind, the absolute peace of the United States. I think there is nothing more unsound than the idea that because the Navy is a large one therefore it is a temptation to war, and that because we build more ships we are encouraging war. It is the weak navy and the unprotected power which gets into war. A great, opulent country, with a brave and aggressive people like our own, is an easy and inviting prey, if it is not well defended.

I happened to stumble some time ago upon an article by Charles Dickens, written more than fifty years ago, long since forgotten, but brought out in his collected works lately. It is called "Proposals for Amusing Posterity," and I took from it this paragraph. This, remember, was back in the fifties, and addressed, of course, to his own people:

> And I would suggest that if a body of gentlemen, possessing their full phrenological share of the combative and antagonistic organs, could only be induced to form themselves into a society for declaiming about peace, with a very considerable war whoop against all non-declaimers; and if they could only be prevailed upon to sum up eloquently the many unspeakable miseries and horrors of war, and to present them to their own country as a conclusive reason for its being undefended against war, and becoming a prey of the first despot who might choose to inflict those miseries and horrors, why, then, I really believe we should have got to the very best joke we could hope to have in our whole complete jest book for posterity and might fold our arms and rest convinced that we had done enough for that discerning patriarch's amusement.

I think, Mr. President, that in that statement there is a great deal of good sense and a happy argument to show that the way to peace is in the complete defense of the country. Our complete defense, fortunately for us, requires provision really only on one element. We are not obliged to keep a great force on the land, but we must always have a great and powerful navy, as we have to-day. We ought also to have it always in the highest state of efficiency, and to that I believe this voyage has largely contributed. If we have a powerful and efficient navy I believe we are thereby possessed of the greatest guaranty for the peace of the United States which can be devised and of an insurance of that peace, which is cheaply bought by whatever money we appropriate for so vital an object.

Mr. BEVERIDGE. Mr. President, I shall detain the Senate for but a moment or two in attempting to analyze the exact and not the imaginary condition in which we find ourselves, as pointed out by the Senator from Mississippi [Mr. MONEY].

The Senator from Mississippi, with that learning which always characterizes everything he says, has presented, perhaps, the most radical view of those who are opposed to a great navy, and therefore there is peculiar significance in what he so clearly and weightily said about the absolute necessity for a great navy if we have the Philippines. If we keep the Philippines, he said, a great navy is indispensable.

Of course, I do not intend to enter into any discussion of what our Philippine policy should be, but I desire merely, upon the premises established by the Senator from Mississippi, who is against both having the Philippines, on the one hand, and a large navy, on the other hand, but in favor of a great navy if we are to retain the Philippines, to point out exactly the situation in which we find ourselves now, whatever we might otherwise wish it to be, and the situation which must confront us for many years to come.

Everyone in this body knows, Mr. President, what my own personal position is upon the Philippines, and I do not intend in anywise to advocate it here and now. It is neither the time nor the occasion. But, taking it for granted that if we have the Philippines to defend for any reason, therefore we require a large navy, as the Senator from Mississippi asserts, I think I shall be able to prove in a moment that if that statement is true, then we are under the sternest necessity to have a great navy at once and for many years to come.

First, Mr. President, there has not been heard from any side any proposition for the immediate abandonment of the Philippines.

Upon one hand the policy of one great political party, so far as it has been outlined, is that they shall be retained until the people in them are capable of self-government, and that that is an event many decades in the future. So, if the position of that party is correct, we have the Philippines upon our hands for a

generation to come as a trust placed upon us by humanity, civilization, and liberty itself.

On the other hand the position of the other great political party, as voiced by its twice candidate and soon-again-to-be candidate for President, and as expressed in its platform, is this: That the Filipinos shall be given exclusive charge of their own affairs, and that we shall protect them in their territorial independence.

But the protection of the Filipinos in their territorial independence plainly involves a greater degree of offensive and defensive preparedness upon our part than holding them outright. No sooner had that proposition been made than it was pointed out that if the separate and independent Philippine government should borrow money from other powers, as all new and old governments always must and always have borrowed money, and should default in the payment of its bonds, then the creditor government would have a right, unless we adopt the Drago doctrine, to descend and capture its ports, which means a practical administration of the government. Very well. Then, under our pledge to it to maintain its independence intact, we should either have to pay its debts or go to war to defend it.

So that, from the point of view of either political party, according to the Senator from Mississippi [Mr. MONEY], a great navy, a very great navy, is necessary for many years to come for the single reason of the Philippines, no matter which party's policy we may adopt. Whether we adopt the view of Mr. Bryan and the Democratic party, which seems to me totally impracticable, or the view of the other party, still their defense is on our hands as a trust brought to us by events and a duty owed by us to humanity, to the world, and to history.

But, Mr. President, I do not think the reasons for a great navy, which, I think, will perhaps be more fully discussed later on in this debate, are by any manner of means confined to any policy we may adopt with reference to the Philippines. I heartily agree with the senior Senator from Massachusetts [Mr. LODGE] that, irrespective of the Philippines, a great navy, a much greater navy, a much more efficient navy than we have to-day is absolutely necessary and is dictated by our interests and compelled by the consideration which every patriot should have for the honor of his country.

The Senator from Mississippi [Mr. MONEY] referred to our coast line. We have as a continental coast line something, I think, over 12,000 miles, or near that—far more than all that of England and France and Germany and Spain combined; almost twice as much, I believe, as all of them combined; more, perhaps, than any other three nations in the world combined. Later on in this debate perhaps it may be necessary to point out, as the Senator from Mississippi pointed out, how easy and how unexpected are the occasions for war, which every humane man deprecates, and then, if it should come, how unprepared our coasts, our people, and the treasure they have accumulated are to meet that conflict. If such an event did come—and the history of the world shows that no man can safely predict that it will not come—we should expend in sheer money, of which we hear so much talk, more in ten days than would maintain for fifty years a much greater navy than we have now, to say nothing of the lives that would be lost, the business that would be interrupted, and civilization itself which would be turned back.

Mr. President, this debate, of course, is only for the moment and sprung up upon a criticism of the Senator from Georgia [Mr. BACON] of the voyage of our fleet. I was not in the Chamber when the remark of the Senator from Maine [Mr. HALE] that it was a spectacular voyage, which apparently inspired the criticism of the Senator from Georgia, was made, but I heard the lucid statement of the Senator from Georgia and the informing reply of the Senator from Maine. All we heard concerning that voyage was as to its expense—its money expense. It was costing money, they said—as though a fleet or anything else could be maintained without funds.

There would be wear and tear, they declared; but of course there would be wear and tear if the fleet were kept within what the Senator from Maine inadvertently called our home waters, which apparently referred merely to the Atlantic coast. You can not maintain the fleet in dry dock, nor can you permit it to rust and go out of commission because of disuse in friendly ports. Even if maintained upon the Atlantic coast, it has its necessary journeys to make. So, we heard nothing except about the expense of this voyage; how much it would cost to go through the Suez Canal, and not one word was said of the very great material benefits which, on a moment's reflection, are apparent to all, and of the infinitely greater sentimental benefits which are far more valuable than the other.

I said "upon a moment's reflection," Mr. President, that the benefits of this voyage would be apparent to all. For a great many years—I think ever since James G. Blaine first gave the great impetus to that policy—we have been doing all we could to establish the most friendly possible relations with the South American Republics. We wanted them, first, to recognize our friendship, and we wanted them, second, to have respect for the power that is behind our justice. Much progress has been made in the last two years in that respect. Perhaps no policy of this or any other former Administration has been so beneficial from a historic point of view as the policy which was announced two years ago with respect to South America. It will result ultimately in a continental solidarity, an American sisterhood of nations. It will result in the greatest possible benefit for our mutual commerce and for the peace of the world.

Well, Mr. President, at this almost psychological moment, from the point of view of what may properly be called "world politics" or "international politics," so far as this hemisphere is concerned, our fleet started upon this historic voyage. The Senator from Maine [Mr. HALE] said that never in the history of the world had any power ever sent any such fleet upon such a journey, and of course that is quite true; but that is no argument against our making it. From the establishment of our Republic down to the civil war and the reorganization of our nation after it, most of the things we have done have been unprecedented in history. Those things of which we are proudest, those things which stand out in history as American have had no precedents, and I for one pray that the time will never come when this nation loses that initiative which makes our efforts known throughout the world as peculiarly American; I pray the time may never come when we shall become so bound to precedent that our inventiveness, our resourcefulness, and our spirit of enterprise shall be palsied, as have those of the nations of the Orient and until recently the nations of Europe themselves.

So the fact that no other power ever sent such a fleet on such a journey is no argument against it. No! Rather will it predispose the American people to favor it. We are rather glad to do those things that have not been done before, if they add to our progress or to the welfare of the world.

Now, what about the sentimental benefit of this fleet's voyage? It visited South America, and the first port it made brought out from that nation, in which the port was located, more tangible honor to the American flag than has ever been paid to it in the whole history of the Western Hemisphere. Those manifestations from Rio de Janeiro clear around through the Magellan Strait, up again into Pacific-American waters, were not merely governmental; they were popular. It was the people who were doing us honor, and does any man, no matter how much he may be against the voyage of this fleet, question in his heart and his judgment that the people of South America to-day entertain for us a respect that is beyond all calculation in mere money and that will contribute not only to our peaceful relations but to the extension of our commerce? Mr. President, I apprehend that as the fleet proceeds and visits other countries the same fortunate and happy consequences will flow from its journey.

There is another advantage far beyond the cash yardstick to measure, and that is this: Before that fleet started there was a great deal of talk—continuous talk, increasing talk, inflammatory talk, which I think every thoughtful man in the United States deprecated—of war as liable to come upon us. It was in the newspapers; it was in the magazines; it was the common talk of the furrow, of the street, of the store, of the shop, and of the household. We read in the foreign dispatches that this common talk here was even greater in other capitals and throughout other countries of the world. Everybody knows that even a personal disturbance often grows out of the talk that it will occur. Everybody who has read history knows that that also has unfortunately been so with reference to nations.

I remember having seen many brilliant and able editorials, particularly in the New York newspapers, as to the certainty of this voyage precipitating this conflict, which, it was said, was already prepared to descend upon us. Well, Mr. President, the fleet had no sooner reached the Pacific waters than, from some cause or other, war talk, so far as the people, so far as the press, and so far as the other capitals of the world were concerned, decreased immediately, and it has almost vanished. Instead of making the talk of war greater, instead of bringing upon us a conflict which the whole world dreaded, the apprehension has been lifted from two shores of the Pacific and from three continents, and I make no doubt, if the journey of the fleet thus far may be a prophecy of its beneficent close and its happy home-coming, that our prospects of peace with the world and the prospect of the whole world's peace with itself will have been increased from this great voyage of our white squadron, which, flying the flag of the most powerful nation

in the world, also flies the flag of the most peaceful nation in the world—a nation peaceful not only because we desire peace above everything else, but because we are strong enough and determined enough to maintain our desire for peace by force, and to repel any attack against it.

It occurs to me to be proper in referring to the criticism of the Senator from Georgia, which upon his part was entirely proper, to call attention to the fact that this voyage is not to be measured by mere questions of the oil put upon the gearing of the ships, by the coal burned, by the bearings worn out, by the necessities of repairs, and by the tolls for passage throughout the Suez Canal; but by considerations so much greater, not only in business but in sentiment, that these little items, necessary as they are for our consideration, absolutely disappear in the broader sweep of this larger vision.

The Senator from Massachusetts said that our fleet must be maintained as one, unless we are to have two fleets, but he also followed that by a statement that shows that we must face—and I see no reason why we should not gladly face—the policy of having two fleets. That is no great hardship, considering our numbers and our resources. If little England can maintain a channel squadron, a Mediterranean squadron, an Atlantic squadron, a Pacific squadron, and one in the Indian Ocean, certainly this great Republic, infinitely larger than Great Britain in area, in resources, in population, and in everything that goes to add to the wealth of nations, can maintain two fleets, one upon each of our two coasts.

The Pacific coast is as much American as the Atlantic coast. We have grown into the habit of regarding American waters as the waters between New Brunswick and the Florida keys. We have come to consider our only proper naval stations as between Mount Desert and Tampa. But the Pacific coast, stretching from Vancouver Island clear down to where California ends, is quite as much American. We are quite as much concerned in it, its development, the safety of its people, and the forwarding of its trade and all of its interests, as we are in those of the people who live upon the Atlantic coast.

I myself, like some other Senators here, happen to live in the heart of the Republic. No navy ever can bombard us in the Mississippi Valley, at least as far down as St. Louis. We can not be invaded by foreign foe, and yet the Representatives upon this floor of Illinois and Indiana and other neighboring States think just as much of the people who live upon the Atlantic seaboard as they do of their own people, because they are equally American with us; and, by the same token, we care as much for the people who live on the Pacific coast as we do for the people upon the Atlantic or for ourselves. If, then, it is conceded that we have been right, as it has been conceded here by everyone this afternoon, in building up our present Navy for the Atlantic, surely an equal Navy is not out of place for the Pacific.

Mr. President, I think that the force of opinion of the American millions would keep that fleet in the Pacific were it not for the single fact brought out by my question to the Senator from Maine, that we do not now have what we should have—the facilities for caring for it upon that coast and in those waters. Our negligence in that respect—in respect of dry docks, in respect of naval stations, in respect of all things necessary to take care of our Navy—will come back to us with awful force in case we ever unfortunately should be engaged in a conflict in the Pacific Ocean. The people will then say, "Why did you not prepare for this? Why not only have ships not been built, but why also have not facilities for caring for those ships been prepared?" And what answer will you make—you who have prevented those preparations which prudence dictates and the people demand?

Mr. President, a great navy commensurate with our needs, not only upon the Atlantic, but upon the Pacific also, is the certainty of the future. It is a certainty because it is dictated not only by the wisdom of our own situation, but by conditions throughout the world, and, more than all else, by our determination to maintain, so far as we and our interests are concerned, peace with honor. [Applause in the galleries.]

The VICE-PRESIDENT rapped with his gavel.

Mr. HALE. Now, let us see if we can make some progress with the bill.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Navigation," on page 8, line 18, after the word "seamen," to insert: "*Provided*, That the sum of $4,564.05 is hereby appropriated for the equipment and maintenance of the dispensary, said sum to be immediately available;" and in line 22, after the word "all," to strike out "$60,652," and insert "$65,216.05," so as to make the clause read:

Naval training station, California: Maintenance of naval training station, Yerba Buena Island, California, namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves, wharfage, ferriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; lectures and suitable entertainments for apprentice seamen: *Provided*, That the sum of $4,564.05 is hereby appropriated for the equipment and maintenance of the dispensary, said sum to be immediately available; in all, $65,216.05.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

Naval training station, Port Royal, S. C.: Maintenance of naval training station, Port Royal, S. C., namely: Manual labor and material; general care, repairs, and improvements of grounds, buildings, and wharves; wagons, carts, implements, and tools, and repairs to same; gymnastic implements; models and other articles needed in instruction of apprentice seamen; stationery, books, periodicals, and other contingent expenses; necessary repairs to the buildings now erected to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses; for purposes of administration in connection with the training of apprentice seamen; in all, naval training station, Port Royal, S. C., $50,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 7, to insert:

For badges and ribbons to be distributed by the Secretary of the Navy to officers and men of the Navy and Marine Corps who have participated in engagements and campaigns deemed worthy of such commemoration, $3,500, to be available until used.

The amendment was agreed to.

The next amendment was, on page 13, after line 12, to insert:

Officers in the various staff corps of the Navy shall hereafter have actual rank and title as now established for the staff corps of the Army. Such officers of the staff corps of the Navy shall at all times have the title and designation of their rank, and new commissions in accordance therewith shall be forthwith issued to them: *Provided*, That this provision shall in no case carry with it command over any vessel of the Navy Department, but such command shall be exercised only by line officers.

Mr. BACON. Mr. President, I should like to call the attention of the Senator——

Mr. HALE. I want to ask, as several Senators have requested, that the proviso on page 13, from line 12 to line 21, inclusive, shall be passed for the present.

The VICE-PRESIDENT. Without objection, it is so ordered.

The reading of the bill was continued to the end of line 11 on page 16.

Mr. BACON. I wish to ask the Senator a question, to see if I understood him correctly. When the Senator suggested that the amendment on page 13 be passed over, did he mean to include the matter from line 8 down?

Mr. LODGE. No.

Mr. BACON. Only from line 13?

Mr. LODGE. From line 13 to line 21.

Mr. BACON. If the Senator will pardon me, the question I wish to propound to him is in reference to the amendment which preceded that. I want to call the attention of the Senator to the language in line 12, which makes the appropriation "available until used." While it is a very small matter and relates to a very immaterial provision, still it is an important constitutional requirement that no appropriation shall be made which shall exceed two years for the support of the Army or Navy; and while, as I say, it is an exceedingly small matter, nevertheless it falls within the principle, and I think it so important a principle that it should be guarded even in small matters. It is a constitutional requirement that no appropriation for this purpose shall be made for a time exceeding two years, and this item makes an indefinite appropriation.

Mr. HALE. Strike out the words "until used."

Mr. BACON. "Immediately available" I have no objection to.

Mr. HALE. No.

Mr. BACON. Or "available for two years" I have no objection to.

Mr. HALE. There is no objection to the suggestion.

Mr. BACON. But it certainly is in contravention of the requirement of the Constitution as the provision now stands.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as open to amendment.

Mr. HALE. Put in before the word "available" the word "immediately."

Mr. BACON. And strike out——

Mr. HALE. And strike out "until used."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed, on page 13, line 12, before the word "available," to insert "immediately," and after the word "available" to strike out "until used."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 32, line 22, after the word "dollars," to strike out "in all, $156,000" and insert "naval prison extension, $65,000; quay walls extension, $25,000; in all, $246,000," so as to make the clause read:

Navy-yard, Portsmouth, N. H.: Sewer system, extension, $6,500; to complete blasting in front of quay wall, $60,000; storehouse for combustibles, $30,100; railroad extension, $10,000; heating system, extension, $20,000; electric plant, extension, $20,000; steam main central power plant to steam engineering plant, $9,000; naval prison extension, $65,000, quay walls, extension, $25,000; in all, $246,000.

The amendment was agreed to.

The next amendment was, on page 33, line 23, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Navy is hereby authorized to expend toward the general improvement of the water front at the navy-yard, New York, N. Y., the unexpended balance of the appropriation made by the act approved June 17, 1900, making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes, for the construction of a bascule bridge at said navy-yard: *Provided further*, That the limit of cost of dry dock No. 4 at the navy-yard, New York, N. Y., is hereby fixed at $1,500,000, and the Secretary of the Navy is authorized, in his discretion, to construct said dry dock by contract or day labor, or both, as he may deem to be for the best interests of the Government.

Mr. BACON. I should like to ask the Senator from Maine whether that is an item which has been brought to the attention of the Senate committee or whether it is an item which was considered by the House and not adopted.

Mr. HALE. It was presented by the Department since the bill came from the House.

Mr. BACON. Does the Senator know why it was that so important a matter was not brought to the attention of the House?

Mr. HALE. If the Senator knew how many matters on all these appropriation bills——

Mr. BACON. I do not know, and I am asking the Senator for that reason.

Mr. HALE. I will say it is rather irksome to Senators in charge of these bills not only how many matters are not submitted to the House, but how many are not submitted to the Senate committee, and we do not get them until after the bills have been reported to the Senate. We have to do the best we can.

Mr. BACON. I can very readily understand how, without the Department being charged with remissness, that can be true in many cases, but I can hardly understand how so important a matter as this, involving so large an expenditure, should have been overlooked by the Department when these matters were presented to the House, or worse still, if it was not presented even to the Senate committee until after the bill had been reported.

This is a very large expenditure. However, I believe it relates to a former appropriation.

Mr. HALE. There is no appropriation made here.

Mr. BACON. And the limit is within the former appropriation?

Mr. HALE. There is no direct appropriation of money.

Mr. BACON. I see; I was in error about that.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, on page 35, line 12, before the word "hundred," to strike out "continue one," and insert "complete two;" on page 36, line 3, after the word "dollars," to insert "improvements to water front, $100,000;" and in line 5, before the word "hundred," to strike out "five" and insert "seven," so as to make the clause read:

Navy-yard, Norfolk, Va.: Railroad tracks, extensions, $15,000; telephone system, extensions, $7,000; electric plant, extensions, $50,000; repairs, buildings, St. Helena, $25,000; central power plant, to complete, $200,000; dredging, to continue, $50,000; railroad rolling stock, $10,000; extension to wharf at dry dock No. 3, $50,000; heating system, extensions, $10,000; compressed-air system, extensions, $10,000; dry kiln for construction and repair, $7,500; renew roof of foundry, building No. 22, steam engineering, $8,000; new roof and crane for building No. 23, steam engineering, $60,000; elevator in buildings Nos. 11, 13, 14, 17, and 33, $20,000; naval supply storehouse (to cost $450,000) $50,000; improvements to building No. 16, complete, $25,000; heating building No. 37, steam engineering, $7,500; improvements to water front, $100,000; in all, navy-yard, Norfolk, Va., $705,000.

The amendment was agreed to.

The next amendment was, on page 36, line 11, after the word "dollars," to insert, "elevator and interior fittings, building No. 7, $17,000; paving and grading (to continue), $10,000; clearing yard, $5,000;" and in line 15, before the word "thousand," to strike out "thirty-five" and insert "sixty-seven;" so as to make the clause read:

Navy-yard, Charleston, S. C.: Sewer system, extension, $5,000; heating system, extensions, $10,000; completing power plant, $70,000; slips for torpedo boats, $50,000; elevator and interior fittings, building No. 7, $17,000; paving and grading (to continue), $10,000; clearing yard, $5,000; in all, navy-yard, Charleston, S. C., $167,000.

The amendment was agreed to.

The next amendment was, on page 37, line 24, before the word "dollars," to strike out "one hundred and forty thousand" and insert "two hundred and eighty thousand," so as to read:

Navy-yard, Puget Sound, Washington: Electric-light plant, extensions, $5,000; water system, extensions, $12,000; heating system, extensions, $6,000; stone and concrete dry dock, to continue (to cost $2,000,000), $100,000; sewer system, extensions, $3,000; telephone system, extensions, $3,000; railroad and equipment, extensions, $10,000; central power plant, extensions, $280,000; etc.

The amendment was agreed to.

The reading of the bill was continued to the end of line 8, on page 38.

Mr. PILES. I wish to ask the Senator from Maine if he does not think the total on page 38 should be changed? I call attention to the fact that the increase on page 36 of the bill was from $140,000 to $280,000, and that is not carried out in the total on page 38.

Mr. HALE. That will be done before the bill is completed.

The reading of the bill was resumed and continued to the end of line 19 on page 38.

Mr. WARREN. I wish to ask the Senator from Maine a question about the provision just read. Will the Secretary kindly read the paragraph?

The Secretary read as follows:

Naval station, Olongapo, P. I.: Toward the improvement and development of the naval station, Olongapo, P. I., $100,000. The Secretary of the Navy is hereby authorized to expend, without limitation as to quantities and unit prices, the various amounts appropriated by the act approved April 27, 1904, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1905, and for other purposes," for the naval station, Olongapo, P. I., for the respective improvements therein named.

Mr. WARREN. I call the Senator's attention to the language of the paragraph read, on page 38. In the first place, while the appropriation here is only $100,000, it is for a naval station at Olongapo, and it also reappropriates the amounts that now stand to the credit of that project and have so stood since 1904 without limitation as to the quantities and unit prices. In other words, whatever limitations were on the original appropriations are here removed. Does the Senator remember what amount of money is involved?

Mr. HALE. I had supposed, until it was investigated by the Department, that it involved something like $1,000,000. But there is only about $100,000.

Mr. WARREN. My idea was that there was about $300,000. Part of it has been expended?

Mr. HALE. It has been expended.

Mr. WARREN. I will ask the Senator, unless he has some memoranda in his hand which he wishes to read, whether there has been, to the Senator's knowledge, any definite plan decided upon as to a navy-yard at Olongapo?

Mr. HALE. No. I for one and, I think, the committee are against any great expenditure at Olongapo, but investigation showed that this amount was small, and something was needed; a little every year. The committee, I will say, is not prepared to enter upon any large scheme involving the building of a great naval station or base at Olongapo.

Mr. WARREN. The Senator will recall his sentiments expressed on another bill with reference to this matter.

Mr. HALE. Yes; the fortifications bill.

Mr. WARREN. And I am asking for this information as a guide to what we may do in conference upon that bill. Of course if we are to have a navy-yard there, even a small one, there should also be some reasonable fortification. I wanted to find out, if I could, how much property we had to protect so far as a navy-yard is concerned. We all understand about it being a haven for shipping.

Mr. PERKINS. We have a dry dock there.

Mr. WARREN. We know that, too. But that is to be removed.

Mr. HALE. I am glad the Senator has called attention to it, because it gives me an opportunity to say that I think the feeling of the committee is against what was the original project of building up a great naval base or navy-yard or whatever you may call it at this place; and this appropriation is agreed to because it is only in accordance with maintaining what we have there and doing some of the customary things that are needed in a small way.

Mr. WARREN. I see there are other small appropriations for Olongapo through the bill. The CONGRESSIONAL RECORD shows of course the feeling of the chairman of the committee on the other side. It is public. He is in favor of very large expenditures at Olongapo. Does the Senator know whether he has changed in that view?

Mr. HALE. I do not know. I know I have not.

Mr. WARREN. I agree entirely with the Senator from Maine. I think we should confine it to a very small expenditure, but I think if we are to spend money there on a navy-yard we must proceed with some fortifications sufficient to fairly protect it.

Mr. HEYBURN. I should like to make an inquiry. It seems rather an unusual statement contained in this provision that money appropriated in 1904 should now be available. I should like to inquire of the chairman of the committee how it is that money appropriated in 1904 is available for appropriation in the nature of a continuing fund, and why, if I understand the law correctly, it was not returned to the Treasury at the end of the fiscal year two years ago?

Mr. HALE. It can not be expended unless it is in terms by law, as we do here, made available.

Mr. HEYBURN. What kept it out of the Treasury two years ago? Did we continue it then?

Mr. HALE. It is one of the permanent funds that, under the decisions of the Comptroller, does not so absolutely lapse that it may not be revived by the action of Congress. There are several of those.

Mr. HEYBURN. We are reviving it after four years. Under the limitation that we can not make an appropriation for the Army and Navy extending more than two years, it would seem, unless this money was expended under the appropriation of 1904, it would have passed back into the Treasury, and that we would now, if we desired to make it available, be required to appropriate it as an original sum, and that there would be no occasion for referring to the appropriation of four years ago.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Wyoming?

Mr. HALE. Certainly.

Mr. WARREN. I may say, on the point the Senator from Idaho is discussing, that funds are held three years after the end of the fiscal year, so as to provide for contracts or any accounts that may be outstanding; and in so far as that may affect it, it has not been a complete covering back into the Treasury.

Mr. HEYBURN. In a moment I will understand it. This recites, in lines 15 to 17, that it was appropriated——

Mr. HALE. For the year ended June 30, 1905.

Mr. HEYBURN. Nineteen hundred and five. More than the constitutional limitation has elapsed since then. I merely want to get at the fact as a matter of information. I should like to know how it is that money which should have been covered into the Treasury on the 30th day of last June is now available for appropriation, not out of funds in the Treasury, but as a continuance of an existing fund that has been set aside. I inquire more in order to advise myself as to how this can be done. I assume the committee have given it consideration.

Mr. HALE. We have the opinion of the Comptroller.

Mr. HEYBURN. Of course it is up to the Comptroller, if I may use the expression——

Mr. HALE. Yes; it is up to the Comptroller.

Mr. HEYBURN. Whether this money is available, and if the money is needed; and if there is any question about this fund being available, we should make it perfectly clear in this bill at the present time. Otherwise we might find that we had attempted to make an appropriation for this purpose of money that was not in existence because it was not appropriated out of the general money in the Treasury.

Mr. WARREN. I think it has been carried along——

Mr. LODGE. I think it has been continued.

Mr. WARREN. Because of the very condition the Senator from Maine has related, that he himself was not in favor of this expenditure until there was further investigation made.

Mr. HEYBURN. I thought that might be the case, and I thought I might get that information. I have not had the time to look at the last appropriation act to see if it has been carried forward.

Mr. WARREN. I think it has been.

Mr. HALE. The Department, in submitting this estimate, states that the appropriation is still alive and can be made available in this way.

Mr. HEYBURN. Did the committee check on the ruling of the Comptroller? Of course Comptrollers change; and that is a mere ruling, while this happens to be a constitutional provision. It may be a matter that should be looked into. I do not know of any power that the Comptroller would have to make a ruling that a fund which had been appropriated more than two years before this time would be available for use at this time except as a direct appropriation from the Treasury. I should have some doubts as to whether the Comptroller would have the power to do that, and I should inquire very carefully into any opinion that the Comptroller has given that a fund the application of which expired June 30, 1905, is available at this time.

Mr. NELSON. I desire to call attention to the fact that under the Constitution the two years' limit on appropriations applies only to the Army and not to the Navy. Senators can see by reading the paragraph—

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

And the next provision is:

To provide and maintain a Navy.

There is no such limitation in regard to the Navy.

The VICE-PRESIDENT. The reading of the bill will be continued.

The Secretary proceeded to read the bill.

The next amendment of the Committee on Naval Affairs was, on page 39, after line 2, to insert:

Naval station, Pearl Harbor, Hawaii: The Secretary of the Navy is hereby authorized and directed to establish a naval station at Pearl Harbor, Hawaii, on the site heretofore acquired for that purpose; and to erect thereat all the necessary machine shops, storehouses, coal sheds, and other necessary buildings, and to build thereat one graving dry dock capable of receiving the largest war vessels of the Navy, at a cost not to exceed $2,000,000 for said dry dock. The sums hereinafter stated are hereby appropriated and made immediately available, to be expended at the discretion of the Secretary of the Navy, to wit: Toward dredging an entrance channel of a depth of 35 feet, $400,000; toward construction of dry dock, $300,000; toward erecting machine shops (to cost $300,000), $100,000; storehouses (to cost $300,000), $100,000; toward yard development, $100,000; in all, $1,000,000. That the Secretary of the Navy may, in his discretion, enter into contracts for any portion of the work, including material therefor, within the respective limits of cost herein stipulated, subject to appropriations to be made therefor by Congress, or may direct the construction of said works or any portion thereof under the supervision of a civil engineer of the Navy.

Mr. TELLER. I wish to ask the chairman of the committee whether the House considered this proposition at all?

Mr. HALE. The House considered it and passed a bill for the purpose, and our committee put it on this appropriation bill upon the theory that all of these naval appropriations had better go upon the naval appropriation bill, so that at a glance one can see what the naval expenditures are. Not only did the committee of the House consider it, but the House passed it.

Mr. TELLER. Not on this appropriation bill?

Mr. HALE. No; but in a separate bill.

Mr. TELLER. In a separate bill?

Mr. HALE. And so the committee here put it on the pending bill, instead of passing it separately.

Mr. TELLER. So it is only a question of the bill it shall go on?

Mr. HALE. Yes.

The thought was—and I think the Senator will agree with me—that all the expenses in any particular branch of the Government had better be in one place in order that we may know what the aggregate is.

Mr. TELLER. I agree with that, and I feel especially interested in this amendment. As it is a Senate committee amendment, I desired to know whether the House was hostile to it or not. I am glad that it is likely to become a law.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Naval Affairs.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 41, after line 10, to insert:

The Secretary of the Navy is hereby authorized to transfer from the navy-yard, Boston, Mass., to and erect at the navy-yard, Portsmouth, N. H., the 100-ton shears improved and repaired under the acts approved July 1, 1902, and March 3, 1903, and the unexpended balances of the appropriations made by said acts for the improvement of said shears are hereby reappropriated, and the further sum of $2,400 is hereby appropriated for this purpose.

Mr. LODGE. I should like to ask the Senator from Maine in regard to the amendment why the shears are to be transferred from the Boston Navy-Yard?

Mr. HALE. I ask that the Secretary may read the communication from the Secretary of the Navy, which I send to the desk.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

NAVY DEPARTMENT,
Washington, March 20, 1908.

SIR: The Department desires to bring to the attention of your committee the desirability of having transferred from the navy-yard, Boston, Mass., to the navy-yard, Portsmouth, N. H., the 100-ton shears constructed under authority contained in the act of March 2, 1891 (26 Stat. L., 803).

When pier No. 1 was constructed at the navy-yard it was necessary to take down the shears, owing to the fact that they were cut off from the water front by the construction of the pier. It was then found desirable to make certain improvements and repairs, and for this pur-

pose Congress appropriated $20,000 by the acts approved July 1, 1902, and March 3, 1903. Contract was made for the improvement and erection of the shears on pier No. 1, but after the work of improvement was nearly completed and the erection was about to be made, the Department decided that the location was too remote from the working part of the yard, and directed that the shears be not erected at that point, but that an appropriation be asked for erection on pier No. 6. It being necessary to strengthen pier No. 6 before the heavy weights handled by the shears could be borne by it, estimates were submitted under the head of "Public Works, Bureau of Yards and Docks," for the fiscal years 1906, 1907, and 1908, but no appropriation was made by Congress.

An estimate was not submitted for the present bill, owing to the fact that floating derricks have been found more useful than stationary shears, especially at yards where piers are built out at right angles with the water front. However, at the navy-yard, Portsmouth, which has no piers, it is believed that the shears would be very useful, and as they can be transported and erected at that yard for a comparatively small amount the Department is of opinion that it would be an economical expenditure to authorize such transfer.

A draft of a proposed amendment to the naval bill is accordingly submitted for consideration by the committee. The unexpended balances referred to amount to $3,647.80.

Respectfully, V. H. METCALF, *Secretary.*

Hon. EUGENE HALE, United States Senator,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. LODGE. I understand from that letter that the shears are not now in use at the Boston yard for the reason set forth in the letter, the fact that piers have been built at that yard. I assume, of course, that the yard at Boston is provided with a floating derrick, for it would be very poor economy to leave a yard of that size and importance, where many ships are repaired, without either shears or a derrick. I gather from what the letter says that they can use a floating derrick at Boston owing to the piers, whereas at Portsmouth, where there are no piers, they can use the shears with advantage. If that is the case, of course I have no objection whatever to make to the amendment, but I do not want the Boston yard left without machinery of that character.

The amendment was agreed to.

The next amendment was, on page 41, line 22, to increase the total appropriation for public works, navy-yards, and stations, from $3,170,400 to $4,634,800.

The amendment was agreed to.

The Secretary continued the reading of the bill to line 2, page 43.

Mr. HALE. We have now reached another portion of the bill. The Senator from Minnesota [Mr. CLAPP] is desirous of going on with a conference report, and I will yield to him.

INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) an act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 21, 22, 23, 24, 52, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 65, 66, 68, 69, 73, 75, 85, 94, 99, 100.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 25, 26, 29, 30, 32, 34, 36, 37, 40, 41, 44, 45, 46, 47, 48, 49, 50, 67, 77, 78, 80, 82, 83, 86, 87, 89, 91, 93, 102, 104, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made and delivered in the same manner as now provided by law for other tribal property: *Provided*, That when practicable preference right shall be given to the State, counties, and municipalities of Oklahoma to purchase said lands and improvements at the appraised value: *And provided*, That pending such appraisement and sale the Secretary of the Interior may temporarily lease said buildings and lands for the benefit of the tribes respectively to which they belong."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2, after the word "and," strike out the words "purchase of;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read: "In all, $2,115,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements, with such recommendations as he may deem proper."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out the word "ninety" and insert in lieu thereof the word "eighty-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In line 4 strike out the word "may" and insert in lieu thereof the word "shall." In the same line strike out the words "from this," and in line 5 the word "appropriation;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: At the end of said amendment add the following: "*Provided*, That this appropriation shall be so expended as to make further appropriation for this purpose unnecessary;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: After the word "reservation," in line 10, add: "*Provided*, That no part of this appropriation shall be available until the proper officer of the Indian Bureau shall investigate and report that the work contemplated can be completed for the amount herein appropriated;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the land in the following subdivisions now embraced in the Coeur d'Alene Indian Reservation in Idaho, to wit: Sections one, two, and twelve, township forty-six north, range four west, Boise meridian; sections thirty-five and thirty-six, township forty-seven north, range four west, Boise meridian; all of those portions of sections two, three, four, five, six, seven, eight, nine, ten, and eleven, township forty-six north, range three west, Boise meridian, lying south and west of the St. Joe River in said township; all of those portions of sections thirty-one and thirty-two, township thirty-seven north, range three west, Boise meridian, lying south and west of the St. Joe River in said township is reserved and withdrawn from allotment and settlement, and the Secretary of the Interior is hereby authorized to convey any part thereof to the State of Idaho to be maintained by said State as a public park, said conveyance to be made for such consideration and upon such terms and conditions as the Secretary of the Interior shall prescribe. The proceeds of such sale shall be deposited in the Treasury of the United States for the use and benefit of the Coeur d'Alene Indians in such manner as Congress shall hereafter prescribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 2, after the word "authorized," insert the words "in his discretion;" and in line 6, after the word "purchase," strike out the words "in his discretion." In line 9, after the word "Iowa," strike out the balance of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 2, after the word "to," strike out the words "used and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 2 strike out the words "and directed" and insert in lieu thereof the words "in his discretion;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: After the word "conclusive," in line 10, insert: "*Provided*, That the expense thereof shall be paid out of the moneys found due said Indians in said cause;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In line 1, after the word "implements," insert the words "other equipment."

In line 9, after the word "Interior," insert the words "*Provided*, That said expenditures shall be made."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In line 4, after the word "upon," insert "public lands, if available, in the judgment of the Secretary of the Interior, or upon;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "make," in line 10, and insert in lieu thereof the following: "such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation, or maintenance shall thereby be created against any such reserved lands: *And provided further*, That to meet the necessary cost of carrying out this legislation the Secretary of the Interior is authorized to expend, out of the sum appropriated in this act for irrigation an amount not exceeding $13,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In line 2 strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"For construction of concrete walk, driveways, and grading, $2,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In line 1 strike out the word "twenty" and insert in lieu thereof the word "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In line 2 strike out the word "five" and insert in lieu thereof the word "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and correct the total so as to read:

"In all, $36,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 2, after the word "Jack," insert the words "Choctaw allottees;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 2 strike out the words "and directed" and insert in lieu thereof the words ", in his discretion." At the end of said amendment add: " : *Provided further*, That the Secretary of the Interior is authorized, in his discretion, to pay, upon the surrender of the note hereinafter described, out of the above sum appropriated for the Sac and Fox Indians, to Helen Pennock, the widow and surviving heir of William Pennock, the sum of six hundred dollars, in full settlement of a promissory note given by Mo-ko-ho-ko and Ke-wɛ-quah, chiefs of the Sac and Fox Indians, and Ketch-e-Cush, a councilman;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Strike out all of proposed amendment, and on page 36, line 21, after the word "patents," strike out "and conveying;" and in line 22 strike out the word "same;" and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes and attorneys employed by them to secure their restoration to said rolls shall be valid and enforcible when approved by the Secretary of the Interior in their original or in such modified form as he may deem equitable, and not otherwise; and such contracts as are approved as herein provided, when recorded in the county where such land is located, shall be a lien in the event of the restoration of such persons to the rolls against allotted lands or tribal funds of the persons so restored to or given rights upon said rolls."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Secretary of the Interior is hereby authorized and directed to pay out of the Chickasaw fund to D. H. Johnson, governor of the Chickasaw Nation, compensation for his services as such governor, at the rate of $1,500 per annum from March 4, 1906, so long as he shall legally serve as such governor."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof, "and the Secretary of the Interior is directed to so disburse this appropriation as to complete said work by July 1, 1909;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: Strike out the word "six" and insert in lieu thereof the word "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "five" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu of the amount proposed "$12,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Strike out all of said amendment and insert:

"That the Commissioner of Indian Affairs is authorized and directed to invite proposals for the construction of a gravity water system for the Rapid City School to be supplied from the springs located on the school farms, said bids to cover construction of suitable reservoir and laying of a 6-inch main thereon to said school buildings and grounds, and such minor and collateral piping as may seem necessary, and to report thereon to Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Strike out all of said amendment and insert the following:

"The Commissioner of Indian Affairs is hereby authorized and directed to expend so much of the trust funds of the Ute Indians, not exceeding $75,000, now in the United States Treasury, as in his judgment may be necessary to prevent want and suffering among the Absentee Utes, and the amount so expended for each individual Absentee shall be made a matter of record to be charged against and deducted from the share said Absentee may be entitled to receive when the trust funds of the Utes are allotted and distributed to the members of the tribe."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: On line 3 of said amendment strike out "Uinta" and insert "Uintah." Transpose entire amendment to page 48 and place after amendment 101; and the Senate agree to the same.

MOSES E. CLAPP,
P. J. MCCUMBER,
ROBT. L. OWEN,
Managers on the part of the Senate.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JNO. H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

RURAL DELIVERY ROUTES.

Mr. BANKHEAD. Mr. President, I give notice that on Friday next, the 24th instant, immediately after the routine morning business, I will address the Senate on the amendment submitted by me to the post-office appropriation bill, proposing to appropriate $500,000 for improving the conditions of the roads over which rural delivery routes are established, in connection with State aid and cooperation.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 22, 1908, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21, 1908.

COMPTROLLER OF CURRENCY.

Lawrence O. Murray, of New York, to be Comptroller of the Currency, in place of William B. Ridgely, resigned.

UNITED STATES MARSHALS.

Guy Murchie, of Massachusetts, to be United States marshal for the district of Massachusetts, vice Charles K. Darling, whose resignation has been accepted.

Victor Loisel, of Louisiana, to be United States marshal for the eastern district of Louisiana. A reappointment, his term having expired March 14, 1908.

REVENUE-CUTTER SERVICE.

Capt. Worth Gwynn Ross to be captain commandant in the Revenue-Cutter Service of the United States, a new office created by the act of Congress approved April 16, 1908.

UNITED STATES ATTORNEY.

J. Whitaker Thompson, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania. A reappointment, his term expiring April 27, 1908.

COLLECTOR OF CUSTOMS.

Herbert Morissey, of Massachusetts, to be collector of customs for the district of Plymouth, in the State of Massachusetts. (Reappointment.)

Chief Engineer Charles Albert McAllister to be engineer in chief in the Revenue-Cutter Service of the United States, a new office created by the act of Congress approved April 16, 1908.

PROMOTION IN THE ARMY.

Cavalry Arm.

First Lieut. Marion C. Raysor, Fifth Cavalry, to be captain from April 16, 1908, vice Berkeley, Twelfth Cavalry, detailed as quartermaster.

PROMOTIONS IN THE NAVY.

Midshipman Robert W. Spofford to be an ensign in the Navy from the 13th day of February, 1908, to fill a vacancy existing in that grade on that date.

Boatswain George E. Plander, on the active list of the Navy, to be a chief boatswain, to rank with but after ensign, on the retired list of the Navy, from the 7th day of May, 1908, the date upon which he will be retired, in accordance with the provisions of an act of Congress approved June 29, 1906.

Kent C. Melhorn and Lee W. McGuire, citizens of Ohio, to be assistant surgeons in the Navy from the 11th day of April, 1908, to fill vacancies existing in that grade on that date.

Lieut. Commander Robert B. Higgins to be a commander in the Navy from the 30th day of January, 1908, vice Commander Isaac S. K. Reeves, promoted.

POSTMASTERS.

ALABAMA.

Thomas U. Baskin to be postmaster at Union Springs, Bullock County, Ala., in place of Archibald C. Walter, removed.

HAWAII.

William W. Goodale to be postmaster at Waialua, Oahu County, Hawaii. Office became Presidential January 1, 1908.

George F. Renton to be postmaster at Ewa, Oahu County, Hawaii. Office became Presidential January 1, 1907.

INDIANA.

Samuel P. Yenne to be postmaster at Shoals, Martin County, Ind., in place of Samuel P. Yenne. Incumbent's commission expires April 27, 1908.

MICHIGAN.

Charles H. Baird to be postmaster at Holly, Oakland County, Mich., in place of Charles H. Baird. Incumbent's commission expired December 17, 1907.

MISSOURI.

George W. Goins to be postmaster at Breckenridge, Caldwell County, Mo., in place of George W. Goins. Incumbent's commission expired April 19, 1908.

James Tait, sr., to be postmaster at Polo, Caldwell County, Mo. Office became Presidential January 1, 1907.

Frank Wyman to be postmaster at St. Louis, St. Louis County, Mo., in place of Frank Wyman. Incumbent's commission expired November 17, 1907.

NEW JERSEY.

Thomas J. Knight to be postmaster at Stanhope, Sussex County, N. J. Office became Presidential April 1, 1908.

NEW YORK.

John T. Dare to be postmaster at Patchogue, Suffolk County, N. Y., in place of Edward A. Cowles. Incumbent's commission expires April 27, 1908.

George S. Fordyce to be postmaster at Union Springs, Cayuga County, N. Y., in place of Reuben F. Hoff, deceased.

John J. Hollis to be postmaster at Lacona, Oswego County, N. Y. Office became Presidential January 1, 1908.

James H. Hopkins to be postmaster at Au Sable Forks, Essex County, N. Y., in place of Charles H. Cutler. Incumbent's commission expired January 25, 1908.

PENNSYLVANIA.

J. Ward Houck to be postmaster at Clymer, Indiana County, Pa. Office became Presidential April 1, 1908.

Newton E. Noblet to be postmaster at Halifax, Dauphin County, Pa. Office became Presidential April 1, 1908.

Samuel B. Sickelsmith to be postmaster at New Haven, Fayette County, Pa., in place of Samuel B. Sickelsmith. Incumbent's commission expired January 26, 1907.

SOUTH DAKOTA.

W. P. Joseph to be postmaster at Wagner, Charles Mix County, S. Dak., in place of Addison H. Pease, resigned.

TENNESSEE.

J. I. Harrison to be postmaster at Cleveland, Bradley County, Tenn., in place of Gus Cate. Incumbent's commission expires April 27, 1908.

Sallie J. Massey to be postmaster at Sevierville, Sevier County, Tenn., in place of Sallie J. Massey. Incumbent's commission expires April 27, 1908.

John Rains to be postmaster at Etowah, McMinn County, Tenn. Office became Presidential April 1, 1908.

TEXAS.

James E. Lindsey to be postmaster at Rule, Haskell County, Tex. Office became Presidential April 1, 1908.

Charlie B. Starke to be postmaster at Holland, Bell County, Tex., in place of Charlie B. Starke. Incumbent's commission expired January 27, 1908.

UTAH.

William Glasmann to be postmaster at Ogden, Weber County, Utah, in place of Thomas H. Davis. Incumbent's commission expired June 30, 1906.

WASHINGTON.

John O. Wilson to be postmaster at Cosmopolis, Chehalis County, Wash., in place of John O. Wilson. Incumbent's commission expires April 27, 1908.

WISCONSIN.

Irving L. Bonniwell to be postmaster at Hartford, Washington County, Wis., in place of Ezra M. Rogers. Incumbent's commission expired June 4, 1906.

Warren I. Griffin to be postmaster at Viola, Richland County, Wis., in place of Gertrude Frazier. Incumbent's commission expired November 17, 1907.

Charles Pfeifer to be postmaster at Plymouth, Sheboygan County, Wis., in place of Gustav A. Albrecht. Incumbent's commission expired February 4, 1907.

George A. Robbins to be postmaster at Sheboygan Falls, Sheboygan County, Wis., in place of Byron H. Sanford. Incumbent's commission expired February 4, 1907.

Eugene S. Turner to be postmaster at Port Washington, Ozaukee County, Wis., in place of Hervey L. Coe. Incumbent's commission expired February 4, 1907.

WITHDRAWALS.

Executive nominations withdrawn from the Senate April 21, 1908.

Johnnie McGowan to be postmaster at Union Springs, in the State of Alabama.

David Everit to be postmaster at Union Springs, in the State of New York.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 21, 1908.

COMPTROLLER OF THE CURRENCY.

Lawrence O. Murray, of New York, to be Comptroller of the Currency.

SURVEYOR OF CUSTOMS.

Jacob J. Greenwald, of Utah, to be surveyor of customs for the port of Salt Lake City, in the State of Utah.

APPOINTMENTS IN THE ARMY.

Cavalry Arm.

Second Lieut. Charles B. Amory, jr., First Infantry, to the Cavalry Arm, with rank from June 15, 1904.

Infantry Arm.

Second Lieut. Arthur J. Davis, Ninth Cavalry, to the Infantry Arm, with rank from June 15, 1904.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. George R. Smith, deputy paymaster-general, to be assistant paymaster-general, with the rank of colonel, from April 7, 1908.

Maj. Francis L. Payson, paymaster, to be deputy paymaster-general, with the rank of lieutenant-colonel, from April 7, 1908.

Cavalry Arm.

Second Lieut. Arthur G. Fisher, Fourteenth Cavalry, to be first lieutenant from April 6, 1908.

Infantry Arm.

First Lieut. William E. Hunt, Eighth Infantry, to be captain from April 3, 1908.

Medical Department.

Maj. Charles Richard, surgeon, to be deputy surgeon-general, with the rank of lieutenant-colonel, from April 10, 1908.

Capt. William F. Lewis, assistant surgeon, to be surgeon, with the rank of major, from April 10, 1908.

PROMOTIONS IN THE NAVY.

Ensign John S. Arwine, jr., to be a lieutenant (junior grade) in the Navy from the 3d day of February, 1908, upon the completion of three years' service in present grade.

To be assistant naval constructors in the Navy from the 24th day of March, 1908, to fill vacancies existing in that grade on that date, to correct the date from which they take rank as confirmed on March 31, 1908:

Robert B. Hilliard,
Edwin O. Fitch, jr.,
Lee S. Border,
John C. Sweeney, jr.,
James O. Gawne, and
Alva B. Court.

POSTMASTERS.

GEORGIA.

Samuel B. Robinson to be postmaster at Sandersville, Washington County, Ga.

MICHIGAN.

Edmund O. Dewey to be postmaster at Owosso, Shiawassee County, Mich.

TENNESSEE.

Luther A. Styles to be postmaster at Copperhill (late McKays), Polk County, Tenn.

TEXAS.

Crockett Campbell to be postmaster at Lufkin, Angelina County, Tex.

Fred W. Laux to be postmaster at Flatonia, Fayette County, Tex.

George A. Tohill to be postmaster at Big Sandy, Upshur County, Tex.

VIRGINIA.

John S. Cecil to be postmaster at Dublin, Pulaski County, Va.

John H. Steele to be postmaster at Coeburn, Wise County, Va.

James M. Updike to be postmaster at Buena Vista, Rockbridge County, Va.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 21, 1908.*

[*Continuation of the legislative day of Monday, April 20, 1908.*]

The recess having expired, the House, at 11.30 o'clock a. m., was called to order by the Speaker.

DRAINAGE OF SWAMP LANDS IN MINNESOTA.

The SPEAKER. The question is on the motion of the gentleman from Minnesota, to suspend the rules and pass the bill (H. R. 19541), to authorize the drainage of certain lands in Minnesota, with amendments.

Mr. WILLIAMS. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. PAYNE. Mr. Speaker, to save time, I make the point of no quorum.

The SPEAKER. Evidently a quorum is not present. The point of order is sustained. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the question will be taken on the motion to suspend the rules and pass the bill referred to, with amendments.

The question was taken, and there were—yeas 241, nays 20, answered "present" 17, not voting 109, as follows:

YEAS—241.

Adair	Davidson	Higgins	Olcott
Aiken	Davis, Minn.	Hill, Conn.	Parker, S. Dak.
Alexander, N. Y.	Dawson	Hinshaw	Parsons
Allen	De Armond	Hitchcock	Patterson
Ames	Denby	Holliday	Payne
Ansberry	Denver	Howell, N. J.	Pollard
Anthony	Diekema	Howell, Utah	Pray
Ashbrook	Dixon	Howland	Prince
Bannon	Douglas	Hubbard, Iowa	Pujo
Barclay	Draper	Hubbard, W. Va.	Rainey
Bartholdt	Durey	Hull, Tenn.	Ranch
Barlett, Ga.	Dwight	Humphrey, Wash.	Reeder
Bates	Ellerbe	Humphreys, Miss.	Reid
Beale, Pa.	Ellis, Mo.	Jenkins	Reynolds
Beall, Tex.	Ellis, Oreg.	Jones, Wash.	Richardson
Bede	Esch	Keifer	Robinson
Bennet, N. Y.	Fairchild	Kennedy, Iowa	Rodenberg
Bingham	Favrot	Kennedy, Ohio	Rothermel
Birdsall	Ferris	Kinkaid	Russell, Mo.
Bonynge	Fitzgerald	Kitchin, Claude	Russell, Tex.
Booher	Flood	Knapp	Ryan
Bowers	Floyd	Knopf	Scott
Boyd	Focht	Knowland	Sheppard
Brantley	Fordney	Küstermann	Sherley
Brodhead	Fornes	Lafean	Sherwood
Burgess	Foss	Laning	Sims
Burke	Foster, Ill.	Law	Slemp
Burleigh	Foster, Ind.	Lawrence	Smith, Cal.
Burleson	French	Lever	Smith, Iowa
Burnett	Fuller	Lewis	Smith, Mo.
Burton, Ohio	Fulton	Lindbergh	Smith, Tex.
Butler	Gaines, W. Va.	Lindsay	Snapp
Byrd	Gardner, Mich.	Lloyd	Southwick
Calder	Gardner, N. J.	Longworth	Sperry
Calderhead	Garrett	Loudenslager	Stafford
Caldwell	Gilhams	Lovering	Steenerson
Campbell	Gillespie	McDermott	Stephens, Tex.
Candler	Gillett	McGavin	Sterling
Capron	Glass	McGuire	Stevens, Minn.
Carter	Godwin	McHenry	Tawney
Cary	Gordon	McKinley, Ill.	Thistlewood
Chaney	Graff	McKinney	Thomas, N. C.
Chapman	Graham	McLain	Townsend
Clark, Mo.	Greene	McLaughlin, Mich.	Underwood
Cockran	Gregg	McMillan	Volstead
Cocks, N. Y.	Gronna	Macon	Vreeland
Cole	Hackney	Mann	Waldo
Conner	Hale	Marshall	Wanger
Cook, Colo.	Hamilton, Iowa	Maynard	Washburn
Cooper, Pa.	Hamilton, Mich.	Miller	Watson
Cooper, Tex.	Hammond	Mondell	Weeks
Cooper, Wis.	Harding	Moon, Tenn.	Wheeler
Cousins	Hardwick	Moore, Tex.	Willett
Cox, Ind.	Haskins	Morse	Wilson, Ill.
Craig	Haugen	Mouser	Wilson, Pa.
Cravens	Hawley	Murdock	Wood
Crumpacker	Hay	Murphy	Woodyard
Cushman	Hayes	Needham	Young
Dalzell	Heflin	Nelson	
Darragh	Helm	Norris	
Davenport	Henry, Tex.	Nye	

NAYS—20.

Adamson	Granger	Leake	Rucker
Bell, Ga.	Griggs	Legare	Sabath
Brundidge	Houston	Nicholls	Spight
Clayton	Kipp	O'Connell	Tou Velle
Garner	Lamar, Mo.	Page	Williams

ANSWERED "PRESENT"—17.

Bradley	Johnson, S. C.	Padgett	Shackleford
Brownlow	Lamb	Parker, N. J.	Sherman
Finley	Lassiter	Randell, Tex.	
Gaines, Tenn.	Lee	Roberts	
Harrison	Lowden	Saunders	

NOT VOTING—109.

Acheson	Gardner, Mass.	Kitchin, Wm. W.	Powers
Alexander, Mo.	Gill	Lamar, Fla.	Pratt
Andrus	Goebel	Landis	Ransdell, La.
Barchfeld	Goldfogle	Langley	Rhinock
Bartlett, Nev.	Goulden	Lenahan	Riordan
Bennett, Ky.	Hackett	Lilley	Slayden
Boutell	Haggott	Littlefield	Small
Broussard	Hall	Livingston	Smith, Mich.
Brumm	Hamill	Lorimer	Sparkman
Burton, Del.	Hamlin	Loud	Stanley
Carlin	Hardy	McCall	Sturgiss
Caulfield	Henry, Conn.	McCreary	Sulloway
Clark, Fla.	Hepburn	McKinlay, Cal.	Sulzer
Cook, Pa.	Hill, Miss.	McLachlan, Cal.	Talbott
Coudrey	Hobson	McMorran	Taylor, Ala.
Crawford	Howard	Madden	Taylor, Ohio
Currier	Huff	Madison	Thomas, Ohio
Davey, La.	Hughes, N. J.	Malby	Tirrell
Dawes	Hughes, W. Va.	Moon, Pa.	Wallace
Driscoll	Hull, Iowa	Moore, Pa.	Watkins
Dunwell	Jackson	Mudd	Webb
Edwards, Ga.	James, Addison D.	Olmsted	Weems
Edwards, Ky.	James, Ollie M.	Overstreet	Weisse
Englebright	Johnson, Ky.	Pearre	Wiley
Fassett	Jones, Va.	Perkins	Wolf
Foster, Vt.	Kahn	Peters	
Foulkrod	Keliher	Porter	
Fowler	Kimball	Pou	

So the motion to suspend the rules and pass the bill as amended was agreed to.

The Clerk announced the following pairs:

For the day:

Mr. ENGLEBRIGHT with Mr. BARTLETT of Nevada.

Mr. MADDEN with Mr. HARDY.

Mr. HEPBURN with Mr. LAMB.

Mr. POWERS with Mr. PRATT.

For Monday, Tuesday, and Wednesday:

Mr. MCCALL with Mr. JONES of Virginia.

Until Wednesday morning:

Mr. MOORE of Pennsylvania with Mr. KELIHER.

Until April 28:

Mr. LOWDEN with Mr. HARRISON.

Mr. CAULFIELD with Mr. HARDY.

Until further notice:

Mr. ANDRUS with Mr. ALEXANDER of Missouri.

Mr. BARCHFELD with Mr. CARLIN.

Mr. BENNETT of Kentucky with Mr. CRAWFORD.

Mr. BURTON of Delaware with Mr. DAVEY of Louisiana.

Mr. COOK of Pennsylvania with Mr. EDWARDS of Georgia.

Mr. DRISCOLL with Mr. GILL.

Mr. FASSETT with Mr. GOLDFOGLE.

Mr. FOULKROD with Mr. HACKETT.

Mr. GOEBEL with Mr. HAMILL.

Mr. HUFF with Mr. OLLIE M. JAMES.

Mr. LORIMER with Mr. JOHNSON of Kentucky.

Mr. MCMORRAN with Mr. LENAHAN.

Mr. MADDEN with Mr. LIVINGSTON.

Mr. MADISON with Mr. SMALL.

Mr. SMITH of Michigan with Mr. SULZER.

Mr. STURGISS with Mr. SPARKMAN.

Mr. THOMAS of Ohio with Mr. TAYLOR of Alabama.

Mr. OVERSTREET with Mr. HOWARD.

Mr. PEARRE with Mr. LAMAR of Florida.

Mr. HUGHES of West Virginia with Mr. LEE.

Mr. TIRRELL with Mr. PETERS.

Mr. PORTER with Mr. RANDELL of Texas.

Mr. TAYLOR of Ohio with Mr. WOLF.

Mr. BROWNLOW with Mr. GAINES of Tennessee.

Mr. OLMSTED with Mr. RANSDELL of Louisiana.

Mr. MCGUIRE with Mr. STANLEY.

Mr. FOSTER of Vermont with Mr. POU.

Mr. LANGLEY with Mr. HAMLIN.

Mr. DUNWELL with Mr. WATKINS.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. SULLOWAY with Mr. TALBOTT.

Mr. MUDD with Mr. WALLACE.

Mr. MCCREARY with Mr. RHINOCK.

Mr. MOON of Pennsylvania with Mr. HOBSON.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. JACKSON with Mr. WEBB.

Mr. COUDREY with Mr. HUGHES of New Jersey.

Mr. LOUD with Mr. PADGETT.

Mr. HENRY of Connecticut with Mr. CLARK of Florida.

Mr. KAHN with Mr. WILEY.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. BOUTELL with Mr. WEISSE.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. CURRIER with Mr. FINLEY.

Mr. SHERMAN with Mr. RIORDAN.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5581. An act pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from 1855 to 1860, inclusive, and for other purposes; and

S. 1930. An act to provide for the erection of a public building at Easton, Pa.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1930. An act to provide for the erection of a public building at Easton, Pa.—to the Committee on Public Buildings and Grounds.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1424. An act to increase the efficiency of the Medical Department of the United States Army.

INVESTIGATION OF PRICE OF WOOD PULP AND PRINT PAPER.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

House resolution 344.

Whereas it is alleged by the American Newspaper Publishers' Association that the cost of paper to the users thereof is at least $60,000,000 per annum greater at the present time than it was two years ago; and

Whereas it is alleged by others that the cost of news print paper to newspaper publishers, magazine publishers, and printing-house managers will under the price now asked be $65,000,000 greater for the current year than heretofore; and

Whereas it is alleged by the American Newspaper Publishers' Association that the statistics compiled by the Bureau of the Census concerning the cost and price of news print paper are erroneous, inaccurate, incomplete, and valueless as a guide to legislation; and

Whereas it is alleged by the American Newspaper Publishers' Association that the price of print paper has increased from 35 to 50 per cent during the past few months; and

Whereas it is alleged and asserted that the alleged increased price of paper is in part the result of a combination and conspiracy on the part of wood pulp and paper manufacturers and dealers to control, regulate, monopolize, and restrain interstate and foreign commerce and trade in the manufacture and sale of news print, manila, fiber, and other kinds of paper and paper products; and

Whereas it is alleged by the American Newspaper Publishers' Association that the International Paper Company and other paper manufacturers and dealers have threatened to advance and have advanced the price of print paper $22 per ton during the last few months; and

Whereas it is alleged that this great advance in the price of paper is made possible by the duty of $6 per ton on print paper, being the same rate of duty for the last eighteen years, and in the last three tariff laws; and

Whereas it is claimed and asserted that the price of print paper is in no wise affected by the tariff; that the increase in price of recent date has not been excessive, and is not the result either of tariff import duty or of any combination or conspiracy in restraint of trade or otherwise, but is the result wholly of the increase in the cost of the raw materials and the increase in the wages paid for labor and the shortening of the hours of labor per day; and

Whereas on May 11, 1906, judgment was entered in the circuit court for the district of Minnesota, dissolving the General Paper Company as a combination in restraint of trade; and

Whereas the increase in the price of paper has occurred notwithstanding the dissolution of the said General Paper Company or paper trust, and the Department of Justice, though appealed to, reports that it has obtained no evidence sufficient to justify the institution of legal proceedings, either civil or criminal, against the alleged combination of wood pulp or print paper manufacturers; and

Whereas it is stated by the Attorney-General of the United States that after complaint had been filed with said Attorney-General against the so-called "paper combination" or "trust" the complainant refused to furnish legal proof or give the names of witnesses having personal knowledge of the facts; and

Whereas it is alleged that the combination of print paper manufacturers in the United States have purchased the output of all the

paper mills in Canada in excess of the home consumption, which said purchase, it is alleged, is in furtherance of a conspiracy in restraint of interstate and foreign commerce; and

Whereas it is alleged that the great production of wood pulp in the United States is rapidly depleting the forests of this country, and that legislation ought to be enacted which will permit and encourage the importation of wood pulp upon more favorable terms, so as to conserve our national forests; and

Whereas it is desirable that the House of Representatives shall be fully informed as to all of the facts in the case, and as to whether there does exist or can exist, beyond the reach of the existing power of the Department of Justice and of the courts to prevent, a combination or conspiracy among the manufacturers or dealers or others to so increase the price, to control the character of the paper manufactured, or to regulate the output of wood pulp or the paper mills, in restraint of trade among the several States or with any foreign country, to the end that needful legislation may be enacted: Now, therefore

Resolved, That the Speaker shall appoint a select committee of six Members to investigate and inquire into the said alleged facts and to obtain all possible information in regard to the same, and to inquire into the elements and conditions involved in the production and supply of wood pulp and print paper in so far as the same are or may be affected by any combination or conspiracy to control, regulate, monopolize, or restrain interstate or foreign commerce and trade in the manufacture, supply, distribution, or sale of wood pulp or paper of any kind, or any of the articles entering into the same, or any of the products of paper, and in so far as the same may be affected by the import duties upon wood pulp or paper of any kind, and in so far as the same may be affected by the rapid destruction of the forests in the United States and the consequent increase in the price of wood which enters into the manufacture of wood pulp, and also to inquire whether the present prices of print and other paper are controlled in whole or in part by any combination of persons or corporations engaged in commerce among the several States or with foreign nations, and, if so, to inquire into the organization, conduct, methods, and practices of such corporations or persons.

Said committee, or any subcommittee thereof, shall be authorized to sit in Washington or elsewhere during the sessions of the House and during the recess of Congress, and shall have power to subpœna and examine witnesses under oath, and to send for records, papers, and all other evidence that may be necessary to make the investigation and inquiry herein directed to be made full and complete, and that the Speaker shall have authority to sign and the Clerk to attest subpœnas during the recess of Congress.

Mr. DALZELL. I ask for the previous question on the adoption of the resolution.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the adoption of the resolution.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

The yeas and nays were ordered.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I desire to inquire what was the motion of the gentleman from Pennsylvania?

The SPEAKER. He moved the previous question.

Mr. UNDERWOOD. On what?

The SPEAKER. On the resolution. The Clerk will call the roll.

The question was taken, and there were—yeas 149, nays 114, answered "present" 9, not voting 115, as follows:

YEAS—149.

Allen	Diekema	Jenkins	Parker, N. J.
Ames	Douglas	Jones, Wash.	Parker, S. Dak.
Anthony	Draper	Keifer	Parsons
Bannon	Dwight	Kennedy, Iowa	Payne
Barclay	Ellis, Mo.	Kennedy, Ohio	Pollard
Bates	Ellis, Oreg.	Knopf	Pray
Beale, Pa.	Esch	Knowland	Prince
Bede	Fairchild	Küstermann	Reeder
Bennet, N. Y.	Focht	Lafean	Reynolds
Bingham	Fordney	Laning	Rodenberg
Birdsall	Foss	Lawrence	Scott
Bonynge	Foster, Ind.	Lindbergh	Sherman
Boyd	French	Longworth	Slemp
Brownlow	Fuller	Loudenslager	Smith, Cal.
Burke	Gaines, W. Va.	Lovering	Smith, Iowa
Burleigh	Gardner, Mich.	McGavin	Snapp
Burton, Del.	Gardner, N. J.	McGuire	Sperry
Burton, Ohio	Gilhams	McKinley, Ill.	Stafford
Calder	Goebel	McKinney	Steenerson
Calderhead	Graff	McLachlan, Cal.	Sterling
Campbell	Graham	McLaughlin, Mich.	Tawney
Capron	Greene	McMillan	Thistlewood
Cary	Gronna	McMorran	Townsend
Chaney	Hale	Madden	Volstead
Chapman	Hamilton, Mich.	Madison	Vreeland
Cocks, N. Y.	Harding	Mann	Wanger
Cole	Haskins	Marshall	Washburn
Conner	Hawley	Miller	Watson
Cooper, Pa.	Hayes	Mondell	Weeks
Cousins	Higgins	Moon, Pa.	Weems
Crumpacker	Hill, Conn.	Morse	Wheeler
Cushman	Hinshaw	Mouser	Wilson, Ill.
Dalzell	Holliday	Murdock	Wood
Darragh	Howell, N. J.	Needham	Woodyard
Davidson	Howland	Nelson	Young
Davis, Minn.	Hubbard, Iowa	Norris	
Dawson	Hubbard, W. Va.	Nye	
Denby	Humphrey, Wash.	Olcott	

NAYS—114.

Adair	De Armond	Henry, Tex.	Randell, Tex.
Adamson	Denver	Hitchcock	Rauch
Aiken	Dixon	Houston	Reid
Alexander, Mo.	Ellerbe	Hull, Tenn.	Richardson
Ashbrook	Favrot	Humphreys, Miss.	Robinson
Bartlett, Ga.	Ferris	Johnson, S. C.	Rothermel
Beall, Tex.	Fitzgerald	Kipp	Rucker
Bell, Ga.	Flood	Kitchin, Claude	Russell, Mo.
Booher	Floyd	Lamar, Mo.	Russell, Tex.
Bowers	Fornes	Lassiter	Ryan
Brantley	Foster, Ill.	Leake	Sabath
Brodhead	Fulton	Lenahan	Saunders
Brundidge	Gaines, Tenn.	Lever	Sheppard
Burgess	Garner	Lewis	Sherley
Burleson	Garrett	Lindsay	Sherwood
Burnett	Gillespie	Lloyd	Sims
Byrd	Glass	McDermott	Smith, Mo.
Caldwell	Godwin	McHenry	Smith, Tex.
Candler	Gordon	McLain	Spight
Carter	Granger	Macon	Stephens, Tex.
Clark, Mo.	Gregg	Maynard	Taylor, Ala.
Clayton	Griggs	Moon, Tenn.	Thomas, N. C.
Cockran	Hackney	Moore, Tex.	Tou Velle
Cooper, Tex.	Hamilton, Iowa	Murphy	Underwood
Cox, Ind.	Hammond	Nicholls	Willett
Craig	Hardwick	O'Connell	Williams
Cravens	Hay	Patterson	Wilson, Pa.
Crawford	Heflin	Pujo	
Davenport	Helm	Rainey	

ANSWERED "PRESENT"—9.

Ansberry	Finley	Knapp	Padgett
Bradley	Harrison	Lee	Shackleford
Durey			

NOT VOTING—115.

Acheson	Fowler	Keliher	Pou
Alexander, N. Y.	Gardner, Mass.	Kimball	Powers
Andrus	Gill	Kinkaid	Pratt
Barchfeld	Gillett	Kitchin, Wm. W.	Ransdell, La.
Bartholdt	Goldfogle	Lamar, Fla.	Rhinock
Bartlett, Nev.	Goulden	Lamb	Riordan
Bennett, Ky.	Hackett	Landis	Roberts
Boutell	Haggott	Langley	Slayden
Broussard	Hall	Law	Small
Brumm	Hamill	Legare	Smith, Mich.
Butler	Hamlin	Lilley	Southwick
Carlin	Hardy	Littlefield	Sparkman
Caulfield	Haugen	Livingston	Stanley
Clark, Fla.	Henry, Conn.	Lorimer	Stevens, Minn.
Cook, Colo.	Hepburn	Loud	Sturgiss
Cook, Pa.	Hill, Miss.	Lowden	Sulloway
Cooper, Wis.	Hobson	McCall	Sulzer
Coudrey	Howard	McCreary	Talbott
Currier	Howell, Utah	McKinlay, Cal.	Taylor, Ohio
Davey, La.	Huff	Malby	Thomas, Ohio
Dawes	Hughes, N. J.	Moore, Pa.	Tirrell
Driscoll	Hughes, W. Va.	Mudd	Waldo
Dunwell	Hull, Iowa	Olmsted	Wallace
Edwards, Ga.	Jackson	Overstreet	Watkins
Edwards, Ky.	James, Addison D.	Page	Webb
Englebright	James, Ollie M.	Pearre	Weisse
Fassett	Johnson, Ky.	Perkins	Wiley
Foster, Vt.	Jones, Va.	Peters	Wolf
Foulkrod	Kahn	Porter	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KNAPP with Mr. RIORDAN.

Mr. BARTHOLDT with Mr. PAGE.

Mr. GILLETT with Mr. SMALL.

Mr. SOUTHWICK with Mr. DAVEY of Louisiana.

Mr. BUTLER with Mr. LEGARE.

Mr. ALEXANDER of New York with Mr. LIVINGSTON.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Is this resolution now before the House as a question of privilege?

The SPEAKER. Undoubtedly.

Mr. HARDWICK. The Chair holds that this resolution is privileged?

The SPEAKER. Undoubtedly.

Mr. HARDWICK. Will the Speaker mind telling me under what rule of the House?

The SPEAKER. The time to raise the question, even if it were not privileged, has gone by, but the Chair will say it is section 61 of Rule XI.

INVESTIGATION OF PRICE OF WOOD PULP AND PRINT PAPER.

Mr. DALZELL. Mr. Speaker, the purpose of this resolution is patent on its face, and does not require lengthy explanation at my hands. It is a matter of public notoriety that there has been a large increase in the price of paper. I suppose there is no gentleman in this House who has ever known in his experience such an agitation as has been aroused by the newspapers of this country within the last three or four weeks. I suppose

there is no gentleman who has had so many telegrams and letters upon any particular subject as he has upon the necessity for legislation with respect to the price of paper.

Now, while there is a consensus of opinion as to the increase in the price, there is no consensus of opinion as to the cause of that increase. It is contended by some, and notably by our friends upon the other side of the middle aisle, that this increase is due to the tariff—a tariff of 15 per cent—the lowest that has been on paper since the tariff laws were enacted. I think, personally, that it is capable of mathematical demonstration that the increase in the price of paper is not due to the tariff, and would not be changed by a removal of it. However that may be, there are others who contend that it is due to a combination, to a trust, while the Attorney-General reports to this House in answer to a resolution sent to him, that he has been unable to find any evidence that would justify him in prosecuting parties alleged to be in combination. On the other hand, still again, it is contended by the manufacturers of paper that the increase of price is perfectly legitimate, that it is due to an increase in the cost of the raw materials and an increase in the cost of labor. Now, under these circumstances if there be necessity for legislation, and it is contended that there is such necessity, how shall we legislate unless the House have the necessary information upon which to base a bill?

It is not the custom of the House of Representatives to legislate with respect to any of the great interests of this country without in the first place affording them a hearing. Is this increase in the price of paper due to the tariff, and will it be relieved by a removal of the tariff? Is it due to a combination and will it be relieved by the prosecution of that combination, or is it a legitimate increase in the price of paper due to an increase in the cost of raw materials and in labor? How shall we answer these questions without calling before us parties in possession of the information and of the expert knowledge necessary to be had in order to give an intelligent answer? It is for the purpose of getting that information that this resolution proposes the creation by the Speaker of a committee of six Members of this House, armed with all the authority of the House, to call for persons and papers, administer oaths, and arrive at a true solution of the problem, so as to legislate wisely, intelligently, and in the interest of all the people.

I reserve the balance of my time. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Speaker, the rise in the price of paper is due both to the tariff and to a combination, and the combination is due to the tariff. If we were anxious, Mr. Speaker, to kill the combination, it could be done in very short order by recognizing somebody upon that side of the Chamber to move under suspension of the rules to discharge the Ways and Means Committee from further consideration of the Stevens bill, or some other bill, to put wood pulp and print paper upon the free list, and pass the bill. Then if there be a combination you would have killed it, and if there be no combination you would not have done any harm.

Now, Mr. Speaker, I yield ten minutes of the time on this side to my colleague upon the committee, the gentleman from Missouri [Mr. DE ARMOND]. [Applause on the Democratic side.]

I reserve the balance of my time.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] yields ten minutes to his colleague from Missouri [Mr. DE ARMOND] and reserves the remainder of his time.

Mr. DE ARMOND. Mr. Speaker, there has been widespread contention throughout this country for a considerable length of time over the question of the duty upon wood pulp and print paper, and over the result of the combination of those who control in this country the supply of print paper. As the gentleman from Pennsylvania has said, Members of the House have been deluged with letters and telegrams asking for some measure of relief from this paper trust extortion. The relief that is to be given is to be found in this resolution, preceded by its fourteen "whereases." Of course I have not gone into the history or made an examination of resolutions; but I should venture to say—and I think I may do it without much risk—that perhaps no resolution upon any important subject ever before was offered to the House with so many apologies for it as are offered in whereases for this resolution. [Applause.] How much briefer the preamble might be: "Whereas it is deemed by the Republican leaders of this House expedient, in the interest of the Republican party, to delude the people again, if possible: Therefore, *Resolved*," and so forth. [Laughter and applause on the Democratic side.]

No question is made that the increase in the price of paper has been enormous of late years. There is not in these numerous whereases a denial that the increase has been brought about, at least in part, by a combination, nor will any man pretend to say there is ground for a denial that the duty upon wood pulp and print paper contributes to the extortion.

I have not the time, and it would be needless if I had, to talk about how the tariff often breeds trusts, because I think everybody who chooses to understand does understand that one of the prime purposes of imposing a tariff duty, when that tariff duty is unnecessary and is wholly for what is called "protection," is to facilitate the formation of combinations and the perfecting of monopoly. Certainly the price of print paper and wood pulp has been enormously increased. That has been conceded; no one denies it. To remove the duty would at least lessen the extortion and lower the price. Why, then, not remove the duty? How far that would go toward breaking a combination is a matter that can be determined by nothing less than legislation looking to a breaking up of the combination. This resolution is nothing more, nothing less, than a contrivance that is to be put to work to delude the people and make them believe that there is an attempt to do something, when the direct attempt is to do nothing. [Applause on the Democratic side.]

It will be noted that the committee is to be made up of six members. Ordinarily committees are of odd numbers. This committee will be made up of four Republicans and two Democrats. It will have four Republicans, who will report what the party leaders wish reported; two Democrats will be put on the committee as a mere matter of grace.

Now, if we are to have a real investigation, why not have a committee fairly divided between the parties? [Applause on the Democratic side.] Why not have a committee that would investigate? Why not have a committee that is not stocked at the start? Why not have a committee for the purpose of investigating? These frauds have succeeded very often. These devices have been successful more than once, successful through many campaigns and for many years. Perhaps they will be again. If they are, the fault will be with the people, and it will be a demonstration of the truth of what Barnum, the great showman, said long ago, that "the people love to be humbugged." If they can be humbugged by this resolution, it must be from a pure love of a humbug and of being its victims. Fourteen whereases and a long resolution instead of some decent, practical legislation for which the country cries and pleads!

What will the press do about it? What will the press say about it? I do not know. If the gentlemen who publish newspapers are willing to suffer two years, or ten years, longer, and take this as a salve or a solace, let them have it. If on the contrary, they are tired of being the victims, robbed by the law, will they make themselves felt?

This performance deserves to be denounced by the American people. It deserves to be stigmatized as the pretense that it is. Why not bring up the wood-pulp bill and kill it? [Applause on the Democratic side.] Why strangle it in committee? Why make a pretense of doing something as an excuse for doing nothing, an excuse worse than the offense; first denying justice, and then following the offense by combining injury and insult?

The injury is bad enough, everybody knows. The insult is wanton, inexcusable, and deserves the severest condemnation that can be visited upon it. [Applause on the Democratic side.]

Now, there is the situation; with rules which enable you to put any question to a vote at any time, you will not permit a vote upon the wood-pulp and paper tariff duty. You want more information.

Sixty million dollars of increase in two years; $65,000,000 increase threatened in the coming year in the price of paper, and yet nothing done, because you have not information enough, and you must get the information by the aid of four partisan Republicans and two Democrats as your committee! Whoever believes that is relief, or that it promises relief, or that it has in it anything except the absolute denial of relief, attended with insult, certainly must be very gullible, very easily gulled. [Applause on the Democratic side.]

If it be so easy to delude the American people, you ought to be able to succeed in this effort at deception. If it be demonstrated that you can succeed in this, then pretense and sham and hypocrisy will go, instead of justice and decent treatment and sincerity. Then indirection is better than direction; then wrong is better than right; then insult is better than respectful consideration; then robbery is better than justice; then combination and monopoly are preferable to fair play and the square deal. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker, before proceeding, I wish to ask the gentleman from Pennsylvania whether there will be more than one speech on that side.

Mr. DALZELL. We shall conclude in one speech.

Mr. WILLIAMS. Mr. Speaker, the situation with which we are confronted is this: A political criminal, a prisoner to public opinion, threatened with the halter, is moving for a continuance. That is the situation just now. The object of this resolution is to appoint a partisan House committee to bring in a partisan report, to whitewash the tariff as a criminal against the American people with regard to wood pulp. [Applause on the Democratic side.] The next object of this resolution is to delay action and to circumvent this man, Herman Ridder, at the head of this great association of publishers—this "old German devil," as some people are beginning to call him at this time. This resolution is an excuse not to act upon the Küstermann bill, not to act upon the Stevens bill or the Williams bill or the Clark bill, or any of the half dozen or more bills pending before the Committee on Ways and Means, some of which have been pending for years.

Your party, Mr. Speaker, has had, all told, $750,000 wherewith to investigate and prosecute the violators of the antitrust laws of this country, and yet you pray for this resolution to-day for the purpose of having a partisan House committee, composed in a very remarkable way, of an even number of men—six members, four Republicans and two Democrats—to do the work that with $750,000, by your confession as Speaker of this House and proponent of this resolution, the Republican Executive has not done.

Now, Mr. Speaker, I want to take stock just for one moment. I do not oppose any investigation. I shall oppose this resolution, however, because I do not believe it will result in any real investigation. If I thought there were to be any real search for the truth, or any real finding and report of the truth, I would be more than willing to vote for it. I voted for the previous resolution introduced by the Speaker, to demand of the Commerce and Labor Department and of the Department of Justice officials, with no personal, political interest directly at stake, information as to what they had done. Taking stock upon this side of the Chamber, gentlemen, our Republican friends tell us over there that we have been indulging in puerile and foolish "filibustering;" that we have been trying to do that which we knew we could not do; that we had no influence upon them; that they would never move until they got ready. Our prodding, they told us, would have no effect, and yet our prodding seems to have had the effect of getting out of the Republican Speaker of this House at least two resolutions. Whether he wants to put wood pulp and print paper on the free list or not, he does at least want an excuse for not doing it. [Applause on the Democratic side.] We have got him along that far. What else have we done? Why, I am glad to announce that our prodding has resulted this morning in securing out of the Committee on the Election of President and Vice-President and Representatives in Congress, a report in favor of a campaign contribution publicity bill. [Applause on the Democratic side.] Who is foolish enough to believe that the McCALL bill ever would have come out of that committee, but for our focusing attention on it. I am glad to tell you that our prodding has succeeded in getting a report from a committee of a Republican Senate, now lying on the desk in the Senate, in favor of a modification of the abuse of the right of injunction, whereby State laws are set aside upon an ex parte hearing before one judge, and a recommendation instead that hereafter they shall not be set aside by injunction without at least five days' notice, and without at least three judges sitting en banc upon the question. [Applause on the Democratic side.] Let us have now, as soon as possible, consideration by the two Houses of Congress, of these two favorably reported bills. Let somebody be recognized to put them through under suspension.

I think before we get through we will get a model child-labor law for the District of Columbia from the Republican party. I am afraid we never can get a free wood pulp and print paper bill, no matter how great the demand; not because we could not prod Republicans into a support of that by itself, but because every robber-tariff baron in this country is alarmed when another robber-tariff baron is shaken in his castle, and those who would be willing to see wood pulp and print paper put on the free list are afraid "evenhanded justice might later on recommend the poisoned chalice to their own lips" and their particular robbery be put on the free list in revenge by fellow-robbers resenting their desertion.

You Republicans are at last at least aroused on the wood pulp question, are you not? You are not laughing at it like you were in the beginning of the session. You are not ridiculing it out of court as you started in to do, but you have at last become serious about it. The Executive calls upon you to act, and you call upon the Executive to act, and when the Executive will not act, and you will not act, you at least want to present to the country something, with a serious countenance about it at any rate, in the shape of a bill as an excuse or a pretext for not having acted. You have shown at least that you dare not go before the country without a pretext or excuse at any rate, and this resolution is the pretext or excuse; and, as I believe, it is proposed to be enacted for no purpose except to whitewash the effect of the tariff upon this product's price, and that it will result in nothing but delay, and that delay and water-muddying is what it is intended for. I shall for one vote against it, believing that.

Mr. Speaker, this committee to be organized under this resolution would merely provide campaign thunder by a vote of four to two, for the Republican party in the next election. You say, "Investigate and report the facts." Aye, but the investigation depends much upon who is summoned to appear before the committee in order to testify as to the facts, and already—

> The Assyrian has moved down like a wolf on the fold,
> His cohorts all gleaming with purple and gold.

I understand that a large delegation of various combinations, controlling the paper-manufacturing and wood-pulp business in this country, is to move down upon Washington to-day or to-morrow, or very soon, at any rate. Where are you going to get the witnesses which the committee of four to two, which the four are to summon before the committee? From these men who are now moving down upon Washington? Whoever heard one of them testify that his particular little robbery was due to the tariff? Why, if you swung him up by the neck or subjected him to mediæval torture and tried to get him to tell the truth about that matter, you could not get him to do it. I tell you there is a Masonic bond which binds together the men who receive benefits at the expense of the consumer out of the protective protectionism that would prevent any of them from ever "squealing" on himself or his pals, no matter what the torture was. [Laughter and applause on the Democratic side.]

Mr. Speaker, I believe if I had the leaders of the Republican party who are not receiving personal benefit from the tariff here upon the stand and could torture out of them what their real motive in connection with the resolution was, I think even they would say that, "It was to circumvent that old devil, Herman Ridder," and the association of which he is president; in a word, to avoid and to get around legislation on this question.

Mr. Speaker, there is no use in that; all you have to do under the special rules under which we are operating is to recognize somebody, not me, not the gentleman from Missouri [Mr. CLARK]—we are Democrats, and "no good can come out of Nazareth," we know that—but to recognize the gentleman from Minnesota [Mr. STEVENS], to recognize the gentleman into whose face I am looking [Mr. KÜSTERMANN], to recognize somebody over there on your own side to move to discharge the Committee on Ways and Means from further consideration of H. R. blank—whatever the number is—and put it on its passage under suspension of the rules. It comes right back after all, Mr. Speaker, to you and your power of recognition, which is discretionary, arbitrary, and unrestricted, and nothing can evade nor shall be allowed to evade your responsibility. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, I think I will not occupy the full time that the gentleman from Pennsylvania has kindly granted me. The gentleman from Mississippi [Mr. WILLIAMS] has catalogued various measures which he claims his party has compelled the House, and even the Senate, to pass by reason of this foolish filibuster which they have carried on for the past two or three weeks. Yet, Mr. Speaker, every measure which the gentleman has named was pending in one House or the other before the Democracy, under the lead of my genial friend from Mississippi, undertook their horseplay which they have been carrying on for some time—every one of them. [Applause on the Republican side.] The country knows, if our Democratic friends across the aisle do not know, that the action taken by the Republican majority in this House and in the other was not affected in the least by the foolish and unwarranted procedure of the past two or three weeks in this House. The gentleman from Mississippi [Mr. WILLIAMS] asserts that the resolution now pending is a prospective procedure to protect the political criminal. I had supposed that no one in the House would more vehemently assert the wisdom of the rule that no one should be considered guilty until so proven, that all people should be considered in the eyes of the law innocent until proven guilty, and I ask the gentleman from Mississippi where has there been an indictment, where has there been a

trial, where has there been an investigation to warrant the conclusion that there are criminals, or that this resolution is attempting to reach criminals?

The resolution itself recites that after an investigation no infraction of the law has yet been discovered. The resolution upon its face so recites. And so it is fair to assume, until guilt is proven, that there is innocence. Ah, the gentleman from Mississippi [Mr. WILLIAMS] asks in reference to the trusts and the prosecution of the trusts. Why, the gentleman knows that a Republican Congress appropriated hundreds of thousands of dollars for the purpose of carrying on prosecutions under the Sherman antitrust law—prosecutions to be carried on by Republican officials, which have been carried on by Republican officials——

Mr. BARTLETT of Georgia. Mr. Speaker, may I interrupt the gentleman for a moment?

Mr. SHERMAN. Certainly.

Mr. BARTLETT of Georgia. Is it not a fact that the money providing for the prosecutions of the violators of the antitrust law the gentleman speaks of was begun because of an amendment offered by myself to the legislative, executive, and judicial appropriation bill of 1903, by which $500,000 was for the first time appropriated, with instructions to the Attorney-General to proceed to prosecute all such violators of that law?

Mr. SHERMAN. Well, I congratulate the gentleman upon another wise act on his part, if he has correctly stated it, and I will bear testimony that the gentleman never intentionally makes a misstatement. But a Republican House passed the appropriation for these prosecutions, and if any gentleman in this House believes that those prosecutions have not been vigorously and honestly and earnestly carried on, let him ask some of the gentlemen connected with the trusts that have been subjected to the decisions of the courts.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. SHERMAN. Yes.

Mr. GAINES of Tennessee. Why did not the Department of Justice have the paper trust that it had enjoined in Minnesota also indicted?

Mr. SHERMAN. The resolution here presented states why the prosecution of the paper trust, so-called "paper trust," was not made—that the persons making the allegations refused to present the names of people to be summoned to prove the allegations.

Mr. GAINES of Tennessee. Why did not the Department take the evidence that it enjoined on and turn it over to the grand jury in Minnesota and have the grand jury make an investigation?

Mr. SHERMAN. Whether it did or did not I do not know. Probably they did everything that the gentleman is speaking of. I am not advised as to that.

Mr. Speaker, the Republican party does not assume that any man is guilty until he has been given a chance to be heard. It does not assume guilt until guilt is proven. Nor does the Republican party attempt to legislate in reference to the tariff or any other subject without the fullest possible investigation thereon. The gentleman from Missouri [Mr. DE ARMOND], scholarly, thoughtful, and an adept in the use of English hardly without an equal on this floor, indulges this morning in the use of some adjectives. He speaks of the proposed action here as an injury and as an insult. Mr. Speaker, those are mild words compared with the words used by a Democratic President in describing the last act of the Democratic party in reference to a tariff bill. Does my friend from Missouri forget that the Wilson law was described by a Democratic President, who declined to add his signature to the bill, making it a law, and held Congress in session for two or three weeks until the time had passed so that the bill became a law without his signature—does my Missouri friend forget that a Democratic President described that act as one of idiocy and infamy, of perfidy, and of dishonor? [Applause on the Republican side.]

Mr. GAINES of Tennessee. Mr. Speaker——

Mr. SHERMAN. I decline to yield again. The Republican party proposes, when it does take up the tariff question, when it does enact legislation in reference to economic questions, to do so advisedly, considerately, with the fullest possible knowledge, and no Republican President yet has failed to sign a tariff bill sent by a Republican House for his consideration. [Applause on the Republican side.] And I predict, Mr. Speaker, that when a Republican President does have a tariff bill to consider, sent to him by a Republican House, it will be a measure so well digested, a measure framed after the fullest possible thought, the fullest possible knowledge obtained by all interested parties on every subject, that that measure instead of being described by a Republican President as one of perfidy and dishonor will receive his prompt and unqualified approval—not merely in words, but in action, and I predict that a Republican President, when a Republican Congress does send him a tariff bill, will approve it promptly and fully in every particular, because the bill will be framed, as I say, with an eye single to American interests, not South not North, not East, not West; it will be a measure which is framed with an eye not to the laboring man alone, but it will be a measure framed with a thought to care for labor and capital alike, for the North and South alike, for the consumer and the producer alike, for every class and every station of our country. [Applause on the Republican side.]

That, Mr. Speaker, is why we are insisting that this resolution in reference to a certain industry shall be now passed, so that we may have the fullest possible information before any legislation is enacted in reference to this subject. My friend from Missouri [Mr. DE ARMOND] says that the price of paper has increased within the past few years. Of course it has. Has not the price of cotton also increased, Mr. Speaker? Has the tariff affected that? Why, the mere fact, Mr. Speaker, that the price of cotton has increased can not be taken as an indictment of the tariff. It is perfectly absurd to draw any such conclusion. A word more and that is all, Mr. Speaker. The Republican majority in this House proposes to continue as it began in bringing in under the rules which it provides propositions to obtain all the information that is obtainable on every subject before bringing for the consideration of the House on final passage any measure, and that is the purpose of this rule, Mr. Speaker, and this Republican House takes full responsibility for the resolution and will pass it and uphold the Speaker in this House in choosing, as he has chosen heretofore and as he will choose in this instance, a committee that the country will accept as high minded, honorable, fair, and with the determination to reach the bottom facts and give them unprejudiced and unbiased fully to the House for its consideration and action. [Applause on the Republican side.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. UNDERWOOD. Mr. Speaker, I desire to know what we are voting on. Are we voting on the entire resolution and preamble or just on the resolution?

The SPEAKER. The previous question is called for on the resolution and preamble, or was it on the preamble only?

Mr. DALZELL. Mr. Speaker, I just made the general motion. I confess I did not have this matter in mind at the time at all.

The SPEAKER. Then the previous question operates upon the resolution.

Mr. UNDERWOOD. Mr. Speaker, the reason I asked that is the question of voting for the preamble commits the House to all that is set forth in the preamble, which is a mere recital of facts, because it does not carry any legislative authority.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. I wish to submit to the Chair the question of whether or not, in the opinion of the Chair, the resolution does not contain more than one independent substantive proposition.

Mr. DALZELL. The resolution provides for the appointment of a committee, that is all, and defines its powers.

Mr. WILLIAMS. It provides for the appointment of a committee, armed with power to do three several things.

Mr. DALZELL. Mr. Speaker, I move to suspend the rules and pass the resolution and preamble.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the previous question having been ordered, under the rules it is not in order to suspend the rules and pass the resolution. I call the attention of the Chair to a decision on that point in the Digest. On page 720 of the Digest it says:

It is not in order to move to suspend the rules while the previous question is operating.

Mr. DALZELL. I will call the attention of the Chair to the next paragraph after the one read by the gentleman:

A motion to suspend the rules may be entertained, although a measure on which the previous question has been ordered may be pending.

Mr. FITZGERALD. Yes; but if the gentleman will examine that decision I think he will find that the motion to suspend the rules was to suspend the rules and pass another resolution than the one upon which the previous question had been ordered.

Mr. DALZELL. Well, I do not know what the facts were in connection with the previous ruling——

Mr. FITZGERALD. The previous question having been ordered, a vote must be taken directly upon the main question. That is the object of ordering the previous question.

Mr. DALZELL. Why, my motion is to suspend all rules.

Mr. FITZGERALD. Yes; but it is not in order under your rules.

The SPEAKER. The Chair directs the following ruling of Mr. Speaker Crisp to be read:

A motion to suspend the rules may be entertained, although a bill on which the previous question has been ordered may be pending.

On August 1, 1892, Mr. William S. Holman, of Indiana, moved to suspend the rules and pass a joint resolution (H. J. Res. 159) to continue the provisions of existing laws providing temporarily for the expenditures of the Government.

Mr. ALBERT J. HOPKINS, of Illinois, made the point of order that the motion of Mr. Holman was not in order, and that the business first in order was the consideration of the amendments of the Senate to the bill (H. R. 7520) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes, upon which the previous question had been ordered, which amendments were pending when the House adjourned on Saturday last.

The Speaker overruled the point of order, holding that this being the first Monday of the month, it was in order to entertain motions to suspend the rules, that the object of such motion was to suspend all rules, and the effect was to bring the House to an immediate vote on the pending motion.

The SPEAKER. The Chair agrees with the ruling of Mr. Speaker Crisp.

Mr. FITZGERALD. The ruling is not in point. I call the attention of the Chair to the fact that the motion to suspend the rules was upon a question upon which the previous question had not been ordered.

The SPEAKER. On the contrary——

Mr. FITZGERALD. I beg the Chair's pardon.

The SPEAKER. I beg the gentleman's pardon.

Mr. FITZGERALD. I beg the Chair's pardon. It was a separate and distinct resolution. The numbers of the resolution and bill show that.

The SPEAKER. The motion to suspend the rules may be entertained, although the bill on which the previous question has been ordered may be pending.

Mr. WILLIAMS. It was another bill.

Mr. DALZELL. The fundamental fact is that we moved to suspend all the rules.

Mr. FITZGERALD. The previous question had been ordered upon H. R. 7520 and Senate amendments, and while the previous question had been ordered a motion was made to suspend the rules and to pass House resolution 159—an entirely different resolution.

Mr. WILLIAMS. Really a question of consideration involved.

Mr. FITZGERALD. The precedent to which I call the attention of the Chair, and which I ask the Chair to examine, was a case where the previous question having been ordered, the attempt was made, as I recall, to do just what the gentleman is attempting to do now—to prevent the action of the House upon a question upon which the House has decided to act at once.

Mr. MANN. Mr. Speaker——

Mr. DALZELL. Mr. Speaker, the logic of the decision rendered by Speaker Crisp and the logic of the situation is to suspend all rules.

Mr. FITZGERALD. The House has just decided to vote at once upon the pending question.

The SPEAKER. The Chair is prepared to rule. The previous question was ordered on agreeing to the resolution. This motion to suspend the rules covers both the preamble and the resolution. Therefore the Chair again refers to Mr. Speaker Crisp's ruling, as follows:

The Speaker overruled the point of order, holding that this being the first Monday of the month it was in order to entertain motions to suspend the rules; that the object of such motion was to suspend all the rules, and the effect was to bring the House to an immediate vote on the pending motion.

The Chair believes that that ruling of Mr. Speaker Crisp was correct, and this motion of the gentleman from Pennsylvania is to suspend all rules and pass not only the resolution but the preamble as well, upon which preamble the previous question has not been ordered. And in principle it comes within the ruling of Mr. Speaker Crisp. It is a proceeding to dispense with all rules of every nature and pass the bill. The Chair overrules the point of order. [Applause on the Republican side.]

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. Would it be in order now, after this motion, to ask a separate vote upon the four separate propositions involved?

The SPEAKER. If the rules are suspended on the resolution and the preamble—the previous question pending upon the resolution, but not pending upon the preamble—if this motion should be agreed to, it disposes of the whole matter in one vote.

Mr. WILLIAMS. I thought as much, and that is the reason I asked the question.

Mr. FITZGERALD. Mr. Speaker, I ask to be recognized on the motion to suspend the rules. I demand a second.

Mr. DALZELL. That is all right.

The SPEAKER. And the Chair orders a second under the rules. [Applause on the Republican side.] Is the gentleman from New York [Mr. FITZGERALD] opposed to this resolution?

Mr. FITZGERALD. I am, undoubtedly; oh, undoubtedly.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is entitled to twenty minutes and the gentleman from Pennsylvania [Mr. DALZELL] to twenty minutes.

Mr. FITZGERALD. Mr. Speaker, I wish to say, first, that I have not criticised the ruling of the Chair, because, under the circumstances as developed, I believe that this particular ruling is correct. I am opposed to this resolution, however, Mr. Speaker, and I shall vote against it. I am opposed to this resolution because it is such a farce. [Laughter.] Look at the situation. There has been a great contention that those who use print paper have been suffering as the result of the injustices of Republican legislation. The pressure was getting pretty hot on the Speaker, and so he first thought he would put the Administration in a hole and let himself out. [Laughter.] The Attorney-General has had $750,000 for the last four or five years to enforce the antitrust laws. The Speaker introduced a resolution, which passed this House, calling upon the Attorney-General to let him know just what had been done. The Attorney-General made a reply which satisfied him, pleased the "Big Stick" up in the White House, but was not particularly pleasing to the "Big Gun" in the House of Representatives. Then the Speaker said, "Why, they have me again." So he fixed up a resolution, which recites a great many things in the "whereases." Then he provides that the Speaker shall appoint a committee of six to investigate the matter.

Why have a committee waste the time of its members in this investigation when the Speaker has outlined the whole programme? He knows what he is going to permit the House to do. Why not direct the Speaker to investigate and ascertain what the facts are? And after he has done that, under the direction of the House, why not permit him to frame another resolution and then call the Committee on Rules together and tell them what he wants done, bring in a report, tell those on that side of the House that he wants it adopted, and then do it? Why go through the farce of having a committee of six lose their vacation to keep back a report until after the election, and then drop the whole business?

Mr. Speaker, I am not an expert on wood pulp and print paper myself, but I have been in communication with some men who imagine that they are. I have told them it was useless to write to me about this matter, that the Speaker has abrogated all the rules of the House; he is the whole business here now. [Laughter on the Democratic side.] He can recognize anybody he pleases to move to suspend the rules, automatically a second is ordered, and the Chair having decided that a majority is in favor of the motion to suspend the rules, then we are allowed the privilege of recording ourselves and disclosing the fact that no mistake was made when it was arranged that it would be considered that a majority had already voted for the measure.

Mr. BATES. Mr. Speaker, will the gentleman allow me to interrupt him?

Mr. FITZGERALD. I can not yield just now. I said to these men: "You go after the Speaker; he is the only man standing between you and relief. Do not waste time on this side of the House." [Laughter.] It has been demonstrated within the last few days that the White House has lost some influence in this House. [Laughter and applause on the Democratic side.] "We will stand by the President to the last ditch" [renewed laughter], and I expect that "we, with the President," not the President and this side of the House, but "we, with the President," will go together into the last ditch, run over by the Republican majority.

Mr. BATES. Now, will the gentleman yield to me?

Mr. FITZGERALD. Certainly.

Mr. BATES. I would like to ask the gentleman if he is perfectly sincere in saying that he is opposed to this committee to investigate this subject?

Mr. FITZGERALD. I am, and I am going to vote that way.

Mr. BATES. At the same time he admits that he is not an expert in the wood-pulp subject. Does the gentleman think that any of the Members of this House are experts on that subject?

Mr. FITZGERALD. I know this, that when the Republican Speaker of this House resorts to unusual methods for the purpose of giving an excuse for not having legislation enacted there must be the most urgent reasons why it should pass. Why, there are a number of questions that neither the gentleman from Pennsylvania, nor the Speaker, nor the gentleman

from Illinois [Mr. MANN], nor myself, know anything about. [Derisive laughter on the Republican side.] That is very sweeping, I know.

Mr. BATES. Why not call in experts to inform the gentleman on these very subjects on which he admits he is now in the dark?

Mr. FITZGERALD. I have been given all necessary information, and the Speaker has been advised, and the Speaker knows that unless he can have some pretense for not permitting this bill to come before the House, by saying there is an investigation, that he would not, strong as he is, and great as is his nerve, be able to withstand the pressure that comes from all sides for this remedial legislation to remove the duty from wood pulp and print paper.

We know what the trouble is. The Republicans are afraid that if the bars are taken down from one of these schedules before the campaign, you will be unable to make a proper answer to the people of the country for not giving the relief from the extortions of the Dingley Act in a thousand different directions.

Mr. GAINES of Tennessee. Will the gentleman yield to an inquiry.

Mr. FITZGERALD. Yes.

Mr. GAINES of Tennessee. Can the gentleman inform the House or the country why the Department of Justice did not submit the evidence on which it got the injunction against the paper trust in Minnesota to the grand jury, under a charge of the court, and turn over to that tribunal the getting of the evidence?

Mr. FITZGERALD. I do not know; but now that the gentleman has called it to the attention of the Speaker, I have not the slightest doubt that the Speaker will introduce a resolution calling upon the Attorney-General to answer the question just propounded by the gentleman from Tennessee. [Applause and laughter on the Democratic side.] Why not?

Mr. GAINES of Tennessee. Is it not within the power of the House to pass a resolution directing the Department of Justice, or directing the Federal judge to instruct that grand jury to proceed to investigate the paper trust?

Mr. FITZGERALD. No; it is not within the province of the House—of course not. Why, the gentleman can not have been awake to what has been going on here.

Mr. GAINES of Tennessee. I beg your pardon. I will say, Is it not within the province of the Speaker?

Mr. FITZGERALD. It is within the province of the Speaker; the Speaker, not the House.

Mr. GAINES of Tennessee. I confess publicly my error, and I stand corrected.

Mr. FITZGERALD. Why, Mr. Speaker, this is very delightful weather. Since we have got into this condition where the Speaker pulls the trigger and the "Cannon" booms and the shot is fired, why not pass a resolution that hereafter the Speaker shall constitute a quorum of the House, that he shall sit when he pleases, that he shall remain in session as long as he desires, that he shall consider, vote for, and pass what he believes, not what would be good for the country, but what would be desirable from the standpoint of the Republican party in the next campaign? We can then go out and gambol on the green sward and enjoy life and let the Speaker assume and enjoy the full responsibility for doing the business for which we have been sent here.

What a farce to appoint a committee of six to investigate this trust. If the Attorney-General, with $750,000 at his disposal during the past five or six years has not been able to get the information, does anybody imagine that the Speaker's committee of six can get it? I am surprised that the number of this committee is not five instead of six. Five is a more significant word on that side of the House. Instead of having six, why not have "a block of five" Members to investigate and ascertain whether the Speaker will pass a bill giving some relief to those who are now suffering from the oppressions of the trusts?

Mr. Speaker, have I any time left?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. FITZGERALD. I wish to yield ten minutes to my colleague, the gentleman from Mississippi [Mr. WILLIAMS].

Mr. BEALE of Pennsylvania. Will the gentleman allow me to interrogate him?

Mr. FITZGERALD. Yes.

Mr. BEALE of Pennsylvania. I would ask the Speaker as to what difference there is between his position now and the position that I occupied in 1877 and 1878 in regard to the tin-plate industry, which since that time has become one of the greatest industries in the United States?

Mr. FITZGERALD. Since the gentleman has asked the Speaker that question, I am willing to yield two minutes to the Speaker to answer it. [Laughter.] If the Speaker does not desire to take the time, I yield the balance of my time to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I note that the first of the whereases in this resolution reads as follows:

That it is alleged by the American Newspaper Publishers' Association that the cost of paper to the users thereof is at least $60,000,000 per annum greater at the present time than it was two years ago.

One of the things that the resolution is to inquire into is the truth or falsity of the points suggested by that "whereas." It is therefore germane to the question to show that that inquiry is totally unnecessary and is already answered by statistics.

One of the Congressmen on the floor not long ago in writing to one of his constituents said that this statement was exaggerated and that the man making it should have been more careful, and he recites that the statement that he said was exaggerated was the statement which is alluded to in the preamble, and that is that these illegal combinations have imposed a burden upon consumers of all kinds of paper, and if carried out as indicated by the public utterances of leaders of various groups, will add at least $60,000,000 per annum to the cost of paper as compared with two years ago.

Let us see what the situation is now as to the facts when compared with that, and, Mr. Speaker, I send to the Clerk's desk to be read a paper establishing these facts.

The Clerk read as follows:

Let us see what is the situation: According to the latest reports the present daily output of paper in the United States is as follows:

	Tons per day.
News	3,600
Book	1,900
Boards	3,300
Wrapping (manila, fiber, and straw)	2,850
Writing	1,400
Roofing and sheathing	610
Tissue	290
Hanging	275
Blotting	60
Total per day	14,285

Equaling 4,546,920 tons per annum.

The news print paper combination raised its price in September, 1907, to $50 per ton in New York, and correspondingly elsewhere, a figure that was $12 per ton in advance of the price of two years previous. The paper makers in that combination refused to make contracts to supply newspapers for more than one year, declaring at the time that the price was going up to $60 per ton in 1908, thereby planning an advance of $22 per ton over the price of two years ago.

The total output of news-print paper per annum is approximately 1,123,000 tons. An average increase of $22 per ton on that quantity would equal	$24,710,400.00
The box-board combination, a secret organization which collapsed on April 1, 1908, admitted that it had raised the price $10 per ton by the force of combination. Its output is approximately 1,029,600 tons, or a total addition for box boards of	10,296,000.00
The wrapping (manila) association marked up its price at eight meetings in New York $12 per ton. Its total output is 889,200 tons per annum, or a total addition of	10,670,400.00
The book-paper combination, in addition to adopting the "trade customs" for marking up revenues and reducing discounts, had advanced its quotation $12 per ton on an output of approximately 5,902,800 tons, equaling	7,113,600.00
The writing-paper combination has followed the example of the book paper combination in formulating "trade customs" and added $12 per ton to its price on an output of approximately 436,800 tons, equaling	5,241,600.00
The blotting-paper makers added $10 per ton to the price on an approximate output of 18,720 tons, equaling	187,200.00
The tissue-paper makers, producing approximately 90,480 tons per annum, added $10 per ton to their price, equaling	904,800.00
The roofing and sheathing combination, with an approximate output of 190,320 tons, advanced its price $10 per ton, equaling	1,903,200.00
Hanging paper, with an approximate output of 82,500 tons per annum, advanced the price $7 per ton, or	577,500.00
Total	61,604,700.00

Here is a total addition planned of sixty-one millions. Where, then, is the exaggeration in charging that the group of paper makers represented in the American Paper and Pulp Association was planning to add $60,000,000 per annum to the cost of paper as compared with two years ago?

Yours, faithfully,

HERMAN RIDDER,
President American Newspaper Publishers' Association.

Mr. WILLIAMS. Mr. Speaker, I find that the seventh "whereas" of the preamble reads as follows:

Whereas it is alleged that this great advance in the price of paper is made possible by the duty of $6 per ton on print paper—

And so forth.

And I find that the eighth "whereas" reads as follows:

Whereas it is claimed and asserted that the price of print paper is in nowise affected by the tariff; that the increase in the price of recent date has not been excessive, and is not the result either of tariff import duty or of any combination or conspiracy in restraint of trade or otherwise—

And so forth.

As pertinent and germane to that statement in the preamble of the resolution, I send to the Clerk's desk to be read the following demonstration of the fact that the increase in price is due to the duty, and that the duty did affect the rise in the price.

The Clerk read as follows:

A TAX ON INTELLIGENCE.

Of the three potent agencies for the advancement of general education and culture among a civilized people, the press, the pulpit, and the stage, the first named has in this country by far surpassed in extent and influence the two others. The reasons therefor need not here be discussed; it suffices to lay stress upon the fact that the voice of the press is reaching larger audiences and is appealing to far greater communities than any other public exhorter or instructor. And yet, while others are left unimpeded in the pursuit of their professional work, the renowned free press in this free country of ours is having thrown in the path of its material development obstacles in the shape of detrimental legislation by the National Government. Upon one of the indispensable and most expensive materials used in the composition of a newspaper, print paper, an import duty is being levied which is iniquitous and oppressive, while at the same time the cost of the domestic manufacture of paper is greatly increased through the operation of the duty on wood pulp.

Is there any necessity for these taxes? Can they be reasonably justified? They are simply a present the American paper makers have by lamentations, pretenses, and other means less fair than foul obtained from the Government.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. DALZELL. Mr. Speaker, has all of the time of the other side expired?

The SPEAKER. It has.

Mr. WILLIAMS. If the gentleman from Pennsylvania will pardon me, I want to ask the Clerk to mark the place in the article where he stopped reading.

Mr. DALZELL. Mr. Speaker, I now yield to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the gentleman from Mississippi [Mr. WILLIAMS] seems to take as gospel truth the statements of Herman Ridder; and yet of all the men who have submitted statistics to Congress I know of no one who makes more mistakes than this same Herman Ridder. The first time I ever saw the gentleman was perhaps a month ago, when he commenced a conversation by saying that he wanted to get rid of the tariff of 30 per cent on print paper. "Why," I said to him, "Mr. Ridder, you had better get right on the start; the tariff is not 30 per cent on print paper." "Oh, yes, it is." "No; you are mistaken. It is only 15. If you do not know any more about the rest of it than you do about that, it is not much use to talk about it." "Why," said he, "we have to pay $6 a ton on paper that costs $40 a ton, and that is 30 per cent." I handed him a pencil, gave him a piece of paper, and I said to him, "Mr. Ridder, divide $6 by 40 and see what is the result." He figured it over, stopped, and then he said he guessed he would figure it again. He figured it again. "Well," he said, "it does seem to come out that way." I said, "If you do not think that 15 per cent is right, multiply $40 by 15 and see if you don't get $6." He acknowledged that it did come out that way. I asked him never again to make that statement when he was talking about the duty on print paper.

Mr. WILLIAMS. Will the gentleman yield for a question?

Mr. PAYNE. Not now. He presented this paper to the Attorney-General, of which he sent me a copy about March 4, in which he asserted that there was a trust or combination among the paper makers to put up the price of print paper, and in that he made certain allegations. It was a long document of three or four pages, and he made the statement as to the increase of the price not only of print paper but of writing paper, manila paper, and various kinds of paper that he said is a result of a combination among the paper makers, and said he could prove his allegations. It seems that the Attorney-General has tried to find from him some person who knows the facts, and not some gentleman who states his information or belief. Among those statements he spoke of the efforts of the combine to put an additional burden of $60,000,000 upon the printing and publishing interests of the country. He sent this statement broadcast, and one newspaper man in Chicago took it up and jumped at the conclusion, as many others did and well might do, that Mr. Ridder meant that $60,000,000 had been added to the price of print paper for newspapers throughout the United States, when in fact they do not pay, all told, $60,000,000 in any one year for print paper.

He wrote to some gentlemen, who denied the fact. Then Mr. Ridder came out with this circular letter of April 14, which the gentleman from Mississippi [Mr. WILLIAMS] put into the RECORD, and he sent me a copy of it. I took it and from curiosity I compared it with his first statement that he made to the Attorney-General, and I compared it with the official census made in 1905, and made a liberal calculation for the increase in paper used in 1907. I have not those figures now with me, they are at my home, but I would like to show them to the House. The upshot of it was that on Herman Ridder's own figures, taking a report from the census as to quantity of paper, the amount of $61,000,000 was reduced to less than $30,000,000. And this is the gentleman on whose statement gentlemen on the other side of the House would ask this House to pass a tariff bill taking the duty off print paper and off pulp without regard or consideration to any other question in the case. Mr. Speaker, I am unwilling to go it blind in that way in any kind of legislation. Hundreds of millions of dollars are invested in this country in the paper business and in the pulp business. Sixty-odd thousand people are employed and get their livelihood out of the print-paper business. I am not willing to go into it without even an examination. The employees in the paper-mill factories protest against it. The owners of the paper mills protest against it, but they are not to be counted, the gentleman from Mississippi says, because we can not get the truth out of them as easily as you can get the truth out of a newspaper man who is looking at his own interests without regard to anybody else, and would have himself placed in a special privileged class, would have the duty taken off the article which he consumes without regard to the complaint of any other consumer in the United States.

They say that this duty adds to the price. How much? Mr. Ridder says it is going to be $22. Therefore he multiplies 1,100,000 tons, when the output is about 1,000,000, by $22, and says that they raise the price on us poor people $24,000,000! But there is only $6 a ton of tariff. Now, nobody who ever professed to take a free-trade stand upon the tariff question would ever claim that the duty added more to the price than the amount of the duty; but Mr. Ridder adds not only the duty, $6, but $22, on account of the tariff, and upon such a statement as that sensible men representing sensible constituencies are asked to go it blind and take the duty off pulp and paper. Mr. Speaker, the Province of Ontario has prohibited the exportation of pulp wood into the United States, although it would come in here free. The other provinces of Canada are discussing it. The Canadian Parliament is discussing it, and if we were foolish enough, without investigation, without any other tariff legislation, without placing Canada in the position of choosing between a minimum and a maximum tariff upon all the articles of import and export, to take this duty off print paper, they would immediately put a duty on pulp wood, or, what would be a greater protection, prohibit the exportation of pulp wood into the United States—and over one-third of the wood used in making paper in the United States is imported from Canada. Oh, all of these statements are merely allegations from beginning to end. The preamble well recites them as allegations, pure and simple, and the resolution is to ascertain the facts. Neither the gentlemen on the other side nor interested parties in the press who desire to have this tariff removed want the facts, but we will have the facts before we legislate. [Applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, I yield to the gentleman from Washington [Mr. CUSHMAN] so much of my time as he may see fit to use.

Mr. CUSHMAN. Mr. Speaker, how much time is there remaining?

The SPEAKER. Ten minutes.

Mr. CUSHMAN. Mr. Speaker, it had been stated that this tariff operates as a tax on intelligence. I am not offering myself as an exhibit in that connection. [Laughter.]

Sir, the discussion now going on in this Chamber is in relation to the tariff on wood pulp and print paper. The existing tariff on print paper is 15 per cent, and the present value of print paper is about $40 per ton, which makes the tariff rate $6 per ton.

Fifteen per cent is not only the present rate of the tariff on print paper, but that has been the rate for sixteen years past and under the last three tariff laws, two of which have been Republican and one of which has been Democratic.

Now, it is alleged that in the last year or two years the print paper of the kind generally used by the newspapers has been greatly increased in price to said newspapers by the International Paper Company and other paper manufacturers and dealers; and it is further alleged that this increase in price in the last year or so has been caused by the tariff.

Now, the first question that naturally and logically suggests itself to my mind is this: If it is the tariff that has made this

increase in cost in the last year or two, why did not that increase in cost occur long before, because this same tariff rate has been in effect for the last sixteen years? What has that tariff been doing all these years? Has it simply lain dormant? And if so, what has caused it to break forth just now?

The Democrats in this House claim the way to deal with this question is to entirely remove the tariff from wood pulp and print paper. But the Republicans claim that if there has been any increase in the cost of print paper that that increase was caused either by the increased cost of labor and material, which is a natural increase, or that said increase was caused by an illegal combination among the manufacturers of paper and dealers therein.

If either of these contentions is correct, then it would not relieve the situation to repeal the tariff, because the increase was not caused by the tariff.

Therefore the situation in this Chamber to-day is that the Democrats are clamoring for the absolute repeal of the tariff on wood pulp and print paper, while the Republicans, under the leadership of the distinguished gentleman from Illinois [Mr. CANNON], claim that the only proper and efficient way to reach this trouble is to first find out the facts. We can not legislate intelligently without first knowing the facts.

And for that reason the gentleman from Illinois [Speaker CANNON] has introduced his resolution (H. Res. 344), which has just been read in full, and which is now pending before us for action. This resolution proposes to authorize an adequate and drastic investigation into this general subject of wood pulp, print paper, and the prices thereof, in order that we may act intelligently. I am distinctly in favor of the passage of this resolution.

The proposition to take the tariff off pulp and paper has been advocated largely—and I might say, entirely—by men engaged in the newspaper business. Time after time have I sat on this side of the House and heard the distinguished gentleman from Mississippi [Mr. WILLIAMS] assert that when we begin to revise the tariff, it ought not to be on account of those who are interested in a particular commodity, but in behalf of the people generally. Now, then, we see a very peculiar exhibition here to-day of the gentleman basing his case in this particular instance upon the statements of those who are selfishly interested in this particular commodity. As I look over the United States at large and remember what has occurred in the last ten or twelve years, I fail to recall any considerable number of newspaper gentlemen who have gone into bankruptcy by reason of the tremendous price of print paper. I do recall, however, that one of the best personal friends I have, a gentleman of considerable intelligence, was wise enough a number of years ago to purchase largely on credit two daily newspapers in my own home city. During the intervening time he has been able, without reference to the tremendous price of print paper, to accumulate the modest sum of about $1,000,000. [Applause on the Republican side.] He is not as much in need of relief as the gentleman from Mississippi and myself, and some others within my view at this time. [Laughter.]

Mr. Speaker, I desire to combat that portion of the statement which has been made that this is a tax on intelligence. Within the last few days there came to my desk a copy of a great American newspaper, the North American, of Philadelphia; not a Sunday issue, but a daily issue. I regret that I do not have that particular paper here now, but across the top of it is printed, "To-day's issue of the North American is the largest daily newspaper ever published in the United States, and contains"—what? not the largest amount of intelligence, but the "largest amount of advertising ever before published in a daily issue of any newspaper in the world." [Laughter and applause.] Seventy pages of the North American for sale for 1 cent. [Applause on the Republican side.] That was not a tax on intelligence; that was a tax on a billboard. [Applause on the Republican side.]

Now, Mr. Speaker, it is known to most of my associates here in this House——

Mr. STANLEY. Will the gentleman permit a question?

Mr CUSHMAN. I have but a moment or two.

Mr. STANLEY. I want to ask one question.

Mr. CUSHMAN. Very well.

Mr. STANLEY. Does the gentleman wish to infer that a majority of the newspapers in the United States are billboards or bulletins, or that they really afford a valuable service in carrying information to the people?

Mr. CUSHMAN. They certainly do afford a valuable service, but the point I desire to make is this: When the Republican party starts in to revise the tariff it ought not to pick out one particular industry, and the one industry above all others that can best defend itself, but when we start to revise the tariff we ought to revise it intelligently and along broad lines, and on behalf not of one industry, but on behalf of all industries. [Applause on the Republican side.]

Mr. Speaker, it is known to most of my associates in this House that I have a warm, personal friendship for the gentleman from Mississippi [Mr. WILLIAMS]. I sometimes wonder how I can cherish as warm a personal feeling for a gentleman whose political policies inspire me chiefly with apprehension and distrust. [Laughter.] I am inclined to think that it is largely by reason of sympathy. [Laughter.] Mr. Speaker, I naturally sympathize with any man on whose slender shoulders is placed the tremendous responsibility of trying to convince the American people that that bunch of organized incompetence, that incoherent mass of irreconcilable fragments known as the Democratic party [great laughter and applause on the Republican side], is in reality an aggregation of stainless statesmen and patriots. [Applause on the Republican side.] I think that all of us, considering the showing that the gentleman makes with the material he has to work with [laughter], ought to be kind to him. [Applause on the Republican side.]

Mr. Speaker, I for one, am not misled by the purpose of this so-called filibuster. It is perfectly apparent to me that it is not legislation that the gentleman is seeking, but simply an opportunity to advertise the Democratic party. I have thought that at some time during this discussion when the gentleman sent out his messages "to the country" as to what the Democratic party when it gets in control was going to do for this nation in the near future, that the gentleman might have used a little time in explaining to the country what the Democratic party did do to this nation the last time it was in power.

And as to this filibuster, there may be some sense in roll calls upon different propositions where there is a difference in opinion, but of what use can a roll call be, for instance, upon the approval of the Journal, when it is known in advance that all Members of this House, including those who demand the roll call, will vote "aye?" How can such a criminal waste of time be justified? That can not even be dignified by the term of "peanut politics"—that is "mustard-seed politics." [Laughter and applause on the Republican side.]

The gentleman from Mississippi [Mr. WILLIAMS] says he wants the country to know that the real legislative force in this House is not the Republican majority, but the Democratic minority. When I was a schoolboy, I was taught that the whole was greater than any of its parts. But the gentleman seems to desire to reverse that time-honored philosophy and make the country believe that a part is greater than the whole, and that a minority is stronger, numerically, than a majority.

Now, if the gentleman really desires to demonstrate to the country that the Democratic part of this House is to-day in control, I will say to him there are several ways in which you can do that. One of them is, you can defeat this resolution which we, the Republicans, are about to adopt. [Laughter and applause on the Republican side.]

And inasmuch, sir, as you have asserted that the real legislative force in this House to-day is not the Republican majority, but the Democratic minority, there is another way you can prove that to the country—pass a free-coinage bill, 16 to 1. [Laughter on the Republican side.] That is what you say you believe in. Why do you not show the courage of your convictions? [Laughter.] Yes; and you might pass another bill providing for the Government ownership of railroads. [Laughter.] That is what your Presidential candidate, Mr. Bryan, believes in. You say you are in control of this House. Why do not you back him up before the country? [Laughter on the Republican side.] There are numerous other ways in which the gentleman might prove to the country that he and his party are in control, but I have not the time to recite them all.

Mr. Speaker, I was raised upon the farm. What little philosophy there is in my make-up I imbibed from these surroundings. On the farm of my grandfather, years ago, he had a certain mongrel dog of unknown antecedents and doubtful pedigree called "Tige." [Laughter.] In the courage and capacity of that same Tige my grandfather had great confidence. On that same farm there was also a certain unruly, crumple-horned, breachy, old cow called "Boss"—and she was well named, too. One summer afternoon my grandfather discovered that old Boss had knocked down a couple of panels of the worm fence and was grazing in the midst of the timothy meadow, contrary to the statutes in such cases made and provided. [Laughter.] He said, "Tige will fetch her out," and he yelled for the dog. The dog came out from under the smokehouse and grandfather pointed to the center of the meadow and said, "Fetch her out, Tige," and at a tremendous rate of speed and with a very fierce canine expression Tige made for the tall and uncut. That cow had a full-grown disposition of her own. [Laughter.] She

lowered her head and made for that dog under a full head of steam, and he turned tail to and made for the gap in that fence. Every jump he took he could feel the hot air from that old cow's nostrils fanning his flanks.

Ah, Mr. Speaker, there was a race that was never surpassed or even equaled by anything pulled off on the Benning track. Tige covered that 40 rods in an amazing short space of time, and came out exactly 5¾ inches in the lead. Grandfather leaned back, with much complacence, and said, "I knew old Tige would fetch her out," although it appeared to the other spectators that old Tige had been fetched out.

And, Mr. Speaker, it occurs to me that in this so-called "filibuster" the Democratic minority of this House have afforded us a similar spectacle. When they behold the gentleman from New York [Mr. PAYNE] grazing peacefully in the midst of the Republican legislative meadow, about ready to bring forth a piece of sound legislation, they wait until he is all ready to start, and then they call for the Democratic watchdog and say, "Bring him out, John." [Loud laughter and applause on the Republican side.] And then John, with the same enthusiasm and lack of judgment which was evidenced in old Tige, starts for the tall and uncut. [Laughter.] But, Mr. Speaker, the country has not failed to notice that when that legislative procession came out of the meadow the gentleman from Mississippi was not chasing the gentleman from New York, but, on the contrary, was being chased by him. [Long-continued laughter. and applause.]

[Here the hammer fell.]

The SPEAKER. The question is on suspending the rules and passing the preamble and resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 156, nays 112, answered "present" 9, not voting 110, as follows:

YEAS—156.

Alexander, N. Y.	Davidson	Howell, N. J.	Nye
Allen	Davis, Minn.	Howell, Utah	Olcott
Ames	Dawson	Howland	Olmsted
Anthony	Denby	Hubbard, Iowa	Parker, N. J.
Bannon	Diekema	Hubbard, W. Va.	Parker, S. Dak.
Barchfeld	Douglas	Huff	Parsons
Barclay	Draper	Humphrey, Wash.	Payne
Bartholdt	Durey	Jenkins	Pearre
Bates	Dwight	Jones, Wash.	Pollard
Beale, Pa.	Ellis, Mo.	Keifer	Pray
Bede	Ellis, Oreg.	Kennedy, Iowa	Reeder
Bennet, N. Y.	Esch	Kennedy, Ohio	Reynolds
Bingham	Fairchild	Kinkaid	Rodenberg
Birdsall	Fassett	Knopf	Scott
Bonynge	Focht	Knowland	Sherman
Boutell	Fordney	Küstermann	Slemp
Boyd	Foss	Lafean	Smith, Cal.
Brownlow	Foster, Ind.	Laning	Smith, Iowa
Burleigh	Fowler	Law	Snapp
Burton, Ohio	French	Lawrence	Sperry
Butler	Fuller	Lindbergh	Stafford
Calder	Gaines, W. Va.	Longworth	Steenerson
Calderhead	Gardner, N. J.	Loudenslager	Sterling
Campbell	Gilhams	Lovering	Tawney
Capron	Goebel	McGuire	Thistlewood
Cary	Graff	McKinley, Ill.	Thomas, Ohio
Chaney	Graham	McKinney	Townsend
Chapman	Greene	McLachlan, Cal.	Volstead
Cocks, N. Y.	Hale	McLaughlin, Mich.	Waldo
Cole	Hamilton, Mich.	McMillan	Wanger
Conner	Harding	Madden	Washburn
Cook, Colo.	Haskins	Mann	Watson
Cooper, Pa.	Haugen	Miller	Weeks
Cooper, Wis.	Hawley	Moon, Pa.	Weems
Cousins	Hayes	Morse	Wheeler
Crumpacker	Higgins	Mouser	Wilson, Ill.
Cushman	Hill, Conn.	Murdock	Wood
Dalzell	Hinshaw	Needham	Woodyard
Darragh	Holliday	Nelson	Young

NAYS—112.

Adamson	Cockran	Glass	Legare
Aiken	Cooper, Tex.	Godwin	Lever
Alexander, Mo.	Cox, Ind.	Granger	Lewis
Ansberry	Crawford	Gregg	Lindsay
Ashbrook	Davenport	Hackney	Lloyd
Bartlett, Ga.	De Armond	Hamilton, Iowa	McDermott
Beall, Tex.	Denver	Hammond	McLain
Bell, Ga.	Dixon	Hardwick	Macon
Booher	Ellerbe	Hay	Maynard
Bowers	Favrot	Heflin	Moon, Tenn.
Brantley	Ferris	Helm	Moore, Tex.
Broodhead	Fitzgerald	Henry, Tex.	Murphy
Brundidge	Flood	Houston	Nicholls
Burleson	Floyd	Hull, Tenn.	Norris
Burnett	Fornes	Humphreys, Miss.	O'Connell
Byrd	Foster, Ill.	Johnson, S. C.	Patterson
Caldwell	Fulton	Kipp	Pujo
Candler	Gaines, Tenn.	Kitchin, Claude	Rainey
Carlin	Garner	Lamb	Randell, Tex.
Carter	Garrett	Lassiter	Reid
Clark, Mo.	Gill	Leake	Richardson
Clayton	Gillespie	Lee	Robinson
Rothermel	Shackleford	Smith, Mo.	Thomas, N. C.
Russell, Mo.	Sheppard	Smith, Tex.	Tou Velle
Russell, Tex.	Sherley	Sparkman	Underwood
Ryan	Sherwood	Spight	Willett
Sabath	Sims	Stanley	Williams
Saunders	Small	Stephens, Tex.	Wilson, Pa.

ANSWERED "PRESENT"—9.

Adair	Harrison	Padgett	Rauch
Bradley	Knapp	Pou	Roberts
Goulden			

NOT VOTING—110.

Acheson	Gillett	Kitchin, Wm. W.	Porter
Andrus	Goldfogle	Lamar, Fla.	Powers
Bartlett, Nev.	Gordon	Lamar, Mo.	Pratt
Bennett, Ky.	Griggs	Landis	Prince
Broussard	Gronna	Langley	Ransdell, La.
Brumm	Hackett	Lenahan	Rhinock
Burgess	Haggott	Lilley	Riordan
Burke	Hall	Littlefield	Rucker
Burton, Del.	Hamill	Livingston	Slayden
Caulfield	Hamlin	Lorimer	Smith, Mich.
Clark, Fla.	Hardy	Loud	Southwick
Cook, Pa.	Henry, Conn.	Lowden	Stevens, Minn.
Coudrey	Hepburn	McCall	Sturgiss
Craig	Hill, Miss.	McCreary	Sulloway
Cravens	Hitchcock	McGavin	Sulzer
Currier	Hobson	McHenry	Talbott
Davey, La.	Howard	McKinlay, Cal.	Taylor, Ala.
Dawes	Hughes, N. J.	McMorran	Taylor, Ohio
Driscoll	Hughes, W. Va	Madison	Tirrell
Dunwell	Hull, Iowa	Malby	Vreeland
Edwards, Ga.	Jackson	Marshall	Wallace
Edwards, Ky.	James, Addison D.	Mondell	Watkins
Englebright	James, Ollie M.	Moore, Pa.	Webb
Finley	Johnson, Ky.	Mudd	Weisse
Foster, Vt.	Jones, Va.	Overstreet	Wiley
Foulkrod	Kahn	Page	Wolf
Gardner, Mass.	Keliher	Perkins	
Gardner, Mich.	Kimball	Peters	

So the rules were suspended and the preamble and resolution were agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MCGAVIN with Mr. RAUCH.

Mr. BURTON of Delaware with Mr. GRIGGS.

Mr. GARDNER of Michigan with Mr. CRAVENS.

Mr. HEPBURN with Mr. LIVINGSTON.

Mr. GILLETT with Mr. HITCHCOCK.

Mr. SLEMP with Mr. CRAIG.

Mr. LITTLEFIELD with Mr. ADAIR.

Mr. GRONNA with Mr. BURGESS.

Mr. MALBY with Mr. LAMAR of Missouri.

Mr. CAMPBELL. Mr. Speaker, am I recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. CAMPBELL. I was sitting in the House during the first roll call and did not hear my name.

The SPEAKER. Was the gentleman listening when his name should have been called?

Mr. CAMPBELL. I was.

The SPEAKER. Call the name of the gentleman.

The name of Mr. CAMPBELL was called, and he voted "yea."

The result of the vote was then announced as above recorded.

The SPEAKER. The Chair announces the following committee: Mr. MANN, Mr. MILLER, Mr. STAFFORD, Mr. BANNON, Mr. SIMS, and Mr. RYAN.

EXPLANATION.

Mr. SIMS. Mr. Speaker, on yesterday I had occasion to make some remarks about Mr. William Loeb, jr., and he has written me a letter that I wish, in fairness to him, to read to the House and make a short statement in connection therewith.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. The letter is as follows:

THE WHITE HOUSE,
Washington, April 21, 1908.

SIR: I have read in the newspapers your speech of yesterday. Before making such statements in such a place, where one is shielded by Congressional privilege, it seems to me the most scrupulous care ought to have been taken to verify every fact to the end that injustice might not be done to any man's character or reputation. If you had made any attempt, even the slightest, to verify the facts, you would have saved yourself from making a statement so false in its effect, so misleading in its imputation, and so unfair to me and to your own sense of rectitude and honor. The facts are as follows:

First. Four thousand seven hundred shares of the common stock of the Washington Railway and Electric Company stand in my name on the books of the company. One hundred of these shares, enough to enable me to qualify as director, are mine; 4,600 are holdings of friends of mine for whom I simply acted as representative at the last annual meeting of the stockholders of the company, at which I was elected a director, with the view of my possible selection as president of the company if I decided to take up that line of work after leaving official life. This record has been and still is open to you or any other honest man at any time, and it clearly demonstrates that any insinuation that in any mysterious or unworthy way, or in any way whatever, I had accumulated such a considerable fortune as your speech implies is as unfair to me as it is unworthy of you.

Second. As to your intimation that I have improperly interfered in the traction legislation: Immediately after my election as a director of the company, the chairman of the House District Committee, Mr. SMITH, called upon me and started to ask my advice as to certain bills affecting the traction companies pending before the committee. I at once informed him that while I occupied the position of Secretary to the President, I could not and would not discuss with any Member of Congress any matters of legislation affecting the local public-service corporations. I have seen Chairman SMITH, who will verify this statement, and I cite this instance to show how scrupulously careful I have been to observe the proprieties in the case. No Senator or Representative, even among my intimate friends, has been either directly or indirectly approached by me on any phase of the traction legislation.

I submit that in all fairness you should immediately retract your statements reflecting on me in as public a manner as you made them, and also have them expunged from the RECORD.

Very truly, yours, WILLIAM LOEB, Jr.

Hon. T. W. SIMS,
House of Representatives, Washington, D. C.

Mr. Speaker, I am the last man who would take advantage of Congressional privilege to say anything about any man; therefore I felt that it was but proper and right upon my part to ask the indulgence of the House to read his letter, that the House might hear it and know what Mr. Loeb has to say about the matter.

Mr. Speaker, I made a statement of a fact that was taken from a letter addressed to the Speaker of the House of Representatives, signed by George H. Harries, vice-president of the Washington Railway and Electric Company, dated January 31, 1908. There is attached to the report I read the following affidavit of George H. Harries, vice-president, and William F. Ham, treasurer:

We, George H. Harries, vice-president, and William F. Ham, treasurer, of the Washington Railway and Electric Company, do hereby solemnly swear that the foregoing and annexed statement is just and true to the best of our knowledge and belief.

GEORGE H. HARRIES, *Vice-President.*
WILLIAM F. HAM, *Treasurer.*

Then follows:

Appendix B. Washington Railway and Electric Company—list of stockholders.

In that list it appears that Mr. Loeb is the owner of 4,700 shares. It does not appear whether it is preferred or common, but appears to be owned in person and not as a representative or trustee. I stated the sworn fact, which appeared in a communication to this Congress, to the Speaker of this House, for the information of the House. Now, Mr. Loeb says that I might have found out the facts by the slightest investigation.

Mr. Speaker, can I presume that this sworn statement by the officers of the company in which he is a stockholder and a director did not speak the truth, the whole truth, and nothing but the truth? It showed Mr. Loeb to own 4,700 shares. So this report is not only "false in effect," but false in fact, according to the letter which I have just read. Mr. Loeb only owned 100 shares, and the other 4,600 shares were stock that his friends held in his name, in order that he might be elected president of the company.

Mr. Speaker, Mr. Loeb says:

This record has been and still is open to you or any other honest man at any time, and it clearly demonstrates that any insinuation that in any mysterious or unworthy way, or in any way whatever, I had accumulated such a considerable fortune as your speech implies is as unfair to me as it is unworthy of you.

I ask him, does the record disclose who the friends are whose stock appears in his name? Could I possibly be held responsible for not verifying an affidavit? What was there to cause me to suppose that the report under oath made to Congress did not state the truth?

I made no insinuation nor any statement that Mr. Loeb had accumulated a large fortune. We all know it is not necessary to have a large fortune in order to have stock in a corporation, if that stock can be used as collateral security. You can borrow money on it. I made no insinuation of that kind whatever. I intended to make that statement in connection with my remarks at the time, but I was rushed for time and let it slip.

Mr. Speaker, I never said one word about his attempting to influence legislation. It is not necessary for Mr. Loeb to verify anything he has said by the chairman of the Committee on the District of Columbia, the gentleman from Michigan [Mr. SMITH]. I take Mr. Loeb's word for it. I only referred to the fact that it was an embarrassing thing to know that a man of such powerful influence as he must be presumed to have was a stockholder in a public-service corporation, and I submit that it makes no difference whether it was 100 shares or 10,000 shares, so far as principle and conduct go.

Mr. Speaker, I never thought once that he had this stock because he had accumulated a large fortune in any way whatever. In fact, I never thought of him in connection with accumulation, except I thought the stockholders of this company had "accumulated him" by electing him a director for the purpose which was most natural to be supposed, and that was the influence that the very fact of his occupying and holding such a position would have on this legislative body. [Applause on the Democratic side.]

Mr. Speaker, I want to say that we are not always the best judges of what ought to be done in a matter in which we are the actors; that a man may himself not really see what is proper or what is just. I submit this letter and I submit my remarks to the judgment of this body, and if this House thinks that as a matter of justice to Mr. Loeb that what I have said ought to be expunged, you are more than welcome to do it.

Mr. GARRETT. Will my colleague yield?

Mr. SIMS. Certainly.

Mr. GARRETT. I did not catch the reading of the letter as read by my colleague. Did the letter state who the gentleman was dummy for for the 4,600 shares?

Mr. SIMS. Mr. Speaker, the letter says that he only owned 100 shares, which was enough to enable him to be elected director, and that the other 4,600 were shares of friends placed in his name. I did not use the word "dummy" for that 4,600 shares, because it might be regarded as not kindly. I mean nothing unkindly to Mr. Loeb, but I want to say to him that, if he wants to keep this House from drawing natural conclusions, if he does not want to be misunderstood, let him resign from that board of directors or walk out of the executive offices at the White House. [Applause.]

COMPENSATION OF CERTAIN EMPLOYEES.

Mr. O'CONNELL. Mr. Speaker, on behalf of the Committee on Accounts, I move to suspend the rules and pass the following resolution, which they unanimously report.

The SPEAKER. The gentleman moves to suspend the rules and pass the following resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House the amounts hereinafter set forth for the purposes indicated, viz:

To the widow of Charles Carter, late janitor to the Committee on Appropriations, a sum equal to six months' pay at the rate of compensation received by him at the time of his death, and a further sum, not exceeding $250, on account of the funeral expenses of said Charles Carter; to the persons named in the resolutions adopted by the House February 16 and February 28, 1907, the several amounts therein set forth for the fiscal year 1908; to the following employees of the House as additional compensation for the fiscal year 1908: To the clerks to the Committees on Agriculture, Claims, District of Columbia, Foreign Affairs, Indian Affairs, Interstate and Foreign Commerce, Judiciary, Military Affairs, Naval Affairs, Pensions, Public Buildings and Grounds, War Claims, clerk to continue digest of claims, $500 each; to the assistant stenographer to committees, $400; to the messengers to the Committees on Agriculture, Elections No. 1, Military Affairs, Naval Affairs, Printing, and Accounts, $280 each; to the thirty-two folders in the folding room, $100 each; to the assistant clerks to the Committee on Invalid Pensions and Committee on Pensions by detail from the Pension Bureau, $1,000 and $750, respectively; to Edward Reichard, for clerical services rendered the Committee on Mileage in the payment and computing of mileage of Members and Delegates, $500; for the services of an additional clerk to the Committee on Enrolled Bills for the remainder of the present session, $6 per diem; for the services of an assistant foreman in the folding room at the rate of $1,200 per annum until otherwise provided for by law; and so much of the resolution of February 5, 1908, authorizing a messenger in charge of telephones, as made said office in lieu of one folder, is hereby vacated; for the services of a messenger in the press gallery of the House and the press rooms in the House of Representatives Office Building at the rate of $1,000 per annum during the present Congress, until otherwise provided for by law, the appointment and removal of said messenger to be within the authority of the Committee on Accounts; for the services of an assistant clerk to the Committee on Banking and Currency at the rate of $1,200 per annum until otherwise provided for by law.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. I demand a second, in order that the matter may be explained.

The SPEAKER. The gentleman from Mississippi demands a second, and under the rule a second is ordered. The gentleman from Massachusetts has twenty minutes and the gentleman from Mississippi has twenty minutes.

Mr. LLOYD. I want to inquire of the gentleman from Massachusetts whether the resolution includes the pair clerks at the pair table?

Mr. O'CONNELL. It does not.

Mr. LLOYD. What is the purpose of the committee in regard to the pair clerks?

Mr. O'CONNELL. It is the purpose of the committee to follow out and take up the different resolutions submitted to them, and one of the resolutions submitted includes these clerks.

Mr. LLOYD. Then, it is the purpose of the committee to provide for these clerks?

Mr. O'CONNELL. It is the purpose of the committee to consider the matter. I do not know whether it is the purpose of the committee to report, for we have not voted on it as yet. They have the resolution under consideration.

Mr. LLOYD. The gentleman does not know whether there is any probability of the salary of the pair clerks being increased at all?

Mr. O'CONNELL. I am not in a position to vouch for the action of the committee. We have these matters under consideration and we intend to be as fair as we possibly can.

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman for information whether the clerk of the Committee on Ways and Means is one of those clerks whose salary is raised?

Mr. O'CONNELL. It is not.

Mr. WILLIAMS. The Committee on Accounts does not think that that clerk is being overworked at this session? [Laughter.]

Mr. O'CONNELL. We have not heard of it.

Mr. WILLIAMS. Is this a unanimous report of the Committee on Accounts?

Mr. O'CONNELL. It is a unanimous report.

The SPEAKER. The question is on agreeing to the resolution.

Mr. WILLIAMS. Mr. Speaker, to save the time of the House I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 196, nays 27, answered "present" 11, not voting 153, as follows:

YEAS—196.

Aiken	Dixon	Higgins	Mouser
Alexander, Mo.	Draper	Hill, Conn.	Murphy
Alexander, N. Y.	Durey	Hinshaw	Needham
Allen	Dwight	Holliday	Norris
Ansberry	Ellerbe	Howell, N. J.	Nye
Ashbrook	Ellis, Mo.	Howell, Utah	O'Connell
Barchfeld	Ellis, Oreg.	Howland	Olcott
Bartholdt	Esch	Hubbard, Iowa	Olmsted
Bartlett, Ga.	Fairchild	Huff	Parker, N. J.
Bates	Ferris	Hull, Tenn.	Payne
Beale, Pa.	Flood	Humphreys, Miss.	Pray
Bell, Ga.	Floyd	Jenkins	Prince
Bennet, N. Y.	Focht	Jones, Wash.	Reeder
Bonynge	Fordney	Keifer	Reid
Booher	Fornes	Kennedy, Iowa	Reynolds
Boutell	Foss	Kennedy, Ohio	Richardson
Bowers	Foster, Ill.	Kinkaid	Robinson
Bradley	Foster, Ind.	Kipp	Rodenberg
Brodhead	Fowler	Knopf	Rothermel
Brownlow	French	Knowland	Russell, Mo.
Burleigh	Fuller	Küstermann	Russell, Tex.
Burnett	Gaines, Tenn.	Lafean	Scott
Burton, Ohio	Gaines, W. Va.	Lamb	Sherman
Butler	Gardner, Mich.	Laning	Slemp
Calder	Gardner, N. J.	Law	Smith, Cal.
Calderhead	Gilhams	Lawrence	Smith, Iowa
Caldwell	Gillespie	Lee	Smith, Mich.
Campbell	Glass	Legare	Southwick
Candler	Godwin	Lenahan	Sperry
Capron	Gordon	Lever	Spight
Carter	Goulden	Lewis	Stafford
Cary	Graff	Lindsay	Stanley
Chaney	Graham	Lloyd	Steenerson
Chapman	Granger	Longworth	Sterling
Conner	Greene	Loudenslager	Taylor, Ala.
Cooper, Pa.	Gregg	McDermott	Thistlewood
Cooper, Wis.	Griggs	McHenry	Thomas, N. C.
Cousins	Hackney	McKinley, Ill.	Volstead
Cox, Ind.	Hale	McKinney	Waldo
Craig	Hamilton, Iowa	McLachlan, Cal.	Washburn
Crumpacker	Hamilton, Mich.	McLaughlin, Mich.	Watson
Cushman	Hammond	McMillan	Weeks
Dalzell	Hardwick	McMorran	Weems
Davidson	Haskins	Macon	Wheeler
Davis, Minn.	Haugen	Maynard	Williams
Dawson	Hawley	Mondell	Wilson, Ill.
Denby	Hay	Moon, Tenn.	Wilson, Pa.
Denver	Hayes	Moore, Tex.	Woodyard
Diekema	Heflin	Morse	Young

NAYS—27.

Beall, Tex.	Fulton	Patterson	Small
Brundidge	Garner	Rainey	Smith, Mo.
Burgess	Garrett	Randell, Tex.	Smith, Tex.
Burleson	Gill	Sabath	Stephens, Tex.
Clark, Mo.	Henry, Tex.	Sheppard	Tou Velle
Clayton	Houston	Sherwood	Underwood
De Armond	Johnson, S. C.	Sims	

ANSWERED "PRESENT"—11.

Adair	Harrison	Madden	Rauch
Adamson	Kimball	Padgett	Shackleford
Cooper, Tex.	Knapp	Pou	

NOT VOTING—153.

Acheson	Clark, Fla.	Fassett	Hepburn
Ames	Cockran	Favrot	Hill, Miss.
Andrus	Cocks, N. Y.	Finley	Hitchcock
Anthony	Cole	Fitzgerald	Hobson
Bannon	Cook, Colo.	Foster, Vt.	Howard
Barclay	Cook, Pa.	Foulkrod	Hubbard, W. Va.
Bartlett, Nev.	Coudrey	Gardner, Mass.	Hughes, N. J.
Bede	Cravens	Gillett	Hughes, W. Va.
Bennett, Ky.	Crawford	Goebel	Hull, Iowa.
Bingham	Currier	Goldfogle	Humphrey, Wash.
Birdsall	Darragh	Gronna	Jackson
Boyd	Davenport	Hackett	James, Addison D.
Brantley	Davey, La.	Haggott	James, Ollie M.
Broussard	Dawes	Hall	Johnson, Ky.
Brumm	Douglas	Hamill	Jones, Va.
Burke	Driscoll	Hamlin	Kahn
Burton, Del.	Dunwell	Harding	Keliher
Byrd	Edwards, Ga.	Hardy	Kitchin, Claude
Carlin	Edwards, Ky.	Helm	Kitchin, Wm. W.
Caulfield	Englebright	Henry, Conn.	Lamar, Fla
Lamar, Mo.	Madison	Porter	Talbott
Landis	Malby	Powers	Tawney
Langley	Mann	Pratt	Taylor, Ohio
Lassiter	Marshall	Pujo	Thomas, Ohio
Leake	Miller	Ransdell, La.	Tirrell
Lilley	Moon, Pa.	Rhinock	Townsend
Lindbergh	Moore, Pa.	Riordan	Vreeland
Littlefield	Mudd	Roberts	Wallace
Livingston	Murdock	Rucker	Wanger
Lorimer	Nelson	Ryan	Watkins
Loud	Nicholls	Saunders	Webb
Lovering	Overstreet	Sherley	Weisse
Lowden	Page	Slayden	Wiley
McCall	Parker, S. Dak.	Snapp	Willett
McCreary	Parsons	Sparkman	Wolf
McGavin	Pearre	Stevens, Minn.	Wood
McGuire	Perkins	Sturgiss	
McKinlay, Cal.	Peters	Sulloway	
McLain	Pollard	Sulzer	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BINGHAM with Mr. SHERLEY.

Mr. MADDEN with Mr. HARDY.

Mr. CAULFIELD with Mr. BYRD.

Mr. COLE with Mr. FAVROT.

Mr. DARRAGH with Mr. FITZGERALD.

Mr. DOUGLAS with Mr. HELM.

Mr. HARDING with Mr. LASSITER.

Mr. HUBBARD of West Virginia with Mr. LEAKE.

Mr. LOVERING with Mr. MCLAIN.

Mr. MANN with Mr. NICHOLLS.

Mr. POLLARD with Mr. PAGE.

Mr. TAWNEY with Mr. PUJO.

Mr. TOWNSEND with Mr. RYAN.

Mr. VREELAND with Mr. SAUNDERS.

Mr. BURKE with Mr. CRAVENS.

Mr. COCKS of New York with Mr. DAVENPORT.

Mr. BIRDSALL with Mr. COCKRAN.

Mr. ANTHONY with Mr. CARLIN.

Mr. AMES with Mr. BRANTLEY.

Mr. ACHESON with Mr. WILLETT.

For the session:

Mr. WANGER with Mr. ADAMSON.

The result of the vote was announced as above recorded.

AMENDING THE CUSTOMS ADMINISTRATIVE LAW.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17506) to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, with amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 14 of the act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenues for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same is hereby, amended so as to read as follows:

"SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court of appeals within the time and in the manner provided for in section 15 of this act: *Provided, however,* That the board of three general appraisers, or a majority of them, who decided the case may, upon motion of either party, within thirty days from the date of the receipt of their decision by the collector, grant a rehearing of said case when, in their opinion, the ends of justice may require it. The general board of nine general appraisers shall have power to establish from time to time such reasonable rules of practice, not inconsistent with the law, as may be deemed necessary for the conduct of their proceedings and of the proceedings of the said board of three general appraisers, and to assign or reassign any case to any of such boards of three at any time before promulgation of decision, in order to secure uniformity of decision."

SEC. 2. That section 15 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers, as provided for in section 14 of this act, as to the construction of the law and the facts respecting the classifications of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, and not afterwards, apply to the circuit court of appeals of the United States within the circuit in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court of appeals a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall order the Board of Appraisers to return to said circuit court of appeals the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decisions thereon; and all the evidence taken by and before said appraisers shall be competent evidence before said circuit court of appeals. The said circuit court of appeals is further vested with the power, on the hearing of any appeal taken from the decision of a board of three general appraisers, to order said board to take additional testimony as to any particular fact or issue in dispute, and return the same to said court as soon as convenient, whenever the said court shall be of opinion that the ends of justice will be best subserved by this course of procedure. In other respects the parties litigant shall be required to introduce all of their evidence before the said Board of General Appraisers prior to its decision of the case. Such further evidence, with the aforesaid returns, shall constitute the record upon which such circuit court of appeals shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision, respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, and the decision of such court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless said decision is reviewed by the Supreme Court of the United States in any of the ways provided by the act approved March 3, 1891, entitled 'An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.' Said Supreme Court shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court of appeals, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly. All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section 23 of this act. For the purposes of this section the circuit courts of appeals of the United States shall be deemed always open, and said circuit courts of appeals, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper."

SEC. 3. That said act be, and the same is hereby, further amended by adding thereto, after said section 30 thereof, a new section, to read as follows:

"SEC. 31. That all of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

"That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of $8,000 per annum.

"That the said boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of books, papers, and documents, and in punishing for contempt."

SEC. 4. That all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 5. That this act shall take effect and be in force from and after its passage.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered under the rule. The gentleman from New York has twenty minutes and the gentleman from Mississippi has twenty minutes.

Mr. PAYNE. Mr. Speaker, this bill amends sections 14, 15, and 31 of the customs administrative law. Those sections apply to the practice before the Board of General Appraisers of the city of New York and to appeals and also to the salaries of these appraisers. The first section of this bill amends the fourteenth section of the act. The present law allows an importer only ten days in which to file a protest after liquidation and the payment of duties. This act extends it to fifteen days. The Board seems to think that if fifteen days are allowed it will give the importer more chance for deliberation and there will be fewer protests, and certainly it will give an importer more time to review the decision of the collector in case he finds it is wrong. Then this change provides, and that is new, that the Board of General Appraisers may give a rehearing on any case before them when, in their opinion, the ends of justice require it, and also gives them power to establish rules and regulations for practice before them which are not inconsistent with the law. The present law makes the decision of several subboards of general appraisers final as to all matters embraced within their jurisdiction, subject only to appeal to the circuit court, the Board having no power to correct errors other than manifest clerical errors. Power to grant a rehearing is nothing more than power to correct such errors as necessitate the importers or the Government to go through the process of carrying such errors by appeal to the court. A further proviso authorizes the General Board of nine general appraisers, on the receipt of a protest, to assign or reassign any case to any of such boards of three at any time before promulgation of decision, in order to secure uniformity of decision. I may say there are nine general appraisers, and they are divided into subboards of three each, any of which can hear these protests from the decision of the collector. The present law authorizes an appeal from the decision of the Board of Appraisers to the circuit court of appeals, where there may be a new trial. If this bill is agreed to, that appeal must be directly from the Board of Appraisers to the circuit court of appeals. It cuts out the circuit court, makes less litigation, and a speedier final determination. Appeal is provided for under the general law from the circuit courts of appeal to the Supreme Court of the United States. This provision is necessary in this bill because the circuit court of appeal was not created until after this administrative act was passed.

Another amendment in this section seeks to compel the importer to make out his case before the Board of General Appraisers. The custom now is, I might say, almost general for the importer to call a single witness, not to make out his case, and leave the general appraisers to decide against him, and then take the appeal to the circuit court, where the case may be heard on new evidence. He then brings in his witnesses, with new evidence upon new points not before considered, and without any chance on the part of the Government to prepare a defense to the evidence that is brought in. Of course the case before the circuit court of appeals must be tried hastily. In addition to that there are attorneys who appear for the Government before the Board of Appraisers, who are familiar with the customs laws and familiar with the cases, and if all the evidence is required to be presented before the General Board of Appraisers, they are there, expert in customs laws, ready to meet that evidence in case such evidence to meet it exists, whereas it often happens that when the case goes to the circuit court of appeals the district attorney's office is taken by surprise and they are not able to get the evidence that exists to meet the new case that is made out by the importer. This bill gives the importers and the Government every opportunity before the General Board of Appraisers to have their day in court on both sides and brings out all the evidence, and then upon the record it goes to the circuit court of appeals, with the further provision that if there is any issue or any question of fact upon which the circuit court thinks there should be additional evidence, they send it back to the appraisers for that evidence, and then they hear it upon the original record, with the additional evidence as returned to it. It is thought that this will greatly facilitate the business in the custom-house and will result in more uniformity and less injustice between the importers and the Government of the United States.

Section 31 as amended makes it impossible to remove an appraiser except upon charges and an opportunity to be heard. It was realized in the very beginning, at the passage of this law, that in order to insure efficiency by this Board the members of it should not be subject to removal at the mere whim or caprice of the President or anybody else. They are appointed from both political parties, a certain number from one party, and they should hold office during good behavier. This is what was intended to be provided for in the law as it now exists, that the President should not remove them except upon charges and for cause, but the President did remove one several years ago and it went to the Supreme Court and the Supreme Court decided that the President could remove them at pleasure. Now, this bill provides, if I can turn my eye to the particular paragraph, that they can only be removed by the President, not for political reasons, but after due inquiry, for reasons of neglect of duty, incompetency, or malfeasance in office. It is very important, the Government being one of the litigants on one side, that these men should be kept entirely independent of the Administration so that they may be able to perform their duties fearlessly and honestly.

Mr. GAINES of Tennessee. Will the gentleman yield? To what extent does this bill extend the tenure?

Mr. PAYNE. The tenure—why, the tenure is during good behavior, practically, now. This bill does not extend it at all, except that they can not be removed except upon inquiry and a hearing.

Mr. GAINES of West Virginia. For specific causes.

Mr. PAYNE. They are put in the same category as the judges who have these questions to determine.

Mr. GAINES of Tennessee. What kind of a hearing do you give?

Mr. PAYNE. That is for the President to decide. Of course it must be a hearing upon inquiry and with opportunity for them to be heard. It would depend upon the President to determine.

Mr. GAINES of Tennessee. Does the statute say that?

Mr. PAYNE. It does not provide anything about the rule of procedure before the President. There is another amendment which increases the salary of the general appraisers from $7,000 to $8,000 a year, and on this amendment I think some of the minority did not agree to the increase of salary. The original act as it passed the Senate provided for a salary of $10,000. The House reduced it to $5,000 by amendment, and in conference it was finally fixed at $7,000. Now, this Board reviews the action of the collector and the appraiser of the port of New York, the collector receiving $12,000 and the appraiser $8,000, and of course, as is well known, the salaries of the judges of the local courts in New York City are from $10,000 to $17,500 per year. This Board is required to live in New York City; their business is done there, and requires their constant attendance. They pass upon cases not only involving large amounts, but also sometimes involving very intricate questions of law, and it is essential that they should be men of the highest character for probity and ability, lawyers of the first class, in order to discharge the duties of this office, and the committee thought $8,000 was a small salary for gentlemen of this class. Now, that is a larger salary than the judges of the circuit courts receive, but because we do not pay one officer enough is no reason why, when we are amending a law, we should not pay another officer enough.

These people have to decide upon questions as important as those that come before the judges, and their salary ought to be in the neighborhood of those of the judges. I think in the city of New York that circuit judges ought to receive a good deal higher salary than Congress gives them. I think it is necessary for them to live there, and it is also necessary to get men of the highest ability to perform the duties of that office. Of course, the average lawyer in New York makes more money than any United States circuit judge. So the committee concluded to fix this salary at $8,000 instead of $7,000.

Mr. GAINES of Tennessee. What is the difference between the cost of living, if the gentleman knows, in Washington and the cost in New York City?

Mr. PAYNE. I have only lived in Washington. I never lived in New York City. I have supposed that rents there, from what I have learned, are much higher than in Washington. I do not know why there should be much difference in the cost of food and provisions as between the two cities.

Mr. GAINES of Tennessee. The gentleman spoke of two classes of officers there a while ago—one, I believe, is receiving now, or you want him to receive, $8,000, and the other is already receiving $12,000. What is the difference in the duties of the two classes of officers?

Mr. PAYNE. The collector receives $12,000. Of course, the collector is a person that handles the large interests. All the cases of the collection of the customs come before him, and it is well known a very large proportion of the customs are collected in the city of New York. It is a responsible office and the salary should be large. He has to give a large bond. The appraiser gets a salary of $8,000, and this board reviews the decision of both the collector and appraiser.

Mr. GAINES of Tennessee. Is not Judge Somerville one of the appraisers?

Mr. PAYNE. He is one of the appraisers; yes.

Mr. GAINES of Tennessee. He used to be on the supreme bench in the State of Alabama, and is a very able man.

Mr. PAYNE. They are all men of first-class ability, all of them. Now, Mr. Speaker, I reserve the balance of my time. How much have I remaining?

The SPEAKER. Five minutes.

Mr. LARRINAGA rose.

Mr. PAYNE. I yield to the gentleman from Porto Rico [Mr. LARRINAGA].

Mr. LARRINAGA. Does the gentleman understand that section 14, as it is worded here, covers the cases already decided by the court and in which I know the appraisers are not agreed?

Mr. PAYNE. Oh, no; this only applies to the future. It does not apply to any case that has already been decided.

Mr. LARRINAGA. But they are cases in which the appraisers held that the decision of the court does not cover the cases in which they differ.

Mr. PAYNE. Then the proper remedy for the person aggrieved would be, under this bill, to appeal directly to the circuit court of appeals.

Mr. LARRINAGA. Now, does the gentleman think that a term of fifteen days will be sufficient for a colony a great distance away, like Porto Rico or the Philippine Islands?

Mr. PAYNE. Yes; it is for the importer, and the importer resides in the city of New York, or his agent does; and it only applies to reappraisement, not classification. On the classification he has thirty days.

I reserve the balance of my time, Mr. Speaker.

Mr. WILLIAMS. Mr. Speaker, I yield seven minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, there was not any sense in bringing this bill up by way of moving to suspend the rules. It is a privileged matter and could have been brought up at any time. There is only one sentence in this bill that I have any objection to, and that is the sentence on page 7, which fixes the salary of these appraisers at $8,000 per annum each. If the bill had come up by the ordinary method, that is, come up as a privileged measure, we could have amended the bill or attempted to do so, at least, by striking out that sentence. But, because of the position in which it is now, the only way we can get that sentence out, as I understand it, is by unanimous consent. As the Speaker decided here that you can do anything by unanimous consent, even bring an elephant onto the floor of the House, I suppose we could do that. The rest of this bill is a most excellent modification of the present system of appeals in tariff cases now. Under the way that it was done sometimes, they followed the practice of a good criminal lawyer in a preliminary trial, that is, the man that was contesting the justice of the collection of the tariff in any given instance in the appraiser's court would simply go through the motion of introducing evidence and then when it went to the higher court a new lawyer got hold of it for the Government that did not know anything about the case, and then the importer would develop his case in full and frequently do the Government up.

This bill, so far as it changes that practice, is an excellent one. It provides that the whole case shall be made up on paper before the appraisers, that the appeal shall lie directly from the Board of Appraisers to the United States circuit court of appeals, cuts out the intermediary court, and there it is tried on the transcript, except in some extraordinary case where the person can show that he had good reason for not introducing his evidence in the appraisers' court, then there is machinery provided with which he may go back and get some more evidence.

All that is all right. Every man on the committee was in favor of that part of this bill, and that is the big part of it. There is only one sentence to which we object, as I stated before.

I agree with the gentleman from New York in one thing; there is no dispute that the man who has anything to do with the business of collecting the customs revenue ought to be an expert. The truth is that there is not an expert in America sufficiently expert to know all about this complicated tariff system that we have now. So prominent an expert as ex-Secretary of the Treasury Leslie M. Shaw decided that ponies were household goods and frog legs were poultry under the tariff law. So I do not wonder at these experts getting mixed up about it. They ought to be skillful men.

There were pending before the committee several bills, and this was the least obnoxious of any of them. It gives these men a salary of $8,000. Their present salary is $7,200; but in addition to that, when they are traveling, they receive their traveling expenses and $5 a day for hotel bills. There was a proposition before the committee to raise their salaries to $10,000. We voted that down. Then there was a proposition to put them on a retired list after a while at half pay. We voted that down. I will never agree to such a proposition as that as long as I live. I am not in favor of starting a pension list from civil life.

Here you are before the House in this ridiculous attitude with this one sentence in it. Here are these excellent gentlemen; two of them served in the House with us, Mr. Devries and Mr. Fischer. Three of these gentlemen pass on a case. They are to get $8,000 a year apiece. Then the appeal lies from them to the United States circuit court of appeals, the judges of which get $7,500 a year apiece. That is hardly consonant with ordinary fair dealing.

Mr. GAINES of West Virginia. Seven thousand dollars I think the gentleman will find is the salary of the judges.

Mr. CLARK of Missouri. Perhaps the gentleman is correct. If the salary scheme is just and meritorious, then the appeal in these customs cases ought to lie from the United States circuit court of appeals to this Board of Appraisers. [Laughter and applause.] I think everybody will agree to that. If the gentleman from New York will not object, I will ask unanimous consent of the House to take that one sentence out of this bill.

The SPEAKER. The gentleman's seven minutes have expired.

Mr. PAYNE. I was not paying attention.

Mr. CLARK of Missouri. What I was saying was this, that if the gentleman from New York [Mr. PAYNE] will not object——

The SPEAKER. The gentleman's time has expired.

Mr. WILLIAMS. I yield two minutes longer.

Mr. CLARK of Missouri. If the gentleman from New York will not object, I will ask unanimous consent to amend this bill by striking that one sentence out of the bill, and then we will all vote for it.

Mr. PAYNE. What do you mean—about the salaries?

Mr. CLARK of Missouri. Yes.

Mr. PAYNE. I can not consent to that.

Mr. CLARK of Missouri. Then I will object to it, and I will vote against the bill and do all I can to defeat it, although I favor the rest of the bill. The truth is, Mr. Speaker and gentlemen, that the whole salary system of the United States needs overhauling and recasting. There is precious little sense in the present way of running it. A dozen times here—yes, dozens of times here—in the course of a session the Committee on Accounts comes in and raises certain salaries and does not raise them all. It gets up dissatisfaction among those persons whose salaries are not raised, and the gentleman from Alabama [Mr. UNDERWOOD] made some sensible suggestions in the committee to the effect that all the proposed salary changes in this and other bills ought to be let alone until we can, after full consideration, recast it all at once, justly and symmetrically. I repeat it here now; and if they do not take that sentence out of this bill, so far as I am concerned, I am going to vote against it, although I do not ask another soul to do it.

Mr. WILLIAMS. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the gentleman from New York [Mr. SHERMAN], praising the action of the Republican party under the bill then before the House, called the attention of the House to what Mr. Cleveland said in reference to the Wilson bill when that bill became a law without the President's signature, which is something that the Republican Members of this House are fond of calling the attention of the House to, and claiming for that reason that the Wilson bill, a Democratic tariff bill, was badly prepared and badly written. But I notice that this bill gives evidence of the fact that the Democratic party is not the only party that prepares bills inartistically drawn and that need amendment, whether a Democratic President or a Republican President signs the bills or not.

This bill now pending before the House and that the House is asked to pass upon comes in here as an amendment to the act of July 24, 1897, "An act to provide revenue for the Government and to encourage the industries of the United States," otherwise known as the "Dingley bill." Under the law as it has come down through the Dingley bill, we found that the most important Board in the United States, so far as the revenue of the Government was concerned, was acting under a law so inartificially drawn by the Republican party that they not only put the people of the United States to great expense, but the Government to great expense and great inconvenience. This important Board of General Appraisers, that passes on all the goods and the status of the goods that come into the United States from abroad, was treated under the law as contained in the Dingley bill as a justice of the peace court. It was a preliminary trial of the great questions involved before that Board, questions that involved millions and millions of dollars every year, and if the importer did not wish to risk his case and merely wanted to develop the Government's side of the case, he allowed the Government to develop its evidence, closed the case, and took an appeal to the district court of the United States, where the question was open de novo, and he had a chance to develop his case entirely again, before new officers of the Government and new judges; and then, if he was not satisfied, he could pursue his way on up to the Court of Appeals, and, if the proper questions were involved, to the Supreme Court of the United States.

And this condition of affairs has been allowed to exist and continue in this country for the last twelve or fifteen years; but at this late day, now that the country is waking up to the fact that the Dingley law is not satisfactory, that a revision of the tariff is necessary, our friends on the other side of the House have become aroused to the fact that the customs-collection law in reference to the revenue is not satisfactory, and have therefore brought before this House a practical, sensible bill, a bill that gives this commission, this Board of Appraisers, an opportunity to pass on all these questions at one time, and requires the importer to develop his evidence before that board at that time; and then if he wants to take an appeal, not to delay it by going through the district court, but to carry it direct to the court of appeals, and thereby save money to the people, money to the men who are engaged in importing goods into this country, so that they will not be involved in litigation to the extent that they heretofore have been, and save money to the Government and expedite the administration of justice. I congratulate the gentlemen on the other side of the House that at this late day they have waked up to the proposition of amending the Dingley tariff law to some extent by this change in the customs revenue collection provisions of that act. [Applause on the Democratic side.]

Mr. WILLIAMS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. WILLIAMS. I yield one minute of that time to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, I regret that I am compelled to speak against this bill, because of the provisions in the second section. That is the section which has just been alluded to by the gentleman from Alabama [Mr. UNDERWOOD], and which provides that appeals from the Board of General Appraisers shall be taken direct to the circuit court of appeals instead of first to the circuit court.

Four-fifths of the customs cases in the country are in the city of New York. The circuit court of appeals of the second circuit is now the hardest-worked circuit court of appeals in the country. The district attorney for the southern district of New York this morning testified before a subcommittee of the Committee on the Judiciary that if this bill passed—and I call the attention of the House to this statement—it would add 200 appeals a year to the circuit court of appeals for the second circuit, and would put us farther and farther behind. It has been argued that the effect of the bill would be to limit the appeals; but the language of the bill does not accomplish that purpose, and the statement was made before the subcommittee that the judges in New York are now preparing a memorial to Congress against the bill, in order to have these provisions changed. I therefore hope that the bill will be defeated, because of the great and impossible burden that that action will impose on the circuit court of appeals of the second circuit. And I will say this, Mr. Speaker, that neither the district attorney nor the judges were questioned before the committee, nor was any statement called for from them when the bill was under consideration.

Mr. WILLIAMS. Mr. Speaker, I agree with the gentleman from Missouri about this bill. There is no opportunity to change this salary back to what it was, and I shall vote against it.

I now yield the balance of my time to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I agree with the gentleman from Missouri in the criticism he makes as to the pending measure, but I take the floor to call the attention of the Speaker and the House to the paper-trust proposition, involving as it does the tariff, and submit: That in 1904 the Department of Justice filed a suit in the Federal court in Minnesota to enjoin the "General Paper Company and twenty-three other corporations" engaged in the manufacture of and in restraint of Federal commerce in news-paper material, and so forth. March 12, 1906, the Federal Supreme Court, affirming the action of the lower court, decreed that the defendant obey the order of the court and bring their books, and so forth, into court for examinatoin in this case. The report of the opinion of the Supreme Court can be found at page 92 of 201 Supreme Court Report, and also on page 117. Later on—that is, on May 11, 1906—a decree in favor of the Government was entered in the case, and I call your attention to the language used by the Department of Justice in its usual report, which I now read:

On May 11, 1906, judgment was ordered in favor of the Government by the circuit court for the district of Minnesota, dissolving the combination and affording the Government *all the relief prayed for in its bill.*

Note the language, "all the relief it prayed for." And yet the reading public and Congress is here praying in the same manner for relief. The question that I ask is, How much relief did the Government pray for? It was granted, it seems, by this injunctive decree, "all" it asked for. The public press at the time stated this was a consent decree, which was entered, of course, as the judgment of the court. And yet, it seems, the ink was not more than dry on the minute book before the press and the reading public were crying out against the paper trust, which is taxing the intelligence of the entire reading and publishing public. If the Department had gone, as we have prayed

for on this side, in this and other trust matters, and as we pray to-day, and turned this matter over to the Federal grand jury in Minnesota, given that tribunal the record and the evidence upon which this consent decree was made, the press of this country and the printing public would not to-day, I believe, be burdened, nor would Congress be burdened with this paper trust, nor would it have been necessary to pass even the compromised measure which was passed by this House to-day. Why did not the Department of Justice invoke the criminal law set out in our Federal antitrust statutes? Why did not the Department, in addition to the injunctive process it invoked, bring into action this powerful criminal statute? Why parley with an injunction only? Let the injunction, Mr. Speaker, wrought by Federal penitentiary, be thrown around the lawless members of this trust and they will be enjoined to some purpose and some permanent good will be done. [Applause.]

Mr. PAYNE. Mr. Speaker, this provision of the bill passed the last Congress after my friend from New York City had been heard. The fact of it is, the bill will not increase the number of cases that go to the circuit court of appeals, because the bill provides for a full hearing before the board of appraisers. There each party will have a chance to be heard in full on the evidence, and there will be less inducement to appeal from that decision than there is now from the decision of the circuit court.

Mr. PARSONS. Will the gentleman yield?

Mr. PAYNE. I have so little time I can not yield now. This bill was passed in the last House, and it went over to the Senate, but too late for action. I did not hear anything of the protest of the district attorney, except through the gentleman from New York, at that time. I heard nothing from the judges of the circuit court of appeals at that time, nor from the time the House passed the bill until now.

I introduced the same bill early in the session, and I have not heard a word from either of these parties, and now at the last moment they have come in with it on a false basis, because it will not have the operation that they claim it will. Gentlemen lay some stress on the language in the bill that allows the circuit court of appeals to send it back to the appraisers for additional evidence, but they can only send it back to take additional testimony as to any particular fact or issue in dispute. This is not a new trial, but the Board of Appraisers is to take the evidence as to any particular fact or issue in dispute, so if the circuit court of appeals thinks that the question is material to the issue they can send it back and let it be heard in the circuit court of appeals upon all the evidence, that taken in the first instance, and that taken upon the order sending the case back.

Mr. Speaker, this reform ought to be made; the expense and delay of these cases between the general appraisers and the circuit court and then to the circuit court of appeals constitute a scandal. The judges of the circuit court are sometimes called in without the slightest experience, coming from other parts of the State of New York, and make rulings, some of which never ought to go into the reports. The judges of the circuit court of appeals in New York become experts upon these matters, and they are the judges that should deal with them. There is no sense or justice in the present law, but simply delay in sending these cases by the roundabout way, first to the circuit court and then to the circuit court of appeals and finally to the Supreme Court of the United States. [Applause.]

The SPEAKER. The time of the gentleman has expired. The question is on the motion of the gentleman from New York.

Mr. WILLIAMS. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—ayes 137, nays 87, answered "present" 13, not voting 150, as follows:

YEAS—137.

Allen	Chaney	Fordney	Haugen
Ames	Chapman	Fornes	Hawley
Bannon	Conner	Foss	Hayes
Barchfeld	Cooper, Pa.	Foster, Ind.	Higgins
Barclay	Cooper, Wis.	French	Hill, Conn.
Beale, Pa.	Cousins	Fuller	Hinshaw
Bede	Crumpacker	Gaines, W. Va.	Holliday
Bonynge	Cushman	Gardner, Mich.	Howell, N. J.
Boyd	Dalzell	Gardner, N. J.	Howell, Utah
Bradley	Davis, Minn.	Garner	Howland
Brodhead	Dawson	Gilhams	Hubbard, Iowa
Brownlow	Denby	Goulden	Huff
Burleigh	Diekema	Graff	Humphrey, Wash.
Burton, Del.	Draper	Graham	Jenkins
Burton, Ohio	Durey	Greene	Jones, Wash.
Butler	Dwight	Gronna	Keifer
Calder	Ellis, Mo.	Hale	Kennedy, Iowa
Calderhead	Ellis, Oreg.	Hamilton, Iowa	Kinkaid
Campbell	Esch	Hamilton, Mich.	Knopf
Capron	Fairchild	Harding	Knowland
Cary	Fitzgerald	Haskins	Küstermann
Lafean	Mondell	Pray	Thistlewood
Laning	Moon, Pa.	Reeder	Thomas, Ohio
Law	Mouser	Reynolds	Volstead
Lawrence	Murdock	Rodenberg	Waldo
Lindbergh	Needham	Rothermel	Wanger
Longworth	Nelson	Ryan	Washburn
Loudenslager	Nicholls	Scott	Watson
Lovering	Norris	Sherman	Weeks
McGuire	Nye	Slemp	Weems
McKinley, Ill.	Olcott	Smith, Cal.	Wheeler
McKinney	Olmsted	Smith, Iowa	Woodyard
McMorran	Parker, N. J.	Southwick	
Madison	Payne	Sperry	
Miller	Pollard	Stafford	

NAYS—87.

Adamson	Denver	Hull, Tenn.	Richardson
Aiken	Dixon	Humphreys, Miss.	Robinson
Alexander, Mo.	Ellerbe	Johnson, S. C.	Russell, Mo.
Alexander, N. Y.	Ferris	Kitchin, Claude	Russell, Tex.
Ansberry	Flood	Lamb	Sabath
Ashbrook	Floyd	Leake	Sheppard
Beall, Tex.	Foster, Ill.	Lee	Sherwood
Bell, Ga.	Fulton	Legare	Sims
Bennet, N. Y.	Gaines, Tenn.	Lenahan	Small
Booher	Garrett	Lever	Smith, Mo.
Bowers	Gillespie	Lloyd	Smith, Tex.
Burgess	Glass	McHenry	Spight
Burleson	Godwin	McLain	Stanley
Candler	Gordon	Macon	Stephens, Tex.
Carter	Gregg	Maynard	Taylor, Ala.
Clark, Mo.	Hackney	Moore, Tex.	Thomas, N. C.
Clayton	Hardwick	Murphy	Tou Velle
Cooper, Tex.	Hay	O'Connell	Underwood
Cox, Ind.	Heflin	Parsons	Willett
Craig	Helm	Patterson	Williams
Davenport	Henry, Tex.	Rainey	Wilson, Pa.
De Armond	Houston	Randell, Tex.	

ANSWERED "PRESENT"—13.

Adair	Griggs	McGavin	Rauch
Bates	Harrison	Madden	
Brundidge	Knapp	Padgett	
Finley	McDermott	Pou	

NOT VOTING—150.

Acheson	Englebright	Kimball	Prince
Andrus	Fassett	Kipp	Pujo
Anthony	Favrot	Kitchin, Wm. W.	Ransdell, La.
Bartholdt	Focht	Lamar, Fla.	Reid
Bartlett, Ga.	Foster, Vt.	Lamar, Mo.	Rhinock
Bartlett, Nev.	Foulkrod	Landis	Riordan
Bennett, Ky.	Fowler	Langley	Roberts
Bingham	Gardner, Mass.	Lassiter	Rucker
Birdsall	Gill	Lewis	Saunders
Boutell	Gillett	Lilley	Shackleford
Brantley	Goebel	Lindsay	Sherley
Broussard	Goldfogle	Littlefield	Slayden
Brumm	Granger	Livingston	Smith, Mich.
Burke	Hackett	Lorimer	Snapp
Burnett	Haggott	Loud	Sparkman
Byrd	Hall	Lowden	Steenerson
Caldwell	Hamill	McCall	Sterling
Carlin	Hamlin	McCreary	Stevens, Minn.
Caulfield	Hammond	McKinlay, Cal.	Sturgiss
Clark, Fla.	Hardy	McLachlan, Cal.	Sulloway
Cockran	Henry, Conn.	McLaughlin, Mich.	Sulzer
Cocks, N. Y.	Hepburn	McMillan	Talbott
Cole	Hill, Miss.	Malby	Tawney
Cook, Colo.	Hitchcock	Mann	Taylor, Ohio
Cook, Pa.	Hobson	Marshall	Tirrell
Coudrey	Howard	Moon, Tenn.	Townsend
Cravens	Hubbard, W. Va.	Moore, Pa.	Vreeland
Crawford	Hughes, N. J.	Morse	Wallace
Currier	Hughes, W. Va.	Mudd	Watkins
Darragh	Hull, Iowa	Overstreet	Webb
Davey, La.	Jackson	Page	Weisse
Davidson	James, Addison D.	Parker, S. Dak.	Wiley
Dawes	James, Ollie M.	Pearre	Wilson, Ill.
Douglas	Johnson, Ky.	Perkins	Wolf
Driscoll	Jones, Va.	Peters	Wood
Dunwell	Kahn	Porter	Young
Edwards, Ga.	Keliher	Powers	
Edwards, Ky.	Kennedy, Ohio	Pratt	

So the motion to suspend the rules and pass the bill with amendments was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. STEVENS of Minnesota with Mr. REID.

Mr. SMITH of Michigan with Mr. LINDSAY.

Mr. MCLAUGHLIN of Michigan with Mr. HAMMOND.

Mr. KENNEDY of Ohio with Mr. GRANGER.

Mr. HUBBARD of West Virginia with Mr. GILL.

Mr. BATES with Mr. BRUNDIDGE.

Mr. FASSETT with Mr. SHACKLEFORD.

Mr. BARTHOLDT with Mr. BURNETT.

Until further notice:

Mr. MARSHALL with Mr. BARTLETT of Georgia.

For the session:

Mr. BOUTELL with Mr. GRIGGS.

Mr. BYRD. Mr. Speaker, I would like to vote "no" upon this proposition.

The SPEAKER pro tempore (Mr. OLCOTT). Was the gentleman present and listening when his name was called?

Mr. BYRD. I was in the lobby.

The SPEAKER pro tempore. I am afraid under the circumstances the gentleman can not vote.

Mr. BYRD. I would like to be marked "present" before the roll call is over.

The SPEAKER pro tempore. I think that is against the rules.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION.

Mr. SIMS. Mr. Speaker, I ask unanimous consent for one moment only to make a little additional statement to the one which I made a moment ago, respecting my remarks of yesterday on the Union Station trackage bill.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

Mr. SIMS. Mr. Speaker, I stated yesterday in my remarks upon the Union Station trackage bill that a certain Senator, a member of the District Committee, was the owner of shares of the stock of the Capital Traction Company. I have since been informed that this stock came into his hands as trustee of an estate before he entered public life; that it was a portion of a considerable block of stock, which has been gradually sold; that when the railroad bill came up before the District Committee, he informed the committee that this stock stood in his name and stated that he would not participate in their action upon the subject, and that he has not participated in any action taken by the District Committee or the Senate upon this subject.

DISPOSAL OF LANDS VALUABLE FOR OIL AND ASPHALTUM.

Mr. SMITH of California. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 17827) to provide for the disposal of lands chiefly valuable for oil and asphaltum.

The SPEAKER. Has it amendments?

Mr. SMITH of California. Yes; committee amendments.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the following bill with amendments, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17827) to provide for the disposal of lands chiefly valuable for oil and asphaltum.

Be it enacted, etc., That public lands of the United States in the State of California chiefly valuable for mineral oil or asphaltum may be acquired under the provision of this act, and from and after the passage of this act such lands may not be located as placer mining claims.

SEC. 2. That any citizen of the United States over the age of 21 years, and any person who has filed his declaration of intention to become such citizen, may file a declaration, under oath, with the register and receiver of the land district where such land is situated that he intends to claim and improve or cause to be improved for the oil or asphaltum thereon a tract of land, describing it, not exceeding 160 acres. If such land be surveyed, it shall be located by legal subdivisions, and if unsurveyed, it shall be located in rectangular form by metes and bounds, according to the system of public-land surveys and described with certainty by reference to some well-established and conspicuous post, monument, or natural object. In no case shall a claim be more than 1 mile in length. Such oath shall be made before the register or receiver aforesaid or before the clerk of any court of record in the land district where the land is situated, and shall state that the affiant believes such land to be chiefly valuable for its deposits of mineral oil or asphaltum and distinctly his reasons for so believing; that he intends to make or cause to be made a bona fide effort to produce oil or asphaltum on said land in paying quantities; that he has not previously claimed any land in the same county under the provisions of this act.

Upon filing said declaration the declarant shall pay to the receiver a fee equal to 25 cents per acre of the land claimed, and thereupon the register shall enter such application upon his books, and no entry or filing shall thereafter be received for said land until such claim has been abandoned, as herein provided. But nothing herein contained shall be held to deny or abridge the right to enter said lands for the purpose of discovery and development of metalliferous minerals nor the assertion of a mineral claim thereto. If the claimant has made his declaration of intention to become a citizen, or if he be a naturalized citizen, he shall furnish satisfactory record evidence of that fact, which evidence shall be filed with the declaration and be thereafter conclusive of the right of the party to enter the land, if the claim shall have passed to an innocent purchaser.

SEC. 3. That at any time within three years from the filing of the claim aforesaid the claimant or his successor in interest may file an application for patent. Such application shall show the applicant's right to or interest in said claim; that there has been made such drillings or excavations on said claim as enables the claimant to produce oil or asphaltum, or both, in commercial quantities; the character and extent of the improvements thereon; that the land is valuable for its deposits of oil and asphaltum and is sought chiefly for the oil and asphaltum therein contained, and that it is the bona fide intention of the applicant to produce such products therefrom in commercial quantities; if the application be made on behalf of one or more individuals, that each of them is a citizen of the United States over the age of 21 years, or that he has made his declaration of intention to become such; if on behalf of a corporation, that it is duly organized under the laws of some State or Territory, and has a valid charter authorizing it to take, own, and operate such property. Application on behalf of an individual shall be made by himself; on behalf of two or more, by either of them; and on behalf of a corporation, by the president, vice-president, or secretary thereof. At final proof, documentary evidence shall be submitted as to matters of record; and as to the character of the land, the improvements, and production there shall be furnished the testimony of two disinterested witnesses. No individual or corporation shall be a party to final proof proceedings under this act on more than one claim: *Provided*, That if there are any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits known to exist at date of filing such application for patent, title thereto shall not pass under any application, entry, or patent under the provisions of this act, but are hereby expressly declared to be reserved therefrom, and such known veins or lodes shall be subject to location and entry by any qualified person or persons under the provisions of the existing United States mining laws applicable thereto: *Provided, however*, That any declarant who discovers any vein or lode bearing asphaltum, gilsonite, elaterite, or other like substances within the limits of the land included in his declaration or entry under this act shall have the preferential right for a period of ninety days after discovery of such vein or lode within which to locate same under the provisions of the general mining laws of the United States and must file with the register and receiver of the land district where the land is located a copy of the location notice.

SEC. 4. That upon receiving and filing an application for patent such notice shall be given and such proceedings had as are required for final proof on a mineral entry. If the final proofs are satisfactory, patent shall be issued upon payment to the receiver of the sum of $5 per acre.

SEC. 5. That proceedings under this act shall not give the claimant, before patent, any right to the surface of said land for agricultural, grazing, nor for any other purpose than that permitted by this act, nor the right to fence or inclose the land (except corrals for protection of domestic animals), nor the right to take any wood or timber therefrom except fuel for domestic purposes used thereon or in the vicinity of the lands by those engaged in the development of the oil or asphaltum thereon.

SEC. 6. That during each year after the filing of said declaration and before final proof the claimant or his successors in interest shall pay to the receiver a sum equal to 50 cents per acre of said claim, or submit proof, supported by two witnesses, that he has expended during said year an equal sum in a bona fide effort to discover and produce oil or asphaltum on said claim or on land at a point within one mile of said claim, where there is no producing well or shaft within 3 miles of said claim.

SEC. 7. That the following shall constitute an abandonment of a claim under this act:

First. Failure to make the annual payment or the expenditure herein required. Failure to file proof of such expenditures shall be prima facie evidence of a failure to make such expenditures.

Second. Failure to apply for patent within the time specified.

Third. Filing a declaration of abandonment with the register of the land office.

SEC. 8. That anyone holding and owning a mining claim for land chiefly valuable for the oil or asphaltum thereon may abandon said mining claim and reenter the same under this act, or so much thereof as he is entitled to enter under this act, in the following manner: He shall execute and deliver to the register of the land office an instrument in writing surrendering and conveying to the United States all his right, title, and interest in and to said land. Said instrument shall be executed and acknowledged so as to be entitled to be recorded under the laws of the State where the land is situated. Upon delivering said instrument to the register, together with the fee for recording the same in the county where the land is situated, the mining title shall be extinguished, and the party surrendering the title may thereupon make his entry as herein provided. The register shall immediately cause said conveyance to the United States to be duly recorded in the county where the land is situated.

SEC. 9. That an act entitled "An act to authorize the entry and patenting of land containing petroleum and other mineral oils under the placer mining laws of the United States," approved February 11, 1897, and all other laws, so far as they allow oil or placer asphaltum claims upon the public lands in the State of California, are hereby repealed, but nothing in this repeal shall affect proceedings heretofore begun to acquire title under any of said provisions of law so repealed.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS and Mr. ROBINSON. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Mississippi demands a second. Under the rule, a second is ordered. Is the gentleman from Arkansas on the committee?

Mr. ROBINSON. Yes; I am on the committee.

The SPEAKER. And opposed to the bill?

Mr. ROBINSON. I demanded a second for the purpose of asking an explanation of the bill. I was not present when the bill was considered by the committee.

The SPEAKER. Is the gentleman from Mississippi opposed to the bill?

Mr. WILLIAMS. I can not say, hardly, whether I am or not.

The SPEAKER. Then the Chair will recognize the gentleman from Arkansas, who is on the committee.

Mr. WILLIAMS. Is he opposed to the bill?

The SPEAKER. No; he is not opposed to the bill, but he is on the committee.

Mr. ROBINSON. I am a good deal in favor of the bill, but I want to get an explanation.

The SPEAKER. Under the rule, a second is ordered. The gentleman from California is entitled to twenty minutes and the gentleman from Arkansas to twenty minutes.

Mr. SMITH of California. Mr. Speaker, the purpose of the bill is to allow an entry of Government land that is supposed to contain mineral oil—what we call "oil land." At the present time the only law which is recognized that gives a right to acquire that kind of land is the mining law. The oil land in California has been entered as a placer mining claim. The objection to using that law is that oil very seldom, if ever, shows on the surface, and therefore there is no discovery of a valuable mineral product, which is the foundation of all mineral entries. The result has been that in order to get hold of the land on which the oil operator desires to drill or to make a mineral entry is to make the assertion that it contains gypsum or some other substance that would bring it within the mineral law. Now, as a

LE My 30